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DVPW-Themengruppe Außen- und Sicherheitspolitik

Parliaments and Security Policy: Control, Legitimacy, and Effectiveness

September 22-23, 2016, Peace Research Institute Frankfurt

gefördert durch



Thursday, September 22

09.00–09.15 Welcome from the workshop organizers

I. Parliaments and security policy: Taking stock

09.15–09.45 Framework paper: State of the art and guiding questions
Patrick Mello (Munich) and Dirk Peters (Frankfurt)

09.45–10.45 The war powers of the UK parliament: What has been established, and what remains unclear?
James Strong (London)
// Discussant: Juliet Kaarbo (Edinburgh)

10.45–11.00 *Coffee break*

11.15–12.15 'Too much to die, too little to live?' – The emerging role of the European Parliament in European Security Policy
Guri Rosén (Oslo) and Kolja Raube (Leuven)
// Discussant: Wolfgang Wagner (Amsterdam)

II. What affects the strength of parliamentary influence?

- 12.15–13.15 Effective oversight, less contestation: The Finnish Eduskunta and crisis management operations
Tapio Raunio (Tampere)
// Discussant: Hendrik Hegemann (Osnabrück)
- 13.15–14.00 *Lunch break*
- 14.00–15.00 Prime minister leadership style and the role of parliament in foreign policy
Juliet Kaarbo (Edinburgh)
// Discussant: Dirk Peters (Frankfurt)

III. What affects the substance of parliamentary decisions?

- 15.00–16.00 Between deference and assertiveness: congressional war powers, electoral incentives and the assessment of security interests
Florian Böller (Kaiserslautern) and Marcus Müller (Kaiserslautern)
// Discussant: Daniel Schade (London)
- 16.00–16.15 *Coffee break*
- 16.15–17.15 Limited interests: National contributions and the parliamentary scrutiny of CSDP operations
Daniel Schade (London)
// Discussant: James Strong (London)
- 19.00 *Workshop dinner at Restaurant Bacco, Kaiserstr. 50, Frankfurt*

Friday, September 23

IV. What effects does parliamentary involvement have?

- 10.00–11.00 Is there a parliamentary peace? Evidence from military interventions
Wolfgang Wagner (Amsterdam)
// Discussant: Guri Rosén (Oslo)
- 11.00–12.00 Parliament strikes back: Parliamentary scrutiny and normal security politics in the 'War on Terror'
Hendrik Hegemann (Osnabrück)
// Discussant: Florian Böller (Kaiserslautern)
- 12.00–12.45 *Lunch break*
- 12.45–13.30 Concluding discussion, next steps, publication plans
- 13.30 *End of workshop*

Abstracts

1. The war powers of the UK parliament: What has been established, and what remains unclear?

James Strong (London)

This paper discusses the UK parliament's recently acquired conventional powers to veto the use of force abroad. It seeks to understand the nature of parliamentary influence in Britain, on the use of force specifically and on security policy more generally. It also aims to clarify where ambiguity remains about the nature and extent of parliamentary authority. MPs gradually gained the right to decide on war as a result of a series of incremental decisions by Prime Ministers Blair and Cameron. They voted to approve military action in Iraq in 2003, Libya in 2011 and against ISIL in 2014. They vetoed intervention against the Assad regime in 2013. Each occasion cemented previous precedents, and helped shape the contours of a new political convention. That convention is well established. A government that sought to take Britain into an armed conflict without parliamentary approval would struggle for legitimacy. But it is also purely political rather than legal or constitutional. A Prime Minister who chose to ignore MPs might face retribution, but would not be breaking the law. As a result, several ambiguities remain. It is unclear exactly when a vote must take place, both in terms of the sorts of actions MPs demand approval over, and the timing of their input relative to the deployment of troops. It is unclear what are the prerequisites for parliamentary approval, though none are definitively required. MPs often request information about policy proposals, and the recent debate over fighting ISIL in Syria has suggested a growing role for House of Commons Select Committees in this process. But there are no defined rules. The paper also discusses the unintended consequences of involving parliament in decisions about the use of force. Chief among them is the politicization of decisions, and the breaking down of 'normal' parliamentary dynamics. Britain is usually ruled by 'elected dictatorship', with single-party governments comfortably commanding the support of the House. Recent years however have seen weaker governments needing opposition support to win votes on military action. That imperative has led to confusing compromises, such as the decision to bomb ISIL in Iraq but not Syria. It has also, perhaps ironically, reduced how closely parliament reflects the popular will.

2. 'Too much to die, too little to live?' – The Emerging Role of the European Parliament in European Security Policy

Guri Rosén (Oslo) and Kolja Raube (Leuven)

The evidence seems clear: The European Parliament (EP) and other supranational institutions (Commission, European Court of Justice) are isolated from the decision-making centres of European security policy. Neither does the EP have a parliamentary prerogative – the way it does exist in several national contexts –, nor does it have co-decision powers in the field of the Common Security and Defence Policy (CSDP). The EP in fact only has to be consulted and it can merely pass recommendations on respective policy decisions. In this view, following a German saying, the EP seemingly has 'too much to die and too little to live'. Moreover, in the context of internationalized and Europeanized security policy, in which decisions are taken first on the international and European decision-making level, there is an asymmetry between the EP and those 'strong' parliaments, which do have prerogatives and co-decision powers that likely enable them to scrutinize and to hold accountable executive decision-making processes. In the following paper we argue that such a formal-institutional and static analysis does not suffice to understand the role of the EP in the context of EU security policy and its factual influence. An analysis of the EP's influence in EU security policy must rather take into account the following two aspects: First, the analysis should – on the basis of new institutionalist approaches – take into account dynamics of informal institutional changes, and explore accordingly, to which degree the EP uses newly-won informal instruments and institutions to influence EU security policy. Second, the analysis of EU security policy should not only be understood as being a vertical, but also a horizontal process, which involves decisions in other policy areas. Such a 'deepening and widening' of the analytical perspective and scope allows to take into account the indirect influence of the EP on security policy; in other words, it focuses on how the EP uses its informally and formally strengthened position in CFSP and other policy areas to expand its influence on security policy. Against the background of empirical evidence in several case studies, the paper will furthermore discuss the question how – with a view to scrutiny and factual policy influence – we can evaluate the informal and formal EP participation in EU security policy in terms of democratic theory.

3. Effective oversight, less contestation: The Finnish Eduskunta and crisis management operations

Tapio Raunio (Tampere)

The literature on parliamentary war powers has focused on the veto rights of legislatures. This case study on the Finnish Eduskunta adopts a more comprehensive approach. Utilizing insights from principal-agent models, it examines the influence of various ex ante and ex post accountability mechanisms and distinguishes between scrutiny and debating functions of parliaments. Finland is a most-likely case for strong parliamentary involvement. Through recent constitutional reforms the Eduskunta has for the first time acquired constitutional authority in foreign affairs, while issues related to national security understandably attract considerable attention among Finnish MPs. Based on official documents, statistics and interviews, the analysis reconstructs parliamentary involvement in every crisis management operation where Finnish troops have been deployed since the mid-1990s. The findings underscore the importance of ex ante scrutiny and reporting requirements. The 'grand strategy' document, the Government Security and Defence Policy Report, enables political parties and the Eduskunta to set the parameters for national security decisions. The approval of the Eduskunta is essentially required for all troop deployments, and this has created 'ownership' of crisis management among MPs. Debates on troop deployments have nonetheless become less intense and less driven by left-right cleavage, with broader cross-party support for participation in crisis management and for EU-led operations in particular.

4. Prime Minister Leadership Style and the Role of Parliament in Foreign Policy

Juliet Kaarbo (Edinburgh)

This paper will explore how differences in prime ministers leadership styles and personalities may enhance or minimize parliamentary influence in foreign and security policy. Drawing on work on personality differences in political psychology and on research on political leadership, I argue that leadership beliefs, perceptions, orientations toward others, and management skills are a critical but often overlooked factor in the growing area of research on parliaments and foreign policy. Using examples from UK and Turkey, I propose the key leader characteristics that are important for the prime minister-parliamentary relationship in foreign policy. One key characteristic, for example, is leaders' orientations toward constraints -- some leaders may dismiss parliamentary constraints as a distraction, while others believe it prudent or normatively ideal to be open to parliamentary input. More generally, this paper will challenge a focus on formal-institutional powers of parliaments and argue that a prime minister's leadership style is a key condition can strengthen or weaken parliamentary veto and control rights. The focus on prime ministers has an analytic advantage of bringing together some of the various 'factors' to explain parliamentary influence (factors such as intraparty divisions and public opinion), but does raise normative concerns about democratic processes.

5. Between Deference and Assertiveness: Congressional War Powers, Electoral Incentives and the Assessment of Security Interests

Florian Böller and Marcus Müller (Kaiserslautern)

So far, the war powers literature prevalently argued that Congress is unable to control the executive in the field of military interventions. This article proposes a more nuanced picture: First, we hold that congressional behavior varies considerably between support and critique of the executive. Second, in contrast to the argument that congressional war powers are defective in the politics of military interventions, we understand congressional behavior as rational and strategic. Following a liberal perspective on foreign policy decision-making, we highlight the impact of two factors: First, Congress is responsive to electoral incentives when choosing to support or criticize presidential war policies. Second, members of Congress evaluate whether the use of force abroad is connected to vital US security interests. Congress is more sceptical towards humanitarian interventions, peace keeping missions or democracy promotion. Interventions which aim at the prevention of vital security risks (WMDs, terrorism) are more likely to summon congressional support. Both factors, electoral incentives and security interests, are connected as they are rooted in societal preferences. We illustrate our thesis on three recent cases of US military interventions (Iraq 2007-09, Libya 2011, ISIL 2014-15). At the end of the Bush administration, the war in Iraq was highly unpopular among US voters. Congressional debates also show, that members of Congress agreed that the intervention lacked a clear connection to US security interests. Thus, the Democratic majority pushed to change course in Iraq with binding legislation. In Libya 2011, it was the Republican House which criticized the intervention. In line with traditional GOP scepticism towards humanitarian interventions, Republicans (and left wing Democrats) defeated an authorizing resolution for the war. However, facing few electoral incentives, critics in Congress did not issue binding legislation to stop the use of force. In the case of the intervention against

ISIL since 2014, Congress remained silent. Congressional deference is fuelled by broad public support for the war in conjunction with a strategic consensus among members of Congress on the policy objectives of the mission.

6. Limited interests: National contributions and the parliamentary scrutiny of CSDP operations

Daniel Schade (London)

With the Common Security and Defence Policy (CSDP), the European Union has gained competencies in the realm of defence policy through its capacity to deploy troops in peacekeeping operations. While executive decisions on such missions are taken at the EU level by representatives of the EU's member states, the scrutiny rights of the European Parliament on such matters so far have remain limited. Consequently, most scrutiny activity of CSDP operations occurs at the national level and according to procedures specific to each and every member state. A framework developed by Heiner Hänggi has allowed researchers to structure the analysis of national parliamentary powers on CSDP scrutiny, by focusing on their *authority*, *ability* and *attitude*. While the first two have been extensively explored in the literature, it is the *attitude* dimension that ultimately determines individual national parliaments' scrutiny activity of any given CSDP operation. This paper argues that this is determined firstly by the origin of its scrutiny *authority*, be it through European or defence matters scrutiny rights, secondly by the degree to which defence matters are a part of national political contestation, and thirdly, whether national troops have been committed to the CSDP operation in question. This paper explores these determinants of parliamentary *attitude* at the national level through an analysis of parliamentary activity, such as roll call votes, debates, or parliamentary questions in France, Germany and the UK. Given the papers focus on national contributions, the national parliamentary dimension is explored for three CSDP operations that have differed along this dimension, namely EUFOR RD Congo, EUFOR Chad/CAR, as well as EUTM Mali.

7. Is there a parliamentary peace? Evidence from military interventions

Wolfgang Wagner (Amsterdam)

In its institutionalist version, Democratic Peace Theory suggests that domestic institutions constrain governments in using military force. Parliament is the most obvious institution than could exert such a constraining effect, especially if it is endowed with an ex ante veto power over deployment decisions. This implies that countries with a parliamentary veto power should be less likely to participate in military interventions, than countries without such a veto power, ceteris paribus. This paper critically reviews existing studies and points out that many quantitative studies suffer from using inadequate proxies (e.g. parliament's power to ratify treaties) when measuring parliamentary control. The paper then presents findings from own research on the influence of parliamentary veto powers on the likelihood of participation in the military interventions 1999 (Kosovo), 2001 (Afghanistan), 2003 (Iraq), 2011 (Libya) and 2014 (IS). The sample includes all liberal democracies that are either members of NATO or affiliated with the alliance via the Partnership for Peace program.

8. Parliament Strikes Back: Parliamentary Scrutiny and Normal Security Politics in the 'War on Terror's

Hendrik Hegemann (Osnabrück)

The post-9/11 'war on terror' apparently goes along with the adoption of exceptional measures, the strengthening of executive powers and the constraining of democratic politics. In the language of critical security studies, this can take the form of existential threat constructions and exceptional politics in the Copenhagen School or technocratic risk management by administrative security professionals in the Paris School. With growing distance to 9/11, however, new forms of security politics have emerged, which become most visible in the work of democratic legislatures. Parliaments have started investigations, issued evaluation reports and held contentious debates on some of the most controversial measures adopted in the 'war on terror', such as 'targeted killings', 'enhanced interrogation' and mass surveillance. Hence, counterterrorism policy in Western parliaments in many respects mirrors rather 'normal' democratic politics. The paper takes up this observation and makes two main contributions to existing research on the politics of security and the role of parliaments. First, many critical security scholars proposed normal politics and politicization as a normative ideal. Yet, they eventually focused on how securitization is used to circumvent normal politics and how desecuritization could be used as an alternative to overcome security thinking. They did not, however, study actual concepts and practices of normal politics in the security field. Second, parliaments were largely limited

to a role as audience of executive securitization moves or bystander to non-transparent networks of 'managers of unease'. They were not considered as security actors in their own right. This paper contributes to critical security research by highlighting parliamentary oversight in the fight against terrorism as a specific practice of normal security politics. It thereby elucidates the dynamic role of parliaments in contemporary forms of security governance beyond military interventions and the armed forces. Rather than looking at lawmaking that has already received some attention, the paper specifically focuses on parliamentary oversight with a special view on intelligence agencies. It asks: What is the role of parliaments in the 'normal politics' of the fight against terrorism? How does parliamentary oversight work and which conception of security politics does this meet? How can parliamentary oversight constrain exceptional and technocratic politics in the fight against terrorism from a democratic standpoint? Empirically, the paper focuses on different kinds of parliamentary scrutiny in the German Bundestag, especially the committee of inquiry that investigated the NSA scandal and recent attempts to strengthen the formal control of intelligence services.