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Master's Thesis

Domestic scrutiny of European Affairs and parliamentary activity in inter-parliamentary conference on Common Foreign and Security Policy/Common Security and Defence Policy (CSDP)

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ABSTRACT

National parliaments in EU's Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP) have been reckoned as the neglected institutions for a very long time. After occupying the major field of debates over the democratic deficit throughout the EU, National Parliaments have been granted the unique and quite complex space in EU governance of security and defence policies with later one being full of obscurity. Transcending the formally intergovernmental status of CFSP/ CSDP, National Parliaments through the inter-parliamentary conference ('IPC') displayed supranational and multi-layered parliamentary scrutiny elements. According to this, I suggest that different scrutiny mechanisms and constitutional traditions of parliamentarism in member states, affect the performance of national parliaments across the inter-parliamentary cooperation. Therefore, Paper further develops the idea that parliaments as chief negotiators have predetermined win-sets set by parliamentary scrutiny and they can't have any leeway to manoeuvre as already being constrained domestically, by pre-emptive scrutiny process

INTRODUCTION

In the following research, I argue that Europeanization process for national parliaments have been quite challenging, as the parliamentary scrutiny of European Affairs became more complex and transcended the domestic levels. Traditional European Affairs Committee (EAC) in every member state parliament has its own form of scrutiny, based on the constitutional specifications. Be this considered, I suggest that different scrutiny mechanisms and constitutional traditions of parliamentarism in member states, affect the performance of national parliaments across the inter-parliamentary cooperation. After applying Robert Putnam's phenomenal two-level game theory, contrary to its original version, I argue that parliaments as chief negotiators have predetermined win-sets set by parliamentary scrutiny and they can't have any leeway to manoeuvre as already being constrained domestically, by pre-emptive scrutiny process. Paper points out and suggests four major

scrutiny features to analyse how the differences in domestic scrutiny influences inter-parliamentary activity of parliamentary delegations. These features include: 1) Parliaments in favour of the plenary sessions during European Affairs scrutiny, 2) Parliaments with asymmetrical bicameralism, having separate European Affairs Committees, 3) Constitutionally strong parliaments with strong mandating rights, 4) Parliaments delegating and sharing the power of scrutiny to the sectoral committees from the EAC (Hefftlar et al., 2015)

After carefully studying the visual data of 28 member state countries of European Union, participating in all of the 16 sessions of inter-parliamentary conference on Common Foreign and Security policy/Common Security and Defence Policy, I deduce whether we have the direct link between the different domestic scrutiny mechanisms and parliament's international activity through the inter-parliamentary conference.

However National Parliaments did not enjoy having instrumental place in EU policy-making for a very long time. They definitely were late adopters to the integration process. (Auel & Raunio, 2011). Intensified integration and increasing criticism over the democratic deficit and legitimacy problems, enhanced the discussions about the role and power of it. Furthermore National Parliaments also made it clear that without them it was impossible to have any input legitimacy, as citizens are exercising the democratic control through the legislatures, which exercises scrutiny of their governments (Auel & Raunio, 2011). As a result, Lisbon treaty (signed on 13 December 2007 and has been ratified by all member states, entered into force on 1 December 2009), which is often referred as the treaty of the parliaments as well, upgraded and defined the role and power of National Parliaments in the European Union. Treaty suggests the new means to control *ex ante* and *ex post* subsidiarity of EU legislative process, with involving the national parliaments and new controlling mechanism (Arribas & Bourdin, 2012). Treaty provisions responded to the long-term political will of national parliaments, to have a place and way of participation in EU matters and bring Europe closer to its citizens (Arribas & Bourdin, 2012).

In the wake of Lisbon treaty, new chances and institutional role were emerged, which made it possible for National Parliaments to scrutinise the EU Affairs, but most importantly it gave Council the formal toll for pulling the governments closer together on defence policy (Munro & White & Borjes, 2016; Fiott, 2020). These new givens laid foundation to the new interparliamentary cooperation between the national and European parliaments (Hefftlar et al., 2015; Wagner, 2019). First inter-parliamentary conference about Common Foreign and Security Policy/Common Security and Defence Policy commenced in Cyprus in 2012.

Since it has been reckoned as another manifestation of complex and multi-layered nature of CFSP/CSDP in EU. European Foreign and Security policy traditionally is the policy domain worked out through the intergovernmental dimension, however bringing national and EU parliamentarians together at the new institutional platform of scrutiny, adds the supranational dimension to this policy domain. Therefore, it is not surprising that the *praxis* of IPC CFSP/CSDP occupied the main field of

academic discussions surrounding the IPC functioning (Wagner, 2019; Larive, 2016). Following this, another dimension of literature is being invested in the legitimacy and democratic deficit discourses. Eventually, this discourse brings on the display the crux of academic scholarship - the national scrutiny of EU affairs. While scholarly accounts have been exploring the national scrutiny mechanisms and policy through various dimensions, it seems to be that much less academic contribution has been made about the overall performance of national parliaments through inter-parliamentary on CFSP/CSDP. Furthermore, it is still quite puzzling to understand, if the national parliaments are deciding on the issues like national defence policy and funding, then why they are not more intensely engaged in IPC CFSP/CSDP and why the later one is not fruitful and efficient platform? In the endeavour to disentangle this puzzling organization, the thesis paper will try to explain how the variations of cross-chamber national parliamentary scrutiny influence the parliaments will and readiness, to contribute to the IPC CFSP/CSDP and its overall performance.

Through the Europeanization trend of national parliaments, which intensified as a result of Lisbon treaty, domestic parliamentary scrutiny got huge pressure and responsibility to keep the principle of subsidiarity and control the political accountability of executives. Therefore, specificity of specialized procedures granted to them for coping with challenges coming from EU, defines the parliamentary strength, system's ability as a whole to maintain things on a state level and create the appropriate "win-set" for executives, being in a full congruence with strategic interests of state. This becomes more complex, difficult, and crucial when it comes to CFSP/CSDP policy scrutiny. Whether it is information deficit, vague negotiation framework or inter-parliamentary conference, parliaments' constitutional scrutiny mechanisms and intra-parliamentary capacity are the major subjects of matter to decipher the specific incentives and constraints during IPC negotiations. While the variations in scrutiny across the parliamentary chambers has not been analysed extensively, in terms of IPC CFSP/CSDP effectiveness, this study aims to fill this gap by asking whether the specific national parliamentary scrutiny mechanisms determine the activity and performance of member state parliamentary delegations. In that attempt, this academic work develops specific modification of Putnam's initial two-level game theory, to explain the influence of domestic policy making when negotiator is not an executive. After analysing Robert Putnam's original two-level game theory, I will proceed with suggesting the modifications to answer the research question and infer the hypothesised relationship between domestic parliamentary scrutiny mechanisms and the performance of parliamentary delegations at the Inter-parliamentary Conference on Common Foreign and Security Policy.

In order to accomplish this, paper applies the domestic accountability principle to measure the scrutiny mechanisms and its effectivity through inter-parliamentary cooperation and negotiation process. Proceeding further, I will carry out the comparative case study analyses of the 28 national parliamentary scrutiny mechanisms of EU Affairs and 16 inter parliamentary conferences on CFSP/CSDP. With the qualitative comparative analyses of interparliamentary conferences, questions

over the national scrutiny influence on inter-parliamentary negotiations will be answered which will lead to development of new explanatory modification of Putnam's domestic constraints theory, in terms of national scrutiny variations. It is not novelty for academic scholarship that since its inception, Putnam's theory has been refined through the massive scholarly research, whether it was about the theoretical underpinnings or the specific foreign policy areas. However, contrary to all of the above mentioned, this work invests into the investigation of live experience of discussions at Interparliamentary Conference on Common Foreign and Security Policy. After analysing the results and discussing the setbacks of research, clearly organized summary will be outlined on the possible thoughts and ideas for future research.

LITERATURE REVIEW / STATE OF ART / THEORETICAL BACKGROUND

Discussion on democratic deficit in the EU mostly comes from the principle of subsidiarity, where the national parliaments' claim occupies the field. Post Lisbon arrangements aimed to enforce and incorporate the role of National Parliaments, further highlight the complexity of the EU's multi-layered foreign policy dimension. The EU is referred most of the times as the Hybrid of intergovernmental and supranational governing practices (Raube & Fonck, 2018; Wagner, 2019). Establishment of Interparliamentary Conference on CFSP/CSDP enhanced this view further. However, it should not be forgotten that the network of national parliaments has always been the traditional forum for European Community, whether it was formal or informal. We can trace it back to last century, the oldest type of parliamentary collaboration in EU "The Conference of Speakers of European Union Parliaments" was launched in 1963 (Granat, 2018)

Since 1963 various formal arrangements have been changing each other for coherent and cohesive interparliamentary cooperation. Alongside the rocky development of the European Union, scrutiny of EU affairs across the chambers of the National Parliaments has been the subject of change as well. Different constitutional and parliamentary traditions have different understanding over accountability of national executives and EU institutions. Since, separating National Parliaments from the EU's institutional dimensions and in our case from foreign policy-making process, widened the long before created gap between NP-s and EU institutions. Former one has been extensively seen and reckoned as the neglected outsider in EU policy making (Neuhold et al. 2015)

Parliamentary scrutiny mechanisms of CFSP/CSDP became crucial once the EU security and defence agenda intensified its initiatives. The term 'scrutiny' of EU Affairs and Legislation, involves parliamentary discussions, analyses, assessments and examination of EU policies with respective parliamentary activities (Munro & White & Borjes, 2016). Having different formulations in a

different national contexts, scrutiny process mostly involves analysing the documents, negotiating positions of a ministers, assessing the proposals of formal drafts, directives or regulations, discussing pre-legislative documents and consultations on proposals (Munro & White & Borjes, 2016).

The emergence and high relevance of CSDP has been led by internal politics, which instigated the evolution of the external security context (Fiott, 2020) . As a consequence of Brexit and tumultuous development of transatlantic partnership, CFSP/CSDP has had a sudden upsurge in creating the receptive competences and overall institutional and practical capacity. Being able to respond an extremely competitive geopolitical environment and defend global interests, EU needs the unity and agreement between the member states. This leads directly to National Parliaments and their will for changes in defence policy. Domestic scrutiny of EU affairs including the CFSP/CSDP policy is the process which deciding the countries position on it, with various mechanism and constitutional traditions. Debating the new challenges and those positions at inter-parliamentary conference, with their counterparts, gives us the relevant and important information about the process and levels of crucial political negotiations, when chief negotiators are not the executives. Furthermore, studying their performance, provides the knowledge about successful scrutiny mechanism and models, n and their influence negotiation process. However, notwithstanding the current relevance, the previous discussions affirm that inter-parliamentary engagement in Foreign and Security policy was not the topic of a high interest. That might be the reason as well for the current problems in its structure.

Academic literature surrounding the discussions over parliamentary engagement in

Inter-parliamentary cooperation, focuses on various problems that might form two major groups. First is the non-binding, informal engagement of National Parliaments into the IPC on CFSP/CSDP and the second is the logical continuation of it, the lack of contribution and policy initiatives in this policy domain by them (Schade, 2018).

Contrary to other policy domains, the complex and elusive nature of CFSP/CSDP makes parliamentary scrutiny rather ambivalent across the chambers, as its intergovernmental and somewhat supranational character, adds additional and quite multi-layered facets when it comes to executive power delegation (Herranz-Surrallés, 2018; Griglio & Lupo, 2018) . Parliamentary oversight of CFSP/CSDP policy is to be further disentangled by the power battle between the National and European Parliaments, since well-known inter-institutional bargaining of European Parliament over the policy area, is not strategically and factually favourable for National Parliaments and their power struggles (Herranz-Surrallés, 2014). Academic scholarship surrounding the traditional discourse of European Parliament over national scrutiny of CFSP/CSDP sheds the light to the inter-parliamentary power struggles between EP and National Parliaments, where EP's claim over democratic deficit refers to the lack of direct legitimacy. EP intends to fill the gap of direct legitimacy as a legitimate representative of European People, without national legislatures having the direct role in it (Barbé & Herranz-Surralles, 2005). As a Result, tensions around the exclusive right of CFSP/CSDP scrutiny and information asymmetry between national parliaments and EU institutions

are the trademarks of the EU foreign policy development (Hefftlar et al., 2015). Even though European Parliament's legislative power in this field as a co-legislator's, is significantly narrow, labelled as Soft Accountability Power, it is still a big hindrance for a fuzzy and vague policy making process of European Foreign Policy (EFP). (Barbé & Herranz-Surrallés, 2005). The later feature also perpetuates another major debate towards the blurred lines between the intergovernmental and supranational nature of CFSP/CSDP policy making (Huff, 2015; FIOTT, 2019; Wagner, 2019). Added to this, the obscure and *sui generis* character of the national scrutiny in this policy domain, entails various peculiarities of political and constitutional systems, like intra state bargaining, particular domestic concerns, cross party ideological patterns, high level of regionalism and informational asymmetry between executive and legislative (Huff, 2015; Larive, 2016; Giglio & Lupo, 2018; Raube & Fonck, 2018). Therefore, it is not quite surprising that European Foreign policy mostly is represented as the hybrid form of policy making. Howorth (2012) strengthens this idea and describes it as form "intergovernmental supranationalism".

To extend this premise, follow the recent scholarship, that draws attention to the fact of how the systematic fuzziness has been corroborated following the creation of European External Action Service (EEAS) by Lisbon treaty. Under this framework EP has the power to control its funding, not in a purely intergovernmental nature (Sjursen, 2015; Huff, 2015).

Furthermore the administrative rationale behind the EEAS mixes intergovernmental and supranational characteristics to assist the office of High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the European Commission. Apparently, it requires less and less national affinity and nation state preferences, to be involved within the working process, (Sjursen, 2015; Huff, 2015; Larive, 2016). This new institutional arrangement, focused on creating the common interest is prone to get national and European Foreign Policy in a full congruence to make the system work. Therefore controlling the executive at the domestic arena becomes even more complicated and salient, because CFSP with various institutional dimensions automatically creates the necessity of the new roles in the policy-making process and eventually ends up in more power delegation (Sjursen, 2015; Larive, 2016). This new turn from intergovernmentalism raises some concerns of Brusselization¹ for some authors, since the Political and Security Committee (PSC), the major policy making body works closely with the council and its administrative bodies. In a due course, transcending the purely national interests, CFSP policy formulation is described as the multilevel community process in the academic literature. As Sjursen (2015) puts it, the multi-layered and complex process causes the ultimate quest for the executive to make system and policy work. This urgency and ad hoc working process found a big appeal in the literature in terms of accountability and legitimacy gap (Fiott, 2019). On the one hand criticism revolves around the various clusters and

¹ Increasing the competence and ruling power of Brussels-based decision-making bodies, so the policy domain is worked out more on European level (Allen, 1998)

committees working on CFSP, where National Parliaments don't enjoy high accessibility and scrutiny resources, while another direction goes with EP's controversial role.

Starting with later, Herranz-Surrallés (2014, 2015, 2018) highlighted how National Parliaments became the major game losers when EP occupied the formal and non-formal institutional framework which solemnly should have been of intergovernmental nature. Herranz-Surrallés uses the term "*democratic/sovereignty surplus*" to emphasize how the institutional fuzziness and opacity gave EP the opportunity to encroach on CFSP/CSDP control mechanisms, beyond the competences prescribed in the treaties. In order to illustrate the conflictual and systematically paradoxical relationship between EP's increasing influence on CFSP/CSDP policy and national parliaments, Herranz-Surrallés (2014, 2015) compared two preliminary meetings of NP's and EU. They were planned to discuss the formal arrangements of interparliamentary conference and both times were initiated by Belgian parliament. By those cases author tried to decipher attitudes and positions from both sides by their speeches, position papers and length of time they deemed worth to dedicate to the issue. Her findings stress the problem of mutually exclusive demands for the authority which occupies the major field of discussion. To elaborate on the power exclusivity, we need to draw attention once again to the highly sensitive policy domain of CFSP/CSDP. If previously, it was possible to reach the consensus about the division of spaces into the various spheres of policy, scrutiny of CFSP/CSDP totally disregards past practices. National Parliaments have hard time to acknowledge the any role or power, EP might have in this area, as they consider it to be fully and purely intergovernmental sphere, where sovereignty can't be delegated to someone not representing the National Parliament. On The Contrary, the EP sees the entire situation from the federalist perspective, where the member states' interests are not superior to EU. It is also interesting to discuss the rational and normative point of views over IPC. As it was anticipated, inter-parliamentary cooperation is mostly portrayed as the highly beneficial tool, at the disposal of National Parliaments (Herranz-Surrallés, 2014). Relevant literature underscores that main benefit lays in the acquired capacity of parliaments holding governments to account from the different platform. We can single out reducing the informational asymmetries as another benefit, since by regular transnational contacts, parliamentarians can catch up with their respective executives, in terms of important information and specialised knowledge (Herranz-Surrallés, 2014). However, in contrast to this view some argues, that rationalist approach cannot explain parliamentary behaviour properly, because one cannot measure rational and irrational behaviours without strategic viewpoints of particular countries, besides that it is highly doubtful for them to have the same rational choice views (Rozenberg 2012). From a normative perspective, it is an excellent platform and a way of promoting transnational instead of particularistic interests, even though it is not quite successful in generating the mutual understanding of security and defence issues (Herranz-Surrallés, 2014). Wagner (2013) stresses the context of the EU, when discussing the normative rationale, as developing the close contacts between parliaments of different nationalities will ultimately help to establish a respectful environment for democratic representation and multilateral cooperation. However, notwithstanding these positive predictions, IPC

CFSP/CSDP took quite unexpected development (Herranz-Surrallés, 2014). Power battle between EP and National Parliaments further deteriorates the saliency of parliamentary capital and gives additional challenges to the scrutiny process at both National and European Parliamentary level (Herranz-Surrallés, 2014; Zanon, 2010)

Continuing further, another salient issue refers to the cross-country variations in terms of EU Affairs scrutiny and information asymmetry. Here, Huff (2015) contributes to the questions about accessibility of National Parliaments' to the CFSP/CSDP resources, power and strength of their scrutiny framework and their enthusiasm over scrutinizing the EU Affairs policy in National Parliaments. Huff used qualitative research and conducted structured and semi-structured interviews as part of the OPAL project, in seven case study countries: Britain, Poland, Germany, the Netherlands, Denmark, France and Italy. According to the empirical findings, the author argues that the widespread association between formal power and scrutiny strength of EU affairs is not right, as it is commonly asserted by the literature around legislature and scrutiny power (Huff, 2015). In addition to the above-mentioned, research states that discussions of EU foreign policy remain still *ad hoc*, without solid systematic approaches, even in the strongest Folketing (Huff, 2015). Consequently, Huff (2015) does not necessarily see the solution in a formal enhancement of parliamentary scrutiny, but rather in an individual development of each parliament.

Contrary to this, Schade (2018) sees the problem exactly in this association and states that different cultural and constitutional traditions across the national parliaments' scrutiny system, in combination with wrong, inappropriate and incorrect set up of IPC, can definitely be one of the reasons that IPC CFSP/CSDP can't contribute to EU's foreign policy. He is against the more individualistic development suggested by Huff, since that is exactly the problem, he wants to solve by formal enhancement to make them more similar.

However, Schade (2018) does not consider or analyse national scrutiny mechanisms or parliamentarian's activity case by case at the IPC. Unlike this, comparative case by case analyses by Fiotti (2019) of European Defence Fund scrutiny, gives some deep insights of scrutiny processes in European and National parliaments. In his work requested and done under SEDE Subcommittee, Fiotti draws on the qualitative desk research using primary and secondary sources like : EU official documents, debates of national parliamentarians and academic literature. He underscores the necessity of the close collaboration between national and European parliaments and focuses on scrutiny of EDF. To suggest and recommend the future optimization plan, Fiotti briefly explains how unicameral and bicameral parliaments have been scrutinizing the EDF, evaluates their progress and identifies the gaps in their scrutiny processes. Finally he surmises, that major problem might be the lack of interest from the side of national parliaments in EU affairs and absence of close collaboration between the NP's and EP.

Post Lisbon parliamentary scrutiny has another dimension, where the attention has been yielded to lately, besides the cross chamber and cross policy comparison, new contributions address the rise of

parliamentary administrations on various occasions. As Hogenauer and Neuhold (2015) argue, parliamentary administration roles are not of purely technical nature, but rather have the agenda-shaping powers (for their respective legislation) and possibilities. To get to the findings authors conducted two staged research comprising 39 semi-structured interviews with committee clerks and MPs from 11 member states between September 2010 and June 2013 in the framework of a larger project (Observatory of Parliaments after Lisbon – OPAL). With the data covering 28 chambers in 21 member states, authors could find out that majority of administrations, can be reckoned as the *agenda-shaper*, as in most of the chambers administrations are allowed to pre-select the documents and fulfil the coordination responsibilities.

As we can see parliamentary scrutiny *ex ante* and *ex post* Lisbon treaty has been a predominantly complex issue and entailed the difficulties between the national and European parliaments. Even though CFSP/CSDP was highly regarded as the intergovernmental in nature, furthering EP's role in it has always been high on agenda. As Barbé & Herranz (2005) state, Elmar Brok, Chairman of the Foreign Affairs Committee of the EP, was extremely harsh in his demands having EP more actively and productively engaged in the policy domain. He was asserting on the necessity of informing the EP by a *a priori* approach instead of a *a posteriori*. After upgrading the EP's power and role, the concept of democratic deficit entangled into the accountability trap. Since EP engagement not only blurred the boundaries between supranational and intergovernmental natures of policy, but apparently tried to drive out National Parliaments as the legitimate representatives of European people (Barbé & Herranz-Surralles, 2005). In the wake of this, national parliaments feeling threatened, not only started fighting to obtain the role outside the domestic scrutiny, but also intensified and sophisticated the domestic one. After reviewing Giovanna Bono's (2007) research on domestic scrutiny of three National Parliaments (British, French and Italian) for European Union's external military operations called Concordia² and Artemis³ launched in 2003, we can see how lenient and detached the parliaments with their scrutiny work were. The British European Scrutiny Committee approved both operations *a posteriori* (Bono, 2007). The French Parliament used the emergency examination procedure through which the president of the delegation for the European Union can operations as an individual (Bono, 2007). Italian parliament only approved Concordia, on the same day the operation was launched, as for Artemis it did not have a say on (Bono, 2007). Having considered this, one can definitely see the structural and conceptual advancement in domestic scrutiny and very active national parliaments after the Lisbon treaty.

Furthermore, following the intensity of the parliamentarian battle, domestic scrutiny gets of utmost importance for maintaining the national agenda as the vital concept of intergovernmental approach, and to control the political accountability of executives. Therefore, specificity of specialized

² On 31 March 2003, the EU launched the Concordia mission in the former Yugoslav Republic of Macedonia (FYROM), its first-ever military operation.

³ On 12 June 2001, the EU launched the Artemis mission in the Democratic Republic of Congo (DRC), preventing a large-scale humanitarian and civil crisis in Ituri.

procedures granted to them for coping with any challenge coming from the EU, defines the parliamentary system's ability as a whole, to maintain things on a state level. This becomes more complex, difficult, and crucial when it comes to CFSP/CSDP policy scrutiny. Whether it is information deficit, vague negotiation framework of inter-parliamentary negotiations, or parliaments' constitutional scrutiny mechanisms, problem for National Parliaments is still structural. Part of academic literature still refers them as outsiders even after Lisbon Treaty. Since Lisbon treaty gave new powers not only to national ones but to EP as well. As Jancic (2017) puts it, Lisbon Treaty by stressing the principle of representative democracy in EU, establishes the structural link between EP and both of the councils (The Council and European Council), which can seek the legitimacy of providing the citizens' input to EU policy-making. However in response to this, many national parliaments have incorporated a 'subsidiarity check'⁴ into their scrutiny processes after Lisbon and started influencing the EU policy-making and holding the ministers accountable (Munro & White & Borjes, 2016). Thus, such a stark development since 2003, gives us the reason to think that specific scrutiny mechanisms can be major influencers in defining parliamentarians' specific incentives and constraints during IPC negotiations. Comparative analyses of domestic scrutiny models show, that national parliaments mostly scrutinise EU Affairs the same way as they do in case of domestic legislation (Munro & White & Borjes, 2016). Some of them are quite successful in influencing the EU policy-making process. Before going through each scrutiny model, we should point out the common reforms and major changes in scrutiny system (Munro & White & Borjes, 2016). Three major groups can be distinguished after classification: 1) Mainstreamers- parliaments directing scrutiny proposals to the sectoral committees of the relevant policy area; 2) Upstreamers – parliaments engaging into the process from the very beginning, with EU; 3) Streamliners- parliaments filtering the documents and scrutinizing the only selected ones (Munro & White & Borjes, 2016). There are other variations and features as well to be distinguished, alongside this general division, like how the various barriers in scrutiny policies are overcome and how the lack of local relevance discourages parliamentarians to intensify EU scrutiny and highlight EU issues more generally (Munro & White & Borjes, 2016). Despite the various local and institutional barriers, we still can single out more and relatively less successful scrutinizers. Although the rankings of parliaments with effective scrutiny can change any time, its top candidate Eduskunta (Finnish Unicameral Parliament) remains firmly as the strongest and most successful scrutinizers throughout the EU parliaments (Auel & Raunio, 2011; Heffler et al., 2015). The secret of Finnish model lays in having strong mandating system, broadly using the standing committees, and being involved early on, in the European legislative process. Finnish scrutiny mechanisms have been the guideline as the best practise for the parliaments of the Baltic countries, to prepare themselves for EU membership. Hungary and Slovenia adopted some of the features of the Finnish scrutiny model. Specialized committees gave much more power to Eduskunta

⁴ Decisions should be taken as closely as possible to the citizen.

to influence the government. The active scrutiny also strengthened the parliamentary accountability on domestic issues (Auel & Raunio, 2011; Heffler et al., 2015). The parliamentary tradition of ministers regularly visiting and exchanging information with European Affairs Committee, also improved the policy coordination within the ministries. This as an outcome, leads ministers to be more responsible and always highly aware of issues being discussed (Auel & Raunio, 2011; Heffler et al., 2015). As we can see governmental control for Finnish Parliament is central and its scrutiny policy also focuses on governmental accountability (Auel & Raunio, 2011; Heffler et al., 2015). In terms of mandating rights another two member state parliaments can be distinguished as well, Austria and Denmark. Austrian Nationalrat (lower house of Austrian Parliament) is the parliament with the strongest mandating rights in EU affairs. Article 23 of the Austrian Constitution provides it with the right to bind Austrian government in EU-level negotiations and votes (Heffler et al., 2015). In the case of Danish Folketing (Unicameral National Parliament of Denmark), we can call mandating resolutions more of a quasi-binding, as it has no formal effect on government if it wants to deviate from mandated position with the strong compelling justification. (Heffler et al., 2015).

Biggest, the most consistent and comprehensive comparative study of domestic parliamentary scrutiny mechanisms was carried out under the massive collaborative project- OPAL (Observatory for Parliaments after the Lisbon Treaty), where the collaboration of European Universities with international team of academics has ranked all EU Parliaments and chambers by to their formal institutional and constitutional arrangements towards EU affairs Major task of this project was to observe the activities of each national parliament to find out how they were using new opportunities offered by the Lisbon (Heffler et al., 2015). The comprehensiveness of this study lays in its accurate settings of indicators and most importantly in the real live observation of institutional provisions and formal rules, carried out. They measured the parliamentary activity by five indicators: Mandates/resolutions (Measurement: Number of mandates/resolutions over three years) Committee meetings (Measurement: Number of EAC meetings \times Standing Committee Multiplier \times average duration of meetings), Debates (Measurement: Two indicators combined: number of debates and percentage of average plenary time spent on EU issues), Opinions (Measurement: Number of reasoned opinions (EWM) \times 2 + number of Political Dialogue opinions), Hearings with the PM (Measurement: Number of hearings). As for the Institutional strength, the indicators were defined as follows: Access to information/documents, Explanatory Memorandum, *Ex ante* reports on European Council/Council of Ministers, Scrutiny infrastructure Type of EAC, Involvement of Standing committees, Filter, Parliamentarians involved in scrutiny, Oversight Binding character (consequences of deviation from parliamentary position), Scrutiny reserve, Scope (EU documents or government position), *Ex post* reports on European Council/Council of Ministers (Heffler et al., 2015). The interaction between the institutional strength and level of domestic activity of scrutiny, is analysed perfectly within the OPAL framework, however the interaction between the institutional strength for scrutiny and external inter-parliamentary activities negotiations

still remains unexplored, especially in one of the most important EU policy areas. This paper aims to fill this gap and attempts to develop specific modification of Putnam's initial two-level game theory, to explain the influence of domestic policy making when negotiator is not an executive. Furthermore, current academic features, both empirically and theoretically do not concentrate on the lower levels of state representation on the international or interinstitutional arena, which might give us different insights on negotiation process.

THEORETICAL FRAMEWORK

Theoretical background of this paper stems from the vague systematic and factual outcome of IPC CFSP/CSDP. As we know that paradoxical development comes from its hybrid nature and compositions.

Despite its non-binding nature, it is the only platform where national parliamentarians can check and scrutinize once again the delegated power to their executives in one of the most important policy domains - CFSP/CSDP. However, it is still quite puzzling to understand, if the national parliaments (parliamentarians) are deciding on national defence policy and funding, then why they are not more intensely engaged in IPC CFSP/CSDP and why the later one is not fruitful and efficient platform? To disentangle this puzzling organization and explain how the national parliamentary scrutiny influences the parliamentarians' will and readiness, first I will start to review Robert Putnam's original two-level game theory for domestic-international interactions and negotiations, and then suggest the modification, I am going to explain this puzzle and infer the hypothesises with. Putnam calls the politics of international negotiations a two-level game, pursued at the national and international levels (Putnam 1988). Both of them are crucial and it is impossible to avoid or disregard any of them at their respective game boards (Putnam 1988). If international negotiations had been discussed in a multilevel system for a very long time by various scholars, Robert Putnam's two-level game theory has drawn all the attention to the domestic constraint. Putnam defines the concept of domestic constraints as the determinants for the most favourable or "more or less" acceptable policy outcomes, that can win the right for domestic ratification (Putnam 1988). He calls these possible agreements win-sets. The sequence of negotiations developing through the two levels is crucial to understand the domestic scrutiny and its power in representative democracies, *ex post* negotiation outcomes. Here Putnam (1988) indicates that chief negotiators (executives) have some leeway as to how and in which direction should the negotiations develop. Meanwhile on the second level, ratification prospects neither *ex ante* nor *ex post* is guaranteed, but the "win-set", the safest condition of international negotiations that can secure the domestic approval, is chief negotiator's compass to navigate. Therefore, the binding nature of Mandatory Legislative Approval for international policy making, is the main bridge between Putnam's theoretical postulates and practical politics. However, for a different we have quite different settings of negotiations at IPC CFSP/CSDP, where *ex ante* and *ex*

post domestic constraints are static and not dynamic. According to Putnam, political bargaining takes place not only on international but on the domestic one as well, whereas for IPC CFSP/CSDP delegations do not have the leeway or the additional space in room to manoeuvre, all their performance depends on the *ex ante* policy shaping process. As Sprungk (2011) suggests, national parliaments in post Lisbon arrangements have five forms of engagement for EU affairs scrutiny : policy shaper, government watchdog, public forum, expert and European player. It is quite compelling that member state delegations at IPC CFSP/CSDP represent all of those roles at the same time, but the most important concept for Putnam's two-level game theory is still missing, it is the ratification necessity, the formal ratification. The absence of formal ratification derails the structure of Putnam's theory and leaves the place for the variations of domestic constraints for the interparliamentary relations, especially the one which is the *sui generis* per se, within the bigger *sui generis* -EU. Member state delegations give and are given the formal ratification and consent on their agenda during the EU Affairs Scrutiny, in their respective parliaments. Their win-set and *ex ante* informal ratification are already defined during the parliamentary activity under the official scrutiny mechanisms. Thus, we can deduce that institutional constraint, which includes informal and formal scrutiny altogether on the Level I, defines the outcome of Level II, without the further necessity of formal ratification. Regarding the negotiator, if in Putnam chief negotiators are conditioned by domestic political choices and rival preferences from opposition parties, here we have cross chamber scrutiny differences as the major domestic constraint, without *ex post* ratification bargaining. Therefore, I argue that in comparison to the Putnam's chief negotiators, when comparing the parliaments of EU, their negotiation activity depends on the domestic scrutiny forms, without too much of the leeway left for independent manoeuvring. To suggest the hypothesized relationship between parliamentary activity and scrutiny mechanisms, I use four major scrutiny features to analyse how the differences in domestic scrutiny, influences inter-parliamentary activity of parliamentary delegations. These features include: 1) Parliaments in favour of the plenary sessions during European Affairs scrutiny, 2) Parliaments with asymmetrical bicameralism, having separate European Affairs Committees, 3) Constitutionally strong parliaments with strong mandating rights, 4) Parliaments delegating and sharing the power of scrutiny to the sectoral committees from the EAC. Stemming from this I suggest the following hypothesized relationship between parliamentary delegations and their domestic scrutiny mechanisms, participating in IPC CFSP/CSDP.

1 Hypothesis: Parliaments who tend to use plenary sessions more often than the others for European Affairs scrutiny, are more active and demanding during participation in the IPC CFSP/CSDP.

To understand the hypothesis correctly, we should clarify the variables and propose the operationalized definitions.

Variable	Independent Variable	Dependent Variable	Mediator/Intervening Variable
Definition	Favouring plenary sessions for EU Affairs scrutiny	Active engagement of parliamentary delegations at the IPC CFSP/CSDP. Measured by	Creating public discourse and attitudes.
Operationalized Definitions	National Parliamentary representatives sitting and discussing EU Affairs together instead of delegating the power of scrutiny to standing or sectoral committee. Plenary sessions are public, but if it is deemed necessary, it can be closed meeting as well.	number of: proposals submitted by parliaments, delivered speeches, sent recommendations and policy papers, quantity of remarks and amendments made on proposals, number of overall speeches and comments/remarks made throughout the 16 sessions	

2 Hypothesis: Parliaments with asymmetrical bicameralism with separated European Affairs Committees, are more active and demanding in IPC CFSP/CSDP than the rest of them.

Variable	Independent Variable	Dependent Variable	Mediator/Intervening Variable
Definition	Asymmetrical bicameralism in legislature with separated European Affairs Committees for chambers	Active engagement of parliamentary delegations at the IPC CFSP/CSDP. Measured by	Different decisions
Operationalized Definitions	Upper houses of parliaments, having their own different scrutiny systems. With separated European Affairs Committees have an	number of: proposals submitted by parliaments, delivered speeches, sent recommendations and policy papers, quantity of remarks	

	independent scrutiny impact	and amendments made on proposals, number of overall speeches and comments/remarks made throughout the 16 sessions	
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3 Hypothesis: Parliaments with strong mandating rights are less active and demanding during IPC CFSP/CSDP debates.

Variable	Independent Variable	Dependent Variable	Mediator/Intervening Variable
Definition	Having and using strong mandate rights	Active engagement of parliamentary delegations at the IPC CFSP/CSDP. Measured by	
Operationalized Definitions	Right to require Government (ministers/PM) to act by the adopted recommendations	number of: proposals submitted by parliaments, delivered speeches, sent recommendations and policy papers, quantity of remarks and amendments made on proposals, number of overall speeches and comments/remarks made throughout the 16 sessions	

4 Hypothesis: Parliaments, that resort more to the sectoral committees rather than only to the European Affairs committees, tend to be more active and demanding at IPC CFSP/CSDP

Variable	Independent Variable	Dependent Variable	Mediator/Intervening Variable
Definition	Scrutiny of EU affairs in the sectoral committees	Active engagement of parliamentary delegations at the IPC CFSP/CSDP. Measured by	Country and issue specific topics being discussed
Operationalized Definitions	Some parliaments rely on their EACs to scrutinize EU affairs, while others have mainstreamed this activity and rely primarily on their sectoral committees	number of: proposals submitted by parliaments, delivered speeches, sent recommendations and policy papers, quantity of remarks and amendments made on proposals, number of overall speeches and comments/remarks made throughout the 16 sessions	

METHODOLOGY AND RESEARCH DESIGN

Studying interparliamentary conferences is unique and exceptional for every case. IPC on CFSP/CSDP is an area of specific interparliamentary cooperation, where the activity and contribution of national parliaments stems from their domestic parliamentary work and scrutiny mechanisms. Before measuring the activity and contribution of parliamentary delegations through IPC on CFSP/CSDP, initial empirical insights were taken into consideration, since paper investigates the factors of domestic scrutiny, which provides the explanatory reasons regarding the degree of parliamentary activity through the IPC on CFSP/CSDP.

Despite the fact that power distribution does not have the similar layout in respective legislatures, grounding premise underpinning the EU affairs scrutiny is relatively same and stems from the fact that once the EU legislation has been adopted, national parliaments can't make changes anymore. Thus, that grounding principal is, having the domestic scrutiny procedures for parliamentary enhancement and foreign influence.

With the intention of proving these suggested hypothesized relationships and establish the causality, this paper adopts case study research design. Aiming to facilitate the analyses of transcending influence, the domestic parliamentary scrutiny has on the interparliamentary negotiations, study embarked on the most suitable small-N comparative research. It developed along the qualitative comparative analyses of Most Similar Systems (MSS) case study research design. First, I started with tracing the legislative processes of 28 countries' domestic EU affairs scrutiny in detail, after I proceeded with observing and studying all the visual and documental data of 16 sessions of IPC CFSP/CSDP. Finally, I compared their performance by the data collected from IPC sessions. Required data necessary to measure the defined target - Activity, consists of various inter-parliamentary actions implemented through the IPC CFSP/CSDP: Proposals submitted by parliaments, delivered speeches, sent recommendations and policy papers, quantity of remarks and amendments made on proposals, number of overall speeches and comments/remarks made throughout the 16 sessions. Mentioned activities are not counted for the country which holds the EU Council presidency and accordingly is chair of the conference. Data has been retrieved from various sources and databases, as they have been of several types and composition – documental and visual. First major source, the paper used is 'Inter-parliamentary EU information exchange' -IPEX which provides the an online platform for information and document exchange, for overall interparliamentary cooperation, the IPC CFSP/CSDP included. Platform includes all the other information about EU legislature and legislative process. Visual data is retrieved from the official EU presidency informational platforms of respective countries, also from their official public webpages of ministry of foreign affairs. With regard to the dependent variable, empirical analyses are based on OPAL (Observatory for Parliaments after the Lisbon Treaty) dataset. Qualitative content and discourse analyses are used to decipher the comprehensive information and systematize the results.

Limitations of research

RESULTS

After listening and deciphering 16 sessions of IPC sessions, there were some dynamic of the leader countries in parliamentary activity, which also were fully in accordance to the indicators we have in the hypotheses. However group of countries can't be classified and neither distinguished by strong EU Affairs scrutiny traditions and adherence to the traditional mechanisms. For instance countries like Bulgaria, Estonia, Latvia, Slovakia, Croatia, Poland and Czech republic do not represent any traditional, solid and firm scrutiny mechanism, except Czech republic favouring more plenaries compared to others. Neither the analyses of their engagement in IPC gave any promising or compelling features to detect or infer the causal relationships. Their performance was limited to the

maximum 1 speeches through the sessions. Therefore, unfortunately studying their developing structures of domestic scrutiny and IPC performance did not give much of the insights for negotiation strategy of interparliamentary forums.

Finland- starting with pioneer scrutinizer of EU Affairs, Finland is quite effective user of plenary sessions, even though mandating is their secret of success. But when it comes to activity, by any criteria mentioned in the research there is not even mild causality. Finnish delegation have not even delivered opening speech, let alone stating the opinion or make any amendments to the draft resolutions. After the first and second commencements, Finnish delegation adopted the proposal with colleague parliaments (Sweden, Germany) within the workgroup without any amendments or comments.

Germany- another plenary enthusiast, Germany however, gives quite promising results for our hypothesis. Delivering the statement speeches at the opening session and having at least 4 additional speeches, Germany overall have been one of the most active parliaments throughout the 16 sessions. Most active session for bundestag was in Italy 2014, when the major discussion was about Ukrainian crisis and complications with NATO amidst the fast development of PESCO. The least activity with one comment and one amendment, was in Netherlands in 2016 with quite the same working topics. However one very important detail detected has been visible difference in activity between the Bundestag and Bundesrat. Former one was author of most of the activities including the amendments and comments.

Spain – continuing with bicameral parliaments, Spanish institutional and activity coefficient at domestic level by OPAL is not quite encouraging, however Spain's activity at IPC level is one of the highest and even higher than Germany's. However, the activity is not represented in amendments or proposals, but in comments and speeches mostly. In addition to this compared to heavily plenary countries Spain is more of a sectoral one.

Sweden – when we talk about plenary leaders in EU Affairs scrutiny, Germany and Sweden are the leaders. However, Sweden is also the most decentralized into the sectoral committees. With two features developed at a maximum level, Sweden is one of the leader countries of fast and cohesive scrutiny of EU Affairs. During first three sessions Sweden's enthusiasm and excellent work through the workshop groups were obvious, but unfortunately Sweden's activity compared to any other reporting (countries with comments) countries has been diminished, significantly. Limited to maximum 1-2 speeches per session.

Greece – Greece with Netherlands, Germany, Spain and Italy makes the golden five of most active parliamentary delegations at IPC. Greece has one of the smallest OPAL activity coefficients for

domestic scrutiny but inter-parliamentary activity is quite the same as of the domestically active ones. Compared to Sweden it gives us the big contradiction with activity levels distributed other way around. Greece favours plenary sessions out of all scrutiny mechanisms as well, but sectoral committees are not stipulated quite much, which also causes the lack of expertise and knowledge during scrutiny process.

France – having asymmetric bicameral parliamentary system, with separated EAC, France is quite active power during IPC sessions. Being one of the strongest parliament in EU, France has most of the opinions submitted and amendments made, together with Italy and Germany. On a domestic level parliamentary activity is mediocre, although scrutiny focus is EU policies rather than the governmental control. Plenaries are taken place quite often, but not always public. Parliamentary meetings mostly are carried out in closed door before the Council meeting.

Denmark -another strong parliament with strong mandating rights, and high domestic activity rate, but for interparliamentary engagement Denmark as the model country of scrutiny does not qualify any more. It is interesting case because we have mandating, we have strong plenary activity and at the same time generous decentralisation of EAC into the sectoral committees, but compared to other reporting countries, after Finland and Sweden, Denmark is the least active as well.

Netherlands – is the best example of plenary enthusiast and parliaments with strongest sectoral committee engagement. If other parliaments had some dynamics in activity, Netherlands has been stably active parliaments at IPC conference,

Belgium – Belgian case is quite interesting and surprising considering his weak legislature and low domestic activity. Limited scrutiny mechanisms focused not only policy but only government is not quite developing the plenary culture of sectoral decentralization. However, Belgian parliament is quite active not only in comments and speeches but also in amendments as well. However with Hungary together it was the only case where delegates had quite different opinions during some sessions.

Romania -has asymmetric bicameral parliamentary system, with separated EAC and quite strong scrutiny system as well. Parliamentary enhancement is being continued with EU, in this light working through sectoral committees are being developed as well, although lack of interest is coming from them. Plenary sessions are more frequent than sectoral decentralizations, overall parliament with domestic and international activity is developing. Participation in IPC is great example for that, Romania like Poland had approximately 2-3 speeches with comments and remarks, however amendment activities are still low.

Poland – similar to Greece, Poland's domestic parliamentary activity is one of lowest as well, with no sectoral committees involved and plenary only if Sejm decides so for some particular necessities, Unfortunately even *ex post* scrutiny timing is late. However Polish interparliamentary activity is quite

compelling, even though it is not actively amending one, with speeches and comments, Polish parliament has solid representation at every session.

Conclusion

Developed idea in the paper about reverse model of Putnam's two-level game theory, with the suggested hypothesis partially proves to be right. However reverse order of the levels in interparliamentary negotiations is quite obvious, but suggested indicators are not mutually exclusive, as in the case of strong mandating rights even though we have less of the activity detected, it is quite possible to have plenary debates and sectoral decentralization perfectly developed at the same time, as we have in case of Denmark and Sweden. Nevertheless, plenary sessions and sectoral committees definitely proving the high levels of activity, we can see that it is still quite possible even without them. In case of Greece and Spain we have contradictory results were situations developed other way around. Therefore, we can conclude that even though scrutiny mechanisms can be reckoned as domestic constraints for some countries and develop their performance due to the scrutiny strength, other group of countries are missing other policy-based variables were domestic constraints come not from the scrutiny systems, but rather from saliency of issues and policies being discusses. Future researches should invest more in the specific topics and issue based performance of parliamentary delegations.

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