

## Chapter Eight

# The Future of EU Defence and inter-Parliamentary Co-operation

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### **Abstract**

The EU has embarked on new initiatives to achieve closer union in defence policy. This was signalled by the establishment of a Permanent Structure Cooperation (PESCO) in 2018. At the same time the EU institutions are on the cusp of approving the new European Defence Fund (EDF). In the context of the 2016 EU Global Strategy (EUGS), this chapter looks at some aspects of future developments in this field and argues in favour of more parliamentary involvement and oversight by the European Parliament and the national parliaments mindful that – with the exception of a few of them – the latter have not shown a lot of activism. In the context of the EU's norms, the chapter looks at the traditional EU approaches in external relations such as 'civilian power' and 'democracy promotion', and how the parliamentary oversight could ensure that they are preserved in the EU's foreign policy repertoire. Parliaments can also contribute to the clarification of strategic autonomy and the still vague "principled pragmatism" cited in the EUGS.

### **Introduction**

The discussion on the future of the EU's Common Security and Defence Policy (CSDP) is part of the broader issue of European Security and the wider subject of the future of the European Union. The EU's main justification for embarking on further integration in defence is the need of achieving a modicum of strategic autonomy. Strategic autonomy has various possible connotations. Both the European Parliament (EP) and national parliaments (NPs) (collectively referred to as EU Parliaments) have a role to play in scrutinizing the EU's defence policy individually and by engaging in inter-parliamentary cooperation. Decisions in the CFSP-CSDP are taken by EU governments and are meant to be scrutinized by their own national parliaments, but this does not always happen. The level of scrutiny varies across all parliaments for different reasons such as the parliaments' constitutional position, formal and informal power on defence and foreign policy, parliamentary traditions, composition, resources and the readiness of members of parliament (MPs) to involve themselves. In the meantime, the EP has a consultative role in the Common Foreign and Security

Policy (CFSP) and an even more limited role in the CSDP. However, it has a bigger role as co-legislator in several policies of relevance in the broader field of the EU's external relations.

A 2017 European Commission white paper on the Future of European Defence outlines three scenarios. The first proposes enhanced cooperation; the second projects increased shared security and defence; while the third suggests a common defence and security union (European Commission, 2017). The three scenarios imply different levels of pooling of sovereignty and resources. The third is probably the most effective, but requires the deepest political integration.

Public support for a common European defence is high. According to Eurobarometer, “more than three-quarters of Europeans (76%, +1 percentage point since spring 2018 survey) say they are in favour of a common European defence and security policy, while 18% are opposed and 6% (-1% over the previous survey) express no opinion” (Eurobarometer 90: 2019). The same survey shows that among the citizens' main concerns, the “EU's influence in the world” is only seventh at a low 11%; when asked to identify the main positive results of the EU, they rank “political and diplomatic influence in the rest of the world” in sixth place. EU citizens support a common defence but are not so enthusiastic about the EU's influence in the world.

What is unclear is the kind of defence union that European citizens support. This is because the strengthening of the CSDP is still a work-in-progress, and the meaning of “strategic autonomy” is vague. It is not the aim of this chapter to engage in a lengthy discussion of strategic autonomy,<sup>19</sup> but whatever level of autonomy is eventually achieved it will require EU citizens to take on a bigger share of the burden of their own defence. NATO is likely to remain indispensable for Europe's defence for the foreseeable future. The 2016 EU Global Strategy (EUGS) says that “The EU will deepen its partnership with NATO through coordinated defence capability development, parallel and synchronised exercises, and mutually reinforcing actions to build the capacities of our partners...” (p. 37).

There are no prospects that the EU could emerge, or plans to become, a global power like the USA, Russia or China. The treaties do not permit it to acquire nuclear weapons nor to develop autonomously from NATO. The Treaty on European Union (TEU) specifies that the CSDP “shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO)...” (Treaty on European Union, Article 42(2)). The same treaty article says that a common defence policy will be adopted when the European Council, acting unanimously, so decides. In this case, the Member States

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19 Some very pertinent points about strategic autonomy are raised in the paper by Barbara Lippert, Nicolai von Ondarza and Volker Perthes (eds.) (2019).

have to ratify such a decision in accordance with their respective constitutional requirements (Treaty on European Union, Article 42(2)).

In the debate on the future of EU defence, little to no attention has been given to the enhancement of the parliamentary dimension. Can the current structure of inter-parliamentary cooperation and scrutiny of the CFSP/CSDP be improved, and is it necessary to improve it?

Inter-parliamentary scrutiny of defence harks back to the Parliamentary Assembly of the Western European Union (PA-WEU) which was founded in 1954 on the basis of the Modified 1948 Brussels Treaty. In 2008, the PA-WEU became the European Security and Defence Assembly (ESDA), but by 2011 the WEU was wound down and a new inter-parliamentary initiative began under the terms of the Lisbon Treaty (LT). The Conference of Speakers of the European Union (EU) Parliaments, meeting in Brussels on 4–5 April 2011 and in Warsaw on 20–21 April 2012, established an Inter-Parliamentary Conference for the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP) (IPC-CFSP/CSDP). The first meeting of the IPC-CFSP/CSDP took place in Cyprus in 2012 during its presidency of the Council of the EU. Since then, the parliament of the member state holding the presidency of the Council of the EU has led the event. Fifteen IPCs have been held so far; the last one took place in Helsinki in September 2019.

This chapter focuses on three main issues:

1. The scrutiny role of parliaments in the CFSP-CSDP and how this can be improved.
2. New avenues that parliaments can explore in strengthening the legitimacy of EU actions in the CFSP-CSDP.
3. To give new meaning to the traditional concept of ‘civilian power’ in a context of a more defence-minded EU.

## **Turbulent Times**

Turbulence is an eternal condition of world politics, and in this sense our times may not really be different from other times. International developments since the start of the Ukraine crisis have been cited as reasons triggering further integration in defence. This is true but only to a limited extent. EU defence integration has been on the agenda for several decades. The most significant event was doubtlessly the adoption of the EU Global Strategy (EUGS) to replace the 2003 European Security Strategy (ESS). That was followed by the EU-NATO Joint Declaration (NATO, 2016) adopted in Warsaw a few days later in which the two sides pledged to strengthen cooperation. These developments lessened some of the pessimism that had descended on the EU after the UK referendum of 23 June 2016 in which a majority voted for BREXIT.

The leaders of the EU-27 meeting in Bratislava in September to take stock of the situation created by BREXIT, agreed that at the December European Council, they would decide on a concrete implementation plan on security and defence; how to

make better use of the options in the Treaties, especially as regards capabilities; and start implementing the joint declaration with NATO immediately (European Council 2016).

Hot on the heels of the EUGS, in November 2016 the High Representative/Vice President Federica Mogherini launched the Implementation Plan on Security and Defence (IPSD) with three main objectives: to enable the EU to respond to crises, strengthen the capacities of the member states and protect the EU from external threats and actions. A year later, in December 2017, a Permanent Structured Cooperation on Defence (PESCO) was launched by 25 EU member states. This was followed by the adoption of a European Capability Plan, Coordinated Annual Review of Defence (CARD) and the European Defence Fund (EDF), which is still in the process of approval, and the European Defence Industrial Development Programme (EDIDP).

Since the start of the USA presidency of Donald Trump in January 2017, the trans-Atlantic Partnership has gone through trying times. However, this is not the reason why the EU started the process of further enhancing its defence policy, though doubtlessly Trump's tactics gave it impetus.<sup>20</sup> The aim of a common European defence had featured in the Union's foundational treaties since 1993 (26 years before) following the ratification of the Maastricht Treaty.

## **A Historic Glimpse**

The magnitude of the challenge of a common European defence is better appraised by recalling that it has been discussed intermittently for more than 300 years. In 1710, the English Quaker John Bellers had proposed the reorganization of Europe into 100 cantons of equal size with a common European law, and each contributing a thousand men, money or ships of equal value to defend Europe's borders. Three years later, the Abbé de Saint-Pierre proposed a European "Grand Alliance" (1713) which would command a European force to make Europe's borders impervious to external challenges while exercising a hegemonic stability internally to stop any member state of the Alliance from growing at the expense of another by the use of force. In both proposals, intra-European conflicts were to be resolved by diplomacy pursued within a permanent European assembly, while the borders of Europe were to be guarded by a European army.

The contemporary efforts to strengthen European defence are traceable to several developments since the end of the Second World War (WWII). The 1948 Brussels

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<sup>20</sup> President Donald Trump halted negotiations on the Trans-Atlantic Trade and Investment Partnership (TTIP) with the EU, criticised the EU on several occasions, threatened to leave NATO and quarrelled with his European allies by withdrawing from the Iran Nuclear Agreement.

Treaty, the Washington Treaty (1949) and the founding of the Trans-Atlantic Alliance, the launching and failure of the Pleven Plan (1950–54), the establishment of the Western European Union (WEU, 1954) and the Fouchet Plans (1959–62) debacle are the most familiar landmarks. The start of European Political Cooperation (EPC, 1970), later incorporated in the founding treaties by the Single European Act (1987), improved inter-governmental harmonisation in foreign policy among the European Community's (EC) member states, but had a negligible impact on defence cooperation. The Treaty of Maastricht (1993) established the Common Foreign and Security Policy (CFSP) and its component, the European Security and Defence Policy (ESDP), which since the Lisbon Treaty (2009) has become the Common Security and Defence Policy (CSDP).

The emergence of ESDP-CSDP was helped by NATO's 1996 decision to allow the WEU to develop the European Security and Defence Identity (ESDI) permitting the deployment of NATO military assets in EU-led peace-keeping/peace-building missions in line with the Petersberg Tasks<sup>21</sup>, which were originally codified in 1992. The Lisbon Treaty expanded these tasks further.

Several difficulties lie in the way of a common European defence: member states prioritize their own national security, 22 of them are members of NATO while the rest are not. The larger member states have more resources than smaller states and larger states have wider global interests than smaller ones (Thorhallsson and Steinsson, 2017; Handel, 1990; East, 1973). Member states have to invest more, the European arms industry needs restructuring and rationalization, and more synergies are required between national research organizations. Public support is key to the achievement of a more effective defence union. Parliaments and political parties have a role to play in maintaining this support by engaging the public, civil society and the media.

## **The Parliamentary Dimension**

The parliamentary dimension of the CSDP is justifiable because the EU is a community of democratic states with elected parliaments, which since the end of WWII, and to varying degrees, have gradually acquired more power in scrutinizing their respective national executives. Democratic parliaments (as opposed to rubber-

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21 In the original WEU Declaration of 1992, the tasks consisted of humanitarian and rescue tasks; peacekeeping; the tasks of combat forces in crisis management, including peace making. The Lisbon Treaty expanded them to: "joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories" (Treaty on European Union, Article 43).

stamp ones) legitimize decisions. The literature on parliamentary scrutiny is extensive and reference to it is made in this section.

The LT has increased the powers of national parliaments particularly through Protocol 1 on the role of National Parliaments in the European Union, and Protocol 2 on the application of the principles of subsidiarity and proportionality. The IPC-CFSP/CSDP justifies its legality by reference to Protocol 1. National parliaments started meeting in 1989, when the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC) was set up. COSAC received a strong impetus from the Amsterdam Treaty and then from the LT's provisions on national parliaments (COSAC Secretariat, 2012).

The Early Warning Mechanism (EWM) introduced by the LT led to speculation that national parliaments could constitute the third chamber (after Council and the EP) in the EU's legislative process (Cooper, 2011). However, the effectiveness with which the national parliaments exercise these new powers varies considerably across the member states. The CFSP-CSDP proved to be the most difficult to secure inter-parliamentary cooperation and involvement, mostly because of its inter-governmental nature and conflicts between the EP and NPs (Heffler et al., 2015, p. 21). In 2018, the number of national Parliaments not issuing any opinions under Protocol 2 had risen to eight (ten chambers) (European Commission, 2019) showing a degree of laxity in scrutinizing EU affairs.

The party structure and political tradition of parliaments affects the type of scrutiny and control that they exercise on the executive. Holzacker (2008) identifies several modes of parliamentary activism each of which determines the depth and manner of scrutiny or control of the executive: non-party mode where a parliament tries to increase its power vis-à-vis the government, i.e. it defends what it sees as its constitutional powers within a democratic system; cross-party mode where members from various political parties unite to press a government to consider their geographic or sectoral interests usually pursued through informal channels; inter-parliamentary mode in which government and opposition diverge along party lines. Ariella Huff (2015) argues that the "CFSP in general is of relatively low salience across the board, particularly since the advent of the financial and Eurozone crises which have captured so much public and political attention since 2008".

The latest Eurobarometer (2019) data shows that the EU's influence in the world has low saliency among European citizens, though this varies across the member states. This could be a reason why MPs seem so lukewarm, and parliaments so reluctant, to scrutinizing the CFSP. Huff (2015) (see also Fiott, 2019) observes that "unlike scrutiny of EU legislation, oversight of the EU's foreign policy generally remains ad hoc, non-automatic and non-systematic, even in archetypically 'strong' parliaments like the Folketing. In this context, parliamentarians must first choose to make use of their authority and ability; if they remain uninterested in doing so, then scrutiny either does not happen at all (as is typical in the Polish case) or is largely a matter of going



through the motions and rubber-stamping government actions (as in Italy). Thus, the elements of both authority and ability that best indicate strength are those that serve to make scrutiny a systematic, normatively accepted part of everyday parliamentary work.” In short, formal authority matters, but it is useless if the parliamentarians are not able or willing to exercise it. Raising national parliaments’ interest in the CFSP-CSDP is one of the challenges that needs attention to avoid serious cleavages between voters and governments on the CSDP.

### **The European Parliament’s Powers**

Since the 1993 Maastricht Treaty, the EP gradually increased some of its powers and contribution to the CFSP-CSDP and external relations; ranging from parliamentary diplomacy, to trade and climate change (see Stavridis and Irrera, 2015). The founding treaties (TEU and TFEU), as established by the LT, are the source of the EP’s powers. Article 36 (TEU) obliges the High Representative of the Union for Foreign Affairs and Security Policy (HR) to regularly consult the EP on the main aspects and the basic choices of the CFSP/CSDP, and to inform it on how those policies evolve. The HR must ensure that the views of the EP are taken into account. The Parliament can also make recommendations to the HR, and twice a year it holds a debate on progress in implementing the CFSP/CSDP. In addition, as a result of inter-institutional agreements, the parliament participates in Joint Consultation Meetings (JCMs) to exchange information with the Council, the European External Action Service (EEAS) and the Commission. Outside the EU it participates in the NATO Parliamentary Assembly. Its consent is required in enlargement or when a country decides to leave the Union, as well as in the ratification of international agreements and the right to be consulted on CFSP/CSDP agreements (TEU, Publications Office of the EU, 2016; Turunen, 2019).

The European Parliament has about 44 delegations for relations with non-member countries’ parliaments. It sends delegations to five regional parliamentary assemblies (e.g. NATO-PA, Union for the Mediterranean Parliamentary Assembly, etc.) and has several joint parliamentary committees involving third states and regions. This constitutes the main thrust of the Parliament’s diplomacy. The most important EP committee is the powerful Foreign Affairs Committee (AFET) and its sub-committees covering Human Rights (DROI) and Security and Defence (SEDE). Then there are the committees which respectively cover International Trade (INTA) and Development (DEVE). Further integration in defence policy has involved, and is likely to involve several other committees, such as the one covering Industry, Research and Energy (ITRE) which in 2018 together with AFET and SEDE, reviewed the proposed Commission Regulation for the establishment of the European Defence Industrial Development Programme (EDIDP).

In theory and within certain limitations, the EP can wield its budgetary powers to have a bigger say in other aspects of defence policy as it did in the case of the

setting up of the EEAS in 2010 but this tactic has several limitations and cannot be used frequently. Moreover, considering several policy areas hitherto considered to lie outside the purview of external relations overlap with, the parliament's influence is most likely to increase particularly since the EUGS advocates a broad comprehensive and integrated approach to crises management that involves several EU policies. In its December 2018 report and resolution on the CFSP, the EP supported the main thrusts of the EUGS and the developments which have occurred so far in the defence sector. However, the parliament also stressed that further integration in defence must be accompanied by increased parliamentary control. The meaning of "control" also raises several arguments and needs further clarification.

### **National Parliaments**

At the first IPC-CFSP/CSDP in Cyprus, Elmar Brok (2012), Chairman of AFET proposed the following objectives for EP-national parliaments' cooperation: (a) to deepen cooperation and make the parliaments' voice count on key foreign policy challenges; (b) to scrutinize better the decisions made by executives, and thereby provide parliamentary legitimacy in the area of CFSP and CSDP; (c) to promote a more strategic approach to foreign policy priorities; (d) to monitor and ensure that these policies include specific support to countries in democratic transition, and in particular in the southern neighbourhood; (e) and, finally, to address the problems which result from declining defence capabilities and promote the development of new civilian capacities for the CSDP. In the final statement the IPC-CFSP/CSDP resolved "to enhance the democratic engagement in the Union's CFSP and CSDP by promoting a more systematic, regular and timely exchange of information on the different aspects and implications of the CFSP and CSDP, at national and European level and to (use the parliamentary dialogue) to address the decision-making, capacity-building and operational weaknesses of the CFSP and CSDP, so as to make it more effective and efficient in addressing our common challenges and pursuing our common goals" (Paphos, 2012). This approach can be implemented, but successful implementation depends on the resources and willingness to engage in each of the national parliaments. There is no question that the EP is already engaged up to the powers granted to it by the LT. There is also little to disagree with the point which is often stressed (see for example Fiott, 2019) that effective parliamentary scrutiny of the CSDP requires EP-national parliamentary cooperation.

Some national parliaments have the means to be effective scrutinizers others do not. For example, in the setting up of the European Defence Fund (EDF), a work which is still in progress, the deadline for the submission of reasoned opinions on grounds of subsidiarity was 24 September 2018, but none were submitted (EPRS, 2019). Seven-member state parliaments have completed the scrutiny, nine are in the



process of doing so, and 12 have provided no information<sup>22</sup>. In a resolution on the implementation of a Union Common Position on arms exports, the EP laments that, “that not all EU national parliaments scrutinise governmental licensing decisions by, inter alia, producing annual arms exports reports, and, in this regard, calls for a general increase in parliamentary and public oversight...”. The resolution urges national parliaments to do more (European Parliament, 2018).

### **Taking Parliamentary Oversight Further**

In a report on the scrutiny of the EDF by the EP and national parliaments, Daniel Fiott (2019) made several observations: (a) that the EP and national parliaments should seek clarification about their role in the evaluation of the EDF; (b) that there are limits to present inter-parliamentary cooperation to enable parliaments to scrutinize the EDF properly; (c) that without a concentration of parliamentary expertise, the EP could find it challenging to continuously and effectively monitor and scrutinise developments under the Fund; (d) the EP and national parliaments need to move from a focus on levelling information asymmetries to thinking more strategically about what defence capabilities the EU will need in the future. An in-depth study or debate on the future of defence technologies and EU security and defence should initiate a longer reflection process on the EDF in the European Parliament. There is little point to argue with these points because they are reasonable and reflect realities on the ground.

Fiott (2019) makes a number of recommendations on the parliamentary scrutiny of the EDF. The first is that the “Structured scrutiny of the EDF by the EP and national parliaments’ involvement in the EDF evaluation phase could allow the Parliament to make suggestions for future work programmes as well as ensure that the Fund is meeting its stated objectives”. Secondly, “the EP and national parliaments should engage in a more strategic understanding of the EDF, especially with regard to how the Fund relates to other initiatives such as PESCO and national defence priorities....”, adding that “COSAC and CFSP-IPC formats, while useful for formal exchanges between parliamentarians, have not been optimised for specifically scrutinising the Fund or building an inter-parliamentary consensus on EU defence research and defence capability prioritisation”. He also recommends that the EP should strengthen its skills’ base to be in a position to properly scrutinize the technicalities of EDF.

Parallel arguments could be applied to the whole of EU defence policy. Inter-parliamentary co-operation, both among national parliaments and between national parliaments and the EP, has increased progressively in the last decade. The EP and national Parliaments exchange information, best practice and national

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22 Visit also the IPEX web-page available at: <http://www.ipex.eu/IPEXL-WEB/dossier/document/COM20180476.do> (Accessed: 21 July 2019).

parliamentarians visit the EP often to attend EP parliamentary committee meetings. But as is argued in this chapter, parliaments need to develop their own internal structures to scrutinize better the EU defence policy and the level of analysis needs to be deepened. Parliaments have achieved different levels of oversight capabilities and small parliaments tend to struggle in commanding sufficient resources, information and expertise, but in cooperation with the EP and other national parliaments (through COSAC and the IPEX network, as well as bilateral contacts) they can address some of the more serious gaps. The EP has more expertise and resources than the national parliaments to oversee the CSDP, but national parliaments can supply useful knowledge from their respective domestic political contexts.

National parliaments have increasingly become more involved in external relations and defence. The effects of globalisation have almost obliterated the thicker lines that once divided domestic from international policies. Immigration, the environment, human rights, climate change, trade, terrorism, pandemics, and energy are not easy to assign to the traditional spheres “internal” or “external”. Conflict in faraway regions attract less domestic interest than the ones closer to Europe which have a spill-over potential. But trade and environment agreements can lead to winners and losers at the national level, a re-distributional effect that directly impacts voters – leading to public responses. External policies have a direct bearing on the lives of citizens and national MPs frequently become immersed in external policy issues for this reason. Sub-national parliaments can at times also play a significant role in the ratification of international agreements: the EU-Canada Agreement (CETA) almost collapsed under the weight of opposition from Belgian regional parliaments which precluded Belgium from ratifying it. However, more tellingly, for more than a decade, around 76% of EU citizens have supported the development of the CSDP. This provides the strongest reason why national parliaments need to strengthen their contribution to the discussion that is taking place at EU level.

### **Civilian Power Europe**

As the EU busies itself with the task of strengthening the CSDP, there is a tendency to dwell too narrowly on the technicalities and to leave aside some important characteristics of the EU external relations such as ‘civilian power’, the promotion of democracy, human rights and the rule of law. As has been discussed earlier, the aim of developing the CSDP and to strengthen its strategic autonomy is to achieve the Union’s interests and norms as enshrined in the treaties, the Charter of Fundamental Rights, and the myriad of resolutions and stands taken by the EU institutions. The fact that the LT and the EUGS refer to interests and norms, entails that the EU needs to find a balance between the two in its external policy. The use of military force has never been a prime instrument in the Union’s foreign policy and will not be the only asset at the EU’s disposal in the event that it achieves a stronger common defence union. After all, the EUGS refers to a comprehensive and integrated approach,

including civilian means, in confronting international crises. One of the tasks of national parliaments and the EP's inter-parliamentary cooperation could be that of ensuring that the EU maintains its civilian power characteristic, redefined in response to the exigencies of our times.

'Civilian power' was developed by François Duchêne who implied that the European Community, being short on military power, could nevertheless influence international relations by 'civilian means' such as trade and non-military policies due to the growing interdependencies among states and the near improbability of war because of the nuclear stalemate. Subsequently, as the EU developed into a world trading power (but remained a 'political pygmy'), and particularly after the collapse of the Soviet Union in the early 1990s, the 'civilian power' approach gained more saliency.

In 2001, when reacting to the arguments by Karen E. Smith (2000) that a militarily stronger EU undermines the concept of civilian power, Stelios Stavridis drew attention to the dual characteristics of Duchêne's definition of 'civilian power', namely "a civilian group long on economic power and relatively short on armed forces" and "a force for the international diffusion of civilian and democratic standards" (2001, p. 44). Stavridis argues that civilian power means nothing if it refers only to non-military means. It is the way in which military power is used that determines whether the EU is a 'civilian power'. For Stavridis, "The second dimension or normative side of Duchêne's definition, that is, the promotion of civilian values, is as, if not more, important than the first" (2001, p. 48). He cautions that civilian power should not be equated with pacifism. A 'civilian power' by choice or design considers military means to be at one end of a long spectrum of possible actions which include trade and the use of economic sanctions at the opposite end. "Sanctions should be seen not only as an alternative to military action, but also as a first step towards the extreme – but still available and possible – case of using force. In other words, the possession of military capabilities is necessary because it allows for the possibility of using them, thereby adding to the credibility of an international actor" (Stavridis, 2001, p. 50).

The EUGS parts company with a narrow definition of 'civilian power', claiming that "In this fragile world, soft power is not enough: (the EU) must enhance (its) credibility in security and defence" (p. 44). The EUGS then goes on to propose civilian and military measures, applied separately or in tandem, to confront international crises, safeguard EU interests and promote its norms. Since it is mostly governments who decide in the CSDP, inter-parliamentary cooperation has a difficult task to perform in scrutinizing decisions and to monitor that a balance between norms and interests is being reached, following the concept of "principled pragmatism" proposed by the EUGS.

## **Democracy Promotion**

The EU has been influenced by democratic peace theory, signifying that generally democracies are less likely to go to war. The EUGS does not turn this objective on its head, but draws attention to the fact that not all the states of the world believe in democratic peace. President Putin's statement to the Financial Times of London that liberalism is obsolete (June 2019) surprised no one, but his world view is contrary to the EU's. Democracy promotion is not always possible to achieve and is often seen as intrusive by many countries. It is not a panacea, and in some regions military deployments are needed to disarm armed groups, separate warring factions, defend civilians from aggression or simply maintain the balance of power. Military power is needed to defend Europe's borders, and though this is still NATO domain, Europeans are under growing pressure to shoulder more of the costs of their own defence.

Democratic peace theory harks back to Immanuel Kant's famous essay "Perpetual Peace", which for centuries laid dormant in the debate on international relations until it was resurrected by Michael Doyle in the 1980s (2006; 2012, pp.68 ff.). It was strengthened by what turned out to be overoptimistic conclusions in the 1990s, such as those of Francis Fukuyama and his "end of history". The sentinelling role of parliaments is central to this theory as they are the institutions by which citizens can exercise restraints on government. Parliaments are the conduit through which citizens' opposition to the use of force in particular situations and contexts is conveyed to national governments who then are supposed to adapt their actions accordingly. The spread of democracy globally is no guarantee of long-term stability and is not the sole aim of the CFSP-CSDP; it is another restraining force in an anarchical world because only in democracies do citizens stand a better chance of stopping and reversing failing policies or decisions which are detrimental to their well-being.

EU parliaments and the EP can use their international links and parliamentary diplomacy to help the EU pursue its policies on strengthening democracy globally. According to the EUGS "Peace and security, prosperity, democracy and a rule-based global order are the vital interests underpinning our external action" (p. 13). Further on, the Strategy adds that "It is in the interests of our citizens to invest in the resilience of states and societies to the east stretching into Central Asia, and south down to Central Africa. A resilient society featuring democracy, trust in institutions, and sustainable development lies at the heart of a resilient state" (p. 23). Parliaments have a role in defining resilience and the policy tools to implement it.

## **Promotion of EU 'values' or Norms**

The EUGS respects the values inscribed in the EU founding treaties (Article 2, TEU, Publications Office of the EU, 2016) and the Charter of Fundamental Rights. 'European values' or 'our values' are often mentioned in public pronouncements (European Council, 2017). Charles Grant, the first Director of the Centre for European Reform (CER), prefers 'European' to 'universal' values for three distinguishing factors: they

are more social, more secular and more liberal (2007). In Article 3 (5) TEU we find that “In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter” (Publications Office of the EU, 2016, p. 17).

Since 1995, the EU has inserted essential element clauses in association and cooperation agreements concluded with third countries (the first such clause was actually inserted in Lomé IV in 1989). These clauses make the respect for human rights and democratic principles the cornerstone of the agreements. The essential clause provides a legal basis for positive EU engagement and dialogue with its partners. The clause also empowers each side to impose restrictive measures or limit trade, suspend the whole or part of the agreement, in the case of extreme human rights violations. The EU can adopt sanctions autonomously or in response to UN decisions. In addition, guidelines for the adoption of sanctions first launched in 2004 were revised in 2018 (Council of the EU, 2018). The EU also publishes a list of sanctions being implemented at any given time.<sup>23</sup>

The essential clauses give the EU the possibility of engaging its partners in a constructive dialogue on human rights and the rule of law, but it has been extremely reluctant to impose trade restrictions on countries which have not made real progress towards achieving these goals. This reluctance has been noted by all its trading partners thus diminishing the clauses’ effectiveness.

The U.S. and Canada have started including human rights clauses in their trade agreements with third countries, but unlike the EU, they have tended to restrict them to a narrower range of rights of direct relevance to the operation of the agreements such as labour rights, transparency, due process and anti-corruption (Zamfir, 2019). While the UN and its agencies have linked each of the 17 Sustainable Development Goals (SDGs) with the achievement of several human and civil rights found in a plethora of international charters (UN, 2019), many countries consider the EU’s policy as politically intrusive or a protectionist trade measure. The EU encounters difficulties when trying to employ trade as a foreign policy tool. It increases dissonance among the member states (e.g. Russian sanctions in the Ukraine crisis have divided the member states) and the EU’s interests are hurt. The EU has been reluctant to punish states which cooperate with it in the security field, such as the war on terrorism.

The EUGS takes a more realistic view by stressing long-term engagement in strengthening human rights protection. This has been the Council’s constant refrain when EP members (MEPs) criticise the EU for concluding trade and fishing

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23 Sanctions map available at: <https://www.sanctionsmap.eu/#/main> (Accessed: 9 July 2019).

agreements with certain countries. According to the EUGS, trade is still relevant to underpin “sustainable development, human rights protection and rules-based governance” (pp. 26–27) and “trade and development – working in synergy – can underpin long-term peacebuilding” (pp. 31–32). But it also stresses other aspects of soft power and civilian means apart from human rights promotion, which in the long-term could also help strengthen fragile states, hopefully paving the way toward improving human rights protection and the rule of law in those countries.

The European Parliament has been scrutinizing the EU’s Human Rights policies in third countries while most national parliaments are scrutinizing their own governments’ performance on human rights. Inter-parliamentary co-operation on this aspect of external relations is crucial.

### **Principled Pragmatism**

Clearly, the EUGS does not favour a ‘civilian power’ approach that rejects the use of military force and instead proposes the use of an array of civilian and military tools, applied separately or in tandem to confront international crises, an integrated approach, according to the situation. Currently there are 16 CSDP military and civilian missions in three continents.<sup>24</sup> The EUGS stresses that action must be guided, by a still undefined “principled pragmatism” (pp. 8, 16). This can mean that when it lies in its interests, the EU may waive aside the primacy of values, though only reluctantly, to achieve a higher pragmatic goal. It is meant to stop criticism of double standards but it may still fail to achieve this purpose.

“Principled pragmatism” appears to free the EU from the contradictions, constrictions and embarrassment, of putting human rights at the top of its objectives, only to backtrack from them for economic or strategic gains. Such ambivalence exposes the Union to international criticism. However, situations arise in which advancing the cause of human rights cannot be pursued further because it imposes disproportionate costs on the EU and prevents it from influencing change in the longer term. Political decisions have often had to settle for the second best. This leads to the conclusion that it is not always possible to reconcile idealism and pragmatism, particularly in a world of competing powers which are unconstrained by normative frameworks. The problem for the EU is where to draw the fine line between the two extremes.

The concept of “principled pragmatism” signals that for the first time the EU is not claiming to be a “disinterested” or “altruistic” power on a mission to change the world, and that apart from values it also has interests and needs to find a balance between the two. Nathalie Tocci (2016, p. 6) gave this meaning to “principled pragmatism”:

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<sup>24</sup> See list available at: [https://eeas.europa.eu/topics/military-and-civilian-missions-and-operations/430/military-and-civilian-missions-and-operations\\_en](https://eeas.europa.eu/topics/military-and-civilian-missions-and-operations/430/military-and-civilian-missions-and-operations_en) (Accessed: 20 July 2019)



“(it) seeks to move the debate away from false dichotomies and well-known hypocrisies: be it the sterile debate on ‘interests versus values’, or on interventionism versus retrenchment’. The point it tries to make is that we should observe the world (and ourselves) as it is, not as we would like to see it. We must be more modest at times in what we believe we can achieve and what we cannot. But modesty should not translate into closure or passivity. We must engage the world and do so responsibly, but without the illusion that we can unilaterally bring peace, security, democracy or prosperity to the world. Not only is this an illusion, it is also a dangerous one.”

The clarification and application of “principled pragmatism”, is an area in which both the EP and national parliaments need to engage to clarify its meaning and policy implications, and ensure transparency (as opposed to opaqueness) which a majority of EU citizens expect.

## **Conclusion**

The parliamentary dimension of the EU defence policy has advanced since Maastricht but there is still a lot of work to be done. As we look toward the future of the EU and of the EU’s defence, we notice a number of issues that have to be attended to. National parliaments and the EP have an important role to play in all this and they have already made the first important step by establishing an IPC-CFSP-CSDP, the successor of the PA-WEU. Parliaments still need to strengthen their inter-parliamentary cooperation to scrutinize the EU institutions and member state governments, exchange information, build up resources and expertise and exchange best practices. Since the establishment of the IPC-CFSP/CSDP in 2012 they have accumulated knowledge, experience and increased their activism. It is clear that the task of creating a European defence union, at whatever level it is pitched and eventually realized, requires closer cooperation between the EP and national parliaments. They need to strengthen their capacity to deal with the legislative changes, the implications of EU policy and technical details that are necessary to ensure proper scrutiny.

Parliaments can play a significant role by pursuing parliamentary diplomacy, particularly in the EU’s immediate neighbourhood, to strengthen mutual confidence between the EU and its neighbours. This has not been treated at length in this chapter, but both the EP and national parliaments are already engaged in this form of diplomacy, some more than others, and can thus strengthen their role in the EU’s external policies and in developing its defence structures.

The EP and national parliaments need to better articulate the role they wish to play in future defence integration, and where they actually fit in the integrated approach or whole-of-government approach (WGA) to international crises proposed in the

EUGS: the EP in relation to EU policies, and national parliaments with respect to national policies. Both can play an important role.

The project of a European Defence union is not a technocratic project, though in many aspects it is highly technical. National parliaments are the link between the inter-governmental Council where the decisions are taken and the people, particularly those who disagree or have a different outlook on developments. Opposition parties out of government and unrepresented in Council, convey their views through national parliaments. Furthermore, parliaments legitimize decisions and mobilise public opinion, but they need to strengthen their power and use it.

The EUGS recognises that in the future, the EU will need to compete with stronger rivals in the global arena while its own relative importance is declining. It will have to use soft and hard power to safeguard its interests and secure itself. The Strategy favours multilateralism, regional cooperative regimes, dialogue and interdependencies. A stronger defence policy, or union, need not force the EU to renounce its 'civilian power' approach, its values or 'democratic peace'. It needs to look at them from a different perspective, that takes account of several facts: that a 'civilian power' is ineffective without military assets to deploy; that the promotion of values cannot be abandoned just because other powers disagree with them; that it is not true that democratic peace is worthless because what really counts is military power. Parliaments and inter-parliamentary cooperation can clarify these issues and open new policy horizons.

There are undefined concepts in this debate: "strategic autonomy" and "principled pragmatism"; the separation of trade and norms; relations with NATO and the trans-Atlantic relations; the future of the global institutions and the liberal order. Parliaments can lead the search for meaning. National parliaments can act as bridges between the several demoi and the EU institutions. The EUGS is to be updated and revised from time to time, and the EP is one of the institutions which will be consulted. There is also a need for national parliaments to make their views heard.

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