

# Working Paper

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## The Role of EU National Parliaments in Defence Affairs

A Comparison of Decision-Making Powers  
across Europe concerning International Troop  
Deployments and Procurement Processes

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# Introduction

There is one important reason to take a deeper look into the role of parliaments as a factor in defence cooperation. National parliaments provide the legitimacy to governments' decisions: While the government may sign MoUs to deepen defence cooperation, it is parliament that legitimizes and allocates money to the government's actions. Therefore, it is important that parliaments can assess the political and military implications of deepened defence cooperation, and are involved over the whole defence planning process.

Though defence cooperation has traditionally been treated as the domain of the executive, it has a serious parliamentary dimension. National committees on defence or foreign affairs or the parliament as a whole can be key decision makers in two areas: In decisions to use force and in decisions on defence procurements. Both seriously affect defence cooperation: First, parliaments affect the reliability of multinational forces and capabilities if or as far as they can decide on the national elements in it. Second, common equipment is said to play a crucial role for deepening defence cooperation.

Therefore, debates like the German one on the potential reform of the parliamentary decision making process are ill-informed if they remain focused only on their own contribution but do not take into account those they decide along with: the other national parliaments of EU and NATO partners. Defence cooperation hence depends on the compatibility and synchronisation of national parliaments, in terms of processes and authorities.

Thus, deepening defence cooperation among European states demands a re-evaluation of parliamentary prerogatives and their compatibility. It also requires synchronisation among European partners to be able to secure the parliament's powers on the one hand, and increase reliability for EU and NATO partners on the other.

Hence, to evaluate the contribution of national parliaments and potential ways to improve this, the answer to two questions is needed: 1) How do European countries handle the role of parliament in defence related issues? This implies the role of parliaments in decision-making on the use of force but also their role in defence procurement processes. 2) What are the implications for P&S?

Whereas the role of national parliaments in decisions on international operations has been analysed<sup>1</sup>, the role of parliaments in procurement processes has to date not been explored in detail.<sup>2</sup> Particularly in the context of the P&S debate, the role national parliaments play has not been thoroughly discussed.<sup>3</sup> A few comparative analyses on parliamentary oversight powers over troop deployments were published in recent years. Particularly the Geneva Centre for the Democratic Control of Armed Forces has published analyses with a clear typology of how to assess the strengths and weaknesses of parliamentary powers, thus allowing for a structured comparison.<sup>4</sup> However, the analysis is based on very broad terms, e.g. only focusing on whether decisions on troop deployment are taken ex ante or ex post.<sup>5</sup> The results of such analyses neglect the nuances in parliamentary oversight powers. Moreover, they fall short of delivering a thorough picture of parliamentary oversight on security and defence related issues, because oversight of defence procurement projects is not taken into account.

The following analysis of parliamentary powers in Europe is based on answers provided by official representatives of European states<sup>6</sup>. Two questionnaires (cf.

<sup>1</sup> Cf. Hans Born et al. *Parliamentary Oversight of Civilian and Military ESDP Missions: The European and National Levels*, EU: DG External Policies of the Union, Brussels October 2007; Dirk Peters, Wolfgang Wagner & Cosima Glahn (2014): Parliamentary Control of CSDP: the Case of the EU's fight against piracy off the Somali coast, *European Security*, p. 1-19.

<sup>2</sup> The DCAF published an overview of the role of parliament in defence procurement processes: *Parliament's Role in Defence Procurement*, Geneva Centre for the Democratic Control of Armed Forces (DCAF) Backgrounder, Geneva September 2006. A more detailed analysis is offered in: Willem F. van Eekelen (2013). *The Parliamentary Dimension of Defence Procurement: Policy, Requirements, Production, Cooperation and Acquisition*, Revised Edition, DCAF.

<sup>3</sup> For an input on the role of parliaments in the P&S debate, see: Margriet Drent (March 2014). Sovereignty, parliamentary involvement and European defence cooperation, *Clingendael Report*.

<sup>4</sup> Cf. Sandra Dietrich, Hartwig Hummel & Stefan Marschall (2008). Strengthening Parliamentary "War Powers" in Europe: Lessons from 25 National Parliaments, DCAF Occasional Paper No. 27; Sandra Dietrich, Hartwig Hummel & Stefan Marschall (2010). *Parliamentary War Powers: A Survey of 25 European Parliaments*. DCAF Occasional Paper No. 21.

<sup>5</sup> Cf. Dirk Peters & Wolfgang Wagner (2012). Zwischen Effizienz und Legitimität: Parlamentarische Kontrolle von Militäreinsätzen im weltweiten Vergleich, *Die Friedens-Warte: Journal of International Peace and Organisation*, Vol. 87(2-3).

<sup>6</sup> Norway was included in the analysis. No answers to the questionnaires were provided by Luxembourg and Malta. Information on Luxembourg was obtained from: Nicolai von

Annex) were distributed to national representatives in the NATO parliamentary assembly, as well as to representatives at national embassies.<sup>7</sup>

## The Role of National Parliaments in Defence Affairs

While Member States of EU and NATO all share the basic elements of a representative democracy, there are well known differences. For example, the French presidential system gives superior decision-making power to the president, while the German system seriously depends on the consensus within the parliament. The power national parliaments can exert is shaped by the domestic political and societal system, its balance of powers vis-à-vis other decision making bodies.

However, changes in roles and procedures can be prompted from the outside: The change in the international security environment in the 1990s led to a reform in internal decision-making processes regarding the deployment of Armed Forces in many European states – particularly in Central and Eastern Europe.<sup>8</sup> Though the recent decisions by the French President and British Prime Minister to consult their parliaments in the Syrian crisis could suggest that parliamentary prerogatives in foreign and defence policy matters are gaining new momentum<sup>9</sup>, no general trend towards an increase in parliamentary approval since 1989 in European states can be observed.<sup>10</sup> Instead, an increased differentiation of rights of parliaments has occurred: European States increasingly have nuanced parliamentary participation rights.

Ondarza (2012). Legitimatoren ohne Einfluss? Nationale Parlamente in Entscheidungsprozessen zu militärischen EU- und VN-Operationen im Vergleich. Baden-Baden, Nomos.

<sup>7</sup> Answers to the questionnaire are noted down with three symbols. ✓=yes, X=no, !=n.a.

<sup>8</sup> See also Dirk Peters & Wolfgang Wagner (2012). Zwischen Effizienz und Legitimität: Parlamentarische Kontrolle von Militäreinsätzen im weltweiten Vergleich, *Die Friedens-Warte: Journal of International Peace and Organisation*, Vol. 87(2-3), p. 69-87.

<sup>9</sup> Cf. Fabio Longo (January 2014), When Parliaments do not wage war: Military operations abroad and constitutional frameworks, *ISPI Analysis*, no. 227.

<sup>10</sup> Dirk Peters & Wolfgang Wagner (2012). Zwischen Effizienz und Legitimität: Parlamentarische Kontrolle von Militäreinsätzen im weltweiten Vergleich, *Die Friedens-Warte: Journal of International Peace and Organisation*, Vol. 87(2-3), p. 71.

The areas where parliaments can influence decision-making in foreign and defence policy matters can broadly be divided along three categories<sup>11</sup>:

1. Basic budgetary powers,
2. Right to information,
3. Veto powers (before or after) and the power to determine details of an operation/ procurement process.

The first two rights are basic rights of a parliament, enabling it to fulfil its control and oversight function. The latter one is a direct, strong decision-making power. In some countries, parliament has to authorise and approve all troop deployments. This may be needed either before or after the deployment of troops. Hence, a distinction can be made according to the stage when parliament authorises an operation, either before or afterwards; and according to what kind of mission or procurement requires a decision by parliament.

### Role of Parliaments: International Troop Deployment

As previously mentioned, the role of parliaments in decisions on multilateral troop deployment can be divided into three powers: budgetary rights, right to information, and the right to co-decision with veto powers. While most European parliaments have basic control mechanisms at hand to oversee the engagement of their national armed forces in multilateral operations, they have only limited powers to determine the parameters under which they are deployed.

**Table 1: Power of parliaments in decisions on military operations**

Formal Powers	Implementation
Budgetary rights	Using the right to determine the defence budget
Information rights	Right to be informed by government about ongoing/planned operations
Veto power & right to determine the details of an operation	Power to veto a government's decision on the deployment of troops, before or after government has taken the decision Right to determine the number of troops that are deployed, the time frame, and the equipment used

<sup>11</sup> The categorisation is based on the typology of the Geneva Centre for the Democratic Control of Armed Forces (DCAF) cf. DCAF (10/2006): *Sending Troops Abroad*, DCAF Backgrounder, p. 2-3.

## Budgetary Rights

A majority in the EU enjoys only weak budgetary rights. The right to determine and control the budget is one of the basic control functions a parliament has in foreign and security policy matters. In general, every national parliament has budgetary rights. However, there are differences regarding the degree of control of financing military operations. National parliaments have a key role in financing international military operations, since EU and NATO operations are primarily funded through the Member States and not through a common budget.<sup>12</sup>

Therefore, the budgetary powers national parliaments have are highly relevant.<sup>13</sup> A national parliament is said to have strong budgetary powers if it can pass a *detailed* budget, i.e. determine the budget for single items, and if it has to be consulted in case of changes to the budget. In contrast, a national parliament has low budgetary power if it only decides upon the defence budget as part of the general budget and cannot determine the budget for single items in the defence budget.

Following this classification, only ten European parliaments can determine the budget of an operation separately, meaning separate to the annual defence budget, and thus have strong budgetary powers with regard to international troop deployments.

<sup>12</sup> The European Parliament determines the funding of civil operations but is not consulted on military operations. The financing of military operations is not controlled by the EP. The EU differentiates between “individual” costs and “common” costs: All costs that are not defined as common (such as personnel, logistics, equipment) are covered by EU Member States; only costs incurred by a common administration, headquarter, communication or the use of NATO structures, are carried by all Member States. The EU has developed a financing mechanism, known as ‘Athena’, specifically for military CSDP missions; this body operates separately from CSDP bodies. Hence, the decision as well as the control of the budget for military CSDP operations is taken by the Athena special committee (see also Nicolai von Ondarza: (2012). *Legitimatoren ohne Einfluss?*, Nationale Parlamente in Entscheidungsprozessen zu militärischen EU- und VN-Operationen im Vergleich. Baden-Baden, Nomos, p.136-137).

<sup>13</sup> Nicolai von Ondarza (2012). *Legitimatoren ohne Einfluss?*, Nationale Parlamente in Entscheidungsprozessen zu militärischen EU- und VN-Operationen im Vergleich. Baden-Baden, Nomos, p. 54.

**Table 2: Extract Answers to Questionnaire – Budgetary Powers, Troop Deployment**

Does your parliament...	UK	Sweden	Spain	Slovenia	Slovakia	Romania	Portugal	Poland	Norway	Netherlands	Malta	Luxembourg	Ireland	Latvia	Lithuania	Hungary	Greece	France	Finland	Estonia	Germany	Denmark	Czech Rep.	Cyprus	Croatia	Bulgaria	Belgium	Austria
5. ...approve the budget of the mission?	✗	✓	✓	✓	✓	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗

### Information Rights

Regarding the right to information, two aspects are important in the context of multilateral military operations: the timing and the scope of information passed on. A national parliament has strong powers, if it is informed at an early stage, has access to detailed information of an operation and is continuously informed during the planning phase of an operation.

Generally speaking, all parliaments in European states have basic information rights. Yet, in Poland,

France and Portugal for example, the parliaments formally do not have any right to obtain information regarding a planned international troop deployment *beforehand*. In other states, the whole parliament or separate committees (foreign or defence) are consulted on planned military operations. The latter is the case in Germany, the Netherlands, Finland, Austria and the UK.

**Table 3: Extract Answers to Questionnaire - Information on Troop Deployment**

Does your parliament...	UK	Sweden	Spain	Slovenia	Slovakia	Romania	Portugal	Poland	Norway	Netherlands	Malta	Luxembourg	Ireland	Latvia	Lithuania	Hungary	Greece	France	Finland	Estonia	Germany	Denmark	Czech Rep.	Cyprus	Croatia	Bulgaria	Belgium	Austria
1. ...have information rights on the deployment of troops abroad?	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2. ...debate or is it consulted on the deployment of troops abroad?	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
11. ...visit troops deployed abroad?	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

### Veto powers and ability to determine details of an operation

National parliaments have different instruments at hand by which they can exert control over decisions on troop deployments. However, there are differences with regard to the scope and the legal obligation of governments to follow the decision of a national parliament, i.e. whether a parliamentary vote on troop deployment is binding to the government or not. The strongest instrument of parliamentary oversight is the ability to co-decide on the terms of an international engagement, i.e. to determine the details of an operation.<sup>14</sup>

In this context, the timing is important, i.e. whether parliamentary approval is necessary before or after troops have been deployed abroad: Once troops have

been deployed, it becomes difficult for parliament to undo a government's decision, because a withdrawal of troops could jeopardize an ongoing operation. Therefore, it is generally preferable to ask for parliamentary approval before the fact.<sup>15</sup> Moreover, the scope is important, i.e. whether or not a parliament has the ability to decide upon operational details such as the duration of an operation, how many troops are to be sent and the rules of engagement.<sup>16</sup> Hence, several factors are relevant to be able to assess the powers of a parliament: a) whether it has to be consulted, b) whether its decision is legally binding to the government, c) the time of its decision, and d) the scope of its co-decision powers.

Across Europe, parliamentary approval is needed in 17 countries. Parliaments in 13 countries take the

<sup>14</sup> Hans Born & Heiner Hänggi. *The use of force under international auspices: Strengthening parliamentary accountability*. DCAF Policy Paper No. 7, Geneva August 2005, p. 3-11.

<sup>15</sup> Geneva Centre for the Democratic Control of Armed Forces (10/2006), *Sending Troops Abroad*, DCAF Backgrounder, p. 2

<sup>16</sup> Such decisions are usually taken in close coordination and consultation with professional military personnel.

decision on international troop deployment, meaning their decision is binding to the government, and 13 parliaments approve a mission beforehand - though they do not necessarily coincide with the 13 parliaments that take the decision. Nine countries both

approve the deployment a priori and take the decision to send troops abroad. In contrast, the parliament plays virtually no role in 11 countries.

**Table 4: Extract Answers to Questionnaire - Decision-making on military deployments**

Does your parliament...	Austria	Belgium	Bulgaria	Croatia	Cyprus	Czech Rep.	Denmark	Estonia	Finland	France	Germany	Greece	Hungary	Ireland	Italy	Latvia	Lithuania	Luxembourg	Malta	Netherlands	Poland	Norway	Portugal	Romania	Slovakia	Slovenia	Spain	Sweden	UK
3. ...take the decision on the deployment of troops abroad?	✗	✗	✓	✓	✗	✓	✓	✓	✓	✗	✗	✗	✗	✓	✓	✓	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
4. ...approve the deployment of troops abroad <i>a priori</i> ?	✓	✗	✓	✓	!	✗	✓	✓	✓	✓	✓	✓	✗	✓	✓	!	✓	✓	✗	✗	✗	✗	✗	!	✓	✗	✓	!	✗

Parliaments that take the decision and approve the deployment *a priori*, and determine operational details, at least to some extent, have very strong rights. Following this classification, only six national parlia-

ments can be said to possess very strong rights: Bulgaria, Croatia, Denmark, Estonia, Lithuania, and Slovakia.

**Table 5: Extract Answers to Questionnaire - Parameters of Military Operations**

Does your parliament...	Austria	Belgium	Bulgaria	Croatia	Cyprus	Czech Rep.	Denmark	Estonia	Finland	France	Germany	Greece	Hungary	Ireland	Italy	Latvia	Lithuania	Luxembourg	Malta	Netherlands	Poland	Norway	Portugal	Romania	Slovakia	Slovenia	Spain	Sweden	UK
6. ...determine the mandate of the mission?	✗	✗	✓	✓	✗	✓	✓	✓	✓	✗	✗	✓	✗	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
7. ...determine the number of troops being deployed?	✗	✗	✓	✓	✗	✓	✓	✓	✗	✗	✓	✗	✗	✓	✓	✗	✓	✗	✗	✗	✗	✗	✗	✓	✓	✓	✓	✓	✗
8. ...determine the rules of engagement?	✗	✗	✓	✗	✗	✗	✗	✗	✗	✓	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
9. ...determine the duration of the mission?	✗	✗	✓	✓	✗	✓	✓	✓	✓	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✓	✓	✓	✓	✓	✗
10. ...determine the type of weapons and equipment to be used?	✓	✗	✓	✓	✓	✗	✗	✗	✗	✗	✓	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗

However, the picture is more blurred and ambiguous as those numbers suggest: Several countries have cases where parliament does not have to be consulted despite the formal right of parliament to approve an international mission. Hence, parliamentary approval is only required in certain cases and certain types of military missions, otherwise the government decides autonomously.<sup>17</sup> In Ireland for example, military missions of less than twelve soldiers can be decided upon autonomously by the government. In Austria, the Czech Republic and Slovakia, parliamentary approval

of a mission can be carried out at a later point in time in case of an emergency/urgency (after 2 weeks or 60 days). Many EU Member States only require parliamentary approval in particularly heavy types of military deployments, in which case all other missions do not fall under parliamentary approval. For instance, in Sweden, traditional peacekeeping missions do not require parliamentary approval, as the expectation is that there is a low risk of escalation of the conflict and therefore a reduced risk to soldiers' lives.<sup>18</sup> In other states, missions carried out under the aegis of an international organization do not require parliamentary

<sup>17</sup> Dirk Peters & Wolfgang Wagner (2012). Zwischen Effizienz und Legitimität: Parlamentarische Kontrolle von Militäreinsätzen im weltweiten Vergleich, *Die Friedens-Warte: Journal of International Peace and Organisation*, Vol. 87(2-3), p. 76.

<sup>18</sup> Dirk Peters & Wolfgang Wagner (2012). Zwischen Effizienz und Legitimität: Parlamentarische Kontrolle von Militäreinsätzen im weltweiten Vergleich, *Die Friedens-Warte: Journal of International Peace and Organisation*, Vol. 87(2-3), p. 76f.

approval. In those cases, the mandate of an international organization is taken as a substitute for parliamentary approval. This is often the case in Central and Eastern European democracies (Hungary<sup>19</sup>, Bulgaria, Slovakia, Czech Republic, Romania).<sup>20</sup> Yet, as the majority of operations these countries take on are carried out under NATO and EU, parliamentary oversight has been undermined and has de facto led to the abolition of the parliamentary veto.<sup>21</sup>

## Role of Parliaments: Procurement Processes

National parliaments have the possibility *de jure* to apply different sets of mechanisms and instruments to exert control over procurement processes – most notably the possibility to determine the budget for military procurements. Yet, the majority of parliaments only have little influence over procurement decisions, as they cannot shape the parameters and have no say in what kind of military equipment is purchased.

**Table 6: Powers of Parliaments in Procurement Decisions**

Formal Powers	Implementation
Budgetary Rights	Using the right to determine the budget with regard to procurement decisions
Information Rights	Right to be informed by government about ongoing/ planned procurement
Right to determine the framework/ details of a procurement	The right – in theory - to establish legal frameworks for procurement, monitor offset clauses, debate technical details, select vendor, approve procurement contracts exceeding a certain level of funding or concern a certain type of weapon

### Budgetary Rights

Similar to the budgetary rights of parliament with regard to multilateral military operations, national parliaments have the possibility to approve the executive branch's annual budget and thereby monitor

procurement decisions. Almost all European parliaments have the power to oversee the annual budget and make amendments to it. In 21 states, parliament has the power to approve supplementary budgets. Thus, most national parliaments possess strong budgetary rights.

<sup>19</sup> In Hungary, NATO and EU operations do not require parliamentary approval. In case of other multilateral operations, including UN led missions, parliamentary approval is required.

<sup>20</sup> Dirk Peters & Wolfgang Wagner (2012). Zwischen Effizienz und Legitimität: Parlamentarische Kontrolle von Militäreinsätzen im weltweiten Vergleich, *Die Friedens-Warte: Journal of International Peace and Organisation*, Vol. 87(2-3), p. 78.

<sup>21</sup> Ibid.

**Table 7: Extract Answers to Questionnaire – Budgetary Powers, Procurement Processes**

Does your parliament...	Austria	Bulgaria	Croatia	Cyprus	Czech Rep.	Denmark	Finland	Greece	Hungary	Ireland	Italy	Latvia	Lithuania	Luxembourg	Malta	Netherlands	Poland	Norway	Portugal	UK	Sweden	Spain	Slovenia	Slovakia	Romania	Portugal	UK	Sweden	Spain	Slovenia	Slovakia	Romania	Portugal
9. ...approve the executive's annual budget proposal?	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
10. ...make amendments to the annual budget proposal?	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
11. ...debate supplementary budget authorisations?	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
12. ...approve supplementary budget authorisations?	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

### Information Rights

Similar to the role of parliaments in international military operations, the most basic control function national parliaments can exercise is requesting information on procurements. Again, a distinction can be made according to what kind of information parliaments can request from the executive. Based on the answers to the questionnaire, four national parliaments have strong information rights, because they

can request reports from the executive, monitor offset clauses and can conduct evaluations of procurement as part of a larger defence review process. This is the case in Bulgaria, the Czech Republic, Greece and the Netherlands. Seven parliaments possess medium information rights, and eight have only weak rights. Eight parliaments have no right to information on procurement at all.

**Table 8: Extract Answers to Questionnaire - Information on Procurement Processes**

Does your parliament...	Austria	Bulgaria	Croatia	Cyprus	Czech Rep.	Denmark	Finland	Greece	Hungary	Ireland	Italy	Latvia	Lithuania	Luxembourg	Malta	Netherlands	Poland	Norway	Portugal	UK	Sweden	Spain	Slovenia	Slovakia	Romania	Portugal	UK	Sweden	Spain	Slovenia	Slovakia	Romania	Portugal
4. ...request reports from the executive and industry officials regarding specific tenders and contracts?	✗	✗	✓	✓	!	✓	✗	✗	✗	✓	✓	✓	✓	✓	✓	✗	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
5. ...monitor offset clauses in procurement contracts?	✗	✗	✓	✓	!	✓	✗	✗	✗	✗	✓	✓	✗	✗	✗	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
6. ...conduct evaluations of procurement as part of a larger defence review process?	✗	✓	✓	✓	✓	✓	✓	✓	✗	✗	✓	✓	✓	✓	✓	✓	✓	✓	!	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	

### Setting Procurement Parameters

Besides the ability to exert a control function through budgetary and information rights, national parliaments can have a say in procurement decisions. However, their role in procurement processes has to date not been analyzed. A parliament possesses weak to medium oversight powers if it can establish a legal framework for procurement or approves procurement contracts above a certain level of funding. A parliament possesses strong parliamentary rights in procurement processes if it can determine details beyond that, for example if it plays a role in setting technical requirements or selecting the supplier.

The role of national parliaments in procurement decisions is very small at best. Following the above-mentioned classification, four national parliaments have strong parliamentary co-decision powers in procurement processes: Bulgaria, Cyprus, the Czech Republic and the Netherlands. Eight countries possess medium parliamentary oversight powers, and nine national parliaments have only weak parliamentary oversight of procurement processes. The parliament in six countries have no role in procurement processes at all.

**Table 9: Extract Answers to Questionnaire - Co-Decision Procurement Processes**

Does your parliament...	Austria	Belgium	Bulgaria	Croatia	Cyprus	Czech Rep.	Denmark	Estonia	Finland	France	Greece	Hungary	Ireland	Latvia	Lithuania	Luxembourg	Malta	Netherlands	Norway	Poland	Portugal	Romania	Slovakia	Slovenia	Spain	Sweden	UK
1. ...establish a legal framework for procurement?	✓	✓	✓	✓	✓	✓	✓	✗	✓	✗	✗	✗	✗	✓	✓	✗	✓	✓	✗	✓	✓	✓	✓	✓	✗	✓	✓
2. ....approve procurement contracts above a certain level of funding or that concern certain types of weapons?	✓	✗	✓	✗	✓	✓	✓	✗	✗	✓	✗	✓	✓	✗	✗	✗	!	✗	✓	✗	✗	✗	✗	✗	✓	✗	✗
3. ...play a role in selecting the vendor?	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗
7. ....debate technical requirements for procurement?	✗	✓	✗	✗	✓	✓	✓	✗	✓	✓	✓	✗	✗	✗	✗	✗	✗	✓	✓	✗	✗	✗	✗	✗	✓	✗	✗

## Implications for P&S

Basically, P&S is about organizing and legitimizing greater interdependence among states and about saving money. Both objectives should be of concern to parliaments. Moreover, if defense cooperation is to be successful, trust and reliability are needed among partners. Therefore, parliamentarians need to be aware of decision-making procedures in other European partner states.

P&S entails increasing dependence among European member states. But greater dependence raises questions about how the availability of military capabilities can be ensured. To increase reliability for defence cooperation among EU and NATO partners, the goal should rather be to accommodate differences, synchronize processes and increase interparliamentary contacts and cooperation. Increasing interparliamentary contacts and cooperation could support defence cooperation efforts. Research suggests that defence cooperation among EU member states evolves in clusters or islands of cooperation. Therefore, strengthening interparliamentary ties between states that are already cooperating closely in defence and security matters could be an important first step. Although a number of bilateral meetings take place between defence committees of partner countries, for example between the Dutch and Belgian Defence Committees, these meetings are ad-hoc in character.<sup>22</sup> At EU level, the Interparliamentary Cooperation (IPC)<sup>23</sup> on CFSP is

a forum in which all EU member states' parliaments and the European parliament are represented. It was set up after much disagreement and compromise. The result is an IPC based on low institutionalisation and no emphasis on exercising a scrutinizing function.<sup>24</sup> Decisions are taken by unanimity and conclusions are non-binding. In 2014, the Dutch delegation introduced a position paper on parliamentary procedures for the deployment of armed forces in multilateral missions – a first attempt to exchange views on practices across EU member states.<sup>25</sup>

<sup>22</sup> Margriet Drent (March 2014). *Sovereignty, parliamentary involvement and European defence cooperation*, Clingendael Report, p. 21.

<sup>23</sup> The IPC is based on Art. 10 of the Lisbon Treaty.

<sup>24</sup> Margriet Drent (March 2014). *Sovereignty, parliamentary involvement and European defence cooperation*, Clingendael Report, p. 21f.

<sup>25</sup> Delegation of the Netherlands to the CSFP/CSDP Conference (April 2014): *Discussion Paper EU Battlegroups: Use them or lose them*.

## Conclusion

Generally, most European parliaments have basic control mechanisms at hand to oversee the engagement of their national armed forces in multilateral operations: They can exercise oversight by controlling the budget and by requesting information on international operations from the executive. Differences exist however with regard to how detailed a budget is they can pass and at what point in the process they can request information – before or after the fact. If these nuances are taken into account, only a minority of parliaments in Europe approves a detailed budget and thus have a stronger control over troop deployments abroad. In case of the right to request information, parliaments are often informed only after decisions by the executive have been taken, at a point where they can sanction the government's decisions, but no longer influence them. A third parliamentary power is the right to co-decide on the deployment: Only a minority of parliaments in Europe takes the decision to deploy troops and approves their deployment *a priori*. In addition, only few can determine operational details and thus fulfil a role in which they shape and legitimise the executive's decisions.

To date, the role of national parliaments in procurement processes has not been the subject of thorough comparative analysis. The evaluation of the questionnaire suggests that the majority of parliaments has little or no say in procurement decisions. Most national parliaments fulfil a basic control function by overseeing the defence budget and may thereby influence procurement decisions. Yet, a majority only has limited powers in monitoring procurements by requesting information from the executive, either via reports or evaluations of procurements as part of a larger defence review process. Only a minority of national parliaments have a strong say in procurement decisions: While a majority may establish a legal framework for procurements, most parliaments do not have any role in shaping or determining what kind of equipment is purchased.

To summarize, national parliaments are more involved in decisions on troop deployment than in procurement decisions. Though parliaments generally have basic budgetary and information rights, their powers to decide upon the parameters of an operation or procurement are remote. Hence, they are not necessarily involved throughout the whole defence planning process.

P&S is, basically, about 1) organising, legitimising interdependence, and 2) saving money. Both objectives must be in the interest and under the scrutiny of parliaments. Therefore, parliaments should be drivers of P&S, perhaps more than governments are. Moreover, for defence cooperation to be successful, reliability for partners is needed. Hence, interparliamentary ties should be strengthened to be able to understand the procedures in partner states and to assess the consequences of closer defence cooperation.

## Annex

### Questionnaire: Role of Parliament in Troop Deployment

Does your parliament...	
1. ...have information rights on the deployment of troops abroad?	
2. ...debate or is it consulted on the deployment of troops abroad?	
3. ...take the decision on the deployment of troops abroad?	
4. ...approve the deployment of troops abroad <i>a priori</i> ?	
5. ...approve the budget of the mission?	
6. ...determine the mandate of the mission?	
7. ...determine the number of troops being deployed?	
8. ...determine the rules of engagement?	
9. ...determine the duration of the mission?	
10. ...determine the type of weapons and equipment to be used?	
11. ...visit troops deployed abroad?	

## Questionnaire: Role of Parliament in Defence Procurement

Does your parliament...	
1. ...establish a legal framework for procurement?	
2. ...approve procurement contracts above a certain level of funding or that concern certain types of weapons?	level of funding/types of weapons
3. ...play a role in selecting the vendor?	
4. ...request reports from the executive and industry officials regarding specific tenders and contracts?	
5. ...monitor offset clauses in procurement contracts?	
6. ...conduct evaluations of procurement as part of a larger defence review process?	
7. ...debate technical requirements for procurement?	
8. ...approve or is it briefed on long-term programmatic documents (such as national security strategy, white papers etc.)?	Approve/Brief
9. ...approve the executive's annual budget proposal?	
10. ...make amendments to the annual budget proposal?	
11. ...debate supplementary budget authorisations?	
12. ...approve supplementary budget authorisations?	