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“EU Foreign Policy: towards a marginalisation of parliaments?”

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Following the transformations in the process of European integration produced by the Single European Act and the Treaty of Maastricht, European integration studies have been characterised by the emergence of a contentious debate on the democratic deficit of the European Union. This debate has mostly focused on the Community's institutions, disregarding the problems and challenges to democracy created by cooperation in the Union's second and third pillars. This neglect can be attributed to two reasons: on the one hand, democratic decision making has always been considered conflicting with the needs for secrecy and rapidity typical of foreign policy decision making; on the other hand, the predominant role of intergovernmental cooperation in the Union's second and third pillars has long underpinned the claims that national governments are control and, thus, that democratic oversight is guaranteed by national parliaments through domestic procedures. Only lately, in light of the progressive development of EU foreign policy and its process of "brusselisation",¹ some scholars have started highlighting the problems of democratic accountability raised by EU foreign policy.² These problems are important because, as many studies argue, the democratic control over foreign policy is connected not only to the legitimacy of decision making but also to countries' dispositions towards the use of violence in international relations.³

This paper examines the case studies of the EU foreign policy towards Iran and the EU arms embargo towards China to show how European foreign policy cooperation is marginalising the role of legislatures both at the national and European level; together, these two examples provide an illustration of the current challenges facing EU foreign policy. The analysis of these two cases will focus on the actions taken by the European Parliament and two

¹ David Allen, "Who Speaks for Europe? The Search for an Effective and Coherent Foreign Policy," in *A Common Foreign Policy for Europe?*, ed. Helene Sjursen John Peterson (London: Routledge, 1998).

² Esther Barbé and Anna Herranz, eds., *The Role of Parliaments in European Foreign Policy* (Barcelona: Office of the European Parliament in Barcelona, 2005), Hans Born and Heiner Hänggi, eds., "*the Double Democratic Deficit*" - *Parliamentary Accountability and the Use of Force under International Auspices* (London: Ashgate, 2004), Dirk Peters, Wolfgang Wagner, and Nicole Deitelhoff, "The Parliamentary Control of European Security Policy," *RECON Report* No. 6 (2008), Wolfgang Wessels, *The Parliamentary Dimension of Cfsp/Esdp. Option for the European Convention* (Brussels: European Parliament, 2002).

³ Wolfgang Wagner, "The Democratic Control of Military Power Europe" *Journal of European Public Policy* 13, no. 2 (2006), Wolfgang Wagner, "The Democratic Deficit in the Eu Security and Defense Policy - Why Bother?," review of Reviewed Item, *RECON Online Working Paper*, no. 10 (2007).

national parliaments: the British and the Italian. These two have been selected because they provide example of different political systems—one with majoritarian and the other with consociational prevailing features—and display different traditions as regards the parliamentary involvement in foreign policy decision making.⁴

The two case studies show that the marginalisation of legislatures is the result of the simultaneous effects of several elements: the lack of instruments of national parliaments and lack of power of the European Parliament;⁵ the advantage of national governments over national parliaments in the European multilevel system of governance; the growing role of new central institutions and of core groups of countries in the implementation of common policies.

In the near future, the strengthening of EU foreign policy will necessitate facing this shortcoming by re-examining the balance between different institutions. Any proposal for reform in this regards will need to take into consideration both the special nature of the EU polity and the specific features of the foreign policy domain. Given the complex nature of the EU political system, conceiving national parliaments or the European Parliament as alternative sources of democratic legitimacy, as much of the debate on the democratic deficit has done until today, does not help resolve this problem.⁶ By contrast, highlighting their complementary role and the potential for cooperation could compensate for the advantage of the executive in the decision-making process and mitigate the position of latecomers in the integration process of both national and the European parliaments.

The case of EU's policy towards Iran

After the rupture of the relations between Iran and the EU Member States, in the 1990s the Iranian government started a process of normalisation of relations with most western countries. Following this trend, in 2002 the European Union and Iran started negotiating a Trade and Cooperation Agreement and established a periodic dialogue on human rights. Yet, in 2003 this

⁴ Sergio Fabbrini, *Politica Comparata* (Bari and Roma Laterza, 2008), Arend Lijphart, *Democracies : Patterns of Majoritarian and Consensus Government in Twenty-One Countries* (London: Yale University Press, 1984).

⁵ Born and Hänggi call it the EU's "double democratic deficit"; Born and Hänggi, eds., "*the Double Democratic Deficit*" - *Parliamentary Accountability and the Use of Force under International Auspices*.

⁶ Andreas Follesdal and Simon Hix, "Why There Is a Democratic Deficit in the Eu: A Response to Majone and Moravcsik," *Journal of Common Market Studies* 44, no. 3 (2006), Andrew Moravcsik, "In Defence of the "Democratic Deficit": Reassessing Legitimacy in the European Union," *Journal of Common Market Studies* 40, no. 4 (2002), Andrew Moravcsik, " "Is There a 'Democratic Deficit' in World Politics? A Framework for Analysis," *Government and Opposition* 39, no. 2 (2004).

relation was threatened by the announcement of the Iranian President Mohammad Khatami that Iran aimed to develop a full nuclear fuel-cycle program. The fact that the information had been kept secret led many to doubt Iran's peaceful intentions and to fear that the program aimed to construct nuclear weapons, something the Iranian government always denied. As Iran is part of the Non Proliferation Treaty, the declaration raised concerns about the implications of this action for non-proliferation regime. In addition, as the US threatened to militarily intervene, the issue seemed likely to exacerbate divisions among EU Member States emerged earlier the same year, following the US military intervention in Iraq.

In order to avoid an escalation of the crisis and to fill the void left by the US diplomacy, the United Kingdom, France and Germany despatched their foreign ministers to Tehran (October 2003). Although their initiative had not received any formal backing from the Union, all the EU Member States proclaimed their support for it. Within a few weeks, the so called E3/EU signed with Iran the so called Tehran Accord, by which the country agreed to sign an Additional protocol with the International Atomic Energy Agency (IAEA) and voluntarily suspend all uranium enrichment and reprocessing activities (considered as prerequisite for opening the negotiate by the European governments). In the following months, the Union suspended the negotiation of the Trade and Cooperation Agreement and dispatched the High Representative for the EU Common Foreign and Security Policy (High Representative) Javier Solana to Tehran to discuss the modalities of a long-term general agreement. Also in this case, the mandate and conditions of the intervention of the High Representative remained unclear; yet, Solana and the EU Member States guaranteed that the EU Council was regularly informed about the negotiations and the initiative was considered wholly a part of EU foreign policy. Actually, most commentators soon considered it as a fundamental test case for it.

Unfortunately, the talks conducted by the E3/EU did not reach the expected results. In June 2004 the Iranian government was accused of having broken the Tehran Agreement by re-starting enrichment activities; in November it accepted a new accord, the so-called Paris Agreement. In the latter, among other things, the E3/EU promised that, once suspension of the nuclear programme had been verified, negotiations with the EU on a Trade and Cooperation Agreement would resume and the E3/EU would actively support the opening of negotiations between Iran and the WTO. Yet, not even this last effort could help conciliating the differences: on 1 August 2005 the newly-elected Iranian President Mahmoud Ahmadinejad broke off the negotiation subsequently restarting parts of its programme.

Following this move, Europeans came under even stronger pressure from the US to condemn the country and enact economic sanctions against it. Even if the EU continued to support the search for a diplomatic solution, in February 2006 the EU Member States approved the IAEA decision to refer the case to the UN Security Council. Since then, the issue has been discussed by the five permanent members of the latter, with the association of Germany (UN5+1) and the participation of EU High Representative Javier Solana. In October 2006, the failure of further proposals led the EU Council of Minister to back the idea of sanctions put forward by the UN Security Council. The latter approved a first package of sanctions against Iran in December 2006, while a second package was approved the following March.⁷ The two packages mainly included a ban on the provision of certain services and investment; restrictions on admission and the freezing of funds of targeted persons; an embargo on arms and related material.

Immediately after the approval, the EU Council of Minister asked the EU Member States to conform to the decision without waiting for their transposition in the EU legislation;⁸ in any case, within few weeks, the Council conformed to the UN resolutions by approving two Common Positions, subsequently implemented by regulations of the Council and the Commission.⁹ Following the failure of further negotiations, finally, in February 2008 the UN Security Council approved a third resolution envisaging further sanctions against Iran;¹⁰ the text had been tabled by the governments of France, Germany and the United Kingdom and was implemented by the EU legislation.¹¹

The European Parliament

The EU Treaty establishes that the European Parliament (EP) is permanently informed and consulted on the activities of the EU Common Foreign and Security Policy (CFSP). Accordingly, twice a year the EU Presidency presents to the Parliament a report on the

⁷ Resolutions of the Un Security Council 1737 of 23 December 2006 and 1747 of 24 March 2007.

⁸ General Affairs and External Relations Council, Presidency Conclusions, 21 January 2007.

⁹ European Union, Council of Ministers, Common Position 2007/140/CFSP of 27 February 2007, implemented by Council Regulations 423/2007 of 19 April 2007 amended by Commission Regulation 441/2007 of 20 April 2007 and implemented by Council Decision 2007/242/EC of 23 April 2007; Common Position 2007/246/CFSP of 23 April 2006 amending Common Position 2007/140/CFSP, implemented by EC Regulations 618/2007 of 26 April 2007.

¹⁰ Resolution of the UN Security Council 1803 of 3 March 2008.

¹¹ European Union, Council of Ministers 2008/479 of 23/6; Council's Decision 2008/475/EC of the same day and Council Regulation (EC) No 1110/2008 of ???.

developments of CFSP; the Members of the European Parliaments (MEPs) can express their views through the adoption of a resolution. Yet, this mechanism is judged highly unsatisfactory for both the scarce commitment shown by subsequent presidencies and the reduced time at disposal for discussing a very wide range of issues and problems;¹² consequently, the participation of the EP in EU foreign policy takes place mainly through other instruments, such as the oral and written questions addressed to the representative of the Council and the Commission, and ad hoc debates held on specific issues.

The examination of these activities in the case under consideration reveals that the EP expressed its position on the Iranian nuclear programme quite late, despite the interest of many parliamentarians for the relations between Iran and the EU.¹³ In the early phase of the crisis, particular attention was paid to the human rights issues (which remained a source of particular concern also in the following years) and addressed their questions to the Council and the Commission,¹⁴ which was in charge of negotiation for the Trade and Cooperation Agreement with the country.¹⁵ It soon became clear, nevertheless, that the Commission could not provide adequate information on the ongoing negotiations, as the latter were being discussed only by and within the Council; yet, also the dialogue with the latter proved unsatisfactory as even the Presidency was able to provide only indirect information of what was being negotiated only by few governments and the High Representative. Despite repeated claims on the fact that the Council was kept informed about the content of the talks, this could never be verified; in front of explicit questions on the packages offered to Iran, the Presidency refused to reply arguing that secrecy was necessary to guarantee the positive outcome of the talks.

In order to compensate for these shortcomings, since 2006 MEPs tried then to intensify their dialogue with the High Representative and started asking him to appear before the floor and the specialised Committees to discuss his talks with Iran;¹⁶ due to the need for secrecy, yet,

¹² See Report on the annual report from the Council to the European Parliament on the main aspects and basic choices of CFSP adopted on 4.4.2007, A6-0130/2007.

¹³ On the 13/12/01 a general debate was held on the relations between EU and Iran; other debated regarded the elections and the situation of human rights in the country (24/2/2002, 12/2/2004, 28/10/2004, 13/1/2005) and the general problem of non proliferation (10/3/05, 17/11/05).

¹⁴ See for example the debates held on the elections in Iran (12/2/2004); on the human rights situation (28/10/2004, 16/11/06 and 25/10/07); on torture in the country (13/1/2005).

¹⁵ See questions on Iran's nuclear activities of E-1891/03 and P-0442/04 on the Trade and Cooperation agreement.

¹⁶ The High Representative appeared before the Foreign Affairs Committee to discuss his talks on 30/1/2008, 6/6/2007, 4/10/2006.

the High Representative reserved more substantial exchange of information to private and informal meetings with a restricted number of parliamentarians.¹⁷

Starting from 2005, also the plenary dedicated to the Iranian issue ad hoc debates (in October 2005, February 2006 and January 2008). Although also on these occasions human rights issues obtained considerable attention, MEPs discussed various aspect of the nuclear crisis. On October 2005 the debate focused on the involvement of the UN Security Council, and the main political groups (ALDE, PSE, PPE and UEN) managed to build a compromise. Despite the initial request put forward by the liberals to refer immediately the issue to the UN Security Council (a proposal strongly opposed by the Greens), the floor adopted a joint resolution not even mentioning the problem, and simply urging Iran to cooperate with the IAEA (leaving de facto the decision to the governments).¹⁸

Following the decision of EU governments and the IAEA to refer the issue to the UN Security Council in February 2006, MEPs debated the various options at the disposal of the Council to solve the issue (diplomatic efforts, economic sanctions and military intervention). Again, the main political groups (in this case, PPE, PSE, ALDE and ID) elaborated a general compromise avoiding tensions and gaining wide support. The final resolution reiterated the EP's concerns for the Iranian nuclear programme and endorsed IAEA's decision to report the issue to the UN Security Council, stressing that the dispute had to be resolved in accordance with international law. While still hoping for a diplomatic solution, therefore, MEPs did not explicitly rule out a military intervention, but conditioned it to the consent of the international community. This compromise permitted to overcome existing divergences between PSE, who were against any military intervention, and other groups (mainly PPE and ALDE) who were more willing to leave this option open.¹⁹

Due to the failure of further talks, the plenary discussed again the issue at the end of January 2008, few days after France, Germany and the United Kingdom had announced the tabling of a new resolution to the UN Security Council imposing further economic sanctions on Iran. Unlike on previous occasions, this debate was introduced by two important hearings of

¹⁷ Interviews with members of the EP Committee for Foreign Affairs (Brussels, September 2008). On the dialogue between the Parliament and the High Representative see Ben Crum, "Parliamentarisation of the Cfsp through Informal Institution-Making? The Fifth European Parliament and the Eu High Representative," *Journal of European Public Policy* 13, no. 3 April (2006).

¹⁸ The resolution finally adopted by the Parliament was tabled jointly by PPE, PSE, ALDE and UEN; the motion tabled by the Greens was rejected and that tabled by GUE fell.

¹⁹ See the debate on the report on non-proliferation of weapons of mass destruction that took place in the plenary on 16/11/2005.

the Foreign Affairs Committee: one with Javier Solana and Benita Ferrero-Waldner (Commissioner for external relations) and the other with Saeed Jalili, Iran's Chief nuclear negotiator. Despite the fundamental agreement on refusing the development of a nuclear military programme by Iran, political groups showed different views on how to reach it, ranging from the position of UEN—not excluding a military intervention—to that of Greens and GUE—supporting a negotiated solution and arguing that further economic sanction would have strengthened the current government—and that of PPE and PSE—welcoming the agreement on further sanctions and recognising Iran's legitimate security interests. As in the previous debates, differences were finally mitigated to permit the approval of a joint text (tabled by PSE, ALDE, PPE and UEN) condemning Iran and endorsing the moves towards further sanctions.

The examination of the actions taken by the EP as regards the EU-Iran relations reveals that parliamentarians manifested a prioritarian interest for the human right violations taking place in the country; this concern is a traditional feature of the European Parliament's foreign policy and certainly permitted MEPs to show significant cohesion. Yet, the delay of the European Parliament in addressing the issue of Iranian nuclear programme may be attributed to the unclear involvement of EU institutions in the early phase of the negotiate and the difficulties of MEPs in identifying the right interlocutor. Once acknowledged this gap, parliamentarians strengthened their dialogue with the High Representative by dedicating special hearings the Iranian issue and recurring to informal meetings to have access to confidential information. As for other issues, in any case, the various political groups manifested the willingness to show a wide agreement (by adopting joint resolutions), which may be explained in light of the desire to both, strengthen the position of the EU vis à vis Iran and have a stronger voice vis à vis other EU institutions.

The House of Commons²⁰

As compared those of other European parliaments, the powers of British Parliament in the foreign policy domain are very limited. Yet, studies on the ground have shown that these constitutional constraints do not prevent the British Parliament from performing an oversight as strict and effective as that of other European parliaments and that the effectiveness of Parliamentary oversight does not depend only on formal powers but also on the political dynamics generated by the system.²¹

The British House of Commons debated the issue of negotiations over the Iranian nuclear program mainly in three ways. First, parliamentarians (MPs) addressed the issue during the question time in the plenary; second, the UK's and EU's policies were scrutinised by the specialised committees (the European Scrutiny Committee and the Foreign Affairs Committee); third, parliamentarians debated the issue in the plenary.

British MPs started addressing the Iranian nuclear programme during the question time in December 2003, immediately after the Tehran Agreement had been signed and continued to do so in the following years. Questions covered all the key issues of the problem, such as the evidence at government's disposal on Iran's alleged nuclear weapons program, the conditions imposed for opening the negotiations and the content of talks and the position of the other members of the international community.²² Oral and written questions enabled parliamentarians to be regularly updated on the ongoing negotiations and forced the government to render public some of its position preventing it from any later discharge of responsibility. Yet, only rarely the questions were followed by detailed replies or originated an in depth debate; most of the time, Ministers presented a list of events and reported the official

²⁰ Although the British Parliament is a bicameral system, this paper will focus only on the activity of the House of Commons. For a more in depth analysis and comparison of the role of national parliaments in the EU see Suzana Angel et al., "National Parliamentary Oversight of ESDP Missions," in *The Parliamentary Control of European Security Policy*, ed. Dirk Peters, Wolfgang Wagner, and Nicole Deitelhoff (RECON Report No. 6, 2008), Andreas Maurer and Wolfgang Wessels, eds., *National Parliaments on Their Ways to Europe: Losers or Latecomers?* (Baden-Baden: Nomos Verlagsgesellschaft, 2001), Wessels, *The Parliamentary Dimension of Cfsp/ESDP. Option for the European Convention..*

²¹ Giovanna Bono, "Parliamentary Oversight of EU External Military Operations: The Roles of the British, French and Italian Parliaments," in *The Role of Parliaments in European Foreign Policy*, ed. Esther Barbé and Anna Herranz (Barcelona: Office of the European Parliament in Barcelona 2005). Arthur Benz, "Compounded Representation in EU Multilevel Governance," in *Linking EU and National Governance* ed. Beate Kohler-Koch and Berthold Rittberger (Oxford: Oxford University Press, 2003).

²² Hansard, House of Commons Debates, 21 May 2007: Column 1092W; 8 Dec 2003: Column 246W; 21 Jul 2004: Column 342W; 19 July 2007: column 408W; 12 March 2007: Column 83W; 28 February 2007: Column 1362W; 4 Jun 2007: Column 239W.

line of the government as presented to the media without any further comment.²³ At times, to avoid specific questions, the government recalled it considered secrecy and discretion necessary to a successful conclusion of the negotiation.

As for the work of specialised committees, acts and regulations on the sanctions against Iran adopted by the Union were regularly and timely scrutinised by the European Scrutiny Committee.²⁴ Yet, none of the documents concerning this issue raised substantial concerns and they were all cleared without discussion. The issue received greater attention within the Foreign Affairs Committee, which conducted two inquiries providing its members with an in depth and comprehensive picture of the problem. The Members of the Committee had the opportunity to discuss the UK's position not only with the representatives of the executive but also with independent experts and the Iranian counterparts.²⁵ These activities enabled parliamentarians to gain the necessary expertise to perform a better oversight and, at the same time, provided them with enough information to gain an independent view on the issues on the table. Yet, the reports published at the end of these inquiries²⁶ seem worth mainly to advertise the Committee's work than to engage a serious dialogue with the government. In general, the policy recommendations included in the texts confirmed the support for the government and, when expressing criticism, they left wide room for manoeuvre.²⁷ Despite during the second inquiry majority and opposition shared their criticism on the government's decision to put the organisation of the People's Mujaheddin of Iran (PMOI) in the list of terrorist organisations, for example, the final report avoided specific request and just asked the government to set out

²³ This practice has recently been described and criticised in the independent report Simon Burrell, Brendan Donnelly, and Stuart Weir, *Not in Our Name. Democracy and Foreign Policy in the UK* (London: Politico's, 2006).

²⁴ House of Commons, European Scrutiny Committee, Ninth Report of Session 2006–07 HC 41-ix; Eleventh Report of Session 2006–07 HC 41-xi; Seventeenth Report of Session 2006–07 HC 41-xvii; Twenty-first Report of Session 2006–07 HC 41-xxi.

²⁵ The Foreign Affairs Committee listened to members of research institute and NGOs; in 2007, it commissioned the parliamentary office of science and technology a study of Iran's energy sector to investigate the need of Iran of a nuclear programme for energy purposes. Finally, Members of the Committee visited Tehran in autumn 2003 and 2007. House of Commons, Foreign Affairs Committee, (2004), *Iran: Third Report of Session 2003–04*, HC 80, 19 March; House of Commons, Foreign Affairs Committee, (2008), *Global Security: Iran. Fifth Report of Session 2007–08*, HC 142, 2 March

²⁶ House of Commons, Foreign Affairs Committee, 2004 and 2008.

²⁷ House of Commons, Foreign Affairs Committee 2008, par. 3. The Members of the Committee disagreed on a paragraph suggesting that, if the government considered it impossible dropping its preconditions for the dialogue with Iran (the suspension of the nuclear programme) , “one possible alternative is to modify the June 2006 proposal by providing assurances to Iran that it will eventually be allowed to enrich small quantities of uranium under rigorous safeguards if it agrees to suspend its programme until the IAEA has resolved all unanswered questions about its programme and an Additional Protocol has been implemented.” House of Commons, Foreign Affairs Committee 2008, p. 54.

the reasons for its policy.²⁸ Parliamentarians' reluctance to set clear political directions may be attributed to the limited role of the British Parliament in foreign policy and the perception that mandating the government exceeds parliamentary duties; at the same time, party politics have a significant role in the British political system and, even within specialised committees, members of the majority can be reluctant to embarrass the government by stressing their divergences with it.²⁹ Besides publishing an official response to the reports, the government met MPs' requests by organising private meetings with members of the FAC.³⁰

As typical of the British system, the main arena for discussion on the Iranian issue was certainly represented by the debates in the plenary, which gave majority and opposition the opportunity to publicly confront their positions. To be sure, the British House entered into the debate on the Iran's nuclear programme quite late (October 2005), yet it subsequently dedicated to the issue a significant number of meetings.³¹ During these debates British MPs voiced their criticism for the government's strategy and blamed it for failing to provide an effective solution to the Iranian problem. In particular, Members of the opposition blamed the failure of diplomatic talks and affirmed that they had given Iran further time to develop its nuclear programme³²; in general, they accused the government of conducting an unsuccessful policy of appeasement with a regime that was not willing to cooperate.³³ Although being more willing to highlight the merits of the government's initiatives, also Members of the majority blamed the government for sending Iran ambiguous messages—from condemnation to appeasement—both through the ministers' public interventions and through wrong policy choices.³⁴ Finally, as occurred within the Committees, majority and opposition shared their criticism of the government's position on the PMOI (according to some parliamentarians the PMOI has been put in the list of terrorist organisation as a bargaining tool in the negotiation

²⁸ House of Commons, Foreign Affairs Committee, 2008, Par. 98. Since 2002, the PMOI is in the EU list of terrorist organisations. Following analogous moves by the European Court of Justice and the European Court of First Instance (in 2006), on Nov 30, 2007 a British Court ruled to the annulment of the terrorist designation and ordered the British government to remove PMOI off the terrorist list. The judgment was implemented in the United Kingdom six months later.

²⁹ Burrell, Donnelly, and Weir, *Not in Our Name. Democracy and Foreign Policy in the UK*.

³⁰ Interviews with staff of the FAC, June 2008.

³¹ Debates were held on 11/10/05, 1/2/06, 27/2/07, 25/4/07, 23/5/07. The issue was also discussed on the occasion of other debates, for example on occasion of the arrest of British Naval Personnel by Iran (Spring 2005) or in connection with the situation in Iraq.

³² See the intervention of David Gauke, Hansard, Westminster Hall Debates, 1 Feb. 2006: Column 77-79WH.

³³ See intervention of David Ameen, Hansard, Westminster Hall Debates, 11 Oct. 2005: Column 1-5WH.

³⁴ In particular, Andrew Mackinley was particularly critic of the government's action. See his interventions: Hansard, Westminster Hall Debates, 1 Feb 2006 Column 84-88WH and 25 Apr 2007: Column 296-297WH.

with Iran); the government proved reluctant to discuss the issue and its representative repeatedly evaded questions on it.

In conclusion, in the case studied British MPs showed significant interest and expertise in the issues analyzed; certainly, the direct involvement of the British government in the negotiations with Iran may have had a role in raising their attention. The oversight of the government's activity through the traditional instruments of control of EU policies was mostly irrelevant. A much more intense activity was carried out by the Foreign Affairs Committee and the plenary. The activity of the Foreign Affairs Committee, in particular, helped MPs to gather information and develop an independent understanding of the situation. The debates in the plenary, by contrast, intensified the political dynamics of the British political system by highlighting the opposition between different parliamentary wings. Even when the different wings of the house shared their views, yet, parliamentarians abstained from mandating the government or expressing strong disagreement with it, with the only partial exception of the issue of PMOI.

*The Italian Parliament*³⁵

In the second half of 2003, when the Iranian crisis exploded, the Italian government was at the Presidency of the EU; yet, it did not take part in the initiative of France, Germany and the United Kingdom which dispatched their foreign Ministers to Tehran to try to solve the issue. During this period, the relations between the EU and Iran received little attention in the numerous hearings that the Italian Parliament dedicated to the main priorities of the Presidency; the government never mentioned the nuclear crisis and just recalled the ongoing negotiations between the EU and the country on the Trade and Cooperation Agreement. The same general oversight occurred in the following years (2003-2006) during the (not-so) regular hearings on the outcome of the European Council meetings. While this neglect can be explained by the fact that the issue was not negotiated directly by the Italian government or the EU institutions, it may also appear surprising considering that the E3/EU negotiations committed the entire Union and that the dialogue with Iran was considered an important test case for CFSP.

By contrast, the nuclear crisis received more attention in the context of the normal oversight of Italy's foreign policy. MPs paid considerable attention to the violations of human

³⁵ The sections dedicated to the action taken by the Italian Parliament are taken from Flavia Zanon, "Eu Foreign Policy in the Italian Parliament: The Debates on China and Iran," *The International Spectator* 42, no. 4 (2007)..

rights in Iran and the initiatives the government intended to pursue in this respect through international institutions.³⁶ For example, on 30 July 2003 following students' demonstrations in Iran, the Chamber of Deputies' Foreign Affairs Committee dedicated an entire meeting to the issue. The debate became an occasion to discuss also the nuclear programme. The promoter of the debate (member of the centre-right governing coalition) maintained that the Iranian transition towards democracy was not credible and consequently invited the government to suspend commercial relations and economic aid to Iran. Other members of the centre-right coalition, claimed that the international community over-estimated the Iranian (nuclear) threat and that the suspension of political and economic relations would favour Iranian extremists with respect to moderate factions. In the opposition, representatives of the Greens and Rifondazione Comunista recognised the serious human rights violations taking place in Iran, but rejected any economic sanctions against the country and asked for possible initiatives to be undertaken by international institutions. In the end, the Committee approved a resolution asking the government to "evaluating and proposing in the European arena appropriate strategies and possible measures to be adopted at the political, economic and cultural levels to sustain Iranian reformist factions and promote stronger democratisation in Iran".³⁷ De facto, most of the centre-right and centre-left forces accepted the government position and refused to propose economic sanctions in retaliation for Iran's human rights violations, approving only vague guidelines in this respect.

With regard to Iran's nuclear program, two different phases can be distinguished in which the Italian Parliament played a different role: the negotiations (from 2003 to the end of 2006) and the approval and implementation of sanctions thereafter. During the E3/EU negotiations, representatives of both coalitions frequently asked the government questions regarding its position. Following Foreign Minister Franco Frattini's visit to Tehran in January 2004, for example, members of the majority expressed concern about the openness displayed by the government towards the dialogue with Iran, while members of the opposition criticised the government's lack of participation in the negotiations carried out by the E3/EU. In addition, some members of the opposition asked the government whether and how it was informed of the initiative of the E3/EU and the ongoing negotiations. Foreign Minister Frattini

³⁶ In the Chamber of Deputies: in 2002 questions 5-01305; in 2003 3-01577, 3-01584, 4-07774; in 2004 5-02798, 4-18319; in 2005 5-04745, 4-17969; in 2006 2-001225 and 4-18885. In the Senate: in 2002, question 3-00648.

³⁷ Chamber of Deputies, Resolution 8-00055.

did not explain why Italy was excluded and only answered that the Presidency was informed in advance, without giving any further detail.

In the following years (2004–06), a few MPs in the specialised committees continued regularly to ask the government questions about the nuclear issue, but the topic never again caught the attention of other members or the plenary. Beyond the general position of the Italian government (opposition to Iran’s nuclear ambitions, support for the IAEA and the E3/EU initiative) MPs never received more detailed information on the contents of the talks. In 2006, while he was discussing the issue before Parliament, the Foreign Minister D’Alema (member of new the centre-left government) gave a clear picture of the situation by stating in case of approval of sanctions “Italy risks bearing a heavy burden in terms of taxation without representation, in the sense that we have remained outside the talks”. Thus, the government “tried to rejoin the talks, with the aim of pushing the Iranian government to accept the proposals put forward by the international community”.³⁸

Despite this malaise, when the negotiations failed and the issue was brought back into the normal institutional framework (the mandate of the EU/E3 was never clear, nor that of the High Representative), the Italian government voted in favour of sanctions in both the UN Security Council and the EU Council of Ministers. It is evident that even in this phase—within the CFSP institutional framework—the Italian Parliament had little room for manoeuvre. First, the decision had de facto been anticipated during the negotiation and announced in October 2006 by the EU Council of Ministers. Second, after the approval of the sanctions by the UN Security Council, the EU Council of Ministers “called on all countries to implement the measures in full and without delay”,³⁹ without waiting for the formal approval of the Common Position. In any case, the latter was tabled and approved within a few weeks—not much time to organise a parliamentary debate. In other words, even if the Italian Parliament had received the proposal from the government as provided for by the new law revising the relations between the Parliament and the government on the subject (but this did not happen⁴⁰), it would hardly have had the time to debate it.

The case of Iran shows that political parties are particularly interested in voicing their concerns over human rights violations. Yet, when it comes to the implementation of concrete

³⁸ Hearing of Massimo D’Alema before the House and Senate Foreign Affairs and European Affairs Committees, 27 June 2006

³⁹ GAERC, Presidency Conclusions, 21 January 2007.

⁴⁰ Interviews with civil servants of the Senate and the Documentation on EU legislation (n. 44/3a and 35/3a) prepared by the Senate Bureau for Relations with the EU for the Foreign Affairs Committee.

initiatives, they often prefer to renounce or water down their bold proposals (as was the case with the House Foreign Affairs Committee's Resolution). Political parties (whether majority or opposition) seem to be reluctant to take initiatives that put them on a collision course with the government or that can expose divisions within the coalition to which they belong. More importantly, the case of negotiations over Iran's nuclear program highlights how ad hoc groups leading CFSP initiatives (set up outside of the institutional framework) pose further problems in terms of legitimacy – in particular, in terms of information (the Italian Parliament could not obtain detailed information on the negotiations) and accountability (those who had the information and were negotiating for the EU and Italy were not responsible to the Italian Parliament).

The case of the debate on arms embargo against China

The European arms embargo against China was decided by the European Council of June 1989, in the aftermath of the events of Tiananmen Square, when China used force in response to pro-democracy protests in central Beijing. At the time, the Common Foreign and Security Policy had not yet been established, and the embargo consisted of a number of national embargoes established under national laws and regulations. Unlike other embargoes decided before the CFSP was established, the embargo against China was never adopted under the new procedures. Nevertheless, Member States examined it de facto as if it were a common decision.

During the nineties, several European leaders spoke in favour of lifting the embargo, but the debate entered into the European institutions only in the second half of 2003. Reportedly, the Italian Prime Minister Silvio Berlusconi, first expressed his positive stance towards lifting the embargo on the occasion of the EU-China summit in September 2003, when he was President of the Union. Later the same year, the proposal was reiterated by German Chancellor Gerhard Schröder and French President Jacques Chirac and supported by the governments of Austria, Greece and Spain. Consequently, the European Council of December 2003 invited the General Affairs and External Relations Council (GAERC) to re-examine the question.⁴¹

Proponents of the lifting argued that the move would essentially be a symbolic gesture, adapting the political dialogue with China to the increased bilateral economic relations, and it would not increase EU arms sales to the country, as this is prevented in any case by the EU

⁴¹ European Council, Presidency Conclusions, 12 December 2003

Code of Conduct on Arms Exports.⁴² Member states in favour of the embargo, on the contrary, argued that China's human rights record had not improved significantly and lifting it would send the country the wrong signal. In addition, many EU members were concerned about possible repercussions on their relations with the US, which openly opposed the lifting and feared that an increase in the transfer of EU military technology to China would destabilise security across the Taiwan Straits.⁴³

After debating the issue in early 2004, in April the EU Council stated that the subject "required further discussion, in particular taking into account the human rights situation in China and questions relating to the application of the EU Code of Conduct on Arms Exports".⁴⁴ The issue was then regularly included in the agenda of the Political and Security Committee. At the end of 2004, following the debate initiated under the Italian Presidency, the Union seemed to be close to reaching an agreement. The European Council of 16–17 December "reaffirmed the political will to continue to work towards lifting the arms embargo" and "invited the next Presidency to finalise the well-advanced work in order to allow for a decision". The Heads of State and Government set two conditions for lifting the embargo: 1) "the result of any decision should not be an increase of arms exports from EU Member States to China, neither in quantitative or qualitative terms"; 2) the Council stressed "the importance of the early adoption of the revised Code of Conduct and the new instrument on measures pertaining to arms exports to post-embargo countries (Toolbox)".⁴⁵ After the European Council Declaration, many commentators expected a decision on the issue in the first half of 2005.

Yet two events were to influence the debate at the beginning of the new year. In February, during a visit to Europe, G. W. Bush stressed the US' opposition to any move towards lifting the embargo. Then, on 14 March, the People's Congress of China adopted an anti-secession law foreseeing the use of "non-peaceful means and other necessary measures to protect China's sovereignty and territorial integrity [. . .] in the event that the 'Taiwan independence' secessionist forces should act under any name or by any means to cause the fact

⁴² The EU Code of Conduct on Arms Exports establishes criteria for EU arms sales to third countries. Currently the Code is not legally binding.

⁴³ For more details on the arguments for and against lifting the arms embargo, see S. T. Wezeman and M. Bromley, "Military Spending and Armaments," in *Sipri Yearbook* (Oxford: Oxford University Press, 2005). and Nicola Casarini, "The International Politics of the Chinese Arms Embargo " *The International Spectator*. 42, no. 3 (2007)..

⁴⁴ GAERC, Presidency Conclusions, Brussels, 26 April 2004.

⁴⁵ European Council, Presidency Conclusions, Brussels, 16–17 December 2004.

of Taiwan's secession from China''.⁴⁶ This scuttled any hope of reaching an agreement within the EU, although the issue did not disappear from the Council agenda.

The European Parliament

Unlike in the case of the Iranian nuclear programme, the European Parliament entered into the debate on lifting the EU arms embargo against China very early, engaging immediately the Council and the Commission in a dialogue on it. The plenary dedicated a specific debate to the issue on December 2003, few months after European leaders had spoken out their intentions and immediately after the decision of the European Council to initiate a review of the issue. On that occasion, all political parties spoke against lifting the embargo. In the subsequent years, MEPs continued to follow closely this debate referring to it in a number of resolutions: in the report on relations between EU and China approved on July 2005, for example, they recommended that "the arms embargo remain intact until greater progress is made on human rights issues in China and on cross-Straits relations, as well as until the EU makes its code of conduct on arms sales legally binding".⁴⁷ Parliamentarians continued to address the issue also in their relations with the Council and the Commission and questions on the subject were regularly addressed to their representative during the question time before the plenary.⁴⁸

In general, the EP examined the relations between EU and China in a more systematic way than it did in the case of the Iran; this is understandable in light of the importance of the country in the economic and political international arena and in light of the longer tradition of relations between EU and China. In particular, unlike in the case of Iran, the debates in the plenary were often preceded by a long work within the Committees. As in the French model, the Committees of the European Parliament assign the duty to prepare a debate to one of its members (the rapporteur) who is charge of introducing the discussion and, usually, to table the proposal for a resolution. In order to fill its task, the rapporteur conducts his own research; interacts with other institutions and becomes an expert on the subject. This procedure permits to divide the work among parliamentarians and compensate for the big dimensions of the house

⁴⁶ Anti-Secession Law Adopted at the Third Session of the Tenth National People's Congress, 14 March 2005.

⁴⁷ European Parliament, Resolution on the Relations between the EU, China and Taiwan and Security in the far East, P6_TA(2005)0297, adopted on 7/7/2005. See also European Parliament resolution on prospects for trade relations between the EU and China, P6_TA(2005)0381, adopted on 13/10/2005.

⁴⁸ The issue was debated during the question time on 4 December 2003, see the oral questions O-0080/03. See also questions E-0333/04 of 30 January 2004; P-0321/04 29 January 2004; E-0478/05 2 February 2005; E-0849/05 of 23 February 2005; E-0850/05 of 23 February 2005; E-0849/05 of 23 February 2005; E-0478/05 2 February 2005.

and the extreme variety of issues debated. After the debate in the Committees, the text is presented before the plenary for a further vote. In the years under consideration, the European Parliament Foreign Affairs Committee debated various reports⁴⁹ and this activity permitted parliamentarians to confront their positions, deepen their understanding of the subject and, therefore, insert the debate on the arms embargo in a context.

The EU-relations with China split parliamentarians on the strategy to be adopted: while PPE and other groups stressed their discontent with China's policy as regards human rights and asked the Council and the Commission to take it into consideration in their economic relations with the country, PSE favoured a more positive stance, asking for a policy of engagement and not of confrontation.⁵⁰ Disagreement emerged also as regard the One-China policy adopted by the EU and by its Member States: while the majority of parliamentarians stressed the importance of adopting a more pragmatic approach and enhance the relations with Taiwan, socialist were more inclined to accept governments' policy.⁵¹

Yet, on the issue of the arms embargo, political groups were able to reach a wide agreement. In the debate that took place on the 17 December 2003, all political parties spoke against lifting the embargo. Most speakers recalled that China's progress in the respect of human rights was not sufficient and lifting the embargo would have sent a wrong signal in this regards; concerns over the situation in Tibet and relations with Taiwan were also mentioned as arguments against the decision. Even MEPs belonging to PSE, which had initially adopted a moderate stance⁵², voted in favour of a joint resolution calling the Council of Ministers to maintain the EU embargo and not to weaken the existing national limitations on arms sales towards China.⁵³

The examination of the behaviour of the European Parliament in this case shows a very effective approach: MEPs were able to intervene timely, before the final decision was taken, and managed to show cohesion among different political parties which certainly strengthened

⁴⁹ European Parliament Report on EU strategy towards China, P5_TA(2002)0179 adopted on 11/4/2002; European Parliament, Report on Relations between the EU, China and Taiwan and Security in the far East, P6_TA(2005)0297, adopted on 7/7/2005; European Parliament, Report on Prospects for EU-China Trade Relations, P_6TA(2005)0381 adopted on 13/10/2005.

⁵⁰ See debate on the prospects for EU-China Trade Relations, 13/10/2005

⁵¹ See Lan Yuchun, "The European Parliament and the China-Taiwan Issue: An Empirical Approach," *European Foreign Affairs Review* 9, no. 1 (2004).; Zanon (2005) and the debate in the plenary on the Report on prospects of EU-China Relations, 13/10/2005.

⁵² The group had tabled a motion for resolution welcoming the decision of the European Council to ask the Council of Ministers to review the embargo position. European Parliament Motion for resolution B5-0553/2003.

⁵³ European Parliament, Resolution on the Removal of the EU embargo on the arms sales to China, P5_TA(2003)0599, adopted on 18/3/2003.

their position. This effective strategy can be attributed mainly to two reasons: on the one hand, previous debates on the relations between EU and China had helped parliamentarians to develop a certain expertise on the subject, and therefore rapidity in the reaction to the action of the Council; in addition, human rights issues for which the embargo had been established are a typical feature of the EP's foreign policy and were fundamental to overcoming all divergences on EU-China relations.

The House of Commons

As in the case of Iran, the debate over lifting the arms embargo against China raised the concerns of British MPs which debated it during the question time, within the specialised committees and in the plenary.

As for the questions raised in the plenary, Members of the majority and the opposition started addressing the issue during the question time in early 2004, following the European Council's decision to start revising the embargo. Representatives of the governments repeatedly evaded MPs' questions and refused to set out clearly the position of the government. In February 2004, for example, the FCO Minister Bill Rammell, argued that the British government welcomes "the review (initiated by the EU) and is currently considering the UK's position".⁵⁴ This evasive reply was repeated on all occasions parliamentarians addressed this issue during the whole 2004.⁵⁵ Following the insistence of MPs, the government explained that it "does not wish to pre-empt the conclusion of the review", therefore justifying a plea for secrecy in light of the research of a successful compromise.⁵⁶ A change in the attitude of the government occurred only at the end of 2004, one year after the review had started and when the Union seemed near to reaching an agreement. In December 2004, the government announced that it was supporting lifting the embargo, and claimed that the situation of human right in China had changed and that also US Ministers had expressed an interest in the review; in January 2005 the government admitted that it "could envisage embargo lift subject to satisfaction on the issues laid out in the Conclusions of that Council (December 2004)".⁵⁷

⁵⁴ Hansard, House of Commons debates, 12 Feb 2004: Column 1652W.

⁵⁵ See for example Hansard, House of Commons debates, 29 Mar 2004 : Column 1148W; 12 May 2004 : Column 375W; 23 Jun 2004 : Column 1449W

⁵⁶ Hansard, House of Commons Debates, 20 Oct 2004: Column 751W. Se same reply was repeated in 17 Nov 2004 : Column 1550W.

⁵⁷ Hansard, House of Commons debates, 21 Dec 2004 : Column 1616W and 19 Jan 2005 : Column 1017W; see also the intervention of Jack Straw before the Foreign Affairs Committee on 6/12/2004 (before European Council meeting) Q85.

This policy was conducted without the support of both wings of the House. Members of the opposition had expressed their concerns for the hypothesis of lifting the embargo during a debate held in the plenary on UK's relations with China on March 2004.⁵⁸ On this occasion Members of the majority and the opposition criticised the EU's decision to review the arms embargo and argues that the human rights situation in the country had not made enough progress to allow for such a move; in addition, various parliamentarians expressed concerns for the situation in the Taiwan Strait and the implications for the relations with the US. These concerns were reiterated also in the debates dedicated to the European policy of the government in late 2004 and early 2005.⁵⁹

Finally, as the case of Iran, the arms embargo against China received a detailed examination by the House specialised committees, specifically by a Quadripartite Committee made of representative of Defence, Foreign Affairs, International Development, and Trade and Industry Committees. The Quadripartite Committee meets regularly to examine the situation of British arms exports. In their periodic reports, the Members of this Committee analysed the condition of application of the UK's arms embargo against China; the consequences of lifting it on arms sales and the content of the EU Code of Conduct on Arms Exports; the implications of the embargo (and of lifting it) on the political and economic relations with China and with the US; the consequences on the relations between China and Taiwan.⁶⁰ As in the case of Iran, the Members of the Committee collected evidence from both, representatives of the government and independent experts to gain a comprehensive picture of the problem. In their final conclusions, MPs recommended very clearly "that in current circumstances the Government should resist calls to lift the arms embargo on China"; the text was adopted with the support of members of the majority and opposition.⁶¹ On various occasions the report on the Committee was recalled by Members of the House to clarify that the government's support for the revision of the embargo was against the will of the House. Although Members of the majority claim that the government changed its policy in Spring 2005 following the opposition expressed by the Quadripartite Committee, it is interesting to note that while the Committee

⁵⁸ Hansard, Westminster Hall Debates, 25 Mar 2004 : Column 320-358WH.

⁵⁹ Hansard, House of Commons, 20 Jan 2005 : Column 156-158W; 3 Feb 2005 : Column 996-1000; 30 Jun 2005 : Column 1453-1456.

⁶⁰ House of Commons Defence, (2004) Foreign Strategic Export Controls Annual Report for 2002, First Joint Report of Session 2003-04 HC 390 Published on 18 May 2004; House of Commons, (2006), Strategic Export Controls: Annual Report for 2004, Quarterly Reports for 2005, First Joint Report of Session 2005-06, HC 873 Published on 3 August 2006.

⁶¹ House of Commons Defence, (2004) Foreign Strategic Export Controls Annual Report for 2002 par. 135. Interviews in London, June 2008.

expressed a clear position in its reports of 2004 and 2006, the text published in Spring 2005 (following the disclosure on the government's stance in late 2004) contained a more moderate position. Actually, the lack of agreement among EU governments on the embargo issue emerged in late 2005 seems rather a consequence of the changed international context, and in particular of the view expressed by the US ally and of the approval of the Chinese Anti-Secession Law.

The Italian Parliament

As for the case of the nuclear issue, the Italian Parliament did not use its instruments for the oversight of EU policies to debate Italy's stance on the EU's embargo against China.⁶² By contrast, Italian MPs questioned the government's position on the issue of arms sales to China during the general debates concerning Italy's foreign policy. In 2003 and 2004, the debate over the arms embargo attracted the attention of only those few MPs who had a long established interest in EU's relations with China. The problem was raised by Gian Paolo Landi di Chiavenna, member of the right-wing coalition in government and president of the interparliamentary "friends of Taiwan" group. Landi di Chiavenna put formal questions to the cabinet in 2003, following Prime Minister Silvio Berlusconi's visit to China, and in 2004, when the issue of the embargo entered the agenda of the EU Council. As a result, government representatives for the first time confirmed before Parliament Italy's positive stance towards lifting the embargo; the government assured that approval was conditional upon a significant gesture from China in the field of human rights and a common pronouncement by the European Union.⁶³

In the same period the government adopted some initiatives that seemed to contradict this stance. For example, in 2003, while affirming that lifting the embargo was conditional upon a common pronouncement by the Union, the government approved arms sales to China worth 127 million euro (as compared to only 6 million in 2002). Moreover, in 2004 the government asked Parliament to ratify a cooperation agreement with China in the field of

⁶² From 2003 to 2006, for example, the regular parliamentary hearings on the European Council's Conclusions addressed the main issues debated in these meetings (the constitutional treaty, enlargement, etc.) and often become an occasion for political parties to compare their views on the integration process. Although the Common Foreign and Security Policy received considerable attention, MPs never examined EU-China relations. Likewise, from 2003 to 2006, the Italian Parliament organised several hearings to debate specific European issues, but the arms embargo was never raised.

⁶³ Chamber of Deputies, questions 5-02599, 5-02875 and 5-03480 (2004).

technology and military equipment.⁶⁴ Members of the Foreign Affairs Committee of the Chamber of deputies questioned the agreement's compatibility with the arms embargo, but the government denied any incompatibility because Italy's interpretation of the embargo on China deals only with the export of arms that can be used for internal repression or violation of human rights (as it was imposed after the events in Tiananmen Square in 1989).

Until the end of 2004, therefore, the position of the Italian government on the embargo towards China was debated only within specialised committees and received little attention from most political parties. A change occurred when the issue entered into the national agenda. This first was during the visit of Foreign Minister Gianfranco Fini and President Carlo Azeglio Ciampi to China in December 2004. A few days later, MPs from several political parties expressed their concerns to Fini during a hearing on his foreign policy program.⁶⁵ The Foreign Minister argued that the embargo had to be lifted to avoid a double standard in the Union's bilateral relations with China – good economic relations but strong political condemnation – and highlighted that this position was shared by the main European partners. The issue was then brought before the Chamber's plenary session, on the initiative of both majority and opposition members.⁶⁶ During the debate (17 March 2005), significant sectors of the majority and a part of the opposition were against lifting the embargo. Within the governing coalition, Lega Nord took a clear stance against, accusing the government of supporting a position that had been neither discussed nor communicated to Parliament. On the opposition, the Greens asked the government to condition economic relations with China on stronger signals of respect for human rights. A more open stance was taken by members of Rifondazione Comunista who confirmed that China would have to show a stronger commitment to respect of human rights in order for the embargo to be lifted. Apart from these interventions, broad sectors of Parliament – from Forza Italia (FI-Go Italy), Berlusconi's centre-right party, to the Democratici di Sinistra (DS - Democrats of the Left) and the Margherita (Daisy), both members of the centre-left opposition coalition – avoided taking part in the debate. After the general discussion, the debate was postponed, but it was never resumed and the plenary never voted on the motions proposed. Research has not revealed the reasons for this interruption: the parliamentary agenda was too busy or the issue just lost momentum. Or there could have been

⁶⁴ Parliamentary act No. 4811.

⁶⁵ Hearing of Foreign Minister Gianfranco Fini before the Foreign Affairs and European Affairs Committees of the Chamber of Deputies and the Senate, 14 December 2004.

⁶⁶ Three motions were proposed respectively by Lega Nord (1-00412), Alleanza Nazionale (1-00435) and the Greens (1-00411); a fourth was signed by Biondi, Nan (both Forza Italia) and Grillini (DS) (1-00430).

a political decision behind it: submitting it to a vote would have forced all political parties to take a clear stance on it and would perhaps have highlighted the divisions within both coalitions.

After this first debate, the problem of the embargo was shelved for a long time, in parallel with the freezing of the EU negotiations. The issue emerged again in September 2006 following the visits of Romano Prodi head of a new centre-left government—to China. Centre-right MPs addressed several formal questions to cabinet ministers accusing the government of not doing enough to promote respect of human rights in China.⁶⁷ Appearing before the Senate, the new Foreign Minister Massimo D'Alema pointed out that the position in favour of lifting the embargo was in line with that of the previous cabinet and conditional upon a strong signal of greater respect of human rights in China. Moreover, to justify this position, D'Alema stressed that Italy's stance was in line with that of the European Council and of its main European partners.⁶⁸

As happened in 2005, the issue was brought before the Chamber's plenary session a few months later on the initiative of members of the centre-right opposition. Unlike the previous year, all members of the centre-right coalition took part in the debate and asked the government not to lift the embargo, arguing that the human rights situation in the country was still too unsatisfactory to allow for such a move.⁶⁹ The centre-left majority accused the centre-right MPs of taking an opportunistic stance, and adopted approaches more varied.⁷⁰ Their divergences were overcome during the vote and most centre-left coalition MPs eventually approved a motion generally affirming that "lifting the embargo should be linked to China taking significant steps towards greater respect of human rights, democratic reforms, and better relations with its neighbours".⁷¹ Only a few members of the Greens expressed their disagreement, tabling a further resolution to uphold the embargo, but the resolution was rejected.⁷²

These two debates (in spring 2005 and autumn 2006) show that significant parts of the centre-right and centre-left coalitions had reservations about the government's stance as regards the lifting of the arms embargo on China. Members of parliament questioned the

⁶⁷ Chamber of Deputies, questions 3–00259, 3–00258, 5–00238 (2006).

⁶⁸ Senate, Question time in plenary session, 16 November 2006.

⁶⁹ Chamber of Deputies, motions 1–00026; 1–00027; 1–00033; 1–00052; 1–00059 all debated on 27/11 and 12/12/2006.

⁷⁰ Chamber of Deputies, motions 1–00057 (Italian Communists) and 1–00054 (Greens).

⁷¹ Chamber of Deputies, Motion 1–00053.

⁷² Chamber of Deputies, Resolution 6–00009.

government's position on the issue during the general debates concerning Italy's foreign policy. Apart from certain parliamentarians with a long-standing interest in the subject, the other raised questions and expressed reservations only when the issue was debated in the media, raising concerns among the public opinion.

In particular, while Parliament dedicated several debates to the human rights situation in China, the issue of arms sales to the country was raised only when the Italian government's positive stance towards lifting the embargo was reported in the media. Little opposition was expressed in connection with related (but less reported) issues, such as the increase in arms sales in 2003 or the cooperation agreement. Even after voicing their concern over the human rights situation in China, only some components of the two coalitions (Alleanza Nazionale and Lega Nord in the centre-right, some Greens in the centre-left) opposed the government's foreign policy. Quite the contrary, in both 2005 and 2006, the majority of MPs chose to leave the government broad room for manoeuvre in the negotiations, not approving any text or general guidelines.

The marginalisation of parliaments

The cases examined provide important information on parliaments' involvement in EU foreign policy. First, the centralisation of both decision making and implementation of foreign policy is undermining the capacity of national parliaments to perform effective oversight. As the case of Iran shows, delegating the implementation of single initiatives to selected governments is becoming a diffuse practice in many areas of EU foreign policy; yet, this practice undermines both the capacity and willingness of national parliaments to be actively involved in initiatives. In general, national parliaments mainstream the oversight of EU foreign policy, which means that they perform it through the general instruments of national foreign policy making. One of the main consequences of this is that national parliaments are influenced by the national agenda and, when the government is not directly involved, they tend to disregard what happens at the European level (as emerges from the comparison of the action taken by the British and the Italian parliaments in the case of Iran). Finally, even when parliamentarians show an interest in the initiative, those of the countries not directly involved in the negotiations find much harder to have access to adequate information, and the informal context in which these initiatives take place exacerbate their difficulties.

Second, national executives enjoy an advantage over national parliaments in the multilevel system of governance, since they act at both the national and the European levels.⁷³ The main consequence of this is that, even when they are able to gain an independent view on a subject, national MPs are caught within a dilemma:⁷⁴ on the one hand, they want to maintain control over decision making; on the other hand, they realise that any such move could weaken the ability of the government to conduct successful negotiations, possibly leading to suboptimal outcomes.⁷⁵ This dilemma is exacerbated by the party dynamics that exists even in those parliaments, such as the Italian, which have long belonged to a consociational democracy: the majority is reluctant to undermine the credibility of the executive and to show divergences with it (as shown by the case of China). The main consequence is that parliaments abstain from taking a clear stance on the subject.

In many respects, the European Parliament has the instruments to overcome these shortcomings. On the one hand, the MEPs can engage in a direct dialogue with central institutions charged with the implementation of common policies; this is particularly useful as these institutions not only act on behalf of all Member States (as the EU Presidency in the case of China), but also guarantee the common interest when implementation is delegated to few governments (as the High Representative in the case of Iran). On the other hand, in the European system the executive branches of governments (the Council and the Commission) are independent from the legislative (the Council and the EP) and this excludes MEPs from the party dynamics that typify parliamentary democracies. Consequently, unlike national NPs, MEPs are able to formulate an autonomous and independent foreign policy which somehow guarantees the representation of alternative interests to those represented by the Council.⁷⁶ Yet, as it was particularly clear in the debate over the arms embargo against China, the EP's powers in EU foreign policy remain very limited: the Council did not suspend the revision of the

⁷³ Benz, "Compounded Representation in Eu Multilevel Governance.", Robert Putnam, "Diplomacy and Domestic Politics. The Logic of Two-Level Games," *International Organisation* 42 (1988).

⁷⁴ Some scholars have defined it as an "accountability dilemma:" Katrin Auel and Arthur Benz, *The Europeanisation of Parliamentary Democracy* (London: Routledge, 2005), Katrin Auel, Arthur Bernz, and Thomas Esslinger, "Democratic Governance in the Eu. The Case of Regional Policy," *Polis paper* 48 (2000), Benz, "Compounded Representation in Eu Multilevel Governance."

⁷⁵ Despite there are government in the EU that strictly responds to the mandate of the national parliament (the case of the Denmark), in most national systems the government is still able to use the arguments that secrecy and centralised decision making are necessary to a successful negotiate (this argument was used in particular by the British government).

⁷⁶ Flavia Zanon, "The European Parliament: An Autonomous Foreign Policy Identity?," in *The Role of Parliaments in European Foreign Policy*, ed. Esther Barbé and Anna Herranz (Barcelona: Office of the European Parliament, 2005).

embargo despite the early announcement of EP's opposition to it. Together these elements led to the marginalisation of the legislatures.

Conclusion: the debate on the EU's democratic deficit

The marginalisation of legislatures is key issue in the debate over the democratic deficit of the European Union. This debate was generated by analyses of the Community's institutions and has crystallised along the lines of those who compare the EU to an intergovernmental organisation and those who consider it as a political system comparable to parliamentary democracies.⁷⁷ While the former suggests that the EU has adequate mechanisms of democratic control, the latter argues that EU decision making lacks adequate parliamentary oversight. These approaches narrow the possible solutions to the EU's democratic deficit to two alternative proposals: the strengthening of the role either of national parliaments or of the European Parliament.

By describing the EU as a parliamentary democracy or as an intergovernmental organisation, this debate does not offer a precise description of the EU's system. Even in the foreign policy domain, the growing role of the EU is moving the real centre of decision making from national institutions to central bodies. For example, according to Wallace, cooperation in the field of CFSP presents a higher intensity and coordination than in other international organisation and can better be described as "intensive transgovernmentalism", which is characterised by the predominance of central intergovernmental (as opposed to supranational) institutions, the involvement of a distinct circle of key national policy-makers, a limited or marginal role for the Commission, and the exclusion of the European Parliament.⁷⁸ The decision making is generally opaque and not very accessible to national parliaments and publics. Similar hypotheses have been developed by other authors, who have used the concepts of brusselisation and commonisation of European foreign policy.⁷⁹ While brusselisation refers

⁷⁷ Follesdal and Hix, "Why There Is a Democratic Deficit in the EU: A Response to Majone and Moravcsik.", Moravcsik, "In Defence of the "Democratic Deficit": Reassessing Legitimacy in the European Union.", Moravcsik, "Is There a 'Democratic Deficit' in World Politics? A Framework for Analysis."

⁷⁸ Helen Wallace, "The Institutional Setting: Five Variations on a Theme," in *Policy Making in the European Union*, ed. Helen Wallace and William Wallace (Oxford Oxford University Press, 2000).

⁷⁹ Allen, "Who Speaks for Europe? The Search for an Effective and Coherent Foreign Policy.", Stephan Keukeleire and Jennifer MacNaughtan, *The Foreign Policy of the European Union* (Basingstoke: Palgrave MacMillan, 2008), Bocquet Muller-Brandeck, "The New Cfsp and Esdp Decision Making System of the European Union," *European Foreign Affairs Review* 7 (2002), Øhrgard, "International Relations or European Integration: Is the Cfsp Sui Generis?," in *Rethinking European Foreign Policy*, ed. Ben Tonra and Thomas Christiansen (Manchester: Manchester University Press, 2004), Michael Smith, "Toward a Theory of Eu Foreign

to the growing importance of Brussels-based institutions in the decision making system, commonisation indicates the growing importance of “common” actors (such as the High Representative for the CFSP) in shaping “common” foreign policies. These processes are transforming the Union into a system characterized increasingly by high fragmentation of powers and shared sovereignty between national and central institutions, different from both parliamentary democracies and intergovernmental organisations.⁸⁰

In the near future, the evolution of the integration process will necessitate facing the problem of the marginalisation of the legislatures, and any proposal for reform will need to take into consideration both the special nature of the EU polity and the specific features of the foreign policy domain described above. As the European political system presents traits that cannot be compared to those of parliamentary democracies or of international organisations, conceiving national parliaments or the European Parliament as alternative sources of democratic legitimacy does not help resolve the problems inherent in EU foreign policy.

In such a system, national executives are likely to be keen to maintain their powers in the foreign policy decision making and to delegate their prerogatives only to central executive institutions (as opposed to legislative institutions like the European Parliament). In this context, the marginalisation of legislatures cannot be compensated by looking at national and the European parliaments as competitors, but by highlighting their complementary roles. Strengthening parliamentary diplomacy, increasing the exchange of information and growing interparliamentary coordination may contribute to raising not only the expertise of national and European MPs, but also their awareness of the need for an alliance in defending common interests which do not easily find an expression through the governments, as shown by the case of China and the debate on the PMOI in the case of Iran).

Policy-Making: Multi-Level Governance, Domestic Politics, and National Adaptation to Europe's Common Foreign and Security Policy," *Journal of European Public Policy* 11, no. 4 (2004).

⁸⁰ Anand Menon and Martin Schain, eds., *Comparative Federalism* (Oxford: Oxford University Press, 2006), Alberta Sbragia, ed., *Euro-Politics. Institutions and Policymaking in the “New” European Community* (Washington: The Brookings Institution 1992), Vivien Schmidt, *Democracy in Europe. The Eu and National Politics* (Oxford: Oxford University Press, 2006), Smith, "Toward a Theory of Eu Foreign Policy-Making: Multi-Level Governance, Domestic Politics, and National Adaptation to Europe's Common Foreign and Security Policy."

References

(Primary sources and parliamentary acts are cited in the footnotes)

- Allen, David. "Who Speaks for Europe? The Search for an Effective and Coherent Foreign Policy." In *A Common Foreign Policy for Europe?*, edited by Helene Sjursen John Peterson, 41-58. London: Routledge, 1998.
- Angel, Suzana, Hans Born, Alex Dowling, and Teodora Fuior. "National Parliamentary Oversight of Esdp Missions." In *The Parliamentary Control of European Security Policy*, edited by Dirk Peters, Wolfgang Wagner and Nicole Deitelhoff: RECON Report No. 6, 2008.
- Auel, Katrin, and Arthur Benz. *The Europeanisation of Parliamentary Democracy*. London: Routledge, 2005.
- Auel, Katrin, Arthur Bernz, and Thomas Esslinger. "Democratic Governance in the Eu. The Case of Regional Policy." *Polis paper* 48 (2000): <https://www.fernuni-hagen.de/imperia/md/content/politikwissenschaft/polis48.pdf>
- Barbé, Esther, and Anna Herranz, eds. *The Role of Parliaments in European Foreign Policy*. Barcelona: Office of the European Parliament in Barcelona, 2005.
- Benz, Arthur. "Compounded Representation in Eu Multilevel Governance." In *Linking Eu and National Governance* edited by Beate Kohler-Koch and Berthold Rittberger, 82-110. Oxford: Oxford University Press, 2003.
- Bono, Giovanna. "Parliamentary Oversight of Eu External Military Operations: The Roles of the British, French and Italian Parliaments." In *The Role of Parliaments in European Foreign Policy*, edited by Esther Barbé and Anna Herranz. Barcelona: Office of the European Parliament in Barcelona 2005.
- Born, Hans, and Heiner Hänggi, eds. *‘the Double Democratic Deficit’ - Parliamentary Accountability and the Use of Force under International Auspices*. London: Ashgate, 2004.
- Burrall, Simon, Brendan Donnelly, and Stuart Weir. *Not in Our Name. Democracy and Foreign Policy in the Uk*. London: Politico's, 2006.
- Casarini, Nicola. "The International Politics of the Chinese Arms Embargo " *The International Spectator*. 42, no. 3 (2007): 371-89.
- Crum, Ben. "Parliamentarisation of the Cfsp through Informal Institution-Making? The Fifth European Parliament and the Eu High Representative." *Journal of European Public Policy* 13, no. 3 April (2006): 383-401.
- Fabbrini, Sergio. *Politica Comparata*. Bari and Roma Laterza, 2008.
- Follesdal, Andreas, and Simon Hix. "Why There Is a Democratic Deficit in the Eu: A Response to Majone and Moravcsik." *Journal of Common Market Studies* 44, no. 3 (2006): 533-62.
- Keukeleire, Stephan, and Jennifer MacNaughtan. *The Foreign Policy of the European Union*. Basingstoke: Palgrave MacMillan, 2008.
- Lijphart, Arend. *Democracies : Patterns of Majoritarian and Consensus Government in Twenty-One Countries*. London: Yale University Press, 1984.
- Maurer, Andreas, and Wolfgang Wessels, eds. *National Parliaments on Their Ways to Europe: Losers or Latecomers?* Baden-Baden: Nomos Verlagsgesellschaft, 2001.
- Menon, Anand, and Martin Schain, eds. *Comparative Federalism*. Oxford: Oxford University Press, 2006.

- Moravcsik, Andrew. "In Defence of the "Democratic Deficit": Reassessing Legitimacy in the European Union." *Journal of Common Market Studies* 40, no. 4 (2002): 603-24.
- . " "Is There a 'Democratic Deficit' in World Politics? A Framework for Analysis." *Government and Opposition* 39, no. 2 (2004): 336-63.
- Muller-Brandeck, Bocquet. "The New Cfsp and Esdp Decision Making System of the European Union." *European Foreign Affairs Review* 7 (2002): 257-82.
- Øhrgard. "International Relations or European Integration: Is the Cfsp Sui Generis?" In *Rethinking European Foreign Policy*, edited by Ben Tonra and Thomas Christiansen. Manchester: Manchester University Press, 2004.
- Peters, Dirk, Wolfgang Wagner, and Nicole Deitelhoff. "The Parliamentary Control of European Security Policy." *RECON Report* No. 6 (2008).
- Putnam, Robert. "Diplomacy and Domestic Politics. The Logic of Two-Level Games." *International Organisation* 42 (1988): 427-60.
- Sbragia, Alberta, ed. *Euro-Politics. Institutions and Policymaking in the "New" European Community*. Washington: The Brookings Institution 1992.
- Schmidt, Vivien. *Democracy in Europe. The Eu and National Politics*. Oxford: Oxford University Press, 2006.
- Smith, Michael. "Toward a Theory of Eu Foreign Policy-Making: Multi-Level Governance, Domestic Politics, and National Adaptation to Europe's Common Foreign and Security Policy." *Journal of European Public Policy* 11, no. 4 (2004): 740-58.
- Wagner, Wolfgang. "The Democratic Control of Military Power Europe " *Journal of European Public Policy* 13, no. 2 (2006): 200 - 16.
- . "The Democratic Deficit in the Eu Security and Defense Policy - Why Bother?" Review of Reviewed Item. *RECON Online Working Paper*, no. 10 (2007).
- Wallace, Helen. "The Institutional Setting: Five Variations on a Theme." In *Policy Making in the European Union*, edited by Helen Wallace and William Wallace, 3-37. Oxford: Oxford University Press, 2000.
- Wessels, Wolfgang. *The Parliamentary Dimension of Cfsp/Esdp. Option for the European Convention*. Brussels: European Parliament, 2002.
- Wezeman, S. T., and M. Bromley. "Military Spending and Armaments." In *Sipri Yearbook*, 417-48. Oxford: Oxford University Press, 2005.
- Yuchun, Lan. "The European Parliament and the China-Taiwan Issue: An Empirical Approach." *European Foreign Affairs Review* 9, no. 1 (2004): 115-40.
- Zanon, Flavia. "Eu Foreign Policy in the Italian Parliament: The Debates on China and Iran." *The International Spectator* 42, no. 4 (2007): 551-70.
- . "The European Parliament: An Autonomous Foreign Policy Identity?" In *The Role of Parliaments in European Foreign Policy*, edited by Esther Barbé and Anna Herranz. Barcelona: Office of the European Parliament, 2005.