

Parliamentary accountability in EU foreign and defence policy: a preliminary assessment of the Convention on the 'Future of Europe' debate

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1. INTRODUCTION

The September 11th 2001 mega-terrorist attacks and the subsequent wars in Afghanistan and in Iraq have changed the way international relations are perceived, let alone made. Foreign and defence policy matters are back with a vengeance. Whether these recent events represent, or not, the end of the transition phase that followed from the end of the Cold War falls beyond the scope of this work. The impact of these worldwide changes is difficult to assess, but it remains quite clear that the European Union is trying to respond to those stimuli by engaging in a series of policy-making changes ('deepening') and by expanding its zone of peace, democracy, stability and economic development via its enlargement (or 'widening') to the East and South. In an effort to achieve a more effective and democratic enlarged EU, its member states, applicant and candidate ones, as well as other EU institutions, have engaged in a fundamental process of reform known as the 'Convention on the Future of Europe'. It began in March 2002 and is scheduled to end at the Thessaloniki/Halkidiki European Council meeting in June 2003. A new Intergovernmental Conference will then follow the Convention (beginning in 2004). It will eventually produce a new Treaty. In the meantime, the EU has decided to expand its membership to 25 next May (2004) and to 27 by 2007.

This study examines the importance that the current Convention on the Future of Europe has given (or not) to the question of democratic accountability in European foreign and defence policy. It concentrates on parliamentary accountability, rather than democratic accountability more widely defined, because all European Union (EU) member states are indirect democracies². Where appropriate, we also refer to the European Parliament (EP), which covers CFSP (Common Foreign and Security Policy) and ESDP (European Security

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² All but France and Finland (semi-presidential systems) are parliamentary democracies. Some of them are parliamentary monarchies, but this characteristic does not affect their democratic nature, as the role of the monarchs is nowadays basically that of a figurehead.

and Defence Policy³) matters, as well as other transnational Parliaments such as the North Atlantic Assembly (NAA) or the Western European Union (WEU) Parliamentary Assembly⁴. Thus, very little attention is paid here to the role of public opinion(s). This is done for a number of reasons: First, there is the general concern about how important public opinion is in foreign and defence policy, with particular reference to its well-documented volatility. Second, there is little doubt that there is, to use the academic parlance, no European-wide *demos*, especially in foreign and defence matters⁵. Third, the overwhelming public opinion consensus against the Iraq war should not necessarily be construed as clear evidence of the emergence (at long last) of such a *demos*⁶. To put it succinctly, one should not forget that, to use Glucksmann's own words:

'in a proper democracy, decisions are made not by polling institutes, or at the stock market, or in the streets, but in the voting booth'⁷.

The article consists of six sections. In the section that follows this introduction (section 2), the work of the Convention is put within its wider context. The following 4 sections (sections 3-6) examine in detail the various contributions that were made during the lifetime of the Convention with a particular emphasis on how much attention was given to the question of accountability in foreign and defence policies. These four sections deal respectively with the draft Constitution articles on foreign and defence policy, the proposals made by the two relevant working groups (external action, and defence), other written proposals, and, finally, other informal proposals, all directed to the Convention. In section 7, we summarize the conclusions of this study.

This study basically argues that, once again, there is very little interest in an issue that should be considered as vital for the future democratic development of a European foreign and defence policy. It is important to note however that this article does not cover the wider debate about how to democratise and make the EU more transparent and closer to its citizens⁸. It concentrates on its Second Pillar because it argues that very little, if any, attention is being given to this important aspect of the question. The current level of parliamentary accountability in CFSP and defence matters raises important problems of democracy, legitimacy and accountability. As Christopher Hill correctly points out:

'the problem of democracy affects the substance as well as the procedures of the CFSP. The voice of the people needs to be heard, and the executive made subject

³ Sometimes also referred to as CESDP with 'C' standing for 'Common'.

⁴ Other transnational parliaments dealing with international affairs are the parliamentary assemblies of the OSCE and of the Council of Europe.

⁵ See Stelios Stavridis, 'The democratic control of the EU's foreign and security policy after Amsterdam and Nice', *Current Politics and Economics of Europe*, Volume 10, Number 3, 2001, pages 298-299.

⁶ For a different view, see Emilio Menéndez del Valle, 'EEUU: ¿qué valores comunes?', *El País*, 22 February 2003 where the Spanish MEP and former diplomat argues that a Common European Public Opinion has just been created with the mass public protests against a war in Iraq throughout the world on 15 February 2003.

⁷ André Glucksmann, 'France's five cardinal sins over Iraq', *International Herald Tribune*, 22 February 2003, as printed on the same day from: www.iht.com.

⁸ For details see *Current Politics and Economics of Europe*, Volume 10, Number 3, 2001, Special Issue on 'Democracy in the three pillars of the EU', guest edited by Stelios Stavridis and Amy Verdun, pages 213-349.

to checks and balances, by a rather more extensive and transparent combination of national and European parliamentary measures than is currently the case⁹.

2. THE WIDER CONTEXT

What follows offers a brief review of the current situation of democratic (read parliamentary) accountability on foreign and defence matters in EU member states and institutions¹⁰. The national parliaments have some powers of accountability, especially on issues dealing with internal EU matters (the 'model' here being the Danish *Folketing*¹¹). But in CFSP matters, it is the national governments that maintain traditional executive dominance, a situation that is often helped by the existence of a clear governmental majority in Parliament. Thus, the integration process in Europe appears to strengthen the 'parliamentary decline' thesis¹². In a recent comparative study of national EU foreign policies, out of 15 EU member states, only four contributors mentioned explicitly (and often succinctly) the question of parliamentary accountability and other inputs. More importantly, even those authors who did mention parliaments only did so in order to stress the 'limited role', 'rather ineffective', and 'very modest policy influence' that national parliaments play in the EU foreign and defence policy. The above citations¹³ referred respectively to the French, British and Irish cases. Only Denmark appeared to come out more positively, but it remains the exception rather than the rule¹⁴. The fact that in all the other cases there was no mention whatsoever of a parliamentary input is worth pointing out. As for the not so flattering comments on the four cases mentioned above, they do confirm our pessimistic assessment of the current reality of democratic accountability in EU states.

There is in addition very little accountability in defence matters at the national level where in most cases the Executive retains almost absolute control, especially over issues of arms exports, intelligence or nuclear policy. Furthermore, the whole picture becomes even more confused because of the existence of NATO with its own parliamentary assembly (North

⁹ Christopher Hill, *The Common Foreign and Security Policy of the European Union: Conventions, Constitutions and Consequentiality*, 7 November 2002, LSE European Foreign Policy Unit (EFPU) Paper, www.lse.ac.uk/Depts/intrel/EuroFPUnit.html#workingpapers.

¹⁰ For more details, see Stelios Stavridis, 'The "second" democratic deficit in the European Community: the process of European Political Cooperation', in Frank Pfetsch (ed), *International Relations and Pan Europe*, Lit Verlag, Münster, 1993, pages 173-194; 'The Democratic Control of the CFSP', in Martin Holland (ed), *Common Foreign and Security Policy: the record and reform*, Pinter/Cassells, London, 1997, pages 136-147; 'The democratic control of the EU's foreign and security policy after Amsterdam and Nice', *Current Politics and Economics of Europe*, Volume 10, Number 3, 2001, pages 289-311.

¹¹ In that respect it is important to note that EU 'internal' matters, be they in the first or the third pillars of the (current) EU structure, allow for some form of parliamentary scrutiny. But even in those policy areas, more progress is needed and it is one of the objectives of the current Convention to remedy the situation. For more details, see *European Affairs Committees, the influence of national parliaments on European policies*, a study by David Travers, Hanneke Coppolecchia and Allan Tomlins for the European Centre for Parliamentary Research and Documentation in Brussels, March 2003: www.ecprd.org.

¹² For more details see Dimitris Chrysoschoou, Stelios Stavridis, Michael Tsinisizelis, 'European Democracy, Parliamentary Decline, and the Democratic Deficit in the European Union', *Journal of Legislative Studies*, Volume 4, Number 3, Autumn 1998, pages 108-128.

¹³ Margaret Blunden, 'France', Anthony Forster, 'Britain', and Ben Tonra, 'Denmark and Ireland' respectively in Ian Manners and Richard Whitman (eds), *The Foreign Policies of European Union Member States*, Manchester University Press, Manchester, 2000, respectively, page 32, page 52, and page 232.

¹⁴ Tonra, op.cit., pages 231-237.

Atlantic Assembly), but one that does not possess any real power. It is interesting to note that the NAA was set up in the mid-1950s at the own initiative of several parliamentarians from both sides of the Atlantic and that it does not belong to the NATO treaty itself. It is also important to mention that democracy was not a leading factor for NATO membership in the way that it has always been in the EC/EU, especially during the Cold War years¹⁵. The situation is now, thankfully, different as the recent NATO enlargements show. As for the WEU, it has now been 'disbanded' (except for its article 5), but its parliamentary dimension strangely continues to exist under a new name (the Interim European Security and Defence Assembly). Its influence remains very limited all the same.

One should note that even if the individual national parliaments were to possess more powers, there would still be a democratic deficit at the EU level if the EP was not given more powers as well, because the individual need for ministers (or heads of state/government) to be accountable does not automatically make them collectively accountable to a transnational Parliament. Therefore we now turn, again very succinctly, to the EU level.

The current accountability mechanisms point to a European Parliament that possesses powers of information but no real power of control. The EP is only allowed to play a marginal role in the formulation, let alone, in the implementation of the CFSP. The Parliament in Brussels/Strasbourg does however possess some limited means of control in international trade, commerce, and aid policies (mainly budgetary powers), even if this is not the case in foreign policy *per se*. Despite a number of instruments at its disposal¹⁶, the EP remains peripheral to the CFSP and the ESDP. Indeed, the European Councils decide, and the EP usually reacts *post facto* with very little chance (or hope) of modifying any important CFSP decision that has already been taken.

As far as defence is concerned, although there has been recently progress in European integration in that particular policy area following the 1998 Franco-British Saint-Malo Declaration¹⁷, there is very little, if any, parliamentary accountability. One of the reasons is that so far there have only been informal Defence Ministers Council meetings, as they do not formally exist yet. A treaty change is not necessary but, to date, these new meetings have not been formalised. There is a practical problem with such a development as the ESDP is formally part of the CFSP. There already are bodies within the EU Council dealing with defence exclusively but not all CFSP issues cover defence matters. Thus the EP has repeatedly:

¹⁵ For instance, see Portugal as one of the founding members of the Alliance under the Salazar/Caetano dictatorships until the 1974 'Carnation Revolution', Turkey with its numerous coups and other indirect military interventions (the latest in 1997), or Greece during the 1967-74 colonels' rule.

¹⁶ The EP can debate foreign policy matters; issue declarations, reports and other rhetorical statements on international relations; organise 'hearings' of EU figures and other experts; and pass 'resolutions' and 'recommendations' on almost any international issue.

¹⁷ For details, see Stelios Stavridis, 'European Security and Defence after Nice', *The European Union Review*, Volume 6, Number 3, October 2001, pages 97-118. See also Jolyon Howorth, 'Britain, France and the European Defence Initiative', *Survival*, Volume 42, Number 2, 2000, pages 33-55 and his 'Britain, NATO and CESDP: Fixed Strategy, Changing Tactics', *European Foreign Affairs Review*, Volume 5, 2000, pages 377-396.

'demand[ed] that a separate Council of Ministers for Defence (...) be created for ESDP matters'¹⁸.

All of the above means that there is very little democratic control. We now turn to the Convention debate and discuss its wider context.

The objective of the Convention was to make relevant and appropriate proposals on how to make an enlarged Union function better and more democratically. The originality of the Convention method (first used in the drafting of the European Charter of Fundamental Rights a few years ago) resides in its all encompassing method: all 15 member states plus 13 applicant and candidate states, as well as the European Commission and the European Parliament were represented¹⁹. Moreover, in addition to government representatives (often of the highest political importance such as present foreign ministers), there also were representatives from the various national parliamentary bodies. In total, there are 105 members of the Convention²⁰. There were 3 different phases in the Convention's work: a listening phase, a study phase and the phase of trying to elaborate a draft constitution or constitutional text.

Perhaps not surprisingly foreign and defence policy matters were the most difficult issues to tackle. Therefore, it is not a coincidence that the most important meeting on those matters only took place at the end of the Convention (in mid-May 2003). There were problems due not only to the nature of the questions discussed but also as a result of the impact of the 2003 Iraq war. The disarray in which the CFSP found itself was for all to see, despite efforts by the Greek Presidency to find some consensus among the 15. Some commentators even suggested that the Convention's work should be suspended²¹. But the enlargement process was kept on schedule following the December 2002 Copenhagen European Council meeting. A sumptuous and symbolic (at the foot of the Acropolis) Accession Treaty ceremony took place on 16 April 2003 in Athens under the aegis of the Greek Presidency. The Convention President Giscard d'Estaing did suggest during the celebrations that perhaps a slight delay in the conclusion of the Convention proceedings would not be a bad idea but he was put in a minority²². This was not the first time that some delay due to the events in Iraq would be envisaged. Indeed, initially, Giscard was due to report to the March 2003 European Council on progress in the Convention. But this was postponed to the Athens April meeting instead. The Convention will be formally brought to an end on 13 June 2003, days before the Thessaloniki/Halkidiki European Council that will in turn bring the Greek Presidency to an end (at the symbolic level at least as the Presidency formally concluded on 30 June 2003²³). The first complete draft of the proposed Constitution (or constitutional text) will be discussed by the Convention in its

¹⁸ Most recently in its Brok report of September 2002 (*Report on the progress achieved in the implementation of the common foreign and security policy*), Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, A5-0296/2002 of 11 September 2002, PE 309.702 (Rapporteur: Elmar Brok), page 6.

¹⁹ Plus: [i] ECOSOC (Economic and Social Committee); [ii] CoR (Committee of the Regions); [iii] social partners; [iv] European Ombudsman. They all attend as invited observers.

²⁰ for details see: <http://European-convention.eu.int>.

²¹ See *Le Monde*'s editorial on 21 March 2003 ("L'Europe déchirée").

²² Rapport Oral sur l'état d'avancement des travaux de la convention européenne présentée au Conseil européen d'Athènes, <http://www.europa.eu.int/futurum-en.htm>.

²³ One should recall that due to Denmark's opt outs clauses in defence and EMU, the Greek Presidency had already started on 1 July 2002 for those two dimensions of EU integration before the formal presidency materialized during January-June 2003.

next plenary session on 30-31 May. During the final two such sessions (5-6 and 12-13 June) the Convention members will seek to finalise a compromise text.

We now turn to the Convention proposals. The following sections (sections 3-6) cover both formal and informal proposals, i.e. proposals that were formally submitted to the Convention but also informal ones that were made by other actors during the Convention's lifetime. Methodologically speaking this makes sense as the latter usually made direct reference to the work of the Convention.

3. CONVENTION PROPOSALS (I): THE DRAFT ARTICLES

In this section, we examine the relevant draft articles submitted by the Praesidium to the Secretary of the Convention. The Draft articles of the Convention belong to the Formal proposals submitted to the Convention. On 23 April 2003, the Draft Articles²⁴ on external action in the Constitutional Treaty were submitted. The draft articles enhance the role of the European Parliament in CFSP without including any provision on the involvement of national parliaments. It is worth noting that at the time of writing, these articles were only discussed at the Plenary Session of the Convention of 15-17 May. However, only general institutional questions were debated. There appears to be no major breakthrough except for an emerging consensus about the need to create the post of EU foreign minister²⁵.

According to the Praesidium, the new Constitution should provide for more effective institutional mechanisms to underpin and assist the process of developing a common foreign and security policy. In Chapter 2 regarding Commercial Policy, it mentions that *"the role of the European Parliament has been enhanced, both for the adoption of autonomous measures and for the conclusion of international agreements."* In addition, Chapter 4 ("Restrictive measures") of Part III ("Humanitarian assistance") introduces a provision that allows for the European Parliament to be informed if there is Union decision or action that suspends wholly or in part economic and financial relations with one country or a group of countries.

In Title V of Part I, Article 29 ("The Union's common foreign and security policy") stipulates that *"the European Parliament shall be consulted on the main aspects and basic choices of the common foreign and security policy, and shall be kept informed of how it develops."* Article 30 on Common security and defence policy contains exactly the same provision. In Title B of Part Two ("The Union's External Action"), Article 12 stipulates that *"The Minister for Foreign Affairs shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration. The European Parliament shall be kept regularly informed by the Minister for Foreign Affairs of the development of the Union's foreign and security policy, including the security and defence policy. The European Parliament may ask questions of the Council and of the Minister for Foreign Affairs or make recommendations to them. It shall hold an annual debate on progress in implementing the common foreign and security policy, including the security and defence policy."* In Part II (Economic, financial and technical cooperation with third countries), Article 28 stipulates *"The Council, acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament, shall adopt the measures necessary."*

In part III (humanitarian aid), Article 30 stipulates that *"The European Parliament and the Council, in accordance with the legislative procedure, shall adopt the necessary laws and framework laws*

²⁴ CONV 685/03.

²⁵ For details see www.euractiv.com of 19 May 2003.

defining the framework within which the Union's humanitarian aid operations shall be implemented... The European Parliament and the Council, in compliance with the legislative procedure, shall adopt a European law determining the rules and operation of the Corps (a European Voluntary Humanitarian Aid Corps)." Furthermore in Chapter 4 (restrictive measures: the interruption or reduction, in part or completely, of economic and financial relations with one or more third countries), Article 31 provides that the European Parliament should be kept informed on them. Finally, Article 33 (International Agreements) of Chapter 5 points out that *"Except where agreements relate exclusively to the common foreign and security policy, the Council shall not conclude any agreement until the European Parliament has been consulted."* Therefore, this article exempts the agreements adopted under CFSP from the obligatory consultation of the European Parliament.

4.CONVENTION PROPOSALS (II): THE WORKING GROUPS DISCUSSIONS

In this section, we examine the proceedings of the three relevant Convention working groups: the working group on the external action of the EU (WG VII), the working group on defence (WG VIII) and the working group on the role of the national parliaments (WG IV). We examine the reports of the working groups as well as the contributions made by members of the working groups.

The working groups of external relations and on defence issued reports at the end of 2002²⁶. Both working groups mention parliamentary scrutiny as one of the issues to be addressed, but they only deal with it *en passant*. The Final Report of the Working Group on *External Action* refers to the fact that consultation of the EP is already possible. It however calls for *"regular exchange of views between the EP and national parliaments on CFSP issues"*. It also suggests enhancing the EP's involvement in commercial policy, and refers to the work of the Working Group III, on Legal Personality (of the Union) and *"to make the person holding the function of High Representative formally involved in these tasks 'of informing the EP"*. The members of the group have submitted 72 working documents. Working Document no.70, where two Convention representatives from the European Parliament, Elmar Brok and John Cushnahanon comment on the preliminary draft final report²⁷ contains more ambitious provisions concerning the parliamentary accountability of CFSP than the final draft itself. Brok and Cushnahanon, referring to Part A of the preliminary draft and to the person who would combine the functions of High Representative and External Relations Commissioner, recommend that his/her appointment be also approved by the European Parliament. In addition, as far as the direct mandate of the person that would combine these two posts is concerned, they propose that it should be answerable to the EP for issues relating to CFSP. Furthermore, they believe that a new paragraph should be inserted in paragraph 8: *"The Group recommended an enhanced role of the EP in the field of commercial and trade policy"*. Finally, they argue that the following provision should be added at the end of Paragraph 10 of the preliminary final report *"the person holding the function of European External Representative will be answerable in writing to the EP for the whole range of his responsibilities"*. They also suggested that the following should be inserted at the same place: *"Some members recommended that assent by the EP should be required for any international agreement concluded by the EU, at least for those establishing a specific institutional framework or having legislative or budgetary implications. For the remaining agreements at least consultation of the EP should be required"*. These provisions were more ambitious than the draft articles themselves. What remains important is that the final draft does not include them all the same.

²⁶ Defence: CONV 461/02, 16/12/2002, External Action: CONV 459/02, 16/12/2002.

²⁷ Working Document 021 REV 3.

In addition, Working Document no.50 submitted to the Convention (21/11/2002) by Gijs de Vries, the Dutch government representative to the Convention, proposes that the European Parliament acquire policy influence on the operational activities of the CFSP. He suggests attributing a formal role to the European Parliament in its decision-making process (consultation, cooperation or co-decision procedure), but he excludes the ESDP. In exchange, the Council could make a better utilization of community budget resources. However, the Dutch representative clarifies that the involvement of the European Parliament should not lead to delay in the decision making process and foresaw an emergency procedure for special circumstances. Most of the other working documents contain amendments that do not tackle the question of the parliamentary accountability of the CFSP. Some of them were concerned with the jurisdiction of the Court of Justice, such as Working Document no.37 written by Michel Barnier, (member of the European Commission and member of Praesidium of the Convention) on 19 November 2002. Others discuss institutional matters arrangements, such as the post of the European Minister, or the legal personality of the Union.

As for the final report of the *Defence* Working Group, it ***“underlines the importance of ensuring suitable political scrutiny of security and defence policy, taking account of the specific nature of this field”***. Thus, it is interesting to note that some reference is made to the need for accountability but that the ‘special nature’ of defence policy is also highlighted. The report stresses the right of information that the EP possesses, as well as its right to submit resolutions (known as ‘recommendations’) to the Council. As for national parliaments, the emphasis is on the constitutional requirements of parliamentary assent to military operations abroad. A final point on this issue raised in this report is worth quoting fully: ***“regular meetings of the relevant committees of the national parliaments should be organized so as to ensure better exchanges of information and more effective parliamentary scrutiny. Some members of the Group wanted Members of the European Parliament to be associated with these meetings”***. Thus some form of improved EU-wide, together with national-level, scrutiny would be a positive development as it recognizes that the ESDP is more than the sum of national defence policies (and therefore that the EP should be involved) but that, at the same time, the national dimension remains extremely important. This is particularly due to the fact that there is still no European *demos*.

In the framework of the Working group on Defence, 45 working documents were submitted to the Convention. Most of them dealt with updating the Petersberg Tasks and the Defence Capability Development Agency. Working Document no.34, submitted by Marietta Giannakou on 21 November 2002 makes a reference to the parliamentary accountability of defence. In the provision concerning the Political and Security Committee, a body that has full responsibility for the conduct of crisis management operations on behalf of the EU, the Greek MP considers necessary to develop an accountability system for this body. In her own words, such a development is needed ***“not only towards the Council, but also towards the European Parliament”***.

Concerning the final report²⁸ on the role of the national parliaments, it proposes a greater involvement of national parliaments in the preparation of broad European policy guidelines. However, there is no specific reference to CFSP matters. It proposes to the Convention to examine bringing together the national parliaments and the European Parliament to debate, for example, the larger political orientations and strategies of the European Union. Furthermore, the working group recommends keeping the national parliaments more closely informed by obliging the European Commission to forward

²⁸ CONV 353/02, 22/10/2002.

directly to them all consultative texts or legislative proposals as well as the annual legislative and strategy programs. These texts should be forwarded at the same time as they are forwarded to the European Parliament and the national governments via the Council of Ministers of the European Union. Such direct and exhaustive briefing should enable the national parliaments to monitor the principle of subsidiarity through an early warning mechanism and to carry out more effective scrutiny of European policies.

Apart from the Working groups, CFSP matters have also been discussed in the framework of Discussion circles. During the meeting of the Discussion Circle on the Court of Justice on 17 March 2003 it was decided that an extraordinary meeting should be held to consider the issue of the judicial control of the common foreign and security policy. That meeting took place on 4 April 2003 but there was no agreement on the recommendations to be made.

The discussion was based on a Secretariat document (Working Document no.10)²⁹, which describes the current situation and sets out a number of possible approaches. According to this document, if the status quo is not maintained, the first option for the extension of the Court's powers concerns the involvement of the national courts: *"giving the national courts the possibility of using the preliminary ruling procedure on interpretation before the Court of Justice when they have to decide on questions relating to the implementation by the Member States of CFSP decisions to which they are required to give effect."*³⁰ The other options given by this working paper were to give the EU institutions and the Member States the right to ask the Court to annul CFSP decisions on the grounds that they violated the Constitution or a rule of international law (to which the Union or all the Member State are bound). In addition, it was proposed to extend the Court's jurisdiction to CFSP matters on the same conditions as in areas currently covered by the EC Treaty. Furthermore, if it was desired to expand this possibility of recourse to CFSP decisions, the possibility of giving individuals the right to institute actions before the Court of Justice was also considered (either for the annulment of CFSP decisions which are of direct and individual concern to them or for claims for damages based on the illegality of the act, without the Court having the right to annul the act or declare it void). These provisions have little to do with the parliamentary accountability that is being examined in this paper but they refer to the wider concept of democratic deficit.

In this working document it is also argued that such modifications are likely to modify the institutional balance in the CFSP field. In addition, the "Supplementary report on the question of judicial control of CFSP"³¹ underlined that giving the institutions and the Member States *"the right to ask the Court to annul CFSP decisions seemed premature at this stage, before the substantive CFSP provisions and the role of each institution had been unveiled. This point could, if necessary, be considered later in the light of the substantive CFSP provisions."* Furthermore, some members thought that consideration could be given to introducing into the Constitution a provision for an institution or a Member State to ask the Court of Justice for a prior opinion as to whether an international agreement envisaged in the CFSP field was compatible with the provisions of the Constitution (Article 300(6)). Some other members said that precautionary monitoring of this kind would provide a minimum guarantee of compliance with the Constitution. A number of members were firmly opposed to the Court of Justice having powers to give a prior opinion on international agreements envisaged in the CFSP field.

²⁹ CONV 689/1/03 REV 1.

³⁰ Part II, paragraph 2.

³¹ CONV 689/1/03.

5. THE CONVENTION PROPOSALS (III): WRITTEN PROPOSALS

This section examines all written contributions submitted to the Convention regarding the Common Foreign and Security Policy, and defence, as well as the role of the national parliaments.

Two contributions mention the parliamentary accountability of the CFSP: the contribution of Antonio Nazare Pereira³², alternate member of Portugal, and that of Dr. Joachim Wuermeling³³, German representative of the European Parliament. The Portuguese representative claims that the problem (the lack of parliamentary accountability in the CFSP) has originated from the moment the EU acquired responsibilities in the CFSP without the Council having considered the necessary information from the European Parliament. The European Councils fail to deal with the issue of parliamentary scrutiny. For that reason, a democratic deficit exists in the sector of the external relations in the European level. He underlines that many of his colleagues in the Convention have already asked for a discussion of the future of parliamentary accountability of CFSP and ESDP. He continues by stating that the national parliaments favour an input by public opinion in the difficult decisions that are taken in the foreign policy sector. This could be realized only when the Members of the national parliaments are regularly informed of EU actions. The Portuguese representative points out that, except for the fora offered by the interparliamentary assemblies of the WEU, NATO, the OSCE and the Council of Europe, the national parliaments do not have regular and profound contacts in order to exchange information and harmonise their points of view and formulate common preoccupations. A real dialogue between the executives and the parliamentarians requires a framework in the context of which the EU Council and the governments would be obliged to provide information to a interparliamentary forum, composed of representatives from the national parliaments of the member-states. He continues to say that he ignores whether the European Union would be ready to undertake all the aspects of the defence and which competences would be given to the European Parliament in order to ensure a genuine democratic control.

As far as the working groups IV, VII and VIII of the Convention are concerned, they have recognized the problem of the implication of the national parliaments in the decision-making procedure but their proposals about the deficit at the European level were very weak and timid. It has been proposed to put in place interparliamentary conferences inspired from the model of the COSAC (Conference of Community and European Affairs Committees) and which would extend to the foreign policy and defence committees of the national parliaments. Pereira argues that some members think that improving the links between the European Parliament and the national committees that deal with the CFSP and the ESDP could solve the problem. In order to find the best solution on that matter, he proposes to build on the experience from the CFSP to date but also on those from other interparliamentary assemblies, such as those of the WEU, NATO, the OSCE and the Council of Europe. According to his suggestions, a new institution need not be created if we establish mechanisms that allow for a real dialogue between the relevant institutions of CFSP and a consultative forum that consists of representatives of the national parliaments. *“Since the forum should represent the interests of the National Parliaments, it should be independent of and*

³² CONV 606/03, 11/03/2003.

³³ CONV 362/02, 23/10/2002.

complementary to the European Parliament so as to avoid any confusion between their respective responsibilities. That does not preclude cooperation between the forum and the EP and, possibly, the holding of joint meetings or the participation of MEPs in meetings of the forum and vice versa”. In addition, the Council should give regular reports and reply to all the contributions made by this forum or by parliamentarians. Finally, it would be indispensable to make arrangements that allow the participation of delegations from third countries (that belong to NATO).

The German representative of the European Parliament mentions in his contribution that the Congress plays a dominant role in formulating the foreign policy of the United States. He contrasts it to the fact that there is little parliamentary control for the international actions of the EU as foreseen in the Treaties. The first part of his contribution analyses the European Parliament's current role. The second part presents the example of the United States. Various proposals are summarised in its third part. Among others, Wuermeling underlines that the EU itself is a member of seven international organizations and that it co-ordinates European policy in some others. In the case of shared competencies, both the EU and the Member States are parties to these agreements. The rapidly growing influence of global organisations is not accompanied by a suitable parliamentary control of their decisions, particularly not in Europe. However, he argues that, in all cases, the Council concludes the signature of international treaties and that the European Parliament is in general only consulted. During negotiations, the Treaties, as they stand now, do not provide for any participation from the European Parliament (e.g. granting a negotiation mandate or participating in the negotiations themselves). The Parliament can influence the EU's external relations by means of the Budget procedure only in an indirect manner. However, these powers remain limited, due to the fact that the financial commitments towards the third countries have been entered into long before the Parliament begins to deal with the matter. According to the proposals made by the EP representative to the Convention, all international treaties concluded by the European Union should be subject to the prior approval of the European Parliament. Once such a need for approval is established, this would entail automatically the participation of the Parliament. Given that the European Parliament is too big to assure an effective control in plenary, it should be foreseen to transfer competencies to the relevant committees. Finally, in order to reinforce the budgetary responsibility of decisions in external relations, the Parliament should be involved prior to the adoption of binding obligations with an impact on the budget. In his conclusion, Joachim Wuermeling stated that:

“The reinforcement of the European Union's international role has to be accompanied by an improvement of its parliamentary responsibility. Without such responsibility, European actions would permanently lack democratic legitimisation and authority towards the Member States and the citizen. This might provoke more complicated and longer procedures for external relations actions. But the American example proves that the ability to act does in no way suffer from a strong involvement of the Parliament.”

The two most well known contributions submitted at the Convention were the Franco-German contributions on the European political security and defence and on the institutional architecture of the Union. In the first one, Dominique de Villepin and Joschka Fischer³⁴ made no reference to the parliamentary accountability of CFSP. Their main argument was the insertion of the instrument of the enhanced cooperation in the CFSP. In the second Franco-German contribution³⁵, there was a reference to the national parliaments but with regard to the wider context of the decision-making of the European Union.

³⁴ CONV 422/02, 22/11/2002.

³⁵ CONV 489/02, 16/01/2003.

The contribution made by Ana Palacio and Peter Hain on the “The Union institutions” (the so called Spanish-British contribution”) did not contain any concrete provision on the parliamentary accountability of CFSP. The British-Spanish contribution recommended the general enhancement of the role of the European Parliament by: *“(a) the application of the co-decision procedure and qualified majority voting in the Council into some new areas; (b) improved oversight of implementing legislation via a “call back” mechanism for “delegated acts”; (c) assessing the impact of new EU legislation; (d) holding the Commission to account; (e) involvement in planning and implementing the European Council’s strategic agenda.”*

Furthermore, these two members of the Convention stipulate that national parliaments must participate actively in the European Union’s work by controlling effectively their respective national Governments’ actions. They equally favour the approach that argues for the national Parliaments to have the right to monitor Commission proposals on subsidiarity grounds. Concerning setting up a European Congress (with representatives of both the European Parliament and national Parliaments) Spain and Britain consider it useful if it is entrusted with debating the European Council’s guidelines and the Commission’s work programme. *“In any event, it should be an informal political body, not a new Institution, entitled to adopt resolutions or recommendations only”.*

Another important contribution is the Contribution of the Benelux countries³⁶ entitled “The institutions of the European Union” and written on 8 May 2003 by Gijs de Vries, Jacques Santer and Louis Michel, all members of the Convention. In chapter II (“The European Parliament”), Article 15 declares that *“Le Parlement européen exerce, conjointement avec le Conseil, la fonction d’autorité budgétaire et la fonction législative, ainsi que des fonctions de contrôle politique et consultatives selon les conditions fixées par la Constitution.”* Furthermore, Article 17 (“European Council”) states that *«Le Conseil européen présente au Parlement européen un rapport à la suite de chacune de ses réunions».* In the Benelux Declaration of 21 January 2003, it was pointed out that the Benelux countries favour the Franco-German proposal (mentioned above) on the institutional architecture as far as the use of the Qualified Majority Voting and the co-decision procedure from the European Parliament are concerned. However, there is no specific reference to the question of the parliamentary accountability of CFSP.

Several other contributions had been made on the reform of CFSP without making special reference to the lack of parliamentary accountability. The Contribution³⁷ submitted by Alain Lamassoure (French representative of the European Parliament entitled “Declaration of principles underlying the Union’s external relations”) amounts to a simple declaration of principles based on three values: peace, independence and solidarity. There was no reference on the parliamentary accountability of CFSP. Lamberto Dini (representative of the Italian national parliament) made three relevant contributions. There is no reference to the CFSP democratic deficit in any of them. In the first contribution (entitled “The European Union’s Foreign and Security Policy”³⁸), the main argument is to include in defence policy the concept of closer cooperation that had been left out in the Nice Treaty revisions. In his second relevant contribution (“European defence”),³⁹ the Italian representative suggests some specific innovations about enhanced cooperation in the defence field: a mutual defence commitment, a European arms agency and the convergence

³⁶ CONV 732/03

³⁷ CONV 315/02, 03/10/2002.

³⁸ CONV 180/02, 9/07/2002.

³⁹ CONV. 301/02, 26/09/2002.

of the military structures of the EU countries. Finally, his contribution⁴⁰ on the “European Foreign Minister” is about the establishment of the post of the European Foreign Minister, bringing together the functions of the High Representative and the Commissioner for External Relations in a single person.

Other contributions were made on the issue of the role of the national parliaments. Filadelfio Basile (alternate representative of the Italian national parliament) presented two contributions both entitled “The Role of National Parliaments”. The main argument of his first paper⁴¹ was how to achieve a full-fledged “inter-institutional agreement” between the European Parliament and the national parliaments to strengthen inter-parliamentary cooperation and systematize the indicative mutual commitments to multilateral and bilateral meetings regarding European issues of joint interest, both of general and of sectoral nature. But there was no reference to the lack of accountability in the CFSP. The second Basile contribution⁴² was mainly based on the enhanced involvement of the COSAC in the European legislative process in general.

Alain Barrau, a former representative of the French national parliament to the Convention submitted another contribution on national parliaments⁴³ to the Convention. Barrau rejected the idea of a second chamber and favoured the creation of a Congress of national parliaments and of the European Parliament. No particular reference was made to the CFSP. The contribution⁴⁴ of Danuta Hubner (representative of the Polish government at the Convention was entitled “The role of the national parliaments”) supported the provision of the Working Group on national parliaments on the role of national parliaments, particularly in the area of subsidiarity and proportionality to be written into the Constitutional Treaty. Furthermore, she pointed out that a more active involvement of national parliaments in the EU decision-making system would significantly contribute to the strengthening of democratic legitimacy and bring the Union closer to the citizen. There was no specific reference to the CFSP all the same.

The Contribution by Andrew Duff (British representative of the European Parliament at the Convention entitled “Code of Conduct on National Parliaments”⁴⁵) proposed the transformation of the current Protocol on the role of national parliaments (Treaty of Amsterdam) into a binding Code of Conduct. All national parliaments should be invited to report annually to the European Parliament on the adherence of their respective governments to the broad economic policy guidelines issued by the EU. This proposal had drawn upon the deliberations of the Working Group on National Parliaments. However, once more, there was no specific reference to the parliamentary accountability of the CFSP. *“The primary role of all member state parliaments in relation to the affairs of the European Union is to advise, scrutinise and hold to account their own government for its activities in Council. Accordingly, governments shall keep their own parliaments thoroughly informed about EU developments. The Council will transmit promptly all its relevant communications to the parliaments, including the agendas and minutes of its ministerial meetings. When passing a directive, each government shall state how it intends to implement the measure within its own state.”* Furthermore, Duff declared that member state parliaments should coordinate their work in the Parliamentary Network of the European Union. (PNEU). As he stressed the Network may send any contribution it deems

⁴⁰ CONV 387/02, 6/11/2002.

⁴¹ CONV 239/02, 05/09/2002.

⁴² CONV 334/02, 10/10/2002.

⁴³ CONV 84/02, 28/02/2002.

⁴⁴ CONV 390, 07/11/2002.

⁴⁵ CONV 326/02, 07/10/2002.

appropriate to the institutions of the European Union, and may invite representatives of the European Parliament to participate in its work. He added that the PNEU should promote interparliamentary conferences to deliberate on specific policy questions as the need arises⁴⁶.

Finally, the Contribution from René van der Linden and Wim van Eekelen (permanent and alternate representatives of the Dutch national parliament at the Convention) entitled “The role of national parliaments: an example of a good practice”⁴⁷ drew attention to the existence and working practices of a bureau especially established in the Dutch Senate for the scrutiny of European legislation, and in particular to a website which has been developed by this European Bureau of the Senate and which was being expanded.

At this point, we will study the contributions of the so-called “small” states. The constructive contribution made by Antonio Nazare Pereira (representative of the Portuguese government at the Convention) must also be included in this group of proposals (see above). Hannes Farnleitner and Gerhard Tusek (permanent and alternate representatives of the Austrian government) made a contribution entitled “A Common Foreign Policy for the European Union”.⁴⁸ It was more about the coherence of external relations, European representation in international financial institutions (IMF and G-7), and development cooperation. In addition, in the Contribution⁴⁹ by Pavol Hamžik (Polish representative to the Convention), entitled “The European Security and Defence Policy as part of the European Union's Common Foreign and Security Policy”, there was no concrete reference to the parliamentary accountability of the CFSP. The only pertinent comment by Hamžik was that he considered a drawback, *“the fact that in the process of establishing the ESDP the pragmatic functional approach continues to prevail with progress being made by technical agreements without greater public involvement. This was probably convenient during the initial stages, however, from a long-term perspective even this part of the European integration cannot successfully continue without larger public involvement. The gradual pressure exerted to maintain, and eventually even slightly increase defence expenses, which is not simple in any country, will certainly be politically sensitive.”*

Esko Seppänen (Finnish alternate representative of the European Parliament to the Convention) made a contribution on the subject “What is democracy?”⁵⁰ He tried to define the value of democracy, pointing out that no one in the Convention working groups was occupied with defining values. His approach was rather theoretical. It is worth mentioning his reference to parliamentarism: *“parliamentarianism is part of middle-class democracy. It means that laws are made in parliament on a proposal from the government and that those exercising executive power must enjoy the confidence of parliament. Democracy means public scrutiny of decision-makers and civil servants”*.

In her written contribution⁵¹, Marietta Giannakou (representative of the Greek national parliament) talks about defence and the scope of the ESDP but, unlike her earlier contribution (Working Group contribution no.34) in the framework of the defence working group where she had talked about parliamentary accountability of defence, her main concerns are how to develop a military mechanism, create of a common European armament policy, and a comprehensive and coherent security concept of the Union. No

⁴⁶ For details see his website: www.andrewduffmep.org. The British MEP probably refers to the European Centre for Parliamentary Research and Documentation (www.ecprd.org).

⁴⁷ CONV 182/02, 11/07/2002.

⁴⁸ CONV 224/02, 13/08/2002.

⁴⁹ CONV 194/02, 17/07/2002.

⁵⁰ CONV 318/02, 07/10/2002.

⁵¹ CONV 463/02, 16/12/2002.

reference is made to the democratic control of the ESDP. The former alternate representative of the Greek government, Professor P.C. Ioakimidis, made a contribution⁵² on 7 November 2002 on the topic “the development of the EU’s Common Foreign and Security Policy and Defence Policy (CFSP/ESDP). There is no reference to the accountability of the Common Foreign and Security Policy. He made the following concrete propositions: abolition of the pillar structure, creation of a Council of Foreign Policy/External Relations, unification of the post for external relations/policy, a wider use of qualified majority voting, a greater coordination in diplomatic services, a mutual assistance clause in ESDP, enhanced cooperation in ESDP and creation of a voluntary humanitarian force. In an earlier contribution made by Ioakimidis to the Convention entitled “Answers to the questions of the Laeken Declaration”⁵³ (18/06/2002), the only reference to the democratic deficit of CFSP had been the proposition to increase the democratic control of the decisions taken in the context of the CFSP through the enhancement of the role of the European Parliament and of the national parties (that will monitor the behaviour of their governments in the framework of the common foreign policy and defence policy).

The contribution⁵⁴ by John Walls Cusnahan (Irish alternate member of the European Parliament) on the “Improvement of the efficiency of the foreign policy of the EU” dealt with the better coordination of the external action of the EU. The contribution of Vytenis Povilas Andriukaitis and Dalia Kutraite-Giedraitiene (permanent and alternate representatives of the Lithuanian national parliament), entitled “Strengthening the role of national parliaments”⁵⁵, covered the issue of national parliaments. This paper discussed the strengthening of the role of national Parliaments in the EU decision-making process, enhancing the scrutiny of the government, of the Council of Ministers, participating in the early stage of the EU decision-making, strengthening the role of COSAC and assuring the direct participation of the national parliaments in the European decision-making. Finally, the Contribution by de Gucht (representative of the Belgian national parliament) talked about “Another role for the national parliaments in the EU”⁵⁶. It is generally accepted that the role of national parliaments must be enhanced but Karel de Gucht rejected the idea of a new EU parliamentary body. He pointed out that it was preferable to create a new procedure in the context of a framework legislation and to link the national parliaments to the European decision making process. This falls in line with Giscard’s own views. The President of the Convention favours a less institutionalised *Congress of Peoples*.⁵⁷

6. THE CONVENTION PROPOSALS (IV): INFORMAL PROPOSALS

The document called “Penelope”⁵⁸ was produced at the request of Commission President Romano Prodi with Commissioners Barnier and Vitorino, by a working party under the responsibility of François Lamoureux and made up of Marie Lagarrigue, Paolo Stancanelli,

⁵² CONV 389/02.

⁵³ CONV 113/02, 18/06/2002.

⁵⁴ CONV 615/03, 14/3/2003.

⁵⁵ CONV 220/02, 01/08/2002.

⁵⁶ CONV 183/02, 11/07/2002.

⁵⁷ For a good presentation of Giscard’s views see his *Audition* (Hearing) to the *French Assemblée Nationale*’s Committee on Foreign Affairs on 27 November 2002, www.assemblee-nationale.fr/12/cr-cafe/02-03/c0203017.asp as printed on 22 January 2003, especially pages 3 and 5.

⁵⁸ www.europa.eu.int/futurum.

Pieter Van Nuffel, Alain Van Solinge, with the technical assistance of Marguerite Gazze. It does not contain any specific reference to the parliamentary accountability of the CFSP. The Constitution contains three sections (I Principles, II Fundamental rights and III Policies). In the first section, Article 37 entitled “The European Parliament” (1st chapter, Title IV) defines the Tasks of this institution. These two tasks of the European Parliament are indirectly linked to the question of the democratic deficit of the CFSP: “*b) give an Opinion or Assent before the Council takes a decision or concludes an international agreement; c) acting with the Council on proposals from the Commission, determine the Union's resources and expenditure;*” The role assigned to the European Parliament is that it needs to be consulted on all agreements. Legislative instruments, such as the import regime or the financial and technical cooperation programmes, will be adopted by co-decision legislature by the European Parliament and the Council, as is already often the case. On the other hand, the Working document of the President of the Commission promotes the creation, within the Commission, of the function of Secretary of the Union/Vice-President of the Commission, arguing that this will give the Union a new capacity of initiative, visibility and implementation in the field of the common foreign and security policy, but without a reference to the role of the European Parliament.

In Section III (Policies) of the proposed Constitution, Part 4 is devoted to the External Relations Policy. Part 4 contained four titles on the Consistency, the Instruments and Procedures, the External Representation and International Organisations and on Transitional Provisions. Title II, Article III – 103 stipulates regarding the European Parliament the following provisions: “*The European Parliament shall be regularly informed of the progress of the Negotiations...*” (1st paragraph). “*Signature of the agreement may be accompanied by a decision with provisional application before entry into force is decided upon by the Council, on a proposal from the Commission. The European Parliament shall be immediately and fully informed of any decision taken pursuant to this paragraph*” (2nd paragraph). “*The Council shall conclude other agreements on a proposal from the Commission and after consulting the European Parliament. The European Parliament shall give its opinion by a deadline, which the Council may set depending on the urgency of the matter. If no opinion is given by that deadline, the Council may act.*” (3rd paragraph)

The European Parliament shall be immediately and fully informed of any decision taken regarding the suspension of an agreement by the Council and after the proposal from the Commission. (4th paragraph) “*The European Parliament, the Council, the Commission, the European Central Bank or a Member State may obtain the opinion of the Court of Justice on the compatibility of a proposed agreement with the provisions of this Constitution. The Court of Justice shall take a decision as a matter of urgency within a time-limit of no more than two months. An agreement on which the Court of Justice has given a negative opinion may enter into force only after this Constitution has been revised.*” (7th paragraph).

Furthermore, a report adopted by the European Parliament on the “New European security and defence architecture - priorities and deficiencies”⁵⁹ on 27 March 2003 makes specific reference to the parliamentary accountability of the CFSP. To be more concrete, concerning the establishment of an Armaments and Research Agency, paragraph 32 of the report stipulates that the practical arrangements for the Agency's operation would be drawn up in consultation with the European Parliament, or even by co-decision. The chapter entitled legitimacy and democratic control includes many paragraphs that contribute to the parliamentary accountability of the CFSP and the CESDP. This is clearly shown by the following provisions:

⁵⁹ Final: A5-0111/2003, www.europarl.int.

“(The European Parliament) recognises the competence of national parliaments as regards military expenditure, military procurement and the deployment of national armed forces, whereas the European Parliament should be responsible for approving the mandate and objectives of any crisis management operation under the ESDP and would be responsible for the costs incurred by EU joint actions; ” (par. 57)

“(The European Parliament) proposes that bi-annual regular meetings be held at the invitation of the European Parliament between the competent committee of the European Parliament and representatives of the respective committees of national parliaments in order to develop a common perspective with regard to the definition of a common strategy for the ESDP; such meetings could be the basis for future arrangements between the European Parliament and national parliaments; ” (par. 58)

“(The European Parliament) requests that Article 21 of the TEU not be limited to foreign and security policy but also include defence policy, which in practice already happens when the Defence Minister of the Presidency reports to the European Parliament; ” (par. 61).

“(The European Parliament) further requests that information on the progress and decisions taken under the ESDP given by the Presidency of the Council and the 'European External Representative' be complemented by the obligation to present written reports to Parliament in cases where this is explicitly demanded; ” (par. 62.)

“(The European Parliament) welcomes the work of its delegation for relations with the NATO Parliamentary Assembly as an important contribution to strengthening EU-NATO relations; encourages members of the delegation also to involve themselves actively in the committee work of the NATO Parliamentary Assembly, and supports the idea of parallel co-rapporteurships on ESDP topics within the two institutions; ” (par.63)

In another report adopted by the European Parliament on 24 April 2002 (entitled “the division of competences between the European Union and the Member States”⁶⁰), its rapporteur, Alain Lamassoure, makes no specific reference to parliamentary accountability. But he argues that the principle of subsidiarity should be interpreted in a wider and more proactive way *“because the objectives of the CFSP can be better achieved by the Union as a whole rather than by simple co-operation among its Members States.”* Furthermore, Lamassoure considers that the communitarisation of the CFSP is the best way to attain common goals.

7. CONCLUSIONS

From the above, it is therefore possible to conclude that very little attention has been paid to the question of democratic accountability of the CFSP and the ESDP. It is clear that another missed opportunity is being added to the many more that have occurred in the past. Each time there has been a treaty revision (or a new treaty), and therefore there exists an opportunity to remedy an unsatisfactory state of affairs, there has been no real interest in the question of democracy and EU foreign policy. Ever since the ‘militarization’ of the EU (post-Amsterdam) there does not appear to be any interest in how to control democratically European defence either. The range of activities that the EU is starting to cover in this field is expanding rapidly from the so-called ‘Petersberg Tasks’ (rescue, humanitarian and peace-keeping or making operations) to the possibility of a collective security clause in the proposed Constitutional Treaty draft that is expected to come out of the Convention debate.

It is also important to mention in our conclusions that one should also pay attention in the future to the impact of enlargement. From the national contributions to the Convention, it

⁶⁰ A5-0133/2002, www.europarl.eu.int.

is unclear what the 10 new member states (12 by 2007) think of the question of democratic accountability of foreign and defence policy matters. There is no clear 'new' members' stance on that particular issue. However, both the Iraq saga (the 'Letter of Eight', etc.) and the NATO membership expansion (the US Congress has just ratified its further extension to the East) show that there might be additional ammunition for the long standing debates between Atlanticists and Europeanists, intergovernmentalists and federalists, but also between small(er) and big(ger) states.

It is hoped that this article has highlighted the need for more debate about some vital issues for the future of an enlarged and enlarging EU. Otherwise, we will be talking once more of yet another failed opportunity to democratise the Union. Something, which, it is worth repeating, is a *sine qua non* for the survival of an integration process that is based on a voluntary coming together of European democratic states, peoples and nations.

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