

INTERNATIONAL PARLIAMENTARY ORGANS AND EUROPEAN INSTITUTIONAL  
ORGANISATION: THE CASE OF THE EUROPEAN PARLIAMENT

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### 1. Introduction: the phenomenon of IPOs

Although it may not be obvious at first sight, the processes of democratisation do take place in the contemporary world. From the mediaeval period onwards, the governed are gaining ever more power against the governors. These processes, however, have not been limited only to states - they include the international community as a whole. In terms of states' democratisation, the most important milestone was an introduction of parliamentarism in continental Europe. One of the most significant proofs to show that democratisation in the international community has extended to the international level as well, was an establishment of international parliamentary organs (IPOs). The era of IPOs began in 1949, when the Consultative Assembly in the framework of the Council of Europe was created.<sup>1</sup>

In the last 50 years, numerous IPOs were established or were meant to be established (see Table 1). Their institutional position and role differ with regard to the degree of supranational characteristics an international organisation possesses. Basically, we make a distinction between two kinds of IPOs; the IPOs of intergovernmental organisations; and the IPOs of international organisations where supranational qualities prevail (hereafter referred to as supranational<sup>2</sup> organisation). The role of an IPO depends on the type of international organisation of which part it is. In an intergovernmental organisation, the supervisory role is entrusted to national parliaments (e.g. by means of ratification of decisions made by such an organisation). If created in such a framework, IPOs are usually meant to be ancillary to the methods of supervision, carried out by national parliaments of member states. However, the more an international organisation becomes supranational, the less possible it is for national parliaments to supervise it. Thus, more powers are or should be provided for an IPO of supranational organisation to exercise supervision (if not control) over decision-makers.

Name	Year of Establishment	Constitutional Basis <sup>3</sup>		
The Parliamentary Assembly of the Council of Europe	1949	YES		
Common Assembly of the ECSC	1952	YES	YES	
The Assembly of WEU	1954	YES		
Consultative Assembly of the Balkan Alliance	1955	YES <sup>4</sup>		
The Parliamentary Assembly of the Interparliamentary Consultative Council of the Benelux Economic Union	1955	YES		
The North Atlantic Assembly	1955	NO		
The European Parliament	1957	YES		
The Nordic Council	1962	YES		
Permanent Committee of the Members of the Committee of Members of Parliament of EFTA Countries	1962	NO		
The Legislative Council of the Central American States	1962	YES		
The Legislative Assembly of the East African Community	1967	YES		
The Andean Parliament	1979	YES		

The Parliamentary Assembly of the OSCE	1990	NO
The Pan African Parliament	1991	YES
The Joint Parliamentary Committee of the EEA	1992	YES

Table 1: International Parliamentary Organs

The most remarkable example to demonstrate the viability of IPOs in a 'supranational' organisation is provided with the case of the European Parliament. Given the institutional setting, in which it has developed, and the scope of its powers, the European Parliament can hardly be compared with any other IPO. Moreover, due to the specific supranational environment in which it has been established, it may appear that the Parliament's scope of action is limited only to the European Union. Such an impression, we argue, is wrong. As the result of the progress in integration among member states of the European Union the scope of the Parliament's powers was increasing. Bearing this in mind, it seems safe to assume that the European Parliament undoubtedly influences other IPOs. The Parliamentary Assembly of the Council of Europe provides a case to elaborate this argument. The attempts of the Parliamentary Assembly to change the existing inter-institutional relations within the Council of Europe, are influenced by the 'ideology' and particularly by the achievements of the European Parliament. On the other hand, however, the Parliament faces difficulties in exercising its role even within the European Union. In order to overcome such difficulties, the Parliament may have to co-operate with an IPO that comes from another, intergovernmental setting.

The Assembly of Western European Union (hereafter referred to as 'WEU Assembly') should specifically be mentioned in this respect. It seems that at least at the present stage, democratisation of one of the 'pillars' of the European Union, the Common Foreign and Security Policy (CFSP) could depend more on the WEU Assembly than on the European Parliament.

The aforementioned assumptions are going to be explored on three tracks. Firstly, a brief historical analysis of the influence of democratisation processes in the European Communities/European Union on the strivings of the Parliamentary Assembly for a more active role in the framework of the Council of Europe is going to be introduced. The attempts of the Parliamentary Assembly have always been defeated, but this may not necessarily remain so, especially if the process of democratisation of the European Union is carried out successfully.

Secondly, a short study of the present role of the WEU Assembly within the European Union is going to be introduced. At present it may be premature to evaluate co-operation among member states in the field of CFSP. It may nevertheless be argued that the role of the WEU Assembly could be significant in the process of democratisation of the CFSP and may compensate for the 'absence' of the European Parliament from this 'pillar'.

Thirdly, some issues that may determine the role of the European Parliament in the European democratisation processes, need to be discussed. In this respect, we are going to focus on the main source of inter-institutional conflicts - the intergovernmental foundations of the European Union.

In this paper, we deliberately avoid an analysis of existing formal and informal links between the European Parliament and other IPOs, especially with the Parliamentary Assembly of the Council of Europe; nor do we analyse the scope of powers of respective IPOs in greater detail. We are aware, however, that such an analysis would substantially contribute to a more comprehensive study as the one that is being offered here. Yet this would require a lot more space available.

## 2. The influence of democratisation processes in the European Union on the tendencies of the Parliamentary Assembly of the Council of Europe to increase its own scope of powers

### 2.1. The foundations of influence

Article 22 of the Statute of the Council of Europe defines the Parliamentary Assembly as the deliberative organ of the organisation, entitled to debate matters within its competence under the Statute. The Assembly presents its conclusions, in the form of recommendations, to the Committee of Ministers, an intergovernmental organ of the Council of Europe. The Assembly also discusses and makes recommendations upon any matter referred to it by the Committee of Ministers with a request for its opinion (Article 23 of the Statute). However, the Assembly cannot adopt decisions that would be binding on the Committee of Ministers or on member states. As to the inter-institutional relations, the Parliamentary Assembly is rather feeble in relation to the Committee of Ministers. The only commitment of the Committee of Ministers towards the Assembly is to consider further actions according to the Assembly's recommendations (Article 15 of the Statute), and to prepare a report of its work for each session of the Assembly (Article 19 of the Statute). Last but not least, the Parliamentary Assembly does not have any significant powers in the budgetary field; it is merely consulted on the amount of funds allocated for its purposes (Article 38/d of the Statute).

#### 2.1.1. 'European authority with limited functions but real powers'

The struggle of the Parliamentary Assembly for an increase of its institutional weight has continued ever since its very first session. In many cases, the Assembly's proposals with such an aim were directly inspired, on the one hand by the logic that was behind the successes in the integration process within the European Communities (European Union), and on the other hand by the increase of powers of the European Parliament. Having realised that the Council of Europe was meant to be an organisation without specific powers towards member states, with an assembly functioning as a debate club, the first representatives of the Parliamentary (Consultative) Assembly did not wait to propose reforms, aiming at a more powerful organisation. These first proposals had a common denominator, which was embodied in the concept of creating a 'European authority with limited functions but real powers'.<sup>6</sup> However, the proposals met no success in the Committee of Ministers.

The idea of creating a 'European authority with limited functions but real powers' was obviously influenced by the clash between federalist and functionalist visions of a future European order. The compromise it had offered, however, was unacceptable for member states which did not think of transferring intergovernmental co-operation in the Council of Europe to a 'higher' level. The claim of the Parliamentary Assembly for more powers would probably have stopped at this point, if J. Monnet had not suggested a completely new logic of integration that was brought into life by establishing the European Coal and Steel Community (ECSC) in 1951.

#### 2.1.2. 'Specialised authorities'

The Parliamentary Assembly quickly comprehended the gist of the ECSC. Even before the inauguration of the ECSC, the Assembly proposed that 'specialised authorities' (i.e. authorities, similar to the one for coal and steel), should be established in other fields as well - but within the framework of the Council of Europe.<sup>7</sup> The essence of the whole idea was the following: once 'specialised authorities' had been created, it would be necessary to make provisions for their political control. It could be the task of the Council of Europe (and consequently of the Parliamentary Assembly) to exercise such a control.

The Committee of Ministers expressed its willingness to endorse the concept of specialised authorities. In May 1951, it even adopted a statutory text on 'specialised authorities' (Parliamentary Assembly, Doc.18(1951),para.4). The text provided for a legal basis for the Council of Europe or its member states to take an initiative in setting up 'specialised authorities' and lay down principles for bringing them into a relationship with the Council of Europe. In practice, however, no such 'specialised authority' has been set up in the framework of the Council of Europe.

There seemed to be some important political reasons that prevented the concept of 'specialised authorities' to be implemented. Some argue, for instance, that the reason why the ECSC was established outside the Council of Europe's institutional framework was because member states of the ECSC "were no longer ready to wait for the slowest ship in the convoy of the Council of Europe" (Fischer, 1990:70). In other words, since the Six felt there was too much opposition in the Council of Europe to further integration among member states, they thought it would not be useful to have such authorities within this organisation.

So, the initial efforts of the Parliamentary Assembly to increase the strength of the Council of Europe did not meet the desired goals. It became clear, however, that with the defeat of classic federalist projects in the 1940s and the absence of other alternative ideas, only practical experiences of the ECSC Common Assembly (which later evolved into the European Parliament), could provide source from which the Parliamentary Assembly can develop proposals to increase its own powers. Interestingly enough, a new set of proposals of the Parliamentary Assembly for revision of the Statute coincided with the end of the period 1986-1993; the period in which the powers of the European Parliament substantially increased.

## 2.2. The Parliamentary Assembly's proposal on a revision of the Statute of the Council of Europe

At its 32nd sitting on 11 May 1993, the Parliamentary Assembly adopted the Recommendation 1212 on the adoption of a revised statute of the Council of Europe. This recommendation was the most comprehensive and the most ambitious project the Parliamentary Assembly has ever undertaken.

We do not wish to go into details of Recommendation 1212. It should be noted, however, that according to this proposal, the scope of the Assembly's powers would substantially increase. The Assembly would be given *de iure* right of assent in many fields: admission of new members (Article 4); associate membership (Article 5); observer status of the states interested in the work of the Council of Europe (Article 6); observer status of non-governmental organisations (Article 8); suspension or expulsion of a member state (Article 13); suspension of the right of representation of a member state in the Committee of Ministers and in the Parliamentary Assembly (Article 14); establishment of specialised institutions, including advisory and technical committees (Article 23); the rules of operation of the Chamber of Local and Regional Authorities (Article 46); and amendments to the Statute (Article 52). Furthermore, arrangements on institutional and working relations with the European Community (Article 7), as well as draft conventions, agreements and protocols (Article 35) would be subject to Parliamentary Assembly's approval. According to the proposal of a Revised Statute, the Assembly still remains the deliberative organ of the Council of Europe (Article 28), but it would have a right of initiative in respect of conventions (Article 35).

Some of the proposals laid down in Recommendation 1212 reflect *de facto* changes that have already taken place (e.g. the Assembly's assent, requested by the Ministers prior to their voting on admission of new member states). Generally speaking, however, the institutional position of the Assembly, especially its right of assent, would have substantially improved, had the member states ratified such a proposal.

The reactions on Recommendation 1212 were moderate. In the final statement of the Vienna Summit (9 October 1993), the Committee of Ministers was requested to consider necessary statutory reforms, taking into consideration the Assembly's proposals.<sup>8</sup> No statutory changes that would follow the Assembly's proposal from 1993 have been agreed so far. It is hard to predict whether this proposal would result in statutory changes in the near future. We would argue, however, that the possibilities for an increase of the Assembly's powers depend on the course of development of the European Parliament's position in the European Union. It is difficult to imagine that the Parliamentary Assembly would have wasted time and energy into such a proposal, had the powers of the European Parliament not been increased to such an extent in such a short time. Although in different context, democratisation in one institutional setting must be followed by democratisation in another one.

If democratisation within the European Union continues, it would be ever more difficult for the member states of the Council of Europe not to react on this development.

### 3. The European Parliament and the WEU Assembly in the European Union: Partners or Competitors?

#### 3.1. The institutional position of the European Parliament and the WEU Assembly in the field of CFSP

According to the provisions on common foreign and security policy (CFSP) as laid down in the Treaty on European Union, the Western European Union (WEU) has become an integral part of the development of the Union. Its task is to elaborate and implement decisions or actions of the Union that have defence implications (Article J(4/2) of the Treaty). The role of the WEU is to provide a platform for the decision-making process in the framework of the European Union in security matters.

A detailed discussion on the Treaty provisions which relate to the CFSP will be avoided here. It should be emphasised, however, that the CFSP represents a particular 'pillar' in the Treaty on European Union in so far as co-operation in its framework is intergovernmental. Consequently, the European Parliament is not involved in the CFSP decision-making to the extent it would have wished. Furthermore, the Treaty provisions on the CFSP never specifically refer to the WEU Assembly.

Taking into account that, a:) at present the European Parliament plays a relatively modest role in the decision-making process within the CFSP; b) that the WEU (with its Assembly) is to provide a platform for making decisions in the field of security, one may ask the question what is the rationale of installing the WEU Assembly in within the CFSP?

Various answers can be given to this question. In 1989, R. Seidelmann wrote about the democratic deficit in the international organisations dealing with defence and security issues. It is true, Seidelmann continues, that national parliaments have certain powers in the field of security policy. Yet these powers are relatively limited, in particular when compared with the scope of parliamentary powers in other areas of national decision-making. Moreover, such a parliamentary control may not be enough. Due to the ever greater interdependence between states, defence and security issues tend to be discussed at the international, rather than at the national level. Thus, a certain parliamentary supervision should be extended to international organisations which deal with defence and security issues. According to Seidelmann, neither the WEU Assembly nor the NATO Assembly, due to their institutional position and the scope of powers, do not seem to be in a position to exercise such a supervision (Seidelmann, 1989:76-77).

The situation regarding parliamentary supervision over the defence and security issues, as described by Seidelmann, has not changed much to these days. Neither was the entry of the WEU into the European Union followed-up by changes with respect to the institutional position of the WEU Assembly. The WEU has so far remained essentially intact; its organisation and institutional structure have not been subject to any adjustments. Radical changes in this respect are probably not needed as long as co-operation in the framework of the CFSP remains intergovernmental. It may even be assumed that as long as the CFSP remains a separate pillar, no significant changes will take place within the WEU.

#### 3.2. Integration in the field of CFSP and the role of the two IPOs

Although the possibility of some changes in the institutional framework of the CFSP is anticipated,<sup>9</sup> it is hard to predict which course changes could take. Yet if one agrees that with further integration among member states in the field of CFSP, the existing parliamentary control may become insufficient, the question arises which of the two IPOs

can assume this task? Taking into account the nature of co-operation in the framework of the CFSP, it is difficult to expect that the European Parliament can get more powers in the field of security and defence in the near future. As long as co-operation in the CFSP does not assume a supranational character, it is not likely that the European Parliament will get any significant powers in this field. The only IPO which could, at least temporarily, provide for a democratic supervision within the CFSP, is the WEU Assembly.

It will be recalled that the European Parliament has been active in the security field since 1978, when it adopted the Klepsch Report on arms procurement (Jorgensen,1990:145). Considering itself the only assembly created by a treaty, which is empowered to discuss security questions, the WEU Assembly has never been happy with such activities of the European Parliament. At the WEU Assembly's session in June 1989, the British representative to the Assembly, Lord Finsberg, accused the European Parliament of interference with the work of the WEU Assembly (Jorgensen, 1990:145). Negative feelings of representatives of the WEU Assembly towards the European Parliament grew stronger when the negotiations on the Treaty on European Union began. It appeared to them that the Parliament's strategy was first to take over the Assembly's responsibilities in the defence and security fields, and then ultimately annex it.<sup>10</sup>

To what extent may such fears be justified? As long as the CFSP co-operation remains intergovernmental, there seems to be a room for the WEU Assembly to play a role within the European Union. Clearly the European Parliament can call for a reduction of the democratic deficit only in the areas that are the responsibility of the three Communities. This cannot be the case, nor can it be effective, in areas that are a matter for member states' prerogatives and decisions, as is the case of defence (WEU Assembly,Doc.1308,para.134). Only the national parliaments of those countries, and only the IPO of the organisation, competent for defence issues in the European Union, can exercise a democratic supervision over the governments of member states.

Of course, there is always a third possibility, i.e. that the CFSP falls within the competence of supranational institutions. In such a case there would obviously be no need for two separate IPOs in the European Union. However, one should not exclude the possibility that the CFSP remains within the member states' purview for a longer period. If this assumption proves true, then certainly the WEU and its Assembly have a future in the European Union. In this respect, it is quite easy to imagine a bicameral type of parliamentary supervision. The European Parliament would be to supervise the European executive in areas within its purview. Intergovernmental co-operation would be supervised by the WEU Assembly. There are also some considerations about having a dual parliamentary supervision, which would give to each of the two assemblies the right to express a qualified opinion on the matters within the purview of the other (WEU Assembly,Doc.1308,para.139).

In any event, some parliamentary control over intergovernmental co-operation within the framework of the European Union will have to be provided. But this should not be the same type of parliamentary control as in the case of a classic intergovernmental organisation. The CFSP and WEU are placed within and not outside the European Union, which means that member states will tend to deepen the integration also in fields such as security and defence. Consequently, intergovernmental co-operation within the CFSP will follow the level of integration, accomplished among member states in the economic field. Clearly the process of adjustment will not go fast. It is true, however, that the less intergovernmental co-operation within the CFSP will be, the more will crucial defence and security issues be discussed at the international level. It should be the task of the WEU Assembly (until the European Parliament's powers are adequately extended to the CFSP) to provide for a parliamentary supervision in this field. The less the WEU Assembly is able to exercise such a supervision, the higher will the democratic deficit in the framework of the CFSP be.

Therefore, the WEU Assembly cannot appear as an adversary to the European Parliament - or vice versa. Rather, it seems that there will be enough work for both the WEU Assembly

and the European Parliament to secure a parliamentary supervision in within the CFSP, no matter the future development in this field.

#### 4. Conclusion: The future role of the European Parliament in the democratisation processes in Europe

The present paper has indicated some aspects of influence a progress in extending the powers of the European Parliament may have on other European IPOs, such as the Parliamentary Assembly of the Council of Europe. It has also been shown that the Parliament may enter a relationship with an IPO which comes from a different, intergovernmental setting, in order to provide a parliamentary supervision (if not control) of all the components of the European Union.

Clearly, the aforementioned conclusions are but small details to support the argument that the European Parliament is the most important driving force in the process of democratisation of the European Union and beyond. However, the extent to which the Parliament will continue to remain the most important part of the democratisation process greatly depends on the future institutional development in the European Union.

Clearly it is premature to give a comprehensive assessment of the new developments concerning the European Parliament. The Treaty on European Union came into force only in November 1993. A new intergovernmental conference is anticipated in 1996. We may argue, though, that the new reforms of the European Communities (European Union) did not bring the Parliament much closer to its own basic aim - to become a genuine legislative organ. Indeed, there is one important difference between reforms that have taken place before Maastricht and the present Treaty on European Union, which gives the Parliament more hope for a fulfilment of its aim. For the first time in their history, member states of the European Communities (European Union) managed to sign and ratify provisions, aiming at creating a political union. By taking this step, member states have come even more closer to the eternal dilemma of the integration process as a whole - is there a point in this process at which member states will ultimately draw the line?

An answer to this question might come even sooner than one would have expected it. There are certain issues, which members of the European Union simply have to solve, if they do not want the whole project to become questionable. Perhaps one of the most pressing issues is the decision-making process. The procedure under Article 189(b) is the latest proof in demonstration of the fact that the present mixture of governmental and supranational characteristics of the Union becomes unbearable. It seems to us that there is not much space left for member states in the present institutional structure of the European Union to manoeuvre between a supranational hammer and an intergovernmental anvil.

Taking into account that the European Communities (European Union) have been subject to numerous changes in the last ten years, and that consequently member states may not be willing to keep up such a speed of reforms in the near future, it can be assumed that new changes may not see the light of the day very soon. In the long term, however, member states of the European Union do not have much of a choice: either integration or disintegration. Sooner or later member states will have to proceed with more substantial reforms of the present decision-making process. It cannot be predicted what course the new reforms will take. It is, however, difficult to imagine any higher form of organisation of the European Union without an important role for the European Parliament in it. Clearly it is not in the interest of the European Union to lose its transparency, or to appear difficult to understand to the citizens. In this respect, it will, inter alia, have to be decided to what extent the present mixture of supranational and intergovernmental characteristics still serves its purpose. An answer to these and many other dilemmas we have not even touched upon, will determine the future role of the European Parliament within the European Union.

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