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The German Bundestag:
Rubber Stamp or Strategic Player?

Parliamentary Scrutiny in the Decision-making Process of
Common Security and Defence Policy Operations

Parliamentary control of European security policy is a thorny issue...it is far from commonly accepted that parliaments should play a role in security at all...even if the idea was accepted that parliaments should be involved in security policy, how could this involvement be organised when both executive and parliamentary decisions are increasingly made at two interconnected levels, the European and the national one?

(Peter, Wagner and Deitelhoff, 2008, p.1)

By Mareike Thiel

A dissertation submitted in fulfilment of the requirements for the degree
of Master of Arts by Research in International Relations

University of Kent
School of Politics and International Relations

2018

Abstract

The German Parliamentary Participation Act was introduced in 1994, and further established in 2005, by the German Constitutional Court. This was rooted in Germany's military past, granting the German Bundestag the right to give approval before military troop deployment. This parliamentary ruling suggests a role for parliament in the decision-making process on participation in Common Security and Defence Policy (CSDP) missions with German armed forces. However, security policy is often said to be in the domain of the executive as decisions on the CSDP are made at a European level, requiring a unanimous vote from all European national executives to launch a mission under the CSDP umbrella, leaving a rather marginal role for national parliaments in this decision-making process. The literature surrounding legislative-executive relations in the decision-making process of whether to deploy military troops is rather limited. Investigating the German case is particularly interesting given its geographical and economical size within the EU, and its constant contribution to missions within the CSDP framework.

The aim of this study is to determine to what extent the German Bundestag can scrutinise the German executive's decision to participate in missions within the CSDP framework, and thus the research question is as follows: To what extent can the German Bundestag influence decisions on CSDP operations? In this context, the parliamentary function scrutiny will lead this research as it offers a broad approach to parliamentary activities. This dissertation seeks to contribute to the existing literature on German security policy and EU integration, as well as EU security policy. The research question is answered primarily through exploration of Bundestag plenary debates as well as official documents and literature. The analysis indicates that there is potential for the German Bundestag to actively scrutinise decisions by raising inquiries, and demanding that the executives give answers to raised questions about their decision to participate in operations under the CSDP umbrella with the German armed forces.

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Keywords: Common Security and Defence Policy, parliamentary scrutiny, German security policy, the German Bundestag, German security policy

List of Abbreviations

| | |
|--------------|---|
| AMISOM | African Union Mission in Somalia |
| BT- Drs. | Bundestagsdrucksache (Bundestag document) |
| BVerfG | Bundesverfassungsgericht |
| CDU | Christian Democratic Union of Germany |
| CFDP | Common Foreign and Defence Policy |
| CSDP | Common Security and Defence Policy |
| EC | European Council |
| ESDP | European Security and Defence Policy |
| EU | European Union |
| EUCAP | European Union Capacity Building Mission |
| EUMC | EU Military Committee |
| EUMS | EU Military Staff |
| NAVFOR | Naval Force |
| FAC | Foreign Affairs Council |
| FCC | Federal Constitutional Court |
| HHG | Helsinki Headline Goal |
| MP | Member of Parliament |
| NATO | North American Treaty Organisation |
| OAU | Organisation of African Union |
| PBG | <i>Parlamentsbeteiligungsgesetz</i> (Parliamentary Participation Act) |
| Plen.- Prot. | Plenarprotokoll (plenary protocol) |
| PPA | Parliamentary Participation Act |
| PSC | Political and Security Committee |
| SPD | Social Democratic Party of Germany |
| UN | United Nations |

Chapter 1: Introduction: The German Bundestag and its Parliamentary Prerogative

1.1. Research Background

Since the 12 July 1994 'Armed Forces Decision' of Germany's Federal Constitutional Court (FCC), deployment of the German armed forces is subject to prior approval by the German Bundestag. This decision was reinforced with the implementation of a law known as the Parliamentary Participation Act (PPA) or *Parlamentsbeteiligungsgesetz* (PBG), issued on 18 March 2005, which formally regulates the form and extent to which German troops participate in missions abroad. This regulation granted the German Bundestag a strong participatory role in security policy, which was formerly the exclusive domain of the executive branch. Thus, this thesis will analyse the following question: *To what extent can the Bundestag scrutinise decisions about Common Security and Defence Policy operations?*

Studies conducted by Dieterich, Hummel and Marschall (2008) show that the degree to which different national parliaments have a say in the decision-making process with regard to troop deployment is variable. The German Bundestag is classified as a strong parliament that can exercise its veto rights for any executive mandate prior to the deployment of troops abroad and as such, the German Bundestag has a strong role to play in security policy. However, a more detailed study and evaluation is so far missing, despite the fact that the German Bundestag presents a very interesting case, having been granted the parliamentary prerogative with regard to German troop deployment abroad. More in-depth research on the Bundestag has not yet been conducted, creating a gap in scientific knowledge concerning the role of the German Bundestag in German security policy. Generally, the literature on German security policy and the role of the German Bundestag in the legislative-executive decision-making process on troop deployment remains rather thin. This dissertation, therefore, conducts in-depth research into the role of the German Bundestag in security policy, thereby contributing to the existing scientific knowledge in an area of study in which the 'relationship between parliaments and security policy is not well understood' (Mello and Peters, 2018, p.3).

Security policy has been defined as an area which is led by national executive bodies, and national parliaments have been seen to play a rather marginal role in security policy affairs. Additionally, there seems to be a lack of interest in the role of national parliaments in security policy, according to Mello and Peters (2018); the scholars argue that one reason for this is that public debates around security affairs are often inadequate due to reasons of secrecy. Therefore, there seems to be an imbalance in the executive-legislative relationship involved in the decision-making process on the issue of troop deployment. This seems to be true even in cases in which national parliaments such as the German Bundestag have the legal right to intervene in the decision-making process by giving approval prior to troop deployment. The focus of this research will therefore be on the executive-legislative relationship in the decision-making process regarding security affairs, and I will use this as a starting point to situate this study in the existing literature. Given that the German Bundestag is granted the parliamentary prerogative, this research will contribute to the scholarly literature on the decision-making process on troop deployment.

The literature on EU integration and EU security policy claims that the area of security policy is an executive-led domain. This is due to the fact that decisions are made by the executive regarding military missions under the CSDP umbrella on the intergovernmental level; thus, this may deprive parliaments of sufficient time and information to conduct proper scrutiny of proposed military missions (Huff, 2013) and the opportunity to increase their knowledge (Born and Haenggi, 2005). The German Bundestag, however, gained certain influential power through the Parliamentary Participation Act. The head of government, the Foreign Minister and the Minister of Defence form the 'classical' executive actors in foreign policy; therefore, scholarly foreign policy research with regards to Germany barely focuses on the role of the German parliament in the process of policy making (Jaeger, Oppermann, Hoese and Viehrig, 2009). Literature on the German parliament's role is reduced commonly to passing proposals made by the executive. The main reason for the lack of academic research could be due to the fact that German bureaucracy is not centred on the parliament but focused on the executive that generally controls policy making. Such lack of focus on the parliament could suggest a passive role for the Bundestag. The

German executive has to ensure that there is no fundamental difference between the executive and the political will of the parliamentarians. Such a phenomenon has been described as the 'trouble-avoidance principle' (Schwarzmeier, 2002:37).

1.2. Historical Background of German Security Policy and its Parliamentary Prerogative

After being militarily overpowered in the Second World War, Germany was politically and economically overpowered by its aftermath. Germany's defeat in the Second World War resulted in a demilitarised and antimilitarist approach to German security policy. The German population developed a sense of 'never again' after the experiences of the lost War, and rearmament became a contentious issue as antimilitarism took root in German culture (Chappell, 2015). In the existing literature on post-war Germany, much focus has therefore been laid on the *Vergangenheitsbewältigung* —the long and challenging process of coming to terms with the socio-political experiences of the Second World War.

The first step in Germany's rearmament was its integration into the North Atlantic Treaty Organization (NATO) structures; as part of this agreement, the German armed forces were only to be deployed as part of multilateral cooperation. German reunification and the country's entry into NATO brought about a growing international consensus about German security policy, namely, that German armed forces should now actively participate in multilateral cooperation (Bundeszentrale fuer Politische Bildung, 2014). As such, multilateral cooperation became important and Germany's new, more active role called for new thinking, including in terms of European security policy. As Germany had developed to a major player on the European and international stage, it could no longer hide behind its 'checkbook diplomacy' that until then had shaped German security policy (Schweiger, 2004, p. 38).

The Kosovo mission in 1999 was the first mission in which the German armed forces participated since 1945. German participation in out-of-area missions still remains controversial even though Germany has developed from solely assisting in humanitarian aid to participating in international peacekeeping missions. German security policy was shaped by 'Never again' and 'Never again Auschwitz' as stated

by Foreign Minister Fischer in 1999¹, that rejected the idea of participation of German armed forces. Based on Germany's war experiences, Foreign Minister Fischer highlighted the humanitarian focus of the German participation in the Kosovo conflict at the party convention of the Greens on 13 May 1999:

Of course, for me, too, this always brings up our history and that plays a role. And I have to ask myself, if all of us have always used this argument in domestic matters, then why aren't we using it now that expulsions and ethnic warfare have returned to Europe and bloody consequences have already been registered. Is that a moral arms race? Is that overkill? Auschwitz is beyond comparison. But I believe in two principles: never again war and never again Auschwitz².

Based on the focus on the humanitarian aspect of the Kosovo mission, it was easy to overcome opposition of German participation (Schweiger, 2004). The humanitarian aspect of the mission was also highlighted by then chancellor Schroeder to the German public: 'We defend freedom, democracy and human rights. We cannot allow that only one hour away from here by air, these values are treated with contempt' (Schweiger, 2004, p. 38).

Justifying German participation in military missions for the sake of national economic interests is seen as highly controversial due to Germany's war past. In 2010, president Horst Koehler was criticised for his speech following his visit to German soldiers in Afghanistan. Koehler argued that the German participation was due to national economic interests:

A country of our size, with its focus on exports and thus reliance on foreign trade, must be aware that... military deployments are necessary in an emergency to protect our interests- for example when it comes to trade route, for example when it comes to preventing regional instabilities that could negatively influence our trade, jobs and incomes³

Due to the heavy criticisms that he received, he decided to resign from his position. Nevertheless, Germany continues to highlight its responsibilities to multilateral

¹ Speech by the Foreign Minister on the NATO Deployment in Kosovo, available at: http://germanhistorydocs.ghi-dc.org/pdf/eng/Ch8_Doc07FIN.pdf

² Speech by the Foreign Minister on the NATO Deployment in Kosovo, available at: http://germanhistorydocs.ghi-dc.org/pdf/eng/Ch8_Doc07FIN.pdf

³ Spiegel online, German President Horst Koehler Resigns (online) available at: <http://www.spiegel.de/international/germany/controversy-over-afghanistan-remarks-german-president-horst-koehler-resigns-a-697785.html>

cooperation. In 2014, the speech given by German President Joachim Gauck at the Munich Security Conference was much publicised, both at home and abroad. Gauck said that Germany should 'be ready to do more to guarantee the security that others have provided it with for decades' (Gauck, 2014). This was in light, as he pointed out, of the fact that 'some people at home and abroad... regard Germany as the shirker in the international community...Germany is all too ready to duck difficult issues' (Gauck, 2014). This perception had developed as a result of Germany's behaviour following the loss of World War II, which many described as a 'never again' attitude.

Germany is a committed partner in the EU's security structures, observing the 2011 Defence Policy Guidelines, and Germany's White Paper 2016 on German Security Policy and the Future of the Bundeswehr. Germany, along with France and the United Kingdom, 'was the core nation in the setting up of CSDP: it had prepared the Declaration on Strengthening the Common European Policy on Security and Defence, which was adopted by the European Council in Cologne 1999...[T]he country invested itself in the creation of both military and civilian headline goals and the establishment of the Battlegroups, as well as of the crisis management structures' (White Paper, 2016). However, 'for Berlin, the primary interest has always been the promotion of member states' integration in the area of security and defence policy...and CSDP missions and operations were much less a German priority' (White Paper, 2016).

Following Germany's reunification and regaining of its full sovereignty, the country began to participate in international military operations. However, German participation is distinct from that of other NATO or EU member states in terms of its participation in multilateral cooperation. In many EU member states, the executive has the final say on troop deployment, whereas in Germany it is obligatory for the German executive, under all circumstances, to bring the decision to deploy military troops before parliament, and a parliamentary vote is a prerequisite to deployment. The German Bundestag was granted the right to play a decisive role in the decision-making process to deploy military troops abroad, with the ruling of the Parliamentary Participation Act (PPA).

The German PPA, consequently, has been the subject of various discussions in academia, as well as in domestic and EU politics. Stratulat, Emmanouilidis, Fischer, and Piedrafita (2014) argue that the Federal Constitutional Court (FCC) ruling⁴, demanding an active role for the Bundestag in key EU decisions, has significantly enhanced the role of the German parliament in EU security affairs. Colvin (2015) agrees, arguing that the ruling has strengthened the role of the Bundestag by placing the German Bundestag at the heart of EU affairs, and that the powers of control for the parliament that were established provide new opportunities for political involvement. On the other hand, von Krause (2015) argues that the parliamentary prerogative opens up a discussion on whether Germany can be seen as a reliable partner, as this parliamentary structure could constitute a hindrance to multilateral security cooperation due to a lengthy decision-making process at the national level.

Generally, in the current literature, the role of national parliaments within the area of security policy remains rather marginal. This is because the legislature's position in the field of security mirrors the traditional view that parliamentary participation in the decision-making process is rather redundant, as plenary debates of security affairs are problematic, due to the necessity of secrecy. Parliamentary discussion is seen as bogging down an area of rapid decision making; indeed, the area of security in general is seen as less of a concern for the public than general domestic affairs (Mello and Peters, 2018). However, evaluation of the role of national parliaments in security affairs is particularly interesting within the framework of the EU's Common Security and Defence Policy (CSDP). This is because the CSDP is in many ways the exemplar of the 'multi-level' and 'multi-layered' nature of EU policy-making (Wouters & Raube, 2012, p. 3). The CSDP has a structure that operates at both the national and European level. The decision-making process for CSDP-related matters (e.g., whether to launch a mission and the details thereof) is one that necessitates unanimity among the foreign ministers of all the member states in the Foreign Affairs Council and heads of state and government in the European Council at the pan-European level (Howorth, 2011).

The challenge for national parliaments is that 'the authority which has been transferred to the EU resides in the European Council or the Council of Ministers, so

⁴ BVerfGE 90, 286, 387 f, the 12 July 1994 Armed Forces Decision

there has been a transfer of decision-making authority from the parliamentary level to the member states' executive [level]' (Holzacker, 2008, p. 142). In addition, it is the executive that decides at the national level on individual member states' participation (with some exceptions, in that parliaments are granted a veto right), leaving national parliaments a rather marginal role to play in security policy, which lies outside the normal scope of parliamentary involvement (Peters, Wagner & Deitelhoff, 2008).

In the literature on the role of national parliaments in EU policy-making, the German parliament is considered to have strong powers of scrutiny compared to those of other national parliaments (Wendler, 2016; Auel, 2017), yet makes little use of it (Sprungk, 2010). The question thus arises as to whether the Bundestag is a 'rubber stamp' or an 'active scrutiniser' in this particular area of security policy, which is widely held to be executive-led. Whether a formal regulation alone (such as the BVerfGE 90 286, 387 f.) can enable active parliamentary scrutiny over decisions made at the supranational level, or whether informal factors play a role in the legislative-executive relationship (and thus, whether the Bundestag is a 'rubber stamp' or an 'active scrutiniser') is the subject of this thesis.

1.3. Objective and Research Questions

Based on the previously mentioned argument, the objective of this study is to gain knowledge about the role the German Bundestag plays in the decision-making process in EU security affairs, specifically German troop deployment. As such, this dissertation aims to identify the mechanisms that the Bundestag can activate to participate in decisions on EU security affairs in general, and for this study, the two chosen CSDP mission in particular.

In order to answer the research questions, a literature review and document analysis will be implemented to shed light on the questions, which will be further evaluated in section xx. The purpose of the literature review is to lay the foundations of this research, to understand and to identify what has been written so far in scholarly literature on the role of the German Bundestag in decisions on EU security matters , and finally, to pinpoint the gap in the literature that creates the question around its actual role and the peculiarity of the parliamentary prerogative. The empirical part of

the document analysis is based on the plenary protocols of the German Bundestag. The purpose of the document analysis is to explore what is being discussed during the plenary debates in the German Bundestag, and to understand the different positions of parliamentarians, thus shed some light on the questions posed by this research.

In particular, this thesis seeks to analyse the role of the Bundestag on two levels: (a) On the intergovernmental level, the Bundestag's "parliamentary prerogative" offers various perspectives for analysis, such as Germany's obligations to multilateral cooperation (b) On the national level, it is worth noticing that the PPA grants the Bundestag several rights of participation in decisions to deploy German armed forces abroad (such as the right of information from the executive and the right to recall German troops even after they are deployed). To help answer the primary research question, namely *to what extent can the Bundestag scrutinise decisions about Common Security and Defence Policy operations?* This paper will address the following sub-questions:

1. The legislative-executive relations in security policy: What are the factors that the Bundestag can use to exert influence the executive in decisions about deployment of troops?
2. The scope of the Bundestag to influence security policy: Which parliamentary scrutiny mechanisms can influence decisions about the deployment of troops?

The first sub-question aims to discover the balance between the executive and the legislative branches of the German government. The literature on EU integration and EU security policy has already evaluated the extent to which legal regulations can constrain the government's decisions on troop deployment. Even though the area of security affairs is thought to be executive-led, parliaments have developed ways of influencing the decision-making process, mainly by the legislative authority to prior-veto troop deployment. The German legislative right to prior approval relates only to military missions and not to civilian missions (which include the provision of police forces or the establishment and reinforcement of a country's legal system, for instance). Thus, as Mello and Peters (2018) argue, the absence of a formal veto right does not mean that the legislature has no competence over sending troops abroad; parliaments can be informed prior to troop deployment and can state their

position. For civilian missions, Germany does not require any parliamentary approval; analysing both a military and a civilian mission comparatively might tell us whether the German can exert some sort of influence even without exercising a formal prior approval of troop deployment.

The second sub-question focuses on the mechanisms of scrutiny. To understand how the German parliament can exert influence over CSDP-related matters, it is important to consider the specific mechanisms that can be activated by the relevant actors. Auel and Benz (2005, p. 374) conceptualise the term ‘mechanisms’ as meaning the ‘patterns of causes and effects that determine social processes and explain how institutions work in practice’. National parliaments have several such mechanisms, unique to each member state and thus varying in degree and effectiveness (Cygan, 2013). This research will particularly focus on the three mechanisms established by Born and Haenggi (2005) in order to institute the Bundestag’s scrutiny influence.

1.4. Case Study selection

This thesis applies a case study approach in order to analyse the role of the German Bundestag in security affairs decision making. This section will outline the reasons why the German case is particularly interesting case to observe in the interplay between executive and parliament in the decision- making process on security affairs.

Country selection- Germany

Why is the German Bundestag a good case to examine? Parliamentary literature on EU foreign and security policy often focuses on the European Parliament (cf. Rosen, 2015) and little attention has been paid to member states’ parliaments. The German Bundestag is particularly interesting because it has the legal right, based on the German basic law and known as the Parliamentary Participation Act, to give approval before military troop deployment (no approval needed for humanitarian missions). Contrary to the belief that parliaments may have lost parliamentary influencing power due to the EU integration process, the fact that the Bundestag has the last say on a very important subject that includes civilian lives symbolises legislative responsibility and a strong position in influencing the executive domain.

The German Parliamentary approval prior troop deployment is not unique in the EU as several countries have this legislative right build in their constitution (see Table 2.2.). Yet, the role of the German Parliament in decisions on the deployment of military troops offers various starting points for a closer examination that justify the country selection: Germany's *emerging role* as a supporter and supplier of troops to out- of- area operations and with this, the significant change in the reunited German security policy. Germany is *the largest EU country*, both economically and population-wise and forms a vital part in EU politics. Lastly, Germany's focus on *multilateral cooperation*, in particular alongside Germany's closest EU' partners Britain and France, two countries in which no parliamentary approval is required before troop deployment and the decision to deploy troops lies in the hands of the British and French executive. It is intriguing to me how these aspects work in combination with the German parliamentary prerogative.

1.5. The Structure of the Thesis

In the following chapters, I will to set the stage for this study and answer the research questions. To do this, I will start with establishing a theoretical discussion on the role of national parliaments in EU policy and within the CSDP structures, highlighting the discussion of the de- and reparliamentarisation thesis in Chapter 2. This chapter also establishes the research design which is based on Born and Haenggi's (2004) Triple A framework. Chapter 3 evaluates the German security context, thus, the German parliamentary prerogative, its historical roots and its legal background. The chapter 3 also discusses problems arising from legislative involvement in decisions on troop deployment as well as opportunities for the parliament to get involved. In order to put theory into practice, Chapter 4 will analyse two chosen CSDP operations, namely the military mission NAVFOR Atalanta and the civilian mission EUCAP Somalia. The final chapter (Chapter 5) presents the overall conclusions of this thesis.

Chapter 2: Research Design

2.1. Introduction

In order to answer the question whether the German Bundestag has a say in the decision-making process, it is necessary to address the theoretical debates of national parliaments in EU integration and the role of parliaments within security structures first, with the aim of laying the foundations of the operationalisation of the framework of analysis of the thesis. Traditionally, national parliaments play a rather marginal role in security policy as it is said to be an executive-led domain. Like Germany, some European national parliaments are granted a parliamentary prerogative to engage in security policy decisions such as the deployment of troops. Within the settings of the CSDP framework and since its introduction in 1999, the role of national parliaments was raised in light of the democratic accountability. The area of security policy differs though from other policy areas in three particular points: the high level of secrecy, decisions in security affairs require a fast decision-making process and the area of security happens on the intergovernmental level. The latter is in particular interesting for the scope of this thesis and this chapter that is to analyse the discussions in existing literature on the role of national parliaments within the area of security affairs and in particular the CSDP architecture.

The aim of this chapter is twofold: The first part seeks to set the stage for the analysis of the EU security framework for a better understanding of the role of national parliaments in EU integration, security policy as well as international security structures. The second part outlines the research design for this thesis and argues why the Triple A- framework (Born and Haenggi, 2004) fits best for the purpose of this thesis.

2.2. National parliaments in EU integration and security policy- a theoretical debate

This section outlines the theoretical discussion on the role of national parliaments in the existing literature on EU integration and security policy. The discussions highlight that the role of national parliaments and their empowerment in EU integration and security affairs often cannot be sufficiently explained.

Legislative involvement in the area of security policy remains rather marginal for parliaments and under 'the firm control of national governments' (Wagner and Kantner, 2014, p. 384). National parliaments are accustomed to deal with security matters within the national context; thus, it does not come naturally for legislatures to scrutinise matters on the supranational level (Maatsch, 2016). The decision to deploy military troops abroad within the CSDP framework involves the Council and the Political and Security Committee on a European level as well as the member states' executives. Scholars argue, however, that parliaments can exercise a say in security policy in their role as veto players.

When examining the development of the EU, the roles of national parliaments have become more important over time. It is interesting to observe such a development when dealing with theories of European integration and whether such an increased role of national parliaments in EU affairs can be explained with established integration theories. European integration is often described from two different viewpoints: neofunctionalism (Haas, 1958; Lindberg 1963) and the liberal intergovernmental approach (Moravcsik, 1993). Interesting for the scope of this thesis is to examine the role that formal and informal legislative power of European national parliaments play in EU security integration. Neofunctionalism focuses not only on the member state as the key actor, but also on the state as a non-unitary actor. The concept of spillover is seen as the key mechanism of EU integration and argues that the integration in one policy area will lead to integration to other policy areas. From a liberal intergovernmental perspective, the member states are seen as the most important actors and further integration will mean benefits for the member states.

In terms of the increasing parliamentary power from a neofunctionalist perspective, i.e. the spillover effect, parliamentary influence has increased in some policy areas leading to the assumption that this would apply to other policy areas as well. While national parliaments have gained more rights to participate in EU policymaking (granted by the Treaty of Lisbon), the area of security policy still has limited parliamentary influence. This suggests that neofunctionalism may not be sufficient in

order to understand an empowered national parliament and the participation rights in the area of security policy.

The intergovernmental approach was developed by Stanley Hoffmann (1964) as a counter-perspective to neofunctionalism of EU integration. This approach is built on the realist perspective about states and, more precisely, about the states' executives playing the ultimate role in key decision-making (Bache, et al., 2015). In 1993, Andrew Moravcsik presented a new approach known as liberal intergovernmentalism, a theory which built on the existing intergovernmentalist approach. The liberal intergovernmental perspective sees the EU member states executives as the main actors in the EU (Hix, 2007, p. 576). National executives share different policy preferences, which they transfer to the EU level. In economic policy, for instance, governments have usually been preferring economic integration over political integration, in the German case, the executive has been in favour of both policy areas equally (Hix, 2011). European integration is a process which results from the member states' interests and benefits. As a result, Moravcsik argues that supranational institutions reflect the member states' interests (Bache, et al., 2015). Security policy is even more restricted to national parliaments as the decision-making process is made solely on the EU level.

In security policy, from the intergovernmentalist view, the power lies with the executive. Some European national parliaments have the legal authority to veto their government's proposal to send troops abroad. However, such parliamentary veto power does not secure efficient power of scrutiny over CSDP-related affairs. Especially in the area of security policy and European military cooperation (such as under the CSDP umbrella), the decision-making right lies with the executive. Once the national government has decided on a proposal to deploy military troops abroad, security policy procedures may restrict the opportunity to impose a veto to this decision (Moravcsik, 1994). If the parliament would reject the executive's proposal, it 'may be costly, sometimes prohibitively so, for national parliaments, publics or officials to reject, amend or block ratification of and compliance with decisions reached by national executives in international fora' (Moravcsik, 1994, p.11). Liberal intergovernmentalism may only offer a limited explanation of the growing role of

parliaments in the EU integration process as the focus is on the executive rather than the legislature.

A different perspective to the traditional approaches of neofunctionalism and liberal intergovernmentalism to European integration is the new institutionalist approach. In the existing literature, institutions such as parliaments are often considered from a neoinstitutionalist perspective. The neoinstitutionalist view elaborates on the mechanisms that define how parliaments work (such as by means of their committees) and defines the interplay between the legislature and the executive (Auel and Benz, 2005). Parliaments, including parties, politics and policies, are not necessarily separable from the European level, and the new institutionalist approach provides an opportunity to shed light on these parliamentary structures, as in parliaments institutional as well as individual aspects play an important role (Obrecht, 2006).

The new institutionalist approach consists of several approaches, with the main focus on rational choice institutionalism, historical institutionalism and sociological institutionalism. The main aim is to examine the role that institutions play in the determination of political outcomes (Hall and Taylor, 1996). Among these approaches, there is substantial understanding that all three approaches agree to acknowledge that institutions are based on rules that structure behaviour. Generally, institutionalists emphasise the role of institutions and the role they play in structuring behaviour (Steinmo, 2008). Definitions may suggest a starting point to differentiate between the different approaches, and although at times borders may be blurry and overlap, they are distinct at the same time and differ in the understanding of the term institutions and the relationship between actors and structures. One main difference can be found in the way 'the nature of the beings whose actions or behaviours is being structured' is understood' (Steinmo, 2008, p. 126).

Hall and Thelen (2009, p. 9) conceptualised institutions as 'sets of regularized practices with a rule-like quality in the sense that the actors expect the practices to be observed; and which... cases are supported by formal sanctions'. The neoinstitutionalist approaches share the view that behaviour can be determined by the institutional context and the actors' preferences. They all consider that

'institutions matter'. However, they differ in their perceptions of institutions and the basis of actors' preferences, which may include the different explanations of how actors interpret rules and the motivational drivers (Auel and Christiansen, 2015). According to the new institutionalist approach, institutions are able to form political behaviour through the institutional features of 'standard operating procedures, so-called soft-laws, norms, and conventions of behaviour' (Bulmer, 1993, p. 355).

Based on March and Olsen (1995), the parliamentary role in the EU can be explained by either the *logic of consequentiality* or the *logic of appropriateness*. The logic of consequentiality argues that actors' behaviour considers the consequences of the actors' actions in their preferences based on rationality, whereas the logic of appropriateness considers their actions according to cultural norms and rules (March and Olsen, 1995, p. 154). From a rational choice institutionalist perspective, 'institutions represent a strategic operating environment, actors have less ability to set priorities independent of the institutional context. In this view, human action is more context-driven than goal-driven' (Aspinwall and Schneider, 2000, p. 6-7). Meanwhile, the approaches of historical and sociological institutionalism understand an institution as a 'political environment or cultural context which alters the individual's sense of what is in her best interests-in other words, actors are conditioned by the accumulation of procedures, rules, and norms over time... (in which) identities, priorities, interpretations of reality are all created by this context' (Aspinwall and Schneider, 2000, pp. 6-7).

Rational choice institutionalism analyses 'the choices made by rational actors under conditions of interdependence' (Immergut, 1998, p. 12). From this perspective, the logic of consequentiality sees actors as rational effectiveness maximisers with fixed preferences. Members of parliament (MPs) are mainly motivated to increase their chance of re-election and to improve their careers (Auel and Christianse, 2015). An individual is an actor who acts to maximise effectiveness driven by strategic calculus: 'an actor's behavior is likely to be driven, not by impersonal historical forces, but by a strategic calculus and, second, that this calculus will be deeply affected by the actor's expectations about how other are likely to behave as well' (Hall and Taylor, 1996, p. 945). The rational choice view assumes that social action is formed by 'social actors, their preferences and interests' in which social actors are involved in

institutions if they see benefits in terms of their own preferences (Rittberger, 2005, p. 16). The principal-agent analysis has become a key rationalist aspect of EU affairs (Rosamond, 2016, p. 85). This approach underlines the striving of principals, in this case national governments, in directing their agents i.e. national executives. The main aim of this model is to describe the asymmetry of information between both actors (Auel and Benz, 2005). Rosamond (2016, p. 85) argues that, as rational choice institutionalism focuses on formal rules, the approach falls short in acknowledging the various informal processes, which may enlighten the understanding of policy outcomes. In addition, the preferences of actors are seen to be rather inflexible within processes that can frame interests and identities (Rosamond, 2016).

Historical institutionalism emphasises institutional choices based on their long-term impact, known as path dependency. This approach argues that previous decisions made will reflect on future decisions i.e. following the same path 'inherited from the past' (Hall and Taylor, 1996, p. 941). Path dependency explains the 'lock-in' factor when certain patterns which have evolved during previous decision-making processes have become ongoing processes (Rosamond, 2016). As historical institutionalism builds on the path dependent logic, the role of national parliaments in EU related affairs may not be explained well as MPs' preferences may change over time and are unlikely to be resistant to change under new circumstances, such as newly gained rights in treaties. Historical institutionalism focuses on the long-term effects of institutional decisions.

The sociological institutionalist approach is focused on the roles of the institution on behaviour defined by norms. The logic of appropriateness stresses that preferences are not established and are, therefore, flexible (March and Olsen, 1989). Sociological institutionalism is similar to the constructivist approach with regards to EU-related studies (Bache, et al., 2015). Although sociological institutionalism is closely linked to constructivism, it differs in some respects. Constructivism, according to Adler (1997, p. 322), reflects 'the manner in which the material world shapes and is shaped by human action and interaction depends on dynamic normative and epistemic interpretations of the material world'. Both sociological institutionalism and constructivism start with the rejection of some of the features of rational choice

institutionalism and emphasise on the facet of culture (Bache, et al., 2015). Sociological institutionalism is rooted in considerations of the consistency of the actors' actions with cultural and political norms and rules (March and Olsen, 1995, p. 154). This approach derives from the perspective that parliamentary activity is guided by the logic of appropriateness that includes formal and informal rules and norms for parliamentary behaviour. Rittberger (2005) uses the new institutional approach to explain the empowerment of the EP in the EU integration process. In parliamentary studies, the sociological institutionalist approach provides an understanding of the 'constitutive effects of domestic norms of democratic governance on states and their behaviour' (Rittberger, 2005, p. 23).

From a realist perspective, for the executive to be more efficient in the area of security policy, the executive requires greater independence from parliament (Bajtaj, 2015). The area of security policy is specifically an area in which parliaments may only play a role in preventing the weakening of the executive's room for manoeuvre (Peters, et al., 2008, p. 4). Consequently, the relationship between the executive and the legislature in security affairs has attracted much literature (Wagner, Herranz-Surralles, Kaarbo and Ostermann, 2017; Raunio, 2016; Scott and Carter, 2014). The area of security policy is very much dominated by the executive and parliament is said to play a rather marginal role therein. This is because decisions of security policy are considered to have limited openness and a high level of secrecy.

The role of national parliaments and the EP in security policy has become the focus of debate in scholarly literature. Specifically, in terms of the EU integration process, a growing interest in the involvement of parliaments in security policy after the Cold War has been observed. Scholars of EU security policy focus on the role of individual national parliaments in CSDP operations (Born, et al., 2008), by which it becomes visible how national parliaments can contribute to EU security policy. Despite the fact that there has been a growth in democratisation and parliamentary legitimacy, parliamentary involvement in security policy still falls short in terms of its oversight of policies.

The fact that parliaments play a marginal role in security policy, however, contrasts the rather strong role in exercising traditional functions that parliaments are

appointed to in other domestic policy-making areas concerning executive oversight (Raube and Wouters, 2016). Despite the fact that the domain of security policy is regarded to be executive-led, there is no valid argument regarding why this should be the case and different to other policy areas (Peters, Wagner and Deitelhoff, 2010). In fact, the role of national parliaments may not be so marginal after all, even though perhaps not directly linked to the decision-making process as such. According to Noulas (2011), parliamentary participation in security policy occurs at two levels: the institutional level, which includes the ratification of treaties and the enactment of laws that are related to the field of security, including the approval of budget, and the diplomatic level, which serves to build and strengthen cooperation with other parliaments in the form of bilateral diplomacy and multilateral diplomacy by delegations in meetings, such as the Council of Europe, and in inter-parliamentary and friendship groups. Fahey and Curtin (2014, p. 44) defined the role of parliament as the 'institutional competence' in the international arena and its role in the enactment of a state's foreign and security policy. When both are combined, it can be seen that parliaments carry out different activities at an international level that include both institutional competences as well as being a 'central factor of internal political scene' (Fahey and Curtin, 2014, p. 44).

De- versus Reparliamentarisation of European Affairs

As the before mentioned section highlights, the role of national parliaments has been vastly discussed in the literature. The CSDP is a particularly interesting case as it is situated at the heart of two fields that have challenged the role of national parliaments- European integration, and the area of security policy (Huff, 2013). Thus, this section will focus on the de- and reparliamentarisation debate, that discusses the losses of parliamentary competences on the European level while certain mechanisms have been identified in literature for the opportunity for parliaments to regain control over EU related matters.

To begin with, when discussing the role of national parliaments and their ability to scrutinise the executive's decision over troop deployment in EU affairs one has to determine the general possibility for parliament to engage in the decision-making process. In scholarly literature, two dominant discussions come to mind: the *deparliamentarisation* thesis on the one hand, and the *reparliamentarisation* thesis

on the other. The former refers to a loss of parliamentary influence in policy making as legislative competences are continuously shifted to the EU level whereas the latter argues that national parliaments developed influencing powers and gained a stronger position to exert influence decisions over EU related affairs (Auel and Christiansen, 2015).

One discussion centres on the issue of whether parliaments have become the victims or losers of EU integration due to the so-called deparliamentarisation process, which is seen to lead to a democratic deficit in the EU policy process (Norton, 1996; Maurer and Wessels, 2001; O'Brennan and Raunio, 2007). The European integration has enabled the transfer of the rights of national member states to the supranational level. The integration process has been particularly noticeable for national parliaments as they have lost a large number of their original functions to the supranational level, causing a loss of their legislative competence (Andersen and Burns, 1996; Schuettemeyer, 2003; Labitzke, 2016).

National parliaments are believed to have lost constitutionally because power has been delegated to EU institutions, creating a stronger role for executives at the cost of national legislatures (Raunio and Hix, 2000). The main argument is that the EU has gradually undermined the relevance of national parliaments, resulting in them being the victims of the European integration process. Raunio and Hix (2003) argued that the integration process is only one aspect of the broader issue of deparliamentarisation and stated that factors like a strong role of executive have actively contributed to the fact that national parliaments have lost their capability. Much of the literature has dealt with the post-parliamentarism (Benz, 1998; Marschall, 2002; 2016) idea that is based on the assumption that one aspect why parliaments have lost constitutional power is due to the "spread of co-operative forms of policy making" (Denters, et al., 2003, p. 213), i.e. the EU integration process. Studies in the area of security policy in particular argue for an executive-led domain whereby parliaments are considered insufficient or ineffective regarding the exercise of parliamentary scrutiny over the executive's decisions.

Baldwin (2004, p. 297) analyses various factors that have reinforced the deparliamentarisation process, such as: a) the growth in the activity and scope of the

government at both the national and international level and the resulting increase in the size of governmental bureaucracies, and b) the greater capacity of an executive to respond to developments in a timely fashion, formulating policy and providing leadership on the national stage and in the international arena. To Jans and Piedrafita (2009, p. 19), the marginalisation of national parliaments includes a reduced national policy autonomy, a shift in the domestic executive- legislative balance, and information asymmetries.

Contrary to the de-parliamentarisation thesis, studies have focused on the process of *reparliamentarisation* or neo-parliamentarism (Marschall, 2002; 2016), which reflects newly gained methods of influencing and scrutinising European politics and obtained new prospects for participation in national policy making (Auel and Christiansen, 2015). Scholars, however, have criticised this notion and argued that changes in the EU treaties have helped parliaments to increase their influence and control over EU affairs (Raunio, 1999; Raunio and Hix, 2000). One way of strengthening the role of national parliaments in the EU is through network activities, which often include cooperation between the European Parliament (EP) and other national parliaments in order to exchange information and expertise. A resilient parliamentary position would strengthen the neo-parliamentarist theory (*reparliamentarisation*), a theoretical assumption that national parliaments have 'fought their way back' by exercising their influence to shape EU policymaking (Auel and Benz, 2005; O'Brennan and Raunio, 2007; Auel and Christiansen, 2015).

2.3. The role of parliaments within international security structures

This section starts by setting out the challenges for parliaments in international structures by elaborating on the much discussed democratic deficit debate that highlights the lack of parliamentary legitimacy due to the decision- making process on the EU level in which parliaments have only a limited role to play.

The dynamic development of the EU crisis management challenges the democratic legitimacy of the CSDP framework (Schmidt- Radefeldt, 2009). The role of parliaments in EU integration and the loss of legitimacy due to the fact that decisions are made on the EU level has been classified as the concept of *democratic deficit*.

There is a broad agreement among scholars that national parliaments have lost democratic legitimacy due to the fact that decisions are made on the EU level. Other scholars go a step further and refer to the *double* democratic deficit. This is because national parliaments are neither involved in the scrutiny of policies nor in the decision-making process. Moravcsik (2002) is critical of the idea of a democratic deficit and argues that parliaments do not lose authority if the EU takes controls of affairs which were not influenced by national parliaments beforehand. Moravcik (2002, p. 612) rejected the idea of a European 'democratic deficit' as national parliaments have a say on EU policies, yet their de facto capability to contribute to EU policies differs greatly among the different member states.

Yet, security policy falls into the area in which national executives make decisions on the EU level and, therefore, the argument that national parliaments suffer from a democratic deficit may be valid. Parliamentarians may have the opportunity to engage in the decision-making process in international organisations through established parliamentary assemblies. Kraft-Kasack (2008) examines the EP, the Nordic Council, and the Baltic Sea Parliamentary Conference and concludes that a parliament can enhance its democratic legitimacy and assemblies can provide additional legitimacy in international cooperation. There has been growing interest in the research of inter-parliamentary cooperation in the area of security policy, particularly in the EU.

While it is important to examine the role of national parliaments and the EP separately, literature on the role of parliaments in international organisations has recently increased. One method of engaging in international organisations is via the interaction between parliaments beyond the national level. The interaction on a transnational level is focused on formal bodies of parliamentary cooperation, such as transnational parliamentary assemblies like the WEU Assembly and NATO Parliamentary Assembly. This interaction on the transnational level has been labelled the 'multilevel parliamentary field' (Crum and Fossum, 2009). Research in this area of parliamentary interaction contributes to the democratic scrutiny of EU security policy (Peters, et al., 2013). On the same note, such interactions may enhance 'competitive dynamics' caused by a mismatch of daily EU policymaking practice and formal powers (Herranz-Surrallés, 2014, p. 971). Scholars refer to

'collusive delegation' and argue for an empowerment of national executives by which executives try to secure autonomy over national parliamentary control and scrutiny (Jorgensen and Laatikainen, 2013). In addition, although intergovernmental cooperation may reduce a state's autonomy, it may also strengthen the executive's position in another policy area, which is under government control (Costa and Jorgensen, 2012).

The CSDP is an interesting case in form of the decision-making process. The decision to deploy military troops abroad within the CSDP framework involves the Council and the Political and Security Committee on a European level as well as the member states' executives. Parliamentary influencing power seems to be limited to the national level if parliaments have a say at all. Studies in the area of security policy in particular argue for an executive-led domain where parliaments are considered insufficient or ineffective regarding the exercise of parliamentary influence (Raunio and Wagner, 2016). There is a particular challenge for such influence and control of EU security policy due to the intergovernmental nature of the decision-making of the CSDP. The field of security policy is said to be an executive domain because decisions are made by the executive on the supranational level and thus 'far away from national parliaments' (Wouters and Raube, 2012), providing a challenge to parliamentary scrutiny over the decision-making process. This is a very interesting case in terms of parliamentary involvement as only on national level, national parliaments are able to play a role and scrutinise and this only if they are formally granted a parliamentary prerogative.

In regards to parliamentary rights to, and possibilities for, participation in security affairs, the subject of parliamentary veto power has become one of the main discussions in the existing literature (Crum and Fossum, 2013). Veto power has been described as the 'ability to determine details of an operation. National parliaments have different instruments at hand by which they can exert control over decisions on troop deployments' (Moelling and von Voss, 2015, p.6). Such veto power is exercised to different degrees in different national democracies, meaning that the legislatures have different experiences in exercising their power (Dieterich et al., 2009), Peters and Wagner (2011) refer to the authorisation of military deployment as the concept of parliamentary 'war power'. The following section will

take a closer look at parliamentary veto power opportunities to scrutinise the executive.

2.4. Parliamentary Veto Power and parliamentary ‘War Powers’

One key aspect of parliamentary scrutiny is the legal right to veto decisions on troop deployment. Scholars have examined the presence of parliamentary veto rights (Wagner, et al., 2010; Born, et al., 2008) and the various parliamentary control competences in security policy (Peters and Wagner, 2014). In some national member states, decisions on CSDP missions are in the hands of the national executive, whereas in others, the national parliaments have a veto right prior troop deployment. In light of the previous discussion on the importance of reparliamentarisation of national parliaments in EU politics, it can be argued that national parliaments do play an important role in the CSDP structures as well given the fact that national parliaments have the right to give approval in military troop deployment in 17 European member states. Thus, their influence is not only important to their own national security policy but also in respect to security policy of other member states and to a successful CSDP (Moelling and Vos, 2015).

Evaluating the legislative- executive relationship in decisions on CSDP is important for reasons as the parliamentary veto right is regarded to be vital in this policy area. Research has focused primarily on the parliamentary prerogative e.g. the right to veto the deployment of armed forces abroad and found that a prerogative can be regarded as the most powerful tool to scrutinise security policy (Wagner, et al., 2010; Born, et al., 2008). In a 2011 study⁵, Peters and Wagner analysed the causes for the different decision- making process in the use of force. Peter and Wagner questioned why in the case of military participation of national armed forces, some democracies grant their parliaments a veto right while the decision in other democracies is reserved for the government alone. The scholar used a data set of 49 democracies and they concluded that the variance does not influence whether a country has a presidential or a parliamentary system, and that there are parliamentary veto rights in democracies that are under British constitutional tradition. One particular aspect,

⁵ See also Peters et al., (2010)

however, among others, was that a parliamentary prerogative dates back to histories of war times (Peters and Wagner, 2010).

According to a study by Dieterich, Hummel and Marschall, 2008, the German Bundestag is classified as a strong parliament (type 1) that can exercise its veto rights for every executive mandate prior to deploy troops abroad (see Table 2.1. + 2.2.).

Table 2.1.: ‘Paks’ Typology of Parliamentary War Powers (Dieterich, Hummel and Marschall, 2008)

| Degree of parliamentary war powers | | |
|------------------------------------|---|--|
| type 1 | prior parliamentary approval required for every governmental decision relating to the use of military force; parliament can investigate and debate use of military force |  |
| type 2 | prior parliamentary approval required for governmental decisions relating to the use of military force but exceptions for specific cases (foreign troops on national territory, minor deployments, arrangements with international organizations); parliament can investigate and debate use of military force | |
| type 3 | ex post parliamentary approval, i.e. parliament can demand troop withdrawal; parliament can investigate and debate use of military force | |
| type 4 | no parliamentary approval but deployment notification to parliament required; parliament can investigate and debate use of military force | |
| type 5 | no parliament-related action required for use of military force; no specific control or debate initiated by parliament relating to the use of military force | |

Table 2.2.: National Parliaments and their aggregated war powers in 2003 (Dieterich, Hummel and Marschall, 2008)

| type 1 | type 2 | type 3 | type 4 | type 5 |
|---|--------------------------|------------|--------------------------|--------------------------|
| AUT EST FIN GER HUN ITA LAT LIT LUX MAL SLO | DEN IRE NED SWE | CZK SLK | BEL ESP POL POR | CYP FRA GBR GRE |

Parliamentary scrutiny though means more than just the formal right to veto decisions on the deployment of troops. There has been growing recognition that effective parliamentary scrutiny over CSDP related matters should be grounded in an

understanding of the institutional factors such as a parliamentary prerogative (Maurer and Wessels, 2001; Huff, 2015), the resources available to MPs including staff expertise (Maurer and Wessels, 2001; Huff, 2015), and the social factors that drive MPs to engage in security policy matters including the various mechanisms that parliamentary actors can activate (Sprungk, 2003; Finke and Herbel, 2015; Huff, 2015).

While the legal authority may be a strong influential factor in such decisions, Mello (2012, p. 446), having analysed democratic legislative participation in the Iraq War, found that it is critical not only to look at institutional rules but also at the executive-legislative relationship. Mello (2012: 446) further argues that 'mandatory parliamentary approval is unlikely to amount a legislative veto point'. Hence, the parliamentary role in the CSDP framework requires further analysis as parliamentary engagement does not only reflect legal authorities and it is yet unclear whether this means actual influence on the government's decision to the use of force. Born and Haeggi (2005) have asserted that parliamentary scrutiny in security policy should take three aspects into account: authorities, abilities, and attitudes. The three elements of authority, ability, and attitude are considered to be interlinked and equally important with regards to parliamentary scrutiny (Born and Haeggi, 2005). Huff (2013) applied this 'Triple A' framework in the context of the CFSP and argued that too much attention has been paid to formal parliamentary scrutiny powers, and too little to the way in which these powers are applied in practice.

2.5. Parliamentary Scrutiny over troop deployment

Emerging from discussions on the ways in which national parliaments can actively participate in security policy, the function of parliamentary scrutiny over EU security policy has received broad attention. Parliamentary scrutiny over the decision-making process for CSDP-related matters is considered necessary to provide democratic accountability to the actions of the executive, and thereby reduce the democratic deficit. Holzacker (2008, p. 143) has stated that parliamentary scrutiny consists of ways to influence the executive, and is 'the exercise of power by the legislative branch to control, influence, or monitor government decision-making.' In terms of the scope of this thesis, an analysis of parliamentary scrutiny helps to identify the ways in which parliaments can involve themselves in security policy decision-making.

The core of this research is thus based on the legislative function of *scrutiny*. In the existing academic literature, the function of parliaments is often split into two categories: (a) control over the executive or holding the government to account; and (b) public consideration, or providing a platform where the preferences and expectations of national citizens can be represented. and Thus, the parliament can be considered a vital link between the public and the executive, as the acting agent of the public and the acting principal of executive (Auel, 2007). Parliaments fulfil several functions, some of which may be restricted at the supranational (EWU) level, as legislative activity mostly relates to national policy-making (Sprungk, 2003).

Auel and Raunio (2011) also evaluated the role of political parties and EU issues in terms of electoral competition and found that, in particular, Eurosceptic public opinion may increase the likelihood of stronger legislative scrutiny of the executive in EU-related affairs (Raunio, 2005). It is the *information gap* which has generated specific research interest. Raunio and Hix (2000: 163) argue that, especially during the 1990s, parliaments developed mechanisms for holding the executive accountable with regards to EU policies. This development was caused by the wish of, in particular, the non-governing parties to address the 'information gap' between the executive and the legislature. A study of non-governing parties undertaken by Auel and Benz (2005) argues that the government and the opposition parties may have different incentives for scrutinising EU matters. The opposition party may be more active in compensating for the power asymmetry and the government party may have fewer intentions to question the will of their government.

For parliaments to be able to scrutinise the governmental activities in a policy field which is of a 'closed nature', legislatures need staff expertise. Thus, parliaments consist of several committees which are equipped with expertise (Born and Haenggi, 2005, p. 9). The Literature on the parliamentary actors involved in security policy often focuses on the two dominant committees that are relevant to security policy: the foreign affairs and the defence committees. In addition, in order to establish parliamentary powers of scrutiny, one must analyse the instruments available to parliamentary majorities, parliamentary minorities, and individual MPs (Dieterich, Hummel, and Marschall, 2008).

In the field of security policy, scholars argue that national parliaments are effective in their scrutiny of the executive, measured in terms of formal rights of participation (Auel, 2007), i.e., through a parliamentary prerogative. Dieterich, Hummel, and Marschall (2015), surveying the role of national parliaments in terms of parliamentary effectiveness commensurate with the extent of their prerogative war powers, argue that parliaments can effectively limit the executive's room to manoeuvre when the public disputes the deployment of military troops. While legislative influence through the parliamentary prerogative may be more transparent because regulated by law, far less obvious informal factors may also be at work.

There is a range of different functions that are typically known to be undertaken by parliaments, such as elections: the parliament elects and dismisses the government. Another function is the legislative one, the main democratic task of the parliament, originally based on its budgetary powers. The essence of this function is law making, which is reflected in the German word for parliament, *Gesetzgeber* (lawmaker) (Blum & Schubert, 2013). The distinction between *making* laws and *giving* laws is, however, an important distinction to consider when analysing the parliament as an institution as well as the separation-of-powers arrangement (Blum & Schubert, 2013). There is, however, no common definition of the parliamentary functions.

In the literature on EU integration and foreign and security policy, scholars often use the terms 'oversight', 'accountability', 'control', and 'scrutiny' to describe parliamentary activities. There are no clear distinctions between these terms, and their meanings may overlap. Bajtay (2015) defines the parliamentary function of 'oversight' as the activities that serve to evaluate policy implementation. Wouters and Raube (2012) describe 'accountability' as holding the executive 'accountable for policy decisions and policy implementation.... parliaments can go as far as sanctioning them...by turning down their decisions' (p. 150). Parliamentary 'control', again according to Wouters and Raube (2012), 'entails the power to sanction and become decisive actors determining final policy outputs' (p. 150); while Holzhaacker (2002) defines it as 'the exercise of power by the legislative branch to control, influence, or monitor government decision-making' (p. 4).

Formal legal arrangements are required to fully exercise parliamentary control, such as a parliament's prerogative to approve deployment of military troops (Wouters & Raube, 2012, p. 150). Parliamentary 'control' can be classified as either *ex ante* control or *ex post* control (de Wilde, 2009). *Ex ante* control gives the parliament the opportunity to control the executive's performance before a final decision is made, while an *ex post* control arrangement can hold the executive accountable only in retrospect. Parliaments may exercise control through the parliamentary prerogative prior to the deployment of military troops, but cannot amend such a proposal once initiated by the executive. Despite the fact that decisions to authorise deployment of military troops are made on the national level, the ultimate decision to launch missions is made at the supranational (EU) level (Comelli, 2011).

Parliamentary 'scrutiny' is a key aspect of national security policy, on a par with parliamentary control, though not at the level of individual policy-making (Wouters & Raube, 2012). In some security policy research, much interest has been shown in the processes of parliamentary control (Auel, 2007; Peters, Wagner & Deitelhoff, 2008) and parliamentary scrutiny (Sprungk, 2010; Huff, 2013), particularly over missions within the CSDP (Peters, Wagner & Deitelhoff, 2008; Wouters & Raube, 2012). Parliamentary 'scrutiny' is seen as offering a broader scope for parliamentary participation, while parliamentary 'control' exercises parliamentary participation mainly through the legislative function, based on the legal mechanisms of the parliamentary prerogative. For purposes of this study, such a function may be too limited. Whereas parliamentary control often focuses on the legal aspects of formal parliamentary procedure, scrutiny focuses on the ability and willingness of parliamentarians to get personally involved. The point here is that the parliament is informed. Parliaments may seek formal or informal ways to exercise scrutiny power. Parliamentary scrutiny in the area of security and defence policy may occur even though there is no formal mechanism at hand (Wouters and Raube, 2012). One problem that may arise in executing parliamentary scrutiny is that decisions on the intra-governmental level are made by the executive, which may deprive a parliament of sufficient time and information to conduct effective scrutiny of proposed military missions (Huff, 2013).

How can parliamentary scrutiny be measured? Assessing the effectiveness of parliamentary provisions in EU affairs is challenging, as there is no established framework or 'uniform model' (Maurer and Wessels, 2001). As scholars have been increasingly interested in measuring parliamentary effectiveness in EU affairs, there is still a debate as to whether parliaments play an effective role in EU policymaking at all or whether their role is simply 'symbolic' (Auel, 2007, p. 487). Despite the large amount of literature on the importance of national parliaments holding their executives accountable, only a minuscule portion thereof has investigated how parliaments can have an impact (Sprungk, 2010). An effective national parliamentary participation in the scrutiny process may affect not only the national but also the supranational (EU) level. Auel (2007) argues that, if parliaments were able to increase their role of scrutiny of the executive in EU affairs, that might decrease the overall effectiveness of EU policymaking, as parliamentary involvement might then result in a prolonged EU decision-making process overall.

Gay and Winetrobe (2003, p. 26) conceptualise parliamentary effectiveness as 'public legitimacy and approval' and refer to the fact that measurement of parliamentary activities generally relies 'on public opinion surveys, voter turnout, public participation in parliamentary activities and so on'. Parliamentary effectiveness can be measured from an 'internal perspective', referring rather to the process than the outcome (Gay and Winetrobe, 2003). Parliamentary effectiveness may also be measured with regard to the outcome, i.e., the extent to which the executive is likely to be influenced by parliamentary actions (Gay and Winetrobe, 2003). For measuring parliamentary effectiveness, Gay and Winetrobe (2003) suggest the following indicators: (a) a list of all of the functions of the parliament; (b) a list of the procedures used to discharge these functions; (c) criteria for assessing the effectiveness of each procedure; and (d) a single performance indicator for each criterion. With regards to the first indicator, this research has already established in the previous section that the function of parliamentary scrutiny is the most suitable and is sufficient for the scope of this research. Thomas (2007) established indicators, referring to the Canadian Parliament, who analysed the number of government bills at the committee stage before the second reading and the total number of bills amended by the committees to establish the effectiveness of a minority parliament (p. 23). While both sets of indicators may be suitable for measuring general

parliamentary effectiveness, the area of security policy may require a different set of indicators. This is due to the 'special nature' of foreign and security policy as it has different procedures than domestic politics with a high level of secrecy to protect national security and the access to information to exercise successful scrutiny over the executive (Rosen, 2014).

2.6. Research Design

As this chapter outlines, there are many theoretical discussions on the role of national parliaments in EU security policy and in security security structures in existing literature. These discussions, though, seem to fail to define the role of parliaments and whether parliaments are able to shape security policy. As a result, the best fit for the scope of this research and to answer the research questions is the framework developed by Born and Haenggi (2005) which the scholars applied in their research to three criteria: authority, ability an attitude.

Born and Haenggi (2005) argue that the parliamentary prerogative is important, but so is the right amount of information, and that the willingness of parliamentarians to engage in security policy is important for the parliament to be effective in both its scrutiny and control of the executive. In addition, Maurer and Wessels (2001) argue that the effectiveness of parliamentary scrutiny also depends on the available resources, such as trained staff and experts. As there is no formal assessment (in the current literature) of parliamentary effectiveness in its scrutiny of the executive in CSDP-related affairs, the following criteria will serve as the basis for this dissertation.

The formal institutional power to participate in security affairs alone may not guarantee successful parliamentary scrutiny. The literature on national parliaments in the EU has indicated that there is a significant difference between the ability and willingness of parliamentarians to apply their formal rights (Maurer and Wessels, 2001; Auel and Benz, 2005; Sprungk, 2010; Huff, 2015; Maatsch and Galella, 2016). However, there are challenges to measuring parliamentarians' attitudes or the will to participate because this requires an extensive analysis of political dynamics (Born and Haenggi, 2005). Moreover, attitudes should be analysed within the context of the parliament's general perception of the executive-legislature relationship (Huff, 2013).

According to Born and Haenggi (2005), successful parliamentary influence on CSDP depends upon the following three mechanisms:

- (a) parliaments should have the legal authority to participate in security policy (such as through the parliamentary prerogative prior to troop deployment), based on basic laws and/or constitutions;
- (b) parliaments should have the ability to fulfil their roles effectively by having access to sufficient resources and information; and
- (c) parliamentarians should have the right attitude.

The Authority, Ability and Attitude Triad Framework

In order to evaluate whether parliaments may be able to influence and scrutinise aspects decided under the CSDP umbrella, parliaments require 'effective procedures, sufficient resources and the political will' (Huff, 2013). Or as defined by (Finaud, 2011:10):

Parliaments need the necessary constitutional authority to effectively oversee and influence governments in the area of security policy. They also need the necessary know-how as well as the political will to fulfil their roles and live up to their responsibilities.

The three elements of authority, ability and attitude are considered to be interlinked and equally important in regards to parliamentary scrutiny (Born and Haeggi, 2005). Scholarly literature, however, often focuses on the first aspect authority alone regarding parliamentary scrutiny of the CSDP, often called parliamentary 'war powers' (Peters and Wagner, 2011; Wagner *et al.*, 2010; Anghel *et al.*, 2008). Such literature is often very detailed in a comparative format between the different EU member states' parliaments and their strengths and weaknesses measured on whether they have the legislative authority to approve military troop deployment. The missing link to get a better assessment of parliamentary scrutiny in those comparisons are the aspects of ability and attitude. Dieterich *et al.* (2010, 2008) established a comparative study among 25 national parliaments and strengthening parliamentary war powers that include both elements of authority and the ability to control using tools such as interrogations and questions time. The focus on attitude or willingness of parliamentarians in exercising scrutiny is not only on the formal but also on the informal parliamentary channels. The influence of informal channels on

transnational level is subject to studies on specific CSDP missions (Peters *et al.*, 2014) and on inter-parliamentary cooperation.

Authority refers to the formal right given to parliaments in the area of security policy of approval prior troop deployment and planning military budget. The right to approve or reject the government's proposal for troop deployment is the strongest asset to parliamentary oversight (Born and Haenggi, 2005). Born and Haenggi further argue that especially the right to *prior* authorisation of the use of force is a key facet as it may be difficult to withdraw troop from a mission once deployed which may put the success of a mission at risk and may harm the credibility of the country. Born and Haenggi (2005) established four models regarding parliamentary involvement in troop deployment and examines the German Bundestag as a 'strong' parliament, belonging to group that has the right or prior authorisation of military troop deployment. While the aspect of authority forms a key part in effective parliamentary scrutiny, parliaments also need the ability and the attitude to get involved in this process. Parliaments, therefore, ought to have certain resources that allows to increase effective scrutiny. Additionally, parliamentarians ought to get engaged in exercising their authority and resources (Wagner et al., 2010).

The concepts of ability and attitude have been subject to limited research (Huff, 2015). Yet, whereas formal powers form a key feature, the factors of parliamentarians' abilities and attitudes may essentially adjust the scrutiny process (Maatsch and Galella, 2016). To fully utilise the opportunities given to parliaments to scrutinise the executive, parliamentarians ought to have the **ability (resources)**, that is, adequate resources and the possibility to increase their own knowledge (Born and Haenggi, 2005). The Treaty of Lisbon provides national parliaments with direct access to a large amount of EU documentation, which is likely to increase the role of parliamentary administrators in organising the flow of documents, selecting policy proposals for scrutiny, and providing MPs with a necessary proposal analysis. For parliaments to be able to scrutinise the governmental activities in a policy field that is of 'closed nature', legislatures consist of several committees that are equipped with personnel expertise. (Born and Haenggi, 2005:9).

The picture of parliamentary scrutiny may not be complete by solely looking at parliamentary authority and parliamentarian expertise, it is equally important to consider the political **attitude (willingness)** of parliamentarians and the tools available to them in the process of parliamentary scrutiny (Born and Haenggi, 2005). Scholars have looked beyond parliament's role as a unitary actor (Sprungk, 2016). As parliaments cannot be seen as unitary actors, scholars have investigated the roles of party politics and public opinion in security policy (Kaarbo and Kenealy, 2016). Scholars have also examined the role of parliamentary administrators and their importance in EU affairs (Hoegenauer and Neuhold, 2013; Neuhold and Dobbels, 2015). Parliamentary staff play an important role in the scrutiny of EU affairs (Hoegenauer and Neuhold, 2013).

The UK House of Lords' report on the role of national parliaments in the European Union (2014:5) suggests that 'Treaty change is not necessary to enhance the role of national parliaments in the EU. More than anything else, this is a matter for the will of parliamentarians'. The willingness of parliamentarians may be influenced by the executive, the media, public opinion and certain aspects in the proposal for a planned military mission abroad (Born and Haenggi, 2005). Despite the fact that MPs can influence the scrutiny process, the ultimate decisions are made by MPs, for instance, in the plenary (Hoegenauer and Neuhold, 2013).

An Explorative Case Study Approach

Applying a case study design has become an essential part of social science research (Yin, 2012) and has a number of advantages. One is that it enables the researcher to gain an in-depth understanding of a topic: for example, a case study investigates a phenomenon within a given context, even if the boundaries are not obvious (Yin, 2009). Another advantage is that it can have many different forms and still be flexible enough to suit many variations, such as using a qualitative or a quantitative approach, and investigating a single case or multiple cases (Cavaye, 1996). Although the case study approach is highly reliable when carefully implemented (Tellis, 1997), it has its limitations as an applied method because a single case exploration may challenge the aim of reaching a general conclusion (Tellis, 1997). Yin (1984, p. 23) defines the case study research method as 'an empirical inquiry that investigates a contemporary phenomenon within its real-life

context; when the boundaries between phenomenon and context are not clearly evident; and in which multiple sources of evidence are used'. Thus, a single case study is the preferred method for this study to gain an in-depth understanding of the role of the German Bundestag's role in the CSDP framework.

The exploratory case study approach is suitable for the scope of this thesis because a qualitative researcher can thereby examine the behaviour of members of the Bundestag more accurately. A descriptive case study design would limit this study to purely describing phenomena concerning the role of national parliaments through charts and rankings, such as for parliamentary prerogatives and early decision-making. While this would help to understand the overall role of national parliaments in security affairs, mainly from a legal standpoint, it would not provide much of an explanation about the other ways in which parliaments can get involved (e.g., the personal motivations of parliamentarians). An explanatory case study is also not suitable because this study does not seek to explain the cause of the phenomena (e.g., why national parliaments have a limited say) (see Table 1.2).

Table 2.3.: Types of research design (Source: Blanche, Durrheim and Painter, 2006, pp. 44-45)

| | |
|--------------------|--|
| Exploratory | Exploratory approach allows a preliminary investigation into relatively unknown areas of research: The literature assesses the role of national parliaments in security affairs as relatively marginal. Thus, an exploratory study seeks to establish the ways in which the Bundestag can activate various mechanisms to enhance parliamentary involvement. Its aim is to establish whether such mechanisms offer new techniques to actively open new channels for parliamentary involvement in the executive-led domain of security policy. |
| Descriptive | A descriptive approach helps to describe a phenomenon accurately through narrative-type description and classification: To describe the role of national parliaments in security affairs (e.g., strong/weak parliamentary involvement through parliamentary prerogatives and early decision-making); see Dieterich, Hummel and Marschall, 2008). |
| Explanatory | An explanatory approach provides a causal explanation of a phenomenon (e.g., Why is the role of national parliaments relatively marginal)? |

According to Yin (2009), case studies are often not very thorough and 'too many times, the case study investigator has been sloppy, and has allowed equivocal evidence or biased views to influence the direction of the findings and conclusions' (2009, p. 14). Yin also argues that a case study offers a limited foundation for generalisation and prompts the question, 'How can you generalise from a single case?' (Yin, 2009, p. 15) While this may be a valid question, this study does not aim

to generalise about whether national parliaments play a role in security affairs, because this issue has already been discussed in the scholarly literature; it rather aims to stimulate a discussion about the different ways in which parliaments can contribute to this policy area. The particular objective is to analyse the German case, which cannot only contribute to parliamentary literature and EU integration literature in general, but also enrich the literature studying German security policy.

Research Methods

Crotty (1998) defined research methods as 'the techniques or procedures used to gather and analyse data related to some research question or hypothesis' (p. 3). The choice of methods arises from the nature of the research to help to answer the research question. Research often begins with a document analysis, which is based on primary and secondary data and a literature review to set the stage for the subsequent investigation. This section also includes the justification for the chosen longitudinal method of process-tracing and data triangulation to ensure the validity and reliability of the collected data.

Document Analysis

For the purpose of this study, document analysis is ideal as it gives an opportunity to analyse information contained in documents such as reports and the plenary protocols of the Bundestag. These protocols are easily accessible via the Bundestag online database, which allows the researcher to obtain publicly available web video documentation of plenary sessions.

Information and evidence about parliamentary scrutiny is gathered from numerous sources, including parliamentary plenary debates, EU regulations, and national constitutional acts, such as The 'Armed Forces Decision' by the FCC. The collected information is analysed using process-tracing, a method of examining the 'sequential processes within a particular historical case' (Georg & Bennett, 2005, p. 13). In particular, investigations over a longer period of time are in line with the method of process-tracing, which uses a longitudinal research approach in which the data involved are based on sequences of events that are drawn from a single unit (Waldner, 2012).

Document analysis is a method that is regularly applied in case study approaches, and therefore plays a key role in the data collection for this research. The analysis of documents is often the first step in undertaking research because it provides insight into and a first impression of the phenomena being researched. Dencombe (2003) identified factors as to why official documents are key sources: they include official data and statistics, which guarantees that the sources of information have been authorised and published by the state authorities; this means they have been checked for credibility, which means official documents can be considered 'objective' and 'impartial.' (pp. 227-228). Choosing the analysis of documents as part of a research investigation has several advantages.

Denscombe (2003) identifies several advantages of documentary research (pp. 244-245). First, there is the issue of accessibility: 'to get hold of the material the researcher needs only to visit the library or go online via a home computer.' Bundestag documents such as plenary protocols are all available to the public via the Internet. One challenge, however, is when the sources are considered *secret*. When sensitive data and documents are considered to be secret, the owner of the information may deny access, such as when the executive branch of government chooses to keep certain data confidential 'in the national interest' (Denscombe, 2003, p. 232). Another advantage of document analysis is the low expense; whereas conducting interviews may entail high travel costs, large-scale data provided by documents can be accessed via the Internet or at a library.

While there are many advantages to document analysis, Denscombe (2003) further argues that it also has a number of disadvantages, such as the credibility of the sources (pp. 244-245). The researcher needs to carefully evaluate the authority of sources, especially when data and documents are downloaded from the Internet. The Internet provides a platform with few restrictions to and control over the publication of sources, so any form of data or documents that are used for academic research should be evaluated with care and diligence, as regards their authenticity and credibility (Denscombe, 2003). Denscombe (2003) suggests four criteria that help the researcher to make a decision as to whether relevant sources are credible: (a) the authoritativeness of the site, such as a university or government website; (b)

the trustworthiness of the site; (c) how up-to-date the site is; and (d) the popularity of the site (p. 234).

Important data, such as legislative documents which record plenary debates are provided on the Bundestag website, making it possible to trace the plenary sessions and look at occasions where German MPs may have influenced the legislative decision-making process, and consequently, the outcome on whether or not military troops are deployed. The discussions of the executive- legislative relations are concerned with the relationship between veto players and non- veto players, i.e. the governing parties and the opposition. In order to analyse whether the German Bundestag has an influence in the executive- legislative relations, the methods applied include several plenary debates in the German Bundestag on the two chosen missions, NAVFOR Atalanta and EUCAP Somalia. A special focus is paid to the opposition parties during the debates to establish to what extent the Bundestag uses its ability to scrutinise the executive by raising questions and requesting information on the planning process of the chosen missions.

Secondary sources for the document analysis conducted in this study include (among others) German foreign and security policies, literature on the CSDP, and the German policies towards this framework, as well as research on the selected CSDP missions. The starting point of the thesis is a thorough review of the literature, looking at the available information and data from books and academic journals to allow an initial overview of German foreign policy literature, EU integration literature and EU security literature, which was then extended to legislative reports. Of particular interest are studies on the role of national parliaments in EU affairs and security policy matters, and the oversight functions of national parliaments. The secondary data, such as press releases and Internet sources, can be obtained through the Bundestag's home page. Further information was also gained from the writings of academic and policy observers, in the form of research papers by think tanks such as the German Konrad- Adenauer-Stiftung, an institute that focuses in particular on the field of research of my thesis.

Process-tracing

This thesis applies process-tracing to explore to what extent the German Bundestag can influence missions under the CSDP framework. A longitudinal analysis of chronological sequences fits best for this type of research. This is because process-tracing allows an examination of the decision-making process and the development of the German institutional structure that influence the decision-making process such as the Constitutional Court's decision in 1994 and the ruling of the Parliamentary Participation Act in 2005, followed by an examination of the role of the German Bundestag in the decision-making process to deploy troops abroad in the selected missions of this study.

Unlike studies that apply statistical analysis and focus on correlations of data across cases, process-tracing is not just 'another means of increasing the number of observable implications of a theory'; rather, it examines the 'sequential processes within a particular historical case' (Georg & Bennett, 2005, p. 13). Process-tracing is a method that allows the researcher to pinpoint the chain of events in a 'theoretically informed way' (Checkel, 2006, p. 363), and it shows how ideas inform certain actors because it enables the researcher to use different sources such as 'historical memoirs, interviews, press accounts and documents' (Checkel, 2005, p. 6) and to organise the collected empirical data in a systematic way. As Checkel (2005) points out, process-tracing has a strong focus on inquiries that are based on 'how' and 'interactions' (p. 6), and therefore is suitable for a piece of research that is looking at the different actors that interrelate on a number of levels to generate a positive outcome. Process-tracing is thus well-suited to a study on EU integration and security affairs that is based on different levels and actors; it allows the researcher to pinpoint events and 'trace the process in a very specific, theoretically informed way' (Checkel, 2006, p. 363).

A number of definitions of process-tracing have been put forward. According to Collier (2011), it is the 'systematic examination of diagnostic evidence selected and analysed in light of research questions and hypotheses posed by the investigator' (p. 823). Process-tracing aims to trace the relations between 'possible causes and observed outcomes' (George & Bennett, 2005, p. 6), and, by doing so, the

investigator can enhance knowledge of the relationship between different aspects. Process-tracing differs from the narrative and storytelling approach in three ways:

First, process tracing is focused. It deals selectively with only certain aspects of the phenomenon. Hence, the investigator is aware that some information is lost along with some of the unique characteristics of the phenomenon. Second, process tracing is structured in the sense that the investigator is developing an analytical explanation based on a theoretical framework identified in the research design. Third, the goal of process tracing is ultimately to provide a narrative explanation of a causal path that leads to a specific outcome. (Vennesson, 2008, p. 235)

Despite the fact that process-tracing is popular among scholars for studying causal mechanisms and that it is an 'invaluable method that should be included in every researcher's repertoire' (George & Bennett, 2005, p. 224), it does have its limitations. One such limitation is that it 'can require enormous amounts of information' (George & Bennett, 2005, p. 223) that can cause 'data overload'; this is when such a large amount of data has been collected that it can lead to the researcher losing sight of the research context and requires making decisions about 'what would count and what would not' (Dunn, 2006, p. 375). Researchers, therefore, should carefully evaluate 'financial limits and temporal constraints' (Checkel, 2006, p. 367). A number of different methods can show the researcher what data are missing and 'how much data is enough' (Checkel, 2006, p. 366).

Data Validity, Data Reliability, and Triangulation

A challenge of using more than one method and research strategy is that the researcher has to carefully ensure the validity and reliability of the collected data. Validity can be divided into internal and external aspects. Winter (2000) defined internal validity as when the findings of an investigation are related to the phenomenon that is under investigation, whereas external validity concerns the extent to which the findings of the investigation can be generalised. Therefore, to strengthen validity, the research findings need to be examined from a number of angles, including double-checking interview transcripts to ensure the collected data is as accurate as possible. The reliability of the findings is extremely important in research, and this depends on the 'likely recurrence of the original data and the way they are interpreted' (Ritchie & Lewis, 2003, p. 271).

The method of triangulation, which is done in the 'phase of data collection' (Flick, 2014, p. 12), helps to ensure validity and reliability, especially when data are collected using more than one method. Webb et al. (1966) has stated that the 'most persuasive evidence comes through a triangulation of measurement processes' (p. 3). The purpose of triangulation is not only to cross-validate the collected data, but also to broaden the researcher's understanding (Yeasmin & Rahman, 2012). Thus, applying this method allows the researcher to understand the phenomenon in question in more depth. In the social sciences in particular, it may be more challenging to make a precise prediction than in hard sciences because social scientists observe and understand through ideas and theories (Yeasmin & Rahman, 2012). Research in the social sciences involving human behaviour is challenging because 'various elements influence and change the social phenomena and most of the time, those cannot be measured microscopically' (Yeasmin & Rahman, 2012, p. 155).

2.7. Conclusion: Room for parliamentary scrutiny on CSDP decisions?

The chapter has examined the opportunities and challenges of parliamentary scrutiny of the CSDP. First, the various discussions on the role of national parliaments were outlined and analysed. The chapter has shown that the most suitable theoretical discussion to answer the research question and to discover whether national parliaments are able to influence the decision-making process is by the de- and reparliamentarisation thesis which include discussions around the loss of parliamentary power and the reparliamentarisation, thus regaining parliamentary strength to get involved in EU security affairs. The discussions outlined in this chapter are of rather theoretical nature, thus Chapter 4 will put theory into practice by analysing the parliamentary scrutiny involvement in the CSDP mission NAVFOR Atalanta and EUCAP Somalia. This chapter has also outlined the research design of the thesis and its operationalisation.

Chapter 3: The German Bundestag's Position on Deciding to Send Troops Abroad

The parliamentary prerogative is indeed a special German characteristic; this special characteristic has proved itself. Today it is part of our legal culture. It remains the case: The Bundeswehr is and will be a parliamentary army⁶
--Gernot Erler (SPD⁷)

Parliament's prerogative (Parlamentsvorbehalt) has been described as the 'holy grail' of German politics and symbolises the redemption of German from a dark past. In that sense, a rational calculation of whether this prerogative is conducive to effective defence policies seems almost irrelevant: it is part and parcel of German's post-war political culture
(Drent, 2014, p. 12)

3.1. Introduction

German security policy changed during the Cold War period and again during the German re-unification of 1990, which entailed a transformation of the use of German armed forces (*Bundeswehr*) from a *Verteidigungsarmee* (defence army) to an *Armee im Einsatz* (army in action). This transformation, however, has not changed the fact that the German Bundestag has the right to prior approval, based on the 2005 Parliamentary Participation Act.

Von Bredow (2015) argues that one cannot imagine that the approval of the German Bundestag for an armed deployment abroad of the Bundeswehr—at least in response to danger of a certain size and a recognizable degree in terms of soldiers deployed—is an easy matter, either for the parliament or for the executive. This is because the Yes or No to participation in a multinational mission always has numerous consequences of a politico-diplomatic, security, and often vitally economic nature. The traditional conception of the state requires that the executive have far-reaching scope in foreign policy. The Federal Constitutional Court, ensures, by regulation, that the parameters of the mission fit the executive's area of authority. Such limitations are justified by the realistic assumption that, typically, only such a permanent political institution as the government has adequate human, material, and organizational resources to respond swiftly and appropriately to changing external

⁶Original text: *Dieser Parlamentsvorbehalt ist in der Tat eine deutsche Besonderheit, aber diese Besonderheit hat sich bewahrt. Sie ist heute Bestandteil unserer Rechtskultur. Es bleibt dabei: Die Bundeswehr ist und wird ein Parlamentsheer sein* (Author's own translation)

⁷ Social Democratic Party of Germany / Sozialdemokratische Partei Deutschlands

situations and thus fulfil the state's task of responsibly managing foreign affairs in the best possible way (BVerfGE 68, 1 [87]).

The PPA grants the Bundestag several avenues of influence, which will be evaluated in this chapter. Thus, this chapter will set the stage by outlining the historical steps introducing the parliamentary prerogative, including its legal regulations. It will then discuss the executive-legislative relations in the deployment of German armed forces before proceeding to discuss the parliamentary prerogative in situations of multilateral cooperation, rapid deployment, and partnership between Germany and its European security partners, France and Britain (the 'Big Three').

3.2. Historic Background- From the defense army to an army in action

Keeping in mind the general constitutional climate in Germany since the Holocaust and World War II, one can be hardly surprised to hear that the deployment of the military requires a consenting vote of the Bundestag. (Ziegler, p. 147)⁸

The main purpose of the German Bundeswehr is the national defence in the sense of territorial defence, as spelled out in the *Grundgesetz für die Bundesrepublik Deutschland* (Basic Law [Constitution] for the Federal Republic of Germany): *Der Bund stellt die Streitkräfte zur Verteidigung auf* (The federal government sets up the armed forces for defence). Yet, since the legal rulings/regulations of 1994 and 2005 to grant the legislature with the parliamentary prerogative, the Bundestag has the 'upper hand' by virtue of its active say and its right to approve or disapprove the executive's mandates to deploy the Bundeswehr abroad.

Before the PPA was enacted, the German armed forces were engaged solely in territorial defence and in non-armed actions in emergency relief. During this time, Germany was regarded as a 'Civilian Power' (Maull, 1990), the German armed forces having faced restrictions on the use of force after the Second World War and during the Cold War, which shaped German security policy in terms of how and when to use military force. German reunification, together with the increasing distance in time from the Second World War, came to pose a rather significant challenge to the constitutional consensus that Germany's armed forces could be

⁸ Ziegler, K. (2007) Executive Powers in Foreign Policy. The decision to Dispatch the Military. In: Ziegler, Baranger and Bradley. *Constitutionalism and the Role of Parliaments*. Oxford: Hart Publishing.

used only for defence of NATO territory. Germany's Chancellor, Gerhard Schroeder (he served 1998- 2005), tactfully but resolutely advocated a 'normal' role for the Federal Republic in world affairs. The year 1991 marked the first indirect participation in war operations, when the Bundeswehr engaged in the Iraq War. In 1993, the Bundeswehr participated in the UN mission in Somalia for the first time in an armed war.

The Federal Constitutional Court's 1994 ruling⁹ established, in accordance with the Grundgesetz, that German troops are allowed to be deployed only after the Bundestag gives approval: '*The Constitution obliges the Federal Government to seek enabling agreement by the German Bundestag, as a rule in advance, before committing the armed forces to action*' (BVerfGE 90, 286, July 12, 1994). This ruling, together with the PPA, has been described by Helms (2005) as legislative influence for the German Bundestag in security affairs despite the wide scope of the executive's decision-making power in this policy area.

The FCC ruling (BVerfG, 1994) laid down the principle that the Bundeswehr functions as a 'parliamentary army' and that foreign assignments require parliamentary approval because they constitute a move from territorial defence to 'wars of choices' (Wagner et al., 2017). In its decision of 12 July 1994, the Court began to develop a legal framework to regulate different aspects of deploying Germany's armed forces. The framework should uphold parliament's right of approval but also sustain Germany's ability to engage in multilateral cooperation. It was argued (Ziegler, 2007) that the legal basis for the deployment of the Bundeswehr for other than territorial defence served the purpose of integrating Germany into just such collective multilateral cooperation (see Art 24 (1) and (2) GG, which gives the authority for participating in such cooperation).

The basic framework of the parliamentary participation procedure in concrete decisions on the deployment of German armed forces in a foreign deployment was

⁹ For more information of the historical and political background on German security policy and the Constitutional Court's ruling see Nolte, Georg (2003) Germany: ensuring political legitimacy for the use of military forces by requiring constitutional accountability. IN: KU & Jacobson, *Democratic Accountability and the Use of Force in International Law*. Cambridge: Cambridge University Press

given by the Karlsruhe judges in the *Streitkräfteurteil* (Armed Forces Decision, BVerfGE 90 286, 387 f):

The Bundestag has to decide on the deployments of armed forces in accordance with Art. 42 (2) Basic Law... prepared in the relevant committees and discussed in plenary sessions of the Bundestag¹⁰

In March 2004, after 10 years of practice without any legal basis, the German Social Democratic Party (SPD) and The Greens presented the draft of a parliamentary participation law, a law that was intended to regulate procedures for the participation of the German Parliament in decisions on the armed deployment of German armed forces abroad. Since the 1994 FCC ruling, there was already a well-established practice on deployment of the German armed forces. Nevertheless, according to Gernot Erler (SPD), it made sense to have a federal law with detailed, binding rules, to provide legal certainty and guidance for all parties involved, because:

*... there are uncertainties as to where the parliamentary prerogative starts and where it finds its limits...*¹¹

Erler argued that, over time, certain aspects have become a bit blurry, for example, when the federal government had obtained the approval of the political groups in informal talks and it was not clear anymore as to whether the parliament still had to be heard and give a final approval.¹² The law was adopted in December 2004. The 'law on Parliamentary participation in the decision on the use of armed forces abroad' came into force on 25 March 2005, more than ten years after the 1994 Armed Forces Decision until the formal participation of the Bundestag in such decisions was made concrete in the PPA.

The literature on EU security policy has determined that public opinion on such political decisions is no longer debateable (von Krause, 2011). The German parliamentary prerogative offers the opportunity to the German public to engage in

¹⁰ Bundesverfassungsgericht (1994), p. 388

¹¹ Plenarprotokoll 15/ 100

¹² Plenarprotokoll 15/ 100

the decision-making process of troop deployment as parliamentarians are representatives of electoral districts (Jund & Daase, 2013). Jund and Daase (2013) argue that public opinion can even become a 'game-changer' during electoral campaigns, ever since former Chancellor Gerhard Schroeder publicly stated his concerns about the Iraq intervention in 2002 during the elections. This is because elections are seen as a tool to align politicians' decisions with those of their constituents (Brettschneider, 1996).

The fundamental judgment of the Federal Constitutional Court stands in incontrovertible contradiction to the functional logic of a parliamentary governmental system. In the functional logic of parliamentary government, the parliamentary majority is continuously part of government action. Between the parliamentary majority and the government there is a private political interest. Due to the institutional integration with the executive, the parliamentary majority does not show any pronounced inclination to direct the government it chooses, which means it withholds consent, which is an abdication of institutional integration between the two (Brummer & Froehlich, 2011). Marschall (2009) complains of a lack of clarity and a tendency to under-regulate the parliamentary participation law and points to the choice of words specifically the 'use of armed forces'. Marschall (2009) says that the law here does not go into detail, which opens up a wide range of interpretation and action for the government, and continues to argue that the ambiguity of the federal government can create facts that can influence the parliament's decision-making authority.

In summary, while the primary goal of implementing the parliamentary prerogative was to have a 'double check' before deploying German armed forces abroad, the role of parliament has been strengthened by including the legislative branch in the decision-making process. Yet the discussions in the literature show that, despite the legislative prerogative, different stages in history, such as the new regulation of 2005, show that the first concern has been that the role of the German armed forces be in line with multilateral cooperation, thus the argument whether the parliament could hinder multilateral cooperation may not be valid.

3.3. Legal Background of the Decision of the Federal Constitutional Court and Its Developments

The thesis will now analyse the role of the Bundestag in terms of legal regulations and how the regulations can help in order to exercise parliamentary influence over decisions on troop deployment. That is, which influential ways emerge on the deployment of military troops emerge in the context of the legal regulations of the parliamentary prerogative and whether the role of the legislature can be strengthened through the legal regulation. The focus is in particular on the interpellation rights, that is, the parliamentary procedure of demanding that the executive explains some act or policy, and other control instruments before the executive's mandate to deploy troops as well as during ongoing missions and at the end of operations.

According to the *doppelter Schluessel* (double key) principle (Wiefelspuetz, 2008 p. 204), the German executive and legislative branches share the responsibility for military deployment. However, the right of initiative lies solely with the Federal Government as a whole. The government decides whether and to what extent military troops can be deployed abroad. The legal regulation § 3 (3) PBG states that the Bundestag can only approve or reject the executive's proposal.

The basic structure of the role of the German Bundestag procedure for concrete decisions on the deployment of armed Bundeswehr forces in a foreign mission was given by the Karlsruhe judges in the "Armed Forces Decision":

The Bundestag has to decide on the use of armed forces in accordance with Art. 42 para. 2 GG15. The importance of the decision to be taken... that it will be prepared in the relevant committees and to be discussed in the plenum.¹³

Since then, as a rule, the following standard procedure has been used in parliamentary practice. After the first consultation of the government bill in plenary, the application, which is available as a 'Bundestag Printed Paper' (BT-Drs), is subsequently sent to the committees. The parliamentary consultation process is co-

¹³ Bundesverfassungsgericht (1994) p. 388. Original text: *Der Bundestag hat ueber Einsaetze bewaffneter Streitkraefte nach Massgabe des Art. 42 Abs. 2GG zu beschliessen. Der Bedeutung des zu fassenden Beschlusses wird es, so es die Lage irgend erlaubt, entsprechen, dass er in den zustaendigen Ausschuessen vorbereitet und im Plenum des Bundestages eroertert wird.*

ordinated by the Foreign Affairs Committee, which, if required, collects the opinion of the other committees. On this basis, the Foreign Affairs Committee makes a decision and reports back to the plenary of the Bundestag. In the context of the second consultation, the parliamentary procedure will be called by a vote and, with a simple majority, decide whether the Bundeswehr—in accordance with the requirements of the executive’s mandate—will be deployed.¹⁴ The parliament is to be sent the mandate in ample time before the beginning of the mission and, according to § 3 (2) PBG, should contain the following information: the mission itself and the area involved, the legal foundation of the mission, the maximum number of soldiers deployed, the capabilities of the deployed forces, the planned duration of the mission, and the expected costs as well as the budget. The Bundestag can approve the request in full accordance with § 3 (3) PGB or reject it.

For missions of low intensity and scope (*geringer Intensitaet und Tragweite*), a simplified approval procedure (*vereinfaches Zustimmungungsverfahren*) is possible. Thus, according to § 4 (1) PBG, the consent of the Bundestag is granted if not within seven days of distribution of the executive’s proposal the Bundestag rejects the proposal. Another aspect is the subsequent approval (*nachtraegliche Zustimmung*) of the Bundestag in situations of danger (*Gefahr in Verzug*). In such cases, the prior consent of the Bundestag according to §5 (1) PBG can be set aside to secure Germany’s alliance capability. At the same time, it is demanded that the Bundestag in a suitable manner (*geeigneter Weise*, § 5 (2) PBG), prior to and during a mission, give the parliamentary approval subsequently. In § 6 (1) PBG, it is the executive’s duty to inform the Bundestag frequently about ongoing missions abroad, which also includes developments in the area of operations.

Although the Parliamentary Participation Act allows the secrecy of the government when troops are deployed, there has been no instance in which the parliament has refused to approve a government bill nor prevented the Bundeswehr from participating in any number of campaigns. Thus, although the Bundestag has a right to veto decisions, there does not seem to be a general restraint on the part of the legislative in matters of armed conflict (Dieterich, Hummel, & Marschall, 2008,

¹⁴ Ordentliches Zustimmungungsverfahren (ordinary assent procedure)

p.187). The government has generally secured parliamentary approval of its actions by the involvement of the relevant parliamentary parties (the majority and the opposition) in preliminary decisions. This once again draws attention to the fact that the demarcation between the executive and the parliament in classical democracies seems rather flexible (Dieterich, Hummel, & Marschall, 2008, p.187). It is worth noting that the same Constitutional Court has granted the Bundestag the power of parliamentary reservation on troop deployments, while in its verdicts it still strongly adheres to the traditional understanding of the executive prerogative (Dieterich, Hummel, & Marschall, 2008).

The *Rueckholrecht* enables the Bundestag to revoke its consent to any deployment of armed forces. Doerfler-Dierken & Portugall (2010) argue that this right provides the most powerful control instrument for the parliament in the executive-legislative relations. Doerfler-Dierken & Portugall (2010) further argue that should the Bundestag make use of the *Rueckholrecht* against the will of the executive, the executive and the leading party have no options that could cause severe consequences. Given these consequences, as well as the fact that the Federal Government is supported by the majority in parliament, it must be considered highly unlikely that the Bundestag would make use of this right. It should further be noted that this right should not be taken lightly, as the interests of multilateral partners should be considered before withdrawing German armed forces during ongoing missions (Blumenthal & Broechler, 2009). The *Rueckholrecht* has been identified in literature as a powerful tool for the parliament to influence the decision-making process over sending troops abroad.

The Bundestag's right of information versus the executive's *Informationsvorsprung* (information advantage)

In order to provide partial parliamentary influence, the Bundestag has been granted a weekly *Unterrichtung des Parlaments* (informing the parliament) (Deutscher Bundestag, 2006). The newly installed regulation entitles the German parliament's MPs to receive the information of current German armed forces missions. Despite this right of information for the German Bundestag, the executive is well aware of the advantage in information flow and, on top of that, even makes use of it (Gareis, 2010). One method of taking advantage is noticeable in the reports to the German

Bundestag committees that are often kept very plain and basic, and information has to be gathered through parliamentary requests (Gareis, 2010).

Parliamentarians have different channels available to obtain information about the missions' planning process. Peters, Wagner and Glahn (2014) identify that the executive frequently briefs the parliamentary defence committee, provides answers to questions posed by parliamentarians to the executive such as the numbers of participating armed troops. In case of the Atalanta mission, parliamentarians were able to inquire about the mission first hand: German parliamentarians visited the armed forces on site in the mission's headquarters in Djibouti (Peters, Wagner and Glahn, 2014).

The literature on German security policy has discussed the role of the German Bundestag in security policy decisions. Dieterich, Hummel, and Marschall (2008, p.183) argue that the highest German court has granted the Bundestag such a strong role that, by mere fiat, it can set such narrow limits on the government's power to make decisions about foreign missions. With the ruling by the Federal Constitutional Court on the parliamentary prerogative, the Bundestag is now fully involved in the decision making-process on the deployment of military troops; thus, all decisions must be debated 'substantially' in the Bundestag (Dalgaard-Nielsen, 2006, p. 16), which makes the Bundestag the key platform for German security decisions. Even though the Bundestag is not the ultimate platform on which the decisions on troop deployment of German armed forces are made, as these decisions are made by the executive on the supranational level in the European Council among all member states' executives, it is yet the forum in which decisions have to be explained, defended, and, most importantly, approved (Dalgaard-Nielsen, 2006).

The existing literature argues against a strong role for the parliament in terms of information content and argues that the executive has an 'information advantage' (Schmidt, Hellmann & Wolf, 2007). This is because of the mere fact that the decisions are ultimately made at the intergovernmental level, which is far away from the national parliaments. This is despite the fact that the German Bundestag has a general right to be informed vis-à-vis the Federal Government.

The exchange of information between the German executive and the legislature is important for successful cooperation in security policy. One of the main problems for parliamentary involvement is the fact that the executive generally has an advantage in the flow and scope of information process, known in scholarly literature as the *Informationsvorsprung* (informational advantage) (Herzog, Rebenstorf and Wessels, 1993; Marschall, 1999; Schwab, 1999; Kirschniok-Schmidt, 2010). Such advantage in information flow on EU developments makes it difficult for the German parliament to hold the executive accountable (Saalfeld, 2004).

Adequate access to information is an essential prerequisite for the exercise of parliamentary scrutiny and symbolizes a decisive step on the effective participation of the Bundestag in EU affairs. Already in July 1957, the first law to ensure parliamentary participation was enacted. Articles 2 and 3 of the German Law of Ratification of the EEC Treaty, 25 July 1957, established the duty of the Federal Government to inform Parliament about any deliberation of the Council leading up to the adoption of community decisions directly applicable to Germany or which require the modification or the approval of domestic legislative measures (Martinez, 1996). Art. 23 GG establishes the general duty of the Federal government to inform the Bundestag in detail and at the earliest as possible:

(2) In matters of the European Union the Bundestag and through the Federal Council the Federal States participate. The Federal Government shall inform the Bundestag and the Federal Council comprehensively and at the earliest possible date¹⁵ and

(3) The Federal Government gives the Bundestag an opportunity to comment before participating in legislative acts of the European Union. The Federal Government takes into account the opinion of the Bundestag during the negotiations¹⁶.

Thus, the legal provisions imply the requirement for the German executive to inform the German Bundestag on objectives that it intends to decide at the EU level.

¹⁵ Own translation, original: *In Angelegenheiten der Europaeischen Union wirken der Bundestag und durch den Bundesrat die Laender mit. Die Bundesregierung hat den Bundestag und den Bundesrat umfassend und zum fruehestmoeglichen Zeitpunkt zu unterrichten.*

¹⁶ Own translation, original: *Die Bundesregierung gibt dem Bundestag Gelegenheit zur Stellungnahme vor ihrer Mitwirkung an Rechtsetzungsakten der Europaeischen Union. Die Bundesregierung beruecksichtig die Stellungnahme des Bundestages bei den Verhandlungen.*

The German parliament requires and has the right to be fully informed by the executive about their engagement in EU affairs. As discussed, the Basic Law requires the provision with a comprehensive information flow about every EU legislation process and as early as possible. The working process of such information flow is as follows: every ministerial department has to send every EU document according to their area of responsibility. The official documents that relate to the CSDP framework have to be passed on to the Foreign Office. The core responsibility of the European Affairs Committee is to send the documents to the related Committee that is in charge of observation (Comelli and Zanon, 2009). To support the German Bundestag in the flow of information, it was granted the 'Unterrichtung des Parlaments' which informs MPs in operations abroad. The executive makes effort to inform the Bundestag over missions: *Die Bundesregierung sichert zu, den Deutschen Bundestag entsprechend bisheriger Praxis regelmässig ueber Einsaetze auf der Grundlage dieses Mandats zu unterrichten*¹⁷.

Though the German Bundestag has the right to be informed theoretically, it does not mean that it is in practice. In previous military mission participation, for example, during the Operation Enduring Freedom, the German executive was accused of not informing the Bundestag on 05.12.2006: The final update of the joint notification by the Foreign Office and the Federal Ministry of Defence on the participation of German armed forces dates back to the October 2005 and covers the period April until October 2005 to which the Federal government has not submitted any further information to the German Bundestag up to the present day . Thus, the federal government... broke a central commitment, the obligations to the German Bundestag roughly violated and the confidence shouted .

The Bundestag also has the right to get a briefing frequently in order to inform it about current operations of the German armed forces. The executive is obligated to thus inform the parliament on a regular basis and to provide regular information about the ongoing missions abroad (§6 (1) PBG):

¹⁷ Bundestag Drs. 16/3150, 25.10.2006, own translation: The Federal Government shall ensure that the German Bundestag is regularly informed about the activities on the basis of this mandate, in accordance with the current practice.

The Federal Government regularly informs the Bundestag about the process of operations and the development in the area of operation.

Further, the ParlBG §3 (2) specifies the level of information that a mandate of the Federal Government must contain in order to allow the Parliament to make an informed decision (von Krause, 2015).

The German Bundestag has the ability to influence the decision-making process in the setting up of the mandate in an exchange between parliamentarians and the executive, in which the latter has a general interest in finding out the overall opinion of the majority party in parliament, which normally attracts more interest than the parliamentary opposition (von Krause, 2013). In addition to increasing the transparency of operational decisions, parliamentary reservation serves above all to control government action by legislative power, without, however, eliminating the operational prerogative of the federal government in deploying the armed forces abroad (von Krause, 2011). Von Krause (2013) also argues that, although the parliament's power is formally reduced to simple yes/no decisions, in parliamentary practice, however, there are various informal influences the Bundestag can have on the formulation of the government's mandate.

The government and parliament have developed practical procedures for dealing with the parliamentary reservation on the basis of informal agreement. This exchange of information can be beneficial for both. On the one hand, this can also mean influence on the part of the Bundestag in the process of formulating the mandates through a close exchange of information with the executive; on the other hand, the government can recognize what its own parliamentary camp is ready to support, so that the information exchange is essentially limited to the coalition faction and the opposition is rather less involved. However, this leads to the situation that, especially in times of a large coalition, one part of parliament is very much restricted (von Krause, 2011).

Thus, the parliament has the right to be fully informed about ongoing military missions, according to the Parliamentary Participation Act, which generally could strengthen the position of the legislature. Yet, the executive, according to the

literature, seems to have an information advantage, which causes an asymmetry in the decision-making process, resulting in an advantage for the executive.

3.4. Challenges and opportunities of the Parliamentary Prerogative on the European level

Though the current literature has argued that there is a role for the parliament to play in security matters, the current literature also identifies three key aspects that pose opportunities and challenges for legislative-executive relations:

- (a) Problems occurring in multilateral cooperation and a possible hindering of participation caused by the parliamentary prerogative. Does the parliamentary reservation affect the reliability of German security policy among its partners and allies?
- (b) Problems with the EU's rapid deployment force ('battlegroups') when a national parliament requires a lengthy time to decide on participation. Does the commitment to first get the approval of the Bundestag lead to delays in the decision-making process?
- (c) Possible conflicts of interest among Germany's security partners (France and Britain)?

Multilateral cooperation

The German Bundeswehr is, in various ways, involved in multinational cooperation. Multilateral cooperation is a key element in building successful security capabilities for the EU. Germany was one of the key players in setting up the the CSDP, it prepared the Declaration on Strengthening the Common European Policy on Security and Defence¹⁸, adopted in 1999. Yet is more active in participating in civilian missions and is seen to be rather reluctant to contribute to missions that are of military nature.

In 2012, Vice-Chancellor Sigmar Gabriel stated that Germany would consider constitutional change for the benefit of an effective common EU security and defence

¹⁸ Cologne European Council, Presidency Conclusions. Annex III. (online), Press: 0 Nr: 150/99. Available on <http://ue.eu.int/en/info/eurocouncil/>.

policy: 'even when it is difficult, we have to be prepared, as we have done in other policy areas, to incrementally give up sovereignty in the area of security and defence' (Drent, 2014, p. 13). The *Frankfurter Allgemeine* (FAZ, 2013) reported that the SPD insists that the parliamentary reservation remains compulsory for troop deployment. SPD president Sigmar Gabriel, however, stated in a speech at the 8th Petersberg Discussions on the Development of a Common European Security and Defence Policy, in Bonn, that Germany is ready to engage in a viable common policy with the associated ultimate objective of a European army, even if this means a change in the German constitution (SPD, 2012).

Additionally, parliamentarians Schockenhoff and Kiesewetter (2012) agreed that although the Bundestag should continue to have the last say in troop deployment, it would be a clear signal of reliability towards partners if the decision-making system was more flexible. As a result, it can be argued that, by keeping the parliamentary prerogative, not only is German parliamentary involvement in EU security affairs relatively intense compared to that of other EU member states (Douglas, 2014), but the parliament's role is also recognised at the national level.

The fact that the parliament has to give approval for military troop deployment is not always an easy decision for the Bundestag to make, as Florian Hahn (CDU) argued in a Bundestag speech on 26 February 2015 (Deutscher Bundestag, 2015b). Hahn further commented that this is also the case in the debate over the extension of the EU Training Mission (EUTM) Mali mission. The legal requirements were given with the Council of the European Union decisions of February 2013 and April 2014. Germany approved the extension through the end of May 2016 and, to Hahn, Germany's acceptance of taking the lead in this mission will send a signal of trust to its European partners and to Mali (Deutscher Bundestag, 2015b).

As Eckart von Klaeden argued during a Bundestag debate: An alliance like NATO will only become so strong and the EU's CFSP will only be so successful as its weakest member. Whoever, through their own domestic-decision requirements, makes the decision in the alliance more difficult, will weaken the alliance and perhaps force others to go their own way. Though it cannot be argued that the parliamentary prerogative hinders multilateral cooperation (to which Gernot Eler

(SPD) argues that many overlook that the normal parliamentary practice does not require more than three days), the first day the cabinet decision is made, on the following day the first reading, the transfer to the committees, and the deliberations in the committees take place; and already on the third day the parliament makes the decision. It is very important to know that. In the question of future multilateral operations, the following argument is to be considered: Within the time limits set by both the EU and by NATO, it is possible for the German Bundestag to hold on to the parliamentary prerogative without any cutbacks on participation in such joint operations.

The right to influence the decision-making process is a form of *ex post* control, which means that even though the Bundestag has the right to veto decisions on German troop deployment, such decisions are made after the decision is made on the (supranational) European level. It thus raises the question, to what extent the German Bundestag can restrict multilateral cooperation. Though there may be some influence on the EU's rapid-deployment force ('battlegroups'), which form one part of the EU's multilateral cooperation, this may be an area in which parliamentary participation can influence an efficient cooperation in which a quick decision-making process is vital.

The parliamentary prerogative and the rapid-deployment

The EU security policy literature discusses whether the parliamentary prerogative has an effect on rapid- deployment of military forces by the lengthy decision- making process when parliamentary approval is required (Wagner, 2006; Peters, Wagner and Deitelhoff, 2008, 2010). The battlegroups are the EU's rapid-deployment force. The battlegroups aim to fulfil the purpose of *providing the EU with a specific tool in the range of rapid-response capabilities, which contributes to making the EU more coherent, more active, and more capable.*¹⁹ The report, issued by EU External Action in 2011, highlights the purpose of the battlegroups:

Setting up a Battlegroup package is an opportunity for enhanced military cooperation between Member States. This improves mutual knowledge of each other's capabilities with regard to military means and political decision-making.

¹⁹ EU External action (2013) EU battlegroups
www.consilium.europa.eu/uedocs/cmcc_data/docs/pressdata/en/esdp/91624.pdf

Yet, the report also highlights the need for a rapid decision-making process in the deployment of military troops:

...the concept emphasises the need for accelerated decision-making. Not only do the EU bodies need to be ready but the national decision-making processes need to be synchronized to meet the demanding timelines.

Germany faces a fundamental conflict of interest in rapid crisis response efforts. The federal government enters into commitments for the battlegroups with political commitments to its international partners in the EU. However, before a concrete operation, the Bundestag must first agree to the posting of German contingents. The EU rapid- deployment are meant to be deployed within 5-10 days²⁰. In the case of NAVFOR Atalanta, the German Bundestag approved participation on 19 December 2008 which means 11 days after the mission was launched (Peters, Wagner and Glahn, 2014). As a result, the Bundestag and the Federal Government are caught in the tension between the appropriate speed of the decision-making process, their democratic-parliamentary legitimacy at the national level, and international obligations (Moelling, 2007).

The concern was linked to the lengthy and time-consuming process, when decisions are not taken directly by the executive but rather when decisions have to pass several stages in parliament, that could possibly hinder alliance cooperation regarding the EU battlegroups within a common European security approach (Chappell, 2012) and could also lead to the perception that Germany is rather slow or unassertive in international affairs (Wuerzer, 2013). Germany has promised to supply the EU battlegroups with fixed units, which should be ready within five to seven days of a request. For such operations, decisions must be made within a very short time if the Federal Government wants to fulfill the German obligations within the framework of NATO and the EU (Noetzel and Scheer, 2007).

Two aspects come to mind when discussing the role of the Bundestag and the prospect of battlegroup deployment:

²⁰ EU Council Secretariat (2006) Factsheet EU Battlegroups, EU BG 02
https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/misc/91611.pdf

(a) Decisions on whether to deploy the battlegroups are like any other decision in regard to the CSDP and subject to a unanimous decision by the Council. This means the German Bundestag would have to approve before this decision.

(b) While there is the discussion that the German Bundestag could hinder the rapid deployment of the battlegroups, one needs to consider that the EU battlegroups so far have not been deployed. Since 2007, the battlegroups have been fully functioning, yet issues of political will, usability, and financial solidarity have prevented them from being employed so far (European External Action Service, 2017). Thus, a discussion as to whether the Bundestag could hinder cooperation is for now rather theoretical.

In terms of a lengthy and time-consuming process, it is worth noticing that Germany's close partners Britain and France do not have the legal requirement to bring decisions of troop deployment before parliament which may result in a possible conflict of interest when deploying troops as part of rapid deployment in multilateral operations. Britain and France have a strong executive component in troop deployment (*il domaine réservé* and the 'royal prerogative').

Germany has always had a partnership with France and a strong connection to Britain. Both France and Britain are more focused and more active in participating in military missions than Germany, while neither Britain nor France are legally bound to a parliamentary prerogative. In Germany, the stringent parliamentary prerogative is essential in every deployment, whereas, in France, the executive is not required to be involved with the *assemblée nationale* in regard to military troop deployment abroad. The same applies to Britain: there is no constitutional requirement to obtain parliamentary approval; this is known as the 'royal prerogative', in which the decision to deploy military troops abroad lies in the hands of the prime minister. In order to avoid a possible hindrance in rapid-deployment and multilateral cooperation, a commission was set up to review the Bundestag's 'control rights' in security policy, suggesting in the final report ways for restructuring such rights. (This will be discussed in more detail in the following section.)

The commission for the review and safeguarding of parliamentary rights in troop deployment

To overcome the aforementioned three challenges to the German parliamentary prerogative, a commission was set up. Another fact that highlights the importance of parliamentary involvement in German security affairs was the formal revision of this prerogative to adapt to the changing security environment, in which rapid decision-making is becoming increasingly more important for successful security cooperation. On 11 March, 2014, the German government asked for a revision of the Bundestag approval requirement, called the *Kommission zur Ueberpruefung und Sicherung der Parlamentsrechte bei der Mandatierung von Auslandseinsaetzen der Bundeswehr* (Commission for the Review and Safeguarding of Parliamentary Rights in the Mandate of Foreign Assignments of the German Armed Forces) (Haid, 2014). In 2014, a coalition agreement between the Christian Democratic Union of Germany (CDU) and the Social Democratic Party of Germany (SPD), driven by former Defence Minister Ruehe, was set up to investigate this issue (von Krause, 2015). The PPA remains in place, however.

The Commission, led by former Minister of Defence Volker Ruehe, is to investigate whether this act still has a place in today's security international setting with a growing alliance security integration (*Bundeswehr-Journal*, 2013). Niels Annen (SPD) argued that the aim of this Commission should be to develop proposals on securing legislative rights for the Bundestag in the development of the EU integration process (Stuetzle, 2014). Overall, the task of the Commission was:

...to examine how the parliamentary rights can be secured on the path of progressing Alliance integration despite the diversification of tasks. The aim of the Commission is to investigate the legal and political examination of a corresponding need for action for the adjustment of the a consensus that may be brought into a formal legislative procedure.²¹

Despite the concerns raised about the Parliamentary Participation Act and the Commission that was set up to review the Bundestag's participation rights, the dispute is perhaps not rational, as, thus far, no approval has been declined by parliament to deploy military troops abroad. If Germany decides not to participate in

²¹ Bundestag, Report of the commission on the review and safeguarding of parliamentary rights regarding mandates for bundeswehr missions abroad. Summary of proposals and recommendations made by the commission (online) Available at: <https://www.bundestag.de/blob/379388/77470ddaa155f14a75c62db6667c452f/zusammenfassung-bericht-engl-data.pdf>

multilateral military cooperation, it is a decision made by the German executive and not by the Bundestag. However, this does not mean that the discussion about the role of parliament is not important. Instead, the parliament's internal voting behaviour may be partial, given that the parliamentary majority belongs to the same political party as the government and thus, would most likely support the government's decision (Raube & Wouters, 2016). The Bundestag has not rejected any proposal initiated by the executive so far, with the political parties of the leading coalition in full support of the government. 'While the prerogative is a powerful tool, it is rarely used to reject proposals. This does not mean that parliaments are passive takers of decisions, but rather that influence takes place less visibly in the process of legislative-executive interactions' (Winzen, 2010).

A new law was intended to implement the results of the Ruehe Commission (*Zeit online*, 2017). Certain training assignments, provided that they take place in a safe environment, should in future be possible without Parliament's mandate. The government should also be able to decide on the assignment of officers to EU and NATO international bodies in the future, provided that they are deployed outside combat zones. The Ruehe Commission further suggested that the information and control rights of the Bundestag should be strengthened through the exchange of information with the executive on the overall direction of military engagement.

3.5. Conclusion

This chapter has outlined the historical roots of the German Parliamentary Participation Act and its legal regulations. This was done in order to get an overall understanding of the possibilities that the Bundestag has to participate in the decision-making process on the deployment of troops. One aspect in particular was mentioned: the Bundestag's right of information contrary to the information advantage of the executive, with the result that even the parliament is required to be informed about ongoing missions, the executive having an advantage, as the ultimate decision on CSDP operations is made on the supranational level. This chapter also looked at the challenges that could arise within multilateral cooperation, in the EU rapid deployment battlegroups, and within security cooperation among Germany's security partners, France and Britain, with the result that the Parliamentary Prerogative does not seem to be an obstacle per se.

Chapter 4 - The German Bundestag - scrutinising decisions on the CSDP operations NAVFOR Atalanta and EUCAP Somalia?

4.1 Introduction

Having discussed the theoretical aspects of the role of national parliaments in EU security policy in Chapter 2, this chapter puts theory into practice. As in Chapter 3 outlined, the landmark ruling of the Federal Constitutional Court in 1994 granted parliamentary scrutiny authority to the German Bundestag, in relation to the decision-making process on CSDP-related matters. Although the academic literature argues that formal veto power grants parliaments a key instrument in the scrutiny process, as it grants the parliamentarians a certain degree of competence (Peters, Wagner & Glahn, 2014), those formal competences are more complex than parliament being seen as a rubberstamp.

There are several influences that matter in the decision-making process, as this chapter will outline. Party discipline, for instance, is one aspect besides the parliamentary prerogative. Parliamentarians of the leading coalition were more willing to support the mandate, with a clear majority vote in the decision whether to participate in the NAVFOR Atalanta mission. The opportunities given to parliamentarians to engage in security affairs, and the willingness to do so, are interrelated; parliamentarians are 'more willing to become involved in EU affairs if they have the institutional means to do so at their disposal' (Auel, Rozenberg & Tacea, 2015, pp.300-301).

This chapter will focus on the legislative-executive decision-making process in both chosen missions, NAVFOR Atalanta and EUCAP Somalia. First, the chapter will explain why the two chosen missions best fit the scope of this thesis and will provide a small summary of background information for both operations. The chapter concludes with the analysis that the German Bundestag has several options for scrutinising the German executive's decisions on participation in missions abroad, in form of raising inquiries to the German executive on their decisions to deploy troops abroad.

4.2. Military and Civilian missions under the CSDP Umbrella

Before exploring the missions chosen in this research and the role of the German executive and legislative in the decision-making process, it is important to highlight the important historical steps in the creation of the CSDP to then understand the structure of the CSDP in the decision-making structure to launch missions.

In December 1991, the CFSP was established, with the objectives to safeguard the common values, interests, independence, and integrity of the Union per the principles of the UN Charter; to strengthen the security of the Union in all ways; to preserve peace and strengthen international security, and to promote international cooperation as well as develop democracy and respect for human rights²². The Maastricht Treaty (1992) states that the EU's CFSP

shall include all questions relating to the security of the Union, including to a common defence, should the European Council so decide. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

At that time, according to Fritsch (2006), the EU lacked, however, a military capability to act autonomously, and the Petersberg Tasks²³ manifested the recognition of a new security environment in the EU after the Cold War, becoming the heart of the European Security and Defence Policy (ESDP), later to be named the CSDP. The CSDP forms a part of the CFSP and composes one of the main pillars of EU external action, initiated by the Treaty on European Union (TEU). The CSDP allows for the development of civilian and military missions that includes peacekeeping, conflict prevention and enhancing international security.

The CSDP framework is built on the premises that the EU High Representative for Foreign and Security Policy (currently Federica Mogherini)²⁴, proposes the launch of

²² European Union, Treaty on European Union (Consolidated Version), Treaty of Maastricht, 7 February 1992.

²³ The Petersberg Tasks, agreed upon in 1992, form part of the CSDP and define the spectrum of military action within the scope of the European Union operations. Source: European Union External Action (2018) Shaping of a Common Security and Defence Policy (online) Available at: https://eeas.europa.eu/headquarters/headquarters-homepage/5388/shaping-common-security-and-defence-policy_en (Accessed 03.03.2018)

²⁴ in collaboration with the Political and Security Committee (PSC), the EU Military Committee (EUMC), and the EU Military Staff (EUMS) that consists of personnel from the EU member states in

a mission and Member States can provide a first indication if they are interested to contribute with forces. Once the decision to launch a mission has been agreed upon, Member States can join the CSDP mission. Political and military solidarity among the EU member states was reinforced through the inclusion of the “solidarity clause” in Article 222 of the Treaty on the Functioning of the European Union (TFEU):

The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster. The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States...

As declared in Article 42 (1) of the Treaty of Lisbon, the CSDP framework “shall be an integral part of the common foreign and security policy” and is to provide “an operational capacity drawing on civilian and military assets” for the EU to use for crisis-management missions. Most notably, considering the scope of this research on the role of the executive-legislative relations in the decision-making process on security affairs, Article 42 (2) that declares that the EU member states should adopt the decision on CSDP matters in line with their constitutional regulations:

The common security and defence policy shall include the progressive framing of a common Union defence policy. This will lead to a common defence, when the European Council, acting unanimously, so decides. It shall in that case recommend to the Member States the adoption of such as decision in accordance with their respective constitutional requirements.

The most notable fact about the CSDP framework and the decision-making process to launch a mission is that the CSDP requires the unanimous support of all EU member states on decisions on military issues. This decision to participate in missions under the CSDP umbrella, however, is made by the national executives, giving them a full right to decide, leaving the national parliaments with a rather marginal role to play. However, Moelling and von Voss (2015) argue that the area of security has a “serious parliamentary dimension”, in terms of both the decision on the use of armed forces and decisions on defence procurements that can affect defence cooperation. Moelling and von Voss (2015) further argue that even though national parliaments have little influence on the framework conditions and the conditions under which troops are being sent abroad, national parliaments still have

which the latter two are involved in the military planning of an operation and the proper execution of the military mission

basic scrutiny mechanisms at hand to engage in monitoring national troops in various operations.

The missions that are launched under the CSDP umbrella allow the EU to play a principal role in peace-keeping, conflict prevention, and overall strengthening of international security (European External Action Service, 2018a). In the Somalian area, the EU has especially focused on 3 different sectors: state building and securing peace, food security, and education (European Union External Action 2018b). The 2 missions that were chosen for the analysis – NAVFOR Atalanta and EUCAP Somalia – fit very well with the overall goal of the CSDP framework and within the scope of this research. Even though both missions fulfil different purposes and are different in nature – NAVFOR Atalanta is a military mission and EUCAP Somalia is a civilian mission – both aim to secure, stabilise, and support the development of security at the seaways at the Horn of Africa and Western Indian Ocean by fighting Somali-based piracy and armed robberies (EUNAVFOR, 2018).

Mission selection- NAVFOR Atalanta and EUCAP Somalia

There are several reasons why the German Bundestag was chosen. As already mentioned, it plays a vital part in the decision-making process about the deployment of German troops abroad, a privilege that is not granted to every national parliament within the EU. For this study, two CSDP missions have been selected to examine the role of the German Bundestag within the decision-making process, one military mission and one civilian mission. The reason for choosing two different types of mission lies in the nature of the regulations. For military missions, the German Bundestag has the legal right to participate and authorise the deployment of military troops abroad, granted by the Parliamentary Participation Act. For civilian missions, however, there is no official right for the Bundestag to be heard before participation, which makes it particularly interesting in the context of this study.

Germany has participated in several military and civilian missions under the CSDP umbrella. Because the scope of the present study is limited, it will answer the research question based on two chosen operations. The rationale behind choosing these missions – and the reasons why they suit the scope of this study – lies in their nature. NAVFOR Atalanta is a military mission, and as the Bundestag has a

parliamentary prerogative to approve troop deployment, parliamentary scrutiny may be based on formal aspects. EUCAP Somalia is a civilian mission, so the Bundestag has no formal say in the matter, and it is likely to have resulted in informal scrutiny. These missions are analysed to understand the formal and informal parliamentary scrutiny mechanisms.

The literature argues that the prior authorisation of military troop deployments grants parliaments a powerful oversight tool. The right to approve or reject the government's proposal for the deployment of military troops is the strongest asset of parliamentary oversight (Born & Haenggi, 2005). Born and Haenggi (2005) established four models regarding parliamentary involvement in the deployment of military troops. They examined the German Bundestag as a 'strong' parliament, belonging to the group that has the right to decide on, or give prior authorisation of, the deployment of military troops. In a typology of parliamentary war powers, Dieterich, Hummel, and Marschall (2015) ranked the German Bundestag to be 'comprehensive' and highly influential in security policy, due to its parliamentary prerogative. As the legal war power right has been discussed throughout the thesis, the focus for discussion of this chapter is more related to the other two factors of Born and Haenggi's triad framework; ability and attitude.

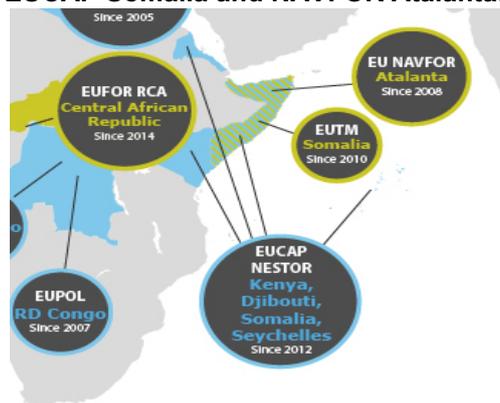
It is interesting to investigate a civilian mission to look beyond the parliamentary prerogative. Wagner et al. (2010) argue that MPs should exercise their given authority tools, but also use their resources. The latter refers to obtaining information on security and CSDP-related matters, which will ensure the opportunity for MPs to engage in security policy decision-making processes. As formal powers form a key feature of the scrutiny process, the parliamentarians' abilities and attitudes may essentially adjust it (Maatsch & Galella, 2016). While the existing literature often focuses on the formal mechanism in effective parliamentary scrutiny, the concepts of ability and attitude have been subject to limited research (Huff, 2015). Parliaments, therefore, ought to have certain resources that allow them to increase effective scrutiny, as well as to become engaged in exercising their authority and resources (Wagner, Peters & Glahn, 2010).

Both missions were primarily chosen as they are being conducted in a region that has attracted the attention of, and fostered cooperation among, EU member states and other international institutions. Therefore, a key factor is multilateral cooperation and German responsibility to participate. The region is particularly important for Germany, as it affects sea routes and the German economy is primarily export-based. In sum, the two operations chosen for this research are interesting for a variety of reasons. They share several similarities: a) both missions were launched under the **CSDP umbrella**; b) they are both **ongoing**; c) and they are being conducted in the **same geographical location** (see **Figure 4.1.**) – the coast of Somalia– with the main aim of fighting against piracy. However, the decisive factor for choosing these missions is that they **differ in their nature**; NAVFOR Atalanta is a military mission, while EUCAP Somalia is a civilian mission.

Table 4.1. The selected CSDP missions for this study

| | Operation | Status | German Participation | Mission Type |
|---|------------------|---------------------|-----------------------------|---------------------|
| 1 | NAVFOR Atalanta | Ongoing, since 2008 | December 2008 | Military |
| 2 | EUCAP Somalia | Ongoing, since 2012 | August 2012 | Civilian |

Figure 4.1. CSDP missions EUCAP Somalia and NAVFOR Atalanta. Source: www.eeas.com



Most research on the role of national parliaments has drawn on quantitative studies of EU affairs (for a detailed overview, see Auel, Rozenberg & Tacea, 2015), or parliamentary prerogatives and parliaments' involvement in the CSDP (Maurer & Wessels, 2001), both applying a cross-country comparison. Although previous research has looked at the NAVFOR Atalanta operation and parliamentary involvement (Peters, Wagner & Glahn, 2014), the focus of this research is solely on

the role of the parliamentary prerogative in a cross country comparison, and did not look at informal channels for parliamentary participation. Little attention has been paid to parliamentary scrutiny over civilian missions. One possible explanation for this could be that approval by the Bundestag is not required for the country to participate in civilian missions abroad. Therefore, other factors may provide clues about opportunities for parliamentary scrutiny over security policy and explore other mechanisms available to Bundestag members to enhance the scrutiny mechanisms related to both military and civilian missions.

4.2.1. Background of the Operations NAVFOR Atalanta and EUCAP Somalia

In 2008, the CSDP-grounded ‘Operation Atalanta’ was launched to safeguard the sea routes in the Pacific region that have been afflicted by pirates and organised crime, leading to a humanitarian crisis. Its role is to “contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast” (Council Decision 2008/918/CFSP). The decision to launch the mission was based on a series of previous United Nations Security Council (UNSC) resolutions:

| |
|---|
| <ul style="list-style-type: none"> • Resolution 1814 (2008) The Security Council <i>reiterates its support... to protect the World Food Programme maritime convoys, calls upon States and regional organizations...to take action to protect shipping involved with the transportation and delivery of humanitarian aid to Somalia...</i>²⁵ |
| <ul style="list-style-type: none"> • Resolution 1816 (2008) The Security Council was <i>gravely concerned by the threat that acts of piracy and armed robbery against vessels pose to the prompt, safe and effective delivery of humanitarian aid to Somalia, the safety of commercial maritime routes and to international navigation...</i>²⁶ |
| <ul style="list-style-type: none"> • Resolution 1838 (2008) The Security Council recalled on the previous Resolutions 1814 and 1816 and commended on <i>the establishment by the European Union of a coordination unit with the tasks of supporting the surveillance and protection activities carried out by some member States of the European Union off the coast of Somalia, and the ongoing planning process towards a possible European Union naval operation...</i>²⁷ |
| <ul style="list-style-type: none"> • Resolution 1844 (2008) The Security Council emphasised <i>the continued contribution made to Somalia’s peace and security...and recalls its intention...to take measure against those who seek to prevent or block peaceful political process...that undermines stability in Somalia or the region.</i>²⁸ |
| <ul style="list-style-type: none"> • Resolution 1846 (2008) The Security Council expressed <i>again its determination to ensure the long- term security of World Food Programme (WFP) maritime deliveries to Somalia...and recalled the establishment by the European Union (EU) of a coordination unit with the task of supporting the surveillance and protecting activities carried out by some member States of the European Union off the coast of Somalia...</i>²⁹ |

²⁵ S/RES/1814 (2008) available at: [https://undocs.org/S/RES/1814\(2008\)](https://undocs.org/S/RES/1814(2008))

²⁶ S/RES/1816 (2008) available at: [https://undocs.org/S/RES/1816\(2008\)](https://undocs.org/S/RES/1816(2008))

²⁷ S/RES/1838 (2008) available at: [https://undocs.org/S/RES/1838\(2008\)](https://undocs.org/S/RES/1838(2008))

²⁸ S/RES/1844 (2008) available at: [https://undocs.org/S/RES/1844\(2008\)](https://undocs.org/S/RES/1844(2008))

²⁹ S/RES/1846 (2008) available at: [https://undocs.org/S/RES/1846\(2008\)](https://undocs.org/S/RES/1846(2008))

Later, in 2012, the civilian mission, EUCAP Somalia, was launched to support the area around the Somalian Coast. German armed forces participated at the launch of both missions.

The launch of the EU-led naval mission at the Horn of Africa and the Western Indian Ocean was prompted by the increasing activity of Somali-based piracy and armed robbery (EEAS, 2018). Somalia has been one of the largest humanitarian crisis areas in the world and as of September 2017, more than three million people here relied on urgent humanitarian aid (World Food Programme, 2018). While the aid was primarily provided by the United Nations World Food Program (WFP), attacks by pirates on ships that carried urgent humanitarian aid hindered the operations to provide the supplies to the suffering Somali population. In addition to these humanitarian considerations, another reason for sending a European naval mission was that the pirates operating in this area were an increasing threat to security and international shipping (EEAS, 2018). This was especially the case with the area around the Gulf of Aden that provides an important sea route between Europe and Asia. Heading to and from the Suez Canal, the area sees the passing of up to 30,000 ships each year (Reuters, 2011). In fact, millions of tonnes of crude oil, petroleum, gas and coal is among the freight that is ferried every month through this area. However, the leading operatives of the global merchant fleet that carries 90 percent of the world's freight have been forced to consider bypassing the Gulf of Aden and the Suez Canal (Reuters, 2011).

Piracy and the attendant concern for Somalia's development -- in terms of both humanitarian and security aspects -- began to deepen after the overthrow of the Somali President, Siad Barre, in 1991 (Novaky, 2018). The overthrow of the dictatorial Barre led to the collapse of the Somali central government and left Somalia and its coastlines largely ungoverned, which allowed self-appointed militias to roam freely in the country's territory and in its waters (Novaky, 2018). In fact, following the downfall of President Siad Barre, civil war broke out between the supporters of President Ali Mahdi Mohamed and the supporters of General Mohamed Farah. Collaborating with the Organisation of African Unity (OAU), the UN subsequently tried to solve the conflict, providing humanitarian aid and leading the

arms embargo imposed by the Security Council in 1992 against Somalia as well as establishing the 'United Nations Operation in Somalia' (UNOSOM) (United Nations, 2018).

The Security Council... decides, under Chapter VII of the Charter of the United Nations, that all states shall, for the purpose of establishing peace and stability in Somalia, immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Somalia until the Council decides otherwise (UN Resolution 733, 1992)

In UN Resolution 814³⁰, the UN Security Council expressed its concerns for the continuing violations of international humanitarian law and authorized to expand UNOSOM. In 2004, a transitional government was appointed, yet has been incapable to uphold order within Somalia (Geiss and Petrig, 2011). Meanwhile, in January 2007, the peace mission known as the 'African Union Mission in Somalia' (AMISOM) was launched. This mission was created by the African Union's Peace and Security Council with the aims of supporting the stabilization of the country and providing peacekeeping forces (African Union Mission in Somalia, 2018).

Piracy is not a new phenomenon to Somali waters, as stated in 'the Report of the Monitoring Group on Somalia pursuant to Security Council resolution 1811'³¹, Piracy in Somalia's waters has developed from a 'domestic nuisance' into a 'sophisticated and well-organised industry'. An estimated 30,000 vessels passing through the sea lanes of the Gulf of Aden every year³². In February 2008, the Somali government asked the UN Security Council for help in the fight against piracy (Bundeswehr, 2018) and the Security Council subsequently took up the issue by proposing several resolutions:

On May 15, 2008, the UNSC called for action in terms of the general protection of humanitarian aid:

...underlining the importance of providing and maintaining stability and security throughout Somalia, and underscoring the importance of disarmament, demobilisation and reintegration of militia and ex-combatants in Somalia (UN Resolution 1814).

³⁰ S/RES/814 (1993) available at: <http://unscr.com/en/resolutions/doc/814>

³¹ Available at: http://www.un.org/ga/search/view_doc.asp?symbol=S/2008/769

³² United Nations "Report of the Monitoring Group on Somalia pursuant to Security Council Resolution 1811 (2008), available at: http://www.un.org/ga/search/view_doc.asp?symbol=S/2008/769

The UN Resolution 1816 of June 2008 then went into more detail and particularly focused on the impact of piracy in this region and its threat to the humanitarian aid efforts:

...gravely concerned by the threat that acts of piracy and armed robbery against vessels pose to the prompt, safe and effective delivery of humanitarian aid to Somalia, the safety of commercial maritime routes and to international navigation...

The UN Resolution 1838 of October 2008 then highlighted the fact that the threat of piracy was increasing:

...gravely concerned by the recent proliferation of acts of piracy and armed robbery at sea against vessels off the coast of Somalia...noting with concern also that increasingly violent acts of piracy are carried out with heavier weaponry, in a larger area off the coast of Somalia...demonstrating more sophisticated organisation and methods of attack...

On 8 December 2008, the EU adopted the naval mission, 'Atalanta', which included the participation and contribution of several European member states. This mission was launched to "contribute to the deterrence, prevention and repression of acts of piracy and robbery off the Somali coast" (Council Decision 2008/ 918/ CFSP). The CSDP military missions were derived from several UNSC Resolutions:

Condemning all acts of violence and extremism inside Somalia and expressing its concern regarding the continued violence inside Somalia (UNSC 1801, 2008).

Reaffirming the importance of the sovereignty, territorial integrity, political independence and unity of Somalia (UNSC 1811, 2008; 1831, 2008).

...reiterates its support for the contribution made by some States to protect the World Food Programme maritime convoys, call upon States and regional organizations...to take action to protect shipping involved with the transportation and delivery of humanitarian aid to Somalia and United Nations-authorized activities... (UNSC 1814, 2008).

...condemns and deplores all acts of piracy and armed robbery against vessels in territorial waters and the high seas off the coast of Somalia (UNSC 1816, 2008.)

Meanwhile, German support for the mission came as no surprise, given the fact that Germany is, alongside China and the US, among the world's leading trading nations.

Along with the protection of their own economic interests, Germany was also concerned with ensuring a secure naval passage alongside the Somali coast for their trading partners (Bergstrand and Engelbrekt, 2016). On December 10, 2008, the federal government proposed to participate with the German armed forces by providing up to 1400 soldiers in the Atalanta operation (BT-Drs. 16/ 11337). On December 19, the Bundestag accepted the government proposal by a large majority (Plenary protocol 16/ 197). Since then, there have been several mandate extensions³³, all with German Bundestag approval, and the current mandate for the provision of German armed forces in the Atalanta mission with an upper limit of 600 soldiers runs until 31 May 2018 (Bundeswehr, 2018).

In line with the Atalanta mission's aim of aiding the Horn of Africa, the civilian mission, 'EUCAP Somalia' was established in 2012. On August 15 of that year, the German Federal Cabinet agreed to German participation. The aim of the mission was to assist the Somali government by sending experts to perform actions such as establishing a coastal police force for the country and providing support for legal issues related to maritime safety. However, its overall aim was not to fight the pirates directly (Foreign Office, 2017a). The civilian mission, EUCAP Somalia was finally launched On July 16, 2012 to assist the development in the Horn of Africa and the Western Indian Ocean States in terms of their self-sustainable capacity for continued enhancement of their maritime security, including counter-piracy and maritime governance (Council Decision 2012/ 389/ CFSP). EUCAP Somalia had an initial geographic focus on Djibouti, Kenya, the Seychelles and Somalia, while it was also to be deployed in Tanzania, following the receipt of an invitation from the Tanzanian authorities (Article 2) by the Union. From 2012 to 2015, German armed forces participated in this mission, before military participation was suspended in April 2015. However, up to five officials of the federal and state police as well as several civilian experts remain on the mission (Bundeswehr, 2015).

³³BT- Drs. 17/ 179 (09.12.2009), BT- Drs. 17/ 3691 (10.11.2010), BT- Drs. 17/ 7742 (16.11.2011), BT- Drs. 17/ 9339 (18.04.2012), BT- Drs. 17/ 13111 (17.04.2013), BT- Drs. 18/ 1282 (30.04.2014), BT- Drs. 18/ 4769 (29.04.2015), BT- Drs. 18/ 8091 (13.04.2016), BT- Drs. 18/ 11621 (22.03.2017)

4.3. The executive's proposal to deploy German armed forces and Parliamentary activities prior operations

..How useful is free trade do if you cannot reach your destination by ship? ...

Chancellor Angela Merkel³⁴

On 19 December 2008, the German Bundestag decided that Germany would participate in the EU's anti-piracy mission. Chancellor Angel Merkel emphasised the connection between 'classical security and the security of the economy'. For the latter, the Chancellor explicitly counted on the security of transport routes. These would be endangered by pirates. For this reason, the Federal government assumed its responsibility. According to Merkel, the German mission is not least due to its own interests. Foreign Minister Steinmeier and Defence Minister Jung gave details on the design of the German contribution to Atalanta in a letter that became publicly available on 5 December 2008. Both, Steinmeier and Jung, showed particularly in the operational orientation of the German contributions. The letter, so Brummer (2013), contained defensive elements, such as the prevention and the defence of the pirate attacks as well as offensive elements, such as a direct plan for an attack on the pirates.

The Atalanta mission was in line with Germany's national interest and thus in support of the German public as the mission would protect vessels shipping humanitarian aid and commercial goods. In 2008, when the Atalanta mission was launched, the public poll of the *Sozialwissenschaftliches Institut der Bundeswehr* shows that every second German supports an active foreign and security policy even though many Germans 'have no concrete knowledge of current Bundeswehr missions abroad, or have never even hear of them' (Bulman, 2009 p. 11-12). Despite the lack of knowledge, Bundeswehr missions are supported by a large majority of the German population because of their confidence in the German armed forces (Bulman, 2009 p. 12). German politicians highlighted humanitarian reasons as a key reason for participating in several plenary debates as well as its' economic interests which were

³⁴ Original: *was nützt uns ein freier Handel, wenn man mit einem Schiff nicht dahin kommt, wohin man will?* Bulletin der Bundesregierung Nr. 128-1, 26 November 2008

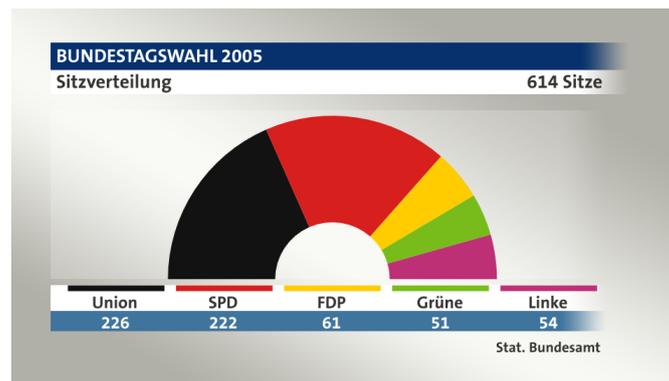
affected by the developments in the Horn of Africa. The fight against piracy in the Horn of Africa was an opportunity to provide a service in this regard.

4.3.1. Plenary debates and discussions on whether to participate in NAVFOR Atalanta and EUCAP Somalia

Plenary debates in the German Bundestag provide a platform for information exchange and discussions that ultimately lead to the decision-making of daily matters during the sittings. The plenary is made up of all the members of the Bundestag and divided according to the voting results of the general election (see Table 4.4.1.); each sitting is conducted by the President of the Bundestag or the deputy (Deutscher Bundestag, 2018a). In the German parliament, it is the plenary session that ultimately decides on troop deployment, which contrasts to other countries such as Austria or Spain, where the decision to send troops abroad is taken in committees (Wagner, 2017).

Plenary debates are public, as demanded by the German Constitution. That means that they are broadcast live in the media, and viewers can watch them unfold. On the one hand, this guarantees transparency about the events taking place, awakens interest among the population concerning the activities of the parliament, and increases the self-control of the deputies, but according to Schiller (2002), it is also appropriate that the discussions conducted in the plenum are directly influenced by the voters' preferences. On the other hand, the live transmissions change the content, style, and atmosphere of the Bundestag and mean that the actual work of the parliament, which takes place in committees – and in particular German security policy – cannot be overshadowed (Schiller, 2002).

Figure 4.2. Distribution of seats in the Bundestag, 2005³⁵



Foreign policy and international issues make up a considerable proportion of the plenary debates of the Bundestag, and define the Federal Government's foreign and security policy course vis-à-vis other states and in international negotiations (Ismayer, 2007). Plenary sessions serve to induce the government and administration to provide factual information, expose the deficits, intentions, and priorities of government policy, and examine government and administrative action both in detail and conceptually. Often, the initiative to hold a plenary debate comes from the opposition, but the government often makes use of its ability to issue a government bill to the Bundestag at any time, which is followed by a regular debate. Foreign and European policy dominates, with more than half of all government declarations being made by the Federal Chancellor or the Foreign Minister (Ismayer, 2007).

In the debate about whether to participate in the NAVFOR Atalanta mission, there were several plenary debates to discuss the executive's proposal and wish for the Bundestag to approve the foreign deployment of German armed forces. Participation in the civilian mission EUCAP Somalia did not require formal approval by the German Bundestag, but the overall positive resonance of parliamentarians, as well as the government, was evident. Germany, being an advocate for human rights and humanitarian aid, as enshrined in Article 1 of the German Basic Law, supports the general objective of both missions on the Somalian coast. The focus of the

³⁵ Source: Tagesschau (2005); *Bundestagswahl 2005* (online). Available at: <https://wahl.tagesschau.de/wahlen/2005-09-18-BT-DE/index-content.shtml> (Accessed 03.03.2018)

humanitarian nature of the operations was evident in the numerous speeches given by the German executive in plenary sessions, in particular on December 17, 2008, seven days after the proposal by the executive to participate in the NAVFOR Atalanta mission.

Defence Minister Franz Josef Jung and Foreign Minister Franz- Walter Steinmeier emphasised the humanitarian characteristics of the operation and thus requested the approval of the Bundestag for German participation. Steinmeier argued in the plenary debate on December 17, 2008³⁶ that the criminal activities undertaken by the pirates attacking ships in the Horn of Africa threatened the stability that the people of Somalia depend on. Steinmeier stated that in his opinion, this should not be allowed to continue:

The pirates are attacking ships in the Horn of Africa and this year alone, [have] already [attacked] more than 200 ships ... these criminal acts threaten the last remnants of order that people in Somalia depend on. I think we should not just allow that to happen. That is what the world community says, and we too must say that with conviction.³⁷

In acknowledgement of the fact that millions of people in the Somalian region are dependent on foreign aid, Steinmeier highlighted the fact that Germany had decided to participate and support the EU-led NAVFOR Atalanta mission in order to secure both the transportation of humanitarian aid to Somalia and civilian shipping. By securing civilian shipping, one important aspect in terms of the German national interest was mentioned by Steinmeier when he argued that:

Through the Gulf of Aden goes... the main trade route between Europe and Asia: 20,000 ships a year with this destination. Many of them belong to German shipping companies, or transport cargo to or from Germany.³⁸

Steinmeier further highlighted the importance of supporting the international community with German participation:

³⁶ BT- plenary protocol 16/195, December 17, 2008.

³⁷ Own translation; original: *Die Piraten ueberfallen Schiffe am Horn von Afrika, allein in diesem Jahr sind das bereits ueber 200 Schiffe... mit diesen kriminellen Umtrieben werden die letzten Reste von ordnung bedroht, auf die die Menschen in Somalia angewiesen sind. Ich finde, wir duerfen das nicht einfach geschehen lassen. Das sagt die Weltgemeinschaft, und das muessen auch wir mit Ueberzeugung sagen.*

³⁸ Own translation; original: *Durch den Golf von Aden verlaeuft naemlich...der Hauptstrang der Handelsstroehme zwischen Europa und Asien: 20.000 Schiffe jaehrlich mit dieser Destination. Viele davon gehoeren deutschen Reedereien oder transportieren Fracht aus oder fuer Deutschland.*

We support every effort that leads to a political understanding in Somalia ... I think our job is huge. It's about the end of the civil war, the eradication and building of state institutions in the police and judiciary ... It will be a long journey ... but we also know that we cannot just leave regions like Somalia to their fate ... [We are] in one world that is gathering people ever closer, all of us.³⁹

In the final part of his speech, in his role as a member of the Federal Government, Foreign Minister Steinmeier asked the Bundestag to agree to the deployment of German armed forces in Operation Atalanta (BT- plenary protocol 16/195, December 17, 2008). His main arguments included the fact that in this way, Germany and the EU would send out an important message in three ways: for the people in Somalia, for the security in the region, and for international solidarity. Defence Minister Jung was of the same opinion as Steinmeier in the plenary session, arguing that it is an urgent matter and in German interests to effectively counter the scourge of piracy and ensure military security and free maritime trade, as well as for humanitarian reasons. Thus, the perspective of the German executive towards participation in the NAVFOR Atalanta mission sent a clear message to the German Bundestag to give its approval for participation (BT- plenary protocol 16/195, December 17, 2008).

Members of the German Bundestag questioned the executive about its proposal to participate in the mission. One point was raised by Rainer Stinner (FDP) in the session (BT- plenary protocol 16/195, December 17, 2008). Though Stinner acknowledged the many correct and important points in the executive's mandate and that the executive's proposal was promising, he raised the question as to *how* German armed forces would be able to fight piracy on the Somalian coast. Stinner stated that he expected the Federal Government to use military means so that it could complete all necessary tasks, including the responsibilities described in points 3d) and 3e) of the executive's proposal (BT- Drs. 16/11337) of December 10, 2018:

³⁹ Own translation; original: *Wir unterstuetzen jede Anstrengung, die zu einer politischen Verstaendigung in Somalia fuehrt... Ich glaube unsere Aufgabe ist riesig. Es geht um das Ende des Buergerkrieges, um Aussoehnung und um den Aufbau von staatlichen Institutionen in Polizei und Justiz...Das wird ein langer Weg... aber wir wissen auch, dass wir Regionen wie Somalia nicht einfach ihrem Schicksal ueberlassen duerfen...Das beruehrt in einer Welt, die immer enger zusammenrueckt, nun einmal uns alle.* BT- plenary protocol 16/195, December 17, 2008

3 a) Provide protection for World Food Program (WFP) vessels, among other aims, through the presence of armed forces on board these ships, especially if they pass through the territorial waters of Somalia.

3 e) Monitoring areas off the coast of Somalia, including the Somalian territorial waters that present dangers to maritime activities, in particular maritime transport.

Stinner's first point of critique included the fact that German armed forces would be focused on the safeguarding of single ships. Stinner argued that German interests were not primarily related to the safeguarding of individual ships, even though this was important and correct. Rather, their focus should be on securing the freedom of the seas and sea routes, which can only be achieved through an active fight against piracy. Stinner concluded his statement in the plenary session by claiming that it would lead to an 'endless mission' if ships were only to be accompanied, and that it was more important to destroy the pirates' ships (BT- Drs. 16/11337).

In civilian missions, the German Bundestag's approval is not required. Yet, according to a EU-wide survey on parliamentary oversight of CSDP operations, German legislative staff 'noted the willingness of their parliament to exercise oversight of both civilian and military ESDP missions' (Born et al., 2007, p. 25). Germany has interests in civilian missions and has highlighted the significance of a civilian operational component and been the main supporter of a 'civilian CSDP' (Simon, 2017). As Germany is often described as having a 'culture of restraint', following increasing pressure from German allies, the deployment of forces for humanitarian reasons have evolved to focus on civilian tools above military (Chappell, 2012). Germany's contribution is marked by the money spent and personnel deployed to strengthen the civilian aspect of the CSDP (Simon, 2017).

Plenary sessions provide a platform for the Bundestag to scrutinise the decision-making process concerning the deployment of military forces abroad. While the parliamentary prerogative and plenary session form vital parts of the scrutiny of government proposals, the Bundestag has never rejected any executive's proposal because it is questionable whether in such a case, the parliament-leading coalition would turn against the government (Wagner, 2017). Wagner (2017) further argues

that this is not only a German phenomenon but that outside Germany, legislative votes against participation in military missions are particularly uncommon.

4.3.2. Parliamentary voting on participation in the Atalanta mission and the relevance of Party discipline

The principal mechanism to influence the executive is, according to Peters, Wagner and Glahn (2014, p.435), the German Bundestag’s constitutional right (parliamentary prerogative) to decide on German armed forces deployment abroad. In the case of the Atalanta operation, MPs of the leading party voted in favour of the government’s proposal to deploy German armed forces abroad. On 19 December 2008, the German Bundestag voted with a clear majority in favour of participation and deploying German armed forces in the Atalanta mission. By examining the voting results, it is noticeable that the leading parliamentary parties voted in favour of their government⁴⁰. Table 4.2. shows the Bundestag’s voting results for the different mandates on NAVFOR Operation Atalanta, emphasising that the parties of the leading coalition voted in favour of German troop deployment almost without any ‘no’ votes.

The fact that the Bundestag voted in balance with the German executive strengthens the claim that the leading political party in the Bundestag belongs to the executive’s political party, and thus the leading coalition would support the government’s decision regardless. Parliamentarians of the leading coalition are also more likely to have had additional access to information channels, such as using the opportunity for parliamentary questions, before providing their approval of the Atalanta operation. They are also able to visit the German armed forces that are stationed abroad in Djibouti (Peters, Wagner & Glahn, 2014).

Table 4.2. Bundestag vote on Participation in the EU- led Atalanta Mission⁴¹

| Political Party | ‘Yes’ votes | ‘No’ votes | Abstentions |
|------------------------|--------------------|-------------------|--------------------|
| CDU/ CSU | 209 | 0 | 1 |
| SPD | 194 | 2 | 3 |

⁴⁰ (leading German parties: 2005- 2009 CDU & SPD, 2009- 2013 CDU & FDP, 2013- present CDU & SPD).

⁴¹ The Bundestag website, plenary session on 19.12.2008, https://www.bundestag.de/blob/190412/6de99d14142d85ed693ea9fd0f2c4b7c/20071219_atalanta-data.pdf

| | | | |
|-------------------------|----|----|---|
| FDP | 53 | 0 | 0 |
| Die Linke (Left) | 0 | 46 | 0 |
| B. 90/The Greens | 35 | 6 | 8 |

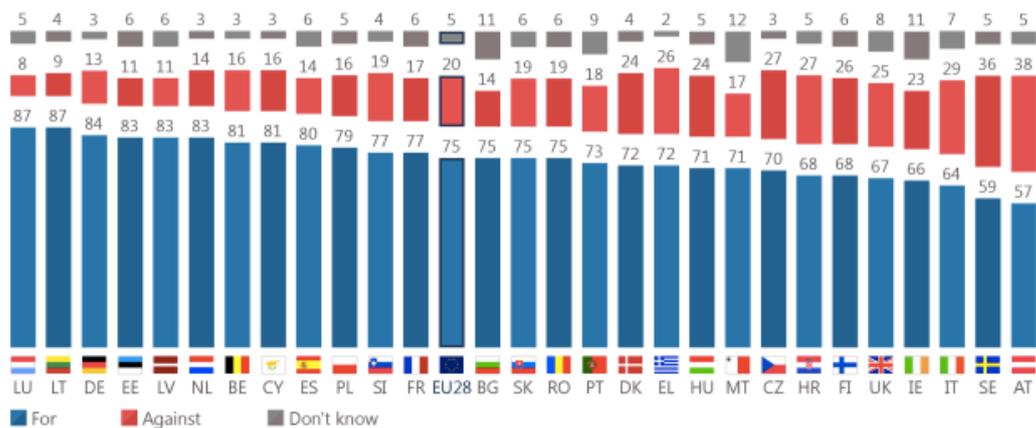
Party discipline is a crucial factor to scrutinise the executive (Born & Haenggi, 2005). Huff (2015) agrees and argues that in cases of party dissension, parliamentarians are of greater importance to hold the government accountable for their actions (Huff, 2015). In a study by Peters, Wagner and Glahn (2014) over parliamentary scrutiny on the Atalanta mission, German MPs argued that they can exercise influence over the executive, even before the mandate is formally written. This is done through communication between the executive and the parliamentary majority, to elaborate whether the parliamentary majority would support a mandate to deploy armed forces abroad, resulting in parliamentary influence of the content of the mandate. In their study, parliamentarians argued that the ‘flow of information’ is reduced with the parliamentary opposition, in that the executive informs their own majority earlier, compared to the opposition. Even though there is no formal, legal requirement to parliamentary approval before participation and hence no information required, parliamentarians were informed also about the EUCAP Somalia mission as both missions, EUCAP Somalia and NAVFOR, are operating in the same region, thus they are interlinked.

Party discipline plays a role in the distribution of information. Crum and Fossum (2013) argue that the flow of information is more intense with the parliamentary majority and less with the opposition. The intensity of the flow of information aims also for the executive to get an idea of the overall support of participation in military operations including sending German armed forces abroad. This gives the executive an insight of how the mandate to deploy troops abroad should be organised and written (Crum and Fossum, 2013). The fact that the parliamentarians are involved in the mandate writing process by assessing their positions and their point of views in participating in troop deployment, gives the German MPs a certain influence (Crum and Fossum, 2013).

As parliaments represent the public, public opinion is especially important for the parliamentarians as they are the representatives of the electorate. Thus, the opinion

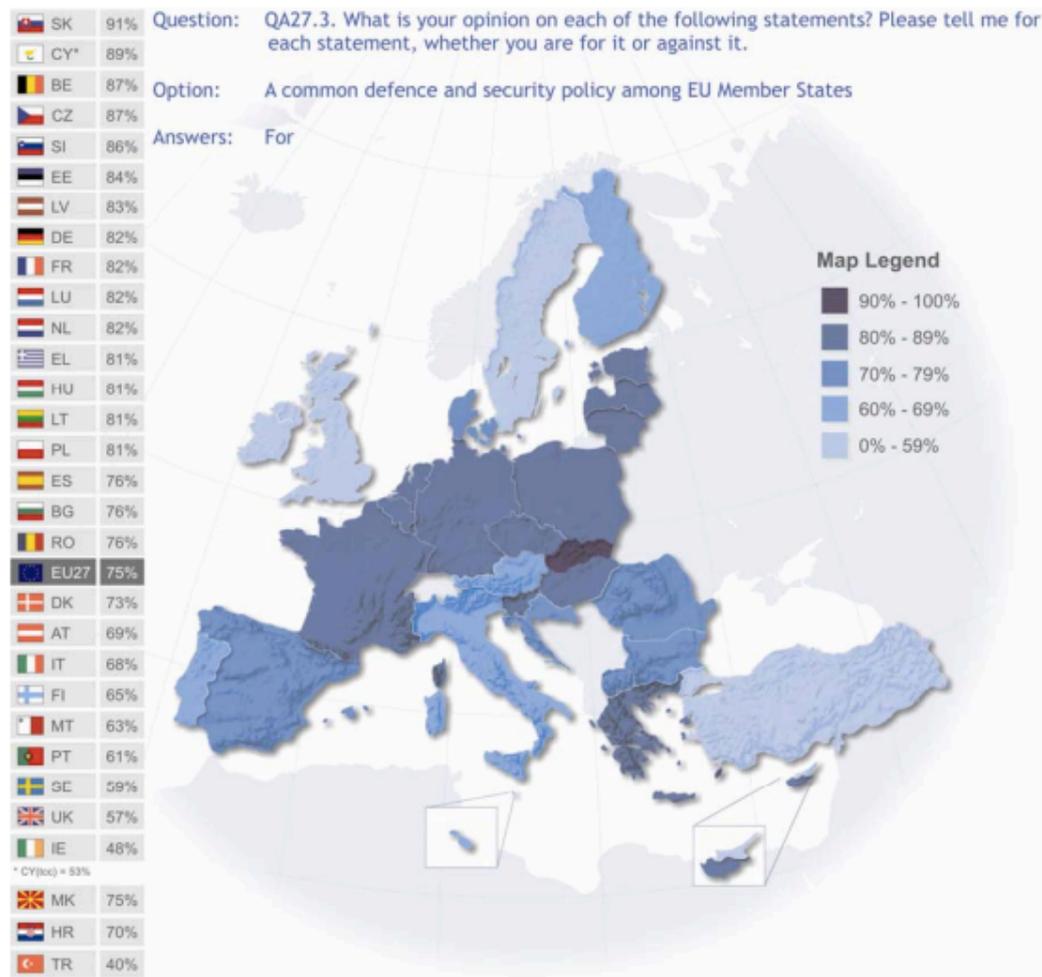
of the German public plays a key role in the parliamentary scrutiny on CSDP related decisions. A 2017 report by the European Commission (**Figure 4.3.**) on the topic of whether one is in favour or against of a common defence and security policy among EU Member States, indicates a clear preference of the German public (84%) to support the CSDP.

Figure 4.3.: Opinion on a common defence and security policy among EU Member States (%), 2017



Source: European Commission (2017). Special Eurobarometer 461 Report. *Designing Europe's future: Security and Defence*. Available: <http://ec.europa.eu/commfrontoffice/publicopinion>

Figure 4.4.: Opinion on a common defence and security policy among EU Member States (%), 2010



Source: European Commission (2010). Eurobarometer 70, Public opinion in the European Union. Available: http://ec.europa.eu/commfrontoffice/publicopinion/archives/eb/eb70/eb70_full_en.pdf

The fact that the German public is in favour of a common defence and security policy is not a new phenomenon, already in 2008 when the NAVFOR Atalanta mission was deployed, the German public opinion proportion of support was at a high of 82% (with the overall EU proportion of 75% in favour of a common defence and security policy (**Figure 4.4.**), according to Fieldwork undertaken in October- November 2008 and published in 2010 by the European Commission Eurobarometer 70.

4.3.3. The German Bundestag's activities prior to both selected missions

The focus of this research is to observe the extent to which the German Bundestag can scrutinise the decision-making process for sending troops abroad. As such, is it vital to explore the tools that are available to parliament for doing so.

The large scope of information is essential to the scrutiny process, which can be claimed by the members of both the leading coalition, as well as opposition parties (Deutscher Bundestag, 2018b). The German Bundestag can raise *kleine anfragen* (small inquiries) and *grosse anfragen* (large inquiries) as means for questioning the government on selected issues, both forms of inquiries are frequently used to scrutinise the government's decisions (Deutscher Bundestag, 2018b). Small inquiries are answered by the government in writing only, whereas large inquiries are debated in the Bundestag. As major issues are primarily political issues, opposition parties have the opportunity to question the government in public plenaries, and express their views (Deutscher Bundestag, 2018b).

More tools available to the Bundestag in the scrutiny process include written questions and question times, *aktuelle stunde* (current hour), and surveying the government. Each member of the Bundestag can present up to four questions a month to be answered by the government, in writing, within a week of receipt. The questions raised, as well as their answers, are published in the weekly plenary document. In addition, each member of parliament has the right to present up to two questions per week to the government during so-called 'question time'. Members of parliament also have the opportunity to request a *aktuelle stunde* (current hour) if they are dissatisfied with the information provided by the government during question time. Finally, immediately after the federal government's internal meeting, parliamentarians have another opportunity to present questions about current issues to the members of the German executive (Deutscher Bundestag, 2018b).

Parliamentary activities prior to Operation Atalanta

It is particularly important to observe parliamentary activities prior to the German Bundestag approving participation in the Atalanta mission, to observe whether indications are present for acknowledging parliament as a 'rubber stamp' or an active scrutiniser. In total, three small queries were submitted to be answered by the German executive (see Table 4.3.).

Table 4.3. Parliamentary activities prior to German participation in NAVFOR Atalanta.

| Date | Parliamentary activity |
|------------------|--|
| 24 November 2008 | BT-Drs. 16/11021 Small inquiry on the use of armed forces against pirates and measures to prevent piracy off the coast of Somalia Initiative: The Left |
| 25 November 2008 | BT-Drs. 16/11088 Small request on the participation of German soldiers in the planned EU mission 'Atalanta' Initiative: FDP Response from the federal government BT-Drs. 16/11352, 12 December 2008 |
| 28 November 2008 | BT-Drs. 16/11150 Small request on piracy offensive in the Horn of Africa Initiative: Group Alliance 90/Greens Response from the federal government BT-Drs. 16/11382, 17 December 2008 |

In the three small questions raised by the opposition parties *Die Linke* (the left), the FDP, and The Greens used the opportunity to ask the government for German participation in the Atalanta mission. *Die Linke* (BT-Drucksache 16/11021) criticised the EU decision on the military operation, which raised questions about the political meaning of constitutional and international law, for example, about dealing with captured persons and the legal basis for the participation of German armed forces. In addition, the party criticised the states who wanted to participate in the military fight against piracy, but who have to date shown little initiative in addressing the structural causes of avoidance and the long-term processing of piracy. Thus, *Die Linke* raised several question with the German executive, in particular regarding the scope and background of the mission. This included the development of ship traffic in the international waters off the Somali coast during the past five years, and in particular, the deployment of, e.g., the German Bundeswehr, and according to what criteria the federal government will evaluate whether the Bundeswehr's involvement in the EU military operation Atalanta could actually contribute to minimising the piracy risk.

The small request of the FDP, made on 25 November 2008 (BT- Drs. 16/11088) to the federal government, explained that according to the federal government, the right to take action against active pirates is a general rule of international law under Article 25 of the German Basic Law. Additionally, the FDP was also more broadly interested

in the future of the Atalanta operation, and asked the German executive whether, according to the federal government, further activities planned by NATO would in the future mandate the area in which Atalanta would be executed, and if so, how this was in accordance with the European Union?

The Greens were also interested in more details about the Atalanta mission. They posed questions to the federal government on 28 November 2008 about the reason NATO is leading a stand-alone mission to combat piracy in the Horn of Africa, which is being conducted exclusively by European armed forces, and in particular wanted to know if this would make coordination on the ground more difficult. In addition, the FDP had an interest in exactly how the individual mission operations – Atalanta (EU), the allied operation (NATO), and the US-led anti-terror Operation Enduring Freedom – differed (BT- Drs. 16/11150).

Between the request of the federal government on 10 December 2008 for German troops to participate in the Atlanta mission, the recommendation of the foreign committee on 17 December (BT-Drs. 16/11416), and the approval of the German Bundestag on 19 December 2008, the Bundestag continued asking questions of the government. For example, on 17 December 2008 (BT- Drs. 16/11424), The Greens demanded that the government guarantee that the deployment of German forces takes place on a clear and legal basis at all times, and that prosecution in practice takes place in accordance with mandates and fundamental rights, and that the Bundestag will be adequately addressed in the event of significant changes such as new UN Security Council resolutions. In addition, the Bundestag called upon the German Government to receive information earlier and more comprehensively, and to present the principles, goals, and means of deployment more extensively than had previously been the case.

Die Linke party asked the German executive on 17 December 2008 (BT- Drs. 16/11423) not to provide German forces for the fight against piracy, not as part of the framework for the EU military mission Atalanta, NATO, or in the framework of Operation Enduring Freedom, and instead to leave the control of piracy to German police forces. In addition, *Die Linke* requested the German executive call for a general end to military intervention in Somalia, and to support negotiations between

all political actors of the country that focus on creating a Somali Government. Contrarily, on 17 December 2008 (BT- Drs. 16/11422), the FDP supported the mandate and requested that Germany actively participate in the EU-led mission, Atalanta, within its full scope.

In summary, prior to approving German armed forces being deployment as part of the Atalanta mission, the German Bundestag made use of mechanisms in place to scrutiny such decisions. This was done by having political parties raise three small inquiries, to be answered by the German executive. Notably, these questions were raised by the opposition parties in parliament.

Parliamentary activities prior to EUCAP Somalia

Operation EUCAP Somalia is not a military mission and thus not a use of armed forces within the meaning of the *Parliamentary Participation Act*. Thus, the participation of German armed forces in EUCAP Somalia did not require the approval of the German Bundestag (Federal Government, 2012). Though, German parliamentarians have shown an interest in the government's actions which was noticeable during the Bundestag's questioning of the executive regarding their commitment to combating piracy at the Horn of Africa (BT- Drs. 18/1326, 06 May 2014). The questions raised by the parliamentarians concerned the challenges to Operation EUCAP Somalia, such as whether the mission can be successful and if any adjustments needed to be made⁴². Furthermore, the parliamentarians of the Bundestag were also interested in the geographical area, and whether Somalia and neighbouring countries were cooperating in the mission to secure the Somalian coast and the trade routes. The executive responded that Somalia and Djibouti were partner states in the civilian mission⁴³.

MPs have also shown their interest in the German engagement to fight piracy at the Horn of Africa through a *kleine Anfrage* (small inquiry). One question regarded whether the various European missions, such as EUCAP Somalia, would be

⁴² Original: Mit welchen Herausforderungen ist die Zivil- militaerische Ausbildungsmission EUCAP Somalia konfrontiert, und inwiefern haben sich das Missionsdesign und der Gesamtansatz der Mission bewaehrt? Wo git es nach Ansicht der Bundesregierung Aenderungsbedarf? BT- Drs. 18/1326, 06.05.2014

⁴³ Original: Kooperieren Somalia and weitere Staaten, wie Djibouti, Eritrea, Jemen oder Kenia, mit der EU zur Bekaempfung von Piraterie? BT- Drs. 18/1326, 06.05.2014

modified, adapted or terminated as part of the EU's maritime security strategy⁴⁴. The German parliamentarians were also interested in the measures and initiatives in civilian cooperation that have so far been taken by the EU and the Federal Government, and what they are specifically planning to counter piracy at the Horn of Africa⁴⁵. Lastly, questions were raised regarding the extent to which the Federal Government plan to present comprehensive mandates in the future also includes civilian measures.⁴⁶

In contrast to the large inquiries, the small inquiries are not discussed in a plenary session. Though, the small inquiries are a popular method to be used by the opposition to ask questions about the government's activities because the questions and answers are publicly accessible (Siefken, 2010). Questions to the government about their activities by the opposition fulfils two main purposes- to receive information and to the control the government (Schiebe, 2016). One significant potential of the small inquires lies in the unpredictability as they can be raised ad-hoc by the opposition which puts the government in the situation to be faced with questions at any time (Schiebe, 2016). The government is obliged to answer questions of the opposition which gives the opposition an important role in controlling the government's activities by receiving information on the one hand. On the other hand, the opposition cannot be sure about the truthfulness and the completeness of the government's answers (Schiebe, 2016).

4.4. Conclusion- Parliamentary influence over the decision- making process to participate in NAVFOR Atalanta and EUCAP Somalia?

This chapter has analysed the military Operation NAVFOR Atalanta and the civilian mission EUCAP Somalia. The aim was to establish whether the German Bundestag can scrutinise the government's decision on CSDP related matters, including deploying German armed forces abroad prior, during, and post-operations.

⁴⁴ Original: Sollen die verschiedenen europäischen Missionen mit EUCAP Somalia, EUTM Somalia and EU NAVFOR Somalia im Rahmen der in Entwicklung befindlichen maritimen Sicherheitsstrategie der EU verändert, angepasst oder beendet werden? BT- Drs. 18/ 1326, 06.05.2014

⁴⁵ Original: Welche Massnahmen und Initiativen im Bereich der zivilen Zusammenarbeit haben die EU und die Bundesregierung bisher ergriffen, und welche planen sie konkret, um der Piraterie am Horn von Afrika zu begegnen? BT- Drs. 18/1326, 06.05.2014

⁴⁶ Original: Inwiefern plant die Bundesregierung vor diesem Hintergrund, in Zukunft umfassende Mandate vorzulegen, die auch die zivilen Massnahmen enthalten? BT- Drs. 18/1326, 06.05.2014

From the perspective of authority, the German Bundestag has an advantage over other national parliaments, as it has the legal authority to scrutinise decisions, as parliament must give approval before participation in any military mission. Such parliamentary scrutinising power has been applied to the Atalanta mission, as this is classified as a military mission. Contrarily, as EUCAP Somalia is a civilian mission, the parliament was not able to exercise its scrutinising power.

Given that the parliament has the legal authority to decide on troop deployment, it requires the correct flow of information to exercise its role to the full extent. The German Bundestag has been granted formal rights to be informed by the executive in a timely matter. In the Atalanta operation, parliament had the opportunity to receive information through parliamentary plenary debates, which the parliamentarians used for information exchange. Because Operation Somalia is a civilian mission, and does not need parliamentary approval, there was less information exchange. However, as the EUCAP Somalia mission is linked to the NAVFOR Atalanta mission, information channels were provided to the parliamentarians and the opportunity was given to raise questions, used by the opposition parties, in small inquiries.

Chapter 5: Conclusion – a role for the German Bundestag in the decision-making process?

5.1. Introduction

This thesis sought to examine the scrutiny abilities of the German Bundestag in the decision-making process concerning sending troops abroad. By doing so, it was possible to gain insight about the degree to which the German Bundestag can influence German security policy, and how this may affect German participation in multilateral CSDP-led operations. This study offers insight into the role of the German Bundestag in the decision-making process with regards to security policy. The German Bundestag was the chosen case for this study, as it presents an interesting example. On the one hand, Germany is the largest EU member state and the economic powerhouse of Europe; on the other, the German executive's mandate requires the Bundestag's approval prior to any military troop deployment, granted by the Federal Constitutional Court.

This study focused on the scrutiny mechanisms that the German Bundestag can activate in legislative-executive relations in the decision-making process when participating in CSDP operations by answering the primary research question: *To what extent can the German Bundestag scrutinise decisions on common security and defence policy operations?* This thesis argues that the German Bundestag has an influential role to play in the legislative-executive relations in the decision-making process, as it pertains to CSDP-related affairs. This chapter's objectives are to link the established factors and mechanisms in a bid to investigate the role of the German Bundestag in security affairs, in particular, the impact of the German Bundestag on decisions related to troop deployment abroad. By doing so, the chapter will illustrate its contribution to the existing literature on EU studies, German foreign policy and EU security studies.

This conclusion chapter includes four parts. The first part emphasises the findings of this research and discusses the impact of the German Bundestag in the decision-making process by answering the two sub-research questions. The second part situates the findings of this research in the de- and reparliamentarisation thesis and

concludes whether the German Bundestag can be regarded as a rubber stamp or active scrutiniser in the decision-making process. The last part of this chapter presents ideas for future research paths regarding the role of the German Bundestag, and notions pertaining to national parliaments in the decision-making process as it concerns security affairs.

5.2. Factors that can influence decisions about troop deployment

To understand the legislative-executive relations and the scope of the Bundestag to influence security policy, this thesis has evaluated factors that have an impact on the decisions to deploy troops abroad.

Political party orientation is a vital factor in the decision-making process, and in legislative-executive relations. The role of party discipline is interesting to observe, as parliamentarians are believed to have a greater interest in holding executives accountable for their actions in cases of party dissension (Huff, 2015). Thus, the leading opposition in the German Bundestag is most likely to support the government's proposal. This dissertation has shown that in the case of military operation regarding NAVFOR Atalanta, parliament's voting results indicated a clear preference in favour of the executive's proposal, as the decision to participate in the mission was supported by overall approval, with no dissenting votes. Political parties of the leading coalition tend to support the government in its decisions, as shown by the example of the NAVFOR Atalanta mission, which indicated that the CDU and SPD (the leading coalition at the time) supported the government's proposal to participate in the mission. Across political party votes, military missions were contested among the radical left (*Die Linke*), and more support was given from the centre and right spectrum, with the political parties of the SPD and CDU supporting the leading government in its decision to deploy military troops. As parliaments and thus the political parties represent the public, *public opinion* is another crucial factor that can influence the decision-making process as parliamentarians are representatives of the electorate.

A third factor that can influence the decisions about troop deployment is the *nature of deployment*. The Parliamentarians of the Bundestag, in particular of the opposition,

have the right of information about the ongoing work and projects of the German executive. Information can be obtained by asking questions in form of large inquiries which then will be discussed during the plenary sessions as well as small inquiries to which the executive has to give answers in form of written statements that are publicly accessible. The analysis of the plenary debates to discuss the deployment of German troops to participate in the NAVFOR Atalanta as well as the EUCAP Somalia shows that parliamentarians were particularly engaged when German national interests -humanitarian aid as well as economic interests to safeguard important sea ways- were in line with the overall purpose of the missions.

5.3. Parliamentary scrutiny mechanisms to influence decisions about troop deployment

There are several mechanisms available to the German Bundestag to influence decisions on the deployment of troops. In particular, this thesis has evaluated the Triple- A framework of Born and Haenggi (2005) that is based on authority, ability, and attitude.

Authority: In some EU member state countries, national parliaments have the legal right to contribute to decision-making prior to troop deployment; nonetheless, the fact that decision-making often is in the hands of executives plays in favour for the claim that security policy is an executive domain, and as such, the role of national parliaments remains marginal. This imbalance in national security policies may affect the successful outcome of CSDP operations; for example, when decisions have to be brought before parliament, the process can hinder the rapid deployment of troops. In France or Britain, decision-making that involves deploying military troops are made by national executives. In the German case, the Bundestag has the legal right to prior approval before sending military troops abroad. The evaluation of the German Bundestag offers a substantial account on the role that legislative powers can play in decision-making regarding security affairs.

Ability: The right of the German Bundestag to information is a crucial mechanism for parliamentary influence in the decision-making process regarding sending military troops abroad. Chapter 3 outlines the German Bundestag's right to information from the German executive regarding missions granted, whereby parliament is informed

weekly of planned and current missions. Despite parliament's right to information, there is still room for the executive to control, to a certain extent, the amount of information that parliament receives. Chapter 3 argues that reports to German Bundestag committees were often kept simple and reduced to provide basic information only. Peters, Wagner and Glahn (2014) note that the government briefs committees and answers queries posed by parliamentarians regarding planned and ongoing missions. The analysis of the two chosen CSDP missions shows that Bundestag parliamentarians raised questions and concerns during plenary debates.

Attitude: A not- surprising finding of this study were the voting results related to Germany participating in the NAVFOR Atalanta mission, where the government's proposal to deploy troops abroad was clearly supported by the leading party in the Bundestag. This finding can be understood as parliament not playing a decision-making role as such, but simply following what the executive proposes. However, this study has shown that the process of approving participation in a mission is more complex. Chapter 4 indicates that the German Bundestag is much more than simply a rubber stamp actor, as MPs clearly highlighted their interest in both evaluated missions for this study, Atalanta and Somalia, by continuously demanding questions and information about their details, such as the amount of troops to be deployed, and details regarding budget planning for the mission.

5.4. Thesis findings: the German Bundestag's role in the decision-making process for deploying troops abroad

De- or re-parliamentarisation?

Chapter two discusses the role of national parliaments from a theoretical perspective, which contributes to an understanding of the possibilities for developing legislative mechanisms in order to scrutinise the executive's decisions regarding troop deployment. The literature on EU integration claims a lack of democratic legitimacy, as competencies have been transferred from the national to the European level. Some scholars refer to this phenomenon as de-parliamentarisation, as national parliaments have lost power in the decision-making process regarding European matters. One strand of literature on EU integration argues that national parliaments have been described as 'victims', or 'losers' in the EU integration process (Andersen and Burns, 1996; Schuettmeyer, 2003; Labitzke, 2016), and

that channels for gaining access to information appear hindered. Chapter two also highlights the difficulty of exercising mechanisms when decisions, such as those in the framework of the CSDP, are made at a European level by national executives. Both factors make it more difficult for national parliaments, and thus for the German Bundestag, to exercise mechanisms for a successful scrutiny process.

In contrast, the re-parliamentarisation opinion argues that national parliaments are viewed as instrumental in increasing democratic legitimacy, and thus have different mechanisms available for scrutinising their governments in order to avoid executives overpowering the negotiation process on EU matters (Herbel, 2017). This strand of literature argues that national parliaments have ‘fought their way back’ and have established methods for scrutinising European politics (Auel and Benz, 2005; O’Brennan and Raunio, 2007; Auel and Christiansen, 2015).

The idea that the area of security policy is executive-led was reinforced by examining existing discussions and theories on EU integration, using the argument that the area of security policy is considered to have limited openness and a high level of secrecy, and is thus restricted within parliament, which is meant to be much more transparent. Yet the literature on EU integration and security policy has also established parliamentary influence through the ‘war powers’, which describes the legal right to veto decisions regarding troop deployment. Scholars have examined the presence of parliamentary veto rights (Wagner et al., 2010; Born et al., 2008) and the various parliamentary control competencies within security policy (Peters and Wagner, 2014), and have found that effective parliamentary scrutiny of CSDP-related matters should be grounded in an understanding of institutional factors such as parliamentary prerogative (Maurer and Wessels, 2001; Huff, 2015).

The German Bundestag was granted such parliamentary prerogative. The fact that the German Bundestag can only approve or disapprove the deployment of military forces abroad, and cannot amend any government’s proposal on the deployment of troops, weakens the position of parliament in the decision-making process. This study, however, contends the rather marginal role of parliament in the decision-making process purely based on the fact that no military troops can be deployed without the consent of the German Bundestag. This was particularly noticeable when

examining the NAVFOR Atalanta mission, which had been important to German nationals, as well as having European and international interest.

Rubber stamp or active scrutiniser?

The Bundestag has no active say in decisions regarding civilian missions and the parliament cannot amend the mandates made by the executive to deploy troops abroad. However, this study suggests that it is more accurate to label the Bundestag an 'active scrutiniser'. Despite the fact that the Bundestag has no right for approval regarding civilian missions, and thus no official power in the decision-making process, the chosen civilian mission (EUCAP Somalia) indicates that parliamentarians used the Bundestag plenary as a forum for discussion and information gathering. It can be argued, however, that this interest had been evoked because it was part of larger multilateral cooperation in the geographical area that also included the NAVFOR Atalanta mission, the latter being of particular importance to Germany, both as part of its multilateral cooperation, and for the country's own national interests – to safeguard seaways, owing to Germany being among the world's largest export nations.

Overall, this study shows that the German Parliamentary Participation Act (2005) affects the degree to which the Bundestag can affect the decision-making process, as decisions to deploy troops are not only the responsibility of the executive, but also that of legislative powers. This renders the decision-making process more complex, as it may result in lengthy decision-making periods. However, it also highlights German security policy, as it has been described in the literature, of rather being 'shy'. In evaluating the NAVFOR Atalanta mission and the EUCAP Somalia mission, which represent both a military mission in which parliamentary approval is required, and a civilian mission in which parliamentary approval is not required, respectively, it was established that the German Bundestag had a real interest in participation, as it wanted to use the German Bundestag as a platform for discussions and demanding answers during several plenary debates. The study concludes that the German Bundestag can be regarded as an active scrutiniser, rather than a rubber stamp actor, via the application of several mechanisms: a) having legal authority prior to the deployment of German armed forces; b) the legal right and the interests of the Bundestag's MPs of receiving information from the executive prior to, as well as

during military and civilian operations; c) the influence of political party orientation; and the influence of the German public opinion- the German MPs represent the German public's opinion towards military participation and can act accordingly. To sum, the analysis of the two chosen CSDP operations, NAVFOR Atalanta and EUCAP Somalia, showed that the German legislature has a role to play in the decision-making process.

5.5. Recommendations for future research

This research examined the mechanisms that the German Bundestag can activate to influence the decision-making process on the deployment of military troops abroad under the CSDP umbrella. There are several additional research paths that can contribute to a better overall understanding of the role of national parliaments in legislative-executive relations as it pertains to security affairs.

This research shows that parliamentary prerogative provides a strong mechanism for influencing the decision-making process regarding security affairs, as parliaments have the right to approve the deployment of troops prior to such action being effected. Thus, as the study focus is on Germany, where parliament is granted the right to give approval prior to military deployment, this study is limited to national parliaments in the EU that also require parliamentary approval, and cannot contribute to a general discussion on the nature of national parliaments in the EU decision-making process. Thus, additional research on the role of national parliaments in security affairs can address how, and to what extent, national parliaments can participate in the decision-making process if they are not granted a parliamentary prerogative. The factors and mechanisms available for national parliaments, as well as the motives for engaging in the legislative-executive decision-making process may vary, and depend on each country's national policy arrangements. As noted in Chapter two, not all national parliaments in the EU have same tools available for participating in the decision-making process as it concerns missions under the CSDP framework. While some scholars have already explored this phenomenon, studies remain limited, and as such, future research is required.

A second area of research includes exploring the different types of parliamentary actors in the scrutiny process, such as the role of individual MPs or parliamentary committees. This thesis evaluated the strategies of political parties from a limited perspective, that is, from the opposition and from the leading coalition perspective in the plenary sessions of the German Bundestag. Although there is a small amount of literature with a focus on parliamentarians in EU policy-making (e.g., Sprungk, 2007; Auel and Christiansen, 2016), little attention has been given to the field of security policy. Auel and Christiansen (2016), for example, explore the incentives and driving forces of parliamentary actors, with their main argument being that in order to understand parliamentary actions, it is important to understand the parliamentary actors themselves. The researchers note that parliamentarians can act as rational actors with preferences, making decisions based on costs and benefits. Further research can involve the area of security policy to examine whether parliamentarians have certain preferences in this context, too, and will therefore be willing to enhance parliamentary scrutiny in the decision-making process.

A third research path could include the analysis of a variety of missions, with different geographical locations, or different purposes of deployment. The study only examined two missions conducted by the CSDP, one military and one civilian mission, which both occurred in the same geographical area (the Horn of Africa), and both had a very similar mission aim: to safeguard the area from piracy. It is therefore questionable whether the decision-making process can be compared to other missions in which Germany has participated. The selection of the NAVFOR Atalanta and EUCAP Somalia missions was made due to the high level of German participation in the Horn of Africa area. It is also possible that the civilian mission in Somalia sparked particular interest among German parliamentarians, due to its long-standing and important links from a German perspective, as it affects seaways that are particularly important for the nation's exports. In other civilian cases, the German Bundestag may have had less interest, particularly as no parliamentary approval is required prior to participation, and as such, indicate a difference from military missions.

A fourth area of future research can expand this research by including more countries in which the national parliament also has parliamentary prerogative. The

study focused only on the role of the German Bundestag. Single case studies allow for a deeper examination of the phenomenon being studied than investigations including two or more countries. This study is limited, as it only allows for investigation of the German parliament, rather than including a cross-country comparison. To properly construct an analysis of the German Bundestag in the legislative-executive relationship in the decision-making process regarding participation in missions under the CSDP umbrella, more operations if not every single one in which German armed forces have participated are needed for analysis. Furthermore, the operations under investigation are both performed under the CSDP umbrella and exclude UN- or NATO missions which could be helpful in order to establish whether there is a difference in Germany's objectives. This dissertation focused on the role of the German Bundestag only, and therefore does not represent a comprehensive assessment of all national parliaments in the EU in which a prior parliamentary prerogative is required to deploy armed forces. By doing so, it would be possible to ascertain whether the scrutiny mechanisms that have been established for this particular research on the German Bundestag match those in other countries; alternatively, different mechanisms can be established that have the same or even a different influence on the legislative-executive relationship as it concerns security affairs.

Even though this section highlights several paths for future research, the findings of this thesis provide an indication of the role of the German Bundestag in decisions on CSDP-related matters, and thus contributes to knowledge regarding the field of European integration studies, EU security studies, and literature on German security policy. This in turn provides a deeper understanding of how and to what extent the German Bundestag can participate in the decision-making process on CSDP-related matters, regarding both military and civilian operations. Although this research does not predict the behaviour of all national parliaments of the member states, by taking the example of the German Bundestag, the research findings point towards several aspects through which national parliaments are able to exercise scrutiny regarding decisions on troop deployment.

5.6. Conclusion

This chapter has provided the overall conclusion of this thesis. This dissertation aims to contribute to the already existing literature by analysing the role of the German Bundestag in the decision-making process, by establishing the scrutiny mechanisms that can influence legislative-executive relations in decisions regarding CSDP-related affairs. This dissertation analysed two CSDP missions, one military and one civilian, in a bid to assess legislative-executive relations in the decision-making process, in order to establish to what extent the German Bundestag can influence the executive's decision to deploy German troops abroad. The importance of the German parliamentary prerogative, which was implemented as a result of Germany's war past was emphasised. This prerogative provides opportunities for the Bundestag to become involved in the decision-making process and thus can be regarded as an active scrutiniser. This thesis has also established that even though there has been a shift in German security policy from 'never again' to actively participating in armed conflicts with German armed forces, the German focus remains on the focus of humanitarian aid. Germany wishes to safeguard its parliamentary prerogative as it has become part of German security policy. At the same time, Germany wishes to uphold its responsibilities in multilateral cooperation in CSDP matters.

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