

**NORMATIVE PARLIAMENTARIANS:
THE EUROPEAN PARLIAMENT'S ROLE IN
THE EU'S FOREIGN POLICY PROCESS**

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Submitted to

Central European University

Department of International Relations and European Studies

In partial fulfillment of the requirements for the degree of Doctor of Philosophy

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Budapest, Hungary

2013

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ABSTRACT

According to the European Union (EU) Treaties, the European Parliament (EP) has few formal powers to influence the EU's Common Foreign and Security Policy (CFSP). Yet the Parliament still devotes a surprisingly large amount of time and resources to foreign policy issues. This dissertation seeks to explain the role of the EP in the EU's foreign policy process through a role theoretical approach to the Parliament's actions. It argues that the Parliament plays a dual role: an institutional role through which it exerts parliamentary control over the EU's CFSP actors; and an international role through which it engages directly with the outside world through parliamentary diplomacy.

By examining two instances of the EU's relations with actors of contested sovereignty in its neighborhood (Kosovo and the Palestinian Territories), the dissertation finds that the EP played different institutional roles in each. In the case of Kosovo, it tried to influence other EU actors by behaving as a precedent-setter, trying to instill the norm of Kosovo's sovereignty in EU structures. In the case of the Palestinian territories, the EP acted as a public debate forum, providing a space for contesting views about EU policies towards the Hamas-led government, without reaching a consensus on a policy preference.

At the same time, the Parliament showed a coherent international role conception over both of these cases of contested sovereignty: that of a normative power. This normative understanding of the EU's role in the world leads the EP to approach foreign policy issues through the prism of promoting fundamental democratic rights. Most importantly, the Parliament's institutional and international role performances are mutually reinforcing. The ability of the EP to conduct parliamentary diplomacy is useful in its parliamentary control functions over CFSP actors, while its democratic oversight of the EU's foreign policy is what gives the EU the international legitimacy to act as a normative power in the world.

ACKNOWLEDGEMENTS

Paul Roe has directed this doctoral dissertation with incredible patience and unflagging encouragement throughout the years. His advice and friendly support have been invaluable.

Tamás Meszerics has offered timely and constructive comments, especially on “big picture” issues without which the parts would not have added up to the whole.

I am also grateful for suggestions, critiques and comments from various people in the Department of International Relations and European Studies throughout the life-cycle of this project, especially from Alexander Astrov, Erin Jenne, Xymena Kurowska and Nicole Lindstrom.

Colleagues and friends who heard me articulate dozens of versions of my arguments, and who have given me sparks of inspiration and intellectual fodder at the most opportune times include: Aaron Boesenecker, Anna Horváth, Gábor Koltay, Zdenek Kudrna and Márton Rövid.

This project would not have been possible without the Members and staff of the European Parliament as well as the officials of the other institutions who graciously volunteered to sit for my interviews. They were generous in offering both their time and their candor, and I thank them for it.

I would also like to extend my gratitude to all those friends who offered their guest-beds in Brussels, while I was conducting these interviews over the years: María Andrés, Constanze Beckerhoff, Federico De Girolamo, Andreas Kleiner and Jochen Müller.

To my parents, who have always been there for me, through this and countless other challenges: I am grateful for your support.

No words can express the debt I owe to my wife, Melissa Byrnes, for all of her help: intellectual, editorial and emotional, throughout the years. I love you and thank you in equal measure.

Finally, I would like to dedicate this work to my grandfather, Miklós Rédei. He would have been proud to see it completed.

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LIST OF ABBREVIATIONS

AFET:	(EP) Committee on Foreign Affairs
ALDE:	Alliance of Liberals and Democrats for Europe
BUDG:	(EP) Committee on Budgets
CFSP:	Common Foreign and Security Policy
DCI:	Development Cooperation Instrument
D-IL:	(EP) Delegation for Relations with Israel
D-PLC:	(EP) Delegation for Relations with the Palestinian Legislative Council
DROI:	(EP) Subcommittee on Human Rights
DSEE:	(EP) Delegation for Relations with the Countries of South-East Europe
ECHO:	European Commission Directorate General for Humanitarian Aid
EIDHR:	European Instrument for Democracy and Human Rights
ENP:	European Neighbourhood Policy
ENPI:	European Neighbourhood Policy Instrument
EOM:	Election Observation Mission
EP:	European Parliament
EPC:	European Political Cooperation
EPP:	European People's Party
ESDP:	European Security and Defence Policy
EU:	European Union
EUBAM Rafah:	European Union Border Assistance Mission (Rafah)
EULEX:	European Union Rule of Law Mission in Kosovo
EUPOL COPPS:	European Union Police Coordination Office for Palestinian Police Support
EUSR:	European Union Special Representative
FICIC:	Financing Instrument for Cooperation with Industrialized Countries
GUE/NGL:	Gauche Unitaire Européenne (European United Left)/Nordic Green Left
HR:	High Representative (for the EU's CFSP)
ICO:	International Civilian Office (in Kosovo)
IfS:	Instrument for Stability
IIA:	Interinstitutional Agreement
IPA:	Instrument for Pre-Accession
IPM:	Inter-Parliamentary Meeting
MEP:	Member of the European Parliament
NATO:	North Atlantic Treaty Organization
NGO:	Non-governmental Organization
NPE:	Normative Power Europe
OSCE:	Organization for Security and Co-operation in Europe
ODIHR:	(OSCE) Office of Democratic Institutions and Human Rights
PA:	Palestinian Authority
PES:	Party of European Socialists
PSC:	Political and Security Committee
SEDE:	(EP) Subcommittee on Security and Defence
TIM:	Temporary International Mechanism
UEN:	Union for Europe of the Nations
UN:	United Nations
UNHCR:	United Nations High Commissioner for Refugees
UNMIK:	United Nations Mission in Kosovo
UNSC:	United Nations Security Council
UNSCR:	United Nations Security Council Resolution

INTRODUCTION

On March 9th, 2011, the leadership of the National Transitional Council of Libya¹ traveled abroad for the first time, seeking foreign help and official recognition. Its first stop was not Washington, Moscow, London, Paris or Berlin, but Strasbourg—more specifically, the European Parliament, which was holding its monthly plenary session there. In a press conference on the premises, the representatives of the Transitional Council asked for economic and military assistance, as well as assurances that their organization would be considered the sole legitimate representative of the Libyan people.² Shortly after, the Parliament passed a resolution that called for an “immediate end to the brutal dictatorial regime” of Colonel Gadhafi and called on the European Union’s High Representative for Foreign Affairs and Security Policy to establish official relations with the Transitional Council.³ Later that day, French President Nicolas Sarkozy became the first foreign leader to officially recognize the group as the legitimate representative of Libya.⁴

Why would a group as pressed for time and with such an urgent mission bother to spend the first day of its week-long visit to European capitals by courting Members of the European Parliament (MEPs)? After all, the European Parliament (EP) cannot in any diplomatic sense “recognize” a foreign government. It cannot launch a military mission to intervene in an armed conflict. It cannot even decide on its own to send economic or humanitarian aid. According to the conventional understanding of the European Union (EU), the EP has barely any role to play in foreign policy. Nevertheless, a foreign organization seeking external confirmation of its sovereignty made it a point to appear at the Parliament, despite the EP’s lack of formal powers.

¹ The National Transitional Council was the *de facto* government set up by those supporting the cause of the rebel fighters in their uprising against Colonel Moammar Gadhafi’s regime.

² European Parliament: *Press Conference*: “Guy Verhofstadt, Dr. Mahmoud Jibril, and Dr. Ali Al-Esawi—Libyan National Transitional Council,” 9 March, 2011, Strasbourg.

³ European Parliament: *Resolution*: “On the Southern Neighbourhood, and Libya, in particular,” 10 March, 2011, Par. 3 & Par. 11.

⁴ See, for instance: Reuters : “La France reconnaît le CNL comme représentant de la Libye,” in *L’Express*, 10 March, 2011.

This seems quite baffling, and the anecdote above is not the only empirical puzzle that remains unexplained by the academic literature on the EP's role in EU foreign policy.

The Parliament devotes a significant amount of time and energy to foreign affairs topics. The Foreign Affairs Committee is the largest, and one of the most sought-after committees in the EP—it also meets the most frequently of any regular committee. Plenary sessions of the Parliament nearly always include debates on foreign affairs topics on their agendas.⁵ The EP also maintains standing Delegations to nearly all countries of the world, which serve to organize parliamentary meetings with foreign counterparts. MEPs participate in election observation missions abroad, hold the Council accountable for its foreign policies in various working groups and special committees and hold numerous public hearings on international issues—often in the presence of representatives of foreign actors.⁶

Empirically, therefore, there is a lot of parliamentary activity taking place. All this behavior has a cost—in time, energy, money and political capital—that the EP is apparently willing to pay. So clearly, the Parliament considers its involvement in foreign policy important. But what does all of this activity *mean*? Or, to put it in the language of social scientific inquiry: of what is all this activity *an instance*? What role does the Parliament perform in the EU's foreign policy process?

BRIEF SUMMARY

The current state of research on the EU's foreign policy process does not provide an obvious answer to what role the EP plays in this realm. Scholars who study the formal structures of the EU's Common Foreign and Security Policy (CFSP) tend to view the Parliament as epiphenomenal, since the EU Treaties do not confer any official powers over this policy area to

⁵ Even when no other foreign affairs topics figure on the agenda, each 4-day plenary session of the EP in Strasbourg includes a Thursday afternoon debate on international human rights urgencies. Thus it is only a few of the two-day “mini-plenaries” held in Brussels that occasionally go by without a foreign affairs-related debate.

⁶ See Chapter 3 for further details.

the EP.⁷ Those who investigate more informal processes of policy-making grant the Parliament more agency: conceding that the EP has managed to use various informal mechanisms to strengthen its parliamentary oversight over the CFSP (through interinstitutional agreements, interpreting incomplete rules or increasing the number of informal interactions among institutional actors).⁸ These studies, however, still conceive of Parliament's role in foreign policy exclusively as an oversight body, questioning and controlling a fledgling EU executive (primarily the Council of Ministers⁹) on its foreign policy performance.¹⁰ But empirically observing the Parliament's actions yields a very different picture: the EP not only tries to hold the Council to account, but also expends considerable energy interacting with foreign actors itself. The Parliament not only *oversees* foreign policy, it *does* foreign policy. There is thus a gap in the European studies literature when it comes to examining the EP's role in EU foreign policy. This dissertation aims to fill that gap by not only describing the *parliamentary control* activities of the EP, but also its *parliamentary diplomacy*: not just how it engages the Council, but how it interacts with the outside world.

For such parliamentary diplomacy to have meaning, however, the EP must also possess a clear understanding of what role the EU as a whole should play in the international system. As subsequent chapters will show, the Parliament indeed has a coherent conception of the type of actorship that it ascribes to the EU: that of a normative power. This dissertation will therefore

⁷ See, for instance: Ana. E. Juncos & Karolina Pomorska: "Does Size Matter? CFSP Committees after Enlargement," in *European Integration*, Vol. 30, No. 4, 2008; and Ben Tonra: "Committees in common: Committee governance and CFSP," in Thomas Christiansen & Emil Kirchner (Eds.): *Committee Governance in the European Union*, Manchester University Press, Manchester, 2000.

⁸ See, for instance: Andreas Maurer, Daniela Kietz & Christian Völkel: "Interinstitutional Agreements in the CFSP: Parliamentarization through the Back Door?" in *European Foreign Affairs Review*, Vol. 10, 2005; Udo Diedrichs: "The European Parliament in CFSP: More than a Marginal Player?" in *The International Spectator*, Vol. 39, Issue 2, 2004; and Ben Crum: "Parliamentarization of the CFSP through informal institution-making? The fifth European Parliament and the EU High Representative," in *Journal of European Public Policy*, Vol. 13, No. 3, 2006.

⁹ Henceforth: "the Council."

¹⁰ A fine exception to the rule is Stefanie Bailer & Gerald Schneider's work on the Parliament's shaming strategy in the context of EU enlargement. See: Stefanie Bailer & Gerald Schneider: "The power of legislative hot air: Informal rules and the enlargement debate in the European Parliament," in *The Journal of Legislative Studies*, Vol. 6, No. 2, 2000.

also contribute to the literature on Normative Power Europe,¹¹ adding some much-needed empirical case-work to the debate about what a normative EU foreign policy could look like.

In order to successfully navigate the various activities and understandings of the Parliament, this dissertation will rely on role theory. In particular, the research makes use of four key concepts:

1, The Parliament's *institutional role performance* is the sum of its activities and actions that make up its parliamentary control over the EU's CFSP instruments. This role performance is enacted in Brussels, together with the EU's other institutional actors.

2, The Parliament's *international role performance* is the sum of its activities and actions that make up its parliamentary diplomacy with outside actors. This role performance is enacted both in Brussels and abroad, with foreign and European actors, and involves the Parliament taking an active part in EU foreign policy.

3, The Parliament's *institutional role conception* is the set of beliefs and understandings that it holds about its own function in the foreign policy-making process of the EU. These beliefs define what the EP views as appropriate means or strategies to exert parliamentary control over the EU's foreign policy.

4, The Parliament's *international role conception* is the set of beliefs and understandings that the EP as an institution holds about the proper role of the EU as a global actor. This understanding is important both for parliamentary control (in that the EP aims to ensure that other CFSP actors conform to its vision of the EU in the world) as well as for its parliamentary diplomacy (in that the EP's actions abroad are a reflection of its role conception of the EU's international actorhood).

These role performances and role conceptions of the Parliament will be explored through two qualitative case studies, both of which involve EU policy choices regarding foreign actors with contested sovereignty. The first concerns Kosovo's unilateral declaration of

¹¹ See, for instance: Ian Manners: "Normative Power Europe: A Contradiction in Terms?" in *Journal of Common Market Studies*, Vol. 40, No. 2, 2002.

independence in 2008, the second the election victory of Hamas in the Palestinian Territories in 2006. In the case of Kosovo, the EP played the institutional role of a precedent-setter, seeking to influence the other CFSP actors to adopt its policy preference of recognizing Kosovo's unilateral declaration of independence. It also used its tools of parliamentary diplomacy to normalize the status of Kosovo by enacting an international role performance that promoted the norm of its sovereignty. In the case of the Palestinian Territories, the Parliament played the institutional role of a public debate forum for arguments about whether or not the EU should establish official contact with the newly elected government led by Hamas. Because of its role performance as a debating chamber, however, the Parliament's international role performance was ambiguous and self-contradictory, since it never resolved the question of its policy preference regarding contacts with Hamas.

Most importantly, however, in both cases the Parliament exhibited a consistent and coherent international role conception of the EU as a global actor. Whether arguing *for* recognizing Kosovo, or arguing *about* what stance to take regarding Hamas, the Parliament conceived of the EU as a normative power, seeking to promote fundamental democratic norms—and it judged and critiqued other CFSP actors according to whether their actions conformed to that role. In the Kosovo case, this role conception led the Parliament to espouse a clear policy preference, and to pressure other EU institutional actors to follow it, while also enacting this policy preference in its own parliamentary diplomacy. In the Palestinian case, by contrast, the international role conception of the EP did not determine a clear policy preference: both proponents and opponents of engaging Hamas used the same international role conception of the EU to bolster their claims. Due to this ambiguity about the preferred policy towards Hamas, the EP's parliamentary diplomacy was also self-contradictory.

The Parliament thus plays two roles simultaneously: an institutional one, attempting to convince the CFSP actors to adopt its policy preferences and control them through parliamentary oversight; and an international one, engaging directly with foreign actors. What

connects these two is the nature of the EP's international role conception. The Parliament conceives of the EU as a normative power, whose role is to promote democratic norms and fundamental rights abroad. And crucially, the EP believes that its own rights of parliamentary control over the EU's foreign policy are what give the EU the democratic legitimacy to promote such norms abroad in the first place. At the same time, the ability of the EP to conduct parliamentary diplomacy is also a useful tool for Parliament to strengthen its institutional role as a democratic control body. The two roles are mutually reinforcing.

BRIEF OUTLINE

To provide a basis for discussing the EP's institutional role, the dissertation will begin with a literature review of the EP's role in the EU's foreign policy process. It will then assess various scholarly depictions of the EU as an international actor, in order to offer a means to think about its international role conception. Chapter 2 will spell out some basic methodological assumptions. It will explain how the concepts of role theory allow for a fruitful combination of a sociological institutionalist view of the EP's interactions with other EU institutional actors in Brussels and a social constructivist approach to the EU's place in the international system.

Chapter 3 will turn to empirics, laying out the various ways in which the EP is active both as a parliamentary control body, but also as an international actor in its own right, through its parliamentary diplomacy. The following two qualitative case study chapters will each explore an instance of the EU's relations with an international actor of contested sovereignty. These cases will shed light on the role performance of the EP in both its institutional and international roles, as well as its role conception of the EU as a global actor. Chapter 4 examines the EU's reaction to Kosovo's unilateral declaration of independence, while Chapter 5 tackles the EU's relationship with the Palestinian Authority after legislative elections had put Hamas members in charge of that executive body. The dissertation will conclude with some thoughts on how the

EP's institutional and international role conceptions reinforce each other, linking together the Parliaments' actions in parliamentary control and parliamentary diplomacy.

CHAPTER 1

LITERATURE REVIEW

The academic literature on the EU is vast, and encompasses several disciplines in the social sciences. Even in the field of political science, however, it is notable that two major streams have evolved which conceptualize the Union in very different theoretical terms. To a large degree, this dichotomy maps onto a divergence between international relations and comparative politics scholars.¹ On the one hand, much research has been devoted to explaining the European integration project, the evolution of its institutions, and the logics behind the ever-increasing pooling of sovereignty in Brussels that has characterized European politics since the end of World War II. In this body of scholarship, the EU is treated as an outcome for which many potential causes can be identified—and thus it is dominated by international relations approaches to political science.²

A second strand of literature bypasses the question of *why* the EU's institutional structure has evolved, and concentrates on *how* it functions in different policy fields. Scholars interested in the workings of the EU's political institutions are focused on the policy process—and its impact on policy outcomes—and do not treat the EU's evolution as the primary event in need of

¹ For an elaboration, see: Simon Hix: "The Study of the European Community: The Challenge to Comparative Politics," in *West European Politics*, Vol. 17, No. 1, January, 1994 and Joseph Jupille & James A. Caporaso: "Institutionalism and the European Union: Beyond International Relations and Comparative Politics," in *Annual Review of Political Science*, Vol. 2, 1999. An alternative typology, wherein EU research is presented as explaining integration as a process, the EU as governance, or the EU as a social construct can be found in Antje Wiener & Thomas Diez (Eds.): *European Integration Theory*, Oxford University Press, Oxford, 2004, pp. 2-10.

² This set of literature includes the classic integration debates that have defined university courses on the European Union for decades, pitting various explanations for the rise of the EU against each other. Among the most important streams of such scholarship are the intergovernmentalists (see: Stanley Hoffmann: *The European Sisyphus*, Westview Press, Boulder, 1995), federalists (see: Michael Burgess: *Federalism and European Union: the Building of Europe*, Routledge, London, 2000), neo-functionalists (see: Ernst Haas: *The Uniting of Europe*, Stanford University Press, Stanford, 1958), constructivists (see: Thomas Christiansen, Knud Erik Jørgensen & Antje Wiener (Eds.): *The Social Construction of Europe*, SAGE, London, 2001) and liberal intergovernmentalists (see: Andrew Moravcsik: *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*, Cornell University Press, Ithaca, 1998).

explanation. The EU is considered as an institutional framework for political action, and is therefore investigated using the toolkit of comparative politics.³

These distinct modes of thinking about the EU differentiate “those who seek to explain ‘grand bargains’ (institutions) and those who construct institutional explanations of ‘day-to-day politics.’”⁴ There is a crucial difference between viewing the EU as a puzzle of international cooperation/federalism/European identity-building and as a specific institutional setting for a European political process/governance system. This dichotomy is important methodologically, since it implies that “international relations approaches may be appropriate for the study of European *integration*. However, comparative politics approaches are more appropriate for the analysis of European Community *politics*.”⁵ At their core, many academic debates in European studies can be traced back to this conceptual difference.

This divergence is also relevant in the literature on EU foreign policy. Scholarly work on the EU’s foreign policy predates both the European Union itself and its self-described Common Foreign and Security Policy.⁶ Since 1970—when the first formal intergovernmental cooperation mechanism for foreign policy was born with the European Political Cooperation (EPC) structure—but especially since the CFSP and the European Security and Defence Policy (ESDP) had become enshrined in the EU Treaties, researchers have asked what form this cooperation would take, and how it would affect both the European Community and its member states.

Just as the study of the EU in general can be broken down into a *why* vs. *how* dichotomy, research on the EU’s foreign policy is divided between those seeking to explain the EU as an emergent actor in international affairs and those interested in the political and administrative

³ Research in this category is focused on finding the appropriate conceptualization of the EU “system of governance” or “political system.” Some of the most influential models of EU governance within this policy-oriented and process-curious literature are multilevel governance (see: Liesbet Hooghe & Gary Marks: *Multilevel Governance and European Integration*, Rowman and Littlefield, Oxford, 2001), policy networks (see: John Peterson & Elizabeth Bomberg: *Decision-making in the European Union*, St. Martin’s Press, New York, 1999), and constructivist and new institutionalist approaches, more about which in Chapter 2.

⁴ Jupille & Caporaso, p. 437.

⁵ Hix, pp. 22-23, original emphasis.

⁶ Both the European Union and its Common Foreign and Security Policy pillar were created by the Treaty on European Union, which came into force in November, 1993.

processes that lead to the formulation of foreign policy within its structures. A reasonably clear divide is again discernible between international relations scholars focusing on the EU's actions in foreign affairs and comparative politics researchers interested in the politics of decision-making in the EU's foreign policy realm.

On the first count, international relations scholars have grappled with the question of what the foreign policy of the European Union could look like. Although much of the debate concerns the basic problem of whether the EU can ever claim to have a coherent foreign policy at all—as opposed to simply a lowest-common-denominator aggregation of member states' national interests—a whole slew of conceptualizations of the EU's role in foreign policy are advanced in the literature. The crux of this research has been to pin down the elusive nature of the EU's international actorness—and the plethora of descriptions of what type of power the EU represents is indicative of the difficulties in establishing the EU's role in the international system.

At the same time, comparative politics approaches have grasped the issue from the other end, and—by simply assuming that EU foreign policy is an instance of EU-level politics—applied their methodologies to investigate how EU foreign policy decisions are taken. They have concentrated on identifying the key administrative/bureaucratic and political actors, and examined their interactions, offering insights into the day-to-day policy-making world in Brussels. By treating EU foreign policy as just another issue area within the framework of normal politics within the EU, such research has been fruitful in bringing to light the complex interactions that allow international relations scholars to talk about “EU foreign policy” as a coherent concept.

This dissertation seeks to combine both of these approaches to EU foreign policy. By investigating the role of the EP in the foreign policy-making process of the EU, it is following a comparative politics methodology. But by looking at the role conception that the Parliament holds of the EU as a foreign policy actor, it is entering the realm of the EU's international

identity, a question more aptly suited to international relations inquiry. The EU's foreign policy is thus defined as part of EU *politics*, the outcome of an intricate process of interinstitutional negotiation, debate and persuasion. But it is simultaneously a *performance* by an actor imbued with a certain international identity.⁷ The research in this work must confront both of these conceptualizations, since the EP is part of a Brussels-based process of foreign policy formulation, while also participating in the identity formation of the EU as a global actor.

Therefore, analyzing the Parliament's roles in the EU's foreign policy sphere requires a review of two major strands of literature. This section will first look at the European studies research that seeks to explain the interinstitutional process of foreign policy-making within the EU from a comparative politics perspective. It will then examine the international relations debates about the EU's identity in world affairs.

1.1. THE EU'S FOREIGN POLICY PROCESS

Comparative politics scholars ask *how* the EU devises its foreign policy, trying to lay bare the practical functioning and mechanics of the EU's foreign policy formulation. Two general streams make up this endeavor: one looks in detail at the various formal organizational actors that take part in foreign policy formation, the other concentrates on the informal practices that have sprung up among them. Of course, the types of arguments surrounding established practices of cooperation among administrative bodies vs. those about informal interinstitutional rules tend to show similarities.

In addition, the debate about the "democratic deficit" of the EU as a whole has also had an impact on the research agenda of CFSP scholars, especially those working on the EU's defense policy. This strand of the literature tends to approach the question of EU foreign policy and democracy through a normative lens—asking what type of democratic control the EU *should*

⁷ This dual level of analysis is why role theory is particularly suited to this type of research—see Chapter 2.

have, and critiquing current arrangements according to criteria of democratic accountability and oversight. This section will explore each of these three strands to give an overview of how the EP's foreign policy behavior has—or, more often, has not—been treated by scholars of the EU.

1.1.1. Bureaucratic politics and the Brusselization of CFSP actors

The roots of the first set of literature lie in research on administrative governance,⁸ bureaucratic politics,⁹ or committee governance¹⁰ which seeks to explain the role of various bureaucratic structures in Brussels in influencing policy outcomes. The bulk of this scholarship is concerned with the legislative politics of the EU, where the role of a multitude of advisory, management and regulatory committees—especially relating to various aspects of the internal market—have given rise to a whole system of “comitology,” alongside the functions of the three main institutional actors of the EU. Less attention has been paid to the administrative level of decision-making in the foreign policy realm, where most bureaucratic bodies form part of the Council secretariat, or are organizations designed to enhance intergovernmental coordination among permanent representatives of member states.

This is partly explicable by the difference between civil servants (who make up most EU committees) and diplomats (who populate the foreign policy structures); the former are considered experts on policy issues and therefore more likely to become “Europeanized,” “Brusselized,” or “communitarized,” whereas diplomats are generalists and trained specifically to defend national interests.¹¹ Hence, arguments about groups of experts transferring their loyalty to technocratic institutions in Brussels are less salient. Nevertheless, the foreign policy field has not entirely escaped the scrutiny of these approaches.

⁸ See, for example: Herwig C. H. Hofmann & Alexander H. Türk (Eds.): *EU Administrative Governance*, Edward Elgar Publishing, Cheltenham, 2006.

⁹ See, for example: B. Guy Peters: “Bureaucratic Politics and the Institutions of the European Community,” in Alberta M. Sbragia (Ed.): *Euro-Politics: Institutions and Policymaking in the ‘New’ European Community*, The Brookings Institution, Washington, 1992.

¹⁰ See, for example: Thomas Christiansen & Torbjörn Larsson (Eds.): *The Role of Committees in the Policy-Process of the European Union: Legislation, Implementation and Deliberation*, Edward Elgar, Cheltenham, 2007.

¹¹ See: Tonra, p. 159.

A large part of the literature on the committee structure and bureaucratic politics of the EU's foreign policy realm is highly descriptive. This is unremarkable, considering the complexity of the range of committees and actors, their relative lack of transparency given the content of their work, as well as the speed with which the administrative landscape in CFSP and ESDP is changing.¹² In addition, research in this field is almost exclusively concerned with the bureaucratic bodies of the Council and the Commission—in essence following the EU Treaties' definitions on external relations and foreign policy. Besides describing the historical evolution of the intricate architecture of the various political and administrative bodies engaging in formulating foreign policy on the EU level, the literature has been focused on the question of what effect this institutionalization of cooperation among member states has had on the participants in the process—in particular, what socialization effects can be observed within committees.¹³

This literature dates back to the 1980s, when the EPC was already showing signs of influencing European foreign policy practitioners. Gianni Bonvicini notes that the simple fact of repeated interactions in the European setting led to the development of a “coordination reflex” among the members of the Political Committee of the EPC.¹⁴ Simon Nuttall makes a similar point when he describes the EPC having a “club atmosphere” which regarded “a failure to agree as the worst of outcomes,”¹⁵ leading to a socialization process by which consensus became the normal way of doing things.

Variants of this argument are often repeated in more recent scholarship, as well, despite the organizational evolution that has taken place in the EU foreign policy structures over the past three decades. David Allen argues that EU's increasing role in foreign policy has led to a

¹² See: Simon Duke: “The role of committees and working groups in the CFSP area,” in Thomas Christiansen & Torbjörn Larsson (Eds.): *The Role of Committees in the Policy-Process of the European Union: Legislation, Implementation and Deliberation*, Edward Elgar, Cheltenham, 2007.

¹³ For a recent survey of the field, see: Lucia Quaglia, Fabrizio De Francesco & Claudio M. Radaelli: “Committee Governance and Socialization in the European Union,” in *Journal of European Public Policy*, Vol. 15, No. 1, 2008.

¹⁴ Gianni Bonvicini: “Mechanisms and Procedures of EPC: More than Traditional Diplomacy?” in Alfred Pijpers, Elfriede Regelsberger & Wolfgang Wessels (Eds.): *European Political Cooperation in the 1980s: A Common Foreign Policy for Western Europe?* Martinus Nijhoff, Dordrecht, 1988, p. 56.

¹⁵ Simon Nuttall: *European Political Co-operation*, Clarendon Press, Oxford, 1992, p. 314.

Brusselization of member states' foreign policies,¹⁶ while Simon Duke reaffirms that the committee landscape is evolving rapidly, but that consensus-seeking is still the primary dynamic of all the actors involved in them.¹⁷

The last few years have seen a further extension of this type of research into administrative or bureaucratic actors within the foreign policy field. Simon Duke and Sophie Vanhoonacker, for instance, conclude that a form of “European-level diplomacy” has emerged, which—although operating under an intergovernmentalist logic—has acquired distinct characteristics.¹⁸ While EU member states may still choose to engage in foreign policy outside of the CFSP structures (thus making claims to a coherent “European diplomacy” questionable), whenever national diplomats and EU bureaucrats act together within the Union’s institutional setting, the resulting political process cannot be described as a lowest-common-denominator exercise. These individuals have become part of an institutional landscape of ever-proliferating administrative bodies dealing with CFSP issues, and have thus become socialized to a “Brussels way” of doing things.¹⁹

Ben Tonra partially disagrees with this assessment, arguing that committees in the CFSP realm differ from those in other issue areas due to their make-up—since their purpose is “not that of technocratic issue-management, but one of substantive political debate and decision-making.”²⁰ For this reason, the committees consist of member state diplomats, not technocrats, a feature which has allowed an intergovernmentalist approach to remain dominant within them. However, Tonra admits that new logics have been supplementing this mode of operation. Member states have been waging a bureaucratic contest with the Commission about the prerogative of steering the foreign policy decision-making process, which has led them to

¹⁶ David Allen: “Who speaks for Europe?” in John Peterson & Helene Sjursen (Eds.): *A Common Foreign Policy for Europe? Competing visions of CFSP*, Routledge, London, 1998.

¹⁷ Duke, pp. 148-149.

¹⁸ Simon Duke & Sophie Vanhoonacker: “Administrative governance and CFSP,” in Herwig C. H. Hofmann & Alexander H. Türk (Eds.): *EU Administrative Governance*, Edward Elgar Publishing, Cheltenham, 2006.

¹⁹ Duke & Vanhoonacker, pp. 379-381.

²⁰ Tonra, p. 146.

formally institutionalize certain structures, among them the Council's permanent secretariat, in order to effectively fight for their prerogatives. Yet by creating formal structures which have permanent members—albeit delegated from member states—they have also hastened the creation of an epistemic community of EU foreign policy professionals. It is this paradox that “establishes something other than an intergovernmental bureaucratisation of foreign policy and something more than a Brusselisation of national foreign policy systems.”²¹ Nevertheless, Tonra insists that the epistemic community of Brussels-based diplomats does not imply a transfer of loyalty from the national to the supranational sphere.²²

Ana Juncos & Karolina Pomorska also investigate the role that the “club-like atmosphere” of CFSP committees plays in the socialization of actors involved in the day-to-day workings of these administrative bodies.²³ They find that the increase in the number of participants after the 2004 enlargement of the EU has not weakened this socializing effect, but that due to the larger size of the committees, much is now arranged and decided outside the formal framework of these bodies, in order to maintain their efficiency. The authors bemoan that this shift to more informal ways of working has come at the cost of decreased legitimacy for the CFSP project as a whole. In addition, the Council secretariat, as the repository of institutional memory in CFSP, has seen its influence increase.

The committee governance literature on the EU's foreign policy can thus be summarized as a debate between stronger and weaker concepts of EU-level socialization. Different authors find that participants in the EU's CFSP committee structure have been “Brusselized” to a different extent. This focus on the CFSP's bureaucratic structure, however, has a crucial impact on the literature. Because these authors start from the administrative structures and governance bodies of the EU itself, they tend to be unreflexive about what they understand under “EU foreign policy.” That is to say, this literature uncritically accepts and adopts the language of the

²¹ Tonra, p. 158.

²² Tonra, p. 159.

²³ Juncos & Pomorska.

EU Treaties and equates EU foreign policy with the structures of the CFSP. Whether this limited view²⁴ is inherently problematic or not need not be explored here. What *is* important is that this view of EU foreign policy almost definitionally excludes the EP from these studies—owing to the focus on administrative bodies, the committees and groups investigated for such research are the ones specifically set up under the CFSP decision-making system, in which the EP plays no formal role.²⁵

In some studies, references to the EP or its role in EU foreign policy formation are simply omitted. Others make this lack of parliamentary power or influence explicit. According to this set of research, “the involvement of the Commission, the European Parliament and the European Court of Justice is limited at best.”²⁶ Or, put more forcefully, “the European Parliament remains firmly in the wings—and at best wrestles with the job of off-stage prompter. [...] Parliament, [...] has no access to the committee structures of the CFSP.”²⁷ Thus, by equating EU foreign policy with the system of decision-making within CFSP structures, the Parliament is rendered epiphenomenal.

1.1.2. Informal institutions in the EU’s foreign policy architecture

The second strand of scholarship is less concerned with formal institutions and bodies, and more interested in the pragmatic day-to-day functioning of political actors. By investigating the informal practices that make up the EU’s policy process, this literature seeks to understand how unofficial working methods arise, and what effect they have on policy-making. These grey areas of interaction that are not strictly defined by the EU Treaties are viewed as an integral part of the policy-making process in Brussels, and are therefore scrutinized meticulously. As with the committee governance research, much of the empirical work done tends to concentrate heavily on the various practices that have sprung up surrounding the co-decision process, as well as the

²⁴ Such an interpretation, for instance, excludes EU enlargement, development aid, trade, and humanitarian aid from its remit, simply because these are not found under the Treaty’s CFSP umbrella.

²⁵ For details on the EP’s formal treaty powers in the CFSP realm, see Chapter 3.

²⁶ Juncos & Pomorska, p. 495.

²⁷ Tonra, p. 148.

procedure for appointing members of the Commission. Nevertheless, some authors have applied these notions to the foreign policy sphere, as well.

Some of the arguments bear a striking resemblance to administrative governance approaches: for instance, Michael Smith's work on the legalization of EU foreign policy emphasizes that failing an intergovernmental consensus on developing the EPC, it was left up to officials most closely involved in the process to develop working methods that would ultimately provide the backbone for further codification by member states.²⁸ This, in turn, has led to a situation in which

“EPC/CFSP deliberations and the power of precedent continually raise the *status quo* of cooperation so that states feel that the costs of exit or defection are higher than the costs of compliance, even if there are no specific sanctions involved in this calculation.”²⁹

In essence, this is a reformulation of the Brusselization thesis about member state officials, but from a law-based analysis.

Jeffrey Stacey and Berthold Rittberger first introduced the idea of studying these informal practices, defined as “all the rules that lack both a formal foundation and third-party oversight.”³⁰ Their focus was on the process by which ambiguities in the formal EU Treaties were exploited by institutional actors to create practices and conventions of varying degrees of informality. As Henry Farrel and Adrienne Héritier note, this “profusion of semiformal, quasiformal, and informal procedures” can then lead to “processes of informal institution-building among legislative actors, which may, in turn, affect future formal Treaty changes.”³¹

One of the ways in which this happens is through interinstitutional agreements (IIAs), which are non-legal arrangements that spell out procedures and details of cooperation among the EU's institutional actors. In the specific field of foreign policy, Andreas Maurer, Daniela Kietz and Christian Völkel argue that the EP has “slowly, and outside the formal treaty revision

²⁸ Michael E. Smith: “Diplomacy by Decree: The Legalization of EU Foreign Policy,” in *Journal of Common Market Studies*, Vol. 39, No. 1, 2001, pp. 83-84.

²⁹ Smith, p. 100.

³⁰ Jeffrey Stacey & Berthold Rittberger: “Dynamics of formal and informal institutional change in the EU,” in *Journal of European Public Policy*, Vol. 10, No. 6, 2003, p. 859.

³¹ Henry Farrell & Adrienne Héritier: “Formal and Informal Institutions Under Codecision: Continuous Constitution-Building in Europe,” in *Governance*, Vol. 16, No. 4, 2003, p. 577-578.

procedure at IGCs [Intergovernmental Conferences], managed to increase its information and consultation rights.”³² Although the EP failed to gain any powers over the CFSP during the Amsterdam and Nice revisions of the EU Treaties, the authors note that the IIAs concluded in that time period concerning CFSP financing did signify an increase in parliamentary oversight over the CFSP’s instruments.³³ The Parliament was therefore able to use its budgetary powers to increase its political role in the policy-making process.³⁴

Interestingly, the European Parliament seems particularly adept at increasing its influence through this mechanism. Simon Hix contends that by interpreting the sometimes incomplete rules to its advantage, the EP creates pressure on EU member states to accept its power-maximizing moves by threatening non-cooperation.³⁵ This is usually successful, as the EP tends to have a longer time-horizon than the Council. These new practices, in turn, get formalized once they are seen to have efficiency gains and allow governments to claim that they are reducing the EU’s democratic deficit by conferring formal powers onto the Parliament.³⁶

Nevertheless, research on the EP’s informal powers in the foreign policy realm tends to be more skeptical. Udo Diedrichs gives a concise overview of the EP’s powers over foreign policy under the Maastricht Treaty, and argues that the changes introduced by the Treaty of Nice do not amount to a significant increase in the Parliament’s power in foreign affairs.³⁷ He notes that the Parliament is a “marginal player,” although he admits that the EP is acquiring a “growing capacity to obtain information on current issues in CFSP.”³⁸ Besides this function of *receiving* information, however, Diedrichs sees no real active function of the Parliament in this field, although he does emphasize the importance of IIAs, which he sees as an instance of informal political practice that is generally disregarded by researchers of European integration.

³² Maurer, Kietz & Völkel, p. 176.

³³ Maurer, Kietz & Völkel, p. 186.

³⁴ Maurer, Kietz & Völkel, p. 194.

³⁵ Simon Hix: “Constitutional Agenda-Setting Through Discretion in Rule Interpretation: Why the European Parliament Won at Amsterdam,” in *British Journal of Political Science*, Vol. 32, No. 2, 2002.

³⁶ Hix, 2002, pp. 271-272.

³⁷ Diedrichs.

³⁸ Diedrichs, p. 9.

Stephan Stetter also argues that the Parliament plays a peripheral role in the EU's foreign policy.³⁹ He contends that while the Maastricht model that places EU foreign policy as a separate pillar within the interinstitutional system no longer conforms to reality, the foreign policy of the EU is still firmly in the hands of its two executive actors, the Council and the Commission. Although claiming that treating the CFSP as divorced from other aspects of EU policy-making is no longer a tenable option, Stetter nevertheless does not see the Parliament gaining any supplemental oversight or control roles due to this shift.

Ben Crum comes to a similar conclusion about the ability of the EP to exert control over the High Representative (HR) for the CFSP. He describes the ways in which the EP tried to establish informal rules for the frequency and format of the HR's visits to the Parliament, but concludes that throughout the 1999-2004 term of the EP, the calendar of HR-EP contacts was very much determined by the office of the HR.⁴⁰ His conclusion is that the "Parliament has acquired little to no control in determining the format of the encounters, or in setting their substantive focus [...], the HR's relations with the EP appear more motivated by a sense of courtesy than by a sense of obligation."⁴¹

Nevertheless, Crum makes two important observations about the relations between the HR and the EP. First, he notes that the HR "has a distinct preference to use *informal* meetings to brief parliamentarians on the more controversial issues, since political considerations often prevent him from being too outspoken in public."⁴² The Parliament's official exchanges with the HR may suffer as a result—given that the formal debates in plenary may become void of political content—but the more significant interactions between relevant MEPs (such as the EP President and the Bureau of the Foreign Affairs Committee) and the HR are reinforced.

³⁹ Stephan Stetter: "Cross-pillar politics: functional unity and institutional fragmentation of EU foreign policies," in *Journal of European Public Policy*, Vol. 11, No. 4, 2004.

⁴⁰ Crum, pp. 393-394.

⁴¹ Crum, p. 394.

⁴² Crum, p. 394, emphasis added.

Second, Crum also argues that the reason for the EP's reluctance to push for more parliamentary control over the HR lies in the fact that "the EP's sensitivity to failure is much higher in the CFSP, [...and] [i]mposing parliamentary pressure on the HR risks the retraction of all supranational elements of the CFSP by the Council."⁴³ That is, the Parliament, as the institutional actor with the highest ambitions for a supranational CFSP, is reluctant to enter into a conflictual relationship with the HR, whom it deems the most promising political ally to advocate for such a common policy to come into being. This notion that the EP's parliamentary control powers are quite dependent and intertwined with its preferred *outcomes* for EU foreign policy will be important later on.⁴⁴

Some scholars do see the EP playing an active role in shaping the EU's foreign policy. In investigating the case of the EP's attitude towards EU enlargement, Stefanie Bailer and Gerald Schneider suggest that the Parliament had a tangible influence on the final enlargement strategy adopted by the Union. They claim that by adopting a shaming strategy, the EP was able to push the Council's position towards a more generous position concerning enlargement.⁴⁵ Their argument rests on the notion that the "success of a shaming strategy, [...] largely depend[ed] on the presence of a unified position that [could] claim moral superiority over the more reluctant negotiation stance of the other actors."⁴⁶ The Parliament was therefore influential neither through the use of its limited formal powers, as enumerated by the EU Treaties or IIAs, nor through the establishment or expansion of its informal powers. Instead, the EP's strength lay in its normative force, whereby it was able to claim a moral authority due to its democratic credentials. This dissertation reinforces this finding.

In fact, formal powers may even be detrimental to the Parliament's influence, argues Yuchun Lan, in her research on EU-Taiwan relations. She claims that the EP's lack of formal

⁴³ Crum, p. 399.

⁴⁴ See, especially, the Conclusion.

⁴⁵ Both in terms of how many countries would start accession negotiations, and what level of EU budget increase would be foreseen for the purpose.

⁴⁶ Bailer & Schneider, p. 23.

power in influencing the CFSP is a boost to its freedom to adopt controversial stances. “Because of the relative powerlessness of the EP in external affairs within the EU institutional framework, the EP is exempt from any political responsibility for its provocative stance with regard to the China–Taiwan disputes.”⁴⁷ Thus the Parliament can take a seemingly principled stance, arguing for formal ties with the island based on mutual democratic values without having to face any political or diplomatic consequences.

In sum, research on the EP’s informal attempts to influence EU foreign policy is still quite thin on the ground. Although studies have begun to investigate the EP’s foreign policy preferences and impact, the field is only beginning to question what ideas the EP holds about foreign affairs—Bailer and Schneider, for instance, only explore the ideas of the Parliament on a scale of how positively it supports EU enlargement, which is not of much relevance to most other foreign policy dilemmas facing the EU. No real attempt has been made to look at the overarching role that the EP plays both in formulating EU foreign policy as well as in enacting it. Academic literature on the Parliament’s activities abroad and its contact with foreign actors, for instance, is nonexistent.

1.1.3. Democratic control of EU foreign and defense policy

The third wave of literature that needs to be mentioned concerns the democratic oversight of the EU’s foreign—and, especially, defense—policies. This field has experienced a boom in the past decade,⁴⁸ as more and more ESDP missions are launched, and its main thrust is that there is a double democratic deficit when it comes to the parliamentary control over the EU’s ESDP operations. On the one hand, the EP has no say over any military missions enacted under the CFSP/ESDP umbrella, and even its right to information is quite limited. On the other hand,

⁴⁷ Yuchun Lan: “The European Parliament and the China-Taiwan Issue: An Empirical Approach,” in *European Foreign Affairs Review*, Vol. 9, No. 1, 2004, p. 134.

⁴⁸ Major players in this field are the EP itself, which commissions studies on the parliamentary oversight of ESDP missions (see, for instance: Jürgen Mittag: “The Parliamentary Dimension of CFSP/ESDP”, study commissioned by the European Parliament, 1 January, 2002) and the Geneva Centre for the Democratic Control of Armed Forces (DCAF) (see, for instance: Hans Born, Alex Dowling, Teodora Fuior & Suzana Gavrilescu: “Parliamentary Oversight of Civilian and Military ESDP Missions: The European and National Levels,” Working Paper, Geneva Centre for the Democratic Control of Armed Forces, 2 October, 2007.).

national parliaments are both very diverse regarding the extent to which they can exercise effective oversight over their governments' military deployments, and also face additional obstacles⁴⁹ to such parliamentary control when such missions take place under EU auspices.

Exemplifying such an approach, Wolfgang Wagner argues that the increasing Europeanization of defense policies “leads to a democratic deficit.”⁵⁰ He notes that the integration of military structures undermines national parliaments' powers of democratic control over their armed forces. This is due to the fact that peer pressure from other states in the same structure will push states to commit forces even when they otherwise would not, since their refusal to do so would undermine the effectiveness of the entire, integrated mission. At the same time, Wagner asserts that the EP can “hardly compensate for the weakening of parliamentary control at the national level,”⁵¹ because the EP's legal powers over the ESDP are limited. The ESDP therefore suffers from a double deficit of democratic oversight,⁵² which poses problems for the EU's self-image as a civilian power.

Catriona Guarlay and Malin Tappert identify a very similar democratic oversight problem:

“The current democratic accountability gap in ESDP is generated by the fact that national parliaments are largely responsible for the democratic control of ESDP, but are ill-equipped for the oversight of decisions made within the European intergovernmental context. In contrast, the EP has few formal powers regarding the democratic control of ESDP, but it has access to relevant information and expertise and has competence for the scrutiny of the Commission's implementation of ESDP-relevant external relations activities.”⁵³

Neither of these articles investigates the extent to which the EP's parliamentary oversight and parliamentary diplomacy affects the way the EU conducts ESDP operations, however—a common empirical shortfall in this strand of the literature.

⁴⁹ Such as a lack of knowledge about EU-level policy-making.

⁵⁰ Wolfgang Wagner: “The democratic control of military power Europe,” in *Journal of European Public Policy*, Vol. 13, No. 2, March, 2006, p. 201.

⁵¹ Wagner, p. 209.

⁵² For another iteration of this argument, see: Catriona Gourlay: “Parliamentary accountability and ESDP: the national and the European level,” in Hans Born & Heiner Hänggi (Eds.): *The ‘Double Democratic Deficit’: Parliamentary Accountability and the Use of Force under International Auspices*, Ashgate, Aldershot, 2004.

⁵³ Catriona Gourlay & Malin Tappert: “Revising the European Parliament's scrutiny of foreign affairs and defence,” in *European Security Review*, No. 21, February 2004, p. 4.

A recent special issue on the CFSP and democracy illustrates this gap in the literature about the observable actions of the EP in the foreign policy sphere.⁵⁴ In the keystone piece of the issue, Helene Sjursen phrases the overall question as follows: “What is the status of democracy in the field of European foreign, security and defence policy?”⁵⁵ She then discusses whether the CFSP has remained an intergovernmental endeavor, or whether it has acquired supranational characteristics, since this would have an impact on the appropriate level of democratic control (national or European) that should be exerted upon it. In the same issue, Christopher Lord wonders whether democratic control must be understood as *parliamentary* control, and if so, on which level—the national or the European.⁵⁶

The contributions to the volume tend to approach the question of the EP’s powers in the foreign policy sphere from a normative perspective—that is, arguing whether it *should* or *should not* play a greater part in the foreign policy decision-making process for reasons of democratic legitimacy. This dissertation approaches the subject from the opposite end: it starts with the empirically observed activity of the EP in the foreign policy sphere, and then tries to tease out its meaning, explaining the role that it plays in the formulation and performance of EU foreign policy. In this sense, it is an inductive, empirics-centered project. It also complements the more theoretically-based work on notions of democratic legitimacy and parliamentary control that exists in the literature today.

⁵⁴ Helene Sjursen (Ed.): *The EU’s Common Foreign and Security Policy: The Quest for Democracy*, Special issue of the *Journal of European Public Policy*, Vol. 18, No. 8, December, 2011.

⁵⁵ Helene Sjursen: “Not so intergovernmental after all? On democracy and integration in European Foreign and Security Policy,” in *Journal of European Public Policy*, Vol. 18, No. 8, December, 2011, p. 1078.

⁵⁶ Christopher Lord: “The political theory and practice of parliamentary participation in the Common Security and Defence Policy,” in *Journal of European Public Policy*, Vol. 18, No. 8, December 2011.

1.1.4. The gap in the literature

Empirical work on the EP's role in the EU's foreign policy process therefore suffers from a triple blind spot. The administrative or bureaucratic governance model equates the EU's foreign policy with its CFSP structures, in which the EP has no legal right to participate. This means that such research remains essentially silent on the role that the EP plays in shaping the EU's foreign policy stances, as this does not fit within its committee-centered conceptualization of EU foreign policy. While research on informal institutions sidesteps this dilemma, it has not yet produced a significant body of work on the EP's role in foreign policy, either. Furthermore, it is also caught within the trap of equating the Parliament's foreign policy role with its attempts to influence the Council's decisions through its limited powers of consultation and opinion-drafting on CFSP matters—the EP's direct involvement with outside actors has not yet been examined by scholars. Finally, the democratic deficit research has phrased the EP's role in EU foreign policy-making as a theoretical puzzle of what type of democratic control would be most appropriate to the EU, and has not analyzed in great detail the types of parliamentary oversight that the EP is *already* engaging in.

1.2. THE EU'S INTERNATIONAL IDENTITY

As the case studies in subsequent chapters will show, the role of the EP extends beyond just exerting democratic control over other CFSP actors. It also interacts with outside actors directly, thus performing EU foreign policy. A comprehensive study of how the EP influences the EU's foreign policy actorness must look at both the Parliament's role within the interinstitutional framework of policy-making, and its foreign policy behavior directed at actors outside this policy community. However, this behavior—parliamentary diplomacy—presupposes that the EP possesses an understanding of the role of the EU in the world. And since the nature of this role

is contested, both within the EU structures and in the scholarship on EU foreign policy, this section will review the literature on how the EU has been conceptualized as a global actor.

From very early on in the EU's development, international relations scholars wondered what type of foreign policy identity it would develop. At first, the debate centered around the question of whether an EU foreign policy can even evolve, and exhibit any independent characteristics beyond being a lowest-common-denominator expression of national foreign policies.⁵⁷ This dissertation takes for granted that a European foreign policy, articulated through an interinstitutional process among the EU's institutional actors, and distinct from the national foreign policies of the Union's member states, does exist. Therefore, it will not belabor this debate about *whether* the EU is an international actor.

In contrast, it is crucial to sketch out the international relations debates about *what kind* of international actor the EU represents. The following chapters will argue that the Parliament has a coherent role conception of the EU's international identity, and enacts this role itself in its interactions with the outside world. But in order to make sense of these role conceptions and role performances, one must first understand the broad debates about the nature of the EU's actorness.⁵⁸ Without an awareness of the various plausible international role conceptions available to the EP, its insistence on a specific one of these roles would lack meaning. This

⁵⁷ This literature ranges from the idea that the EU can never have a coherent foreign policy (see: Stanley Hoffmann: "Towards a Common European Foreign and Security Policy?" in *Journal of Common Market Studies*, Vol. 38, No. 2, 2000) to suggestions that the EU may even develop its own common nuclear deterrent (see: Ursula Jasper & Clara Portela: "EU Defence Integration and Nuclear Weapons: A Common Deterrent for Europe?" in *Security Dialogue*, Vol. 44, April 2010) and all possible shades in between. Much of this literature is influenced by the geopolitical events of the past few decades. Arguments for and against a coherent EU foreign policy followed instances of disunity or paralysis among EU member states on major questions of foreign policy (the wars in the Balkans in the mid-1990s, the NATO campaign in Kosovo in 1999, the Iraq war in the spring of 2003), as well as times when common purpose and action were visible (after the success of ESDP mission EUFOR Concordia in Macedonia, and the publication of the European Security Strategy, both at the end of 2003).

⁵⁸ It is interesting to note here that there is a direct link between the European studies literature and the EU's own institutional actors and their behavior. EU scholars clearly do not write in a vacuum, and their works may be read by EU officials, MEPs, or other participants in the EU's political system. But still, it is not often that one finds concepts articulated by academics taken up by political actors. The case of the EU's international identity is one of these instances. As will be shown in later chapters, some MEPs explicitly refer to the EU as a "normative power." This suggests that the debates about the EU's "actorness"—held simultaneously within the halls of power in Brussels and in ivory towers around the world—were aware of, and influenced by, each other. This thought is also comforting to those who struggle with the question of whether European studies (or political science as a whole) should be "relevant" to everyday politics.

section will therefore briefly describe the international relations debates about the EU's international identity.

These debates about the EU's actorness can be characterized by two main streams, one that can be called quantitative, and the other qualitative. The first takes the concept of "power" as a given, and attempts to pin down how much of it the EU actually has—simply put, these authors try to answer the question: how strong is the EU? A second variant of scholarship considers the question differently. By problematizing the notion of "power" in international relations, various authors have suggested that the EU is somehow a "different sort of power" from other international actors. They focus their attention on imagining and describing this difference or distinctiveness. The following two subsections will flesh this out in more detail.

1.2.1. The EU: how powerful an actor?

A large body of European studies scholarship is devoted to debating how powerful the EU as an international actor really is, or can hope to become. Since the Union is often characterized as a *sui generis* form of political organization, it is of course difficult to pinpoint a good reference point. Whether the EU is too weak or too powerful depends predominantly on what one expects of it. In general, though, the EU has been quite vocal in portraying itself as an ambitious, major player in the world. Teija Tiilikainen has investigated the EU's self-understanding as revealed by its own rhetoric, and has concluded that especially since the publication of the European Security Strategy in 2003, the EU has thought of itself as "a large power, which would have both a legitimate interest in and responsibility for the security and stability of its border areas and neighbourhood."⁵⁹ Her conclusion about the EU's self-image is that the "EU sees itself as a large territorial actor, whose power emanates from its economic might, political unity, and a very

⁵⁹ Teija Tiilikainen: "The EU in Its Own Eyes: The EU's Power in Its Self-Understanding," in *European Foreign Affairs Review*, Vol. 16, 2011, p. 200.

special system of internal co-operation.”⁶⁰ It is therefore not surprising that the literature about the extent of the EU’s international power sets the bar quite high.

This has been the case ever since the EU’s CFSP was brought into being by the Treaty of Maastricht in 1992. In a widely cited article from the following year, Christopher Hill looks at the EU’s power compared to the expectations it has itself created about its foreign policy pretensions. His verdict is that the EU suffers from a “capabilities-expectations gap,” in that it seeks to portray itself as a major power, but does not possess the potential to be a significant actor in the international system.⁶¹ He notes that “the Community has been talked up [...] to a point where it is not capable of fulfilling the new expectations already (and often irrationally) held of it.”⁶² Thus the EU is setting itself up for failure by creating oversized expectations for its global role, without the necessary capabilities to meet them. “The Community does not have the resources or the political structure to be able to respond to the demands which the Commission and certain Member States have virtually invited through their bullishness over the pace of internal change,”⁶³ he concludes.

Writing a good decade and a half later, Asle Toje argues that although the capabilities-expectation gap has closed, the EU is still unable to deliver the foreign policy that is expected of it, due to a lack of decision-making procedures that would allow the EU to overcome internal dissent among member states.⁶⁴ In his view, the “capabilities and operations capacity are no longer the primary factors constraining the EU as foreign policy actor.”⁶⁵ Rather, he identifies a “consensus-expectations gap,” pointing to EU member states’ difficulty in agreeing on important foreign policy issues. He draws the conclusion that the EU can only operate in non-controversial settings, because on the most significant foreign policy subjects the EU’s foreign policy

⁶⁰ Tiilikainen, p. 205.

⁶¹ Christopher Hill: “The Capability-Expectations Gap, or Conceptualizing Europe’s International Role,” in *Journal of Common Market Studies*, Vol. 31, No. 3, September, 1993.

⁶² Hill, p. 315.

⁶³ Ibid.

⁶⁴ Asle Toje: “The Consensus-Expectations Gap: Explaining Europe’s Ineffective Foreign Policy,” in *Security Dialogue*, Vol. 39, No. 1, February 2008.

⁶⁵ Ibid, p. 124.

process—based on the veto powers of each member state—is incapable of creating consensus and coherence.

Although agreeing on the fact that the EU does not wield much power in the international arena, Daniel Thomas challenges the idea that the EU's ineffectiveness is due to a lack of coherence. Through a study of the EU's response to the United States' quest for global immunity from the International Criminal Court, he shows that although "the EU exhibited considerable political cohesion in support of a determinate common policy, [...] the evidence does not support the familiar expectation that EU coherence facilitates EU effectiveness."⁶⁶ He maintains that the lack of coherence alone—rather than other aspects of power, such as weak military capabilities—is not at the heart of the EU's relatively feeble foreign policy.

Compared to the EU's self-identification as a serious global player, the verdict seems fairly unanimous that the CFSP is underperforming—although the exact reasons for this are in dispute. The question of how much power the EU has is therefore usually answered by "less than it thinks." Put in more stark terms, Toje suggests that "EU strategic actorness has already emerged and its tenets are not those of a great power—but rather those of a small power."⁶⁷ Without going into the taxonomical issues of what defines a small vs. a great power,⁶⁸ the underlying argument of Toje is that the EU is not a major player in international affairs. It may "dabble in"⁶⁹ international issues, but is not capable of shaping the international system to its purposes. Toje sees the EU "as an actor whose leaders consider that it can never make a significant impact on the system when acting alone or in a small group. In much the same way that small powers depend on greater powers, the EU depends on the USA for political leadership and military support."⁷⁰

⁶⁶ Daniel C. Thomas: "Still Punching below Its Weight? Coherence and Effectiveness in European Union Foreign Policy," in *Journal of Common Market Studies*, Vol. 50, No. 3, 2012, p. 471.

⁶⁷ Asle Toje: "The European Union as a Small Power, or Conceptualizing Europe's Strategic Actorness," in *European Integration*, Vol. 30, No. 2, May, 2008, p. 200.

⁶⁸ See: Toje: "The EU as a Small Power," pp. 200-203.

⁶⁹ Toje: "The EU as a Small Power," p. 212.

⁷⁰ Toje: "The EU as a Small Power," p. 210.

The literature on how much power the EU's CFSP really wields is therefore dominated by a discourse that describes the EU's ambitions as overly grandiose, and argues for a more modest understanding of its international role. However, these authors do not systematically raise the question of whether the EU—not being a nation-state, but a strange, unique polity—and its capability to act in the international system should be measured according to traditional notions of state power. Many others, however, have done precisely this, conceptualizing the EU as a “different” sort of international actor, endowed with a “different” sort of power. The next subsection will give an overview of this literature.

1.2.2. The EU: what type of actor?

The EU's special type of political organization has long led some scholars to define it as a non-standard power in global affairs. As far back as the 1970s, François Duchêne argued that the European Community was becoming a new type of international actor, a “civilian power Europe”.⁷¹ He describes a Europe whose interest “as a civilian group of countries long on economic power and relatively short on armed force is as far as possible to *domesticate* relations between states.”⁷² Such a civilian power is an alternative to traditional nation-states acting in the international system, since it relies on economic and diplomatic instruments. This conceptualization of the EU having a “special” kind of foreign policy identity has since been elaborated in numerous ways, especially since the development of the EU's CFSP.

On a general level, EU foreign policy has often been described as outside the normal bounds of national, Westphalian models of international relations. In a memorable metaphor, Robert Kagan has summed this up as “Americans are from Mars, and Europeans are from Venus.”⁷³ According to him, Europe has accepted, and even made an object of pride of, its own

⁷¹ François Duchêne: “Europe's role in World Peace,” in Richard J. Mayne (Ed.): *Europe Tomorrow: Sixteen Europeans Look Ahead*, Fontana, London, 1972.

⁷² François Duchêne: “The European Community and the Uncertainties of Interdependence,” in Max Kohnstamm & Wolfgang Hager (Eds.): *A Nation Writ Large? Foreign-Policy Problems before the European Community*, MacMillan, London, 1973, pp. 19-20, original emphasis.

⁷³ Robert Kagan: “Power and Weakness,” in *Policy Review*, June-July 2002, p. 3.

military weakness and has retreated into a Kantian paradise within its region, scorning the use of force anywhere around the world. “Within the confines of Europe, the age-old laws of international relations have been repealed,”⁷⁴ Kagan says, and this experience has led the EU to assume that the “European miracle”⁷⁵ can be universally applied around the globe.

Michael Smith writes of this process in more positive terms, arguing that the CFSP is bringing forth an emerging post-modern foreign policy in the EU “lacking the key central institutions and instruments characteristic of foreign policies based on statist [...] assumptions, but nonetheless significant as an expression of trends in global politics more generally.”⁷⁶ He believes the development of a common foreign policy “drew upon shared interests of European foreign policy élites, including their interest in avoiding action at the national level. This led to a concentration on the building of consensus, often at the expense of any positive external action.”⁷⁷ So the EU’s foreign policy is not to be judged by its output or its actions. Instead, it is a sign of the development of a new policy space, in which global issues are dealt with differently than in sovereign nation-states. In EU foreign policy, “the emphasis is as much on process as results, almost to the extent that the process is the result.”⁷⁸

This emphasis on looking at the EU’s foreign policy in terms of what it is, rather than what it achieves, is a common thread of many scholars in the field. As Toje explains, “the will to engage in foreign policy activities that are not means/ends oriented, but rather a statement of values—is a trait that distinguishes the EU from other foreign policy actors.”⁷⁹ But what values are these, and how do they shape EU foreign policy?

The most influential account of the EU’s unique foreign policy identity has been articulated by Ian Manners, and conceptualizes the EU as a normative power.⁸⁰ His idea of

⁷⁴ Robert Kagan: *Of Paradise and Power*, Alfred A. Knopf, New York, 2003, p. 57.

⁷⁵ Kagan, 2003, p. 61.

⁷⁶ Michael Smith: “The framing of European foreign and security policy: towards a post-modern policy framework?” in *Journal of European Public Policy*, Vol. 10, No. 4, 2003, p. 558.

⁷⁷ Smith, 2003, p. 564.

⁷⁸ Smith, 2003, p. 570.

⁷⁹ Toje, “The Consensus-Expectations Gap,” p. 127.

⁸⁰ Manners, 2002.

Normative Power Europe (NPE) rests on two basic pillars. First, the EU is a political animal that is fundamentally different from all others that have come before it, because it was created in opposition to traditional Westphalian principles. The special place that universal norms of democracy, the rule of law and human rights have played in the EU's construction also affects its external behavior. Its "normative difference comes from its historical context, hybrid polity and political-legal constitution."⁸¹ Furthermore, this normative difference makes the EU a special type of international actor. "The concept of normative power is an attempt to suggest that not only is the EU constructed on a normative basis, but importantly that this predisposes it to act in a normative way in world politics."⁸²

The second core idea of NPE relates to the way in which such normative action occurs. According to Manners, the power of the EU stems from "its ability to shape conceptions of 'normal' in international relations."⁸³ Instead of viewing the EU as a proto-state whose executive (the Council) engages in foreign policy with a traditional focus on using sticks and carrots to prompt other sovereign actors to change their behavior, Manners sees the Union as a political space that shapes global norms, and diffuses them to outside actors. Contrary to states that merely wish to impose peace abroad, the EU "seeks to moderate conflict in a more structural way by encouraging norms, which renders conflict not merely unthinkable but materially impossible."⁸⁴ In other words, "the most important factor shaping the international role of the EU is not what it does or what it says, but what it is."⁸⁵ In this conceptualization, the EU, by embodying certain norms of democracy and human rights, instills legitimacy to these norms, and thereby helps promote them around the world.

⁸¹ Manners, 2002, p. 240.

⁸² Manners, 2002, p. 252.

⁸³ Manners, 2002, p. 239.

⁸⁴ Ian Manners & Richard Whitman: "The 'difference engine': constructing and representing the international identity of the European Union," in *Journal of European Public Policy*, Vol. 10, No. 3, 2003, p. 390.

⁸⁵ Manners, 2002, p. 252.

NPE is not merely an empirical explanation of the way the EU acts in the world—it is also a normative statement itself, as Manners readily admits.⁸⁶ And the idea of the EU as a normative power has been critiqued from many angles. Helene Sjørnsen has raised a valid concern that researchers may be letting their sympathies for the European project get in the way of their critical analysis, because “[t]he conception of the EU as a ‘normative’, ‘ethical’ and particularly a ‘civilizing’, power is [...] very similar to that used by EU officials when describing the EU’s international role.”⁸⁷ She also notes that scholars need to address why the EU’s particularity as a polity would *necessarily* lead it to act in a normative way—and to disentangle such “normative” behavior from “good” behavior.⁸⁸ Tuomas Forsberg takes issue with the ambiguity of the terms “normative” and “power” in NPE.⁸⁹ He identifies five ways of defining what makes an actor a normative power,⁹⁰ and four mechanisms through which such a power can be exercised.⁹¹ In his view, NPE is more of an ideal type, which the EU can approximate, rather than a label that can be affixed to any existing actor in the international system.

Adrian Hyde-Price has offered a realist critique of NPE, claiming that it was the stability of the bipolar international system (and the security offered by the American nuclear umbrella) that allowed Western Europe to cooperate and devise some common internal and foreign policies.⁹² When the bipolar system collapsed, the EU became an instrument for powerful nations (chiefly Germany) to bring stability to the EU’s near abroad: Eastern Europe.⁹³ For Hyde-Price, the “EU acts as a ‘civilizing power’ only in the sense that it is used by its most

⁸⁶ See: Ian Manners: “The European Union as a Normative Power: A Response to Thomas Diez,” in *Millennium*, Vol. 35, No. 1, 2006, p. 179; and Ian Manners: “The normative ethics of the European Union,” in *International Affairs*, Vol. 84, No. 1, 2008, p. 45.

⁸⁷ Helene Sjørnsen: “What kind of power?” in *Journal of European Public Policy*, Vol. 13, No. 2, March 2006, p. 170.

⁸⁸ Helene Sjørnsen: “The EU as a normative power. How can this be?” in *Journal of European Public Policy*, Vol. 13, No. 2, March 2006, p. 242.

⁸⁹ Tuomas Forsberg: “Normative Power Europe, Once Again: A Conceptual Analysis of an Ideal Type,” in *Journal of Common Market Studies*, Vol. 49, No. 6, 2011.

⁹⁰ A normative power can be defined by its normative identity, its normative interests, its norm-based behavior, its use of normative means of power, or by its achievement of normative ends. Forsberg, pp. 1191-1195.

⁹¹ The mechanisms of normative power can be persuasion, invoking norms or commitments, shaping the discourse of what is normal and the power of example. Forsberg, pp. 1195-1198.

⁹² Adrian Hyde-Price: “Normative power Europe: A realist critique,” in *Journal of European Public Policy*, Vol. 13, No. 2, 2006. This critique also echoes Kagan’s analysis—see: Kagan, 2002 and Kagan, 2003.

⁹³ Hyde-Price, pp. 226-227.

powerful member states to impose their common values and norms on the post-communist East.”⁹⁴

Some scholars have also wondered whether a civilian or normative power Europe can be compatible with an EU that is developing a military dimension. Karen Smith has argued that endowing the EU with military capabilities would force the EU to abandon its civilian power image.⁹⁵ She says that while the threats facing Europe are not likely to be countered effectively by a common European security policy, an armed EU could set off a security dilemma in its neighborhood.⁹⁶ Hence the EU’s civilian nature, which had attracted states on its borders through the EU’s enlargement process and neighborhood policy, would be undermined.

Conversely, Jennifer Mitzen argues that a deepening of the EU’s CFSP, and an increased focus on its defense aspects, would not threaten the EU’s civilizing identity.⁹⁷ She contends that the EU has established a collective identity as a civilizing power which is based on intra-European routines of policy cooperation. Because the EU, like any other actor, needs “ontological security” (the stability of an actor’s own identity), this civilizing self-conception will be maintained despite a potential change in the EU’s capabilities. “[H]abits, more than capabilities anchor identity,”⁹⁸ she says, and European routines of internal deliberation ensure that its civilizing identity will not be cast off for a colonial or imperial one.

Manners himself seems conflicted on this subject, arguing that a military capability need not necessarily lead to the diminution of the EU’s normative power, but that certain processes of militarization in the EU in the post-9/11 period may undermine normative claims about the EU’s international identity.⁹⁹

⁹⁴ Hyde-Price, p. 227.

⁹⁵ Karen Smith: “The End of Civilian Power EU: A Welcome Demise or Cause for Concern?” in *The International Spectator*, Volume 35, No. 2, April-June 2000.

⁹⁶ Smith, 2000, p. 24.

⁹⁷ Jennifer Mitzen: “Anchoring Europe’s civilizing identity: habits, capabilities and ontological security,” in *Journal of European Public Policy*, Vol. 13, No. 2, 2006.

⁹⁸ Mitzen, p. 283.

⁹⁹ Ian Manners: “Normative Power Reconsidered: Beyond the Crossroads,” in *Journal of European Public Policy*, Vol. 13, No. 2, 2006.

Finally, several authors have taken issue with the concept of NPE from the perspective of critical theory. Kalypso Nikolaïdis and Robert Howse have noted that the inconsistencies between the norms the EU professes and tries to spread externally, and the ones it actually embodies internally are undermining its credibility in the eyes of outside actors.¹⁰⁰ Thomas Diez suggests that the entire discourse around NPE constructs a particular self-conception of the EU “which allow[s] EU actors to disregard their own shortcomings unless a degree of self-reflexivity is inserted.”¹⁰¹ By defining the EU as a normative power, the NPE discourse is simultaneously “othering” actors outside the borders of the Union, who are defined as not yet having embraced or internalized these norms. Through the cases of the EU’s stance toward the International Criminal Court and the Kyoto Protocol, Sybille Scheipers and Daniela Sicurelli show that the role of this “other” has often been played by the United States.¹⁰² A more robust critique is voiced by Michael Merlingen, who points out that “any claim to know what it takes to promote the good life abroad—democracy, the rule of law, human rights, etc.—and to act on this knowledge claim is not only an act of other-regarding ethical conduct but also a claim to superordination.”¹⁰³ This, in turn, means that although individuals’ lives may be improved by the values the EU projects abroad, this process also creates “patterns of arbitrary domination between internationals and locals.”¹⁰⁴

The concept of NPE is thus a contested one in the academic literature. But the intricacies of the various debates are not crucial for the purposes of this dissertation. The key element provided by imagining the EU as a normative power is that “[s]imply by existing as different in a world of states and the relations between them, the European Union changes the

¹⁰⁰ Kalypso Nikolaïdis & Robert Howse: “‘This is my EUtopia’...Narrative as Power,” in *Journal of Common Market Studies*, Vol. 40, No. 4, November 2002.

¹⁰¹ Thomas Diez: “Constructing the Self and Changing Others: Reconsidering ‘Normative Power Europe,’” in *Millennium*, Vol. 33, No. 3, 2005, p. 627.

¹⁰² Sibylle Scheipers & Daniela Sicurelli: “Normative Power Europe: A Credible Utopia?” in *Journal of Common Market Studies*, Vol. 45, No. 2, 2007.

¹⁰³ Michael Merlingen: “Everything Is Dangerous: A Critique of ‘Normative Power Europe,’” in *Security Dialogue*, Vol. 38, No. 4, 2007, p. 443.

¹⁰⁴ Merlingen, p. 449.

normality of ‘international relations’.”¹⁰⁵ The EU’s history and internal structure gives it some special characteristics that set it apart from other actors in the international system. This “difference” also causes the EU act in a normative way, both in terms of the way it behaves (by serving as an example to others or using persuasion) and the goals it wants to achieve with such behavior (the spread of democracy, human rights and other norms it considers universal). As further chapters will show, the Parliament shares this normative conception of the EU’s foreign policy identity. MEPs may therefore well agree that “the ability to define what passes for ‘normal’ in world politics is, ultimately, the greatest power of all.”¹⁰⁶

But how can one combine the study of this conception of the EU’s international actorhood with the more bureaucratic or institutional research about the EP’s powers to influence EU decision-making in the foreign policy process? The next chapter will suggest that role theory offers an analytical vocabulary that allows for a convenient bridging of these two levels of analysis.

¹⁰⁵ Manners, 2008, p. 45.

¹⁰⁶ Manners, 2002, p. 253.

CHAPTER 2

THEORETICAL FRAMEWORK: THE ROLE OF “ROLES”

As described above, European studies as a discipline resides at the crossroads of international relations and comparative politics. While this has sometimes led to parallel research agendas and divergent empirical foci, much can be gained from their fusion in terms of understanding the politics of the EU. This dissertation seeks to exploit the possibilities of the international relations-comparative politics nexus in several ways.

First, this research builds on the academic literature of international relations scholars who have been offering various suggestions of *what* the EU as a foreign policy actor may look like. Simultaneously, however, it also relies on the comparative politics literature which investigates *how* EU structures and organizations function in the day-to-day process of foreign policy-making. Second, it conceptualizes the EP as an *international actor* directly engaged in external action (such as parliamentary diplomacy, election observation, etc.), as is justified by the empirical observation of such behavior. At the same time, the EP is also seen as an *institutional actor* within the world of EU politics in Brussels, where the EU's CFSP is elaborated. These two points lead to a final observation: that the Parliament is engaged in a game of double identity-formation. The EP holds a view of the appropriate *international identity* that the EU should hold, and acts in a way to strengthen that conception. Yet the Parliament is also concerned with its own *institutional identity* within the EU structures, and behaves according to a logic that would preserve this.

The bridge that allows these international and institutional identities to be studied simultaneously is role theory. The concept of roles in the EU's foreign policy has been explored by both the international relations literature (what role does the EU play in the international system?), in the guise of social constructivism, as well as by comparative politics research (what

role do various EU actors play in developing the Union's foreign policy?) under the moniker of sociological institutionalism. Role theory allows us to examine both of these levels, and the following sections will lay out the theoretical concepts it employs in order to achieve this synthesis. The chapter will conclude with some notes on methodology and case selection.

Before this theoretical exercise, a final definitional note on the EU foreign policy literature reviewed above is nevertheless still indispensable. There is an analytical danger when trying to compare the treatment of "EU foreign policy" in the international relations literature with more policy process-oriented research on institutional actors. The former usually dispenses with defining the idea of an EU foreign policy at all, since the stated purpose of its study is to conceptualize what the EU as an international actor would look like. The latter, on the other hand, tends to uncritically transfer the definition of foreign policy straight from the EU Treaties, and can thus more accurately be described as the "study of the EU's CFSP instruments under Articles 22-46 of the Lisbon Treaty." Granted, some authors at least tackle the tension between the EU's external instruments that are primarily controlled by the Commission vs. those operating under the CFSP rules,¹ but more often an explicit definition of—and justification for—a clear concept of EU foreign policy is lacking. This is particularly important when one looks at the impact of the Parliament, which plays no formal role in the CFSP according to the EU Treaties, but nevertheless engages in external action beyond the EU's borders.

This "fuzziness," as Sjørnsen calls it, makes it difficult to establish "clear distinctions between foreign and security policy on the one hand and all other aspects of EU global activities on the other."² Therefore, this dissertation will use the term "EU foreign policy" in its broad, holistic sense—in essence capturing all of its "global activities." That is, EU foreign policy encompasses the entirety of the Union's actions and policies towards the outside world—

¹ The special issue of *Perspectives on European Politics and Security* dealing with the question of how the external and internal security divide is used strategically by institutional actors is a good case in point. See: Xymena Kurowska & Patryk Pawlak (Eds.): *The Politics of European Security Policies: Actors, dynamics and contentious outcomes*, Special issue of *Perspectives on European Politics and Security*, Vol. 10, No. 4, 2009.

² Sjørnsen, 2011, p. 1084.

whether these occur in the fields of EU enlargement, external trade relations or diplomatic ties, and regardless of the means or tools which it employs, whether civilian or military missions, economic sanctions or development aid, or diplomatic contacts. The subject of this research is therefore broader than just the EP's role in the elaboration of the EU's CFSP—it is about its role in the foreign policy of the Union, writ large.

2.1. CONCEPTUAL FRAMEWORK: THE BRIDGING ROLE OF ROLE THEORY

As explained in the first section, the work here aims to combine both the comparative politics question of *how* the EU functions, as well as some international relations questions about the international identity of the EU in the global system. Since the object of this research is to map both the Parliament's view on the EU's international identity as well as the EP's perception of its own role in the EU's foreign policy-making process, the dissertation needs to be explicit both about how it conceptualizes the notion of identity in international relations, as well as how it defines the role of institutions within the Union. On the first count, this project espouses a conventional constructivist view of international relations. On the second, the research is grounded in the theoretical framework of sociological institutionalism.

The following two subsections will lay out in detail what is understood by these two terms. The chapter will then turn to their shared theoretical assumptions and show how their contributions to the study of the EU have grown ever closer over the years. This dissertation will suggest that the concept of “roles” serves as the main link that allows for the fruitful combination of these theoretical approaches. After introducing the main tenets and theoretical underpinnings of role theory, the section will end by showing how role theory has already begun to blur constructivist and sociological institutionalist approaches to the EU in the academic literature.

2.1.1. Social constructivism and the EU's international identity

In order to make sense of the Union's role in international affairs, this work must first adopt a position among the main theoretical approaches to social action in international politics. In the broadest sense, this dissertation follows a constructivist approach to international relations, based on the works of Finnemore,³ Katzenstein,⁴ Adler,⁵ Ruggie,⁶ Wendt,⁷ and Checkel.⁸ While the term has now come to be applied to numerous research programs, three key insights at the core of constructivist thinking will be of major importance to the research project: that the fundamental structures of international politics are social rather than strictly material;⁹ that these social structures shape actors' identities, interests and behavior; and that these structures and agents are mutually constitutive.

The first claim of constructivism is that interactions between actors in the global arena are not based on objective, material factors, but constitute relationships. These relationships are created through repeated processes of interaction, and it is only in this social context that material factors are imbued with meaning. Players on the international scene "act towards objects, including other actors, on the basis of the meanings that the objects have for them,"¹⁰ not according to rules or criteria that are exogenous to the set of relationships within which they are entwined. The structures which emerge as a result of these interactions are therefore inseparable from the relationships themselves. Put differently, "identities, interests and behavior

³ Martha Finnemore: *National Interests in International Society*, Cornell University Press, New York, 1996.

⁴ Peter J. Katzenstein: *The Culture of National Security*, Columbia University Press, New York, 1996.

⁵ Emanuel Adler: "Seizing the Middle Ground: Constructivism in World Politics," in *European Journal of International Relations*, Vol. 3, No. 3, 1997.

⁶ John Gerard Ruggie: "What Makes the World Hang Together? Neo-utilitarianism and the Social Constructivist Challenge," in *International Organization*, Vol. 52, No. 4, 1998.

⁷ Alexander Wendt: *Social Theory of International Politics*, Cambridge University Press, Cambridge, 1999.

⁸ Jeffrey T. Checkel: "Why Comply? Social Learning and European Identity Change," in *International Organization*, Vol. 55, No. 3, 2001; and Jeffrey T. Checkel: "Constructing European institutions," in Gerald Schneider & Mark Aspinwall (Eds.): *The rules of integration: Institutional approaches to the study of Europe*, Manchester University Press, Manchester, 2001.

⁹ Alexander Wendt: "Constructing International Politics," in *International Security*, Vol. 20, No. 1, 1995, p. 71.

¹⁰ Alexander Wendt: "Anarchy is What States Make of It: The Social Construction of Power Politics," in *International Organization*, Vol. 46, No. 2, 1992, p. 396-397.

of political agents are socially constructed by collective meanings, interpretations and assumptions about the world.”¹¹

The implication is that foreign policy cannot be explained by looking at a given international structure and the distribution of power or resources within it. One can neither disregard nor assume an actor’s interest without understanding the socially constructed relationship it has with other actors. An actor is incapable of any pre-social behavior, because it is only the social world that gives meaning to the events happening around it. “Intersubjective meanings have structural attributes that do not merely constrain or empower actors. They also define their social reality.”¹² As an example, the United States maintains a web of social relationships with other international actors that leaves it unconcerned about France’s nuclear arsenal, while the same cannot be said of its attitude towards Iran’s attempts at producing an atomic bomb.

Second, the social structures of the international system “shape actors’ identities and interests, rather than just their behavior.”¹³ This distinction comes down to a concept of rules vs. norms. Behavior can be modified through the use of rules and accompanying sanctions. Granted, this is not very frequent in the realm of international politics, given that the notion of state sovereignty still permeates international relations, and very few instances exist in which there is a supra-national body that can enforce such sanctions and ensure adherence to rules. Yet within the EU setting, such mechanisms are not uncommon: the *acquis communautaire* includes many rules which constrain state behavior on the international stage (one need only think of immigration policy, currency devaluation within the euro-zone or trade negotiations as examples). Norms, on the other hand, do not operate via sanctions, but rather socialization.

¹¹ Adler, p. 324.

¹² Adler, p. 327.

¹³ Wendt, 1995, p. 71-72.

They can be described as “shared expectations about appropriate behavior held by a community of actors.”¹⁴

By definition, such norms must be intersubjective—meaning shared and social, since they embody *shared* expectations—and must concern behavior, since that is what sets them apart from other ideational concepts (such as wants). Furthermore, norms not only modify behavior, but also separate socially acceptable and unacceptable behavior—meaning that regardless of whether an actor can be sanctioned for breaking a social norm, it will know that it has broken it.¹⁵ Most often, however, norms are internalized to such an extent that breaking them does not occur to actors.

It is at this point that one can speak of identities being shaped by the social structures of the international system. Certain norms of behavior become part of an actor’s fundamental view of itself, and it therefore becomes socially¹⁶ incapable of breaking them without calling into question its own self-definition.¹⁷ This, however, also deeply affects interests.

“Identities refer to who or what actors *are*. They designate social kinds or states of being. Interests refer to what actors *want*. They designate motivations that help explain behavior. [...] Interests presuppose identities because an actor cannot know what it wants until it knows who it is.”¹⁸

The social web that makes up the structure of the international system is populated by actors with distinct identities, which are impossible to separate from their interests. Therefore the social norms that give meaning to the international system are crucial to the definition of actors’ interests within that setting. By positing that international relations are social, constructivism thus argues that its structure not only shapes what an actor can *do*, but also what it *wants*, and even what it *is*.

Finally, the relationship between the social structure and the actors within it is seen as inherently recursive: while actors shape the social structure of international relations through

¹⁴ Finnemore, p. 22.

¹⁵ In fact, the very fact that the socially constructed community of actors can talk of a violation of a norm already serves to prove its existence. See: Finnemore, p. 23.

¹⁶ One could almost say: psychologically.

¹⁷ For a good collection of examples on how norms can achieve this identity-shaping function, see: Katzenstein.

¹⁸ Wendt, 1999, p. 231, original emphasis.

their behavior, it is also this social web that constitutes the actors themselves and their “identities as social beings.”¹⁹ Moreover, this means not “only that social structures and agents are mutually co-determined. The crucial point is that constructivists insist on the mutual *constitutiveness* of (social) structures and agents.”²⁰ Without the social structure, the actors cannot speak of having an identity or interests. Without the actors themselves, the structure is meaningless.

These basic ideas do not a theory make. As a noted representative of this approach admits, “constructivism remains more of a philosophically and theoretically informed perspective on and approach to the empirical study of international relations.”²¹ It is a “social theory, not a theory of politics,”²² a “meta-theoretical approach to the study of social phenomena.”²³

As happens with any research program, constructivism has also seen a fragmentation into different sub-fields of inquiry,²⁴ some more post-positivist than others. Without entering the critical-interpretive vs. positivist debate, this project plants its roots firmly in what Checkel calls “conventional constructivist” soil, which is “largely positivist in epistemological orientation,” with “[s]ociology and elements of institutional/organizational theory as sources of theoretical inspiration.”²⁵ As will become clear in the following sections, constructivist international relations theory and sociological institutionalist approaches have indeed grown close together, especially in the field of European studies.

2.1.2. Sociological institutionalism and the EU's institutional actors

The world of Brussels bureaucrats and policymakers is suffused with talk of institutional rules, institutional priorities and interinstitutional rivalry. The word institution itself is remarkably

¹⁹ Thomas Risse: “Social Constructivism and European Integration,” in Antje Wiener & Thomas Diez (Eds.): *European Integration Theory*, Oxford University Press, Oxford, 2004, p. 161.

²⁰ Ibid., original emphasis.

²¹ Ruggie, p. 856.

²² Finnemore, p. 27.

²³ Risse, p. 160.

²⁴ For details of the modernist vs. post-modernist split within the greater constructivist family, see for instance: Ruggie; Wendt, 1999; and Peter J. Katzenstein, Robert O. Keohane & Stephen D. Krasner (Eds.): *Exploration and Contestation in the Study of World Politics*, MIT Press, Cambridge, 1999.

²⁵ Jeffrey T. Checkel: “Social constructivisms in global and European politics: a review essay,” in *Review of International Studies*, Vol. 30, No. 2, 2004, pp. 230-231.

flexible in meaning, sometimes being used to describe the entire EU machinery, sometimes just one of its main political actors or branches (the Commission, the Council, or the Parliament) and sometimes the set of formal and informal rules governing the interaction among all of these actors. Therefore, a definition of the word “institution” and its relationship to basic questions of structure and agency is required. In this regard, this dissertation espouses a new institutionalist—and, specifically, a sociological institutionalist—perspective, grounded in the ideas of Meyer & Rowan,²⁶ March and Olsen,²⁷ Jepperson,²⁸ and Schimmelfennig,²⁹ among others.

The new institutionalist school emerged within the political science literature in the late 1970s as a counter-current to rational choice and behaviorist paradigms. Although its criticisms of these theories were based in separate academic disciplines (including sociology and economics)³⁰ new institutionalist scholars reached very similar conclusions about the nature of institutions and their role in political life.

New institutionalism’s focus on institutions emphasizes that political action is neither explicable through a fully structuralist lens (through which outcomes are judged to come about due to exogenous factors over which individuals have little control) nor primarily as a result of decisions by or negotiations between individuals in positions of power—rather, policy is formulated in institutional settings. These institutions are not merely places where decision-makers congregate and act according to their own self-interest, nor do they constitute simple funnels through which structural constraints influence actors and their choices. They are “arenas for contending social forces, but they are also collections of standard operating procedures and structures that define and defend values, norms, interests, identities and beliefs.”³¹ New

²⁶ John W. Meyer & Brian Rowan: “Institutionalized Organizations: Formal Structure as Myth and Ceremony,” in *The American Journal of Sociology*, Vol. 83, No. 2, 1977.

²⁷ James G. March & Johan P. Olsen: *Rediscovering Institutions: The Organizational Basis of Politics*, The Free Press, New York, 1989.

²⁸ Ronald L. Jepperson: “Institutions, Institutional Effects, and Institutionalism,” in Walter W. Powell and Paul J. DiMaggio (Eds.): *The New Institutionalism in Organizational Analysis*, University of Chicago Press, Chicago, 1991.

²⁹ Frank Schimmelfennig: *The EU, NATO and the Integration of Europe*, Cambridge University Press, Cambridge, 2003.

³⁰ For a good overview of the origins and sub-types of new institutionalism, see: Peter A. Hall & Rosemary C. R. Taylor: “Political Science and the Three New Institutionalisms,” in *Political Studies*, Vol. 44, 1996.

³¹ March & Olsen, 1989, p. 17.

institutionalism assumes that political institutions have an autonomous existence and effect on policy-making, and cannot simply be reduced to a setting *within which* political decisions are taken by other actors—they are “political actors in their own right.”³²

The more important question—and one that splits the new institutionalist literature into varying streams—is how exactly institutions shape outcomes, and how political actors are affected by them. These different streams have been defined in numerous ways, and the nuances of this topology have been amply described and debated elsewhere.³³ For the purposes of this work, the term “sociological institutionalism” will be used, which is to be understood as espousing the following three assumptions: institutions are defined broadly: they are both explicit rules and softer cultural norms and are seen as both structures affecting actors’ behavior as well as actors in their own right; institutional actors behave according to a logic of appropriateness; and institutions and individual action are mutually constitutive.

First, sociological institutionalism defines institutions broadly and inclusively, in two ways. On the one hand, institutions are conceived of as both a set of formal laws and procedures, with clear sanctions, but also as “symbol systems, cognitive scripts, and moral templates that provide the ‘frames of meaning’ guiding human action.”³⁴ In a related ambiguity, institutions are also taken to mean both a system of rules and norms constraining actors’ behavior, as well as organizations that develop their own interests and preferences and interact with other institutions.

³² James G. March & Johan P. Olsen: “The New Institutionalism: Organizational Factors in Political Life,” in *The American Political Science Review*, Vol. 78, No. 3, 1984, p. 738.

³³ Lane & Ersson contrast rational choice institutionalism and sociological institutionalism, albeit in a two-by-two matrix based on whether the theories are thin or thick and atomistic or organic (see: Jan-Erik Lane & Svante Ersson: *The New Institutional Politics: Performance and Outcomes*, Routledge, London, 2000); Jupille & Caporaso establish a similar matrix, but along the lines of different schools’ conception of institutional roles and actor preferences (see: Jupille & Caporaso); Hall & Taylor see three distinct streams: rational choice institutionalism, historical institutionalism and sociological institutionalism (see: Hall & Taylor); Reich separates four types: historical, new economic, normative and billiard ball (see: Simon Reich: “The Four Faces of Institutionalism: Public Policy and a Pluralistic Perspective,” in *Governance*, Vol. 13, No. 4, 2000); Peters delimits six: normative, rational choice, historical, empirical, international and societal institutionalisms (see: B. Guy Peters: *Institutional Theory in Political Science: The New Institutionalism*, Pinter, London, 1999).

³⁴ Hall & Taylor, p. 947.

With respect to the first dichotomy, any given institution consists of clear rules defining—among other things—who is bound by a given institution, which circumstances require which action, what punishment will be enforced failing such action, how these rules can be amended, etc. In the case of the EU itself, this set of rules is exemplified by the EU treaties, which lay out the institutional actors (Commission, Council, Parliament), their various competences and the legal mechanisms by which they interact. Within a political organization such as the Parliament, this function is served by the Rules of Procedure (which codifies the way various Parliamentary bodies are to be understood, and how they communicate) and the Staff Regulations and statutes on MEPs (which define the relationship between individuals working for the organization and the Parliament as an employer).³⁵

At the same time, institutions also serve a cognitive role, which implies that “institutions are systems of meaning.”³⁶ Institutions are what allow actors to translate certain events in the external environment into instances of decision-making. The sociological institutionalist view is “more concerned with how the members of an institution perceive situations within their structure and the ‘frames’ that they bring to bear on those situations in order to make decisions about them.”³⁷ It thus insists on an identity-forming and norm-creating role of institutions, which then informs the preferences, interests and behavior of institutional actors: “[a]s a structure of meaning evolves from the process of politics, specific actions are fitted into it.”³⁸

At its core, this interpretation stems from a conceptualization of politics as defined not by outcomes and action, but as a “process for developing a sense of purpose, direction and belonging.”³⁹ Therefore the political process is viewed through a different lens—it is no longer just the machine through which actors have to process events to arrive at an outcome. Instead, the actors consider the process as important—if not more—than the final decision itself. “[L]ife

³⁵ Juncos & Pomorska differentiate these levels as “constitutional norms,” “rules of procedure” and “codes of conduct” (Juncos & Pomorska, pp. 499-501).

³⁶ Peters, 1999, p. 102.

³⁷ Peters, 1999, p. 103.

³⁸ March & Olsen, 1989, p. 51.

³⁹ March & Olsen, 1989, p. 48.

is not only, or primarily, choice but also interpretation. Outcomes can be less significant—both behaviorally and ethically—than process.”⁴⁰ In addition to formal rules, institutions therefore also serve as normative scripts for interpreting the world.

Equally importantly, sociological institutionalism posits that institutions are simultaneously structures of rules, norms and values that affect behavior, while also acting as agents themselves in the political process. That is to say,

“[a]n institution is a relatively stable collection of rules and practices, embedded in structures of *resources* that make action possible—organizational, financial and staff capabilities, and structures of *meaning* that explain and justify behavior—roles identities and belongings, common purposes, and causal and normative beliefs.”⁴¹

Thus while institutions form, shape and constitute the values, norms and behavior of individuals, they are also “capable of purposive action.”⁴² As an example, a Parliament is viewed both as a political actor engaged in behavior with other actors—for instance the executive branch—as well as a set of rules (of parliamentary procedures), norms (of appropriate parliamentary behavior) and values (of democratic representation) about what a Parliament represents.

Sociological institutionalists’ insistence on the simultaneous importance of both the “actor-ness” and “structure-ness” of institutions has invited criticism from some scholars, who claim that “there is not always a clear distinction between institutions as entities and the process of institutionalization by which they are created, [...] [or] between organizations and institutions,”⁴³ and that therefore “maybe institutions are everything, and by entailment nothing.”⁴⁴ Although this critique does not distract from the insight that institutions, when observed empirically, do indeed appear as both agents and a constraining structure, it does highlight the danger in failing to semantically differentiate between the two notions of institution. Therefore, this dissertation will make a distinction between “institutions,” meaning rules and norms constraining human actors’ behavior, and “institutional actors,” referring to

⁴⁰ March & Olsen, 1989, p. 51.

⁴¹ James G. March & Johan P. Olsen: “The Logic of Appropriateness,” *Arena Working Papers*, 9, 2004, p. 5, original emphasis.

⁴² Schimmelfennig, p. 72.

⁴³ Peters, 1999, p. 97.

⁴⁴ Lane & Ersson, p. 30.

political actors in the EU system, such as the Parliament and the Council, or various administrative/bureaucratic bodies within them.

A brief mention should also be made at this point about how the EU as an entity fits in with the institutionalist literature. In the context of international relations, the EU can be viewed as an institutional actor, engaging with other players (mostly sovereign nation-states) in world politics—of which the EU’s representation as a single actor at global climate change talks is a good example. However, the EU (like any state) can also be thought of as a political system or political structure.

“[B]y a political structure we mean a collection of institutions, rules of behavior, norms, roles, physical arrangements, buildings, and archives that are relatively invariant in the face of turnover of individuals and relatively resilient to the idiosyncratic preferences and expectations of individuals.”⁴⁵

Hence the EU is simultaneously a setting and context for political decision-making among its constituent institutional actors and an actor in its own right on the international scene. Sociological institutionalism’s embrace of this “organic approach,” which “looks at institutions as organized wholes of simple institutions that somehow fit together in a pattern that defines the parts,”⁴⁶ is thus crucial to the study of the EU.

Second, in sociological institutionalism, the link between the previous two conceptions of institutions vs. institutional actors lies in the “logic of appropriateness.”⁴⁷ Individuals who are faced with behavioral choices are not theorized as self-interested rational actors seeking some sort of utility-maximization. Rather, they behave in a given social setting—an institution—by assuming roles and then acting according to the logic that these roles bestow upon them. “The simple behavioral proposition is that, most of the time humans take reasoned action by trying to answer three elementary questions: What kind of a situation is this? What kind of a person am I? What does a person such as I do in a situation such as this?”⁴⁸

⁴⁵ March & Olsen, 1984, p. 741.

⁴⁶ Lane & Ersson, p. 5.

⁴⁷ See: March & Olsen, 1984, p. 741; March & Olsen, 1989, pp. 23-24; and March & Olsen, 2004.

⁴⁸ March & Olsen, 2004, p. 4.

According to this view, institutions provide a cognitive filter by which events and dilemmas are formulated into situations requiring decision-making and action. “[I]nstitutions influence behavior by providing the cognitive scripts, categories and models that are indispensable for action, not least because without them the world and the behaviour of others cannot be interpreted.”⁴⁹ Before any world event can become a political issue requiring a response, it needs to be defined, categorized and assigned to a given body of decision-makers—and this transformation from observable phenomenon to subject of politics is precisely the function that institutions perform.

Once in the realm of “politics” understood in this sense, actors behave according to their own role conceptions and associated logics of appropriateness. As such, “actors do not judge alternative courses of action by the consequences for their own utility but by their conformity to institutional rules or social identities.”⁵⁰ At times, this is simple, given that repeated instances of similarly interpreted decision-making processes can become routines within an institutional setting.⁵¹ But it is not to say that any individual within an organization will always find the most appropriate action to be self-evident—in many cases, his or her role may leave a significant amount of freedom in making choices. In other cases, different logics of appropriateness may clash, forcing decisions that are contrary to one or another of a person’s institutional roles. After all, “the core intuition is that humans maintain a repertoire of roles and identities, each providing rules of appropriate behavior in situations for which they are relevant,”⁵² but individuals are part of various institutions and members of many different organizations. The point, however, is that sociological institutionalism suggests that “politics is often based more on discovering the normatively appropriate behavior than on calculating the return expected from alternative

⁴⁹ Hall & Taylor, p. 948.

⁵⁰ Schimmelfennig, p. 69.

⁵¹ See: March & Olsen, 1989, pp. 24-25, & 34-35.

⁵² March & Olsen, 2004, p. 4.

choices. As a result, political behavior, like other behavior, can be described in terms of duties, obligations, roles and rules.”⁵³

These rules of appropriateness are internalized by individuals in institutions through a process of socialization. Through exposure to routines and practices, individuals engage in social learning, internalizing the norms of their institution, thus acquiring their roles. In sum, “[p]olitical actors associate certain specific actions with specific situations by rules of appropriateness. What is appropriate for a particular person in a particular situation is defined by political and social institutions and transmitted through socialization.”⁵⁴

This notion that individuals act according to a socially perceived criterion of appropriateness is also what lends organizations the power to act coherently. By adopting a common logic of appropriateness, different actors within the same institution can be seen as engaging in collective behavior. When an MEP asks “what would a parliamentarian do in this situation,” she is referring to some collectivity of individuals with certain rules and norms of behavior. Thus, “to the sociological institutionalist, collective behaviour establishes institutions as organizations which have interests of their own.”⁵⁵

This brings us to the last assumption of sociological institutionalism. The fact that collective behavior can establish institutional actors and endow them with discrete interests means that behavior is constitutive of institutions. At the same time, institutions are what bestow roles upon individuals, which allows them to act according to a logic of appropriateness. Therefore, “sociological institutionalists emphasize the highly-interactive and mutually-constitutive character of the relationship between institutions and individual action.”⁵⁶ Institutions offer rules and norms which constrain human actors through logics of appropriateness. At the same time, it is the repeated actions and practices of individuals within an organization that define what these rules are, and it is the social learning processes among

⁵³ March & Olsen, 1984, p. 744.

⁵⁴ March & Olsen, 1989, p. 23.

⁵⁵ Lane & Ersson, p. 8.

⁵⁶ Hall & Taylor, p. 948.

individuals that allow for these rules to become established. Although this flows so naturally from the previous two points as to be almost self-explanatory, it merits special mention, since the fact that “[i]dentities are assumed to be reflexive and political, not inherited and pre-political”⁵⁷ is one of the more obvious common threads connecting sociological institutionalist and constructivist approaches to European studies.

2.1.3. Bridging the constructivist-institutionalist gap: role theory

The previous two sections indicate that constructivist approaches to international relations and sociological institutionalist theories of politics share many common assumptions about the organizing principles of political life. They each conceptualize political action as a social activity, posit that actors behave according to norms which they internalize and which affect their identities, and insist on the mutually constitutive relationship between structure and agents. The study of the EU and its policies, with its various levels of identities (national and European), its double nature as both a process (of policy-making) and an outcome (integration) and its very nature as a norm- and rule-creating endeavor thus seem a likely meeting point for these two theoretical perspectives.

This connection has been made quite explicit in the European studies literature, in which sociological institutionalism has been described “as the constructivist-inspired version of institutionalist research,”⁵⁸ and in which the two terms are often used interchangeably.⁵⁹ Social constructivism really burst on the scene of European studies in 1999, with a special issue of the *Journal of European Public Policy*,⁶⁰ and while sociological institutionalism’s arrival is less easy to pinpoint, it can also be dated to roughly the same period.⁶¹ But in the current literature, the two have merged to the point that it is difficult to parse which authors consider themselves adherents

⁵⁷ March & Olsen, 2004, p. 6.

⁵⁸ Risse, p. 174.

⁵⁹ See, for instance: Risse, p. 163 & 171; and Schimmelfennig, p. 68.

⁶⁰ Thomas Christiansen, Knud Erik Jorgensen & Antje Wiener (Eds.): *The Social Construction of Europe*, Special issue of *Journal of European Public Policy*, Vol. 6, Issue 4, 1999.

⁶¹ For some background, see, for instance: Mark A. Pollack: “The New Institutionalisms and European Integration,” in Antje Wiener & Thomas Diez: *European Integration Theory*, Oxford University Press, Oxford, 2004; and Jupille & Caporaso.

of which school.⁶² The only remnants of difference are to be found by examining the policy areas which these authors tackle as case studies. Constructivist international relations scholars tend to start with the assumption of the EU as an outcome, and investigate the way in which an EU identity has come about.⁶³ They are also more likely to show interest in the EU's international identity or foreign policy.⁶⁴ Sociological institutionalists, by contrast, may be more inclined to take more formal structures or interactions as their empirical base, such as the EU treaties or certain legislative procedures.⁶⁵

What is important for the purposes of this dissertation is not the extent to which these two approaches have merged in European studies, but that there is a third stream of literature that neatly blends the constructivist and sociological institutionalist views of the EU as both an actor and an institutional process: that of role theory. This is not to claim that role theory can subsume all the theoretical contributions of constructivism and sociological institutionalism. In fact, even those performing this type of research readily admit that role theory may be “conceptually rich but lacks the methodological refinement necessary to be more than a mere conceptual framework and achieve the status of a genuine theory.”⁶⁶ Whether role theory is a theory, a meta-theory or a conceptual framework, however, is irrelevant. What is important is that it offers a convenient vocabulary for highlighting the complementary ideas about norms, identity and mutual constitutiveness that constructivists and sociological institutionalists advance on their respective levels of analysis about the EU—whether international or institutional.

⁶² See, for instance, the discussion in: Joseph Jupille, James A. Caporaso & Jeffrey T. Checkel: “Integrating Institutions: Rationalism, Constructivism and the Study of the European Union,” in *Comparative Political Studies*, Vol. 36, No. 7, 2003, pp. 7-11.

⁶³ See, for instance: Jeffrey T. Checkel: “‘Going Native’ in Europe? Theorizing Social Interaction in European Institutions,” in *Comparative Political Studies*, Vol. 36, No. 1-2, 2003.

⁶⁴ See, for instance: Kenneth Glarbo: “Reconstructing a Common European Foreign Policy,” in Thomas Christiansen, Knud Erik Jorgensen & Antje Wiener (Eds.): *The Social Construction of Europe*, SAGE Publications, London, 2001.

⁶⁵ See, for instance: Christophe Crombez: “The Treaty of Amsterdam and the Co-Decision Procedure,” in Mark Aspinwall & Gerald Schneider (Eds.): *The Rules of Integration: Institutional Approaches to the Study of Europe*, Manchester University Press, Manchester, 2001.

⁶⁶ Stephen G. Walker: “Role Theory and Foreign Policy Analysis: An Evaluation,” in Stephen G. Walker (Ed.): *Role Theory and Foreign Policy Analysis*, Duke University Press, Durham, 1987, p. 241.

Role theory has its roots in foreign policy analysis, and was originally used to ascribe various types of “roles” to nation-states according to their expressions of their self-ascribed foreign policy principles and identities. In a seminal article, K. J. Holsti laid out the reason why role theory is such a useful approach for those seeking to work on the border between comparative politics and international relations.⁶⁷

“Because the notion of national role suggests general orientations and continuing types of commitments, actions, and functions, it has a level of generality appropriate for both foreign policy theories or frameworks, and systems studies. Carefully refined and combined with studies of patterns of action, it can serve as a *dependent variable* in foreign policy analysis and as one *independent variable* in systems analysis. Role and action patterns rather than individual decisions or actions can be seen as *the* output of foreign policy and as *one* input into the international system.”⁶⁸

In essence, Holsti’s claim is that the idea of a “role” can be a useful bridge in the age-old agency/structure debate. Because the international role of a state *is* its foreign policy, comparative politics analyses can seek to identify the factors that determine what type of role a state will end up playing—describing its agency. But since the role that a state plays in the international system also affects the system itself, international relations scholars can look at various states’ roles to gain an insight into the structure of the global political system—meaning that it is a useful concept in answering structural questions, as well. In the context of the EU, this has been phrased as the interconnection between the mesoscopic level where “EU role performance is situated as part of the international system,” and the microscopic level, which “highlights the EU itself and the internal processes of role emergence and identity formation.”⁶⁹

Of course, Holsti’s role theory was originally applied to individuals—namely, top foreign policy-makers—but there is no reason that it could not be employed to investigate “both individuals and corporate entities,”⁷⁰ such as EU institutional actors, as well. If we conceive of the EU as a social construct within which various actors confront each other in institutionalized

⁶⁷ Kalevi J. Holsti: “National Role Conceptions in the Study of Foreign Policy,” in *International Studies Quarterly*, Vol. 14, No. 3, September, 1970.

⁶⁸ Holsti, p. 307, original emphasis.

⁶⁹ Ole Elgström & Michael Smith: “Introduction,” in Ole Elgström & Michael Smith (Eds.): *The European Union’s Roles in International Politics: Concepts and Analysis*, Routledge, New York, 2006, p. 8.

⁷⁰ Cameron G. Thies: “Role Theory and Foreign Policy,” *International Studies Association Compendium Project*, May 2009, p. 13.

settings, then the same logics of appropriateness apply to them as to individuals within an institution.

The main concepts of role theory that this dissertation will rely on are “role conception,” “role performance,” and “identity.” A *role conception* refers to actors’ self-generated views of their own role in world affairs, including “the general kinds of decisions, commitments, rules and actions suitable to their state, and of the functions, if any, their state should perform on a continuing basis in the international system.”⁷¹ Put another way, a role conception “can help explain the general direction of foreign policy choices. The articulation of a national role betrays preferences, operationalizes an image of the world, triggers expectations, and influences the definition of the situation and the available options.”⁷² It “defines responsibilities and obligations in foreign policy.”⁷³

A *role performance* is the general foreign policy behavior of an actor, which is influenced by its own role conception.⁷⁴ It is simply the actions (whether speech acts, economic commitments or outright war) that make an actor’s role conception visible to outside observers. Clearly, role conceptions do not unambiguously determine foreign policy outcomes—they “merely define the potential range of options and strategies.”⁷⁵ Nevertheless, role theory suggests that foreign policy actions must be compatible with an actor’s role conception, or they will start to put in question the actor’s identity itself.

In role theory, the term *identity* refers to an actor’s understanding of itself, and what it represents in the world.⁷⁶ This is different from its role conception in the sense that it is a more holistic concept. An actor’s identity shapes its role conception in foreign affairs—for instance, the United States’ self-identification as a liberal democracy has an impact on its role conception

⁷¹ Holsti, pp. 245-246.

⁷² Philippe G. Le Prestre (Ed.): *Role Quests in the Post-Cold War Era: Foreign Policies in Transition*, McGill-Queen’s University Press, Quebec City, 1997, p. 5.

⁷³ Lisbeth Aggestam: “Role Theory and European Foreign Policy: A Framework of Analysis,” in Ole Elgström & Michael Smith (Eds.): *The European Union’s Roles in International Politics: Concepts and Analysis*, Routledge, New York, 2006, p. 19.

⁷⁴ Holsti, p. 245.

⁷⁵ Aggestam, p. 20.

⁷⁶ Le Prestre, p. 9.

as an international actor. But this influence goes both ways—an actor’s role conception in foreign policy also serves to reinforce or call into question its identity, especially in the case of the EU, which as a “recent political construct” is still at the beginning stages of its identity formation.⁷⁷

A few clarifications of these terms and their relationships to each other are in order here. First, a role conception is seen as something that an actor generates of its own accord, through its own definitions—it is therefore subjective.⁷⁸ A role expectation or role prescription however, is what other actors demand or at least anticipate from an actor in the international arena. So although the idea of an actor’s role is clearly negotiated intersubjectively in a social setting, we can analytically separate the actor’s own role conception from what others think this conception should be.

Second, role conception differs from role performance in that the latter is defined as “the actual behavior of actors,”⁷⁹ whereas a role conception is the actor’s self-image.⁸⁰ Again, there is a recursive process at work here: the more performances an actor gives, the more engrained its role conception will become. And the more it identifies itself with the role, the more often its foreign policy actions will echo the content of that self-image. Role theory, however, allows us to separate these for the purposes of analyzing the process of foreign policy-making and behavior.

Third, an actor’s role conception in international affairs is part of its identity writ large. Identity is seen as the product of self-definition (who am I?), whereas a role conception is linked to appropriate action (how should I behave?). Roles and identities, of course are “closely interconnected,”⁸¹ but roles are nevertheless subordinate in the sense that they require an arena of action (in this case, the international system) to have meaning. Still, one should not conceive of an actor’s identity as a looming cloud from which role conceptions emerge. “[I]dentity is in

⁷⁷ Aggestam, p. 21.

⁷⁸ Le Prestre, p. 4.

⁷⁹ Elgström & Smith, 2006, p. 6.

⁸⁰ Ibid.

⁸¹ Aggestam, p. 21.

fact a *process* more than a given, a *process of self-identification*⁸² in which role conceptions also play a part.

How would these concepts of role conceptions, role performances and identities help in understanding EU foreign policy as both a process and an outcome? In terms of the EU's behavior on the international scene, a constructivist approach would argue that for it to be capable of any action, it must first possess some sort of identity. This identity—and the subsequent possibility to determine its interests—is something that is created within the social environment of international structures, and would need to include certain norms about what it considers appropriate behavior. Yet this is precisely how one would define an international actor's role conception. The EU's foreign policy identity, or the nature of its actorness, can therefore be called its “international role conception.”

This role, however, is not only determined by the structural factors of the international system, but by the EU's own internal political structures, as well. Member states, the Commission, the Council and the Parliament all contribute to the evolution of the EU's international role conception through the interinstitutional policy-making process. And since this process takes place in a highly institutionalized setting, wherein “collections of interrelated rules and routines [...] define appropriate actions in terms of relations between roles and situations,”⁸³ one can also portray the actions of these institutional actors as performing roles *within* the EU structures. So the EP, for instance, must have an institutional role conception that provides a logic of appropriateness to its interactions with the other EU institutional actors. Parliament engaging in a debate with the Council would therefore be an example of the EP's “institutional role performance.”

⁸² Sonia Lucarelli: “Interpreted Values: A Normative Reading of EU Role Conceptions and Performance,” in Elgström & Smith, 2006, p. 48.

⁸³ March & Olsen, 1989, p. 160.

Role theory has in fact been used in the past to investigate the EU's foreign policy identity, with some success. These efforts⁸⁴ have consciously aimed to bring together social constructivism and sociological institutionalism under one umbrella,⁸⁵ and the results have been encouraging. Sonia Lucarelli has argued that the EU, although espousing values that are common to many other liberal democracies in the international community, has a peculiar interpretation of these values which give it a unique role conception in international affairs.⁸⁶ Although she argues that the institutional architecture of the EU is partly responsible for this role conception, she describes it not as a political system made up of EU institutional actors, but as a multilateral entity made up of nation states.⁸⁷ Therefore, the role of the EP in developing the EU's role conception is not even addressed.

Helene Sjørnsen approaches this question a bit differently, arguing that while many actors may have a value-based foreign policy which aims to protect the sustainability of a community with a certain identity, the EU may be special in that it pursues a rights-based foreign policy, which promotes certain principles both inside and outside the EU.⁸⁸ Thus the values that are part of its role conception are not ones that it seeks only to defend from outsiders, but rather ones it aims to spread throughout the international community. Although Sjørnsen concedes that the EU's "institutional nexus of policy-making and the many actors involved in the field of foreign and security policy depart from a simple intergovernmental organizing model,"⁸⁹ she does not delve into the details of what each EU institutional actor's role may be in developing the EU's rights-based foreign policy role conception. The Parliament does not figure in her research, as she even alludes to when noting that there is "little evidence, so far, of a European public sphere in foreign policy."⁹⁰

⁸⁴ See, especially: the edited volume by Elgström & Smith, 2006.

⁸⁵ Elgström & Smith, pp. 5-6.

⁸⁶ Lucarelli, p. 47.

⁸⁷ Lucarelli, p. 60.

⁸⁸ Helene Sjørnsen: "Values or Rights? Alternative Conceptions of the EU's 'Normative' Role," in Elgström & Smith, 2006, p. 86.

⁸⁹ Sjørnsen, "Values or Rights?" p. 95.

⁹⁰ Sjørnsen, "Values or Rights?" p. 96.

In terms of role theoretical approaches to the question of various EU institutional actors' behavior in the foreign policy process, the literature is less explicit. Nevertheless, the basic idea of role conceptions can easily be applied to the relevant work that has been done in this sphere. Udo Diedrichs, for instance, when investigating the EP's powers in the CFSP realm, admits that the EP has "over the years developed a number of activities to strengthen its role and position in the CFSP."⁹¹ Although he doesn't use the word role in its strict theoretical sense, his argument that the EP has consistently made use of its informal powers to broaden its oversight over CFSP activities points to a coherent institutional role conception by the EP as a democratic oversight body eager to expand its remit to scrutinize other CFSP actors.

Similarly, in his article on the EP's relationship with the HR for the CFSP, Ben Crum argues that the EP has a

"distinctive ability to exploit the loopholes that are left [in the formal EU treaty provisions]. Given its role in the decision-making process and its willingness to instrumentalize substantive issues, the EP can bring other European actors to concede certain 'informal' powers to it."⁹²

The role of the EP in this context is therefore described as a creative rule entrepreneur, utilizing the indeterminacies of the EU's legal framework to increase its own oversight capacities. Both of these studies describe certain coherent patterns in the EP's behavior in its oversight of the CFSP—that is, they are describing the EP's institutional role conceptions, even if implicitly.

Where does this leave a role theoretical conception of the Parliament and its activity in the foreign policy area? It suggests that when it comes to EU foreign policy, the EP must have an *institutional role conception* of itself as an actor—i.e. behaving according to the expected norms of a Parliament within the EU structures in Brussels. Its *institutional role performance* would then encompass the various ways in which it interacts with other EU actors: plenary debates with the Presidency of the European Council, Foreign Affairs Committee meetings with EU Special Representatives, EP resolutions it adopts to make its view heard, and so forth.

⁹¹ Diedrichs, p. 1.

⁹² Crum, p. 384.

Concurrently, in order to engage in a debate with the CFSP actors about foreign policy, the EP must also have an *international role conception* of the EU in global affairs—according to which it can gauge whether the Council or other EU actors are handling foreign policy questions “appropriately.” But because the EP also interacts with outside actors, and does so in the name of the EU as a whole, it is also enacting an *international role performance* of this role conception when it invites foreign ministers to a committee meeting, when it travels to meet its parliamentary counterparts in third countries or when it observes elections abroad. These external activities directly influence outside actors’ perceptions of the Union, and thus have independent effects on its foreign policy identity.

Thus the EP can be viewed as an EU institutional actor with solid preferences for what role the Union should play on the world stage, as well as an international actor with an identity that is deeply connected to its role as a Parliament in the EU’s interinstitutional political landscape. This dissertation will tackle these two role conceptions and role performances simultaneously, since they are inseparable from each other in the EP’s foreign policy behavior. Before doing so, however, the next section will lay out some basic methodological premises and explain the choice of case studies.

2.2. METHODOLOGY, CASE STUDIES, AND THE VALUE ADDED

This dissertation argues that the Parliament occupies a double role in the realm of foreign policy—an institutional one within the Brussels structures and an international one in its interactions with outside actors. The EP thus acts both as an *input* to the overall voice of the EU on the world stage within the structures of the EU’s political system, as well as a separate *output* of EU foreign policy on its own. As outlined above, both sets of behavior are governed by the EP’s conceptions of roles, and both of these roles are informed by the Parliament’s understanding of what role the EU as a whole should perform in global politics.

This duality suggests that a study of the EP's role in the EU's foreign policy needs to look at two levels simultaneously. First, at the institutional level, what is the appropriate logic of action for the European Parliament when engaging with other institutional actors about decisions of foreign policy—how is a Parliament supposed to act in these situations? How can one describe the EP's identity in the framework of the EU's foreign policy process? Second, at the international level, what logics guide the EP's behavior when participating in international political action? How does it think of itself and the EU as a foreign policy actor, and what role does it attribute to these in international politics?

None of these questions are straightforward puzzles of causality which can lead to hypothesis-building and competitive theory-testing—they are more akin to calls for “thick description”.⁹³ Empirical work thus occupies a crucial place in this research. The goal is to arrive at an in-depth understanding of the links between the EP's actions outside of the EU and its institutional role within its political system. In this sense, the objective is to ascribe meaning to a set of empirical observations about the EP's various foreign policy activities that so far has remained unexplained in the academic literature. The next two subsections will briefly lay out the methodology for choosing sources and the logic behind the selection of case studies. The chapter will end by discussing the value added in performing this research.

2.2.1. Methodological approach

This research project is fundamentally qualitative, in that it seeks to describe the socially constructed role conceptions and role performances of the Parliament. The aim is not to create a set of scope conditions or variables which could explain EU foreign policy outcomes or the Parliament's actions. Instead, the focus is on explaining empirically observable behavior: how does the EP act as an international actor? How does it act within the EU political structures?

⁹³ Based on the concept by Geertz, see: Clifford Geertz: “Thick Description: Towards an Interpretive Theory of Culture,” in Clifford Geertz: *The interpretation of cultures: selected essays*, Basic Books, New York, 1973.

What are the links between these two role conceptions and the EU's identity in international affairs?

Although the explanations sought are not strictly causal (especially given the emphasis on mutual constitutiveness and recursive processes in the constructivist and sociological institutionalist literature), this dissertation still operates broadly within a positivist framework. Normative questions about what stance the EP *should* take regarding the EU's international identity or its own institutional and international roles are bracketed. Instead, the focus is on establishing the existence and nature of these roles—albeit they are conceptualized as social facts rather than material ones. This conceptualization is important, since it means that the roles themselves are treated as facts that can be uncovered. As James Rosenau puts it, “role scenarios [are] empirical phenomena, [...] action-oriented premises held by role occupants, and not [...] hypothetical constructs employed by rational actors.”⁹⁴ That is, they are not instrumentalized by the actors who hold them, but really shape their behavior. Furthermore, “role scenarios are observable,”⁹⁵ which means they have an independent existence, and should not be understood as simply an analytical category or model, but as perceptible social facts.

This also means that the project aims for falsifiability, which can either be accomplished by using alternative case studies to show that a vastly different role conception from the one outlined here is actually at play in the EP, or by finding such inconsistencies in the EP's role performance in various cases that the very idea of it holding a coherent role conception must be abandoned. Alternatively, since this dissertation makes a claim that the EP's institutional and international role conceptions are interrelated, one could also falsify the argument by showing that the EP's actions in the foreign policy realm are but an example of strategic action in the interinstitutional power games among the EU's institutional actors, and that the content of

⁹⁴ James N. Rosenau: “Roles and Role Scenarios in Foreign Policy,” in Stephen G. Walker (Ed.): *Role Theory and Foreign Policy Analysis*, Duke University Press, Durham, 1987, p. 58.

⁹⁵ *Ibid.*

foreign policy debates is therefore irrelevant to the EP as a whole, since it only seeks to maximize its own power within the Brussels decision-making system.

As for the types of evidence that this dissertation will use, the empirical basis for establishing the EP's role conceptions will follow other, more traditional studies of role theory in foreign policy, such as Holsti or Walker. Their work is based on a qualitative analysis of major speeches or statements by high-level policymakers, since their objects of study were nation-states and the role conceptions that their leaders gave voice to.⁹⁶ Since the role conceptions this dissertation is interested in are those of the EP, not those attributed to an individual, the focus here must shift to instances of institutional speech, not that of individuals. This, however, requires some elaboration.

As befits any parliament, the EP serves as a chamber for debate, and therefore plays host to a large variety of views and opinions on every topic. Each political group will have its own stance on the major foreign policy questions of the day,⁹⁷ but each individual MEP may also air his or her private views in various fora within the Parliament. Research on the EP must therefore clearly limit what sources it will consider to speak in the name of the Parliament as a whole, as opposed to just a certain faction or subset of its Members.

This dissertation will treat the following documents as reflecting the institutional view of the EP as an actor:

1, EP reports and resolutions: Since all of Parliament's resolutions and reports need to be adopted by a majority of the entire plenary session of the EP, they can clearly be seen as representing the view of the institution as a whole.

2, EP press releases: The press releases published on the EP's website⁹⁸ are drafted by staff members in the secretariat of the institution, and are based on official EP events or documents. They reflect the majority view of the institution, and in the event of internal

⁹⁶ See: Holsti, p. 256.

⁹⁷ Although, as the Palestinian case will show, sometimes even the political groups themselves cannot agree on a unified position on certain issues.

⁹⁸ As opposed to those distributed by the political groups or individual MEPs.

disagreement, they must take into account the various viewpoints expressed by the different political groups.⁹⁹

3, Statements by the EP President: The President of the Parliament represents the EP at European Council meetings, as well as in many diplomatic settings. The President also has the right to address the plenary session before the official order of business begins. Since these utterances are made in his capacity as EP President,¹⁰⁰ they represent the view of the institution, not the officeholder's private views.

4, EP standing Delegation reports and minutes: The EP's standing Delegations to third countries¹⁰¹ are official bodies of the Parliament, tasked with maintaining contact with the parliamentarians of foreign countries. They are composed of MEPs from all the political groups, in proportion to their size in the chamber. Their official reports from interparliamentary meetings, trips abroad, or simply their regular gatherings therefore reflect the EP's institutional position.

5, Plenary debates: Since debates by their very nature present multiple viewpoints, any parliamentary debate that is used in this dissertation will only be cited if a majority of groups explicitly express the same idea or role conception during the debate. Therefore, any references to debates will include quotations from speakers of all the major political groups in the chamber.

Although the role conceptions that are under investigation are those of the EP as an institution, it is also crucial to understand how the individuals who are acting out these role conceptions perceive their own actions. Therefore, the dissertation builds on a number of in-depth interviews with MEPs, parliamentary staff and assistants, as well as some Council and Commission officials. This latter part is important, since roles are socially constructed and intersubjective—meaning that any research on the EP's role must not only take into account

⁹⁹ Participant observation.

¹⁰⁰ For instance, the President's statements before the plenary (usually on a recent major development in world affairs) are discussed in the conference of Presidents (the heads of all the political groups) before they are delivered.

¹⁰¹ For more information, see Chapter 3.

how actors within that organization think about these roles, but also how those who interact with it do so.

2.2.2. Case studies

Since this dissertation aims to fill an essentially empirical gap in the European studies literature, the choice of case studies was quite open—not much research had been done on the EP's foreign policy activities until present. Nevertheless, the coherence of the research project necessitated that the choice be constrained along three lines: the cases needed to be temporally bound and limited, politically broad and salient, and analytically comparable so that useful contrasts could be drawn between them.

First, both of the case studies were drawn from the same time frame, namely that of the 6th parliamentary term of the EP, which ran from 2004-2009. One reason for this lies in the EU's most recent rounds of enlargement. In 2004, the EU enlarged to include 25 member states, with Romania and Bulgaria raising that total to 27 in 2007. This has led to a whole set of new procedural and institutional circumstances. In order to avoid valid criticism that one is comparing apples and oranges by contrasting an EU of 15, and a Parliament of 626 Members with one of 27 states and 737 parliamentarians, this research limited itself to one parliamentary term.

At the same time, the entry into force of the Lisbon Treaty in December of 2009 has also altered the political landscape of the Union. Even though changes in the foreign policy realm were less important from the Parliament's standpoint than other areas in which it gained co-decision powers, the political controversy surrounding the nomination of the new High Representative of the Union for Foreign Affairs and Security Policy and the establishment of the European External Action Service shows that big institutional changes are afoot. Since the goal of the dissertation is to evaluate the EP's role conceptions within the political system of the EU, bracketing such large external shocks to the Brussels architecture was useful. This also means

that the dissertation relies on the Treaty of Nice for all references to the EU's architecture, to remain consistent with the timeframe of the case studies.¹⁰²

Second, the case studies chosen to illustrate the EP's role conceptions and to serve as a substantive backdrop for participant interviews also needed to be politically salient. This means they required a significantly *high political profile* to have warranted the attention of policy-makers within all institutional actors, otherwise the empirical material to judge their behavior would simply not have been present. Also, the issues these cases bring to the fore had to *cross expertise boundaries*. If a given foreign policy controversy is primarily about a single specific and fairly technical subject, normal politics is easily hijacked by expert groups, and institutional roles don't get to play themselves out because of the relative discrepancies in expert knowledge.¹⁰³ And given that one of the research questions is explicitly about the role of the EU in international affairs, the cases needed to represent areas where the EU was active and seen as having a *significant impact*. Instances of foreign-policy non-action were therefore less useful in this regard.

Third, the two cases needed to be distinct instances of foreign policy-making, but at the same time offer enough similarities that some cross-comparison was possible. If the empirical evidence suggested that the EP had a coherent role conception in a politically salient foreign policy setting, *and* that this role conception was stable and observable in an entirely different but comparable case, then that would argue strongly in favor of a consistent EP role in the EU's foreign policy process.

The two cases this dissertation will examine meet these criteria. The unilateral declaration of independence by Kosovo and the Palestinian legislative elections that brought Hamas to power both happened during the 6th legislature. Kosovo's declaration was a very high-profile political event in Europe, and brought together many different expert groups. Kosovo is on a path to EU membership, which involves the entire EU enlargement community. It is also the

¹⁰² For further details, see Chapter 3.

¹⁰³ A good example of such a case would be the negotiation with the US on passenger name records and data privacy, described by Patryk Pawlak: "Network politics in transatlantic homeland security cooperation," in *Perspectives on European Politics*, Vol. 10, No. 4, 2009.

focus of two CSDP missions, bringing in the entire CFSP/CSDP decision-making structure. And it has created many political problems due to its troubled relationship with Serbia. Given that Kosovo is in the EU's backyard and is clearly on the way towards eventual membership, the EU's impact on events there is substantial. The same holds true of the Palestinian Authority's relationship to the EU. The Arab-Israeli conflict lends the subject great political salience, the EU is active in the Palestinian Territories with development aid, political support and ESDP missions, as well as being present in the Quartet, which is the international community's main link to the Middle East peace process.

Finally, both of these cases are instances of "contested sovereignty." The EU's fundamental foreign policy choice in each of these cases boiled down to deciding what actor to accept as the legitimate representative of a specific population. We can thus compare the way that the EP approached the question of sovereignty and legitimacy in Kosovo and the Palestinian Territories. Dilemmas like this strike at the heart of the social system that is international relations, since they determine who is treated as belonging to that sphere. The cases are therefore also well-suited to highlight the EU's role conception in international relations. In fact, recent scholarship has explicitly called for a more detailed study of the EU's reactions to cases of contested sovereignty, given that "conflicts over territorial sovereignty and international recognition have been a common occurrence in the EU's dealings with its 'near abroad' for a number of years,"¹⁰⁴ and therefore involve important questions of the EU's actorness.

2.2.3. Value added

Finally, a note on the value added that this research brings to the academic discourse on EU foreign policy. This dissertation provides three tangible contributions to the literature on the EU's foreign policy process as well as its role in the global system. One is empirical, one political and the last one theoretical.

¹⁰⁴ Dimitris Papadimitriou & Petar Petrov: "Whose Rule, Whose Law? Contested Statehood, External Leverage and the European Union's Rule of Law Mission in Kosovo," in *Journal of Common Market Studies*, Vol. 50, No. 5, 2012, p. 747.

The role of the Parliament in foreign policy is a nearly entirely neglected field. Therefore, the dissertation aims to fill an *empirical* gap in the literature on the EU policy process by extending the sociological institutionalist analysis of groups involved in foreign policy formulation to the legislative body of the EU. This should enliven the debate that has tended to focus almost exclusively on intergovernmental bodies within the CFSP framework. In addition, by shining a light on the EP's parliamentary diplomacy, the research also reveals a set of empirical data that has so far not figured in the debates about EU foreign policy: the actions of the EP outside of the EU's territory.

Seen from the angle of the international relations literature on the EU's foreign policy identity, there is a strange lack of any mention of the *political* process of contestation about the EU's international identity creation. This research will therefore be useful in unearthing the interinstitutional clashes and negotiations that ultimately allow the EU to emerge as a coherent actor—of whatever kind. This means conceptualizing EU foreign policy in a more holistic way. By emphasizing that what the EU does on the international stage is in fact a complex network of behavior by various institutional actors (Presidency diplomats, the High Representative, ESDP missions, EU Special Representatives, Commission Delegations, and the Parliament), this research hopes to contribute to a more judicious academic study of EU foreign policy in which EU institutional definitions (such as the CFSP) are not uncritically taken for granted by those studying the EU's international behavior. In this way, the work tries to bring politics back in to highlight the messy process of creating the EU's foreign policy role conception.

Finally, the dissertation makes a theoretical contribution to the application of role theory to the EU, by showing how two different levels of analysis (the EP's institutional role conception and its international role conception) interact in the process of the EU's identity formation. It therefore lays bare the mutual reinforcement mechanisms that shape both the EU's international identity, as well as the institutional identities of its various institutional actors.

CHAPTER 3

THE BRUSSELS LANDSCAPE AND THE LANDS BEYOND: PARLIAMENT'S INSTITUTIONAL POWERS AND EXTERNAL ACTIVITIES

As mentioned in the Introduction, the EP spends a significant portion of its time and political capital on foreign affairs issues. But what does the Parliament actually do, and how effectively is it participating in the foreign policy-making process of the EU as a whole? Since the majority of scholarship on the EU's foreign policy disregards the Parliament, or portrays it as a peripheral actor, this chapter will describe the various powers of the EP, and the ways in which it implicates itself in the EU's foreign policy decisions. Not only will it explain the Parliament's involvement in the day-to-day foreign policy activities of the European Union *within the Brussels policy-making context*, it will also lay out the ways in which MEPs engage with outside actors through *parliamentary diplomacy*.

The chapter will first show how the relatively meager Treaty powers¹ of the EP mask a much more thorough role of the Parliament in terms of the daily interactions among the EU's institutional actors. The Parliament's own role-conception pushes it to seek to embody a democratic, parliamentary control of foreign policy, based largely on the model of how a national legislative authority oversees its foreign policy-making executive. Second, the EP is also much more active in engaging with extra-EU actors than the current literature suggests, and in this context, the Parliament's role-conception of the EU in foreign affairs is strongly reflected in its actions outside of the Brussels beltway.

¹ As a reminder: since the case studies that make up the bulk of this project are drawn from the 6th legislature of the European Parliament (2004-2009), the relevant legal basis of Parliament's role is the Treaty of Nice, and the changes that the Lisbon Treaty has introduced in the meantime will not be addressed here. For a further justification, see Chapter 2.

3.1. WITHIN THE BRUSSELS BELTWAY: THE EP'S INSTITUTIONAL POWERS

The EP's influence on the EU's foreign policy-making process is governed by EU Treaties, formalized interinstitutional agreements and informal practices among Brussels actors. This section will first describe the strictly formal Treaty powers of the Parliament, before exploring the actual day-to-day interactions of the various EU institutions in the area of the CFSP. By doing so, it will show that the EP has a specific role that it performs in the interinstitutional game, acting according to its self-perception as a supranational equivalent of a national legislative oversight body. In addition to this structural role, some examples of institutional battles will indicate that within the Brussels beltway, the Parliament also thinks of itself as a defender of democracy and fundamental rights, using its powers to argue for promoting European values in foreign policy.

The Parliament's formal powers in the realm of foreign policy are enumerated by the EU Treaties.² They confer the vast majority of responsibility for the EU's foreign policy unto the Council,³ and the Parliament is only mentioned a handful of times in the documents. Its few enumerated powers over CFSP include the requirement that it be informed by the Council about the basic choices of the CFSP and about any instances of "enhanced cooperation" among member states in that field.⁴ To quote directly:

"The Presidency shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration. The European Parliament shall be kept regularly informed by the Presidency and the Commission of the development of the Union's foreign and security policy.

The European Parliament may ask questions of the Council or make recommendations to it. It shall hold an annual debate on progress in implementing the common foreign and security policy."⁵

² *Treaty on European Union*, as published in *The Official Journal of the European Communities*, 24 December, 2002, (henceforth: "*Treaty of Nice*").

³ *Treaty of Nice*, Articles 11-20, & 23-26.

⁴ The Treaty of Nice included this new mechanism of "enhanced cooperation," through which some EU member states could decide to implement a Joint Action or Common Position of the EU as a whole, while other member states chose to opt out of such cooperation. No actions with military or defense implications were allowed under this mechanism. For further details, see: *Treaty of Nice*, Articles 27-27e.

⁵ *Treaty of Nice*, Article 21.

and

“Without prejudice to the powers of the Presidency and of the Commission, the Secretary-General of the Council, High Representative for the common foreign and security policy, shall in particular ensure that the European Parliament and all members of the Council are kept fully informed of the implementation of enhanced cooperation in the field of the common foreign and security policy.”⁶

These prerogatives of the Parliament are quite feeble, for several reasons. First, the Parliament is only given the opportunity to be informed of CFSP developments *after the fact*—there is no binding language compelling the Council to inform the EP of any CFSP issues before a decision is taken. Second, there is no concrete determination of the frequency with which the Council is obliged to report to the Parliament: besides the annual debate on the Council’s report on the CFSP, there is only a vague mention of the EP being “regularly informed” of events. Third, the communication is essentially cast as a one-way street: although the Parliament may ask questions and make recommendations, the primary thrust of the Treaty is a simple obligation of the Council to *inform* the Parliament, not to engage in a debate with it. As noted by other scholars, the text leaves the Council great flexibility in interpreting the language that asks it to “ensure that the views of the European Parliament are duly taken into consideration.”⁷ In any case, the language clearly does not create any binding duty of the Council to react to any of the EP’s concerns, only to listen to them.

In contrast to these relatively soft powers of the Parliament in the formulation of the CFSP, its budgetary powers are much more tangible. Article 28 of the Treaty lays out the various budgetary rules for the EU’s CFSP. It states that both administrative and operating expenditures of CFSP will be charged to the budget of the European Communities—a budget over which the Parliament and the Council jointly hold the purse-strings.

Yet there is a glaring exception to this budgetary power: any operational spending that has military or defense implications. Missions involving these types of features are financed outside of the EU budget, either through a simple “costs lie where they fall” method (each

⁶ *Treaty of Nice*, Article 27d.

⁷ See, for instance: Diedrichs, p. 1.

member state pays for its own troops) and/or through the ATHENA mechanism (a separate legal body run by a special committee, which finances specific common costs of ESDP missions through an independent annual budget).⁸

If one considers EU foreign policy to be more broadly defined than simply the EU's CFSP, however, a few more Treaty powers need to be mentioned. First, the EP is on equal footing with the Council in controlling the budget for EU development aid, which is administered by the Commission through the Community budget. Given that the EU is the single largest global development aid donor, this power is quite significant. The Parliament also has to give its assent to any EU Association Agreements, or any agreement with a third country that has significant budget implications.⁹ Perhaps most importantly, the Parliament also has a binding veto power over any enlargement of the Union: each accession by a new state requires the positive vote of the EP.¹⁰ In terms of trade, the Parliament need only be consulted, but its opinion on any trade agreement is not binding—the Commission bears primary responsibility for the common commercial policy of the Union.¹¹

In sum, the EU Treaties bestow very few formal powers of effective political oversight or means of continuous consultation onto the Parliament over the details of foreign policy as conducted by the Council. Consultation duties of the Council are phrased in a vague manner, the assent procedure for Association Agreements gives the EP only an up-or-down vote, and the military side of CFSP is basically exempt from EP oversight. The situation is slightly better for controlling the Commission, but even there the tools available to the EP appear quite blunt: the Parliament's control over the budget is not continuous, but episodic: it only gets to set the budget for the calendar year, and discharge it at year's end.¹² For trade matters, the consultation

⁸ For more information on the ATHENA mechanism, see: Council of the European Union: *Factsheet: "Financing of ESDP Operations,"* June, 2006.

⁹ *Treaty Establishing the European Community*, as published in *The Official Journal of the European Communities*, 24 December, 2002, (henceforth: "TEC, 2002") Article 300.

¹⁰ *Treaty of Nice*, Article 49.

¹¹ This is one of the policy areas that has been markedly changed by the *Treaty of Lisbon*.

¹² *TEC*, 2002, Article 276.

procedure allows the EP's voice to be heard, but does not require the other institutional actors to heed that voice in practice.

Given the paucity of formal, enumerated powers of the Parliament in the EU Treaties, it would seem that the EP is a completely marginal player in the EU's foreign policy process. Yet in practice, the Parliament is much more influential than its formal powers would suggest. To see why this is the case, one must understand the practical functioning of the Union, its IIAs and informal conventions or understandings. In terms of budgetary powers and parliamentary oversight, the EP's influence on the EU's foreign policy process is much more formidable than the EU Treaties would suggest at first glance.

3.1.1. The Parliament's budgetary powers

The EP has clearly delineated powers in the budgetary and financial control field. In terms of the budget chapters for development aid, enlargement (pre-accession programs) and humanitarian aid, the EU's activities in this field are all financed through the Community's budget, over which the Parliament exerts joint control with the Council. This chapter will therefore not belabor these instances of budgetary control. For the CFSP budget, on the other hand, the situation is more complex. As noted before, all military and defense spending by EU missions is financed through the participating member states, so the Parliament has no scrutiny over these areas.¹³ For all other CFSP actions, however, the EP is quite actively involved.

For each annual EU budget, the Parliament and the Council must jointly determine the overall budget cap for the chapter on CFSP.¹⁴ This overall budget is then divided into various articles (Special Representatives, Non-Proliferation and Disarmament, etc.), according to forecasts of probable need provided by the Council. Importantly, the article on "Emergency Measures," which can be used as a catch-all fund for unforeseen crises, may not contain more

¹³ To be precise: the administrative expenditures for military CFSP missions are financed through the EU budget, and are therefore under the control of the EP, but the operational expenditures are not. See: *Treaty of Nice*, Article 28.

¹⁴ The details of the budget procedure are laid down in the *Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management*, as published in *The Official Journal of the European Union*, 14 June, 2006 (henceforth: "IIA, 2006"), and the relevant Articles for CFSP are Articles 42 & 43.

than 20% of the total budget,¹⁵ so the Council is bound to lay out its plans for CFSP activities to the Parliament in quite some detail. Nevertheless, the Commission can always reallocate the funds from one budget line to another *within* the CFSP chapter. However, any move to add or subtract any money from the overall CFSP chapter requires the EP's authorization of supplemental resources.

In addition, anytime the Council decides on a CFSP action requiring expenditure, it must send a financial statement to the EP within five working days of the decision, detailing the estimates of the various costs associated with the action.¹⁶ The Council is also required to inform the Parliament every quarter on the financial forecasts for the rest of the year, and to hold joint consultation meetings with the leadership of the Foreign Affairs Committee (AFET) and Committee on Budgets (BUDG) at least five times a year.¹⁷

What this means in practice is that the Parliament is given an equal voice to that of the Council when establishing the annual budget for all CFSP activities. Each year, it is able to shape the main focal points of the EU's foreign policy through the allocation of the CFSP budget. Moreover, the EP also has continued access to and oversight over the expenditures of the CFSP chapter—it is able to follow all the CFSP activities requiring EU funds, and holds regular consultations with the Council on this topic. Any unforeseen CFSP actions that require additional funds must be authorized by the EP, since its consent is required for money to be released for such purposes. On the other hand, all direct military and defense spending is entirely out of its reach.

Having such a set of budgetary powers, however, is not necessarily the same as being able to use it. Stalling an important unforeseen CFSP action in a time of crisis by refusing to fund it is unlikely to be an effective strategy for the EP to win concessions from the Council on any substantive foreign policy issue: after all, the Parliament is just as sensitive to achieving an

¹⁵ *IIA*, 2006, Article 42.

¹⁶ *IIA*, 2006, Article 43.

¹⁷ *Ibid.*

effective EU response to international events as the Council is. As for the annual budget negotiations, they only occur once a year, which makes them unsuitable for exerting fine-tuned pressure on the Council on distinct details of EU foreign policy. As a Council official noted, holding up the Union's budget is the equivalent of the "atomic bomb;"¹⁸ it may be useful as a deterrent, but not necessarily as a tool to effectively influence specific aspects of the EU's foreign policy on a recurring basis. As a means of swaying the foreign policy position of the Union on a given topic, the budgetary control powers of the Parliament simply appear to be too blunt of an instrument.

It may therefore appear surprising that the EP can be quite successful in using its power of the purse—both for squeezing more structural commitments out of the Council when it comes to establishing the level of continuous parliamentary control and oversight of CFSP activities, as well as for achieving substantive foreign policy aims. That is to say, the EP is able to use the budget process to increase its access to documents, enhance its political relevance for the Council and force more appearances in Parliament by the HR for CFSP, European Union Special Representatives (EUSRs), or other EU foreign policy actors. It can also use the threat of its budgetary power to steer EU foreign policy in a given direction.

In two separate instances, the Parliament has successfully used the budgetary process for acquiring important powers over foreign policy. First, during the negotiations on the 2007-2013 financial perspectives,¹⁹ the EP shaped the system of financial instruments in foreign policy to ensure that it acquired the maximum oversight powers. Second, during the budget negotiations for the 2007 fiscal year, Parliament acquired more robust powers of information through its power of the purse. As a Parliament official noted, "the budget stick really works."²⁰

When the seven-year financial perspectives for 2007-2013 were being negotiated, one of the main demands of the EP was to improve parliamentary oversight over the external programs

¹⁸ Interview with Council official 1, Brussels, 29 June, 2010.

¹⁹ This is, essentially, the medium-term plan for the EU budget, always elaborated for seven-year periods.

²⁰ Interview with European Parliament staff member 6, 24 June, 2009.

of the Union. In response, the Commission proposed bringing all the various types of external affairs expenditures under four financial instruments: one for EU candidate countries or potential candidates, one for the European Neighborhood countries, one for development aid and cooperation and one for crisis situations. The Parliament's reaction and the final outcome of the negotiations on these instruments showcase the way in which MEPs can use their budgetary powers both for accruing power within the interinstitutional setup, as well as achieving concrete policy aims. The episode also sheds a light on the EP's role conception within the EU structures, as an actor defined by its commitment to democracy and transparency in the EU's foreign policy realm.

During the negotiations, the Parliament insisted that all the financial instruments be dealt with as a coherent package, and not as separate legislative acts. This was important because of the different legal bases that each instrument was based upon. The European Neighborhood and Partnership Instrument (ENPI) and the Instrument for Stability (IfS) involved the Parliament as a co-legislator with the Council in a co-decision procedure. On the other hand, for the Instrument for Pre-Accession (IPA), the Parliament only needed to be consulted. Finally, on the Development Cooperation Instrument (DCI), the Commission had originally proposed to reach funding decisions using a comitology procedure (which requires the opinion of a committee of experts, but not Parliamentary approval). Through a process of linkage, however, the EP ensured that the negotiations were treated as a single deal, thus giving it veto rights over certain files on which it had no *de jure* powers of rejection.

Of course, this power would not be terribly relevant if in the end, the Parliament had simply approved the Commission's original proposals. But in fact, the EP scored some major victories in this instance, both in terms of wresting power over the financial instruments as well as on substantive issues. Through its successful linkage strategy, the EP ensured that it retained its co-decision powers over development aid in the DCI. It also obtained co-decision powers

over the IfS, by insisting that funding for nuclear safety be relegated to a different budget line.²¹ Finally, all of these instruments are to expire at the end of 2013, meaning that the Commission cannot count on a simple automatism to continue its spending, but has to return to the EP for the next multi-annual period, creating yet more opportunities for MEPs to demand changes.

Not only did the Parliament successfully extend its powers in this abstract sense, it also changed many substantive particulars in the way these instruments function. The most obvious of these changes was the creation of two brand-new instruments—at the EP’s insistence—the European Instrument for Democracy and Human Rights (EIDHR) and the Financing Instrument for Cooperation with Industrialized Countries (FICIC). The fact that these instruments were entirely thought up and pushed through by MEPs shows that the formal co-decision procedures whereby the Commission acts as the unique source that can propose a regulation upon which the EP and the Council then hammer out a compromise do not always reflect realities on the ground. These new instruments also point to the role conception that the EP has in EU foreign policy-making.

The reasons behind creating the FICIC are relatively straight-forward. MEPs simply did not want to lump together development aid for poor countries and cooperation instruments with rich countries into a single framework, as the Commission had proposed. Therefore, they insisted on a separate instrument for the industrialized world, covering such expenditures as academic exchanges, trade promotion, and general EU awareness-raising campaigns. Development aid for lower-income countries was detached into its own DCI.

The EIDHR, by contrast, has several peculiarities that make it very important for MEPs. First, it is the only European financial instrument that allows funds to be channeled to non-governmental organizations (NGOs) and civil society organizations without the consent of the

²¹ This is a crucial, but seemingly arcane point, related to the intricacies of the EU Treaties. The nuclear aspects of the European Union are laid down in the EURATOM Treaty, which is completely outside the remit of the European Parliament. Therefore, any funding for nuclear safety, nuclear plants, etc., do not come under the European Parliament’s oversight. By ensuring that no nuclear issues are dealt with in the IfS Regulation, the EP thus defended its supervisory role.

host country. Second, it is relatively more flexible than other EU instruments, allowing, for instance, ad-hoc measures to protect human rights defenders, and allocating funds to unregistered organizations. Third, and perhaps most important, it is an instrument entirely dedicated to human rights and democracy promotion, from supporting women's organizations to funding electoral observation missions.

Not only was the creation of these financing instruments an instance of Parliament exercising power over the EU budget, but the continuous control over these instruments was also strengthened by creating formalized Working Groups within the EP's committee structures to oversee the expenditures of these instruments. Separate Working Groups follow each of the financial instruments: select Members of AFET take part in the oversight of the ENPI, IPA and IsF instruments, the Development Committee is briefed on the DCI, and the Human Rights Subcommittee deals with the EIDHR. In all of these cases, the Commission presents the planned annual outlays for each of the instruments, and is given feedback from MEPs about its plans. In practice, however, the exchange of information tends to be one-way—MEPs do not usually possess the project management experience or master the details of each year's planned expenditures.²² As is often the case in the EP, much depends on the individual MEPs in these contexts. Where Members were inactive or invested little time or energy into the Working Groups, the effective budgetary control of the EP was minimal, as was the case for ENPI. On the other hand, a single determined MEP could turn such a forum into a serious endeavor, which happened with the IsF Working Group—described as a “one-woman show” by some staffers.²³

The creation of the financial instruments is thus a good indicator of the various ways in which the Parliament's role conceptions in EU foreign policy-making manifest themselves. Within the Brussels-based institutional framework, the EP is eager to extend its power over the Union's purse strings, since it views itself as a Europe-wide version of any legislative branch of a

²² Interview with European Parliament staff member 4, 30 May, 2011.

²³ Interview with EP staff member 4.

parliamentary political system. At the same time, it also argues strongly in favor of a specific type of foreign policy spending: one that is conditional upon human rights and democracy norms, and seeks to promote these outside the borders of the EU.

The Parliament's strong and successful push for the establishment of the EIDHR also gives some hints about how it conceives the role of the EU in foreign affairs. By insisting that financial aid can be channeled to non-state actors, even potentially against the host country's wishes, the EP shows much less regard for the traditional notion of national sovereignty than other EU institutions. The type of funding envisaged under its programs also suggests that the Parliament sees the EU's role in world affairs as that of a normative power, one that legitimizes fair elections, and acts as a supporter of human rights, not just in rhetoric, but also financially.

A similar story of Parliament's budgetary powers being used to exact concessions from other EU institutions can be told about the negotiations for the 2007 budget. At the end of 2006, AFET Chair Elmar Brok and BUDG Chair Janusz Lewandowski froze the negotiations between the EP and the Council during the budget conciliation process. Their reason, as explained in a letter to the Finnish Council Presidency at the time,²⁴ was the Parliament's concern at the Council's reluctance to meet four concrete demands:

1, to ensure more "regular flow of information" on ongoing CFSP issues as well as "timely political consultation and a-priori-information [sic]" on planned CFSP/ESDP actions;²⁵

2, to accept a change in the nomenclature of the CFSP budget-lines which would "separate crisis management operations/conflict prevention/monitoring/implementation of peace and security processes [...] from conflict resolution and other stabilisation measures;"²⁶

3, to "apply greater transparency on the appointment and the evaluation of Special Representatives;"²⁷ and

²⁴ European Parliament Foreign Affairs Committee Chair Elmar Brok & European Parliament Committee on Budgets Chair Janusz Lewandowski: *Letter* to Finnish Finance Minister Ula-Maj Wideroos, November, 2006.

²⁵ Brok & Lewandowski, p. 1.

²⁶ Brok & Lewandowski, p. 1.

²⁷ Brok & Lewandowski, p. 1.

4, to “agree with Parliament a calendar of joint meetings for 2007.”²⁸

While the second and fourth of these demands were fairly specific and straightforward requests that the Council had little difficulty in meeting,²⁹ the remaining issues were much broader in scope. In essence, the Parliament was asking for a commitment by the Council to increase the flow of information it provided to the EP, not only ex-post-facto but in the planning stages of any CFSP/ESDP actions. In addition, the Parliament was trying to include the EUSRs in its remit—appointees who had been outside the scope of previous arrangements, since they neither belonged to the rotating Council Presidency nor strictly to the HR for CFSP.³⁰

In the Council’s response, both issues were settled with typical interinstitutional vagueness: the Council pledged “readiness of the EUSRs to brief the EP, when the EP regards this important,” and noted that the HR for CFSP “is willing to make regular appearances before the EP Plenary session, with the possibility of additional appearances before the Plenary session or the Foreign Affairs Committee on an *ad hoc* basis in the event of a major foreign policy crisis.”³¹

What is crucial in this example of EP-Council conflict is that its resolution—which consisted of nothing more formal than an exchange of letters—is nevertheless perceived as a binding arrangement for future interaction. A Council official calls the compromise contained in these letters “part of the legal basis for EP-Council relations.”³² Parliament thus clearly accrued additional guarantees from the HR and EUSRs to consult more frequently with Members in various Parliamentary fora—as evidenced by the fact that AFET met with HR Javier Solana 10 times during its 2004-2009 legislative period, and also held exchanges of views with all 20 EUSRs

²⁸ Brok & Lewandowski, p. 1.

²⁹ Which, in fact, it did. See: Finnish Finance Minister Ula-Maj Wideroos: *Letter* to European Parliament Foreign Affairs Committee Chair Elmar Brok & European Parliament Committee on Budgets Chair Janusz Lewandowski, 7 December, 2006.

³⁰ It is important to note that this whole fracas occurred on the eve of the deployment of the EU’s largest civilian ESDP operation to date: EULEX Kosovo. The EP was especially keen on ensuring that its oversight of this mission be as comprehensive as possible, which gave it extra incentive to increase its powers of parliamentary control.

³¹ Wideroos, p. 2.

³² Interview with Council official 1.

who were active during those years.³³ None of these consultations were explicitly required by the EU Treaties or the IIAs.

Also, the episode underlines the way the EP sees its role in the foreign policy formulation process of the EU. Even though the confrontation ostensibly took place over the yearly budget, the Parliament was not seeking more say over budgetary lines, or even to impose its own wishes regarding the CFSP budget allocations. Rather, it was using its budgetary powers to ensure a greater level of democratic oversight over the EU's foreign policy. The role conception of the EP that emerges from this story is therefore one of an institutional actor that is intent on increasing its scope for argumentation and deliberation (with EUSRs and the HR).

3.1.2. Means of oversight of the Council

The CFSP is primarily elaborated by member states of the EU at the level of the Council of Foreign Ministers or the European Council, made up of heads of state. In most instances of EU foreign policy, then,³⁴ the extent of parliamentary control thus depends on how much interaction exists between various representatives of the Council and the Parliament. The Council is held to account by the EP in several different fora in Brussels, including plenary debates, as well as meetings of AFET and its two subcommittees: Security and Defence and Human Rights. In addition, other parliamentary bodies, such as the Conference of Presidents or the enlarged Bureau, also occasionally request that the Council provide information. On a more informal level, the President of the Parliament and the AFET Chair also hold regular bilateral talks with the HR. The brief descriptions below give an idea of the various forms that EP-Council interaction can take, and how frequently they take place.

From the Council's side, there are various ways in which it can be represented. Most obviously on foreign affairs matters, the HR can speak in the name of the institution. Given the

³³ European Parliament Foreign Affairs Committee: *Activity Report, 6th Legislature (2004-2009)*, 30 April, 2009.

³⁴ As described above, the Parliament has much more direct powers over the field of development, which is primarily in the Commission's domain. And it has much less formal influence over trade policy, another Commission competence. Relations with the Commission, however, operate under a very different logic, given that the Parliament has the authority to dismiss the College of Commissioners.

busy travel schedule to various third countries, however, the HR cannot accommodate all the demands for briefings and other appearances demanded by the Parliament. The member state holding the current rotating Council Presidency therefore assumes much of this task, most often via its foreign minister, although this can differ from country to country.³⁵ Finally, the EUSRs appointed by the Council for various subjects, regions or third countries may also appear at various parliamentary meetings.

Plenary debates are perhaps the most visible of these instances of parliamentary oversight over the Council on foreign policy topics. The official form of these debates can vary,³⁶ but the general format is always similar: the Council makes a statement, all the political groups of the EP respond, and then the floor is opened to individual MEPs, before the Council's response closes the debate. Depending on the topic, the debate may be followed by the adoption of a parliamentary report or resolution.

For most of the 6th legislature of the Parliament, the HR participated in two plenary debates per year. One was the mandatory plenary debate about the general aspects of the CFSP, as stipulated by the IIA.³⁷ The other debates were topical ones: in 2007, 2008 and 2009, they happened to always involve some aspect of the Middle East Peace Process. The Presidency, by contrast, was present at nearly all plenary sessions, and since almost all of these had at least one foreign policy topic on the agenda, the exchange of information and debate on policy substance between the Parliament as a whole and the Council can be said to have been nearly continuous.³⁸

³⁵ Many rotating Presidencies, for instance, have a Secretary of State for European Affairs who serves as a primary interlocutor for the EP. On more specialized issues, a different minister may also be called upon to address MEPs (for instance, a defense minister on a security topic).

³⁶ Some debates are centered around an EP report on a given issue. Other agenda items on specific foreign policy topics are scheduled according to current events, and may conclude with MEPs voicing their opinion in a formal resolution of the Parliament. Any 40 MEPs, a parliamentary committee, or any of the political groups may also table an oral question to either Commission or the Council, to which it needs to respond in the plenary session, followed by a debate with Members.

³⁷ *IIA*, 2006, Paragraph 43.

³⁸ For details on how many times per year these various meetings take place, see: the Council's annual reports to the European Parliament on the CFSP, which are drawn up by the Council secretariat for each calendar year, especially the annexed lists of CFSP/ESDP appearances by Council representatives in the European Parliament. (Council of the European Union: *Annual report to the European Parliament on the main aspects and basic choices of the CFSP*, 2007-2009).

The annual plenary debates about the general aspects of the CFSP serve as a good illustration of the EP's role conceptions both of its institutional role in scrutinizing the CFSP, as well as its conception of the EU's international identity. Each of these debates is followed by the adoption of a resolution, which comments on the Council's review of the past year's CFSP activities. But they also reveal much more fundamental role conceptions of the Parliament at the same time.

With respect to the EU's role in international affairs, the Parliament is clear that it considers EU foreign policy to be central to its international identity. As a 2008 resolution puts it, the CFSP "has helped to strengthen the European identity and the EU's role as a global player."³⁹ The EP is also quite explicit about what type of identity this is:

"since the European Union is a community based on values, in order to be a credible global player it has to uphold its high standards in external relations, [...] the CFSP must therefore be underpinned by the values which the European Union and its Member States cherish, notably democracy, the rule of law and respect for human rights and fundamental freedoms."⁴⁰

The EP's role conception of the EU in world affairs clearly shows a normative bent, based on values of democracy and human rights.

Moreover, the Parliament believes that the EU's interactions with third actors must not only be based on values in terms of their substance, but also with respect to process—EU foreign policy gains its legitimacy from its own democratic credentials. The EP makes a strong case that the legitimacy of the EU's foreign policy stems from its democratic elaboration within the EU structures—i.e. from the Parliament's own scrutiny. For instance, the EP claims that "the European Union can make an impact and conduct a genuine, effective and credible CFSP only if it [...] speaks with one voice and enjoys the strong democratic legitimacy afforded by Parliament's scrutiny."⁴¹

³⁹ European Parliament: *Resolution*. "On the annual report from the Council to the European Parliament on the main aspects and basic choices of the Common Foreign and Security Policy (CFSP)," 5 June, 2008, Par. 1.

⁴⁰ EP Resolution on the annual report from the Council, 5 June, 2008, Par. 3. See also: European Parliament: *Resolution*. "On the annual report from the Council to the European Parliament on the main aspects and basic choices of the Common Foreign and Security Policy (CFSP)," 19 February, 2009, Par. 1.

⁴¹ EP Resolution on the annual report from the Council, 5 June, 2008, Par. 5. See also: EP Resolution on the annual report from the Council, 19 February, 2009, Par. 3.

It is also interesting to note what this Parliamentary scrutiny means in the eyes of the EP. Ex-post facto briefings—i.e. the regular information sharing that the EU Treaties mandate—are far from satisfactory for the Parliament. Indeed, the EP is quite forthcoming in interpreting its role much more broadly. It

“[w]elcomes the regular holding of CFSP consultation meetings between Parliament and the Presidency of the Council as provided for by the above-mentioned Interinstitutional Agreement; stresses, nevertheless, that *these meetings should be understood as an opportunity to exchange views* on the forthcoming needs, on the intended actions in the field of CFSP and on medium and long-term strategies of the EU in third countries.”⁴²

This insistence that the Council’s interactions with the EP resemble a dialogue rather than a one-way flow of information is also visible in committee meetings, to be discussed below. But the EP not only insists on being a partner for discussion as opposed to simply an audience for explanations, it also carves out a role for itself in the EU’s foreign affairs directly, through parliamentary diplomacy. In this regard, the EP insists on “the meaningful role that parliamentary diplomacy can play as a complementary tool in the Union’s relations with third countries and regions; [...] enhancing democratic legitimacy and providing valuable political forums for overall dialogue.”⁴³ The Parliament is therefore quite conscious of its dual role in EU foreign policy: both as a democratic oversight body and as a participant in external action.

The conscious nature of the Parliament’s view of its own role also extends to its understanding of the role of the EU as an international actor. This is important to underline, since it shows that the conceptual debates in academic circles about the EU’s international identity also permeate the political debates of the EU institutional actors themselves. For example, the Parliament noted that “in order to address the current lack of coherence and to fill the present ‘capability-expectations gap,’ the Union should exploit all available tools in the field of external action,”⁴⁴ and also made explicit reference to its understanding that the EU should act

⁴² EP Resolution on the annual report from the Council, 19 February, 2009, Par. 6, emphasis added.

⁴³ European Parliament: *Resolution*: “On the annual report from the Council to the European Parliament on the main aspects and basic choices of the Common Foreign and Security Policy (CFSP),” 23 May, 2007, Par. 14.

⁴⁴ *Ibid*, Par. 15.

as a “normative power.”⁴⁵ This provides an interesting link between the scholarly concepts of the EU’s actorness and the EP’s understanding of the EU’s role in international affairs.

The interaction between the EP and the Council in the annual debates on the CFSP thus shows quite a strong role conception operating among MEPs. In AFET, the schedule of such exchanges was just as intense.⁴⁶ The HR appeared in AFET 10 times during the 6th legislature, and all EUSRs active during the period also visited the committee. The Presidency also briefed MEPs after each General Affairs Council—where CFSP decisions are finalized—and participated in debates with MEPs on numerous other occasions.⁴⁷ Although the pure numbers do not contain much information, one way to gauge whether the Parliament has been successful in its role of overseeing the Council is to look at the development of these Council-EP interactions over time. And it is striking that compared to the 5th legislature (1999-2004), Council representatives appeared 50% more frequently in the AFET committee between 2004-2009, while the Presidency visited the committee 17% more than in the previous five-year period.⁴⁸

These figures mask an even greater growth of parliamentary involvement in controlling EU foreign policy, since the AFET committee was expanded in 2004 with the creation of two new subcommittees: the Subcommittee on Security and Defence (SEDE) and the Subcommittee on Human Rights (DROI). These subcommittees work in a similar fashion to AFET: scheduling discussions with Commission and Council representatives, organizing public hearings, drafting reports⁴⁹ and holding debates. The two subcommittees are meant to facilitate debates on more

⁴⁵ European Parliament Foreign Affairs Committee Chair Jacek Saryusz-Wolski, speaking in a plenary debate, 4 June, 2008.

⁴⁶ It should be noted that the Commission and the Council are always represented in the AFET committee by someone from the relevant policy area, who can be asked to comment on any given issue, if the Chair chooses to give them the floor. The numbers presented here are just the instances in which Council was asked specifically to appear, make a presentation, and hold a debate with Members.

⁴⁷ AFET: *Activity Report*, 2004-2009, Preface. For a detailed breakdown of each visitor, see: AFET: *Activity Report*, 2004-2009, Annex I.

⁴⁸ For the Council, the figures are 55 vs. 37 appearances, for the Presidency, 63 vs. 54, see: European Parliament Committee on Foreign Affairs: *Activity Report: 5th Legislature (1999-2004)*, 11 June, 2004, pp. 61-62; and AFET: *Activity Report*, 2004-2009, p. 24.

⁴⁹ The main difference lies in the fact that all reports of DROI or SEDE, while being drafted in the subcommittee, still need to be voted upon in AFET. There is therefore no voting taking place in either subcommittee.

technical topics, not expand the number of MEPs dealing with foreign policy: in fact, the subcommittees are each simply made up of half of the AFET Members.

DROI's main task is to oversee how the EU's human rights commitments are implemented by the Council and Commission. This entails briefings about, and recommendations for, the human rights dialogues that the EU holds with states like China or Russia; following the application of human rights clauses present in many EU agreements with third countries; and overseeing the EIDHR's projects. The most visible means of this is the EP's yearly report on human rights, which starts its life in the subcommittee. Although this report began as little more than a list of human rights abuses in the world, it has been steadily evolving into a more focused input into how the EU's human rights commitments should be implemented in its various policies abroad.

Much of the work of DROI, however, is less about formally holding the Council and the Commission to account, but rather about raising awareness of various human rights issues around the world. Therefore, the subcommittee is heavily involved in such activities as its annual Sakharov Prize for Freedom of Thought, which the Parliament awards to an individual or group fighting for human rights, freedom of conscience or other similar goal. It also commemorated the 60th anniversary of the Universal Declaration of Human Rights with a big conference,⁵⁰ and regularly plays host to various human rights groups, NGOs, documentary producers and other activists.⁵¹ Although not strictly speaking instances of parliamentary oversight over the Council's actions, such events are nevertheless important in raising the visibility of certain issues, thus requiring some sort of reaction from the Council.

This predilection of the Parliament to use its clout to raise public awareness of certain issues is not just visible in the human rights field. In many areas where it has limited formal powers over EU policy (the Common Agricultural Policy and Foreign Affairs being good

⁵⁰ See: European Parliament: *Press Release*: "60th Anniversary of Universal Declaration of Human Rights: spotlight on the courage of human rights activists," 9 October, 2008.

⁵¹ See, for an example, the movie shown on the European Day Against the Death Penalty, as described in: European Parliament: *Article*: "15 seconds against the death penalty," 8 October, 2008.

examples), the EP plays to its other strength: its transparency and its role as a public forum within the EU institutional structures. Compared to the Council and the Commission, the Parliament is a very open institution: journalists and lobbyists can come and go as they wish, almost all committee meetings are open to the press and the wider public, and practically all documents are publicly accessible. In addition, the EP works in all 23 languages of the EU, facilitating its potential impact in member states. MEPs are aware that often their power lies not in the formal role they play in the EU's decision-making process, but in their ability to affect public perceptions.

For instance, passing a non-binding resolution on transatlantic relations seems to be a toothless exercise. Yet a vote a few days before the EU-US summit calling for Paul Wolfowitz to resign his post at the head of the World Bank and for the American government to treat all EU states equally in its visa waiver program can create enough pressure in the media and in public opinion that the subject cannot simply be ignored by the summit participants.⁵² Thus the Parliament's role in foreign policy is not simply one of a parliamentary control body over Council actions. It also sometimes plays the role of a think-tank: raising certain subjects in the public eye, hoping to influence the other EU institutions via public opinion and pressure.

SEDE primarily concentrates on overseeing the civilian and military missions launched under the aegis of the ESDP, as well as monitoring defense-related EU actions, such as the Galileo satellite navigation system or the European Defence Agency, which seeks to promote a common market in defense. To do this, SEDE gathers information primarily from Council representatives (the head of the European Defence Agency, the Counter-Terrorism Coordinator, the Heads of various ESDP missions) and the representatives of the rotating Council Presidency: most often via the country's defense minister or the ambassador who is responsible for chairing the Political and Security Committee (PSC), which is where ambassadors hash out the details of CFSP actions, especially those with defense implications.

⁵² European Parliament: *Resolution*: "On transatlantic relations," 25 April, 2007.

SEDE routinely invites the Chair of PSC for briefings. The institutionalization of this practice mirrors other instances of Parliament using the indeterminacy of the EU Treaties and the explicit IIAs to interpret its way to more oversight powers. While in 2004, the Dutch Presidency did not appear in front of SEDE at all, by the time the 6th legislature ended, it was commonly accepted practice for each PSC Chair to make two appearances in front of the subcommittee every six months, and this unwritten rule has not been broken since.⁵³

SEDE Members take a very hands-on approach to the oversight of the EU's civilian and military missions. Of the 23 ESDP missions that were carried out during the 6th legislature, the subcommittee scrutinized 17. This scrutiny was not limited to receiving briefings by Council officials or military heads of missions in a Brussels committee room: parliamentarians traveled to Afghanistan, Bosnia-Herzegovina, Chad, the Democratic Republic of Congo, Georgia, Kosovo and Moldova to gather information on the functioning of these missions in person.⁵⁴ In addition, SEDE also visited several European headquarters of various European military instruments, for instance the headquarters of the European Gendarmerie Force, the EUROCORPS headquarters, or the EU Satellite Centre.⁵⁵ The idea of EP oversight thus extends beyond the political level of ESDP decision-making, and is interpreted in broader terms as parliamentary control over the operations themselves.

Many of these instances of committee oversight also barely resemble their official titles. The institutional descriptions of many of these interactions (“briefing for AFET Members by the Council Presidency”) suggest a linear information flow from the Council, responsible for “doing” the CFSP, toward MEPs, who are curious about them. But in practice, these encounters are fora for debate and argumentation between parliamentarians and Council representatives, in which MEP voices predominate. Similarly to the formal exercise of the annual CFSP debate in

⁵³ Interview with European Parliament staff member 11, 27 July, 2011.

⁵⁴ A full list of all trips by SEDE Members can be found in: European Parliament Subcommittee on Security and Defense: *Activity Report, 6th Legislature, (2004-2009)*, 22 June, 2009, pp. 24-25.

⁵⁵ For a full list, see: SEDE: *Activity Report, 2004-2009*, pp. 28-30.

plenary, described above, the Parliament manages to transform these ostensibly briefing-oriented interactions into a more substantive exchange about foreign policy preferences.

This dynamic is also visible in another point of Parliament-Council contact: the ability of select MEPs to consult confidential documents of the Council, and receive private briefings on such topics. The basis for this opportunity is laid out in an IIA from 2002.⁵⁶ It authorizes the Parliament to select a special committee of 5 MEPs⁵⁷ who are able to request access to certain classified documents of the Council,⁵⁸ and who can ask to be briefed on certain sensitive topics by the Presidency of the Council or the HR. Although these consultations are supposedly centered around the access to documents, MEPs do not generally care for a detailed inspection of materials, but rather use the occasion as another forum to debate foreign policy objectives with the HR.⁵⁹ This parliamentary prerogative serves as another example of the EP's institutional role going beyond the role of a receptor for information and instead seeing itself as part of the deliberative process of foreign policy-making.

In many of these cases of parliamentary oversight, one can observe an interesting phenomenon about the EP's institutional role conception more generally. The Parliament vociferously fights for ever-increasing powers of oversight and access to information on foreign policy issues. MEPs routinely send formal questions to the Commission and the Council, often demand annual reports on various subjects, and generally emphasize the need for more transparency. Yet as the examples above make clear, the primary goal is not the material itself, but the chance to acquire an ever-growing number of opportunities for consultation, debate, and persuasion. In fact, one of the problems repeatedly cited by staff at the EP is that there is already too *much* data for them to digest. After obtaining the right to receive certain information, MEPs

⁵⁶ *Interinstitutional Agreement between the European Parliament and the Council concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy*, as published in *The Official Journal of the European Union*, 30 November, 2002 (henceforth: "IIA, 2002").

⁵⁷ The Special Committee is chaired by the Chair of AFET, and joined by 4 other Members chosen by the Conference of Presidents. All Members must have security clearance in their member states of origin.

⁵⁸ Documents classified as "Top Secret" are not included, and any Council document that emanates from a national government of one of the member states needs approval from the said government to be shared with the Special Committee.

⁵⁹ Interview with Council official 1.

often assume that the battle is won, but in fact, there are simply not enough human resources in the EP to follow up and monitor all this data. One can of course argue that by transmitting information to the Parliament, Council is essentially forced to render it public. Nevertheless, as one staffer put it, “we receive all this information, and then end up drowning underneath it.”⁶⁰

Finally, one last example of the institutionalization of EP-Council links on foreign policy issues needs to be mentioned. An additional indirect outcome of the 2006 budget standoff between the Council and the EP, described in the previous section, was the decision by HR Solana to appoint a permanent Personal Representative for Parliamentary Affairs⁶¹ in January of 2007, whose function was to engage the EP on CFSP topics. Although this may at first glance seem a symbolic step, it in fact had a significant impact on EP-Council relations. Appointing such a figure was clearly a “clever political move” on the part of the HR, who could walk in to the office of the newly elected EP President Hans-Gert Pöttering⁶² with a tangible sign of wanting to improve EP-Council relations.⁶³ But this institutionalization of a link from the HR to the Parliament had important consequences.

First, having a high-ranking official in Solana’s cabinet whose duty it was to ensure smooth EP-Council relations created a force for defending the Parliament against other encroaching business in the HR’s agenda—and given that his position entailed responding to international crises, such encroachments had been very common. As one official put it, the real power in Brussels lies with those who have the ability to enter meetings into the main players’ calendars,⁶⁴ and the Permanent Representative served to facilitate the EP’s claims to Solana’s time.

Second, by creating a permanent position to deal with the Parliament, the Council also mitigated some of its lack of institutional learning resulting from the rotating six-month EU

⁶⁰ Interview with European Parliament staff member 5, 19 November, 2009.

⁶¹ Henceforth: the “Permanent Representative.”

⁶² Who took over from Josep Borrell in January of 2007.

⁶³ Interview with Council official 1.

⁶⁴ Interview with Council official 1.

presidencies. For instance, the head of the PSC (who is always a member of the government holding the current Council Presidency) is required to brief the EP on ongoing ESDP missions at least five times per year.⁶⁵ Since each member state only performed this function 2-3 times, a true dialogue was difficult to establish. By introducing an element of continuity in the person of the Permanent Representative, these meetings became much more substantive.⁶⁶

Third, the Permanent Representative developed an instrumental concern for the quantity and quality of the EP's interactions with the HR—after all, his job performance was to be judged on the merits of these encounters. Solana's cabinet therefore acquired a voice that consistently argued for more frequent and more substantive EP-HR meetings. More frequent in that Solana was to represent the Council in the Parliament's annual plenary debate on the CFSP,⁶⁷ or to appear at other plenary debates on foreign policy crisis situations. More substantive in that the Permanent Representative could brief Solana before meetings on what topics the Parliament was likely to engage him on, while also suggesting to MEPs what aspects of a given issue would be most relevant to their political concerns. By working towards establishing the HR as the primary link between the Council structures and the Parliament, the Permanent Representative thus played a major role in establishing Parliamentary support for elevating the role of the HR within the Council, but also in creating an incentive for the EP to engage in increasingly close dialogue with the HR to oversee the conduct of EU foreign policy.

Fourth, the role of Solana's Permanent Representative made MEPs' access to confidential documents a much more valuable tool. Since the EP requesting to be briefed on sensitive information is a sort of Catch-22—how would MEPs know there is a classified document or issue they would be interested in, if they do not have ready access to such information?—the Permanent Representative could signal to MEPs what topics they should request briefings on, and what documents they may be interested in examining.

⁶⁵ *IIA*, 2006, Article 3.

⁶⁶ Interview with Council official 1, and with EP staff member 6.

⁶⁷ A task that had traditionally been performed by the rotating Council Presidency.

Fifth, the Council's annual reports to the European Parliament on the main aspects and basic choices of the CFSP also became more responsive to the Parliament's input in the foreign policy sphere. While the reports before 2007 had simply enumerated the Council's decisions and the actions taken under the CFSP, the later versions systematically referred to the EP's point of view. For each topic upon which the Parliament had adopted a report or resolution, the Council report now made specific reference to the EP's position, as if indicating that the Council had taken it into consideration. Granted, this can be interpreted as simply a public relations exercise by the Council, buying some goodwill from MEPs by pretending that their views were taken into account. Even if true, however, it remains an institutionalization of the idea that the EP has a role in devising the foreign policy of the Union.

In conclusion, Parliament's oversight in foreign policy matters can be said to be modeled on the role of national parliaments in the EU's member states. MEPs consistently seek to extend their powers of democratic control, mostly by using all methods at their disposal to increase the amount of information that they (and through them, the public) are provided. Through the few concrete means of influence that they possess, such as their budgetary power, the EP is thus increasingly forcing the other EU institutions to engage it in a debate on foreign policy issues.

Of course, the question is whether simply requiring information to be transmitted from one institution to another is tantamount to effective democratic control over policy. In fact, those working in the system seem to think so. In the words of a parliamentary staffer responding to precisely this question: "regular information *is* control."⁶⁸ The role that the Parliament sees itself playing in this regard is thus as a conduit for gathering information from the other EU institutions, and submitting it to public scrutiny.

Yet as is clearly visible from other examples, this fairly passive role of the EP does not describe the full picture. The Parliament is less interested in the information that is provided (it is *the fact* that it is provided that is much more relevant), but rather in the political dialogue that

⁶⁸ Interview with EP staff member 6.

follows, during which the Council, especially, must justify the reasons behind the decisions it has made, and the Parliament has a chance to express its policy preferences, in return. It is this political exchange which lies at the heart of the Parliament's own institutional role conception of controlling EU foreign policy. The Parliament consistently demands more sources of data: access to confidential documents, annual reports, briefings by officials or ambassadors. But in reality, these are pretexts for engaging in public political discussions about the foreign policy choices facing the EU. The institutional role conception of Parliament within the interinstitutional framework of Brussels policy-making is thus as a public forum for information and deliberation: the EP as debater-in-chief.

As for what type of foreign policy the Parliament thinks is appropriate for the EU to pursue, it is best to turn to the EP's own activities abroad. By looking at how the Parliament engages with outside actors, the next section will seek to lay down the lines which define the Parliament's international role conception for the EU in the world.

3.2. PARLIAMENT AND THE WORLD OUTSIDE: PARLIAMENTARY DIPLOMACY ABROAD

The Parliament's actions in foreign affairs are not limited to the oversight of the Council, which performs foreign policy. The EP is not content with merely following—and perhaps influencing—the actions of other institutional players in Brussels, but rather engages with the outside world in various direct ways. This dissertation will refer to such activities as “parliamentary diplomacy,” to distinguish it from activities of “parliamentary oversight,” described in the previous section.

In terms of the Parliament's role conceptions, this collection of activities is a second facet of its identity. While the idea of exercising democratic scrutiny over the actions of other, more executive-like actors belies a fairly traditional understanding of a Parliament's role within a sovereign nation-state, the notion that the EP has a role to play in foreign affairs directly is more

novel. As the case studies in subsequent chapters will show, the Parliament holds a view of the European Union's role in the world which emphasizes its normative power as a post-sovereign form of political organization that approaches international issues through the lens of democracy and fundamental rights. Through its interactions with extra-EU actors, the EP also contributes to this understanding of EU foreign policy, by taking part in the process of "shap[ing] conceptions of 'normal' in international relations."⁶⁹ Thus the second component of the EP's role conception in foreign policy is one of a normative policy actor, one that engages directly with third parties. For the Parliament, this involves both maintaining a coherent international role conception for the EU (what type of actor should the EU be on the world stage), as well as enacting a role performance as an international actor in its own right, representing the EU abroad.

In a very concrete way, this international role is already visible in all of the EP's resolutions and reports on foreign policy topics. All these documents end with a paragraph designating the addressees of the Parliament's adopted text, and it is telling that these almost always include foreign actors.⁷⁰ MEPs consider that they are not only addressing the Council as their interlocutor, but rather all relevant external actors. The Parliament is not only raising its voice vis-à-vis other actors in Brussels, but also around the world.

Whether this voice is ever heard or ever taken seriously is a different question. On the one hand, there is evidence that it is. In a highly publicized row in 2008, the European Parliament's resolution on human rights abuses in Egypt provoked a harsh response from the Egyptian authorities: they cancelled talks with senior EU officials, summoned European ambassadors for a dressing-down, and denounced the EP's interference in Egyptian affairs

⁶⁹ Manners, 2002, p. 239.

⁷⁰ To take an example that will be discussed in the next chapter, the 2007 EP Resolution on the future of Kosovo was addressed to: "the Council and the Commission, to the Government of Serbia and the Provisional Institutions of Self-Government of Kosovo, to UNMIK, to the Members of the Contact Group, to the United Nations Security Council and to the UN Secretary-General's Special Envoy for the future status process for Kosovo." See: European Parliament: *Resolution*: "On the future of Kosovo and the role of the EU," 29 March, 2007, Par. 42.

through the foreign ministry and parliament.⁷¹ On the other hand, whether third countries truly take the Parliament's messages seriously is not the real question: this dissertation focuses on the role conception of the Parliament itself—thus the more important observation is that the EP deliberately engages with extra-EU actors and sees this as an important aspect of its identity.

Besides adopting reports and resolutions, Parliament also engages with foreign actors in a more interactive way. Speeches of foreign dignitaries in the plenary are rare—they only happen a few times per year, and even then, they are formal addresses, not instances of foreign policy debate with MEPs. But the appearances of foreign ministers or prime ministers in AFET are quite the opposite.

In the 6th legislature, over half of the invited speakers to AFET were not from any of the EU institutions. More importantly, a third of them came from outside of the EU.⁷² While many of these visits were from candidate countries, whose interest in placating the EP is quite straightforward,⁷³ others had no such obvious direct benefit to gain. Nevertheless, leaders such as Bolivia's Evo Morales, Iraq's Nouri Al-Maliki, Pakistan's Pervez Musharraf and even the Dalai Lama held public exchanges with MEPs in Brussels, strengthening the EP's conception of being not only observers but participants in the foreign policy-making of the Union.

In keeping with the Parliament's role conception as the voice of democracy in the EU, many of these exchanges centered around questions of fundamental rights and democratic freedoms. In a particularly memorable exchange, MEPs were quizzing Georgian Deputy Prime Minister Georgi Baramidze in May of 2008, amid escalating tensions with Russia which eventually led to a short war fought in August of the same year. They asked about media freedoms, the state of civil society, and the prospects for a free and fair election that was just a few weeks away. This led a visibly frustrated Baramidze, who had clearly hoped to receive some

⁷¹ European Parliament: *Resolution*. "On the situation in Egypt," 17 January, 2008. The narrative above is primarily based on participant observation, but the Middle East Media Research Institute has a webpage with some of the details—see: Middle East Media Research Institute: *Special Dispatch No. 1849*, 21 February, 2008.

⁷² AFET: *Activity Report*, 2004-2009, p. 60.

⁷³ The European Parliament must give its assent to any enlargement of the Union.

political backing from the EU's various institutions for his country's confrontation with Russia, to plead that he was "not here to talk about the implementation of the European Neighbourhood Policy, but an extraordinary situation. I'm talking about whether Georgia will be at war with Russia."⁷⁴ But the EP had its own political priorities and vision of what matters in foreign policy, and these were clearly expressed, even in seemingly extraordinary situations.

Such debates in AFET underline the extent to which the Parliament is used as a public forum for third countries who wish to influence European public opinion. Visits to national leaders or even in some cases to the HR are perhaps more important in terms of achieving specific policy goals, but they rarely offer foreign dignitaries a public platform to convince other sectors of society: MEPs, academics, journalists, and whomever else these opinion-makers communicate with afterwards. In terms of winning hearts and minds, the EP is a much more useful forum.

At the same time, since the Parliament is less bound by diplomatic protocol, it is more willing to ask foreign visitors tough questions about politically sensitive topics, and to do so in a quintessentially public arena.⁷⁵ Thus it could grill President Musharraf on the plight of political prisoners, the misuse of Western nations' counterterrorism funds, and the assassination of Benazir Bhutto—topics that in more intergovernmental encounters would only be addressed behind closed doors, or not at all.⁷⁶

Not all interaction between the committee and third countries is this visible, however. Embassies come knocking at the AFET Chair's door in large numbers,⁷⁷ as well as at the offices of key MEPs who follow and author reports on a given country.⁷⁸ The intensity of such lobbying varies from country to country, with some much more active than others. Nevertheless, their

⁷⁴ Georgian Deputy Prime Minister Georgi Baramidze, speaking at an AFET meeting, 6 May, 2008, Brussels.

⁷⁵ For the past few years, this "public" nature of the EP is also manifest in technological terms: every committee meeting in Brussels is webcast live on the internet, and then archived for future viewing.

⁷⁶ AFET meeting, 21 January, 2008.

⁷⁷ Interview with MEP 2, 1 July, 2010.

⁷⁸ Interview with European Parliament political group staff member 1, 12 November, 2009.

overall volume is growing,⁷⁹ and especially when reports or resolutions on a country are being considered, the embassies can be quite active. Even when no such urgent issue is on the table, though, foreign embassy staff are regular attendees at AFET meetings.

MEPs in AFET also travel abroad to engage directly with foreign actors. Although the vast majority of such travel is organized through the Parliament's standing Delegations with third countries,⁸⁰ AFET itself organized a handful of trips in the 6th legislature. MEPs traveled to some candidate countries⁸¹ and took two trips to the Middle East, prompted by the Israel-Lebanon war of 2006.⁸² They also visited Afghanistan and Kosovo.⁸³

On the level of subcommittees, direct engagement with the world outside of Europe is less prevalent. Since the SEDE subcommittee concentrates on the Union's ESDP missions, even its visits abroad are mostly focused on gathering insights about how the EU is working and how its missions are performing, rather than on establishing contact and exchanging information with the local authorities. It also practically never hosts foreign guests in its meetings in Brussels.

The DROI subcommittee is different, in that it routinely holds hearings on human rights abuses in foreign countries and invites guests from abroad (primarily human rights workers or NGO/civil society representatives). As discussed above, however, the primary purpose of these hearings is to raise awareness of certain abuses, so the hearings tend to be quite consensual, with MEPs and guests agreeing that the subject at hand is cause for serious concern.

What is more confrontational in nature is the DROI subcommittee's frequent habit of raising an *individual's* human rights with relevant foreign authorities. Examples include demanding clemency or stays of execution for prisoners on death row, calls to free Bulgarian nurses accused of spreading HIV in Libya, or attempts to lift the house arrest of Burmese opposition leader

⁷⁹ Interview with EP staff member 6, and Interview with European Parliament staff member 7, 28 June, 2010.

⁸⁰ See below for further details.

⁸¹ Turkey and Croatia, in 2008.

⁸² The trips were to Israel and the Palestinian territories in 2006 and to Israel, Lebanon and Syria in 2007.

⁸³ For the full list of trips, see: AFET: *Activity Report*, 2004-2009, p. 28.

Aung San Suu Kyi.⁸⁴ Raising such precise concerns can happen in several ways: through letters by the Parliament's President to the appropriate body, through confidential demarches, or through resolutions voted in plenary. In all cases, the DROI subcommittee is the main instigator and focal point for such activity in Parliament. Every week-long Strasbourg plenary session of the Parliament also closes with a debate on three "urgencies" and a subsequent vote on resolutions on these topics. These almost exclusively concentrate on human rights questions—the countries with the most resolutions drafted about them during the 6th legislature were China and Russia, followed closely by Burma and Iran.⁸⁵

The importance of these direct avenues of engagement with foreign actors is underlined by the fact that the EP has recently created a Directorate for Democracy Support under its Directorate General for External Policies.⁸⁶ This Directorate brings together the previously scattered competences of election observation, direct human rights actions and demarches, and training of foreign parliamentary members and staff, especially from the Western Balkans.⁸⁷ By raising the profile of these activities within the organizational structures of the institution, the EP is openly signaling that these activities and instances of direct parliamentary activity abroad are important to its role conceptions.

The main avenue for the EP's relations with third countries, however, is through its system of standing Delegations. These are standing bodies with a fixed membership of MEPs, each responsible for a specific country or region, and tasked with fostering relations with their counterparts' legislative bodies. The biggest of these Delegations are the ones responsible for the large parliamentary assemblies that the EP participates in: the ACP-PA,⁸⁸ the EUROMED-PA,⁸⁹

⁸⁴ For a discussion of DROI's activities on individual's human rights, see: European Parliament Subcommittee on Human Rights: *Activity Report, 6th Legislature, (2004-2009)*, 15 May, 2009, p. 10.

⁸⁵ For a full list, see: DROI: *Activity Report, 2004-2009*, p. 11.

⁸⁶ See: European Parliament Secretary General: "Note to Members of the Bureau: Democracy Support and Election Coordination Group," 27 April, 2012.

⁸⁷ *Ibid.*

⁸⁸ African, Caribbean and Pacific states Parliamentary Assembly.

⁸⁹ The Euromediterranean Parliamentary Assembly, renamed the Parliamentary Assembly of the Union for the Mediterranean in 2008.

EUROLAT,⁹⁰ and EURONEST.⁹¹ Then there are Delegations for certain smaller regions (Mashreq countries, Maghreb countries, the countries of South-East Europe, etc.). Finally, there are certain Delegations that concentrate on one single country, such as the ones for Japan, Turkey or the United States.

The primary purpose of all of these Delegations is to maintain contacts with legislators from third countries, building parliamentary links across borders. The way in which this is achieved in practice is to have biannual meetings (one in Europe, one abroad) of these Delegations with their counterparts. There is an intricate system of names for these meetings: Joint Parliamentary Committees are held with candidate or applicant countries as well as with any other country that has signed an Association Agreement with the EU; Parliamentary Cooperation Committees exist with Russia and the Eastern Partner countries;⁹² Interparliamentary Meetings have been established with other European countries in the European Economic Area,⁹³ the non-candidate Western Balkans countries, as well as many non-European states; and relations with the United States are institutionalized through the Transatlantic Legislators' Dialogue. These distinctions are not relevant for the subject at hand, simply because the interactions between MEPs in standing Delegations and their foreign counterparts are all quite similar.

When visiting Brussels for such a joint meeting, foreign legislators meet with various political groups, representatives of the Commission (especially if they come from a candidate or applicant country), and participate in a joint session with MEPs, where current topics of interest to both sides are discussed. Just like with AFET meetings described above, these meetings are held in public, and offer the chance to air serious criticisms about each other's policies,⁹⁴ as well

⁹⁰ Euro-Latin American Parliamentary Assembly.

⁹¹ Euronest Parliamentary Assembly with the countries of the Eastern Partnership of the Union, only constituted in 2011.

⁹² Armenia, Azerbaijan, Georgia, Moldova, Ukraine.

⁹³ Norway, Iceland, Switzerland.

⁹⁴ There is a clear imbalance in this, of course, given that bar a few exceptions, the EP represents a much larger entity than any of the countries it is holding a meeting with. This power differential is especially acute when it comes

as debate how cooperation could be strengthened. Since these meetings take place among politicians, however, there is often an added emphasis on political tactics and parliamentary behavior. For example, MEPs tend to harshly criticize any political party that boycotts its legislature in order to take its politics out into the street. As an illustration, at the fifth Interparliamentary Meeting with Serbia in Brussels, the EP strongly condemned the hunger strike by opposition leader Tomislav Nikolic, and urged his party to return from the streets to democratic politics within proper institutions.⁹⁵ Such statements, which in a traditional intergovernmental setting would be considered interference in domestic affairs, set parliamentary diplomacy apart from other types of EU foreign policy performance.

The activities of these standing Delegations when they travel abroad reveal even more of the Parliament's role conception as a foreign policy actor. It is difficult to describe these visits in a general sense, as all Delegations function according to the peculiarities of the region they are responsible for. For years, the Iraq Delegation's main concern had been simply to receive permission from the Parliament's own hierarchy to travel to the country, something which had long been refused on grounds of security.⁹⁶ The Delegation to the United States is often confronted with a lack of interest or participation from the other side of the Atlantic, leading to the cancellation of some meetings. Delegations to predominantly Muslim countries need to schedule carefully so as not to arrive in the region around the month of Ramadan. Nevertheless, a few observations about such Delegation trips are generalizable.⁹⁷

In theory, the Delegations are responsible for maintaining links with their parliamentary counterparts, but when traveling outside the EU, they interpret their mandate more broadly. Almost all Delegation visits include encounters with members of the executive branches of the country (Prime Ministers or Foreign Ministers, for the most part). Various other cabinet

to applicant or candidate countries, which need to earn the EP's approval for joining the EU. In these cases, the "joint statements" adopted at the end of such meetings mostly read like a to-do list for the visiting country.

⁹⁵ See: European Parliament Delegation for Relations with the countries of South-East Europe: *Special Political Statement of the 5th EP-Serbia Interparliamentary Meeting*, 19 April, 2011.

⁹⁶ The Delegation finally managed to travel to Baghdad in May of 2011.

⁹⁷ For more details on the Delegation trips relating directly to the case studies, see Chapters 4 and 5.

members may also be on the agenda, depending on whether there are particular topics that interest MEPs. Thus they follow a schedule that is quite similar to one that would be prepared for any other diplomatic visit by a member of a European executive. With the exception of countries that are candidates for EU accession, EP Delegations also derive a benefit from the fact that their foreign counterparts may not understand the institutional nuances of EU policy-making. Therefore MEPs, when engaging in such parliamentary diplomacy abroad, are in effect representing the EU as a whole, not just the Parliament itself.

Thus the EP's role when acting abroad entails representing EU foreign policy in all its facets, not just its parliamentary wing. It is therefore useful to look at the content of its parliamentary diplomacy, to see what the Parliament sees as the appropriate role for the EU in world affairs. What do parliamentarians' interactions with outside actors reveal about the way they understand EU foreign policy actorness?

First of all, the EP seems very serious about emphasizing its democratic nature, and about insisting that this govern its behavior abroad, as well. This means not only repeating refrains about how the Parliament is "the voice of European public opinion" or the source of democratic legitimacy of the EU, but also approaching its parliamentary diplomacy in a certain way. MEPs meet with all relevant political forces or parties in each country they visit, regardless of their views on a given issue.⁹⁸ In another peculiarity of parliamentary diplomacy, MEPs also often make reference to the many issues on which even the few Members of a small traveling EP Delegation do not agree. In traditional diplomatic terms, it seems counter-intuitive to openly display a lack of unity in one's own camp. But part of the mission of MEPs abroad is to show that democratic debate and disagreement is the appropriate mechanism through which to pursue politics: something that they can portray through their own example.

Delegations also invariably consult with NGOs and civil society representatives in the country, to take stock of the human rights situation and other societal concerns. The

⁹⁸ For instance, MEPs visiting Lebanon met with Hizbollah representatives, and in some instances of visits to the Palestinian territories, also with Hamas members (see Chapter 5 for more details).

preoccupation with human rights in its various forms (the rights of religious minorities, combating discrimination against women, ensuring media freedoms, etc.) is very much present in the dialogues that EP Delegations have with their foreign interlocutors. Although the different meetings address various topics of mutual concern (from fishing rights through environmental issues to immigration), the one common theme that is always on the table is the situation of human rights in the country. This is the case both for countries that feel they are very close to EU values (such as Croatia) as well as those whose leaders are usually not very keen on discussing such issues with European counterparts (such as China).

Of course, this presumes that the third country being visited is, in the eyes of MEPs, in need of further democratization, or is lagging behind in human rights or democracy standards. What of Delegations to advanced industrialized democracies with fundamentally sound democratic forms of government? If the idea holds that the EP sees itself as an instrument of Europe's normative power in world affairs, then there should be no significant foreign policy role that is observed in these instances, since the norms in question are already shared by both sides. The evidence bears this out: it is enough to compare the programs of Delegation visits to such countries with those that are less aligned to the EU's democratic norms to see that matters of substance take a back seat. When EP Delegations travel to Norway, Canada, Australia, etc., it is hard to argue that the main purpose of these trips is anything but political tourism.⁹⁹

Another way in which the Parliament tries to directly export its ideas of democracy and fundamental rights is through its electoral observation missions (EOMs). This is perhaps the most straightforward example of the Parliament acting out its role as a normative actor in world politics. By positioning itself as an example to be followed (in terms of the organization of free and fair elections), it travels to countries around the world not only to observe the actual polls, but to act as a symbol of democracy done properly. When speaking to politicians on the ground, it is quite common for MEPs to comment on their own political careers, to reassure the

⁹⁹ For a good example of the content of such a "touristic" visit, it is enough to peruse the program of the 30th European Economic Area Joint Parliamentary Committee Meeting held in Iceland.

candidates that they are colleagues of a sort. The role of acting as a model for other politicians to follow is an inherent part of these missions, perhaps even more important than the actual observation of voting on polling day.

In the 6th legislature, there were 63 EOMs conducted by the Parliament, all over the globe. The Parliament can only send a small team of MEPs and staff for a short period of time, so EP election observers always join a more systematic, long-term mission on the ground. By common agreement among the institutions, the Organization for Security and Co-operation in Europe (OSCE) through its Office of Democratic Institutions and Human Rights (ODIHR) provides long-term observers for European countries, while the EU organizes election observation missions outside of it. By convention, the leader of any EU long-term EOM is always an MEP, but this is mostly symbolic, since MEPs cannot actually stay on the ground for the entire 2-3 months that is required to observe a campaign, polling day and the post-election period—so they mostly serve a representative role at the top of the EU mission’s hierarchy.

The role of the Parliament’s short-term observation missions is thus quite sensitive: although MEPs take part in the observing the polls on election day, they must cede the right to judge whether the voting was up to international standards to the long-term observers who had been on the ground for the entire process. But the reason for the presence of MEPs is at any rate not to render a verdict on the technical performance of the particular election. Instead, it is to deliver political messages to the newly elected President/Parliament/government. There is an explicit separation of competences between the long-term observers who refuse to enter into political questions and only comment on whether the conduct of elections met international standards, and the Parliament’s Delegation which refers questions about the poll’s fairness to the long-term observers, but delivers a message about what the EU expects from the newly elected leadership in the country.

At a press conference after observing parliamentary elections in Pakistan, for instance, Michael Gahler (the MEP heading the long-term EU EOM) talked only about the technical

aspects of the polling, including the campaign environment that favored the ruling party. Robert Evans, on the other hand (the MEP heading the EP's short-term mission) called on President Musharraf to honor his commitment to work with the new government, and urged political parties who did not win to address their grievances "in the corridors of power, not in the streets of Pakistan."¹⁰⁰ These are clearly political messages and ones that yet again underscore the Parliament's role conception as a normative actor in foreign policy, promoting democratic values abroad.

Finally, the Parliament has recently established its first permanent office in a third country: the Parliament's Liaison Office with the Congress opened in Washington, DC in the summer of 2010. Since it has still not quite articulated its mission, and was not around for the 6th legislature, however, this dissertation will not look at it in any further detail.

In sum, in addition to its more traditional parliamentary control powers over foreign policy, the EP is an active participant in its own parliamentary diplomacy with third countries. During these interactions, it reveals a strong predilection for the normative aspects of the EU's foreign policy, especially its insistence on promoting democratic principles and fundamental rights. And through these interactions, it enacts this role of being a participant in the EU's foreign policy as a normative power, spreading such values by example.

At this juncture it seems timely to clarify that this dissertation does not argue that the Parliament is effectively "making the world a better place," one human rights resolution at a time. It is quite possible that the instances of parliamentary diplomacy described above are only window-dressing for the third countries concerned, and that such initiatives do not have an effect on actual developments within them. In the case studies elaborated in more detail in the following chapters, it will be easier to judge whether this is an accurate description. What is argued, however, is that the Parliament itself sees its own role conception in foreign policy in this

¹⁰⁰ Press Conference of the European Union's Election Observation Mission in Pakistan, 20 February, 2008, Islamabad, participant observation.

light. It may be an accurate or inaccurate self-image, but it seems a coherent and strongly held one in either case.

What does this tapestry of interactions between the Parliament and the Council, and the Parliament and the outside world tell us about the EP's role in foreign policy? In terms of the sheer quantity of consultations and contacts between the Parliament and the other EU institutional actors responsible for foreign policy, it is clear that the Parliament plays an increasingly important role. Even within the Parliament's own structures, this is visible: AFET is the largest committee in the EP, and is considered one of its most prestigious. It held almost 150 meetings during the five-year term of the last legislature, drafted over 250 reports, and hosted 400 speakers.¹⁰¹ Consultation and debate on almost all topics is regular and MEPs can access information on virtually all aspects of the EU's foreign policy instruments.¹⁰²

At the same time, the EP has 31 standing Delegations to parliamentary assemblies, regional bodies, and individual countries or regions, each traveling abroad once a year for direct contacts with counterparts. AFET regularly hosts foreign leaders for public debate, and MEPs engage in electoral observation missions on a regular basis. The Parliament is thus just as active around the world as it is within the institutional framework of the EU. In terms of the EP's oversight powers over EU foreign policy, its actions show that it considers itself the democratically elected voice of the European public, and as such, it seeks to ensure that both the information about, and justifications for, foreign policy actions in the name of the EU be made public. On the other hand, the EP also tries to use public fora for foreign policy debate to try and push EU foreign policy in a more normative direction, primarily by insisting on democracy and fundamental rights as primary values that the Union should be promoting around the world. And when the Parliament engages with actors outside of the EU's borders, it acts according to this conception of what EU foreign policy should entail.

¹⁰¹AFET: *Activity Report*, 2004-2009, Foreword.

¹⁰² Military ESDP missions being one area where (at least in terms of budgetary control) this is not entirely true.

The next question is how these two role conceptions of the Parliament within and without the EU are made visible in a tangible case, as opposed to in the abstract. For this, a more focused examination of a few cases will be necessary, to give a detailed view of how these role conceptions function in a particular instance. The next chapters will therefore look at two concrete cases, both having one theme in common: contested sovereignty. By looking at how the Parliament acted in its dealings with other institutions and abroad, these chapters will explore the EP's role conceptions in the cases of the declaration of independence of Kosovo, and the EU's relations with the Palestinian Authority after Hamas's election.

CHAPTER 4

CASE STUDY 1: KOSOVO'S DECLARATION OF INDEPENDENCE

On February 17, 2008, Kosovo unilaterally declared its independence. The member states of the EU were unable to react in unison to this event, since domestic reasons led some of them to oppose the province's claims to sovereignty. The lack of EU consensus on this matter has given ammunition to those who think the EU's CFSP is weak and unable to articulate a truly common European position on global affairs. As such, Kosovo is a politically salient and high-profile instance of contested sovereignty, important for understanding the EU's role in the world, and the EP's role in EU foreign policy.

This chapter will investigate the Parliament's institutional and international role performance, describing both its parliamentary oversight activities as well as its parliamentary diplomacy throughout the events surrounding Kosovo's declaration of independence. It will first sketch a brief outline of the events that led to Kosovo's unilateral declaration. It will then describe the traditional narrative of the EU's foreign policy role performance, through the lens of the CFSP. This section will focus on the Council and its actions, as most of the traditional literature on EU foreign policy does.

Subsequently, the chapter will turn to the Parliament, showing the range of its activities from affecting policy-making within the EU to its direct interactions with Kosovo itself. This will reveal that the EP's institutional role performance followed a coherent pattern: attempting to normalize the EU's relations with Kosovo by setting various precedents and urging other EU institutional actors to follow these. When interacting with Kosovo itself, the EP's international role performance also showed a large degree of consistency: the EP acted as a normative power, spreading a general international norm according to which Kosovo's democratic status meant that it should be considered sovereign. Perhaps more importantly, it placed the question of

Kosovo's status within a context of democratic rights, as opposed to a security problem or a potential diplomatic precedent. The chapter will conclude with some thoughts on what these two role performances (of parliamentary oversight and parliamentary diplomacy) suggest about the EP's institutional and international role conceptions, and how these two interacted.

4.1. BRIEF CASE HISTORY

The story leading up to Kosovo's declaration of independence on 17 February, 2008 is a long one, and need not be retold in full here.¹ Since the goal of this project is to map the role of the Parliament in the foreign policy process of the European Union, only a brief timeline will be presented. The aim is to give an overview of the international events to which the different EU political actors were reacting during a roughly one-and-a-half year period both prior to and after the 2008 declaration, and to summarize the institutional links between the EU and Kosovo.

4.1.1. The situation in Kosovo

After the end of the war in the summer of 1999, Kosovo was placed under the jurisdiction of the United Nations (UN), under United Nations Security Council Resolution 1244 (UNSCR 1244). The province was governed by the United Nations Mission in Kosovo (UNMIK), while security was provided by the North Atlantic Treaty Organization (NATO)—through operation KFOR. In 2005, the Kosovo Status Process was launched by the UN, with the goal of clarifying the exact legal nature of the province, an issue that saw Serbia (and ethnically Serbian Kosovars) in stark opposition to ethnic Albanian Kosovars. Russia strongly backed the Serbian position—claiming that an independent Kosovo would set a precedent for other separatist entities such as South Ossetia and Abkhazia. The United States was more favorable to Kosovo's independence, and argued that it constituted a special case, due to its peculiar status under UN tutelage.

¹ In fact, the most immediately relevant preceding event for the purposes of the EU (the 1999 NATO operation in Kosovo) may be another subject of inquiry for mapping the EP's role in EU foreign policy.

The Status Process was led by Martti Ahtisaari, a former President of Finland, who, after consultations with the parties concerned, finally unveiled his proposal for a final settlement on 2 February, 2007. The Ahtisaari plan tried to walk a diplomatic tightrope.² It did not mention the word “independence” for Kosovo, but in practice laid out a plan for a sovereign Kosovo to emerge. Serbia rejected the plan, and Mr. Ahtisaari took his proposal to the United Nations Security Council (UNSC) to seek international approval for its implementation. Russia, however, blocked several attempts to pass a UNSC resolution to that effect. After a few more months of negotiations that failed to bring compromise any closer, efforts to reach a negotiated status settlement were abandoned in December of 2007.³

On February 17, 2008 the Assembly of Kosovo formally declared Kosovo to be an independent state. It drew stark criticism from some—especially Serbia and Russia—but resulted in immediate recognition by others—such as the United States, France and the United Kingdom. Since that day, 89 countries have recognized Kosovo, including 22 of 27 EU member states.⁴ Also of importance is that in May of 2008, the Serbian minority in Kosovo created its own assembly in Mitrovica (the Community Assembly of Kosovo and Metohija), in opposition to the official Assembly of Kosovo. The Mitrovica assembly is not recognized by Kosovo or the UN.

4.1.2. EU-Kosovo relations: the institutional landscape

Relations between the EU and Kosovo until 1999 were, for obvious reasons, managed through Serbia (and before the early 1990s, Yugoslavia). As soon as the war broke out, however, the EU had to keep pace with developments. From 2000 until Kosovo’s declaration of independence, the EU’s relationship with the province was managed through three main instruments.

² The proposal, in the form it was submitted to the UNSC, can be found in: United Nations Secretary General: “Letter to the President of the Security Council” 26 March, 2007, Addendum: “Comprehensive Proposal for the Kosovo Status Settlement” (henceforth: “the Ahtisaari Plan”).

³ For a more complete history of the UN negotiations that led up to Kosovo’s declaration of independence, see, for instance: Marc Weller: “Kosovo’s Final Status,” in *International Affairs*, Vol. 84, No. 6, November, 2008; and Oisín Tansey: “Kosovo: Independence and Tutelage,” in *Journal of Democracy*, Vol. 20, No. 2, April, 2009.

⁴ The five EU countries that have not done so are: Cyprus, Greece, Romania, Slovakia, and Spain.

Politically, the most important of these was the EU's enlargement process. Because of Kosovo's disputed status, the country did not take part in the EU's Stabilisation and Association Process, which grouped together the rest of the Western Balkans countries that sought to accede to the Union. Instead, the Commission devised the Stabilisation Tracking Mechanism, a parallel process that mimicked the EU's engagement with Kosovo's neighbors, helping Kosovo harmonize its legislation with EU rules and regulations.

In terms of development, the EU invested heavily in the reconstruction of the region after the war, primarily through the European Agency for Reconstruction. This agency provided over 1 billion euros in funding for the territory,⁵ at first mostly for rebuilding basic infrastructure. In later years, this was extended to a variety of institution-building projects: supporting the judicial and public administration sectors, civil society projects, education reform, and environmental protection.⁶ The funds originally came from the Community Assistance for Reconstruction, Development and Stabilisation, until new legislation simplified the EU's external financial instruments, and the reconstruction aid was made part of the IPA.⁷

Finally, additional EU financial help was delivered to Kosovo through the Commission's Directorate General for Humanitarian Aid, better known as ECHO. Although direct humanitarian assistance stopped in 2002,⁸ the EU continued to contribute important sums to the United Nations High Commissioner for Refugees (UNHCR). It should also be noted that the UNMIK mission was also to a great extent funded by the EU.

In terms of representation, the Commission maintained a Liaison Office to Kosovo, which did not have the same status or nomenclature as Commission Delegations in surrounding countries. Once the position of the EUSR was established, however, his office became the primary point of contact between the Union and Kosovo. These two offices are now combined under the European External Action Service, created in 2009.

⁵ European Agency for Reconstruction: Website on Kosovo, archived on 1 December, 2008.

⁶ Ibid.

⁷ For more details on the financial instruments, see Chapter 3.

⁸ European Commission: Office of Humanitarian Aid & Civil Protection (ECHO): *Annual Report 2002*.

The EU's positions on the events surrounding Kosovo's declaration of independence were obviously of no small significance, with three aspects meriting special attention. First, as soon as the Ahtisaari plan was announced, it was agreed that the UNMIK administration would hand over the reins to the EU to guide Kosovo through its transitional phase to its final status. Second, the EU had started Stabilisation and Association Processes with all countries in the Western Balkans, offering them a clear European perspective and chance of future EU membership—which gave it a certain ownership over the political challenges of the region. This process also involved significant costs to the Union, through the IPA. Finally, the EU had committed itself early on to an ESDP operation in Kosovo,⁹ focusing on police and judicial reform. It created a position of an EUSR in 2006, to start planning the details of this mission.¹⁰

Kosovo's declaration of independence was thus critically important for the EU as a whole—in political, financial and security terms. So what was the European foreign policy response to Kosovo's march toward independence? The answer depends on how one defines Europe. The following section will map out a traditional understanding of how the EU reacted—examining the EU's CFSP actions, relying primarily on Council documents. The subsequent section will explore how the EP's role in the policy-making structures and its parliamentary diplomacy toward Kosovo provide an alternative analysis of the EU's reaction to Kosovo's independence, based on the Parliament's dual role conceptions.

4.2. THE ROLE PERFORMANCE OF THE EU THROUGH A CFSP PRISM

The standard way to approach the question of an EU foreign policy response to Kosovo's ambitions toward independence would focus on the Union's so-called “second pillar,” the CFSP.

⁹ This was mooted as early as June, 2005, in a joint report prepared for the Council by High Representative Javier Solana and Enlargement Commissioner Olli Rehn. See: Council of the European Union: *Press Release*. “Summary Note on the joint report by Javier Solana, EU High Representative for the CFSP, and Olli Rehn, EU Commissioner for Enlargement, on *the future EU Role and Contribution in Kosovo*,” 14 June, 2005.

¹⁰ Council of the European Union: *Joint Action 2006/623/CFSP*: on the establishment of a EU-team to contribute to the preparations of the establishment of a possible international civilian mission in Kosovo, including a European Union Special Representative component, 15 September, 2006.

This policy area is dominated by an intergovernmentalist decision-making system—the Commission’s role is fairly limited.¹¹ CFSP actions are decided by the member states in the Council of Ministers, and require unanimity, effectively handing veto powers to all member states. Therefore, the standard sources from which to derive the EU’s reaction to the events laid out above would include conclusions from Council meetings, joint actions under the CFSP, declarations by the HR for the CFSP—in this case, Solana—and statements by the Council Presidency, held by a different member state on a rotating 6-month basis.

Some research has already touched upon the EU position on Kosovo’s status using such sources. Marianne Ducasse-Rogier has questioned the conventional wisdom, which holds that the EU is the international actor best suited to turn Kosovo into a functioning state.¹² She argues that the EU’s inability to present a united front on Kosovo’s status question diminishes its political leverage in the region. Similarly, Marc Weller posits that the EU’s failure to adopt a coherent policy on the status question allowed the United States to take the lead on Kosovo’s independence.¹³ At the same time, it is also clear that despite all of these incoherencies, the EU played—and continues to play—an important role in bolstering Kosovo’s institutional structures, through its rule of law mission (EULEX) and the office of the EUSR. Even though the EU’s effort to export its legal and institutional structures has been described as Sisyphean,¹⁴ and even internally contradictory,¹⁵ the EU thus remains one of the main actors helping to determine Kosovo’s future political system.

¹¹ In the case of Kosovo, the primary role of the Commission was through the Stabilisation and Accession Process: monitoring Instrument for Pre-Accession spending and drawing up reports on the Western Balkans’ progress towards EU accession.

¹² Marianne Ducasse-Rogier: “Kosovo: What the EU should not be expected to do,” in *Security and Human Rights*, Vol. 22, No. 2, March, 2011, p. 31.

¹³ Weller, p. 1236.

¹⁴ Anita McKinna: “Kosovo: The International Community’s European Project,” in *European Review*, Vol. 20, No. 1, February, 2011. The author suggests that EU actions in Kosovo have exacerbated ethnic divisions within the country, effectively driving it further away from the European standards that the EU expects Kosovo to meet as a potential candidate for EU accession.

¹⁵ As argued by Oisín Tansey, who questions whether Kosovo can be deemed democratic, since Kosovo’s independence clashes with the international community’s—especially the EU’s—role as an external administrator.

Much of the existing literature has looked at the Kosovo question primarily through the lens of Kosovo itself: how the EU's actions affect its prospects for democracy, how sovereign it can call itself, or how clear its path is toward European integration. To gain a true understanding of the CFSP reaction to Kosovo's declaration of independence, one must focus on the EU, however—follow the various reactions by CFSP actors to the developments in the status question, and tease out the EU's international role conception that is implied through its actions in response to the Kosovo problem. Some very recent scholarship has begun to attempt this.

Dimitris Papadimitriou and Petar Petrov have argued that the EU's ambivalence towards Kosovo's status has undermined the effectiveness of its rule of law mission there. Although these authors note that the EU's response to Kosovo's status “may also involve an important internal (to the EU) dimension—that is, how the EU itself sets the limits of its own actorness and understands its role in conflicts around it,”¹⁶ they focus their attention on the EU's CFSP actions, and therefore miss some of the interinstitutional contestation surrounding Kosovo—especially the parliamentary dimension. Nevertheless, the CFSP narrative that emerges from analyzing the Council's response to the Kosovo crisis echoes two of their findings.

First, the Union's CFSP was unable to give a clear answer as to whether it considered Kosovo to be a sovereign state after its declaration of independence. Second, the frame through which the Council approached the question of Kosovo was quite securitized. That is to say, the international role performance of the EU seen through the lens of the CFSP privileged a response that emphasized the EU role in providing security for the country, while at the same time maintaining an ambiguous stance toward Kosovo's status. The sections below will expand on each of these in turn.

¹⁶ Papadimitriou & Petrov, p. 753.

4.2.1. *The ambiguity of the EU's CFSP toward Kosovo's independence*

In June of 2005, HR Solana and Enlargement Commissioner Olli Rehn presented a joint report to the Council on the future EU role and contribution in Kosovo.¹⁷ The document defined the primary principles upon which the Council's approach to the Kosovo status process were to lie.

These included the following guidelines:

- Kosovo must not return to the situation before March 1999 and Belgrade and Pristina must move towards Euro-Atlantic integration;
- Kosovo's Status must be based on multi-ethnicity; the protection of minorities; the protection of cultural and religious heritage; and effective mechanisms for fighting organised crime and terrorism;
- The solution of Kosovo's Status must strengthen regional security and stability;
- Accordingly, there must be no change in the current territory of Kosovo (i.e. no partition of Kosovo and no union of Kosovo with any country or part of any country after the resolution of Kosovo's status);
- Any solution must be fully compatible with European values and standards and contribute to realising the European Perspective of Kosovo and of the region;
- Kosovo will continue to need international civilian and military presences.¹⁸

These principles would be repeated in other Council statements over the years,¹⁹ but one key characteristic of the Council approach was already visible in this early document: the reluctance of the Council to get the EU directly involved with the status talks or to pronounce itself on the preferred outcome.

The EU's CFSP decisions require unanimity in the Council.²⁰ And it was clear early on that at least a few member states were adamantly against recognizing an independent Kosovo, mostly for reasons having to do with their own internal situations.²¹ In fact, this linkage between Kosovo's independence claim and domestic politics in a few EU member states has been one of the reasons that it has been very difficult for these countries to change their positions on the

¹⁷ "The Future EU Role and Contribution in Kosovo," *Joint Report by Javier Solana, High Representative for the CFSP, and Olli Rehn, EU Commissioner for Enlargement*. 14 June, 2005.

¹⁸ Council of the European Union: *Press Release*: "Summary Note on the joint report by Javier Solana, EU High Representative for the CFSP, and Olli Rehn, EU Commissioner for Enlargement, on *the future EU Role and Contribution in Kosovo*," 14 June, 2005, Section 3: Status Process.

¹⁹ See, for instance: Kosovo Contact Group Statement, London, 31 January, 2006; and Javier Solana: "Comments on the first round of high level direct talks on Kosovo, held in Vienna," 24 July, 2006.

²⁰ *Treaty of Nice*, Article 23.

²¹ The five EU member states that have not recognized Kosovo all have significant ethnic minorities living within their territories, making the possibility of Kosovo acting as a precedent for independence claims within their own borders an explosive internal political issue.

matter.²² Therefore, the Council was bound to express its view about Kosovo in an ambiguous way that left the status of the territory unresolved.

Regarding the status talks, the joint report asserts, “[t]he UN will take the lead, sending a UN envoy who will be accompanied by other international envoys. The EU envoy should be selected by the Council on the recommendation of the HR in close cooperation with the Commission and the Presidency.”²³ The clear hierarchy shows that the Council saw its role as supporting UN efforts, not as a leader of any push for the resolution of the status question.

When the Ahtisaari plan was finally made public in February of 2007, the Council welcomed it. Expressing “its full support for the UN Special Envoy Martti Ahtisaari and his efforts,” the Council declared itself ready to “play a significant role in the implementation of the status settlement.”²⁴ At the same time, the Council noted that the “final decision on the status of Kosovo should be endorsed by the UN Security Council,”²⁵ and Solana reaffirmed that “the responsibility for leading this process is in the hands of President Ahtisaari.”²⁶ Again, the onus was placed on the UN as the leader of this process, and lacking any unanimous position on the preferred outcome, the Council was only able to comment on and support the process itself, rather than any desired solution.

February also saw much activity from the EU Presidency (held by Germany at the time). The European Union Troika (Foreign Minister Frank-Walter Steinmeier, HR Solana and Commissioner Rehn) visited Serbia on the 7th of February to meet with the President and Prime Minister whose parties were just entering a coalition government after the election held on 21 January. On 12 February, the EU-Western Balkans Forum took place in Brussels, which brought together the Troika, all EU foreign ministers and EU Special Representatives to the region, and the foreign ministers of all the Western Balkans states. At this meeting, organized by the German

²² Interview with Council official 3, 30 June, 2010, Brussels.

²³ Council: *Press Release*. “Summary Note on the joint report by Javier Solana and Olli Rehn,” 14 June, 2005, Section 3: Status Process.

²⁴ Council Conclusions, 12 February, 2007, p. 13.

²⁵ *Ibid.*

²⁶ Javier Solana, statements at a press briefing, Pristina, 7 February, 2007.

Presidency, Kosovo was represented by Joachim R cker, the Head of UNMIK, and not by Kosovo’s foreign minister.²⁷

For the next few months, the only change in Council rhetoric on the Kosovo status issue was a pragmatic one. While it had previously called on the leaders of Kosovo and Serbia to constructively engage in the status resolution process,²⁸ after the breakdown of talks it merely insisted that the status issue be resolved through a UNSC resolution.²⁹ Also added to the otherwise repetitive declarations was the assertion that “the pending status of Kosovo constitutes a *sui generis* case that does not set any precedent.”³⁰ One could have argued at the time that this was a first step towards allaying the fears of those member states that feared EU recognition of Kosovo’s independence for domestic reasons. Yet in hindsight,³¹ it is clear that this formulation was meant as a response to the arguments in the UNSC made by Russia, the biggest obstacle to the passage of a UNSC resolution.

As the prospects for a UNSC resolution started disappearing over the summer months, the Council began to backtrack on some of its rhetoric, as well. While still maintaining the importance of a UNSC resolution to resolve the status question, mentions of the EU’s active role in its implementation were reduced. In February, the European Council Conclusions had still asserted that “the EU stands ready to play a significant role in the implementation of the status settlement,”³² while the Council Presidency had noted that “the EU is prepared to

²⁷ This stands in contrast to the way the EP dealt with Kosovo’s representation in their mutual relations, see further.

²⁸ See, for instance: Javier Solana: “Comments to Kosovo President Fatmir Sejdiu,” 15 January, 2007; Javier Solana: “Comments to Kosovo Prime Minister Agim Ceku,” 22 March, 2006; Javier Solana: “Comments on the first round of high-level direct talks on Kosovo, held in Vienna,” 24 July, 2006; and Council Conclusions, 12 February, 2007, p. 13.

²⁹ See, for instance: European Council Presidency Press Release (Germany): “Informal Foreign Ministers Meeting opened in Bremen,” 30 March, 2007; Council Conclusions, 18 June, 2007, p. 14; Javier Solana: “Comments on the latest developments concerning the Kosovo status settlement,” 8 June, 2007; and European Council Presidency Press Release (Germany): “EU Presidency Statement on the deliberations G8 Heads of State and Government held on Kosovo at the Summit in Heiligendamm,” 8 June, 2007.

³⁰ Council Conclusions, 18 June, 2007, p. 14.

³¹ Since the Council never recognized Kosovo’s declaration of independence.

³² Council Conclusions, 12 February, 2007, p. 13.

vigorously support the implementation of a solution on Kosovo's status and the development of a functioning state.”³³

Such promises were obviously riskier to make once the hopes for a UNSC resolution were fading. By June, Solana merely said “[t]he EU stands ready to assume greater responsibilities and to play a leading role in Kosovo following a status settlement and a clear mandate from the Security Council.”³⁴ Council conclusions in the fall also scaled back ministers' ambitions to declaring that “the EU stands ready to play a significant role in Kosovo in the future.”³⁵

Kosovo declared its independence on 17 February, 2008. A Council meeting took place the following day, the conclusions of which displayed the lack of unity among member states concerning the recognition of the new state. The conclusion from the meeting merely “takes note” of Kosovo's declaration, adding that “Member States will decide, in accordance with national practice and international law, on their relations with Kosovo.”³⁶ In absence of a unified European response to the declaration of independence itself, the Council merely reiterated “the European Union's readiness to play a leading role in strengthening stability in the region.”³⁷

In an especially poignant twist, the Council also adopted a decision on that day which revised an existing European Partnership agreement with Serbia and Kosovo. Its title: “On the principles, priorities and conditions contained in the European Partnership with Serbia *including Kosovo as defined by United Nations Security Council Resolution 1244*”³⁸ is particularly indicative of the Council's inability to treat Kosovo as a separate entity. To this day, all Commission and Council documents use the term “Kosovo under UNSCR 1244” in their official documents.

³³ Comments by German Foreign Minister Frank-Walter Steinmeier, in European Council Presidency Press Release (Germany): “EU Foreign Ministers: Kosovo's future at a crossroads,” 12 February, 2007.

³⁴ Javier Solana: “Comments on latest developments concerning the Kosovo status settlement.”

³⁵ Council Conclusions, 19-20 November, 2007, p. 32.

³⁶ Council Conclusions, 18 February, 2008, p. 7.

³⁷ Council Conclusions, 18 February, 2008, p. 7.

³⁸ Council Decision 2008/213/EC, emphasis added.

At this point, it is worth noting that the EU as an international actor does not officially “recognize” countries.³⁹ But the reason that the Council could not agree on any formulation that would have welcomed Kosovo’s declaration of independence was not due to legal reasons, but to internal political differences. Under the CFSP, the European Council could have articulated a Common Strategy towards Kosovo’s independence,⁴⁰ or the Council could have adopted a Common Position,⁴¹ yet it managed to do neither. It can therefore be convincingly argued that the EU’s CFSP failed to respond to Kosovo’s declaration.

Since that missed opportunity, the status question no longer appears in Council conclusions or in public statements of the HR. Lacking a unanimous position on the declaration of independence of Kosovo, the EU’s CFSP has been forced to stay silent on the issue—one that is nevertheless of crucial importance to the Union’s foreign policy. This position is often referred to both in the Commission and the Council as being “status-neutral,” but that is a misnomer. As even Council officials insist, they are not status-neutral in the sense that they want Kosovo to move closer to EU membership.⁴² Furthermore, some member states are quite vocally in favor of Kosovo’s independence,⁴³ while others are quite vehemently opposed.⁴⁴

The Council’s position is thus not status-neutral, but rather status-conflicted. Unable to forge a common position, it is forced to stay silent, which leads to several incongruities for EU policies. Kosovo is considered a potential candidate country for EU accession, although it is not recognized as an independent country at all. The EUSR for Kosovo⁴⁵ cannot treat the country as sovereign, while the International Civilian Representative for Kosovo can.⁴⁶ This is particularly absurd given that for years, both positions were held by the same person, Peter Feith, in what was called a “double-hatted” arrangement. Finally, the EU’s own police and rule of law mission

³⁹ The EU only acquired legal personality through the Treaty of Lisbon in 2009.

⁴⁰ *Treaty of Nice*, Article 13.

⁴¹ *Treaty of Nice*, Article 15.

⁴² Interview with Council official 3.

⁴³ France, for example.

⁴⁴ Spain, for instance.

⁴⁵ For more on his position, see the following sub-section.

⁴⁶ The International Steering Group for Kosovo, under which the ICR operates, requires that its member countries recognize Kosovo’s independence.

in Kosovo must stay away from the status question, which nevertheless crops up in myriad ways during its daily work.⁴⁷ As Ducasse-Rogier has put it, this

“situation, compelling the EU to craft clumsy arrangements to overcome the obvious associated political limitations (how can the EU work towards the integration of an entity which is not recognised by five of its states?) affects the EU’s credibility in the country (and the region) and diminishes its actual leverage potential, especially in the political area.”⁴⁸

In sum, an analysis of CFSP instruments reflects an EU that was unable to project a coherent response to Kosovo’s declaration of independence. The resulting ambiguities of Kosovo’s status plague the EU’s ESDP missions and enlargement programs to this day, but the domestic considerations of a minority of member states have managed to keep the EU from formulating a common policy regarding this question. The EU Treaties state that “Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.”⁴⁹ Judged by this standard, Kosovo is an example of CFSP failure.

4.2.2. The CFSP role performance: the EU as a security contributor to Kosovo

While the Council was unable to formulate a coherent position on Kosovo’s independence, it nevertheless seemed committed to an EU operation and an important EU role in the post-UNMIK civilian administration of the province from the outset. The first joint report by Commissioner Rehn and HR Solana already states that “the future international civilian presence could take the form of an international office with an important EU component,” as well as mentioning the importance of EU contributions to the rule of law.⁵⁰ By the time of the third revision of this report in July of 2006, the plans had become even more concrete. The EU was to “become the driving force within the future international presence,” by appointing one person to

⁴⁷ Interview with Council official 3.

⁴⁸ Ducasse-Rogier, p. 31.

⁴⁹ *Treaty of Nice*, Article 11.

⁵⁰ Council: *Press Release*: “Summary Note on the joint report by Javier Solana and Olli Rehn,” 14 June, 2005, Section 4: The EU’s contribution to an international presence in the post-UNSCR 1244 phase.

be both the Head of the international civilian presence and as the EUSR to Kosovo.⁵¹ Plans for a police and justice ESDP mission were also explicitly mentioned.⁵²

From this point on, most of the EU's actions and communications focused on this upcoming mission. It is important to note that it was clear to everyone involved that if the EU were to take over responsibility from UNMIK, this would entail setting up the largest civilian ESDP mission ever assembled. Once the commitment had been made, it was crucial to deliver on it, since the EU's foreign policy credentials were at stake.⁵³

In April, the Council adopted a Joint Action establishing a planning team to prepare an EU crisis management operation.⁵⁴ A few months later, another Joint Action set up a team to prepare the international civilian mission, including an EUSR position.⁵⁵ The mandates of each of these teams were extended and modified three times during the course of the next 15 months, each time with an increase in monetary resources.⁵⁶ The planning team's mandate was to "take action to ensure a smooth transition between selected tasks of UNMIK and a possible EU crisis management operation in the field of the rule of law."⁵⁷

Indeed, as the preparations for the EU-led international civilian office (ICO) and the ESDP rule of law mission progressed, they became more and more central themes of EU positions. No CFSP Common Positions or Common Strategies⁵⁸ were adopted on Kosovo's status, but Joint Actions were approved with monthly regularity on the planning stages of the ICO, EUSR and the ESDP mission. As the pressure mounted to successfully plan an EU operation that was looking increasingly difficult, the question of the status process itself faded

⁵¹ Council of the European Union: *Press Release*. "Summary Note on the joint report by Javier Solana, EU High Representative for the CFSP, and Olli Rehn, EU Commissioner for Enlargement, on *the future EU Role and Contribution in Kosovo*," 16 July, 2006, Section: The EU engagement in Kosovo.

⁵² *Ibid.*

⁵³ Exacerbating this need was the memory of 1999—when the Serbia-Kosovo conflict was deemed to be a European problem that the EU proved unable to resolve, and required a US-led NATO mission to end.

⁵⁴ Council of the European Union: *Joint Action 2006/304/CFSP*.

⁵⁵ Council of the European Union: *Joint Action 2006/623/CFSP*.

⁵⁶ See: Council of the European Union: Joint Actions 2006/918/CFSP; 2007/203/CFSP; 2007/334/CFSP; 2007/517/CFSP; 2007/520/CFSP; 2007/744/CFSP; and 2007/778/CFSP.

⁵⁷ Council of the European Union: *Joint Action 2006/918/CFSP*, Article 1, indent 2.

⁵⁸ These are the tools available under the EU Treaties in the CFSP realm. Common Strategies provide general guidelines of EU foreign policy, Common Positions determine the EU's stance towards a specific region or thematic issue, and Joint Actions define operational action if the EU acts as a whole. See: *Treaty of Nice*, Articles 13-15.

into the background. The EU's CFSP structures had channeled the Kosovo question into the funnel of a civilian ESDP mission, framing it as a security issue, rather than a political one. The role of the EU was increasingly being seen as one of a regional stabilizer, committing its security policy tools in order to ensure a peaceful transition as the UN extricated itself from Kosovo.

When Kosovo declared its independence, the Council Presidency's reaction reflected this securitized role conception. Trying to minimize the clear divisions among member states about recognizing Kosovo, the Presidency's post-Council press conference "devoted considerable attention to the deployment of an ESDP mission in Kosovo,"⁵⁹ in effect dodging the issue of the EU's stance on Kosovo's status, and recasting the EU's role as a provider of security, through its ESDP instruments.

Of course, this focus on the EU mission also brought its own dangers. On 4 February, 2008, the Council appointed Pieter Feith as EUSR in Kosovo,⁶⁰ and he became the International Civilian Representative in Kosovo on 28 February, as well. The Council also launched EULEX Kosovo on the same day. But the mission itself was far from settled—in fact, significant challenges remained. The main question to be resolved involved the legal mechanics of how to ensure the transfer of authority from UNMIK to the EU-led ICO, and under what mandate EULEX would be able to deploy. As a reminder, in 2006, the Council was clear that "the future international civilian mission in Kosovo should be based on a UNSC Resolution."⁶¹ Yet after the unilateral declaration of independence by Kosovo, it became clear that Serbia and Russia would oppose any operation seen as supporting Kosovo's independence.

Russia would continue to block any new resolution that could serve as a legal basis for the EULEX deployment, so its mandate to this day is based upon UNSC 1244. On the other

⁵⁹ European Council Presidency (Slovenia): *Press Release*: "Minister Rupel: The EU has adopted a common view on Kosovo," 18 February, 2008. This press release is indicative of the Council's dilemma. It shows how the foreign minister was trying to argue that the EU showed unity, but his description of what conclusions the Council reached belied his message—which is why he immediately focused his attention on the security aspects of the situation.

⁶⁰ Council of the European Union: *Joint Action 2008/123/CFSP*.

⁶¹ Javier Solana and Olli Rehn: "Joint Report on the Future EU Role and Contribution to Kosovo," 26 July, 2006, quoted in: Council of the European Union: *Joint Action 2006/623/CFSP*, Recital 5.

hand, in November of 2008, the UN finally brokered a deal to gain Serbia's acquiescence to the EULEX mission, in exchange for the promise that "EULEX will fully respect Security Council resolution 1244 (1999) and operate under the overall authority *and within the status-neutral framework* of the United Nations."⁶² EULEX finally deployed on 9 December, 2008, and reached full operational capacity on 6 April, 2009.

The role performance of the Union through its CFSP instruments was therefore heavily securitized. By committing itself early on to an ESDP mission, and shouldering the responsibility of inheriting UNMIK's tasks, the EU channeled its CFSP energies into ensuring that its largest-ever civilian ESDP mission would be a success. The status of Kosovo was therefore no longer the central issue to be solved, but rather a serious irritant to the main task at hand: successfully deploying EULEX Kosovo. As Papadimitrou and Petrov have noted:

"the EU itself was [...] divided over Kosovo, leading to not only the reconfiguration of EULEX's capabilities, but the very character of the mission. This shift transformed EULEX and the EU's self-ascribed presence in the conflict from a highly activist player in the context of Kosovo's 'supervised independence,' to an overwhelmingly 'technical' mission that projected no preference on the crucial question of the final status."⁶³

If one assumes that European foreign policy is synonymous with the EU's second pillar, and is reflected in Council conclusions and Joint Actions, then the European response to Kosovo's declaration of independence is unimpressive. The EU seems to have essentially ignored the question of Kosovo's status, unable to overcome its internal divisions about recognizing it as a new state. At the same time, it conceived of its role in the region as an actor whose mission was to guarantee security. By undertaking such a large civilian mission to the region, the CFSP's underlying imperative became the successful deployment of EULEX—regardless of how it affected, or was affected by, Kosovo's independence.

⁶² United Nations: "Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo," 24 November, 2008, Paragraph 50, emphasis added.

⁶³ Papadimitrou & Petrov, p. 757.

4.3. THE ROLE PERFORMANCE OF THE EU THROUGH THE EP'S PRISM

The CFSP's failure to respond coherently to the declaration of independence of Kosovo and its role performance as a security provider contrasts starkly with the EP's role performance during this period. Contrary to the Council, the EP took a firm position on the question of Kosovo's independence, accepting it as an inevitable fact on the ground, and called on other EU institutions to do the same. In terms of its institutional role performance, the Parliament played the role of precedence-setter: aiming to create certain norms and practices that would guide EU-Kosovo interactions—and forcing the other EU foreign policy actors to accept them. Also in marked difference to member states, the EP saw the role of the EU in Kosovo not in security terms, but rather as an actor whose fundamental responsibility was to help ensure that the populations on the ground could effectively exercise their fundamental democratic rights. The EP's international role performance therefore reveals a very different bent from that of the CFSP: one concerned with the actualization of democratic principles.

These two role performances also point to a coherence in the Parliament's role conceptions: both institutional and international. In both of these cases, the EP's role conception is clearly a normative one: in institutional terms, it seeks to use the power of precedent to create norms within the EU's structures that would strengthen its own preferences in foreign policy. In international terms, the EP views the EU as a normative actor in global politics, trying to push for the spread of democratic rights and principles. The following sections will lay out these aspects in detail.

4.3.1. The EP's institutional role performance: precedence-setting and Kosovo's status

In the years before Kosovo's declaration of independence, the Parliament addressed the status question in a way that paralleled other EU institutional actors. It certainly showed interest in the negotiations for a resolution of the problem, organizing, for instance, a hearing with the title

“Kosovo: Five Years On,”⁶⁴ in January of 2005. In general, however, it stuck to the general EU position of providing support for the negotiations between Serbia and Kosovo to come to a mutual agreement.⁶⁵

Once these negotiations failed, and the Ahtisaari plan was unveiled, the Parliament began to be more vocal in its support for Kosovo’s independence. On 29 March, 2007, the EP adopted its report on “The Future of Kosovo and the role of the EU,”⁶⁶ its first formal position on the issue since the publication of the Ahtisaari plan. Predictably, the EP noted that it “supports the UN-led process to determine the final status of Kosovo [...and] endorses Mr. Ahtisaari’s Comprehensive Proposal”⁶⁷ but it immediately added that it “takes the view that sovereignty supervised by the international community is the best option.”⁶⁸ The Parliament also urged the Council to “adopt a common position on the status issue,” and ensure that the EU member states on the UNSC upheld this common view.⁶⁹

This clear signal by the EP that sovereignty for Kosovo was the best solution was stated even more bluntly when Kosovo declared independence the following year. The Parliament happened to start its plenary session the day after Kosovo declared its independence on February 17, 2008. EP President Hans-Gert Pöttering opened the session with a statement that “this decision had been expected, and reflects the will of citizens of Kosovo to take their political destiny and the institutional development of their independence into their own hands.”⁷⁰ The day before, Doris Pack, the Chair of the EP’s Delegation for Relations with South-East Europe (DSEE), released a statement in which she said “it was high time to unblock the uncertainties and give to the people of Kosovo, to all of them, a proper basis for a better future.”⁷¹ She called

⁶⁴ Public hearing held at the European Parliament on 25 January, 2005.

⁶⁵ See, for instance: European Parliament Delegation for Relations with the countries of South East Europe: *Joint Statement with the Parliamentary Assembly of Kosovo*, 20 June, 2005.

⁶⁶ European Parliament: *Resolution*: “On the future of Kosovo and the role of the EU,” 29 March, 2007.

⁶⁷ EP Resolution “on the future of Kosovo,” 2007, Par.1.

⁶⁸ *Ibid.*

⁶⁹ EP Resolution “on the future of Kosovo,” 2007, Pars. 17-18.

⁷⁰ European Parliament President Hans-Gert Pöttering: statement in plenary, 18 February, 2008.

⁷¹ European Parliament Delegation for Relations with the countries of South East Europe: *Press Release*: “Kosovo: The day of responsibility has come, says Doris Pack,” 17 February, 2008.

on “Member States of the European Union to say yes to the people of Kosovo, and recognize without delay their instances.”⁷²

One of the main reasons the EP could be so much more frank in its support for Kosovo’s independence claim was that its structures allow for majority rule. While the Council requires unanimity for CFSP decisions, parliamentary resolutions only need a simple majority of MEPs to vote in favor. So even though some MEPs may not have shared the majority view, the Parliament could portray itself as a staunch supporter of Kosovo’s independence. Similarly, the EP President and the DSEE Chair could speak in the name of a clear majority when issuing their statements, and not be hamstrung by individual MEPs’ opposition.

The Parliament’s support was not only rhetorical: this is most visible in the EP’s direct interactions with the Kosovo Assembly. Shortly after Kosovo acquired such a legislature,⁷³ the EP established a schedule of informal interparliamentary meetings with Kosovo representatives. These meetings were organized through the DSEE, and dealt with Kosovo in a way quite similar to other, undoubtedly sovereign, states in the Western Balkans. After Kosovo declared independence, the profile of these meetings was raised even higher.

The first interparliamentary meeting (IPM) after Kosovo’s independence was held on 28-29 May of 2008. The meeting was dubbed the 1st Inter-Parliamentary Meeting with the Kosovo Parliamentary Assembly, even though it was the fifth regular meeting between MEPs and Kosovo parliamentarians. By clearly marking a split with the past, the EP was reinforcing its view that Kosovo’s declaration of independence required a formal change in its relations with the EU. In addition, the meeting room featured the Kosovo flag, the first time that it was flown in any EU institution (the flag of UNMIK had been used on previous occasions).⁷⁴ UNMIK representatives were not invited to this meeting, although they had been present at previous IPMs. At this point, it is also worth noting that at least since 2006, the Parliament has not used

⁷² Ibid.

⁷³ The Assembly of Kosovo was established by UNMIK as part of the Provisional Institutions of Self-Government (PISG) of Kosovo in 2001.

⁷⁴ Participant observation.

the formulation “Kosovo under UNSC 1244” as a diplomatic formulation in its documents—it simply uses “Kosovo.”

While these may seem like fairly shallow protocol decisions, they are imbued with political meaning—indeed all of these decisions required active political choices by the Parliament’s governing bodies. They are also independent of individual MEPs’ views, and reflect the Parliament’s view as an institution. After the 2009 elections, the DSEE Chairmanship passed to a Slovak MEP, Eduard Kukan; given that Slovakia is one of the five EU member states not to have recognized Kosovo, this could have led to some difficulties. But in fact, IPMs and other interactions with Kosovo politicians continued unabated. In fact, on 5 February 2009, the Parliament adopted a resolution on Kosovo and the role of the EU that went even further than its previous documents. In it, the EP explicitly “encourages those EU Member States which have not already done so to recognize the independence of Kosovo.”⁷⁵

All of these actions are linked through the EP’s use of precedent as a tool to urge changes in EU foreign policy. Through its treatment of Kosovo as a “normal” country, the Parliament was creating institutional facts on the ground within the EU policy-making setting. It tried to change the language by which Kosovo was referred to, normalize the mundane institutional ways in which the country was treated, and establish new norms of diplomatic recognition and interaction. These institutional role performances all set varying degrees of precedent within the EU institutions, pushing toward the direction of considering Kosovo as a sovereign, democratic country.

A perfect example of how such precedents affect the EU’s institutional actors comes from a larger gathering, which forced various actors to accept the EP’s interpretation of Kosovo’s status. A Joint Parliamentary Meeting on the Western Balkans was organized by the EP in 2008 to bring together MEPs and national parliamentarians from all EU member states

⁷⁵ European Parliament: *Resolution*: “On Kosovo and the role of the EU,” 5 February, 2009, Par. 3.

and all Western Balkan applicant countries.⁷⁶ In this setting, the EP followed its own, established protocol, by inviting members from the Assembly of Kosovo. Naturally, the Serbian participants were outraged. However, they remained in the room.⁷⁷ More importantly from the viewpoint of the EP's institutional role performance, the Council and Commission, who featured on the program, also had to accept the EP's version of democratic representation in the Western Balkans. The Parliament therefore set a precedent by which the Commission and Council were forced to interact with the Assembly of Kosovo without the presence of UNMIK. Through such an act of parliamentary diplomacy, the EP was able to make other EU actors complicit in its own interpretation of Kosovo's status—a creative means of exerting parliamentary influence over them.

The Parliament's view of Kosovo's status shows a clear progression from supporting negotiations with Serbia and UN efforts at a resolution while these lasted to an outright acceptance of Kosovo's sovereignty once it had declared itself independent. This was based on both a pragmatism that one cannot ignore realities on the ground, as well as a more normative concern that a democratic decision for self-determination must be honored—something the next section will flesh out. In all the ways that it is able, the Parliament now treats Kosovo the same way as it does other countries from the region: it holds regular IPMs with its parliamentarians, displays the Kosovo flag on these occasions, addresses Kosovo authorities in its resolutions and reports like any other government, and has a permanent rapporteur⁷⁸ for the Parliament's yearly reports on Kosovo's progress towards EU accession.

Thus while the EU's CFSP was unable to treat Kosovo's status question due to the internal divisions in the Council, the EP no longer debates the issue because it has already made up its mind: it considers Kosovo as a sovereign entity, and interacts with it accordingly.

⁷⁶ For details, see: European Parliament: *Press Release*: "Balkans best practice: EU and Western Balkans parliamentarians exchange integration experiences," 27 May, 2008.

⁷⁷ Participant observation.

⁷⁸ The MEP responsible for drafting a report in committee.

Moreover, it seeks to spread this interpretation of the status question to other EU institutional actors through setting precedents, in linguistic, institutional and diplomatic ways.

4.3.2. The EP's international role performance: the EU as a democratic norm guarantor

It is one thing to establish that the EP had a more robust and consistent stance regarding Kosovo's independence claims than the Council—after all, the fact that the EP operates under majority rule goes a long way toward explaining that difference. But the Parliament also clearly viewed the role of the EU in a very different way from the Council: the EP's actions point to a consistent concern for the actualization of democratic rights in Kosovo, not a preoccupation with the security aspects of its declaration of independence. Already in 2006, the EP's rapporteur Joost Lagendijk noted that

“we are of the opinion that it is not in the areas of security and justice, however important that they may be, that the EU will be playing an important role. What is equally important, for example, is coordinating all the efforts of the international community, continuing to help in the construction of a civil administration and, *crucially, monitoring compliance with human rights.*”⁷⁹

A similar preoccupation with human rights aspects of Kosovo characterized the EP's oversight role,⁸⁰ as well as its more direct contacts with the region.⁸¹

It should be noted that the Parliament's preoccupation with human rights and rights of democratic participation was rarely on the level of general principles of such rights, but rather in quite concrete examples of them. As one MEP said, the EP's role is to be “helpful to Kosovo in many aspects and issues which are interesting and important for the *people* of Kosovo.”⁸² The Parliament thus concentrated on specific areas which it saw as concrete manifestations of democratic rights issues that affected people's lives on a micro-level. One major issue was

⁷⁹ European Parliament: *Plenary Debate*. “EU preparation for its future role in Kosovo,” 6 September, 2006, emphasis added. The same question appears in the official written form of the Oral Question to the Council, as well.

⁸⁰ For instance, summoning the Commission to address the human rights of minority groups in Kosovo at a plenary session on 28 September, 2006.

⁸¹ For instance, an EP Delegation visited Pristina and Belgrade in June of 2006, to hold talks with political leaders in Kosovo and Serbia, along with minority and religious groups.

⁸² Interview with MEP 4, 14 July, 2011, original emphasis.

minority rights, but others included general concerns such as refugees' rights and education for Roma children, all the way to specific local questions such as restoring vandalized graveyards.⁸³

The other issue that was frequently raised by the Parliament in terms of political rights was the freedom of movement, which in MEPs' minds was strongly linked to visa liberalization. The fact that citizens of some countries in the Western Balkans had acquired the right to travel to the EU without visas and some (including those in Kosovo) had not, was seen by MEPs as "giving the impression that they are second-class."⁸⁴ The Parliament was thus in the forefront of pushing the Commission and Council to include Kosovo in its visa liberalization program, even though its non-recognition by some member states made this a particularly thorny issue.⁸⁵ In the conclusions of the 2008 IPM meeting, the EP explicitly noted that "freedom of expression and freedom of movement are among the most important civil and political rights in need of increased protection."⁸⁶

Besides such concerns about individual freedoms, the EP was also focused on the democratic development of Kosovo and its institutions. The Parliament followed Kosovo's democratic institution building directly, through election observation missions. The EP sent an election observation Delegation to Kosovo in November of 2007, where the boycott of the elections by the Serb community and the generally low participation rate caused the Delegation to express its alarm.⁸⁷ AFET even dispatched an informal Delegation to observe the local elections held in November of 2009. Although the EP's election observation missions are restricted to national polls, the Parliament obviously considered this election important enough to make an exception and find a way to participate in its observation.

⁸³ For details, see: EP Resolution "on the Future of Kosovo," 2007.

⁸⁴ Interview with MEP 4.

⁸⁵ See, for instance: European Parliament: *Report*: "Third-country nationals subject to or exempt from a visa requirement when crossing external borders," 12 November, 2009.

⁸⁶ European Parliament Delegation for Relations with the countries of South East Europe: *Joint Statement with the Parliamentary Assembly of Kosovo*, 29 May, 2008, Par. 7.

⁸⁷ European Parliament: *Press Release*: "Kosovo elections broadly in line with international standards but alarmingly low turn-out, says EP election observation delegation," 18 November, 2007.

In addition, the EP included Kosovo in its general efforts to help spread best practice to parliaments of the countries of the Western Balkans. A special unit within the Directorate for External Policies of the Parliament was tasked with organizing exchanges and seminars for parliamentarians as well as parliamentary staffers from various Western Balkans countries, in order to assist these newly independent states in setting up functional legislatures.⁸⁸ The EP's parliamentary oversight activities and its direct involvement with outside actors thus show a strong preoccupation with spreading democratic norms. The EP's role performance vis-à-vis Kosovo therefore differs markedly from that of the Council.

All this is not to say that the Parliament was not concerned with questions of security, or that the Council was oblivious to human rights and democracy issues in Kosovo. But it is still important to note that for the Council, the status issue was predominantly seen as an impeding factor for launching a large ESDP operation: the frame of reference was the successful takeover of UNMIK tasks by EULEX. The Parliament, on the other hand, viewed EULEX as a way to “safeguard the interests of national minorities [...], build confidence among ethnic communities, protect the cultural, religious and historical heritage, consolidate the rule of law and promote economic development.”⁸⁹ The Parliament thus treated the security aspects of the Kosovo issue as a tool to further other, normative, ends.

In addition, the EP framed the question of Kosovo's independence itself in terms of democratic self-representation.⁹⁰ On the one hand, there was a clear pragmatism at play: Kosovo's declaration and its recognition by many important states, including the US and many EU countries had created realities on the ground. The Parliament was quite open about this: in the plenary debate held on 20 February, all the major political groups expressed the simple

⁸⁸ Participant observation.

⁸⁹ EP Resolution “on the annual report from the Council,” 2008, Par. 29.

⁹⁰ Interestingly, those MEPs opposed to the majority view which supported Kosovo's independence were united around another normative concept when explaining their objections: that of maintaining international legal norms—see: European Parliament: *Plenary Debate*: “Kosovo,” 20 February, 2008.

thought that this event was “unavoidable.”⁹¹ On the other hand, a normative argument about democracy and self-determination was also made in this context. As EP President Pöttering’s description of Kosovo’s declaration as an action that “reflects the will of the citizens in Kosovo to take their political fate and institutional shaping of independence peacefully into their own hands”⁹² shows, the Parliament operated on the basis of a norm that democratic decisions should be respected.

During the same debate, MEPs also put the onus on Kosovo’s democratic politicians and representative authorities to start living up to the standards of a sovereign state. DSEE Chair Pack noted that “[p]oliticians in Kosovo must now create their state with sound judgment and determination,”⁹³ echoing rapporteur Lagendijk, who hoped that “the Kosovars will shoulder their responsibility quickly, as it is they who are at the helm.”⁹⁴ Almost all political groups addressed the Kosovo authorities as the ones who now held the reins, thus legitimizing their claims to be the legitimate political representatives of that territory. The message was clear: democratic principles create a right to self-determination, but this comes with responsibilities attached.

For the EP, Kosovo thus presented a series of very concrete political challenges: how to ensure that this new state granted linguistic and religious rights for its Serbian and Roma minorities, how to guarantee that its democratic structures were up to European standards, and how to extend EU freedoms (of free movement, for instance) to its citizens. The Parliament repeatedly made use of its parliamentary powers to engage the Council on these issues and try to push EU policy in the direction of its own policy preferences. But perhaps more importantly, the Parliament’s role performances in its direct interactions with various actors in Kosovo bolstered an EU role that was based on normative concerns of democracy and political rights, and which took Kosovo’s independence for granted.

⁹¹ EP plenary debate, 20 February, 2008.

⁹² Pöttering, statement in plenary, 18 February, 2008.

⁹³ EP plenary debate, 20 February, 2008.

⁹⁴ Ibid.

4.4. THE ROLE CONCEPTIONS OF THE EP: PARLIAMENT AS A NORMATIVE ACTOR

The CFSP's role performance thus differs markedly from that of the EP when it comes to the treatment of Kosovo. But it is not only at the level of role performance that such differences are to be found. Even in the realm of more subjectively held role conceptions, the two institutional actors are dissimilar. For instance, a Council official noted that within the entire region of the Western Balkans, "Kosovo was the place that has been most seen in security and stability terms,"⁹⁵ due to its fraught relations with Serbia and its interethnic tensions. Coupled with the decision to mount a large ESDP mission there, the Council's international role conception of the EU thus saw the Union foremost as a guarantor of the region's security.

The Parliament, by contrast, viewed the problem quite differently—it conceived of the question of Kosovo's status as fundamentally a political issue: one of democratic legitimacy. In interviews with MEPs⁹⁶ as well as EP staff,⁹⁷ the emphasis was clearly on the role the EU could play in helping Kosovo strengthen its democratic norms and institutions—not on providing it with security. Similarly, the conclusions of the 2008 IPM meeting do not mention security at all,⁹⁸ and concentrate on political rights, such as "freedom of expression and freedom of movement [which] are among the most important civil and political rights in need of increased protection," requiring "resolute political will and the involvement of a strengthened civil society."⁹⁹

In terms of its institutional role conception, the EP clearly thought of itself as a precedent-setting institutional actor within the foreign policy structures of the EU. For one, the Parliament never hesitated to embrace its own view of Kosovo's independence, regardless of the Council's ambivalence towards it. Before the first IPM was held with Kosovo after it declared its independence, the DSEE's plans to treat Kosovo like any other state in the Balkans caused quite

⁹⁵ Interview with Council official 3.

⁹⁶ Interview with MEP 4.

⁹⁷ Interview with European Parliament staff member 2, 13 November, 2009.

⁹⁸ Even the few references to EULEX are not about the security situation itself, but rather the legal form of EULEX's takeover from UNMIK.

⁹⁹ DSEE: *Joint Statement with the Parliamentary Assembly of Kosovo*, 2008, Par. 7.

a controversy with the Council's rotating Presidency (held by Slovenia at the time). Yet the Parliament did not back down, and the Presidency ended up sending a representative despite its objections.¹⁰⁰ The fact that the EP was setting a precedent was quite clear in the minds of MEPs and staff alike, and constituted a conscious strategy.

Nor did the Parliament shy away from arguing its case in front of other EU institutional actors: whether in plenary debates and committee meetings with the Council, or in resolutions and IPM conclusions. In this sense, the Parliament thought of itself as a more progressive, pragmatic actor, using its powers to push for what it considered a more fruitful approach to Kosovo's status. As one MEP put it, "our role stems from the fact that we are directly elected, we can speak out on our ideas that are more modern than the official positions of member state governments."¹⁰¹

When interacting with Kosovo directly, the EP's international role conception—its view of how the EU should act in the world—was also quite coherent. The Parliament viewed the question of Kosovo as an instance of a normative power Europe promoting fundamental democratic values abroad. Therefore, it concentrated on those areas of EU policy that helped this goal along: providing practical support for the development of democratic institutions, calling out its Kosovo counterparts on matters relating to political, cultural and minority rights, and fighting for equal treatment of Kosovo regarding the EU's visa liberalization policies.

In essence, the Parliament's treatment of Kosovo was a concrete expression of the EU's normative power. Treating Kosovo as if it were any other country—by holding IPMs, displaying its flag, giving it a rapporteur, or disregarding UNMIK as a voice of the region—signaled to other third actors that a return to the pre-independence status quo was not a tenable option. This was especially visible when the Parliament organized events where both Serbia and Kosovo were represented, such as the Joint Parliamentary Meeting held among MEPs and parliamentarians from EU member states and the Western Balkans countries on 27 May, 2008. While there is

¹⁰⁰ Interview with EP staff member 2.

¹⁰¹ Interview with MEP 4.

always a protocol problem when Serbian and Kosovo representatives are in the same room, and no solution, even for something as minor as the phrasing of name-cards, ever becomes an uncontested precedent,¹⁰² the fact that the Parliament forced these two states to interact with each other on an equal footing in these contexts was a way to force the normalization of Kosovo's status.

The EP's international role performance reinforced Kosovo's independence by focusing on the concrete democratic rights issues that it raised when interacting with it. Whether the actual content of the exchanges was positive or negative was, for such purposes, inconsequential. In April of 2008, a Delegation of the EP's Foreign Affairs Committee visited Pristina, where it congratulated Kosovo's leaders on a constitution that is "a model in terms of protection of minorities' rights," adding that implementation was now crucial.¹⁰³ In contrast, in 2009, the EP resolution on Kosovo leveled criticism at the government for reducing funding for the return of (mostly Serbian) refugees to the country.¹⁰⁴ In either case, however, the Kosovo government was addressed as the appropriate interlocutor for such praise or concern, bolstering its credibility.

Finally, it must be made clear that the point of this chapter's comparison between the Council's and the EP's role performances is not to weigh whether one is somehow "better" than the other. In fact, the ambiguity of the EU's position on Kosovo was in some ways an asset. As one staffer put it, "the EP's position on Kosovo opened doors for the EU in Pristina, which Council's official position would not have done, and strengthened acceptance of the EULEX mission there, while the neutral position of Council assured good relations with Serbia."¹⁰⁵ The point is rather that the EP had a coherent role conception both of its own role in the policy-making process of the EU as a precedent-setting actor, as well as of the type of role that the EU should be playing in Kosovo—that of a normative power spreading democratic norms. And

¹⁰² Interview with EP staff member 2.

¹⁰³ European Parliament: *Press Release*. "EP Delegation to Kosovo welcomes new constitution," 21 April, 2008.

¹⁰⁴ EP Resolution "on Kosovo," 2009, Par. 25.

¹⁰⁵ Interview with European Parliament staff member 9, 25 June, 2010.

crucially, the Parliament not only expressed this role conception in debates with “real” CFSP actors, but enacted it in its role performance during direct interactions with Kosovo itself.

CHAPTER 5

CASE STUDY 2: THE PALESTINIAN AUTHORITY AFTER THE 2006 ELECTIONS

After investigating the EP's role conceptions and role performance regarding Kosovo's declaration of independence, this second case study will take up an even more controversial example of contested sovereignty. In 2006, members of Hamas—which, according to the EU, is a terrorist organization—stood for legislative elections in the Palestinian Territories under the list of Change and Reform. The elections themselves were observed by the EU itself, which declared them free and fair, and an overall success for the region. Change and Reform emerged victorious, but EU member states refused to enter into direct contact with the government, and rerouted financial and development assistance to bypass Palestinian Authority (PA) structures. Therefore, this case provides yet another instance of contested sovereignty, where the EU had to define its role and appropriate behavior in an ambiguous setting.

This chapter will analyze the role of the EP in this divisive example in the following steps. First, it will offer a historical overview of the Palestinian elections and the EU institutions' ties with the Palestinian Territories. It will then identify the role performance of the EU that emerges from the study of the EU's CFSP actions and rhetoric. The chapter will then turn to the Parliament, describing both its role performance in parliamentary oversight and in parliamentary diplomacy on this issue. It will lay out how the EP's institutional role as a public forum for debate allowed it to lead an open and transparent discussion of the appropriate way for the EU to interact with the Palestinian government, although the inability of the EP to resolve this debate led it to be ineffective in influencing other EU institutional actors. This ambiguity of the EP's position also kept it from enacting a coherent international role performance in its parliamentary diplomacy. At the same time, the chapter will argue that although the Parliament's institutional and international role performances were discordant at times, even drastically

opposing views within the EP relied on a coherent underlying role conception of the EU as a normative actor promoting democratic rights. In the case of EU-Palestinian relations, however, this role conception did not clearly indicate which policy option should be pursued.

5.1. BRIEF CASE HISTORY

Sketching even a brief history of the Palestinian Territories is of course a topic for an entire dissertation unto itself. For the narrow purpose of this chapter, however, it is sufficient to lay out the general state of EU-Palestinian relations, and the specific impact that the 2006 election victory of Hamas and its subsequent entry into government has had on this relationship. This section will start with an overview of events in the Palestinian Territories, and then describe the mechanisms and legal nature of its relations with the EU. The time period that most directly raises the issue of contested sovereignty in EU-PA relations can be said to start in the beginning of 2005, when Palestinians held their first Presidential elections in a decade. And the decision-making process can be seen as ending with the effective split of the Palestinian Territories into a Hamas-controlled Gaza Strip and a Palestinian Authority-controlled West Bank in 2007. The timeline below will therefore concentrate on those years.

5.1.1. The situation in the Palestinian Territories

The beginning of the last decade saw the Middle East conflict engulfed in a fresh round of Israeli-Palestinian hostility. Shortly after the Camp David talks between PA President Yasser Arafat and Israeli Prime Minister Ehud Barak broke down in July of 2000, the second intifada began, ushering in a new wave of violence between the two sides. While the Israeli government mounted several military missions into the occupied territories, Palestinian groups continued to fire rockets into Israel. This prompted the Israeli government to start the construction of a security barrier in April of 2002, a fence that would separate the West Bank from Israel, and which nearly completely encircles the West Bank today.

The international community responded to the new wave of violence by establishing the so-called Quartet in 2002, made up of the United States, Russia, the EU and the UN. To this day, the Quartet remains the main international mediator for the peace process. Although a “Road Map to Peace”¹ was produced by the Quartet in April of 2003, no significant steps were taken towards a comprehensive solution to the Middle East conflict. However, the death of Palestinian Authority President Yasser Arafat in November of 2004 raised hopes for a normalization of the situation in Palestine.

At the end of 2004, municipal elections were held in the West Bank—the first such elections in almost thirty years.² Hamas participated in the elections,³ with strong results, winning control of several cities in the West Bank and especially Gaza. During the presidential election, however, held on 9 January, 2005, Hamas announced that it would boycott the polls. The candidate of Fatah, Mahmoud Abbas, was elected with a comfortable majority (over 60%). His victory was greeted with satisfaction by Israel and the Quartet, who deemed him a genuine partner for peace.⁴

A summit held at Sharm el-Sheikh on 8 February, 2005 relaunched negotiations between Israeli Prime Minister Ariel Sharon and Mr. Abbas. Additionally, on 12 September, 2005, the Israeli government implemented its unilateral withdrawal from the Gaza Strip, removing Jewish settlers and demolishing their homes. It was thus at a time of relative optimism for Middle East peace that the first democratic elections to the Palestinian Legislative Council (PLC) were announced for 25 January, 2006.

Hamas, buoyed by its success in the 2005 municipal polls, participated in the election, fielding candidates under the list of Change and Reform. Surprising outside observers, it won a

¹ United Nations Security Council: “A Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict,” 30 April, 2003.

² The elections had several rounds. Subsequent polls were held throughout 2005, although some districts never arrived at the end of the process due to the situation that developed after Hamas took power.

³ Hamas had traditionally boycotted elections in the Palestinian Territories, as it does not accept the Oslo Accords—the agreement between Israel and the Palestine Liberation Organization—which gave birth to the Palestinian Authority.

⁴ For some quotes from Israeli officials and Quartet representatives, see BBC News: “In quotes: Reactions to Palestinian Poll,” 10 January, 2005.

resounding victory, taking 74 of 132 seats (to Fatah's 45).⁵ Western observers judged the election to have been free and fair, and conducted according to international standards. Having won an absolute majority, Hamas formed a government, installing Ismail Haniya as Prime Minister on 19 February. It was at this point that the Palestinian Authority—which represents Palestinians on the world stage—and Hamas—a problematic organization as will be discussed below—became inexorably intertwined. Relations with the West soon turned complicated.

Hamas features on both the EU's and the United States' lists of international terrorist organizations. It has taken responsibility for attacks on Israeli civilians, as well as suicide bombings, primarily under the guise of its military wing, the Al-Qassam Brigades. Its founding charter,⁶ which it has never officially renounced, includes the claim that "Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it."⁷ The Charter notes that "[t]here is no solution for the Palestinian question except through Jihad. Initiatives, proposals and international conferences are all a waste of time and vain endeavors."⁸

Although Change and Reform, the list under which Hamas politicians ran in the legislative elections, published its own manifesto, which did not include any call for the destruction of Israel, it still maintained the right to resist Israeli occupation by force of arms.⁹ The Quartet demanded that the new government renounce all violence, recognize Israel, and accept all previous agreements between the Palestinian Authority and Israel (these three demands would soon be known as the "Quartet principles"). After the Quartet deemed that this stipulation was not met, international donors cut off aid to the Palestinian authority in April. In addition, Israel clamped down on the movement of both people and goods from the occupied territories, and withheld tax revenues that it had collected there.

⁵ BBC News: "Palestinian Election: Results in detail," 16 February, 2006.

⁶ *The Covenant of the Islamic Resistance Movement*, 18 August, 1988 (henceforth: *The Covenant*)

⁷ *The Covenant*, Preamble. It should be noted that the quote in question is not an integral part of the document, but rather is a quote itself (attributed to Imam Hassan al-Banna).

⁸ *The Covenant*, Article 13.

⁹ See: List for Change and Reform: *Electoral Campaign Platform*, 2006.

It is in this context that Hamas posed a quandary for the international community and the EU in particular. While the organization itself was considered a terrorist group, with whom official relations would seem to be inappropriate, the government which it headed was a representation of a free and fair democratic election. Hamas's victory had put it in control of the Palestinian Authority, which was the legitimate voice of the Palestinian people in the international arena. This tension permeated the PA's relations with third countries from the moment the election results came in.

A few more important events since that period need to be mentioned here, if only because these crises necessitated an EU response in coming years. Hamas formally withdrew from its 16-month ceasefire with Israel on 10 June, 2006, following an explosion on Gaza beach, which it attributed to the Israeli Defense Forces. On 29 June, a cross-border operation by Palestinian forces killed two Israeli soldiers, and captured a third—Gilad Shalit.¹⁰ In retaliation, Israeli forces captured dozens of PLC members, a third of the cabinet, and the Speaker of the PLC. Also during the summer of 2006, Israel and Lebanon fought a short war on their mutual border.

In the Palestinian Territories, low-level fighting between Hamas and Fatah supporters continued throughout the year. After Hamas Prime Minister Haniya survived an assassination attempt, and President Abbas threatened to call a new election on 15 December, a fresh round of violence erupted. Arab efforts to broker a truce and arrive at a compromise finally bore fruit on 17 March, 2007, when a national unity government was announced, including both Hamas and Fatah cabinet members. Yet the government proved short-lived. Large-scale fighting broke out in the Gaza Strip,¹¹ culminating in a two-week period of violence in June of 2007, at the end of which Hamas defeated the Fatah forces, and took over control of Gaza.

¹⁰ Shalit was only released in a prisoner swap in late 2011.

¹¹ The conflict was, of course, due to complex causes. But the fundamental issue was that Hamas forces and the Fatah-controlled National Security Forces were competing for who would be in charge of security in Gaza.

On 14 June, 2007, President Abbas announced a state of emergency and dissolved the government. Hamas did not accept the legality of this step, nor did they regard the newly appointed Prime Minister Salam Fayyad as legitimate. The Palestinian Territories therefore effectively split: Salam Fayyad headed a Fatah government in the West Bank, while Ismail Haniya was leading a Hamas government in Gaza. Each side controlled its own area, and considered itself the legitimate government of all of the Palestinian Territories. The EU, the Quartet, and Israel, however, only recognized the Abbas-led PA.

The second half of 2007 saw increasing intra-Palestinian violence in Gaza, as well as an upsurge in rocket attacks against Israel that continued throughout the next year and a half. In January of 2008, Israel cut virtually all links with Gaza, resulting in food and fuel shortages, and leading to international condemnation. In response, Hamas destroyed part of the barrier between Gaza and Egypt, and Palestinians in the hundreds of thousands crossed the border. In early March, Israel launched a military operation in Gaza, which, after a period of relative calm, was followed by another—even larger and more deadly—campaign at the very end of the year.

Since January of 2009, many developments in the region have affected the Middle East peace process, from the Arab Spring to the ongoing violence in Syria, to the ratcheting of military tensions between Israel and Iran. Since this dissertation only deals with the 6th legislature of the EP, however, this historical overview will stop here.

5.1.2. EU-Palestinian relations: the institutional landscape

The EU maintains relations with the Palestinian Territories under the auspices of three major instruments. The first is through ECHO. The focus of this office is to deliver aid to populations in need around the world, regardless of the political context, so Hamas's election victory did not directly affect the distribution of ECHO funds. However, since 2000, ECHO has spent over 600

million euros on Palestinians both within the Territories and in neighboring countries, so its effect should not be underestimated.¹²

A second, more political relationship is built around the Euro-Mediterranean Partnership,¹³ which, since 2004, has turned primarily into a multilateral forum for dealing with regional issues. The Euro-Mediterranean Partnership is essentially a gathering place for the executives of EU member states and 16 non-EU Mediterranean countries.¹⁴ It is one of the few fora in which Israeli and Palestinian politicians both participate on an equal footing. All participating countries sign Association Agreements with the EU, which set out both a trade liberalization agenda and a mechanism for regular bilateral consultations. The Interim Association Agreement with the Palestinian Authority, which is still in force today, was adopted on 24 February, 1997.¹⁵

The third official channel between the Palestinians and the EU is the European Neighbourhood Policy (ENP).¹⁶ The ENP was devised in 2004 to offer a more coherent approach to states that share borders with the EU's member states. By adopting bilateral "action plans," the EU seeks to strengthen both the forces of economic integration as well as political goals.¹⁷ This is the arena where most of the EU's benchmarks for democratization and institutional development are located. The action plan for the Occupied Palestinian Territories was adopted in 2004.¹⁸

¹² European Commission Office of Humanitarian Aid & Civil Protection (ECHO): Website on the Occupied Palestinian Territory.

¹³ Formerly known as the "Barcelona Process," now known as the "Union for the Mediterranean."

¹⁴ These are: Albania, Algeria, Bosnia-Herzegovina, Croatia, Egypt, Israel, Jordan, Lebanon, Mauritania, Monaco, Montenegro, Morocco, the Palestinian Authority, Syria, Tunisia and Turkey, with Libya holding an observer status.

¹⁵ European Commission: "Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part," 16 July, 1997.

¹⁶ These are the three points of *direct bilateral* contact between the Palestinian Authority and the EU. There are, of course, other fora in which they meet (the UN General Assembly, for instance), and the EU is also an important source of funding for the United Nations Relief and Works Agency, which provides services to Palestinian refugees both within the Territories and in surrounding countries.

¹⁷ The political goals consist, of course, mostly of reforms that the neighboring countries, not the EU itself, are supposed to implement.

¹⁸ For details, see: European Commission: "EU/Palestinian Authority Action Plan," 2004.

Acutely aware of the peculiar status of the Palestinian Territories, the European Commission is very precise in the terminology it uses within the instruments for cooperation with the Palestinians. It always refers to the region as the “Occupied Palestinian Territories,” while also noting with whom each agreement was signed (the ENP action plan is signed by the EU and the PA, while the Association Agreement names the PLO as the official interlocutor of the EU).¹⁹ Both of these documents also refer to the fact that the unresolved Middle East conflict means that many of the steps envisioned for closer cooperation depend on the establishment of a sovereign state in the region.

The Commission has maintained a Technical Assistance Office for the West Bank and the Gaza Strip, which is located in East Jerusalem (in the West Bank). This office, now called the European Union Technical Office,²⁰ is similar to other EU Delegations, although its status (like the European Union Office in Kosovo) is more ambiguous. Its primary role is to oversee the implementation of EU-funded projects, and in order to do so, it also cooperates closely with the PA.²¹ Its most significant role, however, is in financial and project management: the EU is the single largest international financial donor to the Palestinians—but the help it provides comes from multiple sources and is disbursed in various ways. Some humanitarian aid is delivered directly by the EU, other parts are channeled through UN agencies such as the UN Relief and Works Agency, while NGOs such as the Red Cross are also involved in aid distribution. Development aid is also split: some of the projects are run directly by the Palestinian Authority, while others are managed by international or local NGOs.²²

The funding mechanisms for non-humanitarian purposes are especially complex, mirroring the territories’ unresolved status. Development aid was first offered on a bilateral basis to the Palestinian Authority through the MEDA program, which is essentially the financial arm

¹⁹ *European Union-Palestinian Authority Euro-Mediterranean Interim Association Agreement*, as published in *The Official Journal of the European Communities*, 16 July, 1997, Article 72.

²⁰ The Treaty of Lisbon has brought all Commission Delegations under the European External Action Service, and they now represent the EU as a whole, not just the European Commission.

²¹ For more information, see: European External Action Service: Website on the West Bank and the Gaza Strip.

²² European External Action Service: Website of the EU Representative Office for the Palestinian Territories.

of the Euro-Mediterranean Partnership. In 2006, the EU consolidated its external financing instruments, such that all development aid to neighboring countries is now disbursed through the European Neighbourhood and Partnership Instrument (ENPI).

As with other areas of EU cooperation, the election of the Hamas government in early 2006 had an impact on this part of monetary aid to the Palestinians. Since the political situation made it impossible for the Commission to continue funding the Palestinian Authority (given that Hamas, which is on the EU's list of terrorist organizations, refused to publicly accept the Quartet principles), a new avenue of aid was required. The Commission thus set up the Temporary International Mechanism (TIM), which bypassed the PA, and directly delivered social aid, medical care, emergency fuel supplies and funding for essential public services.²³

Since the split of the Hamas-controlled Gaza Strip from the Fatah-led West Bank, however, cooperation with the Palestinian Authority in the West Bank has recommenced. The EU's current funding mechanism (PEGASE) maintains essential direct aid for services in the Gaza Strip, but also contributes funds for the political development of the West Bank under the Fatah government's Reform and Development plan. It therefore combines the TIM's basic humanitarian functions for the Gaza Strip, adding a more long-term economic recovery plan for the West Bank.

On a security front, the EU also maintains a direct presence in the Palestinian territories in the form of two ESDP missions. The European Union Police Mission for the Palestinian Territories (EUPOL COPPS) is a civilian mission, established in November of 2005.²⁴ Its goal is to help develop a Palestinian Civil Police, building on the previous work of the EU Co-ordination Office for Palestinian Police Support, (EU COPPS), which had been created in early 2005 under the EU Special Representative's office. This mission is still in place today, working with the PA.

²³ European Commission: Office of Development and Cooperation (EUROPEAID): Website on the Temporary International Mechanism (TIM).

²⁴ European External Action Service: Website on EUPOL COPPS.

European Union Border Assistance Mission Rafah (EUBAM Rafah) was established in the same month, to monitor the border crossing between the Gaza Strip and Egypt. While the mission has the right to order anyone crossing to be re-examined, the border itself is manned by PA personnel.²⁵ This role was agreed by Israel and the PA during the negotiations for the Agreement on Movement and Access that the Quartet helped bring about. EUBAM monitored the PA-run border crossing from late 2005 until the summer of 2007. Since June of that year (following the Fatah-Hamas conflict in Gaza), the crossing has been closed, although the EU mission has stayed in place, awaiting its reopening.

Finally, the Council has also maintained an EUSR to the Middle East Peace Process. His role was to report to the HR on developments in the region, and to monitor and facilitate negotiations between the various adversaries in the Middle East conflict. During the time period that this dissertation investigates, this post was held by a German diplomat, Marc Otte, and his main focus was to try and steer all sides to follow the “Road Map” laid out by the Quartet.

5.2. THE ROLE PERFORMANCE OF THE EU THROUGH A CFSP PRISM

If one accepts the assumption that the EU’s foreign policy response to the election of Hamas should be found exclusively among the Union’s CFSP actions, then two characteristics of the EU’s policy towards the Hamas-led Palestinian government are immediately visible. First, the decisions by Member States show a fairly linear development from a conception of Palestinian sovereignty based on procedural legitimacy (that is, free and fair democratic elections) towards one based on meeting a set of political demands (renouncing violence, accepting a two-state solution). Second, the role performance of the EU through the EU’s CFSP actions paints a picture of the Union as primarily a financial actor, one focused on successfully delivering economic and humanitarian assistance to the Palestinian population in need.

²⁵ European Union Border Assistance Mission in Rafah: Website.

5.2.1. The CFSP's shift: from a procedural to a political understanding of sovereignty

The EU's policy towards the PA had long included calls for improving democratic representation. In the EU-PA Action Plan of 2004, one of the main points the EU insisted upon was to create the necessary infrastructure to allow for local and general elections to be held—this included updating voter registers, setting up polling stations, registering political parties and ensuring an independent elections commission.²⁶ It is therefore not surprising that the EU vocally supported Palestinian elections—first local ones in late 2004, and then the Presidential ones in early 2005.

In January of that year, the Council enthusiastically welcomed the election of Mahmoud Abbas as PA President.²⁷ The polls were monitored by an EU election observation mission, headed by MEP Michel Rocard, whose assessment of the conduct of the election was by-and-large positive,²⁸ which meant that the process of voting was acceptable to member state governments. They were also pleased with the result itself, presenting their “warmest congratulations to President Mahmoud Abbas,”²⁹ and hoping that his victory would relaunch the political dialogue between the PA and Israel. Given that the External Relations Councils are chaired by the HR—who also represents the EU in the Quartet—it is also unsurprising that the Council stood behind the role of that group and urged a return to the Road Map.³⁰ February's Sharm el-Sheikh Summit, which brought Israel and the PA back to the negotiating table also pleased Council members, who noted that the “role of the Quartet in the success of this process remains central.”³¹

The elections' positive results also emboldened the Council to support a legislative poll in the occupied territories, and to become a staunch proponent of holding these polls as soon as

²⁶ EU-PA Action Plan, pp. 5-6.

²⁷ Council Conclusions, 31 January, 2005, p. 7.

²⁸ European Commission: European Union Election Observation Mission: *West Bank and Gaza: Presidential Elections, Final Report*, 9 January, 2005.

²⁹ Council Conclusions, 31 January, 2005, p. 7.

³⁰ Council Conclusions, 31 January, 2005, p. 7.

³¹ Council Conclusions, 21 February, 2005, p. 7.

possible. When the original date for elections (17 July, 2005) was pushed back by President Abbas on 3 June,³² a European Council statement just two weeks afterwards called on “the Palestinian Authority to continue with the ongoing reform process, to intensify consolidation of the institutions and to set as soon as possible a date for the organization of free and fair legislative elections.”³³

As another token of the EU’s interest in ensuring the democratic legitimacy of the upcoming elections, the Commission decided³⁴ to send an election observation mission to monitor the legislative polls. The focus of EU involvement in the elections, as expressed by the Council in December, was twofold. First, to urge “the Israelis and Palestinians to implement the recommendations made in the final report of the EU Election Observation Mission headed by Mr. Rocard for the Palestinian Presidential election of January 2005,”³⁵ that is, to ensure that the EU’s advice from the previous elections was heeded. Second, to “assess whether the electoral process is conducted in accordance with the international principles for genuine democratic elections.”³⁶ Only a truly democratic election could result in a Palestinian government that the EU could claim as a legitimate partner and interlocutor. For these reasons, formal, procedural criteria for democratic legitimacy pervaded EU discourse throughout 2005. But this soon began to change.

While still underlining “the importance of the forthcoming elections for the Palestinian Legislative Council as an essential element for progress in the peace process,”³⁷ in November, the Council already showed awareness of the problematic nature of Hamas’s participation in the polls. It emphasized that “violence and terror are incompatible with democratic processes and urged all factions, including Hamas, to renounce violence, recognise Israel’s right to exist, and

³² President Abbas had promised Hamas a legislative election by 17 July, but then opted for a postponement, fearing a potential loss.

³³ European Council Conclusions, 16-17 June, 2005, Annex IV, p. 36.

³⁴ Decisions about electoral observer missions at the time were made jointly by AIDCO and RELEX, both within the Commission.

³⁵ Council Conclusions, 21-22 November, 2005, p. 17.

³⁶ *Ibid.*

³⁷ Council Conclusions, 7 November, 2005, p. 9.

disarm.”³⁸ While still focusing on “democratic processes,” this formulation adds a new element to establishing legitimacy: a set of political criteria to which the participating parties must adhere.

Insisting on basic political conditions such as parties renouncing violence may seem like a straightforward idea: after all, representative democracy rests on the norm that the state holds the monopoly over the legitimate use of force, and social differences are settled in the civilian arena of politics. Mandating that the political platforms of all participants in an election reflect a certain number of basic political or constitutional ground rules is not inherently undemocratic. Still, the EU had set itself a potentially unresolvable dilemma: it had long argued that the only means of ensuring a viable future for the Palestinian people was to allow them to exercise their democratic rights and choose their own leaders and destiny. As the EU’s own election observation mission noted at the end of its mandate, “these elections marked another important milestone in the building of Palestinian democratic institutions, which is a fundamental component in the peace process foreseen in the 2002 Road Map.”³⁹ The elections themselves were considered a necessary condition for any progress in the region. Yet when the results of such a democratic expression of popular will seemed to be turning in the direction of Hamas, the EU began setting a number of criteria that connected legitimacy to a set of political beliefs, rather than its previous insistence on democratic process.

On the eve of the legislative elections, then, the EU had just launched two ESDP missions in the occupied territories, it had underlined that “free and fair elections are an indispensable step in the process of consolidating democratic institutions,”⁴⁰ and had involved itself in the actual monitoring of the elections themselves. Thus, it was poised to take on an important role in the development of the PA, one that required political neutrality. At the same time, by calling on Hamas to renounce violence, recognize Israel’s right to exist, and disarm, it was clearly calling on one of the parties in the election to make changes to its platform. This

³⁸ Council Conclusions, 7 November, 2005, p. 9.

³⁹ European Commission: European Union Election Observation Mission: *West Bank and Gaza: Palestinian Legislative Council Elections, Final Report*, 25 January, 2006, p. 1.

⁴⁰ Council Conclusions, 21-22 November, 2005, p. 16.

tension was clearly present in the Council's wordy description of how EU election observers would be able to perform their functions while maintaining the EU's official stance on not talking to Hamas officials:

“Members of the EU Election Observation Mission would have contact with all candidates, but this would be strictly limited to that necessary to observe the election satisfactorily and in a credible manner. EU observers would not engage in political discussions, unrelated to the election process, with candidates of any parties.”⁴¹

The Chief Observer of the election observation mission (MEP Véronique De Keyser) also remembers the formality with which the Commission and Council distanced themselves from the thorny issue of talking to Hamas. “When I was Chief Observer, the Commission made me sign a document expressing that whatever I chose to do, I did so under my own personal responsibility. Therefore I could meet with whomever I chose.”⁴² While this solution may have served as a work-around so that the election observers could do their jobs, it heralded broader problems in the future.

Hamas won an outright victory in the elections, and the Council was faced with a problem of having to deliver conflicting messages. While it “congratulated President Abbas and the Palestinian people on an electoral process that was free and fair,” it also noted that it “expects the newly elected PLC to support the formation of a government committed to a peaceful and negotiated solution of the conflict with Israel based on existing agreements and the Road Map.”⁴³ Statements by the Austrian Foreign Minister, speaking in the name of the EU's rotating Presidency, echoed this duality:

“This [election] shows that the Palestinian people have the will to decide on their political future using democratic means. As for the composition of the future Palestinian government, that is a decision for the Palestinians themselves [...], [a]t the same time, we have in the past repeatedly made it clear that there should be no place in the political process for people and groupings who advocate violence. For this reason, we urge all political forces in the Palestinian Territories to pursue their aims using purely political means, to renounce violence and to acknowledge Israel's right of existence.”⁴⁴

⁴¹ Council Conclusions, 21-22 November, 2005, p. 17.

⁴² Interview with MEP Véronique De Keyser, November, 2009.

⁴³ Council Conclusions, 30-31 January, 2006, p. 15.

⁴⁴ European Council Presidency (Austria): *Press Release*. “Plassnik welcomes ‘peaceful’ Palestinian elections,” 26 January, 2006.

The EU was arguing in one breath that the Palestinians had democratically chosen a party and its platform as a peaceful expression of their legitimate political preferences, while at the same time declaring that preference unacceptable. The question of whether the PA was a legitimate interlocutor of the EU was thus left unanswered. In the end, the only way to resolve the problem was for the EU to divide the PA into two distinct parts: a legitimate arm and a shunned one. As Solana explained to MEPs at a plenary session of the Parliament,

“[u]ltimately, the unwillingness of Hamas to come into line with our principles, in spite of some very light steps, along with the fact that Hamas appears on the European list of terrorist organisations, must inevitably have consequences for the EU: the impossibility of regarding Hamas as a valid partner until it changes its stance.”⁴⁵

At the same time, Solana announced that the “EU will continue to support President Abbas and the peace programme on which he was elected by an overwhelming majority of Palestinian voters.”⁴⁶

This differentiation between the President of the PA and the Hamas-led government that had been elected through an equally democratic process allowed the Council to refuse contacts with Hamas without having to sever all institutional ties with the PA. As it expressed in April of 2006, it could

“preserve and pursue the democratic functioning and development of the institutions of the Palestinian Authority. In this context, it emphasized the central role of President Abbas as the highest representative of the Palestinian Authority and the PLO and reiterated its support for him.”⁴⁷

The reaffirmation of EU support for Abbas brought with it an abandonment of all ties with Hamas, and the government it led. As Solana explained in uncharacteristically stark terms: “[o]bviously, until Hamas shows unequivocal willingness to respect the international community’s principles, we cannot do business as usual with the Palestinian Authority.”⁴⁸ To underline the political support given to Abbas, Solana met with the Palestinian President in

⁴⁵ Javier Solana: *Speech* to the European Parliament on “The Middle East peace process,” plenary session 5 April, 2006.

⁴⁶ *Ibid.*

⁴⁷ Council Conclusions 10-11 April, 2006, p. 13.

⁴⁸ Solana: *Speech* to the European Parliament, 5 April, 2006.

Brussels at the end of April.⁴⁹ The EU also cut all financial assistance to the PA government, and channeled all EU aid through Abbas or via other means.⁵⁰

This arrangement, whereby the EU maintained official relations with the President of the PA but not the government, was further complicated in 2007, during the brief tenure of the Hamas-Fatah unity government. Throughout 2006, the Council had called on both of the major Palestinian parties to form such a national unity government,⁵¹ promising to “resume partnership”⁵² with the Palestinian government if it abided by Quartet principles. Indeed, once the Arab League-brokered national unity government took office in March of 2007, the Council did announce that the EU would “initiate cooperation with members of the government who accept” Quartet principles.⁵³

However, this only led to an even less tenable situation wherein the EU maintained relations with some cabinet members but not others in a foreign government—since the Council considered that Hamas cabinet members still did not meet the Quartet principles. Clearly, this was not a workable solution for the long-term. As it happened, the unity government was short-lived: clashes broke out in Gaza between Fatah and Hamas, and Hamas took control of the Gaza strip in June. President Abbas declared an emergency, dissolved the government, and appointed a new Prime Minister—decisions that Hamas did not support or accept. All of a sudden, there were two, competing governments speaking in the name of the Palestinian Territories. The EU could finally pick a government to its liking.

The Council condemned “in the strongest possible terms the violent coup perpetrated by Hamas militias,”⁵⁴ and it also took a clear side in the clashes:

“[i]n calling for an urgent political solution to the crisis, the EU expresses its full support for President Abbas and his decisions taken within his mandate to declare a state of emergency and to install an emergency government for the Palestinian Territories under Prime Minister Fayyad,

⁴⁹ Council of the European Union: *Press Release*: “Javier Solana, EU High Representative for the CFSP, met Mahmoud Abbas, President of the Palestinian Authority,” 28 April, 2006.

⁵⁰ For details, see the following sub-section.

⁵¹ Council Conclusions 15 September, 2006, 16-17 October, 2006, 13 November, 2006.

⁵² European Council Conclusions, 14-15 December, 2006, Annex I, p. 20.

⁵³ Council Conclusions, 23-24 April, 2007, p. 17.

⁵⁴ Council Conclusions, 18 June, 2007, p. 18.

underlining the importance of the Palestinian basic law. All Palestinian parties should abide by his decisions. It recalls that reconciliation and national unity behind the programme of peace articulated by President Abbas is the only way to achieve Palestinian national goals.”⁵⁵

In fact, the very same day, the Council announced that “the EU will resume normal relations with the Palestinian Authority immediately.”⁵⁶ Of course, this meant only the new government, appointed by Abbas, as well as his own office of the Presidency. Gaza, meanwhile, was relegated to the status of a humanitarian problem, not a political one. The Council declared itself “[g]ravelly concerned by the critical humanitarian situation in Gaza,” adding that “the EU will do its utmost to ensure the provision of emergency and humanitarian assistance to the population of Gaza, whom it will not abandon.”⁵⁷ By the end of the summer, the EU had normalized relations with the Abbas government⁵⁸—the fact that it was only able to control one half of the Occupied Territories, and had no power over the Gaza Strip did not seem to merit a mention.

By mid-2007, then, the EU had taken advantage of the intra-Palestinian political split, and declared one of the parties and the institutions it headed to be the sole legitimate political voice of the Palestinian people. The government in the West Bank was accorded political legitimacy: it was invited to Brussels for talks and it received the full institutional support of the EU.⁵⁹ By contrast, Hamas was denied any direct links with EU structures, and its role in governing Gaza was dismissed. Council conclusions from 2008 express this quite clearly, since they underline “the importance of *keeping the institutions of the Palestinian Authority running* in the second half of 2008,”⁶⁰ while they only mention that the EU “will continue to provide humanitarian assistance *to the population of Gaza* and stands ready to assist in the economic

⁵⁵ Council Conclusions, 18 June, 2007, p. 18.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Council Conclusions, 23-24 July, 2007, p. 16.

⁵⁹ This is most visible in the fact that the EU continued to provide support for the development of Palestinian institutions to the PA in the West Bank, whereas Gaza only benefitted from basic humanitarian assistance. For more on this, see the next section.

⁶⁰ Council Conclusions, 26-27 May, 2008, p. 18, emphasis added.

rehabilitation of Gaza.”⁶¹ The PA in the West Bank needed to be strengthened as a government, while Gaza was treated not unlike a failed state.

Looking through the prism of the CFSP, the narrative that emerges from looking at the EU’s reaction to the election of Hamas in the Palestinian territories is thus one of linear policy drift. Initially, the EU established *procedural criteria* for judging the legitimacy of the Palestinian Authority as an interlocutor: namely, that it be the result of a fair and free democratic election. It supported the institutional development necessary for such a democratic poll, including through financial aid, technical help and even election monitors. When the results of this election led to a government that espoused positions on violent struggle and anti-Israeli policy that were unacceptable, however, the EU’s criteria morphed into something different: it tied normal relations to *political demands*. Once Palestinian politics devolved into violence and two competing power structures sprang up, each claiming to represent the entire population of the occupied territories, the EU was able to pick sides, and acknowledge only one of these actors: the Fatah-led government in the West Bank.

Political dialogue from that point onwards was channeled exclusively into a bilateral forum between the Abbas-led PA and the Union’s institutions. The EU only ascribed political legitimacy for negotiations on Middle East Peace, distributing development funds such as ENPI, coordinating the EUPOL COPPS police training mission, and all other political interactions to the government in the West Bank. For the purposes of legitimate interaction, the Hamas-led government in the Gaza strip was left unrecognized.

At the same time, the EU still sought to maintain its financial assistance to the Palestinians, and Gaza—regardless of Hamas’s politics—was still in dire need of such aid. The financial aid of the EU therefore also underwent a bifurcation between the funds destined for the PA in the West Bank, and those intended for Gaza: while the PA continued to receive support for institution-building, political development, and other goals defined in the EU’s

⁶¹ Council Conclusions, 28 January, 2008, p. 8, emphasis added.

Neighbourhood Policy objectives, Gaza was to an extent “reclassified” as a purely humanitarian problem. The next section explores how this took place.

5.2.2. The CFSP role performance: the EU as primarily a financial donor to Palestinians

As noted before, the EU is the largest financial donor to the Palestinians, and delivery of this aid arguably constitutes its single most important impact in the Palestinian Territories. The Council’s role performance in the Palestinian Territories predominantly centered around delivering assistance, and it tried to use this aid as a carrot (and the threat of cutting it off as a stick) to influence Hamas. When this failed to achieve its goals, the EU established a new financial mechanism that allowed it to continue to perform what it deemed its primary objective—delivering aid—while avoiding the political ramifications of maintaining relations with the Hamas government. This section sketches out how this role performance played out over time.

First, it should be noted that the EU was closely involved with the Quartet. The Council meetings in which the issue of Palestine came up for discussion were chaired by HR Solana—who was also the EU’s representative at Quartet meetings. The EU, which places much emphasis on supporting multilateral diplomacy,⁶² let the Quartet take the lead on the grand strategy of how to respond to Hamas’s victory. This is well illustrated by the way the Council reacted to the Palestinian legislative elections. Its conclusions begin with a full endorsement of the Quartet statement from four days before, and end by “reaffirm[ing] the role of the Quartet in promoting progress on the peace process and look[ing] forward to the meeting of Quartet Principals in London,”⁶³ which was scheduled for later that day. Nowhere was there any mention at this point of the EU contemplating a change in its assistance to the PA, or what those changes might entail.

Mere hours later, the Quartet met in London, where it noted that “it was inevitable that future assistance to any new government would be reviewed by donors against that government’s

⁶² See, for instance: the *European Security Strategy*, 12 December, 2003.

⁶³ Council Conclusions, 30-31 January, 2006, p. 15.

commitment to the principles of nonviolence, recognition of Israel, and acceptance of previous agreements and obligations, including the Roadmap.”⁶⁴ This foreshadowed the decision to cut off direct assistance to the Hamas-led administration. What is poignant, though, is that the main “donor” in question, who was deemed to be reconsidering its assistance, was the EU itself: after all, it is by far the largest provider of financial assistance to the Palestinians. Yet a few hours earlier, it had shown no sign of any drastic rethink of its aid policies. Either the Council wanted to clear this idea with its Quartet partners first, before committing itself publicly, or the idea only surfaced in London, after the Council meeting. Both scenarios imply that the Council was willing to cede much of the strategic decision-making to the Quartet. The CFSP’s role performance therefore showed a marked lack of political engagement or initiative.

The instinct to define the role of the EU in financial, rather than political terms was also visible in the EU’s attempts to force Hamas to change its policies. The Austrian Presidency warned that “while the European Union wished to continue providing financial assistance to the Palestinian people, support for terrorist purposes was out of the question. It is important to get this message across. It is up to the future government what they do with that message.”⁶⁵ Since the PA government that formed in March of 2006 did not make an explicit commitment to the Quartet principles in its program, the Council began to openly call into question the future of EU assistance to the government. In April, it declared that it would “review [...] its assistance to the Palestinians,” and that the lack of clear acceptance by Hamas of EU demands “will inevitably have an effect on direct assistance to that government.”⁶⁶ The EU was thus portrayed as an actor whose tools were primarily financial—but not as an international power that is willing or able to exert other kinds of political pressure.

⁶⁴ Quartet Statement, London, 30 January, 2006.

⁶⁵ Austrian Foreign Minister Ursula Plassnik, speaking in the name of the Austrian Presidency, 10 March, 2006.

⁶⁶ Council Conclusions 10-11 April, 2006, p. 13.

Hamas did not respond. While still calling on “Palestinian political forces to engage in a national dialogue aimed primarily at putting an end to inter-Palestinian confrontation,”⁶⁷ the Council decided to halt all direct aid to the Hamas-led government in June of 2006. Of course, this introduced another—humanitarian and, yet again, *financial*—quandary for the EU. Cutting off aid to the Hamas-led government was justifiable on political grounds. But the EU could not in good conscience stop supporting the Palestinian people from one day to the next, for simple humanitarian reasons. So the question of whether or not to provide assistance to the PA was replaced by the problem of how to supply the Palestinian population with humanitarian assistance without channeling it through PA structures.

One solution, as explained in the previous section, was to route the aid through the office of the Palestinian President, Mahmoud Abbas. But the capacities of his office were too limited to take on the entirety of this distribution, so another alternative was required. Yet again, the Quartet took the political lead, while the EU performed the role of a financial innovator.

In May of 2006, the Quartet “expressed its willingness to endorse a temporary international mechanism that is limited in scope and duration, operates with full transparency and accountability, and ensures direct delivery of assistance to the Palestinian people.”⁶⁸ It specifically noted that it “welcomed the offer of the European Union to develop and propose such a mechanism,”⁶⁹ reinforcing the EU’s role performance as a technical facilitator for humanitarian aid distribution. The EU quickly set up the TIM, which bypassed the Hamas government and made direct payments to Palestinians.⁷⁰ This instrument was endorsed on 16 June, 2006, by a European Council.

The conclusions of that meeting underline the way in which the Council expressed the EU’s role in the Israeli-Palestinian issue. On the political front, the Council said it remained

⁶⁷ European Council Conclusions, 15-16 June, 2006, Annex V, p. 30.

⁶⁸ Quartet statement, New York, 9 May, 2006.

⁶⁹ Ibid.

⁷⁰ The TIM involved direct payments to public servants of the PA and to those in need of social payments. It also helped pay for fuel, supplies and health services.

“committed to working *within* the Quartet towards the goal of a just, viable and lasting solution,”⁷¹ showing its prevalence for seeing the EU as but one of several players in a larger, multilateral effort. On the other hand, the Council took clear ownership of the TIM for the EU, saying that it endorsed the mechanism “which has been drawn up by the Commission.”⁷²

The TIM was originally conceived as a temporary measure, to last for three months in order to provide urgent humanitarian assistance. In fact, the TIM kept being renewed for additional three-month periods, right up until March, 2008, when a new financial instrument (PEGASE) replaced it. It channeled direct payments to three separate areas: keeping hospitals running and supplied; maintaining essential public services, especially electricity and fuel supplies; and providing social allowances for the poorest and most vulnerable Palestinians.⁷³ The EU alone contributed over 450 million euros to the TIM in 2006-2007, along with additional funding from other donors. The TIM continued to operate even through the short-lived tenure of the national unity government in the spring of 2007. Once the Hamas takeover of Gaza buried that project and set up two rival administrations in the Palestinian Territories, however, the Council took action—continuing the financial assistance angle of its previous role performance.

Upon the news that Hamas had taken over Gaza, and Abbas had declared a state of emergency and installed a rival government, the Council met in Luxembourg. It is instructive to note what decisions and actions it ended up taking. First, it promised that “the EU will do its utmost to ensure the provision of emergency and humanitarian assistance to the population of Gaza, whom it will not abandon,”⁷⁴ and extended the TIM for a further three months. This step was in keeping with its prior role performance as a provider of humanitarian assistance. More

⁷¹ European Council Conclusions, 15-16 June, 2006, Annex V, p. 30, emphasis added.

⁷² *Ibid.*, p. 31.

⁷³ For more information, see: European Commission: *Factsheet*: “Temporary International Mechanism—TIM: Key Facts,” 18 January, 2008; and European External Action Service: Website of the Temporary International Mechanism.

⁷⁴ Council conclusions, 18 June, 2007, p. 17.

interestingly, the Council also seemed to take a more political decision of principle, stating that “the EU will resume normal relations with the Palestinian Authority immediately.”⁷⁵

However, the way in which this resumption of ties was phrased is telling: the Council did not explain its new relationship with a Fatah-led government in terms of political legitimacy, or even expediency. Instead, the Council conclusions clearly point to a much more instrumental view of this decision: it allowed the EU to return to direct payments to the government:

“The EU will resume normal relations with the Palestinian Authority immediately. With this objective, the EU will develop the conditions for urgent practical and financial assistance including:

- direct financial support to the government;
- support to the Palestinian Civilian Police through the resumption of EUPOL COPPS;
- the resumption of the EU Border Assistance Mission (EUBAM) Rafah;
- intensive efforts to build the institutions of the future Palestinian state.”⁷⁶

In sum, a close reading of the Council’s actions and decisions to the successive challenges posed by the electoral victory of Hamas shows that the CFSP actors performed a role that cast the EU as primarily a supplier of financial assistance to the Palestinian people. Thus, the political challenges of how to deal with a Hamas-led government were met by technical solutions of how to disburse aid—such as the TIM. Looking at the actual decisions taken and actions agreed upon by the member states of the Union through the traditional CFSP lens thus gives the impression that for the EU, the predicament posed by the election of Hamas was mostly an accounting one.

The EU’s CFSP towards the Hamas government was therefore both cogent and narrowly defined: the Council decided not to engage with the Hamas government at all, and maintained its stance on that point. But it outsourced all political decisions to the Quartet, and contented itself with taking action on only one small part of the larger issues at stake: that of figuring out how to maintain the flow of financial assistance to the Palestinian population. As the next section will show, the Parliament saw the issues at stake in a markedly different way. The main question of how to interact with a democratically elected government that holds politically

⁷⁵ Council conclusions, 18 June, 2007, p. 18.

⁷⁶ Ibid.

unacceptable views was conceptualized by MEPs as a question of democracy and fundamental rights of representation.

5.3. THE ROLE PERFORMANCE OF THE EU THROUGH THE EP'S PRISM

The Parliament's treatment of the PA after Hamas's election victory was much less straightforward than the Council's. The tension between procedural legitimacy (namely that the Hamas government was elected in a free and fair election) and political legitimacy (that Hamas was unwilling to abide by certain basic political principles such as forswearing violence) was never fully resolved in the EP. The debate about whether Hamas is a legitimate partner for the EU still rages today. In fact, the institutional role performance of the Parliament centered around providing the public forum for this political debate, as one of its major roles in the EU's institutional landscape. As a consequence, the Parliament never adopted a clear policy preference for how to respond to the situation in the Palestinian Territories—and its international role performance was therefore ambiguous and at times self-contradictory. This uncertainty also made the EP unable to influence other EU institutional actors.

By contrast, the EP's international role conception of the EU in the Palestinian Territories was nevertheless a consistent one, and quite different from that of the Council. The Parliament did not look upon the question of the PA's legitimate authority through the lens of EU financial assistance: rather, it almost always treated it in a holistic way, as part of the much larger context of Middle East peace. Moreover, the arguments both for talking to Hamas as well as for shunning it were couched in terms of democracy and fundamental rights, not in security or financial terms. So although the institutional and international role performance of the Parliament lacked coherence, the EP's role conceptions that underlay the sometimes discordant policy preferences were quite stable. The following sections will expand these findings in detail.

5.3.1. The EP's institutional role performance: a public debating chamber

The inherent nature of the EP as a debating forum sometimes makes it difficult to synthesize a “European Parliament viewpoint” on any given topic. In essence, all 785 Members of the 2004-2009 Parliament act as their own spokespersons, so almost any viewpoint can be linked to someone associated with the EP. In most cases, this does not preclude a coherent parliamentary view of any given issue. The Parliament operates on the principle of majority rule: and it adopted several resolutions on the subject of the Palestinian Territories between 2005 and 2008. These documents can therefore be construed as representing the collective view of the institution as a whole. Official statements by the EP's Delegation for Relations with the Palestinian Legislative Council (D-PLC) and the Delegation for Relations with Israel (D-IL) can also be treated as reflective of an institutional voice. Since the topic of how to engage with the Hamas government was a hotly contested one, it may also be worthwhile to look at transcripts of debates and other intra-institutional discussions within the EP that shed light on how the EP performed its own role within the policy-making process as well as in its parliamentary diplomacy with the Palestinian Territories.

Despite this body of documents and material that could theoretically serve as a base for determining the EP's role performance in the case of its relations with the Palestinian government, the Parliament's reaction to the election of Hamas was quite conflicted. In contrast to the Kosovo case, where the EP took a strong stance and the Council vacillated, the Parliament was unable to clearly articulate a policy preference that it could advocate for in its interactions with the Council. In fact, the institutional role performance of the Parliament was far from its precedent-setting activities described in Chapter 3. Instead, the EP acted out the role of public debate forum, constantly challenging the Council to explain its policy choices, while also giving voice to its own Members' arguments for and against these. In essence, the EP's institutional role performance was therefore predicated on a lack of consensus—and on ensuring that this was publicly and transparently communicated.

One can thus observe a clear difference between the Council's and the EP's role performances. The evolution of the Council's position was fairly linear, from supporting Palestinian elections to finally cutting off ties with the Hamas-led government. The Parliament, by contrast, kept debating the issue, exploring the political pros and cons of engaging with the Hamas government. It never truly resolved the problem, but brought the dilemma of what policy the EU should pursue into the open. This points to how the Parliament enacts its own role vis-à-vis the other institutional actors of the EU. Due to its function within the institutional landscape of Brussels, the EP played its institutional role within the EU structures as one of a debating chamber: a transparent, public, democratically accountable forum for policy deliberation.⁷⁷

Hence the profusion of plenary debates on the developments in the Palestinian territories:⁷⁸ it is doubtful that anyone in the Parliament believed that a 20-minute series of short speeches in Strasbourg would suddenly result in Hamas abandoning its Charter. But the role it was performing was quite a different one—the onus was on ensuring that any EU policies could be publicly criticized and defended, ensuring their democratic oversight. Thus the lack of a parliamentary consensus did not simply result in a failure to agree on a policy preference: it also drove the Parliament to keep the discussions alive, and holding these debates itself became an important role for the EP to play.

Perhaps the best way to illustrate this is through a few examples of parliamentary debates on the Palestinian question. For instance, in 2006, the Parliament showed its ambivalence about how the EU should treat the newly elected Hamas government. In a debate in early April, the European People's Party (EPP) asked whether “the Palestinian National Authority [was] still relevant, when it comes to working with a government that has not recognised the agreements

⁷⁷ Further strengthening this finding, it is also interesting to note that the Middle East and the Palestinian issue were very frequently the topic of plenary debates in the EP. Yet relatively few of these resulted in resolutions or other adopted documents, which is unusual. This indicates that the goal of the Parliamentary debates was not necessarily to arrive at a consensus, or a policy preference, but rather to create the space for a public debate.

⁷⁸ Especially in April-June of 2006 and March-June of 2007.

previously signed by that authority.”⁷⁹ In contrast, the Socialists argued for engaging with the new government:

“The European Union must hold talks with Hamas, under certain conditions, certainly, but it must hold talks. [...] For all those who remember the many terrorist movements that have become respectable political parties, but also for all those who want peace and who respect the electoral choice of nearly half of the Palestinian population, it is vital that we begin talks and it is vital that we open negotiations.”⁸⁰

Just a few weeks later, a similar opposition crystallized in another plenary debate. The EPP again supported the Council’s actions, emphasizing that

“we cannot carry on helping the Palestinian people if their government does not help them, if it does not reject terrorism entirely and for good, if it does not renounce violence and if it does not recognise the State of Israel and the agreements that have been reached between the Palestinian National Authority and the other party in the peace process. Aid must be conditional upon these things.”⁸¹

The Socialists, on the other hand, criticized the Council. “You say that you want to continue to guarantee the provision not only of emergency aid, but also of education and healthcare. [We] do not understand how this can be done if the administration is completely excluded,”⁸² they argued. The Liberals, meanwhile, seemed unable to bridge even their *internal* incoherencies. As their group leader expressed in the debate,

“We supported democratic elections in Palestine and ended up with a government run by a movement which figures on our list of international terrorists. [...] All political groups in this House are divided about what we should do. Mine is no exception. [...] What message is the European Union sending by stopping aid to the Palestinians? The Council wants to stress that aid is conditional on an explicit political commitment. [...] [W]e are perceived to punish Palestinians for electing a Hamas-led government.”⁸³

Naturally, debates like these bring out political differences on how to approach foreign policy questions: that is their purpose. What is more striking is that the Parliament’s ambivalence towards the Hamas government also permeated its resolutions—documents that were meant to embody a single, institutional view. In a resolution adopted in June, the EP reiterated that

“the elections in Palestine, held in conformity with international standards, have led to the setting-up of a government which is composed of members of the ‘Change and Reform’ list drawn up by Hamas, and [...] the international community is now confronted with the need to respect the democratic results of the elections.”⁸⁴

⁷⁹ José Ignacio Salafranca, speaking on behalf of the EPP in a plenary debate, 5 April, 2006.

⁸⁰ Véronique De Keyser, speaking on behalf of the PES in a plenary debate, 5 April, 2006.

⁸¹ José Ignacio Salafranca, speaking on behalf of the EPP in a plenary debate, 26 April, 2006.

⁸² Pasqualina Napoletano, speaking on behalf of the PES in a plenary debate, 26 April, 2006.

⁸³ Graham Watson, speaking on behalf of the ALDE in a plenary debate, 26 April, 2006.

⁸⁴ European Parliament: *Resolution*: “On the humanitarian crisis in the Palestinian Territories,” 1 June, 2006, Recital C.

In the same document, however, the Parliament also expressed its belief that “the government’s clarification regarding denouncing violence and recognition of Israel’s right to exist and the Palestinians’ international obligations to be crucial for any cooperation by the EU with it.”⁸⁵ The pattern was familiar: simultaneous insistence on norms of democratic process and basic political principles of non-violence.

The Parliament’s role performance as a public debating chamber became even more pronounced when the question of whether the EU should negotiate with the national unity government became a party-political issue, as well. In a plenary debate about a report on reform in the Arab world, the Socialists and Greens clearly argued in favor of recognizing the new Palestinian government, putting them at odds with the Council’s position.⁸⁶ This tension came to a head in a plenary debate on 22 May, just as Hamas-Fatah violence was starting to heat up in the Gaza strip, making the question of what the EU should do an acute one. The Council’s representative reiterated its position regarding the PA, namely that “the Palestinian Government has not yet quite passed its decisive test, in that it, too, does not completely meet the Quartet’s three criteria.”⁸⁷ Of the six major political groups of the EP,⁸⁸ the three left-of-center ones called on the EU to recognize the national unity government, stop differentiating between its Hamas and non-Hamas ministers, and resume financial assistance to the PA.

The argument these groups made was familiar: “The fact that the Council and the Commission have decided not to meet ministerial representatives of Hamas and the independents does nothing for the stability of [the PA], which is currently the only form of political expression open to the Palestinian people,”⁸⁹ said the Socialists.

⁸⁵ Ibid, Par. 5.

⁸⁶ European Parliament: *Plenary Debate*: “EU strategy for reform in the Arab world,” 9 May, 2007.

⁸⁷ German European Affairs Minister Günter Gloser, speaking on behalf of the Council in a plenary debate, 22 May, 2007.

⁸⁸ The remaining two groups were the eurosceptic Independence and Democracy grouping (which was not in favor of resuming normal relations, but also not very united on this issue) and the short-lived far-right coalition ITS (which was strongly against any contacts with Hamas or Hamas members).

⁸⁹ Pasqualina Napoletano, speaking on behalf of the PES, in a plenary debate, 22 May, 2007.

“By refusing to fully recognise the new unity government and by channelling aid via a temporary international mechanism rather than through the Palestinian Authority, the EU is actively undermining the authority and the apparatus of Palestine’s democratic institutions.”⁹⁰

added the Greens. The speaker for the far-left GUE summed up the position of these groups succinctly:

“I also call on the Council and the Commission to immediately recognise President Abbas’s new democratically elected national unity government and to put an immediate end to its policy of selectively approaching certain members of that government. Stop the political and economic embargo immediately.”⁹¹

On the other side of the chamber, the EPP seemed to have no consensus on whether or not the national unity government deserved to be legitimized by the EU. While one MEP gave his support to the current Council position,⁹² another said “the time has now come for the EU, if it cannot recognise the government of national unity, [...] it should cooperate comprehensively with that government.”⁹³ The Liberals were also divided. One MEP recalled the contacts between the D-PLC and Hamas ministers of the PA, and said that “[j]ust two weeks ago our delegation heard Prime Minister Haniyeh [...] convince us in a way that satisfied us all that the unity government was determined to meet the Quartet’s three principles.”⁹⁴ On the other hand, his colleague spoke of the ongoing violence in Gaza, and argued that “it is for the time being right and proper that the European Union should insist on compliance with all the Quartet’s conditions,”⁹⁵ which he did not think were met at this time. The smaller, conservative UEN showed the same tendencies.

Clearly, then, the question of whether the national unity government was a legitimate interlocutor for the EU became a heavily politicized subject within the Parliament itself, as well as between its left-leaning groups and the Council, who were espousing opposing views.⁹⁶ As it happened, the unity government did not last long—after Hamas took over the Gaza strip, and

⁹⁰ Caroline Lucas, speaking on behalf of the Greens, in a plenary debate, 22 May, 2007.

⁹¹ Kyriakos Triantaphyllides, speaking on behalf of the GUE/NGL, in a plenary debate, 22 May, 2007.

⁹² José Ignacio Salafranca, speaking in a plenary debate, 22 May, 2007.

⁹³ Edward McMillan-Scott, speaking in a plenary debate, 22 May, 2007.

⁹⁴ Chris Davies, speaking in a plenary debate, 22 May, 2007.

⁹⁵ Alexander Lambsdorff, speaking in a plenary debate, 22 May, 2007.

⁹⁶ For an additional example of the same political group dynamics, see: European Parliament: *Plenary Debate*: “Middle East,” 6 June, 2007.

President Abbas declared a state of emergency and installed a Fatah-led government in the West Bank, the question became moot—or at least took on a new form.

After the collapse of the national unity government, the Council immediately restored political relations with the Abbas-led PA, and decided to deal with the Hamas-led Gaza strip as a strictly humanitarian issue. The very next day, the EP, in keeping with its role performance as the place for public debate within the EU structures, held a plenary debate about the situation in the Palestinian Territories. During the debate, the left of the chamber repeated its calls for some sort of engagement with Hamas, while the right applauded the Council’s decision to reestablish official ties with the Fatah-led PA.⁹⁷ A resolution concluding the debate tried to bridge this divide by welcoming the Council’s decision to resume normal relations with the PA, while also stressing that “the isolation of Gaza has dramatic humanitarian *and political* consequences.”⁹⁸ The tensions seemed to solidify between those who considered Gaza to be a humanitarian issue to be resolved through aid and assistance through the TIM and those who argued that without engaging with Hamas politically, peace was unwinnable.

While it was clear that the EP’s role was to serve as a debating chamber for discussing policy options, MEPs were also keenly aware that this meant they had no real means to influence EU policy as such. Unless they were able to articulate a common view, they could not advocate for a specific policy preference vis-à-vis the Council. In order to try and bring some consistency to the proliferation of debates about the Middle East in the Parliament, and to rein in the dogged persistence of opposing views within the EP and among its various official bodies, the President spearheaded the creation of a new body to tackle the issue. The Working Group on the Middle East was established in November of 2007,⁹⁹ and was intended to become a “clearing-house” for centralizing the message of the EP on this complex question.¹⁰⁰ According to EP staff, this new body had become necessary precisely because of the wide variety of often conflicting messages

⁹⁷ European Parliament: *Plenary Debate*: “The Situation in Palestine,” 19 June, 2007.

⁹⁸ European Parliament: *Resolution*: “On the Middle East,” 12 July, 2007, Par. 4, emphasis added.

⁹⁹ Although it first met only in February of 2008.

¹⁰⁰ European Parliament Working Group on the Middle East: “Mandate and Objectives,” 20 February, 2008.

emanating from the EP's different bodies (the Foreign Affairs Committee, the standing Delegations to Israel, the PLC, and the Mashreq countries, different political groups, as well as individual Members).¹⁰¹

The Working Group's stated objectives immediately showed volition to question general EU policy on Hamas and the Palestinian government:

“Has the policy of three criteria (renouncing violence, respect former agreements, recognise the State of Israel) for working with the Palestinian government been successful? Which criteria would enable Europe to stick to its principles while maximising its political leverage?”¹⁰²

On the main question of how to deal with Hamas, the working group noted that “[o]ngoing efforts to reconcile Fatah and Hamas show that the issue of dealing with Hamas remains highly topical. What should be the EP stance toward a new Palestinian Unity Government? Where are the red lines?”¹⁰³ Crucially, although the new forum was supposed to decrease the amount of self-contradictory statements and positions within the Parliament, it still conceived of its mission in the form of questions. Again, the role performance of the Parliament was focused on discussion and debate, not a desire to set a precedent or advocate a strong policy preference. Within the Working Group, the questions remained the same ones that had been debated in the plenary sessions for months beforehand.

While the Working Group was generally diplomatic and careful in its criticisms of Council policy (partly since it was led by Parliament President Hans-Gert Pöttering, whose office frequently required him to meet with HR Solana and Council members), it was still willing to consider the question of Gaza in political rather than simply humanitarian terms. It is also noteworthy that the Working Group seems to have partly achieved an internal objective of the Parliament: for instance, the wide divergence of views between the standing Delegations to Israel

¹⁰¹ Interview with EP political staff member 1.

¹⁰² EP Working Group on the Middle East: “Mandate and Objectives.”

¹⁰³ Ibid.

and the PLC¹⁰⁴ softened—perhaps because of a new tendency of the two to hold joint meetings.¹⁰⁵

In sum, the Parliament's role performance in formulating a policy preference during the various stages of Hamas's position in Palestine from 2006-2008 mainly served to act as a debating chamber. Individual MEPs debated the merits of political dialogue with Hamas, which slowly turned into a true party-political contest, with the right-leaning parties facing off with the left side of the chamber on whether to engage with Hamas. In one sense, this is not surprising: a main role of the European Parliament is to serve as a public forum for debating policy. Nevertheless, its inability to distill an institution-wide held preference about the legitimacy of Hamas as an interlocutor for the EU also made it impossible for it to push the Council in any direction. This lack of consensus also meant that the EP was unable to enact an effective international role performance in its interactions with the Palestinians, which will be explained below.

5.3.2. The EP's international role performance: ambivalence toward Hamas

As explained in the previous section, the EP's institutional role performance as a public debating forum allowed it to play a parliamentary oversight role in that it forced the Council and other actors to consistently articulate and defend their policy choices. On the other hand, the lack of a strong EP consensus on how to interact with Hamas meant that in its international role performance—its parliamentary diplomacy—the Parliament was vague and ambiguous.

The Parliament did not always treat the question of Palestinian political legitimacy in such a contentious manner. Originally, and similarly to the Council, the Parliament was pleased with the results of the Presidential elections held in 2005. It had sent its own short-term election observation team (at that point the largest in the EP's history with 28 MEPs) to observe the polls. The Delegation's Chair, Edward McMillan-Scott concluded that the Palestinians "have

¹⁰⁴ For details, see the followings sub-section.

¹⁰⁵ Participant observation.

conducted an election of which they can be proud. It prepares the ground for the parliamentary elections, which could serve as a model for others in the region.”¹⁰⁶ The Parliament immediately called for a similar EU election observation mission to be prepared for the upcoming legislative elections,¹⁰⁷ with a particular focus on the problems experienced by Palestinians wishing to vote in East Jerusalem.

In November of 2005, the D-PLC visited the Palestinian Territories and Jerusalem. Foreshadowing some of the more pragmatic, or at least fluid view of the Parliament on the role of Hamas, the Delegation’s final report noted that the participation of Hamas in the legislative elections “is part of the consensus” on the ground.¹⁰⁸ The trend to view Hamas as an unavoidable part of the political landscape also guided the election observers of the Parliament.

The EP sent a short-term observation team to monitor the legislative elections—again with a substantial number of participating MEPs (27), and again led by McMillan-Scott. MEPs met with Hamas representatives during the last days of the campaign, and committed extensive resources to monitoring the electoral process in East Jerusalem.¹⁰⁹ In contrast to the cautious, reluctant language used by the Commission’s long-term observation team, which tried to minimize all contact with Hamas members, the Parliament’s observers were quite open about their interactions with candidates from the Change and Reform list.¹¹⁰ The EP’s judgment of the elections themselves echoed the positive reviews of the EU as a whole: “The conduct of these elections has provided a model for the wider Arab region and has clearly demonstrated the

¹⁰⁶ European Union Election Observation Mission & European Parliament Election Observation Delegation: *Joint Preliminary Statement*: “Palestinian election overcomes difficult and tense conditions but highlights challenges that lie ahead,” 10 January, 2005, p. 6, in Edward McMillan-Scott: *Report from the Chairperson of the ad hoc delegation for election observation in West Bank and Gaza*, 8 March, 2005, Annex C.

¹⁰⁷ European Parliament: *Resolution*: “On the situation in the Middle East,” 27 January, 2005.

¹⁰⁸ Adamos Adamou: *Report by the Chairman of the Delegation for Relations with the Palestinian Legislative Council on the 6th European Parliament/Palestinian Legislative Council Interparliamentary Meeting*, 8 December, 2005, p. 13.

¹⁰⁹ Edward McMillan-Scott: *Report from the Chairman of the delegation to observe the legislative elections in Palestine*, February, 2006, pp. 6-9.

¹¹⁰ *Ibid.*

commitment of the Palestinian people to democracy,” McMillan-Scott said in his official comment on the election process.¹¹¹

Once the results were in, and Hamas’s victory was apparent, the Parliament took up the question of how the EU should interact with the new government. On the one hand, the EP sent a strong signal that it was united behind a few basic principles. In a resolution adopted in plenary, it praised the elections as a “model for the region,” and noted that it “respects the results.”¹¹² The Parliament also echoed other EU institutions in calling on the new government to accept Quartet principles.¹¹³ But the resolution also highlighted the parliamentary urge to view things in a political light, in its analysis of the election results:

“[t]he results of the elections, which have provoked a profound change and radicalisation of the political arena in Palestine, are primarily an expression of the Palestinian people’s desire for thorough reform, and also are a consequence of their difficult living conditions under occupation and strongly reflect criticism and grievances against the past administration.”¹¹⁴

While the Parliament as a whole stood behind this resolution, an internal debate was already brewing. In a discussion within the D-PLC, it was agreed that Hamas should recognize Israel, but MEPs immediately added that

“Hamas will be judged by its acts; meanwhile, the Members agreed, the newly elected PLC, as well as the government that will be sworn in, will find the doors of the D-PLC delegation open to them, and contacts will be made. This, concluded the Chair, could help the Hamas transform itself in a political force that distances itself from armed struggle.”¹¹⁵

On the face of it, the Parliament was thus showing a lot of pragmatism and giving Hamas the benefit of the doubt until it formed a government. Needless to say, a parallel conversation—taking place just a few days later—within the D-IL had a somewhat different tone. There, debate was dominated by how Israel rejected all contact with Hamas, and how that would affect Israel’s

¹¹¹ European Union Election Observation Mission & European Parliament Election Observation Delegation: *Joint Preliminary Statement*: “Open and well-run parliamentary elections strengthen Palestinian commitment to democratic institutions,” 26 January, 2006, in Edward McMillan-Scott: *Report from the Chairman of the delegation to observe the legislative elections in Palestine*, February, 2006, Annex C, p.7.

¹¹² European Parliament: *Resolution*: “On the results of the elections in Palestine and the situation in the Middle East, and the Council’s decision not to publish the report on East Jerusalem,” 2 February, 2006, Recital D & Par. 3.

¹¹³ *Ibid*, Par. 3.

¹¹⁴ *Ibid*, Par. 6.

¹¹⁵ European Parliament Delegation for Relations with the Palestinian Legislative Council: *Minutes of the meeting of 31 January, 2006*, p. 3.

transfer of tax revenues to the PA.¹¹⁶ The fact that Hamas was not a legitimate interlocutor for Israel or the West seemed to be a given.

This dynamic of various EP bodies and political groups espousing opposing stances on Hamas would continue throughout the years. The two Delegation Chairs would repeatedly clash over the question of Hamas, as described below. Although these may seem like insignificant internal clashes between Delegations, it is important to note that both of these Delegation meetings were held with the ambassadors of the respective partners in the room. So the Parliament's communication towards the region was already showing inconsistencies. Therefore, the EP's international role performances—its signals and messages to the outside world—showed serious contradictions.

Compared to the Council and Commission, the Parliament was generally more pragmatic in its contacts with Hamas. For instance, whenever MEPs traveled to the Palestinian territories, such as during an ad-hoc Delegation visit in December of 2006, they met with Hamas representatives—albeit unofficially, and without the participation of Commission staff.¹¹⁷ But these contacts relied on a sort of gentleman's rule: Delegations did not put such meetings on their official agendas,¹¹⁸ but made every effort to meet Hamas representatives. 2007's national unity government heralded the potential to open up more official channels of communication with Hamas members, since the new government had the stamp of approval of its President, Mahmoud Abbas. As described in the previous section, the Council was unwilling to enter into discussions with Hamas ministers until the unity government explicitly adopted the Quartet principles. In the Parliament, the question of how to interact with the new government led to serious arguments—not just in the plenary chamber, but also between the two major standing Delegations: the bodies of Parliament tasked with parliamentary diplomacy, the EP's means of international role performance.

¹¹⁶ European Parliament Delegation for Relations with Israel: *Minutes of the meeting of 2 February, 2006*, p. 3.

¹¹⁷ Interview with MEP 1, 17 November, 2009.

¹¹⁸ This was, in part, a necessity: Israeli officials, whose cooperation was essential in order to gain access to the West Bank and the Gaza strip, would have looked askance at official EP-Hamas meetings. Participant observation.

The D-PLC visited the region in the spring of 2007, during the brief tenure of the national unity government. D-PLC Members met with Hamas ministers and legislators, while noting specifically that European Commission staff abstained from all of these meetings.¹¹⁹ In a meeting with Hamas ministers, the MEPs felt reassured that the government did, in fact, reflect the requirements of the Quartet,¹²⁰ and vowed to plead with other EU institutional actors for its recognition. Indeed, upon their return, the D-PLC Chair argued publicly that

“the National Unity Government [...] reflects the three requirements laid down by the Quartet. The Delegation calls on the European Union to engage fully with the Unity Government, to urge within the Quartet in favor of its recognition, and to resume direct aid to the Palestinian Authority as a matter of urgency.”¹²¹

This policy preference cannot simply be dismissed as the personal opinion of an outspoken Delegation Chair: the EPP Members of the Delegation also hewed to this line.¹²² It reflected the political stance of the Delegation as a whole. Moreover, the Delegation’s public assertions made this issue spill over into the EP’s institutional role performance within the EU structures, as well. The D-PLC’s view—diametrically opposed to the Council’s, and strongly held by the Chair, Kyriacos Triantaphyllides—also led the Chair to urge External Affairs Commissioner Benita Ferrero-Waldner to engage with the new government.¹²³ Once the unity government dissolved due to Hamas’s takeover of Gaza, he also wrote to Commission President José Manuel Barroso, criticizing the Commission’s role in bringing the conflict about. “The EU is partly to blame for the precipitation of the region into deep turmoil,” Triantaphyllides wrote, adding that the “selective approach policy to the government of national unity [...] has been done beyond the scope of the Arab League initiative and without the consent of the Palestinian citizens.”¹²⁴

The clearly articulated view of the D-PLC was thus quite critical of the official EU position: it argued for engaging with Hamas and blamed the Council’s failure to do so for

¹¹⁹ Kyriacos Triantaphyllides: *Report from the Chairman of the European Parliament Delegation for Relations with the Palestinian Legislative Council on the 7th Interparliamentary Meeting*, 2007, p. 2.

¹²⁰ Ibid, p. 9.

¹²¹ Ibid, p. 18. (Quote is from the D-PLC press release).

¹²² See, for instance: Rodi Kratsa-Tsagaropoulou (MEP from the EPP group): *Press Release: “European Parliament Visit to Palestine,”* 4 May, 2007.

¹²³ Kyriacos Triantaphyllides: *Letter to External Relations Commissioner Benita Ferrero-Waldner*, 2007.

¹²⁴ Kyriacos Triantaphyllides: *Letter to European Commission President José Manuel Barroso*, 2007.

facilitating the ensuing violent Fatah-Hamas confrontation. In fact, similar themes appear in the EP resolution passed in July of 2007, which notes that the Fatah-Hamas violence in Gaza “is mainly due to political instability and growing divisions on the Palestinian side, and also to a lack of prospects of a genuine peace process for the Palestinian people, who are still under occupation, partly *as a consequence of the Quartet’s approach.*”¹²⁵

Triantaphyllides’s claims that the Hamas members of the national unity government were willing to accept the Quartet principles could be seen as an example of the EP exerting its influence over other EU institutional actors, and playing a role of a strong policy advocate. The problem was that the D-PLC’s assertion was hugely controversial within the Parliament itself.¹²⁶ The D-IL and AFET Chairs were livid.¹²⁷ Furthermore, a similar conflict erupted a year later. In November of 2008, the D-PLC Chair issued an invitation to the PLC for the 9th EP-PLC interparliamentary meeting. Triantaphyllides issued the invitation to a Hamas deputy chair of the PLC while on an official Delegation visit to the Gaza Strip, and did not limit his invitation to exclude Hamas members.¹²⁸ This invitation resulted in a flurry of international accusations against the European Parliament as a whole, for contemplating inviting and talking to terrorists, as well as a vocal conflict between the D-PLC and the D-IL.¹²⁹

Thus the international role performance of the EP was ambiguous about how to interact with Hamas—with different organs of the Parliament espousing different views. This, in turn, weakened the Parliament’s voice, since the EP could not offer a consistent position and act upon it. These episodes underline the problem confronting the EP on any issue: combining the role of the EP as a marketplace of ideas where any and all opinions can be aired with its mission to formulate concrete policy views with which to influence the Council and the Commission. In

¹²⁵ EP Resolution on the Middle East, 12 July, 2007, Recital C, emphasis added.

¹²⁶ Interview with European Parliament staff member 3, 19 November, 2009.

¹²⁷ Participant observation.

¹²⁸ Kyriacos Triantaphyllides: *Report from the Chairman of the European Parliament Delegation for Relations with the Palestinian Legislative Council on the 8th Interparliamentary Meeting*, 2008.

¹²⁹ For a sampling of such letters, see: European Parliament Delegation for Relations with the Palestinian Legislative Council: Website (2004-2009 archive).

this regard, the EP's institutional role conception as a forum for public debate actively undermined its international role performance, by making it impossible for a coherent parliamentary diplomacy to develop. Especially with the D-PLC and the D-IL at odds on most issues of the Middle East, the EP's ambivalence towards the PA government was never resolved.

Does that mean that the EP's voice was irrelevant, due to its internal contradictions? If the Parliament's stance could be reduced to a wild cacophony of mutually incompatible viewpoints, then maybe so. But as the next section will show, there was a significant consistency within the EP's international role conception. This is because despite the lively debate on what course of action to support with regards to Hamas, the EP's idea of what the EU should be doing in the Palestinian territories was quite clear—the EP saw the EU's role as a guarantor of the fundamental democratic rights of Palestinians. Whether arguing for or against engaging with Hamas, MEPs saw the question in terms of the actualization of democracy.

5.4. THE ROLE CONCEPTIONS OF THE EP: PARLIAMENT AS A NORMATIVE ACTOR

One striking feature of the Parliament's approach to the question of how to deal with Hamas is the extent to which EP documents, debates and even individuals' recollections emphasize the role of the broader context of Hamas's electoral victory and the quandaries it posed. Council conclusions, Presidency statements and even the speeches of Council representatives in the plenary chamber often—though not always—concentrated on only one aspect of the question, especially the question of how the EU could continue to provide funds to the PA.¹³⁰ In contrast, the Parliament was much more likely to take a holistic, all-inclusive view of the issue.

EP resolutions often reflect this desire to take the entire context into consideration, even when they are ostensibly limiting themselves to one aspect of the question. For instance, the EP resolution on the results of the elections included paragraphs on the ESDP mission monitoring

¹³⁰ See, for instance: European Council Presidency (Austria): *Press Release*: "Plassnik: Our message to the future Palestinian government has not changed," 10 March, 2006.

the Rafah border,¹³¹ and the resolution on the fate of Palestinian prisoners mentioned the process of upgrading EU-Israeli relations.¹³² This is not to claim that these issues are unrelated: but the Parliament as a rule was much less willing or able to divide the broad questions of Middle East politics into distinct boxes and treat them individually. Perhaps the clearest indication of this tendency is that during research interviews, which began with questions about how the EP saw the EU's relations with Hamas, almost all MEPs and EP staffers immediately brought up the anecdote of the Parliament tabling a vote on the upgrade of relations with Israel in December of 2008.¹³³ While the two were obviously linked, the frequency of this reference shows that the mindset of those in the EP saw the question of recognizing Hamas as part of a much larger set of policy debates—ones that were inherently political, not merely financial in nature.

By contrast, the CFSP actors portrayed themselves primarily as providers of financial aid to the Palestinians. The EU's Technical Office in the West Bank is a good example: it clearly identifies its main purpose as disbursing aid, noting that “the bulk of our work centers on coordinating, managing and monitoring the large EU assistance programme to the Palestinians.”¹³⁴ Indeed, the office's main task consists of handling the numerous projects and aid programs that the EU has set up for the Palestinian territories. But to some extent, this is understandable: the Technical Office was originally set up by the European Commission, and its mode of operations reflects that institution's focus on implementation and technical and financial expertise. What is more striking is that even the Council, whose purpose is much more political in nature, described the EU's role in financial terms.

Take, for instance, a 2005 Council conclusion, in which the member states of the EU included a statement on the Middle East peace process. It is striking that in that two-page document, there is only one paragraph that indicates what the EU itself is willing to do to help

¹³¹ EP Resolution on the results of the elections in Palestine, 2 February, 2005.

¹³² European Parliament: *Resolution*: “On the situation of Palestinian prisoners in Israeli jails,” 4 September, 2008.

¹³³ See: European Parliament: *Plenary Debate*: “Israel's participation in Community programmes,” 3 December, 2008.

¹³⁴ European External Action Service: European Union Representative Office for the Palestinian Territories: Website.

the process along—namely, “intensify its assistance to the Palestinian Authority to pursue institutional consolidation.”¹³⁵ In describing its own role in the Middle East, the Council thus defined the EU first and foremost as a provider of assistance to the Palestinians, especially through its funding for the PA and its institutions.

The reasons for this are partly structural. In the Council and the Commission, there are separate units dealing with ESDP missions, political dialogue with Israel, political dialogue with the PA, disbursement of financial assistance, etc. Therefore, a “silo” mentality whereby each policy is developed in reasonable isolation from other, related policies is technically possible. The Parliament works differently. MEPs who closely follow events in the Middle East, and who therefore lead the work in their respective political families, are a small group. They interact with each other in the Foreign Affairs and Development Committees, in the relevant standing Delegations, and in the Working Group on the Middle East. There simply aren’t enough of them to allow for a segregation of tasks or issue areas. On the staff level, the same dynamics apply. The number of administrators who regularly deal with Middle East issues number in the single digits¹³⁶—and they are joined by one person each from the staff of the various political groups. Again, a meaningful separation of competences is simply not a realistic option under these circumstances.

But the Parliament’s tendency to favor a big picture approach is not only due to human resources constraints. There is a general agreement within the institution that the essence of parliamentary control over the Council and the Commission is to steer the broad lines and basic political principles of EU foreign policy. Some claim that this is the only thing the EP *can* do, because it lacks the resources to effectively oversee any of the technical details or implementation of any policy.¹³⁷ Others simply argue that this is the mandate of any democratic

¹³⁵ European Council Conclusions, 16-17 June, 2005, p. 38. The rest of the points read like a wish-list describing what the EU wants *other* actors to do.

¹³⁶ One person each from the AFET and DEVE secretariats, the secretariat of the two standing Delegations, the staff of the EUROMED PA, the EP’s in-house research service, and the President’s cabinet.

¹³⁷ Interview with EP staff member 5.

legislature.¹³⁸ Either way, it accurately describes the way foreign policy is talked about in the Parliament.

Much of the EP's activity surrounding the question of how to deal with the Hamas-led government thus spilled over into broader questions of Middle East politics, and as described previously, the Parliament was quite divided on the course of action to follow. Under these circumstances, it is even more striking to note that the role conception of the EU revealed by participants in these debates stayed quite constant: whether arguing for recognizing the Hamas-led PA as legitimate, or opposing that view on the grounds that Hamas was a terrorist organization, Parliament's discourse painted the EU's decision as hinging on a question of what would be the action most appropriate to an actor seeking to spread fundamental political rights and democratic values.

The extent to which the Parliament's role conception of the EU was at odds with the Council and Commission's understandings was most in evidence during the Parliamentary debates that took place throughout 2006. The External Relations Commissioner and the acting Presidency of the Council always focused on the ways in which the EU was trying to provide financial assistance to the Palestinian people. The Parliament, by contrast, saw the successive crisis points of EU-PA relations through a markedly political lens. MEPs were not content to solve the humanitarian puzzle of how to meet the basic needs of Palestinians. Instead, they debated the political ramifications of the EU deciding to cut ties with a legitimately elected government, and what that would entail for the Palestinians' democratic aspirations. For the Parliament, the debate was about the compatibility of the Council's actions with the EU's role as a proponent and exporter of democratic norms.

These differing international role conceptions of the Council and the EP were first illustrated by a debate held in the Parliament in April of 2006. Solana, speaking for the Council as a whole, listed what the EU planned to do after Hamas had formed a government. He noted the

¹³⁸ Interview with EP staff member 9.

EU's continued support for President Abbas, then spoke at some length about the way in which EU aid could still be disbursed to the population. The only time Solana mentioned any type of political support for the democratic aspirations of the Palestinians was when he talked about European support for the Palestinian Authority's "institutional fabric."¹³⁹ Tellingly, however, he did not speak of the importance of this fabric for democracy or political goals. Rather, he emphasized that "we have put so much *effort and money* into building"¹⁴⁰ it that it would be a shame to waste it.

In contrast, nearly all the political groups emphasized essentially political problems of this institutional support during the debate. The Socialists pointed out that EU aid to the Palestinian President poses a democratic problem, in that "support for an unofficial presidential administration [...] would set itself up more or less as an opposition force."¹⁴¹ The Liberals wondered what internal political reasons Palestinians may have had for voting for Hamas,¹⁴² while the Greens noted that the electoral victory of Abbas over a year ago does not mean that he is somehow indicative of Palestinians' wishes today.¹⁴³

Another debate, held a few weeks later, showed a similar dichotomy. The Council representative reiterated the argument that the EU would continue to support only the Abbas-led parts of the Palestinian administration, while rerouting other assistance through non-governmental and international organizations. The question of Palestinian aid was phrased, repeatedly, as "supporting the Palestinians' basic needs,"¹⁴⁴ in line with the Council's understanding of the question as a humanitarian problem. Even the Council's demand that Israel return Palestinian customs revenues to the PA was articulated as an action to "improve the Palestinians' humanitarian and economic situation,"¹⁴⁵ as opposed to a political question of who

¹³⁹ Solana: speech to the European Parliament, 5 April, 2006, p. 4, emphasis added.

¹⁴⁰ Ibid.

¹⁴¹ De Keyser, speaking for the PES, April 5, 2006.

¹⁴² Annemie Neyts-Uyttebroeck, speaking on behalf of the ALDE, plenary debate, April 5, 2006.

¹⁴³ Daniel Cohn-Bendit, speaking on behalf of the Greens, plenary debate April 5, 2006.

¹⁴⁴ Austrian State Secretary for European Affairs Hans Winkler, speaking on behalf of the Austrian Presidency of the Council, plenary debate, 26 April, 2006.

¹⁴⁵ Winkler.

had the rights to those revenues. Indeed, neither the Council nor the Commission speakers ever uttered the word “politics” in their speeches.

MEPs painted a very different picture. Among those opposing the Council’s decision to bypass the PA government, the Socialists argued that it was potentially undermining the “delicate relationship between the presidency and government of Palestine.”¹⁴⁶ The Greens worried that the Council’s policy would only benefit extremists.¹⁴⁷ The Liberals wondered whether making aid “conditional on an explicit political commitment” by Hamas was in effect “punish[ing] Palestinians for electing a Hamas-led government.”¹⁴⁸ All of these critiques were fundamentally political in nature: the MEPs didn’t understand the question as a financial one, but rather as one of democratic representation. As a far-left Member put it during the debate, “the issue is not just a humanitarian one, and it is not just a matter of the Palestinians inside Gaza starving: the problem is one of freedom and democracy.”¹⁴⁹

More importantly, even the parties that were in general agreement with the Council about cutting off direct EU funding to the PA argued for their position from the vantage point of democratic values. The EPP, while underlying its support for the Council’s decisions, noted that “it is clear that a *political*, economic, social and humanitarian crisis, an economic collapse, is brewing.”¹⁵⁰ The D-IL Chair, who also agreed wholeheartedly with the Council’s actions, framed the question as one of political implications for democratic politics, saying “we need to strengthen Palestinian liberals, we need a European initiative for democracy and human rights, and an international financial human rights tool to help the Palestinians strengthen moderate, liberal political parties.”¹⁵¹ Thus the international role conception of parliamentarians on both sides of the aisle was the same: the EU should be promoting democratic norms abroad. What the

¹⁴⁶ Napolitano, speaking for the PES, 26 April, 2006.

¹⁴⁷ Magrete Auken, speaking on behalf of the Greens, plenary debate, 26 April, 2006.

¹⁴⁸ Watson, speaking for the ALDE, 26 April, 2006.

¹⁴⁹ Luisa Morgantini, speaking on behalf of the GUE/NGL, plenary debate, 26 April, 2006.

¹⁵⁰ Salafranca, speaking for the EPP, 26 April, 2006, emphasis added.

¹⁵¹ Jana Hybášková, speaking in a plenary debate, 26 April, 2006.

two sides could not agree on was which policy prescription toward Hamas would best further this goal.

Three months later, responding to the kidnapping of Israeli soldier Gilad Shalit and the Israeli offensive in the Gaza Strip, the EP held another debate on the subject. The Council and the Commission yet again emphasized the “unacceptable economic and humanitarian situation,”¹⁵² and “the suffering of civilians.”¹⁵³ Parliamentarians, however, continued to see the situation in terms of politics—more specifically, in terms of who could claim to legitimately represent the population in Palestine. Those supporting the Council’s position expressed misgivings about recent “occurrences that further detract from the credibility of President Abbas,”¹⁵⁴ since these would undermine the democratic legitimacy of dealing with his administration. MEPs who supported direct contacts with the Hamas government maintained that the EU should “reopen dialogue with the legitimately and democratically elected representatives”¹⁵⁵ of that party. Either way, the consensus was that “[t]he Palestinian issue cannot, however, become a humanitarian issue, because it remains a major political issue.”¹⁵⁶

In 2007, the dilemma about how to engage with the newly formed national unity government showed a similar dynamic. The Council once more explained the developments in terms of how it affected EU financial assistance.¹⁵⁷ Those MEPs who broadly supported the Council’s decision to maintain the policy of shunning Hamas ministers, however, still talked of a “serious *political* crisis,” which needed deeper EU involvement in order to avoid intra-Palestinian tensions from turning violent.¹⁵⁸ And the left of the chamber, which by this time was openly

¹⁵² External Relations Commissioner Benita Ferrero-Waldner, speaking on behalf of the European Commission, plenary debate, 5 July, 2006.

¹⁵³ Finnish European Affairs Minister Paula Lehtomäki, speaking on behalf of the Finnish Presidency of the Council, plenary debate, 5 July, 2006.

¹⁵⁴ Elmar Brok, speaking on behalf of the EPP, plenary debate, 5 July, 2006.

¹⁵⁵ Caroline Lucas, speaking on behalf of the Greens, plenary debate, 5 July, 2006.

¹⁵⁶ Pasqualina Napoletano, speaking on behalf of the PES, plenary debate, 5 July, 2006.

¹⁵⁷ The Council representative made no mention of “democracy,” “politics,” or “rights.” By contrast, he noted that “The EU is in close contact with Mr. Fayyad, the minister of finance, and is helping him establish transparent institutions and machinery *in the financial sphere*, for we all want to see the country’s *financial and economic position* improve.” Glöser, speaking for the German Presidency, 22 May, 2007, emphasis added.

¹⁵⁸ Salafranca, speaking for the EPP, 22 May, 2007, emphasis added.

calling for direct contacts with Hamas, explained that “[t]he fact that the Council and the Commission have decided not to meet ministerial representatives of Hamas and the independents does nothing for the stability of that executive body, which is currently the only form of political expression open to the Palestinian people.”¹⁵⁹

In sum, the Parliament clearly saw the question of EU-Hamas relations through the lens of fundamental political rights and democratic representation. The way in which the Council separated its political support for the Abbas-led government from its purely humanitarian commitment to the population of Gaza found no traction among MEPs. They perceived the role of the EU not as a technical one (how can it maintain its financial support in the Palestinian territories without passing through the coffers of the Hamas-led PA), but rather a political one: how can the EU ensure respect for democracy by acknowledging Hamas as legitimate representatives of the Palestinian people while at the same time upholding the fundamental principles of non-violence and peaceful resolution of conflict? Crucially, this political question increasingly split the EP along party lines—nevertheless, the role conception of the EU for both sides of the aisle remained the same: the EP saw the Union’s role as a guarantor of Palestinians’ democratic rights, not simply an alleviator of their economic and humanitarian suffering.

The Parliament’s focus on the Palestinians’ democratic representation also led it to follow one specific issue with special fervor: the fate of Palestinian Legislative Council members who were imprisoned by Israel. The EP strongly condemned the incarceration of these dozens of legislators (overwhelmingly from Hamas) most of whom had been captured in the summer of 2007, after the kidnapping of Gilad Shalit.¹⁶⁰ Perhaps understandably, MEPs—as elected representatives in their own right—found it an especially sore point to contemplate the idea that a foreign power would lock up parliamentarians.

¹⁵⁹ Napolitano, speaking for the PES, 22 May, 2007.

¹⁶⁰ Although most PLC members in Israeli prisons were captured by the Israeli army in June 2007, after Hamas had captured Gilad Shalit, some had already been in prison when they were elected in January of 2006.

In a resolution adopted in July, the EP already called for the release of all former ministers, legislators and mayors imprisoned by Israel.¹⁶¹ The D-PLC also made a point of raising this issue when meeting with representatives of the national unity government in May of 2007.¹⁶² Since the situation did not improve, MEPs eventually devoted an entire resolution to the topic of Palestinians in Israeli jails. Although the document encompassed the fate of all Palestinian prisoners in Israeli jails, the PLC members were singled out as embodying a particularly troubling trend. The EP, in keeping with its tendency to conceive of Palestinian questions in political terms, especially those of fundamental rights and democracy, noted that “the arrest of 48 elected members of the Palestinian Legislative Council and other local councillors has serious consequences for political developments in the occupied Palestinian territory.”¹⁶³ It also put pressure on the Israeli government to rectify the situation by referring to explicit human rights and democracy clauses in the EU-Israel Association Agreement, as well as other international rights conventions.¹⁶⁴

A few months later, a visit to the Palestinian territories by the D-PLC also decided to deal head-on with this problem, by attempting to visit the PLC speaker in the jail where he was held. As its report curtly details, the Delegation “inquired into the situation of the Palestinian prisoners, by meeting – through the good offices of local NGOs – some freed prisoners and their families, and going to the prison where the Speaker of the PLC was held with a request to meet him (this was refused).”¹⁶⁵ On this one instance of the rights of Palestinian legislators held in Israeli jails, the EP’s international role conception therefore suggested a clear policy to pursue: argue for their release, something the EP pressed for in its parliamentary diplomacy. But this proved more of an exception to the rule: a Parliament united on the role of the EU in the Middle East, without an agreement on how that role should best be furthered.

¹⁶¹ EP Resolution on the Middle East, 12 July, 2007, Par.8.

¹⁶² Triantaphyllides: *Report on the 7th EP-PLC Interparliamentary Meeting*, 2007, p. 5.

¹⁶³ EP Resolution on the situation of Palestinian prisoners in Israeli jails, 4 September, 2008, Recitals C-I.

¹⁶⁴ *Ibid*, Recital J.

¹⁶⁵ Triantaphyllides: *Report on the 8th EP-PLC Interparliamentary Meeting*, 2008, p.2. For further details, see also pp. 8-9.

The example of the EU response to the election of Hamas thus points to two separate role conceptions of the European Parliament. On the one hand, it illustrates the extent to which the EP's institutional role in the foreign policy process of the Union is not just that of an oversight body, but also one of public debate—it plays its part as a public forum, bringing foreign policy dilemmas out into the open. On the other hand, the EP's insistence on viewing the question of EU-Hamas relations as an issue of fundamental democratic rights shows that the Parliament's international role conception understood the EU's foreign policy role in the Middle East in normative terms: as promoting norms of democratic representation.

The EP enacted its institutional role performance through a seemingly never-ending process of public debate and discussion about the pros and cons of engaging with Hamas: in plenary debates, Foreign Affairs Committee meetings, Delegation meetings, and the Working Group on the Middle East. At the same time, it also took an active part in EU-PA relations. Its Delegations traveled to the region, met with Hamas representatives, and kept exploring the boundaries of how the EU could interact with the PA government and legislators. Because of the lack of consensus on how to interact with the government, however, the Parliament ended up sending mixed signals, and undermining its own international role performance.

What is crucial in this regard is the role conception of the EU as an international actor that shines through both the Parliament's internal debates and its actions abroad. The Council tended to phrase the question of EU-Hamas relations in technical terms. It perceived its role as a provider of financial assistance, and sought to find a solution to the problem of how to distribute aid without funding Hamas activities that it could not, in good conscience, support. The challenge was to find a means of channeling money to Palestinians without involving their government, and the solution the Council found was the TIM, along with direct support to Abbas.

Such thinking was totally alien to the EP. For MEPs, the problem posed by the Hamas government was an eminently political one: whom can the EU accept as a legitimate

representative of the Palestinian people? Cutting off funds and channeling them through alternate means not only did not solve this problem—it potentially compounded it by setting up alternative bases of political power in the Palestinian territories.¹⁶⁶ Instead, the EP asked how a normative power based on democracy and fundamental rights would interact with a government led by Hamas. Could the EU decide to shun the democratically elected government of the Palestinian people? Could it support a government whose members did not accept basic tenets of non-violence? The tension between these two understandings of democratic legitimacy was never fully resolved: those arguing for engaging with Hamas as well as those opposing such moves were able to muster their case with reference to fundamental rights. But herein lies the difference in the parliamentary vs. the CFSP role conceptions of the EU. Where the Council saw a problem of aid provision, the EP saw a crisis of political legitimacy. The dilemma was not “how can we get aid to the Palestinians,” but rather “what policies would be the most legitimate according to our democratic principles.”¹⁶⁷

Clearly, there are some institutional reasons for why the Parliament and the Council would approach the topic of Hamas from different angles. The Council is generally more cautious in its conclusions and more diplomatic in its language. For instance, it (along with the Commission) is meticulous about always using the term “Occupied Palestinian Territories” in all of its documents and statements. The EP, which is not bound by such legalities, always uses the word “Palestine.” The Council also tends to frame issues in legal terms—many Council conclusions refer back to previous documents (predominantly from the UN or the Quartet), as if quoting precedent. Additionally, the criticisms leveled at Israel or Palestinian actors often take the form of accusations of breaching international humanitarian law, or being contrary to the spirit of existing peace plans (such as the Road Map or the Arab League Initiative).

¹⁶⁶ Channeling money to the Abbas Presidency set two Palestinian institutions against each other, while distributing funds directly through NGOs or the UN risked weakening Palestinian political forces in general, because they were no longer the ones providing basic public services.

¹⁶⁷ It is worth reiterating that the answer was not obvious: that’s why the EP kept debating the issue. But all sides of the argument agreed that it was the appropriate question to ask.

The Parliament speaks a different language. It tends to see problems (whether humanitarian, economic, or even military) as inherently political. Thus, for instance, even amidst the most vicious fighting in the Gaza Strip, when the clear goal of all outside parties was to put a stop to the killings, it was calling not only for a ceasefire, but also on Hamas to “assume its own responsibilities by committing itself to a political process aimed at restoring inter-Palestinian dialogue.”¹⁶⁸ This distinction also explains why the Parliament was at times more willing to meet with Hamas representatives: as the only political force capable of speaking for the people of Gaza, refraining from contact with the party would have been politically useless.

But the differences cannot simply be explained away by a reference to these differing cultures. At a fundamental level, the Council saw the issue of EU-Hamas relations as a technical puzzle for delivery of humanitarian aid. The Parliament viewed it as a normative quandary of democratic legitimacy, and grappled with the question of how the EU could best embody the fundamental democratic values that it preached. In many cases, however, the role conception of the EP about the EU’s role in the Palestinian Territories did not offer an answer to which policy option to embrace and advocate for.

¹⁶⁸ European Parliament: *Resolution*: “On the situation in the Gaza Strip,” 15 January, 2009, Paragraph 6.

CONCLUSION

This dissertation started from the basic empirical puzzle that the EP devotes a significant amount of time and resources to foreign policy, despite the fact that the EU's CFSP barely allots it any powers. Not only does it consistently try to influence the process of foreign policy-making in Brussels through its powers of parliamentary control, it also interacts with outside actors directly, through parliamentary diplomacy that is, in effect, an expression of EU foreign policy in its own right.

Chapter 2 explained the basic assumptions that this research project makes about how the EU works as an institution, and how it acts as an international actor. On the first front, the EU's institutional actors are posited to behave according a sociological institutionalist view, meaning that within the social setting in which they find themselves, each actor performs its role according to a logic of appropriateness. With regards to the second, a social constructivist understanding of world politics implies that the EU will act in the world according to the role that is dictated by its international identity. These assumptions furnish the necessary concepts of roles that allow us to make sense of—and give meaning to—all of the behavior of the Parliament that the scholarly literature has otherwise ignored. When viewed through a sociological institutionalist and a social constructivist lens, the Parliament's actions have a clear purpose and meaning: they are crucial parts of the EU's international identity creation.

Role theory provides the conceptual vocabulary to describe the dual role that the EP plays in this process of identity formation. Through its institutional role as a parliamentary control body, the EP is engaged in a process of interinstitutional politics through which the EU's foreign policies and its international identity are contested. As such, the Parliament is participating in the EU's own internal deliberation over the role conception of the EU in the world. In parallel, the EP's parliamentary diplomacy is an example of the EU's role performance abroad, since the Parliament's actions are intrinsically part of the EU's foreign policy behavior.

Therefore, the EP's international role performance also plays a part in the EU's international identity creation.

The following section will lay out this dual impact of the Parliament in further detail. Subsequently, this conclusion will not only identify the institutional and international role conceptions of the EP that help formulate the EU's international identity, but also show how these two role conceptions reinforce each other. A final section will offer some thoughts on why these findings are important and relevant both to the academic study of the EU, as well as to the future of the EU's foreign policy actorness.

THE EP'S DUAL ROLE IN THE EU'S INTERNATIONAL IDENTITY FORMATION

As noted before, “the identification of EU/European core values and the definition of an international role for the EU/Europe are part of the same identity-building process.”¹ This process is especially important in the case of the EU, since it is a new and rapidly changing actor, without a long history of precedent or habit in the foreign policy sphere to fall back on—if the EU is to act in the world, it needs to *create* an identity for itself in order to do so. This identity-creation happens through two, simultaneous processes: an internal, deliberative process of political debate in which the EU's institutional actors attempt to define the role of the EU in world politics, and an external, performance-based process based on the EU's behavior towards foreign actors in the international system. This section will take the Parliament's role in each of these settings in turn.

The EP's role in the interinstitutional politics of defining the EU's actorness

Perhaps the most obvious way to forge the EU's international actorness is through the process of deliberation and debate about what the EU's foreign policy should entail—in other words, through EU politics. The continual contestation of what the EU should be doing in the foreign

¹ Lucarelli, p. 49.

policy sphere—and therefore, what kind of actor it should be in the international system—is part and parcel of the interinstitutional policy-making of the EU. And the EP plays a significant role in this field. But how does it conceptualize this role for itself?

As Chapter 3 has shown, the EP is able to use various formal,² quasi-formal,³ and informal⁴ powers to hold the Council accountable for its CFSP actions and policy choices. The Parliament's behavior in these settings suggests that the EP views its place in the Brussels policy-making arena as a democratic oversight body that consistently aims to increase its opportunities to engage with CFSP actors in deliberative settings. The logic of appropriateness by which the EP partakes in this *internal* foreign policy-making process of the Union is therefore based on policy debate. The Parliament sees its role as a deliberative actor whose opinion on the major foreign policy issues of the day must be repeatedly and vocally made known to other EU institutional actors, especially the Council. Despite the many EP resolutions demanding more and more reports and detailed information on various policies, the main thrust of the EP's role conception in foreign policy formulation is not that of a recipient of information, but rather a fount of political advice, an active participant in the policy debate about the EU's role in the world.

This role conception of the Parliament as “debater-in-chief” can lead to different types of role performances. As the Kosovo case shows, the EP sometimes tries to strengthen its hand in these interinstitutional foreign policy debates by setting precedents. It tries to influence other CFSP actors by creating certain facts on the ground that push them to accept the EP's policy preferences. When the Parliament itself cannot agree on a preferred foreign policy to advocate for, it can perform the role of a public forum for policy debates to take place, as the case of Hamas demonstrates. Either way, this debate-centered role conception only addresses the role that the EP sees itself playing *within* the EU.

² For example its budgetary powers.

³ For example its prerogatives of being informed by the HR, according to the IIA between the EP and the Council.

⁴ For example its ability to give publicity and visibility to a sensitive foreign policy issue.

Yet parliamentary control over the EU's foreign policy is meaningless unless there is also some role conception against which the EP can judge whether the other institutional actors' activities—primarily the Council's—are conforming. In other words, the EP's institutional role conception as a democratic oversight body over the CFSP *necessitates* a role conception of the EU in the international system: without it, parliamentary control would be devoid of content, and therefore meaningless. The EP thus also has a coherent international role conception of the EU as an actor in global politics. When debating foreign policy issues with the Council, the Parliament exhibits a normative view of EU foreign policy, according to which it considers the EU as an international actor whose behavior should be guided by the principle of furthering the actualization of fundamental democratic norms.

In some instances, such as the Kosovo case described in Chapter 4, the Parliament can use this normative lens to argue in favor of concrete policy recommendations. At other times, for instance during the debates surrounding relations with the Palestinian Authority, the EP may fail to present a united front, and therefore be unable to push the other CFSP actors in a specific direction, as discussed in Chapter 5. But even in these latter cases, the EP's internal debates about potential policy choices are based on a shared set of assumptions about the normative nature of the EU as a foreign policy actor. Thus while the concrete policy prescriptions may be a subject of debate, the criteria by which to judge those policies is not.

The EP thus holds a coherent institutional role conception of itself as a parliamentary oversight body over the CFSP—and its function extends to actively contributing to the EU's policy debates about the Union's international identity. It also possesses a coherent international role conception of the EU as a normative power in world affairs, a view which it tries to impose when engaging with the Council. But in addition to this dynamic participation in the political debates about the EU's international identity that take place in the European quarter of Brussels, the EP also acts in the name of the EU abroad.

The EP's role in the foreign policy performance of the EU

The EU's international identity is partly shaped by its role performance abroad. Identities cannot simply be declared, they must be negotiated in the social setting that is international relations.⁵ Anytime the EU acts in the world, it is also reinforcing, changing, or calling into question its international identity. The EU *is* what it *does*. Significantly, the Parliament also interacts with international actors, and these instances of parliamentary diplomacy are part of the EU's role performance, as a whole. Therefore, the EP is also involved in the *external* process of forming the EU's international identity.

As shown in Chapters 4 and 5, the EP's actions in parliamentary diplomacy are instances of the EU acting as a normative power. For instance, by interacting with the Kosovo Assembly in the same way as with the Serbian legislature, the EP's external behavior legitimized Kosovo parliamentarians' claim to rightfully represent the people of their territory. By raising the issue of PLC members imprisoned by Israel and attempting to visit them in person, the Parliament highlighted that locking up legislators was incompatible with a regard for fundamental democratic rights. Through its meetings with foreign leaders, its election observation missions, its interparliamentary networks and other activities, the EP is continually enacting a role performance of the EU as a normative actor in the world. The Parliament is therefore not merely giving voice to its own interpretation of EU actorness—it is also embodying this role conception by interacting with foreign actors according to such norms.

The EP participates both in the process of interinstitutional debate and contestation about the EU's role abroad, and in the performance of this role. It is an actor *within* the EU as well as *in the name* of the EU. These two role conceptions—the institutional and the international—are by necessity intertwined. More interestingly, the Parliament itself is aware of the links that exist between them.

⁵ See: Chapter 2; Wendt, 1992; and Wendt, 1999.

The EP's view of its dual institutional and international roles

It is important to realize that this set of two roles that the EP plays in the EU's international identity formation is something that the Parliament is quite conscious of. As expressed in a 2008 Parliament resolution on the CFSP, the EP “[i]s of the opinion that, from its inception, the CFSP, including the European Security and Defence Policy (ESDP), has helped to strengthen the European identity and the EU's role as a global player.”⁶ That is, the EP is keenly aware that EU foreign policy is, at least in part, an attempt at forging an international role for this new actor on the world stage. Furthermore, the Parliament also has a coherent and consistent view of what this role should entail. It

“[b]elieves that, since the European Union is a community based on values, in order to be a credible global player it has to uphold its high standards in external relations, and that the CFSP must therefore be underpinned by the values which the European Union and its Member States cherish, notably democracy, the rule of law and respect for human rights and fundamental freedoms, as key objectives of the CFSP.”⁷

Thus the EP is consciously promoting a value-based, normative conception of the EU's global identity.

Moreover—and this is where the EP's institutional role conception as a parliamentary oversight body meets its international role conception of the EU as a normative power—the EP “[s]trongly believes that the European Union can make an impact and conduct a genuine, effective and credible CFSP only if it [...] enjoys the strong democratic legitimacy afforded by Parliament's scrutiny.”⁸ In the Parliament's eyes, the fact that the EP has a role in the democratic oversight of the EU's CFSP is a *necessary condition* for the EU to be able to play the role of a normative power in international relations. The EP sees the EU's normative power resting at least partly on the Union's own, internal structures which—if they are democratic—endow it with the legitimacy to spread democratic values abroad. Therefore, the EP's international role conception for the EU is closely connected to the level of democratic parliamentary control that the EP can exert over the EU's foreign policy.

⁶ EP Resolution on the annual report from the Council, 5 June, 2008, Par. 1.

⁷ EP Resolution on the annual report from the Council, 5 June, 2008, Paragraph 3.

⁸ Ibid, Paragraph 5.

According to the EP, therefore, the more strongly the Parliament can claim to control the EU's CFSP, the closer the EU's foreign policy actorness can approximate that of a normative power. Conversely, the more the EU functions as a normative actor—"defin[ing] what passes for 'normal' in world politics"⁹—the more opportunities the Parliament has to participate in the performance of EU foreign policy, strengthening its parliamentary control.¹⁰

Not only are these two role conceptions connected and consciously linked in the EP's mind, but every time the Parliament *performs* these roles, they are also mutually reinforcing. It is therefore instructive to look at the EP's role performance as well as its role conceptions. The following section will lay out both how the EP's parliamentary oversight role helps strengthen a normative EU identity, as well as how the Parliament's actions abroad help it in its efforts to exert democratic control over the EU's foreign policy instruments.

THE MUTUAL REINFORCEMENT OF THE EP'S DUAL ROLE CONCEPTIONS

The EP has two basic stages upon which it can enact a role performance. In its institutional role it aims to ensure democratic control over the other Brussels-based actors of the EU, especially the Council. In its international role it is acting in the international system in the guise of the EU itself, as a normative actor. This section will take each of these roles in turn, and provide examples for how the Parliament's role performance on one stage reinforces its role conception on the other, in a recursive process of identity formation.

The EP's parliamentary oversight role strengthening its normative international role

The EP's parliamentary oversight can be said to be strengthening a normative understanding of the EU's role in world affairs because the Parliament does not simply "keep the Council honest"

⁹ Manners, 2002, p. 253.

¹⁰ If the EU were to act like a powerful nation-state, for instance launching military attacks, adopting sanctions, or even participating in international legal fora, the Parliament would clearly not have many means to participate in such activities. On the other hand—as the Kosovo case shows—the EP is much more adept at performing EU foreign policy when it is of a more normative bent: creating norms about whom to treat as sovereign, for instance.

by ensuring that it does not step over its legal remit. Nor does it merely ask CFSP actors to publicly justify their actions. Instead, it uses its parliamentary powers to engage in debate and a process of contestation with these actors, during the course of which it argues for a specific—democracy-promoting—normative understanding of the EU’s international identity. As such, the EP’s institutional role performance is crucial to its international role conception of the EU.

This is evident even from the shape that EP-Council interactions take in the foreign policy sphere. Take the example of appearances by Council representatives in front of the Foreign Affairs Committee. The official descriptions of these interactions (“briefing for AFET Members by the Council Presidency”) would suggest a mostly one-way flow of communication from the implementer of foreign policy, the Council, toward MEPs, who are thirsty for information. Yet this does not accurately describe the tone of these meetings. Although the Council often starts by formally presenting the decisions it has made, and measures it has implemented on a given issue, this is a formality that even MEPs are visibly eager to dispense with.¹¹ The more important part of these encounters is the ensuing debate on the substantive issues. One observes a similar dynamic during plenary debates on foreign policy. These start off with a short—usually five-minute—presentation by the Council (and sometimes the Commission, as well). But the rest of the one to two hours of debate are taken up by individual MEPs and their contributions/analyses/policy prescriptions.¹²

As a rule, then, the EP seems much more interested in making its view¹³ heard and challenging the Council about its decisions than simply being informed. The concept of parliamentary oversight is not understood narrowly by MEPs, but rather as a broad mandate to demand justifications from the Council as well as advising it on how to act in the future. Thus the EP’s role performance in these institutional contexts lies precisely in articulating its

¹¹ The presentations of the Council in AFET, for instance, are often ostensibly about what happened in recent Council meetings, but MEPs interested in foreign affairs are usually already briefed on these events by their home country’s diplomats beforehand. It is not unusual, therefore, for MEPs to turn up late to these briefings, or to be seemingly otherwise occupied while the Council speaks. Participant observation.

¹² Or, occasionally, non-sequiturs or rants.

¹³ Or, more accurately, “views,” since various political groups and MEPs may have different opinions.

conception of the EU's international role. The institutional role conception of the EP as a parliamentary oversight body has, as its *content*, the duty to argue for its own international role conception of the EU in world affairs.

This understanding of parliamentary oversight as a synonym for occasions to debate and convince the Council of the EP's understanding of how the EU should act is visible in other fora, as well. As mentioned in Chapter 2, select MEPs on a Special Committee have the right to consult confidential documents of the Council, and receive private briefings on sensitive topics. But MEPs were often critical of Solana's performance during these briefings, lamenting that he provided too much raw information, but did not offer sufficient time or context for interinstitutional dialogue.¹⁴ The goal of MEPs' insistence on their prerogative to be briefed on sensitive information was not about access to the information itself, but rather about adding another forum in which they could interact with the HR, challenging him to explain the EU's foreign policy choices and advocating the Parliament's position on these issues. Strong empirical proof for this interpretation is offered by the fact that in 2007, the two aspects of sensitive information sharing were separated: as soon as the briefings by the HR were made stand-alone events for the Special Committee, and the ability to request confidential documents for viewing was transformed into a right that MEPs had to request to exercise of their own individual initiative, the number of documents actually consulted plummeted.¹⁵

The Parliament's preoccupation with increasing its opportunities to engage the Council also shines through in the EP's successful use of its budgetary powers to force the Council to increase the frequency of its consultations with MEPs.¹⁶ As a reminder: in 2006, the EP held the budget conciliation process hostage to a set of demands to increase its oversight over planned CFSP/ESDP actions and EUSRs—demands which were met by the Council. What is telling in this episode is that the Parliament's demands were neither formal decision rights over budget

¹⁴ Interview with Council official 1.

¹⁵ Interview with Council official 1.

¹⁶ See Chapter 3.

allocations, nor simply more information on upcoming CFSP/ESDP missions, but rather “timely political consultation” on such actions.¹⁷ In the end, what the EP gained from this fight was the chance to express its international role conception of the EU to the EUSRs, as well as a higher frequency of meetings to interact with the HR. That is, its institutional role performance through its budgetary powers served predominantly to widen the avenues it had for expressing its normative role conception of the EU to Council representatives.

The case study of Kosovo’s independence also provides some examples of the EP performing its parliamentary oversight role for the sole purpose of expressing its international role conception for the EU. In 2006 Joost Lagendijk, the EP’s permanent rapporteur for Kosovo in AFET, tabled an oral question to the Council on the EU’s future role in the country.¹⁸ This, one of the standard mechanisms of parliamentary control, asked the Council to report on its state of preparedness in taking over the tasks of UNMIK once that mission was terminated. However, the ensuing debate took on a very different character. All the MEPs who had authored the question to Commission and Council (and who represented all four major political groups in the chamber) referred explicitly to human rights in their interventions. Neither the Council nor the Commission referred to this topic in their answers. The Parliament’s role performance in one of its few formal powers of parliamentary oversight served explicitly to argue for a normative understanding of the EU’s actorness, promoting fundamental rights.

Similarly, in 2008, during the annual exercise of reviewing the Council’s report on its CFSP activities, the EP grasped the opportunity of a formalized ritual of ex-post-facto parliamentary oversight to expound its view on the EU mission’s role in Kosovo. While the format and title of the debate and resolution ostensibly required a reaction to the Council’s report on its activities in 2007, the EP took this chance to reiterate its view that the question of EULEX Kosovo was, at heart, one of democratic rights. It stated that the Parliament

¹⁷ Brok & Lewandowski, p. 1.

¹⁸ Lagendijk, Joost: *Oral Question to the Council*. “The EU’s preparedness for its future role in Kosovo,” 5 July, 2006.

“takes the view that the European Union Rule of Law (EULEX) mission in Kosovo must safeguard the interests of national minorities [...], build confidence among ethnic communities, protect the cultural, religious and historical heritage, consolidate the rule of law and promote economic development; points out that the local ownership of these efforts will ensure a successful transition and sustainable social, political and economic development of Kosovo.”¹⁹

The focus was clearly on fundamental rights (especially minority rights) and the centrality of Kosovo’s domestic democratic institutions taking responsibility for the country’s transition. In addition, the rapporteur also emphasized during the debate that this normative approach to foreign policy was directly related to the EP’s institutional role in parliamentary oversight. The EU, he said, “should continue its role as [...] a normative power, value-projecting and promoting democracy, freedom and human rights,” while also noting that this normative foreign policy “should draw its legitimacy not only from its intergovernmental source, but also from European Parliament scrutiny.”²⁰ The notion of a normative focus on democracy promotion was explicitly connected to the EP’s role in providing democratic oversight over the CFSP within the EU.

The same annual CFSP review exercise a year earlier shows a similar connection between the Parliament’s role performance as an oversight body and its role conception of the EU as a normative power—this time, through the example of Palestine. As a reminder, in 2007, the Palestinians formed a national unity government, in which Fatah and Hamas members were both represented. Nevertheless, the Council did not deem that Hamas had met the Quartet’s criteria, and therefore refused to establish contact with Hamas ministers within this government, although it cooperated with Fatah ministers. The EP’s annual resolution about the Council’s CFSP activities of that year affirmed that “the new Palestinian Government of national unity and the recognition of the previous agreements with Israel should prompt the EU to intensify its involvement in Palestine.”²¹ Thus the regular, annual exercise of reviewing past CFSP actions was again used by the EP to pressure the Council into living up to the current—normative—foreign policy standards of the EP, which required a more active engagement with the Palestinian national unity government.

¹⁹ EP Resolution on the annual report from the Council, 5 June, 2008, Par. 29.

²⁰ Jacek Saryusz-Wolski, speaking in a plenary debate, 4 June, 2008.

²¹ EP Resolution on the annual report from the Council, 23 May, 2007, Par. 38.

Admittedly, the EP's own divisions regarding the appropriate EU policy towards the government of Palestine meant that such direct calls for policy change were rare. This does not mean that the EP failed to make use of its parliamentary oversight role to argue for a normative EU foreign policy, however. While the absence of a unified, concrete policy preference for how to engage the Palestinian government made it impossible for the EP to pressure the Council to act, it was nevertheless able to insist on shifting the discourse of the EU. For instance, in May of 2007, MEPs—regardless of whether they supported or opposed the Council's decision to refuse contacts with Hamas ministers in the national unity government—used the public forum of a plenary debate to establish their conception of the EU's role in the region. The Council's statement suggested that the role of the EU in Palestine was primarily one of a financial donor—the Presidency emphasized the importance of maintaining humanitarian assistance to Palestinians, as well as initiating contacts with the new finance minister.²² It made no mention of how the EU's relations with the new national unity government related to democracy, representation, fundamental rights, or even politics.

In contrast, MEPs from both sides of the aisle argued for an EU role not only as a financial payer, but as a political player. The EPP, although supportive of the Council's policy, still urged the EU to “emerge from its lethargy,”²³ the UEN warned that the EU cannot “behave like a short sighted benevolent uncle handing out large amounts of pocket money.”²⁴ Those opposed to the Council's stance on direct contacts with the unity government were even more critical. The PES called on the Council to restore links with the government, precisely because it represented the “only form of political expression open to the Palestinian people.”²⁵ The Greens blamed the Council's reluctance to engage the government for “actively undermining the authority and the apparatus of Palestine's democratic institutions.”²⁶ Although split on what

²² Gloser, speaking for the German Presidency, 22 May, 2007.

²³ Salafranca, speaking for the EPP, 22 May, 2007.

²⁴ Ryszard Czarnecki, speaking on behalf of the UEN, plenary debate, 22 May, 2007.

²⁵ Napolitano, speaking for the PES, 22 May, 2007.

²⁶ Lucas, speaking for the Greens, 22 May, 2007.

policy the EU should adopt, the Parliament's performance was nevertheless consistent in its attempt to shift the debate away from one centered on ensuring proper financial flows to the Palestinians, and towards a much broader, normative one about how best to respect the Palestinian people's democratic choices.

As these examples demonstrate, the EP treats the various venues of its institutional role performance as a parliamentary oversight body as an arena in which it can argue for its normative conception of the EU's international role. It tries to expand the number, duration and depth of these public exchanges with other CFSP actor—not for its own sake, but as a way to increase opportunities for debate and persuasion. All these interinstitutional interactions debating the basic tenets of EU foreign policy thus form part of the identity building process of the EU as a global actor. But as the case studies have shown, the Parliament not only participates in an interinstitutional dialogue over EU foreign policy—it also engages the outside world directly, in its parliamentary diplomacy. The next section will therefore look at how those role performances feed back into the EP's institutional role conception.

The EP's parliamentary diplomacy strengthening its parliamentary oversight role

While the EP uses its parliamentary control powers as a tool to impress its normative conception of EU foreign policy upon the Council, there is also a parallel dynamic whereby its actions abroad reinforce its institutional role conception as a democratic oversight body over the CFSP actors in Brussels. Through its parliamentary diplomacy, the Parliament is simultaneously sending signals to the EU's other institutional actors, forcing them to engage the EP in the EU's foreign policy-making process. The EP's international role performance thus serves to strengthen its institutional role conception.

Agendas of parliamentary delegation trips to third countries provide a perfect example. In many instances, MEPs complement their political meetings abroad with visits to EU-funded projects—whether in candidate countries where there is a wide variety of such sites, or in other

countries where the most likely destinations are in the development field.²⁷ In this way, the Parliament's semi-diplomatic role abroad has a distinctive parliamentary control element in that it is ensuring that European public money is being used effectively. Diplomatic exchanges and democratic scrutiny take place during the same day. Parliamentary diplomacy therefore goes hand in hand with control over the purse-strings of the Union—and such site visits are afterwards often referred to in committee meetings or exchanges with the other institutional actors. The EP's institutional role can thus be reinforced even when its Members are traveling abroad.

The Parliament need not even be traveling for such a dynamic to occur. By publicly engaging with third-country representatives, it can also reinforce its institutional role conception as the place of transparency and public scrutiny within the EU. For instance, the Parliament often invites foreign dignitaries visiting Brussels to appear at an AFET meeting. This allows MEPs to put questions directly to these personalities, nullifying any informational advantage that the Council may hold if it had been the visitor's sole interlocutor. Such practices strengthen the EP's oversight over the EU's interactions with third countries, since it is harder for the Council to monopolize diplomatic encounters with outside actors.

This is especially true of foreign dignitaries with whom the EU has delicate subjects to discuss. The Parliament's understanding of EU-Pakistani relations was therefore certainly improved by having President Pervez Musharraf come answer MEPs' questions directly in January of 2008.²⁸ An ex-post facto debate with a Council representative about what had been discussed at a Solana-Musharraf bilateral meeting would undoubtedly have been much less effective in providing parliamentary scrutiny of EU-Pakistani relations. In fact, the Parliament can even pressure other EU actors to put items on their own agendas. Just two days after

²⁷ One example is the visit of the Mashreq Delegation to a hospital in the outskirts of Damascus, which had been built—partially from EU funds—to cater to the large number of Iraqi refugees in the city. Participant observation.

²⁸ See: European Parliament: *Press Release*: “Pervez Musharraf promises ‘free, fair, transparent and peaceful’ elections in Pakistan,” 21 January, 2008.

meeting Musharraf, the EP hosted Iran's nuclear negotiator, Saeed Jalili, at an AFET meeting,²⁹ during a quite tense period regarding Iran's nuclear ambitions. The office of the HR was quite upset at this invitation, since it had planned to deny a meeting to Jalili itself. But since the EP had given the Iranian an official EU public forum in Brussels from which to defend his country's position, Solana was forced to grant a meeting to Jalili as well, in order to formally deliver the EU's official stance on the (lack of) progress in negotiations surrounding Iran's nuclear program, and thereby prevent a potential public relations coup for the Iranians.³⁰

The two case studies explored in detail in this dissertation also offer plenty of examples of the EP's parliamentary diplomacy reinforcing its institutional role. The interparliamentary meetings that the EP organized with its counterpart from Kosovo illustrate this well. After Kosovo's declaration of independence, the EP started to treat Kosovo like any other country—dropping UNMIK representatives from meetings, displaying the Kosovo flag during its formal encounters, calling Kosovo by its chosen name, etc. These decisions clearly formed part of the EP's international role performance in the name of the EU: after all, an official body of the Union was declaring through its actions that it considered the democratically elected parliamentarians of Kosovo to be the rightful representatives of that region. But they also had an effect on intra-Brussels politics. By treating Kosovo as a sovereign state, the EP was sending a message not only to Kosovo, but to the EU's foreign policy establishment as well—namely that the Parliament was militating for EU recognition of Kosovo's independence.

Such messages were passed along even more directly when larger gatherings forced various EU institutional actors to accept the EP's interpretation of Kosovo's status, such as the Joint Parliamentary Meeting on the Western Balkans in 2008.³¹ By forcing the Council and Commission to acquiesce to the EP's interpretation of Kosovo's sovereignty, the Parliament could put pressure on them to accept—at least for the duration of the meeting—the EP's policy

²⁹ For details, see: European Parliament: *Press Release*. "Iran nuclear negotiator did not address Members' grave concerns on key issues, says Foreign Affairs Committee," 23 January, 2008.

³⁰ Participant observation.

³¹ See Chapters 3 and 4.

preference to interact with Kosovo as a normal, sovereign state. The EP's actions thus affected both the EU's international role and the Parliament's institutional role.

The EP's relations with the Palestinian government also supply some examples of parliamentary diplomacy providing ammunition to the EP in its interinstitutional fights. Once the Palestinians had formed a national unity government, the EP sent a Delegation to the territories, and met with—among other interlocutors— Hamas ministers in the new executive. As a result of promises made by Hamas members during these meetings, the D-PLC considered that the group was now fulfilling the requirements of the Quartet, and it expressed this view upon its return.³² Members of the Delegation referred to these meetings, and the conclusions they had drawn from them, during plenary debates with the Council in the coming months,³³ as they argued for restoration of official EU-PA ties. The EP's parliamentary diplomacy thus allowed the Parliament to go beyond just criticizing the Council's stance. Instead of simply questioning the Council's interpretation of whether Hamas had espoused the Quartet principles, the EP was in a position to offer its own facts and evidence in these debates, by referring to its meetings with members of the Palestinian government. The international role performance of the EP gave it more clout in the discursive contestation process of interinstitutional foreign policy-making.

In addition, such direct contact with foreign actors gave the Delegation Chair the occasion to engage more directly with the other EU institutions. Triantaphyllides was able to draw on the personal experiences of his visit to the Palestinian Territories to write strongly-worded letters to the Commission President and the External Relations Commissioner,³⁴ in which he called for the restoration of direct ties to the Palestinian government. Whether these letters resulted in a change of the Commission's stance towards the national unity government is not at issue. Rather, these examples show that the EP's role conception as a democratic

³² Triantaphyllides: *Report on the 7th EP-PLC Interparliamentary Meeting*, 2007, p.18.

³³ See, for instance: EP Plenary Debate on Palestine, 22 May, 2007.

³⁴ Triantaphyllides: Letter to Commissioner Ferrero-Waldner; and Triantaphyllides: Letter to Commission President Barroso.

oversight body whose duty it is to control the EU's other institutional actors is strengthened by its ability to interact directly with outside actors. Its parliamentary diplomacy is a crucial element of its institutional role in Brussels.

What can we conclude from these recursive processes of role performances and role conceptions? First, we can identify two separate role conceptions held by the Parliament as an institution. Within the interinstitutional setting of the EU, the EP conceives of its role as a force for democratic control over the CFSP. Moreover, the EP's view is that this parliamentary oversight is part of what defines the EU's foreign policy identity. "[T]he EU can make an impact only if it [...] is granted the robust democratic legitimacy which results from informed scrutiny by [...] the European Parliament,"³⁵ the EP has stated. Thus, the EP's institutional role is crucial to defining EU actorness in world affairs.

The Parliament also holds a role conception of itself as an actor in the international system. In its contacts with the outside world, the EP seeks to perform this role according to a script that portrays the EU—in whose name the EP is acting—as a normative power. Hence the way that the Parliament conceptualizes foreign policy issues is predominantly through a lens of democracy and fundamental rights, the most basic of EU values that the EP seeks to promote.

The Parliament's performances in each of these roles reinforce each other—instances of institutional oversight are used to advance the EP's normative view of EU foreign policy, while the EP's direct interactions with outside actors facilitate its work in exerting influence over the EU's CFSP actors. Through this recursive process, the EP is constantly reinforcing both its institutional and international roles. The EP's foreign policy role thus rests on the twin pillars of democratic control (over the CFSP and the other EU institutional actors) and democratic rights (the norms of which it seeks to promote in its dealings with the rest of the world).

Of course, these role performances also affect the foreign policy identity of the EU as a whole. The more the EP manages to exert parliamentary control over the CFSP, the more it

³⁵ EP Resolution on the annual report of the Council, 19 February, 2009, Par. 3.

pushes the EU's foreign policy toward its preference for a normative power approach to its global role. And the more frequently the EP engages the outside world directly, using its normative prism, the more the EU will be viewed as a normative power in world affairs.

THE EP'S ROLES IN EU FOREIGN POLICY: WHY DO THEY MATTER?

The EP's foreign policy behavior thus has real meaning—it is part of the EU's international identity formation, which is crucial for an EU foreign policy to develop. But what policy relevance can the EP's mutually reinforcing institutional and international role conceptions have? As a final conclusion, this dissertation would suggest that its findings can lead us to reconsider an important policy question: namely how to improve the effectiveness of the EU's foreign policy.

Recent events in the European neighborhood have raised questions about the future of a common foreign policy for the Union. The EU's CFSP has been seen to be (in)famously unable to project a coherent stance towards many foreign policy challenges of the region: whether it be the response to the uprising in Libya, or the ongoing violence in Syria. It is therefore legitimate to ask about the significance of whether a coherent normative role conception of the EU can be observed in the Parliament. If the EU's member states cannot agree to act according to this role conception, then why does it matter whether it exists at all? After all, the EU's foreign policy must be measured by its outcomes (whether development aid and political engagement or economic sanctions and military intervention), not simply by the existence of some internal role conceptions of how the EU *ought to act* in the world.

Yet determining whether a coherent role conception of the EU's international actorness exists within the EU structures is vital for any attempt to improve the EU's ability to act decisively in the world. In order to cure what ails the EU's CFSP, one must first diagnose the disease—and the finding that the EP holds a coherent normative view of the EU's international

identity leads to a very different prescription than the standard cures advanced in policy circles and academia today.

The conventional wisdom during the past few years has been that the EU's foreign policy suffers from a deficiency of leadership and cohesion.³⁶ When 27 member states try to forge a common policy in the foreign affairs realm, the diversity of national views and interests coupled with the de facto veto power of all participants makes action—especially bold and swift action—unlikely. The reason the EU's CFSP is seen to lack seriousness or fails to have an impact is that no authoritative voice speaks in its name. The CFSP operates through a consensus-driven group of varied nation-states, essentially as if it were a mini-United Nations, with all the disadvantages that brings with it. The frustration with this lack of a clear EU foreign policy leader is famously summed up by the apocryphal quote by Henry Kissinger: “If I want to pick up the phone and talk to Europe, whom do I call?”

This diagnosis that the EU lacks a strong unified voice to represent it in international fora and in its relations with outside actors has led to a series of institutional fixes that all point in the same direction: curing the cacophony by creating a foreign policy structure that is removed from the consensus-bound meetings of the Council. Hence the invention of the post of High Representative for the CFSP in the Treaty of Amsterdam, and the recent expansion in the HR's role—along with a new bureaucracy to support her³⁷—brought about by the Treaty of Lisbon. The crux of all these cures is that they aim to separate the foreign policy voice of the EU from the cumbersome consensus-building that lies at the heart of Council decision-making. The HR and the European External Action Service embody a bureaucracy that—while still representing the Council's priorities—is able to engage in day-to-day foreign policy activities without the need for constant member state consultations.

A consideration of EU foreign policy according to the EP's normative lens, however, leads to a very different set of diagnoses and a quite contradictory cure. If we view EU foreign

³⁶ See, for instance: Toje, 2008; and Thomas, 2012.

³⁷ Namely, the European External Action Service.

policy as a normative project, whereby it seeks to “define what is normal” in international affairs, and observe that this normative view of foreign policy is best embodied by the foreign policy approach of the European Parliament, then the problem appears to lie elsewhere. Instead of a problem of leadership, in the sense that no strong office or person can overcome the lack of consensus among diverging national interests, the predicament seems rather that an existing role conception of the EU as a normative power in the world has had trouble permeating those institutions that shape the EU’s CFSP.

This diagnosis points to a very different set of remedies. Instead of creating increasingly distant bureaucracies, isolated from the messiness of EU political decision-making, such a view of EU foreign policy would suggest the opposite: that the best way to enhance the coherence and potency of the CFSP would be to make it more democratic, by for instance introducing majority voting in the Council on CFSP issues, or deepening the involvement of the Parliament in CFSP decisions. Of course, any of those steps would open thorny debates regarding member states’ control over their military capabilities, questions of EU-level democracy, and legal issues of ceding so much sovereignty to a supranational level. Those topics must form the basis of other doctoral dissertations. But this research project has aimed to show that foreign policy, even at the EU level, is very clearly political. And only through politics, with all its messiness, can EU foreign policy be improved.

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