

CHAPTER 1

Introduction

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More than a decade after the Common Foreign and Security Policy (CFSP) was launched, the European Parliament (EP) is still demanding to have a greater say in Europe's foreign policy. Year after year, the EP has expressed this claim in the annual reports it publishes on the main aspects and basic choices of the CFSP. These reports are an accurate barometer to measure the degree of the Parliament's satisfaction with its capacity to control and influence European foreign policy.

The latest report, presented in March 2005 by Elmar Brok, Chairman of the Foreign Affairs Committee of the EP, was one of the toughest in this regard.¹ The central claim of this report was that it is high time the existing practice of the Parliament being (poorly) informed and only *a posteriori* by the Council of the European Union (EU) was replaced, in favour of “an *a priori* approach whereby Parliament is consulted at the beginning of each year on the main aspects and basic choices envisaged by the Council.”² For the first time, the report was drafted to present the Parliament's view on the future choices of the CFSP, instead of offering a review of past events, as was usually the case of previous reports.

However, the desirability of upgrading the role of the European Parliament in foreign policy is far from being uncontroversial. There is no

¹ European Parliament, *Report on the annual report from the Council to the European Parliament on the main aspects and basic choices of CFSP, including the financial implications for the general budget of the European Communities – 2003*, A6-0062/2005 FINAL, 21 March 2005.

² *Ibid.*, paragraph 2.

unanimous conclusion about to what extent does the CFSP suffer from a democratic deficit. This debate revolves around two dimensions. The first one has to do with the accountability of CFSP institutions. Is the current degree of parliamentary oversight of these policies the most appropriate? Has the disengagement of national parliaments regarding European foreign policy been counterbalanced by giving sufficient powers to the European Parliament? And, regarding the European Security and Defence Policy (ESDP), are national parliaments effectively controlling it? The second dimension of the debate is related to the wider question of whether the European Parliament is capable of legitimising EU policy outcomes. In the absence of a Europe-wide *demos* and of a true party system, what interests do Members of the European Parliament (MEPs) represent when dealing with foreign policy issues? Are there transnational cleavages in foreign policy or are they mainly national? Furthermore, is the European Parliament developing a transnational, autonomous stance on foreign policy issues, different from that of the Council or the Commission?

The present book is divided in two parts, to reflect the dual dimension of the democratic deficit debate. Part I has two chapters that deal with the accountability of European foreign policy (mainly the foreign and defence policies, but also issues concerning the EU's external trade). Part II includes three chapters related to the legitimacy debate, which address the issue of national vs. transnational roles of MEPs in different areas (the debate on Turkey's accession, the work within inter-parliamentary delegations and human rights policies).

The accountability debate: parliamentary oversight of the CFSP and the ESDP

The discussion over the democratic accountability of European foreign policy dates back to the very inception of the European Political Cooperation (EPC) in 1969. Even before the European Parliament became a directly elected body, it claimed that the strictly intergovernmental and confidential nature of EPC was seriously eroding the foundations of parliamentary democracy. Since then, the European Parliament has been given some prerogatives in the field of foreign policy, but, for many, there is still a vacuum in the parliamentary

oversight of the CFSP, given that the foreign policy functions performed at the EU level have increased dramatically. A brief review of these processes (the evolution of the EP's powers in foreign policy and the evolution of the CFSP) will provide some elements to gauge the *décalage* between the two.

A role in foreign policy was not formally conferred to the European Parliament until the CFSP was institutionalised in the Maastricht Treaty. The Parliament's prerogatives, laid down in Article 21 of the Treaty of the European Union (TEU), were deemed as an important step forward. Although these powers were merely consultative, the fact that the EP was taken into consideration meant, at least, that the CFSP was being set up with greater democratic legitimacy than the former European Political Cooperation.

The Parliament's powers under this article have been labelled "soft accountability powers" (Larhant 2004; Diedrichs 2004). The first paragraph of Article 21 establishes the EP's passive rights of being consulted by the Presidency on the main aspects and the basic choices of the CFSP and being informed by the Council and the Commission. The second paragraph refers to the EP's active rights to ask questions to the Council of Ministers, to make recommendations, to hold debates on the CFSP and to issue resolutions in this field.

However, these obligations of both informing and consulting the EP as set out in Art. 21 of the TEU were quickly deemed insufficient by the Parliament itself, as they were not mandatory for the Council and the Commission. Ever since, the EP has been keen on demanding an extension of its formal powers, especially during Treaty reform periods. But except for the budgetary domain, where substantial changes have been introduced, the Parliament's formal powers in foreign policy have remained the same as those set out in the Maastricht Treaty.³

³ Article III-304 of the Constitutional Treaty basically reproduces Article 24 TUE, except for minor modifications regarding the new institutional context (instead of the Presidency and the Commission, the Constitution mentions the EU Minister of Foreign Affairs and Special Envoys), and the possibility to have a debate on CFSP is increased from one time per year to two. Regarding the budgetary domain, the provisions for financing CFSP established in the Maastricht Treaty proved to be inadequate very soon. The distinction between administrative expenditures that were to be covered by the EC budget and the operating expenditures that were to be charged directly to the member states was superseded by events, as a result of the first operations in Bosnia. Thus, the Treaty of Amsterdam put an end to the confusing distinction between administrative and operating expenditures regarding CFSP. Operating expenditures were considered to be non-

Therefore, the EP has concentrated on making the most out of its existing powers through the assumption of a proactive stance, that is by requesting information and issuing recommendations and resolutions (Diedrichs 2004). Indeed, via the maximisation of the Treaty provisions (especially its budgetary powers), the EP has progressively acquired greater influence throughout the years. Parliament has, rather successfully, made the Council and the Commission have a stronger commitment to provide information and to take the Parliament's opinion into account, basically through inter-institutional agreements.⁴ Likewise, the EP has deliberately tried to acquire a solid reputation as a serious interlocutor with third countries through parliamentary cooperation and, as an agenda-setter in foreign policy issues, basically by an increasing production of its own initiative reports (Barbé 2004).

The freezing of the EP's powers under Article 21 of the TEU contrasts with the evolution of the CFSP during the last decade, which has led to an incremental development of new institutions and mechanisms. The most important of these changes is undoubtedly the creation of the ESDP in 1998, under which the EU has already launched several civil and military missions.⁵ More recently, the introduction of a 'Neighbourhood Policy,' to replace the previous Common Strategies as a framework for the EU's relations with neighbouring countries, or the issuance of the first European Security Strategy are also important corollaries of the evolution of the CFSP since 1993. The mushrooming of institutions --the Policy Planning and Early Warning Unit, the Political and Security Committee, the Military Committee, the Military Staff, and the Civilian Crisis Management Committee, among others-- that has accompanied CFSP and ESDP developments has also been notable.

The architects of subsequent EU reforms have considered that, in spite of this evolution, the current participation of the EP is appropriate, since the

mandatory expenditures (Article 28.3 of the TEU), and, therefore, the EP has the ability to approve the expenditure or not.

⁴ The main inter-institutional agreements are that of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure, OJ C 172, 18 June 1999; and the Inter-Institutional Agreement of 20 November 2002 between the Parliament and the Council concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy, OJ C 298, 30 November 2002.

⁵ Up to April 2005, the missions under CFSP have been: Police Mission in Bosnia, Concordia in FYROM, Proxima in FYROM, Artemis in Congo, Eujust Themis in Georgia, Althea Eufor in Bosnia and Eupol Kinshasa in Congo.

CFSP, and even more so the ESDP, are intergovernmental in nature. Consequently, reformers have insisted on furthering cooperation between national parliaments and between them and the European Parliament. The Constitutional Treaty is expected to make progress in this direction. Paragraph 9 of Protocol 1 refers to the promotion of effective and regular interparliamentary cooperation between the European Parliament and national parliaments; and paragraph 10 provides for a Conference of Parliamentary Committees for Union Affairs to organise interparliamentary conferences to debate foreign policy and defence issues.⁶

The wording of these provisions, however, is so vague that parliamentary cooperation could take various forms (Hilger 2005). Indeed, the appropriate form of cooperation is still a matter of discussion, mainly within the EP and the WEU Assembly. The Parliament generally welcomes the provisions of Protocol 1 because, under paragraph 9, the Parliament is mentioned in first place as part of the future interparliamentary dialogue. In contrast, the WEU Assembly considers that an alternative and more appropriate solution would be to set up an institutionalized Interparliamentary Forum made up by parliamentarians from all WEU countries.⁷ This Forum should play a central role, being involved in a "consultative dialogue with the executive bodies of the European Union on topics that are subject of intergovernmental cooperation", being able to submit contributions to the Council and the Commission and being the promoter of interparliamentary conferences and of information exchanges and best practices between national parliaments and the European Parliament.⁸

This proposal of fostering institutionalised cooperation between national parliaments as the best way to democratically control subjects of intergovernmental cooperation is contentious, however. The traditional discourse of the EP is that parliamentary oversight of the CFSP at the national level, although welcomed, is insufficient, since it is increasingly more difficult to discern what is strictly intergovernmental in the CFSP from what is not.

Indeed, two interrelated processes are contributing to blur the intergovernmental character of the CFSP. On the one hand, the need for

⁶ The draft Treaty explicitly mentioned the format of COSAC (Conference of the Community and European Affairs Committees) in paragraph 10.

⁷ Assembly of the WEU, *Resolution 122 on the European Security and Defence Policy following EU and NATO enlargement*, 4 June 2004.

⁸ *Ibid*, paragraphs 4 and 5.

coherence and efficiency of the CFSP has led to an increasing 'cross-pillarization', i.e., the Commission and the Council are working together in many CFSP and ESDP fields where the line between decision and implementation, between civil and military means for crisis management is ever more difficult to draw. The *Policy Planning and Early Warning Unit*, set out by the Treaty of Amsterdam with the functions of planning CFSP medium- and long-term policies, is a clear example of this cross-pillarization since it is staffed by officials of the Council Secretariat, the WEU, the member states and the Commission.

The second process is what has been termed 'Brusselisation' (Allen 1998), that is that "while the relevant competences do remain ultimately at the disposal of the Member States, the formulation and implementation of policy [is] increasingly Europeanized and Brusselized by functionaries and services housed permanently at Brussels" (Müller-Brandeck-Bocquet 2002: 261). The task of the *Political and Security Committee* (PSC), established by the Treaty of Nice, illustrates such Brusselisation. The PSC, made up by ambassadors from the member states, plays a crucial role in facilitating CFSP formulation. It is obviously placed under the Council's authority and was conceived with an intergovernmental perspective in mind, but its officials undertake their task in close relation with other EU institutions that have their headquarters in Brussels. As underlined by Karen Smith (2003:46), the PSC "is building strong relations with other institutions in Brussels, the Commission, Coreper, High Representative and Policy Unit. This is contributing to the 'Brusselization' of EU foreign policy: foreign policy issues are more and more discussed, and decided, in Brussels".

This unresolved debate on the democratic accountability of CFSP and ESDP institutions through parliamentary oversight constitutes the focus of the first two chapters of this book. Chapter 1, by Nathaniel Lalone, reviews the evolution of the EP's formal and informal powers in the field of Common Commercial Policy (CCP) and compares them to the powers of the Parliament in the CFSP, without losing sight of the different nature of these two policies. In light of the experience of CCP, Lalone discusses whether the current degree of involvement of the European Parliament in the CFSP is the most appropriate and identifies some of the problems that the EP has to face in order to acquire more powers in this field.

Chapter 2, by Giovanna Bono, delves into the parliamentary oversight of the ESDP by national parliaments. Specifically, the author examines the

role of the British, Italian and French Parliaments in scrutinising the first two EU-led peace-enforcement operations: Concordia (EU military operation in the Former Yugoslav Republic of Macedonia) and Artemis (EU Military operation in the Democratic Republic of Congo). Taking into account that the scrutiny of the ESDP is first and foremost the responsibility of national governments, Bono aims to assess whether national parliaments are indeed well equipped to undertake this task.

The legitimacy debate: representation of national and transnational interests in the European Parliament

The second dimension of the debate on the democratic deficit of European foreign policy addressed in this book refers to its source of legitimacy. The three main sources of democratic legitimacy traditionally identified in the complex Euro-polity are: indirect legitimacy provided by national parliaments; direct legitimacy provided by the EP (input legitimacy); and legitimacy coming from the efficiency and effectiveness in tackling citizens' problems (output legitimacy). There is no discussion about the main source of democratic legitimacy of the CFSP and ESDP, which comes from national parliaments, since these policies were conceived as intergovernmental. Output legitimacy is also central in whatever field of EU policymaking, because citizens' support for specific EU policies implicitly depends on their perceived effectiveness. Conversely, problems arise when approaching the source of direct democratic legitimacy at the EU level through the European Parliament.

The core question evolves around the extent to which the EP is in a position to represent EU citizens and introduce their preferences into the EU decision-making process. The European Parliament, as a directly elected assembly structured by political groups, should, in principle, represent European citizens via European political parties. However, the Europarliament is far from the model of national assemblies because of the absence of a European *demos* and a true European party system. Thus, a common view of the European Parliament is that it is "an international forum where MEPs represent national interests" (Marsh and Norris 1997: 156).

For many, the fact that the MEPs perform their tasks with a national orientation and the absence of cohesive political groups that maintain

competing political programmes lie at the heart of the democratic deficit of the EU, since it is very difficult for citizens to identify clear-cut political cleavages at the EU level and to evaluate their elected representatives' performance. The chapters of the second part of the book focus on this intriguing duality of national/transnational party representation roles by MEPs, the degree of cohesion of European political groups, and inter-group cooperation in the field of foreign policy.

The European Parliament, despite "its ambition to become a prototype of a genuine transnational democratic institution" (Viola 2000:13), falls short of being a true parliament, providing a European-wide competitive party system. However, in recent years, important advances have been made towards developing a European party system, up to the point that some authors state that, nowadays, "political parties, rather than member states are building the European Union" (Colomer 2002).

This might be an overstatement, but, in fact, the increasing role of politics in the EP can clearly be appreciated in the performance of European Political Groups (PG), which have consolidated into the key institutions organizing the EP's activity. PGs undertake central tasks like, for example, the appointment of memberships and chairmanships in committees and interparliamentary delegations, the assignment of rapporteurships or the proposal of reports and oral questions for debate. This pivotal role of the European party groups has resulted in higher intra-group cohesion. According to the analysis of Simon Hix (1999), the indexes of agreement of the EP groups (the calculated frequency with which their members vote as a bloc) have been higher throughout the successive parliamentary terms, up to a point that the levels of party cohesion are very similar to those registered by the US Congress.⁹

Interestingly, however, the main area of inter-party competition is the left-right dimension, whereas groups are much less cohesive when it comes to pro-anti integration issues. MEPs' voting pattern thus follows the left-right cleavage that prevails at the national level, but not on European issues. As put by Schmitter and Trechsel (2004:47), the political process within the EP

⁹ For example, the Indexes of Agreement as calculated by Hix (1999: 177) during the Parliamentary term 1989-1994 were already very high: Left Unity (93.8), European Unitarian Left (92.3), Greens (87.5), Party of European Socialists (78.6), Rainbow Group (69.5), Liberal, Democratic and Reform Party (85.7), European People's Party (88.2), European Democratic Alliance (64.5), European Democratic Group (92.2), Extreme Right (84.1).

“merely aggregates and reproduces in a superficial fashion the different cleavages that emerged historically within each member state, rather than recognise and reflect the cleavages that transcend these national borders”.

The scant existing studies on MEPs’ voting patterns in foreign policy, nonetheless, show intriguing conclusions about the relevance of national-territorial and party-political representation roles when dealing with foreign policy. The analysis of Attinà (1990), for example, shows that there is a higher intra-group cohesion in international matters than in any other area, concluding that there is “an international cleavage that pits some Party Groups against others in the European Parliament as it does in national parliaments” (Attinà 1990:572) in this field¹⁰ Similarly, Viola (2000) identifies the existence of transnational interest and identities in the voting patterns of MEPs during major international crises of the first half of the 1990s (Iraq and Yugoslav wars).

The same patterns were recently reproduced in the PGs’ positions vis-à-vis the US-led war in Iraq, an issue that was to play an important role in the campaign leading to the elections of the European Parliament in May 2004. The international events post 9-11, the military intervention against Iraq, or the terrorist attack of 3-11, together with developments in the EU’s neighbourhood, from the Ukrainian electoral crisis to the debate on Turkey’s accession to the EU, have made foreign policy and defence issues rank high in political parties’ manifestoes and in the programmatic documents of European groups.¹¹

¹⁰ Attinà’s analysis of roll-calls of the first and second terms of the directly elected EP finds that the cleavage in international relations separated Socialists and Communists, on the one hand, from Christian Democrats, Conservatives and Liberals, on the other. The issues where this division was primarily observed were: domestic politics of third nations, questions of security, and armaments and cooperation in foreign policy (Attinà 1990:572).

¹¹ The major parties in the EP have issued several position papers related to foreign policy and foreign and security issues. They are given a relevant place in the documents of political priorities. For the Group of the European People’s Party, see *European People’s Party Action Program 2004-2009*, pp. 35-41. <<http://www.epp-ed.org>>. For the Party of European Socialist Group, see for instance, *Paper on Common Security in a changing global context*, March 2004 and *Position Paper on Iraq*, 15 January 2003 <<http://www.socialistgroup.org>>. For Alliance of Liberals and Democrats for Europe, see its *ALDE Group Priorities for 2005* <<http://eld.europarl.eu.int>>. For Greens/EFA, see *Position Paper on Iraq*, 6 November 2002 and its permanent campaigns on “No to War” and “Turkey in the EU” <<http://www.greens-efa.org>>.

For some, this evolution might be an important step towards the appearance of a European-wide *demos*, at least in the field of foreign policy.¹² More sceptical views, however, attribute the existence of clear political cleavages in the field of foreign policy to the fact that the EP's resolutions on international affairs are more of a symbolic than a practical nature, and therefore MEPs choose to emphasise their ideological affinity with their political group than their national one (Attinà 1990; Bardi 1994).

National and ideological affinities and the relevance of the European PGs are addressed in chapters 3 and 4. Chapter 3, by Eduard Soler i Lecha, inaugurates the second part of the book and analyses national and political cleavages in the European Parliament regarding Turkish membership. The EP's stance on enlargement policy is not merely symbolic, since the Parliament's assent is required for the successful conclusion of new accession treaties. The political salience and the great deal of interest that this issue has aroused in public opinion make the debate on Turkey's membership a very good case to analyse the shaping of foreign policy cleavages in the enlarged EU.

Chapter 4, by Anna Herranz, analyses the interplay of national and PGs' priorities of MEPs that participate in interparliamentary delegations. Herranz focuses on the patterns of distribution of German, Spanish and Polish MEPs among different delegations, their coordination strategies with other MEPs, and their attitudes towards the value of interparliamentary cooperation.

As mentioned above, intra-group cohesion is seen as a positive evolution towards building a true transnational and representative parliament. However, the interinstitutional context of the EU also requires a high degree of inter-group cooperation in order for the EP to play a greater role in the complex European decision-making game. That is, MEPs have increasingly realised that only by building ample inter-group coalitions can the EP be in a position to effectively influence EU policy outcomes.

This is crystal clear in those areas where the EP possesses legislative powers, together with the Council. Although this is not the case of European foreign policy, the EP has attempted to play a unified role that even seems to have consolidated into an institutional identity, that of advocate *par excellence* of human rights, democratisation, foreign aid and development (Smith 2003).

¹² See WEU Assembly, *Recommendation 738 on the impact of the Iraq crisis on public opinion in Europe*, A/1838, 3 December 2003.

This may have been the product, on the one hand, of the fact that the Parliament, as the only EU directly-elected institution, has always considered that its duty is closely linked to the defence of “European values”; on the other, its willingness to assume more power within the institutional framework may have led the EP to play an active role in fostering democracy, protecting human rights, and fighting against poverty, whereby rendering them among the most remarkable topics of public intervention (Barbé 2004).

Chapter 5, by Flavia Zanon, goes into such inter-party cooperation in order to make the EP an influential actor in the EU’s decision-making process. Zanon evaluates the extent to which the EP has developed a transnational view of foreign policy issues, autonomous from that of the Council and the Commission, and the impact of the recent enlargement in this regard. The author assesses the EP’s success in making its view prevail as well as the consequences of the EP maintaining independent stances *vis à vis* the Council.

The ambition of the EP to effectively perform as a unified actor in the EU process is generally welcomed, because a Parliament that were ideologically polarised or atomised by national interests would have no impact on the Council or the Commission. However, this might be partially hindering the political pluralism required to set up a competitive party democracy at the EU level, where citizens identify different options in different European political parties and groups. The so-called dilemma between effectiveness and democracy in the evolution of the European Parliament (Viola 2000) falls, however, out of the scope of this book.

The present volume is the result of the 2nd Meeting of the FORNET Working Group on “Evolution and Accountability of CFSP Institutions” organised by the Observatory of European Foreign Policy (Research line of the *Institut Universitari d’Estudis Europeus*), which took place in Barcelona, the 4 and 5 March 2005. FORNET is a research network on foreign policy funded by the Fifth Framework Programme of the European Commission (2003-2005) and made up by twenty-five institutions based in the EU (<http://fornet.info>). During its existence, FORNET has attempted to provide a forum for informed discussion and scholarly debate on all aspects of European foreign policy among academics and practitioners, which aim to modernise, widen and deepen research in this vital area of EU policy.

Among FORNET various working groups, that on “Evolution and Accountability of CFSP Institutions”, lead by the Observatory of European Foreign Policy, has been devoted to debate institutional developments within the CFSP throughout the latest Treaty reforms, especially during the Convention and the subsequent Intergovernmental Conference of 2003 that brought about the Constitutional Treaty. In the study of CFSP institutions, special emphasis has been put on the issue of their accountability, with a particular focus on the role of the European Parliament and on democratic control of the CFSP, given the fresh dynamics of security and defence issues.

During the 1st Meeting of the Working Group that took place in Parma, the 26 and 27 March 2004, under the organisation of the *Istituto Affari Internazionali*, the role of the European Parliament in the CFSP was extensively analysed by scholars and practitioners from various European and international institutions. The 2nd Meeting of the Working Group in Barcelona benefited from the work done in Parma and addressed some of the issues that during the 1st Meeting were identified as topics that needed further research.

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