The Interparliamentary Conference on the CFSP/CSDP: A new forum for the Oireachtas in Irish and EU foreign policy?

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ABSTRACT

This article reviews the Interparliamentary Conference (IPC) on the European Union’s Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP) since its establishment in 2012. In light of the increasing cavities and skewed power balances between executives and legislatures in the policy domains of foreign affairs, security and defence, compounded by the loss of institutional influence experienced by national parliaments as a result of the European integration process, interparliamentarianism within the EU has seen significant growth over the past number of years. One of the most recent creatures of this new interparliamentary phenomenon relates to the EU’s foreign policy—the IPC on the CFSP/CSDP. This article contends that the IPC has a long way to go to become a proper forum for democratic and parliamentary oversight of the EU’s foreign policy, and also questions whether such interparliamentary activity in its current state is worth the effort at all. Nonetheless, the paper concludes that given the extremely weak position the Oireachtas finds itself in when it comes to oversight and scrutiny by parliamentary committees, Irish members of the IPC on the CFSP/CSDP could learn much from how other EU member state national parliaments play a meaningful role in relation to their respective foreign policies. An increased level of participation in this sectoral area by Irish members of the IPC could spark the potential to implement the best practices and procedure than seen elsewhere in the EU, back at home in Leinster House.

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INTRODUCTION

The 2009 Treaty of Lisbon and its protocols paved the way for increased interparliamentary engagement amongst EU members. The Treaty contained provisions to close the growing democratic deficit between the institutions of the EU and the directly elected national parliaments of member states. Strangely, that same year, the Conference of Speakers of EU Parliaments (EUSC) concluded that no new interparliamentary structures were needed at that time.1 Regardless, the Interparliamentary Conference (IPC) on the Common Foreign and Security Policy and the Common Security and Defence Policy (CFSP/CSDP) was established over two meetings of the EUSC. First, a decision was made at Brussels in April 2011 for the IPC to be formed at some future date; with unresolved issues regarding its creation to be finalised at the next meeting in Warsaw in April 2012. Following these deliberations and the eventual ironing out of differences between EU member states and the European Parliament, the IPC on the CFSP/CSDP met for the first time at Paphos in September 2012, during the Cypriot presidency of the Council of the EU. The new IPC took on the combined tasks previously undertaken by three bodies: that of the Conference of Chairpersons of Foreign Affairs Committees (COFACC), the Conference of Chairpersons of Defence Affairs Committees (CODACC) and the Assembly of the Western European Union (AWEU). While these forums conducted scrutiny in their own rights, there was a need for further institutionalising the interparliamentary process in order to make them more effective. As one observer put it:

neither national parliaments nor the European Parliament can provide a level of scrutiny sufficient to assuage concerns that the policy [CFSP/CSDP] remains fundamentally lacking in democratic accountability and legitimacy.2

This paper looks at the workings of the IPC in light of the three initial meetings that have been held between its creation in 2012 and the end of 2013 at Paphos, Dublin and Vilnius. The IPC is still in its infancy, but with real evidence of its working capabilities now available, it is an opportune time to evaluate its progress so far, to examine whether it is achieving its stated objectives, and to consider what improvements can be made in order for it to fulfil its stated purpose.

The paper is structured as follows. First of all, the raison d’être of the IPC on the European Union’s CFSP/CSDP is laid out. As will be seen, a need existed to consolidate the work of previous interparliamentary groupings dealing with the EU’s foreign affairs and, more importantly, to forge greater integration between parliamentarians and the political process of crafting EU foreign policy. Thus, the initiative taken to establish the IPC, the origins of interparliamentary co-operation on foreign affairs within the EU and the composition of the IPC are considered here. Second, the meetings of the IPC to date, the manner in which the deliberations are conducted during the rotating EU presidencies, the workshops that have taken place and the conclusions reached are outlined. Third, other variations of IPCs and interparliamentary forums in the post-Treaty of Lisbon environment are explored, including the Conference of

Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC) and a more recent IPC creation stemming from the European Fiscal Compact and the EUSC. Throughout, the Irish parliamentary element of engagement at the IPC by the members of the Oireachtas, where applicable, will be discussed. Finally, some conclusions will be drawn in regard to whether this IPC on the CFSP/CSDP is actually worthwhile; if it is living up to the expectations of those who advocated for its creation; and if improvements need to be made to ensure its worthiness as an effective forum.

By the conclusion of the article, it should be clear whether this IPC is actually a merited forum for parliamentarians to engage on matters of CFSP/CSDP, or, indeed, if it is just another EU talking-shop.

THE INITIATIVE

The format and the increasing number of EU foreign policy decisions lies beyond the reach of national parliamentarians. With intergovernmental areas of public policy like CFSP and CSDP being dictated by national governments rather than EU institutions, executive powers over parliaments remains strong. Sometimes, this absence of a proper balance of power can even stretch to member states’ own national governments, who find themselves as just individual players amongst 27 other colleagues around a table under the banner of the EU. All actors and institutions within the EU are aware that EU foreign policy needs to be effective and legitimate, with parliaments having to evolve as integration at intergovernmental level increases. However, there is little common agreement of how this is to be tackled and in due course, achieved. This is against the backdrop that there has been no consistency amongst national parliaments across the EU in achieving greater powers in CFSP/CSDP issues. Decision-making procedures in the EU were previously being democratised, being closely linked to the Union’s overall development, rather than being an added-on bonus. With the growth of integration within the EU on various levels, particularly decision-making, it would be both practical and prudent to incorporate national parliaments into this process, with emphasis put on foreign affairs. For foreign and security issues, parliamentary oversight would appear least robust, and there are reasonable views to suggest parliaments have no place whatsoever in foreign policy. Article 36 of the Treaty on European Union (TEU) stipulates that the high representative of the Union for Foreign Affairs and Security Policy should ‘regularly consult’ the European Parliament and ‘ensure the views…are duly taken into consideration’, but its legal boundaries for parliaments stop there.

Indeed, the intergovernmentalism at work in these policy fields somewhat shields itself from parliamentary scrutiny, and therefore interparliamentary activity has arrived on the scene as a method to alleviate this growing concern. However, with 28 current member states all seeking to exert some form of oversight on European foreign policy, mainly that of CFSP/CSDP, it could be conceivable that a collaborative effort could be formed by national parliaments of the member states, encompassing the European Parliament. Furthermore, it can be assumed that a collection of EU member states all trying to engage in the same process might come together for the purposes of achieving common goals. It was for these purposes that the Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC) was founded in 1989. Albeit not specifically focused on any sectoral area other than EU affairs generally, it was cast as a method of integrating national parliaments into European public policy. What then is the reason for interparliamentary co-operation on matters prevalent throughout the EU? One perspective is that IPCs are primarily in existence for the exchange of viewpoints and best practice between members of both national parliaments and the European Parliament. Other standpoints would be to have varying forms of oversight, review, control, scrutiny or indeed, influence.

The Western European Union (WEU) was one of the victims of the Treaty of Lisbon, and therefore was wound down in 2011. Its Assembly (AWEU), made up of national parliamentarians, acted as an interparliamentary conference for the democratic oversight of CSDP. After the Treaty of Lisbon came into force in 2009 and began the process of termination of the WEU, the parties associated with the organisation issued a joint statement noting:

in accordance with the specific nature of CSDP, we encourage as appropriate the enhancement of interparliamentary dialogue in this field including with candidates for EU accession and other interested states. Protocol 1 on the role of national parliaments in the European Union, annexed to the Lisbon Treaty, may provide a basis for it.9

With the new protocols annexed to the Treaty of Lisbon and the spirit of further interparliamentary engagement, alongside the continuing dissatisfaction with both COFACC and CODACC with their overlapping implications, a process was set in train for devising a new method of interparliamentary mechanisms for CFSP/CSDP.

The EUSC was tasked with formulating this new means of an interparliamentary forum,10 with Ireland represented at such meetings by the ceann comhairle (speaker) of Dáil Éireann and supported on the administrative branch of the institution by the clerk of Dáil Éireann.11 At a meeting to decide on the future of interparliamentary co-operation in EU foreign affairs, the

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11Acting as the steering group for interparliamentary activity, the EUSC is composed of the speakers/chairperson from the national parliaments from each member state and the president of the European Parliament.

12The clerk of Dáil Éireann is also the secretary-general of the Houses of the Oireachtas.
EUSC at Brussels in 2011 heard there was a wide variety of opinions emanating from both national parliaments and the European Parliament on the way forward. With this diversity of views needing to be accommodated, no ultimate agreement was reached that year and the conference concluded without a bargain that was agreeable by all the parties. Twelve months later, the Warsaw meeting of EUSC in 2012 was left to deal with the aftermath of some of the decisions on the establishment of an IPC on the CFSP/CSDP that were left unresolved from the EUSC the year previous at Brussels. The decision at Warsaw concluded and reached agreement for the establishment of the IPC on the CFSP/CSDP, albeit with some difficulty on many of the dividing opinions aired by all the parties present. The ultimate decision, however, to establish the IPC on the CFSP/CSDP has been described as ‘the most important political decision since the Lisbon Treaty, one which broke the impasse in interparliamentary co-operation in this difficult part of European integration.’

ORIGINS AND PROTOCOLS

Ever since the 1970s, alongside the development of European Political Cooperation (EPC), there have been networks of meetings that have brought about exchanges of information between the foreign ministers and ministries of EU member states. Today, the discussions of EU foreign policy include numerous stakeholders, including the European Council, the Foreign Affairs Council (FAC), the General Affairs Council (GAC), the Political and Security Committee (PSC), the Committee of Permanent Representatives (COREPER), member state delegations to the EU, and delegations of the EU to international organisations (such as the UN, OSCE, WTO), amongst others. The previous COFACC and CODACC met separately, at different times during a particular member state’s presidency. With a growing overlap between foreign and defence matters at EU level, this growth was unsustainable if the two were to continue to meet separately.

Despite now being joined together in the IPC on the CFSP/CSDP, one member of the European Parliament has noted that some national parliaments in the EU continue to try and differentiate between foreign policy and defence on one hand, and external relations on the other. Furthermore, the European Union Institute for Security Studies in 2009, just prior to the enactment of the Treaty of Lisbon, called for a European Parliamentary Council for Security and Defence, again separate from foreign affairs. However, given how foreign policy now transcends more traditional foreign policy and diplomacy, they are quite inseparable. The Maastricht Treaty of 1992 moved the work of the WEU and CFSP closer, and acted as a stepping stone to North Atlantic Treaty...
Organisation (NATO) issues, and therefore, matters of defence. With the reforms from the Treaty of Lisbon and the responsibility for foreign affairs matters, the fusion of the two bodies into a singular IPC in conjunction with the remains of the AWEU made sense, as the continuance of the COFACC and CODACC separately would have been detrimental in the longer term for the effectiveness of oversight. The UK’s House of Lords has noted that the IPC on the CFSP/CSDP ‘set a good example in avoiding the proliferation of international conferences’. That being noted, there can be a general sense of reluctance amongst some parliaments, given the perception and possible reality that further interplay between the actors would result in their individual power being reduced and interparliamentary structures strengthened.

There is precedent for interparliamentary co-operation in EU foreign affairs, but in a hybrid formation, different in nature to today’s current arrangement of the IPC on the CFSP/CSDP. A good example of this hybrid creation was in 2003 when the European Parliament’s Foreign Affairs Committee (AFET) met with committees of national parliaments of the EU who dealt with foreign affairs and defence to discuss the European Security Strategy (ESS). Then, under the incarnation of the high representative, Javier Solana, the legal and political environment which EU foreign policy ran under was starkly different from today. Yet still, most scholars in foreign policy would accept that parliamentary accountability or controls of certain elements of EU public policy, and certainly foreign policy, continue to be beyond the scope of any singular parliament to conduct effective oversight. Therefore, these areas are in need of a more enhanced operating method in order to conduct the tasks that parliaments should be doing.

The Treaty of Lisbon did much for national parliaments in that, explicitly, it provided two significant protocols that were annexed to the Treaty of Lisbon that allowed manoeuvre for interparliamentary co-operation. With the same legal status as the text of the treaties themselves, the first protocol of importance (for the purposes of this article) was on the role of national parliaments in the EU, while the second was on the application of the principles of subsidiarity and proportionality. However, the protocols were silent on how this co-operation should take place and provided no permanent mechanisms for IPCs or any other interparliamentary setting. This, in practice, meant that interparliamentary forums, or conferences, could range from ad hoc settings on a once-off basis, all the way to permanent settings with all the hallmarks of a small EU-like institution, body or agency. This gave parliamentarians wide scope to interpret the treaty in a way they saw fit, including to serve narrow political interests and realities. Despite the drawbacks, the existence and placement of the two protocols for the first time gave national parliaments a substantially increased role in EU affairs. Compared to other

sectoral areas, however, the IPC on the CFSP/CSDP was theoretically quick off the mark to be up and running, with the EUSC acting swiftly in setting it up, marking the urgency to fill the void that existed after the decline of the AWEU.

COMPOSITION

With a national parliament’s traditional, primary role of overseeing, scrutinising and contributing to the work of their national government in the area of foreign policy, it would be true to say many foreign affairs committees would see their role in wider European foreign policy as very much secondary to their primary objective. However, in the spirit of closer co-operation and further integration of all parliamentarians through the EU, the EUSC sought to give the IPC widespread access to parliamentarians to the process. First, it said the European Parliament would be involved as a key actor as the only directly elected institution of the EU. Second, and more importantly, EUSC believed national parliaments from each EU member state were integral to the IPC. In noting the two beliefs, EUSC had to find an approach that was acceptable to all the parties for how the future IPC on the CFSP/CSDP was to be composed.

Issues arose at an early stage regarding the composition of the IPC before the first meeting even took place, and following multiple compromises over the two decisions at both Brussels and Warsaw, each member state was to be entitled to send up to six parliamentarians, while the European Parliament could send up to 16 members. Although many national parliaments would not always be in a position to send an entire compliment of parliamentarians to participate in the IPC on the CFSP/CSDP for a wide variety of reasons, it does raise some interesting questions regarding the sheer size of the IPC. With 28 member states in the European Parliament, at full capacity, there would be 184 parliamentarians alone without the accompanying parliamentary aides, guests and invited speakers. Furthermore, non-EU member states with candidate status are entitled to send as many as four observing parliamentarians, and members of NATO were too entitled to the same status as that. With the potential number of parliamentarians pushed well over the 200 mark, there is nothing to say that any future IPC on the CFSP/CSDP could in theory have more members in attendance than both houses of the Oireachtas combined. As we shall see, it has never quite gotten to that point of capacity, but the concern is certainly there for an unworkable number of parliamentarians all trying to play their part.

It should also be noted that during deliberations of the second EUSC meeting at Warsaw in establishing the IPC on the CFSP/CSDP, differences regarding the size and composition of parliamentarians arose. Some parliaments, including the Oireachtas, looked for the European Parliament delegation to be equal to that of an EU member state’s delegation. This position was held by a number of states, both small and large, including the UK, Denmark, Portugal and Sweden. However, other countries such as France, Luxembourg and the Netherlands supported the decision that was ultimately adopted, with the European Parliament’s delegation set at 16, compared to a member state’s six. It is an understandable position for some national parliaments to have sought a restrained European Parliament at such an interparliamentary setting. After all, some national parliaments might not wish to be relinquishing power...
to an institution like the European Parliament that they themselves do not already have, particularly in areas such as CSDP. With military and defence-related matters remaining a competence for individual member states, and oversight being conducted at national parliament level, many non-military matters in CSDP are within the parliamentary control jurisdiction of the European Parliament. Therefore, having members of the European Parliament working alongside members from national parliaments is essential at these working groups because of the strong intergovernmentalism in this policy, and thus, inherently requires a strong input from member state parliamentarians. Furthermore, given the differences of national politics systems and environments in each member state, including the obvious disparities between unicameralism and bicameralism throughout the EU, the EUSC ultimately opted through both Brussels and Warsaw decisions to allow each national parliament to decide itself how delegations should be composed, once it was within its numbers limit. It is also notable that this composition stipulation is relatively informal in an IPC, rather than an assembly with treaty-like status and a permanent secretariat. The EUSC did not even propose that chairpersons or their deputy/vice-chairpersons of foreign affairs committees from national parliaments attend the IPC. It was purposely vague, given the wide variety of parliamentary culture in each member state.

This of course gives rise to numerous questions. Were the creators of such a conference careless in their design and composition of the IPC given its potential size? Or simply, were they more interested in creating a sideshow where the high representative of the Union for Foreign Affairs and Security Policy would continue to lead EU foreign policy without the necessary or adequate democratic and parliamentary oversight? An Irish parliamentarian has criticised the number of delegates at the event, noting it is difficult to get anything done.\textsuperscript{23}

It is of course in the interest of the Foreign Affairs Council (the FAC, which is composed of national governments) and the high representative to see weaknesses and conflict in the relationship between national parliaments and the European Parliament. This is opposed to seeing national parliaments and the European Parliament working cohesively together pursuing common institutional interests. In either case, it is certainly questionable that such a large-scale composition of parliamentarians, meeting as seldom as twice per year, would be able to cast a watchful eye over EU foreign policy, if that was its intention.

MEETINGS AND WORKING PROCEDURE

Given that no singular model of scrutiny exists for the oversight of EU affairs, guidelines had to be drafted for the provision of national parliaments within the structure. It should be said that this IPC on the CFSP/CSDP could be taking the lead in this level of co-operation between national parliaments and the European Parliament, second only to COSAC, and in terms of a sectoral policy. Few other sectoral areas have been addressed to the same extent by the EUSC as foreign, security and defence matters have. Truly, however, not all national parliaments throughout the EU are always thrilled at the idea of further engagement and parliamentary integration with their colleagues on certain matters, with some even weary of engaging proactively in interparliamentary affairs as a whole. Policy areas like foreign affairs and defence are also very often seen as ultimately sovereign, and a matter for individual member states.

\textsuperscript{23}Discussion the author held with a member of the Oireachtas who has attended IPCs on the CFSP/CSDP.
Apart from budgetary matters, the influence and direction for the European Parliament in CFSP remain deficient in terms of material powers.\textsuperscript{24}

**RULES OF PROCEDURE**

Given that national parliaments in each of their member states are often up against the might of their respective governments and indeed the established institutions of the EU, it was the intention of the founders that the IPC on the CFSP/CSDP, the EUSC, would operate and adopt policy positions on the basis of consensus by all party to the deliberations. In addition, it permitted the IPC the autonomy to draft its standing orders, i.e. procedural rules and operations, but subject to limitations. For the interparliamentary nature of the IPCs to work, a particular set of general rules and procedures were needed before any such meetings of the body should occur. In 2008, it was Lisbon's turn to host the EUSC, where, obliged by their own rules of adopting positions unanimously, they approved Guidelines for Interparliamentary Cooperation in the European Union.\textsuperscript{25} These ‘Lisbon Guidelines’ provided that a framework would be formulated to allow both national parliaments and the European Parliament to forge better exchanges of information and practices, underpinning parliamentary oversight. The Treaty of Lisbon protocol on national parliaments under Article 10 states, committees from national parliaments ‘may also organise interparliamentary conferences on specific topics, in particular to debate matters of common foreign and security policy, including common security and defence policy.’ It is at this juncture, alongside the decline of the AWEU, that the creation of an IPC on the CFSP/CSDP gained a spring in its step.

The EUSC had previously adopted guidelines for how interparliamentarism should work within the EU for effective co-operation. Having existed in operation since 1963, in the year 2000 at Rome, procedural methods for its operation along with functioning rules were agreed to. Ten years later in Stockholm, they were revised, with the ‘Stockholm Guidelines’ giving effect to nine Articles that were to be adhered to. It is fair to conclude that these rules and procedures adopted for the EUSC through Rome and Stockholm laid the groundwork for the similar drafting of the ‘Lisbon Guidelines’, and later, specifically, the rules of procedure or standing orders for the future IPCs within the EU.

While rules were set out for the working operations of interparliamentary co-operation, the only other formalised IPC in operation at the time of the ‘Lisbon Guidelines’ adoption was COSAC, with a growing array of EU policy issues on the table. As such, it was the only precedent for any form of potential IPC to follow. The rules of procedure for the IPC on the CFSP/CSDP were agreed to at its first IPC at Paphos in September 2012.\textsuperscript{26} Given that the Treaty of Lisbon did not grant the European Parliament or national parliaments any

\textsuperscript{24}Johannes Pollak and Peter Slominski, ‘EU parliaments after the Treaty of Lisbon: towards a parliamentary field?’, in Ben Crum and John Erik Fossum (eds), *Practices of interparliamentary coordination in international politics: the European Union and beyond* (Colchester, 2013), 143–60: 146.


substantial changes on its say in CFSP or CSDP matters compared to previous treaty arrangements, the operational workings for the IPC were already to be capped inside the treaty framework. The rules of procedure for the IPC on the CFSP/CSDP contained nine Articles in total, which were broken down into subsections, and covered everything from the overall aims, to documentation, languages, functions and conclusions. It can be noted from its contents however that much of the text reaffirms many of the decisions made by the EUSC to establish the IPC in the first place. In similar vein to the treaties, they are purposefully vague, but unlike the treaties they are subject to amendment at a future date. Yet, they provided the IPC on the CFSP/CSDP with guiding principles for the commencement of interparliamentary oversight of the EU’s foreign, security and defence policies.

As per the rules of procedure adopted in Paphos, Article 4.1 (b) states a draft agenda must be delivered to all parties to the IPC eight weeks prior to the conference convening. Interestingly, the Latvian delegation to the IPC has already taken issue with this, proposing an amendment to change the restriction to ‘in good time’, in order to provide more flexibility. Given that Latvia hosts the EU presidency in 2015, and therefore an IPC on the CFSP/CSDP in Riga, it is already an indication they may not have the adequate resources available to them to manage the full array of presidency activities in EU foreign policy and otherwise.

**DELIBERATIONS, WORKSHOPS AND SPEAKERS**

Due to a lack of formal parliamentary powers, it was consequently an imperative for the parties at the IPC on the CFSP/CSDP that the national parliaments and the European Parliament sought some common ground in order to complete their work under a unified banner and in an efficient fashion. With three bodies being amalgamated to form this IPC on the CFSP/CSDP (COFACC, CODACC and AWEU), there was also a conscious effort not to repeat the overall workings of other interparliamentary fora in this area, like the NATO Parliamentary Assembly (NATO PA), which also deals with defence matters. Cross-overs and duplication are not in the interest of the IPC or indeed NATO PA, and therefore, attempts were made by the parties at the IPC on the CFSP/CSDP to avoid this occurring.

The EUSC specified the IPC should be tied into the rotating EU Council presidency and therefore, should meet at least twice per year. Specifically, it would be hosted in the EU member state that held the rotating position every six months. However, in a clever manoeuvre by the European Parliament, it is permitted to hold the IPC on the CFSP/CSDP at the European Parliament chamber in Brussels, should it be agreed to by the EU member state holding the presidency. The first IPC on the CFSP/CSDP took place in Paphos, Cyprus in September 2012 during the Cypriot presidency. Following this, as the holder of the presidency of the Council of the EU in the first half of 2013, Ireland hosted the second IPC on the CFSP/CSDP at Dublin Castle in March 2013. This was followed by the Lithuanian presidency’s turn at Vilnius in September 2013. Agenda items and the programme for the three IPCs that have been held to date were the following:

**Paphos, Cyprus—September 2012.** As the first IPC on the CFSP/CSDP, it adopted the rules of procedure for the conference. Delegates listened to contributions from the high representative of the union for foreign affairs and security policy, the Cypriot minister for foreign affairs, the Cypriot
minister for defence, the special representative of the EU for the Southern Mediterranean, the president of the Cypriot House of Representatives, and the chair of the European Parliament’s Foreign Affairs Committee.

Dublin, Ireland—March 2013. The second IPC took place in Ireland, which was marking 40 years of EU membership as they commenced the Irish presidency. The addresses at the conference came from the high representative of the union for foreign affairs and security policy, the tanaiste (deputy prime minister) and minister for foreign affairs and trade, the minister for justice, equality and defence, the chair of the European Parliament’s Foreign Affairs Committee, and the deputy secretary general of the European External Action Service (EEAS). Two workshops were initiated—the first on ‘Instability in Africa’, referring specifically to the Horn of Africa, the second a workshop facilitating discussion on the ‘Middle East peace process’ and the role the EU can play.

Vilnius, Lithuania—September 2013. The IPC as part of the Lithuanian presidency received addresses from the Lithuanian head of state, the speaker of the Lithuanian parliament, the high representative of the union for foreign affairs and security policy, the Lithuanian minister for foreign affairs, the Lithuanian minister for defence, the chair of the European parliament’s foreign affairs committee, and the secretary general of NATO, all of which were split over three sessions. Given that not all EU member states present were members of NATO, the occurrence of the secretary general’s address and engagement is highly significant, creating a precedent and opening the possibility of furthering EU-NATO relations in settings like this, in absence of the WEU. Two workshops also took place, one of which was chaired by the chairman of the Oireachtas Joint Committee on Foreign Affairs and Trade, focused on the December European Council, given its emphasis on defence matters, and the latter workshop on the EU’s Eastern Partnership.

From looking at the three events to date, some common themes, occurrences, results and assumptions can be drawn. First on the workshop front, while they were absent from the first meeting at Paphos, they featured at both Dublin and Vilnius settings, with the IPC splitting into two groups for workshops to run concurrently, before reporting back to the plenary at the conclusion of the IPC. It can be assumed this format will become the norm for future IPCs on the CFSP/CSDP. The concept of workshops or working groups at interparliamentary forums is certainly not new and something many European parliamentarians would be familiar with through other methods of interparliamentary interaction. Often they allow for thorough, smaller and potentially more fulfilling discussions on matters important to the participating parties. Indeed, such working groups were used at the old AWEU (at which Ireland only had observer status as a nation that is non-aligned on military matters), meaning many parliamentarians at the first IPC on the CFSP/CSDP were accustomed to this concept and working method. With the Treaty of Lisbon and the EUSC equally mute on the operational method of interparliamentary co-operation for this particular IPC except for the guidelines, working groups or workshops were the chosen model as part of the oversight of CFSP/CSDP at this IPC. However, this decision to go forward with workshops does not come without implications. The cost was the least possible institutionalised method, with weak foundational substructures for the proper exercise of parliamentary
functions being chosen, with unanimity necessary and non-binding actions adopted in conclusions.\textsuperscript{27}

It is also noteworthy that particular focus was given to EU defence as part of CSDP at one of the Vilnius workshops. This is feasibly in response to the Paphos conclusions in 2012 which sought enhanced parliamentary review of the European Defence Agency (EDA), but something that was likely not practical from a political point of view to take place at the second IPC in Dublin, due to Ireland’s sensitive position as a non-aligned military nation and its non-membership of NATO.\textsuperscript{28} It has been questioned previously and continues to be discussed by analysts whether an EU defence policy actually exists at all.\textsuperscript{29} However, the IPC has to date seen this as within its remit and therefore, at future IPCs at Athens and elsewhere, further discussions could be raised on the moderately weak set of conclusions reached at the European Council in December 2013 by heads of government, which was focused primarily on defence matters.

The Croatian delegation to the IPC on the CFSP/CSDP have suggested an amendment to the rules of procedure: to have specialist guests that currently attend the working groups also address the plenary session on the relevant subject matter on the IPC agenda. However, the delegation was mute on whether this should complement their presence at working groups, or whether it should replace them entirely, leaving them reserved solely for the plenary. Either way, this move, if accepted, is insightful as one would think that if specialists were attending on matters in their particular field of expertise that a smaller more intimate environment could bring forward better ideas and proposals. Ultimately, these workshops were as a result of watered-down compromises, resulting in potentially ineffective working arrangements, with less formal practices and few operative means of engagement with those that really matter in the decision-making process. These working groups may have the ambition to be part of the decision-making process, though the fact remains they do not, and are merely seeking to ease the concern of parliamentarians of their role in CFSP and CSDP. Inherently, this puts the IPC in a weaker position than some would like envisage.

On the speakers’ element of the IPC, a curious situation arises. The final decision of the EUSC at Warsaw reads that:

The High Representative for Foreign Affairs and Security Policy of the European Union shall be invited to the meetings of the Interparliamentary Conference in order to set out the outlines and strategies of the common foreign and defence policy of the European Union.

On close inspection, it is apparent that such wording is careful in order to continue to provide executive dominance to the high representative as compared to ordinary parliamentarians and interestingly, does not refer to any form of control or scrutiny.\textsuperscript{30} Given that this IPC on the CFSP/CSDP was

\textsuperscript{27}Dorota Liszczyk, ‘Dealing with the EU democratic deficit: lessons from the Interparliamentary Conference for CFSP/CSDP’, \textit{Polish Institute of International Affairs} 53 (506) (20 May 2013).

\textsuperscript{28}Ireland however engages with NATO in its Partnership for Peace (PfP) programme, and received the NATO Secretary General in Dublin separately during the presidency as part of a European Union Defence Ministers meeting.


\textsuperscript{30}This is similar in nature to the Article 36 TEU reference of the High Representative consulting with the European Parliament on the main aspects and the basic choices of CFSP and CSDP.
set up through the EUSC and not by an executive authority within the EU, this is a captivating development. A reasonable assumption is that EU institutions, bodies and agencies like the Council, the Commission, the EEAS, or even national governments, pressured the EUSC into not giving it an adequate oversight role that could eventually expand into a form of control by parliamentarians. Furthermore, it can be interpreted that the European Parliament insisted that it should not be a parliamentary control setting, so it can save this position for itself in its own institution. It has taken a similar line on economic and monetary union matters, declaring that such issues ‘should be subjected to Parliament’s full democratic scrutiny.’ Even some national parliaments would have agreed with this position, but for different reasons. Contrary to the potentially complimentary nature that national parliaments and the European Parliament could have, it is obvious that inter-institutional wrangling was and continues to prevail in the process of oversight in CFSP and CSDP matters.

At the IPCs, a number of delegations have expressed their dissatisfaction with lengthy presentations by speakers, with little time for questions and answers. Again, the sheer size of the IPC comes into play here with too many parliamentarians seeking to have their say in an environment that is somewhat unsuitable for oversight on something as complex at EU foreign policy. The three IPCs have been addressed by the high representative under various session titles, ‘Current issues on CFSP and CSDP’ in Paphos, ‘The CFSP and CSDP—Working for Peace, Security and Development in Africa’ in Dublin, and ‘EU Priorities and Strategies of the CFSP and CSDP’ in Vilnius. In addition, on each of the occasions, the foreign minister of the host member state addressed the IPC, which is unusual for two reasons. The first is that the high representative is the permanent chairperson of the FAC. This is in contrast to most sectoral areas where the chairperson of the relevant Council of the EU rotates to the appropriate minister from the member state holding the presidency, although this is gradually changing towards a more Brussels-centric model. Second, since the enactment of the 2009 Treaty of Lisbon, and the establishment of the EEAS, it has taken over responsibility for much of EU foreign policy and accordingly, the rotating presidency has been stripped of its powers. The Irish EU presidency experienced difficulty in getting across some of its foreign policy priorities to the EEAS during its term in office between January and June 2013. Given these two predicaments, it could be seen as somewhat pointless for the host’s member state executive to be given an opportunity to set out his or her government’s ‘priorities’, given they don’t control the agenda on those policy issues at EU level any longer.

Ultimately, the IPC organiser, the member state holding the EU presidency, has a number of decisions to make. One salient question is, do they wish to continue down the existing path of hearing from the executives of individual member states on the work of their own respective engagements as part of CFSP/CSDP, and likewise from various officials from EU institutions to travel to the IPC from Brussels? The deliberations, workshops and speaker slots of the


32Discussion with officials working on the Irish EU presidency in 2013 from the Department of the Taoiseach (prime minister's office) and Department of Foreign Affairs and Trade.
IPC on the CFSP/CSDP would be far more effective and meaningful if an alternative, more imaginative and creative approach were taken. Another course of action for a better working formula could include focusing on longer-term strategic matters as opposed to reactionary matters that are of public importance at the time. A further option would embrace more foreign and defence policy experts (as proposed by Croatia at the Vilnius IPC in 2013), including many from outside from the political sphere, in order to grasp a wider angle on potential standpoints. On a finer point, the IPC could begin to link the timing of their biannual event with important events of either FACs or indeed the European Council (even meeting more frequently if so required), therefore asserting a more effective role in the process of policy formation. All these actions should culminate the process of engagement and would certainly be far more beneficial to all involved, against the current dictating arrangement by the member state foreign or defence ministers, or the high representative.

NON-BINDING RESOLUTIONS AND CONCLUSIONS

The Brussels and Warsaw decisions of the EUSC also allowed the IPC to decide on non-binding conclusions by unanimous consensus, but this stipulation is somewhat fragile. First, such conclusions reached by parliamentarians at the IPC are non-binding on anyone, be it the EU institutions, bodies and agencies, the high representative, respective national governments, or indeed the rotating presidency. Second, consensus implies that any conclusion agreed will be the lowest common denominator that could be reached by agreement in order to satisfy all of the participating member states. With such a high threshold to reach in consensus positions, it makes it inherently ineffectual in terms of its impact. For this reason, Latvian parliamentarians at the IPC have proposed and advocated for moving away from the consensus model and instead, seeking a qualified majority system of three quarters for decision-making at the IPC. If implemented in the future, this idea could mean the conclusions are more forthcoming, less filtered, and more decisive for the executives in member states and EU actors seeking action on particular issues. Crucially, this system could go two ways. It could strengthen the IPC in making firmer decisions, or it could fragment the atmosphere of co-operation and multi-partisan ethic that currently prevails in such political environments.

It has been noted that when these parliamentarians interact, there exists a better opportunity for activities in foreign, security and defence affairs to be put under the spotlight. As noted by the Paphos IPC conclusions, ‘CFSP and CSDP involve the contribution of a variety of actors and policies at EU and national level.’ The rotating presidency of the Council of the EU is now less important in particular policy areas than it ever has been and this could not be more clear-cut than for CFSP and CSDP. The FAC has a permanent chairperson, the high representative, and the EEAS have stepped back from engaging the member state who holds the presidency in its decisions. In a way therefore, not only have decisions been veering away from parliaments, they have also been taken away from member states’ interference and instead, the EEAS has been taking the lead.

The UK delegation of parliamentarians at the Dublin IPC noted that little opportunity was provided to delegates to consider the draft conclusions, before deciding on matters before them. Furthermore, given the Eurosceptic tendency of the leading parliamentary party in the UK’s House of Commons, their tone expressed caution on expanding any further influence of the IPC, and urged constraint within the current limits of the treaties. It was evident at the same IPC that a particular delegation was not able to agree to certain conclusions because the chairperson had not received a mandate from his own committee in his member state’s parliament. This was a situation quite unusual to Ireland, where mandates for discussions involving the minister for foreign affairs and trade before they go to the FAC are not even in place, never mind for the committee to agree to reach non-binding conclusions at an IPC. The Dutch delegation of parliamentarians to the IPC, amongst others, also had their own proposals to reform the workings of conferences. They have suggested smaller groups debating the issues, with breakout sessions, in addition to the plenary meetings. However, it is the delegation from the German bundestag that has set out the most worthy amendment to the procedure of the IPC to date. As read, Article 7.3 of the rules of procedure state,

Once the conclusions have been adopted, the Presidency Parliament shall communicate the final texts in English and French, each of these texts being equally authentic, to all delegations, to the Presidents of national Parlia-ments and of the European Parliament, to the Presidents of the European Council and the Commission and the High representative for Foreign Affairs and Security Policy, for their information.

German parliamentarians have offered an amendment that such final texts of the IPC should also receive an opinion from the high representative and the commissions on the conclusions, presumably with the intention of seeking for some of their recommendations to be implemented, even though they are non-binding. This is a significant step in the right direction if the IPC is to reach its full potential, and mimics some of the hallmarks from the previous AWEU operational arrangement.

THE IRISH DELEGATION

Broadly speaking, Irish foreign policy and the EU’s CFSP in which Ireland plays a full part are inseparable. Therefore, effective Irish input into this new IPC is essential for Ireland’s own future foreign policy. The country is not generally known for its display of parliamentary oversight and control procedures. In fact, it has been stated time and again that the Oireachtas is one of the weakest parliaments in the entire EU. This is a significant problem, given that many EU member states as part of the ‘Eastern Enlargement’ a decade ago have been adapting their domestic parliamentary environment to cater for greater EU integration, with oversight coming with it. With Ireland being an EU member state since 1973, over 40 years ago now, it is utterly indefensible that the Irish political system has in no way substantially changed to enhance its position for matters relating to the EU, despite the introduction of the European Union (Scrutiny) Act 2002 and its subsequent amendments. Numerous commentators have been talking about this for many years,
including Gavin Barrett who has published a substantial document for the Oireachtas on these issues.\(^{36}\)

As the IPC oversees both CFSP and CSDP, there exists a dilemma for the Oireachtas. Since the 2011 General Election and when the committee structure in Leinster House was re-established for that particular political cycle for the 31st Dáil and 24th Seanad in June 2011, the committees dealing with CFSP and CSDP were kept apart. CFSP remained within the competence of the Oireachtas Joint Committee on Foreign Affairs and Trade (OJCFAT) chaired by Deputy Pat Breen, while CSDP remained under the remit of the Oireachtas Joint Committee on Justice, Equality and Defence (OJCJED) under the chairmanship of Deputy David Stanton. With this split system, it is inherently difficult for the two committees to come together to discuss both CFSP and CSDP in a formal manner, collectively, outside of the current bi-annual meetings that take place in the EU member state holding the rotating presidency.

At the first IPC on the CFSP/CSDP at Paphos in 2012, the delegation of Irish parliamentarians consisted of the chairperson of the OJCFAT, a Dáil deputy, a senator from the Seanad and an ordinary member of the OJCJED. The absence of the OJCJED chairperson is interesting given that Ireland was to host the second ever IPC of the CFSP/CSDP, where the OJCJED chairperson would be co-chairing the event with the chairperson of the OJCFAT. At the third IPC in Vilnius, again, Ireland chose not to send the OJCJED chairperson, but instead sent an ordinary member, a Dáil deputy, alongside the chairperson and another ordinary member of the OJCFAT. The significance of not also having the chairperson of the OJCJED at two of the three IPCs to date somewhat underscores the general unimportance that is given to matters of Irish defence within Irish politics and interparliamentarianism.

As mentioned already, mandates are not needed by an Irish delegation before attending an IPC to agree to the conclusions. This is quite unusual compared to other small and comparative EU member states such as Denmark, where the minister for foreign affairs must come before a parliamentary committee in advance of an FAC meeting to be mandated beforehand. With Ireland’s unusually weak position, it does however have one clear benefit, that members of the Irish delegation to the IPC has considerable scope and flexibility to agree to whatever they feel is best at the time. It should be stated that it is relatively unusual in a domestic context for Irish parliamentarians to have a significant say in foreign policy and to be part of any substantial decision-making process at all. Therefore, when similar discussions are held on an EU level, they don’t feel compelled to engage at the level of their colleagues from other EU member states, who often have more sweeping and widespread powers than in the Oireachtas. Each member state has its own political and parliamentary culture that it is entrenched within, with Ireland being no different. In that regard, Irish parliamentary committees are said to be of a ‘political rather than a legal nature’,\(^{37}\) meaning they have much background


work to undertake before becoming directly comparable with other member states.

This disconnection and lack of influence experienced by Irish parliamentarians has a significant and direct effect on their attitude towards such engagement at European level, with their outlook on the IPC summed up by recent events. At the Vilnius IPC on the CFSP/CSDP in September 2013, proposals were put to a whole host of national parliaments to the Ad Hoc Review Committee Working Group on ways to reform the rules of procedure, but it would appear Ireland did not make a formal contribution to this. This is certainly a regrettable missed opportunity given that Ireland hosted the second ever IPC on the CFSP/CSDP, with a substantial role played as part of the trio of presidencies holding the first round of conferences. The beleaguered role the Oireachtas plays domestically in the OJCFAT is similar to that of the Foreign Affairs Committee of the House of Commons in the United Kingdom, in that its work takes place on an ad-hoc basis, with large dependence on individual members’ interests and priorities.

OTHER CURRENT INTERPARLIAMENTARY CONFERENCES

Within the EU and the wider world of international diplomacy, interparliamentary settings or conferences have been around for many decades. As EU integration has continued over time, what has become standard practice in many areas for the actors within the EU often gets formalised when treaty revisions come around. The most obvious example of this is the further empowerment of the European Parliament with progressive Treaty development. The European Council has noted that IPCs assist ‘participating parliaments to better exercise their scrutiny role at home, as regards their respective executive’s involvement in European decision-making.' That is one vision for their existence, although others exist. To compare the IPC on the CFSP/CSDP to other similar actors within an EU context, it is necessary to look at other EU-style interparliamentary settings, to view their operational methods and working practices.

Conference of Speakers of European Union Parliaments

Meetings of the EUSC are an annual event where chairpersons, speakers or presidents from different national parliaments in the EU and the European Parliament meet to discuss their objectives, share experiences, debate the organisational elements of parliamentary practice and procedure, and form common goals in the spirit of mutual co-operation. Notably, the EUSC in 2008 issued guidelines on interparliamentary co-operation between parliaments of the European Union, a significant development in progressing a more wide-ranging agenda. At a conference in 2012, parliamentary oversight of the CFSP and CSDP was high on the agenda, where discussion was continued on from the Brussels meeting in 2011 that in the end led to the Warsaw decision in 2012.

38Huff, ‘Problems and patterns in parliamentary scrutiny of the CFSP and CSDP’, 17 (note 2).
The EUSC is unusual in the way it meets. Unlike the IPC which meets during the presidency in the host member state every six months, the EUSC meets only once per year, usually within the first half of the calendar year, gathering in the member state that held the presidency immediately previous, in the latter half of the year. For example, Brussels holding the EUSC in April 2011 was due to the Belgian EU presidency in late 2010, likewise with Poland hosting the next EUSC in 2012 after holding the presidency in the second six months of 2011. While having originated in the 1960s, it now finds itself responsible for the creation of new interparliamentary conferences and is playing an increasingly important role in the future of interparliamentarianism for the EU. Despite not being sectoral in nature or having a firm legal basis within the treaties, it has developed its own working methods and become the authority for directing the more recent developments in EU interparliamentary activity. In an Irish context, this is a significant expansion; given the ceann comhairle upholds a high and firmly established independent office, above the reach of day-to-day partisan politics. With EUSC taking on this role as the interparliamentary co-ordinator for sectoral areas of EU policy, there is the risk that the integrated steps being taken by this body could be indirectly politicising the office of ceann comhairle.

Interparliamentary Conference for Economic and Financial Governance

In 2012, the Treaty on Stability, Coordination and Governance (TSCG) (more commonly known at the European Fiscal Compact) was signed and ratified by some EU member states. Ireland was one of these states which, as required by Supreme Court interpretation of Bunreacht na hÉireann emanating from the ‘Crotty decision’, held a referendum that was passed by the people. The aforementioned TSCG under Article 13 states that,

As provided for in Title II of Protocol (No 1) on the role of national Parliaments in the European Union annexed to the European Union Treaties, the European Parliament and the national Parliaments of the Contracting Parties will together determine the organisation and promotion of a conference of representatives of the relevant committees of the European Parliament and representatives of the relevant committees of national Parliaments in order to discuss budgetary policies and other issues covered by this Treaty.

As per the arrangements for setting up the IPC, it took a decision of the EUSC in 2013 at Nicosia to establish the IPC on Economic and Financial Governance (IPC on EFG). In its reference to the protocol on the role of national parliaments in the EU that is annexed to the Treaty of Lisbon, Article 13 of that protocol states, ‘The European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular

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41Crotty v An Taoiseach [1987] IR 713.
42The Thirtieth Amendment of the Constitution (Treaty on Stability, Coordination and Governance in the Economic and Monetary Union) Act (2012) was approved by 60.3% in the referendum and therefore was inserted into the Constitution as Article 29.10.
interparliamentary co-operation within the Union’, thereby granting them the power to determine what level of engagement they should have. In practice, this meant a new permanent IPC on EFG was to be established, and it was an interparliamentary body that in theory would be shadowing the work of the Economic and Financial Affairs Council (better known as ECOFIN) ministerial meetings that have been taking place for decades, and on a wider grasp, the ever-expanding Directorate-General for Economic and Financial Affairs within the European Commission.

Similar to previous newly created interparliamentary gatherings, disagreement on institutional design was prevalent, but unlike the IPC on the CFSP/CSDP, this interparliamentary conference had its legal basis enshrined within this new treaty, giving it much more credibility. The experiences of the IPC on the CFSP/CSDP and indeed COSAC were used as a guiding principle when it was open to interpretation on how to create a new interparliamentary conference based on Article 13 of TSCG. Before the first IPC on EFG even commenced in 2013 at Vilnius, complications arose, generally regarding the draft rules of procedure. Although it clarified many of the outstanding issues left blatantly vague by the wording of the TSCG and the decision by the EUSC for its establishment, much wrangling took place between the parliamentary bodies on the structures and format of the new body, mainly focusing in on institutional and procedural issues. As put, ‘the stalemate and the developments around the establishment of the TSCG conference again show the European Parliament’s reluctance towards such interparliamentary conferences’, as it would arguably be a threat to its own present role in such matters.

Although Article 13 of TSCG set out the principles for interparliamentary co-operation, it, like the arrangements for the IPC on the CFSP/CSDP, remained muted as to what parliamentary committees from every national parliament and the European Parliament would make up this new body. In Ireland’s case, during the first meeting of the IPC on EFG at Vilnius in late 2013, chairpersons from both the Oireachtas Joint Committee on Finance, Public Expenditure and Reform (OJCFPER) and the Oireachtas Joint Committee on European Union Affairs (OJCEUA) participated, whilst at the next IPC on EFG in January 2014, both chairpersons joined again, supplemented by two additional members, one from each committee and a larger team of parliamentary aides. This second IPC on EFG took place during European Parliamentary Week in January 2014. Despite the first IPC in this area taking place during the Lithuanian EU Presidency in Vilnius, this IPC under the Greek presidency occurred at Brussels in the European Parliament chamber, under a unique shared presidency arrangement as per the rules of procedure.

Whilst it is even earlier days for the IPC on EFG compared to the IPC on the CFSP/CSDP, comfort can be taken seeing that Irish parliamentarians have given it its required full attention up until now, much more so than the IPC that is the primary focus of this paper. Whilst it is beyond the reach for any single delegation at IPCs to handle such complications as the inhibiting teething problems, it can consequently be said that the structural makeup (of the IPC on

EFG) has not been designed sufficiently. Despite this, there would appear to be a large appetite for this form of engagement to expand, giving it a much needed-kick-start. The IPC on the CFSP/CSDP and its institutional design has been suggested as a ‘blueprint’ for how the IPC on EFG could work in the future, despite having less of a legal footing within any treaty. As the second IPC to be established since the enactment of the Treaty of Lisbon, the IPC of EFG on top of the IPC on the CFSP/CSDP serves as a model for future interparliamentary co-operation within the EU for other sectoral areas.

**Conference of Community and European Affairs Committees of Parliaments of the European Union**

Better known by its French acronym, COSAC (Conférence des organes spécialisés dans les affaires communautaires et européennes des parlements de l’Union européenne), the Conference of Community and European Affairs Committees of Parliaments of the European Union is self-described forum where national parliaments alongside the European Parliaments deal with EU affairs. It became a form of co-operation between national parliaments and the European Parliaments and a means to strengthen the ties between each, with its status guaranteed nearly a decade after its creation, when it was instilled with the protocol of the Treaty of Amsterdam. A former Irish minister for European affairs, Paschal Donohoe, who was also previously vice-chair of the OJCEUA, has termed COSAC ‘an important forum’, despite no longer serving on it.

While not initially being tasked for the purposes of CFSP, CSDP or EU foreign policy on its own, in its earlier years, this conference focused on matters of subsidiarity and various sectoral areas of EU public policy. With this wide range of sector areas, and recent movements, there is the suggestion it could possibly be turning into another body altogether, with the dynamics of late having been described as a regular exchange of opinions. Recent trends would suggest that it no longer focuses primarily on singular areas entirely, as other interparliamentary meetings now occur on specific sectoral issues, even though not specifically designated full IPCs in their own right by the EUSC. This is not surprising given the different conceptions that existed amongst member state national parliaments on what COSAC could be, with competing ideals. Rather, it is now a body for parliamentary engagement on best practice. One would think that given Ireland has a long way to go in competing with its European counterparts in terms of parliamentary scrutiny, oversight and control, the Oireachtas would stand to gain substantially from a new enhanced setting that COSAC now conducts its work in.

However, notwithstanding being in existence since 1989, COSAC lacks any sort of public profile; it is made up with those interested in EU affairs and seldom is the agenda packed with anything other than mundane small-scale talks on issues dealt with in respective sectoral interparliamentary gatherings. It is hence interesting that the IPC on CFSP/CSDP was given a COSAC model, albeit with modifications to suit the engagement with foreign policy matters.

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48Kreilinger, ‘Possibilities for upgrading inter-parliamentary co-operation’, 64 (note 46).
49The Irish Minister for European Affairs is a Minister of State, or ‘junior’ minister, who does not hold Cabinet rank and is split between two departments, the Department of the Taoiseach and the Department of Foreign Affairs and Trade.
The IPC on CFSP/CSDP could learn much from the mistakes that COSAC appear to have made, particularly with regard to poor public visibility, meaningful participation levels and the timing of events. Despite the initial informality, COSAC has had a solid base and legal foundation, enshrined within successive treaties, and moreover, a permanent secretariat, which the IPC on the CFSP/CSDP does not yet possess. With signs that COSAC has turned into something other than was initially intended, it is a wonder if it is any use at all as a body for scrutiny and control, given its new association with exchanges of established and proven practice, with what remains to be an extremely limited effect at national parliament level. It was therefore evident that there was a need to find a suitable body, outside of COSAC, such as the IPC on the CFSP/CSDP, for discussion and deliberation between parliamentarians of European foreign policy.

CONCLUSIONS

This article has looked at the IPC on the CFSP/CSDP and its brief operations so far since its inception in 2012. As we have seen, the issue of parliamentary scrutiny and control of the EU’s CFSP and CSDP is multidimensional. It cannot be left alone to any singular parliament, either European or national, due its mix of intergovernmentalism and supranationalism. Therefore, it is essential that co-ordination between parliaments in some form of a setting would be a way to push for more democratic accountability of EU foreign policy. Indeed many EU parliaments are ‘highly interested’ in CFSP and CSDP with an activist attitude in terms of their involvement, but do not yet hold the sort of legal power they aspire to hold.

It has been argued that the IPC on the CFSP/CSDP is weak on scrutiny and technically, has no actual parliamentary accountability or oversight at all. Early divisions between the parties to formulate an interparliamentary setting for CFSP/CSDP were deep, and significant compromises had to be reached in order to get the IPC up and running in the first instance. Given that AFET brought together national parliaments into its environment in 2003 to discuss the ESS, it was possibly a missed opportunity by all parties at that juncture not to have formed a more permanent agenda for interparliamentary co-operation at that time. This coming together now of the European and national parliaments for the IPC should have occurred many years ago on a permanent footing, prior to 2012. Another key mistake (amongst many others) made on the formation of the IPC on the CFSP/CSDP was regarding compulsion. One of the three bodies that it has succeeded, AWEU, authored an annual report of the intergovernmental activities it engaged in when it was operational, to which national governments in respective countries were compelled to respond. Regrettably, there is no sign yet that the EEAS or the Council wish to be compelled to do anything the IPC on the CFSP/CSDP wants, other than send the high representative to the conference and address the delegates. Again, it points to conceivable interference by the powers that be within the EU that various institutions and indeed member states may have informally exerted pressure on the EUSC not to have the IPC on the CFSP/CSDP as a strong body or actor in EU foreign policy.

A significant development has occurred in recent years, where the European Parliament now invites, albeit on a limited basis to date, members of national parliament sectoral committees to participate in meetings of European Parliament standing committees, such as AFET.\(^{52}\) Given the European Parliament has its own mandate from the people and given the prominent role in the treaties, it can easily do this. However, the IPC on the CFSP/CSDP was established by the EUSC. Could this bring forward a real power struggle in the future between the European Parliament and EUSC over which model of interparliamentary co-operation is opted for, as interparliamentarism expands within the EU to other sectoral areas?

While the establishment of the IPC on the CFSP/CSDP on a somewhat of a permanent footing by the EUSC has significantly increased national parliaments’ co-operation and discussions in these fields, it has still yet to prove its actual worth when it comes to policy influence and action. Saying that, the IPC is still a new package of measures for interparliamentary oversight and could, along with COSAC and the IPC on EFG, serve as a model for other interparliamentary arenas in the future, while parliamentary scrutiny in all public policy areas within the EU continues to develop. This IPC on the CFSP/CSDP is still in its infant stage and will no doubt grow as it institutionalises and becomes more effective through its own initiatives within existing legal boundaries. Notably, the yellow card available to national parliaments through the early warning mechanism is rarely if ever used. The environment that the IPC on the CFSP/CSDP creates could be said to further disable any national parliament from using it in matters relating to the EU’s foreign affairs, in cases when they are even permitted to do so at all.

The future of the IPC on the CFSP/CSDP

Despite its flaws, there is now a somewhat formal basis for consultation of matters of CFSP/CSDP between national parliaments from EU member states and the European Parliament. However, interparliamentarism and co-operation could be characterised and furthermore, chastised, for not engaging in adequate control at all.\(^{53}\) Yet, the dissolution of the separate COFACC and CODACC committees and fusing them into a new IPC, in addition to the AWEU, was logical, given the amount of overlap that existed between the three. However, put simply, ‘it is impossible for these people [IPC on the CFSP/CSDP] when they come together in a once-off forum every six months to engage in proper oversight of the High Representative, who is accountable to the Commission, the Council and the European Parliament.’\(^{54}\) With no permanent secretariat serving its purpose, the administration and secretariat of the IPC moves from member state to member state, weakening its value and potentially undermining its purpose. This cyclical presidency model also does not lend weight to the case for a permanent IPC on the CFSP/CSDP. Furthermore, there is potential manoeuvre to change the presidency of the IPC on the CFSP/CSDP to that of the IPC on EFG, where it is shared between the rotating EU presidency and


\(^{54}\) Graham Butler, Review of foreign affairs policy and external relations: discussion (Dublin: Houses of the Oireachtas, Oireachtas Joint Committee on Foreign Affairs and Trade), 16 January 2014.
the European Parliament, which would give the IPC on the CFSP/CSDP greater standing, and move away from the obsolete presidency model.

It should be evident from the article that the European Parliament would be a more correct forum for proper oversight of the role of high representative and EU foreign policy in general, despite not having much control over the EEAS at present. By empowering the European Parliament in this area, it should become a practicable solution for attempting to re-balance the relationship it currently faces with the executives. The European Parliament certainly sees it this way, as it has noted that it itself is ’a source of democratic legitimacy for the CFSP and the CSDP, over which it exercises political scrutiny.’ This is not to suggest or put forward the notion that national parliaments do not have a place in scrutiny in CFSP and CSDP; they very much do, but it should be via other means, through increased engagement with the European Parliament, who in turn should be given enhanced oversight mechanisms in any future treaty change. While meeting regularly with fellow parliamentarians might be good practice in terms of examining each other’s practices and learning from one another, the IPC on the CFSP/CSDP is not the appropriate place for wholehearted scrutiny of European foreign policy. For this to improve in the meantime, a greater focus could be provided by parliamentarians on the objectives and the goals they wish to achieve for each meeting. Moreover, given Ireland’s comparatively weak oversight and control of the government in foreign policy spheres, Irish parliamentarians should, while the forum is in its present format, be availing of this biannual opportunity to learn from relatively similar EU member states, and to transpose some of their creations into practice back at home for domestic foreign policy oversight purposes.

The Ad Hoc Review Committee Working Group reported some potential reforms at the Vilnius IPC on the CFSP/CSDP during the Lithuanian presidency in 2013, making seven initial recommendations for reforming the IPC. These stemmed from all the proposed recommendations for reform by national parliaments. One proposal, inter alia, was to give the forum a new standing, by having an acronym, COFDAC (Conference of the Foreign and Defence Affairs Committees), to compete with COSAC, but as a sectoral IPC. The fact that the IPC on the CFSP/CSDP were coming up with recommendations for reform within 12 months of the first meeting, rather than 18 months as stipulated by the EUSC decisions at Brussels and Warsaw, can be interpreted as a sign of the frustrations felt by many participants regarding the IPC on the CFSP/CSDP’s effectiveness.

The former president of the European Commission José Manuel Durão Barroso has stated that ‘we need a better co-ordination—this is my personal opinion—between the European Parliament and the national parliaments.’ It is a shame that he was so eager for such greater co-operation only at the conclusion of his second term at the top table, just before leaving office, given he had served in the position since 2004. Similarly, his counterpart in the European Council, Herman Van Rompuy, has been accused of ‘scaling back the role of national parliaments’ in the content of potential joint interparliamentary

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decision-making. This has been ingrained during the financial crisis in the Eurozone over the past number of years. In 2015 with a new College of Commissioners in place, in addition to a new president of the European Council, we shall await to see what initiatives they intend to bring forward for greater interparliamentary co-operation within the Union, in co-operation or otherwise with the EUSC, in order to bridge the gap of democratic legitimacy. Not only are EU institutions responsible for legitimatising the interparliamentary process, but it is also incumbent on national parliaments to ensure the democratic process takes its correct form. In spite of these changes however, the democratic legitimacy of the EU in its entirety is not disappearing anytime soon.

It has been appropriately argued that this IPC on the CFSP/CSDP would only be worthwhile if all parties to it wish ‘to achieve the EU’s post-Lisbon global ambitions in the field of foreign policy’. In the Dublin IPC conclusions, it noted the IPC ‘is committed to contributing to the development of the IPC towards an optimum configuration.’ Following this and the Vilnius conclusions, developments have been set in train for considerable reform. Indeed, the Ad Hoc Review Committee Working Group has its work cut out for them. Whatever the outcomes, which one suspects will be minor in the overall scheme of things, these will just be incremental steps in the formation of a solid forum for interparliamentary oversight of the EU’s foreign policy.

In reality, in order for the IPC to gain really substantial influence in CFSP/CSDP, first, the desire for a real accountability forum will need to be reformulated. Second, some treaty change will be essential, albeit not a political reality at present, for enhanced legitimacy and focus of parliamentarians, and third, the desire of executives in the EU and member states to cede this power to interparliamentary settings will be crucial for future meaningful dialogue with real results. Where the long-term future of interparliamentarism in EU foreign policy lies is anyone’s guess, but a more solid legal foothold through treaty revision and further involvement of Irish parliamentarians in the process would be a good place to start.

58 It could even be said to have ‘exacerbated’ during this period. See Ben Crum and John Erik Fossum, ‘Practices of interparliamentary coordination in international politics: the European Union and beyond’, in Ben Crum and John Erik Fossum (eds), Practices of interparliamentary coordination in international politics: the European Union and beyond (Colchester, 2013), 1–14: 1.