

Balancing Domestic Oversight with Collective Responsibility: Do Security Alliances Influence Legislative War Powers?

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This paper seeks to explain why parliamentary war powers vary between NATO's new member states and why some new members, either prior to or in the aftermath of joining the North Atlantic Alliance, chose to reduce the degree of parliamentary control over war powers whilst others did not. The majority of work on parliamentary war powers has focused on accurately describing the extent to which democratic legislatures are involved in this policy domain, allowing scholars to provide tentative explanations for why variation might exist between these states. However, less attention has been paid to the handful of cases where parliamentary involvement in war powers has either been expanded or, in the case of many new NATO member states, curtailed, and the mechanisms behind these changes. This paper seeks to explain whether factors that determine the strength of parliamentary war powers also determine the likelihood that a state will weaken its war powers legislation when entering into a security alliance where operational flexibility takes precedence over strong legislative oversight.

The first step towards understanding why parliament's role might have *changed* in one or multiple cases involves explaining why variation in war powers exists across cases where change hasn't recently occurred. This background is provided by the parliamentary war powers literature, which has expanded significantly since the end of the Cold War. Prior to this, the majority of scholarly work on legislatures' involvement in security policy was confined to the United States and the interplay between Congress and the president (Mello and Peters 2018). However, the growing number of conflicts in the post-Cold War era, many of which have been so-called 'wars of choice' for Western democracies, has seen focus on these policies move beyond the United States. Since the turn of the century, resources such as the ParlCon dataset (Wagner *et al.* 2010) and the "Paks" ("Parlamentarische Kontrolle von Sicherheitspolitik" or "Parliamentary Control of Security Policy") project (Dieterich *et al.* 2009)

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have emerged, significantly improving our understanding of how parliaments across the globe are involved in security policy, particularly their role in military interventions.

Much of the work on the legislature's role in security policy also seeks to provide recommendations for policymakers on the ideal level of parliamentary involvement in this area (Dieterich *et al.* 2009). However, Wagner *et al.* (2010) have demonstrated that states' levels of parliamentary war powers have been remarkably stable over time. It is therefore all the more important to understand the underlying mechanisms in the cases where change has come about. This is especially true in the case of new NATO member states, given the Alliance's expressed goal of "Encouraging and supporting democratic reforms, including civilian and democratic control over the military" (NATO 1995). The extent to which NATO membership has fostered the development of democracy in new member states has been a major question for scholars since the Alliance's eastward expansion, but 'democratisation' in the specific realm of parliamentary war powers has generally been overlooked in favour of a focus on broader trends in governance and public opinion.

This paper will first review of the literature on parliamentary war powers, introduce the explanations put forward for why variation in these powers exists between democracies, and give an overview of the literature on NATO's expansion and its role in Eastern European democratisation. From this, hypotheses for the conditions under which new NATO members might be more likely to accede to the Alliance's preferences (and thus weaken domestic war powers legislation) will be presented and tested against the eight cases from the first two waves of expansion where parliamentary veto powers were lost or retained.² Finally, the paper will conclude with reflections on these analyses, what they mean for future NATO policies and how future research should proceed.

Parliamentary War Powers & NATO's Democratising Mission

The expansion of the literature on parliamentary war powers has partly been a response to the increasing number of military conflicts since the end of the Cold War, many of which have been multilateral missions. However, it has also been related to the expansion of the

² These cases are Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Romania and Slovakia. Poland and Slovenia were also part of the first two waves of NATO expansion, but in neither of these cases were parliamentary war powers present prior to accession, so no decision needed to be taken with regards to meeting NATO preferences.

democratic peace theory literature to encompass the notion of a “parliamentary peace”. This relies heavily on the monadic school of democratic peace theory. Unlike the proponents of dyadic democratic peace, who claim that democracies, while peaceful amongst each other, are no less war-prone towards other regime types, monadic theorists believe that “democracy exerts a pacifying influence regardless of the regime type of the opponent” (Elman 2000). The idea that democracy provides ‘institutional constraints’ on war-making is drawn from the work of Immanuel Kant, who felt that leaders and governments reliant on the support of a risk-averse population to remain in power would be more wary of putting those people in harm’s way (Schultz 1999). It therefore seems a logical step that democracies which provide parliament – the democratic institution that is arguably most representative of the population – with greater control over war powers, the less likely that democracy will engage in military conflicts.

Much of the research on parliamentary war powers has therefore been in service of demonstrating the existence of this phenomenon, and a variety of case studies have documented the way in which parliaments have or haven’t been able to utilise these powers. In their study of national restrictions on NATO’s mission in Afghanistan, Saideman and Auerswald (2012) found a clear connection between the restrictions on participating militaries’ rules of engagement and domestic political institutions, with presidential and majoritarian parliamentary governments placing fewer restrictions on their forces than coalition governments. In a survey of 25 European democracies’ involvement in the 2003 Iraq War, Dieterich *et al.* (2015) concluded that “countries with a high degree of parliamentary war powers were significantly less militarily engaged in the Iraq War.” (p. 100) However, these authors also noted cases of Denmark and the United Kingdom, whose parliaments endorsed the deployment of troops in the face of overwhelming public opposition, thus challenging the parliamentary peace hypothesis. Similarly, Wagner (2018), in a broad study of 25 to 35 countries across five military missions only found “modest” evidence for a parliamentary peace, with the author noting that, in cases where a mission is as a test of alliance solidarity, “domestic institutional constraints can be trumped by alliance politics.” (p. 131) The importance of alliance politics was echoed by Haesebrouck (2018) in his qualitative comparative analysis (QCA) of democratic participation in air strikes against Daesh, concluding that “the prospect of legislative meddling did not inhibit participation if the combination of a strong threat and high alliance value provided states a strong incentive to

participate.” (p. 268) Therefore, it is clear that, in comparison to the strong empirical backing for a dyadic democratic peace, the evidence for a parliamentary peace is still limited.

Most beneficial for this study has been the extent to which these authors have defined the various forms of parliamentary control over military deployments and how these vary across countries. Wagner, Peters and Glahn’s (2010) ParlCon dataset provides an overview of parliamentary war powers in 49 democracies on every continent from 1989 to 2004. These authors define war powers as a binary measure of whether or not a parliament has *ex ante* veto rights over the deployment of armed forces. Some parliaments do of course have powers over military deployments which might fall short of this threshold, such as *ex post* veto powers. However, *ex ante* veto powers are a particularly powerful tool and they also represent a practical way of differentiating parliaments which are heavily involved in deployments from those which are not. Thanks to the relative ease of identification and differentiation, Wagner et al. were able to study a very broad sample over an extended period of time. In the construction of the dataset that informs the “Paks” project, Dieterich, Hummel and Marschall (2009) traded the breadth of the ParlCon dataset for depth. Therefore, whilst their sample is contained to 25 European states in 2003 (at the time every member state of the European Union), they are able to rank each parliament’s war powers on a scale from one to five, ranging from “comprehensive” to “deficient”. The authors found that the majority of the sample – 15 – were either “comprehensive” or “selective” (one tier below “comprehensive”). Only two found themselves in the middle category (“deferred”), with the rest either being “basic” or “deficient”. These categories only capture legal constraints, rather than uncodified norms, such as that which developed in the United Kingdom following the Iraq vote in 2003 and carrying on to the Syria vote in 2017 (Strong 2018). However, Theresa May’s decision to provide British support for airstrikes in Syria in 2018 without a parliamentary vote illustrates the importance of tracking legal powers rather than norms.

The development of datasets has also allowed researchers to hypothesise why variation might exist across cases and subsequently test these theories. Utilising the ParlCon dataset, Peters and Wagner (2014) found three potential explanations for whether or not a state’s parliament holds *ex ante* veto powers: “the external threat to which a country is exposed, its constitutional tradition, and the experience of severe military failure in the past.” (p. 311) The first of these relates to the argument that greater involvement of parliament hinders operational flexibility of the armed forces, meaning countries perceiving a greater

military threat will want fewer checks (and thus potential delays) on the deployment of troops. The second factor derives from the difference between parliamentary systems that are based on the British constitutional tradition, in which the executive often derives war-making powers from “royal prerogative”, and those that aren’t (pp. 316-317). Finally, the authors argue that countries with a recent history of military failure are more likely to have stronger checks on the future use of force, including through parliamentary *ex ante* veto powers, than those without such failures in their recent past, reflecting a desire to minimise the risk of similar catastrophes in the future. Despite a dataset limited by the number of cases, particularly in some years, Peters and Wagner found plausible evidence that each of these factors influenced whether or not parliament has veto powers over troop deployments, providing a valuable starting point for future studies.

The expansion of NATO and the extent to which the alliance would foster democracy in new Eastern European member states has been subject of intense debate since the prospect of eastward expansion first became a reality in the early 1990s. By putting a commitment to democracy at the heart of its 1995 ‘Study on Enlargement’, NATO itself brought the question of democratisation to the fore (NATO 1995). Since the first wave of expansion in 1999, scholars have been divided on whether NATO has aided democratic development. Some have argued that NATO provided an environment for democracy in Eastern Europe to survive and develop by reducing the threat posed by Russia (Gibler and Sewell 2006). Others have argued that membership has made little difference to the development of democracy in new member states; indeed, not only has NATO not advanced democratisation, but the antagonization of Russia, so the argument goes, harmed the prospects of democratisation in states like Ukraine (Reiter 2001; Mearsheimer 2014). In one of the most recent studies on the subject, Poast and Chinchilla (2020) found that anticipation of European Union membership, rather than NATO membership, had the largest influence on democratic development in the states that joined NATO in its 2004 expansion. However, this study, like others on the topic, considers democracy in far broader terms than parliamentary war powers. Therefore, whilst this literature is informative on broad trends of democratisation in new NATO member states, it does not explain in detail the impact of NATO membership on parliamentary war powers.

Cases and Hypotheses

When analysing the causes of variation in war powers across states, one of the challenges faced by Peters and Wagner (2014) was the lack of change in those states' war powers over time. In this study, however, there is a clear point at which we might expect change to occur: either prior to or in the years immediately following NATO accession. Whether or not new member states changed their legal or constitutional arrangement to meet NATO's preferences will be determined through reference to the ParlCon dataset which, as discussed above, classifies *ex ante* parliamentary veto powers over military deployment as either present or absent.³ This study will focus on the ten states that joined NATO in the Alliance's first two waves of eastward expansion: the Czech Republic, Hungary and Poland in 1999 and Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia in 2004. Of these ten states, only two were lacking parliamentary veto power prior to NATO accession: Poland and Slovenia. These two will therefore be omitted from the analysis as neither of these states was faced with the decision to adhere to or deviate from NATO preferences. *Ex ante* parliamentary veto powers were present in all eight other countries prior to NATO accession. Table 1 shows each country's year of accession, whether parliamentary war powers were present in 2004, if powers changed during the NATO accession process and if so, the method by which powers were changed. Importantly, in each case where change did occur, Wagner *et al.* (2010) identify NATO membership as the motivating factor.

Table 1

	Year Acceded	Parl. War Powers Present/Absent	Change in Powers	Method of Change (Year)
Bulgaria	2004	Absent	Yes	Reinterpretation of legislation by Constitutional Court (2003)
Czech Republic	1999	Absent	Yes	Constitutional amendment (1999)
Estonia	2004	Present	No	N/A
Hungary	1999	Absent	Yes	Constitutional amendment (2003)

³ Due to their Polity IV scores, Estonia and Latvia are not included in the ParlCon dataset. For the purposes of this study their status is based on Dieterich et al.'s (2015) classification. While that study uses a five-point scale compared to ParlCon's binary score, both Estonia and Latvia's parliamentary war powers are classified as "very strong" across the relevant period, the highest score on the scale, thus comfortably places both in the "present" category (as opposed to "absent") on a binary scale.

Latvia	2004	Present	No	N/A
Lithuania	2004	Present	No	N/A
Poland	1999	Absent	No	N/A
Romania	2004	Absent	Yes	New legislation (2003)
Slovakia	2004	Absent	Yes	Constitutional amendment (2001)
Slovenia	2004	Absent	No	N/A

Sources: Wagner et al. (2010); Dieterich et al. (2010)

The three factors identified by Peters and Wagner (2014) – constitutional tradition, experience of past military failure and external threat – will form the basis for this study’s hypotheses. However, while Peters and Wagner were concerned with whether parliamentary war powers were more or less likely to be present in the states comprising their dataset, the independent variable here is war powers following accession to NATO and whether or not these powers changed from “present” to “absent”. Due to differences between the cases involved in this study and those in Peters and Wagner’s more diverse dataset, the operationalisation of the dependent variables will need to be amended in some cases.

Constitutional Tradition

The aspect of government type found to be most relevant for the presence or absence of parliamentary war powers was whether or not the country emerged from the British constitutional tradition, operationalised as whether a state was a member of the Commonwealth (Peters and Wagner 2014, p.323). The tradition of deriving war-making powers from “royal prerogative” seems to be the relevant factor in these states. Peters and Wagner also considered whether there was a difference between parliamentary and presidential systems, but none was apparent. However, given that none of the cases in this study are Commonwealth members, government type here will be based on the relative position of parliament in that country’s political system. This will be based on the Database of Political Institutions (DPI), which categorises government type as either “Parliamentary”, “Assembly-Elected President” or “Presidential”. The idea that parliamentary war powers were more likely to be present in a system with a stronger parliament, relative to the executive, was not borne out by Peters and Wagner’s analysis. However, it could be case that in a situation where parliament is being asked to *give up* powers on accession to a security alliance, the relative strength of parliament might play a significant role. Therefore:

H₁: New member states with presidential systems are more likely to reduce parliamentary war powers upon accession than those with an assembly-elected president or a parliamentary system.

Past Military Failure & External Threat

In Peters and Wagner's study, experiences of past military failures and greater perception of external threat are treated as distinct factors because they are expected to have opposite effects on the degree of parliamentary involvement in war powers. Military failures are expected to precipitate a higher level of parliamentary involvement as the legislature, possibly responding to the public's dissatisfaction with policy failure, moves to add additional checks on military use to prevent such failures recurring in the future. States that perceive a high degree of external threat, on the other hand, will likely prefer a more streamlined process for military deployment to allow rapid reaction to attack or invasion.

As post-Soviet states, "past military failure" remains a relevant factor for the eight cases under consideration here, but not in the same sense as Peters and Wagner imagine it. Rather, the most relevant operationalisation of military failure (though "failure" is an unfair term given the circumstances) is whether or not the state was invaded by Nazi Germany or the Red Army (or both) during the Second World War, or whether they were invaded by the Soviet Union in the decades after WWII. This type of military experience is likely to increase the level of external threat perception, thus making an absence of parliamentary war powers less, not more likely. Indeed, invasion at the beginning of WWII (though not invasion after WWII) has been linked to higher public support for NATO membership in the eight Eastern European states in question (Kostadinova 2000). Therefore, rather than form a separate hypothesis based on past military failure, this study will only consider the influence of external threat, with "past invasion" one operationalisation of this. Thus:

H₂: New member states with a higher degree of external threat are more likely to reduce parliamentary war powers upon accession.

Another distinct measure of external threat relevant for aspirant NATO members in Eastern Europe is their distance from Russia. Perhaps the most attractive aspect of NATO membership for these states is the security guarantee of Article Five, which maintains that an

attack on one member of the Alliance is akin to an attack on all members. Again, distance from Russia (specifically, distance of the national capital from Moscow), has been associated with stronger public support for NATO membership (Ibid). It could therefore be the case that prospective member states that feel most threatened by Moscow will be the most receptive to NATO's preferences on war powers and thus more likely to change their legal or constitutional arrangements prior to or following accession.

A final measure of external threat is defence spending. For this metric, Peters and Wagner utilise defence spending as a percentage of gross domestic product (GDP). With an expectation that all members of NATO will spend at least two per cent of GDP on defence, this is also the measure of "defence effort" favoured by the Alliance itself. Following Peters and Wagner, this study will therefore utilise data on defence spending from the Stockholm International Peace Research Institute (SIPRI), taking an average of the year each state joined the Alliance and the two preceding years to minimise the influence of year-to-year policy changes. This measure of defence spending disregards the overall size of each state's military and instead provides a measure of the relative importance each state places on defence over other areas of public spending. Whereas past invasion and geographic location are fixed measures of threat, defence spending as a percentage of GDP is the closest indicator of a state's *perceived* level of external threat and therefore a particularly relevant metric.

Diplomatic Pressure

Each of the hypotheses above assumes that NATO treats each new member state equally and any differences in outcomes are the result of variation in domestic circumstances. However, it might also be the case that variation in domestic circumstances leads NATO to demand more or less of prospective members. With regards to parliamentary war powers, and thus perceived operational flexibility, NATO might be more demanding of those states it expects to be most heavily involved in military operations, or most valuable in a time of crisis. Indeed, in Autumn of 2003, then-NATO Secretary General Lord Robertson publicly referred to Hungary as one member whose domestic legislation did not allow for operational flexibility, prompting the government begin the process of amending the relevant laws (Dunay 2005). Therefore:

H₃: The greater military importance NATO places on a new member state, the more likely that state is to reduce parliamentary war powers upon accession.

Whereas “defence effort” called for a measure of defence spending relative to the country’s means, this factor requires a measure of a country’s absolute military capabilities. The dependent variable will therefore be operationalised as annual defence spending in USD. This data will also be sources from SIPRI and will again be an average of the budget in the year of accession and the two preceding years.

Analysis

The small number of cases involved in this analysis limits the statistical analyses available. However, it is still possible to cross tabulate the independent variable of interest in this study i.e. whether or not the state changed its parliamentary war powers upon NATO accession with the operationalisations of the dependent variables and assess any potential correlation between the two.

Table 2 assesses the potential influence of government system, showing the cross tabulation of the independent variable with government type. H₁ predicted that a presidential system would be more willing to alter powers upon accession than a parliamentary system, given a strong parliament might be less willing to surrender powers to the executive. This is perhaps the most difficult hypothesis to assess due to the limitations of the data, with only one of the eight states being a full presidential system. Nevertheless, this one presidential system, Lithuania, does not follow expectations, being one of the three states that did not change its parliamentary veto powers. The parliamentary systems also fail to follow expectations, with four out of the five changing their powers upon accession to NATO. Therefore, if anything, it seems that parliamentary systems might have been more likely to concede to NATO preferences. However, given the limited number of cases, particularly in the presidential category, it would be more accurate to conclude that, like Peters and Wagner, this study finds no clear evidence for government type, i.e. parliamentary or presidential, influencing the decision to reduce parliamentary war powers.

Table 2

Government Type

Change in Powers

	Yes	No
Parliamentary	Bulgaria Hungary Romania Slovakia	Latvia
Assembly-Elected President	Czech Republic	Estonia
Presidential		Lithuania

Source: DPI

Unlike government type, external threat can be operationalised in a number of ways, offering several opportunities to test this hypothesis. Tables 3 and 4 below show the potential influence of prior invasion in either WWII or after WWII and the distance of the national capital from Moscow. In Table 3, we can see that the three states that did not change their war powers – the Baltic states – were also invaded during WWII by both the USSR and Nazi Germany. Turning to Table 4, these three states are also by far the closest to Moscow. There is of course multicollinearity between this measure of invasion and distance from the national capital to Moscow, as the proximity and geography of the Baltics contributed to their annexation by the Soviet Union after the signing of the Molotov-Ribbentrop Pact. However, the actions of the Baltic states still directly contradict H_2 , which predicted greater external threat would make a state more willing to change its system of parliamentary war powers to meet NATO expectations. It could be the case that the circumstances of the Second World War hold a different place in the national psyche than subsequent events; we see from Table 3 that the three states invaded by the Soviet Union (Hungary in 1956 and then-Czechoslovakia in 1968) did remove their parliamentary veto over troop deployment following NATO accession. Given the close relationship between the Baltic states, it might also be the case that other factors were at play, a possibility that will be discussed in the final section.

Table 3

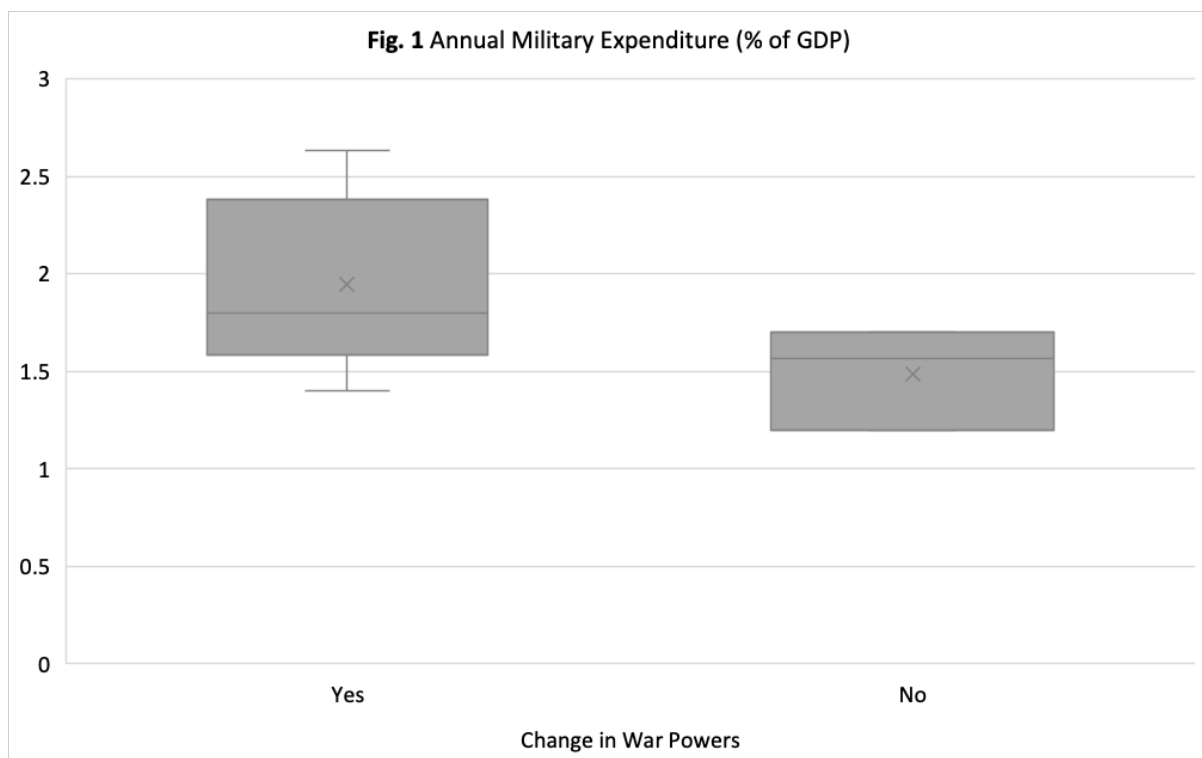
<i>Invasion</i>	<i>Change in Powers</i>	
	Yes	No
WWII		Estonia Latvia Lithuania
Post-WWII	Czech Republic Hungary Slovakia	
No invasion	Bulgaria Romania	

Table 4

<i>State</i>	<i>Distance*</i>	<i>Change in Powers</i>
Bulgaria	1,104	No
Czech Republic	1,039	No
Slovakia	1,016	No
Hungary	973	No
Romania	934	No
Estonia	540	Yes
Latvia	525	Yes
Lithuania	491	Yes

*from national capital to Moscow in miles (Kostadinova 2000)

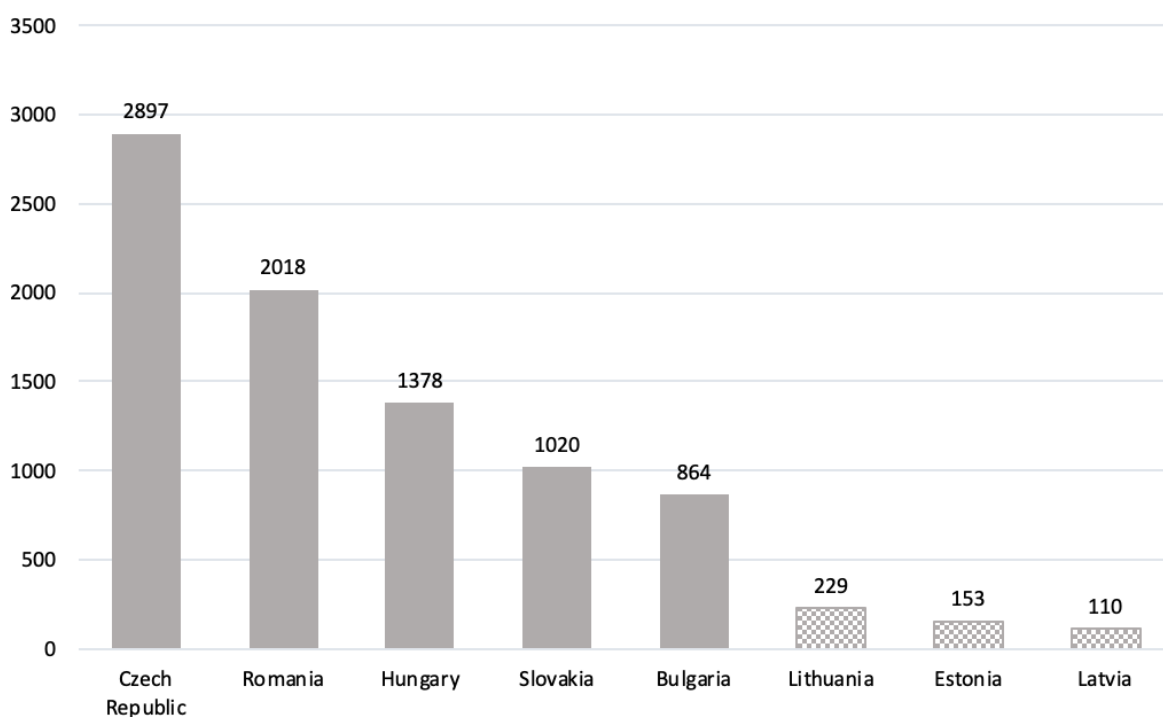
A further possibility when considering the influence of external threat is that a state’s *perception* of external threat does not align with indicators such as proximity of past adversaries. Figure 1 therefore plots annual military spending as a percent of GDP (taken as an average of spending in the year the country joined NATO and two years prior) to compare any differences between states that changed their war powers and those that didn’t. Despite the limited number of cases, we can see that the mean military spend, denoted by the grey cross, of those that did change their system is higher than the mean of those that did not. However, this could be driven by the high spending Bulgaria (2.6 per cent); the median of the two groups, denoted by the grey line dividing each box, is far closer. There is therefore limited



support for H₂, as neither measures of threat in the form of past invasion, proximity of Moscow or military spending as a percentage of GDP provide definitive evidence that greater external threat made any of the states more likely to reduce their level of parliamentary war powers.

A final possibility, as stated in H₃, is that states spending more on their military, not as a percentage of their GDP but simply in raw numbers, are more likely to change their system to meet NATO preferences. Aware of their strategic importance, the Alliance might be more concerned about legislative delays on troop deployment in high spending states than in those with more modest military means at their disposal. Figure 2 seems to provide some preliminary support for this hypothesis. While there is a lot of variation in the eight cases, the three states that did not amend their system of parliamentary war powers – Lithuania, Estonia and Latvia – also spent significantly less on their militaries in their year of accession and the two preceding years than the five states that did change their war powers. The fact that there is variation in the war powers of new NATO members shows that removal of parliamentary veto powers might not be an absolute condition of membership in all cases, but greater diplomatic pressure might have been exerted in cases deemed most militarily significant.

Fig. 2 Annual Military Expenditure (million USD)



Conclusion and Recommendations

This study sheds light on the factors that might determine whether or not a state with a parliamentary veto over troop deployment, i.e. strong parliamentary war powers, will be more or less likely to remove this oversight when joining a security alliance that places a premium on operational flexibility. Notably, external threat, when operationalised as either proximity to Moscow, past experience of invasion or defence spending as a percent of GDP, did not appear to correlate with the removal of parliamentary veto powers. However, the fact that the Baltic states, given their history and proximity to Moscow, were the three new members that did not change their system, suggests that further investigation on the accession process is needed to understand the mechanisms behind these decisions. The need for qualitative study of the accession process, specifically with regards to conditions of changes to parliamentary war powers, is reinforced by this study's findings on defence spending. A study on the conditions of entry into NATO drawing on elite interviews, much like Judith Kelley's (2004) study on European Union, Council of Europe and the Organization for Security and Cooperation in Europe (OSCE) membership conditionality, would be an ideal way to build upon the research presented here.

This study also contributes to the continuing debate on NATO's level of success with regards to democratisation in its newest member states. It highlights the importance of considering parliamentary oversight of the military when studying democratisation writ large and also underscores the inherent conflict between NATO's desire for democratisation in new member states and its preference for operational flexibility free from parliamentary vetoes. Future research should consider whether NATO member states with and without parliamentary veto powers, particularly those in Eastern Europe, have differing levels of commitment to Alliance operations. Despite failing to amend their war powers legislation, the Baltic states have been firmly committed to the Alliance, as three of the seven members meeting the two percent GDP goal, with Lithuania tripling its military spending since 2013 (O'Hanlon and Skaluba 2019).

If there is limited variation in commitment between those members with and those without parliamentary veto powers, then NATO should not seek to side-line national legislatures of new member states. NATO leaders, both within the organisation and in its most powerful member states, need to recognise their responsibility to justify military

engagements to members' legislatures. If they do this, Eastern European states – states that are deeply aware of the importance of collective defence – will support the Alliance. Cases such as Hungary and Turkey have demonstrated that democratic institutions, whilst a condition of entry into NATO, are not guaranteed to be stable once a state has acceded. NATO should therefore apply its stated goal of “Encouraging and supporting democratic reforms, including civilian and democratic control over the military” to parliamentary control over war powers, particularly in new member states where such oversight is already recognised by the law and constitution.

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