

Parliamentarisation as a two-way process: explaining prior parliamentary consultation for military interventions

Original article manuscript submitted to Parliamentary Affairs

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Declaration of interest

The authors report no declarations of interest.

Acknowledgements

The authors would like to thank the two anonymous reviewers for their highly insightful suggestions for improvement.

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Abstract

This article investigates the drivers of the parliamentarisation of war powers. Building on recent findings in the study of war deployments, we argue that the existing literature has predominantly focused on parliamentary drivers of parliamentarisation, leaving potential executive interests untouched. To fill this gap, we propose a rational-choice institutionalist based framework for identifying the motivations and strategies of both parliamentary and executive actors in episodes of parliamentarisation. We apply this novel heuristic device to the case of Belgium, and the parliamentary approval of the military interventions in Libya (2011) and Iraq (2014-) more in particular. Building upon data from interviews and document analysis, we show that stronger parliamentary involvement in the decision about military deployment is not just the result of increased parliamentary pressure, but equally, and perhaps most importantly, of the willingness and strategy of the executive to seek legitimacy or support.

Keywords: Belgium; legislative-executive relations; parliamentarisation; war powers; rational-choice institutionalism

Introduction

The long-standing tradition of executive dominance over foreign affairs has over the past years increasingly been challenged in many Western liberal democracies (e.g. Auel and Christiansen 2015; Lagassé 2017; Raunio and Wagner 2017). This is a particularly striking evolution when it comes to security affairs and the decision to deploy armed forces, which have long been conceived as executive-dominated branches. In several countries, changing practices have been observed, which led to a stronger role for parliament regarding the decision to wage war, either manifested through higher degrees of parliamentary activism or by constitutional reforms

upgrading the role of the legislature in the decision-making process (e.g. Ostermann 2017; Mello 2017). More recently, multiple governments have also been seeking prior parliamentary approval for participation in international military interventions, even though they were not legally bound to do so.

In general terms, *parliamentarisation* of foreign and security policy can be described as the increased involvement of parliaments in decision-making within this domain (Raunio and Wagner 2017). Academic attention for this tendency of parliamentarisation particularly spurred with the international military interventions in Iraq (2003), Libya (2011) and Iraq/Syria (2014–ongoing). While important steps have been taken to identify the drivers of parliamentarisation situated *within the legislature*, the current state of the art remains unsatisfactory when it comes to explaining the executive-side of the puzzle.¹ Can such episodes of prior parliamentary consultation, or even approval, in systems with constitutionally weak parliaments be fully explained by just looking at drivers *within parliament*? Or might also the executive be incentivised to knock on the doors of parliament? We suggest that current analyses fail to incorporate *if* and *why* the executive might also be interested in strengthening the involvement of parliament in a decision to deploy military troops abroad. Recent findings by Lagassé namely indicate that parliamentarisation of war decisions is not necessarily driven by legislative efforts only (Lagassé 2017). In his work, the author builds upon rational-choice institutionalist theorisation for explaining long-term shifts in parliamentary control of the war prerogative in Canada and the UK. This article seeks to add to this recent finding, by offering a novel theoretical framework for explaining single episodes of parliamentarisation of foreign and security policy.

The proposed framework can serve as a heuristic device for identifying the driving forces and strategies operating behind the parliamentarisation of the decision to deploy military

¹ Note that we equate *legislature* or the *legislative* with *parliament*.

troops. We propose and test two hypotheses, reflecting our argument that a thorough analysis of parliamentarisation should not only focus on legislative strategies, but that it should equally aim to identify potential executive strategies to give parliament a greater say.

We will apply this novel framework to the case of Belgium, which forms a typical case for furthering our knowledge of the drivers of parliamentarisation, and of the prior parliamentary consultation of decisions on troop deployments more in particular. More particularly, we study the governmental decisions to participate in the military interventions in Libya (2011) and Iraq (2014-ongoing). Although being a constitutional executive prerogative, both decisions were subject to prior parliamentary approval. By analysing these two episodes of increased parliamentary involvement, this article shows that parliamentarisation of the decision on military deployment is not necessarily solely the result of increased parliamentary activism. The willingness and strategies of the executive to seek legitimacy and support should equally (and perhaps even primarily) be taken into account.

I. Parliamentarisation of foreign and security policy

The study of legislative-executive relations has long been approached from the assumption that foreign and security policy is the domain par excellence that is dominated by the executive (e.g. Born and Hänggi 2005; Peters and Wagner 2011; Raunio and Wagner 2017). Executive dominance in foreign policy has even long been deemed justifiable, for several reasons. First, there is the nature of international decision-making, which requires secrecy, confidentiality, leadership and efficiency (Thym 2006: 124-125; Damrosch 2002: 43; Dieterich *et al.* 2008: 3). Second, party discipline in so-called ‘fusion of powers’ systems makes credible challenges by the parliament towards the government highly unlikely (Sartori 1970: 169-170). Finally, from a historical point of view, foreign policy and the command of the armed forces in Europe were

considered a personal prerogative of the monarchy; and to date, constitutions have been hesitant in granting parliaments a bigger say (Bieber 1990). These factors have been particularly at play with the use of military force, often characterized by a ‘state of exceptionality’ requiring swift decision-making, confidentiality, and strong party discipline (Peters *et al.* 2010: 3; Peters and Wagner 2011: 177; Kesgin and Kaarbo 2010: 21; Owens and Pelizzo 2009).

However, over the past decades, parliamentary control over foreign and security policy has particularly attracted scholarly attention as practices changed, including regarding decisions on military deployments. Already in 1996, Damrosch hypothesised that ‘there is a general trend toward subordinating war powers to constitutional control’, including ‘a subtrend toward greater parliamentary control over the decision to introduce troops into situations of actual or potential hostilities’ (Damrosch 1996: 36). More recently, in several Western liberal democracies, there have been constitutional amendments (France, Netherlands), new legislation on troop deployment (2005 laws in Germany and Spain), or mere changes in practice (e.g. consulting the parliament before taking a decision, as happened in the UK or Canada with regard to Syria).

Following these developments, scholars have become increasingly interested in identifying the drivers of parliamentarisation of foreign and security affairs. A clear illustration thereof is the growing number of explanatory case studies of parliamentary practices instead of the more superficial legalistic approaches to explore their formal powers. As a result, long-standing claims about legislative-executive relations are increasingly confronted with closer scrutiny (Auel and Christiansen 2015; Reykers and Fonck 2016). The most recent example in that regard is a special issue by Raunio and Wagner (2017). At the core of this issue is exactly the observation of an increased engagement of legislatures in foreign policy-making, which is argued to challenge the traditional premise of foreign affairs (and particularly security affairs)

as an executive-dominated branch (Raunio and Wagner 2017). Although the authors provide convincing evidence of a stronger parliamentary involvement in this domain, we argue that the study of legislative-executive relations in decision-making on military troop deployments hitherto remains unsatisfactory.

What characterises these recent studies is their strong (and sometimes even sole) focus on parliamentary behaviour, strategies or interests to increase control over foreign and security matters, without taking sufficiently into account the interests of the executive. For instance, in his insightful analysis of the UK House of Commons' role in the decisions about British military engagement in Libya (2011) and Syria (2013), Mello (2017: 81) focuses on 'which political forces inside parliament "act as engines for tighter oversight"'. Granted, Mello differentiates between government and opposition dynamics within parliament, yet his focus rests primarily on driving forces situated *within* parliament. In so doing, his study fits within the broader approach wherein 'the study of legislative-executive relations is concerned with the balance of power between the parliament and the government, and the ways in which the former can control or influence the executive' (Raunio and Wagner 2017: 6). In short, recent studies of parliamentarisation seem to be pre-occupied with *parliamentary determinants* of the balance of power between parliament and government.

Put differently, parliamentarisation in this domain is often (intuitively) considered a zero-sum game, with parliament expected to yearn for influence. Meanwhile, it is commonly assumed that the executive in a country with weak formal parliamentary powers perceives parliamentarisation as a threat. However, this dominant conception somewhat discounts the question whether executives might also approach parliamentary consultation strategically, using it for their own benefit. This is particularly intriguing in countries where parliamentary approval has gradually become a new convention or practice, but where this is not (yet) legally or constitutionally settled. To the authors' knowledge, only Lagassé (2017) has recently

suggested that increased parliamentary involvement might as much be an executive-driven as a legislative-driven phenomenon. While his approach allows for explaining long-term institutional change in war power prerogatives, such as in Canada or the UK, it leaves the motivations and strategies of change agents in concrete episodes of parliamentarisation unexplored. This article contributes to filling this gap in the literature.

II. Parliamentarisation as a two-way process

Further building upon Lagassé's findings, we theorise legislative-executive relations as mutually shaped by parliamentary *and* executive actors. At the core of our argumentation is the belief that stronger parliamentary involvement might as much be the result of successful parliamentary activism and strategy, as of the willingness and strategy of the executive. For analytical clarity, we apply a differentiated approach to parliamentarisation. Distinguishing between four types or degrees of parliamentarisation (Table 1) allows for better identifying changes in parliamentary involvement in foreign and security policy decision-making.

[TABLE 1 NEAR HERE]

When studying parliamentary involvement in the decision of military troop deployments in cases characterised by (constitutionally) weak legislatures, recent studies on parliamentarisation would likely hypothesise that *increased parliamentary involvement is the result of legislative strategies* (H1). We add to this the hypothesis that *increased parliamentary involvement is the result of executive strategies* (H2). By doing so explicitly, we intend to offer a more balanced explanation for parliamentarisation in foreign and security affairs. Two remarks are, however, warranted. First, these hypotheses are not treated as mutually exclusive, as the executive and legislative pathways might function simultaneously as a driver. Our assumption rather is that a sole focus on either legal or executive strategies insufficiently

explains parliamentarisation. Second, although the presented framework includes arguments which are unique to so-called ‘fusion of power’ systems, many of the claims could equally be applied to systems where the executive-legislative divide is much clearer.

Both hypotheses build on insights from rational-choice institutionalism, which assumes that actors have a fixed set of preferences and behave instrumentally to maximise their attainment (Hall and Taylor 1996: 943-945). Building on distributional rationalism perspectives, institutions are seen as the outcome of political bargaining processes, rather than a mere functional response to high transaction costs (Knight 1992; Knight 1995). To operationalise this reasoning to the phenomenon of parliamentarisation, it is useful, following McGinnis (1993: 295), ‘to consider the explanatory power of a model premised on the idea that branches may shape separation of powers doctrine through bargains and accommodation to advance their mutual institutional interests’.

It follows that parliamentary involvement is likely driven by two interest-maximising actors, the legislative and the executive branch. As a point of departure, both actors are confronted with a division of competences which is constitutionally prescribed. In the case of war powers, that situation might be one in which the executive holds the exclusive prerogative to decide upon war decisions – with a duty to inform post-hoc. However, as McGinnis rightfully notes, ‘the initial distribution of these rights [is] merely a baseline for bargains from which the actors would seek to improve their initial position’ (McGinnis 1993: 295). As the author contends, following a cost-benefit reasoning, both legislative and executive actors will seek to strive towards forms of governance that optimally satisfy their preferences. In such setting, actors behave and interact in the understanding that other actors are able to reward or retaliate that behaviour.

Moving to both actors’ motivations and considerations in this bargaining process, a traditional approach to rational-choice institutionalism would reject all sorts of *normative*

arguments steering human behaviour. We rather adopt a pragmatic interpretation that recognises the role of norms and values in an actor's strategic calculus. It has been acknowledged that underlying logics of consequentiality and appropriateness guiding rational and ideational behaviour are not always mutually exclusive and could benefit from complementing each other (cf. Ferejohn 1991; Hall and Taylor 1996; Risse 2000; in the case of legislative-executive relations, see Kam 2009). Our theoretical framework opens up for the idea that certain normative considerations, conventionally pertaining to sociological institutionalism, also find their place within a rational world. Particularly the employment of legitimacy arguments can form an essential component of the strategic interaction between actors, and thus is able to co-determine political outcomes (Claude 1966; Wildavsky 1987; Suchman 1995).

In sum, this article analyses the behaviour and motivations of both the executive and legislative through a rational-choice paradigm in order to explain episodes of increased parliamentary involvement in decision-making on foreign military interventions. Table 2 presents the framework and identifies both actors' motivations and concomitant sets of strategies, which will be further discussed below.

[TABLE 2 NEAR HERE]

2.1 Hypothesis 1 - legislative-driven parliamentarisation

Motivations. When deciding on the deployment of troops abroad, parliamentary actors can be expected to be willing to extend their power through demanding stronger involvement. This preference stems from two main interests. First, obtaining a greater say directly affects the visibility or prestige of parliamentarians, hence increasing their chances of re-election. Second, influencing the mandate means deciding (at least to some extent) upon the modalities of the

military mission, such as its goals, duration and perhaps even rules of engagement. Pushing for involvement thus also pays off in terms of policy influence (Auel and Christiansen 2015: 270; Ostermann 2017: 103).

Strategies. Parliamentary actors may seek to embark on three plausible bargaining strategies vis-à-vis the executive to obtain a greater say. First, members of parliament (MPs) could operate by (the threat of) retaliation and (the promise of) rewarding in order to obtain stronger involvement. On the one hand, they could ask consultation (or even approval) as *quid pro quo* for loyal cooperation on other legislative or budgetary files, while on the other hand, they could respond with punitive measures such as installing a commission of inquiry or organising a vote of confidence.

Second, MPs can strategically manipulate legitimacy claims, justifying their normative right to be consulted. In Western liberal democracies, governments found the legitimacy of their rule upon the principle of democracy and parliamentarism. This entails that decisions can only be made when complying to democratic principles such as respect for transparent decision-making that is open to parliamentary deliberation and scrutiny. Unilaterally deciding to launch a military operation therefore risks creating a so-called ‘legitimacy gap’ (Rittberger and Winzen 2015: 119). Parliamentarians can exploit these legitimacy gaps by scandalising the executive’s lack of respect for democratic principles and by demanding stronger involvement. Through political framing or shaming, parliamentary actors can ‘rhetorically entrap’ (Schimmelfennig 2001) the executive and urge them to live up to their own commitments and self-proclaimed norms.

A less likely, but third potential strategy is that parliament draws in legal arguments in its political power struggle. For instance, it can make the case for historical or legal precedents that would justify a prior consultation (e.g. Kaarbo and Kenealy 2017; Strong 2015), attempting

to re-interpret constitutional provisions with the goal of institutionalising prior parliamentary consultation as a customary tradition.

2.2 Hypothesis 2 - executive-driven parliamentarisation

Motivations. At first sight, one would expect that in cases of a constitutionally warranted executive prerogative, governments would be proponents of keeping as much autonomy as possible. They would strive for maintaining the *status quo* and are expected to have no incentive of giving parliament a say. After all, seeking parliamentary support could be seen as weakening their leeway, as it might slow down decision-making, comprise sensitive information, or even lead to aborting the military intervention altogether. However, we see two plausible reasons why the executive would, from a self-interest driven logic, nonetheless be inclined to seek parliamentary consultation or approval. First, a parliamentary mandate might be considered a diplomatic asset as it can strengthen a government's credibility when uttering threats and red lines, or when defending a negotiation position. Having explicit parliamentary support shows that governments will deliver upon their threats and promises. Reversely, the lack of a mandate could indicate disunity and might undermine credibility abroad. Put simply, the executive anticipates that the cost of going to parliament will be rewarded by a stronger position on the international stage (cf. Putnam 1988).

Second, although decision-making autonomy could be expected to bring strong benefits to the executive in both prestige and influence, the right of governance entails the risk of harm (McGinnis 1993: 296). Seeking prior parliamentary backing may serve as a means to diffuse political responsibility in the event things would 'go wrong'. Being an unpredictable, sensitive and above all risky undertaking, the decision to deploy a military operation without parliamentary support may backfire, as body bags or other catastrophes provide strong

ammunition to parliament. Therefore, risk aversion and recognition of a need to insure themselves, might lead governments to share the burden of responsibility with parliament. According to this logic, the benefit of having parliamentary backing outweighs the (potential) costs of parliamentary criticism or sanctioning in case of military failure. The executive will seek a parliamentary mandate, but it will meanwhile resort to mechanisms of party discipline vis-à-vis the majority MPs to minimize the risk that parliamentary consultation leads to an undesired mandate or a parliamentary veto.

Strategies. Both preferences of diplomatic credibility and risk aversion may bring the executive into consulting parliament. Given the asymmetric constitutional relationship between the executive and legislative branch, the decision to involve parliament lies at the discretion of the executive. Most visibly, such situations can be recognised by executive-steered and orchestrated parliamentary initiatives to table the deployment of troops on the legislative agenda. This can take the form of executive-drafted resolutions which are tabled, attempts to influence the vote's timing, and executive outreach to (individual) MPs prior to a vote. Governments might additionally try to lure parliamentary actors into a joint decision-making process by strategically manipulating legitimacy discourses. By framing their outstretched hand as a way to comply with demands of accountability, transparency and parliamentary debate, they not only seek to persuade parliamentary actors, but also make it difficult to reject their advances.

On a final note, the goal in developing this framework is to offer a heuristic device which explicitly pays attention to *both* executive and legislative motivations and strategies, ultimately leading to more balanced conclusions about the drivers of parliamentarisation. The relevance of this framework therefore goes beyond decision-making on military deployments, as it helps explaining parliamentarisation in the entire foreign and security policy domain.

III. Case studies: Belgium's military participation in Libya (2011) and Iraq (2014-)

We will test the plausibility of both hypotheses to the case of Belgium. More in particular, we will analyse two episodes of parliamentarisation, which are the prior parliamentary approval by the Belgian federal parliament for joining the interventions in Libya in 2011 and in Iraq in 2014. By doing so, we intend to identify the drivers and motivations behind prior parliamentary consultation in cases characterised by constitutionally weak legislatures. Belgium neatly fits within this category, as Article 167 of its Constitution holds that 'The King commands the armed forces, and determines the state of war and the cessation of hostilities', thereby giving the executive the prerogative of authorisation. The parliament is only to be informed after troop deployments, without further specification on when or how this notification should be translated in practice (Ruys 2009: 514). Belgium has therefore recurrently been listed at the lower end of classifications on parliamentary war powers (see for example Peters and Wagner 2011/2013; Dieterich *et al.* 2008; Dieterich *et al.* 2015). As a result, the Belgian parliament can be considered a parliament with formal ex-post consultation rights (cf. Table 1).

Contrary to these constitutional provisions, however, both the participation in the coalition's activities in Libya, and in the anti-ISIS coalition in Iraq, were brought to parliament for a prior vote of approval. In that sense, the power of the parliament was in both cases seemingly expanded towards prior approval. These two remarkable episodes of parliamentarisation, which were unique in the history of Belgium's military deployments, hence warrant explanation.² In the Libya case, the Belgian participation was authorised by quasi-unanimity on 18 March 2011, leading to the deployment of six F16 fighter jets, a marine minesweeper and approximately 200 military support personnel.³ On 26 September 2014, parliament approved the deployment of six F16 fighter jets and an additional 120 military

² To date, the Belgian parliament only three times casted a vote on a military deployment (Libya 2011, Mali 2013 and Iraq 2014). The Mali case, however, should not be seen as prior consultation (see conclusion).

³ Only one (independent) member of parliament abstained from voting, 125 members voted in favour.

support troops to Iraq. Although less broadly supported than the Libya intervention, only the extreme-left parties PVDA-PTB voted against and the green Ecolo-Groen fraction abstained. Both cases raise the question why parliament was involved in deciding upon coalition participation.

The presented analysis builds upon data originating from records of parliamentary debates and a set of elite interviews (Appendix). Our research goal and focus require that this includes interviews with both MPs (including majority and opposition members) and government officials that were actively involved in the analysed decision-making processes.

3.1 Libya (2011)

On 18 March 2011, the Belgian government decided to participate in a multi-state military intervention in Libya. The decision followed the morning after the United Nations Security Council (UNSC) adopted Resolution 1973, by which it authorised the international community to ‘take all necessary means’ to protect civilians, including enforcing a no-fly zone (S/RES/1973, Operational Paragraph 4 and 8).

At first sight, the decision to consult parliament by means of a majority-adopted resolution appeared to be motivated by the particular context of a resigning government, which was stripped of full governing powers.⁴ Relying on jurisprudence of the Council of State (the Supreme Administrative Court), constitutional experts argued that a decision to deploy a military intervention might not fall within the competences of such caretaker government (Velaers 2011; Van Steenberghe 2011) (Interview 6). Anticipating this, an explicit mandate from parliament was sought. To this end, on the day of the decision, the joint committee on Foreign Affairs and Defence voted in favour of a resolution which three days later was formally

⁴ The Leterme government was in a caretaker status, following the federal elections of 13 June 2010. The Di Rupo government took office in December 2011.

adopted during the parliament's plenary session. It called upon the government 'to actively engage in the implementation of the resolution of the UN Security Council', and 'therefore expresses its support for a participation of the Belgian government to actions corresponding to the UNSC mandate' (Doc 53 1308/003: 3).

This unique context created a window of opportunity for increased visibility and policy influence for parliament. Granting approval through a parliamentary resolution offered a chance to have a final say over the exact mandate of the mission (e.g. the specific commitments, time of deployment, duration), potentially limiting the leeway of the executive and curbing the risk of mission creep. Interviews with MPs confirmed the presence of this sense of opportunity. Moreover, several MPs stressed their belief that this prior consultation resulted in stronger control. For instance, a liberal MP argued that the parliament was able to pull the strings and to play a more proactive role, particularly because of the absence of pre-defined majority-opposition dynamics within parliament (Interview 7). During the joint committee of Foreign Affairs and Defense meeting, parliamentarians consistently highlighted how the caretaker status obliged the government to closely involve parliament for any future decision regarding the military mission. Some even claimed that a new tradition of prior parliamentary consultation was being installed (Interview 7). In doing so, strategies of rhetorical entrapment were explicitly employed by referring to countries where such practice is institutionalised. During the parliamentary debate, a green MP asked the foreign minister 'to go one step further' and 'to ask prior approval to Parliament for any foreign military intervention', referring to the observation that '[t]his is already happening in many other countries, but unfortunately our country lags behind' (CRIV 53 COM 162: 24). A socialist MP made a similar intervention, arguing that '[today's] decision is similar to the practice in the Netherlands (sic), Germany, France (sic) and the United Kingdom. My wish is to make it an established practice, and to change the Constitution in that regard' (CRIV 53 PLEN 024: 13).

However, indications that parliament also succeeded in imposing more prior control are limited. According to a Foreign Affairs cabinet aid, increased influence mostly materialised in post-hoc monitoring where ‘parliament indeed succeeded to exert more influence than usual, with regard to the aspect of debriefing’ (Interview 4). Closer scrutiny of the parliamentary resolution which authorised the military deployment shows that no strong *ex-ante* control mechanisms were imposed or enforced. Several sources even confirmed that the parliamentary resolution was in fact drafted at the Foreign Affairs department. Moreover, the government-drafted resolution was not substantially altered by MPs. Granted, a proposed amendment of socialist opposition party sp.a to ‘keep the parliament continuously involved, and to debate in case when changed circumstances alter the nature of the Belgian engagement [to the military intervention]’ was accepted and inserted (Doc 53 1308/003: 3). But however bold the paragraph may sound, it did not hold any legal or enforceable obligation towards the executive to seek *approval* (let alone on beforehand) for future changes.

The limited parliamentary influence on the resolution was partly due to parliament being a strong proponent of the intervention (see also Reykers & Fonck 2016). After all, the resolution to intervene was adopted with cross-party consensus and quasi-unanimity. This parliamentary eagerness to intervene was prompted by two factors. One was the international outrage regarding Qaddafi threatening Libyan citizens. The other was the opposition’s strong indignation over Belgium’s favourable vote to grant Libya a seat in the UN Human Rights Council, earlier in 2010. Awareness of these low costs of involving parliament were clearly present at both the Foreign Affairs and Defence cabinets, with cabinet aids admitting that they ‘made use of this atmosphere in parliament’. Government officials clearly realised that ‘(...) the reason [for quasi-unanimous support] was psychological: they finally felt heard as they were so opposed to Libya’ (Interview 3).

In addition to this favourable atmosphere within parliament, doubts can equally be casted on whether constitutional considerations were the prime, or only motivation for the government to consult parliament. It has repeatedly been mentioned, both in media accounts and scholarly analyses, that prior parliamentary approval was deemed necessary for constitutional reasons (Reykers and Fonck 2016). In that sense, parliamentary consultation was an act of risk aversion by the government, which did not want to find the legality of its decision being questioned by parliament or the Council of State. However, as the Belgian Constitution prescribes that the decision to intervene solely lies in the hands of (a full-powers) government, constitutional experts contested whether this decision could simply be taken away from the government. Parliamentary consultation by itself hence might *not* have resolved the problem of limited competences that were imposed on a caretaker government. Rather than reassuring constitutional legality per se, the decision should therefore primarily be seen as a way to overcome a democratic legitimacy gap (Van Steenberghe 2011: 533). Moreover, since the government had already resigned, the parliament in practice lacked the sanctioning powers that would allow for credible control on executive behaviour. This suggests that also legitimacy considerations, more than mere constitutional motivations guided this decision.

Interviews with various high-ranked government officials provide evidence thereof. Rather than a mere legal or constitutional discourse, a legitimacy discourse seemed predominant. One high-level Foreign Affairs official explicitly argued that ‘while many believe the decision to consult parliament was guided by the fact that we were a care-taker government, this is not true. The Belgian Constitution clearly says it is the government’s decision to declare war’ (Interview 1). Declarations by the Prime Minister and the Minister of Foreign Affairs during the parliamentary debate on 18 March further reflect this vision and show that the government, in fact, took the decision *before* seeking parliamentary approval. Prime Minister Leterme declared in parliament that ‘this morning, at 11 a.m., the Council of Ministers has

decided to participate to the military actions that will be undertaken to implement UNSC Resolution 1973', which means that the actual governmental decision was taken before the parliamentary debate, while the Foreign Minister added that 'we still have the chance to discuss the implications for our country' (CRIV 53 COM 162: 2-3). Interviews with aids at the Defence Cabinet confirm this sequence of events as well (Interview 2). Moreover, rhetoric reflected practice, as before the actual vote took place on 21 March, Belgian aircrafts had already entered the Libyan airspace. This illustrates how the government's decision was in fact already in the implementation phase (CRIV 53 PLEN 024: 36, 42; *De Standaard* 2011: 1).⁵ Equally illustrative is the response by Defense Minister De Crem during the joint committee meeting of 18 March to the question whether parliament would remain involved when taking future decisions. Although he committed to this, he added that 'this may not hamper the government and the commanding officers to take their responsibilities in line with the decision taken today' (CRIV 53 COM 162: 33).

The executive's discourse during the joint committee meeting on 18 March, as well as during the plenary sessions preceding (17 March) and following the government's decision (21 March) furthermore points primarily to legitimacy motivations. For instance, the Foreign Minister mentioned three conditions which would allow the Belgian government to participate in the Libya intervention: the action had to ensure the well-being of the Libyan people, it needed to have regional support, and it required UN Security Council authorisation. Yet he also added a fourth condition, which was 'ensuring sufficient backing from parliament (...) to further support the principled green light that was given by the government' (CRIV 53 COM 162: 5). 'At a moment when one considers military action (...) I want to have a sufficiently strong consensus and strong legitimacy [from Parliament]', he noted the day before the decision (CRIV 53 PLEN 023: 51). Interviews with key members of government additionally

⁵ Moreover, Leterme confirmed Belgium's participation at the Paris Summit on 19 March (Interview 8; CRIV 53 PLEN 024: 3).

confirm this reasoning, as it was stated that the search for a prior parliamentary approval ‘in this highly exceptional context’ was mainly inspired by ‘a concern about the internal legitimacy of the decision’ (Interview 10).

Interviews indicate that the government’s quest for ‘parliamentary legitimacy’ was largely inspired by risk aversion motivations. On the one hand, government officials mentioned that parliamentary legitimacy would add to the sustainability of the mission in case of incidents or casualties. On the other hand, the government also needed to reassure that a new incoming government would uphold the military commitments that were made. With these concerns in mind, it was mentioned that before making any formal decision, the Prime Minister even informally consulted party factions from the opposition ‘in order to avoid too much contestation and assure sufficient support’ (Interview 10). In other words, the executive undertook action to ensure that the cost of going to parliament, and hence the risk of not receiving full support, was as low as possible.

In short, by taking a strict parliamentary perspective, one would easily get the impression that the Libya crisis was a turning point in the Belgian executive prerogative over the decision to deploy armed forces. It might seem that parliament was able to exploit this window of opportunity created by the absence of a government in full power. Yet, adding an explicit executive perspective shows that the decision to consult parliament was mainly driven by legitimacy and constitutional concerns, both corresponding to risk aversion motivations within government. As parliament was strongly in favour of a forceful international response to Qaddafi’s atrocities, it primarily seemed pleased to be able to express its wide support during a debate, rather than to give its prior approval *per se*, which in reality did not occur.

3.2 Iraq (and Syria) (2014)

On 23 September 2014, a formal US-demand for participation in the international anti-ISIL coalition appeared on the Belgian government's agenda. In many respects, the context of the Iraq intervention was very similar to that of the Libya intervention. Coincidentally, the government again found itself in a caretaker status, prompting the same reaction to consult parliament on its decision to intervene.⁶

However, there were also clear differences with the Libya context. First, while at the time of the Libyan intervention there were no perspectives yet on a new government, in September 2014 the formation negotiations were in a final stage with a new government expected to be formed in the days to come. This clearly impacted on government-opposition dynamics in parliament. Contrary to the Libyan intervention, in September 2014 the dividing lines between government and opposition parties became much more unclear and irrelevant as the incumbent government needed to reassure that its decision would also be supported and carried out by the would-be majority parties of the new governing coalition, which was ready to assume office in a matter of days (Interviews 6 and 8, CRIV 54 PLEN 005). In the words of a cabinet aid, 'this was an essential difference with the decision-making context for the Libya intervention (...) This time, we needed an agreement between two coalitions', resulting in 'establishing parliamentary-wide consensus' (Interview 8).

Second, this time the parliament was successful in changing the mandate that was proposed by the executive. In cooperation with key negotiators of the prospective majority, the government organised informal discussions on a draft version of the parliamentary resolution. The talks involved both past *and* future coalition parties (i.e. seven in total) and reached out to the Groen-Ecolo fraction which remained in the opposition. Together with the outgoing (future opposition) socialists, the latter fraction succeeded in amending the mandate of the mission in four ways. The first amendment was to limit the mandate of the intervention to the Iraqi

⁶ The Federal elections of 25 May 2014 placed the Di Rupo government in a caretaker status until the newly formed Michel government took office mid-October.

territory, whereas the incoming government proposed to include Syria as well. Second, the socialists also opposed including any reference to ‘training, advising and assisting’ tasks as well as ‘special exploratory missions’ which would involve the deployment of special forces. Third, the resolution was updated by explicitly stipulating that the government was granted permission to participate in the intervention ‘for the duration of one month’. Finally, once the resolution was tabled for a vote in parliament, an amendment by the greens strengthened the safeguarding of human rights (Interviews 5, 6 and 8; CRIV 54 PLEN 005: 25-26, 28-29; Doc 54 0305/004: 4).

Parliamentarians of the opposition not only influenced the mandate, they also attempted to lock-in the government for future consultations. A green MP argued during a parliamentary discussion: ‘a stronger role of the Parliament would mean that we do not only ask the government to *involve* the Parliament when the military operation would change in terms of the nature, duration or territory [as it was stipulated in the accepted resolution], but to ask the government to let the Parliament *decide again* when the operation would change in terms of the nature, duration or territory’ (CRIV 54 PLEN 005: 34; own emphasis). A second attempt came when the government was seeking to broaden the mandate to the Syrian territory in early 2016. Instead of fighting the idea, the Christian-democratic opposition (cdH) tabled a resolution granting permission to the government, while at the same time referring to the ‘now established practice to involve the Chamber of Representatives, by way of a specific resolution, in order to *approve* the participation of Belgium to a military mission abroad’ (Doc 54 1577/001: 11).⁷ While the first amendment got rejected, the second proposal did not even make it to a vote.

The above shows that parliament this time indeed had clear influence on the mandate. Yet, it is not an indication in itself that prior consultation was driven by parliament. Again,

⁷ They further noted that it is ‘very normal (and above all democratic) that such decisions are discussed and approved by the Chamber’, citing the Resolution of 26 September 2014 as a precedent (Doc 54 1577/001: 7).

evidence rather points to an executive-driven process. Three observations are crucial in that regard. First, given the government's caretaker status, constitutional concerns were just as prevalent, pointing to risk aversion. The executive was also clearly wary about its international credibility and the internal sustainability of its decision: the outgoing government needed to reassure that the incoming government would endorse and further implement the military mission, hence the reach out to future coalition parliamentarians (Interview 8). Second, similar to the Libya case, the executive once again held the pen of the draft resolution, subsequently submitting it to parliament through its parliamentary representatives. Several sources confirmed that the text was drafted by cabinet aids of the Ministers of Defence (De Crem) and Foreign Affairs (Reynders) (Interview 2; *De Standaard* 2014: 4). And, third, fighter jets were again already on their way *before* the parliamentary resolution was put to vote, hence indicating the defence cabinet commanded the preparation of the military operation (CRIV 54 PLEN 005: 54-55).

What adds to the argumentation above is that neither for the extension of the mandate in October 2014, nor for the territorial expansion to Syria in January 2016, the now full-powers government consulted parliament. If parliamentarisation of Belgian military troop deployments was really parliamentary-driven, one could have equally expected a prior consultation or even approval for these decisions. Especially because the parliamentary resolution demanded the government to keep parliament involved at any future change of the duration, nature and territory of the operation. Yet, several members of government and cabinet officials highlighted that they did not consider themselves to be bound by the resolution, nor that its involvement in the past would have constituted a precedent for the future (Interview 9).

Conclusion and future research avenues

This article introduced a novel framework for identifying the motivations and strategies of both legislative and executive actors behind the parliamentarisation of war powers. We argued that the constitutional baseline of an executive prerogative on decisions regarding military deployments makes Belgium a typical case for explaining increased parliamentary involvement in situations of constitutionally weak legislatures. Analysis of the Belgian case demonstrates that the parliamentary approval of the decision to join the military coalitions in Libya and Iraq was not so much a process driven by a legislative yearn for influence, but rather a process driven by the executive's risk aversion and credibility motivations. Yet, the presence of caretaker governments also made both the Libya and Iraq episode somewhat exceptional, potentially raising questions about the generalisability of these findings.

Two remarkable episodes in Belgium's recent history of military deployments, however, furthermore confirm our argument that episodes of parliamentarisation in situations with a full powers government cannot be explained by solely looking at legislative motivations and strategies. First, there is the expansion of F16 activities in the anti-ISIL coalition to the Syrian territory. If parliamentarisation would really have been a parliamentary-driven phenomenon, one could have equally expected a prior consultation for these decisions, which did not occur. Second, also in the decision to join the French-led intervention in Mali in January 2013 was parliament extensively consulted, yet only *ex-post* (respecting constitutional provisions). Disentangling the chain of events shows that parliament was not in a position of approving or rejecting the intervention, but rather on its own initiative voted a resolution. By the time of notifying parliament, the government's Inner Cabinet had already taken the decision to intervene. In other words, this was not an episode of *prior* parliamentary *consultation* or *approval*, but rather an *ex-post* legitimisation of a decision that was already taken by the executive. Further indicative is that MPs (including majority members) failed to include in the parliamentary resolution a proposal to re-consult parliament in case of mandate extensions.

This adds to our conviction that prior parliamentary consultation in systems with constitutionally weak legislatures cannot be considered a pure legislative-driven phenomenon. Instead, studying the drivers of parliamentarisation requires explicitly focusing on both legislative and executive motivations and strategies to involve parliament.

Three avenues for future research can be identified from this study. First, to strengthen the external validity of our findings, the newly proposed framework should ideally also be applied to other countries. As has been hinted by Lagassé (2017), the case of Canada offers a promising research avenue in that regard. Similarly as to Belgium, the Canadian executive holds an exclusive prerogative to decide upon troop deployments, yet it nonetheless recurrently sought prior parliamentary approval for (prolonging) its military interventions in Afghanistan (2006) and Iraq (2014). Also these episodes of parliamentarisation seem to have been primarily driven by executive strategies, instead of by a legislative push for involvement (Hillmer and Lagassé 2016: 335; Lagassé 2017: 281). Apart from Canada, the UK is another likely candidate for future research in this regard (see Strong 2015; Mello 2017). Second, the presented Iraq case highlights the need to further explore the explanatory power of incumbency and majority-minority dynamics on the likelihood of re-designing parliamentary rules (cf. Binder 1997) in future studies on the parliamentarisation of foreign policy. It is indeed remarkable how Belgian opposition parties, pleading for an increased parliamentary say, once member of the government, decided to side-line parliament in future deployment decisions. Finally, we have introduced a framework that can serve as a heuristic device for future research into the drivers of parliamentarisation. We believe that this framework can equally serve a much wider research agenda, including explaining episodes of parliamentary consultation on national interest representation at international organisations, or at multilateral negotiations more in general. At the same time, our analysis also suggests that a differentiation between degrees or types of parliamentarisation is warranted. While both a formalised parliamentary ex-ante veto and a

mere consultation of parliament can fall under the umbrella of parliamentarisation, future research should do well in more explicitly distinguishing between these various types, as well as in studying reverse practices of de-parliamentarisation.

On a general note, more systematic analyses of legislative-executive bargains in the foreign policy domain will ultimately contribute to the closing of the gap between comparative politics and international relations.

Tables

Table 1. Parliamentarisation of foreign and security policy

low ↓ high	information-sharing	executive answers to questions of parliament
	ex-post consultation	executive informs parliament about a decision it has taken
	ex-ante consultation	executive consults parliament about a decision to be taken; no consent needed
	approval	executive requires the approval of parliament to take a decision

Table 2. Legislative and executive drivers of parliamentarisation of war powers

	Legislature	Executive
<i>Preferences/Motivations</i>	policy influence visibility	international credibility risk aversion
<i>Bargaining Strategies</i>	reward and retaliate rhetorical entrapment legal battles	party discipline strategic legitimacy

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Appendix – list of institutional documents, press articles and interviews

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Interview 5, Member of the Federal Parliament, Brussels, 06 July 2015.

Interview 6, Member of the Federal Parliament, Brussels, 07 July 2015.

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Interview 8, former Defence cabinet official, Brussels, 21 March 2016.

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