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FACULTEIT SOCIALE WETENSCHAPPEN

The Emergence of the European Parliament as a Diplomatic Mediator:

Conceptualising, Exploring and Explaining Parliamentary Diplomacy in EU Foreign Policy

Daan FONCK

Proefschrift aangeboden tot het verkrijgen van de graad van Doctor in de Sociale Wetenschappen

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List of Abbreviations

AA	Association Agreement
ACRE	Alliance of Conservatives and Reformists in Europe
AFET	European Parliament Committee on Foreign Affairs
ALDE	Alliance of Liberals and Democrats for Europe
CFSP	Common Foreign and Security Policy
CoP	Conference of Presidents of the European Parliament
CSDP	Common Security and Defence Policy
DEG	Democracy Support and Election Coordination Group
DEVE	European Parliament Committee on Development
DG DEVCO	Directorate-General for International Cooperation and Development
DG ECHO	Directorate-General for European Civil Protection and Humanitarian Aid Operations
DG EXPO	Directorate-General for External Policies of the Secretariat of the European Parliament
DG NEAR	Directorate-General for Neighbourhood and Enlargement Negotiations
DPA	Democratic Party of Albanians
DUI	Democratic Union for Integration
EaP	Eastern Partnership
EC	European Commission
EDP	European Democratic Party
EEAS	European External Action Service

EFA	European Free Alliance
EGP	European Green Party
EIDHR	European Instrument for Democracy and Human Rights
ENF	Europe of Nations and Freedom
ENP	European Neighbourhood Policy
EP	European Parliament
EPMM	European Parliament Monitoring Mission
EPMS	European Parliamentary Mediation Support Service/Unit
EPP	European People's Party
EPRS	European Parliamentary Research Service
EU	European Union
FAC	Foreign Affairs Council
GUE/NGL	Confederal Group of the European United Left – Nordic Green Left
HI	Historical Institutionalism
HR/VP	High Representative of the Union for Foreign Affairs and Security Policy
IGO	International Governmental Organisation
IPI	International Parliamentary Institution
IPU	Inter-Parliamentary Union
IR	International Relations
LT	Lisbon Treaty – Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community
MENF	Movement for a Europe of Nations and Freedom
MEP	Member of European Parliament

NGO	Non-Governmental Organisation
NI	Non-attached Members
NSA	Non-State Actor
OFA	Ohrid Framework Agreement
OLP	Ordinary Legislative Procedure
OPPD	Office for the Promotion of Parliamentary Democracy
PACE	Parliamentary Assembly of the Council of Europe
PEL	Party of the European Left
PES	Party of European Socialists
PGA	Parliamentarians for Global Action
PRISM	Prevention of conflicts, Rule of law/SSR, Integrated approach, Stabilisation and Mediation
RCHI	Rational-Choice Historical Institutionalism
RCI	Rational-Choice Institutionalism
RoP	Rules of Procedure of the European Parliament
S&D	Progressive Alliance of Socialists and Democrats
SAA	Stabilisation and Association Agreement
SAP	Stabilisation and Association Process
SDSM	Social Democratic Union of Macedonia
SG	Secretary General
SI	Sociological Institutionalism
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union

VMRO-DPMNE	Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity
VP/HR	*See* HR/VP

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Brussels, February 2019.

Introduction

> *The European Parliament (…) [s]tresses the important role of mediation and dialogue in preventing and resolving conflicts peacefully; (…) draws attention to Parliament's engagement to actively participate in election observation, mediation and democracy support; believes that Parliament's involvement in mediation processes (…) has demonstrated the important role parliamentarians can play in this field.*
>
> (European Parliament, 2014f, para 19)

The statement above, adopted by the European Parliament (EP, the Parliament) in its resolution on the European Union's (EU) Comprehensive Approach to Conflict and Crises[1], is reflective of both a rising ambition and a changing *modus operandi* of the EP in EU foreign policy. It is testimony to an evolution in which the Parliament has evolved from a mere bystander to a participant in conflict mediation in the EU's backyard, ranging from the Arab Spring, political upheaval in the eastern neighbourhood, to political stalemates in the Western Balkans (Chryssogelos, 2017; Cofelice, 2016; Nitoiu and Sus, 2017; Redei, 2019). This active 'diplomatic' role, thus far remaining an understudied and insufficiently comprehended phenomenon, forms the object of enquiry in this doctoral dissertation.

As a subfield of comparative politics, legislative studies generally associate parliamentary institutions with three core functions: legislating, representing, and controlling (Hermet et al., 2010: 212-213; Mezey, 1979). Precisely these three functions have also been assigned to the European Parliament in Article 14 of the Treaty on the European Union (TEU). Once a merely consultative body, the EP nowadays is tasked to '(…) jointly with the Council, exercise legislative and budgetary functions (…), functions of political control and consultation', and to represent the EU citizens (Art. 14 TEU, para. 1 and 2)[2] (cf. Judge and Earnshaw, 2008: 9-24; Ripoll Servent, 2018: 57-110).

[1] It was later on echoed by its resolution on the EU Global Strategy in which the EP stated that it is 'a key partner of the VP/HR in shaping the EU's external relations in addressing the current challenges' and that it 'should play its full role within EU efforts to prevent conflict' (European Parliament, 2016e: para 46 and 47).

[2] In addition, the Parliament is tasked to elect its own President, and the President of the European Commission.

For an institution which is essentially centred around the adoption of legislation and the scrutiny of its execution, a diplomatic function does therefore not figure in the usual laundry list of parliamentary activities. Moreover, in the field of foreign policy, the role of parliaments is considered to be more reduced (Raunio and Wagner, 2017), with diplomacy – the *execution* of foreign policy (Sofer, 1988) – being considered an executive prerogative. To the extent a parliamentary actor displays foreign agency, political science comparativists would therefore logically seek to ascribe this behaviour as being part of fulfilling one of the aforementioned constitutional functions. Indeed, parliamentarians often travel abroad, for instance as a preparatory step in the law making process, to represent the point of view of their citizens abroad, or in the capacity of fact-finding missions tasked to scrutinise the foreign policy of the executive.

However, what is studied here under the label of 'parliamentary diplomacy', goes *beyond* these constitutional parliamentary functions. In particular, this dissertation adopts a diplomatic perspective to study the role of parliamentary actors as *mediators* in third country conflicts. Building on Bercovitch et al. (1991: 8), mediation is defined as a particular diplomatic method to settle and resolve conflicts, 'where disputants seek the assistance of, or accept an offer of help from, an individual, group, state or organization to settle their conflict or resolve their differences without resorting to physical force or invoking the authority of the law'. Accordingly, parliamentary diplomacy is understood here as *the operational involvement of parliamentary actors in the prevention or resolution of an external conflict.* Parliamentary diplomacy in that way is placed side by side with what is termed in this research as 'executive diplomacy', which embodies the official diplomacy by the executive branch of governments or international organisations.

The broader context: parliamentary diplomacy in international relations

In recent years, parliamentary diplomacy has become the research theme for a small but growing group of scholars. While once being considered a euphemistic label for parliamentary tourism, the concept nowadays receives well-deserved academic recognition (e.g. Malamud and Stavridis, 2011; Raube et al., 2019; Stavridis and Jančić, 2016). As scholars of international relations become increasingly aware of the role that parliamentary actors play in global affairs, a growing literature is now invested in producing empirical works that study the activities of parliamentary diplomacy in concrete settings, as well as conceptual works that aim to conceptualise the behaviour of this particular type of non-state actor.

Overall, however, parliamentary diplomacy still remains a relatively invisible and understudied phenomenon, often overshadowed by the first track diplomacy of executive diplomats. While this study recognises parliamentary diplomacy as a process that is secondary to the diplomacy by executive actors, this dissertation seeks to demonstrate how it is often able to play a unique role in the prevention or resolution of conflicts in third countries and how it is capable of delivering things that traditional diplomats are not always able to deliver.

A few historical examples may help to illustrate this. At times in which official government-to-government relations are under strain, parliamentary diplomacy is able to serve as a useful 'back channel' for dialogue, in that way contributing to a thaw in relations. During the Cold War, for instance, parliamentary diplomacy between the United States and the Soviet Union laid the ground for concrete engagements on nuclear arms reduction. In 1986, the first interactions between the US Congress and the Soviet Union Duma took place following the initiatives of US Senator Tom Harkin and Icelandic member of parliament Olafur Grimmson. One year later, the informal parliamentary contacts opened the door for the famous 1987 Reagan-Gorbachev summit, which in turn gave birth to the Intermediate-Range Nuclear Forces Treaty (Parliamentarians for Global Action, n.d.). Similarly, in the aftermath of the 1982 Falklands War between the United Kingdom and Argentina, parliamentarians from both sides of the conflict re-established contact under the auspices of the Inter-Parliamentary Union (IPU). By holding several meetings between 1984 and 1986, parliamentary diplomacy was able to pave the way for a resumption of formal diplomatic relations between both countries in the years that followed (Beck, 2014: 96; Douglas, 1988: 54, 56; Rogers and Walters, 2015: 405).

Also *during* conflicts, parliamentary diplomacy may play a meaningful role. The Amani Forum, which brings together parliamentarians of eight East and Central African countries, played a pivotal role in putting to an end the Great African War that erupted in 1998. The parliamentarians not only organised dozens of hearings, they also issued several critical reports that were based on first-hand information retrieved from fact-finding missions. Eventually, the Amani Forum was able to initiate peace talks in 2005, which culminated in the International Conference on the Great Lakes Region of December 2006 adopting a binding peace agreement (Johnston, 2008: 204-206; Magliveras and Huliaras, 2016).

However, the image of parliamentary diplomacy is not always as rosy as depicted above. In 2012, the think tank European Stability Initiative exposed a scandal in which delegates from the Parliamentary Assembly of the Council of Europe (PACE) were being offered luxurious gifts by Azerbaijani government officials in exchange for adopting favourable positions with regard to the country's elections, human rights and rule of law record. The PACE's parliamentary diplomacy – dubbed 'caviar

diplomacy' – in that way not only undermined the credibility of the Council of Europe, but also the many foreign policies of the involved parliamentarians' home governments (ESI, 2012).

As diverse as the above examples may be, they illustrate that parliamentary diplomacy might mean something more than simply 'taking stock' or 'shaking hands'. The various initiatives, statements, negotiations or agreements it produces can have a profound impact on the 'official' diplomacy conducted by the executive branch of government, either complementing or going against their diplomatic policies. It is precisely this ambivalent inter-relationship between parliamentary and executive diplomacy that is focused upon in the current research.

The European context: the European Parliament as a diplomatic actor

This dissertation studies the parliamentary diplomacy of one specific actor, the European Parliament. Over the past decade, the EP has become involved as a mediator in the resolution of several external conflicts in the EU's backyard. Its behaviour as an autonomous foreign policy actor therefore triggers the same question on how the EP's diplomacy relates to the official diplomatic relations conducted by what I term as the EU's 'dual foreign policy executives', being the European External Action Service (EEAS) and the European Commission (EC). Two examples, which stand central to this study, illustrate this.

In 2012-2013, the European Parliament became involved in an attempt to defuse the EU-Ukraine stalemate with regard to negotiated Association Agreement (AA). With the detention of former Prime-Minister Yulia Tymoshenko, readiness to sign the agreement within several EU capitals strongly diluted, effectively resulting in a diplomatic deadlock. In this context, the Parliament intervened by deploying a monitoring mission which sought to establish a suitable climate for both sides to bridge their differences. While governmental relations between the EU, its member states, and Ukraine were under heavy strain, the EP's monitoring mission managed to assert itself as a credible diplomatic interlocutor towards the Ukrainian President, as well as between the Ukrainian government and opposition parties, in that way mediating the crisis on two fronts. In the end, the Parliament positioned itself as the actor entitled to judge whether conditions that would allow a signing of the AA had been met by the Ukrainian government.

In 2015, in the aftermath of a major political scandal in Macedonia[3], European Commissioner for EU Enlargement Johannes Hahn requested the assistance of the European Parliament in seeking to resolve a grim inter-party dispute between the country's government and opposition parties. It resulted in a joint EP-Commission mediation effort, in which three MEPs enabled to restore inter-party dialogue. When the talks evolved into genuine negotiations, the MEPs' intervention proved to be crucial in dragging all parties over the line to sign the so-called 'Pržino-agreements' of June/July 2015.

In sum, the unconventional phenomenon of parliamentary diplomacy triggers some puzzling questions, such as: where does the diplomatic behaviour of parliamentary actors stem from? How does parliamentary diplomacy take shape in practice? How does it differ from traditional 'executive' diplomacy, and how does it relate to the overarching diplomacy by the executive? Do parliamentary diplomats rely on the support or even the permission of governmental agents – or do they seek to distance themselves? Do their actions duplicate or complement those of executive actors? And how does such cooperation or competition take shape concretely?

Scope and aims of the dissertation

This dissertation provides some answers to the questions above by studying the development of diplomatic mediation practices of the European Parliament. Three general parameters contextualise and demarcate the research focus. First, the study employs a broad and differentiated understanding of (EU) *mediation*, which, following Bergmann et al., 'captures the wide variety of activities that the EU is conducting in [this field]' (2018: 163). The authors thereby refer to the EU's guiding concept on mediation and dialogue, which distinguishes between mediation, facilitation and dialogue activities, 'as distinct but closely related and complementary tools for dealing with conflicts and crises' (Council of the EU, 2009a: 3). This research on the EP as a diplomatic mediator shares a similar understanding on mediation. This first and foremost includes the direct involvement of EP actors as (lead) mediators in conflict resolution. In addition, it also may take place through efforts aimed at facilitating mediation by means of leveraging financial, legal and/or political resources to have an effect on the conflicting parties. Or, finally, it is manifested in the form of political dialogue which seeks to install a conducive environment between conflicting parties, in turn contributing to conflict resolution (ibid.: 3-6).

[3] Previously known as the Former Yugoslav Republic of Macedonia (1993-2019) and since January 2019 under the constitutional name of North Macedonia.

Second, the dissertation is focused on the diplomatic mediation of *intra-state conflicts*, i.e. conflicts 'between or among two or more groups within the internationally recognized territory of the state' (Sarkees et al., 2003: 59). While the resolution of inter-state conflicts is not per definition excluded as a sphere of action, the EP's diplomacy is assumed to be most outspoken in intra-state conflicts, and particularly government-opposition inspired disputes between political parties. This assumption stems from the Parliament's strong internal experience in fostering inter-party dialogue and consensus among its main political groups. The EP distinguishes itself from many other parliaments as it operates in absence of a fixed parliamentary majority and this while 'no party group has ever held an absolute majority of the seats' (Kreppel, 2002: 8). Therefore, political groups find themselves in a constant effort to build varying coalitions, and thus to 'co-operate (…) with the greater goal of advancing the EP's stature and power' (Ladrech, 1996: 295; cf. also Kreppel and Tsebelis, 1999: 936). In that sense, intra-state conflicts between government and opposition parties in third countries make a role for the European Parliament particularly relevant, not merely because of its own party-based composition, but also given its particular strong internal culture of cross-party consensus building.

Third, the *geographical* focus of this research is oriented at the EU neighbourhood and (potential) enlargement candidate countries. I argue these regions constitute the natural geographical sphere of action for EP diplomacy, and this in two main ways. On the one hand, through the main European party federations as umbrella organisations, constituent political groups in the European Parliament are able to capitalise on a pan-European network of party relations that extends to the EU's neighbourhood and enlargement regions (cf. Appendix 5). From the point of view of the European Parliament, such network not only supplies channels for communication, but equally provides tangible levers to pursue diplomacy as they are power-tools to exert pressure on counterparts.

On the other hand, the EU maintains strong relations with (potential) enlargement candidates and countries of the EU neighbourhood (Nitoiu, 2016). The various contractual relations that have developed under both programmatic policies (i.e. Partnership and Cooperation Agreements, Stabilisation and Association Agreements and Association Agreements) have not only established formal parliament-to-parliament cooperation frameworks in the form of 'Parliamentary Cooperation Committees' or 'Parliamentary Association Committees', they also provide a crucial legal basis for the Parliament as ratifying, consenting, consulted or reporting institution to justify their presence in the region.

Having determined the overall scope and focus of the dissertation, I formulate two research goals that guide the relevant parts of this dissertation.

Research Goal 1: conceptualising and exploring the EP as a transnational diplomatic actor

As a first step, I aim to theorise and to conceptualise the role of the European Parliament as a diplomatic actor, guided by a first overarching research question:

RQ$_1$: What is the role of the European Parliament as a diplomatic actor in the EU's foreign policy?

Answering this question begins with examining how parliamentary institutions in their capacity as diplomatic actors relate to the executive branch of government. In revisiting the literature on parliamentary diplomacy, I will argue that existing work fails to go beyond actor-centric and practice-oriented approaches. Moreover, the scholarship falls short of providing frameworks of analysis that take into account the broader political-institutional framework in which parliamentary diplomats operate. This lack of concrete tools to study the legislative-executive[4] role constellation in diplomatic policy-making is problematic, given the intrinsic linkage between parliamentary and executive actors within a single system of government.

In order to address these shortcomings, I take a step back from EU studies and build instead on the wider literature of transnationalism in order to conceptualise the EP as a diplomatic actor, and to theorise legislative-executive relations in diplomacy. First, relying on transnational perspectives on non-state actor behaviour, I conceptualise the EP as a transnational actor capable of pursuing autonomous diplomatic behaviour through cross-border agency by its President, its elected representatives, its bureaucracy, as well as through its adjacent European party federations.

In so doing, it is argued that an exhaustive appraisal of the European Parliament in EU foreign policy must overcome the 'prism of parliamentarisation' imposed by comparative politics approaches. According to the latter, the role of parliaments in foreign policy is essentially gauged in terms of the influence they have on the executive's foreign policy. Instead, taking into account the specificity of the EU's political system, where the EP's structural independence from executive branches allows for the development of an autonomous foreign policy, a different, transnational, perspective is proposed that is better able to recognise for the Parliament's diplomatic behaviour.

Second, building on transnationalism's central principle of interdependence, I construct an analytical framework to study transnational parliamentary diplomacy as a cooperative and competitive phenomenon with regard to the EU's dual executive. I explain how both modes of parliamentary

[4] The term 'legislative' is understood here as referring to the 'legislative branch' or 'parliament', and hence does not refer a more narrow interpretation of activities of law-making.

diplomacy are structured by the possession of essential diplomatic resources, and how that affects their relationship towards the executive. This framework is subsequently illustrated in the second, explorative, part of the dissertation where two in-depth case-studies of the EP's parliamentary diplomacy are analysed. In that way, they allow for gaining a better understanding of how the EP's diplomacy and its relation to executive diplomacy operates in these differing contexts. Concretely, the two cases analysed are the EP's Cox-Kwaśniewski Monitoring Mission and the Ukrainian crisis (2012-2013), and the EP's involvement in the EU mediation of the Macedonian political crisis (2015–2017).

While the main ambition of this research goal is thus oriented at better grasping the *inter-institutional role constellation* between the Parliament and the EU's dual foreign policy executives in the making of EU foreign policy, it equally touches upon the *operational role* of the Parliament as a diplomatic actor on the ground by showing how it may play a distinctive role in conflict mediation.

Research Goal 2: explaining the institutionalisation of the EP's diplomacy

With the first two parts of the dissertation providing the necessary conceptual tools to grasp and analyse the EP's parliamentary diplomacy, the third part of the dissertation turns from *describing* how parliamentary diplomacy operates to *explaining* the very manifestation of parliamentary diplomacy as a recurrent practice in EU foreign policy over time. In doing so, this final part addresses the discrepancy between the formally prescribed diplomatic prerogative of the EU's executive actors (i.e. the Council/EEAS, and the European Commission) as stipulated by the EU treaties, and an empirically observed diplomatic agency of the EP. The EP's diplomacy is hence considered as an instance of *informal* institution building by or between EU actors. In this way, I aim to provide an answer to the second research question of this dissertation:

RQ_2:	How can the informal institutionalisation of the EP's diplomatic practices in EU foreign policy since the Treaty of Lisbon be explained?

In answering this question, I will build further on the conceptual tools of the analytical framework presented and explored in the first two parts, in order to construct a causal explanation for the institutionalisation of the EP's parliamentary diplomacy over time. As the research now moves from an exploratory to an explanatory phase, I will additionally draw on institutional theory to hypothesise and test how cooperative or competitive modes of parliamentary diplomacy may shape the proliferation of the EP's diplomatic mediation as a recurrent practice in EU foreign policy.

In particular, based on the presented cooperative and competitive modes of parliamentary diplomacy, I derive two causal pathways that hypothesise how parliamentary diplomacy takes shape as an informal institution in EU foreign policy. These pathways follow a problem-solving and power-assertive logic, based on functionalist and distributive sub-approaches to rational-choice historical institutionalism (RCHI).

Empirically, I will provide a within case study of the institutionalisation of parliamentary diplomacy in EU foreign policy by applying a process-tracing analysis in two main steps. In a first step I will undertake a detailed analysis of all episodes of diplomatic mediation by the EP from the 7th European Parliament (2009-) onwards, with a specific focus on verifying for the presence of the causal parts that are considered to underpin both functionalist and distributive pathways of institutional change. The second step is concentrated on establishing the presence of the actual outcome, that is on studying the traces the EP's diplomatic behaviour has left behind in the form of institutional adjustments both within the EP, as well as between the EP and the EU executive actors.

Contribution to the literature

As a whole, the dissertation intends to make theoretical, empirical, and policy contributions. Theoretically, I take the study of parliamentary diplomacy further in two ways. First, the use of transnational perspectives allows for shaping ontological clarity with regard to how parliamentary actors as diplomatic actors interact with their environment. Moreover, the analytical framework of part one not only provides for a useful research tool that allows for travelling over cases of parliamentary diplomacy beyond that of the European Parliament, but it is equally amenable for application to other types of non-state actors. The second addition lies in the use of institutionalist approaches to explain how and why the EP's diplomatic practices have proliferated throughout the last decade. Here, the main contribution lies in expanding the application of theories of EU informal institution building from their conventional focus on inter-institutional policy-making (and in particular legislative decision-making), to the implementation of policies, namely to EU foreign policy implementation.

This dissertation also widens the empirical basis for studying the EP as diplomatic actor, as it provides for a first encompassing and detailed mapping of the EP's diplomatic activities since the Treaty of Lisbon. As will be further set out in the first chapter, it draws upon a vast amount of own-gathered data, which includes 59 elite-interviews with EU officials and their counterparts, 672 institutional records and 268 news reports. As such, the documenting of the EP's diplomatic track record could also be of relevance for other research objectives.

Finally, the topic of this research is a timely one in terms of its policy relevance. This research takes stock of a decade long process in which the Parliament has incrementally asserted itself as a diplomatic player in the EU's foreign policy. Against the background of an expanding political mandate and growing bureaucratic support structures *within* the Parliament, the pressing question arises what the finality of the EP's diplomatic agenda is. Related, since these activities are not recognised by the EU treaties, yet do touch upon the competences of the other institutional actors, one could question what the inter-institutional repercussions of these developments are. This thesis will reflect on such issues or concerns by touching upon the legitimacy, coherence and relevance of the EP's diplomatic agency.

Plan of the dissertation

In line with the research goals outlined above, this dissertation has three main parts: 'Conceptualising the European Parliament's Diplomacy', 'Exploring the European Parliament's Diplomacy' and 'Explaining the Informal Institutionalisation of the European Parliament's Diplomacy'. In total, it consists of seven chapters and a final conclusion.

Part one begins with an introductory chapter (**Chapter 1**) which presents the theoretical foundations, the case-selection strategies, the methodology and data collection that guide and underpin the entire research process. Revisiting the existing literature on parliamentary diplomacy, it is argued that the current scholarship does not go beyond actor-centric and practice-oriented approaches. I therefore propose to bridge current studies with transnationalism in order to theoretically infuse the literature and to use a transnational approach as the general theoretical framework that encompasses this research. The chapter also introduces the rational-choice historical institutionalist (RCHI) approach as the explanatory component of the research, that will be further operationalised in the third part of the dissertation.

Chapter 2 conceptualises the European Parliament as a transnational diplomatic actor. It starts with locating the role of the European Parliament in the EU's foreign policy architecture, both concerning its formal powers, as well as in terms of its scholarly analysis. In order to recognise for the Parliament's autonomous international agency, I rely on transnationalism to theorise the legislative-executive role constellation in parliamentary diplomacy. Following this, an analytical framework is designed to study the EP's transnational parliamentary diplomacy as a cooperative and competitive phenomenon respectively. Finally, the chapter concludes by analytically distinguishing the different layers that constitute the EP's cross-border agency.

This is followed by **Chapters 3-4**, which are the empirical chapters of the second, exploratory, part. Respectively, they provide an in-depth analysis of how the EP's diplomacy is conducted as a cooperative and competitive activity, thereby illustrating the conceptual and analytical tools of Chapter 2. In particular, the research builds on two main case-studies that explore in depth the EP's diplomatic ventures under two different legislative-executive constellations. First, I study the EP's so-called Cox-Kwaśniewski mission in Ukraine (2012-2013). Initially launched to observe a single court hearing against the imprisoned former Ukrainian Prime Minister Tymoshenko, the EP's 'monitoring mission' evolved into a fully-fledged mediation mission that developed in a rather autonomous and competitive fashion with regard to EU executive diplomacy. The second case-study, the EP's mediation of the Macedonian political crisis (2015-2017) is of a completely different nature. From early on, the mission was set up as a joint legislative-executive undertaking, and therefore characterised by a high degree of cooperation and coordination between the Parliament and the Commission/EEAS.

Part three of the dissertation starts with **Chapter 5**, which further develops the explanatory component of the research. Building on the insights of the two previous parts, I draw on theories of institutional change to provide an explanation for *how* the institutionalisation of the EP's diplomatic practices in EU foreign policy came about. The chapter operationalises the proposed RCHI approach by proposing two sets of hypotheses and by crafting a corresponding causal mechanism that might explain the institutionalisation of the EP's diplomacy as a recurrent practice in EU foreign policy.

Chapters 6-7 are the empirical chapters of part three, where I put the above causal pathways to test. **Chapter 6** is concerned with analysing all seven 'episodes' of diplomatic involvement by the Parliament in Albania (2009-2010; 2014; 2017), Ukraine (2012-2013), Azerbaijan (2015), and Macedonia (2013; 2015-2017). For all these interventions, I analyse the inter-institutional context surrounding the launch of the EP's diplomacy, as well as its further development and subsequent termination. **Chapter 7** focuses on retracing patterns of institutionalisation within the Parliament as well as in relation to the EEAS and European Commission. Thus, apart from the institutionalising learning effects provided by the above mentioned recurrent episodes of parliamentary diplomacy, I equally consider how these have led to institutional adjustments both within the EP, as well as between the EP and the other EU foreign policy executive actors.

The final **conclusion** summarises the overall findings in order two provide an answer to the two central research questions. It reflects on the theoretical, empirical and policy implications of the research, while sketching out future avenues for research.

Table 0.1 presents the overall structure of the dissertation. Given that some of the above discussed elements of the dissertation have already been published, Table 0.2 provides an overview of these publications and shows how they (partly) correspond with some of the chapters in this monograph.

Table 0.1 – Structure of the dissertation

<table>
<tr><td rowspan="5">RQ1: What is the role of the European Parliament as a diplomatic actor in the EU's foreign policy?</td><td rowspan="2">Part one: Conceptualising the European Parliament's Diplomacy</td><td>Chapter 1 – Theoretical Foundations, Methodology and Case-selection</td></tr>
<tr><td>Chapter 2 – The European Parliament as a Transnational Diplomatic Actor</td></tr>
<tr><td rowspan="2">Part two: Exploring the European Parliament's Diplomacy</td><td>Chapter 3 – Competitive Parliamentary Diplomacy: The Cox Kwaśniewski Monitoring Mission in Ukraine (2012-13)</td></tr>
<tr><td>Chapter 4 – Cooperative Diplomacy: The EU's Mediation of the Macedonian Political Crisis (2015-17)</td></tr>
<tr><td rowspan="3">RQ2: How can the informal institutionalisation of the EP's diplomatic practices in EU foreign policy since the Treaty of Lisbon be explained?</td><td rowspan="3">Part three: Explaining the European Parliament's Diplomacy</td><td>Chapter 5 – The EP's Diplomacy as an Informal Institution in EU Foreign Policy</td></tr>
<tr><td>Chapter 6 – Analysing Episodes of Diplomatic Mediation Since the 7th European Parliament</td></tr>
<tr><td>Chapter 7 – Retracing Patterns of Informal Institutionalisation</td></tr>
</table>

Table 0.2 – Overview of publications

Bibliographic reference	**Corresponding Chapter(s)**
Fonck, D., and Raube, K. (2019). Bringing Transnationalism (Once Again) Back In – Insights for the Parliamentary Dimension of European Foreign Policy. In K. Raube, M. M. Bac, & J. Wouters (Eds.), *Parliamentary Cooperation and Diplomacy in EU External Relations*. Cheltenham: Edward Elgar.	Chapter 2
Fonck, D. (2018). Parliamentary Diplomacy and Legislative-Executive Relations in EU Foreign Policy: Studying the European Parliament's Mediation of the Macedonian Political Crisis (2015-2017). *JCMS: Journal of Common Market Studies,* 56(6): 1305-1322.	Chapters 2, 4, 6
Fonck, D. (2019). Servants or Rivals? Uncovering the Drivers and Logics of the European Parliament's Diplomacy during the Ukrainian Crisis. In K. Raube, M. M. Bac, & J. Wouters (Eds.), *Parliamentary Cooperation and Diplomacy in EU External Relations*. Cheltenham: Edward Elgar.	Chapters 3, 6
Fonck D. The Rise of the European Parliament as a Conflict Mediator: Informal Institution Building in EU Foreign Policy. *Under Review*.	Chapters 5, 6, 7

Part I

Conceptualising the European Parliament's Diplomacy

Chapter 1 Theoretical foundations, Methodology and Case-selection

This chapter introduces the theoretical approaches that underlie this research. I will show how they will be employed to answer both research questions, as well as how they have informed the choice of methodology and the case-selection strategies. At this stage, it is important to restate the different ambitions of both research questions, namely those of *conceptualising* and *explaining* parliamentary diplomacy. As the general encompassing theoretical approach of this research, transnationalism will be employed as a descriptive theory to capture 'the nature of the beast' under study. It supplies the burgeoning literature of parliamentary diplomacy with some necessary concepts and classification schemes to better capture and grasp the nature of the phenomenon that is studied, and this with the intention of analysing parliamentary diplomacy in a broader political-institutional context. In that way, it also serves as a prerequisite for further analysis by providing explanatory approaches with some necessary concepts and vocabulary (cf. Jørgensen, 2015: 81; Wiener and Diez, 2009: 18).

Indeed, the conceptualisation of the first part, as further explored in the second part, lays the groundwork for the explanatory approach of the third part of the dissertation. Being equipped with the right tools for analysis, this final part goes a step further and seeks to explain why and how the European Parliament's diplomatic practices have proliferated over the last decade. For this effort, institutionalist theory is additionally relied upon to formulate and test causal pathways to institutionalisation. This chapter therefore revisits theories of institutional change, and presents its rational-choice historical institutionalist variant that will be further operationalised in the final part of the dissertation.

The different research ambitions have also an impact on the methodologies that are applied. For the first research question, congruence analysis is used as a theory-centric methodology where the emphasis lies on intensively reflecting upon the links between empirical observations and theoretical concepts. For the second research question, the explanatory assignment brings me to applying a case-centric approach by means of causal process-tracing, which is focused on studying the links between every relevant empirical observation that might explain the functioning of a presumed causal process.

1.1 Theoretical foundations

1.1.1 Conceptualising parliamentary diplomacy: a transnational approach

Parliamentary diplomacy can be studied by employing different research lenses. Most evidently, it can be approached from a comparative politics perspective as an essentially 'parliamentary phenomenon'. In doing so, one enters the domain of legislative studies, which studies parliamentary behaviour such as law-making, deliberation, representation, or executive oversight (Martin et al., 2014). Following a legislative studies perspective, however, the conduct of foreign policy is seen as the *domaine réservé* of the executive branch of government (Born and Hänggi, 2004; Hill, 2003: 255-256; Raunio and Wagner, 2017), which renders such approach unable to recognise for the meaning and implications of autonomous international agency by parliamentary actors. Put differently, to the extent a parliamentary actor displays foreign agency, this behaviour is logically brought back to one of these four aforementioned constitutional functions. What is studied here, however, goes beyond these constitutive parliamentary functions. I therefore argue a comparative politics perspective is unable to provide a satisfactory answer as to why parliamentary actors are getting directly involved in the mediation of foreign conflicts.

Alternatively, parliamentary diplomacy could be approached as a 'diplomatic phenomenon'. That is, as a novelty in international relations, joining the stream of studies on 'new actors' in international relations that have challenged the statist paradigms in the IR discipline throughout the last four decades (Cooper and Hocking, 2004; Langhorne, 2005; Murray, 2008; Sending et al., 2011). This dissertation joins this second approach, by adopting a diplomatic perspective to study the role of parliamentary actors in international relations. Before further unpacking the theoretical approach, however, I first provide a review of the literature on parliamentary diplomacy, which allows me to argue why its fertilisation with transnational perspectives could help the field of study further in providing much-needed ontological clarity and analytical rigour.

1.1.1.1 Parliamentary diplomacy and the 'new diplomacy' literature: overcoming conceptual fuzziness and actor-centricity

> [T]here is no need of reinventing diplomacy every few decades, with a succession of one "new diplomacy" after another. The basic ingredients are as old as the hills, although differences in their "mix" result in different types of diplomacy. If a diplomacy emerges that appears different from that of the recent past, it would be risky to call it "new" or "modern," for it is likely to be best a reincarnation of an earlier type.
>
> (Simpson, 1987: 5)

In recent years, the study of parliamentary diplomacy has become a research theme for a rather small, yet growing group of scholars. Indicative of its increased prominence is a special issue published in the *The Hague Journal of Diplomacy* (edited by Stavridis and Jančić, 2016). In their introductory article, the editors rightfully assert that, while once being highly contested, the concept of parliamentary diplomacy is finally receiving well-deserved academic recognition (ibid.: 5). Building on earlier work of Stavridis (2002) and Weisglas and de Boer (2007), the issue's contributions make a first serious attempt to synthesise some essential characteristics of parliamentary diplomacy, laying groundwork for further academic research on the topic.

Overall, however, the literature on parliamentary diplomacy is still in its infancy, being characterised by explorative and descriptive accounts. On the one hand, a handful of mapping exercises have attempted to classify its various forms, purposes or instruments (e.g. Fiott, 2011, 2015; Jančić, 2014a; Malamud and Stavridis, 2011; Stavridis, 2002). On the other, an increasing number of empirical case studies have analysed the diplomatic involvement of parliamentary actors in concrete settings or crises (e.g. Cutler, 2006; Nitoiu and Sus, 2017; Redei, 2015; Šabič, 2016).[5]

When scanning through the existing literature, it appears as if, echoing Bajtay (2015b: 10), 'there is no overall agreement on what the scope and content parliamentary diplomacy entails'. Definitions or typologies tend to differ strongly in identifying its main actors, forms, functions and the scope of activities. Moreover, these 'essential characteristics' often appear to follow from empirical observations, rather than from theoretical considerations. To give a few examples, while Jančić argues that in the case of the European Parliament, parliamentary diplomacy 'encompasses both the EP's international relations per se and its intra-EU activity concerning world affairs', Squarcialupi (2000: 4) maintains a much more restricted view according to which parliamentary diplomacy is limited to cross-border institutional links between legislators. Discussing its activities, Malamud and Stavridis name 'involvement in situations of conflict and human right violations', 'electoral monitoring', 'friendship

[5] For a more expanded list of case studies, see the edited volumes of Stavridis and Jančić (2017) and Raube et al. (2019).

groups', and 'acting as moral tribunes' (Malamud and Stavridis, 2011), while the Inter-Parliamentary Union lists no less than fourteen distinctive types of activities of parliamentary diplomacy (IPU, 2005: 8). Pinning down its functions, Stavridis and Jančić argue these are twofold, namely to act as 'moral tribunes' and to 'provid[e] legitimacy of regional and global governance', whereas Weisglas and de Boer, however, also name functions such as 'increasing mutual understanding between countries', or 'improving the control of governments and the representation of a people'. Further adding to confusion is the conflation of 'functions', 'activities' or 'forms' of parliamentary diplomacy throughout different studies. In sum, the inconsistencies and the fuzziness surrounding the concept of parliamentary diplomacy impact negatively on the lucidity of concepts, the generalisability of findings, and the construction of analytical frameworks.

More fundamentally, I argue that the parliamentary diplomacy scholarship shares some of the shortcomings identified within the broader 'new diplomacy' literature, which studies the diplomacy of other actors than the state. Following scholars such as Jönsson and Hall (2005), Murray (2008), Pouliot and Cornut (2015) or Sending et al. (2011; 2015) these shortcomings can be summarised into two main points. First, the literature is strongly influenced by practitioners' perspectives to the extent that it tends to define diplomacy in a prescriptive, anecdotal or value-laden fashion, based on experiences or self-understandings of the phenomenon, rather than proposing concepts that offer distance and clarity to analyse and explain diplomatic behaviour (Eban, 1983: 366; 384-385; Jönsson and Hall, 2005: 2; Sending et al., 2011). In this context, a distinction has been made between defining diplomacy as a 'category of praxis', and diplomacy as a 'category of analysis', with the former being the codification of what is 'recognizable at the level of action', while the latter offers 'a conceptual building block of a theoretical system', requiring a level of abstraction (Pouliot and Cornut, 2015: 299; Sending et al., 2011, 2015).

It is indeed striking how the literature on parliamentary diplomacy is rife with such practice-oriented definitions, where accounts of practitioners circulate as standard works on the topic. Most prominently cited are definitions by parliamentary representatives or officials such as by Weisglas and de Boer (2007), Squarcialupi (2000), or Hamilton (2010), whose concepts offer a laundry list of tasks, functions or goals of parliamentary diplomacy.[6] While there is nothing inherently problematic in relying on practitioners' views, the point Sending et al. make is that these concepts often miss analytical purchase, as they fail to make reference to 'the broader political-institutional framework' within which – in this case, parliamentary – diplomats operate (Sending et al., 2011: 533).

[6] See for instance the many definitions by practitioners that inform the conceptual article of Stavridis and Jančić (2016).

Second, the new diplomacy literature maintains an actor-centric focus, which often boils down to what Sending et al. (2011: 534) label as an exercise of 'explanation by naming': new type of diplomatic actors are defined, and subsequently analysed 'with a view to demonstrating their ability to shape policy outcomes and state interests'. This results in a proliferation of 'new' types of diplomacy studies, simply through 'adding a prefix', such as paradiplomacy, sports diplomacy, celebrity diplomacy, NGO diplomacy, and so on (e.g. Constantinou et al., 2016: 435-665). This has two repercussions. On the one hand, it risks obscuring the continuity and universality of diplomacy as an essential practice of 'mediating estrangement' (Der Derian, 1987), which is a response to 'living separately and wanting to do so, while having to conduct relations with others' (Sharp, 1999: 51). On the other, it also leads to an impression that traditional (state) and new (non-state) diplomatic actors are 'viewed as inhabiting different environments, working to different rule-books and occupying very different positions on the scale of importance in world politics' (…), and therefore exist 'in two solitudes with little or no interaction between their worlds' (Cooper and Hocking, 2000: 361). As a result, little is known about 'the relationship among different types of actors, and the relations of power at work between these' (Sending et al., 2011: 534).

Again, this second shortcoming corresponds to deficiencies currently present in the parliamentary diplomacy literature, which is invested in actor-centric or *sui generis* approaches, while refraining from studying the determinants of its interrelationship between parliamentary diplomats and the executive or other actors. Definitions or typologies do not offer any concrete answers as to how parliamentary actors relate to governmental actors in their conduct of diplomacy, a crucial question given the intrinsic linkage between parliamentary and executive actors within a single system of government. Do parliamentary diplomats rely on the support or even the permission of governmental agents – or do they seek to distance themselves from them? Do they seek to collaborate or to compete with executive diplomacy; and do their actions duplicate or complement those of executive actors? Do they seek to amend the practice of diplomacy in some way, and on what kind of authority do they rely?[7] In short, the relationship of parliamentary diplomacy to the 'macro-diplomacy' of the executive remains unclear.

As a result, the new diplomacy scholarship is often said to be 'particularly resistant to theory' (Der Derian, 1987: 91) (see also Eban, 1983: 384-385; Jönsson and Hall, 2005: 1-23; Sofer, 1988: 196). In this context, it is remarkable that it has so little engaged with parallel developments in International Relations theory, such as transnationalism or global governance studies; while these equally try to make

[7] These unresolved questions are recognised by Weisglas and de Boer who conclude their article with a call for studying 'the relationship, if any, (…) between governmental and parliamentary diplomacy'. More particularly, the authors have suggested exploring 'whether these can in fact act complementarily or whether in some cases this would endanger the role or effectiveness of either' (2007: 98).

sense of the increased role and power of non-state actors (NSAs) in global politics (Cooper et al., 2008a; Sending et al., 2011: 533). Taking the advice of Sending et al. to heart, this dissertation will make a first attempt to engage in a theory-driven exercise of studying parliamentary diplomacy, by relying on insights from transnationalism.

1.1.1.2 Transnational perspectives on non-state actor diplomacy

This dissertation argues that a transnational approach, transgressing the domestic-international dichotomy of traditional IR studies, provides an appropriate ontological perspective for studying parliamentary diplomacy. The current section introduces transnationalism's key tenets, and demonstrates how they can be applied to study the diplomacy of parliamentary actors, as well as that of other non-state actors.

The notion of transnationalism lives many lives within the social sciences. It became most known from being introduced to International Relations theory by Nye and Keohane in the 1970s, by defining transnational relations as 'regular interactions across national boundaries when at least one actor is a non-state agent or does not operate on behalf of a national government or an intergovernmental organization' (Nye and Keohane, 1971b: 332).[8] Although the idea of transnationalism was not a new one, its entry into IR helped to understand relations between states and societies beyond the governmental level. It forced researchers to rethink which factors determined governments to take action, in view of the interdependence of states based on 'border crossing interactions', such as those in economic trade. Crucially, it also opened a new perspective on the role of NSAs such as NGOs and civil society organisations as autonomous actors and norm-setters in international relations (Risse-Kappen, 1997a).

The transnational school in IR in that way offered an alternative to the classical (neo-)realist and liberal understandings according to which states are the fundamental actors in world politics, therefore reducing its study to interstate or intergovernmental relations (Mansbach and Vasquez, 1981: 6). Instead, the school adopts a 'mixed actor' view of world politics (Rosenau, 1990; Young, 1972) in which both state and 'sovereignty-free' (Rosenau, 1990: 36) NSAs operate in 'complex interdependence' with one another in order to influence political decision-making, and often rely on each other to do so (Kegley and Wittkopf, 2005: 195; Keohane and Nye, 1977: 24-25). With the sovereign state losing its monopoly on political power and its position as gatekeeper to the international sphere, a whole range of NSAs have become direct participants in world politics, claiming and obtaining

[8] In fact, Nye and Keohane (1971a: 724) acknowledge that it was Raymond Aron who first inserted the notion into the study of IR.

a role in international decision-making, legislation, regulation, monitoring and implementation (Abbott and Snidal, 2009; Arts et al., 2001; Higgot et al., 2000; Josselin and Wallace, 2001; Keck and Sikkink, 1998; Reinalda, 2011).

To be clear, most transnationalists do not deny that states and IGOs remain the primary actors within international relations, but rather argue that NSAs have become significant actors themselves and thus cannot be excluded from an analysis of international relations. The consequence is that 'nonstate actors in state A may interact directly with state and nonstate actors in states B and C, regardless of the attitude of state A or whether state A actually relates to states B and C' (Mertus, 1999: 553; see also Thakur, 2008: 292).

Just like the new diplomacy literature, transnationalism thus attempts to make sense of the rise of NSAs on the international stage. Remarkably, however, no efforts towards cross-fertilisation between both sets of literature have taken place (Sending et al., 2011: 533) (for some rare exceptions, however, see Badie, 2012; Cooper et al., 2008b). From this angle, bridging both sets of literature seems a natural undertaking.

Parliamentary actors as transnational actors

Research on *parliamentary* actors as non-state or transnational actors in world politics is still very sparse, if not non-existent. Located on the boundary between state and non-state (or governmental and non-governmental) actors, their potential role in global politics thus far remains under the radar. In their work on transnational advocacy networks, Keck and Sikkink very briefly mentioned 'parliamentary branches of government' as a potential candidate, though they do not further explore or speculate what this might imply (Keck and Sikkink, 1998: 9). A notable exception is Slaughter's *The New World Order* (2005), which examined the role of legislative actors in global governance. However, Slaughter limits her study to the proliferation and role of transnational legislative networks, without conceptualizing parliamentary actors as foreign policy actors in their own right.

Some scholars of parliamentary diplomacy have also suggested a transnational perspective to better understand the role of parliaments in international relations. For example, Robert Cutler has asserted parliamentary diplomacy 'represents an important middle ground between the traditional level of interstate diplomacy and the new level of transnational cooperation amongst grass-roots non-governmental organisations (NGOs)' (Cutler, 2006: 82-83). Jančić and Stavridis have similarly alluded to this when referring to parliamentary diplomacy as a form of 'transnational representation' (Stavridis

and Jančić, 2016: 107). Still, while evoking its 'transnational nature', these authors have refrained from developing their propositions into frameworks of analysis.

That being said, throughout the last two decades a vast body of work on transnational party politics has developed. This research field gained strong traction within EU studies, focusing on the Europeanisation of national parties, the development of a supranational party system, and the role of transnational party federations (or 'Europarties') (for an overview, see Van Hecke, 2010; Van Hecke et al., 2018). The bulk of these studies examine their role through the prism of Europeanisation or European integration, thus focusing on intra-organisational change of the national, EU and European party landscapes (e.g. Poguntke et al., 2007; Raunio, 2009; Van Hecke, 2010). What these approaches share is a view of the emergence of transnational (or supranational) parliamentary actors as an *outcome* of transnational politics, i.e. the grouping together of parties across domestic borders, allowing for a diffusion of norms, information and organisational practices. To the extent that transnational parties have been studied as agents of change themselves, the focus remains limited to organisational or institutional change resulting from the interaction between European and national levels (i.e. intra-EU involvement). To a more limited extent, attention has also been given to transnational party building beyond the EU. Yet, these studies similarly focus solely on the institutional or ideological impact on political parties guided by European integration processes (Pridham, 2014; Shagina, 2017; Switek, 2016; Vachudova, 2008; Wientzek, 2018).

The above could be positioned against a still non-existent scholarship adopting a clear foreign policy perspective. Here, parliamentary actors would no longer be studied as the product of transnational politics as mitigated by Europeanisation and integration forces. Instead, they are viewed as actors constitutive of outward transnational policies and politics. Only recently has Chryssogelos (2017) adopted such an innovative perspective: by conceptualising Europarties as transnational foreign policy actors, he studied the conditions that allow them to be effective in the European neighbourhood. Further building on these insights, this research takes a step back and asks how and why parliamentary actors get involved in diplomatic mediation and how they relate to conventional, executive, diplomats. It also broadens Chryssogelos' focus from party to parliamentary actors.

The potential of a transnational perspective

Transnational perspectives may benefit our understanding of non-state diplomatic actors, such as parliamentary actors, in at least three main ways. First, I contend that a complete or holistic understanding of NSA diplomacy can only be achieved by taking into account both its domestic as well as its international characteristics. As transnationalism breaks with clear-cut ontological delineations between national and international levels (and between what constitutes 'domestic' and 'international' actors) such approach is able to recognise for 'intermestic' phenomena, i.e. processes or issues which are 'simultaneously, profoundly and inseparably both domestic and international' in nature (Manning, 1977: 309).

Second, transnationalism breaks with the unitary actor paradigm that is upheld by its liberal and realist contenders in IR. Dismissing such image, Nye and Keohane instead propose the image of a fragmented government structure, in which 'subunits' of government *may* at times operate 'on their own' and develop cross-border relations which 'are not controlled by the central foreign policy organs of their governments' (Nye and Keohane, 1971b: 335; see also Singer, 1969: 24). Therefore, they define transnationalism in behavioural terms as 'regular interactions across national boundaries when at least one actor is a non-state agent *or does not operate on behalf of* a national government or an intergovernmental organization' (Nye and Keohane, 1971b: 332 own emphasis) (for a similar approach, see Risse-Kappen, 1997b; Risse, 2002). Such approach therefore opens up for the possibility of studying parliamentary actors as sub-units of government, and thus as a type of transnational actor.

Third, and related, transnationalism is able to provide more clarity on how non-state or non-governmental actors relate to executive actors – thus to frame the relationship between parliamentary and executive diplomacy. While the initial transnationalist school has been predominantly 'engaged in the exercise of proving against a state-centered picture of world politics that transnational actors matter' (Tallberg and Jönsson, 2010: 9), the contemporary literature is exactly preoccupied with studying the *interaction* between transnational and state actors, and with explaining how states and IGOs might enable or constrain transnational actors, as well as vice-versa (Risse, 2002: 259, 430; 2012). In other words, such approaches propose a study of parliamentary diplomacy in conjunction with executive diplomacy as they are intrinsically linked to, hence mutually affected by, each other. The next chapter will further focus on these three key tenets and shows how they are relevant in conceptualising parliamentary diplomacy.

1.1.2 Explaining the EP's parliamentary diplomacy: an institutionalist approach

In the third part of the dissertation, I turn from describing *how* parliamentary diplomacy is manifested, to *explaining* the very manifestation of parliamentary diplomacy of a specific actor, namely that of the European Parliament. In particular, it is asked how the proliferation of diplomatic practices by the EP since the Lisbon Treaty can be explained.

Treating the institutionalisation of parliamentary diplomacy as an outcome, I will additionally draw upon institutionalist insights to develop and test hypotheses on the emergence of parliamentary diplomacy as a recurrent practice in EU foreign policy. Accordingly, parliamentary diplomacy is treated as an *informal institution*, given that the EU treaties grant no competences to the EP in the implementation of foreign policy. I will therefore revisit the scholarship on informal governance and institutional change in EU studies and take the study of EU informality further by shifting from the literature's dominant focus of inter-institutional policy-*making* (i.e. legislative decision-making), to applying its insights to the implementation of policies, namely to EU foreign policy implementation.

1.1.2.1 The study of EU informal governance: a state of the art

In this dissertation, I study informality from a new institutionalist point of view, given its recognition for informal conventions in the study of political outcomes. As opposed to a mere deterministic study of formal-legal arrangements, such approach tries to account for the creation of informal practices while studying its interplay with formal institutions. In applying a new institutionalist perspective to parliamentary diplomacy, I follow a similar trend as the 'neighbouring' para-diplomacy literature (i.e. studying the diplomacy of sub-state governments), whose embedding in new institutionalist approaches has contributed to explaining the proliferation of diplomacy by regional governments (e.g. Bursens and Deforche, 2010; Lecours, 2002).

The approach also strongly connects to the scholarship on EU informal politics which has developed since the early 2000s (Christiansen and Neuhold, 2013; Christiansen and Piattoni, 2003; Farrell and Héritier, 2003, 2007; Héritier, 2007; Kleine, 2013; Stacey, 2010; Stacey and Rittberger, 2003). In essence, this literature posits that a comprehensive understanding of the EU's governance cannot be acquired unless one brings into consideration the role of informal institutions, practices and relations. Recognition for informality, it is argued, is important for avoiding analytical pitfalls since informal rules not only impact on the functioning of formal rules, they might also readjust the effective bargaining power of EU institutions or member states, or even lead to a formalisation at a future stage (Stacey and Rittberger, 2003: 859).

Two main approaches can be identified to study informality in EU studies: governance and (new) institutionalist approaches. Governance approaches have been employed to grasp the variety of formal-informal interactions in EU policy-making in a broad sense, with sub-approaches such as multi-level governance or network governance focusing on different aspects of these relations. Most prominent in this regard has been the edited volume of Christiansen and Piattoni (2003) who provided a first encompassing account of informal networks in various EU policy domains. The authors defined informal governance as 'the operation of networks of individual, collective, public and private actors pursing common goals – which lead to cooperation, patterned relations and public decisions – through regular though non-codified and not publicly sanctioned exchanges' (Christiansen et al., 2003: 7). As Kleine summarises, such studies maintain a wide perspective on all kind of 'governance practices that take place in the absence of the EU's traditional way of centralized decision-making' (Kleine, 2014: 306) by positioning them under the umbrella-term of 'informal governance'. While the main contribution of this approach has been the exposure of the many informal networks that surround formal EU decision-making, its descriptive theoretical foundation also provides for its biggest limitation, that is the inability to provide an explanation for the development of informal practices, such as the EP's diplomacy.

The institutionalist school has been more successful in the latter aspect. The foundations for a new institutionalist perspective on informal EU politics have been laid by, *inter alia*, Stacey and Rittberger (2003), Héritier (2007), Farrell and Héritier (2007) and Stacey (2010). Their works provide a more narrow interpretation of informal (EU) governance, as it is restricted to the interaction between highly institutionalised actors, mostly the European Commission, the European Parliament and the Council of Ministers (Van Tatenhove et al., 2006: 13). Studying the maze of informal institutions that operate underneath, or even drive, European integration, these works consider the EU treaties as incomplete contracts, leaving ambiguities or loopholes that are mitigated or exploited through informal arrangements created by the EU's institutional actors. In this way, a new perspective on institutional change as the result of day-to-day informal arrangements and patterns of behaviour among the EU's institutional actors is provided, rather than the traditionally portrayed idea of integration being the result of formal bargaining among EU member states (e.g. Moravcsik, 1998; Tsebelis and Garnett, 2001).

Particularly the European Parliament has often been identified as an important source behind informal rule creation, a phenomenon often explained as compensatory response to its exclusion from important aspects of EU decision-making, including in EU foreign and security policy (Crum, 2012: 354; Hix, 2002; Maurer et al., 2005; Moury, 2007; Rittberger, 2003; Stacey and Rittberger, 2003: 863). It is

therefore surprising that the nascent literature on the emergence of the EP as a diplomatic actor has hitherto not benefited from institutionalist perspectives.[9]

Of particular importance is the earlier work of Kreppel and Crum in inspiring the current approach. Amie Kreppel (2003) investigated the specific impact of exogenous shocks in the form of treaty reforms on its own internal organisation via the Parliament's Rules of Procedure. She found that, following each treaty change, the EP has not only attempted to seek increased efficiency in dealing with newly obtained competences by means of creating informal rules, but also consistently 'attempted to increase its own powers vis-à-vis the other institutions/organizations through the creation of informal institutions' (Kreppel, 2003: 906). Crum's work (2006, 2012), examining whether the Parliament was able to yield informal powers from the creation of the function of the High Representative, is enlightening in expanding theories of EU informal institution creation from the area of so-called 'community' policies, to the area of CFSP. The author in that way made a shift from studying informal institution building in a supranational context of decision-making to a deeply intergovernmental policy field.

1.1.2.2 A Rational-Choice Historical Institutionalist (RCHI) approach

This dissertation seeks to provide an explanation for why and how parliamentary diplomacy has developed as an informal institution in the EU's foreign policy by relying upon a rational-choice historical institutionalist (RCHI) approach, as originally proposed by Stacey and Rittberger (2003). In what follows, I very briefly introduce the key assumptions behind both RCI and HI, and how both these approaches proof to be relevant for explaining institutional change (i.e. the creation of parliamentary diplomacy as an informal institution in EU foreign policy). Hereafter, I show how both approaches can be logically merged into an encompassing RCHI framework. At the same time, the choice for RCHI allows me to provide an argumentation for why its main sociological institutionalist contender was *not* relied upon.

Rational-Choice Institutionalism

Rational-Choice Institutionalism (RCI) assumes that the behaviour of actors as self-interested, goal-oriented, and utility maximising is the main factor explaining social causality. Whereas a new institutionalist perspective acknowledges the role of norms and values in explaining institutions, preference formation is still understood to be exogenous. In other words, norms and values may have

[9] Granted, authors such as Jančić have asserted that the European Parliament's 'diplomatic efforts are rooted (…) in the struggle for influence among EU institutions' (Jančić, 2016: 142; see also Jančić 2014), while Redei and Romanyshin have advanced that the EP's diplomacy provides a good example of 'how the EP routinely interprets ambiguous rules to its advantage, and then forces its interpretations on other EU institutional actors' (Redei and Romanyshin, 2015: 7). However, these claims remain thus far untested.

an effect on the means to choose for a line of action, but by themselves, they do not determine the goals of action (Hall and Taylor, 1996; Lowndes and Roberts, 2013: 35).

The strength of RCI lies in its ability to clearly identify 'the microfoundations related to the precise mechanisms that account for the creation of change in institutions' (Stacey, 2010: 38). In other words, it has the ability to provide and specify a clear causal chain on how institutions affect human behaviour and vice versa (Hall and Taylor, 1996: 17). The model therefore provides strong and detailed predictability on the determinants of agency, hence also serving the practical goal of testing analytical propositions along clearly spelled methodological benchmarks, as well as on its empirical implications (Shepsle, 2006: 33). Moreover, RCI is also able to explain institutional genesis as the result of either convergent or competing interests between actors (Stacey, 2010), which both will appear to be potential preference configurations in the enactment of the EP's diplomacy.

In particular, departing from the findings of the conceptual and explorative part of the dissertation, I will derive two sorts of causal explanations from RCI's functionalist and distributive sub-approaches. According to the former, institutions are created in a quest for seeking efficiency for the actors involved, as they lower transaction costs for achieving a desired policy outcome. Parliamentary diplomacy hence is determined by efficiency-driven motivations. According to the latter, institutional creation is the result of a power-driven conflict of interests between actors, where the most powerful actor is able to impose its preferred institutional design. Parliamentary diplomacy thus is a way for the European Parliament to acquire stronger influence in the EU's foreign policy. These two sub-approaches of RCI will provide the basic building blocks to construct two sets of hypotheses on how parliamentary diplomacy is created as an informal institution in EU foreign policy in Chapter 5.

Historical Institutionalism

The above insights on efficiency and power driven motivations behind institutional creation will be further complemented with some key insights from Historical Institutionalism (HI). HI is mainly focused on understanding institutional stability and persistence, rather than on institutional change *per se*. As it opens up for sequentiality and temporality, the approach is able to provide an explanation for institutional change and development over time by moving from a 'snapshot-analysis', where interactions are only studied at one point in time, to a 'moving picture' (Pierson, 2004: 2; Sanders, 2006: 39). Through a longitudinal perspective, incorporated by the core concepts of path-dependency, lock-ins and the idea of increasing returns, the approach shows how institutions may 'structure the very choices about reform that the individual is likely to make' (Hall and Taylor, 1996: 940). Path-dependency, famously introduced to political science by Paul Pierson, denotes the idea that 'steps in a

particular direction induce further movement in the same direction', a mechanism which can be captured by the idea of increasing returns following which 'the relative benefits of the current activity compared with other possible options increase over time' (Pierson, 2000: 252).

Institutional change, according to historical institutionalists, is triggered by external shocks (a crisis, social pressures or series of simultaneous events) which provide for critical junctures, i.e. events which set in motion a reform of institutions along a certain path and the mechanisms of its reproduction (Collier and Collier, 2002: 29-31). Such critical junctures, however, must always be placed in context of the cost of increasing returns, as they will not lead to change for as long the benefits attached to the continuation of the previous path outweigh the cost of change. For instance, through repeated re-occurrence of exogenous shocks, learning and coordination effects occur and might bring a change of expectations, therefore increasing the benefit (or cost) of continuation (or change) (Pierson, 2000: 254). This means that whereas the EP's diplomacy might at one point have been enacted through an external crisis (a critical juncture), subsequent crises do not necessarily fully reconfigure the arrangements or procedures, as increasing returns might lock in these 'new' institutions and practices.

Finally, as HI focuses primarily on how institutions affect human behaviour, it pays strong attention to the role of power and asymmetrical relations in driving institutional change. As Hall and Taylor observe: 'historical institutionalists have been especially attentive to the way in which institutions distribute power unevenly across social groups', and 'assume a world in which institutions give some groups or interests disproportionate access to the decision-making process; and, rather than emphasize the degree to which an outcome makes everyone better off, they tend to stress how some groups lose while others win' (Hall and Taylor, 1996: 941). Similarly as to distributive RCI then, it is assumed that institutional change may not only follow a functional demand to lower transaction costs (or uncertainty). Actors may also deliberately 'use political authority to generate changes in the rules of the game (both formal institutions and various public policies) designed to enhance their power' (Pierson, 2000: 259).

Rational-Choice Historical Institutionalism (RCHI)

Bringing together both power and efficiency driven motivations behind institutional change, while equally accounting for the structuring power of path-dependency and learning effects of historical institutionalism, I will rely on a *rational-choice historical institutionalist* (RCHI) approach as originally proposed by Stacey and Rittberger (2003).

Following from the observation that new institutionalist approaches in fact share considerable theoretical overlap (Lowndes and Roberts, 2013), I join those who call for integrating the insights of

the three institutionalisms in order to create frameworks that are able to compensate for each other's deficiencies or blind spots (Hall and Taylor, 1996; Katznelson and Weingast, 2005b; Lowndes and Roberts, 2013; Risse, 2000; Thelen, 1999).[10]

Such opportunity for synergetic cross-fertilisation is particularly high in between RCI and HI. For example, while RCI has often been accused for maintaining a relatively simplistic idea of human agency, it is able to compensate for HI's relative negligence in articulating a precise causal chain on how human behaviour shapes institutions and vice-versa. Or again, while RCI is strong in pinpointing the exact determinants of institutional creation, HI is able to explain how institutions, once created, continue to persist. This micro-macro eclecticism has also been underlined by Katznelson and Weingast, who argue (see Thelen, 1999: 377-378 for a similar observation):

> Both RCI and HI, in short, have converged to institutions; one from the direction of microanalysis, the other from macroanalysis. For both, power and problem solving meet in institutional settings. Both prize particularity and credit the distinctiveness of situations whose rules they seek to understand as precisely as possible.
>
> (Katznelson and Weingast, 2005a: 16)

Hall and Taylor have themselves provided some first steps towards integrating these approaches, by situating a 'calculus approach' *within* historical institutionalism, according to which 'individuals seek to maximize the attainment of a set of goals given by a specific preference function and, in doing so, behave strategically' in context of exogenously defined preferences (Hall and Taylor, 1996: 939). Pierson equally recognised how rational-choice analysis 'offers essential analytical tools for investigating temporal processes' (Pierson, 2004: 9). Vice versa, as Thelen observes, RCI scholars such as North, Knight or Shepsle, in fact incorporate many HI ideas about the historical and distributive (i.e. power-driven) emergence of institutional arrangements (Thelen, 1999: 379) (see also Wolff, 2012: 35 on this issue). Thus, in many ways, RCI and HI appear to be no strangers to each other.

Further building on the above, Stacey and Rittberger brought together the insights of both RCI and HI and integrated them into a single theoretical framework, which has been summarised in Table 1.1. Chapter 5 will expand on the RCHI framework, and further operationalise it by developing hypotheses and causal mechanisms on the emergence of the EP's parliamentary diplomacy in EU foreign policy.

[10] For an opposing view, see Hay and Wincott (1998).

Table 1.1 – Key tenets of the RCHI approach

Key factors	**Description**
Preference formation	Actors seek to maximise their interests strategically, but rationality remains 'bounded' to the extent they are constrained by institutions and the imperatives of path dependencies
Exogenous shocks	As a result of exogenous shocks, actors create institutions in order to lower transaction costs, which then have the effect of constraining their subsequent choices
Path dependency	Due to the accrual of increasing returns (e.g. through learning effects or coordination) institutions tend to persist, for as long utility gains attached to existing institutions do not outweigh the benefits of change
Institutional change	However, once actors realise that the benefits of change to be made outweigh the costs, change is again possible, the latter contingent upon preferences, power and strategy
Power distribution	Actors creating decisions may have divergent interests from those affected by their decisions, and while power is unequally distributed, the more powerful actors can impose their preferred institutional design on others
Bargaining	Adding temporality to the equation, even weaker actors are able to alter the rules of the game, because bargaining is organised on the anticipation of future rewards or sanctions (rather than a snapshot view on bargaining), thus creating incentives for the more powerful actors to bargain in order to mitigate the obstructionist motivations of weaker opponents

Source: based on Stacey and Rittberger (2003: 872-874).

Arguments against Sociological Institutionalism

Finally, as it could leave the door open for accusations of bias, a few words are required to defend the choice for RCHI *instead* of Sociological Institutionalism (SI). In essence, SI departs from a different social ontology than RCI and the 'calculus-inspired' approaches to HI. Its underlying premise is not one of human agency driven by cost-benefit calculations, but one of seeing agency as a reflection of what is considered appropriate according to a particular institutional environment. In that sense, actors do not create institutions, but institutions are rather seen as constitutive of actors' preferences and behaviour (March and Olson, 1989). While not dismissing the important insights that can be derived from such approach, I argue it is ill-equipped to study the EP's diplomacy as an instance of (informal) institutional creation.

First, given the above mentioned position it takes on the structure-agency debate, SI generally struggles with explaining institutional change. As SI is primarily focused on how institutions persist in constituting and constraining action, it is less interested in accurately expounding how these institutions

came about in the first place. Following SI, a new institutional practice is adopted 'because it enhances the social legitimacy of the organization or its participants' (Hall and Taylor, 1996: 949). Causality remains rather vague, since what is considered to be legitimate paradoxically somehow originates from the institutional environment itself, resulting in a 'chicken-or-egg' reasoning. Thus, its prime focus on how institutions shape actor behaviour (instead of vice versa) yields the approach with a 'lack of microfoundations related to the precise mechanisms that account for the creation of change in institutions' (Stacey, 2010: 38).

Second, because institutions are characterised by a high degree of durability and stability, change is considered to be slow and incremental; it requires the growth of new shared understandings among two or more actors to change the institutional environment (Stacey: 2010: 36). Therefore, it struggles with the idea of sudden change, such as the EP's involvement in diplomacy which has suddenly manifested itself repeatedly over the last decade.

Third, its excessive reliance on structure makes SI ill-equipped to explain institutional change in a context of conflict or competition. As individual agency and interests are secondary to prevailing norms and values, the only focus is on how the latter constitute appropriate behaviour and a coordination of interest; not on how a conflict over interests may also lead to new institutions (Knight, 1992: 15-16; Stacey, 2010: 38). In this dissertation however, I argue the emanation of the EP's diplomacy cannot be detached from an environment in which power and conflict among the EU's institutional actors play an important role. In particular, from the point of view of the EP, the current treaty set-up leaves it on 'institutional disadvantage compared to the Commission and the Council' in the EU's foreign policy (Jančić, 2014a: 39). And this while studies have shown how the EP has invested in informal rule creation explained as compensatory response to its exclusion from important aspects of EU decision-making (e.g. Crum, 2012: 354; Hix, 2002; Maurer et al., 2005; Moury, 2007; Rittberger, 2003).

Therefore, given that the research will deal with an instance of rather sudden institutional change, while wanting to account for both cooperation *and* competition of interests among the EU actors as rule creators, RCHI seems to offer a more suitable explanatory framework to address these challenges. The choice for RCHI should therefore above all be seen as a one of theoretical pragmatism, rather than one of theoretical orthodoxy.

1.2 Methodology and Case-selection

In line with the explorative and explanatory ambitions of parts this dissertation, two different methodological approaches will be applied. Although different from each other, they share with one another that they deviate from a standard co-variational approach to qualitative case-study research.

The co-variational approach, with King, Keohane and Verba (1994) as its main protagonists[11] has for decades dominated qualitative research methodology. In it lies the conviction that a small-n comparative research should be modelled along the ideal-type of statistical research, where cases are selected following an experimental template and serve to demonstrate that variation in an independent variable (X) has an effect on the dependent variable (Y). However, from such perspective, case-study research only comes as a second-best and 'weaker method' (Lijphart, 1975: 165) as it is a less representative solution for social enquiry, given the lower number of observations and the so-called 'degrees of freedom' problem[12] (Campbell and Stanley, 1966).

The work of King et al., who essentially argue that both quantitative and qualitative research share the same underlying logic of inference, triggered a strong counter-reaction by scholars who argued that qualitative case-study research in fact works on the basis of *different* epistemological and ontological foundations, and therefore has fundamentally different ambitions. This new scholarship has over the past decade succeeded in outlining the main attributes of such *case-based research*, as an alternative to the statistical co-variational model (e.g. Beach and Pedersen, 2019; Blatter and Blume, 2008; Blatter and Haverland, 2012; Brady and Collier, 2010; George and Bennett, 2005; Rohlfing and Schneider, 2018). The methodological approach adopted in this research is embedded in the latter, case-based (as opposed to variance-based), qualitative research tradition.

In general, a case-based approach requires a shift in thinking where the goal of a method is *not* to draw general conclusions for the whole population the case is presupposed to represent. To be clear, this is not to say that I follow those who argue that every case contains unique features, which make it impossible to draw any inferences beyond that case. Rather, as Blatter and Blume (2008) have argued, the methods applied here imply a *change of direction* in reasoning beyond a single case. This will be made further made clear in the next two subsections, where both congruence analysis and process-tracing are presented respectively.

[11] John Gerring (2007) has translated in detail the foundational principles of the co-variational approach for case-study research.
[12] The idea that with a single or limited number of cases the effects of many causal and control variables should (but cannot) be accounted for.

1.2.1 RQ1: congruence based analysis

The first part of the research will depart from the transnationalist literature to better understand the interrelationship between state and transnational parliamentary actors. Concretely, it will be argued that two types of parliamentary diplomacy could be defined that imply different legislative-executive relationships and resulting role configurations. In order to explore the functioning of these two theoretical propositions, I will apply two theory-guided case-studies that follow a *congruence method* of analysis. As a case-based approach, it focuses on 'drawing inferences from the (non-)congruence of concrete observations with specified predictions from abstract theories to the relevance or relative strength of these theories for explaining/understanding the case(s) under study' (Blatter and Blume, 2008: 325). Translated to the current research setting, I will thus rely on congruence analysis to reflect on whether and how both propositions are materialised in each mode of parliamentary diplomacy.

My approach is a deductive one in which I will make ex-ante propositions about what kind of observations I expect to find in a concrete setting, which is subsequently verified at multiple times during a temporal process. To be precise, I will explore the relevance of the theoretical framework by means of singular tests where a 'single, theoretically unique but not certain proposition about the evidence that will be found (…)' is employed, implying that 'if the predicted evidence is found there is relatively strong confirmation, whereas if the evidence is not found, we do not disconfirm the proposition very much, if at all' (Beach and Pedersen, 2016: 265). As will be further touched upon below, such 'deductive' analysis consist of travelling back and forth between theory and empirics. Indeed, congruence analysis precisely prescribes 'a more iterative interaction between theoretical implications and empirical indications' (…) which 'makes it possible to use the full richness of information related to the empirical case to draw inferences about the relevance of theoretical concepts' (Blatter and Blume, 2008: 327).

As cases primarily serve to reflect on the relevance and functioning of theoretical propositions, the selection of cases is necessarily theory-driven, meaning that the cases 'must be selected on the basis of prior expectations about their relationship to theories' (Blatter and Blume, 2008: 346). Therefore, two typical cases are selected that serve as an 'ideal-type' representation of both modes of parliamentary diplomacy. On the one hand, the EP Cox-Kwaśniewski monitoring mission in Ukraine (2012-2013) will be studied as a case of 'competitive parliamentary diplomacy', where the EP's diplomacy is expected to be inscribed in a parliamentary quest of altering the executive's foreign policy. On the other hand, the EP's involvement in the mediation of the Macedonian political crisis (2015-2017) is selected

as a type of 'cooperative diplomacy', as its main role has been one of contributing to the implementation of EU foreign policy by means of exchanging crucial diplomatic resources with the EU executive actors.

In sum, the goal of these case-studies is theory-centric in nature in that their prime aim is to better understand the implications and meaning of the concepts of the theoretical framework; not to argue that the cases are representative of a broader population. Put differently, the case-studies are of explorative value to the theoretical framework that is proposed, as they serve to better understand the properties and patterns of behaviour encompassing both types of parliamentary diplomacy.

1.2.2 RQ2: within-case study using causal process-tracing

For the second research question, the research moves to an explanatory enterprise where I seek to explain *how* the process of informal institutionalisation of the EP's diplomacy has taken place since the Treaty of Lisbon. To do this, I will rely on causal process-tracing, defined as 'a research method for tracing causal mechanisms using detailed, within case empirical analysis of how a causal mechanism operated in real-world cases' (Beach and Pedersen, 2019: 1). Essentially, the methodology shifts from a traditional (co-variational) focus on data-set observations composed of causes and outcomes, to the process *in between*. This process is encapsulated in a causal mechanism which is composed of parts consisting of entities (actors) performing activities, and where each such part is presupposed as a necessary, but individually insufficient, element of the explanation for a particular outcome.

In contrast to the theory-centric and explorative case study research in parts one and two, where the emphasis lies on intensively reflecting upon the links between empirical observations and the theoretical concepts that might inform these, the research ambition in part three is case-centric and explanatory. The use of causal process-tracing is particularly well equipped for such research purpose as it is primarily interested in explaining the links between every relevant empirical observation that might explain a presumed causal process from taking place. As Blatter and Blume pertinently explain:

> [The congruence method] aligns all observations, which can be used to draw (confirming and disconfirming) inferences to a specific theory and therefore presents the findings as different "cuts" of the case. In contrast, [causal process-tracing] tries to align all events, processes and mechanisms in a closely connected (spatio-)temporal picture – thereby fully accepting a mix of factors and mechanisms which have connotations to quite different theories.
>
> (Blatter and Blume, 2008: 334-335)

In part three, the 'case-selection' (i.e. the institutionalisation of parliamentary diplomacy as an informal institution in EU foreign policy) has evidently been pre-determined by the research question. Still, the research effort should not be categorised as an effort to explain a unique outcome, but rather it will be

treated as an instance of a (causal mechanism underlying the) wider phenomenon of informal institution-building within EU governance. I therefore inscribe myself into a type of 'theory-testing process-tracing' (cf. Beach and Pedersen, 2019: 245-268).

Accordingly, in Chapter 5, I will depart from the existing RCHI theoretical framework presented in the previous section, from which I will derive two sets of hypotheses on the process of informal institutionalisation of the EP's diplomacy. These will subsequently be operationalised into a dual mechanistic framework that will be put to test in Chapters 6 and 7, which respectively consist of an analysis of seven episodes of parliamentary mediation by the European Parliament and an analysis of the change of organisational practices within the Parliament as well as in relation to the EEAS and European Commission. As already touched upon in the introduction, the 'spatio-temporal picture' has been defined as intra-state government-opposition conflicts in the EU neighbourhood and enlargement regions in the post-Lisbon era. Chapter 5 will further define and operationalise the cause, outcome and scope conditions that apply.

Finally, the logic of inference implied here is again different from a variance-based understandings of social science methodology. While the latter adopts a probabilistic ontology and epistemology of confirmation/falsification which has been described above, process-tracing is ontologically deterministic and epistemologically probabilistic. First, on an ontological level, i.e. regarding the nature of causal claims, the deterministic ontology underlying causal process-tracing is not focused on mean causal effects across a population, but instead makes claims in a mechanistic way that an outcome (O) has occurred for a reason, the cause (C) (Beach and Pedersen, 2019: 15). As Beach and Pedersen argue:

> A theory of a causal mechanism that is hypothesized to link C with O in a particular context is (…) an ontological deterministic claim. We are not claiming that the presence of C will increase the likelihood of a mechanism linking C with O; instead we are claiming that if C and the contextual conditions are present, the mechanism will be triggered in a case.
>
> (Beach and Pedersen, 2019: 24)

Second, on an epistemological level, i.e. the way one can study causal relations, process-tracing is probabilistic as making inferences happens on the basis of updating one's confidence (following a Bayesian logic) in a causal relationship, rather than fully confirming or rejecting theoretical claims.

The above also implies that claims are made in an *asymmetric* way, meaning that process-tracing only makes claims about a mechanisms being triggered by a cause, without making any claims about the presence of other causes, or about what occurs in absence of the cause (ibid.: 25-26). In other words, this means the ambition of the dissertation is to give an explanation for the informal institutionalisation

of the EP's diplomacy. It is *not* to offer any conclusions on what would inhibit informal institutionalisation from taking place, nor on what happens in absence of the hypothesised cause of such process – what the methodology simply does not allow for. Whereas this may sound as a rather limited ambition, the main added value of the methodology precisely lies in its ability to provide in-depth knowledge about what constitutes the functioning of phenomena under study. In the light of the current state of the art of the parliamentary diplomacy literature, including that on the EP, I believe such decision is righteous to the extent it offers a clear added value to the plethora of works that mostly do not go beyond scraping the surface.

In sum, causal process-tracing can be summarised as aiming towards 'contingent generalization' (George and Bennett, 2005: 266), where one generalises 'from specific causal configurations that are identified within one or a few cases towards the entire set of potential causal configurations' (Blatter and Blume, 2008: 339). Generalisation is not directed towards the level of the population the case is supposed to represent, but instead it is aimed at generalising the applicability of the causal chain of interacting factors in a similar context.

1.3 Data-collection

In this last section I will elaborate on the empirical data that was used in this research. In doing so, I will also specify some of the problems or challenges that I have encountered, and how I have sought to address these.

When examining the European Parliament's diplomacy, the informal nature of such phenomenon complicates empirical scrutiny. Not only is diplomacy by nature often a discreet and therefore intransparent (or even secretive) object of study; one could even argue that for diplomacy to 'work' a degree of confidentiality and discretion is necessary in order to safeguard trust between the involved parties (Jönsson and Hall, 2005: 88-90; Sharp, 1999: 49). In addition, in the case of European Parliament, it is also an activity that is formally not recognised by the EU treaties. Contrary to formal and public policies, not all of its activities can easily be retraced through official or public governmental records. As I will explain hereafter, this 'double informality' has an impact on the *type of sources* one can rely on, and the *treatment of sources* for empirical analysis.

Beginning with the latter, the use of empirical material in both congruence and process-tracing analyses should comply with two essential guidelines, which have been set out in detail by Beach and Pedersen (2019: 195-222). On the one hand, finding an observation that matches with what has been predicted,

does not always provide 'evidence', as observations always needs to be critically evaluated in terms of whether the source can actually be trusted or not, and in terms of what the degree of empirical uniqueness is with regard to theoretical claims made. On the other, one should distinguish what Sober (2009) has termed 'absence of evidence' with 'evidence of absence'. This means that *not* finding an observation does not necessarily exclude the possibility that the proposition is invalid. Rather, taking into account the problem of access, it could be there was no practical way for empirically establishing whether the evidence in fact exists. Only when one has been able to obtain access to all possible empirical records, and no evidence has been found, a proposition can be fully disconfirmed.

Considering the type of sources, this research rests on a triangulation of sources consisting of, (1) semi-structured elite interviews, (2) document analysis, and (3) participatory observation. First, as Table 1.2 shows, I have in total conducted 59 semi-structured interviews with Members of European Parliament (MEPs), administrative officials from the EP, the Council Secretariat, the European Commission, the EEAS, as well as with involved third actors (see Appendix I for a full overview). Together, they have been a key source to reconstruct the decision-making processes and sequences of action that underpinned the EP's diplomatic behaviour as analysed in parts two and three of the dissertation, while also being a key source to corroborate findings from other sources (cf. Tansey, 2007).

With regard to the EU actors interviewed, I have aimed to ensure that the perspectives of all involved actors of all institutions/services were accounted for, and this at multiple levels.[13] The selection of respondents was guided by the necessity to 'draw a sample that includes the most important political players who have participated in the political events being studied', instead of variance-based model of random sampling (Tansey, 2007: 765). For this I used a snowballing technique following which, for each 'episode' of parliamentary involvement, I conducted a first set of preliminary interviews with key actors, after which I invited these actors to suggest me other relevant contacts that would be capable of sharing their reflections on the processes under study. Given the often segmented and competitive views on inter-institutional relations in the EU, it is important to keep in mind George and Bennett's proverb '*who* is speaking to *whom*, *for what purpose* and *under what circumstances*' (2005: 100; original emphasis) in assigning a degree of inferential weight to the assertions that were made by the various actors. For various reasons (political, ideological, bureaucratic, personal, etc.) interviewees might have been inclined to overstate their (institution's) centrality, the importance attached to a particular event,

[13] With regard to the EEAS, I spoke both with officials in charge with inter-institutional relations, as well as with country-level policy officials, working in the relevant regional units. For the European Commission, my respondents include a former Commissioner, officials from the competent Commissioner's Cabinet, as well as country-level officials within DG NEAR. With regard to the Council, both national diplomats involved in relevant working groups, as well as officials at the Council General Secretariat were consulted. Finally, for the European Parliament, I interviewed MEPs, Assistants to MEPs, officials of the involved political groups (EPP, S&D, ALDE), as well as administrative officials of the Secretariat General of the European Parliament.

or to reduce the role of others, and so on. With this in mind, my question list also contained several fixed questions that precisely aimed at cross-checking information and to ensure a balanced and accurate account.

For the study of the EP's involvement during the Macedonian political crisis (2015-2017) (cf. Chapter 4, and also featuring in Chapter 6), I had the opportunity to more closely study the mediation of the crisis while it was taking place by means of a six-week research stay at the Macedonian *South-East European University* in Skopje (November-December 2016). This allowed me to conduct interviews with Macedonian political parties and government officials, foreign diplomats (i.e. from the EU Delegation, from EU member states and non-EU states) as well as locally involved international and civil society organisations. For the study of informal institutionalisation practices, I primarily conducted interviews with administrative staff of the EP's Secretariat General. As a result of these two forms of accentuation, the number of interviews is relatively higher in the corresponding categories of Table 1.2 (i.e. 'EP officials' and 'Third country actors').

Interviews took place in a face-to-face setting[14] by means of note-taking (instead of being recorded) and under the guarantee of non-attribution[15]. While scholars disagree on whether elite interviews should be recorded (for a discussion, see Harvey, 2011: 436-437; Mikecz, 2012: 488), my decision was guided by the above explained context of 'double informality' (of the practice and behaviour under study) which prompted me to establish a degree of confidentiality. While it has been argued that the lack of recording is detrimental to the goal of replicability or reliability of the data gathered (Berry, 2002), one should equally acknowledge that the formalisation effect constituted by recording might be equally harmful to 'ensuring authenticity and reliability of the views being expressed' (Liu, 2018: 1). To address the drawbacks of note-taking, I reread and completed my notes upon my return from an interview and made sure these were transcribed immediately after.

[14] With the exception of one interview, which took place via e-mail exchanges.
[15] Meaning that 'comments or information can be used and quoted as long as the organization or individual giving out the information is not directly identified as the source of the information or quote' (Goldstein, 2002: 671).

Table 1.2 – Overview of interviews by affiliation

European Parliament			**Council of the EU & European Council**		**European Commission**		**European External Action Service**		**Third country actors**		**Total**
MEPs & MEP Assistants	EP Officials	Pol. Groups	Council Officials	MS representatives	Commissioner & Cabinet officials	Country level officials	Director level officials	Policy unit/country level officials	EU (incl. EU MS)	Non-EU	
8	15	3	3	2	3	2	2	3 (4)*	7	11	
26			5		5		5		18		59

* One person was interviewed both in his/her previous capacity as EEAS official, as well as his/her subsequent capacity as national diplomat involved at a relevant Council Working Group.

Second, I build extensively on document analysis. On the one hand, this includes a range of institutional documents (both public as well as internal documents) of the Parliament and other EU institutions, such as minutes, resolutions, technical briefings, meeting reports, studies, internal correspondence, press statements, activity reports, and procedural rules (cf. Appendix 2). These institutional documents (672 in total) were mainly retrieved from the institutions' websites, although a number of documents have also been retrieved via freedom of information requests to the European Parliament and the European Commission. On the other hand, this comprises the collection and analysis of newswires and risk analysis reports which I mainly retrieved through the *LexisNexis* database[16]. Through the use of relevant key words, news reports and risk analyses were systematically gathered, of which 268 were withheld for scrutiny (cf. Appendices 3 and 4 for a full overview). While often downplayed by political scientists, Beach and Pedersen (2019: 221-222) argue that press accounts in fact constitute for fairly reliable observations in view of the high editorial standards of cross-confirmation that apply to them.

Third, I have profited from participatory observation at the EP administration. As acknowledged by Delreux and Keukeleire (2017: 1487), participatory observation is a particularly useful research technique to detect for informal institutions and informal political dynamics that would otherwise remain unnoticed. The participatory observation took place in the format of a one month Study Visit (November-December 2018) undertaken at the Directorate-General for External Policies, resorting to the Secretariat General of the European Parliament. Through this program, I became embedded in the day-to-day work of the Unit in charge of supporting activities in the field of parliamentary diplomacy, such as dialogue, facilitation and mediation activities. In that way, I was allowed to take part in meetings, to follow-up, discuss and contribute to the work of the Secretariat. It also provided me access to internal documents stored on the *intranet* of the EP's administration, which was particularly crucial for making empirical observations of patterns of informal institutionalisation (as analysed in the third part of the dissertation).

All gathered textual documents (i.e. interview transcripts, institutional documents, press reports and risk analyses) were analysed by making use of NVivo, a qualitative data analysis software package. The software has been used in multiple ways throughout the various steps of the research process. Overall, it has allowed to gather and explore all documents in a systematic and structured way. More concretely, it has served both as an inductive and deductive tool to respectively construct and explore the conceptual framework (Chapters 2, 3 and 4) and in a similar way to make systematic observations for patterns of

[16] LexisNexis is the world's largest electronic database for legal and public-records related information. Next to holding the archives of around 10 000 newspapers, it collects newswires of press agencies, as well as risk analysis reports.

informal institutionalisation (Chapters 6 and 7), particularly through the possibility of categorising text elements on the basis of so-called 'nodes' (i.e. a way of storing concepts, ideas or any sort of categories).

As a final note, a few words are necessary to put the straightforward appearance of this chapter into perspective, and that might nuance the methodological approach to the extent that it would do away with the pretention that this research has been a logical and unidirectional journey. As with most other social science research, this work is not the result of a research process that has started with a trip to the library, the adoption of a theoretical lens to describe and explain my research object, and its subsequent testing through empirical scrutiny. I believe one should be open and explicit about the reality of social sciences research, which, for researching informal phenomena such as the one under scrutiny here, is inherently and inevitably a 'messy' undertaking (cf. Bryman, 2012: 15; Williams, 2003: 58-59). That means this research process has been one of travelling back and forth between empirics and theory, between trying to see how certain observations correspond or deviate from more general and abstract patterns in the literature, and this all the while considering that a methodology was needed that would allow me to 'tell a story', and to do so in a consistent and valid way. In that sense, the empirical chapters in part two and three have not only served as a 'test of theory', but they implicitly have helped me in defining and refining the corresponding conceptual and theoretical buildings blocks, hypotheses and causal mechanisms.

The goals of this research have therefore also evolved over time. The more it progressed, by having done more interviews and through scrutinising more documents, the more I became convinced that the EP's diplomacy was also having an effect on the organisational level of the European Parliament, both internally (with the EP adopting new procedural rules, establishing administrative units or displaying new patterns of behaviour) as well as externally in relation to the other EU institutional actors. It is only at this stage, I arrived at seeing this phenomenon through the prism of informal institutionalisation, which in the end became one of the key goals of this research.

Chapter 2 The European Parliament as a Transnational Diplomatic Actor

In the previous chapter, I have argued that a transnational approach, transgressing the domestic-international dichotomy, is an appropriate ontological perspective for studying parliamentary diplomacy. This chapter will build on these transnational insights to conceptualise the European Parliament as a diplomatic actor.

Concretely, the goals of this chapter are threefold. First, I will start with locating the role of the European Parliament in the EU's foreign policy architecture, both concerning its formal powers as well as in terms of its scholarly analysis. Second, identifying the Parliament's autonomous international agency as a blind spot in the literature, I will continue by conceptualising the EP as transnational diplomatic actor, and by proposing an analytical framework to study transnational parliamentary diplomacy as a cooperative and competitive phenomenon respectively. Finally, the chapter concludes by analytically distinguishing the different layers that constitute the EP's cross-border agency.

2.1 Locating and Studying the European Parliament in EU foreign policy

2.1.1 A peripheral actor in the EU's foreign policy machinery?

This background section sheds light on the Parliament's formal positioning in the making and implementation of EU foreign policy. The latter is understood in a broad way, such as proposed by Hill (2003: 3) or Keukeleire and Delreux (2014) who argue it encompasses not only the Union's intergovernmental Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP), but also its supranational 'external action' policies as stipulated under Part V of the TFEU (which includes policies such as international cooperation, trade, EU enlargement and development cooperation) .

Over the years, the EP has acquired a more powerful role in EU-decision making. Once being depicted as an unelected 'scrutinizing and consultative body, with advisory and supervisory powers over the legislative proposals produced by the European Commission' (Pridham and Pridham, 1979: 4), it nowadays is considered a 'fully-fledged legislator enjoying a wide range of decision-making powers' (Ripoll Servent, 2018: 3). However, while the Parliament has obtained strong powers in the domain of legislative decision-making, its role in the EU's foreign policy is generally considered to be rather limited (Keukeleire and Delreux, 2014: 85; Thym, 2009: 323-326; Wagner, 2006).

The remarkable contrast between the Parliament's empowerment in EU internal policies and its limited role in the EU's foreign policy has also struck Thym, who observed that for 'all recent Treaty amendments the Parliament had called for a "parallel" extension of its powers in foreign affairs—and failed repeatedly' (Thym, 2009: 324). Even with regard to the EU's most recent Lisbon Treaty, being lauded as a 'foreign policy treaty' (e.g. Emmanouilidis and Świeboda, 2011), the Parliament has generally been left behind and is rather put on 'an institutional disadvantage compared to the Commission and the Council' both with regard to the intergovernmental CFSP/CSDP as well as the supranational external action policies (Jančić, 2014a: 39). In fact, as Rosén argued, the Parliament's basic powers in EU foreign policy have not changed substantially since the 1991 Treaty of Maastricht (Rosén, 2015b: 13), with the notable exception of an increased say in the EU's trade policy.[17] Diedrichs agrees, arguing that for the domain of CFSP/CSDP the Lisbon Treaty merely represented a 'modified status quo' (Diedrichs, 2004: 44).

2.1.1.1 The role of the EP in the making of EU foreign policy

The above does not preclude *any* meaningful role for the European Parliament in the EU's foreign policy, however. With regard to the *making* (i.e. the formulation and decision-making) of EU foreign policy, the EP has gradually obtained various powers of co-decision, consent and control. Following Bajtay (2015a: 10-17), its role can be classified according to the 'hard' legislative powers it holds under various community policies, and more 'soft' oversight powers under the CFSP and CSDP.

[17] While the Maastricht Treaty introduced consultation rights to the Parliament in the domain of CFSP/CSDP and gave the Parliament consent power to international agreements, the Lisbon Treaty has extended the latter competence to the field of trade policy.

Legislative hard powers in EU External Action policies

While Crum rightfully observes that the EP's role in EU foreign policy is rather marginal since 'foreign policy is generally not administered through legislative acts but rather through executive decisions' (Crum, 2012: 361), an important exception to this are the aspects of foreign policy making which are inscribed into legislative or budgetary procedures. The latter serve as an important entry point for the Parliament as a co-decider or veto-holder, thereby granting it a say in the formulation and approval of policies.

First, and most importantly, the Parliament holds a right of consent to various international agreements concluded by the EU, such as EU Accession Treaties and all other international agreements that are concluded under Article 218(6a) of the TFEU[18]. This includes all association, trade and cooperation agreements between the EU and third actors, as well as international agreements concluded on any other policy domain that is governed by the Ordinary Legislative Procedure (OLP). Although its role only comes at the very end of an international negotiation process, presented in the form of a 'take-it-or-leave-it' decision, the Parliament is generally considered to enjoy an informal say during negotiations given its ultimate power to thwart an entire agreement. That threat became more credible after the Parliament rejected the EU-US SWIFT-agreement back in 2010, when it argued its views were not sufficiently taken into account (cf. Monar, 2010; Passos, 2011; Ripoll Servent, 2014; Van den Putte et al., 2015).

Second, the Parliament has obtained co-decision powers over some aspects of EU foreign policy. Falling under the OLP, the adoption of autonomous trade measures as well as all type of budgetary instruments that give body to the EU's external policies in the form of economic, financial and technical cooperation (cf. Art 212(2) TFEU) require agreement by Parliament. The Union's various external policies such as its neighbourhood, enlargement, humanitarian, and (a part of) development policies are underpinned by thematic or geographical 'financial instruments' which are to be adopted with the Parliament as a co-legislator (Bartelt, 2008). Although yielding important power over the allocation of financial resources, it should be underlined that this remains a rather indirect lever over foreign policy since it only creates a say once every seven years, when such instruments are created or renewed. It hence does not entail any power over the actual implementation of budgets (Riddervold and Rosén, 2016: 693).[19] The Lisbon Treaty has also extended co-decision powers to policy fields such as asylum,

[18] Where the Parliament is also expected to be 'immediately and fully informed at all stages of the procedure' (Article 218(10) TFEU).
[19] As Bartelt stresses, the Parliament might have a 'right of scrutiny' with regard to the implementation of external action instruments via comitology procedures, it does however 'not give the Parliament the right to revoke or delay any implementing act contrary to its opinion' (Bartelt, 2008: 676).

migration, cross-border crime or visa policy[20], which also carry foreign policy implications (Nitoiu, 2016: 90).

Finally, through its overall 'power of the purse', the Parliament is entitled to approve both the EU's seven-year Multiannual Financial Frameworks and annual budgets (which are adopted by the Council), while it equally oversees the spending of the institutions through the so-called discharge procedure. With the notable exception of spending for military CSDP operations (cf. infra), the EP in this way has again an indirect say in *how* the EU spends its money on foreign policy issues (Rosén, 2015b: 15).

Soft oversight powers in CFSP/CSDP

In the domain of CFSP/CSDP[21], i.e. the diplomatic and military aspects of the Union's foreign policy, the Parliament does not enjoy any of the 'hard' veto powers that legislative competences bring. It still possesses limited information and consultation powers, however. Art. 36 TEU first and foremost instructs the HR/VP to 'regularly consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and the common security and defence policy and inform it of how those policies evolve'. The article also requests the HR/VP to 'ensure that the views of the European Parliament are duly taken into consideration'. With this in mind the Parliament is entitled to ask questions and make recommendations to the Council, including by holding twice a year 'debate on progress in implementing the common foreign and security policy, including the common security and defence policy' (Art. 36 TEU).

Apart from seeing its possibility to debate the CFSP increased to twice per year, and having it expanded to the CSDP, the Parliament's control and oversight powers remain strongly limited and have not been substantially altered with the Lisbon Treaty (Whitman and Juncos, 2009). Even more, it is worth mentioning that a specific Declaration was added to the Treaty which states that the provisions covering the CFSP and CSDP 'do [not] increase the role of the European Parliament' (European Union, 2012a: 345).

Parliamentary oversight is most problematic in the domain of the CSDP, where the incremental integration of defence policies since the 1990s has not been met with an increase in formal control powers for the EP (Peters et al., 2014; Riddervold and Rosén, 2016; Wagner, 2006; Wouters and Raube, 2012). As Raube and Wouters underline, the Parliament lacks any form of ex ante parliamentary control

[20] I.e. the area of 'freedom, security and justice' policies originating from the former 'second pillar' of intergovernmental decision-making.
[21] The Treaty on the European Union considers the CSDP as an integral part of the CFSP (Art. 42(1) TEU).

on the planning or launch of CSDP operations abroad, nor has it the power to approve *military* expenditures[22] (Wouters and Raube, 2012: 152).

In the light of these limited rights of oversight, the EP has however concluded a range of Inter-Institutional Agreements with unclear legal implications (the IIAs of 1997, 1999, 2002 and 2006) to further enhance its access to information (including classified documents), its consultation during treaty negotiations, or its say over expenditures of the CFSP and community budgets (for a complete overview, see Van Hecke and Wolfs, 2015). Also of non-binding nature is the so-called 'Declaration on Political Accountability' which regulates the relationship between the HR/VP and the EP. While the HR/VP and EEAS are legally accountable to the Council, the Declaration established a framework for political accountability towards the Parliament, including by holding of a dialogue with Parliament twice a year, as well by holding a parliamentary exchange in with the EU Heads of Delegation and EU Special Representatives (Raube, 2012; Wisniewksi, 2013).

2.1.1.2 The (absent) role of the EP in the implementation of EU foreign policy

While in the *making* of the EU's foreign policy, the Parliament still enjoys formal – but limited – powers of co-decision, veto or control to indirectly shape the EU's foreign policy, the very *implementation* of EU foreign policy is the hands of a *dual foreign policy executive*, i.e. the Council on the one hand, and the European Commission on the other (Conway, 2011: 312; Hix and Høyland, 2011). First, the Council, more specifically in its configuration as Foreign Affairs Council (FAC), is the main actor deciding on the Union's CFSP and CSDP. The implementation of its decisions on EU-level[23] is left to the EEAS, chaired by the High Representative, which simultaneously chairs the FAC and acts as a Vice-President of the Commission with an external policies portfolio.

Second, while the Council acts as the main decision-making body in the domain of CFSP/CSDP, it 'is embedded in a broader institutional set-up that incorporates the Commission, the EP and the ECJ' for all foreign policy matters regulated by the TFEU (Keukeleire and Delreux, 2014: 67). Here, the European Commission is instead the principal actor giving implementation to foreign policy matters, while acting under the mandate of the Council in international negotiations for issues pertaining to EU exclusive competences, and while relying on the EEAS for its day to day implementation in third

[22] Which, contrary to the civilian CSDP operations covered by the CFSP-budget heading, are left out of the EU's general budget (cf. Art.41(2) TFEU).
[23] Some elements are also implemented by the member states themselves, such as positions to be taken in international fora or the deployment of military troops.

countries (for a more detailed overview of the highly complex institutional architecture of the EU's foreign policy, see Eeckhout, 2012; Keukeleire and Delreux, 2014).

Crucial for the present understanding of the EU's *dual foreign policy executive* is to recognise that the Commission or the Council do not always function as the EU's 'executive'. For the many internal policy domains under the community pillar, the Commission and Council act as legislators[24], with the former proposing and the latter (co-)adopting EU law. However, in the areas of areas of CFSP/CSDP or EU external action policies, and more particularly the execution thereof (i.e. diplomacy), no such overlap exists, since here 'both the Commission and the (European) Council constitute the central executive of the EU, and as in national systems, foreign policy is not conducted via legislation' (Conway, 2011: 312).

2.1.1.3 The EP's role in the EU's neighbourhood and enlargement policies

As this research is specifically focused on the EU's foreign policy towards the so-called neighbourhood and enlargement regions, it is worthwhile to briefly illustrate the Parliament's formal role in these policies.

With regard to the EU's enlargement policy, the European Commission is in charge of negotiating all relevant reforms with (potential) enlargement candidates. The Council takes note of the progress booked as reported by the Commission, and based on the latter's opinion may decide to advance or halt the process. A very similar working method prevails in the ENP, where the Commission administers the implementation of the policy, with the Council taking stock of the progress booked and deciding on furthering or reducing cooperation (Hillion, 2004; Keukeleire and Delreux, 2014: 207-211; 250-256; Schumacher et al., 2018). Accordingly, the Parliament's role becomes only activated at the end of a negotiation process, when it is asked to give consent to the relevant Accession Treaties or (Stabilisation and) Association Agreements on the one hand.

However, the EP also possesses a number of instruments through which it can exert additional influence on both policies. First, once entering into force, the (Stabilisation and) Association Agreements that are concluded under both programmatic policies, provide for parliament-to-parliament cooperation in the form of Parliamentary Association Committees. In these committees, parliamentarians of both sides discuss their mutual relations as governed by the agreement and may adopt (non-binding) joint statements or recommendations. Second, the Parliament has an unrestrained power to adopt resolutions

[24] One could again nuance further that for some aspects, the Commission may act as an 'executive' in implementing certain regulations or enforcing certain rules (Conway, 2011: 311).

that allow it to express its opinion on both policies.[25] For example, the EP consistently expresses its stance on both policies in the form of (annual) resolutions, which are formulated as response to the Commission's latest 'country reports' that take stock of progress booked. Finally, the Parliament may proactively capitalise on its above mentioned financial and budgetary competences to provide overall orientation to the financial aspects of the enlargement and neighbourhood policies (European Parliament, 2018a; Kaminska, 2017).

2.1.1.4 The peculiarity of a separation of powers system for foreign policy making

To conclude this overview of the EP's role in EU foreign policy, some final words of explanation are warranted with regard to how the EU's particular political system shapes the inter-institutional dynamics in the field of foreign policy.

Although the EU executive actors play the main role in defining and executing the Union's foreign policy, it should be underlined that – contrary to most parliamentary systems in EU member states – the relation between the EP and the EU executives is governed by a *separation of powers* system.[26] The latter differs from a *fused powers system* in that it is characterised by a higher degree of institutional independence and by the absence of a clear hierarchical structure in which the executive is able to impose its will on the legislative branch (Sartori, 1970: 169-170). In a fused powers system, '(…) the executive can force its parliamentary parties to support its policy agenda by threatening to resign, and hence risk a battle over the formation of a new executive' (Hix et al., 2004: 170). In a separation of powers system, to the contrary, 'the legislative and executive branches are each elected/selected independently, often for different length terms and by different electorates' making that 'neither is "responsible" to the other, and neither can remove or dissolve the ordinary course of events' (Kreppel, 2011: 170).

This absence of inter-institutional dependency and loyalty makes the relationship between the EP and the EU executives fundamentally different from legislative-executive relations in fused power systems. It provides a much larger room for manoeuvre in adopting a parliamentary position, making the European Parliament 'politically "freer" than the parliaments of the Member States' (Krajweski, 2013: 75-76). At the same time, while the lack of strong parliamentary involvement in foreign affairs in fused powers systems is compensated by the fact that parliaments can always censure their governments when its foreign policy behaviour exceeds the threshold of what is acceptable, no such power is bestowed

[25] In the enlargement context, the Parliament's Committee on Foreign Affairs has the habit to appoint specific Standing Rapporteurs for candidate and potential candidate countries.
[26] It is in that way similar to the federal government structure of the United States.

upon the EP vis-à-vis the Council or the Commission (Viola, 1999: 46-47). Therefore, the development of a proactive and autonomous foreign policy stance by the EP, is to a certain extent also required from a democratic point of view.

Péter Bajtay echoes this argument by illustrating the EP's tendency to adopt an autonomous stance on foreign policy issues:

> Unlike in national parliaments of EU Member States but like in the US Congress, however, the parliamentary majority in the EP is not "the prolonged arm" of the other "state-like" branch. (…) The absence in the European Parliament of such a rather "restrictive" institutional set up provides the opportunity for MEPs to take foreign policy positions and views freely *without being politically obliged* to support the position of the Council, the HR/VP and the Commission, which together are the executive organs of EU foreign policy.
>
> (Bajtay, 2015a: 7-8; original emphasis)

Concluding, while the role of the EP in the EU's foreign policy is rather peripheral, its structural independence nevertheless allows for the development of an autonomous foreign policy stance, which is not necessarily mirroring that of the executive.

2.1.2 Studying the European Parliament in EU foreign policy: overcoming the parliamentarisation prism

In the scholarly literature, the role and influence of parliaments in foreign policy is generally assumed to be rather weak due to the so-called executive prerogative in this policy field (Born and Hänggi, 2004; Foley, 2007; Hill, 2003; Kesgin and Kaarbo, 2010; Ku, 2004; Peters et al., 2010; Raunio and Wagner, 2017). The EP's limited formal foreign policy powers as described above are therefore not very different to those of national parliaments, i.e. approving the budget, ratifying treaties and overseeing the executive (Benedetto, 2011: 85). In view of this, studies on the role of parliaments in foreign policy logically tend to measure or assess the role of parliaments in terms of legislative-executive relations or degrees of 'parliamentarisation', the latter being one of the oldest, yet still ongoing, debates in comparative legislative studies. This scholarly tradition essentially analyses parliamentary behaviour in terms of its functioning as a law-making, deliberating, representative, or controlling institution; and this while seeking to establish how this may affect 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).

As a result, the 'parliamentarisation prism' has also become the dominant perspective to analyse the role of the European Parliament in the EU's foreign policy. The bulk of the work focuses on the core

function of *parliamentary control* (and accountability) with regard to the executive. As a typical and often-cited work, Peters et al. (2008) provide a compilation of contributions that assess the role of the EP (as well as national parliaments[27]) in controlling European foreign and security policy. Many other works on the EP in EU foreign policy can be grouped under this 'parliamentary control tradition', such as Diedrichs (2004), Barbé and Herranz (2005), Thym (2006), Comelli (2010) or Raube (2014).

Within the parliamentary control literature, some contributions have specifically focused on exploring the potential of *inter-parliamentary cooperation* between the EP and national parliaments in overseeing the EU's foreign and security policy (cf. Hilger, 2008; Marschall, 2008; Petrova and Raube, 2016; Wouters and Raube, 2012, 2016; and the many contributions in the edited volume of Raube et al., 2019). A key concept in this strand of research has been Crum and Fossum's 'Multi-level Parliamentary Field' (Crum and Fossum, 2009), which has been used as a heuristic device to study the parliamentarisation of European foreign and security policies (e.g. the edited volume of Crum and Fossum, 2013; Herranz-Surrallés, 2014).

In addition, a number of works have studied the *expansion* of parliamentary control and authority in EU foreign policy, often inspired by the paradigmatic study of Berthold Rittberger (2003). Most famous in that regard is the study of Maurer, Kietz and Völkel who studied the EP's negotiation of Inter-Institutional Agreements in CFSP as process of 'parliamentarization through the back door' (Maurer et al., 2005; for a follow-up study, see Thym, 2008). Similarly, Guri Rosén en Marianne Riddervold examined the *de facto* expansion of the powers of the EP in trade policy (Rosén, 2017) as well as in the CFSP/CSDP (Riddervold and Rosén, 2015, 2016; Rosén, 2015a). With regard to the institutional innovation brought by treaty revisions, Crum has investigated whether the EP has been able to use the institution of the High Representative to increase its powers in CFSP (Crum, 2006), Monar (2010) and Passos (2011) studied the implications of the obtained power of consent for international agreements, while Raube (2012) and Wisniewksi (2013) have focused on the effects of the establishment of the EEAS on the EP's expansion of oversight powers.

Beyond EU studies, yet another strand of research has shifted attention to studying the proliferation and empowerment of so-called International Parliamentary Institutions (IPIs), often treating the EP as a kind of *primus inter pares* (e.g. Cofelice, 2012; Cofelice and Stavridis, 2014; Cutler, 2001, 2013; Kissling, 2011; Malamud and de Sousa, 2007; Malamud and Stavridis, 2011; Šabič, 2008, 2013). Again, most IPI-studies maintain a comparativist approach, focused on the 'empowerment of IPIs' as the dependent variable being studied with the degree of parliamentarisation as a yardstick (Cofelice, 2012: 9; 2018;

[27] For an overview of national parliamentary control of European foreign and security policy, see Wagner (2015).

Cofelice and Stavridis, 2014). However, some studies do also explore the role of IPIs in promoting (or mitigating) processes of (inter-)regional integration and globalisation (Costa et al., 2013; Costa and Dri, 2014).

In sum, mapping the literature on the role of the EP in EU foreign policy conform to an overall tendency of studying parliamentary influence in terms of legislative-executive relations. In this dissertation, however, I will argue that such parliamentarisation perspective inhibits to conceive parliamentary institutions as actors which may develop autonomous international agency. Only recently, the study of the EP has taken such explicit 'diplomatic turn' by seeing the EP as an international actor in its own right (Fiott, 2015; Nitoiu and Sus, 2017; Redei, 2013; Stavridis and Irrera, 2015; Stavridis and Jančić, 2017). While these studies are the only ones to escape such 'parliamentarisation straightjacket', I argue that thus far, these contributions mostly concern explorative or empirical works, and therefore lack theoretical grounding (see Chapter 1).[28]

2.2 A transnational perspective on the EP's diplomacy

In order to address the above raised lack of theoretical grounding, I build on transnational insights to conceptualise the role of the EP as a diplomatic actor in international affairs. This perspective allows to draw a distinction between the above described parliamentary activities that are oriented at influencing or controlling the foreign policy of the executive (i.e. parliamentarisation of foreign policy) and activities that are focused on directly interacting with the external environment, in that way bypassing the executive (i.e. transnational parliamentary diplomacy).

Transnational relations can be defined as 'regular interactions across national boundaries when at least one actor is a non-state agent or does not operate on behalf of a national government or an intergovernmental organization' (Risse-Kappen, 1997b: 3). The paradigm breaks with a clear-cut ontological delineation between the national and international level, and thus between domestic and international actors. Instead, transnational actors are 'domestic actors' that can become direct participants in world politics and therefore claim and obtain a role in international decision-making, legislation, regulation, monitoring and implementation (Arts et al., 2001; Higgot et al., 2000; Reinalda, 2011).

[28] The doctoral dissertation of Redei (2013), who has applied role theory to study the EP as diplomatic actor, is a notable exception in this regard.

I posit that the European Parliament can be conceptualised and analysed as such transnational actor, implying that it does not only operate domestically in overseeing and influencing the executive's foreign policy, but that is equally able to display autonomous international agency. Following a formalistic interpretation, parliamentary actors are considered an integral part of 'government' and would therefore be excluded from being recognised as transnational actors. Dismissing unitary actor images, however, Nye and Keohane propose the image of a fragmented government structure, in which 'subunits' of government may at times operate 'on their own' and develop cross-border relations which 'are not controlled by the central foreign policy organs of their governments' (Nye and Keohane, 1971b: 335; see also Singer, 1969: 24). Conceptually breaking down the barriers between domestic and international affairs, transnationalists have exactly argued that transnational actors are 'intermestic' (Hale, 2013; Manning, 1977): they neither fully operate on the national or the international level, but rather at both levels simultaneously (Keck and Sikkink, 1999: 92; Rosenau, 1997). Viewing the EP as a transnational diplomatic actor thus implies that the EP can be involved in border crossing interactions (i.e. beyond the EU) and that, in so doing, it does act in its own capacity and on its own authority (Nye and Keohane, 1971b; Risse-Kappen, 1997a).

Accordingly, the EP is not merely a supranational actor operating within the EU's system of governance, alongside a dual foreign policy executive (Hix and Høyland, 2011). In addition to activities of debating, scrutinising and co-legislating EU-policies, the Parliament is also involved in cross-border activities directly addressing foreign, non-EU, actors. In that sense, the EP is therefore not only the *outcome* of transnational politics, i.e. an institution grouping together parliamentarians and parties from different EU member states (Hix, 1996: 321), but it is also an actor *constitutive* of outward transnational relations beyond the EU territory. It is the latter understanding of the EP as a transnational actor, operating beyond the EU polity in its interaction with foreign actors, that is shared in this research.

In what follows, I will further conceptualise the European Parliament as a transnational diplomatic actor in terms of its potential *modes* and different *layers* in order to better grasp the varying relationship between the EP's diplomacy and that of the EU's dual foreign policy executive. I will on the one hand distinguish between cooperative or competitive modes of diplomacy, while on the other hand identify the different type of actors that underpin the EP's cross-border diplomatic agency.

2.2.1 The EP's modes of diplomacy: a framework for analysis

In principle, the EP's transnational diplomacy can be pursued in different ways, ranging from strong coordination with – or even full participation in – executive foreign policy, to a more independent undertaking. It could take place in a spirit of mutual cooperation where parliamentary actors aim to facilitate the promotion of interests of the executive, but could equally result in strategies of rivalry where interests are not aligned and where the actions of parliaments could undermine the foreign policy goals of the executive.

The question of how transnational parliamentary actors, such as the EP, relate to executive actors in their conduct of diplomacy therefore deserves further theoretical reflection. Such questions have long remained unexplored territory for the bulk of transnational studies. Early manifestations of transnationalism and global governance have been predominantly engaged in zero-sum based reasoning – demonstrating the importance of transnational actors against a state-centred picture international relations. However, as the scholarly awareness surrounding the importance of non-state actors (NSAs) in world politics has evolved, contemporary studies of transnationalism have turned to studying the determinants and characteristics of the complex *interaction* between transnational and state actors. Their aim has become to study how states and IGOs might enable or constrain transnational actors, as well as *vice-versa* (Pishchikova, 2006: 50; Risse, 2002: 259; 2012: 430; Tallberg and Jönsson, 2010: 9). The current conceptual framework aims to add to this literature by studying the interaction between transnational parliamentary actors and governmental actors.

As a point of departure, it is useful to turn to the concept of *interdependence*. Whilst the idea of interdependence has been applied in many ways, including in theorising about the properties of international systems and regimes (Keohane and Nye, 1977), the concept is invoked here for understanding the complex patterns of interaction between state and non-state actors in the execution of foreign policy. Being a central premise in the transnational paradigm, the relationship between state and non-state transnational actors is considered to be affected by the degree of mutual dependence, or interdependence. The latter is understood as a relationship of mutual subordination, in which, following Baldwin (1980: 475), 'one thing is supported by something else or must rely upon something else for fulfilment of a need'. The condition of interdependence arises in a 'mixed actor' paradigm of world politics, following which both state and non-state actors[29] co-exist in global politics, share the same complex policy environment, and are both able to influence political decision-making (Rosenau, 1990).

[29] Or elsewhere in the literature: governmental and non-governmental actors.

They therefore become mutually susceptible and vulnerable to each other's policy needs and policy actions.

This constitutes an actor constellation between state actors and NSAs which is characterised by both cooperation *and* competition. Indeed, interdependence does not necessarily lead to cooperation, nor does it automatically imply a relationship of confrontation or competition. Rather, it presents a *choice* between benefiting from exchange and cooperation with other actors, while attempting to maintain maximal autonomy. The degree of asymmetric dependence between a given group of actors is therefore likely to affect their foreign policy strategy towards each other, as Keohane and Nye argue (1987: 730).

Projecting the above transnationalist ontology of interdependence onto the transnational behaviour of parliamentary actors allows to conceptualise legislative-executive relations in diplomacy. Accordingly, I distil two types or 'modes' of parliamentary diplomacy: cooperative and competitive parliamentary diplomacy. The two modes should be thought of as extremes or ideal-types, lying on a spectrum with amalgamate forms of 'parallel diplomatic agency' in the middle. The underlying legislative-executive role constellation of both modes is understood to be shaped by the degree of interdependence between both actors, which, as I will further develop in the next sections, is in turn determined by whether or not both actors are 'internally self-sufficient' with regard to the possession of diplomatic power resources.

In what follows, I will present both modes of parliamentary diplomacy more in detail. For each section, I will first show how the transnational literature understands the interaction between state and non-state actors, respectively under conditions of cooperation and competition. After that, I turn to operationalising how such perspectives might inform the rationale behind both modes.

2.2.1.1 Cooperative parliamentary diplomacy: an alliance based on the exchange of diplomatic resources

A first modus operandi is that of cooperation, shaped by a context of resource dependencies. It follows from a condition in which state and non-state diplomatic actors 'are confronted by autonomy and resource dilemmas generated by the desire for autonomy to achieve core goals on the one hand and the lack of capacity to do so on the other' (Hocking, 2011: 229). Such cooperation can be expected to be most pronounced when actors lack internal self-sufficiency but share common interests with regard to a foreign policy issue, prompting them to 'exchange resources to pursue these shared interests, acknowledging that cooperation is the best way to achieve common goals' (Börzel, 1997: 1). Resulting diplomatic relationships are hence characterised by exchange of resources, mutual benefit and functional symbiosis (Hocking 1999, 2005).

As transnational scholars claim, not only do transnational actors seek to embark on the structures provided by states to exert influence (i.e. participate in international conferences, assist in institution-building or humanitarian aid provision, and so on), but also states might 'become dependent on transnational organizations providing something' such as goods, services, information, know-how or legitimacy (Nye and Keohane, 1971b: 339; Tallberg and Jönsson, 2010; see also Verbeek and Van Ufford, 2001). In particular, as Nye and Keohane argue, transnational actors might be used as 'instruments of influence for use by some governments over others' (Nye and Keohane, 1971b: 340). That is, executive actors could manipulate transnational actors as a more *informal means of influence*, either 'through control or willing alliance' (ibid.: 341). Similarly, Kegley and Wittkopf (1993: 204) found that transnational actors may 'help build and broaden the foreign policy agenda of national decision making by serving as transmission belts through which one country's policies become sensitive to another's'. Reversely, transnational actors may profit from the opportunity structures provided by governmental actors to pursue their interest and to opt into the execution of governmental foreign policy.

Based on the above, I propose that cooperation between parliamentary and executive diplomats is characterised by a reciprocal exchange of diplomatic resources. When a foreign policy intervention confronts either governmental or parliamentary actors with crucial resource deficiencies, strategic alliances are likely to be formed, where one actor leverages its much-wanted resource surplus towards the deficient actor in order to obtain influence. Relying on both a combination of insights from transnationalism (Newman, 2008; Risse, 2012) and diplomacy studies (Hocking, 2005, 2011), I identify four types of diplomatic resources, which actors require in their diplomatic conduct: institutional capacity, expertise, legitimacy, and access (cf. Table 2.1). Meanwhile, such argumentation is line with Pfeffer and Salancik's (1976: 62-88) theory of inter-organisational resource dependency (see also Pfeffer, 1997). Accordingly, it is expected that actors lacking internal self-sufficiency will seek for resources in their environment in order to reach their goals. This results in an interaction with those actors that control these particular resources, which establishes a relationship of mutual exchange that is durable for as long both sides profit from it.

A first resource is that of *institutional capacity*, understood as the whole of material resources that underpin a diplomatic actor. On the one hand, governmental actors possess vast financial, logistical and bureaucratic resources that generate an immense institutional capacity. They form an essential prerequisite to conduct the permanent diplomatic tasks of communication, information gathering and negotiation. Similar as to executive diplomats, however, parliamentary diplomats require a certain degree of institutional capacity, such as bureaucratic support and budgetary means to operate

autonomously. In the case of the European Parliament, such institutional capacity is relatively strong as parliamentarians can make use of personal travel allowances to third countries, are able to embark on cooperation frameworks created by one of the 41 standing parliamentary delegations to third countries, and have strong bureaucratic support structures to fall back on (cf. section 2.2.2).

Closely related to this is the acquisition of *expertise* or *skills*. First, while governmental actors rely on a central administration and permanent representations abroad to gather intelligence, parliamentary actors also generate expertise through their daily activities as a committee member or rapporteur. Just like any other transnational actor, parliamentary actors are embedded in a specific 'policy subsystem' where they 'develop a wealth of first-hand experience' becoming an important power resource by themselves (Newman, 2008: 121). By focusing on particular themes and working on parliamentary files (such as drafting of reports, resolutions or legislation) they acquire specialised knowledge. Their geographical or professional background matters as well, increasing the authority to speak or act on behalf of an issue matter. Finally, expertise is also located in parliamentary administrations or study centres of political parties, which support parliamentarians in their work.

Second, just as governmental actors invest in specific training to develop diplomatic skillsets for their civil servants, parliamentarians also develop specific skills that are inherently linked to their parliamentary duties. As a matter of survival, parliamentarians evidently master the tools of influence, communication and negotiation in order to achieve their political goals. Similar as to diplomacy, this skillset is highly relevant to conduct 'the art of negotiation'. The EP is particularly well-equipped in this regard, since not only do many of its MEPs have previous careers within their home administration where they served as head of state, senior official, foreign minister or diplomat (Beauvallet and Michon, 2010: 148). [30] In addition, in absence of a fixed parliamentary majority, political groups find themselves in a constant effort to build varying majorities (Kreppel and Tsebelis, 1999; Ladrech, 1996), making MEPs particularly proficient in establishing cross-party dialogue and consensus building efforts.

A third resource is that of *legitimacy*. Over the last centuries, legitimacy in international relations has been intrinsically linked to state sovereignty, having obtained hegemonic status (Hurd, 1999). However, following a partial retreat of the state as the sole and relevant actor on the international stage, NSAs have entered the field by drawing upon their status as 'sovereignty-free' actors (Rosenau, 1990). Contrary to states, they capitalise on different sources of legitimacy, i.e. by making claims to

[30] Beauvallet and Michon have calculated that for the 6th European Parliament 11% of MEPs had a previous background as high official, diplomat or senior executive within the public sector (Beauvallet and Michon, 2010: 150). These profiles are typically more represented within the EP's AFET Committee. For example, for the 8th European Parliament, 16 Members (22%) held a diplomatic position in their country, while 27 Members (38%) previously worked as senior government official (own calculations).

authoritative knowledge, the capacity to deliver specific services and by possessing 'moral authority' (Malamud and Stavridis, 2011). The European Parliament's foreign policy identity has often been described as value driven, being portrayed as a 'moral beacon' or promotor of human rights (Bajtay, 2015a: 9; Bickerton, 2010: 220-221; Zanon, 2005: 16). This alternative source of legitimacy 'is directly related to the claim that these groups represent the "public interest" or the "common good"' (Risse, 2012: 434). Falling in between the categories of governmental and non-governmental actors, parliamentary actors may on the one hand claim to be 'societal actors' representing public interest as a transmission belt between society and government (Norton, 2001: 17-18). On the other, they can equally capitalise on their status as representatives of governmental organisations to claim legitimacy. Paraphrasing Willetts, the opportunity for alliance is strong here, since executives might have high authority, but often lack legitimacy, while parliamentary actors might have lower authority but can compensate with higher legitimacy (Willetts, 1982: 21-22).

Finally, a fourth resource type is *access*. States are the main gatekeepers of the diplomatic game, which still largely operates on the basis of sovereignty-determined players and rules. This implies that non-state actors often require the invitation, permission, recognition, or blessing of state actors to partake in diplomacy, i.e. to obtain access and presence to key diplomatic fora (Hocking, 2005: 21-22). Nevertheless, 'access' should not be considered a one-way relationship. NSAs are well connected and often have privileged access to their peers abroad, which could make them desired targets in the eyes of governmental actors (Bouwen, 2002). Similarly as with legitimacy, parliamentary actors can make use of their 'double status' to claim access to governmental spheres on the one hand, and to societal actors on the other. Indeed, by virtue of their position, parliamentarians are able to distance themselves from the executive and could present themselves as informal or intermediary actors in order to be obtain the confidence of those foreign actors that would be suspicious of directly talking with official diplomatic agents (Fiott, 2015: 9). In addition, parliamentarians can make use of both established party and inter-parliamentary networks to obtain access to their peers abroad. As will be further discussed below, MEPs are able to embark on a network of so-called standing inter-parliamentary delegations, as well as on the 'family ties' they have with non-EU parties belonging to the same European party federation.

Table 2.1 – Overview of governmental vs. parliamentary diplomatic resources

	Executive diplomats	**Parliamentary diplomats**
Institutional capacity	bureaucratic and financial resources	bureaucratic and financial resources
Expertise & skills	information gathering	parliamentary expertise and skills
Legitimacy	sovereignty	moral authority & authoritative knowledge
Access	governmental arenas	governmental and societal arenas

2.2.1.2 Competitive parliamentary diplomacy: rivalry through diplomatic precedent setting[31]

Cooperation or alliance between state and non-state actors is not the only game in town according to transnationalists. A second modus operandi recognised by the literature is one of diplomatic *competition* with the central foreign policy organs. As Kegley and Wittkopf (1993: 204) argue, some transnational actors 'are so powerful that they are able to pursue their interests outside the direct control of states, while at the same time sometimes involving government in particular problems as a result of their activities'. In other words, provided they possess sufficient resources, parliamentary actors are no longer simple stakeholders in a governmental foreign policy, but are able to rely on their own capacities to execute a foreign policy agenda.

Instead of departing from a perceived mutual resource dependency which activates a role for transnational actors in diplomacy, here, the divergent agenda and strategy of transnational actors stand central to explaining why and how they might become 'international' actors, in order to change the policy of their 'home governments'. This perspective on transnational relations has become widely studied during the last two decades, most notably since the pioneering study edited by Risse-Kappen (1997a), which precisely focused on establishing which (domestic and international) factors enable transnational actors to influence (domestic) policy outcomes. The perspective gained further traction with Keck and Sikkink's (1998) work on the behaviour of transnational advocacy networks, who studied how activist groupings may attempt to change the (foreign policy) behaviour of states. Central to their argumentation stands the idea of the 'boomerang pattern'. It captures a process in which, instead

[31] I am indebted to Lorinc Redei (2013; 2015) from which I gratefully borrowed the term of diplomatic precedent setting, in order to further conceptualise it. In particular, Redei studied the how the EP, through a consistent use of rhetoric and protocol precedents was able to project its policy preference onto the Council and the European Commission.

of directly lobbying their home government, transnational actors may choose to directly engage with foreign actors and institutions with the intention of indirectly confronting their home governments with *faits accomplis*, leaving them no other option than to adjust their own foreign policy preferences and strategies (ibid.).

Since their paradigmatic study, this process has been recognised and examined by other scholars. For example, in studying development aid organisations, Verbeek and Van Ufford have observed that 'non-state actors may try to affect the formulation of their home state's foreign policy by adopting transnational rather than domestic strategies' (…), in that way forcing 'their home states to adapt their foreign policy preferences' (…) and to 'change their own government's policies, or to ensure that policy will be faithfully implemented' (Verbeek and Van Ufford, 2001: 130-131). The ideas have also informed the so-called democratic diffusion literature, studying how transnational actors can contribute to promoting democracy through transnational strategies in that way impacting on domestic governments (e.g. Gleditsch and Ward, 2006; Levitsky and Way, 2006). Together, these findings resonate with what Nye and Keohane in the 1970s described as a context in which transnational actors may 'affect interstate politics by altering the choices open to statesmen and the costs that must be borne for adopting various courses of actions' (Nye and Keohane, 1971a: 724-725).

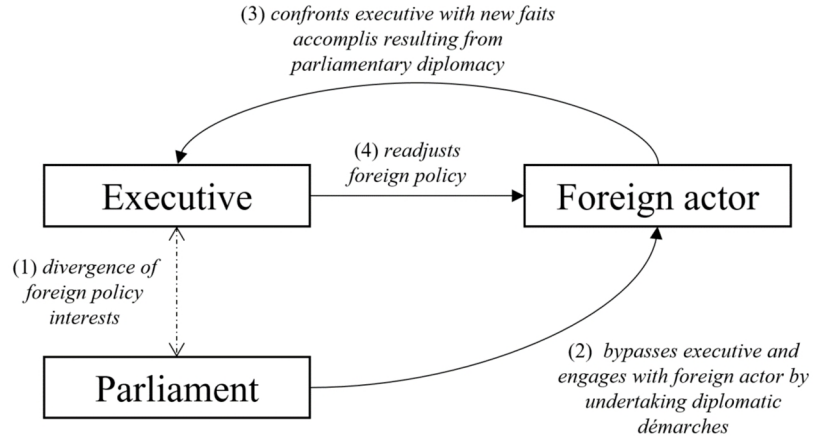
As Langhorne has argued, the involvement of NSAs in diplomacy not only results in new forms of diplomatic representation, but also in these actors performing 'practices which create precedent' (Langhorne, 2005: 336). Trivial as this observation might sound, it is key to describing how transnational parliamentary diplomacy as a competitive phenomenon operates. In short, I argue competitive parliamentary diplomacy operates on the basis of shaping diplomatic precedents – i.e. acts or statements that have the effect of structuring future diplomatic acts (Kier and Mercer, 1996: 79) – which tie the hands of executive diplomats in future diplomatic interaction. In the case of the EP, competitive diplomacy thus is a strategy to (indirectly) influence the EU's foreign policy.

As Thomas Risse argues, in order to impact on state (foreign) policies, transnational actors engage with the international environment to actively promote certain policies or norms. This, in turn, has a structuring impact on the target state, since the latter is embedded in that same international environment and therefore becomes susceptible and vulnerable to transnational pressures (Risse-Kappen, 1997a; Risse, 2012). In the same vein, I argue that competitive parliamentary diplomacy bears strong resemblance to the practice of norm-setting by transnational actors, thus following a 'boomerang pattern' along the lines of the model of Keck and Sikkink (1998). While the latter exclusively focused on studying the transnational advocacy strategies of private NGOs, the authors however included

'parliamentary branches of governments' (Keck and Sikkink, 1998: 9) as a likely candidate to which their model of transnational advocacy could be applied. To date, however, no study has operationalised such model to transnational parliamentary behaviour.

This dissertation employs the boomerang model to conceptualise the functioning of competitive parliamentary diplomacy. Keck and Sikkink (1998: 12-13) describe the process of transnational advocacy as one departing from a conflict of interests between the transnational actor and the domestic government, and the inability to resolve it, 'setting in motion the "boomerang" pattern of influence'. Accordingly, transnational actors bypass their home government and instead opt for the international arena to directly promote their views. The latter results in policy or norm entrepreneurship at the international level, which in turn confronts and subsequently affects the (foreign) policy of the home government. Correspondingly, I propose that competitive parliamentary diplomacy of the European Parliament follows a sequential process of diplomatic precedent setting (see Figure 2.1), which (1) departs from a perceived *policy frustration* on behalf of the Parliament with regard to the foreign policy of the EU executive(s); (2) sets in motion a process where EP actors decide to *directly engage with foreign actors* in order to promote their diverging interests or ideas; (3) while this engagement takes place under the form of undertaking *diplomatic démarches*[32]; (4) with the resulting effect of *structuring* the executive's *future diplomatic interaction* and therefore bringing it to redefine its foreign policy.

Figure 2.1 – The process of precedent setting through competitive parliamentary diplomacy



Source: Adapted from Keck and Sikkink (1998: 13)

[32] Following the Max Planck Encyclopaedia of Public International Law, a démarche may encompasses any sort of official diplomatic communication from a sending diplomat towards a receiving diplomat in the form of a stance or a request, in order to obtain a certain action, behaviour, decision, clarification or stance from the receiving diplomat (Salmon, 2007).

Transnational parliamentary actors may generally be expected to be influential transnational actors, when compared to purely private NSAs. As parliamentary actors they do not only represent particular constituents (similar as to how NSAs represent specific societal interests), yet crucially, they also represent their own government. This 'double authority' might therefore more easily implicate the executive into their delivered engagements and statements, and make transnational parliamentary diplomacy particularly effective in binding or committing home governments towards certain policies.

2.2.2 The layers of the EP's transnational diplomacy

As the final part of this chapter, this section sheds some light on the type of actors that lie at the source of the EP's transnational diplomacy. In line with Shemer-Kunz (2017: 80), I dismiss the scholarly tendency to depict the European Parliament as a 'unitary' or 'monolithic' actor. Instead, I propose a fragmented image of the EP as a transnational actor, which is constituted by different type of sub-actors that may engage in cross-border interactions. These actors can be differentiated into three different layers: the elected delegates, the political groups, and the EP's administration.

2.2.2.1 The elected members of parliament and the committees

First, at the most basic level, the EP is composed of 751 elected Members of European Parliament (MEPs).[33] Similar as to national parliaments, the bulk of their parliamentary work takes place within one of the 20 standing committees. The Foreign Affairs Committee (AFET) is the body charged with the 'promotion, implementation and monitoring of the Union's foreign policy' (European Parliament 2018b: Annex V). It has established two specific sub-committees, which deal with security and defence (SEDE) and human rights (DROI) matters respectively, in order 'to cope with a comprehensive agenda, ranging from enlargement to military missions' (Peters et al., 2010: 11). The Committees on International Trade (INTA) and Development (DEVE) equally deal with aspects of EU external relations, while a number of additional committees deal with internal policies that may touch upon external relations, such as the Budgets (BUDG) and Budgetary Control (CONT) Committees, or the Committees on Civil Liberties, Justice and Home Affairs (LIBE) and Environment (ENVI) (Delputte et al., 2017: 60-62; Van Hecke and Wolfs, 2015: 302).

The Conference of Presidents (CoP), bringing together the President of the Parliament and the chairmen of the political groups is the 'organisational powerhouse' of the EP 'with responsibility for the broad political direction' of overall parliamentary activity, both internally and externally (Judge and

[33] In case the United Kingdom leaves the European Union, this number will be reduced to 705 MEPs from the 2019 EP elections onwards.

Earnshaw, 2008: 163). As the strongest political body of the EP, its prime goal is to 'cut deals between the Groups regarding the Parliament's business' (Corbett et al., 2007: 124), with consensual decision-making being common, but where voting based on the weight of political groups is used when necessary (Corbett et al., 2011: 141). Following Rule 27(4) of the Parliament's Rules of Procedure, it is '[t]he Conference of Presidents [which] shall be the authority responsible for matters concerning relations with non-member countries and with non-Union institutions and organisations' (European Parliament, 2017b). In other words, the CoP is the parliamentary body that needs to give approval to MEPs travelling abroad – at least when they do so in official capacity to represent the European Parliament.

Accordingly, in their capacity as committee members, MEPs may travel abroad on fact-finding missions in the format of '*ad-hoc delegations*' that are mandated by the CoP. Following its Rules of Procedure, and particularly the so-called 'implementing provisions governing the work of delegations and missions outside the European Union' (European Parliament, 2015b), such parliamentary committee delegations may be sent to international conferences, international organisations for which the committee is responsible, or to third countries 'to meet specialised counterparts on specific issues linked to the ongoing legislative or scrutiny agenda' (Art. 21(2)). However, in addition to the committee-based ad-hoc delegations, the CoP may also authorise a delegation of MEPs '[i]n response to an unforeseen event of major political or legislative significance' (Art. 21(1)).

Another crucial organ is the *Democracy Support and Election Coordination Group* (DEG), which oversees all of the Parliament's so-called 'Democracy Support' activities. Its mandate is adopted by a Decision of the Conference of Presidents.[34] The DEG is a *sui generis* political body, co-chaired by the Foreign Affairs and Development Committee Chairs, bringing together 17 leading foreign affairs MEPs who meet once a month to provide political guidance, coordination and supervision on all parliamentary support activities abroad. This includes strengthening parliamentary democracy in non-EU countries, supporting the parliaments of the Western Balkans and Turkey, the EP's Election Observation Missions elections, human rights promotion (including the EP's Sakharov Prize), and crucially, all initiatives involving mediation, facilitation and dialogue efforts by the EP (European Parliament, 2018c). To be clear, while the DEG is in charge of overseeing efforts of diplomatic mediation, authorisation for such activities still requires approval by the CoP.

MEPs also belong to one of the geographical committees or *standing delegations* with non-EU parliaments. Aimed at 'maintaining and enhancing contacts with parliaments of States that are

[34] I.e. the Decision on 'Democracy Support and Elections Coordination Group (DEG) and the Implementing Provisions Governing the Election Observation Delegation' as adopted by the Conference of Presidents on 13 September 2012 (European Parliament, 2012f) and as amended on 7 February 2019 (European Parliament, 2019a).

traditionally partners of the European Union and, on the other hand, contribute to promoting in third countries the values on which the European Union is founded' (European Parliament, 2015b: Art. 3(1)), they currently encompass 44 distinct institutionalised frameworks of cooperation, covering relations with around 160 countries. Standing delegations are most often set up as the parliamentary dimension to a bilateral agreement of the EU with a third country, such as Partnership and Cooperation Agreements, Association Agreements or Strategic Partnerships. In addition, the EP has also five standing delegations to multilateral parliamentary assemblies, i.e. the ACP-EU, Euronest, Euromed, Eurolat and NATO[35] Parliamentary Assemblies.

Of distinctive nature is the President of the European Parliament, who as the *primus inter pares* of the assembly represents the EP in international affairs. Following Rule 22(4) of the Parliament's Rules of Procedure, the 'Parliament shall be represented in international relations (..) by the President, who may delegate these powers' (European Parliament, 2017b). This competence allocates considerable leeway and power to the EP President to shape the EP's diplomacy in line with his/her personal and political preferences, Gianniti and Lupo (2016) argue. According to the authors, the EP President has in fact much more influence and leeway with regard to these external functions, when compared to internal parliamentary affairs, which are much more constrained by the political groups (ibid.).

Lastly, MEPs may also travel abroad 'informally' (i.e. in a personal capacity), without backing of their political groups or without approval of the CoP. Although their actions might also bring forward foreign policy implications (as they not seldom take place in more controversial contexts), they fall outside the scope of this research as they do not officially bind the Parliament or represent their political groups.

2.2.2.2 The political groups

A second distinctive layer is formed by the EP's political groups, which have been described as 'the most explicit site for European-level party political dynamics' (Ladrech, 1996: 291). The political groups can be considered as the main political drivers of the Parliament since they not only choose the EP's leadership, they equally 'set the parliamentary agenda, choose the rapporteurs and decide on the allocation of speaking time' (Corbett et al., 2007: 70-71). The political groups are also the main gatekeepers of the EP's diplomacy as their leaders need to lend approval to the above discussed external delegations and missions of the EP within the Conference of Presidents. Moreover, they have their own

[35] The EP is not granted full member status to the NATO PA.

secretariats with units and advisors working on international affairs, serving the goal of ensuring the prioritisation of political objectives and policy coordination within the EP (Fiott, 2015: 2-3).

The EP's political groups do not operate in a political or institutional vacuum. Rather, as Pridham and Pridham (1979: 98) have argued, they should be conceived as an integral part of a triangular relationship with the European party federations and the national parties. The interlinkage between the EP's political groups and the European party federations is essential to grasp the potential diplomatic reach the former have over non-EU member parties of the latter. Indeed, as the 'parliamentary wing' of the European party federations (Ladrech, 1996: 294), the EP political groups (and their MEPs) are able to capitalise on a pan-European network of party relations that extends to the EU's neighbourhood and enlargement regions.

Meanwhile, the European party federations also have their own internal dynamic and a degree of political autonomy, most visibly displayed by party summits, bringing together affiliated heads of state and government, and other major party leaders. While these gatherings mainly serve to prepare for upcoming European Councils, they also touch upon more general goals such as developing agendas, common positions and discussing relevant domestic political situations, including in non-EU countries. In that way, they are not only able to provide partisan linkages between EU institutions (Van Hecke, 2010; Van Hecke et al., 2018: 13-14), or to contribute to European (party) integration (Hix, 1996: 324). Crucially, their network provides tangible instruments and levers to pursue parliamentary diplomacy as they supply channels for communication and interaction, and as such can develop into a potential power-tool to exert pressure on counterparts.

Table 2.2 provides an overview of the size of the political groups in the 8th European Parliament, as well as of the ties of their adjacent European party federations to affiliated parties in the EU neighbourhood and enlargement region. It shows that the four main political groups within Parliament (EPP, S&D, ECR, ALDE) also have the strongest reach to parties in the EU neighbourhood and enlargement region by means of the European party federations as umbrella organisations.[36] As Appendix 5 shows in full detail, the interlinked European party federations have over the last decades established relationships with over 60 like-minded parties from the EU neighbourhood and enlargement region, resulting in a network of *observing*, *associate* and even *full member* parties.

[36] It should be taken into account, however, that the party group landscape within the EP has undergone significant changes between the 7th and 8th European Parliament, i.a. with the creation of the ECR group after the 2009 European elections.

Table 2.2 – EP political groups in the 8th Parliament, party federations and non-EU affiliated parties

EP Political Group	No. of MEPs	European Party Federation	No. of attached non-EU affiliated parties*
European People's Party (EPP Group)	218	European People's Party (EPP)	22
Group of the Progressive Alliance of Socialists and Democrats (S&D Group)	187	Party of European Socialists (PES)	14
European Conservatives and Reformists (ECR Group)	74	Alliance of Conservatives and Reformists in Europe (ACRE)	10
Alliance of Liberals and Democrats (ALDE Group)	68	Alliance for Liberals and Democrats in Europe (ALDE) European Democratic Party (EDP)	14 /
Confederal Group of the European United Left – Nordic Green Left (GUE/NGL Group)	52	Party of the European Left (PEL)	1
Greens/European Free Alliance (Greens/EFA Group)	52	European Green Party (EGP) European Free Alliance (EFA)	8 2
Europe of Freedom and Direct Democracy (EFDD Group)	43	/	/
Europe of Nations and Freedom (ENF Group)	34	Movement for a Europe of Nations and Freedom (MENF)	/
Non-attached Members (NI)	23	/	/

* Only takes into account parties in the EU neighbourhood and enlargement region.

Source: own calculations, based on information on the EP website and the websites of the European party federations (situation on 21/12/2018).

2.2.2.3 The administration

Finally, complementing the political groups as the EP's political drivers in the forefront, the EP's Secretariat General functions as the bureaucratic machinery operating in the background. Although their role often remains invisible, civil servants working within the Secretariat General are nonetheless crucial actors since – just like the secretariats of the political groups – they 'may draft policy documents and give various kinds of advice, and thus provide important decision premises, although not making the final political decisions' (Egeberg et al., 2013: 496). It is widely acknowledged that such support often goes beyond technical and procedural aspects, to include work of policy and political relevance (Dobbels and Neuhold, 2013; Neuhold and Dobbels, 2015; Neuhold and Radulova, 2006; Neunreither, 2002; Winzen, 2011).

Within the domain of the EP's international relations, both the parliamentary committees dealing with external policies, the 44 standing delegations, as well as all official CoP-mandated ad-hoc delegations are able to rely upon the administrative assistance from the EP's Secretariat General. In particular, as one of the three Directorate-Generals[37] involved in the EP's political decision-making processes, the Directorate-General for External Policies of the Union (DG EXPO) is charged with organising the day-

[37] I.e. in addition to DG Internal Policies and the DG for the Presidency.

to-day work of the committees and delegations, providing assistance and advice to their chairs and the EP President, while cooperating with relevant counterparts from the European Commission, the Council and the EEAS. In addition, relevant expertise in foreign policy matters is provided through the European Parliamentary Research Service (EPRS), operating on a demand-basis for MEPs, as well as through a specific 'policy department' within DG EXPO, which commissions in-depth studies on various aspects of EU foreign policy.

Of particular relevance is also the European Parliamentary Mediation Service (EPMS), an office established in 2014 within the Directorate 'D'[38] of DG EXPO to support the EP's activities in the areas of conflict prevention, mediation, facilitation and political dialogue. It acts as a focal point within the EP to provide expert policy advice, operational support for MEPs, internal coordination with other EP services, inter-institutional coordination with the EEAS and the European Commission, as well as external coordination with relevant experts and civil-society organisations. Since its launch, it has been providing support to ad-hoc mediation initiatives by parliamentary envoys on the one hand, as well as to various sorts of (training) programmes for MEPs, foreign parliaments and civil society in post-conflict or transition situations (cf. European Parliament, 2017b; Ruthrauff and Bruce, 2015).

While the EPMS (and DG EXPO by extension) thus provides important, if not crucial, impetus to mediation and dialogue activities conducted by MEPs, all of its activities fall under the political guidance and control of the above mentioned 'Democracy Support and Election Coordination Group' (DEG).

2.3 Conclusion

This chapter has conceptualised the European Parliament as a multi-layered, transnational diplomatic actor. I started by situating the Parliament as a rather peripheral actor in the EU's foreign policy machinery, with its scholarly analysis being encapsulated within a 'parliamentarisation prism'. The latter implies that, just at with regard to national parliaments, the study of the EP's role in foreign policy is measured in terms of how the parliament can control or influence the executive by means of its law-making, deliberation or scrutiny functions. As such perspective inhibits to recognise potential autonomous foreign policy agency of parliamentary actors, I have proposed a transnational perspective, transgressing the domestic-international dichotomy of both comparative politics and traditional IR theories, as an alternative lens for studying the EP's involvement in international affairs.

[38] The Directorate for Democracy Support.

In particular, a transnational perspective has been used to shape ontological clarity with regard to how parliamentary actors as diplomatic actors interact with their environment. Based on transnationalism's key principle of interdependence, I have argued that the relationship between state and non-state actors is characterised by a combination of cooperation and competition pressures, in essence presenting a choice between benefiting from exchange and cooperation, and an attempt to maintain maximal autonomy.

Projecting this transnationalist ontology of interdependence to the conduct of diplomacy, two modes of transnational parliamentary diplomacy and a resulting analytical framework were proposed. On the one hand, *cooperative parliamentary diplomacy* is manifested by an exchange of four type diplomatic resources triggered by mutual resource dependencies. On the other, *competitive parliamentary diplomacy* is characterised by a pattern of diplomatic precedent setting by parliamentary actors that are unsatisfied with the foreign policy of the executive.

In order to explore the relevance of both theoretical frameworks, the next two chapters will study the functioning of the EP's transnational parliamentary diplomacy as a competitive phenomenon in Ukraine (Chapter 3) and as a cooperative practice in Macedonia (Chapter 4).

Part II

Exploring the European Parliament's Diplomacy

Chapter 3 Competitive Parliamentary Diplomacy: The Cox-Kwaśniewski Monitoring Mission to Ukraine (2012-13)

In the preceding chapter, I have operationalised a competitive mode of parliamentary diplomacy along the model of Keck and Sikkink's (1998) transnational 'boomerang pattern' and Redei's (2013) concept of diplomatic precedent setting. I argued the phenomenon is characterised by a conflict of foreign policy interests between the Parliament and the EU's dual executive, where EP actors decide to directly engage with foreign actors to promote their diverging interests by means of undertaking diplomatic *démarches*, with the resulting effect of restructuring the executive's future diplomatic interaction.

The next pages will explore the relevance of the theoretical framework by analysing the interplay between parliamentary and executive diplomats in a concrete case-study, by means of a within-case congruence analysis. The goal is to establish whether a 'boomerang pattern' of recurrent 'precedent setting' can indeed be witnessed in the case of competitive parliamentary diplomacy. To this end, I will analyse the diplomatic involvement of the European Parliament in the Ukrainian crisis preceding the 2013 EU-Eastern Partnership (EaP) Summit.[39]

The Vilnius EaP Summit of 28–29 November 2013 was meant to become a key defining moment for the EU's future relations with the six countries[40] partaking in the EU's Eastern Partnership, most notably with regard to Ukraine. While not entailing a promise of EU membership, the agreements (which included so-called 'Deep and Comprehensive Free Trade Agreements') would effectively anchor the countries within a European sphere of influence, by means political and economic integration. However, in the months preceding the summit, the EU's plans were met with increasing resistance from Russia,

[39] This Chapter largely corresponds to the empirical findings published in the following publication: Fonck, D. (2019). Servants or Rivals? Uncovering the Drivers and Logics of the European Parliament's Diplomacy during the Ukrainian Crisis. In K. Raube, M. M. Bac, & J. Wouters (Eds.), *Parliamentary Cooperation and Diplomacy in EU External Relations* (306-322). Cheltenham: Edward Elgar.
[40] Ukraine, Moldova, Belarus, Azerbaijan, Armenia and Georgia.

which saw its own advanced-project of the Eurasian Customs Union sidelined by the AAs. Moreover, the detention of former Ukrainian Prime-Minister Tymoshenko, perceived by several EU member states as a politically-motivated prosecution by the President, further diminished the prospect of a signing ceremony in Vilnius. In the end, the EU stalemate and pressure from Moscow resulted in Ukrainian President Yanukovych stepping away from the agreement. His decision not only triggered severe political unrest in the country, it eventually culminated in the February 2014 revolution, in turn provoking the Crimean annexation by Russia and the war in Donbass.

This chapter focuses on the crucial period *before* the Vilnius EaP summit. It particularly studies how the EP got involved in the attempt to defuse the EU-Ukraine stalemate after the detention of Tymoshenko, by deploying a 'monitoring mission' which sought to establish a suitable climate for both sides to bridge their differences. The analysis will be focused on retracing evidence of diplomatic precedent setting by the Parliament with the effect of redefining the diplomatic position of the EU's dual executive, and this in line with a congruence method which requires to test the empirical manifestation of a theoretical proposition 'multiple times during a temporal process' (Beach and Pedersen, 2016: 273; cf. chapter 1).

The chapter will start with an overview of the diplomatic context the EU had been operating in, in the lead-up to the crisis. This is followed by an analysis of the EP's diplomatic intervention and the effects it had on the foreign policy position of the EU executive actors. Finally, in the light of the findings, the chapter concludes by reflecting on the relevance of the analytical framework. In terms of data collection, the case-study builds on semi-structured interviews with 22 key stakeholders from the European Parliament, the European Commission and the European External Action Service, next to 157 news reports[41] and the scrutiny of institutional documents.

[41] Apart from primary news and risk analysis reports, I have also strongly relied on the weekly reports of the *Gorshenin Institute*, a Ukrainian think tank which provides detailed press digests on the developments in Ukraine's international relations, based on national and international news reporting (cf. http://www.gorshenin.eu/).

3.1 Retracing the origins of the Cox-Kwaśniewski monitoring mission

3.1.1 Setting the scene

Negotiations for an Association Agreement (AA) between the EU and Ukraine started in 2007, under former Ukrainian President Yushchenko (2005-2010). While President Yanukovych, assuming office in 2010, continued the course of European integration set by his predecessors, domestic developments increasingly threatened the eventual signing of the agreement, however. His authoritarian leadership and the issue of 'selective justice', involving the imprisonment of political opponents, increasingly created doubts in Brussels on whether Ukraine was ready to become politically and economically associated with the EU. Particularly the sentencing and imprisonment of former Prime Minister Yulia Tymoshenko (2007-2010) in October 2011 caused considerable controversy among EU-circles and led to postponing the conclusion of the AA.

Although in April 2012 the negotiations were officially concluded through the initialling[42] of the AA, prospects for a swift and uncontested signing of the treaty further diluted. With Tymoshenko's imprisonment becoming increasingly politicised and mediatised, the European Commission decided to cancel its attendance to the UEFA Euro-2012 football championship games co-hosted by Ukraine, soon to be followed by member states such as France, Germany, the United Kingdom, the Netherlands, Austria and Belgium (Makarychev and Yatsyk, 2016: 99).

In the midst of the stalemate, EP President Martin Schulz intervened by proposing to the Ukrainian authorities to set up an EP Monitoring Mission (hereafter: the EPMM) in an effort to find a way out for the impasse. Being accepted by the Ukrainian Prime Minister, Schulz decided to have the EPMM headed by two unelected 'special envoys': Pat Cox, former MEP and EP President (2002-2004), and Aleksander Kwaśniewski, the former President of Poland (1995-2005). Apart from the two envoys, the mission was composed of an advisor from the cabinet of the EP president, two policy advisors and two legal advisors from the Parliament's Secretariat General. The mission was officially tasked to 'monitor court proceedings involving the imprisoned former Ukrainian Prime Minister Yulia Tymoshenko' and this with the hope to 'contribute to restoring mutual confidence in EU-Ukraine relations' (European Parliament, 2012e). The envoys were guaranteed access by the Ukrainian government to all documents relevant to the case as well as to the involved lawyers and prosecutor.

[42] Symbolising the end of the negotiations, *not* the official political and legal conclusion of the agreement.

3.1.2 The 'policy frustrations' of the European Parliament

The EPMM was launched in the spring of 2012, at a time when EU member states were increasingly divided over the Ukrainian dilemma. More specifically, West European member states such as Germany, France, Spain, the Netherlands and Italy took a rather hard line on the issue, prioritising the rule of law and good neighbourly relations with Russia (Interview EC official, 25/10/2016). They therefore ultimately conditioned their signature for the AA on the fate of Tymoshenko. Poland, the Baltic states and Sweden, joined by the European Commission and the EEAS, above all prioritised the signing of the AA. With Ukraine being considered the 'darling' of the EU's EaP, they argued a success was very much needed in order to keep Moldova and Georgia on track, after already having lost Belarus from the process in 2011 (Pastore, 2014: 51-52; Vandecasteele, 2014).

At the same time, within the EP, increasing impatience grew with regard to the ambivalent attitude of the Council. Already in December 2011, the EP urged the Commission and the Council 'to make the necessary progress in order to achieve the rapid initialling of an EU-Ukraine Association Agreement, preferably by the end of 2011' and '[to] have the agreement signed by the Council during the first half of 2012' (European Parliament, 2011b: para 1b and 1d). It meanwhile warned in a second resolution that 'a failure to review Yulia Tymoshenko's conviction will jeopardise the conclusion of the Association Agreement and its ratification' (European Parliament, 2011c).

However, is spite of the Parliament's calls, no initialling took place at the December 2011 EU-Ukraine Summit, while the situation visibly deteriorated in Kyiv. After Tymoshenko was charged with new accusations of tax evasion and corruption in March 2012, the foreign ministers of five EU member states (Germany, the UK, Sweden, Poland and the Czech Republic) wrote a joint letter to President Yanukovych. In their letter, they lamented that the AA process had become blocked because of the poor state of democracy in Ukraine, and that EU-Ukrainian relations had reached a dead end. Meanwhile, EU leaders informally agreed on a course of diplomatic isolation, implying that they would no longer appear in public with any representative of the Ukrainian government. At the same time, they gave a green light for initialling the AA at the end of March 2012 (Gorshenin Weekly, 2012b).

With continued division among the member states, the EU Foreign Affairs Council of 14 May 2012 appeared unable to reach a joint position on the way forward. Instead of adopting conclusions that would formulate an agreed diplomatic stance, the thorny issue 'on the developments in Ukraine and on next steps concerning the EU-Ukraine Association Agreement' was removed as a discussion point during the meeting and became the subject of an informal exchange of views over lunch (Council of the EU, 2012a; see also Redei and Romanyshin, 2015). Lacking a clear Council mandate, the EU executive

actors appeared unable to set any further steps and held on to the agreed fall-back position of diplomatic disengagement.

As a result, when on 16 May 2012 the EU-Ukraine Cooperation Council[43] took place in Brussels, neither Commission President Barroso, nor Neighbourhood Commissioner Füle, HR/VP Ashton or the Danish Council Presidency were willing to meet Prime Minister Azarov, while European Council President Van Rompuy even urged him to 'stay home!' (Euronews, 2012; Gorshenin Weekly, 2012c: 6-7). Remarkably, however, EP President Martin Schulz *did* invite Azarov in his office, and proposed to send a monitoring mission on behalf of the European Parliament. Having negotiated the basic terms of the monitoring mission, the meeting was followed by a public press conference to announce his initiative. Not only did Schulz in that way go against the agreed line of diplomatic disengagement, he also did not consult any of the other EU executive actors (i.e. the Council, the EEAS or the European Commission) on his personal initiative (EUobserver, 2012a).

As an EP official illustrates, Schulz' *démarche* was strongly triggered by a feeling of discontent with the Council's foreign policy strategy, or rather the lack thereof:

> What we saw in the EP was a total lack of strategy and understanding by the other [EU] institutions. Yanukovych was cornered too much – he didn't want to release Tymoshenko. EU member states were divided on what to do: to engage or to isolate. This is the moment when Schulz intervened. He argued we needed to redefine the situation. (…) The day after we had [HR/VP] Ashton on the line, asking how it was fitting in "their strategy". Schulz replied that there was no "strategy", so that they should let his mission at least try.
>
> (Interview EP official, 29/09/2015)

The launch of a monitoring mission was therefore not simply a gesture on behalf of the Parliament aimed at contributing to the work of the Council. Rather, it seemed inspired by a diverging foreign policy view that prompted the EP President to bypass the EU's executive actors, and to engage directly with Ukrainian counterparts in an attempt to redefine the EU's approach.

[43] i.e. a forum establishing an annual political dialogue at ministerial level constituted by the EU-Ukraine Partnership and Cooperation Agreement.

3.2 Precedent setting through mission creep

The original mandate of the EPMM, adopted at the Parliament's Conference of Presidents (CoP) on the 16th of May 2012, initially proposed 'an internationally recognised personality, enjoying respect both in the EU and Ukraine, to observe the approaching appeal process and future trials of Ms Tymoshenko' (European Parliament, 2012a: 11). A similar message was given when the mission was officially announced on the 6th of June (European Parliament, 2012e). The mission was expected to last two weeks, until the cassation appeal of Tymoshenko would be held on the 26th of June (Kwaśniewski, 2012).

Table 3.1 – Overview of mandate changes of the EPMM

Date	**Mandate amendment**
16/05/2012	Original mandate adopted by CoP: monitoring court case of Ms. Tymoshenko
11/06/2012	Monitoring of cases of Lutsenko & Ivashchenko Monitoring preparations for October 2012 parliamentary elections
05/07/2012	CoP approves further extension
31/01/2013	CoP approves further extension
06/02/2013	CoP approves further extension
18/04/2013	CoP approves further extension until end of September 2013
03/10/2013	CoP approves further extension until 15 October Council will base decisions on findings of EPMM
15/10/2013	CoP approves further extension until 15 November
13/11/2013	CoP approves further extension until Vilnius Summit (29/11/2013)

Source: based on analysis of the Minutes of the EP Conference of Presidents (European Parliament, 2012a/2012b/2012c/2012d/2013a/2013b/2013c/2013d/2013e/2013f/2013g/2013h), interim reports of Pat Cox and Aleksander Kwaśniewski (European Parliament, 2013i/2013j/2013k), and data provided by the Cabinet of the EP President.

Yet, even before the cassation appeal took place, the original mandate was changed. A first amendment occurred during the first visit of the envoys to the Ukrainian President and Prime Minister on the 11th of June. Suddenly, the cases of Tymoshenko's former colleagues Lutsenko (ex-Minister of Interior) and Ivashchenko (ex-acting Defence Minister) as well the monitoring of preparations for the October 2012 parliamentary elections were added to their task list (Interfax, 2012; BBC Monitoring Europe, 2012a;

BBC Monitoring Europe, 2012b; EurActiv, 2012). Polish MEP Marek Siwiec declared at the time that Cox and Kwaśniewski purposefully travelled to Ukraine 'in order to "extend their mandate" so that they [could] talk about the political situation in Ukraine before the elections' (Siwiec, 2012).

In the end, instead of a mere two weeks, the EPMM lasted more than 18 months, following a pattern of eight subsequent mandate extensions approved by the EP's Conference of Presidents (see Table 3.1). This enlarged mandate provided the Parliament the means of engaging in more activities than mere judicial monitoring. In fact, as the analysis will show, the EPMM gradually transformed from a monitoring into a *de facto* mediation mission aimed at overcoming the overall stalemate on the issue of selective justice in Ukraine, while equally determining the criteria that would allow the Council to agree with signing the Association Agreement.

3.2.1 The metamorphosis from a monitoring into a mediation mission

During the first months of the EPMM, the mission still aimed to maintain a low profile by strictly focusing on Tymoshenko's court proceedings and detention conditions. President Schulz insisted on naming the EPMM a 'humanitarian mission', which needed to refrain from defining what the political conclusions would be in light of the pending AA signature (European Parliament, 2012c). Gradually, however, the mission became more prominent and political in nature, its reasons being threefold. First, as will be discussed, the more successes the missions achieved, the more ambitious it became. For example, the EPMM visibly increased its confidence and ambitions after ex-Defence minister Ivashchenko received a suspended sentence and was released from his custody in August 2012. A similar shift occurred after the release of Lutsenko in April 2013 (Interview EC official, 25/10/2016).

Second, Kwaśniewski's ambition played an important role as well, him being a strong proponent of expanding the mandate of the EPMM, both in scope and duration (Olchawa, 2017: 8; cf. interviews EP official, 05/06/2015 and EC official, 05/10/2015). Schulz initially even criticised Kwaśniewski at the Conference of Presidents in July 2012, when he had given media interviews on the upcoming parliamentary elections in Ukraine, stating 'it was not relevant to the specific mandate given to [them]' and therefore 'requested Mr Kwaśniewski to refrain from further comment in this direction' (European Parliament, 2012b).

Finally, the EP President himself played a pivotal role in pushing for the broadening of the EPMM's mandate. After all, as one closely involved EP official explained, 'once he got into the firing line, he was risking his personal reputation and needed the mission to succeed' (Interview EP official, 29/09/2015). Olchawa moreover contends that Schulz' strong personal investment in the mission was

also related to his ambition to become president of the European Commission. Following a political agreement with the EPP in 2009, Schulz took over the Presidency of the EP from Jerzy Buzek in 2012 for a two and half years term. In this context, he argues, '[Schulz] had to make the most of the little time he would have in order to profile himself as a politician capable of assuming the post of president of the European Commission', making 'the mission (…) a perfect tool to demonstrate he was a statesman who took matters into his own hands and found solutions to the EU's greatest challenges' (Olchawa, 2017: 40).

By January 2013, the EPMM had been charged with tasks that were highly politicised. In addition to the cases against Tymoshenko, Lutsenko and Ivashchenko, the EPMM now focused on another two judicial cases, the reform of the electoral legislation, the adoption of a new Criminal Procedural Code and the reform of the Public Prosecutor's Office (European Parliament, 2013i; Kwaśniewski, 2013). At this moment, Kwaśniewski declared that 'the mission must be extended and public pressure must continue', and this 'until its main goals are fulfilled' (BBC Monitoring Europe, 2013). He meanwhile added that 'it currently seems that a borderline date has been set for November 2013' (ibid.). In that way, he hinted at the Vilnius EaP Summit which the EU meanwhile presented as the moment of truth for the AA. However, unable to find unconditional support of the Greens/EFA group and the EPP group for the idea, the Conference of Presidents of 6 February only agreed with a provisional extension of the mission for another two months (Interfax, 2013; Siwiec, 2013a; Olchawa, 2017: 58).

After Lutsenko was released in April 2013 upon the EPMM's demand for a presidential pardon, the mission took again a major leap forward. Being credited as an 'achievement and victory of the Cox-Kwasniewski mission' (Gorshenin Weekly, 2013a: 17), it strengthened the conviction within the team that a similar outcome could be achieved for Tymoshenko. While the EPMM's mandate had only been temporarily extended, the CoP of 18 April now unanimously approved a further extension of the mission until September. Moreover, the mandate clearly stipulated their task was to work on the conditions that would allow the signing of the Association Agreement (European Parliament, 2013d).

When the mission was again extended in September for the duration of one month, awaiting a 'final report' by October (European Parliament, 2013e: 16), EP President Schulz one month later asserted that by now it had become clear that the 'Council would base their decision regarding the selective justice criteria on the findings of the Cox-Kwaśniewski mission' (European Parliament, 2013f: 12). He therefore suggested the mission would continue its work, which was further confirmed by the CoP of 15 October again prolonging the mandate for another month (European Parliament, 2013g). Finally, the CoP argued on 13 November that 'no decision should be taken at the meeting of the Foreign Affairs

Council on 18 November 2013' and again extended the mission 'to keep up the pressure right up until the Vilnius Summit' of 28-29 November 2013 (European Parliament, 2013h: 15).

As the mission was no longer solely observing court hearings, but becoming an active mediator between the EU and Ukraine (as well as between the government-opposition parties in Ukraine), it incrementally established itself as the main contact point on the ground for the issue of selective justice, negotiating with the authorities on behalf of the EU. The mission was said to be 'very important for the preservation of communication, for the EU to have a chance to influence Kyiv, and for the Ukrainian authorities to have a chance to explain their position to Brussels' (Euractiv, 2013). The Polish ambassador to Ukraine stated that 'there is only one structure in charge of the issue [of selective justice]: the Cox-Kwasniewski mission. As far as I am concerned, no other consultations are being held, and I think no other consultations should be held' (Interfax, 2013b). Even for the United States ambassador, the EPMM had become 'the main channel of communication with the Ukrainian government on this issue [of selective justice]' (Interfax, 2013c).

Data provided by the Cabinet of the EP President on the nature, number and scope of interactions indicate that in addition to observing court hearings and Tymoshenko's detention conditions, the EPMM held numerous meetings with Ukraine's political elite. In addition to holding 68 telephone calls with the authorities and opposition, the mission travelled to Ukraine no less than 27 times, corresponding to 75 days of meetings. They held 18 meetings with President Yanukovych (lasting more than 50 hours), 25 meetings with Prime Minister Azarov, 17 meetings with Yulia Tymoshenko[44], four meetings with the Prosecutor General of Ukraine and three meetings with the Foreign Minister. Also on the EPMM's meeting list were the Ukrainian Speaker of the Rada (3 meetings), the Secretary of the National Security and Defence Council (13 meetings), various opposition leaders (in total 21 meetings), the three former Ukrainian presidents (4 meetings), 18 NGOs (6 meetings) and the US ambassador (13 meetings). At the EU-side, the mission met the EU-28 Heads of Mission (16 meetings), Commissioners Barroso, De Gucht and Füle (10 meetings), the Lithuanian presidency (6 meetings) and leading EEAS officials (5 meetings). Meetings were often directly focused on negotiating the substance of draft laws on judicial reform. An EP official argued that especially for these matters 'the Commission and the EEAS were constantly knocking on our door, desiring to know what had been said, by whom it had been said, what had been promised, and so on' (Interview EP official, 12/11/2015).

[44] No other EU actor, NGO or humanitarian organisation was able to meet Tymoshenko (Interview EEAS official, 02/02/2016).

Also on the Ukrainian side, the EPMM was perceived as a credible diplomatic intermediary. Ukrainian Parliament Speaker Vladimir Rybak (of Yanukovych' Party of Regions) argued that the EPMM was crucial in establishing mutual trust and maintaining an active dialogue between Ukraine and the EU (ITAR-TASS, 2013). Foreign Minister Kozhara equally argued the mission to have facilitated dialogue and perceived it to be 'the only unbiased and independent side' in observing the situation of ex-PM Tymoshenko (Interfax, 2013d). Finally, in his memoires, PM Azarov positively evaluated the contribution of the mission, describing Pat Cox as 'diplomatically cordial' and Kwaśniewski as 'highly committed', making that the mission was 'able to build mutual trust' resulting in 'the many compromises reached' (Azarov, 2015).

3.2.2 Patterns of precedent setting

The expansion and extension of the EPMM's mandate had the effect – and was in part also a result – of it being able to impact on the diplomatic positions of the EU executive actors. The Parliament did this through recurrently setting diplomatic precedents, defined in Chapter 2 as 'acts or statements that have the effect of structuring future diplomatic acts' (see also Kier and Mercer, 1996: 79). An analysis of the adoption of foreign policy positions of the Council and the Commission shows how the EPMM was able to persistently restructure the EU's foreign policy towards Ukraine, by means of setting diplomatic precedents.

3.2.2.1 The December 2012 Foreign Affairs Council: mandating the EPMM for Vilnius

In December 2012, the Ukrainian Association Agreement again appeared on the agenda of the Foreign Affairs Council (FAC). After having failed earlier in May, EU Foreign Ministers needed to adopt a position on the way forward with the agreement. However, as meanwhile the Russian resistance to the AA was increasingly felt in EU capitals, 'it was clearly having an impact on their position in the Council, where division was growing' (Interview EC official, 25/10/2016).

In an attempt to reconcile the diverging views of the member states, HR/VP Ashton and Commissioner Füle came up with a strategy that sought to accommodate the wishes of the 'hardliners' who were most sceptical towards Ukraine's readiness for becoming politically associated with the EU, and those of the 'socialisers' who instead wanted to engage with Ukraine by means of the AA. The resulting Council Conclusions therefore on the one hand 'reaffirm[ed] the EU's engagement with Ukraine (…) towards political association and economic integration', while at the same time they outlined three categories of

strict conditions that needed to be fulfilled: political reforms, electoral reforms and addressing the issue of selective justice (Council of the EU, 2012b).

The third issue of selective justice had in the meantime become the sphere of action of the EPMM. According to involved EEAS officials, the EPMM's preoccupation with the sensitive issue of Tymoshenko's imprisonment was considered 'a useful distraction' or even 'instrumental to the Council', not only because of its first-hand information, but also because of its potential capacity to defuse the division between member states (Interviews EEAS officials, 30/09/2015 and 02/02/2016). Therefore the Council Conclusions 'commend[ed] the efforts undertaken by the European Parliament's monitoring mission to Ukraine headed by former Presidents Cox and Kwaśniewski' (Council of the EU, 2012b: 13). Even more, according to an EP official involved in the EPMM, the Council 'gave us the possibility to draft those elements of the Conclusions that dealt with selective justice in Ukraine', resulting in the insertion of two full paragraphs on justice reform recommendations[45], adding that by doing so, 'the Council *de facto* adopted a mandate for us, while explicitly endorsing our mission in their conclusions' (Interview EP official, 29/09/2015). A Commission official agreed, observing that 'this meant a *de facto* delegation of work to Cox and Kwaśniewski, with a division of labour' (Interview EC official, 25/10/2016).

Afterwards, the EPMM indeed cleverly re-framed the Council Conclusions as a *de facto* mandate for Cox and Kwaśniewski, by stating that while,

> [w]e were mandated by the European Parliament to deal with the question of selective justice in Ukraine (…), [a]ddressing the issues of selective Justice is one of the key requirements identified by the European Union's Foreign Affairs Council in December 2012 in order to sign the Association Agreement with Ukraine. (…) We believe this mission should continue its efforts in order to facilitate the implementation of a mutually acceptable solution before the decision by the Council of the European Union on a potential signature of the Association Agreement. Given the pressing nature of the remaining timeframe we urge all parties in Ukraine, the EU institutions and its Member States to lend their focussed and fullest support to the mission in order to secure the necessary conditions that would ensure success at the Eastern Partnership summit in Vilnius.
>
> (European Parliament, 2013j: 2)

Council officials called the EP's reading and instrumentalisation of the Council Conclusions 'remarkable' and 'highly creative', refuting that the respective paragraph did not provide a genuine mandate for the mission (Interviews Council officials, 16/02/2016 and 16/02/2016). Nevertheless, as will be demonstrated further, this first precedent was a crucial step for explaining the EPMM's later undisputed role in establishing for the Council of Ministers whether Ukraine had met the conditions that would allow the signing of the AA. In sum, the adoption of the December 2012 FAC Council

[45] See in particular paragraphs three and four of the Council Conclusions on Ukraine (Council of the EU, 2012b: 3-4).

Conclusions implied both a *direct* impact of the EPMM on the foreign policy position of the EU member states (i.e. through drafting the Council position on selective justice), while they also *indirectly* facilitated the EPMM's subsequent mandate expansions (i.e. by endorsing the EPMM's efforts).

3.2.2.2 Füle's list, the EU-Ukraine Summit and the October Foreign Affairs Council

A second way in which the EPMM restructured the EU executives' foreign policy was through its impact on the work of the Commissioner for European Neighbourhood Policy and Enlargement Negotiations, Štefan Füle. Based on the December FAC Conclusions, Commissioner Füle developed a document that consisted of 19 (later reformulated to 11) indicators, dubbed 'Füle's list', that would measure the implementation of the reforms tasked by the Council. The Commissioner presented his document, having the status of a non-paper, to the Ukrainian authorities on 7 February 2013 during an official visit to Kyiv, in preparation of the EU-Ukraine Summit to be held later that month.

Similar as to the Council Conclusions, the Commission embedded the Cox-Kwaśniewski mission as a key instrument into its second recommendation, by requiring the authorities to:

> Address the cases of politically motivated convictions, in consultation with the mission of Presidents Cox and Kwasniewski, ensure the early implementation of all judgments of the European Court of Human Rights and implement the recommendations of the Council of Europe related to detention conditions and medical assistance to persons.
>
> (Commission, cited in International Rennaissance Foundation, 2013: 14)

The recommendation of the non-paper, was later on fully endorsed by the Joint Statement of the EU and Ukrainian leadership adopted at the EU-Ukraine Summit of 25 February 2013:

> The leaders expressed full support for the European Parliament's monitoring mission to Ukraine headed by former Presidents Cox and Kwaśniewski, including the need to address the judiciary cases of particular concern. Ukraine also expressed its firm commitment to early implementation of the judgments of the European Court of Human Rights, as well as the recommendations by the Council of Europe related to detention conditions and medical assistance to persons in detention.
>
> (Council of the EU, 2013a: 2)

While Füle's checklist had become the central benchmark from the side of the Commission to verify the implementation process, it now, very similar as to what occurred with the Council's position, became dependent on the judgement of the EPMM. Further indicative of this is the statement of MEP Siwiec who on 18 April concluded it had become clear that the '[i]t was not the Commission, not the Council, not Ashton's team', but the EPMM that was *de facto* defining the 'requisite conditions to sign the Association Agreement during the Vilnius Summit' (Siwiec, 2013b). Also Martin Schulz asserted during the CoP of 3 October that it had become clear that the 'Council would base [its] decision

regarding the selective justice criteria on the findings of the Cox-Kwaśniewski mission' (European Parliament, 2013f: 12).

Indeed, on 21 October 2013, the FAC Conclusions briefly reiterated that the three conditions of electoral reform, addressing the issue of selective justice and further political reforms still required '[d]etermined action and tangible progress' (Council of the EU, 2013b: 6). During the meeting it had become clear that no longer only hardliners such as Germany, the Netherlands or the UK, but by now even Poland and Sweden agreed on the fact that the release of Tymoshenko constituted a condition *sine qua non* for the signature of the AA. In the aftermath of the meeting, Swedish Foreign Minister Carl Bildt declared that the EU would not sign the AA without a green light from the EPMM (Interfax, 2013e). The latter was supported by Commission President Barroso who equally suggested that Cox and Kwaśniewski needed to find a solution with the Ukrainian authorities (Gorshenin Weekly, 2013b: 6).

3.2.2.3 The EPMM's negotiations on Tymoshenko and the Vilnius end game

A third and final way in which the EP was able to set diplomatic precedents was through linking the EU signature of the AA to the fate of Yulia Tymoshenko. The original rationale behind the EP's decision to monitor the trial of Tymoshenko was not only defined by a divided Council of Ministers. It should equally be seen as the Parliament's internal response to the deteriorating relations between the EPP and S&D political groups during the spring of 2012. With Tymoshenko's *Batkivschyna* party being a member of the EPP, and Yanukovych' Party of Regions having signed a cooperation agreement with the S&D group, the EP's two main political groups found themselves politically associated with the two conflicting parties in Ukraine. Given their alliance, the EPP rather unconditionally supported Tymoshenko and asked for her immediate release, in turn strongly irritating the socialists who pointed at her past wrongdoings (Interviews political groups advisors, 01/10/2015, 02/10/2015 and 02/10/2015). EP President Schulz therefore decided to appoint two unelected envoys (rather than MEPs) on behalf of the EP to monitor the situation of Ms. Tymosnko, in an attempt to defuse the in-house conflict (Interview EP official, 29/09/2015).

The consequence, however, was that with its mission the EP further linked the dependence of the EU's signature to the fate of Tymoshenko.[46] An EP official admitted that the mission in that way had become 'too much focused on the personality of Tymoshenko (…) and therefore overshadowed the more important work that needed to be done [to sign the AA]' (Interview EP official, 05/06/2015) (cf.

[46] As mentioned, with its resolution of 27/10/2011, the EP had already signalled that its consent on the AA would not be possible without a solution for the imprisonment of Ms Tymoshenko (European Parliament, 2011c).

Interviews political groups advisors, 01/10/2015, 02/10/2015 and 02/10/2015; Interview Council official, 26/09/2016). This linkage became all the more problematic when the demand to pardon Tymoshenko appeared a pill too bitter to swallow for Yanukovych. In the words of the EP President, the EP's 'attempt to find a humanitarian solution to a situation, had become a diplomatic problem in view of the upcoming Vilnius Summit' (European Parliament, 2013g: 8). Ironically, while the EP's initial goal was to overcome a deadlock, it now appeared to have further contributed to it.

Crucially, the EP's strategy diverged from the EEAS' initial plan of action. A leading EEAS official argued:

> The EP's approach differed from ours. They really focused their mission on the monitoring of Yulia Tymoshenko's trial. This was an EP idea, with a clear party-political perspective of the EPP and S&D. We [the EEAS] would have handled it differently. (…) And I think it became very clear that it would have been better if nobody had visited Yulia Tymoshenko.
>
> (Interview EEAS official, 05/10/2016)

However, precisely because of the successful release of both Ivashchenko and Lutsenko and the endorsement given by both the December 2012 Foreign Affairs Council and the February 2013 EU-Ukraine Summit, Cox and Kwaśniewski felt empowered to shift up a gear. On 4 October 2013 the envoys sent a letter to President Yanukovych requesting a 'partial pardon'[47] for Tymoshenko. They requested that, based on 'the conditions established by the Foreign Affairs Council of the European Union of December 2012 (…)' and the 'belief the signing of the Association Agreement would be an act of strategic and historical importance for all of the parties involved', '(…) Yulia Tymoshenko be released for medical treatment on health and humanitarian grounds by way of pardon' (European Parliament, 2013j).

The two other requested EU reforms of the EPMM (the adoption of new laws on the public prosecutor`s office and on the parliamentary elections) successfully past their first reading on 8 November in the Verkhovna Rada (the Ukrainian Parliament) and only required formal adoption on 19 November 2013. It hence became clear that the only outstanding issue remained the detention of Tymoshenko. President Yanukovych however appeared unwilling the accept the proposal of a partial pardon, and counter-offered to have the Verkhovna Rada voting on a law that would permit the treatment abroad of convicted persons on health and humanitarian grounds.[48] Although being unacceptable for most of the EU member states, Cox and Kwaśniewski nevertheless convinced Tymoshenko and the Ukrainian opposition parties

[47] This implied a proposal to lower Tymoshenko's sentence from seven to two years on the ground of humanitarian and medical reasons, which would allow her to go to Germany for medical treatment. The proposal was backed by the European Commission and the German Chancellor (European Parliament, 2013g).

[48] Thus, contrary to the partial pardon, this solution would *not* grant a reduction of Tymoshenko's sentence, and therefore disabled her to stand for the presidential elections of 2015.

to accept Yanukovych' proposal, setting 13 November, and later on 19 November, as Ukraine's ultimate deadline to fulfil the remaining requirements of the AA (Gorshenin Weekly, 2013c: 5). In that way, they hoped being able to conclusively debrief the Foreign Affairs Council of 19 November.

The motivation behind the EPMM's support for the so-called 'Labunska-law' (allowing the treatment abroad of convicted persons) grew out of a realisation that the Ukrainian President, being under severe economic and political pressure from Moscow, was in fact no longer willing to sign the AA but did not want to take the blame for it. According to an EPMM involved EP official, the strategy of Cox and Kwaśniewski had therefore become to respond to Yanukovych' 'bluff' in order 'to expose him fully to his own lies' (Interview EP official, 29/09/2015).

The surprising response of Cox and Kwaśniewski therefore compelled Yanukovych' Party of Regions to undergo a vote in the Ukrainian Parliament. It led to a remarkable reading on 13 November where the Party of Regions first aimed to kill the bill by proposing numerous amendments, and eventually was forced to vote against it on 21 November when the opposition decided to accept all changes.[49] In that way, President Yanukovych and his government were discredited for failing to live up to their own commitments (Olchawa, 2017: 72-73). Later that evening, the Ukrainian government pulled out of the Association Agreement by issuing a resolution to suspend all preparations for the signing the agreement.

In short, the EPMM strongly influenced the end-game at the eve of the Vilnius Summit. It opted for a strategy of severe pressure, instead of recommending the postponing the signing of the AA as the Ukrainian President had asked for since the beginning of November. On the eve of the EaP Summit, in a bid to save the AA, Kwaśniewski for example further raised the stakes by declaring that the agreement was part of 'a geopolitical battle which will decide the future of the whole of Europe, Ukraine, the EU and Russia' (TASS, 2013). As also Olchawa summarises:

> Formally speaking, the main objective of [Cox and] Kwaśniewski's mission was to assist Ukraine in its judicial and legal reforms, its electoral reform, and the eradication of selective justice. Over time, the mission turned into the European Union's main weapon in its showdown with the regime of Viktor Yanukovych. It was an unprecedented game of politics and diplomacy, with Ukraine's future – either European or Eurasian – at its stake.
>
> (Olchawa, 2017: 8)

[49] This occurred upon the suggestion of Yulia Tymoshenko, as well as upon the recommendation of Cox and Kwaśniewski who attended the Parliament's session.

3.3 Discussion of findings: a permissive institutional context

In light of the above findings, this final section reflects on the relevance of the conceptual framework. Does the EP's competitive parliamentary diplomacy fit a transnational 'boomerang pattern' of 'diplomatic precedent setting', that allows it to impose its foreign policy views on the EU executive actors?

In Chapter 2, I have proposed that competitive parliamentary diplomacy takes place through a transnational pattern of diplomatic precedent setting, where the EP bypasses the Commission and the EEAS and instead opts for directly engaging with foreign actors to promote its views. The latter was argued to result in policy or norm entrepreneurship in the form of diplomatic precedent setting, according to which acts or statements have the effect of (re-)structuring future diplomatic acts (Kier and Mercer, 1996: 79; Redei, 2015).

The analysis above has clearly shown the EP, frustrated with the executives' position of diplomatic disengagement, was able to project its foreign policy views on both the Council and the Commission. This occurred in two steps. First, the EPMM underwent a metamorphosis from a monitoring mission to a mediation mission, and in the latter capacity came to act as a diplomatic intermediary between the EU and the Ukrainian authorities. Second, as a diplomatic intermediary, the EPMM was able to restructure the foreign policy positions of the EU executives through having an effect on the Council Conclusions and the EU-Ukraine Summit Conclusions, as well as by coupling the EU signature to the release of Tymoshenko. These findings therefore appear in line with the assumptions of the conceptual framework.

However, the ability of the EPMM to force its stance onto the EU executives cannot solely be explained by the EP's strategic and assertive transnational behaviour. Interviews suggest that the permissive, and to some extent even favourable, inter-institutional context in which the EPMM operated was equally important to amplify the role and impact of Cox and Kwaśniewski.

On the one hand, the relationship of the European Commission towards the European Parliament's cannot unequivocally be characterised as fully 'competitive'. Granted, the Parliament did not consult the Commission on its idea to launch such a mission, the EP was in fact frustrated with the diplomatic standstill of the Commission, and the Commissioner at first also casted his doubts on the desirability and effectivity of Schulz' initiative. However, after an initial period of hesitation, the Commission came to support the EPMM. It was argued that especially the release of former Defence Minister Ivashchenko led to an attitude shift on the side of Commissioner Füle, who from then on took a more favourable

approach towards the mission, and even openly backed it (Interviews EP official, 29/09/2015 and EC official, 25/10/2016).

The relationship vis-à-vis the Council, and particularly with regard to the EEAS, on the other hand, was and remained clearly competitive. Aleksander Kwaśniewski argued that 'Ms Ashton's team (…) was our mission's main opponent (…) because they considered it an attempt to rid them of their prerogative' (Kwaśniewski, cited in Olchawa, 2017: 51). What explains the lenience of the Council towards the EP, however, was first and foremost the EP's ultimate veto power over the Association Agreement. In the end, as an involved legal official of the EP argued,

> [o]ur monitoring mission should be seen as part of our political oversight function, particularly in the framework of a latter EP consent vote on the AA (…). The EP had also made clear that its consent on the AA would not be possible without a solution for the imprisonment of Ms Tymoshenko.
>
> (Interview EP official, 22/12/2017)

Precisely the awareness thereof on the side of the Council created 'a fear that entering in a fight with the EP could turn out risky when the final ratification of the AA with Ukraine would take place', an EEAS official argued (Interview EEAS official, 02/02/2016).

In addition to this, the internal division within the Council appeared to have '(…) created a window of opportunity for the EP' to jump into the diplomatic void it had created (Interview EEAS official, 05/10/2016). The inaction of the Council/EEAS was manifested on three levels. First, as already touched upon, at member state level, the continued division prevented the formulation of a strong and clear mandate, which in turn would have given the EEAS a stronger negotiation position vis-à-vis the Ukrainian government. Member states instead remained divided over the issue throughout the eighteen months of the EPMM, while some even remained undecided on the AA at the EaP Summit (Youngs and Pishchikova, 2013: 4; Interview EC official, 25/10/2016). Given this standoff, the EPMM was confronted with little to no resistance from the Council. An EEAS official argued that in absence of a clear mandate of the member states 'our attitude was one of acceptance', since 'after all, as diplomats we are not in the position to comment on that, we have to accept the things as they are' (Interview EEAS official, 05/10/2016).

Second, the EEAS also faced a lack of leadership from within. Multiple interviews indicate the HR/VP showed a lack of interest for the Ukrainian file, preferring high-level diplomacy on Iran's nuclear program, Middle Eastern dialogues or the Serbian-Kosovar reconciliation efforts. The HR/VP did not travel a single time to Kyiv in order to force an agreement with Yanukovych on the AA. Her inattention for Ukraine was perceived to have cleared the way for Commissioner Füle to take over the political

leadership on the dossier, while also allowing him to collaborate intensively with the EP (Interviews EP officials, 05/06/2015, 29/09/2015 and 12/11/2015; EEAS officials, 30/09/2015, 14/12/2015 and 02/02/2016; MEP, 30/09/2015; EC official, 25/10/2016).

Third, to make things worse, also on the ground did the EEAS face difficulties in developing effective diplomatic ties with the Ukrainian government. In February 2012, EU Ambassador[50] to Ukraine Jose Manuel Pinto Teixeira (2008-2012) seemed to have definitively lost the confidence of the Ukrainian government after he criticised President Yanukovych one time too many for not improving the business climate due to pervasive corruption practices. It triggered fierce reactions from the Ukrainian government who stated that the ambassador's remarks 'month by month correspond to a smaller degree to what diplomats can allow themselves under the traditions established in international communication' (Gorshenin Weekly, 2012a: 5) and effectively rendered Pinto Teixeira into a 'lame duck' diplomat until his replacement would take over his duties in September 2012. For instance, when the ambassador over the summer requested to visit Tymoshenko in jail, he was told by the Ukrainian government no longer to be considered an ambassador, but rather a political figure (Gorshenin Weekly, 2012d: 12-13). It was precisely during this period of troubled diplomatic relations that the EPMM was launched and was able to develop privileged access to all relevant counterparts of the Ukrainian government, as well as to Tymoshenko. While Cox and Kwaśniewski were able to arrange 18 meetings with the President during their mission, the EU ambassador had to admit that by the end of his four year tenure, he never succeeded in personally meeting him (KyivPost, 2012; see also Olchawa, 2017: 51).

3.4 Conclusion

This chapter has illustrated the conceptual framework of competitive parliamentary diplomacy in the case of the EP's involvement in the 2012-2013 political crisis surrounding the pending signing of the EU-Ukraine Association Agreement. As postulated by the framework, the analysis has shown that the Parliament was able to force its divergent foreign policy views onto the EU executive actors by means of pursuing transnational competitive diplomacy, which counteracted a strategy of diplomatic disengagement as agreed by the Council, the Commission and the member states. Frustrated by the latter's lack of efforts to address the sentencing and imprisonment of Tymoshenko, the EP launched a monitoring mission that during the course of 18 months was able to develop as a diplomatic intermediary between the EU and the Ukrainian authorities, 'mandated' with addressing the issue of selective justice. Through its mediation, the mission established privileged access to the highest ranks

[50] i.e. the EU Head of Delegation.

of the Ukrainian government and in that way came in the position of setting diplomatic demarches; this against the background of an internally divided Council who relied on the mission's assessment to judge whether it could commit to signing the Association Agreement.

Whereas the EP might have been able to develop itself as a counterweight to the Council and the Commission, the findings should be put into the perspective of an exceptionally permissive institutional context. On the one hand, it seems that the stars were aligned for the Parliament to play a very prominent role, which urges to treat this as an exceptional 'successful' case of competitive parliamentary diplomacy. The impressive growth of the EPMM's role can only be fully explained if one not only takes into account the strong internal division and passivity of the Council and EEAS, but also an evolving attitude of the European Commission, which gradually adopted a more favourable posture towards the EP's initiatives. At the same time, the EP's veto power on the AA, ultimately allowing it to thwart the agreement's ratification, provided the institution credible bargaining power over the Council. Undoubtedly, the implicit threat of retaliation allowed the EP to claim a diplomatic role and to redefine the EU's foreign policy position, without it being contested by the Council.

In the light of the above remarks, however, it should be recognised that the current case-study does not fully entail a 'typical' representation of competitive parliamentary diplomacy. Rather, as had been anticipated in Chapter 2, the two types of parliamentary diplomacy 'should be thought of as extremes or ideal-types, lying on spectrum with in the middle amalgamate forms of 'parallel diplomatic agency'' (cf. section 2.2.1). What this case-study adds is that legislative-executive relations in parliamentary diplomacy are also highly dynamic, to the extent that (competitive or cooperative) role constellations might fluctuate over time, or become dependent on the specific (sub-)type of actor at stake.

The latter observation is not only relevant to the executive, where the Commission was more inscribed in a cooperative dynamic by the end of the EPMM when compared to the Council. It is equally of importance with regard to the subset of EP actors that lie at the source of the EP's diplomacy. The ambivalent nature of the EP's Monitoring Mission was the result of different pressures within Parliament, *inter alia*, a desire of the EP President's attempt to raise his own visibility, the EP's linkage of its consent power for the AA to the release of Tymoshenko, and the conflicting views of the EP political groups on the latter aspect. In that sense, the case-study has equally underlined the importance of conceiving the EP's transnational diplomacy in terms of a multi-layered agency instead of treating it as a unitary actor.

Chapter 4 Cooperative Parliamentary Diplomacy: The EU's Mediation of the Macedonian Political Crisis (2015–17)

This second empirical chapter studies the cooperation between parliamentary and executive diplomats in EU foreign policy.[51] In Chapter 2, I proposed that a diplomatic intervention which confronts executive and parliamentary actors with crucial resource deficiencies (i.e. a lack of capacity, expertise, legitimacy or access) might lead to the formation of a strategic relationship of mutual exchange, where one actor leverages its much-wanted resource surplus towards the deficient actor in exchange for other resources. This chapter analyses such interplay between parliamentary and executive diplomats in a concrete case of cooperative parliamentary diplomacy, in order to establish whether a recurrent pattern of exchange of the four diplomatic resources can indeed be witnessed.

To this end, the diplomatic involvement of the EU in the Macedonian regime crisis between 2015-2017 has been selected as typical case. While the political climate in Macedonia had been particularly virulent throughout the last decade, tensions rose to an unprecedented scale with the eruption of a wiretapping scandal in January 2015. The crisis, essentially revolving around the abuse of power by the incumbent regime, provoked a period of severe political instability and civil unrest in the country. In an attempt to defuse the crisis, the European Commission and the European Parliament became jointly involved in the mediation of the conflict between the country's four main political parties.

Since a within-case congruence method instructs to assess 'a single proposition about potential evidence (…) multiple times during a temporal process' (Beach and Pedersen, 2016: 273), the analysis is structured along three different phases of the EU's diplomatic involvement: a preparatory phase

[51] This Chapter largely corresponds to the empirical findings published in the following article: Fonck, D. (2018). Parliamentary Diplomacy and Legislative-Executive Relations in EU Foreign Policy: Studying the European Parliament's Mediation of the Macedonian Political Crisis (2015-2017). *JCMS: Journal of Common Market Studies,* 56(6): 1305-1322.

consisting of confidence building talks, a breakthrough phase in which a political agreement among the four main Macedonian political parties was concluded, followed by an implementation phase.

In terms of data gathering, the analysis builds primarily upon on 27 semi-structured interviews with key stakeholders from the EP, the European Commission and Macedonian counterparts (political parties, government officials, foreign diplomats and civil society organisations). The information from interviews is further complemented with the scrutiny of institutional documents and 78 press articles. All documents have been coded along the four diplomatic resources to study the involvement of executive and parliamentary diplomatic actors. A first section sets the scene by illustrating how a cooperative nature of the parliamentary diplomacy came into being, prompted by executive resource dependencies. I subsequently analyse the legislative-executive exchange of diplomatic resources that took place during the three phases of the EU's mediation, after which I reflect upon the relevance of the theoretical framework in the light of the observations made.

4.1 The EU's involvement in Macedonia until 2015: from a success story to a downward spiral

EU-Macedonia relations in the early 2000s underwent rapid change. A short but violent conflict between the state security forces and Albanian insurgents was successfully ended through joint EU-US intervention and mediation efforts, culminating in the Ohrid Framework Agreement (OFA) of August 2001. The firmness by which the EU was able to present itself as a guarantor for peace, stability and prosperity[52], resulted in a determined and reform-minded political elite in Skopje who set Euro-Atlantic integration as its key foreign policy goal (Vasilev, 2011: 67).

Through employing a range of positive incentives, the EU put Macedonia in an advantageous starting position towards EU accession. The signing of a Stabilisation and Association Agreement (SAA) in April 2001, in the midst of the insurgence, was a first symbolic step in this regard. In 2003, along with six other Western Balkan countries, Macedonia was recognised as a potential candidate for membership. Being ahead of all the other countries in the region, the SAA entered into force in 2004. On 22 March 2004, the government officially applied for membership and based on a positive opinion of the European Commission, the Council granted official 'candidate status' to the country in December 2005, recognising the progress made in implementing the OFA. Macedonia's track record was

[52] The EU was heavily involved on the ground through a Special Representative as well as with a peacekeeping mission (EUFOR Concordia) and later a police mission (EUPOL Proxima) in the aftermath after the 2001 crisis.

impressive, as in no less than four years, the country managed to evolve from being on the brink of civil war to awaiting the start of official accession negotiations (Giandomenico, 2009: 92-93; Ilievski and Taleski, 2009).

From 2006 onwards, the relationship hit more troubled waters, however. On the one hand, Brussels' incentive model got undermined due to a Greek veto on furthering relations as long as the dispute on the country's official name had not been resolved.[53] In spite of a proclaimed neutral role of the European Commission, it being in charge of the enlargement negotiations, the overall stance of the EU was that without a solution for the name no accessions talks on membership could be initiated[54], in that way damaging the Commission's conditionality-based enlargement strategy (Ilievski and Taleski, 2009; Simonda Kacarska, 2015; Mavromatidis, 2010; Tziampiris, 2012; Vasilev, 2011: 73).

On the other hand, the cold shower from Brussels coincided with a shift in domestic politics in Skopje. With the July 2006 parliamentary elections, the nationalist-conservative VMRO-DPMNE[55] won elections and sent its main political opponent, the socialist SDSM[56], to the opposition. Under the leadership of Prime Minister Nikola Gruevski, the party would come govern the country for the next decade to come.[57] While initially elected on an agenda of economic reform, modernisation and Euro-Atlantic integration, the party moved towards an autocratic and nationalistic agenda from 2008 onwards (Szpala, 2016). Unwinding the linkages of the previous regime party, it expanded its tentacles on the entire state enterprise, the justice sector, as well as the broader aspects of public life such as the economy, the education sector, the media, and parts of the NGO sector (Kaytchev, 2016). As a result, the electoral process became increasingly flawed and was affected by an 'inadequate separation between party and state activities' (OSCE/ODIHR, 2014: 1). In its 2016 progress report, the Commission therefore warned that '[d]emocracy and rule of law have been constantly challenged, in particular due to state capture affecting the functioning of democratic institutions and key areas of society' (European Commission, 2016b: 4).

Gruevski's leadership style, a mixture of populist and authoritarian politics, created an increasingly toxic climate *vis-à-vis* the other political parties. The use of hate speech, the prosecution of political opponents, or the stirring of inter-ethnic tensions were all part of VMRO-DPMNE's toolbox of electoral mobilisation and triggered a state of permanent political crisis (Fouéré, 2013b: 5; Szpala, 2016).

[53] Greece equally prevented the country from joining NATO, blocking its invitation to the 2008 Bucharest Summit.
[54] This resulted in the paradoxical situation in which the Commission, since October 2009 onwards, has been delivering a recommendation to start accession negotiations, while the Council was not able to give its approval.
[55] Internal Revolutionary Organisation – Democratic Party for Macedonian National Unity.
[56] Social Democratic Union of Macedonia.
[57] In 2008, it switched its coalition partner DPA (Democratic Party of Albanians) for DUI (Democratic Union for Integration).

Between 2007 and 2015, Macedonia was haunted by six 'parliamentary boycotts', during which opposition or coalition parties decided to leave parliament as a protest against unlawful or illegitimate actions by the main governing party. To varying degrees, the EU needed to interfere in order to push or facilitate the conclusion of an agreement that would allow a return to parliament.

In doing so, the EU became an increasingly intrusive actor in Macedonia's domestic politics, however, where direct engagement with political party actors, rather than with formal power holders, appeared necessary to overcome conflicts (Kaytchev, 2016). In particular, Markovikj and Damjanovski (2015: 21) observed that Macedonia's exceptional degree of partitocracy prompted the international community to play a very important role at times of political turmoil or blockades, to the extent that it has come to 'fill the [gap] that Macedonian political actors leave in the political process'. In other words, as Kacarska concludes, the EU's role came to resemble to that one of an 'arbiter', guarding and regulating the conduct of normal inter-party relations in Macedonia (Kacarska, 2015: 112).

In sum, on the eve of the 2015 Macedonian regime crisis, the EU, and particularly the European Commission, was confronted with increasing stagnation. On the one hand, the *de facto* blocking of the accession process in Brussels, combined with a ruling party in Skopje encroaching on state institutions and the judiciary, made that the cost of reform had become too high for rent-seeking elites, benefiting more from the status-quo than from EU demanded reforms. The result was a slowdown of accession reforms in Skopje and limited leverage of the European Commission, which largely lost its grip on the elite power (Cierco, 2013: 445; Kacarska, 2014). On the other, parliamentary boycotts and problems of state capture put the Commission in a delicate position, requiring it to engage with key figures of the political parties rather than with the formal representatives of state institutions, to have any significant influence on the political process.

4.2 From Brussels to Pržino: analysing the EP's involvement in the mediation of the 2015 political crisis

In January 2015, tensions escalated to an unprecedented magnitude when SDSM leader Zoran Zaev signalled he had acquired secret tapes containing compromising information against Gruevski's regime. In an attempt to silence Zaev, Gruevski responded by giving a TV address in January 2015, in which he accused the opposition leader of espionage and conspiracy with foreign intelligence services to stage a coup. The interior ministry filed charges against Zaev, accusing him of attempting to undermine the constitutional order and organising an undemocratic seizure of power. This in turn prompted Zaev to release his so-called 'political bombs'. The tapes were illegally recorded over a four-year period by the

secret service and affected more than 20,000 people, including journalists, opposition figures, ambassadors, and even some of the government's own ministers. Their content revealed the incumbent regime's systematic abuse of power, voter fraud, and involvement in an intricate web of corruption practices.

Confronted with the gravity of the political scandal, the European Commission decided to develop a two-track approach in dealing with the crisis, consisting of a so-called 'systemic approach' on expert level, and a 'mediation approach' on political level. The expert level, led by retired Commission Director Reinhard Priebe[58], was tasked with addressing the endemic problems of abuse of power, corruption, nepotism and state capture, which had fully come to the surface with the eavesdropping scandal. After undertaking multiple visits to relevant state institutions and stakeholders, Priebe's 'Senior Expert Group' produced a bold analysis and an accompanying set of recommendations – later translated to an official Commission-authored report listing 'Urgent Reform Priorities' (European Commission, 2015c).

In parallel, the political level needed to focus on influencing the political elites through mediation talks. Therefore, on the 17th of February 2015, Commissioner for European Neighbourhood Policy and Enlargement Negotiations Johannes Hahn visited Skopje and announced the launch of an EU-facilitated dialogue between the four main political parties (VMRO-DPMNE, SDSM, DUI, DPA)[59]. The limited leverage of the Commission, in combination with the deeply partisan nature of the Macedonian conflict, prompted Hahn to reach out to the European Parliament by suggesting that MEPs should initiate the reconciliation process between the political parties:

> (…) I have asked today [to the] representatives of the main political parties in the European Parliament to make a similar effort as we have done successfully in Albania, where the representatives of the European Parliament, Mr. Kukan and Mr. Fleckenstein, managed to arrange an agreement which led to the situation that the opposition party went back to the Parliament. I think this is a good example and as it concerns the Parliament it is quite logical that the European Parliament and not the Commission should do that. They are ready to do his, they are happy and I hope they are successful.
>
> (Johannes Hahn, cited in Independent.mk, 2015a)

[58] Priebe served as Director for Western Balkans at the Commission's Directorate-General for External Relations and for Enlargement during 2001–2006.
[59] While VMRO-DPMNE and SDSM largely represent the ethnic Macedonian communities, DPA and DUI represent the Albanian community (Šedo, 2010).

Table 4.1 – Overview of the EU's mediation of the 2015-2017 Macedonian political crisis

Date	EU action	Involved stakeholders	Goal/Outcome	
30/03/2015	1st negotiation round, Brussels	3 MEPs, Representatives from VMRO-DPMNE, SDSM, Commission representatives	Preparatory talks	PREPARATORY PHASE
15/04/2015	2nd negotiation round, Brussels	3 MEPs, Representatives from VMRO-DPMNE, SDSM, Commission representatives	Preparatory talks	
19-20/05/2015	3rd negotiation round, Strasbourg	3 MEPs, PM Gruevski (VMRO-DPMNE), Opposition leader Zaev (SDSM), advisors of both parties, Commissioner Hahn	Preparatory talks	
02/06/2015	Commissioner Hahn travels to Skopje, joined by MEP Vajgl	Commissioner, MEP, 4 main Macedonian political parties (VMRO-DPMNE, SDSM, DUI, DPA)	June 2 agreement	BREAKTHROUGH PHASE
10/06/2015	Commissioner Hahn meets party leaders in Brussels, joined by MEP Vajgl	Commissioner, MEP, 4 main political parties, SG EEAS, EU-contracted mediator, EU Ambassador, US Ambassador	Concretising June agreement, no results	
14/07/2015	Joint EP-Commission negotiations	Commissioner, 3 MEPs, EU ambassador, US ambassador, EU-contracted mediator, 4 main political parties	July 15 agreement	
11-12/01/2016	3 MEPs visit Skopje	3 MEPs, 4 main political parties, State Election Commission, Special Prosecutor's Office	Implementation agreement, prime focus on securing confirmation for election date in April	IMPLEMENTATION PHASE
21-24/02/2016	3 MEPs visit Skopje	3 MEPs, 4 main political parties, EU ambassador, US ambassador	Postponement of elections to 05/06/2016	
09-10/05/2016	Joint MEP-Commission talks in Strasbourg	4 main political parties, Commissioner, EU ambassador, 4 main political parties	Presidential pardon: no agreement	
24-25/11/2016	MEPs' visit to Skopje	3 MEPs, 4 main political parties, Macedonian foreign minister, Special Prosecutor, OSCE	Preparations for parliamentary elections	
15-16/12/2016	MEPs' visit to Skopje	3 MEPs, 4 main political parties, Special Prosecutor, OSCE	Follow-up outcome parliamentary elections	
21/03/2017	Joint MEP-Commission visit	3 MEPs, Commissioner, 4 main political parties	Transition of power, Presidential veto	

Source: own compilation based on interviews, news reports and scrutiny of internal documents.

The following three subsections will audit the role of the European Parliament in the EU's mediation effort, and in particular its interplay with the European Commission. As summarised in Table 4.1, the analysis will be structured along three different phases of the EU's diplomatic involvement: a preparatory phase consisting of confidence building talks, a breakthrough phase in which a political agreement among the four main political parties was concluded, followed by an implementation phase. For each of the three phases I seek to pin down the exact role of the EP, as well as the interaction with the executive with regard to the four proposed diplomatic resources (institutional capacity, information, legitimacy, and access).

4.2.1 Preparatory phase: preparing the ground for an agreement

With the outbreak of the wiretapping scandal fears existed that, for the first time since 2001, stability and peace were seriously under threat in Macedonia. The leaders of the opposition parties, all being illegally eavesdropped upon and no longer willing to interact with the government, refused to take part in a dialogue convened by the President. Instead, the EU Head of Delegation (hereafter: EU ambassador) proposed to chair and facilitate the talks, therein assisted by the US ambassador who co-chaired the negotiations (Interview EU diplomat, 18/11/2016; Interview US diplomat, 16/11/2016).

From the outset, the Commission deemed it vital that political dialogue among the parties be re-established as soon as possible. Therefore, a trio of MEPs was asked by the Commissioner to restore basic confidence between the Macedonian political parties, which would allow for holding negotiations at a later stage. According to EEAS Secretary General Le Roy[60], the MEPs were granted the principal role at this stage of the EU's mediation: the talks were in their hands, with the possibility, if necessary, to include high-level officials from the European Commission or the EEAS in a later stage (BBC Monitoring Europe, 2015b).

To this end, the MEPs organised three different rounds of mediation talks. The first two rounds (on the 30th of March and the 15th of April 2015, both taking place in Brussels) were held in a format of separate discussions with representatives from VMRO-DPMNE and SDSM, and served to identify the demands, grievances and sensitivities of both parties. The third round of talks, organised in Strasbourg on the 19th of May, lasting for ten hours, were more substantial on two points. First, the talks moved to genuine negotiations, such as on the opposition's demand for a transitional government. Second, the level of the talks was upgraded as they now included both Gruevski and Zaev. From the side of the Commission, this was reciprocated with the attendance of Commissioner Hahn for a part of the talks (BBC

[60] Who also served as EU Special Representative to Macedonia in 2001-2002.

Monitoring Europe 2015c; Interviews MEP assistants, 02/09/2016 and 14/09/2016; Interview EP official, 08/09/2016; Interview EU Delegation official, 27/09/2016).

The Commission's main strategy was thus to seek *access* to the party representatives via the EP. Interviews indicate that the involvement of the MEPs was particularly important to have direct party-to-party influence over the two main protagonists in the crisis, i.e. Gruevski (whose VMRO-DPMNE is a member of the European People's Party) and Zaev (whose SDSM is associated with the Party of European Socialists).[61] With this in mind, the Commissioner instructed DG NEAR to make a selection of MEPs that would be 'fit for the task' (Interview EC official, 28/09/2016). This resulted in a team of three MEPs: Richard Howitt (UK) from the socialist S&D group, Eduard Kukan (SK) from the conservative EPP group, and Ivo Vajgl (SI) from the ALDE group as a liberal 'non-aligned' MEP (i.e. with no involved Macedonian counterpart). The idea of the Commission was to have the trio ease the tensions between the parties, to seek the first openings towards a potential political agreement, and ultimately, to bring the parties back to the parliament (Interview EU Delegation official, 27/09/2016; Interview EC official, 06/10/2016).

In addition to partisan connections, EP, Commission and Macedonian actors frequently cited *legitimacy* arguments as a motivation to involve the EP. In particular, due to his EPP affiliation as the party's Vice-President, Commissioner Hahn was not fully trusted as a neutral actor by the Macedonian socialists (Independent.mk, 2015b; Interview MEP assistant 26/09/2016; Interview EC officials, 06/10/2016 and 20/10/2016; Interview Macedonian political party representative, 15/11/2016; Interview Macedonian government official, 26/11/2016; Interview Macedonian NGO representative, 26/11/2016). The Commission was aware of this vulnerability from early on, and sought to overcome this by involving MEPs with a balanced ideological profile. As a Commission official put it, 'involving the EP was a way of preventing accusations that the Commissioner was protecting VMRO-DPMNE or Gruevski. The idea was thus to join forces, in order not to be torn apart by the other side' (Interview EC official, 20/10/2016).

Finally, a closer look at the profiles of the three MEPs suggests that their *expertise and skills* were also highly important. EP and Commission officials consistently pointed to either the MEPs' career or parliamentary experience as the main reason for their selection (Interview MEP assistants on 02/09/2016, 14/09/2016 and 26/09/2016; Interview EP officials on 08/09/2016 and 09/09/2016; Interviews EC officials on 28/09/2016, 06/10/2016 and 20/10/2016). As Table 4.2 indicates, all of the three MEPs were very informed and highly experienced to deal with the Macedonian crisis. Eduard

[61] Both the EPP and the PES are represented in the EP through the 'EPP group' and the 'S&D group' respectively.

Kukan (EPP) is widely seen as his party's stronghold on the Western Balkans (Interview MEP assistant, 02/09/2016; Interview EP official, 09/09/2016). As well as being a former diplomat, eight-year serving foreign minister of Slovakia, and United Nations Special Envoy to Kosovo, he gained experience mediating a solution to a parliamentary boycott in Albania in 2014 together with MEP Fleckenstein. Richard Howitt (S&D) is a former rapporteur on Macedonia and was involved in brokering an earlier political agreement in Macedonia after a parliamentary boycott in 2012-2013. After terminating his parliamentary mandate in November 2016, his role was taken over by Knut Fleckenstein, an expert on Eastern Europe and the Western Balkans, while serving as the S&D group's vice-president responsible for foreign affairs. Finally, Ivo Vajgl (ALDE) is the EP's Rapporteur on Macedonia. As a Slovene, he is of Balkan descent, has a former diplomatic career, shortly served as his country's foreign minister and has long running experience in dialogues on international conflicts.

Table 4.2 – Profile of selected MEPs

MEP	**Parliamentary Committee**	**Experience**
Richard Howitt (SD, UK)	Foreign Affairs Human Rights	Former EP Rapporteur and Shadow Rapporteur on Macedonia Involved in brokering March 2013 agreement in Macedonia
Knut Fleckenstein* (S&D, DE)	Foreign Affairs	S&D's vice-president on foreign affairs Involved in resolving Albanian parliamentary boycott in 2014
Eduard Kukan (EPP, SK)	Foreign Affairs Security and Defence	EPP expert on Western Balkans Experience as Foreign Minister and UN Special Envoy to Kosovo (1999)
Ivo Vajgl (ALDE, SI)	Foreign Affairs	EP Rapporteur on Macedonia Diplomat, experience as Foreign Minister Comes from the region, speaks the language

* replaced Richard Howitt in November 2016

Source: based on interviews and information gathered from the individuals' profile pages on the website of the European Parliament.

While the MEPs possessed relevant expertise on Macedonia or the Western Balkans, they remained dependent on the Commission for obtaining information on the latest political developments on the ground. Because they were not able to rely on the support of the European Parliamentary Mediation Service (EPMS) during this stage (cf. infra), information was primarily provided by the EU Delegation, which directly reports to the Commission. Thus, the executive resource the EP was dependent upon was therefore also one of *expertise*, in the form of regular briefings from the Commission. An involved MEP assistant noted these informal meetings were needed 'to give us regular updates, necessary information, to warn us about what was happening, to give details about the allegations, but also to suggest potential solutions, scenarios, ways forward (…). It was more or less the idea of a two-track approach: the MEPs

would do the political work, lead the negotiations, the Commission was there to give us the facts' (Interview MEP assistant, 02/09/2016; cf. also interview EP official, 08/09/2016; Interview MEP assistant 14/09/2016).

Interestingly, although the EP initially faced a lack of institutional capacity (particularly budgetary resources), this was not compensated for by the executive. As a consequence of Commissioner Hahn's demarche and the fact that Commission selected the MEPs itself, the regular procedure to have the political groups nominating their candidate and subsequently appointment by the EP's Conference of Presidents was bypassed. This meant that the involvement of the MEPs had to remain a private activity, implying that all costs had to be covered by their personal budgets (Interviews EP officials, 08/09/2016 and 09/09/2016). As this was a cause for frustration, in May 2015 a procedure was set in motion to formalise the EP's diplomatic delegation as an officially EP mandated delegation by the CoP. In that way, institutional and financial support through the EPMS was allowed, and the information dependence of the MEPs on the Commission was gradually reduced (Interviews EP officials, 02/09/2016 and 14/09/2016).

In summary, during the first phase the MEPs played a very prominent, if not leading, role by holding three rounds of crucial confidence building talks. While during the first rounds party representatives were still refusing to talk with each other, during the third session in May the MEPs succeeded in organising the first negotiations on the terms of a plausible agreement. During this phase, the executive was confronted with clear resource deficiencies with regard to *access* and *legitimacy*, with *expertise and skills* being the factor determining the final selection of MEPs. In that respect, the EP was instrumental to have direct access to the parliamentary counterparts, for its know-how on parliamentary mediation, and to undertake the EU's overall mediation with party-political objectivity. At the same time, the EP relied on *expertise* from the Commission in the form of regular briefings. They did face a shortage of financial resources, but as budgetary rules do not allow funding from the Commission, the EP upgraded its mission to overcome its initial handicap.

4.2.2 Breakthrough phase (May-July 2015): dragging all parties over the line

After the EP's third negotiation session on the 19th of May, the Commission took over the lead of the negotiations and sought to hammer out a deal. The pressure on reaching an agreement had risen tremendously after the outbreak of street protests in Skopje and the eruption of a two-day shootout between Albanian insurgents and government forces in the northern town of Kumanovo, killing 18. Therefore, in addition to the political mediation by Brussels-based actors, technical day-to-day talks were organised in Skopje, chaired by a mediator contracted by the EU Delegation in Skopje. Only a few weeks later, the so-called June-July Pržino-agreements were concluded, a two-part agreement following from intense negotiations taking place on the 2nd of June and the 15th of July. The agreement, named after the Skopje neighbourhood where talks took place in the residence of the EU ambassador, was signed by the presidents of the four main political parties, in the presence of Commissioner Hahn as well as the EU and US ambassadors.

The text of the agreement was very ambitious. With their signature, the four parties engaged themselves to, i.a., the return of SDSM to parliament, the creation of a parliamentary committee of inquiry tasked with investigating the wiretapping scandal, the handover of the tapes to the public prosecutor, the installation of a transitional government, the reform of the State Electoral Committee, the cleansing of the manipulated voter list, and the resignation of Prime-Minister Gruevski 100 days before new elections scheduled for April 2016. Most importantly, the parties agreed to the installation of a Special Prosecutor with full autonomy to investigate the wiretaps and committed themselves to the implementation of the Commission's Urgent Reform Priorities (see June Agreement, 2015; July Agreement, 2015).

At first glance, it seems as if the role of the parliamentary actors had become fully irrelevant. The negotiations in preparation of the agreement were now being chaired by the EU and US ambassadors, with the substance of the agreement being prepared by the contracted EU mediator. When on the 2nd of June Commissioner Hahn judged the time was ripe to force through an agreement, he was indeed *not* accompanied by the regular MEP trio.[62] Although they cited conflicting agendas as the reason for their absence, it is clear that the EP side felt bypassed by the Commissioner's move: 'Hahn got courageous and thought he could make the deal on his own. I have the feeling he went too quickly, too soon, without the EP' (Interview EP official, 09/09/2016). Or again, '[t]his was an attempted solo by the Commissioner. We didn't like that very much as we prepared all the groundwork, and now he stepped into the spotlights to seal the deal' (Interview MEP assistant, 02/09/2016). This clearly shows that the

[62] Only Vagjl (i.e. the non-aligned liberal MEP) attended the talks at the EU ambassador's residence.

EP was fully dependent on the willingness of the executive to include parliamentary diplomats in high-level diplomatic talks, i.e. an *access* resource, which the Commission was not granting at this stage.

Although the Commissioner's visit led to a first agreement, there were some crucial elements that were left open regarding the concrete implementation of the commitments. Particularly, the June 2 agreement stated that 'by June 10, the parties shall agree on the exact organization of the government preparing the elections'. Put differently, there was no final agreement yet on the transitional government. Ad-hoc meetings took place in Brussels 'but did not lead to a final agreement yet' (European Commission, 2015b). Only an Annex to the agreement was signed by the four party leaders in Skopje on 19 June, in the presence of EU and US Ambassadors, stating that 'once there is agreement on this point [i.e. the transitional government], the opposition will meet its obligation under [the] second commitment of point 6 and return to parliament' (Annex to the June 2 Agreement, 2015). It appeared that SDSM was not willing to return to parliament as long as no further concessions and clarity were given on the composition of an interim government, and the resignation of PM Gruevski (Interview EU member state diplomat, 09/11/2018; Interview EU diplomat, 16/11/2016).

In other words, some crucial elements were left unresolved regarding the concrete implementation of the commitments listed in the June Agreement. A new effort appeared necessary, and by July the Commission also realised that political capital from the EP was needed to get to the finish line. On the 14th of July a joint mediation mission to Skopje, this time again involving the MEP trio, was set up, bringing forth an agreement in the morning of 15 July, after 13 hours of negotiations. Not only officials from the Commission and the EU Delegation, but also the Macedonian political parties and other involved diplomats credited in particular MEP Howitt (S&D) with dragging his recalcitrant 'ally' from SDSM over the line. An EU diplomat considered his role 'very important' (Interview EU diplomat, 18/11/2016) in that regard, a US diplomat confirmed: 'While SDSM got what it wanted, they still wanted to walk away from the talks. At this moment, Howitt intervened and made sure they stayed and signed the agreement' (Interview US diplomat, 16/11/2016).[63]

Turning to the analytical framework, interviewees pointed to two sorts of diplomatic resources that MEP Howitt was able to offer the executive. First, Howitt possessed excellent negotiation *skills*. Involved actors during the negotiations describe him as 'a very skilled politician and tactician (…) often rude and going behind the backs of others, yet in that way very effective, which allowed him to get the agreement' (Interview EC official, 06/10/2016). An EU diplomat similarly described him as 'a difficult

[63] In the meantime, the other two MEPs had already left Skopje, as negotiations lasted till early in the morning, Howitt extended his stay to make sure SDSM signed the agreement (Interview EC official, 06/10/2016).

personality, but a key strategist at the same time, knowing how to realise things' (Interview EU diplomat, 18/11/2016). Second, again, *access* via party-political channels appeared essential. An involved Commission official argued that while the Commission had most leverage on Gruevski, as he represented the government of Macedonia, for the parliamentary opposition, Howitt was needed (Interview EC official, 06/10/2016). Interviewees particularly noted how Howitt played upon on his broader party influence to exert leverage on the associated SDSM, with statements such as 'you are embarrassing the party' or threats of expulsion used as a negotiation tactic (Interview EP official, 08/09/2016; Interview EC official, 28/09/2016).

In sum, at the time of the Pržino-agreements, the MEPs moved from the front stage to the side wings. The EP clearly relied on the executive granting diplomatic access to crucial high-level negotiations. However, excluding the Parliament during the June negotiations also showed the executive's reciprocal dependence on the EP's party-political access and skills to drag the parliamentary opposition over the line. In short, although the overall involvement of the EP was clearly of secondary importance during this stage, it nevertheless appeared crucial to seal the deal.

4.2.3 Implementation phase (July 2015-May 2017): a player in the margins

The high stakes set with the June-July Pržino-agreements stood in stark contrast with their subsequent cumbersome implementation. The incumbent party attempted to block or delay nearly all reforms ranging from the installation of an interim government, the reform of the voters' list, media reform, to the appointment of the Special Prosecutor, and so on (for a full overview, see Jordanova and Dimovska, 2016). One of the most controversial actions was President Ivanov's decision in April 2016 to pardon 57 officials (including PM Gruevski) against whom criminal charges had been filed for their involvement in the wiretapping scandal.[64] The move caused popular protests in the capital and elsewhere in the country (dubbed Macedonia's 'Colourful Revolution'), and eventually brought the President to repeal his decision.

As a result of the reform stagnation and popular upheaval, election deadlines were not met. The April 2016 elections were postponed, first to June, and later again to December 2016. The outcome of the December elections, however, weakened VMRO-DPMNE, which could no longer count on a willing partner to form a parliamentary majority. SDSM, in contrast, sought a mandate to form a government after it secured an agreement with parties from the Albanian bloc. However, citing constitutional and personal objections, the President refused to convey the mandate to Zaev. Visits of European Council

[64] Also Zaev was pardoned pardoned for his 'attempt to stage a coup'.

President Donald Tusk, the HR/VP Mogherini and Commissioner Hahn in spring 2017 brought no results. Only after violent and orchestrated clashes in parliament at the end of April did the tides turn and SDSM finally managed to form a new government.

Throughout the implementation phase, the role of the EP was again reduced, as now the EU Delegation took over the lead in holding cross-party talks on the implementation of the agreement (Interview EP official, 08/09/2016). In the 20 months after the Pržino-agreement, the MEP-trio visited Skopje five more times and once held talks in Strasbourg (cf. Table 4.1).[65] Evaluating its role results in a mixed picture. On the one hand, the MEPs first and foremost concentrated on the preparation and reform of the electoral process (Interview MEP, 10/07/2017). Here, their contribution proved to be instrumental with regard to three aspects. First, an involved EU official argued that the MEPs' role was significant in the technical preparations of the elections, such as the reform of the voter list and registration (Interview EU Delegation official, 27/09/2016).

Second, again embarking on their privileged party *access*, it was clear that the MEPs (together with EU and US diplomats) could be credited with reaching an agreement to postpone the April elections to June by pressuring their sister parties (European Commission, 2016a). In that context, the Commissioner recognised his dependence on parliamentary access and leverage, when he explicitly requested the assistance of the three MEPs for a crucial meeting in February to push for a breakthrough. In an e-mail of 18 February, Commissioner Hahn asked EP President Schulz to allow the three MEPs to travel with him 'because of [their] status and political weight (…), but also through the symbolism of the European Parliament as such pushing for the respect of the democratic process and particularly for parliamentary elections to take place with the participation of all parties' (European Commission, 2016c).

Third, the MEPs and the European Commission continued to *inform* each other on the latest stay of play on the preparations for the crucial December 2016 elections, this through regular exchanges between the MEPs and Commission officials, as well as by means of coordination meetings with Commissioner Hahn (Interview MEP, 10/07/2017; Pittella, 2016).

[65] After the President Ivanov's pardoning of those involved in the wiretapping scandal, Commissioner Hahn equally attempted to organise a urgency meeting with all party representatives in Vienna on 21-22/04/2016, thereby requesting the help of the three MEPs. However, the meeting was cancelled at the last moment, when SDSM-leader Zaev made his participation conditional upon the immediate repeal of the presidential pardon (European Parliament, 2016d; Interview EP official, 08/09/2016).

On the other hand, however, it also became apparent that the EP's resource of party-political *access* was a double-edged sword. Whereas party-political influence was one of the main instruments to get to an agreement during the second phase, it revealed itself as a vulnerability in the implementation phase. First, the EPP had difficulties strongly criticizing or condemning VMRO-DPMNE for its behaviour. According to a Commission official, MEP Kukan was much weaker towards VMRO-DPMNE actors compared to MEP Howitt towards SDSM representatives (Interview EC official, 06/10/2016). An involved EP actor with EPP affiliation acknowledges:

> (…) Our role was partly determined by our political affiliation. Our political orientation and belonging to a political family created an atmosphere in which we had to be loyal to our sister party, VMRO-DPMNE. I have to admit this made it at times more difficult to criticise or pressure them.
>
> (Interview EP assistant, 14/09/2016)

Second, not only was the EPP's influence on VMRO-DPMNE rather weak, but the latter had actively sought support from its political family members to shield itself from accusations by the opposition and the international community. VMRO-DPMNE invested heavily in building ties and allies throughout Europe and the US, resulting in a network of defenders of the country's regime. As a result, support has been consistently expressed by political figures from the EPP, the EP, the Parliamentary Assembly of the Council of Europe, and even by EPP-affiliated EU foreign ministers (see Balkan Insight, 2016a, 2016b; EPP-CD, 2015, EurActiv, 2015a; MIA, 2016, Republika.mk, 2016). A government official from VMRO-DPMNE at the time admitted 'we have indeed strong confidence in the EPP, and we were not left alone by them. (…) They have a party in charge here for more than ten years, so they want to fight for that and to support us, while the PES hasn't and so they have the opposite goal' (Interview Macedonian government official, 22/11/2016). The strong support that was given by the EPP was a prominent element in interviews with officials from the EP, the Commission, diplomatic actors as well as with Macedonian elites and civil society actors.[66]

In short, during the implementation phase, the role of the EP was largely outplayed. Moreover, whereas the MEPs proved to be a positive contribution in pressuring the opposition to an agreement in the second phase, its leverage over the governing party was limited and weakened down by the open support of prominent EPP figureheads.

[66] Cf. Interviews EP assistants (02/09/2016 and 26/09/2016); Interviews EU diplomats (28/10/2016, 16/11/2016 and 18/11/2016); Interviews EU member state diplomats (14/11/2016 and 17/11/2016); Interviews Macedonian political party representatives (15/11/2016 and 15/11/2016); Interview US diplomat (16/11/2016); Interview Macedonian government official (26/11/2016); Interviews Macedonian NGO representatives (08/11/2016, 23/11/2016 and 26/11/2016).

4.3 Discussion of findings

In light of the above findings, this section reflects on the relevance of the proposed conceptual framework of cooperative parliamentary diplomacy, as proposed in Chapter 2. The analysis largely confirms the tenets of the proposed framework, with each of the three phases of the mediation being characterised by an exchange of diplomatic resources between the Parliament and the European Commission.

The Commission's waning grip on the elite in power and the particular partisan nature of the conflict (i.e. a parliamentary boycott) rendered the EP into a highly valuable actor in resolving the 2015-2017 political crisis, in particular through providing party-political access, legitimacy and partisan mediation skills. In turn, the EP also profited from diplomatic resources of the Commission, most importantly through a permanent stream of information and by providing diplomatic access to crucial negotiations. From the executive's point of view, the transnational parliamentary involvement thus clearly showed how transnational actors might be used as 'instruments for influence for use by some governments over others' (Nye and Keohane, 1971b: 340).

However, two reservations should equally be formulated. First, while the analysis indicated a recurrent exchange of the three above mentioned resources, no exchange of institutional capacity resources took place. This was initially due to budgetary regulations preventing the Commission to finance the activities of the Parliament. Later on, the budgetary shortcomings of the MEPs were addressed by means of a formalisation of the MEPs' mediation by the EP's Conference of Presidents, the latter enabling in-house budgetary and administrative support. On a more general level, however, the Parliament still profited from the institutional capacity of the executive through participating in talks at the Skopje residence of the EU ambassador, or at the premises of the European Commission in Brussels. Parliament in turn also convened meetings at its premises in Brussels or Strasbourg. Therefore, an outright rejection of this category of diplomatic resource would be unjustified.

Second, and more important, is the finding that the Parliament's resources of access and legitimacy are not always benign in nature, as the framework initially suggested. It was argued, on the one hand, that the Parliament's moral authority and authoritative knowledge provide for an alternative form of legitimacy than the sovereign legitimacy ascribed to conventional, executive diplomats. And that, on the other hand, parliamentary actors might have privileged access to their peers abroad, and this could make them desired targets in the eyes of the executive. What the third phase of mediation however indicated is that 'access' is a two-way street, in that it also provided a channel for the regime party to

counter and undermine the diplomatic efforts undertaken by the EU. As result, in such circumstances, parliamentary diplomacy cannot unequivocally be considered an alternative source of legitimacy, as it rather risked undermining the credibility of the EU's diplomatic mediation process. Just as the literature has come to recognise that transnational actors are not only 'forces of the good' (e.g. Aydinli, 2013; Gleditsch, 2007), this case shows that also malign actors can embark on transnational parliamentary politics to promote their goals.

4.4 Conclusion

This chapter has tested the conceptual framework of cooperative diplomacy in the case of the EP's involvement of the EU mediation of the 2015-2017 Macedonian political. As assumed, it was shown that EU parliamentary and executive actors complement and reinforce each other through exchanging diplomatic resources, in a context of mutual resource dependencies.

Moreover, the framework helps to identify for which type of 'diplomatic resource' parliamentary actors can provide added value to executive diplomacy, and for which they may create vulnerability. It was shown that in a context of limited executive leverage, the EP proved to be highly valuable in crisis mediation by providing party-political access, legitimacy and partisan mediation skills. In turn, the EP profited from diplomatic resources of the Commission, most importantly through a stream of information during the preparatory negotiations and by providing diplomatic access when concluding the Pržino-agreement.

However, whereas parliamentary diplomacy proved to be a valuable contribution in the first two phases, it revealed itself as a more ambiguous factor in the last phase, as the implementation process was clearly weakened down by the open support of prominent EPP figureheads, thereby negatively impacting on the implementation process. Involving parliamentary actors in diplomacy might also give voice to (or at least amplify) those actors with interests that run counter to those of the executive. Therefore, in accordance with the literature on violent or malign actors in transnational politics, the case-study equally indicates the necessity to take into account that opportunity structures or resources such as 'access' or 'legitimacy' created by transnational parliamentary diplomacy might also be abused.

Part III

Explaining the European Parliament's Diplomacy

Chapter 5 The EP's Diplomacy as Informal Institution in EU Foreign Policy

The final part of this dissertation concentrates on the rise of the EP's parliamentary diplomacy from the 7th European Parliament (2009-) onwards, guided by the question: *How can the informal institutionalisation of the EP's diplomatic practices since the Treaty of Lisbon be explained?* It thereby addresses the discrepancy between the formally prescribed diplomatic prerogative of the EU's dual executive, and an empirically observed diplomatic agency of the EP.

In answering this second research question, I will build further on the conceptual tools of the analytical framework presented and explored in the first two parts, in order to construct a causal explanation for the institutionalisation of the EP's parliamentary diplomacy over time. As the research now moves from an exploratory to an explanatory phase, I will additionally draw on institutional theory to hypothesise and test how the cooperative or competitive modes of parliamentary diplomacy, as introduced in the first two parts, may have shaped the proliferation of the EP's diplomatic mediation as a recurrent practice in EU foreign policy, from the 7th European Parliament (2009-) onwards.

This chapter provides the necessary theoretical background as a starting point for the empirical analysis in Chapters 6 and 7. In particular, the current chapter argues that the EP's diplomacy should be considered as a case of *informal institution building* by or between EU actors and constructs a causal mechanism to explain the process of institutionalisation of the EP's parliamentary diplomacy. Based on cooperative and competitive modes of parliamentary diplomacy, I propose two causal pathways that hypothesise how parliamentary diplomacy takes shape as an informal institution in EU foreign policy. These pathways follow a functionalist and distributive logic, building on functionalist and distributive sub-approaches to rational-choice historical institutionalism (RCHI).

The chapter proceeds in three steps. A first part sketches out the framework of RCHI and develops it into an explanation for the institutionalisation of the EP's diplomacy by proposing two sets of hypotheses. The second part transposes these arguments into a dual causal mechanism and further defines its constituent parts. The final part concludes and provides an outlook to the subsequent empirical chapters.

5.1 Applying RCHI to the EU's separation of powers

5.1.1 The EP's diplomacy as an informal institution

While the European Parliament's diplomacy has become an increasingly observed practice in the last decade, EU treaties remain dead silent on what role the EP would play in the implementation of EU foreign policy. As Chapter 2 discusses more in detail, following treaty stipulations, the Parliament possesses limited rights of control on the EU's intergovernmental CFSP/CSDP, and is granted co-legislative powers in co-deciding on (budgetary aspects of) external action policies governed by the TFEU. However, with regard to the *execution* of Union foreign policy, diplomacy is an activity reserved for the EU's dual executive. On the one hand, following Article 207(3) TFEU, the Commission, subject to Council approval, acts on behalf of the Union in international relations for foreign policy matters governed by Title V of the TFEU. On the other hand, the Council adopts the CFSP/CSDP, with its decisions being implemented by the member states and the EEAS, the latter headed by the High Representative for Foreign and Security Policy (HR/VP), while also serving as Vice-President of the European Commission. Given the discrepancy between these formal diplomatic prerogatives of the EU's executive actors and an empirically observed, yet legally unrecognised, diplomatic agency of the EP, the latter is considered an informal practice in the EU's foreign policy.

This dissertation addresses informality from a new institutionalist point of view, given its recognition for informal conventions in the study of political outcomes. Informal institutions are generally defined as 'socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels' (Helmke and Levitsky, 2004: 727). In EU policy making, Stacey and Rittberger define informal institutions as 'all rules that lack both a formal foundation – i.e. legally created and ratified by the member states – and third-party legal oversight via the ECJ', and which '(….) take any of a variety of forms, including customs, routines, and various ad-hoc procedural rules' (2003: 879, fn.3).

This chapter considers the EP's diplomacy as such informal rule of behaviour. This not only means that such practice occurs outside the formal EU legal framework, but that the phenomenon also moves beyond a single incidental manifestation to more regular behaviour. Informal institutionalisation is therefore defined as the outcome of a process in which informal practices reoccur over time with the result of establishing themselves as routinized behaviour in specific contexts.

5.1.2 Accounting for cooperation and competition

In Chapter 1, I have revisited the scholarship on EU informal governance and argued for adopting a *new institutionalist* approach given its ability to provide a clear causal explanation for the development and institutionalisation of (informal) practices. I subsequently proposed to apply a hybrid rational-choice historical institutionalist (RCHI) approach as originally introduced by Stacey and Rittberger (2003), precisely given the mutual capacity of RCI and HI to compensate for each other's deficiencies. These are, in short, RCI's ability to articulate precise causal determinants of institutional change, and HI's stronger explanatory purchase in accounting for institutional persistence. This section further operationalises the RCHI approach to develop two sets of hypotheses and corresponding causal pathways that might explain the institutionalisation of the EP's diplomacy as a recurrent practice in EU foreign policy. This enterprise of operationalisation consists on the one hand of building on existing theorisation, while on the other hand combining it with the insights I obtained from the empirical findings in part two.

When projecting a RCHI approach to the EU's separation of powers[67], the latter can be conceived as a political arena in which the EU's institutional branches are actors with their own aggregated interests and preferences. Drawing on the earlier work of McGinnis (1993), it is furthermore argued that governmental powers may become subject of (implicit) bargaining between the branches in order to maximise their respective interests. McGinnis' position is that the functioning of government is not structured by a system of fixed legal norms, but rather by a set of continuously evolving and renegotiated norms that reflect power distributions and mutually advantageous arrangements among its respective branches. Given that constitutional (or here, treaty-based) powers are often unclear or ambiguous, they do not necessarily remain exclusively vested within the branch they were initially assigned to. Instead, it is argued, they may also become exercised by another branch. Therefore, the author posits, one should consider the initial distribution of competences among the three branches as a mere 'baseline for bargains from which the actors would seek to improve their initial positions' (McGinnis, 1993: 295).[68]

These assumptions also correspond to the incomplete contracting research paradigm, serving as the backdrop against which the EU informal institutionalist scholarship has developed since the 2000s

[67] For accounts sympathetic towards a separation of powers analysis of the EU, see Conway (2011) or Kreppel (2011). While in the area of law-making such strict 'separation' of powers has become blurred, in the areas of CFSP or Union external action policies '[t]here is no overlap of branches (…), as both the Commission and the European Council constitute the central executive of the EU, and as in national systems, foreign policy is not conducted via legislation' (Conway, 2011: 312).

[68] Classic examples of such institutional change include the delegation of law-making competences from the legislative to the executive branch, constitutional review by executive organs, law-making through jurisprudence by constitutional courts, parliamentary authorisation of executive decision-making, or the blending of legislative and executive powers through EU comitology procedures (cf. Jaffe, 1947; McGinnis, 1993; Fonck and Reykers, 2018; Ballmann et al., 2002).

onwards. Their inquiries of institutional change namely depart from the EU treaties' tendency to leave loopholes and ambiguities with regard to the exact roles to be played by the EU's institutional actors, giving rise to what has been labelled as 'interregnum integration' (Stacey, 2010; Stacey and Rittberger, 2003) or 'interstitial institutional change' (Farrell and Héritier, 2007). What these approaches share is a shift in focus from a conventional intergovernmentalist study of European integration as delegation processes by which member states decide to pool or shift their sovereignty to the EU's supranational actors, to a more invisible and incremental process in which the EU organisational actors *themselves* engage in informal bargaining processes and create informal rules that imply transfers of sovereignty. Thus, rather than considering EU member states as the source of integration, the approach studies the EU's three principal policy-making actors (the Council of Ministers, the European Commission, and the European Parliament) as 'political entrepreneurs engaged in strategic interaction' (Stacey, 2010: 33) where both dynamics of cooperation and competition might result in the creation of new institutions (cf. Stacey and Rittberger, 2003: 863).

Such perspective on EU informal rule creation also provides the foundation for the current analysis of the genesis of the EP's diplomacy: i.e an executive prerogative on the conduct of foreign policy, held by both the Council and the Commission for their respective foreign policy competences, which becomes subject to a process of (informal) institutional change. However, contrary to the so-called 'interregnum' or 'interstitial' approaches above, the current focus is reduced to explaining and analysing the emergence of such informal rules, and refrains from studying the conditions under which they may become formalised by subsequent treaty changes.

As argued and demonstrated in the first two parts of the dissertation, following from transnationalism's interdependence dilemma, the EP's diplomacy can take shape in a cooperative or competitive posture vis-à-vis the EU's executives. Such variation is precisely recognised for in analysing the separation of powers as a system of bargains, since 'each branch is both a potential ally and adversary of the others', providing for an institutional context with 'a mixture of mutual dependence and conflict' (McGinnis, 1993: 299). In line with earlier approaches (Héritier, 2007; Stacey, 2010; Stacey and Rittberger, 2003), I will therefore logically distinguish between the functionalist and distributive sub-approaches of rational-choice institutionalism as a starting point for constructing a causal explanation. Their main difference lies in whether institutions are primarily seen as problem-solving (cooperative), or as locking-in a power balance (competitive), hence resulting in two different mechanisms through which institutions are produced. Complementing these with insights from historical institutionalism allows for the development of a holistic framework to study the emergence of the EP's parliamentary diplomacy as an informal practice in EU foreign policy.

5.1.3 Functionalist RCHI: parliamentary diplomacy as a problem-solving arrangement

According to a functionalist RCHI perspective, actors create or change institutions as a response to collective action problems. Institutional rules are thought of creating an equilibrium that brings efficiency and stability, and minimises transaction costs (North, 1990). In the anticipation of a social event, actors seek to respond in the least costly way by comparing all the costs associated with possible alternatives, and finally opt for the outcome where all involved actors benefit in a more optimal way. Put simply, an institution is selected when it produces an outcome which is more beneficial, compared to if there were no such institution. Institutions are therefore essentially problem-solving arrangements.

In the context of the EU, this sub-approach of RCHI predicts that when the treaties leave obvious gaps by not covering for all contingencies, consensual behaviour is predicted where actors will jointly design informal institutions to overcome the inconsistencies or uncertainties, in order ensure efficient policies. Stacey and Héritier in other words expect that if 'the formal rules are problematic in practical terms, actors may become motivated to create informal rules in order to compensate for deficiencies' (Stacey and Rittberger, 2003: 874).

I identify two main pathways of such institutional change provided by functionalist RCHI that plausibly lead to an institutionalisation of EP's diplomacy. A first explanation is that an external event redefines the gains and costs associated with the existing institutional design. Political crises in particular are often invoked as catalysts of such institutional change (Héritier, 2007: 14-18). As was shown in part one, parliamentary diplomacy might contribute to executive foreign policy efficiency through providing the executive valuable diplomatic resources (i.e. information, expertise, legitimacy or access to third actors), which it does not always possess itself, and might be necessary to effectively address particular conflicts. Following a cost-based reasoning, one may thus expect that when a certain pressing external conflict poses significant diplomatic resource deficiencies towards the executive, increasing the transaction costs associated with the executive prerogative, such contingencies might lead the executive to opt for a joint diplomatic undertaking with the Parliament to solve the crisis more effectively. In turn, the Parliament stands to benefit from this solution as well, through its increased involvement in shaping foreign policy to promote its preferences and through a respective exchange of diplomatic resources.

A second, more incremental, explanation argues that through a process of repeated interaction, actors learn that a coordination of interests provides them with greater benefits than acting alone. This historical institutionalist addendum builds on the idea of increasing returns following which 'the relative benefits of the current activity compared with other possible options increase over time' (Pierson, 2000: 252). Precisely the iterative nature of the process drives informal institution building between actors, since each interaction provides new knowledge, leading to the further transformation of an institutional rule in order to improve the structure of future interaction (Héritier, 2007: 20-22; North, 1990). As I will argue further on, both causal pathways are seen as potentially concomitant and mutually reinforcing.

Accordingly, parliamentary diplomacy in EU foreign policy could be seen as the 'development of a particular organizational form that can be explained as the result of an effort to reduce the transaction costs of undertaking the same activity without such an institution' (Hall and Taylor, 1996: 943). It thus involves the executive and legislative deciding upon a strengthening of forces, since this institutional arrangement is of greater utility or advantage than the previous configuration of rights. The *shift* of diplomacy as an exclusive executive foreign policy prerogative, to a shared undertaking by both executive and parliamentary diplomats is a form of informal institutional change which is likely to be incited by an external event that reduces the benefits of the initial institutional format. At the same time, such episodes of sudden interaction also provide important learning opportunities for both actors, offering blueprints for future, potentially stronger or more streamlined, cooperation. It hence is set up as an 'institutional [arrangement] that would guarantee complementary behaviour by others' (ibid.: 945). There is no intention to violate any formal rules or their spirit, as the diplomatic lead of the executive is not questioned. Bargains can be explicit, where the executive asks the Parliament to contribute in its diplomacy; or could be implicit with the executive not objecting to the Parliament's participation.

The above leads to two, complementary, hypotheses:

H_{1a}: *If a foreign crisis imposes costs upon the executive that exceed the costs of sharing its rights of governance, then parliamentary and executive actors will develop parliamentary diplomacy through exchanging diplomatic resources as a way to solve the crisis more efficiently.*

H_{1b}: *Repeated diplomatic interaction between executive and parliamentary actors results in a learning effect from which both actors derive that a coordination of interests provides greater benefit than acting alone to solve a foreign crisis.*

5.1.4 Distributive RCHI: parliamentary diplomacy as unilateral power assertion

A different view is upheld by those adopting a distributive approach to RCHI. While according to a functionalist understanding institutions are a solution to problems of coordination and efficiency; in a distributionalist world the answer as to why institutions are created or changed, is power and conflict. This approach, advanced by Knight (1992, 1995) and Moe (2005), takes a step back by accounting for the social context in which interactions occur and how this affects political outcomes. Given that institutions shape both policy outcomes, as well as the powers held by the involved actors, 'these actors do not only have preferences over institutions, but also compete to bring about their preferred versions of them' (Stacey and Rittberger, 2003: 861).

Rather than being problem-solving equilibria, institutions are seen as the product of a power-driven bargaining process where some actors are more powerful than others, and thus have a bigger say in the institutional outcome. Interaction between actors is hence not focused on a coordination of interests and searching for common gains, but takes the form of strategic bargaining with competing interests 'where there is a total to divided, i.e. a zero sum game with winners and losers' (Pegan, 2015: 46). Thus, the institutional outcome that is created is the result of a bargaining process where the actor with the most power is able to impose its preferred institutional design.

Distributive rationalists see the separation of powers as an inherently competitive system, in which one branch is given a set of competences that is meant to limit the degree of freedom of the other branch. EU foreign policy implementation would be a case in point where the executive holds considerable power advantages over the legislative branch, given the fact the EP holds limited control powers and *no* direct diplomatic powers. Unsatisfied with this power distribution, the EP's decision to develop an autonomous competitive parliamentary diplomacy would be seen as a unilateral and power-driven decision to redraw this uneven inter-institutional power balance.

In the context of the EU, a distributive approach to RCHI posits that treaty ambiguities might result in attempts by EU actors, dissatisfied with the existing formal rules, to improve their situation by ensuring their interpretation of existing rules maximises control over a certain policy, or by unilaterally asserting informal powers. Instead of being efficient policy maximisers, actors are hence considered to be self-interested 'competence maximisers': their preference is to maximise their institutional power in order to have an impact on the decision-making (Crum, 2012: 355; Farrell and Héritier, 2007: 230-231; Stacey and Rittberger, 2003: 872). Hence, Stacey and Héritier expect accordingly that when 'formal rules are determined to be unsatisfactory in political preference terms, aggrieved actors may become motivated to create informal rules' (Stacey and Rittberger, 2003: 875).

As others have shown before, the EP has often pursued deliberate strategies to redraw the power balance with the Council or the European Commission, thereby making use of informal institutions to circumvent or affect the application of formal legislative decision-making procedures (e.g. Farrell and Héritier, 2002; Hix, 2002; Lindner and Rittberger, 2003; Maurer et al., 2005). It therefore is not unlikely to presume that in the domain of foreign policy making, parliamentary diplomacy might implicate similar moves of the EP to affect the power balance between itself and the Council or the Commission, either through unilaterally declaring new rights, or through exploiting given powers to the fullest. Parliamentary diplomacy should therefore not merely be seen as the response to pressing foreign policy needs. Rather, the latter provide strategic opportunities to Parliament for having its preferences and ideas being accepted and taken over by the executive, in that way increasing its say in the EU's foreign policy.

Given that the actors who benefit most from the existing institutional architecture are also those that possess the most power, distributive rationalists reason they are normally 'able to resist pressures for change, even if the institutions do not function properly' (Koning, 2016: 651). Exogenous shocks, however, are able to affect the distribution of power between actors, and therefore may enable a redefinition of the institutional design. Based on this, I argue two pathways of institutional change appear likely for explaining the institutionalisation of EP's diplomacy.

On the one hand, external events can result in a change of preferences of the more powerful actor. Scholars of EU institutional change thereby point to instances where a change of the 'dominant change-resisting coalition' provides opportunities for the weaker actor to impose itself. Typically, this would occur when the Council is internally divided on how to act, resulting in it being more lenient or less resistant in giving other actors a greater say (Di Paola, 2003: 79; Héritier, 2007: 42; Stacey and Rittberger, 2003: 866; Tsebelis, 1990: 110-115). As has been argued in Chapter 1, by adding temporality to the model, RCHI argues that also 'weaker' actors are able to alter the rules of the game, because bargaining is organised on the anticipation of future rewards or sanctions (in contrast to a snapshot view on bargaining along a prisoner's dilemma). It thus creates incentives for more powerful actors to bargain in order to mitigate the obstructionist motivations of weaker opponents. Put simply, the Parliament may claim a say in diplomacy by implicitly threatening with sanctioning the Council on other domains, for instance by using its budgetary powers or consent power to international agreements.

On the other hand, rather than affecting preferences, external shocks can also enable institutional change by implicating a change in the diplomatic resources (cf. Chapter 2) of one of the actors, in turn affecting the balance of power (Héritier, 2007: 42-43; Stacey and Rittberger, 2003: 866). In other words, a

particular external conflict might readjust the relative 'market power' of both institutions by their possession of diplomatic resources, in turn resulting in the appreciated institution asserting a bigger role.

Accordingly, two plausible explanations for distributive institutional change are formulated:

> H_{2a}: *When the Council is internally divided on how to respond to an external conflict, the Parliament may profit from this indecision to enter into a bargaining process by claiming power through parliamentary diplomacy.*
>
> H_{2b}: *When an external conflict impacts on the diplomatic resource distribution between executive and parliament, to the advantage of the latter, it provides opportunities to enter into a bargaining process by claiming power through parliamentary diplomacy.*

Finally, following a historical institutionalist rationale of path dependency, it is assumed that in parallel to the mutual learning effects and coordination of interests in the case of functionalist RCHI, the EP's use of sanctioning powers (or the threat thereof) provide for similar – yet opposite – learning effects in which the executive will seek to avoid future confrontations with Parliament:

> H_{2c}: *Repeated diplomatic competition between parliamentary and executive actors results in a learning effect from which the executive derives that a contestation of the Parliament's diplomacy provides higher costs than allowing it to assert legally unrecognised diplomatic roles.*

Table 5.1 summarises both functionalist and distributive approaches to RCHI in terms of their forms, motivations and effects.

Table 5.1 – Summary of functionalist and distributive RCHI models of EP parliamentary diplomacy

	Functionalist RCHI	**Distributive RCHI**
Form	joint legislative-executive undertaking	unilateral undertaking by the EP
Motivation	overcoming uncertainties or ambiguities of formal rules	EP's dissatisfaction with formal power distribution
Institutional Effect	increasing efficiency of policy	*de facto* transfer of power from executive to Parliament

5.2 Towards a causal mechanism of EP parliamentary diplomacy

To test the two sets of hypotheses that have been proposed above, this dissertation applies causal process-tracing (CPT) methodology, as has been introduced in Chapter 1. In short, CPT is invested in 'explain[ing] why something occurred by analyzing the productive causal process that links a cause (or set of causes) with an outcome' (Beach and Pedersen, 2019: 30). By using this methodological approach, I move beyond the descriptive approaches which have so far dominated the EP diplomacy literature, instead showing *how* the EP parliamentary diplomacy has taken shape as an institutionalised, albeit informal, phenomenon.

CPT operates on the basis of within-case empirical analysis, which analyses the empirical manifestations of a causal mechanism by meticulously verifying for a productive relationship between its constituent parts. Corresponding to the theoretical framework above, I apply a form of process-tracing that is focused on theory testing. Such exercise 'starts with conceptualising a plausible hypothetical causal mechanism based on existing theorization and empirical research', which is subsequently tested by 'developing propositions about empirical fingerprints that might have been left in a given case by the activities of a mechanism (or its parts) (ibid.: 9).

From a methodological point of view, CPT does not require theorisation about alternative mechanisms, since 'finding within-case evidence in favour of one cause does not necessarily disconfirm other causes also mattering, except in the situation where causes are individually sufficient and mutually exclusive' (Beach and Pedersen, 2019: 42). Yet, in function of the current research question, I seek to establish whether functionalist *and/or* distributive explanations lie at the source of the informal institutionalisation of the EP's diplomacy, thus also leaving the door open for a plausible combination of both processes being at play. Put differently, I do not simply ask whether the re-occurrence of parliamentary diplomacy as a problem-solving arrangement has led to an institutionalised practice in EU foreign policy making. Rather, I depart from an observed outcome, and ask by what rationale this process was driven: a mutual arrangement between the Parliament and the executive, a power-driven parliament unilaterally asserting diplomatic roles – or a combination of both? This brings me to formulating a dual mechanism that will either bring me to (dis)confirm the presence of one or both mechanistic pathways of informal institutional change. Therefore, and in line with the above formulated functionalist and distributive hypotheses, the next two sections will develop two causal pathways or mechanisms that connect a single hypothesised cause (external conflict) with an outcome (informal institutionalisation) under a specific context of incomplete contracting (ambiguous treaty stipulations).

5.2.1 Defining cause, outcome and scope conditions

Following process-tracing methodology, concepts are defined in a set-theoretical fashion (Beach and Pedersen, 2019; Beach and Rohlfing, 2018; Rohlfing and Schneider, 2018). This implies one refrains from reasoning in a variable-based fashion (i.e. defining independent and dependent variables), since only asymmetrical claims are made to the extent that 'if the causal and contextual conditions are present that trigger a mechanism, the mechanism will be present in a case', while at the same time no claims are made 'about what mechanisms are operative, if any, when the causal and contextual conditions required for the mechanism are not present' (Beach and Pedersen, 2019: 55). Therefore, causal process-tracing simply claims that if a cause (C) and its scope conditions are present, then a mechanism will be triggered in a case, leading to an outcome (O). This section will clearly spell out the hypothesised cause, outcome and scope condition. However, before doing that, some clarifying words are required on the endogeneity/exogeneity of the institutional change as modelled here.

The existing literature invested in explaining institutional change in EU governance offers explanations of *endogenous* and *exogenous* institutional change, or a combination of both. In short, accounts of endogenous institutional change treat institutions as both independent and dependent variables. In other words, they locate the cause of institutional change *within* existing institutions to the extent that their design and properties set in motion a process of institutional change, and thus also determine the rate and direction of that change. Put simply, these authors would assume that incomplete contracting by the EU treaties is the main cause behind institutional change (e.g. Farrell and Héritier, 2007; Lindner, 2003; Stacey and Rittberger, 2003). Exogenous accounts, on the other hand, ascribe institutional change to factors that are rooted outside existing institutions. As argued, these may be a change in preferences of the designers of institutions, or a change in the environment that subsequently has an effect on the costs and benefits associated with the existing institutional design (Héritier 2007: 8).

While exogenous accounts have been criticised for neglecting the structuring impact of existing institutions, endogenous accounts have similarly been refuted that they 'ultimately cannot escape referring to exogenous factors' (Koning, 2016: 652). Therefore, this research design seeks to reconcile both factors by locating their respective roles in the causal and contextual factors that underpin the proposed causal mechanism. The model proposed offers a predominantly *exogenous* explanation of institutional change in that it ascribes the productive cause of institutional change to an external event. However, at the same time, I take into account the presence of incomplete and ambiguous institutional rules as a necessary condition for informal rules to be created.

To illustrate my point more precisely, Beach and Pedersen (2019) exactly argue that while causal and scope conditions are often difficult to be distinguished, a cause should be considered as possessing 'a *productive* relationship with the outcome', i.e. actively doing something. A scope condition, 'is merely an *enabler or inhibitor*; it does not do anything active' (Beach and Pedersen, 2019: 78). I argue accordingly that the presence of unclear rules does not 'do' something; rather, its absence will inhibit the possibility of informal rule creation (O) when an external conflict occurs (C).

In sum, rather than departing from treaty change as an endogenous causal condition triggering a process of informal rule creation, I recognise for the *necessity* of incomplete contracting by EU treaties by treating it as a scope condition. Incomplete contracting by itself provides no productive or triggering effect that is capable of setting in motion the mechanism of institutional change here studied; rather, it provides a fertile ground in which informal rule creation is able to occur. Accordingly, the Parliament is expected to develop diplomatic practices in response to well-specified external conflicts, a process which is enabled by a context in which the EU treaties refrain from clearly delimiting the Parliament's diplomatic leeway. The re-occurrence of this practice cumulatively leads to the institutionalisation of parliamentary diplomacy in EU foreign policy.

Cause: external conflicts

The occurrence of an 'external conflict' is defined as the causal condition of the mechanism, i.e. as the productive factor of institutional change. This condition is further refined by imposing the following restrictive qualitative thresholds:

(1) the external conflicts are intra-state conflicts between government and opposition groupings;
(2) the conflicts take place in EU neighbourhood or (potential) enlargement candidate countries;
(3) there must be a parliamentary readiness to intervene, as well as a demand or acceptance of the third country for the EP to play a role.

The reason behind these restrictive, but necessary, thresholds is that only in these well-specified contexts I logically expect the mechanism to become operative. Returning to the set-theoretical underpinnings of this research, the presented study only focuses on how the presence of each of these factors can lead to the outcome, *not* on what happens in absence thereof. First, the focus is on intra-state conflicts between government and opposition groupings. Intra-state conflicts are defined as conflicts 'between or among two or more groups within the internationally recognized territory of the state' (Sarkees et al., 2003: 59). The specific focus on government-opposition forces is added as it makes a role for the European Parliament relevant, because of its party-based composition and strong internal culture of cross-party consensus building. This precisely allows for party-political mediation between government and opposition groupings, in contrast to executive diplomacy which is oriented at

government-to-government relations. Put differently, such context provides for a situation in which parliamentary diplomatic resources such as expertise, legitimacy, and access make parliamentary actors relevant interlocutors for diplomatic mediation.

Second, I argue the EU neighbourhood and enlargement region constitutes the natural geographical sphere of action for EP diplomacy, and this in two main ways. On the one hand, through the main European party federations as umbrella organisations, constituent political groups in the European Parliament are able to capitalise on a pan-European network of party relations that extends to the EU's neighbourhood and enlargement regions (cf. Appendix 5; Chapter 2: 2.2.2.2). In the eyes of the EP, such network provides tangible instruments and levers to pursue diplomacy: they supply channels for communication, but they are also a potential power-tool to exert pressure on counterparts.

On the other hand, the EU maintains strong contractual relations with these countries, either in the form of various Association Agreements or based on enlargement negotiations. These various legal agreements (i.e. Partnership and Cooperation Agreements, Stabilisation and Association Agreements and Association Agreements) have not only established formal parliament-to-parliament cooperation frameworks[69], they also provide a general legal basis for Parliament as ratifying, consenting, consulted or reporting institution to justify their presence in the region.

Third, I argue there must not only be a parliamentary readiness to intervene, but also demand or endorsement of the third country, without which the EP would be unable to establish a dialogue to relevant stakeholders. This argument is supported by the research of Chryssogelos (2017) on the role of Europarties as foreign policy actors, who has exactly found that conditions such as elite attitudes and general openness in the target country are essential for establishing effective parliamentary diplomacy.

Finally, to be fully accurate, it should be restated that apart from external conflicts as the assumed productive cause of institutional change, also a more incremental and endogenous, yet less tangible, factor driving institutional change was identified in the form of a learning process, the latter derived from the historical-institutionalist component of the theoretical model. This will be graphically represented by means of a feedback loop. However, rather than being a separate cause, it follows upon the re-occurrence of instances of parliamentary diplomacy, driven by external conflicts.

[69] The EU's model of a Partnership and Cooperation Agreements consistently foresee in the establishment of a 'Parliamentary Cooperation Committee' between the European Parliament and the parliament of the contracting party, while (Stabilisation and) Association Agreements similarly include the creation of a 'Parliamentary Association Committee'. These cooperation frameworks serve as a forum for discussing the various relationships and issues governed by the agreements, and enable political dialogue between both parliaments more in general.

Scope condition: incomplete contracting

A scope condition must capture all 'the relevant aspects of a setting (analytical, temporal, spatial, or institutional) in which a set of initial conditions leads (probabilistically) to an outcome of a defined scope and meaning via a specified causal mechanism or set of causal mechanisms' (Falleti and Lynch, 2009: 1152). Put simply, it allows to delineate those contextual attributes that allow the mechanism to function, in order for it to produce the predicted outcome. As already touched upon above, the scope condition applying to the institutionalisation of the EP's diplomacy is that of incomplete contracting by the framework of formal rules that govern the functioning of the EU and its foreign policy, i.e. the Lisbon Treaty. This section will shortly sketch the precise nature of ambiguity that the treaties create with regard to the attribution of authority in EU foreign policy implementation.

In Chapter 2, I have argued that the EP is a peripheral actor in the EU's foreign policy machinery. While the Lisbon Treaty expanded the EU's foreign policy powers, with upgrading the role and competences of the Commission and the Council (including by establishing a diplomatic service, i.e. the EEAS), the EP has rather been left behind and has been put on an 'institutional disadvantage' (Jančić, 2014b: 39). According to Stavridis and Irrera (2015), this disadvantageous formal power position has bestowed upon the Parliament a need to empower its existing rights of control and co-decision by seeking access to information beyond the EU's executive actors. Therefore, it has sought its recourse externally, by further developing and maintaining foreign relations with third actors (Irrera, 2015: 4).

To this end, the Parliament invests heavily in the establishment of a wide network of relations with third countries and inter-parliamentary assemblies through its so-called external delegations. It often sends committee-members abroad on an ad-hoc basis, and frequently invites foreign leaders to its AFET committee to provide first-hand information on the position of third countries or organisations. Such activities might help to inform the Parliament in its law-making or consenting duties, but might equally contribute to overseeing the actions of executive. In addition, in its function of representing the EU's citizens, the EP often makes its voice heard on foreign policy, including on the international stage. It does this through an array of externally-oriented activities such as adopting resolutions (which often directly address foreign actors and governments), awarding its annual Sakharov Prize for freedom of thought accompanying its annual report on human rights and democracy, the organisation of conferences, and so on.

However, it is precisely where the external repercussions of such representation, control, legislative, budgetary and consent functions risk to touch upon, or even overlap with, the roles for the HR/VP (supported by the EEAS), the Commission, or European Council President to *represent* the Union in

international relations, that treaty ambiguities or inconsistencies are manifested. As the treaties grant the Parliament various functions as controlling, legislating or consenting institution, but refrains from delimiting the Parliament's foreign policy agency in respect thereof, such ambiguity provides for a context which might either bring executive and parliamentary actors to develop informal arrangements to cope with contingencies; or which might inspire the Parliament to unilaterally extend its say in foreign policy, precisely by profiting from the lack of clearly imposed formal limits to its foreign policy agency.

Outcome: informal institutionalisation

Finally, the outcome that is expected to occur is one of informal institutionalisation, defined in the beginning of this chapter as 'the outcome of a process in which informal practices reoccur over time with the result of establishing themselves as routinized behaviour in specific contexts' (cf. p. 112). The observation of this outcome is empirically challenging, since not only does the causal mechanism under consideration produce an impact after a long enough period of time. In addition, the outcome itself is a 'moving target', articulated in a *degree* or *extent* of institutionalisation. Taking into account the incremental and accumulative nature of the process, I therefore define some thresholds which should ascertain the point from which one could argue that a process of informal institutionalisation has taken place.

Accordingly, informal institutionalisation takes place when informal practices have moved beyond mere incidental manifestations, instead giving rise to *at least one of the following changes*:

(1) *Customs and routines*

a. Patterns of informal institutional cooperation (customs) *between* the EP and the Commission/Council/EEAS on parliamentary mediation;
b. The emergence of standard operative practices (routines) *within* the Parliament for deciding upon aspects of parliamentary mediation;

(2) *Informal codification*

a. The informal codification of parliamentary mediation practices through the conclusion of informal agreements *between* the EP and the Commission/Council/EEAS,
b. The informal codification of parliamentary mediation practices *within* Parliament through amending the EP's Rules of Procedure and/or its implementing provisions;

(3) *Bureaucratic changes*

a. The implementation of bureaucratic changes within Parliament, implying the devotion of bureaucratic, budgetary and/or human resources with the aim of supporting parliamentary mediation;
b. The implementation of bureaucratic changes within the Commission/Council/EEAS, implying the devotion of bureaucratic, budgetary and human resources with the aim of supporting parliamentary mediation.

As will be further explained in detail in Chapter 7, the nature of informal practices can be based on whether they are functionalist or distributive in nature (Kreppel, 2003); on whether they are the result of unilateral or joint rule interpretation (Lindner, 2003); and finally, on the different forms they could take, which vary from 'customs, routines, and various ad-hoc procedural rules', following Stacey and Rittberger (2003: 879 fn. 3).

5.2.2 The informal institutionalisation of EP diplomacy: a causal mechanism

Figure 5.1 presents an operationalised two-track causal mechanism consisting of functionalist and distributive pathways, based on the above theoretical arguments as well as on the empirical insights of parts one and two. Following a *functionalist pathway* (cf. H_{1a}, H_{1b}), a well-specified external conflict (cf. 5.2.1) confronts the executive with diplomatic resource dependencies, leading to parliamentary involvement (either upon invitation or upon its own initiative), in turn triggering interaction between Parliament and the executive in an attempt to jointly address the conflict with a coordination of interests as a result. This cooperation takes shape through an exchange of diplomatic resources (institutional capacity, expertise, legitimacy, access), while repeated interaction through re-occurrence of external conflicts (illustrated by a feedback loop) will provide for learning effects from which both actors derive that a coordination of interests is more beneficial and efficient. This learning effect therefore not only structures future interaction but cumulatively leads to the institutionalisation of problem-solving arrangements of parliamentary mediation in EU foreign policy.

Following a *distributive* pathway (cf. H_{2a}, H_{2b}, H_{2c}), particular external conflicts could result in a power appreciation of the Parliament as it possesses much-needed diplomatic resources, or in the Council remaining undecided on the way forward. Both situations will bring the Parliament, as a competence-maximiser, to exploit such opportunities to unilaterally intervene in the conflict, subsequently deciding upon the way forward (i.e. precedent-setting) and presenting the executive with *faits accomplis*. In the anticipation of (potential) sanctioning behaviour by the Parliament through its indirect powers (e.g. budgetary or consent powers), the executive leaves the EP's diplomatic role assertion uncontested and redefines its foreign policy in accordance with the Parliament. The re-occurrence of instances of distributive bargaining (cf. feedback loop) not only structures future interaction through learning effects, but cumulatively leads to the institutionalisation of diplomatic practices by the EP.

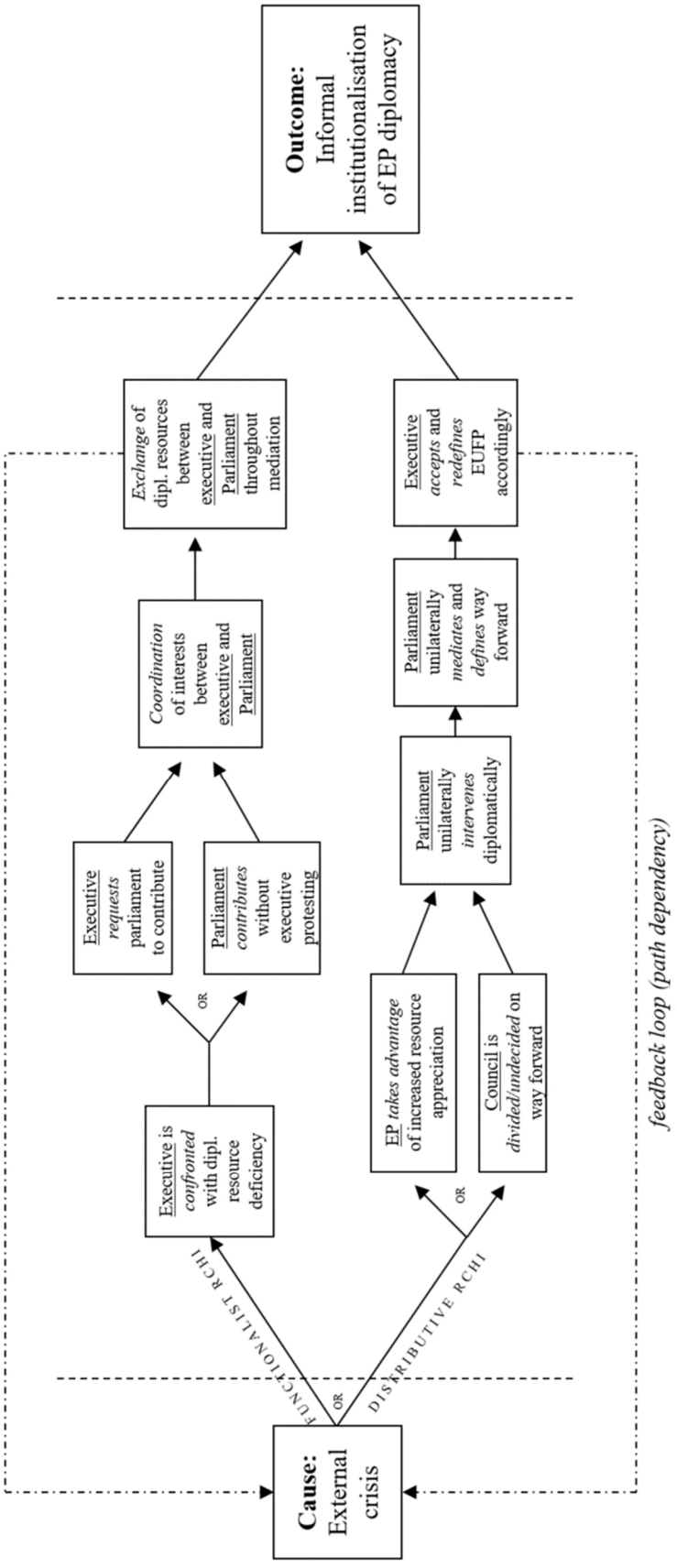


Figure 5.1 – Proposed mechanism of informal institutionalisation of EP diplomacy in EU foreign policy

5.3 Conclusion and outlook on the next chapters

This chapter has presented an operationalised framework of RCHI to propose an explanation for the institutionalisation of the EP's diplomacy as an informal practice in EU foreign policy. In accounting for both cooperative and competitive modes of diplomacy that have been conceptualised and explored in the first two parts of the dissertation, the framework has correspondingly provided two causal pathways of informal institutional change, as a problem solving-arrangement and as power-driven move respectively. These functionalist and distributive causal pathways have subsequently been modelled into a dual mechanism departing from external conflicts as their cause, which under the condition of incomplete contracting by the EU treaties, result in an eventual institutionalisation of EP's diplomatic practices.

The aim of the next two chapters is to put the model to test. Chapter 6 focuses on whether and how external conflicts have led to diplomatic involvement by the EP. It will undertake a detailed analysis of all episodes of diplomatic mediation by the European Parliament that have taken place since the coming into force of the Treaty of Lisbon, with a specific focus on verifying for the presence of the causal parts that are considered to underpin both functionalist and distributive pathways to informal institutional change. Chapter 7 is specifically concentrated on establishing the presence of the actual outcome. It thus retraces patterns of informal institutional change, such as customs, routines, bureaucratic changes and the codification of practices of parliamentary mediation. In so doing, it is equally verified whether these informal rules are reflective of joint rule interpretation by the Parliament and the executive, or rather bear witness to a process of unilateral rule creation by the Parliament.

Put differently, Chapter 6 studies the behaviour of the European Parliament as a diplomatic mediator since the Treaty of Lisbon, while Chapter 7 focuses on the traces that this behaviour has left behind in the form of customs, bureaucratic reforms, or codification.

Chapter 6 Analysing Episodes of Diplomatic Mediation since the 7th European Parliament

This chapter studies the diplomatic mediation of the European Parliament since the Treaty of Lisbon entered into force in December 2009. During this period, the Parliament was engaged in no less than seven instances of parliamentary mediation, standing in strong contrast to the period before the coming into force of the Treaty. For each episode, the analysis will study the context and background informing the launch of the EP's mediation, the nature of its involvement, and the end-result of its intervention. In addition, I will evaluate the inter-institutional dynamics that underpinned the Parliament's mediation efforts. I thereby also determine whether patterns of path dependencies (i.e. learning, coordination and anticipation effects) could be identified. The next chapter will more closely verify for the adaptation of procedural arrangements and organisational patterns both within the EP, as well as between the EP and the other executive actors.

Table 6.1 provides an overview of the seven episodes that come into consideration when applying the qualitative thresholds as established in Chapter 5. As indicated, all instances concern intra-state government-opposition conflicts, with Azerbaijan (2014-2015) being slightly deviant as the conflict was centred around the government's repression of an opposition human rights activist, and with Ukraine's (2012-2013) government-opposition conflict having wider implications for EU-Ukrainian relations in view of a pending Association Agreement. The European Parliament was also actively involved in addressing the challenges posed by the Arab uprisings, notably through a range of public diplomacy initiatives and by its participation in several 'EU Task Forces' chaired by the HR/VP (Cofelice, 2016; Reinprecht and Levin, 2015). However, none of these activities correspond to an operational involvement in diplomatic mediation. They have therefore been excluded from the analysis.

The analysis draws primarily on data obtained from 25 semi-structured interviews with EU officials from the European Parliament, the European Commission and the European External Action Service, and is further complemented with the scrutiny of 216 news reports and various institutional documents. The mediation episodes will be analysed in a chronological order. The final conclusion further reflects upon the main findings in light of the hypotheses formulated in the previous chapter.

Table 6.1 – Overview of episodes of diplomatic mediation since the 7th European Parliament

Country	**Period**	**Type of conflict & context**
Albania	May – June 2010	Government-opposition conflict (parliamentary boycott and hunger strike) in the aftermath of the June 2009 elections
Ukraine	May 2012 – November 2013	Government-opposition conflict & EU-Ukraine stalemate in negotiation of Association Agreement
Macedonia	December 2012 – March 2013	Government-opposition conflict (parliamentary boycott) after controversial budget adoption
Albania	December 2014	Government-opposition conflict (parliamentary boycott) related to decriminalisation law
Azerbaijan	October 2014 – December 2015	Repression of opposition activist by the government, surrounded by EU-Azerbaijan negotiations on Strategic Partnership Agreement
Macedonia	January – July 2015	Government-opposition conflict (parliamentary boycott) in the aftermath of a wiretapping scandal
Albania	February – May 2017	Government-opposition conflict (parliamentary boycott) related to vetting law

6.1 Albania and the 2009 election dispute (May-June 2010)

6.1.1 Background and context

On 28 June 2009, Albania held general elections, resulting in Sali Berisha from the Democratic Party (DP) becoming the country's new Prime Minister. However, following upon a longer history of feuds and electoral disputes between Albania's two main political parties, the opposition Socialist Party (SP) led by Edi Rama alleged electoral fraud and boycotted the parliament from September onwards. Through its boycott, the opposition party seriously hampered Albania's EU accession process as it obstructed the government's ability to implement reforms aimed at harmonising national laws and regulations with those of the EU.

The crisis broke out only a few months after the country had officially submitted its application for EU membership. The government was therefore awaiting a first response from the Council of Ministers, which is one of instructing the European Commission to deliver an Opinion on whether accession negotiations can be opened. In that way, also from the point of view of the EU, the crisis was highly problematic since it its enlargement strategy was now rendered hostage by the opposition boycott. In April 2010, the crisis further aggravated when tens of thousands of people took the streets in Tirana to demand the reopening of the ballot boxes. This was followed by a hunger strike of the Socialist Party in May in order to put further pressure on the Prime Minister, who refused to recount the vote.

Lacking tools of party-political mediation, the Council called upon 'all political parties in Albania to pursue a constructive political dialogue (…), in particular, [by] maintaining a permanent dialogue in Parliament' (Council of the EU, 2009b). In November, with the crisis still unresolved, it instructed the European Commission to deliver an Opinion on its membership application. In its response, the Commission could only but acknowledge that 'the political stalemate is (…) hindering important reforms, which are necessary for the country's progress on the path towards EU integration (…)', therefore denying candidate status to Albania (European Commission, 2010: 12; see also European Commission, 2009: 7-8; EUobserver, 2010a).

As Mavrikos-Adamou (2014: 1162) observed, the root of the parliamentary paralysis had to be found in a 'confrontational style of politics that permeates the parliament [and which] is largely due to the political parties, which are leader-dominated and which have created divisive party politics'. Therefore, direct mediation between the main political leaders instead of diplomatic pressure towards the government appeared necessary, since the '[they] play a decisive role in influencing the political

environment (…) and can either be supportive agents enhancing the development of democratic political institutions, or, contrarily, they can stifle their functionality' (ibid.).

Against this background, the intervention of the European Parliament did not come entirely unexpected. In an effort to defuse the crisis, EP group leaders Joseph Daul (EPP) and Martin Schulz (S&D), respectively aligned to Albania's DP and SP, sent an invitation to the two Albanian leaders to come to Strasbourg in order to bridge their differences (European Parliament, 2010a). On the 20th of May 2010, a meeting between the four was organised, with Commissioner for EU enlargement Štefan Füle joining the talks as well. While the gathering was successful in putting an end to the hunger strike and enabling a partial return to parliament of the opposition, it didn't result in a breakthrough on the investigation of the June 2009 elections (EUobserver, 2010b; EurActiv, 2010). Instead, the EP leaders announced new talks to be held three weeks later.

On the 11th of June, Albanian media outlets signalled that Daul and Schulz proposed a draft agreement intended to solve the political crisis. Deputy chairman of the EP delegation for relations with the Western Balkans, Victor Boshtinaru (S&D), even declared on Albanian TV that a rejection of the proposed agreement would result in the EP's two main political groups freezing all issues concerning the country's accession to the EU as well as the ongoing negotiations on a visa-free regime (IntelliNews, 2010a). Despite all the efforts, no breakthrough was achieved, neither when Joseph Daul on the 21st of June undertook a three day visit to Tirana to meet the country's president, the PM, the deputy PM and the speaker of parliament, to further promote a final compromise solution (IntelliNews, 2010b).

In short, the EP's informal mediation resulted in mixed results. While it succeeded in ending a 19-day hunger strike and temporarily brought the socialists back to parliament, it failed to produce a solution to the persisting conflict between the government and opposition on the 2009 elections.

6.1.2 Inter-institutional dynamics

The informal mediation of the EP appeared to be largely an initiative on the side of the Parliament, and particularly of political group leaders Daul and Schulz, the latter mostly being dragged into the conflict as a result of active lobbying by their Albanian counterparts (on this aspect, see Redei, 2019). At the same time, however, their activities were coordinated with the European Commission, who welcomed the EP's initiative. Before the start of their mission, the MEPs informed the Commission in order to receive an updated briefing with specific suggestions (Interview EC official, 22/08/2018). Thus, cooperation primarily developed between the Parliament and the Commission, the latter being

considered to be 'chef de fil' on the day-to-day management of relations with EU (potential) candidates for EU enlargement.

Also from the side of the Commission, the EP's intervention was perceived to be a cooperative and joint undertaking. An involved Commission official acknowledged that:

> The idea of the dinner [on the 20th of May 2010] was part of a jointly prepared strategy to confront them [the Albanian leaders] with a bipartisan approach, while being backed by the Commissioner. More precisely, our plan was to have the two political group leaders delivering an ultimatum on EU accession, with the Commissioner sided next to them to make their threat credible. So to be frank, if they told the MEPs to go to hell, they would also lose the [support of the] Commissioner.
>
> (Interview EC official, 25/10/2016)

Further indicative of the cooperative fashion of the diplomatic interventions were the statements released by the Commissioner and the HR/VP immediately after the May 20th meeting intended to 'support the initiative by MEPs Joseph Daul and Martin Schulz, on behalf of their political groups in the European Parliament to encourage effective improvements of the political situation in Albania for the benefit of the citizens of the country and with a view to improving Albania's EU perspective' (Council of the EU, 2010a). This was followed by Conclusions of the June 14 Foreign Affairs Council in which ministers 'welcome[d] the return of the opposition to the parliament in connection with the facilitation initiative by MEPs Daul and Schulz, on behalf of their political groups, which was supported by the High Representative and by Commissioner Füle' (Council of the EU, 2010b).

In sum, this first 'test drive' of parliamentary mediation emerged as a problem-solving arrangement in the form of a joint legislative-executive undertaking. While Daul and Schulz' efforts to reinstate normal parliamentary relations were primarily instigated by the active demand of their Albanian peers, the Commission did not object to the Parliament's informal mediation. On the contrary, the Parliament's involvement was highly welcomed given the party-political nature of the government-opposition conflict, where 'a bipartisan approach of the EP would be most effective' (Interview EC official, 25/10/2016). The Albanian case is therefore is line with the expectations of H_{1a}, according to which an external conflict may impose high costs upon the executive as it lacks the resources to resolve it. As the EP was able to compensate for such deficiencies, parliamentary and executive actors developed a joint diplomatic approach in the attempt to solve the crisis more effectively.

6.2 Ukraine and the Cox-Kwaśniewski mission (May 2012 - November 2013)[70]

6.2.1 Background and context

In May 2012, the Parliament became implicated in the Ukrainian political crisis surrounding the signing of the Association Agreement (AA) with the EU. Although in April 2012 negotiations were concluded, prospects on a ratification of the AA were stalled after the sentencing and imprisonment of former PM Tymoshenko earlier in October 2011. In the midst of the stalemate between the EU and Ukraine, the EP decided to set up a Monitoring Mission (EPMM) in May 2012 in order to observe Tymoshenko's detention conditions and court proceedings, in that way hoping to find a way out for the impasse. The mission was headed by two special envoys: Pat Cox, former MEP and EP President, and Aleksander Kwaśniewski, former President of Poland.

As Chapter 3 explains in full detail, while initially intended to become a single intervention, the EPMM gradually transformed into a fully-fledged mediation mission over the course of 18 months. Not only was the mission reoriented at searching for a solution that would allow the release of Tymoshenko (in turn allowing the AA to be signed by the EU), it incrementally expanded its mandate to include the cases of imprisoned ex-ministers Lutsenko and Ivashchenko as well as the preparations for the October 2012 parliamentary elections, the reform of the electoral legislation, the adoption of a new Criminal Procedural Code and the reform of the Public Prosecutor's Office. As a result, the mission progressively transformed into becoming the main diplomatic interlocutor between the EU and Ukraine on the aspect of justice reforms, and became charged with assessing whether the conditions allowing the signing of the AA had been met in advance of the November 2013 Vilnius Eastern Partnership Summit. While the mission cannot be called a full success in terms of its immediate outcomes, it nevertheless resulted in the adoption of crucial legal reforms, the release of both Lutsenko and Ivashchenko, and in mediating between the Ukrainian government and opposition.

[70] A full analysis of the EP's intervention in Ukraine is provided in Chapter 3. The current section draws upon its findings to verify the validity of the hypotheses and accompanying causal mechanisms as presented in Chapter 5.

6.2.2 Inter-institutional dynamics

In terms of its relationship with the executive, the EP's monitoring mission was not set up following an executive request. Rather, it followed from the EP's observation that the Council was divided on how to respond to the Ukrainian dilemma (to isolate or to engage with Yanukovych), which 'created a window of opportunity for the EP to jump in' (Interview EEAS official, 05/10/2016). In particular, the launch of the mission was decided upon two days after the May 2012 EU Foreign Affairs Council was unable to produce a clear position on the Ukrainian dossier (Council of the EU, 2012b). This led EP President Martin Schulz to launch the EP's mission, after he met the Ukrainian Prime Minister in Brussels on 16 May 2012 (European Parliament, 2012a). According to an EP official, Schulz' idea was strongly fed by a feeling of discontent with the Council's foreign policy strategy, or rather the lack thereof (Interview EP official, 29/09/2015).

The competitive nature of the EP's mission was responded with surprise and frustration on the side of the Council, the EEAS and the Commission (Interview EP official, 29/09/2015; Interview EEAS official 02/02/2016; Interview European Council official, 26/09/2016). The expansion and extension of the EPMM's mandate had the effect – and was in part also a result – of it being able to set diplomatic precedents: at several points in time, the EPMM's diplomatic demarches succeeded to restructure the EU's foreign policy towards Ukraine, in such way that by October 2013 the Foreign Affairs Council waited for the EPMM's verdict on whether or not to sign the AA.

With regard to the Council, the observations lend strong support to H_{2a}, following which a power-maximising EP enters into diplomatic competition with the Council. In particular, the internal division within the Council seemed to have provided an opportunity to the Parliament to take advantage of the diplomatic void created. Moreover, analysing the standpoint of the Council shows that its tolerant attitude towards the EPMM was not only the result of internal passivity, but equally was motivated by 'a fear that entering in a fight with the EP could turn out risky when the final ratification of the AA with Ukraine would take place' (Interview EEAS official, 02/02/2016). However, interestingly, with regard to the Commission, rather opposite conclusions seem appropriate: while it was initially surprised with the EP's involvement, after initial hesitance, it approached the mission as an opportunity and came to support it, in that way further strengthening the EPMM's position.

Overall, the Ukrainian case confirms the causal pathway as predicted by H_{2a}, however with the annotation that the EP's diplomacy was not positioned against a *dual* executive, but mainly against the Council. One could even argue that, after having its backing, the Commission's support for the EPMM was able to strengthen the bargaining power of the EP vis-à-vis the Council.

6.3 Macedonia and the Skopje-2014 crisis (December 2012-March 2013)

6.3.1 Background and context

In December 2012, a political stand-off between Macedonian government and opposition parties reached a culmination point when the annual budget covering expenses for the government's controversial 'Skopje 2014' urban renewal project needed to be adopted in parliament. Out of protest against the government's financial management, opposition parties attempted to obstruct the budgetary approval by applying a plethora of delay tactics. Willing to force through the budgetary vote, yet being prevented by the opposition party to chair a plenary meeting, the Speaker of parliament ordered the physical eviction of opposition parties from the parliament on 24 December by the security forces. Outraged by the violence caused, opposition party SDSM announced a parliamentary boycott and refused to take part in the March 2013 local elections.

While earlier parliamentary boycotts in Macedonia (in 2007 and 2011) had been resolved through the mediation of Skopje-based diplomatic actors such as the EU's Special Representative, the EU Head of Delegation and EU member state ambassadors (Kacarska, 2015: 109; Markovic et al., 2011), this time the EU's executive actors appeared unable to resolve the crisis. On 24 January, Commissioner Füle visited Macedonia, urging political leaders to end their feuds in order for the Commission being able to reconfirm its positive evaluation in its pending Progress Report (Balkan Insight, 2013a). His words seemed to produce no direct effect, however.

In the light of a new visit announced for mid-February, informal preparatory talks were organised in Skopje, both by Commission officials as well as by the European Parliament. From the side of the Commission, the Director-General of EU Neighbourhood and Enlargement negotiations Štefano Sannino scheduled meetings with the Prime Minister, the President as well as with the main opposition leader (Balkan Insight, 2013b). Sannino attempted to push for a postponement of the local elections, boycotted by the socialist opposition as long their demand for new general elections was not met, and furthermore proposed to install an independent expert commission to investigate the violent incidents of 24 December (Balkan Insight, 2013c).

At the same time, from the side of the EP, standing Rapporteur for Macedonia Richard Howitt (S&D) initiated talks with his socialist peers in Skopje, focusing primarily on identifying their main grievances and attempting to secure a last minute agreement on the local elections (Balkan Insight, 2013d). When both the efforts of the Parliament and the Commission failed, Commissioner Füle cancelled his earlier

announced visit, instead sending letters to the main leaders to express his grave concerns (Balkan Insight, 2013e).

The two collapsed efforts of the European Commission to force through an agreement made it clear that a more bold and integrated approach was necessary. Therefore, on the 28th of February, Commissioner Füle took the unprecedented decision to deploy a Brussels-based team consisting of himself, sided with Howitt (S&D) as well as former EP President Jerzy Buzek (EPP), to secure an agreement (New Europe, 2013). Contrary to earlier efforts, the Commission and the EP coordinated their efforts well in advance, and presented themselves to their Macedonian counterparts as a 'joint' EU-mediation team (Interview EC official, 25/10/2016). Moreover, the inclusion of Buzek, a well-respected member of the EPP, this time sided next to his socialist counterpart, 'was no doubt aimed at putting additional pressure on both the governing party and the opposition' (Fouéré, 2013a: 3).

Their efforts bore fruit as on the 1st of March an agreement was announced. In a joint press conference, Füle, Buzek and Howitt underlined they went to Skopje 'on a joint mission to meet key political partners and to address ways on how to overcome the current political crisis' (European Commission, 2013). Having held intense negotiations with the President, the Prime Minister as well as the main opposition leaders, they were able to announce having found agreement 'on a solution which should bring the country back to the resumption of normal functioning of the political institutions and continuing constructive work on its Euro-Atlantic priorities for the ultimate benefit of the country and its people' (ibid.).

The agreement included, *inter alia*, in the opposition returning to parliament, it agreeing to take part in the local elections, in the set-up of a commission of independent experts to investigate the 24 December incidents, and in the implementation of parliamentary and electoral reforms (Balkan Insight, 2013f; President of the Republic of Macedonia, 2013).

6.3.2 Inter-institutional dynamics

Although the intervention of the Parliament rather grew organically and on ad-hoc basis, it ended up as a highly cooperative enterprise with the European Commission. While the first visits of the Commission and MEP Howitt were planned separately, the final effort on 28 February paid testimony to a well prepared and coordinated effort. MEP Howitt explicitly stressed that, 'our joint presence, Parliament and Commission together, and with parliamentarians from both main political parties, shows we are united' (Balkan Insight, 2013g). Moreover, while it was clearly acknowledged that the Commissioner was taking the lead in the mediation effort, the final agreement was the result of ideas being put forward

by both the Parliament, the Commission as well as by the Macedonian political parties (Balkan Insight, 2013g; Interview EEAS official, 31/08/2018).

In short, the negotiation of the March 2013 agreement is in line with expectations of H_{1a}, where parliamentary diplomacy is explained as the outcome of a problem-solving arrangement between the executive and Parliament, the latter assisting the former in addressing resource dependencies without questioning its diplomatic lead. Evidence of a learning process (H_{1b}) has not been found.

6.4 Albania and the decriminalisation law (December 2014)

6.4.1 Background and context

As the toxic climate between government and opposition parties did not disappear after the EP's earlier involvement back in 2010, the Albanian issue reappeared on the Parliament's radar in the second half of 2014. In June, a violent incident occurred in parliament in which two majority MPs from the Socialist Party attacked an opposition MP from the Democratic Party. It led to the opposition boycotting the parliament from September onwards, until a law would be introduced that would 'decriminalise' the Albanian Assembly by making public all information of MPs with a criminal record (Balkan Insight, 2014a). Both governing and opposition parties lobbied their EP counterparts for about two months, with a request to intervene and to put pressure at their opponents (AlbPhilly, 2014).

The incidents in June occurred at the time Albania finally obtained its long-awaited candidate status from the European Council, with the socialist government announcing its intention to start accession negotiations with the European Commission as soon as possible (Balkan Insight, 2015). However, the EU had made clear that any move into that direction would be strongly dependent upon crucial reforms of the justice system, in order to undo it from its endemic problems of politicisation and corruption. Precisely these justice reforms became blocked when the opposition decided to leave parliament from July 2014 onwards.

Therefore, building on the past experience of earlier mediation in Albania through the two main aligned political groups, S&D member Knut Fleckenstein (EP's rapporteur on Albania) and EPP member Eduard Kukan (shadow rapporteur on Albania) were sent into the field to solve the impasse. On the 10th of December 2014, discreet meetings between S&D president Pitella, Fleckenstein and Kukan took place in Brussels in order to devise a plan to overcome the political stalemate. It resulted in a series of

proposals which Fleckenstein was going to present in Tirana on the 18th and 19th of December, subsequently to be followed by a visit of Kukan on the 21st and 22nd of December (S&D Group, 2014).

Concretely, Fleckenstein's proposals consisted of three items: the opposition's return to the Assembly before the last plenary session of the year, a draft law on 'decriminalisation of the Assembly' which had to be introduced in January and subsequently approved by the two main parties within six months, and finally, a mediating role for the EP during the negotiations between the political parties while the Commission would be lending its expertise, give advice on best practices and monitor the implementation of the law (AlbPhilly, 2014). This time, the EP's mediation proved to be successful as on the 23rd of December an agreement was announced by the two MEPs. During the last session of the year, the ruling majority adopted a parliamentary resolution with the Democratic opposition. In the text, both sides pledged to constructively work together: the opposition announced its return to parliament and committed to the resumption of parliamentary work, while the majority promised to seek parliamentary consensus on important reform matters and not to use its 3/5th majority to bypass the Democratic Party. Moreover, further engagement was made regarding the reform of the parliamentary rules of procedure on parliamentary committees, and on introducing new legislation on the exclusion of criminal offenders from public office (Balkan Insight, 2014b; Journal of Turkish Weekly, 2014; European Commission, 2015a: 6). In that way, the six month parliamentary boycott of the Democratic Party was put to an end.

6.4.2 Inter-institutional dynamics

With regard to the relation with the executive, interviews indicate the intervention of the MEPs maintained a low profile and did not intend on standing in the way of the executive. Rather, the MEPs defined their goal as making sure that a normal conduct of parliamentary relations could be re-established as soon as possible, which was jeopardising the country's EU integration (European Parliament, 2015f). In that way, their efforts sought to contribute to establishing a conducive environment for the Commission to continue its agenda of enlargement reforms.

In particular, with regard to the preparation of mediation talks, both an involved MEP as well as Commission and EEAS officials confirm that the parliamentary mediators first consulted the Commission's DG NEAR as well as the Commissioner for Enlargement Negotiations, Johannes Hahn, in advance of their mission (Interview MEP, 10/07/2017; Interview EC official, 22/08/2018; Interview EEAS official, 31/08/2018). Also during the negotiations a constant contact was upheld with both the Cabinet of the Commissioner, as well as with DG NEAR (Interview MEP, 10/07/2017). A Commission

official claimed that 'no single effort of negotiation took place where the Commissioner was not on the phone just before or just after talks had taken place' (Interview EC official, 22/08/2018).

Also the preparations of the proposed deal by the Parliament was the result of a mix of ideas coming from both the Commission, the MEPs, but also from the Albanians themselves (Interview MEP, 10/07/2017). Finally, the fact the Commission's offer for delivering expert advice during the implementation of the proposed reform had been included in the Parliament's proposal further testifies to a strong cooperative spirit, thus strongly confirming H_{1a}. While Parliament's involvement naturally followed upon earlier mediation in 2009, only meagre empirical indications could be found on *how* these experiences of earlier cooperation with the Commission inspired the current cooperation (H_{1b}). In this regard, it should be noted, that in the meantime a new Commissioner (Johannes Hahn) had very recently taken office, in that way replacing Commissioner Štefan Füle which had developed very strong ties with the Parliament on various neighbourhood and enlargement files (Interview EC official, 25/10/2016; Interview EP official, 02/07/2018). While with Füle's departure his personal relationship with the MEPs and their political groups disappeared, his approach nevertheless was argued to have 'paved the way for Hahn to collaborate in a similar way with the Parliament', according to an EP official (Interview EP official, 02/07/2018).

6.5 Azerbaijan and the case of Leyla Yunus (October 2014-December 2015)

6.5.1 Background and context

In two main ways, the affair of Leyla Yunus stands as a more exceptional case of parliamentary mediation. On the one hand, the EP's mediation did not take place between government and opposition parties in Azerbaijan, but rather between the government and an opposition human rights activist. On the other hand, instead of being a response to executive resource dependencies, the involvement of the EP followed from an attempt to resolve a problem it had partially created itself.

In October 2014, Leyla Yunus, an Azerbaijani human rights activist being held in pre-trial detention, was selected by the European Parliament's foreign affairs and development committees as a nominee for the Parliament's prestigious Sakharov Prize. The prize is an annual award of the EP to honour individuals or organisations that have shown an exceptional dedication towards the fight for human rights and the freedom of thought. Apart from generating increased visibility and recognition for a specific cause, it has also become an instrument of the Parliament to put pressure on the regime of the

country concerned (cf. Pishchikova, 2013). However, as a result of the EP's nomination, the Azerbaijani authorities retaliated by transferring Yunus to a highly isolated detention facility having a reputation for employing torture and coercive interrogation tactics (RFE/RL, 2014).

When later in October Yunus did not come out as the final winner, the Group of the Greens/EFA within the Parliament – being behind her initial nomination (Greens/EFA Group, 2014) – worried that her situation would deteriorate and that the Parliament was to blame for it. Therefore, when announcing the laureate, EP President Schulz equally called upon the Azerbaijani authorities to release Yunus and stated the EP would send a high level EP delegation in order to 'meet and to support Leyla Yunus' (Agence France Presse, 2014). However, by the time of the official Sakharov ceremony at the end of November, Schulz had to recognise the parliamentary delegation had been unsuccessful in obtaining access to Yunus (BBC Monitoring, 2014).

Instead of its usual way of publically denouncing human rights violations, the EP opted for a silent approach in order not to further provoke the authorities. In fact, the case of Yunus caused considerable animosity within the Parliament, as the group of the Greens/EFA requested an urgent public response, causing frictions with the EPP and S&D Groups, who preferred a more low profile initiative. In an attempt to settle the dispute, the EP President proposed AFET Chair Elmar Brok (EPP) to set up initiative of silent humanitarian mediation (Interview EP official, 02/07/2018).

As a result, Brok set up contact with the foreign ministry of Azerbaijan and requested an independent team of doctors to obtain access to Leyla Yunus. What followed was a fifteen month long effort of silent diplomacy, in an attempt to achieve the release of Yunus and her husband, who had also been detained (European Parliament, 2016b: 14). Concretely, the silent mediation consisted of a humanitarian medical mission, funded and supported by the European Parliamentary Mediation Support (EPMS) service, which travelled over nine times to Baku to observe the medical conditions of the Yunuses. At the same time, Elmar Brok maintained intensive diplomatic contacts with Elmar Mammadyarov, the Azerbaijani foreign minister, to lobby for the release and the resettlement of the couple.

When on 10 September 2015 the Parliament adopted an urgency resolution[71] which heavily condemned Azerbaijan's human rights violations, Brok's silent mediation efforts risked to be compromised. The adopted text called upon the suspension of the ongoing negotiations on a Strategic Partnership

[71] Instead of the resolutions adopted under Rule 133 of the EP's RoP – which first are submitted for review to the President, subsequently delegated to a specific Committee for their preparation (often combined with a report), and eventually adopted in Plenary – the so-called 'urgency resolutions' on human rights violations under Rule 135 allow for a less stringent procedure where resolutions can tabled for guiding a debate on cases of breaches of human rights. Therefore, the drafting of these resolutions occurs in a very short time and is mainly administered by the political groups themselves.

Agreement and even for the introduction of targeted sanctions and visa bans against state officials (European Parliament, 2015e). The Parliament's resolution was met with a furious reaction from President Aliyev, and resulted in the adoption of a 'counter-resolution' by the Azerbaijani National Assembly. It recommended, *inter alia*, to initiate procedures on suspending the country's membership to the Euronest Parliamentary Assembly, to recommend the government to reconsider its membership of the EU's Eastern Partnership programme, and to consider the imposition of an entry ban for EU officials and Members of the European Parliament (RFE/RL, 2015; Azertac, 2015).

Brok strongly regretted the EP's resolution – prepared and approved by the political left (S&D, GUE-NGL, and the Greens) and ALDE, with the EPP voting against – and even argued that 'there had been a violation of the rules of procedure, as the issue should have first been discussed in the committees, before being brought to the plenary session' (EurActiv, 2015b) (cf. Interview political group advisor, 02/10/2015; Interview EP official, 07/10/2015). However, allowing the dust to settle, mediation efforts were continued and succeeded in bringing the couple under house arrest, with access to medical treatment. When by March 2016, the last shred of patience of both the Greens/EFA as well as of the EU Delegation in Baku was running out, Brok and the EPMS decided to undertake one last effort by sending a final medical mission. Unexpectedly, the mission achieved to get Yunus and her husband out of the country on 19 April, when a Presidential aid handed over plane tickets to the EP mediation delegation with the request to leave the country (Interview EP official, 02/07/2018; European Parliament, 2016c).

6.5.2 Inter-institutional dynamics

The EP's mission started as an initiative on behalf of the Parliament, with no *direct* stakes of the executive in the conflict when it erupted. At the same time, the EEAS – which was in charge of negotiating the Strategic Partnership Agreement with Azerbaijan, including strategic elements on energy and trade – could not afford to irritate its counterparts with accusations of civil society repression. In that sense, an EEAS official acknowledged that the EP's focus on human rights was instrumental to the extent the sensitive issue could somewhat be avoided during the negotiations (Interview EEAS official, 30/09/2015). An involved EP official acknowledged:

> This was an example of coordinated foreign policies between the EP and the Council and Commission, of dividing roles in 'good cop' and 'bad cop'. The Commission and Council could further concentrate on applying pragmatism in energy diplomacy, while we as human rights institution had to play the more moral and critical role.
>
> (Interview EP official, 29/09/2015)

However, in the eyes of the EEAS, it was clear that with its resolution of September 2015 the EP overplayed its hands, as it led to a *de facto* suspension of negotiations. The day after its resolution, an EEAS negotiation team was scheduled to arrive in Azerbaijan but saw itself abruptly compelled to suspend its visit, being informed by their counterparts there was no conducive climate anymore to continue negotiations (Pashayeva, 2015; Interview EEAS official, 30/09/2015).

Overall, however, the EP's mission received a lot of support from both the EU and German Ambassadors in Baku, operational assistance of the EEAS, as well as from Brussels-based actors of the Commission and EEAS throughout the 15 month lasting mediation process (European Parliament, 2016c). Most importantly, when the EP was in need of financial support to resettle the couple in Germany and to grant them much-needed expensive medical treatment, they were able to rely on the support from the Commission's DG DEVCO humanitarian budget[72] to cover all medical bills and over 12 months of accommodation (Interview EP official, 02/07/2018).

In sum, the EP's mediation in Azerbaijan is largely in line with H_{1a}, being clearly of cooperative nature, however with the important nuance that cooperation was triggered by parliamentary rather than executive resource dependencies (i.e. a lack of institutional capacity to finance the resettlement of Yunus).

6.6 Macedonia and the Pržino-agreements (January - July 2015)[73]

6.6.1 Background and context

In 2015, an explosive political crisis in Macedonia drew the attention of the Parliament, when it got involved in high level mediation talks between the government and the opposition. In January, tensions between the Macedonian ruling party (VMRO-DPMNE) escalated when opposition leader Zoran Zaev (SDSM) released wiretaps of the secret services, implicating more than 20,000 people being illegally eavesdropped (including journalists, opposition figures, ambassadors and some of the government's own ministers). The tapes exposed the incumbent regime's abuse of power, its involvement in voter fraud, as well as in criminal and corruption practices.

[72] In particular, the financing was arranged through a 'human rights defenders mechanism' of the European Instrument for Democracy and Human Rights, which allows to fund the temporary relocation and shelter of human rights defenders (Interview EP official, 02/07/2018).
[73] A full analysis of the EP's intervention throughout the entire Macedonian crisis (i.e. until May 2017) is provided in Chapter 4. The current section draws upon its findings to verify the validity of the hypotheses and accompanying causal mechanisms as presented in Chapter 5.

The Commission promptly responded with sending an expert mission that was tasked to produce a set of measures to overcome the crisis (European Commission, 2015c). However, in addition, it searched for a political response as well, by involving the European Parliament. Upon the invitation of the Enlargement Commissioner Johannes Hahn, three MEPs were tasked to lead mediation talks between the Macedonian government and opposition parties. Again, parity and neutrality was opted for by selecting two MEPs that were aligned to either side of the conflict: Eduard Kukan (EPP, of which VMRO-DPMNE is a member party) and Richard Howitt (S&D, aligned to the Macedonian SDSM). Liberal MEP Ivo Vajgl was selected upon as a third, neutral, counterpart and as EP rapporteur on Macedonia.

The MEPs held three rounds of confidence building talks in Brussels and Strasbourg between March and May 2015. The talks primarily served to lower the tensions between the parties and to seek for some first openings towards a political agreement. The third round of talks, on 19 May, were attended by the two main leaders as well as by Commissioner Hahn (Interviews EP official, 08/09/2016; Interviews MEP assistants, 02/09/2016, 14/09/2016 and 26/09/2016). This was followed by genuine negotiations in Skopje on the 2nd of June and the 15th of July, giving rise to the so-called Pržino-agreements. While in June only MEP Vajgl travelled along with the Commissioner (who was leading the negotiations), on the 14th and 15th of July the MEP trio was again fully involved in order to drag all parties over the line and to seal the deal.

Following the agreement, the opposition agreed to return to parliament, while the government agreed with a parliamentary inquiry committee, the installation of a transitional government, electoral reforms and most importantly, the creation of a special prosecutor to investigate the wiretaps, and the standing down of PM Gruevski 100 days in advance of new elections (see June Agreement, 2015; July Agreement, 2015).

6.6.2 Inter-institutional dynamics

Of all episodes studied in this chapter, the mediation of the 2015 Macedonian crisis undoubtedly stands out as the most important and visible one, given the gravity of the conflict and the genuine mediation process that came out of it. Moreover, the Macedonian crisis is also the most clear example of a cooperative legislative-executive undertaking.

Testimony to this is the Commissioner's own request to involve the EP, in February 2015. Interviews with Commission officials pointed out that precisely the partisan nature of the conflict brought them to invite the EP to help getting the parties to speak with one another again (Interviews EC officials,

28/09/2016 and 06/10/2016). Interestingly, precisely due to his political affiliation as Vice-President of the EPP, Commissioner Hahn was not fully trusted as an honest broker by the Macedonian socialists (Interview MEP Assistant, 26/09/2016; Interviews EC officials, 06/10/2016 and 20/10/2016; Interview Macedonian political party representative, 15/11/2016; Interview Macedonian government official, 26/11/2016). Together with the EP's access to both government and opposition parties, this shaped a dependency on the Parliament to overcome suspicion, enable dialogue and put pressure on both sides (Interview EC official, 20/10/2016).

In addition, interviews also show how learning effects derived from earlier experiences of cooperative parliamentary diplomacy has structured the joint mediation in the current conflict. Particularly the involvement of the Parliament in the 2014 Albanian conflict was frequently mentioned in interviews as setting a precedent for future cooperation. As an EP official described: 'Albania was a successful case that also inspired the Macedonian process thereafter' (…) '[It] created awareness on the side of the Commission. Because we delivered in Albania, Commissioner Hahn consulted the EP [for Macedonia] and involved us' (Interview EP official, 09/09/2016) (for similar remarks, see Interview MEP assistant, 14/09/2016). This interpretation is also shared by the Commission, as involved officials consistently cited the earlier successful involvement of the parliament in Albania as a reason for inviting them to overcome the Macedonian conflict (Interviews EC officials, 28/09/2016, 06/10/2016 and 20/10/2016). Crucially, even Commissioner Hahn himself, when publicly announcing the MEPs' involvement in the Macedonian mediation talks explicitly referred to the 'similar effort we [the Commission and Parliament] have done successfully in Albania', adding that these cross-party talks provided 'a good example' (Independent.mk, 2015a). Coibon, who studied the effectiveness of the EU's mediation efforts, also concluded that the MEPs' selection was primarily induced by their previous credentials obtained with resolving the Albanian crisis:

> The reason behind this choice lies in the parliamentary nature of the crisis, as the opposition refused to sit in parliament and all channels of communication were disrupted. After having played a rather successful role in mediating the parliamentary crisis in Albania in December 2014, involving knowledgeable parliamentarians with a special affinity for the country seemed to be the best option.
>
> (Coibon, 2017: 20)

However, in contrast with the European Commission, the cooperation with the EEAS went accompanied with more friction, albeit largely in the background. While on operational level, cooperation ran smoothly between the parliamentary envoys and the EU Delegation in Skopje, the overall mediation process had been set-up and orchestrated by the Commissioner for European Neighbourhood Policy and EU Enlargement Negotiations. This in other words meant that the relevant mediation services from the EEAS, i.e. the Division on 'Conflict Prevention, Peace Building and

Mediation Instruments (K_2)', were not relied upon throughout the whole mediation process. Both EEAS and EP officials acknowledge that this *de facto* institutional exclusion from a high-level mediation effort on behalf of the EU was not well received, and in fact irritated the EEAS strongly (Interview EEAS official, 29/11/2018; Interviews EP officials, 08/11/2018).

Concluding, these findings lend strong support to the H_{1a} and H_{1b}, where an external event confronted the executive with resource dependencies towards the executive, the latter demanding the Parliament to contribute to solving the conflict. Parliamentary diplomacy emerged as a legislative-executive problem-solving arrangement, where the cooperation between Parliament and the Commission had been structured by learning effects of earlier episodes of diplomatic collaboration. While cooperation with the EU Delegation and the EU ambassador in Skopje ran smoothly, the institutional exclusion of the EEAS as a mediator was not well received, however.

6.7 Albania and the McAllister deal (February-May 2017)

6.7.1 Background and context

With feuds between government and opposition being a never-ending story in Albania since the 1990s, another conflict led to a renewed parliamentary boycott in February 2017. At the core of issue were the planned judicial reforms of the socialist government, which included a highly sensitive 'vetting law' aimed at introducing professionalization and moral integrity standards for the judiciary (SeeNews, 2017). Claiming it to be unconstitutional, the opposition Democratic Party organised protests and walked away from parliament. The boycott occurred against the wider background of upcoming parliamentary elections in June; four years after the Socialist Party came to power, ousted the Democrats, and won all local elections since. This frustrated the Democratic Party, which complained the electoral processes had been fraudulent and demanded the installation of a technocratic government charged with organising free and fair elections (Reuters, 2017a).

During a three day visit to Tirana on 21-23 February, EP Rapporteur Knut Fleckenstein still swore he would 'not play the role of the negotiator' again, while urging the opposition to return to parliament (Xinhua News, 2017a). His message was echoed by Commissioner Hahn and HR/VP Mogherini, delivering similar messages that the opposition must return to parliament (Balkan Insight, 2017; Reuters 2017b). However, as the crisis dragged on, AFET Chair David McAllister was equally asked to personally assist in finding a solution for the Albanian crisis. Therefore, on the 24th of April, both Fleckenstein (S&D) and McAllister (EPP) flew to Tirana to start mediation talks between the

government and the opposition (Associated Press, 2017). Concretely, the two envoys tabled proposals on a vetting law, technical measures designed to improve the conduct of elections and to build mutual political trust, in addition to suggesting an election date and possible reshuffles of the current government (EWB, 2017a). However, after holding two rounds of talks, two days later McAllister had to admit there was 'no consensus on the essential question of the election date and the possible formation of a technical transition government' (Intellinews, 2017).

Talks continued in the beginning of May, when a series of new proposals was made by McAllister and Fleckenstein, such as a short postponement of the elections, and the voting in parliament of the EU-mandated programme of vetting judges and other justice officials (the so-called 'McAllister package'). The talks took place in a congress center in the Albanian capital where both the Prime Minister and the opposition leader held bilateral meetings with their peers from the EP. While an agreement appeared very near, talks in the end broke down when Democratic opposition leader Basha pulled the plug. Therefore, the MEPs again left for Brussels empty-handed.

In response, a video conference call with EPP powerhouse figures was set up to put additional pressure on their Albanian counterpart, Lulzim Basha. The conference call not only included MEP McAllister, but also European Council President Donald Tusk, Commissioner for EU Enlargement Johannes Hahn, and the President of EPP Joseph Daul (TOP Channel, 2017). The conference call was followed by a visit of the US Deputy Assistant Secretary of State Hoyt Yee along with US Senator McCain to underline the US supported the proposals submitted by MEPs McAllister and Fleckenstein (EWB, 2017b). One day later, US pressure finally resulted in the so-called 'McAllister-plus package', a slightly amended 16 points deal (including a vote by parliament on the vetting law and postponement of the election date) being accepted by both parties (EWB, 2017c).

6.7.2 Inter-institutional dynamics

The resolution of the 2017 Albanian political crisis was mainly the result of an informal mediation process, set up and led by both McAllister and Fleckenstein. However, in the background, relevant actors from other EU institutions were heavily involved, including EEAS officials, Commission officials, the Commissioner for Enlargement, as well as the EU Delegation in Tirana. The latter served as the most direct and operational contact point for the MEPs, taking care of the preparation of talks and visits of the MEPs. Thus, while the MEPs took the lead of the negotiations and were publicly exposed, the EU executive actors contributed substantially to the mediation (Interview EC official, 22/08/2018; Interview EEAS official, 31/08/2018).

Interviews show how through its involvement, the EP was able to compensate for executive resource dependencies, in particular those of the EU ambassador having lost considerable access to the Albanian opposition. They equally reveal that MEP McAllister became engaged in the mediation efforts on the explicit demand of both HR/VP Mogherini, Commissioner Hahn as well as the German Chancellery (Interview MEP assistant, 07/11/2018). As an EEAS official further explained:

> During the last two years we faced sincere difficulties in keeping strong contacts with both sides in Albania, that is government and opposition. We have of course our main contacts with the party actors that are in government. That however leads to frustration on the side of the opposition, who accused us, and particularly the ambassador, of 'choosing sides'. (…) Therefore, to us, the climate has been particularly difficult to mediate between the two parties: the EU ambassador was unable to be a credible interlocutor for both sides. In that sense, it was good that the European Parliament took up a role, particularly in their capacity as representatives of the wider transnational party federations. (...) [T]he leverage of the transnational parties played a crucial role in getting to an agreement.
>
> (Interview EEAS official, 31/08/2018)

The package of solutions being proposed during the mediation was the result of a collective effort of sending ideas back and forth, resulting in the final McAllister Package being proposed (cf. Interview MEP, 10/07/2017). In particular, while initially relying mostly on information provided by the Parliamentary administration, McAllister was eventually handed over a 1.5 page draft of concrete proposals by DG NEAR in advance of the first visit in April, which the MEPs further amended (Interview MEP assistant, 07/11/2018). In addition to receiving technical briefings by DG NEAR, the EEAS' relevant country desk and the EU Delegation in Tirana, the MEPs were in constant contact with the Cabinet of the Commissioner for strategic input. According to involved EP actors, the Cabinet was largely defining the political-strategic lead, with the MEPs seeking to deliver the Commissioner's objectives (Interview MEP assistant, 07/11/2018; Interview MEP, 10/07/2017).

Moreover, all interviewed actors pointed to previous successful institutional cooperation with each other during earlier conflicts in Albania in structuring their current cooperation, but interestingly also with regard to the 2015 crisis in Macedonia (Interview MEP, 10/07/2017; Interview EC official, 22/08/2018; Interview EEAS official, 31/08/2018; Interview MEP assistant, 07/11/2018). The latter hence points to a process of institutional learning, transcending forms of cooperation based on personal contacts.

Concluding, interviews confirm the strong cooperative nature of the EP's involvement, and give strong lenience to H_{1a} and H_{1b}.

6.8 Conclusion

This chapter has analysed practices of diplomatic mediation by the European Parliament that have occurred in the decade following the entry into force of the Lisbon Treaty. The findings of this first empirical chapter can be summarised in three provisional observations.

First, the EP's diplomacy showed itself predominantly as a cooperative phenomenon (H_{1a}), with Ukraine being a clear outlier. Apart from the latter intervention, all other instances of parliamentary mediation occurred in a cooperative dynamic, and most intensively so towards the European Commission. The EP's involvement followed upon an executive resource dependencies which made the intervention of parliamentary actors welcome or even required. Only in the case of Azerbaijan, the tables had turned as the executive actors had to compensate for an institutional resource dependency the Parliament was facing by the end of its mediation when needing to resettle Leyla Yunus.

Second, the analysis shows how the Parliament's involvement evolved from rather loose and ad-hoc based contact and coordination with EU executive actors for the conflicts in Albania (2010 and 2014) or Macedonia (2014), to better prepared and more integrated approaches in later conflicts in these same countries (Macedonia, 2015, and Albania, 2017). Indeed, while early interventions showed how coordination and cooperation incrementally grew *during* mediation processes, the last two conflicts rather indicated how joint EP-Commission diplomatic mediation was in fact well planned and coordinated in advance.

Third, and related, parliamentary mediation went accompanied with learning processes: cooperative practices have transcended *over* countries and personalities (H_{1b}). The cooperative working method of former EU Neighbourhood and Enlargement Commissioner Štefan Füle has created an approach that his successor, Johannes Hahn, has taken over. Similarly, interviews show how earlier successes in Albania have, on behalf of the Commission, motivated the involvement of MEPs during the 2015 mediation of the Macedonian conflict; while reversely, the EEAS argued the involvement of the MEPs in later crises in Albania also logically stemmed from the successful cooperation in Macedonia. In a broader perspective, one might even consider the Ukrainian conflict as a learning experience as well, but rather as a 'negative example'. Such has also been the conclusion of an EP official, who argued 'the Ukraine crisis was a one-time exception, where we didn't always strongly cooperate with the EEAS' (Ducci, 2017).

Overall, the findings in this chapter are strongly in line with hypotheses H_{1a} and H_{1b}. With the Ukrainian conflict as the only occurrence where parliamentary diplomacy was deployed with power-assertive

motivations, no convincing evidence for a consistent power-driven manifestation of parliamentary diplomacy can be found. The next chapter will bring the observations of the current chapter in connection with the institutional adjustments both within the EP, as well as between the EP and the other executive actors, to study the outcome of the mechanism.

Chapter 7 Retracing Patterns of Informal Institutionalisation

This final empirical chapter focuses on the outcome of the causal mechanism studied, that is on retracing the patterns of informal institutionalisation that have occurred in the aftermath of the EP's diplomatic mediation activities. Thus, in addition to identifying the nature of the EP's involvement in concrete instances of diplomatic mediation during the last decade, this chapter specifically concentrates on how the EP's activities have resulted in effectuating institutional adjustments both within the EP, as well as between the EP and the other executive actors.

Based on the theoretical framework of RCHI as presented in Chapter 5, the present chapter first offers some typological benchmarks to study the nature of institutional change, after which I will retrace patterns of such change since the Treaty of Lisbon both within the Parliament as well as between the Parliament and the EU's dual foreign policy executive. The third section sheds more light on the effects of these changes and the motivations behind their creation, in order to account for their underlying logic. The conclusion further reflects on the implications of the findings with respect to the proposed and tested dual causal mechanism.

The analysis is based on various sources. First, I build extensively on the scrutiny of institutional documents. These include parliamentary resolutions, reports, activity reports or internal correspondence, as well as inter-institutional agreements and correspondence. The majority of these documents are publicly available, while others have been obtained through freedom of information requests. In addition, I rely on 19 interviews conducted with officials from the EP, the European Commission and the EEAS that have been closely involved in the specific internal and inter-institutional changes that are analysed. Finally, the analysis also strongly profits from insights derived from participatory observation at the European Parliamentary Mediation Support (EPMS) Unit at the Directorate-General for External Policies of the EP's Secretariat General (November-December 2018).

7.1 Qualifying the nature of institutional change

Before starting the analysis, I shortly turn back to the theoretical framework of Chapter 5 in order to show how the empirical findings fit into the broader question of the nature of informal rule creation that underlies the institutionalisation of the EP's diplomatic practices in EU foreign policy. I argue that, essentially, the nature of informal rule creation can be distinguished in three meaningful ways.

A first way is to identify the underlying *logic* or rationale of informal rules. In Chapter 5, the theoretical framework distinguished two pathways of informal rule creation based on functionalist or distributive approaches to RCHI. They can be briefly summarised as either being a response to a need to create efficient policies, or as incorporating a strategic power-inspired move to influence the outcome of certain policies respectively. Two categories of informal rules can be identified on this basis. First, *functional* rules of behaviour are defined as rules that seek to assure consensual behaviour by filling gaps that the treaties do not regulate, in order to ensure efficient decision-making and implementation. *Distributive* rules, on the other, are those rules that strategically seek to improve the institutional power-position of an actor by increasing its control over the outcome of policies.

Second, one can further discern informal rules by identifying on whose *authority* they are created, i.e. whether they are unilaterally defined and imposed by one actor, or whether they are the result of a joint interpretation between actors (cf. Lindner, 2003). In the present analysis, the former corresponds to intra-organisational rule creation by the EP, and the latter would be an act of joint inter-institutional rule creation by the EP and one of the executive foreign policy actors (the Commission or the Council/EEAS). It is important to underline that, in principle, unilaterally and jointly defined rules could be functionalist *or* distributive of nature. That is, unilateral rules are not necessarily power assertive, as they can equally stem from a need to cope with new challenges in an efficient manner; neither are joint rules by definition functionalist in nature as they might be part of a bargaining process in which a transfer of power from one actor to another has been negotiated.

Finally, as already presented in more detail in Chapter 5, I have argued the manifestation of informal rules of behaviour can take various forms. Informal institutional change may be limited to observable changes in *customs or routines* that regulate patterns of behaviour by or between actors. It could also be manifested through *bureaucratic* changes, to the extent they involve a reallocation of budgetary and/or human resources within the administration. Or, it could materialise through the *codification of procedural rules*, albeit of informal nature. The latter could include changes to the Parliament's Rules of Procedure (RoP), or the conclusion of informal accords between the EU's institutional actors. As

Amie Kreppel has argued, while the Parliament's RoP 'are from one point of view formal in the sense that they are written down, go through a ratification process and have the force of law within the institution (…) [they] have no official status outside of its wall and as a result, in so far as they make demands or impose constraints on external actors, they are informal' (Kreppel, 2003: 885). In the same vein, Stacey considers parliamentary resolutions or reports as similar sources of informal rule creation in as far as they concern assertions, understandings, demands or constraints with regard to the application of the formal rules (Stacey, 2010: 76). On an inter-institutional level, a series of informal accords in written form may emanate that have no legal basis and bearing, such as (an exchange of) letters, unilateral or joint declarations, or even the conclusion of so-called Inter-Institutional Agreements – the latter already containing a degree of formality and legality, however (cf. Stacey, 2010: 76-86).

Based on the above, I hence propose a threefold typological differentiation, presented in Table 7.1. The following sections will investigate whether, to what extent and what type of informal rule creation has taken place with regard to the Parliament's involvement in diplomatic mediation. I will first consider all sorts of intra-organisational responses within the Parliament itself, after which I verify for inter-institutional changes between the EP and its executive counterparts. For both, I thus take into account mere changes in customs or routines, as well as more far-reaching processes of codification. Finally, I distil whether these changes qualify as either functionalist or distributive institutional changes.

Table 7.1 – Threefold typological differentiation of informal rules

Logic	Functional rules to lower transaction costs in policy implementation
	Distributive rules that alter balance of power
Authority	Unilateral rule creation by the EP
	Joint rule creation between the EP and the EU executive actors
Form	Customs or routines
	Bureaucratic changes
	Codification of procedures

7.2 Retracing patterns of informal institutionalisation since the Treaty of Lisbon

7.2.1 Intra-organisational responses within Parliament

With regard to internal organisational responses, two main changes can be noted: the interplay between customary and administrative changes, and the codification of newly developed practices of diplomatic mediation. First, Bureaucratic changes were implemented within the EP Secretariat General's Directorate-General of External Policies (DG EXPO) by creating a separate Directorate for Democracy Support and a European Parliamentary Mediation Service (EPMS). At the same time, these administrative changes went accompanied by customary changes through the formulation of a political agenda, *inter alia* in the form of a *Comprehensive Democracy Support Approach*, which in turn enabled further administrative readjustments. Second, a codification process of the Parliament's mediation practices was initiated, by amending the relevant implementing provisions that guide the Rules of Procedure of the EP.

7.2.1.1 Bureaucratic and customary change

The Directorate for Democracy Support and the Democracy and Election Coordination Group

Within the Parliament's DG EXPO several reorganisations have taken place throughout the last decade, which are directly linked to the Parliament's evolving diplomatic agency. In 2011, following proposals of the Parliament's Secretary General Klaus Welle, a new *Directorate for Democracy Support* was established. The Directorate was populated with existing structures as well as new ones. Concretely, the Parliament's Office for the Promotion of Parliamentary Democracy (OPPD)[74] and the Election Observation Unit were reorganised in a single Democracy and Elections Actions Unit, the Unit for relations with Western Balkans parliaments was transferred from the DG Presidency and reformed to a Pre-Accession Actions Unit, while a new Unit for Human Rights Actions was created (European Parliament, 2012g).

The institutional reforms were the result of both administrative factors and political opportunities. On the one hand, the organic growth of the Parliament's diplomatic and global human rights activities[75] needed to be streamlined and made more coherent. On the other hand, scrutiny of the discussions taking

[74] The OPPD, established in 2008, provided technical expertise to parliaments from emerging democracies (European Parliament, 2010b).
[75] Mostly relating to the EP's annual 'Sakharov Prize for Freedom of Thought'.

place at the Parliament's Bureau shows that the Secretary General primarily justified the reorganisation in light of the Arab uprisings and by stressing the need for 'providing support to the Parliaments in the Western Balkans' (European Parliament, 2011a: 10). EP officials echoed this rationale, arguing that the crises in the Southern Neighbourhood presented themselves as an opportunity to create new capacity and expertise in the domain of conflict mediation, and to primarily orient that towards the parliaments of the Western Balkans (Interview EP Officials, 02/07/2018 and 08/11/2018).

In response to these administrative reforms, customary changes were also triggered with regard to the Parliament's *Election Coordination Group*. This *sui generis* political body, co-chaired by the Foreign Affairs and Development Committee Chairs, was originally tasked with overseeing the EP's Election Observation Missions. However, in line with the new activities developed and supported by the Directorate for Democracy Support, the body was upgraded and renamed to the *Democracy Support and Election Coordination Group* (DEG) by a Decision of the Conference of Presidents in September 2012 (European Parliament, 2012f). The CoP thereby enlarged its mandate with three additional competences: the 'promotion of parliamentary democracy (…) with priority for the neighbourhood countries', the '(…) management of activities in connection with the Sakharov Network and Human Rights related actions' and 'activities aiming to support the Parliaments in the Western Balkans (…)' (ibid.; cf. European Parliament, 2013n; European Parliament, 2012a). In short, the DEG became the body providing the overall political leadership and oversight on all democracy support activities of the European Parliament, with a specific focus on supporting parliamentary democracy in the EU Neighbourhood and Western Balkan countries. In that way, the reform embodied a customary change from a mere technocratic approach to parliamentary capacity building, to a more politically embedded and oriented activity. Activities from now on were also directed at working with the MPs of third countries, instead of merely focusing on institutional and administrative support.

Developing a political strategy and capacity in the domain of parliamentary mediation

After the establishment of the Directorate for Democracy Support and the DEG, new political developments further accelerated the Parliament's positioning in the domain of conflict mediation. The EP's involvement in addressing the political crises in Macedonia (2013) and Ukraine (2012-2013) opened the door for developing a political and strategic vision on its role in parliamentary mediation and dialogue, and in line with this, institutional capacity to support it. Particularly the 2012-2013 Ukrainian monitoring mission had been crucial in that regard, as it represented the first time the EP was *institutionally* involved in a mediation process, with EP mediators acting under the explicit authority of the EP President and based upon a mandate of the Conference of Presidents.

A parliamentary agenda on conflict mediation: the Comprehensive Democracy Support Approach

The EP's mediation experience in Ukraine and Macedonia led to the adoption of a range of political documents (reports, strategies, resolutions) in 2013-2014, which sow the seeds for a parliamentary agenda on conflict mediation. First, in April 2013, EP Secretary General Welle presented his long-term strategy, entitled '*Preparing for Complexity: the European Parliament in 2025*' (European Parliament, 2013o). The document had been developed by the EP administration in the course of two years and was intended to formulate 'structural changes to be initiated in order to prepare the European Parliament for a much more complex and challenging environment in the years to come' (ibid.: iii).

In general terms, the report highlighted parliamentary diplomacy as an added value in a climate of increasing authoritarianism, stressing that the 'European Parliament should be able to have a rapid deployment capacity to support the civil society and emerging political forces in countries opting for democracy' (ibid.: 36). More concretely, it identified parliamentary diplomacy as an emerging power tool in the domain of EU conflict mediation, thereby explicitly referring to the Parliament's mediation in Ukraine in 2012-2013:

> In recent years the EP has consolidated its 'classic' roles — budgetary, legislative and oversight. It should now increase its capacity to deploy parliamentary diplomacy as needed. This will involve developing internal expertise on specific crisis areas and crisis-related topics, and rapidly deploying its expert support. The experience of the Cox-Kwaśniewski mission to Ukraine could provide lessons.
>
> As an elected body, generating a variety of political views and policy ideas, the EP has a particular role — and responsibility — to play in this field [as a mediator in crises or negotiations]. As prominent and respected figures, the President of Parliament and a few individual members may play a specific or more prominent role on a case by case basis. But usually mediation without appropriate intelligence and capacity to act in secret is difficult.
>
> (ibid.: 94, 77)

Therefore, to 'enhance its role, position and standing as possible mediator', the strategic report developed a range of options for the European Parliament, including the strengthening of 'direct crisis mediation activities' beyond a focus on election observation to 'global crisis management and mediation'. On administrative level, this implied that the EP would need to 'ensure adequate resources and proper training for staff supporting international mediation', the document concluded (ibid.).[76]

[76] In addition, the document also lists the options of shaping of the EEAS' mediation capacities, shaping the external financial instruments to be able to adequately finance international crisis mediation, and advocating for the creation of the European Institute for Peace (European Parliament, 2013o: 77).

Second, two resolutions adopted in late 2013 also signalled a political demand to enhance the Parliament's profile in conflict mediation. In its annual resolution on the implementation of the CSDP, the Parliament stated that its '(…) successful involvement in mediation processes ha[d] demonstrated the important role parliamentarians can play in supporting mediation and dialogue processes and [that it] intend[ed] to further step up its efforts in this field' (European Parliament, 2013m, para 20). That message was further articulated a few months later when the EP adopted another resolution reflecting on the December 2013 Joint Communication of the Commission and the HR/VP on the 'EU Comprehensive Approach to External Conflict and Crises' (European Commission and HR/VP, 2013). The latter document had been developed as a concept that sets out a number of concrete measures to strengthen the effective and coherent use of the EU's various diplomatic, security, defence, economic, trade, development and humanitarian instruments in addressing external conflicts and crises. Interestingly, however, a potential role for Parliament was not mentioned in the document. In its resolution, the Parliament therefore made the following statement:

> [The EP] (...) [s]tresses the important role of mediation and dialogue in preventing and resolving conflicts peacefully; (…) *draws attention to Parliament's engagement to actively participate in election observation, mediation and democracy support*; believes that *Parliament's involvement in mediation processes in Ukraine and the Former Yugoslav Republic of Macedonia (FYROM) has demonstrated the important role parliamentarians can play in this field*;[77]
>
> (European Parliament, 2014f, para 19; own emphasis)

Third, in April 2014 the DEG adopted its so-called 'end of legislature report' in which the above views and demands culminated in a more developed vision. Concretely, the report formulated two main recommendations towards the EP President. On the one hand, it recommended to formulate a parliamentary *Comprehensive Democracy Support Approach* (CDSA), mirroring the EU executive's Comprehensive Approach as a general strategy underpinning the Parliament's democracy support activities. The CDSA had to become 'a leading principle for defining a more structured, coherent and sustainable framework for EP democracy support activities throughout the electoral cycle in priority third countries' (European Parliament, 2014a: 3). On the other, it proposed to enlarge its own mandate by amending the implementing provisions governing the activities of the DEG 'to include the EP's commitment to develop *mediation, facilitation and dialogue activities*' (ibid.; see also European Parliament, 2014c/2015a: 11/2016b: 5).

[77] On 13 April 2016, the EP adopted a very similar response to the EU Global Strategy, which in its subsection on an 'integrated approach to conflicts and crises' did not mention a role for Parliament. The Parliament therefore responded by stating that it '[t]akes the view that Parliament should play its full role within EU efforts to prevent conflict;' (European Parliament, 2016f: para 47).

On its second meeting of the 8th Legislature, the DEG approved the CDSA concept to become the internal strategy of the EP on conflict mediation and democracy support (European Parliament, 2014b: 3). As a parliamentary response to the CA, the CDSA gave body to a growing conviction within Parliament that its foreign activities should extend *beyond* Election Observation Missions, to focus on broader democracy support by including human rights actions as well as conflict prevention, mediation, facilitation and dialogue activities around the electoral cycle of a third country. In line with a more comprehensive and intensified approach, the CDSA also prescribed that the EP's activities should be strengthened and focused on a limited number of countries, where the Western Balkans and Turkey were considered as a permanent priority region, while a limited number of additional 'priority countries'[78] would be annually added or reconsidered (European Parliament, 2015c; European Parliament, n.d.; Interviews EP Officials 05/06/2015, 09/09/2016 and 02/07/2018).

The creation of the European Parliamentary Mediation Support Service

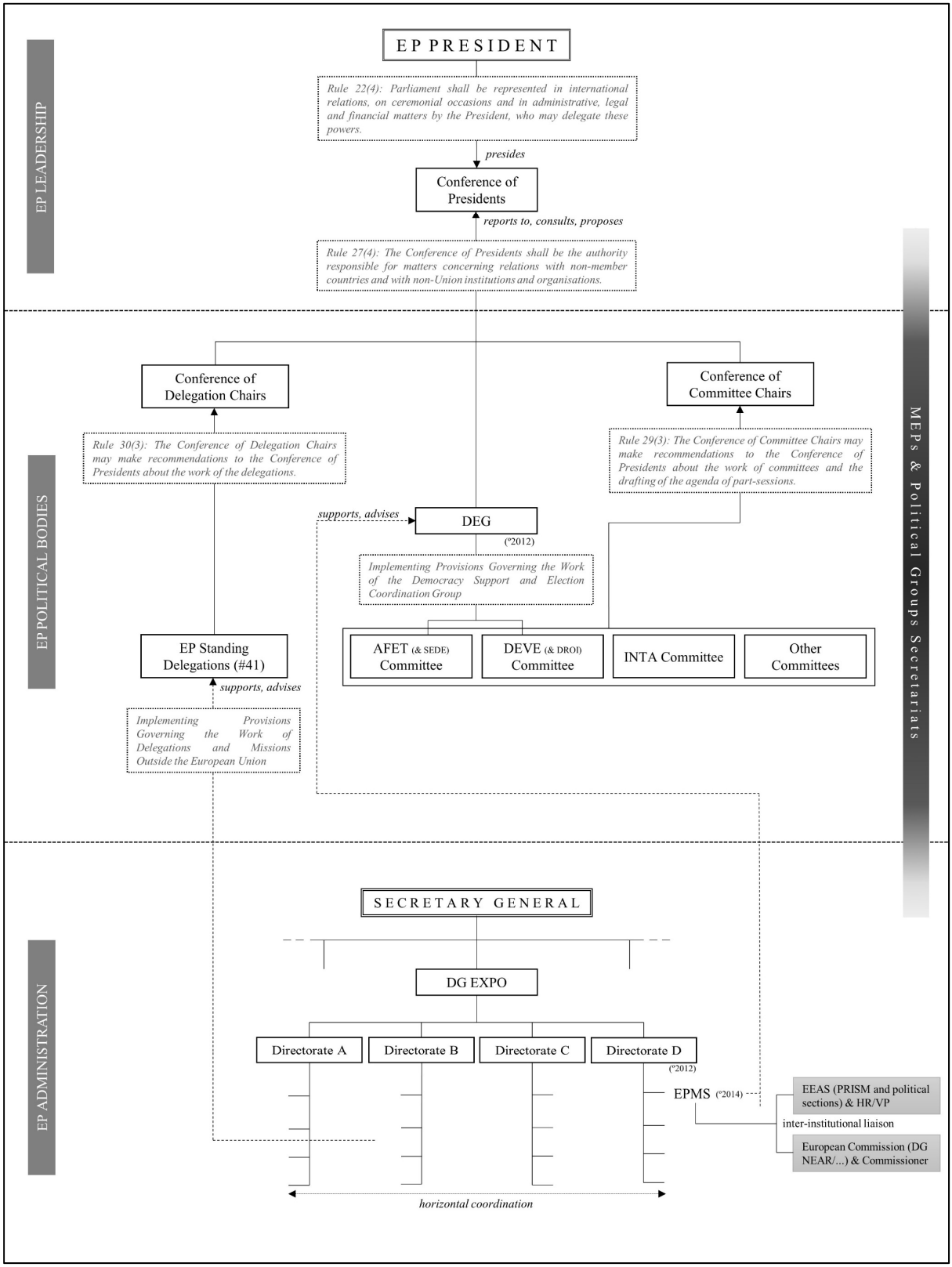
Whereas a revision of the implementing provisions governing the activities of the DEG was put on hold during the 8th Legislature (see section 7.2.1.2), the EP administration nevertheless invested further in developing mediation, facilitation and dialogue capacities by creating a *European Parliamentary Mediation Support* (EPMS) Service, charged with 'developing a mediation component within the CDSA concept' (European Parliament, 2015a: 11). As a new administrative cell within the Directorate for Democracy Support, the EPMS would thereby become a focal point in charge of developing and bundling all types of parliamentary mediation and dialogue activities, while serving as a contact point with its counterparts from the EEAS and the Commission (Interview EP Official, 05/06/2015). In doing so, its predecessor, the Office for the Promotion of Parliamentary Democracy (OPPD) was dissolved. Whereas the OPPD's mandate was purely technocratic (i.e. limited to providing demand-based institutional expertise of EP civil servants to other parliaments), the mandate of the EPMS became visibly more political. The new service was charged with all of the Parliament's 'activities in the area of conflict prevention, mediation, facilitation and dialogue' as mandated by the EP President and the DEG (Ruthrauff and Bruce, 2015: 3). This for example included supporting 'ad hoc initiatives' (…) such as 'silent diplomacy where support is discreet and external experts are used, to more visible cases such as in Ukraine'; and this while 'enhancing the political profile on the role of parliamentarians in conflict prevention and mediation' (ibid.).

[78] For example, in 2015-16, the priority countries were Ukraine, Moldova, Tunisia, Morocco, Tanzania and Myanmar.

From within the EPMS, the EP administration set in motion a procedural transformation process towards more institutionally coordinated and structured activities of parliamentary mediation and political dialogue. First and foremost, this implied installing an internal procedure for mandating EP envoys, in that way moving from ad-hoc appointments by political groups or the European Commission, to an EP-steered process led by the DEG, the CoP and the EP President. While currently the sending of such envoys falls under the authority of the Conference of Presidents, on a proposal of the DEG, the ambition of the latter is to become the political body authorised to directly approve mediation and dialogue activities, including the appointment of parliamentary mediation envoys. Such decision-making process would allow for a less time-consuming (and contested) deployment of parliamentary dialogue and mediation activities, as it would bypass the final and often cumbersome approval by the CoP. Figure 7.1 illustrates the EP's current institutional architecture in the domain of external relations, and situates the positioning of new structures, such as the DEG, Directorate-D, and the EPMS therein.

Second, in addition to supporting parliamentary mediation on ad-hoc basis, the EPMS, guided by the DEG, has also developed a range of supplementary activities, such as the 'Jean Monnet Dialogues' (JMDs) or the 'Young Political Leaders' (YPL) programme. The JMDs are aimed at organising inter-party dialogue and consensus building on key issues of institutional and national reform, in a context of strained inter-party relations. The JMD was originally developed in the aftermath of the Cox-Kwaśniewski mission and the 2014 regime change in Ukraine, where the EP under the leadership of Pat Cox remained involved in supporting the Ukrainian Parliament (European Parliament, 2016e). After organising several JMDs with Ukraine in 2016-17, the concept was further expanded to the Western Balkans in 2017, where it was first used in Macedonia following the EP's involvement in the 2015-2017 Pržino mediation process (Chapter 4). Potential future JMDs are envisaged with Montenegro, Bosnia and Herzegovina, Serbia, Kosovo and Georgia. Another activity launched by the EPMS is the YPL programme, which is similarly focused on developing a climate of dialogue and trust in conflict-prone countries by specifically working with young political leaders and activists who are brought in contact with each other by the EP (European Parliament, 2015h). YPL activities have taken place with young leaders of Armenia and Azerbaijan, Israel and Palestine, or as part of the African Union pre-Summit Youth Forum.

Figure 7.1 – The institutional architecture of the EP's external relations



Source: own compilation.

Again, the above described institutional expansion went accompanied by political developments. While the 'precedents of the Albanian mediation [of 2010 and 2014] and the Ukrainian Monitoring Mission [of 2012-2013] provided a first momentum to further institutionalise activities' by means of creating the EPMS (Interview EP Official, 05/06/2015), the case of Leyla Yunus in 2015 was in turn called 'Elmar Brok's first present to the EPMS' (Interview EP Official, 02/07/2018) as it was the first time the service became activated for supporting a parliamentary mediation effort. Only a few months later, the service was again involved in supporting the EP's mediation in Macedonia (2015-2017). As a result of its expanding role and activities, the EPMS became recognised as a fully-fledged 'Unit' in 2017 and was renamed to the *EP Mediation and Dialogue Support Unit*. It currently employs 7 full time staff members.

Looking ahead: the EP Report on Building EU Capacity on Conflict Prevention and Mediation

The most recent milestone in the development of a political vision and institutional capacity in the domain of parliamentary mediation has been the AFET's Report on *Building EU Capacity on Conflict Prevention and Mediation*, which was adopted by the AFET committee on 11 February 2019, but is still awaiting a plenary vote at the time of writing (European Parliament, 2019a). The EP Report defines a parliamentary vision on the development and expansion of the EU's role in the domains of conflict prevention and mediation. In the report, the Parliament states that it 'has taken a prominent role in parliamentary diplomacy, including mediation and dialogue processes, [by] drawing on its ingrained culture of dialogue and consensus building' (para O), and makes a call for further developing its own role this field. It does this, *inter alia*, by calling for a 'a stronger inter-institutional approach' to external conflicts and crises (para K), by 'call[ing] on the VP/HR, the President of the Commission and the President of the European Parliament to set join, long-term priorities in the area of conflict prevention and mediation' (para 3), and 'for the establishment of interinstitutional mechanisms such as task forces for specific conflict prevention situations' (para 12). It also recommends that the JMDs and YPLs should be further developed and expanded (paras 19, 20, 21), while underlining the 'need for Parliament (…) to institutionalise its procedures on mediation' (para 29). Finally, citing the mediation of Macedonian political crisis in 2015 as a successful case of inter-institutional cooperation, the Parliament 'confirms its readiness to (…) [step] up its engagement to strengthen political dialogues and reconciliation throughout the Western Balkans and the wider neighbourhood' (para 23).

7.2.1.2 Towards a codification of parliamentary mediation activities

As a consequence of the EP's operational involvement in the mediation of foreign conflicts, as well as of the accompanying administrative adjustments, the EP's procedural rules had increasingly become outdated. The rules that regulate the EP's external activities in the field of democracy support have been adopted by the Conference of Presidents under the form of 'Implementing Provisions', particularly the so-called 'Democracy Support and Election Coordination Group and Implementing Provisions Governing Election Observation Delegations' (European Parliament, 2012f).[79] These rules were originally adopted in 2012 and did not mention any activity in the field of mediation, facilitation or dialogue support.

The EP's activities in these domains therefore increasingly stumbled upon the limits of their uncodified nature. First, the lack of a clearly guiding procedural framework led to concerns about the continuity of its activities *over* legislative terms. Through codification, the EP administration would be able to ensure that mediation and dialogue activities obtain recognition as an established function of the EP in the domain of EU external action and remain carried out accordingly. Second, also in terms of internal decision-making procedures, a codification would facilitate the efficiency of the Parliament's activities. In particular, as all of the Parliament's foreign activities fall under the ultimate authority of the CoP (cf. Rule 27(4) of the EP Rules of Procedure), problems did sporadically occur with having mediation initiatives (timely) tabled and approved by the body. Finally, also on inter-institutional level, the adoption of a regulatory framework would serve the strategic goal of 'show[ing] to our institutional and external counterparts we have an authority on these issues. It gives confidence to our MEPs, it allows you to make commitments as a Parliament.' (Interview EP Official, 02/07/2018).

While during the 8th Legislature a revision of the 2012 implementing provisions was initially put on hold[80], in late 2018, a revision process was eventually initiated by the political groups. This resulted in the CoP approving revised Implementing Provisions on the 7th of February 2019, which now recognises the CDSA as the guiding principle for the work of the DEG. Crucially, the document provides for an explicit, yet internal, legal basis for parliamentary mediation, facilitation and dialogue activities by explicitly recognising for the DEG's competences in these fields (European Parliament, 2019a: 23-24).

[79] As their name suggest, implementing provisions, adopted by the Conference of Presidents, are intended to give further interpretation and implementation to specific Rules of the EP's Rules of Procedure.

[80] Mostly because MEP and former DEG Co-chair Elmar Brok feared a bureaucratisation of the EP's mediation work.

7.2.2 Inter-institutional responses

In addition to organisational changes within the Parliament, the EP's interaction with the EU's dual executive has also triggered inter-institutional responses. Both with regard to the European Commission and the Council/EEAS, traces of informal institutionalisation can be noticed in the form of informal routines of cooperation, or in (attempts to conclude) informal agreements.

7.2.2.1 Customary changes vis-à-vis the European Commission

As Chapter 6 has found, the Parliament's relations with EU executive actors at times of ad-hoc parliamentary mediation have developed most strongly with the European Commission. It is therefore rather unsurprising to find that this intense interaction has resulted in cooperative customs and procedures.

With regard to inter-institutional coordination, informal structures have developed to facilitate the exchange of information. Officially, coordination between the Parliament and the Commission on EU neighbourhood and (potential) enlargement candidate countries is administered through DG NEAR's Coordination Unit for Inter-Institutional Affairs. While the latter unit closely follows the work of the AFET committee, and also contributes to its work by giving input, it does not directly liaise with involved EP actors during mediation efforts. In the latter cases, interviews have indicated that two informal lines of communication have emerged in parallel to this formal channel (cf. Interviews EC officials on 22/08/2018, 20/10/2016, 06/10/2016, and 28/09/2016; Interviews MEP assistants on 02/09/2016, 14/09/2016 and 26/09/2016).

On the one hand, a 'horizontal' and technical contact is maintained between country officials of DG NEAR, and various EP actors, such as the EPMS, the MEPs and their offices. These communication lines are used for technical briefings and coordination, with exchange taking place on a permanent basis throughout mediation processes. On the other, a 'vertical' and more political line of communication exists between the MEPs and their offices and the Cabinet of the Commissioner for Enlargement and European Neighbourhood Policy. The latter channel is more strategic and diplomatic in nature, 'where MEPs discuss with the Commissioner the strategic course of action' (Interview EC official, 22/08/2018).

Apart from informal communication and coordination practices, interviewees have equally highlighted customary changes in the form of an attitude shift of the Commissioner. Central to this has been the role of former Commissioner Štefan Füle (2010-2014) in nurturing and developing cooperation with

the EP as he was said to be 'a firm believer of a merger between the Commission's and the EP's diplomacy' (Interview EC official, 25/10/2016; cf. also Interviews EP officials, 29/09/2015 and 02/07/2018). With regard to the Western Balkans, Füle's engagement with the Parliament was clearly visible in Albania (2010) and Macedonia (2013), which an EEAS official described as a working method 'where Füle would confidentially share his vision and strategy with MEPs , aimed at convincing them and send them into the field when necessary' (Interview EEAS official, 14/12/2015).

Similarly, with the 2012-2013 Ukrainian conflict, Füle's integrated inter-institutional approach was evidenced by the creation of the so-called '*Vilnius Group for the Eastern Partnership*' within the EP, bringing together the Commissioner with representatives of the political groups as well the rapporteur on the EaP. Having the purpose of exchanging information and aligning positions, the group served as an important informal coordination forum to develop a joint EP-Commission approach to the Ukrainian conflict, and continued to exist after the Vilnius Summit (Interview Commission official, 25/10/2016; European Parliament, 2009: 18). It was argued to be an innovative approach to EU foreign policy, which, as already argued 'set the way for [Commissioner] Hahn to collaborate in a similar way with the parliament as well' (Interview EP Official, 02/07/2018).

7.2.2.2 A lukewarm response from the EEAS: declining codification

With regard to the Parliament's interaction with the EEAS, institutionalisation appears to be more thin. Considering itself as the competent actor in charge of EU dialogue, facilitation and mediation activities, it appears to be fearing a *communitarisation* of its activities and adopts a rather non-committal approach the Parliament's diplomacy. This can be illustrated with two concrete examples.

First, in 2015, the EP attempted to adopt an informal agreement with the EEAS with the aim of 'strengthen[ing] the parliamentary pillar of overall EU action in the area of mediation' (European Parliament, 2016a: 9). In a letter of 13 May 2015, the co-chairs of the DEG, Elmar Brok (EPP) and Linda McAvan (S&D) sent out a proposal to the HR/VP on 'formalising cooperation between the European Parliament and EEAS/Commission'[81] (European Parliament, 2015d). The letter included three concrete proposals. First, a 'mechanism for timely and advanced information sharing on the early identification of conflict situations and trends for [election observation missions] and CDSA priority countries', second, a 'systemic and structured cooperation on *ad hoc* mediation, facilitation and dialogue initiatives that require a parliamentary component', and finally, close cooperation of the EEAS' relevant services with regard to the EP's 'Parliamentary Mediation Training Programme for

[81] Upon the request of the EEAS, a reference to the European Commission had been included in the letter.

MEPs in order to ensure that this is in line with EU standards for mediation training' (ibid.). In its conclusion, the letter further alluded to the EU's Comprehensive Approach, by stating that such cooperation would 'ensur[e] that parliamentary activities remain coherent with a comprehensive approach to crises and conflicts' (ibid.).

In her reply on 2 July 2015, the HR/VP still responded positively to all three proposals (HR/VP, 2015), yet a few months later the initiative was nipped in the bud. While the EEAS' mediation and dialogue support team[82] appeared open to strengthening cooperation with Parliament, the Cabinet of the HR/VP feared the informal mechanism could develop into an Inter-Institutional Agreement and aborted all negotiations on the matter. Not only did they worry that the European Commission would seek to take advantage of the cooperation framework to interfere in their work on EU mediation, they equally feared a politicisation of their work by MEPs who could also 'pick things off their plate' (Interview EP official, 12/11/2018). With regard to the Parliament, particularly the 'Macedonian mediation [of 2015-2017] was a thorn in the eye since they [the EEAS] were not involved at all, which strongly irritated them' (Interview EP official, 08/11/2018; cf. also Interviews EP officials, 02/07/2018 and 12/11/2018).

Second, around the same period, the EEAS adopted its *Guidelines on the visits of the EP abroad*, an informal agreement with the EP's Secretariat General. The guidelines were developed in the aftermath of the Parliament's Monitoring Mission to Ukraine (2012-2013), which in their eyes negatively impacted on the EU's diplomacy (cf. Chapter 3). At the same time, they were also a concrete response to the issue of MEPs travelling abroad in their own capacity, instead of on the basis of an official mandate authorised by the Parliament's CoP. As these often concern more controversial visits, they contain the risk of creating diplomatic incidents and of harming the EU's official external relations (Interview EEAS official, 30/09/2015). The guidelines therefore explicitly drew a distinction between official EP visits and unofficial or private visits, with the latter no longer entitled to receive support from the EU Delegations (art. 3.1). Moreover, the regulations also required the EP to inform the EEAS of all unofficial *and* official parliamentary visits, including through sending a programme in advance (art. 2.2.3 and art. 3.3.) (EEAS and European Parliament, 2015).

It should be nuanced, however, that the EEAS' attitude towards the Parliament differs strongly depending on the level of hierarchy. In general, good working relations tend to exist between the various EP actors on the one hand, and the EEAS country desks or the Mediation and Dialogue Support Unit within the PRISM Division, on the other. The latter has for example set up an informal coordination group of 'focal points on mediation', bringing together relevant officials from the European

[82] Now integrated within the so-called 'PRISM' Division, operating under the Deputy Secretary-General of CSDP and Crisis Response.

Commission (i.e. DG NEAR, DG DEVCO, DG ECHO), the EP (EPMS) and the EEAS. At the same time, EEAS officials recognise that informal agreements 'are blocked from above, where such decisions are made above our head' (Interview EEAS official, 29/11/2018; cf. also Interview EEAS official, 31/08/2018). A similar perception exists on the side of the EP, which notes 'excellent cooperation on operational level', but 'strong policing on the Directors' level' where there's 'no climate that would allow for a formalisation of these activities' (Interview EP Officials, 08/11/2018).

Table 7.2 summarises the various forms of informal institutional changes as analysed above. The next section will further interpret whether these changes qualify as functionalist or distributive changes.

Table 7.2 – Overview of informal institutional change in the domain of parliamentary mediation

	Customs, procedures	**Bureaucratic reforms**	**Codification**
Intra-EP	Reform of the DEG: more politically oriented activities, including mediation A parliamentary agenda on mediation culminating in Comprehensive Democracy Support Approach & Report on building EU capacity on conflict prevention and mediation More institutionally coordinated and structured mandating of EP envoys by DEG, CoP, EP President	Creation of Directorate for Democracy Support Creation of the European Parliamentary Mediation Service / EP Mediation and Dialogue Support Unit Development of the JMDs and the YPL as supplementary activities	Amendment of the Democracy Support and Election Coordination Group and Implementing Provisions Governing Election Observation Delegations
Inter-institutional	Informal lines of coordination with European Commission Changed working method of the Commissioner for EU Neighbourhood and Enlargement Negotiations EEAS: Focal points on mediation contact group	/	Attempt to conclude a 'mediation mechanism' between EP and EEAS EEAS Guidelines on the visits of the EP abroad

7.3 Discussion: a mixture of functionalist and distributive reforms

The above observations show that the informal institutionalisation of parliamentary diplomacy in EU foreign policy has taken place through a various set of customary, procedural, administrative and codification changes. It remains unclear, however, whether these changes correspond to mere functional responses, or whether they go beyond this to also install distributive adjustments. The current section therefore particularly sheds more light on the implications of these changes, and the motivations behind their creation, in order to account for their underlying logic.

7.3.1 Intra-organisational responses

7.3.1.1 A mixture of functionalist and distributive institutional response

With regard to intra-parliamentary changes, it can be observed that institutionalisation occurred in a dynamic way, driven by *both* problem-solving *and* power-driven motivations and this through an interplay of political and administrative actors. Figure 7.2 visualises how the mediation episodes as studied in Chapter 6 correlate with the resulting political and administrative responses studied in the current chapter, where, as shown above, particularly the EP's involvement in Ukraine (2012-2013) appeared as a 'critical juncture' setting in motion a process of institutionalisation.

On the one hand, customary, administrative and procedural reforms were triggered by new demands imposed from ad-hoc involvement in the mediation of external crises. For instance, the creation of the Directorate for Democracy Support and the DEG's enlarged mandate were primarily a response to developments in the EU's neighbourhood (particularly the Arab uprisings), a need to further strengthen parliamentary support to the Western Balkans, and a reorganisation of existing administrative structures. Such argumentation is therefore largely in line with a functionalist logic. Very similarly, the adoption of the CDSA and new Implementing Provisions on the DEG could be seen as measures to provide more clarity and guidance with regard to a range of EP democracy support activities by the Parliament that have proliferated and further expanded since the Treaty of Lisbon. In that sense, they provided much-needed political orientation to steer any future type of parliamentary support abroad. Along a similar rationale, the EPMS was created as the bureaucratic response to these changed customs. The new organisational unit was set up to bundle know-how, to structure and institutionalise coordination with the EU executive actors on mediation, and to offer support for any future mediation efforts. As an EP official argued: 'these measures and reforms were implemented to improve our working methods. We were already doing such things, but because of these experiences and some problematic internal difficulties we redesigned our activities' (Interview EP Official, 05/06/2015).

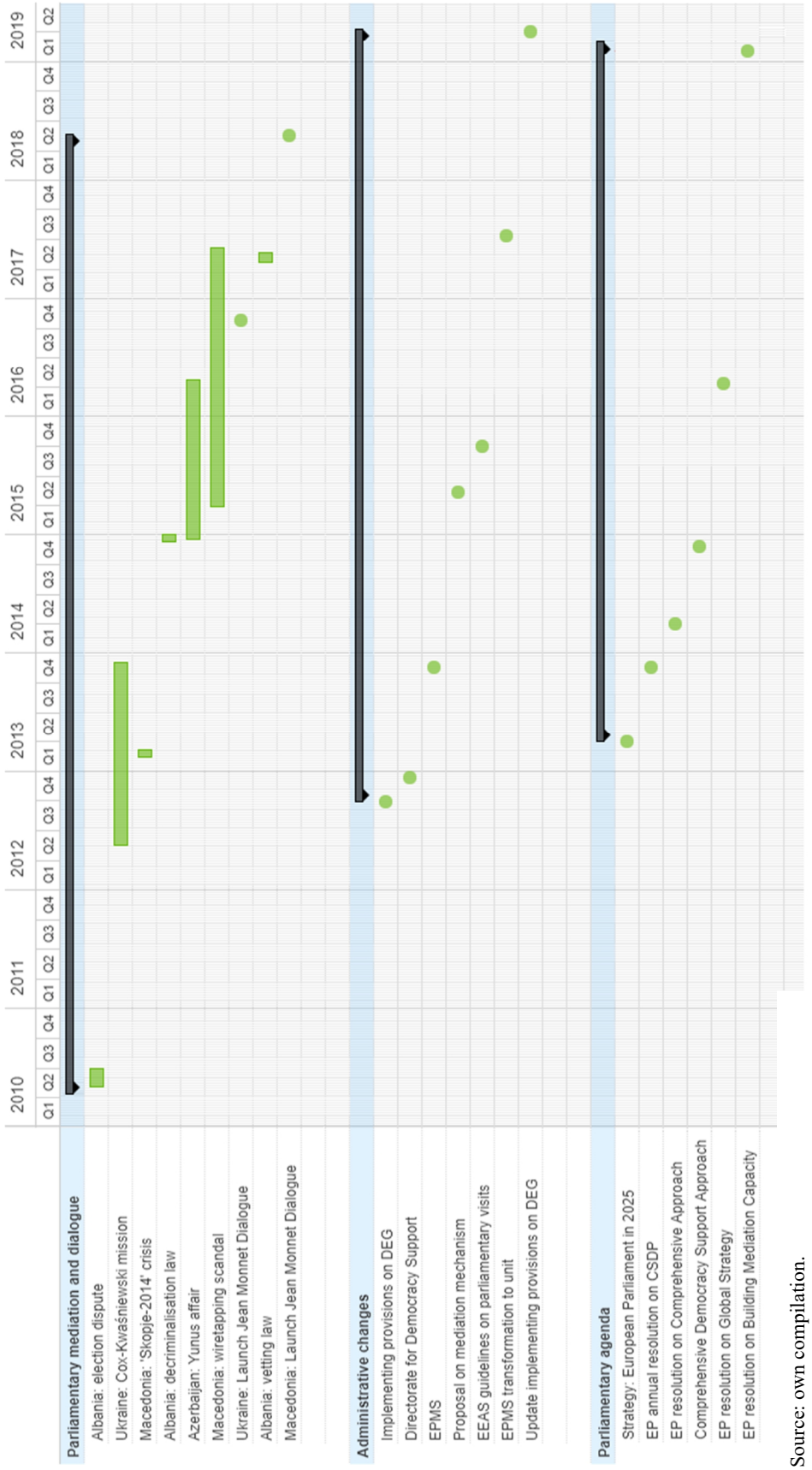


Figure 7.2 – Integrated timeline of mediation episodes, administrative changes and parliamentary agenda

Source: own compilation.

On the other hand, it was clear that the Parliament has not only sought to simply give institutional body to the organic growth of mediation activities by MEPs, but could also be seen to give further impetus to it. Certain reforms equally served to anchor a more permanent role for the EP as a 'niche' actor in the field of diplomatic mediation, in that way going beyond the goal of lowering transaction costs. Put differently, through distributive arrangements, the Parliament appears to be seeking to position itself as an integral part of the EU's conflict mediation architecture.

The development of activities such as the Jean Monnet Dialogues or the Young Political Leaders Programme fit such a logic by launching a more systematic and long-term involvement of the Parliament in target countries, moving beyond ad-hoc activities such as mediation or election observation. In a similar vein, the formulation of the CDSA with reference to the EU Comprehensive Approach to external Conflict and Crises showed that the EP saw its own tools of parliamentary mediation as belonging to the comprehensive set of foreign policy instruments in the domain of EU conflict prevention, but which the Commission and the HR/VP had failed to mention. As an EP official acknowledged, by adopting an own comprehensive approach, the document equally meant 'to signal [towards the other institutions] that we also play our role in these domains, and that we are in fact part of this EU Comprehensive Approach' (Interview EP officials 08/11/2018).

Further evidence thereof is the letter sent by the Co-Chairs of the DEG (MEPs Brok and McAvan) to the HR/VP at the end of 2014, in order to announce the adoption of the CDSA. In their letter, the MEPs expressed their hope to develop good working relations with respect to implementing the CDSA, in order to 'ensur[e] our parliamentary democracy support activities are coherent and complementary to overall EU external activities' (European Parliament, 2014d). Moreover, they sent a subtle reminder that the EP had been the institution securing a dedicated budget which enabled the EEAS to set up its mediation capacity.[83] By making this reference the EP seemed to either hint at its supportive budgetary goodwill in the past or to its potential of 'democratic blackmail' in the future, a practice which implies 'linking an increase in the CFSP budget to greater parliamentary involvement' (Thym, 2008: 332).

[83] In particular, in their letter, the MEPs referred to the Parliament's amendment of the 2011 General Budget of the EU, where it was able to secure a budget of 1 million euros of financial support for the set-up of EU mediation support capacity within the EEAS (cf. OJ L68, 15/03/2011, p. 539).

7.3.1.2 The role of the EP administration and the EP Secretary General

On the political level, the strongest impetus came from the DEG, where a number of prominent MEPs have actively invested in the development of a parliamentary vision and expansion of activities in the field of parliamentary democracy support, which consistently has been supported by the EP President and the Conference of Presidents.

However, in addition to this, the role of the EP administration cannot be neglected either. Here, insights from participatory observation particularly point to the crucial role of the current EP Secretary General (SG), Klaus Welle, in promoting an administrative culture of institutional entrepreneurship.[84] In his own words, the EP SG defines the administration's mission as one of projecting the EP as a 'democratic entrepreneur' with a key focus on 'institutional innovation' (European Parliament, 2015g). Accordingly, the EP's goal should be to '[identify] opportunities to shift the distribution of power within the European system', in order to obtain further competitive advantage towards the Council, which is regarded as the EU's 'old monopolist' (ibid.). Such opportunities should equally take pace *in absence* of treaty changes, Welle argues:

> You don't have to wait until the next Treaty change to see something new happening. If you think that the distribution of power in the system can only be changed through Treaty change, then you don't use the opportunities in between. (…) This also means that the system is always available for political action. (…) It is useful to think about a constitutional reality which still offers opportunities rather than thinking about our constitutional settlement in the European Union as a rigid Treaty which would just mean limitation (…).
>
> (European Parliament, 2015g)

This vision of the SG has been thoroughly implemented through a so-called Strategic Execution Framework that serves to assess existing activities and to identify new opportunities for further institutional development. Particular administrative changes as described above should in that way be interpreted in conjunction with the SG's strategic vision. The creation of the Directorate for Democracy Support in 2011, for instance, was argued to be strongly steered by the strategic agenda of the Secretary General, who 'was personally in the driving seat of these reforms and really looked very strategically upon the whole Arab uprisings and the Western Balkans to expand the role of the Parliament' (Interview EP Official, 02/07/2018). During the discussion at the Bureau, Welle indeed argued that reforms were needed 'to increase European Parliament's impact in this area' (European Parliament, 2011a: 10). From the same perspective, the above discussed long-term strategy of the SG on *Preparing for Complexity: the European Parliament in 2025* (European Parliament, 2013o) could be seen as another instrument to

[84] The EP's Secretary General, appointed by the Bureau heads the EP administration and is responsible for all administrative and budgetary affairs, and assists the President, MEPs and the various parliamentary bodies. Klaus Welle is in office since 2009.

stimulate institutional innovation. The document indeed identified parliamentary diplomacy as a new opportunity for parliamentary action, to be developed alongside the already consolidated budgetary, legislative and oversight roles of the EP (ibid.: 94).

Finally, scrutiny of internal correspondence between DG EXPO and the SG indicates that also the creation of the EPMS was tailored to the overall long-term strategy of the SG. First, an internal letter of October 2013 shows that the EP SG had invited the leadership of DG EXPO to consider possibilities of establishing 'a focal point of support for Parliament's increasing Mediation Activities, such as the Cox-Kwasniewski mediation in Ukraine', which was further argued to be in line with his 'philosophy of innovation' (European Parliament, 2013l). Second, at the time of requesting approval for upgrading the EPMS to an administrative Unit in June 2017, the leadership of DG EXPO again underlined that 'not least because you are at the origin of if it, EPMS represents a good example of institutional innovation that is actively enhancing the reputation and impact of the Parliament externally and inter-institutionally within overall EU efforts in this field' (European Parliament, 2017a).

7.3.2 Inter-institutional responses

In parallel to the mixed institutional response within Parliament, the EP's interaction with the EU executives has similarly produced a varying outcome. On the one hand, at times of crisis mediation during the last decade, the Parliament has consistently cooperated strongly with the European Commission. The Commission thereby relied on the Parliament to overcome resource deficiencies it faced with resolving conflicts, and where Parliament could play a distinctive role by drawing on its party access and political leverage. The result has been that an ad-hoc informal cooperation framework has developed between both actors, corresponding to functionalist arrangements, the latter lowering transaction costs for the Commission in implementing foreign policy. Further corresponding to this is also the less tangible 'attitude shift' of the Commissioner towards a more joint approach towards the resolution of political crises, where the Commission acts in tandem with EP diplomacy.

In addition to developing functionalist coordination and cooperation mechanisms with the Commission, the EP has also attempted to reach out to the EEAS to seek a more permanent form of cooperation. With parliamentary actors becoming active mediators 'in the field', the EP has sought to integrate its activities within an overall EU approach, therefore seeking to establish institutional liaison with the EEAS, as the EU's main diplomatic agent. It has not only done so by developing the CDSA, but also more directly by seeking to conclude an informal agreement on information sharing and on systemic cooperation in the domain of mediation, facilitation and dialogue. However, in contrast to the seemingly

uncontroversial cooperation with the Commission services, the EEAS' response has been one of hesitation and reluctance. Three main explanations can be offered for this finding. First and foremost, this is due to the different nature of informal cooperation that the Parliament envisages. In contrast to mere ad-hoc coordination channels with the Commission, the informal agreements proposed by the EP are distributive in nature as they seek to establish a more systematic involvement of the EP in EU mediation. By doing so, the authority of the Council/EEAS over EU mediation would *de facto* be partially shared with the EP, improving the latter's control over the outcome of policies. In the light of this, both the failure to negotiate a 'mediation mechanism' and the EEAS' '*guidelines on the visits of the EP abroad*' could rather be interpreted as an indication that the EEAS is fearing and anticipating attempts of the EP to install informal distributive arrangements with regard to the use of parliamentary diplomacy in EU foreign policy.

Second, the different attitude of the EEAS also corresponds to the different institutional mentalities of the Commission and the EEAS with regard to conflict mediation. On the one hand, the Commission is widely seen as adopting a rather broad perspective to EU conflict prevention and mediation, which includes the strategic mobilisation of its development cooperation, enlargement and neighbourhood policies and instruments to tackle the root causes of crises (Keukeleire and Delreux, 2014: 145-147; Pirozzi, 2013: 21). Accordingly, conflict prevention is rather seen as a working method that is infused in all of its external activities (cf. Davis, 2018). Following such broad conception, all EU actors and instruments, including the Parliament are seen as part of what should constitute a genuine 'comprehensive approach' to external conflicts and crises.

The EEAS, on the other hand, is perceived to adopt a more narrow, i.e. CSDP-oriented and intergovernmentalist, approach to EU conflict mediation. After all, having inherited its crisis management structures from the Council General Secretariat, conflict prevention and mediation instruments have become embedded as part of the CSDP structures within the EEAS (Pirozzi, 2013: 21). In particular, a specifically dedicated Division on 'Conflict Prevention, Peace Building and Mediation Instruments (K_2)', and since 2017 as part of the EEAS' PRISM[85] Division, has come to serve as the EU node in conflict mediation, being responsible for policy development, coordination and the provision of in-house mediation training (Bergmann et al., 2018: 165). While the Division liaises with actors and policies of the Commission, Davis finds it 'appears to be more firmly subordinated to CSDP and crisis management – in other words, to short-term response rather than to long-term prevention' (Davis, 2018: 7).

[85] i.e. Prevention of conflicts, Rule of law/SSR, Integrated approach, Stabilisation and Mediation.

As a result, conflict prevention is not seen as a generic working method, but rather as 'a set of distinct activities, particularly [being] conflict analysis, early warning and mediation' (ibid.:1). As Girke explains, while 'a formal mandating procedure for mediation does not exist', it is however understood to happen 'indirectly (…) through Council decisions on EU engagement in conflict regions' (Girke, 2015: 513). Mediation is therefore seen as a tool being used by various EEAS affiliated officials acting in the fields of conflict and crisis management, such as the HR/VP, EUSRs, or the HoDs who all 'are in the "front line" of mediation activities' (Bergmann et al., 2018: 163; Niemann et al., 2018). Other non-EEAS actors and resources, such as Commission officials and Community instruments (e.g. the Instrument contributing to Stability and Peace or the African Peace Facility) can play a supportive role, yet this happens in the margins of the diplomatic lead by CFSP/CSDP-related officials. According to Pirozzi, this 'CSDP-centred mentality' reduces a comprehensive approach to conflict prevention largely to 'civil-military integration and limits it to crisis management' (2013: 8), in which there is no leading role for the Commission, let alone for Parliament, to play (see also Davis, 2018: 6).

Not unrelated, finally, are also the different preoccupations of the institutional actors involved in mediation. While within the EEAS security or stability concerns are predominant, the Commission's and especially the EP's foreign policy agenda more strongly stress normative issues such as human rights and democracy support (Bickerton, 2010: 220-221; Davis, 2018: 6; Niemann et al., 2018: 320). This also makes their focus differing from rather crisis-response to more long-term preventive diplomacy, the latter involving the Commission's development policies or the Parliament's election observation and overall democracy support activities.

7.4 Conclusion

Having studied the behaviour of the European Parliament as a diplomatic mediator since the Treaty of Lisbon in Chapter 6, this final chapter has focused on the traces that this behaviour has left behind in the form of customs, bureaucratic reforms, or codification. The results reveal that whereas the EP's diplomacy incrementally developed as a problem-solving arrangement for EU conflict mediation in the neighbourhood and enlargement region (cf. Chapter 6), the institutional effects have been *both* functional and distributive in nature. More precisely, in line with H_{1a} and H_{1b}, the functionalist pathway turns out to be valid for EP-Commission diplomacy. A more ambivalent, partially distributive, image is visible with regard to the EEAS, reflecting the more mixed, and at times strained, relationship with the EEAS during mediation episodes. Therefore, with regard to the causal mechanism that has been

proposed in Chapter 5, and which has been tested in the former and current chapter, the following five conclusions can be drawn.

First, institutionalisation occurred in a dynamic way, driven by both political *and* administrative actors. On the one hand, the EP's involvement in mediation has triggered customary, administrative and procedural reforms to cope with new demands, as is witnessed by a series of internal administrative reforms, informal coordination mechanisms with the Commission or the amendments to implementing provisions that give interpretation to the EP's Rules of Procedure. On the other, the EP's administration has not only sought to give institutional body to the organic growth of mediation activities by MEPs, but could also be seen to give further impetus to it. Particularly the role of the EP Secretary General has appeared crucial, the latter actively promoting a strategic vision on the EP as a 'democratic entrepreneur' that needs to develop new activities and roles, *inter alia* in the field of parliamentary diplomacy and mediation. It is furthermore clear that some key political opportunities served the Secretary General's agenda of developing parliamentary diplomacy and mediation activities and instruments. While the EP was not involved as a mediator during the Arab Spring, it nevertheless was invoked as a key reason to reform existing structures and create new ones in the field of parliamentary democracy support and mediation. Moreover, the involvement in the crises in Ukraine, Azerbaijan and Macedonia were crucial for creating, legitimating and further expanding the activities of the European Parliamentary Mediation Service as a specific institutional unit that has come to support and drive the EP's activities in the domain of mediation, facilitation and dialogue activities.

Second, alongside the administrative expansion of mediation and dialogue structures, a transformation process has occurred according to which parliamentary mediation is increasingly moving from an ad-hoc process based on external demands (i.e. based on appointments by the political groups or the European Commission) to an internally and institutionally-driven process by the DEG, the CoP and the EP President. Meanwhile, parliamentary dialogue and mediation is no longer only deployed as a crisis-response tool, but is becoming supplemented by more systematic and long-term *preventative* instruments such as the Jean Monnet Dialogues or the Young Political Leaders programme oriented at the prevention of political escalation in conflict-prone situations.

This leads to a third observation, which is a tendency of the EP to develop and obtain a more permanent role for itself as a niche actor in the field of diplomatic mediation, in that way seeking to become an integral part of the EU's conflict mediation architecture. The adoption of an own political mandate under the label of a *Comprehensive Democracy Support Approach* (mirroring the EU's Comprehensive Approach) by a designated political body for such activities (i.e. the DEG) is testimony to the

development an ambitious parliamentary agenda or approach in the domains of democracy support, mediation and dialogue activities. This has been further evidenced by the adoption of a series of parliamentary resolutions that highlight the importance of parliamentary mediation and dialogue as an added value for, and integral part of, EU foreign policy.

In doing so, the EP's diplomatic ventures move from mere ad-hoc involvement based on *executive demands* or deficiencies – the latter being merely based on lowering transaction costs in the implementation of EU foreign policy; to a *parliamentary driven* and more systematic involvement focused at altering the inter-institutional balance of power. In other words, the informal institutionalisation of mediation and dialogue activities of the EP does not only conform to simple functionalist arrangements, i.e. facilitating parliamentary responsiveness to executive needs, but also contains distributive elements in as far as they are intended to result in yielding more parliamentary influence over the outcome of foreign policy. The Parliament attempts to achieve this through the development of informal competences on democracy support, mediation and dialogue activities.

The crucial driving actors behind the distributive patterns of informal institutionalisation are not only the MEPs within the format of the DEG, but also the parliamentary administration itself. The strategic vision formulated and promoted by Secretary General Klaus Welle has been conducive in enabling the institutional expansion of administrative support structures of parliamentary mediation. Such vision, in short, is focused at advancing the EP's inter-institutional influence by means of innovative and informal behaviour in unchartered policy areas, rather than through formal treaty changes. With regard to parliamentary mediation, it thus seems that the role of the EP administration corresponds to what Högenauer et al. (2016: 47) have labelled as a '*steering role*', where EP officials 'without going beyond the instructions and mandate given by [their political masters,] (…) substantially influence the relevant dossier or the actual negotiations and, as such, contribute to shaping policy outcomes'; a behaviour which the authors specifically attribute to their goal of preserving the EP's position in the inter-institutional policy-making arena (ibid.: 48).

Fourth, this is however not to say that the Parliament's wishful thinking corresponds to an already obtained reality. Rather, the EP's diplomatic proliferation has generated different inter-institutional responses on the side of the EU foreign policy executives. The Parliament's diplomatic activities were most strongly developed in cooperation with the European Commission, with whom the EP progressively maintained more intense and cooperative relations at times of conflict mediation. The result has been the development of informal coordination mechanisms, particularly with regard to joint conflict mediation in the Western Balkan countries.

The relationship with the EEAS has been more competitive in nature. Irritated by the EP's handling of the 2012-2013 Ukrainian crisis and by its exclusion from the 2015-2017 Macedonian mediation efforts, the EEAS seems to have taken up a more hesitant approach towards the EP's diplomatic ambitions, and has in fact acted against any possible informal institutional arrangements that would seek to establish an implicit power transfer in favour of the EP. Both the failure to negotiate a 'mediation mechanism' with the EEAS and the latter's adoption of '*guidelines on the visits of the EP abroad*' could be interpreted as an indication that the EEAS is fearing and anticipating attempts of the EP to install informal distributive arrangements with regard to the use of parliamentary diplomacy in EU foreign policy. Besides the remote and reduced cooperation with the EEAS during times of mediation, additional explanation was offered by pointing to the more narrow, that is CSDP-oriented and intergovernmentalist approach, of the Council/EEAS to conflict mediation in which there is in principle no implementing role to play for Parliament. This in contrast to the European Commission, which maintains an all-encompassing view on conflict prevention and mediation that consists of various instruments and actors, including those of Parliament. In other words, in line with H_{1a} and H_{1b}, the functionalist pathway turns out to be valid for EP-Commission diplomacy, while a more ambivalent, partially distributive, image is visible with regard to the EEAS.

Fifth, in terms of strengths and weaknesses of the RCHI causal model, the findings on the one hand underline the model's ability to adequately capture and explain the *nature* of informal institutions and the dynamics that might shape their creation. On the other hand, the main flaw of RCHI and other RCI approaches as applied to EU informal rule creation, seems to be their grounding on unitary actor depictions of the EU's institutional actors. This might lead to obscuring their more complex and fragmented nature, which seemed particularly relevant for explaining the roots of distributive arrangements. In other words, the unitary actor assumption of RCHI does not always enable to fully grasp the more nuanced and sometimes ambivalent actor behaviour of the EU's institutional actors that shapes informal rules.

Such observation not only applies to the European Parliament, where the EP administration has come to the fore as an entity pushing for a more systematic embedding of the Parliament as a niche actor in EU mediation, compared to the more functional informal behaviour of parliamentary envoys during mediation. It also appeared to be valid for the EEAS, where parliamentary cooperation runs smoothly on the level of country desks and EU Delegations, but remains contentious and unacceptable at higher echelons.

Conclusion

> *No area of world politics has reflected a greater gap between experience and theory than diplomatic statecraft. The reason is that those who explicitly study such statecraft have not been theoretically oriented, while those who emphasize theory have not focused upon diplomacy.*
>
> (Steiner, quoted in Jönsson and Hall, 2005: 1)

From a formal point of view, the European Parliament occupies a rather peripheral role in the making of EU foreign policy. Its position is in essence limited to possessing some legislative veto rights with regard to the Union's community policies (i.e. co-decision in adopting external financial instruments, consenting to international agreements and co-adopting the EU's budget) and more limited control rights regarding the Union's CFSP and CSDP. Both the making and the execution of the EU's foreign policy appear to be largely in the hands of a so-called 'dual foreign policy executive': the Council/EEAS and the European Commission. The marginal role of the Parliament in that way stands in pale contrast with its strong empowerment in various other policy domains following the many treaty changes of the last four decades.

In this dissertation, however, I have argued that the EP paradoxically enjoys a lot of leeway in defining its own foreign policy agenda as it operates in a context of institutional independence, shaped by the separation of powers system of the European Union. Contrary to most national parliaments which operate in fused power systems, the EP is therefore not necessarily a mouthpiece of the executive. It is in fact able to define its *own* foreign policy goals, and this without a clear stick in the hands of the executive to discipline the behaviour of MEPs.

From a scholarly point of view, however, recognition for such autonomous foreign policy agency remains seriously hindered by what I have labelled to be a *parliamentarisation prism* imposed by a comparativist approach to the study of the European Parliament. Parliamentary behaviour is measured and assessed in terms of its law-making, deliberation, representation, or controlling functions, and in terms of how these activities may affect 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 response to this parliamentarisation prism, this research has therefore opted for a diplomatic, instead of a comparative politics, perspective to study the EP's diplomatic engagement. However, the field of diplomacy studies is not free of its own shortcomings either: I have argued that the nascent parliamentary diplomacy scholarship shares the same problems as the wider 'new diplomacy' literature. In essence, the field of study is rife with actor-centric and practice-oriented approaches and falls short of providing analytical frameworks to study parliamentary diplomacy in a broader political-institutional environment.

I have therefore formulated two research questions that have aimed to bring the field of study further in the light of the above mentioned shortcomings. First, I have asked *what the role of the European Parliament is as a diplomatic actor in the EU's foreign policy* (RQ_1). Second, I have investigated *how the informal institutionalisation of the EP's diplomatic practices in EU foreign policy since the Treaty of Lisbon can be explained* (RQ_2). I have approached these research questions in three steps, that is, by means of *conceptualising* the parliamentary diplomacy of the EP, by *exploring* the EP's parliamentary diplomacy, and finally, by *explaining* its incremental institutionalisation over time.

Summary of findings

The first two parts of the dissertation have aimed at setting a step towards filling some of the theoretical voids in the parliamentary diplomacy literature. I have done so by engaging in a theory-driven exercise of describing and conceptualising parliamentary diplomacy, building on insights from transnationalism. This perspective has enabled me to study the interaction between the EP and the EU's executives, in particular by conceptualising the Parliament as a multi-layered, transnational diplomatic actor. The results of this exploratory research has been the development of a conceptual language that has brought me closer to answering the first overarching research question.

Concretely, in Chapter 2, stemming from transnationalism's mixed actor paradigm, I have proposed two *modes* of parliamentary diplomacy and accompanying analytical frameworks. These two modes reflect the dilemma that is presented by transnationalism's key principle of interdependence, which in essence presents a choice between benefiting from exchange and cooperation with other actors while attempting to maintain maximal autonomy. Cooperative parliamentary diplomacy is argued to revolve around appeasing mutual resource dependencies between parliamentary and executive actors and thus results in an alliance between both actors, centred around the exchange of four type of diplomatic

resources: institutional capacity, expertise, legitimacy and access. Competitive parliamentary diplomacy, on the contrary, is characterised by autonomy and rivalry since it is argued to be instigated by a policy frustration of the Parliament with regard to the executive's foreign policy goals. It therefore results in a practice of transnational diplomatic precedent setting following a 'boomerang pattern', with the intention to bring the executive to readjust its foreign policy.

Both modes of parliamentary diplomacy have subsequently been explored in the second part of the research, by subjecting the analytical framework to empirical scrutiny in two typical case studies of competitive and cooperative parliamentary diplomacy. By means of a congruence analysis, I have in particular studied the EP's diplomatic involvement in the Ukrainian crisis (2012-2013) in Chapter 3, and the Macedonian political crisis (2015-2017) in Chapter 4. The Ukrainian case served as a case of competitive parliamentary diplomacy, where I have shown how the EP, being frustrated with the executive's foreign policy position towards Ukraine (i.e. one of diplomatic isolation), decided to develop an own diplomatic response by means of a parliamentary monitoring mission. The EP's behaviour strongly corresponded to the proposed 'boomerang pattern' of transnational diplomatic engagement, aimed at setting diplomatic precedents which have the effect of affecting and redefining the foreign policy position of the executive. Concretely, this was manifested by the Parliament incrementally 'upgrading' its two-week monitoring mission to a fully-fledged mediation mission in that way mutating into the main diplomatic intermediary between the EU and the Ukrainian government. In doing so, the EP de facto created for itself the possibility to define *and* assess the criteria on which the Council of Ministers would base its decision to sign the Association Agreement with Ukraine. However, an important side-note was made by arguing that the EP's ability to successfully project its foreign policy onto the EU executive actors was also the result of a very permissive institutional context, characterised by division and paralysis on the side of the Council, and regained confidence and support on the side of the Commission. At the same time, through its veto power on the AA, the EP's diplomatic role and redefinition of EU foreign policy went uncontested by the Council.

The EP's involvement in the mediation of the Macedonian political crisis in 2015-17 (Chapter 4) was studied as a case of cooperative parliamentary diplomacy. Here, it was shown that parliamentary diplomacy can equally crystallise as a joint legislative-executive alliance, triggered by mutual resource dependencies. Indeed, the model prescribed that such diplomatic dependencies take place with respect to four specific resources: institutional capacity, expertise, legitimacy and access. With the outbreak of the Macedonian wiretapping scandal in January 2015, it was particularly the Commission who faced strong 'access' and 'legitimacy' dependencies towards the Parliament, setting in motion a process of joint diplomatic mediation by the Commission and the European Parliament. I have shown that

throughout three different phases of the mediation, the Parliament and the Commission consistently engaged in a pattern of exchanging resources. Interestingly, when the Commission decided to no longer act in tandem, at the time of forcing through an agreement, it was again confronted with the need of leaning on the ability of the MEPs to provide the necessary legitimacy and access in order to bring all Macedonian parties to accept the terms. At the same time, however, the Parliament also showed itself as a potential liability for executive diplomacy, in which precisely the very resources of 'access' or 'legitimacy' were instrumentally used by those actors with interests running counter to those of the executive.

Having answered RQ_1, that is describing *how* the EP's parliamentary diplomacy in practice operates, the third part of this dissertation moved a step further, by uncovering the rationale behind the use of parliamentary diplomacy as a recurrent practice in EU foreign policy. In particular, RQ_2 asked how the sudden manifestation of parliamentary diplomacy in EU foreign policy since the Treaty of Lisbon can be explained, and this in a context where the treaties ascribe no such role for the Parliament.

In order to answer this question I have built further on the conceptual tools of the analytical framework presented and explored in the first two parts. In Chapter 5, I drew on institutional theory to construct a causal explanation to explain how the cooperative and competitive modes of parliamentary diplomacy may have shaped the proliferation of diplomatic mediation as a recurrent practice in EU foreign policy. Addressing the EP's informal behaviour from an institutionalist point of view, particularly that of rational-choice historical institutionalism, I have proposed a view of the EU as a political arena in which the EU's institutional branches can be considered as actors with their own aggregated interests and preferences. Recognising for the interdependence dilemma as presented above, the functionalist and distributive sub-approaches of RCHI were introduced as hypothetical causal pathways to an institutionalisation of the EP's diplomatic mediation.

The testing of the model has been applied in two parts. In Chapter 6, I have studied whether and how external conflicts have led to diplomatic mediation by the European Parliament. I identified six different 'episodes' of parliamentary mediation by the EP since the 7th European Parliament. Verifying for the presence of the causal parts that were hypothesised to underpin the functionalist and distributive causal pathways of informal institutional change, three main findings surfaced. First, the EP's diplomacy showed itself as a predominantly cooperative phenomenon, with the Ukrainian crisis (2012-2013) as an outlier. Second, the EP's involvement evolved from loose and ad-hoc coordination with the EU executive, the latter being first and foremost the European Commission, to more integrated cooperation in later conflicts. And third, learning processes were identified, as cooperative practices have

transcended over different crises and personalities. These findings were therefore in line with the proposed functionalist pathway of informal institutional change.

Chapter 7 has been focused on the outcome, where the re-occurrence of instances of EP's diplomatic mediation was expected to cumulatively lead to institutionalisation effects, either in the form of changed customs or procedures, administrative changes, or by means of codification. The findings have been less unequivocal than those obtained in Chapter 6. In general, a pattern of cooperative institutionalisation effects is confirmed as far as the relationship with the European Commission is concerned. However, this functionalist response is not clearly replicated with regard to the EEAS.

Instead of a mere functional response to the organic growth of ad-hoc mediation activities by MEPs, there has equally been a tendency from the side of Parliament to develop a more permanent role for itself. This went beyond ad-hoc engagement, to include more long term and systematic involvement in the domain of mediation, dialogue and facilitation activities. In that way, the institution appears to be willing to position itself as a niche actor in the field of EU diplomatic mediation. Further unpacking the multi-layered agency of the EP, it was shown how the EP's administration was a strong driver behind this more distributive type of rule creation. Here, the strategic vision of the EP's Secretary General, which is focused at advancing the EP as a 'democratic innovator' challenging the inter-institutional power balance has come to the fore as a key explanatory factor for such behaviour.

This is not to say that the EEAS is willingly undergoing such redrawing of the EU mediation architecture. Rather, the latter has thus far shown itself as a reluctant partner of the EP, which in turn has been explained by the actor's more narrow and CSDP-oriented approach to conflict mediation, that leaves no implementing role for the Parliament, standing in contrast with the more comprehensive approaches to conflict resolution pursued by the Commission and Parliament. However, it should also be nuanced that the EEAS' openness towards cooperation tends to depend on the level of hierarchy, with country desks and EU Delegations generally welcoming a strengthening of cooperation and an increased role for the EP, while its leadership remains suspicious and fences off initiatives thereto.

In short, the empirical findings of the third part of the dissertation confirm the functionalist pathway of informal institutional change, as far as ad-hoc cooperation with the European Commission is concerned. The more reduced cooperation with the EEAS and the observed distributive rule creation could partially be attributed to the EP's handling of the 2012-2013 Ukrainian crisis and by its exclusion from the 2015-2017 Macedonian mediation efforts. However, it also asks for additional explanation, which the current model was not able to fully account for. This will be further addressed below.

The remainder of this conclusion will reflect on the theoretical, empirical and policy implications of the above summarised findings. In so doing, it will also touch upon some potential future avenues for research.

Theoretical implications

A transnational view on non-state actor diplomacy

This dissertation contributed to the study of parliamentary diplomacy by infusing it with much-needed theoretical grounding. The newly introduced analytical framework allows for reflecting on the broader political-institutional context within which parliamentary diplomacy operates. Particularly, what stands central in the proposed theoretical paradigm is the condition of interdependence between executive and parliamentary actors with regard to fulfilling their respective foreign policy goals, which structures the nature of their relationship and the type of interaction. The theoretical approach has contributed to bringing state and non-state diplomatic actors together as actors inhabiting a single institutional context and pursuing their roles in the same external environment, producing a varying interaction. Rather than continuing the traditional mantra of transnational studies that 'transnational actors matter' as an argument against a state-centred picture of international politics (Risse-Kappen, 1997a), the theoretical framework of this dissertation may serve as a stepping stone for future studies which seek to explore how both type of actors mutually affect each other, either by enabling or constraining one another.

Another contribution of the framework is that it does not only provide a useful heuristic analytical device that may travel over cases of parliamentary diplomacy – i.e. beyond the European Parliament – but that it is equally amenable for application to other types of 'hybrid' non-state actors. For instance, it could be assumed that the foreign policy of similar hybrid non-state actors such as semi-autonomous state agencies, state-sponsored NGOs, public enterprises, or even trade unions, takes place under comparable political-institutional settings. That is, these actors could be confronted with very similar interdependence dilemmas, and as part of their foreign policy agenda develop diplomatic practices that interact with state diplomacy. On the one hand, seeing the state as an ally, it could be assumed that these various non-state actors by virtue of their particular nature have institutional, information, expertise, legitimacy and access resources on offer that leads to an exchange of diplomatic resources with executive diplomats. On the other, these actors might perceive their home government's foreign policy as being detrimental to their own goals, which could bring them to developing competitive diplomatic behaviour by means of setting diplomatic precedents.

The diplomatic-transnational perspective also faces some limitations, however. First, while the choice for such lens was motivated by the need to obtain a more exhaustive appraisal for the *diplomatic* role of the EP in foreign policy, it did come at the price of not always fully accounting for the political and partisan drivers of parliamentary diplomacy. Studying legislative-executive relations in parliamentary diplomacy has also inevitably led to an exclusive focus on those conflicts where the Parliament *was* involved, thus refraining from studying instances of non-intervention or failure. For these reasons, future research should do well in shedding more light on uncovering the enabling *and* constraining factors of parliamentary diplomacy, with answers lying in party-political approaches to parliamentary diplomacy. This would include studying more closely the internal decision-making processes within Parliament, in conjunction with assessing the role of the political groups (as well as the European party federations), the EP President, individual MEPs, and administrative actors therein. And this while linking these internal determinants to both inter-institutional and external factors.

Second, while the transnational perspective has allowed to develop a conceptual language that is able to better grasp the actor constellation between state and non-state actors in diplomacy – and thus in its operationalised form to give broader interpretation to the behaviour of the European Parliament as a diplomatic actor – it lacks explanatory purchase to pinpoint the causal determinants of such diplomatic agency. In other words, as a mere descriptive theory, it thus only provides the building blocks for further analysis, relying on additional theories of causal change to explain what drives diplomatic behaviour.

Informal institutional change in EU politics

This dissertation has therefore additionally drawn upon institutional theory, whose application to the development of the EP's diplomatic practices in EU foreign policy has provided new insights on the hand, while revealing some limitations on the other.

Theories of informal institutional change have gained strong traction within the domain of the EU's inter-institutional decision-making, and this mostly regarding so-called 'community policies' of the EU. This dissertation has opted for applying these theoretical perspectives to the less tangible sphere of *policy implementation* and the more unchartered domain of foreign policy, spanning both community *and* deeply intergovernmental policy areas. The analysis shows that also these activities and policy fields are rife with informal practices, therefore underlining the applicability and usefulness of such theoretical approach in bringing these to the fore. After all, while they might not be enforceable from a legal point of view, the importance of informal rules of behaviour can hardly be dismissed. As was shown in this research, in spite of their non-formal status, informal practices may readjust the effective distribution of power as stipulated by the treaties, while they also might help in overcoming the

shortcomings of a formal regulatory framework. Moreover, as has been demonstrated by others, the development of informal practices have crucial relevance in the light of the precedents they shape for a potential formalisation at times of inter-governmental conferences in the future (e.g. Héritier, 2007; Stacey, 2010). This is no different for the practice of parliamentary diplomacy.

The specific lens of *rational-choice historical institutionalism* has allowed me to shed light on the creation of informal rules of behaviour which might both stem from coordination and conflicts of interests between actors. Its suitability was proven by the explorative part of this research, which explored both cooperative and competitive forms of parliamentary diplomacy. The cooperative form of rule creation appeared predominant in terms of the analysis of the several episodes of parliamentary mediation, and in that way corresponds to findings of Shapovalova, who concluded that NSA participation to the implementation of EU security and defence policies largely stems from 'functional needs in terms of resources and services' prompting 'EU policy-makers [to] provide NSAs with informal access' (Shapovalova, 2016: 327). The actual institutional outcome appears more ambiguous, however, as it also contained distributive patterns of rule creation, thus stressing competing interests (particularly between the Parliament and the EEAS) that lie at the source of informal institutions. The historical institutionalist component of the theoretical model has left specific openness to account for learning effects, and for how specific behaviour might be conditioned by the anticipation of future rewards or sanctions. This has allowed me not only to see institutionalisation to take shape in the form of customs, bureaucratic changes or agreements; but also to more subtly recognise it in the way interview respondents often referred to earlier 'successful' experiences that structured future interaction, or by understanding their coming into being as part of a longer term bargaining process.

However, as with all theoretical perspectives, the choice of a specific lens also means a decision *against* alternative views, here a *sociological institutionalist* perspective. This research was therefore not able to take into account the extent to which specific norms or ideas have induced the changing behaviour of Parliament over the last decade, instead of the calculus and agency-driven explanation provided here. In other words, the increasing role of the Parliament as a diplomatic actor might as well be explained by the increasing demand or acceptance that Parliament should be involved in the full range of activities underpinning foreign policy, i.e. from formulation, scrutiny to actual implementation – it being based on arguments of democratic legitimacy. While not dismissing its potential for further completing the explanatory arguments provided in this work, I argue that such perspective would not be able to stand as a full alternative to the present explanation. First, the Parliament's involvement in its cooperative shape was mostly the direct result of executive resource dependencies, sometimes even based upon the explicit invitation of the Commission such as in Macedonia (2013-2014 & 2015-2017) or Albania

(2017). The argumentation provided was not normative in nature, but consistently framed in terms of the additional leverage or efficiency parliamentary involvement would bring. Second, while being exceptional, the case of Ukraine shows that the involvement of Parliament was mainly due to conflicting views with regard to the foreign policy stance of the EU executives, and was also enabled through the implicit threat of retaliation by means of rejecting the AA, and not by strategies of rhetorical entrapment or legitimacy arguments. In short, while arguments of democratic legitimacy may further support the overall proliferation of the EP's diplomatic practices, I argue it is insufficient to provide the dominant explanation for the rise of the EP as a diplomatic actor in EU foreign policy.

The theorised causal explanation for informal institutional change in this dissertation also allows for further reflecting upon the validity and replicability of the mechanism for explaining informal institutional change in EU governance. First, in terms of validity, as has been concluded in Chapter 7, the functionalist or problem-solving pathway of informal institutional change is clearly confirmed as far as the EP's relation with the European Commission is concerned. However, with regard to the EEAS, (attempts at) distributive rule creation have equally been observed, prompting to reconsider the mechanism's modelling on the basis of the EP's relations towards a presumed 'single' but in fact 'dual' EU executive. In other words, in light of the empirical findings, a more differentiated approach is warranted that distinguishes carefully between preferences and behaviour of the Commission and the EEAS. While I have tested the model along EP-Commission vs. EP-EEAS relations, future research should more closely focus on highlighting the different preferences of both executive actors.

Second, with regard to the replicability of the mechanism, the model could be applied to different aspects of EU diplomacy, beyond EU conflict mediation. The domain of international (multilateral) negotiations would be an interesting case for applying the model, as the EP often sends delegations to multilateral conferences without possessing any formal competence to negotiate. Biedenkopf (2015), for instance, has studied the role of EP delegations at the Conference of Parties meetings of the United Nations Framework Convention on Climate Change[86] and found that whereas MEPs are merely given observer status[87], their role cannot be reduced to information gathering or controlling the executive (i.e. the Commission or Council presidency). Instead, she found that they often participate informally to the negotiation process by meeting other parliamentarians or chief negotiators. This is not innocent, 'since international agreements will have to be ratified by parliaments in many cases', allowing such parliamentary diplomacy to have effect on the outcome of negotiations, the author argued (Biedenkopf, 2015: 100).

[86] The 2009 Conference of Parties meeting in Copenhagen was attended by no less than 72 EP representatives (Biedenkopf 2015: 99).
[87] Meaning they are not allowed to participate in official negotiations.

In such contexts, similar causal explanatory models could be constructed for the informal institutionalisation of the EP as a diplomatic negotiator, where again functionalist and distributive causal pathways of institutional change are be expected. On the one hand, the EP could seek to contribute to the Commission's or Council's negotiation objectives by directly talking with parliamentary actors of other participants to the multilateral negotiations, again embarking on specific diplomatic resources such as institutional capacity, expertise, legitimacy and access. On the other hand, dissatisfied with the goals of the Commission, the EEAS or Council Presidency, the EP could equally attempt to influence the course or outcome of negotiations through precedent setting by influencing their counterparts.

One of the weaknesses of the RCHI approach is its tendency to apply a somewhat reductionist approach to the actors under study. Concretely, RCHI, builds further on the standard unitary actor assumption of RCI, thus presuming that the EU institutional actors possess aggregated interests and preferences, and can be analysed as such. In this sense the framework might have led to an oversimplification to the extent it fails to recognise for the more complex, that is fragmented, agency that constitutes the EU's institutional actors. While such simplification has the advantage of revealing otherwise undetected aggregate behaviour that is consistent on an institutional level, it has the disadvantage of obscuring the role of sub-actors that act underneath, based on different agendas and motivations.

This shortcoming was most notably manifested when accounting for the traces of informal institutionalisation in the last chapter. What became clear was not only that the preferences and response of the EEAS tend to differ depending on the level of hierarchy, also the EP's motivation and behaviour was ambivalent with the administration mainly invested in more strategic and distributive rule creation when compared to the political level. In the light of this, the obtained findings call for further exploration and explanation by approaches that are able to recognise for the versatility of the motivations that drive actor behaviour in determining policy outcomes. Most eligible in terms of future research avenues are undoubtedly the merits of a bureaucratic politics approach. This literature, to which the current study empirically adds, focuses on the extent to which public policies are enacted and shaped by bureaucratic actors with a view of protecting and promoting their own interests. In terms of its application to foreign policy, it moreover shows how certain decisions are not made by a single actor but are affected by many players who do not solely focus on the external context, but equally on the many internal (or here: inter-institutional) challenges (Allison and Halperin, 1972; Halperin et al., 2006; Hilsman et al., 1993; for a view on the EEAS, see Morgenstern-Pomorski, 2018).

Finally, in general, this study contributes to the broadening of the foreign policy analysis scholarship. It responds to an often-made, but insufficiently addressed, claim that 'foreign policy is increasingly made in international organizations and intergovernmental and transnational governance networks, instead of national institutions like foreign ministries'. And this while the latter 'increasingly open up to, and involve, non-state actors in their policymaking procedures' (Stengel and Baumann, 2018: 266). This means that, in order to remain a relevant field of study, foreign policy analysis needs to recognise and take into account the presence of non-state actors as producers, intruders or consumers of foreign policy.

Empirical implications

On empirical level, the findings of this PhD research challenge the conventional understanding of the role of the European Parliament in the EU's foreign policy. By rejecting a prism of parliamentarisation, this thesis maintained an explicit focus on the diplomatic behaviour of the Parliament. Such perspective helped in showing that the Parliament is not only a bystander to foreign conflicts, but has in fact become an active participant in their mediation during the course of the last decade. The detailed case-studies in Chapters 3 and 4, as well as the overview in Chapter 6, have in that regard provided for the first time an encompassing and detailed mapping of the EP's diplomatic activities since the Treaty of Lisbon. The most prominent implication that emanates from this is that the EP can act as a crucial 'niche player' in the mediation of external conflicts, particularly those of a partisan nature in the EU neighbourhood and enlargement region.

More fundamentally, the EP's diplomacy also challenges the traditionally assumed role division between the parliamentary and executive branches of government. In particular, it puts into question the executive prerogative on the implementation of policies, by blurring the lines between parliamentary control over, and executive implementation of, foreign policy. In this respect, Ben Crum has pointed earlier to an ongoing 'shift of the point of political gravity from legislation to execution or administration' as a broader trend that requires parliaments to reassess their role vis-à-vis the executive (Crum, 2005: 456). As a result, he contends, much of parliamentary activity has been reoriented towards controlling the government in its execution of policies to compensate for the loss of legislative impact on constraining executive behaviour. This shift is also recognised by EP Secretary General Klaus Welle who argues '(…) the European Parliament has to change its business model' since the EU is 'moving from a legislative machine into the provision of complementary executive capacity' (European Parliament, 2016g: 13). Given the particularly complex puzzle that parliamentary control on EU foreign policy brings, with competences both located on intergovernmental and supranational levels while

being enacted by different institutional actors, one could see parliamentary diplomacy as an innovative way to overcome the limited parliamentary influence on these policies. It is precisely on these grounds that the Secretary General has justified the development of parliamentary diplomacy as a supplementary activity, in addition to the Parliament's budgetary, legislative and oversight roles (European Parliament, 2013o: 94).

While this work has underlined how the Parliament can be a useful addition to the EU's foreign policy, it has not restrained from identifying its potential drawbacks either. On the one hand, I have illustrated at multiple occasions how the European Parliament, in the mediation of external crises, can be of crucial value for executive diplomats in obtaining legitimacy, providing access to (and leverage over) relevant counterparts, delivering specific expertise and contributing institutional capacity. In that way, parliamentary diplomats have shown to be instrumental to, if not crucial for, securing political agreements aimed at settling conflicts. On the other hand, some events reveal that parliamentary diplomacy could also negatively impact on executive diplomacy or should not simply be seen as a 'force of the good'. In Ukraine (Chapter 3), the EEAS found the EP's fixation on the release of former PM Tymoshenko detrimental to the overall objective of securing the Association Agreement. In Macedonia (Chapter 4) the EPP's ambivalent attitude towards the associated incumbent regime party was argued to negatively impact on the implementation of the Pržino agreements. While in Azerbaijan (Section 6.5 in Chapter 6), the EP's unrestrained public condemnation of human rights violations threatened the conclusion of a Strategic Partnership Agreement. At the same time, these observations could also be nuanced. In Ukraine, not only the EP, but also the Commission and some EU member states were insisting on a solution for Tymoshenko. In Macedonia, the 'problematic' ties between the EPP and its Macedonian counterpart went beyond EP actors as such, and also included Commissioner Hahn or EU member state actors. And in Azerbaijan, the EP's role as 'bad cop' was also argued to be a welcome distraction for the EEAS in negotiating with its Azerbaijani counterparts.

By conceptually breaking down the EP as a monolithic actor into its many sub-layers that together drive the EP's transnational agency, I have been able to discern the specific roles of EP actors, filling a gap in the current literature. First and foremost, these are the parliamentary envoys who act in the 'frontline' of EP diplomacy. Their involvement appears to be based on three recurrent selection criteria of ideological affiliation (yielding influence over counterparts), expertise (often being country rapporteurs) and neutrality (resulting in balanced, two or three headed, 'multi-party' delegations). Second is the important role of the EP leadership, being the EP President and the Conference of Presidents. In Chapter 3, it was particularly shown how the EP President may play an important role in shaping the EP's diplomacy, while equally using it as a tool of prestige to enhance his own visibility.

Bringing together the leadership of the EP political groups, the Conference of Presidents concentrates the true locus of power in the EP's diplomacy. The body effectively acts as the gatekeeper of the EP's institutional diplomacy, approving all proposals on parliamentary mediation while watching over their mandate. Third, in all empirical chapters the European party federations came to the fore as an essential component of the triangular link between the EP political groups and the national political parties. As umbrella organisations, European party federations provide MEPs the channels for leveraging their power in EU policies (enlargement, neighbourhood, association, trade, budget, …) over their peers in third countries. Lastly, the final chapter has shed light on the important role of the EP Secretary General and his administration. As the machinery operating in the background, the EP Secretariat General not only provides in-house capacity and intelligence on parliamentary mediation, but also appears to be a crucial actor in developing a more long-term strategic vision and permanent presence of the Parliament in the field of mediation and dialogue activities.

In addition to the parliamentary diplomacy literature, the findings of this research bear empirical relevance to at least four related literature fields. First and foremost, it widens the scholarship on the *EP as an actor in EU foreign policy*. It conforms to those studies who see foreign policy as a domain where the Parliament seeks to 'carve out a distinctive role for itself' and where its innovative and assertive behaviour is, at least in part, a product of inter-institutional appeasement or bargaining (Bickerton, 2011: 69) (cf. Costa and Brack, 2013; Crum, 2006, 2012; Herranz-Surrallés, 2011; Monar, 2010; Piening, 1997; Raube, 2012; Redei, 2013; Riddervold and Rosén, 2016; Rosén, 2015b; Stavridis and Irrera, 2015; Zanon, 2005). The findings of this research are remarkably close in line with those of Zanon who found that, despite viewing the Council as the main actor withholding it an increased say in foreign policy, 'the European Parliament has proved reluctant to enter into clear opposition with the Council, always preferring to adopt a constructive rather than a competitive approach (…)' (Zanon, 2005: 118)[88]. A decade and half later, a similar attitude seems to prevail with regard to the EP's diplomatic behaviour. A possible ground for explanation may stem from the fact that member states retain the final say in any future treaty revision, as well as from a preoccupation to preserve coherence in the EU's external action (ibid.). The fact that the EP's diplomatic powers remain legally unrecognised, might urge the EP to employ its self-proclaimed powers more cautiously and constructively, when compared to its more assertive use of recognised foreign policy powers such as its consent or budgetary competences (Monar, 2010; Ripoll Servent, 2014; Thym, 2009).

[88] The Ukrainian case of 2012-2013 thus featuring as an important exception to this.

Second, *informal governance in EU foreign policy* has already been studied in multiple ways. This includes identifying the diversity and multitude of dispersed institutional actors and substructures that take part in it (Justaert and Keukeleire, 2012), recognising for the informal division of labour between various EU actors in foreign policy making (Delreux and Keukeleire, 2017) or studying the reliance on NSAs as implementing actors in the EU's foreign policy (Shapovalova, 2016). This study adds to this the important role of the EP as a direct participant in EU foreign policy, which thus far remained under the radar. It subscribes to the observation made by Justaert and Keukeleire (2012: 441) that the study of informal practices and particularly the involvement of non-state actors therein is 'an underestimated element in the EU foreign policy research'. It therefore calls for further empirical studies that complete our understanding of *how* EU foreign policy is implemented in practice.

Third, with regard to the literature on *EU conflict resolution and mediation*, this research underlines the need to broaden the focus from a narrow understanding of EU conflict mediation, which is essentially restricted to EEAS-related structures, being the High Representative, EU Special Representatives and EU Delegations (e.g. Ginsberg and Penska, 2012; Plank and Niemann, 2017; Whitman and Wolff, 2012). Instead, the empirical findings of this work provide further proof to those studies that argue EU mediation also extends to actors and instruments from the European Commission (e.g. Bergmann et al., 2018; Davis, 2018; Niemann et al., 2018) and, as demonstrated here, from the European Parliament.

Fourth, the empirical findings of part three of the dissertation also add further insight to the literature on the behaviour of the *administrative actors within the European Parliament* (Dobbels and Neuhold, 2013; Egeberg et al., 2013; Högenauer et al., 2016; Neuhold and Dobbels, 2015; Neuhold and Radulova, 2006; Winzen, 2011), whose role remains obscured by the dominant focus on the decision-making at political level and the overall role of the EP in EU decision-making processes. After all, what this research has clearly demonstrated is that the role of administrative officials of the EP may go beyond technical aspects with an impact on final policy outcomes; and this with an intention to advance the EP's inter-institutional position (Högenauer et al., 2016: 47-48).

Policy implications

To conclude, the findings of the dissertation allow to briefly touch upon some potential implications for policy. First, a reflection on the specific role of the EP in the EU's enlargement and neighbourhood policies is warranted. Over the past two decades, both policies have often been criticised for their overly hierarchical or top-down design. Among other things, it has been argued that the policies' methodology of conditionality-based rule transfer does not always welcome, or simply does not allow for, national

debates or contestation. Such unilateral approach in that way carries the risk of foreclosing public debates over desirable policies, of constraining party competition, and even of exacerbating inter-party conflicts and polarisation (e.g. Grzymalała-Busse and Innes, 2003; Mair, 2000; Richter, 2012; Vachudova, 2008). In other words, they entail the risk of producing unintended effects that may impede the transformation of these countries into genuine parliamentary democracies.

Against this backdrop, a renewed attention for the important *parliamentary dimension* of both policies seems welcome, going beyond the role of inter-parliamentary networks or assemblies, and to which the findings of this research shed additional light. As discussed above, this work has underlined the particularly relevant role of the Parliament in the mediation of government-opposition crises in both regions. However, the EP's role should not be reduced to a mere curative crisis response tool at times of inter-party conflicts and boycotts. Unlocking its full potential would mean to more consistently integrate instruments of long-term *preventative* parliamentary diplomacy into the EU's neighbourhood and enlargement toolbox. Particularly the development of instruments such as the Jean-Monnet Dialogues or the Young Political Leaders Programme focus on such crisis prevention, by nurturing political and inter-party cooperation and dialogue, in that way contributing to developing resilient parliamentary democracies. In doing so, these activities fill a gap that both enlargement and neighbourhood policies leave untouched by directing their agenda of policy reform almost exclusively towards the executive branch of government.

Second, while the informal behaviour of the EP's diplomacy has stood central in this dissertation, the very *legality* of its actions remained somewhat an elephant in the room. After all, as Art. 13(2) the Treaty on the European Union reads '[e]ach institution shall act within the limits of the powers conferred on it in the Treaties, and in conformity with the procedures, conditions and objectives set out in them'. Thus, while the EP's proliferation as a diplomatic actor has dramatically developed throughout the last decade, it stands in sharp contrast with a lacking legal framework that would support, delimit and regulate these activities. For as long its actions constitute *political* and no legal acts, it is not possible – neither is it democratically desirable – to legally restrain or sanction the Parliament's international agency. The more interesting question therefore is what the effects of this behaviour are for the Union's unity of action on the international scene. After all, given that the Treaties do not recognise the Parliament as an actor representing the Union internationally, treaty stipulations regarding the consistency of the EU's external relations do not apply to Parliament.[89] In her doctoral research, Cadilhac (2017) maintains a rather critical view on this very aspect, arguing that the EP's diplomatic

[89] These are Arts. 16(6), 18(4), 21(3) and 26(2) of the TEU.

assertion is in that way hindering the EU's unity and coherence of action, therefore requiring the adoption of a solid legal framework.

However, prudence is warranted when fully codifying and formalising the EP's diplomacy, as precisely its informal status enables it to establish a degree of confidentiality, trust and flexibility – thereby differentiating itself from executive diplomacy. In this sense, an alternative way to ensure consistency is to formulate a strategic vision on the coherent use of the EP's diplomacy through the adoption of political, instead of legal, documents. From the side of Parliament, the adoption of the CDSA or the revision of the implementing provisions on the DEG are in that sense steps in the right direction. Yet, on the inter-institutional level, the collapsed mediation mechanism between the EP and the EEAS, as well as the adoption of both the *Comprehensive Approach to External Conflict and Crises* (European Commission and HR/VP, 2013) and the *Integrated Approach to Conflicts* within the EU's Global Strategy (HR/VP, 2016) *without* any reference to the EP, are missed opportunities from the side of the EEAS to pay recognition to the role of the EP in conflict prevention and resolution, while ensuring a coherent use of its instruments in line with its own views.

Third, in addition to the issue of legality, also questions of *legitimacy* appear. While this dissertation has shown how parliamentary diplomacy is often able to provide much-needed external legitimacy for the Union's diplomacy, its repercussions for the internal legitimacy of EU foreign policy are less clear-cut. On the one hand, the participation of the EP in foreign policy implementation could be seen as enhancing its democratic legitimacy, since foreign policy is directly brought into the hands of the representatives of the citizen. On the other hand, the informality of such behaviour at the same time generates important objections, *equally* from the viewpoint of democratic legitimacy. First, the legitimacy of informal institutions such as parliamentary diplomacy could be questioned as their creation and encompassing power transfers have never been democratically decided upon. Second, as Christiansen et al. (2003: 13), argue, informal processes also lack accountability, as they are not subjected to the democratic scrutiny of formal policies. Especially with regard to the EP this is highly problematic: when the institution that is tasked to scrutinise and control the executive in the implementation of policies partakes *itself* in the implementation of foreign policy, the pressing question arises *who is scrutinising the scrutinisers*? While financial accountability is exercised through the EP's internal discharge procedure, as well as externally by the European Court of Auditors, measures to ensure political accountability are currently lacking. The latter remains at the discretion of relevant parliamentary bodies such as the Foreign Affairs Committee, the DEG, and the Conference of Presidents in which the Parliament is both judge and party.

Final remarks

Twenty years ago, Viola asked 'whether the European Parliament is likely to become a real international actor or whether, conversely, it is likely to remain a "voice of conscience" and "dissent" for the European Union and member state policies' (1999: 2). With this question, the author alluded to a perpetual dilemma that confronts the EP, which is one of deepening democracy by embracing a plurality and diversity of opinions, versus furthering European integration by displaying a unity of views.

Today, this difficult balancing act remains relevant for the EP's behaviour in EU foreign policy. On the one hand, the understanding that 'politics stops at the water's edge' becomes increasingly contested (cf. Wagner et al., 2017; Wagner et al., 2018), if it even has ever been that way for the European Parliament (Raunio and Wagner, 2017). This brings parliamentarians to increasingly politicise, and thus diverge over, foreign policy issues. On the other hand, considerable cross-party consensus to develop a coherent and consistent parliamentary position, still counts as an important condition to harvest inter-institutional bargaining weight for 'advancing the EP's stature and power' (Ladrech, 1996: 295; cf. Bickerton, 2011; Di Paola, 2003: 80; Rittberger, 2003: 70; 2012).

This trade-off therefore also weighs upon the diplomatic action of the EP. Throughout the last decade, the development of parliamentary capacity in the field of diplomatic mediation has benefited from strong support of the former and current EP Presidents, the leading role of individual MEPs, as well as from cross-party support within the Conference of Presidents. In addition, a likeminded Secretary General, has further encouraged the EP administration to follow suit. For the EP's diplomacy to further develop and expand, however, it remains highly dependent upon such permissive consensus. The more the EP's position-taking in foreign policy matters gets politicised and contested, the more difficult it will become to easily agree on how, where and when to intervene in the name of the European Parliament. With a more fragmented party landscape being likely for the 9th European Parliament, parliamentary support activities such as mediation and dialogue might no longer be able to count on receiving a similar amount of internal consensus.

At the same time, precisely the multi-party composition of parliamentary mediation delegations could be seen as an important factor lowering the presumed cost of narrowing debate and contestation. Indeed, by granting cross-party ownership to the political groups, parliamentary diplomacy allows for recognising a diversity of views on the causes and solutions for external conflicts, while offering the right instruments on how to reconcile these.

Moreover, while the above raised remarks of legality and legitimacy are important to ensure a coherent and sound conduct of EP diplomacy, they should not detract from the more important observation that through the last decade the Parliament has been able to play a crucial role in resolving some of the political crises and conflicts in the EU's direct neighbourhood. With democracy being in retreat, both globally as well as within the EU, developing strong and resilient parliaments should be a key goal in the Union's foreign policy. Above all, the most important conclusion of this dissertation should therefore be that – as noted in the introduction – parliamentary diplomacy might mean something more than simply 'taking stock' or 'shaking hands'. It also *should* be more. It involves making full use of the Parliament's internal resources in its external policies in order to promote strong and resilient parliamentary institutions abroad, in that way contributing to establish a genuine parliamentary dimension of international relations.

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Appendix 1. List of interviews

	Function	Date	Location
1	EP Official, DG EXPO	15/01/2015	Strasbourg, European Parliament
2	EP Official, DG EXPO	19/05/2015	Brussels, European Parliament
3	EP Official, DG EXPO	05/06/2015	Brussels, European Parliament
4	EP Official, DG EXPO	24/09/2015	Brussels, European Parliament
5	EP Official, Cabinet of EP President Schulz	29/09/2015	Brussels, European Parliament
6	EEAS Official, General Affairs Directorate, inter-institutional relations	30/09/2015	Brussels, EEAS
7	Member of European Parliament	30/09/2015	Brussels, European Parliament
8	Foreign Affairs advisor of an EP political group	01/10/2015	Brussels
9	Assistant to Member of European Parliament	02/10/2015	Brussels, European Parliament
10	Foreign Affairs advisor of an EP political group	02/10/2015	Brussels, European Parliament
11	EP Official, DG EXPO	07/10/2015	Brussels, European Parliament
12	Foreign Affairs advisor of an EP political group	9/10/2015	Brussels, European Parliament
13	Member of European Parliament	13/10/2016	*via email exchanges*
14	EP Official, DG EXPO	12/11/2015	Brussels, European Parliament
15	National Diplomat	27/11/2015	Brussels
16	National Diplomat & former EEAS official, General Affairs Directorate, inter-institutional relations	14/12/2015	Brussels
17	EEAS Official, Directorate General Affairs, inter-institutional relations	02/02/2016	Brussels
18	Official, General-Secretariat of the Council of the EU, DG 2 - Interinstitutional Relations	16/02/2016	Brussels, Council of the EU
19	Official, General-Secretariat of the Council of the EU, DG 2 - Interinstitutional Relations	16/02/2016	Brussels, Council of the EU
20	Assistant to Member of European Parliament	02/09/2016	Brussels, European Parliament
21	EP Official, DG EXPO (*)	08/09/2016	Brussels, European Parliament
22	EP Official, DG EXPO (*)	09/09/2016	Brussels, European Parliament

23	Assistant to Member of European Parliament	14/09/2016	Brussels, European Parliament
24	Assistant to Member of European Parliament	26/09/2016	Brussels, European Parliament
25	Official from the Cabinet of the President of the European Council	26/09/2016	Leuven
26	EU-contracted official, EU Delegation Skopje	27/09/2016	Brussels
27	European Commission Official, DG NEAR	28/09/2016	Brussels, European Commission
28	EEAS Official, Head of Division	05/10/2016	Brussels, EEAS
29	European Commission Official, Cabinet of Commissioner for European Neighbourhood and Enlargement Negotiations	06/10/2016	Brussels, European Commission
30	European Commission Official, Cabinet of Commissioner for European Neighbourhood and Enlargement Negotiations	20/10/2016	Brussels, European Commission
31	European Commission Official, Cabinet of Commissioner for European Neighbourhood and Enlargement Negotiations	25/10/2016	Prague, Czech Republic
32	Former EU Head of Delegation	28/10/2016	Brussels
33	EU-contracted Official, EU Delegation Skopje	08/11/2016	Skopje, Macedonia
34	Expert EU-Macedonian relations, South-East European University of Tetovo, Skopje	09/11/2016	Skopje, Macedonia
35	Advisor Political and Economic Affairs, EU Member State Embassy to Macedonia	09/11/2016	Skopje, Macedonia
36	EU Member State Ambassador to Macedonia	14/11/2016	Skopje, Macedonia
37	President of a Macedonian political party	15/11/2016	Tetovo, Macedonia
38	Vice-President of a Macedonian political party	15/11/2016	Skopje, Macedonia
39	Diplomat, US Embassy Skopje	16/11/2016	Skopje, Macedonia
40	Diplomat, EU Delegation to Macedonia	16/11/2016	Skopje, Macedonia
41	Diplomat, EU Member State Embassy to Skopje	17/11/2016	Skopje, Macedonia
42	Diplomat, EU Delegation to Macedonia	18/11/2016	Podgorica, Montenegro
43	NGO Official, Macedonia	21/11/2016	Skopje, Macedonia
44	Government official, Macedonia	22/11/2016	Skopje, Macedonia
45	OSCE Official, Macedonia	22/11/2016	Skopje, Macedonia
46	NGO Official, Macedonia	23/11/2016	Skopje, Macedonia

47	Government official, Macedonia	26/11/2016	Skopje, Macedonia
48	NGO Official, Macedonia	26/11/2016	Skopje, Macedonia
49	Member of European Parliament	10/07/2017	Brussels, European Parliament
50	EP Official, Legal Service	22/12/2017	Brussels, European Parliament
51	EP Official, DG EXPO (*)	2/07/2018	Brussels, European Parliament
52	European Commission Official, DG NEAR	22/08/2018	Brussels, European Commission
53	EEAS Official, Directorate Western Europe and Western Balkans	31/08/2018	Brussels, EEAS
54	Assistant to Member of European Parliament	07/11/2018	Brussels, European Parliament
55	2 EP Officials, DG EXPO	08/11/2018	Brussels, European Parliament
56	EP Official, DG EXPO	12/11/2018	Brussels, European Parliament
57	EP Official, DG EXPO (*)	29/11/2018	Brussels, European Parliament
58	EEAS Official, Head of Unit	29/11/2018	Brussels, EEAS
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Appendix 4. Number of news sources scrutinised per case/episode

Country/subject	Case-study	Episode	No.
Albania 2010		X	33
Ukraine 2012-2013	X	X	76
Macedonia 2012-2013		X	9
Albania 2014		X	18
Azerbaijan 2014-2015		X	15
Macedonia 2015-2017	X	X	78
Albania 2017		X	39
		Total:	268

Appendix 5. European Party Federations: associated parties in EU neighbourhood and enlargement region

	European People's Party (EPP)	**Party of European Socialists (PES)**	**Alliance for Liberals and Democrats in Europe (ALDE)**	**Alliance of Conservatives and Reformists in Europe**	**European Green Party**	**Party of the European Left**	**European Free Alliance**
Presence in European Parliament	EPP Group	Group of the Progressive Alliance of Socialists and Democrats	ALDE Group	ECR Group	Greens/EFA Group	GUE/NGL Group	Greens/EFA Group
Albania	Partia Demokratike e Shqipërisë (PDSH)†	Partia Socialiste e Shqipërisë (PS)†	Armenian National Congress$^{\Omega}$	Republican Party of Albania	Green Party of Albania$^{\Omega}$	/	/
Armenia	Republican Party of Armenia (REP P)* Heritage Party Armenia (HER)*	Armenian Revolutionary Federation*	/	Prosperous Armenia	/	/	/
Azerbaijan	/	/	Musavat Party†	Popular Front Party of Whole Azerbaijan	Green Party of Azerbaijan†	/	Democratic Party of Artsakh†
Belarus	United Civic Party of Belarus (UCP)* Belarusian Christian Democracy (BCD)*	/	Party of Freedom and Progress†	BPF Party	Belarusian Party "The Greens"†	/	/
Bosnia and Herzegovina	Stranka Demokratske Akcije (SDA)* Croatian Democratic Union of Bosnia and Herzegovina (HDZ)* HDZ 1990* Partija Demokratskog Progresa (PDP)*	Socijaldemokratska Partija Bosne i Hercegovine (SDP BiH)†	Liberalno Domkratska Stranka† Nasa Stranka†	/	/	/	/
Egypt	/	Egyptian Social Democratic Party*	/	/	/	/	/
Georgia	United National Movement (UNM)* European Georgia - Movement for Liberty*	Georgian Dream*	Free Democrats† Republican Party of Georgia$^{\Omega}$	Conservative Party	Green Party of Georgia$^{\Omega}$	/	/
Kosovo	Democratic League of	/	Aleanca Kosova e Re$^{\Omega}$	Democratic Party of Kosovo	/	/	/

	Kosovo (LDK)[*]		Partia Liberale e Kosoves[†]				
Lebanon	Lebanese Forces[Δ] Lebanese Kataeb Party[Δ]	/	/	/	/	/	/
Macedonia	Internal Macedonian Revolutionary Organization - Democratic Party for Macedonian National Unity (VMRO-DPMNE)[†]	Socijaldemokratski Sojuz na Makedonija (SDSM)[†]	Liberal Democratic Party[Ω]	VMRO People's Party	Democratic Renewal of Macedonia[⊙]		/
Moldova	Partidul Liberal Democrat Din Moldova (PLDM)[*] Party of Action and Solidarity[*] Platforma Demnitate și Adevăr / Platforma DA[*]	Partidul democrat din Moldova[†]	Partidul Liberal[Ω]	Șor Party	/	/	/
Morocco	/	Socialist Union of Popular Forces[*]	/	/	/	/	/
Montenegro	/	Demokratska Partija Socijalista Crne Gore (DPS)[†] Socijaldemokratska Partija Crne Gore (SDP)[†]	The Liberal Party of Montenegro[†]	Movement For Changes	/	/	/
Palestine	/	Fatah[*]	/	/	/	/	/
Serbia	Alliance of Hungarians in Vojvodina[†] Serbian Progressive Party (SNS)[†]		Liberalno Demokratska Partija[†]	/	/	/	League of Social Democrats of Vojvodina[†]
Tunisia	/	Forum Démocratique pour le Travail et les Libertés[*]	/	Afek Tounes	/	/	/
Turkey	/	Cumhuriyet Halk Partisi - Republican People's Party[†] Halklarin Demokratik Partisi (HDP)[†]	/	/	Green Left Party[⊙]	Freedom and Solidarity Party	/
Ukraine	Batkivshcyna - Motherland Party (BATK)[*] Ukrainian Democratic Alliance for Reforms (UDAR)[*]	/	Civic Position[Ω] European Party of Ukraine[Ω]	/	Party of Greens of Ukraine[Ω]	/	/

(Ω) Full member; (†) Associated Member Party; (*) Observer Member Party; (Δ) Partner; (⊙) Candidate member. Own compilation, based on information retrieved from the websites of the European party federations (situation on 26/12/2018).

Summary

Throughout the last decade, the European Parliament profiled itself as a diplomatic player during several conflicts in the EU's backyard, suggesting that it is not only shaping the EU's foreign policy from within its hemicycle, but also increasingly manifests itself as a foreign policy actor on the ground. This diplomatic role of the EP remains an understudied and insufficiently comprehended phenomenon, however, therefore forming the object of enquiry in this doctoral research.

Within scholarly analysis, recognition for the Parliament's diplomatic agency remains strongly hindered by a parliamentarisation prism, imposed by a comparativist approach. Such view ascribes a peripheral role to the Parliament in the making of EU foreign policy, as it is in essence limited to understanding how it may influence the executive through making use of its legislative veto rights in the Union's community policies on the one hand, and its control rights for the CFSP and the CSDP on the other.

In response to this, this dissertation opts for a diplomatic perspective. Seeking to better grasp the diplomatic role of the European Parliament, two main questions are formulated. First, what is the role of the European Parliament as a diplomatic actor in the EU's foreign policy? Second, how can one explain the informal institutionalisation of the EP's diplomatic practices in EU foreign policy, since the Treaty of Lisbon? In addressing both questions, the research proceeds in three consecutive steps, that is, by *conceptualising* the parliamentary diplomacy of the EP, by *exploring* the EP's parliamentary diplomacy, and finally, by *explaining* its incremental institutionalisation over time.

The first part of the dissertation (Chapters 1 and 2) fills some of the theoretical voids in the parliamentary diplomacy literature. It seeks to overcome the actor-centric and practice-oriented approaches, which fall short of providing analytical frameworks to study parliamentary diplomacy in a broader political-institutional environment. Building on insights from transnationalism, the dissertation conceptualises the EP as a multi-layered, transnational diplomatic actor and proposes two *modes* of parliamentary diplomacy (i.e. cooperative and competitive) and accompanying analytical frameworks to study the interaction between the EP and the EU's dual executive.

Both modes of parliamentary diplomacy are subsequently explored in the second part of the research, by applying the analytical framework to two typical case studies of competitive and cooperative parliamentary diplomacy. By means of a congruence analysis, Chapters 3 and 4 study the EP's diplomatic involvement in the Ukrainian crisis (2012-2013), and the Macedonian political crisis (2015-2017).

The third part (Chapters 5, 6 and 7) of this dissertation moves a step further by uncovering the rationale behind the use of parliamentary diplomacy as a recurrent practice in EU foreign policy. In particular, it asks how the sudden manifestation of parliamentary diplomacy since the Treaty of Lisbon can be explained, and this in a context where the treaties ascribe no such role for the Parliament. Building further on the findings of the first two parts, institutional theory is invoked in Chapter 5 to construct a causal explanation for how cooperative and competitive modes of parliamentary diplomacy may shape the proliferation of diplomatic practices in EU foreign policy.

Addressing the EP's informal behaviour through a rational-choice historical institutionalist lens, a causal model consisting of functionalist (i.e. problem-solving) and distributive (power-assertive) pathways to institutionalisation is designed. The testing of the model, by means of process-tracing analysis, has been applied in two parts. In Chapter 6, seven different 'episodes' of parliamentary mediation by the EP since the 7th European Parliament are analysed, with observations being mainly in line with the proposed functionalist pathway of institutional change. Chapter 7 focuses on the outcome, i.e. the institutionalisation effects both within the Parliament as well as between the Parliament and the EU's dual foreign policy executive. The findings are less unequivocal than those obtained in Chapter 6, showing both functionalist and distributive patterns of rule creation. The findings highlight that while the Commission strongly collaborates with Parliament, the EEAS maintains a rather lukewarm approach towards the incremental proliferation of the Parliament as a niche player in EU mediation.

By uncovering and analysing its diplomatic agency, this dissertation challenges the conventional understanding of the role of the EP in the EU's foreign policy. Breaking down the EP as a monolithic actor into its many sub-layers, it sheds light on how the EP's diplomacy is shaped by a variety of actors such as the MEPs, the EP President and the Conference of Presidents, the Secretariat General, the political groups, and European party federations. On theoretical level, the research not only contributes to theorising the interrelationship between state and non-state diplomatic actors, it also widens the literature on informal institutional change in EU integration by shifting from a focus on inter-institutional policy-making to the domain of foreign policy implementation.

Overall, this research underlines the added value of parliamentary diplomacy as useful complement to executive diplomacy. At the same time, it does not refrain from touching upon more critical questions with regard to its legitimacy and legality. In that regard, it recommends working towards an inter-institutional consensus on the use of parliamentary diplomacy in order to ensure the coherence of the EU's external action.

Samenvatting

Gedurende het laatste decennium profileerde het Europees Parlement zich als een diplomatieke actor in verscheidene conflicten in de achtertuin van de Europese Unie. Dit suggereert dat het Parlement niet enkel vormgeeft aan het EU buitenlands beleid vanuit zijn halfrond, maar dat het zich in toenemende mate ook manifesteert als een diplomatieke speler. Deze diplomatieke rol van het EP blijft tot op heden echter onderbelicht en maakt daarom voorwerp uit van dit doctoraatsonderzoek.

In de wetenschappelijke literatuur wordt erkenning voor het diplomatieke optreden van het EP verhinderd door een zogenaamd *parlementariseringsperspectief*, opgelegd door het paradigma van de vergelijkende politiek. Een dergelijke conceptie schrijft een perifere rol toe aan het Parlement in de totstandkoming van het buitenlands beleid van de EU. Het perspectief wordt in essentie beperkt tot het in kaart brengen van de parlementaire invloed op het buitenlandbeleid van de executieve, d.m.v. wetgevende vetorechten in het communautaire beleid van de Unie, en controlebevoegdheden in het GBVB en het GDVB anderzijds.

Om hieraan tegemoet te komen, opteert dit onderzoek voor een diplomatiek perspectief. Met het oog de diplomatieke rol van het EP beter te vatten, worden twee vragen gesteld. Ten eerste, wat is de rol van het Europees Parlement als diplomatieke actor in het buitenlands beleid van de EU? En ten tweede, hoe kan men de informele institutionalisering van het diplomatiek optreden van het Parlement verklaren sinds het Lissabonverdrag? Om hierop antwoord te bieden, volgt het onderzoek drie opeenvolgende stappen; meer bepaald het *conceptualiseren*, het *verkennen* en het *verklaren* van de parlementaire diplomatie van het EP.

Het eerste deel van deze thesis (Hoofdstukken 1 en 2) vult enkele theoretische leemten op in de huidige literatuur omtrent parlementaire diplomatie. Zodoende tracht het tegemoet te komen aan de heersende actorcentrische en praktijkgerichte benaderingen die het analytisch vermogen missen om parlementaire diplomatie in een breder politiek-institutioneel kader te bestuderen. Verder bouwend op de inzichten van het transnationalisme conceptualiseert dit onderzoek het EP als een meerledige, transnationale diplomatieke actor. Het introduceert twee modi van parlementaire diplomatie (coöperatief en competitief) en een bijhorend analytisch kader om de interactie tussen het EP en de duale executieve van de EU in beeld te brengen.

Beide modi van parlementaire diplomatie worden in het tweede deel van het onderzoek verkend, door hun analytische kaders toe te passen op twee typische casestudies van competitieve en coöperatieve parlementaire diplomatie. Door middel van een congruentieanalyse bestuderen Hoofdstukken 3 en 4

het diplomatieke optreden van het EP in de Oekraïense crisis (2012-2013) en de Macedonische politieke crisis (2015-2017).

In het derde deel (Hoofdstukken 5, 6 en 7) van de thesis worden de beweegredenen achter het gebruik van parlementaire diplomatie in het buitenlands beleid van de EU ontrafeld. Meer bepaald wordt er onderzocht hoe de plotse manifestatie van dit fenomeen sinds het Lissabonverdrag verklaard kan worden, en dit in een context waarin de EU-Verdragen geen dergelijke rol toeschrijven aan het EP. Voortbouwend op inzichten uit de eerste twee delen van het onderzoek wordt institutionele theorie aangewend om een causale verklaring te construeren.

Aan de hand van *rational-choice historical institutionalism* wordt een causaal model ontworpen, bestaande uit een functionalistisch (probleemoplossend) en distributief (machtsassertief) traject van institutionalisering. Het testen van dit model, d.m.v. process-tracing analyse, gebeurt in twee delen. In Hoofdstuk 6 worden zeven verschillende gevallen van diplomatieke bemiddeling door het EP geanalyseerd, met observaties die grotendeels in lijn liggen met een functionalistisch traject tot institutionalisering. Hoofdstuk 7 richt zich op de uitkomst van het proces, zijnde de institutionaliseringseffecten binnen het EP alsook tussen het EP en de duale executieve van de EU. De bevindingen zijn minder eenduidig dan deze in Hoofdstuk 6, daar ze zowel functionalistische als distributieve patronen van regelvorming aan het licht brengen. De analyse toont aan dat de Europese Commissie intensief samenwerkt met het Parlement, daar waar de EDEO een eerder terughoudende attitude aanneemt t.o.v. de incrementele profilering van het Parlement als nichespeler in diplomatieke bemiddeling.

Door het blootleggen en analyseren van zijn diplomatieke activiteiten plaatst dit onderzoek vraagtekens bij de conventionele opvattingen rond de rol van het EP in het buitenlands beleid van de EU. Door het EP als meerledige actor te ontleden, wordt aangetoond hoe zijn diplomatie tot stand komt door het samenspel van individuele parlementsleden, de Voorzitter, de Conferentie van Voorzitters, het Secretariaat-Generaal, de politieke groepen en de Europese Partijfederaties. Op theoretisch vlak draagt het onderzoek bij aan de theoretisering van de interdependentie tussen statelijke en niet-statelijke diplomatieke actoren. Het verbreedt daarnaast de toepasbaarheid van theorieën van informele institutionele verandering in Europese integratie.

Dit onderzoek benadrukt de toegevoegde waarde van parlementaire diplomatie als een nuttig complement voor executieve diplomatie. Tegelijkertijd worden kritische kanttekeningen geplaatst bij de legitimiteit en de legaliteit van dit optreden. In die zin strekt een verdere bewerkstelliging van een interinstitutionele consensus over het gebruik van parlementaire diplomatie tot aanbeveling, om zo een coherent extern optreden van de EU te verzekeren.

Résumé

Au cours de la dernière décennie, le Parlement européen (PE) s'est positionné en tant qu'acteur diplomatique dans le cadre de plusieurs conflits dans l'arrière-cour de l'Union européenne (UE), suggérant que son rôle ne se limiterait pas formuler la politique étrangère depuis l'hémicycle mais qu'il se manifeste également et de plus en plus comme un acteur de politique étrangère sur le terrain. Ce rôle diplomatique du PE demeure néanmoins un phénomène insuffisamment exploré et compris, et forme donc l'objet d'étude de cette recherche doctorale.

Dans les travaux académiques, la reconnaissance de la fonction diplomatique du Parlement se heurte au prisme de la *parlementarisation*, imposée par une approche comparatiste. Une telle vision attribue un rôle périphérique au Parlement dans l'élaboration de la politique étrangère de l'UE, étant en substance limitée à comprendre comment il peut influencer l'exécutif par le recours à ses droits de veto législatifs en matière de politiques communautaires de l'Union d'une part, et d'autre part à ses droits de contrôle de la PESC et de la PSDC.

En réponse à cela, cette thèse opte pour une perspective diplomatique. Cherchant à mieux appréhender le rôle diplomatique du PE, deux questions principales sont formulées. Premièrement, quel est le rôle du Parlement européen en tant qu'acteur diplomatique de la politique étrangère de l'UE ? Deuxièmement, comment expliquer l'institutionnalisation informelle des pratiques diplomatiques du PE en politique étrangère de l'UE depuis le Traité de Lisbonne ? En se penchant sur ces deux questions, ce travail de recherche procède par trois étapes consécutives, c'est-à-dire en *conceptualisant* la diplomatie parlementaire du PE, en *explorant* la diplomatie parlementaire du PE, et enfin en *expliquant* son institutionnalisation incrémentale avec le temps.

La première partie de la thèse (Chapitres 1 et 2) comble certains vides théoriques de la littérature sur la diplomatie parlementaire. Elle cherche à dépasser les approches centrées sur les acteurs et orientées sur les pratiques, qui ne parviennent pas à proposer de cadre conceptuel satisfaisant pour étudier la diplomatie parlementaire dans un environnement politique et institutionnel plus large. A partir de perspectives issues du transnationalisme, cette thèse conceptualise le PE comme un acteur stratifié et transnational, proposant deux *modes* de diplomatie parlementaire (à savoir le mode coopératif et le mode compétitif) et y associant des cadres d'analyse pour étudier l'interaction entre le PE et l'exécutif bicéphale de l'UE.

Les deux modes de diplomatie parlementaire sont ensuite explorés dans la deuxième partie de la recherche, en appliquant le cadre d'analyse à deux études de cas typiques de diplomatie parlementaire compétitive et coopérative. Au moyen d'une analyse de congruence, les Chapitres 3 et 4 étudient l'engagement diplomatique du PE dans la crise ukrainienne (2012-2013) et la crise politique macédonienne (2015-2017).

La troisième partie (Chapitres 5, 6 et 7) de cette thèse franchit une étape de plus pour mettre au jour le fondement de l'utilisation de la diplomatie parlementaire comme pratique récurrente de la politique étrangère de l'UE. Elle se demande en particulier comment la manifestation soudaine de la diplomatie parlementaire depuis le Traité de Lisbonne peut être expliquée, et ce dans un contexte où les traités n'assignent pas un tel rôle au PE. En s'appuyant sur les conclusions des deux parties précédentes, la théorie institutionnelle est invoquée au Chapitre 5 pour construire une explication causale de la façon dont les modes coopératif et compétitif de la diplomatie parlementaire peuvent donner forme à la prolifération des pratiques diplomatiques en politique étrangère de l'UE.

En abordant le comportement informel du PE sous l'angle de l'institutionnalisme historique du choix rationnel, un modèle causal est élaboré, qui consiste en des voies d'institutionnalisation fonctionnaliste (c'est-à-dire de résolution des problèmes) et distributive (c'est-à-dire d'affirmation du pouvoir). Le test de ce modèle, au moyen d'une reconstitution de processus, est appliqué en deux parties. Dans le Chapitre 6, sept différents « épisodes » de médiation parlementaire par le PE depuis le 7ème Parlement européen sont analysés, avec des observations allant principalement dans le sens de la proposition de voie fonctionnaliste de changement institutionnel. Le Chapitre 7 est centré sur ses conséquences, c'est-à-dire sur les effets de l'institutionnalisation à la fois au sein du Parlement et entre le Parlement et l'exécutif bicéphale de la politique étrangère de l'UE. Les résultats sont moins explicites que ceux obtenus au Chapitre 6, montrant que les schémas fonctionnalistes et distributifs sont tous deux constitutifs de création de règles. Les résultats soulignent que tandis que la Commission européenne collabore fortement avec le Parlement, le SEAE maintient une approche plutôt mitigée à l'égard de la prolifération incrémentale du Parlement comme acteur de niche dans la médiation de l'UE.

En mettant au jour et en analysant sa fonction diplomatique, cette thèse interroge la compréhension conventionnelle du rôle du PE dans la politique étrangère de l'UE. Décomposant le PE comme acteur monolithique en ses multiples strates, elle éclaire la façon dont la diplomatie du PE est mise en forme par une variété d'acteurs tels que les eurodéputés, le Président du PE et la Conférence des Présidents, le Secrétariat-Général, les groupes politiques et les fédérations de partis européens. Au niveau théorique, cette recherche contribue non seulement à théoriser les interrelations entre acteurs

diplomatiques étatiques et non-étatiques, mais elle élargit également la littérature sur le changement institutionnel informel en intégration européenne, en déplaçant l'attention de l'élaboration interinstitutionnelle de politiques vers le domaine de la mise en œuvre de la politique étrangère.

De façon générale, ce travail de recherche souligne la valeur ajoutée de la diplomatie parlementaire comme complément utile à la diplomatie exécutive. Dans le même temps, il ne se prive pas d'aborder des questions plus critiques concernant sa légitimité et sa légalité. A cet égard, il recommande de travailler à un consensus interinstitutionnel sur l'usage de la diplomatie parlementaire afin de garantir la cohérence de l'action extérieure de l'UE.

Doctoraten in de Sociale Wetenschappen en Doctoraten in de Sociale en Culturele Antropologie

I. REEKS VAN DOCTORATEN IN DE SOCIALE WETENSCHAPPEN [1]

1. CLAEYS, U., *De sociale mobiliteit van de universitair afgestudeerden te Leuven. Het universitair onderwijs als mobiliteitskanaal*, 1971, 2 delen 398 blz.

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