

# Explaining the Diversity of Scrutiny Models

“National Parliaments and the European Union: Baltic States  
in Comparative Perspective”

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# Abstract

A large and growing body of literature has investigated the national parliaments and their involvement in the activities of the Union. However, the literature does not fully cover all the national parliaments of new Member States which joined the EU after the largest enlargement of the Union in 2004. As well, little is known about the national parliaments of Baltic Member States. This paper aims to study the scrutiny models adopted by Baltic parliaments; it also seeks to address the question of '*what factors do cause the differences in Baltic parliaments' scrutiny strategies?*' Latvia, Lithuania and Estonia belong to the same group of countries and they have been the members of the European Union since 2004. Those countries have strong political, economic and cultural ties with similar size of population. It is interesting to learn how those three countries, which are very similar in most aspects, behave in different ways when it comes to parliamentary scrutiny of EU affairs.

The analysis conducted in the research will be based on prior studies of EU-15. Hence, the degree of influence of three explanatory variables is investigated in the study: 1) public support for membership; 2) party Euroscepticism; and 3) frequency of minority government;

*Key words:* Baltic States, parliamentary scrutiny, national parliaments, the EU

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# Introduction:

Marshall and Jagers (2005) in their studies identifies democracy as a phenomenon which conceived of three essential and independent elements. The presence of institutions and procedures that allow citizens to express their preferences is the first of those elements. Second is the guarantee of civil liberties by the states to all citizens. Finally, the third element of the democracy is the existence of institutionalized constraints which provide a mechanism to regulate the exercise of power by the executive. The authors pointed out other aspects of plural democracy (rule of law, system of checks and balances, freedom of the press) in terms of specific manifestations of these three elements (Marshall & Jagers: 2005).

Legislatures are a substantial part of the modern society. In 1689, Locke in his “Second Treatise of Government” emphasizes the legislature as ‘the soul that gives form, life, and unity, to the common-wealth’ (Locke 1689: 107–108). This statement was a standpoint for generations of scholars. From this perspective, the last element in Marshall and Jagers’s assumption is increasingly significant in current discussions within legislative and political studies of the European Union.

A large and growing body of literature has investigated the national parliaments and their involvement in the activities of the Union. However, the literature does not fully cover all the national parliaments of new Member States which joined the EU after the largest enlargement of the Union in 2004.

Among these 10 new EU members, the Baltic States come into sight as the most interesting cases; they were under the Soviet rule since 1944 till 1991. The sovietisation and collectivisation by Soviet regime influenced every single field in the lives of Estonian, Latvian and Lithuanian people which followed by intricate shifts in political, cultural and economic environment of nations. The changes during Soviet era left Baltic States without adequately functioning political and legislative institutions. After 1991 when the Baltic States regained their independence, one of the top priorities was “to return to Europe” and to develop domestic democratic traditions and institutions. The national parliaments were also engaged in the process of transformation.

All three Baltic countries are parliamentary democracies and each parliament established European Affairs Committee (EAC) after joining the EU, which were designed to improve parliamentary scrutinizing of EU affairs. This paper attempts to show that even though at first glance some formal givens of parliamentary scrutiny strategies (or models) of Baltic States look the same, they all varies in their functioning. As the argument which is put forward in this research evolves around the “parliamentary scrutiny”, I refer to the definition adopted by R. Holzacker to describe the term:

- “Parliamentary scrutiny is the exercise of power by the legislative branch to control, influence, or monitor government decision-making.” (Holzacker 2002: 462)

The analysis presented in this research carried out through comparative case study in which the congruence (or “pattern-matching”) method utilized as primary approach to test the validity of explanatory variables offered by prior studies. The paper attempts to find the influence of the following three independent variables on the diversity in the strength of scrutiny models adopted by Baltic parliaments: 1) public support for membership; 2) party Euroscepticism; 3) frequency of minority government.

This research also seeks to assess the value of dependent variable on the basis of three criteria suggested by A. Maurer and W. Wessels (2001), as the scrutiny strength of each Baltic parliament is measured in accordance to the; 1) the scope of parliamentary control; 2) the timing and management of parliamentary scrutiny; and 3) the impact of parliamentary scrutiny.

### **Research Question:**

The research questions presented in this study consists of two levels. The question addressed on first level is the main questions of the research;

- What factors do cause the differences in Baltic parliaments’ scrutiny strategies?

Throughout the further analysis the purpose of the study will be to concentrate on aforementioned questions. The second level questions (could also be named as sub-questions) will be dealing with specific matters of the study and they will contribute to the analysis of the question set on the first level:

- Can the previous research of EU-15 be applied to the current study of Baltic parliaments?
- How Baltic parliaments cope with the challenges that stem from complex nature of EU governance?
- Is being “latecomers” put the national parliament of Baltic States on the list of Member States with weak parliamentary scrutiny system?

### **Importance of the research:**

Little is known about parliamentary scrutiny that exists in new member states. Moreover, Latvia, Lithuania and Estonia belong to the same group of countries and they have been the members of the European Union since 2004. Those countries have strong political, economic and cultural ties with similar size of population. It is interesting to learn how those three countries which are very similar in most aspects behave in different ways when it comes to parliamentary scrutiny of EU affairs. It is also interesting to learn about; which processes (or explanatory factors) account for the divergence in the national models of scrutiny?

That will be one of the unique researches which aim to illustrate the differences among scrutiny models chosen by Baltic parliaments. By concentrating on this issue, this research will also attempt to test the validity of explanatory variables offered by EU-15 studies and analyse if those variables are able to explain the variety in the participation strength of Baltic parliaments in EU affairs.

# 1. Chapter One

## 1.1. National parliament's roles in the democracy of the EU

The fundamental contribution of the national parliaments to the democratic legitimacy of the Union is predominantly accepted. However, the legitimacy derived from national parliaments is still the topic of the discussion and according to Benz (2004), *“the political scientists have raised doubts as to whether such a political system can be democratic at all”*, emphasizing the main concerns of these debates. (Benz 2004: 875-876).

From a normative point of view, the political character of national parliaments places them in a very important position for the democracy of the Union. In accordance to the Lisbon Treaty the European Union based on two pillar democracy as it set up in the Article 10:

*“1. The functioning of the Union shall be founded on representative democracy.*

*2. Citizens are directly represented at Union level in the European Parliament. Member States are represented in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national Parliaments, or to their citizens.”*

The Article 10 of the Treaty on European Union underlines the role of national parliaments as an indispensable institution for the democracy of the Union which have the duty to enforce the government accountability. The Article 12 of the Treaty on European Union, on the other hand, set a number of provisions for the national parliament in order “contribute actively to the good functioning of the Union”. According to the new provisions introduced by the Lisbon Treaty, national parliaments participate in EU affairs:

- “through being informed by the institutions of the Union and having draft legislative acts of the Union forwarded to them ...;

- by seeing to it that the principle of subsidiarity is respected in accordance with the procedures provided for in the Protocol on the application of the principles of subsidiarity and proportionality;
- by taking part, within the framework of the area of freedom, security and justice, in the evaluation mechanisms for the implementation of the Union policies in that area...;
- through being involved in the political monitoring of Europol and the evaluation of Eurojust's activities...;
- by taking part in the revision procedures of the Treaties...;
- by being notified of applications for accession to the Union...;
- by taking part in the inter-parliamentary cooperation between national Parliaments and with the European Parliament...”.

The pre-Lisbon arrangements, to a higher degree, motivate national parliaments to draw their attention primary on influencing the government before Ministers attend the Council meeting for the final vote. The main idea behind scrutiny systems was to keep the balance between legislative and executive branches on EU affairs, even if the influence of national parliaments was considered as “minimal”. Entering into force in December 2009 Lisbon Treaty set the above mentioned provisions presented in the Protocol 1 and Protocol 2 and these game changing rules of the Treaty shifted the national parliaments from an “isolated individual actors in EU affairs to a proactive horizontal bloc” (Cygan 2012: 524-25). However, as Cygan argued, “despite improved arrangements for subsidiarity monitoring, national parliaments cannot be considered as central actors in EU decision-making” (Cygan 2012: 532).

In addition to of Benz (2004) and Cygan (2012) approaches, F. Duina and T. Raunio also highlight the ambiguity in the democratic system of the Union: on the one hand the national parliament are recognized as a central institutions in European system of government, on the other hand, this fact is divorced from reality that national parliaments have a modest influence on policy initiatives coming from executive. In their words: “*The technicality of most legislation, strong party government, and the growing relevance of external constraints globalization, judicialization through the activism of national and European courts, and delegation of policy-making authority to various public or private agencies – all limit the real influence of parliaments*” (Duina & Raunio 2007: 489-490).



## 1.2. The theoretical discussion on national parliaments: “Two-level game” and “Multi-level governance” as analytical approaches

A. Benz and A. Katrin in their article “The Europeanisation of national parliamentary systems” indicate two aspects of Europeanization of national parliaments. First of all, the powers and the institutional position of national parliaments was directly affected by the process of European integration: *“It has led to a transfer of a large part of legislative competencies from the national to the European level, resulting in a loss of legislative sovereignty of national parliaments. In addition, European legislation provides for a framework that national parliaments have to take into account when exercising their remaining legislative competencies.”* Later, European integration has also affected the balance of power between national parliaments and their governments: *“While parliaments are losing an increasing part of their legislative sovereignty, executives are strengthened due to their direct involvement in EU decision-making”* (Benz & Katrin 2005: 372-373). The idea presented in A. Benz and A. Katrin is not the unique assumption in the discussion on national parliaments and their participation in the European Union affairs. In the view of most scholars national parliaments are exposed to high degree of changes in the result of the European Integration. To state this in a different manner, there is a consensus among scholars that national parliaments are suffering from European Integration and losing their influences vis-à-vis to their governments. The numerous scholars who are proponents of this argument utilize two well-known theories of integration in order to describe the role of national parliaments: “two-level game” (or liberal intergovernmentalist approach) and “multi-level governance”.

In 1988 R. Putnam published an article where he presented “the logic of two-level game”. R. Putnam has developed a logic which attempts to conceive the nature of international negotiations by specifying two distinguishable levels: *“At the national level, domestic groups pursue their interests by pressuring the government to adopt favourable policies, and politicians seek power by constructing coalitions among those groups. At the international level, national governments seek to maximize their own ability to satisfy domestic pressures,*

*while minimizing the adverse consequences of foreign developments.* ‘ He also mentioned the important of both levels for the central-decision makers that neither of two levels can be ignored (Putnam 1988: 434).

Adrew Moravcik applied Putnam’s “the logic of two-level game” to point out the changes in power relations between national parliaments and governments of Member States within the EU system. In accordance to the Moravcik (1998), one of the eminent scholars of intergovernmentalist approach, European integration gives opportunity to domestic governments to strengthen their position in national matters as they participate in decision-making at the European level. Hence, the chief factor behind this argument is information. National governments effectively use their advantageous position in a two-level game to increase their autonomy vis-à-vis other national actors, especially the national parliaments.

Another theory which offers a different account is the “multi-level governance” theory. In 1992, “Multi-level governance” was first proposed by Gary Marks in his article as an appropriate concept for explaining the decision-making dynamics of the European Union. Until this time, the political studies of the EU excessively concentrated on the theories of neo-functionalism and intergovernmentalism (Piatonni 2010: 17).

In the view of the proponents of “multi-level governance” theory the process of European integration has diluted the influential power of all national level actors, the domestic governments as well as national parliaments. On the contrary, the subnational and European level actor actors are the sides who benefited most as a result of these processes. (Marks & Hooghe 2001; Bache & Flinders 2004; Piatonni 2010). Marks *et al* (1996) give a very comprehensible definition of “multi-level governance”: *“The point of departure for this multi-level governance is the existence of overlapping competencies among multiple levels of governments and the interaction of political actors across those levels. ... Instead of the two level game assumptions adopted by state centrists, MLG theorists posit a set of overarching, multi-level policy networks. ... The presumption of multi-level governance is that these actors participate in diverse policy networks and this may involve subnational actors— interest groups and subnational governments—dealing directly with supranational actors.”* (Marks et. al. 1996: 167)

The Multi-level governance is introduced as concept that opens a new page in the studies of the EU. It has a capability to renew our understanding of the EU by replacing the traditional

theories: *The relationship of multi-level governance to the “intergovernmental-supranational dichotomy”, then, is that multi-level governance has effectively taken the place of neofunctionalism as the alternative theory to intergovernmentalism* (Bache & Flinders 2004: 112). Henceforth, the two dominant concepts, namely intergovernmentalism and neofunctionalism fails to address the complex reality of the EU by trying to generalise the multi-level interactions. “The complexity of the multi-level European polity is not adequately represented by the single-level theoretical concepts of competing ‘intergovernmentalist’ and ‘supranationalist’ approaches” is an interesting assumption in that sense put forward by Fritz W. Scharpf, one of the well-known scholars of European integration. In his article *Multi-level Europe - the case for multiple concepts*” author also gives an emphasize to the distinctive characteristics of studies which take advantage of multi-level approach: “*In contrast, empirical research focusing on multi-level interactions tends either to emphasize the uniqueness of its objects, or to create novel concepts – which are likely to remain contested even among Europeanists and have the effect of isolating European studies from the political science mainstream in international relations and comparative politics*” (quoted in Enderlein et. al. 2010: 66).

In her book, “New world order”, Anne-Marie Slaughter (2005) studies the networks among legislators within and without existing international organizations. She straightforwardly shares the common view on national parliaments: “*Legislators lag behind judges and various members of the executive branch*”. Thus, transgovernmental cooperation profoundly changes the legislative-executive relations and, hereby, enhances the chance of the executives to take a control over domestic as well as foreign issues In these circumstances the oversight mechanism gains its importance as a very vital tool for legislators to keep the executives accountable in their actions at transgovernmental cooperation level (Slaughter 2005: 127-129). But, it is not always easy to obtain such an effective oversight over executive.

Traditional models of governance in the liberal democratic state introduce a hierarchical relationship that exists among different actors. In such an arrangement actors are the subjects of rigid bureaucratic system where control and power moves either vertically or horizontally across the various levels of government. To the contrary, multi-level governance does not resemble the traditional models of governance. Multi-level governance emphasizes that traditional models do not meet the demands of the complex relations among public and private actors by highlighting; ‘actors, arenas, and institutions are not ordered hierarchically

but have a more complex and contextually delineated relationship' (Enderlein et. al. 2010: 247).

On the other hand, parliaments are still important actors which represent the core values of democracy in any state and they should, "*at the very least, be a source of authorization and control*" (Enderlein et. al. 2010: 247).

## 2. Chapter Two

### 2.1. The theoretical approach to European integration: challenges for national parliaments and models of scrutiny systems

The European Union is a unique institutional body consisting of highly integrated Member States. This distinctive institutional set-up also embodies a unique system of multilevel governance which has been a central topic of researches. There is a large volume of published studies describing the “sui generis nature of the EU” (Börzel 2010: 192); Schmitter interprets the EU as a “new, post-Hobbesian order”, Ruggie Caparaso characterises the Union - “a post-modern state” and Keohane and Hoffmann called it “a network of pooling and sharing sovereignty”. In Fritz W. Scharpf’s own words:

- *“The EU is not a majoritarian or a consociational democracy, but neither are its structures and processes of interest intermediation generally congruent with ideal types like pluralism, corporatism or even network governance, nor do its intergovernmental structures and processes generally conform to the legal models of federation, confederacy or international organization”* (quoted in Enderlein et. al. 2010: 68)

A simple comparison between parliamentary democracy and the EU would enhance our understanding of the complex nature of the Union. In terms of principal-agent context the parliamentary democracy can be identified as a system of delegation and accountability where a parliament (elected by voters) scrutinizes a government, which entitled with power to operate. In the result, those links between principals (authorized institutions) and agents (whom principal delegates power to act) keep the government to act on behalf of the people who voted for the parliament. However, the image of those links appearing between principals and agents are entirely different at the EU level; as D. Curtin notes, “there is no

unbroken chain of delegation stretching all the way from the voters to the EU-level administrative actors, including the Commission. Moreover, there is often not one principal but often multiple principals involved at the European level” (quoted in Piattoni 2010: 210).

This complex nature of the EU governance produces a number of challenges for national parliaments as it was underlined in previous sections of the study. In accordance to the literature on the Europeanization of parliamentary systems of the Member States (Slaughter 2005, Benz & Katrin 2005, Piattoni 2010) those challenges can take part in two dimensions;

**Challenges for legislative activity of national parliaments:** As a consequence of the integration processes Member States transfer their decision-making competences to the European level which follows along with the growth in policy-making power of the EU taking the key policy-making areas away from national parliaments (Enderlein et. al. 2010: 240). But this is not the end of history; National parliaments are limited to a certain degree in exercising their remaining legislative competences as their legislative activeness must be associated by the framework provided in European legislation (Benz & Katrin 2005: 372). Referring to the study carried out by König and Mäder who investigate data from 30 years of German Bundestag, B. Rittberger states that “25 percent of German legislation has been predetermined by EU legislative acts”. This is a good example showing the extent of European integration and its challenges for legislative activity of national parliaments in Member States (Enderlein et. al. 2010: 240).

**Institutional challenges of national parliaments:** The European integration processes changed the balance in legislative-executive relations on behalf of governments participating in the policy-making of the EU. Consequently, in order to enhance their participation in EU affairs and to deal with the challenges of integration national parliaments accomplished crucial institutional and procedural reforms (Benz & Katrin 2005: 373). Getting an access to the substantial information on the EU issues, improving parliamentary capacities to manage this information and revitalizing the participation rights of parliament vis-à-vis the government were the central parts of the reforms (Enderlein et. al. 2010: 240).

Benz & Katrin (2005) carried out an interesting research on Europeanization of national parliaments. By utilizing the concepts of “two-level game” and “multi-level governance” and analysing three distinctive parliamentary systems in the UK, in Denmark and in Germany they have revealed that there are three mode which most Member States’ parliaments adopt in

order to succeed in dealing with the challenges of the European integration: *Firstly, they set up rules endorsing their right to obtain comprehensive information on European issues from their government. Secondly, in order to enhance their capacities to handle and process this information, all national parliaments have set up one or more special committees for European Affairs. Thirdly, concerning the problem of power, national parliaments extended the participation rights in the formulation of national preferences on European issues and their power to scrutinize their government's behaviour in the Council. Some parliaments also explicitly confirmed their veto power against their government in European affairs either by constitutional amendments, by a resolution or by an agreement with the government'* (Benz & Katrin 2005: 388).

All 27 Member States' parliaments have established European Affairs Committees in pursuance of increasing their influence in the EU related matters. Those committees are at the heart of scrutiny procedure and they are responsible for holding executive accountable for their behaviours at the Council of Ministers by introducing more transparency and democratic accountability in the Union decision-making processes. Notwithstanding, European Affairs Committees do not have the same configuration and strength comparing to each others, since there is considerable cross-national differences in functioning and effectiveness of these committees (Hamerly 2007: 1-2). The literatures on European Affairs Committees suggest several ways to categorize them according to the variations.

But before categorizing the Member States' Committees on European Affairs, it is important to give some information about the Conference of Parliamentary Committees for Union Affairs (COSAC).

- *"COSAC is a Conference of the committees of the national Parliaments of the European Union Member States dealing with the European Union affairs as well as representatives of the European Parliament. At the bi-annual meetings of COSAC, six Members represent each Parliament. In addition, the national Parliaments of the candidate countries are invited to participate with three observers each. COSAC was established in May 1989 at a meeting in Madrid, where the Speakers of the Parliaments of the EU Member States agreed to strengthen the role of national Parliaments in relation to the Community matters by bringing together their Committees on European Affairs. The first meeting of COSAC took place on 16-17 November 1989 in Paris."*<sup>1</sup>

From 1989 till present time COSAC has published bi-annual Reports on regular basis. In May 2005 COSAC Secretariat released its third Bi-annual Report on EU Practices and Procedures which touch upon the establishment of European affairs committees in Eu-25. The second chapter of the third bi-annual report includes categorizing of different scrutiny systems set by national parliaments. The eighth bi-annual report by COSAC Secretariat published in 2007 continues with an overview of the developments in procedures and practices in the EU-27 that are relevant to parliamentary scrutiny. In both report it has been stressed that there are three types of scrutiny strategy chosen by each parliamentary chamber: “document based”, “procedural” (“mandating”) and “other” (containing elements from both a “document based” and a mandating model) scrutiny systems. (COSAC 2005: 10, COSAC 2007: 5) The classification presented in the report is the ideal type to distinguish the different strategies used by each European Affairs Committee:

**Document-based scrutiny model:** One of the prevalent models of scrutiny system adopted by the national parliaments of Member States. The parliaments which applied this model generally concentrate on examining legislative proposals and other EU documents. The proceedings at individual Council meetings do not fall under the duty of scrutiny system, as well, none of minister receive a mandate in any form. The inspection of the EU documents at the early stages is fundamental idea that stands for a document-based model. Therefore, the committee which is responsible for inspection of the EU documents must inform the specialized chamber about political and legal importance of each document that needs more detailed examination. In most instances the national parliaments practised document-based model accommodate a “scrutiny reserve” providing a basis for Ministers to take into consideration the position of national parliament before take any action in the Council. (COSAC 2005: 10) Additionally, scrutiny systems which made use of document-based model also vary from one another in the way of holding their governments accountable. This was clearly outlined in the eighth bi-annual report of COSAC (COSAC 2007: 8):

- *“The classic example of this document-based model is the scrutiny system adopted by both chambers of the UK Parliament in 1974. The parliaments of Czech Republic, Cyprus, France, Germany, Italy, Ireland, Portugal, the Belgian Senate, the Netherlands Eerste Kamer, and (since January 2006) the Luxembourg Chambre des Députés have established similar document based scrutiny systems. The Bulgarian Narodno Sobranie's EU scrutiny system can also be classified as document based.”*



**Procedural (mandating) scrutiny model:** This is also one of the mainstream models preferred by a number of Member States' national parliaments. The first procedural system was established by the Danish Parliament in 1973 which placed the European Affairs Committee in the centre of scrutiny process. Thus, the Committee has the power to adopt a certain position within the interest of parliament that Danish Government is obliged to follow in the Council meetings. Even though the mandating model is adopted by a number of Member States, those systems show a considerable variance in terms of “*scope*”, “*timing*” and their “*binding character*” that will be more elaborated in further sections (COSAC 2005: 12). In general, according to eighth bi-annual report by COSAC Secretariat:

- *“The parliaments of Denmark, Estonia, Finland, Latvia, Lithuania, Poland (Sejm), Slovakia, Slovenia and Sweden belong to the class where the European affairs committee systematically mandates the government. The governments in these countries are all in principle obliged to present a negotiating position—in writing or orally—to the competent committees on all items to be adopted by the Council.”* (COSAC 2007: 9)

However, this model of scrutiny system has several limitations. The Member States legislators enjoying mandatory power over executives must be very selective in their decision regarding the negotiating position taken in the Council. Otherwise, the robust voting instructions provided by the parliament can be counterproductive taking into account the fact that the decision-making procedures in the Council are usually the subject of complex bargaining between governments. On the other hand, as T. Raunio emphasized, “the strong mandating position acts as an important pre-empting mechanism, encouraging the government to engage in a wider consultation and negotiation process with the parliament than might otherwise be the case” (Raunio 2005: 323).

**Other (or mixed) scrutiny models:** The third model of scrutiny system indicated in the COSAC bi-annual reports comprises the scrutiny systems which present elements both from document-based and procedural systems. The clear examples to this model would be the parliaments of Estonia, Hungary and Lithuania and the Dutch Tweede Kamer. The Romanian Camera Deputatilor can also be added to the list of Member States with mixed scrutiny systems. (COSAC 2007: 9)

In addition to mixed scrutiny model there is a special category of national parliaments which applied a completely different model to their scrutiny system. This model does not fall into either of two categories of scrutiny system, or into mixed model which show the signs of both document-based and procedural models, and it is also characterized by the absence of a systematic examination of the EU documents. Instead of systematic mechanism those parliaments prefer to have an impact over EU policies through informal or political channels. In most cases, the European Affairs Committees of these parliaments are known for their role in bringing the important EU issues on the parliamentary agenda (COSAC 2005: 14)

# 3. Chapter Three

## 3.1. Research methodology

The strategy used in this paper is a case study research based on an empirical inquiry investigating the variation in the scrutiny mechanism of the Baltic parliaments. Hence, the theory of “multi-level governance” will provide the framework for the analysis, but the analytical theory alone is not sufficient in that sense. Because every analytical theory is simultaneously sensitive to data and theory. From that point of view, case study is more appropriate methodological tool for the purposes of the research (Christopher & Duncan 1989). According to the authors of *Designing Social Inquiry* (G.King, R.O. Keohane, and S.Verba) the single observation is not a useful technique for testing hypotheses or theories unless it can be compared to other observations by other researchers. They underline that „single cases cannot exclude alternative theories, and that their findings are limited by the possibility of measurement error, probabilistic causal mechanisms, and omitted variables“ (King *et. al.*1994). As noted before, the effectiveness of multicase study give an incentive to bring three cases from Baltic region which are the main targets of this research. Also, the comparative analyses of Estonian, Latvian and Lithuanian cases are made in congruence with the research and analysis undertaken in several previous studies of EU-15.

Two different, but not contradicting, approaches of case studies will be applied to the analysis of national parliamentary scrutiny of EU affairs in Baltic States;

**Co-variance method;** this approach comprises causal inferences between causal factors and causal effects. In a word, co-variance method constitutes that if there is a covariance between the independent variable of X and dependent variable of Y in particular time and space, one can assume that Y (dependent variable) is caused by X (independent variable). In this regard, in co-variance method the observation of causal inferences is derived from a set of scores for all dependent and independent variables put into a row of a rectangular data-set (Blatter & Blume 2008: 318-319).

The most principal factor in co-variance method is to give a “meaning” to the co-variational relationship which exists between dependent and independent variable. For this purposes, it is

important to correlate the empirical observation to the congruous theory. In most instances the researches based upon co-variance method develop the hypotheses. Those hypotheses often refer to the prior empirical analysis or built on researcher's argumentation. Moreover, co-variance method does not mostly stand on a specific theory, since the hypotheses set up in the research must only focus on the dependent and independent variables, as well; these hypotheses must also comprehend the possible scenarios about, in J. Blatter and T. Blume's articulation, "which value of the independent variable causes a specific outcome at the dependent variable" (Blatter & Blume 2008: 320).

The co-variance method is applicable for the study of national parliaments of Baltic States. First of all, the aim of the research is to explain the variation in parliamentary scrutiny of government in Baltic States. Secondly, the conclusion of the analysis derives from the hypotheses set up in the next following sections, which means that the research is not supposed to be dependent on "full-fledged theories" (Blatter & Blume 2008). In fact, the research hypotheses are formulated according to the previous observation on similar topics.

There are subtle points to mention about this method; firstly, the co-variance method "does not attempt to observe the actual causal process, only the input and the outcomes" (Blatter & Blume 2008: 320). Since, the operationalization of variables in this method only aims to determine the existence of influence of independent variable over dependent variable, this method is appropriate for conducting a comparative analysis of Baltic States national parliaments and their strength in scrutinizing EU affairs. However, the co-variance method limits the research, as the collected data for each variable and their operationalization only contribute to draw a logical conclusion where the observation is confined.

Secondly, well conducted co-variance case study is supposed to be capable of generalizing across on a larger class of cases (Blatter & Blume 2008: 337). The selected cases in this research represent a specific location – the Baltic region which makes it difficult to address to a larger cases. Historical and cultural heritage, social values and political psychology of the Baltic nations are the factors that cannot be ignored. Thereupon, the goal of the research is not generalization toward the wider cases, but rather to identify what stands for differences in scrutiny mechanism of three cases which are from a specific location with distinct background.

Finally, the co-variance method is in most instances utilized in quantitative case studies. But the indicators for each explanatory variable selected in this research are presenting the values of qualitative variables.

As this study partially concentrates on the idea behind co-variance method where a researcher deduces a logical conclusion based on casual interferences between independent and dependent variable, the congruence method is used in the research to moderate the limitations evoked by co-variance method.

**Congruence method:** The essence of the congruence method is that the researcher firstly starts with defining a respective hypothesis and then he/she endeavours to evaluate its capability to explain a particular outcome (George & Bennet 2005: 244-245). This method can also be called “pattern matching”, the term suggested by Robert Yin (quoted in Elgström 2000:18) where a researcher aims to “*match a pattern of measured value with an “expected pattern” (a hypothesis), and deciding whether these patterns match or do not match*” Tony Hak and Jan Dul.

Like the co-variance method, the congruence (or pattern matching) method does not require a huge amount of data about cases being investigated which makes it attractive. Put differently, the congruence method does not traces the causal processes that might occur between independent and dependent variables (George & Bennet 2005: 245).

According George and Bennet (2005) a researcher should ask the following questions for assessing possible causal significance of congruity in a case:

- *“First, is the consistency spurious or of possible causal significance? Second, is the independent variable a necessary condition for the outcome of the dependent variable, and how much explanatory or predictive power does it have? The latter question is important, since a condition may be necessary but still contribute little to the explanation or prediction of the outcome in question”* (George & Bennet 2005: 248)

The congruence method competently corresponds with the aim of this study which attempts to test the prior assumptions and hypothesis based on explanation of variance in scrutiny models adopted by national parliaments of EU-15. Each of the explanatory variable of the research is accompanied with certain hypothesis. Testing those hypotheses presented in the

research will provide us with critical results which helps to assess the ability of the hypotheses to predict the outcome. If there is any causal interference found between the independent and dependent variable based on the testing the hypotheses, then the study will attempt to surmise “how much explanatory or predictive power does it have”. Nevertheless, the congruence method is not the flawless methodology and it has some limitations. The most evident one is the difficulties in specifying “whether the independent variable is a necessary condition for the outcome in question”:

- *“Efforts to do so will require the investigator to move beyond within-case analysis. Ideally, one would try to find other cases in which the same type of outcome occurred in the absence of that independent variable. If such a case(s) were discovered, then the independent variable could not be regarded as a necessary condition”* (George & Bennet 2005: 253).

Despite its limitation, the congruence method is an effective approach to answer an important question underlined in the beginning of this paper; “can the previous research of EU-15 be applied to the current study of Baltic parliaments?” According to this method if there is no causal interference between an explanatory variable and an outcome, one can state that neither the respective variable neither a necessary, nor a significant condition for explanation or prediction of the outcome. From this perspective, if the hypotheses put forward in previous research are not congruous with the cases of Baltic parliaments, then this study will claim that the framework suggested in the prior researches of EU-15 are inapplicable to explain the variety in scrutiny models of Baltic parliaments.

### 3.2. Selection of variables and the collection of data

The selection of the variables for the study of variation in parliamentary scrutiny of Baltic States founded upon the previous researches on the topic. The first reason why the selection procedure rests on previous studies is that the phenomenon of variation has already been investigated in prior researches and the results of these researches may provide us with possible explanation of variation in Baltic parliaments. Latter, the literature on Baltic parliaments and their involvement in EU Affairs is scarce and it constrains the research to rely on previous determined variables. Before reviewing the previous works it is necessary to

underscore the dependent variable of the research: *the variation in scrutiny systems of Baltic States' national parliaments*.

In his cross cross-country analysis J. Karlas (2011) tries to explain the variation of parliamentary control of EU affairs in Central and Eastern Europe, including Estonia, Latvia and Lithuania. In the introduction part of his article the author argues that Central and Eastern European (CEE) member states were successful in establishing strong parliamentary control of EU affairs and explains it through two possible principles. First, the author mentions “the evolution of the EU competences”, that CEE member states joined the integration processes later and they prone to control “Europeanization” processes. Latter, he emphasized “a transnational learning process” which gave CEE member states a chance to learn the “best practices” (Karlas 2011: 258-259). The comparative analysis made by Karlas concentrates on the following explanatory factors: 1) public Euroscepticism; 2) party Euroscepticism; 3) the parliament’s general power; 4) the frequency of minority governments (Karlas 2011: 260-262). Nevertheless, by explaining the variations among national parliamentary control of member states he stresses the necessity for in-depth studies of individual states, which will extensively explore the particular dimension of national parliament’s power correspond with control, as a completion of the research made by author. (Karlas 2011: 271).

The research conducted by T. Bergman in 1997 can be considered as a pioneer study aiming to explain the cross-national variation of parliamentary scrutiny processes and the role of European Affairs Committees in EU-15. He tries to manage the “unfruitful disciplinary split between cultural, institutional and rational choice oriented approaches” by combining them in one concept. In that sense, Bergman put forward five variables from each discipline and list them as independent variables: “public opinion” and “national political culture” from cultural theory; “the existence (or absence) of a domestic federal constitution” and “the rules governing parliament-executive relations” from institutionalist approach; evidence of strategic action from rational choice theory (Bergman 1997: 379).

T. Raunio, (2005) another scholar aiming to explain cross-national variation in the level of parliamentary scrutiny in the EU-15 Member States, presented an interesting analysis in his article. His analysis proceeds in two stages; firstly, by identifying relevant indicators author exemplify the level of parliamentary control. The five independent variables: 1) the power of parliament independent of integration; 2) public opinion on membership; 3) party positions on integration; 4) frequency of minority governments; and 5) political culture- are investigated

based on the fuzzy-set method which is developed by Charles C. Ragin. According to the comparative analysis conducted in the Raunio's research two of the variables - the power of parliament and public opinion on membership - showed a great influence on the degree of parliamentary scrutiny.

Thomas Winzen (2012) offers a cross-national and longitudinal comparison of all member state parliaments from 1958 to the contemporary time. Throughout his article the author mentions the lack of data which constrains the studies of parliamentary scrutiny and he calls attention to the ways to cope with the absence of systematic data. "The validity of data" stands at the heart of Winzen's research. As his previous counterparts, Winzen also set out certain indicators for measuring the level of parliamentary scrutiny. Those indicators can be divided into three dimensions: 1) the availability of information to parliament on governmental behaviour at EU level; 2) the processing of information; 3) mandating or resolution rights to impose parliamentary positions on government. Winzen concludes that there are various ways to measure the role of legislators, but it is necessary to be very accurate in collection of comprehensive, comparative data.

A. Maurer and W. Wessels (2001) in their book "National Parliaments on their ways to Europe: Losers or Latecomers?" addresses the question of how the EU-15 Member States' national parliaments adapt to the multi-level governance system of the Union. The authors create a scheme for measuring parliamentary participation in EU Affairs referring to the criteria originally proposed by G. Laprat and G. Scofoni. These are; "the scope of parliamentary control", "the timing and management of parliamentary scrutiny" and "impact of parliamentary scrutiny". Taking a starting point from this "scrutiny variables" A. Maurer and W. Wessels identifies three categories of Parliaments: "rather low", "low-high" and "high". Their research critically traces the parliaments of the EU-15 concerning the procedural and institutional changes on both European and national level.

European integration and its effects on national level legislators are discussed in the research by I. Hamerly (2007). This research explores the cross-national variations in the institutional strength of European Affairs Committees in the EU-25. Hamerly indicates five "candidate variables" which she deduces from previous efforts to measure the cross-national variation in EAC strength: 1) timing of membership; 2) the center-periphery cultural divide; 3) postmodern values; 4) public support for the EU; and 5) the concentration or diffusion of power within the national parliament. The analysis of independent variables is carried



according to statistical results from the “logistic regression” which Hamerly describes as the “equation to evaluate the relationship between a dependent variable and an independent variable or variables”. She argues that except “timing of membership” none of the independent variables are significant explanations for assessing the strength of the parliamentary scrutiny in the EU-25 (Hamerly 2007: 36).

The objectives of this research are to determine the extent of divergence in oversight functions of three Baltic parliaments. The paper concentrates on 3 explanatory variables which are repeatedly discussed in aforementioned studies. Those are the followings: 1) *public support for membership*; 2) *party Euroscepticism*; and 3) *frequency of minority government*. Each of these variables is associated with a hypothesis. The results from prior studies on the same subject are the driving factors in building these hypotheses. In agreement with the literature on the cross-national studies of national parliaments, the Hypothesis 1, 2 and 3 have potential capacity to explain the differences in the strength of parliamentary control of EU affairs in the Baltic States.

“Public support for membership”, “party Euroscepticism” and “frequency of minority government” can be treated as interval level variables. Each of them has qualitative values that allow creating a set of scores for the observation of the causal inferences between independent and dependent variables.

A specific time period is applied to implement the operationalization of the explanatory variables; from the beginning of 90’s when Baltic States became independent till 2004, when all three states from Baltic region joined the EU. The reason for why the research confined by a time framework is that the security strategies (or models) developed and adopted by member states generally do not impose to fundamental changes after their acceptance to the Union.

This study excludes some of the variables which are addressed in the previous analyses, mentioned in the beginning of this section. For example, “timing of membership” is a focal variable of the research by I. Hamerly (2007) where she notes that; “the timing of membership both reflects and shapes a country’s relationship with the European Union.” As the Baltic countries have all joined the European Union in 2004, this variable cannot be applied in this research. Bergman’s “the existence (or absence) of a domestic federal

constitution” (Bergman 1997) is also invalid for the measuring the oversight strength of the Baltic parliaments, since none of the Baltic States has a federal structure.

The data will be obtained from various sources for the course of developing the comparative case study of Baltic States’ national parliament. First explanatory variable of the research, “public support for membership”, is preceded consistent with the data shown in The Central and Eastern Eurobarometer which was published from 1991 to 2004. The data released from 11 Eurobarometer polls helps to bring out into open the net percentage of “public support for membership” in Estonia, Latvia and Lithuania. The number of Eurosceptic parties presented in the national parliament is the primary issue for the second independent variable - “party Euroscepticism”. The research distinguishes two level of Euroscepticism (“hard” and “soft”) and attempts to clarify the numbers and characteristics of Eurosceptic parties in the Baltic parliaments before accession to the EU. The “frequency of minority government”, which is the third explanatory variable discussed in the research, involves statistical data from the article “Measuring Government Duration and Stability in Central Eastern European Democracies” by C.R. Conrad S.N. Golder. The obtained information from the article contributes to the research in identification of the numbers of minority cabinets existed in the given time period. Finally dependent variable, which is variance in the participation strength of Baltic parliaments, measured based on the data from bi-annual Reports of the COSAC on EU Practices and Procedures and from official websites of the Baltic parliaments.

## 4. Chapter Four

### 4.1. First variable. Public support for membership

Public opinion - the attitude of citizens toward the Union is an important factor for the legitimacy and further integration of the EU (Thomassen 2009). It is a very complex phenomenon which can be understood as a multi-dimensional concept (Boomgaarden et. al 2011: 244). Studies carried out by scholars aiming to explain cross-national variations in public support concentrated on three distinctive categories. The first category of studies put a great emphasis on economic gain, which attributed to membership, by utilizing economic theory and rational actor approaches. Hence, potential economic gain would be an incentive for citizens to support their country's membership. The second set of studies supports the idea in which public opinion heavily depends on individual's belief system. The proponents of this notion claim that the level of support would be higher among younger, better educated and more highly paid individuals. The last cluster of studies associates the public attitude towards the EU with domestic politics which suggests that domestic politics is an important determinant having a great influence on citizens (Ehin 2001: 34-35).

Public support is of the influential factors in democratic societies which the elected leaders need to maintain in order to stay in office. In I. Hamerly's words: "This fact of democratic life gives decision makers a strong incentive to track and respond to the demands of the public" (Hamerly 2007: 25) Taking the point of departure from this idea, the legislatures are more prone to establish a powerful scrutiny mechanism in the state where the citizens are less enthusiastic towards the EU. Moreover, this image is more likely to be different in pro-EU states; citizens and politicians are not against delegating the issues related to European Affairs to the EU institutions which are either the European Parliament or their government in the Council (Raunio 2005: 332). The hypothesis 1 is directly based on above mentioned relation between the degree of public support and the level of scrutiny mechanism:

**Hypothesis 1a:** If the public support for membership is lower, the degree of parliamentary scrutiny of the government policy at the EU level is expected to be higher.

**Hypothesis 1b:** If the public support for membership is higher, the degree of parliamentary scrutiny of the government policy at the EU level is expected to be lower.

In order to measure the level of public support in Baltic States this research deals with 11 Eurobarometer polls from 1991 to 2004. The first wave of general public survey called The Central and Eastern Eurobarometer (CEEB) started in 1990. From 1991 the scope of nationally-representative surveys conducted for the Commission expanded to number of countries, including Estonia, Latvia and Lithuania. The last CEEB survey was undertaken in 1998. In 2001 CEEB was replaced by Candidate Countries Eurobarometer (CCEB) and includes 13 countries applying for membership of the EU<sup>1</sup>. This paper is focusing on the general question about the EU membership which was asked to citizens: “Generally speaking, do you think that (OUR COUNTRY)'s membership of the European Union is: a good thing/a bad thing/neither good nor bad”.

“Membership of the EU” brought new prospects to the political and socio-economic life of Baltic States and was attributed to a symbolic “return to Europe” after a considerable long period of Soviet domination. To be a part of the Union meant to take advantage of economic benefits such as an access to the European market and regional subsidies, on the one hand. On the other hand the EU was a supranational organization that could play an important role in the democratic consolidation of the new emerging Baltic democracies (Nielsen 2006: 109). Those were the essential reasons for high degree of public support on the “return to Europe” from the first year of independence until the second half of the 1990s.

According to the surveys conducted by European Commission (CEEB) public support for membership in Baltic States declined significantly after 1995. However, the numbers started to increase slightly at the time when the EU officially opened accession negotiations with four CEE candidates in 1997. These were the Czech Republic, Hungary, Poland, Slovenia and Estonia. Two years later, in 1999, other two Baltic states also joined accession negotiations which were extended to the remaining CEE candidates: Bulgaria, Romania, Slovakia, Latvia and Lithuania (Ehin 2001: 32). Estonia, Latvia and Lithuania become members of the European family and this was a “major foreign policy triumph following a long and difficult integration processes (Nielsen 2006: 109). Surveys from this period (from 1991 to 2004)

provide a set of data that is crucial for the testing of the hypothesis 1. In accordance with the database table 1 shows the percentage of public support in three Baltic States:

Country/Time	1991	1992	1993	1994	1995	1996	1997	2001	2002	2003	2004
Estonia	37	30	26	24	22	14	22	19	16	22	10
Latvia	44	39	36	28	24	14	27	16	13	30	11
Lithuania	51	42	43	30	20	18	29	20	36	46	40

**Table 1; Net percentage of support for the EU membership in Estonia, Latvia and Lithuania (positive responds minus negative responds).**

*Source: Candidate Countries Eurobarometer (CCEB) and Central and Eastern Eurobarometr (CEEB)*

As it is demonstrated in the Table 1, the image of the EU in Estonia, Latvia and Lithuania deteriorated between 1991 and 2004. The public support for membership in Baltic States in this period of time was noticeably low in comparison with other candidate states that were mentioned before. The net percentage of support rate in CEE candidate states for membership was 52 in 1997. On the contrary the same indicators for Baltic States were considerable low in this year. For example, only 30% of Estonian citizens in 1997 had a positive opinion about their country’s membership of the EU (CEEB: 1998).

There is also an obvious difference among Baltic States. Estonia and Latvia have relatively lack of enthusiasm towards EU compared to Lithuania which is shown in the table 1. According to the descriptive data prepared by European Commission, except 1995 the net figures of general attitude toward the EU in Lithuania through 1991-2004 were high than those of Estonia and Latvia. It is interesting to underline the figures from 2004; the percentage of negative respondents in Estonia and Latvia were 21 and 22 respectively. Only 12% of respondents saw their countries membership as a “bad thing” in Lithuania.

In a nutshell, Estonian and Latvian parliaments are expected to have a high scrutiny power in relation to their governments taking into account the low public support for EU membership

in these countries. When it comes to the Lithuanian parliament, the level of scrutiny is expected to be lower than in other two Baltic States.

1: Unfortunately there is not any Eurobarometer polls held from 1999 till 2000 providing the information about the general public attitudes towards EU in three Baltic States.

## 4.2. Second variable. Party Euroscepticism

The European integration processes are a unique model of integration generating novel institutions and huge number of regulatory policies. These processes were the subject of broad debates which also has given rise to wide opposition. (Taggart & Szcerbiak 2001: 5) On the background of the European integration political parties have become important gate keepers, bearing in mind the fact that parties are actively participate in functioning of EU institutions. For example, one could portray the image of the European Council as “opaque gatherings of Euro-elites”. Furthermore, the European Parliament is constructed around party groupings that resemble national parliaments in many aspects and the Commission in itself made up from ex-party members (Taggart & Szcerbiak 2001).

The previous studies of parliamentary oversight of governments over the EU matters in most instances ignore the analysis of the political parties which are the main actors in parliament. Political parties play a predominant role in connecting the demands of voters to the decision making processes of government (Holzhacker 2002: 460). However, there is a substantial point to emphasize: “the level of party-based Euroscepticism is not necessarily correlated with levels of popular Euroscepticism” (Taggart & Szcerbiak 2001:12). Generally speaking, party Euroscepticism may arise independently from public preferences and possible focus on economic, social, ethnic or other issues (Rohrschneider & Whitefield 2006: 152).

With the purpose of providing general view on the issue this section looks at the characteristics of Euroscepticism by referring to the studies taken by S. Hix. Latter, it continues with definition used by P. Taggart and A. Szcerbiak underlining the distinction between different levels of Euroscepticism.

S. Hix lists the reasons why citizens or party members choose 'pro' or 'sceptic' attitude towards the Union: "Citizens and party leaders may simply have attitudes towards the European Union (EU) and European integration that are derived from their primary preferences over policies and the assumptions they make about the likelihood of achieving these policies at the domestic and European levels. If citizens are unhappy with the domestic policy regime and believe that further European integration or action at the European level would produce policies that they favour, then they are likely to be pro-European". Oppositely, S. Hix also points out that the citizens and party members are more likely to take Eurosceptic stance if they believe that the EU and European integration are 'less desirable' and do not meet their primary preferences, or it negatively impacts the domestic policy (Hix 2007: 133).

P. Taggart and A. Szczerbiak stressed in their article; "Euroscepticism is very much a time- and country-specific phenomenon and depends on the particular issues at stake at any given time and the particular stage of the integration process that has been reached or is the subject of debate in any particular country" (Taggart & Szczerbiak 2001:10). On account of CEE states these authors suggest looking beyond the previous definition of Euroscepticism which was addressed to West European nations and for the purpose of this research the concept of Euroscepticism is also introduced in two forms: "hard" and "soft" Euroscepticism.

The fundamental opposition to the country's membership of the EU and rejection of the entire political and economic integration are on the basis of "hard" Euroscepticism. Hard Euroscepticism implies those individuals who have objection to the European integration idea and who believe that the processes of integration deeply jeopardize the core values of society/political system or etc. (Taggart & Szczerbiak 2001:10).

"Soft" Euroscepticism can be described in two sub-divisions: "policy" Euroscepticism and "nationalinterest" Euroscepticism. Both forms of soft Euroscepticism are contingent or qualified as in contrast to hard Euroscepticism they do not imply opposition to the integration project of the EU. Soft Euroscepticism is an approach which principally can support and encourage the European integration, if the particular policy area or national interest is arranged in line with the position of sceptic audience (Taggart & Szczerbiak 2001:10).

Before presenting the hypothesis 2 it is necessary to make the following points about characteristics of parties in general. With the growth of European integration the domestic politics has become an integral part of these processes. The country may become a member of

the Union only in circumstances where governing political parties have achieved a success in competition over ratifying accession. Additionally, the issue of accession possible could be used as a tool of strategic advantage by domestic parties aiming to attract electorate which in result would make the competition much more complicated.

Hypothesis 2 is related to the level of party-based Euroscepticism, which has the potential feature to affect the establishment of scrutiny mechanism prior to accession:

**Hypothesis 2a:** If the proportion of Eurosceptic parties presented in the parliament is higher, the degree of parliamentary scrutiny of the government policy at the EU level is going to be higher.

**Hypothesis 2b:** If the proportion of Eurosceptic parties presented in the parliament is lower, the degree of parliamentary scrutiny of the government policy at the EU level is going to be lower.

Since 1995 every government in Estonia has prioritized EU accession on their agenda. At the beginning EU accession was approached as an issue of foreign policy, but constantly it has transformed to be a central issue in domestic political processes. From different point of view, as it is mentioned in the first section of this chapter, Estonian public was one of the most Eurosceptic among the candidate states (Mikkel 2003A: 2-3). E. Mikkel attempts to explain the high level of Euroscepticism among the Estonian general public by putting forward three arguments (Mikkel 2003A: 4);

1. “specific historical legacies; the negative experience of being in the Soviet ‘Union’ and an idealised notion of the independent statehood”
2. “proximity and connections with the Nordic countries which arouses strong anti-EU feelings among certain interest groups”
3. “specific unpopular government policies that were linked to the EU accession process”.

Like the public view on the EU, there was also numerous evidence of party-based Euroscepticism in Estonia. It is the only state in Baltics where domestic parties displayed hard Eurosceptic stances, such as Estonian Christian People’s Party which has won 2,43 share of votes on parliamentary election held in 1999 (Taggart & Szczerbiak 2001:17).



Although the domestic parties with the highest share of votes has expressed Euroscepticism for a long time, by the end of 2001 the situation has changed rapidly in Estonia and those parties which attempted to focus on EU membership issue performed miserably in later 2003 parliamentary elections (Mikkil 2003B: 4). There were two political reasons which brought those changes: in October 2001 Estonia voters elected their new president and in January 2002 the new coalition government was formed. The new president Arnold Rüütel's unexpected victory in presidential elections was generated mostly by the votes of electorate who perceived as "transition loser" being from rural region. This part of population was more Eurosceptic in comparison to other and having their leader in office made them more willing to have positive stance on the EU membership which was soon accepted by Rüütel's cabinet (Mikkil 2003A: 4). In that sense, the governmental parties which had displayed some attributes of Euroscepticism in the past took more pro-EU position. The Reform Party, People's Union and Centre Party are good example in this case. Only the Centre Party brought some Eurosceptic issues to public during the political campaign for the parliamentary election held in 2003, but this was aimed to attract new supporters to the party (Mikkil 2003B: 4).

In addition, peripheral parties like the Christian Democratic party, Estonian Christian People's Party, Social Democratic Labour Party, the Russian Party in Estonia and the Independence Party showed strong anti-EU attitude in the campaign period. However, due to the restrictive electoral system those opposition parties were not active enough during the campaign: they face heavy financial burden in running the election campaigns. Thereupon, the public subsidies were available only for parliamentary parties that make it hard for opposition parties to be active (Mikkil 2003B: 4).

Latvia, the other country from Baltic region, shows a great effort since independence aimed to integrate into European and Western political and economic organizations. Obviously accession to the EU was an indispensable part of national interest (Pridham 2003: 2). Nonetheless, the Estonian party system expressed the sign of soft Euroscepticism in their policies. But there is not any evidence of hard Euroscepticism in Latvia contrary to Estonian case.

The Social Democratic Alliance and For Fatherland and Freedom/Latvian National Conservative Party was front-runner in representing soft Eurosceptic views on membership tracing back to the end of 1990's and beginning of 2000's; the party members of Social

Democratic Alliance did not agree with other mainstream parties on the EU question as they declare the EU accession process should not be in the centre of attention when there are some important internal social problems to be discussed. The latter, For Fatherland and Freedom/Latvian National Conservative Party took “national interest” soft Euroscepticism position highlighting the national sovereignty and cultural values (Taggart & Szczerbiak 2001:17). Similar to Estonia, the huge differences started to take place within governmental party system after the end of 2002. The Copenhagen Summit in December 2002 clear the way of Latvia into the EU membership which succeeded by wide cross-party consensus on the EU related matters (Pridham 2003: 2). As mentioned one of the less enthusiastic parties in Estonian parliament in the past, For Fatherland and Freedom/Latvian National Conservative Party, from now made a shift toward more pro-EU stance with declaring "by saying 'No' to the EU, we would remain in the ante-room before the East and the West and lose support from the world's developed countries for our economic growth and security". Therefore too split Baltic States by isolating Latvia constituted the foremost concern of key actors in the state. The same approach was stressed by President Vaira Vike-Freiberga: "I believe that when the moment to take a decision comes, the Latvian electors will look at the other candidate countries and will ask themselves whether they shall remain the only ones to stay behind" (Pridham 2003: 3).

Latvia presents the case where Russian minority comprise 30% of population which was the largest ethnic minority group of candidate states (Pridham 2003: 1). The interest of Russian minority was defended by the leftist parties in Latvia. In consistence with right wing parties those also shifted their position on the EU accession. Well-known leftist Equal Rights Party was among these parties adopting a new platform in the middle of 2003 and announcing its support for the EU membership (Pridham 2003: 3). Despite this fact, Russian population showed less support in the accession referendum; those many of them thought that the EU membership will impact the relationship between Latvia and Russian Federation. The guarantee of minority rights and better economic condition were not a stimulus for Russians to vote for the membership which was predicted in the beginning (Pridham 2003: 11-12).

Finally, as it was underlined in the previous section Lithuanian citizens were much more pro-EU rather than Estonian or Latvian. Notwithstanding, the biggest Eurosceptic wave hit Lithuanian public in the last term of 1999<sup>6</sup>. There were bunch of reason for the changes in public attitudes towards the EU. First, the privatization of company “Mazeikiu nafta”, one of

the biggest oil corporations in Lithuania, caused some doubts about in general public about the adequacy of government. Secondly, the 1998's financial crisis in Russia did not path away from Lithuania as the Lithuanian coalition government was not capable to maintain stability in the states which resulted with the lowering of incomes. Last but not least, the Lithuanian population did not acquire enough knowledge about the EU overall. These factors create suitable ground for the Centre Party and the Peasants Party to run the soft Eurosceptic campaign in the parliamentary elections took place in 2000 (Taggart & Szczerbiak 2001:17).

The situation was slightly different during the accession campaign in Lithuania in 2003. All the major parties in the state took a strong pro-EU stance, even though they did not receive any funds from government. One of the remarkable party campaigns was run by the Lithuanian Christian Democrats with the support of the European People's Party which arranged "yellow bus ride" traveling across the country within two weeks. Moreover, most of the party leaders from different fronts participated on media discussions and made a public speeches expressing their enthusiasm toward the EU membership. The "Yes" campaign was organized very well in Lithuania. The Lithuanian high political figures were very active participants of the pro-EU campaign, such as President Rolandas Paksas, premier minister Algirdas Brazauskas, parliamentary speaker Arturas Paulauskas and former President Valdas Adamkus putting great effort to attract voters to take part in referendum and make "Yes" decision which stated to be very vital for the future development of the state (Mažylis & Unikaite 2003: 8).

The opposition camp, which consisted of small Eurosceptic political groups (right wing radicals and extreme nationalists; small milk producers; and Russian speakers), confronted with some organizational problems and could not able to cope with financial difficulties. Indeed, none of the major political parties took anti-EU stance during the campaign in Lithuania. The official record on registered Eurosceptic part of population was very poor: three members of parliament, two marginal political parties and nineteen individual persons (Mažylis & Unikaite 2003: 8).

To conclude, Estonia, the only country in Baltic region where a party acts as hard Eurosceptic, is expected to have relatively robust parliamentary configuration to scrutinize the government in EU related issues. Latvia can also be added to this list, as far as some parliamentary parties in the state regularly displayed the signs of soft Euroscepticism on their policy. In agreement with Hypothesis 2 Lithuania is supposed to have less parliamentary

power to influence government than in Estonia and Latvia, since none of the major parliamentary parties has had Euroscepticism in their attitudes toward the integration to the Union.

### 4.3. Third variable. Frequency of minority government

The previous researches on interactions between parliament MPs and government ministers give us important information that contribute to the formulation of the third hypothesis. In that sense, the brief review of previous studies is presented as follows:

- Saalfeld in his article conducts a comparative analysis of the EU-15 aiming to explain variations in the relationships between minister and government backbenchers in national parliaments (343). The author argues that there is a direct linkage between those relationships of ministers and government backbenchers with the overall parliament influence over government; if there is an intra-party conflict between the governing parties, and then these conflicting sides will consider the other ministers as their opponents. Meanwhile they will also try to protect their interests from “ministerial opportunism” by relaying on strong oversight mechanism. In contrast, single-party majority government, in which all power is concentrated in the hand of one party, may create much more room for ministers to manoeuvre in the area of foreign policy. The reason for this is not that governing party members regularly discuss and agree on every single foreign policy matter, but rather they behave as a player of “the same team”. In this situation government can receive a broad support and its position may become very advantageous in relation to parliament. However, it appears to be vice versa in other types of government formation; coalition and minority cabinets. In coalition cabinet, adopted national policy could be the result of a compromise between parties which form the cabinet. In such circumstances coalition parties seem to find the lowest common denominator which will satisfy each side in government. The situation becomes much more complicated in the case of minority government (Saalfeld 2005: 356-357).

- By studying the cross-national variation in the parliamentary processes of scrutiny and co-ordination T. Bergman explains the power relations between parliament and government in this way: “It seems plausible that the strength of the parliament is often the reverse of government strength. In states with minority governments, the parliament can have a greater real influence over policy than where the government controls a majority of the votes in the parliament.” Then the author shows the example of the Danish Folketing and the Swedish Riksdag and makes a comparison of those with France and the UK. This comparison highlights that Danish and Swedish parliaments possess higher influence on policy formulation rather than others (Bergman 1997: 381).
- “Variation in these oversight mechanisms among the members of the EU-15” is the main theme of article by Phare in which he stresses the importance of the minority government for institutional choice; “Continued governance by minority governments is a necessary condition for effective parliamentary oversight.” Majority governments lack the divisions between executive and legislature to a certain degree which may result with an ineffective parliamentary oversight of governments. Similar to Bergman’s research, Phare refers to the Danish case in order to illustrate how frequency of minority government can actually help to understand cross-national variations in parliamentary oversight of the EU-15 (Phare 1997: 159).

The hypothesis 3 is derived from above mentioned studies all of which come to the common ground by stating that the frequency of minority government has a broad influence on the establishment of institutional mechanism to monitor the government behaviour in the Council. Put differently, the strong parliamentary oversight could emerge when minority governments are more frequent.

**Hypothesis 3a:** The establishment of an efficient parliamentary scrutiny system is less likely to be realised, if there is a majority government in the state.

**Hypothesis 3a:** The establishment of an efficient parliamentary scrutiny system is much more likely to be realised, if there is a minority government in the state.

Scholars studying legislative activity in post-communist states of Central and Eastern Europe, including Baltic States, often characterised the early parliaments in those states as weakly institutionalised organs which cannot guarantee the stability of party-political system (See

Kopecký 2004). The executive organs in post-communist European states were also the subject of criticism in legislative studies. A. Evans and G. Evans comment on the general view of policy-making environment in Baltic States during the 1990's; "the mix of chronic political instability, fiscal crises, complex policy demands, unresponsive decision-making processes, and poor policy management capacity at the centre contributed to high levels of executive policy unreliability and slowed the pace of reform" (Evans & Evans 2011: 935). That is to say the unstable executive organ with frequent government changes was shown as the primary reason why the overall strength of parliaments was high within states, even though the post-communist parliaments lack the organized activity in the early time (Pettai & Madise 2006: 292-293).

After the parliaments in the region become more democratically consolidated than they were in the past, researchers, who referred to the legislative and parliamentary activity in Western Europe, started to underline the major inconsistencies in the legislative system of post-communist states; executive institutions in the region surpassed the parliaments by dominating in decision-making processes, that half of the adopted legislative decisions brought forth by the proposal of executives. Nevertheless, by time post-communist parliaments were able to strengthen its position vis-à-vis the executives (Pettai & Madise 2006: 293).

All three parliaments of the Baltic States are unicameral. Estonia's Riigikogu consists of 101 members, while Latvia's Saeima has 100 members and Lithuania's Seimas, being the largest in the Baltic region, made up of 141 members. When it comes to the legislative-executive relations in three Baltic States, they are quite different from each other. Hence, Latvian case is noticeable distinguishable from Estonian and Lithuanian (Pettai & Madise 2006: 294). This was mostly because of the Article 81 of the Constitution of the Republic of Latvia which was abolished on 3 May 2007: "During the time between sessions of the Parliament the Government has the right, if necessary and if not able to be postponed, to issue regulations which have the force of law"<sup>7</sup>. This article set a favourable condition for government to be a dominant in legislative politics; the legislative proposal submitted by government must be approved by the parliament. The parliament has a right to reject these proposals, but in practise this is unusual in Latvia. The Saeima itself considers those proposal as "government sponsored bills" that require to be discussed and approved within given time (Pettai & Madise

2006: 294). In other two Baltic countries, namely Estonia and Lithuania, the constitutions do not grant such a right to the executive (Pettai & Madise 2006: 295).

In further tables the empirical data on governments are presented for each Baltic state. These tables were prepared according to the dataset that is found in C. R. Conrad and S. N. Golder's article which examines the government stability in Central and Eastern European Democracies using Keesing's World News Archive and country reports from the European Journal of Political Research. In line with Hypothesis 3 tables 2a, 2c and 2b show the type of governments in Estonia, Latvia and Lithuania respectively. As well, the duration of those governments and the reason for government's termination also included in the tables which are useful to identify the stability of the governing bodies in the Baltic States. Authors illustrate the governments with 5 different performance indexes. However, in the following tables it was simplified and showed in 2 types – majority and minority governments, since the intention of this section is to acquire information about the frequency of minority government.

All three tables were prepared in the same way; *Begin date*: indicates the date when a new government takes office. *End date*: illustrates the termination date of government. *Potential duration*: a period of time (showed in days) from *Begin date* to the next constitutionally mandated parliamentary election. *Actual duration*: a period of time (showed in days) from *Begin date* to the *End date*. *Government type*: 1 stands for majority and 2 stands for minority government. *Parties in government*: indicates the government parties.

No	Begin Date	End date	Potential Duration( in days)	Actual Duration (in days)	Gover. Type	Parties in Government
1.	21.10.92	26.09.94	1230	706	1	I, M, ERSP
2.	17.04.95	11.10.95	1421	178	1	KMÜ*, K
3.	03.11.95	20.11.96	1221	384	1	KMÜ*, RE
4.	01.12.96	25.02.97	827	87	2	KMÜ*
5.	14.03.97	07.03.99	724	724	2	KMÜ*
6.	25.03.99	08.01.02	1446	1021	1	I, RE, M
7.	28.01.02	02.03.03	406	399	2	RE,K

8.	09.04.03	24.03.05	1426	716	1	ResP, RE, RL
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**Table 2a. Governments in Estonia 1992-2004**

*I (merges into single party with ERSP in 1995) consists of EVK, EKDE, EKDL, EKR, ELP M (merges into single party in 1996) consists of ESDP and EMK and KMÜ consists of EM, EK, EME, EPPL. Names of the government parties which are shown in Table 2a; EK – Estonian Coalition Party; EKDE - Christian Democratic Party; EKDL - Christian Democratic Union; EKR - Conservative People's Party; ELP - Estonian Liberal Democratic Party; EM - Estonian Rural Union; EMK - Estonian Rural Centre Party; EME - Estonian Country Peoples Party; EPPL - Pensioners and Families League; ERSP - Estonian National Independence Party; ESDP - Estonian Social Democratic Party; EVK - Republican Coalition Party; I - Pro Patria Union; K - Estonian Centre Party; KMÜ - Coalition Party and Rural Union; M - Moderates; RE - Estonian Reform Party; ResP - Res Publica; RL - People's Union.*

Source: Conrad & Golder (2010): 139

From the table above we can see that eight different governments have been in office from 1992 till 2004 in Estonia and three of them were minority cabinets. The single-party minority government formed by KMÜ has stayed in office twice from December 1, 1996 to February 25, 1997 and from March 14 1997 to March 7, 1999. In fact, first cabinet was ended with resignation of Prime Minister and last only 87 days. The third minority cabinet was formed on January 28, 2002. It was a minority coalition government consisting of RE and K and this government stayed in office till March 2, 2003. Furthermore, the last government prior to accession was a coalition government that held a parliamentary majority in their hands, made up from ResP, RE and RL.



No	Begin Date	End date	Potential Duration (in days)	Actual Duration (in days)	Gover. Type	Parties in Government
1.	08.07.93	15.07.94	1185	373	2	LC, LZS
2.	15.09.94	01.10.95	751	382	2	LC, TPA
3.	21.12.95	20.01.97	1019	397	1	DPS, LC, TB, LNNK/LZP, LZK/LKDS/LLDP, LVP
4.	13.02.97	28.07.97	599	166	1	DPS, LC, TB, LNNK/LZP, LZK/LKDS/LLDP
5.	07.08.97	08.04.98	424	245	1	TB/LNNK*, LC, DPS, LZK/LKDS/LLDP
6.	09.04.98	03.10.98	179	178	2	TB/LNNK, LC, LZS, LKDS
7.	26.11.98	03.02.99	1410	70	2	LC, TB/LNNK, JP
8.	04.02.99	04.07.99	1340	151	1	LC, TB/LNNK, JP, LSDA
9.	16.07.99	12.04.00	1178	272	1	TP, TB/LNNK, LC
10.	05.05.00	05.10.02	884	884	1	TP, LC, TB/LNNK, JP
11.	07.11.02	05.02.04	1431	456	1	JL, ZZS, LPP, TB/LNNK
12.	09.03.04	28.10.04	943	234	2	ZZS, LPP, TP

**Table 2b. Governments in Latvia 1993-2004**

*TB and LNNK had merged into a single party. Names of the government parties which are shown in Table 2b: DPS - Democratic Party Saimnieks; JL - New Era; JP - New Party; LC – Latvian Way; LKDS - Christian Democratic Union of Latvia; LLDP - Democratic Party of Latgale; LNNK - National Conservative Party; LPP - Latvian First Party; LSDA - Latvian Social Democrat Union; LVP - Latvian Unity Party; LZP - Latvian Green Party; LZS - Latvian Farmer's Union; TB – Alliance `Fatherland and Freedom'; TP - People's Party; TPA - Political Union of Economists; ZZS - Union of Greens and Farmers.*

Source: Conrad & Golder (2010): 141

With twelve government changes from 1993 till 2004, Latvian executive branch seems to be the less stable among Baltic States. Only one cabinet was able to serve a full time period in the office which could be a good example characterizing this instability. As can be seen from the Table 2b, between 1993 and 2004 minority cabinets have taken office five times in Latvia. All of them were minority coalition in which none of the government parties has control over parliamentary majority. Besides, the average duration time of those governments raises the question about their functioning. For instance, one of the minority governments served from November 26, 1998 to February 3, 1999 were in office for 70 days and left the office due to change of party composition.

No	Begin Date	End date	Potential Duration( in days)	Actual Duration (in days)	Gover. Type	Parties in Government
1.	16.03.93	08.02.96	1351	1061	1	LDDP
2.	23.02.96	10.11.96	277	262	1	LDDP
3.	04.12.96	03.05.99	1445	881	1	TS(LK), LKDP, LCS
4.	01.06.99	27.10.99	545	149	1	TS(LK), LKDP
5.	03.11.99	08.10.00	390	341	1	TS(LK), LKDP
6.	30.10.00	20.06.01	1451	234	2	LLS, NS
7.	05.07.01	24.10.04	1203	1208	1	LSDP, NS

**Table 2c. Governments in Lithuania 1993-2004**

*DP - Labor Party; LCS - Lithuanian Center Union; LDDP - Democratic Labor Party; LKDP - Christian Democratic Party of Lithuania; LLS - Liberal Union of Lithuania; LSDP - Social Democratic Party of Lithuania; LVLS - Lithuanian Peasant Popular Union (prior to February 2006, known as VNDPS, Liberal Democrats and the Union of Farmers and New Democracy); NS - New Union Social Liberals; TS (LK) - Homeland Union (Lithuanian Conservatives);*

Source: Conrad & Golder (2010): 142

The data on Table 2c provide us with completely different picture; First of all, Lithuanian case distinguishes itself as it has had seven changes of government since 1993 to 2004. Latter, there was only one minority government in Lithuania within the shown period of time. This minority coalition cabinet composed of LLS and NS existed only for 234, since it stepped down by resignation of Prime Minister. Additionally, other six governments that were mentioned in the Table 2c had a control over parliamentary majority to a certain degree.

In sum, keeping in mind the data illustrated in three different tables, one could assume Estonia and Latvia having rather strong parliamentary power to scrutinize the executive than Lithuania. This is because Lithuania case represents significantly low number of minority cabinets than Estonia and Latvia, since Hypothesis 3 prescribes the minority cabinet as an important condition which is crucial for the establishment of efficient scrutiny system that will have adequate control over executive. From another aspect, the single most striking observation to emerge from the data comparison among three Baltic States is the overall number of governments that were in office within the same extent of time. In point of fact, Latvian case demonstrates a huge variance with frequent changes of government as it is brought to attention above. However, Lithuania, which is supposed to have a weak parliamentary scrutiny capacity according to Hypothesis 3, has the lowest number of cabinets which assumed office during the indicated time. Estonia only slightly stands apart from Lithuania in that sense.

## 5. Chapter Five

### 5.1. Measuring the strength of parliamentary scrutiny models of Baltic States

Previous studies of national parliaments in EU affairs state that measuring the strength of legislative body is a very complex phenomenon. Due to diverging legal procedures not all national parliaments enjoy the same power and it is not easy to categorize them (see Maurer & Wessels 2001, Raunio 2005, Karlas 2011). Besides, according to the common assumption among scholars of legislative studies, the national parliaments of Member States should not be considered as weak institutions, even though at the European level the executives are dominating in both drafting and implementation of the Union's policies. The Member States governments still need to maintain the effective policy coordination between the cabinet and their national parliaments.

As it was underscored at the beginning, this research refers to the definition suggested by Holzacker which interpret the parliamentary scrutiny– “the exercise of power by the legislative branch to control, influence, or monitor government decision-making”. Although the measurement of scrutiny strength of parliaments is very intricate and it demands considerable efforts, a number of scholars made a comprehensive research on this topic. Such as the analysis carried out by J. Karlas (2011) in which he suggests to assess the strength of parliamentary control according to four dimensions; “access to information (access)”; “scope of scrutiny (scope)”; “decentralization of scrutiny (decentralization)”; and implications of control (implications)” (Karlas 2011: 261). But the most appropriate framework for this research seems to be the three criteria offered by A. Maurer and W. Wessels. In accordance to the framework set by A. Maurer and W. Wessels, the strength of parliamentary participation should be evaluated by addressing three criteria; “the scope of parliamentary control”, “the timing and management of parliamentary scrutiny” and “the impact of parliamentary scrutiny” (Maurer & Wessels: 2001-69).

Taking the point of departure from A. Maurer and W. Wessels's research this study will measure the strength of parliamentary scrutiny in Baltic States according to three dimensions: 1) the scope of parliamentary control; 2) the timing and management of parliamentary scrutiny; 3) the impact of parliamentary scrutiny;

**The scope of parliamentary control:** This is firstly depends on the extent of documents which are received by the parliaments from their own governments. These forwarded documents can be in the form of draft proposals of legislative acts and other acts; such as “white and green papers, recommendations, declarations, documents produced by COREPER, the Council working groups, the European Parliament and its committees”. Additionally, the scope of parliamentary control is not only connected with the diverse documents received by the parliaments, but it is also concerned with the method that is applied by legislative body as A. Maurer and W. Wessels raise a question; “how do national parliaments select and sift documents forwarded by their respective executives?” (Maurer & Wessels 2001: 69).

The function of Euroopa Asjade Komisjon (Committee on European Affairs) of Estonia can be perceived in two main directions as it was indicated on the official web page of the parliament: “the legislative proposals by the European Commission and the Council of Ministers meetings (and the European Council)”. Those legislative proposals by the European commission includes a wide range of acts with regard to White Papers, Green Papers, Directives, Regulations, Communications, Inter-institutional Agreements, etc. (COSAC 2007: 15). After being discussed in the Government, the legislative proposals are sent to the Broad of Riigikogu. In the next stage these EU documents forwarded to the European Affairs Committee (and in the case of necessity to other specialized standing committees; for instance, the documents related to Common Foreign and Security Policy and treaties with third countries are transmitted to Foreign Affairs Committee) by the Board. The Euroopa Asjade Komisjon forms an opinion in the committee discussion about the received legislative acts which is then forwarded to the government. The EU Affairs Committee also take into account the position of other specialized committees of Riigikogu, while defining it position on particular matter. When it comes to the Council of Ministers meetings, the Estonian government gets involved in joint discussion with the Committee's members held in the Euroopa Asjade Komisjon where ministers justify their further position on the relevant issue.

As the result of this discussion Committee's final position is forwarded to the Government after the session. It is also possible that Committee decline to form an opinion <sup>8</sup>.

Lithuanian Seimas also adopted mixed form of scrutiny model similar to Estonian Riigikogu. Europos Reikalu Komitetas (European Affairs Committee) of the Lithuanian parliament scrutinizes both the EU documents and the government's negotiation position which is received in the form of oral or written reports (COSAC 2009). However, there is a major discrepancy between Seimas's and Riigikogu's scrutiny systems; the parliament in Lithuania processes the EU documents and other EU related acts as well as the position of government at different stages, depending on the relevance of the issue. (COSAC 2005: 16). All draft negotiating positions are discussed by the Committee prior to final adoption by the Government (European Parliament 2002: 87).

Eiropas Lietu Komisija (European Affairs Committee) of Latvian Seima is lagging behind in comparison with other two Baltic States' European Affairs Committee. By applying procedural scrutiny model, Committee on EU affairs of Latvia only scrutinizes the Government position in the Council's meetings, as the Committee systematically mandates the Government with negotiating positions. To the contrary, there is not any systematic procedure for examining the EU documents in Eiropas Lietu Komisija, most of them are scrutinized after the Government's position is set up.

**The timing and management of parliamentary scrutiny:** For an effective scrutiny system it is vital to get an access to the EU acts and other EU related documents in proper time so that the respective chambers of parliaments have sufficient time to consider those documents. This criterion depends on the constitutional and legal procedures of each Member States in regard to the transmission of draft proposals and other acts to the parliament, whereas in some states governments are responsible for transmitting the respective documents "at the earliest possible date" or "in advance on the preparation of meetings of the Council", while others "after receipt of a document by the Government". From this context, the following question must be addressed to evaluate the timing and management of scrutiny system (Maurer & Wessels 2001: 69-71): "At which stage of the EU's arenas' decision-making process do parliaments start the monitoring process vis-à-vis their governments?", "Are the necessary procedures established for monitoring the Government's policy constrained by time limits?"

The most progressive system of scrutiny is observed in Lithuanian Seimas; the scrutiny processes start very early and all the sectoral committees are actively engaged in these processes (COSAC 2007: 11). Moreover, the initial examination of the EU documents is made by the sectoral committees where the relevance of further scrutiny is assessed in three categories; “very relevant” (red), “relevant” (yellow) or “moderately relevant” (green). It can also be underlined that the “national interest” is not a necessarily deciding criterion for the selection of the documents in the Lithuanian Seimas (COSAC 2010: 17). The recommendations of sectoral committees then submitted to the Europos Reikalu Komitetas (COSAC 2005: 53). The processes of scrutiny accompanied by the permanent dialogue between the Parliament and the Government in Lithuania, in other words, the Seimas actively initiate political discussion on the relevant matters with the Government (COSAC 2007: 11).

According to the amendments to the Riigikogu Rules of Procedure Act entered into force on 15 March 2004 “the Government of the Republic shall present the draft legislation at the earliest opportunity after its receipt”<sup>9</sup>. Additionally, a written letter must also be attached to the draft legislation, containing general information about the legislative proposal and the position of the Government. Even if there were some essential amendments, any specified or detailed information with regard to time constrain on Governments still missing in the Rules of Procedure Act. The term of “at the earliest opportunity after its receipt” has very indefinite and unclear character. Besides, not all specialized committees are participating in scrutiny system as it was in Lithuania.

The procedure of when and how the government must provide the parliament with the information on the legislative draft is also vague in Latvian case. In line with the replies by the Latvian Seima to the questionnaire of bi-annual report of COSAC took part in 2010: “... the European Affairs Committee has the right to directly request information and explanations necessary for its work from the relevant Minister and the institutions subordinated to or supervised by him or her. Thus, if the European Affairs Committee requests it, the government is obliged to submit its opinions regarding the compliance of the new EU legislative acts with the principles of subsidiarity and proportionality. The government must provide its reply within a reasonable time<sup>10</sup>. But what is specified under the “reasonable time” is not clear defined by the Seima.

**The impact of parliamentary scrutiny:** This criterion is varies in every Member States national parliaments. Hence, there is an obvious difference between national

parliaments which apply document-based model of scrutiny system and those with procedural scrutiny system, put differently, between the parliaments which are capable of mandating their governments and the parliaments that prefer informal and political channels to influence the respective governments. “The issue of the level and of the minimum number of deputies” are also dependent factors for the impact of parliamentary scrutiny (Maurer & Wessels 2001: 71).

As it was stressed before, the Lithuanian Seimas gives a political mandate to the Government on a regular basis. The Ministers are obliged to follow these instructions in the Council. If the anticipated results are not achieved, then the Ministers have to come before the Seimas and demonstrate that the decision taken in the Council are not contradicting the national interests. This arrangement puts the Seimas on the central position of control of the EU matters. On the other hand, Europos Reikalų Komitetas is actively participate in different stages of scrutiny as it mentioned in the COSAC report: “The European affairs committee of the *Seimas* indicates that it has successfully placed a number of items on the government’s EU agenda and has been equally successful in adjusting and amending government positions, as well as initiating a continuous political discussion”. (COSAC 2007: 11) Furthermore, the Committee on EU Affairs of the Seimas consists of 24 members, 3 advisers, 2 assistants, 1 secretary and the Committee meets once in a week (European Parliament 2002: 88).

By scrutinizing the Government’s position in the Council meetings as well as on working group level the Estonian Riigikogu provide the Government with negotiating position. In accordance with the description presented on the official web-page of Riigikogu: “The Government of the Republic is required to adhere to the opinion of the Riigikogu. If the Government of the Republic has failed to do so, it shall provide justification thereof to the EU Affairs Committee or the Foreign Affairs Committee at the earliest opportunity.” The Ministers systematically submit a written note containing proceeding of each Council of Ministers meetings to the European Affairs Committee <sup>11</sup>. The European Affairs Committee of Estonia compose of 17 members, 6 officials, 1 vice chairman and 1 chairman and the meetings of the Committee are held on a weekly basis.

The European Affairs Committee of the Saeima enjoys the power to approve the national position in the Council meetings. Like in other Baltic States, the Latvian government must inform the parliament about its position on a particular issue prior to the meeting. The Saeima plays a strategic role in the scrutiny system: “The relevant minister receives a mandate to



present Latvia's position to the Council only when it has been approved by the Committee. If the Committee rejects the position approved by the Cabinet of Ministers, the relevant ministry must change its position in accordance with the recommendations of the Committee" <sup>12</sup>. The EU Affairs Committee of the Saeima is the largest standing committee made up of 21 members from all political parties presented in the Parliament. The members of the Committee meet once a week.

## 5.2. Discussion of research findings

The scrutiny strategy adopted by Lithuanian Seimas demonstrates positive results throughout the measurement of parliamentary strength which consisted of three dimensions. These results from measurement reveal that the model applied by Lithuanian parliament to oversight its government is not less powerful than those of Estonia and Latvia, but rather it is noticeably much more sophisticated and advanced. The functionality of Europos Reikalu Komitetas, the involvement of parliamentary committees, categorization of documents, holding permanent dialogues with government and other similar aspects make the Lithuanian Parliament relatively strong institution in scrutinizing EU affairs.

On the other hand, according to the results obtained from measurement of dependent variable the Hypotheses 1, 2 and 3 are not congruent with the outcome. The concepts presented in each hypotheses determine the Lithuanian Seimas as having inferior scrutiny strategy in comparison with Estonia and Latvia. In fact, this assumption does not present the objective reasons for variance in the scrutiny strategies of Baltic parliaments. If the explanatory variables proposed by the research are inconsistent with the outcome, then what factors stands for diversity?

The historical heritage, culture, social and economic factors are some of the core points which differs Baltic States from old member states. To a certain degree, these differences might be the foremost reason for why the explanatory variables based on previous analyses were unsuccessful to predict the outcome in this research. Nonetheless, during the investigation I came upon with two interesting moment. First and important one is that the role of governments in legislative agenda setting varies in each Baltic States. The variance that I

noticed here might have a causal interference with the dependent variable of the research. For example, the government has a relatively higher role in legislative agenda setting in Latvia—the state with less effective scrutiny system in Baltic region. But when it comes to other two Baltic States, Lithuanian Seimas and Estonian Riigikogu seems to have rather advantageous position vis-à-vis their governments.

Second moment belongs to Nordic-Baltic Cooperation and its influence on the Baltic parliaments. This finding can contribute to further studies in explaining the formulation of scrutiny strategies chosen by Baltic States' national parliaments.

The following two sub-sections give detailed information about above-mentioned moments:

**The role of governments in legislative agenda setting:** There are some common features in how parliamentary agendas are set in Baltic States, but overall each Baltic parliament is considerably different. From the procedural point of view, in all Baltic States the draft agendas for the plenary sessions are prepared by leadership boards or assemblies usually made up of the Speaker of Parliament and deputies. Latvian “Presidium of the Saeima” and Lithuanian “assembly of elders” are in charge for processing and approval of the draft of an agenda and they also considers any proposed amendments to the agenda by the respective government. Only in Estonia the executives do not have any formal right to participate in the process of setting the parliamentary agenda. The Estonian Riigikogu Board holds all the power for drafting and confirmation of the parliamentary agenda (Pettai & Madise 2006: 297). The variations also emerge in “the possibility of adopting laws under expedited procedures”, where MPs enjoy the right to receive legislative acts in advance. For example, in Latvia the legislative proposals must be available for MPs at least seven days before submission to the first reading. The same provision is also established for MPs in Lithuania who can use “urgency” or “special urgency” for getting an access to the legislation. Nevertheless, such constitutional or legal provisions are not available for the Estonian MPs, but this is compensated with an extended duration time for the approval of legal act (legislation must pass three full readings at least in three weeks) by the parliament, as well, with the rough voting procedure (an absolute majority of Riigikogu members) required for legislation to be passed (Pettai & Madise 2006: 298-299).

The third aspect in which, Baltic parliaments presents diversity is the procedure of making amendments to the legislative proposal by executives. In Latvia a wide range of executives,

from the Prime Ministers to the ministerial secretaries responsible for parliamentary affairs, have the right of legislative amendments. The same words can also be said for Lithuania, where executives acquire the right for making amendment to the legislative drafts. But in Estonia the only MPs, party groups and committees have the right of legislative amendments (Pettai & Madise 2006: 299). Finally, the differences are also visible in terms of consideration the governmental bills by Baltic States' national parliaments. Estonian and Lithuanian parliaments share the same procedures in which parliaments have the final say on whether accept or reject the governmental bills to plenary readings. To the contrary, in Latvia governmental bills must be processed in plenary sessions, even in the case when they are rejected by the parliament (Pettai & Madise 2006: 299).

**The weight of Nordic-Baltic Cooperation in the choice of parliamentary scrutiny model:** In June 1993 the European Council in Copenhagen, Denmark acknowledged the CEE countries as candidate states. It also established the conditions which a candidate state must meet to be eligible to join the EU. The criteria determined in Copenhagen then became known as “Copenhagen criteria”;

- *“Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.”* (European Council 1993: 13)

Taking into account that the Baltic States were newly independent from soviet regime when the Copenhagen criteria set, the way of integration to the EU was very challenging. The Baltic States ran the process of accession simultaneously with state and nation building from 1990s to 2000s. (Jungar 2007: 2-3). Meanwhile, the candidacy of the Baltic States was strongly supported by Nordic Member States. Besides, the Nordic States have developed close relations with Baltic States since they gained their independence from the Soviet Union. The large scale assistance to the Baltic States was implemented under the auspices of the Nordic Council and the Nordic Council of Ministers.<sup>2</sup> The significance of both these institutions in strengthening the rule of law and democratic principles in Baltic States should not be underestimated.

In 1992 a formal agreement on cooperation between the Nordic Council (an inter-parliamentary forum between Nordic States) and Baltic Assembly was signed. This cooperation agreement launches a close partnership between Nordic and Baltic parliamentarians and it recognizes the foremost goal of further alliance; “to encourage positive democratic, socio-economic and cultural development in the Baltic Sea Region”<sup>3</sup>.

The official co-operation between the Baltic States and the Nordic Council of Ministers (forum for Nordic governmental co-operation) was launched even before 1992. Right after all three Baltic States announced themselves independent from Soviet rule in summer 1991; Nordic Council of Ministers opened its Information Offices in the capital cities of Latvia, Lithuania and Estonia. The Information Offices have actively performed their duties and helped the Nordic Council of Ministers to build up close co-operation with Baltic States<sup>4</sup>. In describing the effectiveness of the Council of Ministers Information Office in Riga, Latvian Ministry of Foreign Affairs states that:

- *“Due to the dynamic activities of the NCM Information Office in Riga, large numbers of Latvian young people and students have learned Nordic languages, members of creative professions and scientists have received scholarships to help them fulfill their aspirations, but politicians, local authority staff and civil servants were given opportunities to exchange experience.”*<sup>5</sup>.

The Parliamentary cooperation agreement and large-scale actions of Nordic Council of Ministers boosted the bilateral relations among Nordic and Baltic States. For example, during the processes of reintegration to the Europe Nordic Countries account for the bulk of the FDI in Baltic States. It is most visible in the Estonian case, where 68% of inward FDI stock came from Sweden and Finland (Leibniz Information Centre for Economics 2004, p97-99). Those bilateral relations did not only comprise the economic assistance to the developing Baltic States, but it also included activities from broad spectrum of fields such as political, agricultural, cultural, technological, educational and scientific fields. In addition, the willingness of Nordic Member States for cooperation also facilitated the selection of parliamentary scrutiny model in Baltic States. Considering the favourable circumstances in “a transnational learning process” of Baltic parliaments all three states, as J. Karlas (2011) notes, were quite successful in learning the “best practices” from old member states. Hence, the “Nordic model” of scrutiny was in the centre of attention in the transitional learning processes, as all three candidate states from Baltic region saw the practise of Nordic

Parliaments as an effective strategy for bringing national parliaments into EU affairs. Especially the Finnish and Swedish models were more attractive for Baltic parliaments to be applied in scrutinizing the EU policies. For example, one of the chief civil servant of the EAC in Estonia says in internal parliamentary publication “Riigikogu Toimetised”;

- *“The examples of Finland, Sweden and Denmark are worth following. The much advertised Danish system has been based on the tradition of minority governments where the cabinet must basically reconfirm its mandate for each step. In the Swedish system, the main problem is that the Riksdag is not in a strong position of having an effect on the political will of the majority cabinet. The Finnish model is based on a semi-presidential system, and it is very important that the members of Eduskunta formulate opinions that have effect on the EU decisions”* (quoted in Jungar 2007: 34)

In another instance, a Lithuanian civil servant notice that when a group of EAC members and civil servants visited the lower house of UK parliament they realize that the Finish model was the most advanced and effective one:

- *“Everyone told us that the Finnish model of parliamentary scrutiny of EU-Affairs was the most efficient one, even when we were not in Finland”* (quoted in Jungar 2007: 27)

### 5.3. Conclusion

According to the theoretically based expectations, Lithuania should have been the state with relatively less strong parliamentary scrutiny than Estonia and Latvia. But the measurement of dependent variable produced rather contradictive results. In comparison to the first, second and third variable, measurement of the strength of parliamentary scrutiny models of Baltic States substantiates the Lithuanian case as the most advanced model of parliamentary scrutiny in the Baltic region. Thus, Lithuanian case displays relatively high results in all three dimensions – “the scope of parliamentary control”; “the timing and management of parliamentary scrutiny”; and “the impact of parliamentary scrutiny”. Estonian

Riigikogu has also presented a well-developed scrutiny strategy. However, it is very obvious from the measurement in Chapter 5 that Latvia is lagging far behind from its neighbours.

I want to restate the main research question presented in the introduction part: What factors do cause the differences in Baltic parliaments' scrutiny strategies? This paper reveals that the assumptions set in the hypotheses 1, 2, 3 are not congruent with the outcome. Since, none of the set of propositions in Hypotheses 1, 2 and 3 has any casual interference with the cross-national variations in the Baltic parliaments' scrutiny models, "public support for membership", "party Euroscepticism" and "frequency of minority government" have no influence to cause the differences in Baltic parliaments' scrutiny strategies.

Those explanatory variables are frequently used and examined by the authors who studied the cross-national variations in parliamentary scrutiny of E-15. However, they were unsuccessful in predicting the diversity in the scrutiny models of Baltic parliaments and according to these findings this paper argues that the previous studies of EU-15 cannot be applied to explain the variance in the oversight mechanism of Baltic parliaments.

This paper presents an interesting finding which can contribute to future research on the same topic; "the role of governments in legislative agenda setting" has a potential to explain the cross-national diversity in scrutiny strategies of Baltic Parliaments. Nonetheless, it requires a comprehensive investigation in order to test this notion. Additionally, the historical heritage and political culture are two substantial factors which should be taken into account in the research aimed to explain the diversity in the scrutiny strength of Baltic States' national parliaments. From this perspective, "the weight of Nordic-Baltic Cooperation in the choice of parliamentary scrutiny model" discussed in the previous section also can give a new impetus to further researches on Baltic parliaments.

## Executive Summary:

All three Baltic countries are parliamentary democracies and each parliament established European Affairs Committee (EAC) after joining the EU, which were designed to improve parliamentary scrutinizing of EU affairs. This paper attempts to show that even though at first glance some formal givens of parliamentary scrutiny strategies (or models) of Baltic States look the same, they all varies in their functioning. The objective of this research is to determine the factors that cause the differences in Baltic parliaments' scrutiny strategies. This research also explores how Baltic parliaments cope with the institutional challenges associated with Europeanization of parliamentary systems.

The theories of “two level game” and “multi-level governance” are presented as analytical approaches in the paper which helps to explore the challenges that national parliaments encounter in their participation at EU level. Those challenges categorised in two groups: “*challenges in legislative activity of national parliaments*” and “*institutional challenges of national parliaments*”. The scrutiny strategies (or models) adopted by different member states in search of overcoming the challenges of integration are also presented in this paper.

Two different but not contradicting approaches of case studies are applied to the analysis of national parliamentary scrutiny of EU affairs in Baltic States; co-variance and congruence methods. Since this research is not a statistical comparative study, the co-variance method is partially utilized in the research. Hence, the Hypotheses 1, 2 and 3 are tested in accordance to congruence method in which researcher firstly starts with defining a respective hypothesis and then he/she endeavours to evaluate its capability to explain a particular outcome.

The paper concentrates on three explanatory variables which are repeatedly discussed in previous studies. Those are the followings: 1) public support for membership; 2) party Euroscepticism; and 3) frequency of minority government. Each of these variables is associated with a hypothesis. The results from prior studies on the same subject are the driving factors in building these hypotheses.

This study measures the strength of parliamentary scrutiny in Baltic States according to three dimensions: 1) the scope of parliamentary control; 2) the timing and management of parliamentary scrutiny; 3) the impact of parliamentary scrutiny. These results from

measurement allow assessing whether the Hypotheses 1, 2 and 3 are valid or they do not have any influence to predict the outcome of the selected cases.

Analysis carried out in the research show that none of the set of propositions set in Hypotheses 1, 2 and 3 has any casual interference with the cross-national variations in the Baltic parliaments' scrutiny models, since "public support for membership", "party Euroscepticism" and "frequency of minority government" have no influence to cause the differences in Baltic parliaments' scrutiny strategies. Put differently, the explanatory variables which are preferred and frequently examined in the prior studies of EU-15 were not successful in explaining the diversity in scrutiny models of the Baltic Parliaments. The historical heritage, culture, social and economic factors are some of the core points which differs Baltic States from old member states. To a certain degree, these differences might be the foremost reason for why the explanatory variables based on previous analyses of EU-15 failed to predict the outcome in this research.

"The role of governments in legislative agenda setting" is suggested as a potential explanatory variable by the study. A simple operationalization of this variable shows that the government has a relatively higher role in legislative agenda setting in Latvia—the state with less effective scrutiny system in Baltic region. But when it comes to other two Baltic States, Lithuanian Seimas and Estonian Riigikogu seems to have rather advantageous position vis-à-vis their governments.



# Notes:

Web contents (retrieved on 9th November 2012):

1. COSAC <http://www.cosac.eu/about/>
2. The history of the Nordic Council, <http://www.norden.org/en/nordic-council/the-nordic-council/the-history-of-the-nordic-council>
3. Nordic co-operation with Estonia, Latvia and Lithuania <http://www.norden.org/en/about-nordic-co-operation/areas-of-co-operation/estonia-latvia-and-lithuania/nordic-co-operation-with-estonia-latvia-and-lithuania>
4. History of Nordic Council of Ministers: <http://www.norden.org/en/nordic-council-of-ministers/the-nordic-council-of-ministers/history-of-the-nordic-council-of-ministers/after-1989>
5. Official webpage of Latvian Ministry of Foreign Affairs, <http://www.mfa.gov.lv>
6. European Committee under the Government of Lithuania <http://www.euro.ltmore>
7. The Constitution of the Republic of Latvia <http://www.saeima.lv/en/legislation/constitution/>
8. European Union Affairs Committee of Estonia [http://www.riigikogu.ee/index.php?rep\\_id=13226](http://www.riigikogu.ee/index.php?rep_id=13226)
9. The participation of the Estonian Riigikogu in the European Union affairs <http://www.riigikogu.ee/index.php?id=35334>
10. According to the replies of the Latvian Saeima to the questionnaire for the 13th Bi-annual Report of COSAC (May 2010): <http://www.cosac.eu/subs-latvia/>
11. The Parliament of Estonia, EU Affairs Committee <http://www.riigikogu.ee/index.php?id=35270>
12. Latvian Parliament <http://www.saeima.lv>

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