



## RECENT PUBLICATIONS AND DOCUMENTS

### **Parliamentary Control Over Foreign Policy, Antonio Cassese, editor Sijthoff and Noordhoff, 1980, 206 p.**

This collection of essays contains surveys of the role of parliament in foreign policy in the United Kingdom, France, the Federal Republic of Germany, Denmark and Italy as well as a case study of the role of the U.S. Congress in human rights policy. In addition, there are three essays on the influence of national parliaments and the European Parliament on inter-European affairs. There is much useful information here, if rather dryly presented, especially on constitutional provisions, the role of parliamentary committees and the participation of parliaments in the treaty-making process. The argument of the book is, however, open to serious question.

In his preface, the editor, Antonio Cassese, writes that the purpose is to see where and how the powers of national Parliaments over foreign policy are "gradually being eroded to the benefit of the executive branch" and what, if anything can be done to reverse this trend. Such a clear declaration of purpose at the beginning of a book is commendable; unfortunately, the essays which follow do not, on the whole, prove the point.

According to Ian Brownlee, the British Parliament generally acquiesces in the government's foreign policy, though it becomes "more efficiently

watchful" when it feels it necessary, as in the case of British entry into the Common Market. In other words, parliament is concerned with foreign policy when it wants to be, a not surprising proposition which applies no doubt to other areas of policy as well. But does this constitute erosion of the British Parliament's powers? By Brownlee's own description, it looks more like continuation of a much older tradition. "In the 19th century, Parliament was not expected to concern itself with foreign affairs, and indeed this circumstance derived from the assumption that foreign policy was not the concern of public opinion".

The essay on France comes closest to supporting Mr. Cassese's argument. The author describes, in lively fashion, a kind of parliamentary diletantism where foreign policy is concerned ("parliament amuses itself") but then goes on to explain that this mainly reflects a general decline of the French parliament under the 1958 Constitution. He observes that most French parliamentarians take very little interest in foreign policy. "To show an interest... is a bad political move."

If the British and French cases give only limited support to the thesis of parliamentary decline, several other essays in the book contradict it. The parliament of Denmark is described as having considerable influence on foreign policy, both constitutionally

and in practise. The constitution states that the Folketing (the Danish parliament) shall have a foreign affairs committee which the government "shall consult before making any decision of major importance to foreign policy". This provision is given political effect by the normal circumstance of minority government in Denmark and the fact that party leaders sit on the committee. The author concludes: "The Folketing then controls the government's foreign policy in general and in its European aspects in a consistent way".

It is, as one might expect, the essay on the U.S. Congress and human rights policy which most clearly illustrates the growing assertiveness rather than the erosion of "parliamentary" involvement in foreign policy. The author, Patricia Weiss Fagen, shows that the emphasis on human rights commonly associated with the Carter administration was in fact launched politically by the 1973-1974 hearings and report of the House Sub-committee on International Organizations and Movements under the chairmanship of Representative Donald Fraser. The Committee was sharply critical of the administration and the State Department for what it saw as indifference to human rights issues. Its report contributed to a practise, which continues, of Congress attaching human rights and other conditions to foreign aid and military assistance appropriations bills. The case

illustrates a more general recovery of Congressional interest in foreign policy, partly in reaction to such low points of influence as the Tonkin Gulf Resolution and the secret bombing of Cambodia. Canada has had reason to regret this re-assertion of power in the case of the U.S. Senate's refusal to ratify the East Coast Fisheries and Boundary Treaty.

The same point could be made of other essays in this collection; on Germany, the European Parliament and indeed on the Italian Parliament as described by Mr. Cassese himself. He remarks that "despite many flaws and shortcomings, there is now a drive toward (the Italian) parliament taking a more active role in foreign affairs". While European Parliaments generally do not possess the powers of the U.S. Congress to *control* aspects of foreign policy, neither are they without *influence*. This suggests the difficulty of getting at this matter by concentrating on formal parliamentary powers. Instead, what must be done is to examine parliament's relationship to the political process, history and ideas of a country. One should, in viewing parliaments, pay as close attention to the four-fifths that are below the surface as to the one-fifth that strikes the eye.

Since the fact of parliament's decline in the field of foreign policy is at least unproved by these essays, the explanation of the fact is not called-for. Nonetheless, it should be said that the reason offered by Mr. Cassese (as a "truism") — that the increased pace, complexity and multilateral nature of foreign policy inevitably weaken parliamentary powers — is equally open to question. The rise of international institutions, to take one example, *may* in some cases have strengthened the hand of executives vis-a-vis parliaments in member governments but that it is not inevitably so is again shown by the U.S. Congress. It exercises very considerable influence over American policy in such institutions as the World Bank and the International Monetary Fund. A recent report by the Canadian Parliamentary

Task Force on North-South Relations recommends that there be greater involvement by national political authorities in the work of these international bureaucracies. This may well entail, in this country as in the United States, greater parliamentary interest and scrutiny.

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**Report of the Commission to Review Salaries of Members of Parliament and Senators, document tabled in the Senate and House of Commons, December 2, 1980, 85 p. and appendices.**

An amendment to the *Senate and House of Commons Act* in 1976, established that salaries for members of both Houses should be reviewed after every federal election. The Report tabled in November 1980 constituted the second enquiry conducted under this Act, the first being the Hales report of 1979.

The report, best known because of the large salary increases it recommended for Members of Parliament,

was also characterized by the fact that it criticized the considerable lag in salaries of the Members of Parliament and ministers as compared to the pay scales for similar responsibilities in the public service, the private sector and other provincial legislatures some of which are much higher than those of the Parliament of Canada.

The Commissioners, Cliff McIsaac and Léon Balcer, felt that the members should receive a significant increase in salary for three main reasons: being a Member of Parliament has become a full-time profession; the work load of a member is much heavier than that of comparable administrative positions; and lastly, low salaries are an obstacle in recruiting candidates who have successful careers outside of politics.

The McIsaac Report took great pains to describe the role of an MP as being the equivalent of a senior management position in the private sector. Indeed, just like his opposite number in the private sector, a Member of Parliament needs a good deal of expertise in management, skills in public relations, aptitude to meet people, a certain power of persuasion, and finally, he has to be able to bear a great deal of stress. An MP also needs to have a sure and rapid judgement regarding the possible solutions to a problem and to be able to obtain the co-operation of people with different backgrounds. Therefore, the report concluded, the technical complexity, the management responsibilities and the impact of an MP's activities are in all respects equivalent to a senior management position in a government department or in the private sector.

While quite plausible, this comparison with the private sector is presented in a very abstract way. There are no figures given to show the number of hours worked by a Member of Parliament, the number of meetings or public appearances, nor the frequency and distance of his travels. Various tables are given showing salary scales for senior managers as well as their recent pay in-

