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Arms, Agencies and Accountability: The Case of OCCAR

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ARMS, AGENCIES AND ACCOUNTABILITY: THE CASE OF OCCAR

The establishment of OCCAR, the European multinational arms procurement agency raises interesting questions about its accountability and legitimacy. Is it right for such an agency to procure arms? This paper examines the arguments about methods of accountability deemed more appropriate for agencies like OCCAR than just examining traditional parliamentary accountability. It then examines OCCAR through this lens of analysis. Finally, it rejects these suggestions as inadequate for failing to include an ideational component and argues that this is necessary for legitimacy especially in the politically sensitive area of defence and security.

INTRODUCTION

Questions of accountability are frequently raised in the current governance debate in Europe¹. As European integration deepens and globalising forces, though contested, seem to prevail, both the ability of parliaments to scrutinise executive actions and the executive's ability to influence events seem to have weakened. Accountability has traditionally been defined as 'the legal obligation to be responsive to the legitimate interests of those affected by decisions, programs and interventions'². Reformers therefore have frequently used the term accountability to imply the need for a strengthened parliamentary accountability, in the form of greater or more effective scrutiny of the executive by the legislature. It is though a theoretically embedded concept, with each theory producing various conflicting models of accountability, and as such is difficult to assess the accountability of any one body. For the purposes of this paper, however, concepts of accountability developed within the public management school of

debate will be used to illustrate the questions of accountability posed by the arms procurement agency OCCAR (*Organisme Conjoint de Coopération en Matière d'Armement*). The new public management debate has shown that there are also dimensions of economic and 'customer' accountability, which need consideration. Questions such as whether audit evidence shows that public money has been spent correctly and efficiently and whether the 'customer' has received the service or goods that were ordered punctually and in full, have become increasingly pertinent to the governance debate. Concepts of transparency and legitimacy have also gained importance in the debate, and have become closely associated with the concept of accountability.

In recent years the new public management agenda has, most notably in Britain, pushed for the establishment of agencies – an operational unit delivering government services outside of a ministry. Agencies have generally been established to mobilise special expertise, the need to ensure the credibility of public action and the need for visibility to allow an issue to be identified with a specific public agent³. These needs have also been identified at the European Union level⁴. However, the establishment of agencies has also raised the question of accountability, most notably parliamentary accountability⁵. The case of OCCAR, the multinational arms procurement agency, offers particular challenges to accountability, as its powers are devolved from existing national armaments agencies, who in turn have been ceded their powers by their respective ministries of defence. The sensitivity of the policy area also adds an importance to the accountability dilemma as questions of national security and the secrecy this brings have also to be addressed. Equally, more than one national accountability system is involved which increases the complexity. Furthermore, it is not clear that democratic control really

extends to defence policy in general, and weapons acquisition in particular, in West European countries. The distribution of power is firmly weighted towards the executive and away from the legislative.

There is an implicit if not explicit assumption in much of the literature that accountability should be both democratic and participatory frequently with the linked assumption that this provides legitimacy. New forms of governance, such as performance-based management, public-private partnerships and indeed supranational institutions, which rely on forms of shared accountability, challenge this normative assumption. These governance networks of independent organisations blur vertical lines of accountability from implementing official to responsible minister held to account by parliament, and it is argued, take insufficient account of traditional forms of representative democracy⁶. This in turn raises the question of whether even if such bodies are judged accountable, they are also judged to be legitimate. This suggests two research questions for this paper; firstly, can OCCAR be considered an ‘accountable’ organisation and so this paper will examine OCCAR’s economic and customer accountability levels as well as its political accountability. Secondly, is this accountability sufficient to ensure that OCCAR is viewed as a transparent and legitimate body?

WHAT IS OCCAR⁷?

Although the Organisme Conjoint de Coopération en Matière d’Armement (OCCAR) was formally created in November 1996, the Franco-German meeting at Baden-Baden in December 1995 is often cited as its origin. Its roots though, can be traced

to a decision taken by the Franco-German Defence and Security Council in Mulhouse on the 31st May 1994 to move ahead and create an organisation to co-operate on arms procurement. This followed a statement in December 1993 by the French and German Ministries of Defence, which originally suggested such a move, away from multinational program offices towards an integrated management, structure. This decision was taken partly to improve the efficiency of Franco-German co-operation in this area by founding a centre of expertise in collaborative project management, partly to create a visible symbol of their political commitment to co-operation in this area, but also in frustration at the slow progress made by the WEU in European arms co-operation⁸. In other words, it fits the rationale for agency creation. As early as the November 1994 report by the French and German Armaments Directors, the shape of OCCAR was already becoming clear. A limited central organisation would be charged with overseeing financial and administrative business, while program directors would run the programs at their bases. The organisation was envisaged as a part of the WEU. The administrative shape of the organisation, along with its judicial status and financial arrangements and the principles on which it would rest, had already been planned as can be seen in the September 1994 plan. The decision to base its administrative headquarters in Bonn was taken in July. There was therefore already a clear plan in place before Italy and the United Kingdom joined the fledgling organisation in November 1996. The Baden-Baden meeting in 1995 between Chancellor Kohl and President Chirac decided to proceed with the plan and to announce it officially along with a co-operative agreement on military satellites (which Germany later pulled out of).

From relatively early on it was clear that the agency would be based on certain principles laid out at Baden-Baden;

‘The first insists on the pre-eminence of cost-efficiency criteria in the choice of industries. The second highlights the necessity of long-term harmonisation of not only the needs of the users but also different technology policies. The third principle fixes as an objective, an affirmation of the European industrial base on a basis of a strong increase in competitiveness. The fourth principle explicitly provides for the abandonment of juste retour by program and suggests a search for a more global equilibrium carried over several projects over several years. Finally, the fifth principle is a principle of openness carrying the possibility of other countries participating in the structure. The required condition, apart from the acceptance of the principles, is significant participation in a program being co-operatively run inside the structure.’⁹

These principles broke with the inefficiencies associated with European armaments co-operation by rejecting juste retour. Interestingly as well, despite much rhetoric for and against on all sides, there is no specific, binding commitment to a European preference in the agreement document on structure and working principles¹⁰. Instead there was agreement that an OCCAR member would give preference to procuring equipment that it had helped to develop. The principles were accepted quickly by Italy and the United Kingdom who were keen to join.

The new armaments agency was in fact widely hailed as a move towards more efficient European armaments co-operation. OCCAR was seen by the participating states as a break with the inefficiencies of the past as it incorporated new techniques on

decision-making, work share and procurement authority. OCCAR was to have the powers to issue contracts on behalf of participating states and to run the procurement procedure. This offered a number of savings. For example, rather than having a Program Director from each country participating in a collaborative project, there would be a single Executive Director. Qualified majority voting was also to be introduced into some decisions. As Reda writes,

‘OCCAR is exploring a more flexible decision making process. Although the principle of unanimity still stands for existing programs and partners, there is a move away from consensus decision making.... If successful, it will be a monumental step in the democratic decision making process with applications to other forums and industries.’¹¹

This would certainly enhance the efficiency of co-operative projects. The idea also was to associate OCCAR with the best ideas in defence procurement. As it says in Article 24 of the Convention: ‘OCCAR shall aim to adopt best practices for procurement and shall work with Member States to benchmark procurement practices against the highest standards.’¹² The idea seems to aim for recognition of OCCAR as a model of best practice in defence procurement in general, not just in collaborative projects. Naturally, there were also political motives; OCCAR was hailed as the start of a European Armaments Agency by some and as a way to preserve European defence industry by others. Interviewees though have suggested that, following the accession of Italy and the United Kingdom, the overtly political or federalist angle became progressively less important. It was also felt that the retirement of the French and German armaments

directors, who had initiated the project, had lessened its politicisation, and led to a concentration on more practical matters.

There were several major obstacles to be overcome before OCCAR could start work. Firstly, its relationship to the WEU, the EU and NATO had to be clarified. After difficult discussions, OCCAR became an independent organisation with a legal personality on 28 January 2001. Originally, the plan had been for the organisation to be a part of the WEU. NATO and more recently the EU have been broadly supportive of its establishment. Secondly, the rules on OCCAR acquisition had to be formulated. Interestingly, the OCCAR states decided to write a new set of rules rather than import a system of acquisition (although each state naturally wished to incorporate as many features of their national system as possible), thus following the idea behind European Union integration of establishing an acquis communautaire. This plan was aimed at removing many of the problems with different budgeting and audit procedures, financial years, and procurement processes among other factors that had dogged earlier collaborative projects¹³. Setting up these new rules and regulations has taken rather longer than at first expected. It was always going to be hard to formulate multinational rules. Schmitt graphically describes the potential pitfalls in such an approach,

‘The procurement process is a complex decision-making process in which lots of different military, political and industrial interests participate. To bring together the varying interests is hard enough at national level. If more national decision-making processes must be brought together the difficulty increases exponentially with the number of participants. Mostly the devil lies in the detail. Geo-political considerations mean different requirements and

even when the same thing is wanted different military doctrines mean that different things are wanted from the same system. On top of that diverging procurement philosophies and competing industrial interests make multi-national procurement rules hard to formulate.’¹⁴

Nevertheless after a slow start, OCCAR agreed its management procedures. It currently manages a variety of programs including TIGER (helicopter), MRAV/GTK/PWV (multi-role armoured vehicle), FSAF (surface to air anti missile system family), COBRA (counter battery radar), MILAN (anti-tank missile) and ROLAND (surface to air missile) and the A400M (military transport aircraft). The possible integration of a range of other programs and involvement in early phase activity e.g., Technology Demonstration Programs (TDPs) is foreseen by the signatories to the Convention. Additional programs currently under active consideration for integration into OCCAR are the PAAMS ship-based air to air missile system and the TRIFOM missile program. After initial scepticism, OCCAR seems to have become an established part of the European armaments policy scene, although the extent of savings that it achieves in comparison to former collaborative projects will not be clear for some time. Where OCCAR has been most successful (compared to the stalled WEU attempts) is in pushing the states to harmonise procurement principles and rules. As an organisation with no policy role, but merely tasked to manage projects, it has not threatened national sovereignty on defence and thus has been able to progress in a way that the more politically ambitious WEAO has not. Nevertheless, OCCAR only handles a very small part of the national procurement programs of its members. Jean-Yves Helmer (Director of the French armaments agency DGA) expects it only to be handling about 20% of procurement projects even in fifty

years time¹⁵. Recently though, some commentators have again suggested that OCCAR rather than the WEAO should evolve into the European Armaments Agency planned by the European Union.

OCCAR AND ACCOUNTABILITY

As the OCCAR Convention moved towards ratification concerns were raised about its accountability. Each of the countries had its own special concerns on questions related to accountability. German officials found it hard to accept that its regulation based approach is not being fully adopted, as they see anything else as less accountable although parliamentary scrutiny of the proposals was cursory. French officials were particularly anxious about OCCAR being irreproachable where confidentiality of information was concerned. French politicians' concerns about accountability rested more on OCCAR's concentration on economic factors rather than developing the political aspects through the EU's Common Foreign and Security Policy as they saw weapons acquisition as a political as well as economic issue¹⁶. British officials were mainly concerned to avoid agreeing to a European preference in procurement, which could run contrary to their Smart Procurement commitments. British politicians though were particularly concerned about OCCAR's financial and political accountability, warning that,

'The Convention grants authority to OCCAR's Board of Supervisors to determine its own rules and procedures. We were concerned to establish that this necessary autonomy would not be allowed to conflict with the need to ensure that OCCAR would be both politically accountable, to this and other

Parliaments, and also technically accountable, through financial audit. There is a danger that if such accountabilities are lacking, OCCAR may simply become another extravagant, self-serving and purposeless international bureaucracy in the way that many similar bodies have in the past.... However, we remain to be convinced that accountability within OCCAR, and between OCCAR and the governments of its member states, is sufficiently well-defined.’¹⁷

The Defence Select Committee did though recommend that the OCCAR Convention be ratified as did their French equivalents. Both parliaments though ratified the convention in early 2000. The German parliament had already voted to approve the convention on 4th November 1999, and it came into force with Italy’s ratification on 17th July 2000.

Accountability can, though as argued above, be defined in different ways. OCCAR itself clearly feels that it is accountable, defining its accountability thus,

‘Q3. Is OCCAR really accountable?’

A.: Yes. The OCCAR Convention sets out the accountability of the Organisation to the Member States. In addition the OCCAR-EA Director’s Terms of Reference set out clearly that he is accountable to the BoS [Board of Supervisors] for Programs managed by OCCAR-EA. To enable this accountability to work, existing Programs will have legally binding agreements between OCCAR and the Participating States. These will set exactly what the Participating States expect of OCCAR, and the degree of empowerment that is required to allow OCCAR to be fully accountable for the Programs it manages. OCCAR-EA also produces an Business Plan which

is reviewed annually by the BoS and which sets out the targets for the organisation.’¹⁸

On the other hand, although there has not been a great deal of NGO attention paid to OCCAR, some activists have posed the question; ‘Should an international body, one step away from democratic accountability, be buying weapons?’¹⁹. These two statements show such differing concepts of accountability in this context that they merit attention. While the OCCAR executive clearly view accountability in its narrowest sense, the NGO is questioning its legitimacy and transparency of purpose. These are questions that deserve answers. This paper will examine the accountability of OCCAR in three areas, economic accountability, accountability to customers and political or parliamentary accountability and then ask whether this is sufficient.

ECONOMIC ACCOUNTABILITY

The use of the term ‘economic accountability’ implies the systems in place to check that public money has been spent correctly and efficiently. There are various procedures in place to ensure that this happens. Firstly, an annual audit of OCCAR must take place. Plans for internal and external evaluations of programs are also in place. Secondly, the director must present an annual activity report reporting on progress against the strategic plan, with the audit report, to the Board of Supervisors (comprising the National Armaments Directors for routine business but relevant ministers if deemed necessary). Thirdly, national auditors are allowed full access to the files of the programs their country is participating in to allow them to complete national audit requirements

(OCCAR Convention, 1998: Chapter XIII)²⁰. How this is then reported to national administrations and parliaments depends on the country. In Britain, for example, the audit evidence of OCCAR managed projects will be reported on in the annual Major Projects Report by the National Audit Office to Parliament. The Defence Select Committee has begun to scrutinise this audit evidence in annual reports. British auditors have suggested that adding a series of performance monitoring indicators to be reported on by OCCAR could strengthen this system. They suggested the following indicators; out-turn cost against approved expenditure, achieved in-service date against originally approved in-service date, performance level on entry-to-service against endorsed requirement, annual percentage reduction in program office operating costs and central office percentage overhead²¹. Additional safeguards will be provided through the contracts signed between OCCAR and participating states for each program. These legally binding agreements will set out exactly what participating states can expect from OCCAR. It is however, difficult to envisage a situation where a state took legal action against OCCAR.

Despite all of this, there are limitations to the extent to which OCCAR can be seen as a truly independent and thus economically accountable agency, unaffected by government decisions. One concern of industry for example was;

“Industry would also like to be assured that governments are prepared to make visible their full commitment to projects being run by OCCAR i.e. that a company signing a contract with OCCAR can be assured that the governments will fully fund the program concerned and will not allow political factors to interfere with its progress.” (Defence Select Committee, 1999: 25)

However, as one WEU rapporteur explained,

‘Similarly, the harmonization of procurement policies has been only a relative success, since those policies are still subject to fluctuations in national defence budgets. French Defence Minister Alain Richard explained this to the French Senate: "Let us be frank. Our different countries, notwithstanding OCCAR, will continue to choose their own defence procurement programs. If a country takes the sovereign decision in a parliamentary framework to reduce its defence budget, then this will mean reviewing contracts which have already been placed".’²²

This uncertainty will always make it difficult for parliaments, NGOs, auditors and indeed the governments to truly hold OCCAR to account. Equally, the rigor of the audits, the extent of information presented to parliaments²³ and the level of scrutiny afforded to this information will vary from country to country according to local practice, priorities and interests.

ACCOUNTABILITY TO CUSTOMERS

OCCAR’s real customers are the armed forces of the participating countries in any project. However, it only deals with them through the conduit of national procurement agencies. As has always been the case with collaborative projects, the compromise of national requirements / wishes to formulate a joint project does anyway increase the risk that the armed forces will not receive the equipment they felt that they had requested. This has already been a problem with the MRAV program as Kolb argues,

‘More recently, the tripartite infantry combat vehicle project (involving France, Germany and the United Kingdom) was also plagued by all the problems of co-operation. As a result of operational and technical compromises among the different countries, the vehicle is considered to be too heavy, too high and ill adapted to urban combat situations. The need to reconcile France's desire - to impose its own transmission system and a load capacity (11 men) dictated by French military standards - with German standards calling for a relatively powerful vehicle, led to a compromise which was unsatisfactory but difficult to renegotiate, even after France had left the program.

In such cases where different operational requirements go hand in hand with unilateral technical choices, OCCAR's action will remain marginal. Only when the various armed forces have the same operational requirements for common operations will it be possible to define a satisfactory common denominator under the auspices of a body like OCCAR.’²⁴

However, this situation is not really OCCAR’s failure to be accountable to its customers but rather the failure of the national procurement agencies to liaise sufficiently well with their armed forces. This situation of ‘shared accountability’ between OCCAR and national procurement agencies would also apply to overdue or faulty equipment. Essentially, as OCCAR is another layer between the armed forces and defence suppliers the chain of customer accountability is bound to be somewhat confusing and less than transparent. Is this necessarily a problem? Looking at the national procurement agencies, a problem has only really arisen when they came to identify more with the interests of the

defence suppliers. This should also hold true for OCCAR, but should be less of a risk as it has a clear role limited to procurement, which is not the case for the national agencies. Nevertheless, though shared accountability with respect to outcomes is inevitable in this field, it does blur accountability and make it more difficult for external scrutinisers to hold the correct person/body to account.

POLITICAL ACCOUNTABILITY

When we consider OCCAR's political accountability, it is hard to see how a minister reasonably could be held to account for its failings by any parliament. However, this is more or less true of any agency, and has not really been regarded as a major problem in Europe with the exception of the UK, where a clear chain of ministerial responsibility has traditionally been seen as highly important. OCCAR's existence has though helped to highlight the inadequacy of parliamentary scrutiny of armaments issues. In the post-1945 period there has been little evidence of adequate scrutiny of the executive on armaments policy in most European countries. As Snyder writing in the 1960s argued, the problem of legislators receiving inadequate information on defence policy is at least equalled by their lack of interest in the subject²⁵. Even when parliamentarians have questioned weapons programs, this has predominantly been on a cost rather than basic purpose level. Until recently, this has been particularly true of Britain and France, although both countries have in recent years increased their levels of scrutiny. Even in Germany where parliamentary scrutiny of armaments programs has been much more active²⁶, the distaste of many politicians for the subject led to them

introducing a dense web of procedures and regulations governing acquisition rather than setting policy. In effect therefore a small elite group consisting of bureaucrats, the military and defence industrial figures has made weapons acquisition policy. However, good the audit evidence or other information made available to parliaments is, if parliamentarians do not then use it, accountability is weakened. In other words, however good the procedures for accountability are, unless a culture of critical scrutiny exists there is little point to them.

However there is one area of concern, where the existence of OCCAR may damage parliamentary scrutiny, is the increased pressure it puts on national governments to sign up to collaborative projects. The behaviour of the German government over the A400M project illustrates this perfectly. They, under pressure from their partners, agreed to purchase 73 of the aeroplanes, and under OCCAR's rules would face financial penalties if they tried to renege on this agreement. The problem was that the German Bundestag had only formally agreed to the purchase of a first tranche of 40 aeroplanes as they thought they should not prejudge the next German parliament's right to make budgetary decisions. Bundestag members were understandably furious at this and some opposition members took a case to the Constitutional Court, and there were calls on all sides for the Defence Minister, Rudolf Scharping's resignation²⁷. Eventually, the government managed to persuade the Bundestag to agree by offering a compromise. The compromise removed a pledge to pay damages to its international partners in the Airbus project if Germany does not buy all the 73 planes it has ordered (their order has now been cut to 60), which understandably irritated the other partners. The A400M incident though, shows that even for the German government itself, the Bundestag's scrutiny of

procurement projects was a nuisance in the OCCAR structure and to be circumnavigated if possible.

As can be seen from the arguments above, in many ways OCCAR is accountable for its actions. Even the areas where it may appear to fail in this, are problem areas of accountability common to any collaborative project. The benefits of collaboration for example will always have to be weighed up against the disadvantage of the need to compromise on requirements. In fact, the establishment of clear procedures to make OCCAR accountable, in at least the financial sense, should enable Parliaments to scrutinise more fully collaborative projects than they have been able to in the past. OCCAR's establishment though has reinvigorated debate around the need for more adequate parliamentary oversight of weapons acquisition: a debate which had already gained some momentum in at least the British and French parliaments. If this debate helps to foster a culture of critical scrutiny of weapons acquisition, it is to be greatly welcomed. The question though needs to be asked as to whether simple accountability is really sufficient.

BUT IS ACCOUNTABILITY ENOUGH?

If all these procedures are carried out and parliamentarians exercise their right of scrutiny, then OCCAR is broadly accountable, but this does not answer the question posed by Hills of, "Should an international body, one step away from democratic accountability, be buying weapons?"²⁸. This questions the legitimacy of OCCAR's purpose and implicitly the transparency of the decision to establish it. It is also a question that will become increasingly pertinent as the demands of ESDP's Rapid

Reaction Force begin to mean that decisions on how to manage weapons acquisition within a European framework have to be taken. Thus far, the record is not looking promising for transparency; the vagueness surrounding ESDP's military doctrine, or POLARM's (Council working group on armaments policy) shadowy proceedings being excellent examples of the problem. The need to equip the Rapid Reaction Force while increasing defence spending as little as possible, will inevitably result in more pressure for privatisation or 'agency-isation' of military functions to achieve the needed savings elsewhere. The British government's Green Paper on Private Military Companies and their potential use in peacekeeping operations is a prime if extreme example of this phenomenon. The legitimacy of these moves will inevitably be questioned by NGOs and other citizens, particularly if the transparency of the decision-making process is (as present) not such that a plurality of opinions is given equal access. Effective civilian control over military force has been considered a cornerstone of democratic government, but traditional methods to ensure this are being challenged by the Europeanisation of defence and security and by the new governance agenda. The real challenge will be to find new ways of ensuring this democratic control continues. Unless solutions can be found, there would seem to be grave challenges of legitimacy, which could potentially be levelled at ESDP and its consequences.

These issues mesh well with the contemporary theoretical debate, which in the context of the EU, recognises the importance of normative legitimation and argues for an ideational component to be added to performance-or institution-based measures of accountability²⁹. Many would argue that such normative legitimation could only take place if there is more citizen or civil society participation in decision-making. Constraints

of national or EU security do constrain the extent to which defence policy-making can be fully open. However, it is increasingly noticeable that while arms firms have an open door to decision-makers, this is not the case for those sections of civil society dealing with the consequences of weapons use and proliferation. This imbalance may well increase as the activity of private firms in the military sector increases. It would seem therefore that at least for policy areas that impinge on the most basic questions of security, that there are limits to the accountability concepts developed by the New Public Management school.

¹ It is interesting to note that until comparatively recently, accountability was rarely used as a concept but now seems to be used to conceptualise many of the tasks of democratic governance both rhetorically and analytically. See Richard Mulgan, ‘“Accountability’: An Ever-Expanding Concept?’, *Public Administration*, 78/3 (2000) pp.555-573 for a discussion of how this ‘overuse’ weakens the concept.

² Mark Considine, ‘The End of the Line? Accountable Governance in the Age of Networks, Partnerships and Joined-Up Services’, *Governance* 15/1 (2002) pp.21-40 here p.22

³ European Commission, *Establishing a Framework for Decision-making Regulatory Agencies*, Report of Working Group 3a for the White Paper on Governance, Brussels 2001 SG/8597/01-en p.3

⁴ European Commission, *Externalisation of the Management of Community Programmes including a Framework Regulation for a New Type of Executive Agency*, Brussels, COM 2000/788. While the new public management (NPM) agenda is frequently cited as the

rationale for establishing new agencies, it is important to remember that countries like Germany and Sweden have long traditions of agencies which clearly predate NPM theory. See for example Neil Elder, and Edward Page, Accountability and Control in Next Steps Agencies, in Rod Rhodes (Ed.), *Transforming British Government – Volume 1: Changing Institutions*, (Basingstoke: Macmillan 2000) pp. 223-37.

⁵ Philip Giddings, (Ed.), *Parliamentary Accountability: A Study of Parliament and Executive Agencies* (Buckingham: Open University Press 1995)

⁶Rod Rhodes, *Understanding Governance: Policy Networks, Governance and Accountability* (Buckingham: Open University Press 1997). It should be noted that these understandings of democracy are rooted in the European concept of parliamentary democracy and that the US model of pluralist democracy would not share the same concerns. See John Coultrap, 'From Parliamentarism to Pluralism: Models of Democracy and the European Union's 'Democratic Deficit'' *Journal of Theoretical Politics* 11/1 (1999) pp.107- 135 for a full discussion of the differences between the models.

⁷ This section is based on interviews carried out with OCCAR and British, French and German officials in 1998-99 and 2002.

⁸ See Jean-Yves Normand 'Coopération Européenne – Le Pivot Franco-Allemand', *L'Armement*, Number 43, (July-August 1994) pp. 36-41 for a fuller account of the Franco-German moves.

⁹ Marc Prévôt, 'L'OCCAR, une approche pragmatique pour améliorer la coopération européenne', *Relations Internationales et Stratégiques*, Number 27 (21st September 1997) pp. 48-52 here p.49

¹⁰The Administrative Agreement was signed in November 1996 in Strasbourg. Observers though insist that a European preference exists implicitly if not explicitly *De Defensa*, 'L'Europe, L'Europe, L'Europe' 13 / 20 pp. 2-9

¹¹ Helmut Reda, 'A New Era in European Arms Procurement: Understanding OCCAR', *Defence Institute of Security Assistance Management Journal*, 21/ 2 (2000): pp.82-5 (here p.83)

¹² Defence Select Committee (UK), *The OCCAR Convention*, Defence Committee 1st Report of Session 1999-2000, HC69, (London: The Stationery Office 25th November 1999):viii

¹³ This achievement should not be underestimated given the differences between national rules and practice. See Tony Kausal et al, *A Comparison of the Defence Acquisition Systems of France, Great Britain, Germany and the United States*, (Fort Belvoir: Defence Systems Management College Press 1999) or Martin Trybus, *European Defence Procurement Law: International and National Procurement Systems as Models for a Liberalised Defence Procurement Market in Europe*, (London: Kluwer Law International 1999) for more detail on national systems.

¹⁴ Burckhard Schmitt, 'Europas Rüstungspolitik vor neuen Herausforderungen', *Débats la France et l'Allemagne au sein de l'Europe* 2/1998 Paris, Friedrich-Ebert Stiftung p.21

¹⁵ Christina MacKenzie, 'OCCAR Must Stipulate Benefits to Partners', *Defence News* (5 March 2001) p.4 continued p.27

¹⁶ Jean-Noël Kerdraon, *Avis présenté au Nom de la Commission de la Défense Nationale et des Forces Armées sur le Projet de Loi, adopté par le Sénat, autorisant l'Approbation de la Convention entre le Gouvernement de la République Française, le Gouvernement de*

la République Fédérale d'Allemagne, le Gouvernement de la République Italienne, le Gouvernement du Royaume-Uni et d'Irlande du Nord, portant Création de l'Organisation Conjointe de Coopération en Matière d'Armement (OCCAR), Eleventh Legislature, 7th December 1999, Paris

¹⁷ Defence Select Committee op. Cit. p. xi

¹⁸ Taken from FAQ: www.occar-ea.org

¹⁹ Kirsten Hills, 'More Arms, Less Controls', *Around Europe*, Number 231 (February 2001) Quaker Council For European Affairs

²⁰ OCCAR Convention, *Convention on the Establishment of the Organisation for Joint Armament Co-operation*, Bonn, 9th September 1998: Chapter XIII

²¹ National Audit Office, *Maximising the Benefits of Defence Equipment Co-operation*, London, HC300 Session 2000-2001: Annex D

²² Heinrich Kolb, *The consequences of mergers in Europe's defence industries - reply to the annual report of the Council*, Report submitted on behalf of the Technological and Aerospace Committee of the WEU Assembly, (WEU Document: A/1719: Paris 6 December 2000) Paragraph 37

²³ Some Defence Committees have security clearance to receive secret information; others do not. This of course alters their knowledge base considerably. Equally, security classification practices vary dramatically with the European Union member states.

²⁴ Heinrich Kolb op. Cit.: Paragraphs 39-40

²⁵ William Snyder, *The Politics of British Defence Policy 1945-1962*, (Ohio: Ohio State University Press 1964)

²⁶ In Germany, unlike in most West European countries, decisions on procurement programmes, with a value of more than €25 million are taken on a case by case basis by the *Bundestag* rather than in a single budget agreement.

²⁷ Gerrit Wiesmann, and Tina Stadlmayer, 'Scharping brüskiert Bundestag', *Financial Times Deutschland*, 25 April 2002, Hamburg

²⁸ Kirsten Hills op. Cit.

²⁹ See for example Christopher Lord and David Beetham, 'Legitimising the EU: Is there a Post-Parliamentary Basis for its Legitimation' *Journal of Common Market Studies*, 39/3 (2001) pp.443-62