



FOREIGN POLICY
CASE STUDY No. 4

April 2004

**Parliament and Foreign Policy:
A Comparative Analysis of the
US, UK, and India**

PILDAT
CASE STUDY No. 4
DEVELOPMENT OF PAKISTAN'S FOREIGN POLICY:
CASE STUDY ON A COMPARATIVE ANALYSIS OF THE US, UK, AND INDIA

CONTENTS

Foreword
Abbreviations and Acronyms
Profile of the Author

Introduction	07
The Case of United States	07
The Case of United Kingdom	08
The Case of India	09
Concluding Observations	10
References	11

PILDAT
CASE STUDY No. 4
DEVELOPMENT OF PAKISTAN'S FOREIGN POLICY:
CASE STUDY ON A COMPARATIVE ANALYSIS OF THE US, UK, AND INDIA

Abbreviations and Acronyms

CIA	Central Intelligence Agency of the USA
Lok Sabha	Lower House of the Parliament of India
Rajiya Sabha,	Upper House of the Parliament of India
U.S. / U.S.A.	United States of America
UK	United Kingdom
WMD	Weapons of Mass Destruction

PILDAT
CASE STUDY No. 4
DEVELOPMENT OF PAKISTAN'S FOREIGN POLICY:
CASE STUDY ON A COMPARATIVE ANALYSIS OF THE US, UK, AND INDIA

FOREWORD

Parliament and Foreign Policy: A Comparative Analysis of the US, UK and India, is a special presentation by PILDAT in the context of the PILDAT Short Course for Parliamentarians and Politicians on *The Foreign Policy Process in Pakistan*. Developed by PILDAT, as a part of the Pakistan Legislative Strengthening Consortium - PLSC, supported financially by the USAID, the case study presents a detailed commentary on the avenues available to the Parliaments of these countries to influence, shape and review foreign policy.

Authored by **Dr. Tahir Amin**, Visiting Prof. at LUMS, the case study aims to enhance the knowledge and awareness of parliamentarians on how developed democracies have placed their Parliaments' role in foreign policy. The objective of the study is to prepare parliamentarians to learn from international best practices in the area of the role of Parliaments in foreign policy.

The author, PILDAT and its team of researchers have made every effort to ensure the accuracy of the contents of this paper. PILDAT, however, does not accept any responsibility of any omission or error as it is not deliberate.

The views expressed in this case study belong to the author and are not necessarily shared by PILDAT, PLSC or USAID.

Lahore
April 2004

PILDAT
CASE STUDY NO. 4
DEVELOPMENT OF PAKISTAN'S FOREIGN POLICY:
CASE STUDY ON A COMPARATIVE ANALYSIS OF THE US, UK, AND INDIA



PROFILE OF THE AUTHOR

Dr. Tahir Amin is currently a Visiting Prof. at the Department of Social Science at the Lahore University of Management Sciences (LUMS) Lahore. He holds a Ph.D. in Political Science from the Massachusetts Institute of Technology, Cambridge, United States. He has been on the Iqbal Chair (1997-2001) at the Cambridge University, Cambridge, UK. He has also been a Visiting Scholar at the Harvard University (1992) on Fulbright Fellowship and has been a Visiting Fellow (1996) at the Watson School of International Studies, Brown University, USA. He has also taught at the Boston College, Boston, as an adjunct Prof. in the Department of Political Science. He has been the Prof. and Chairman of the Department of International Relations at the Quaid-i-Azam University, Islamabad.

Dr. Tahir Amin has written several books and articles on International Relations and South Asian politics. His books include: Afghanistan Crisis: Implications and Options For Iran, Pakistan and the Muslim World (1982) Nationalism versus Internationalism in Liberalism, Marxism and Islam (1987), Ethno-national Movements of Pakistan: Domestic and International Factors (1988), Mass Resistance in Kashmir Origins, Evolution and Options (1995). He is the co-author in an international project Theorising World Orders: A historical, Hermeneutic and Dialectical Inquiry. Other co-authors of the project include Hayward R. Alker Jr. (University of Southern California), Thomas Biersteker (Brown University) and Takashi Inoguchi (Tokyo University).

Introduction

Foreign policy used to be the exclusive domain of the diplomats and soldiers before the rise of representative democracy. It used to be conducted by the elite in a complete secrecy and without taking their respective publics into confidence. The history of the European diplomacy until the two World Wars has been replete with the making of secret treaties with other powers without the knowledge of their publics.

However the evolution of the democratic system has changed this completely, bringing democratic institutions such as the parliament, the media, various interest groups, and the public opinion into picture.¹ Executive branch of government is no longer completely independent both in the formulation and implementation of the foreign policies. The very existence of these institutions serves as a major deterrent for the rulers who have to be very careful in the making of the policy. They have to be accountable to their respective publics which exercise their control through these democratic institutions.

This case study is an attempt to look at the impact of the parliamentary institutions on the foreign policies of three countries, the *United States*, the *United Kingdom* and *India*. We address the following questions:

1. What are the constitutional provisions regarding the Parliament's control over foreign policy?
2. What mechanism do Parliaments use to influence the foreign policy?
3. What salient cases one can cite where Parliaments have been effective?
4. What have been the advantages and disadvantages of the Parliamentary control over foreign policy?

The study attempts to answer these questions by taking individual examples of countries.

The Case of United States

The U.S. constitution divides the powers to conduct foreign policy among the three branches of the government: executive, legislative, and judicial.² The executive formulates the policy, the legislature oversees the policy

and also has significant authority in certain areas and judiciary interprets the constitution if a difference arises between the executive and the legislature. The framers of the U.S. constitution deliberately placed a system of checks and balance, where no branch could act independently.³

President is the head of the executive and is the chief architect of the policy and enjoys overwhelming power.⁴ He formulates the policy with the Secretary of the State, his principle advisor and with the assistance of the National Security Council and his cabinet. The President is also the Commander-in-Chief of the armed forces and can order the troops to go to combat. The President can also use a veto against the acts of legislature which can only be overridden by a two third majority both in the House of Representatives and the Senate.

The Congress has the power of the purse as no financial appropriations can be made without its approval. The Congress also enjoys the power to declare war under the War Powers' Act though the President can send the troops into combat for thirty days even without the approval of the Congress.⁵ It also has exclusive powers to oversee the external trade. It also handles the matters with regard to the armed forces, their creation, regulation and management. The Senate ratifies the treaties with two-third majority and confirms the appointments of all key foreign policy officials including the Secretary of the State and the ambassadors.

The Parliamentary control on foreign policy is exercised through two committees: *Senate Foreign Relations Committee* and the *House International Relations Committee*.⁶ These two panels oversee the nations' foreign policy and authorise the international affairs' budget. In recent years, the Appropriation Committees of the House and Senate have become quite influential in foreign policy because of the frequent failure of the Congress to pass the authorising legislation for foreign aid. Other committees, which also share jurisdiction on foreign policy, are the Select Intelligence Committees of both the Houses which monitor the activities of the CIA and other Intelligence agencies; the House National Security Committee and the Senate Armed Services Committees which deal with the defense matters; the House Ways and Means Committee and the Senate Finance Committee which deals with the trade and bills.

Although the President is immensely powerful but the

Congress and the Senate also exercise significant restraints on the powers of the President, creating considerable tensions in the foreign policy process. There have been several cases where the U.S. House and the Senate have been able to put their foot down forcing the U.S. administration to change the foreign policy course. For example, President Woodrow Wilson could not get the ratification of the treaty meant to facilitate the U.S. entry into the League of Nations in the 1920s, despite the fact that the U.S. President was among the primary movers of the idea.⁷ President Lyndon B. Johnson was forced to disengage from the Vietnam War by the U.S. Congress which did not think that the war was in accordance with the American interests. The U.S. Congress passed the War powers' Act in 1973 making it mandatory that the approval of the Congress should be sought in declaring war.⁸ However, President can send the troops for the thirty days in self-defense but it has to bring the matter before the Congress for approval. President Reagan had to stop the U.S. covert intervention in El-Salvador in 1975, leading to the resignation of the two key officials of the U.S. administration responsible for the policy.

There are both advantages as well as disadvantages of this complex system of decision-making. The advantages include a significant check on the Presidential authority where he can not abuse his power. The fear of Congress always acts as a deterrent and the administration has to keep in view the concerns of the Congress. The formulation of the policy is well-thought-out because of possible backlash from the Congress. Despite the complexity of the process, there is greater stability, transparency and predictability of the decision-making processes as the different institutions share their responsibilities well knowing their limits. It must be emphasised that the House and the Senate normally show deference to the policy formulated by the executive. It is only under the extraordinary situation that they react to the administration's policies.⁹

The disadvantages include the loss of flexibility, loss of secrecy and the difficulties of achieving bi-partisan support. The Congress and the Senate sometimes show a fickle-mindedness through bypassing unilateralist bills against specific countries, making it difficult for the administration to conduct a flexible policy.¹⁰ For instance, recently, the Congress passed several bills against China on practically every issue from trade to non-proliferation,

putting the U.S. administration in a great quandary on how to conduct a normal foreign policy with China. The element of secrecy is also sacrificed as the Congressmen leak confidential information to the media. The lack of bi-partisan support also creates difficulties when the parochial interests of the politicians create anarchic situation, making the smooth sailing of the foreign policy difficult.

The Case of United Kingdom

Unlike the U.S. Congress, the Parliament in the UK does not have specific powers to restrain the executive. The control of foreign affairs rests in the hands of the Crown and is shared with the Legislature only to the extent that the Crown deems this desirable.¹¹ The British government retains the power to carry on diplomatic negotiations without reference to the Parliament, to make and ratify treaties without obtaining Parliamentary approval and even to refuse information to the Parliament on the ground that it would be prejudicial to the public interests. Judiciary sides with the government in the foreign policy matters because of the distinction that the Parliament should primarily remain confined to the domestic matters, leaving the executive independent in the foreign policy matters.¹²

However, the Parliament has been able to assert a recognised right to be consulted in the case of Declaration of war, which carries more of a moral sanction than a legal one. There is no constitutional law in Britain which requires all treaties to be approved by Parliament prior to ratification as is the case with the Senate of the United States. Role of the Parliament is that of a supervisor and a critic. The basic function of the Parliament is to examine the policies which cabinet has decided. However, Parliament can normally be consulted only after decisions have been made. Its control over foreign affairs results from its place in the government and the general legislative functions.

There are several devices which enable the Parliament to exercise its control over the foreign policy. The Parliament can legislate with effect to foreign policy matters. It also exercises the control of defence forces, regulates foreign commerce and has the power of the purse. As the House of Commons controls the public funds, therefore, the fate of foreign office and the defence forces rests on the consent of the Parliament. The Members of the Parliament also have right to information. The government has to keep the

members informed through speeches, periodic reports and answering the questions about the state of foreign relations.¹³ The Parliament has three committees dealing with issues of foreign affairs: Foreign Affairs Committee, Committee on European Legislation and the Committee of Public Accounts which exercise considerable check on foreign affairs.

The role of the Parliament in the UK appears to be very submissive to the executive but, in reality, the parliament plays considerable influence in the conduct of foreign policy. Normally the government has a smooth sailing but at the time of the crisis, the Parliament assumes great significance. For example, the government did not have any problems in making a war declaration on the occasion of the first World War (1914) and the second World War (1939) where the Parliament supported the government but the government faced a great difficulty during the Suez crisis of 1956 when Britain and France had declared war against Egypt over the issue of the nationalisation of the Suez canal. The government not only faced tough criticism from the Parliament over this issue but the Prime Minister Anthony Eden even had to resign as a fall out of this crisis. If there is a division in the Cabinet over some foreign policy decision, role of the Parliament assumes an even greater significance.

There are several advantage and disadvantages of this system. The principal advantage of this system is that the government is not paralysed in conducting its foreign policy vis-à-vis other nations. It has the necessary flexibility and freedom to pursue the national interest the way it deems fit. Another advantage is that it can maintain secrecy in pursuing the foreign policy. Disclosure of information can cripple the diplomacy therefore the government can even completely disregard the Parliament withholding the necessary information for the fear of possible leak which may be prejudicial to the national interests. Since the government has the advantage of having a specialised knowledge of the foreign policy, which is ordinarily not available to the members of the Parliament, therefore the governments quite often feels that the Parliament creates nuisance by interfering in this highly specialised activity of the government.

The disadvantages of this system are that the governments may abuse the trust reposed in them or may make erroneous judgments which may harm the national

interests. For example, the current Blair government is facing a lot of criticism over its Iraq policy. The opposition is blaming that the government had lied to the public that Iraq had the Weapons of Mass Destruction (WMD) in order to justify the war against Iraq but in actuality, the WMDs were never found. They also question the authenticity of the various dossiers sent by the government to the members of the Parliament to establish the case of the presence of WMDs in Iraq.

The Case of India

India follows the British Constitutional model. Making foreign policy decisions is the function of the cabinet, which, in turn, is responsive as well as responsible to the opinions expressed in the Lok Sabha,¹⁴ Lower House of the Parliament in India. Since the cabinet can continue in office as long as it enjoys the confidence of the Lower House, the decisions it takes and their execution must be such as are acceptable to the majority of members of the Lok Sabha.

In the U.S. Constitution, the ratification of treaties and other international agreements by the Senate is mandatory, but in the Indian Constitution there is no such provision. In India, the ratification of treaties is done by the President. However, before the government concludes a treaty or an international agreement, it invariably consults the members of the Parliament.

The Parliament has various devices to control the foreign policy.¹⁵ It may legislate on any matters pertaining to the foreign affairs, though in practice the Indian Parliament has engaged itself in very little legislation. It can exercise financial control through controlling the budgetary allocations. It can engage in deliberations by raising questions, passing resolutions, moving adjournment motions and debates on the foreign policy matters.

The Indian Parliament exercises its control over foreign affairs through three committees: *Consultative Committee of Parliament for the Ministry of External Affairs*, the *Estimate Committee* and the *Public Accounts Committee*. The *Consultative Committee* provides a forum for informal discussion between the members of the Parliament and the Ministry of External Affairs. The membership of this committee is drawn both from the Lok Sabha and Rajiya Sabha, Upper House of the Parliament. Apart from the

Consultative Committee, the Estimate Committee and the Public Accounts Committee indirectly influence the conduct of foreign relations as they make judgments and comments on the economy and the efficiency of the proposals sent by the Ministry of External Affairs.

The Indian Parliament has, in general, supported its governments' positions on the foreign policy issues. However, sometimes it has shown strong disagreement on some position as well. For example, there has been a strong criticism of the government's policies during the Sino-Indian War of 1962. The record of the Parliamentary debate during 1959-62 shows a lively debate on the issue and such an intense criticism of Krishna Menon, the Defense Minister, that he was virtually forced to resign from the job.¹⁶ Similarly, the Indian Parliament moved a resolution condemning the military action of the Pakistan Army during the East Pakistan Crisis in 1970-71 and urged the world to take note of the situation. The resolution went beyond the government policy and amounted to interference in the domestic affairs of another country. The Indian Parliament has in general shown a lot of activism on the foreign policy issues relating to Pakistan and China. At times, the Parliament members have also resigned from their membership in protest against the government's policy which was considered as too soft by them.

As mentioned earlier in the discussion of the British model, there are both advantages as well as disadvantages of this model. The advantages include the autonomy, flexibility and secrecy to conduct the foreign policy. The executive maintains its independence from the legislature and goes doing its business of making foreign policy without being hampered by the Parliament. It also maintains necessary flexibility which is the hallmark of any successful foreign policy and keeps the secrecy as well. The disadvantage is that the government may abuse the trust or may make serious mistakes both in the formulation and implementation of the foreign policy.

Concluding Observations

A comparative analysis of the three cases - U.S., UK and India - reveal two fundamental patterns of the influence of the Parliaments on the making of foreign policy: one followed by the U.S. and the other followed by the Britain and India.

The U.S. model is basically a "Tug and Pull" model as described by a scholar. There is a substantial gray area in the division of powers between the executive and legislature and tension is purposely inbuilt in the foreign policy process. A lot depends on the skill of the President on how he persuades the Congress on the foreign policy issues. The Congress also has an active role in challenging the administration. If the President belongs to one party and the Congress is dominated by the other party, the difficulties of making an effective foreign policy compound. Foreign policy process becomes a complex process which is disorderly and chaotic. Its advantages include a check on the executive, a stable and transparent policy which is often well thought out. The disadvantages are the loss of flexibility, loss of secrecy and delay in implementing the foreign policy decisions.

The British and Indian models give near total freedom and autonomy to the executive and assume a submissive Parliament which normally supports the government. The role of the Parliament is more of a general supervision and consultation depending upon the will of the government. Its advantages include flexibility, secrecy and relatively swift implementation of the foreign policy while the disadvantages include greater possibility of the abuse of power and trust of the people and erroneous judgments on the part of the government.

PILDAT
CASE STUDY NO. 4
DEVELOPMENT OF PAKISTAN'S FOREIGN POLICY:
CASE STUDY ON A COMPARATIVE ANALYSIS OF THE US, UK, AND INDIA

References

1. Charles Carstairs and Richard Ware, Parliament and International Relations (Milton Keynes: Open University Press, 1991), Peter Richards, Parliament and Foreign Affairs (1967)
2. Brewster C. Denny, Seeing American Foreign Policy Whole(III: University of Illinois Press, 1985)
3. Don L. Mansfield and Gary J. Buckley, Conflict in American Foreign Policy: The Issues Debated (NJ: Prentice Hall, 1985)
4. Stephen J. Wayne, "The Multiple Influences on US Foreign Policy Making"<http://usinfo.stat.gov/journals/itps/wayne.htm>
5. Senator Lugar, "Involving Congress Early: Presidential Imperative" in US Foreign Policy Agenda Vol. 1, no 9 (July 1996)P9
6. "Congressional Committees and the Foreign Policy Process" in US foreign Policy Agenda Vol1,no 9 (July,1996)p.35
7. See Brewster C. Denny (1985)
8. See Don L. Mansfield and Gary J. Buckley (1985)
9. "The Making of US Foreign Policy,US Foreign Policy Agenda vol.5,no.1, (March,2000)
10. Lee Hamilton,"Impact of Congressional Power Shift on Foreign Policy" US Foreign Policy Agenda,Vol. 1 , no. 9 (July 1996)
11. Donald G. Bishop, The Administration of British Foreign Relations Connecticut:Greenwood Press,1961)
12. Ibid
13. Chales Castairs and Richard Ware(1991P. 12
14. Verinder Grover, International Relations and Foreign Policy of India (New Delhi: Deep & Deep Publications, 1992)
15. A. Appadorai, The Domestic Roots of India's Foreign Policy 1947-1972
16. Ibid p.27

Prepared by
Pakistan Institute of Legislative Development And
Transparency - PILDAT

As a Part of
Pakistan Legislative Strengthening
Consortium - PLSC

With support from
United States Agency for International
Development - USAID



5-A, Zafar Ali Road, Gulberg V, Lahore-54000, Pakistan.
Tel: (+92-42) 111 123 345 Fax: (+92-42) 575 1551
E-mail: info@pildat.org URL: www.pildat.org