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The Legislative Role of the French Parliament in Crisis Management

Loïc Bouvard

In examining the subject of crisis management, I shall reflect on the role of the French Assembly—as I have seen it—over the past eleven years and then consider whether this role is a proper one. Or should it be different or could it be improved? Of course, one should bear in mind that we are considering such a role within the larger framework of the Nato alliance which has been binding, and protecting, our countries for the past 35 years.

To be blunt, in France Nato is taken for granted. I do not mean to say that everyone is happy with it, nor that issues do not arise which occasion bickering or minor conflict. I do mean that the French have achieved a wide consensus and have struck a nice balance by being part of Nato without being completely in it. It is a little bit like having your cake and eating it too.

DeGaulle's decision to put allied troops outside France, to disengage French forces from the integrated command and to develop the nuclear weapon on our own—providing France with a so-called *Force de Frappe*—is “unanimously” accepted today as the right one. Rare is a dissenting voice either in public opinion or in Parliament, save for the Communists who, along with the Warsaw Pact, would of course rather have Nato dismantled—what an ideal world that would be!

The “best of two worlds,” that is how the French view their own position in the allied structure of defense. And it would do well to recall that pacifism has not made many inroads into French public opinion, contrary to what happened in some other European countries. The French feel quite comfortable with the American nuclear deterrent and would not think of losing it. They are also adamant that there should not be any “decouplage” between the United States and Europe—remember the French stand on Euromissiles—and add their own small but nevertheless efficient and sufficient deterrent.

France takes the position that it is very much responsible for its own defense, that she contributes *essentially*, and on nuclear terms, to the common defense of the West by adding an uncertainty factor for any would-be

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aggressor. She takes pride in it. A recent poll showed that 66 percent of the population was in favor of the nuclear weapon and it is worth noting that the French bishops did not shrink from the "first use" possibility raised by the mere possession of such weapons, as the American bishops did. In the French Parliament there is no such issue, nor any debate on whether we should behave in any other way differently towards the United States or our other allies. The areas of contention are rather over the right balance between conventional and nuclear weapons, what kind of nuclear weapons should be deployed in the field, how high to raise the nuclear threshold, and whether the Americans are truly reliable with their flexible response.

"... we do not have such a thing as the 'War Powers Act' ... such an act would be unthinkable under the new [since 1958] French system of government."

Parallel to this, you may witness that within France and in its Parliament, there exists a growing awareness and consensus for a European defense within the alliance. The campaign which is presently being waged for the elections to the European Parliament is particularly interesting insofar as defense matters and the necessity for common European defense are in issue. The two-pillar concept of Nato—an American pillar, and a European pillar—is beginning to be widely talked of in France, if only to counterbalance the power of the United States within the alliance.

This is a relatively new phenomenon. I recall not so long ago that we in the UDF (the Giscard d'Estaing coalition in Parliament) could hardly talk about European defense matters without the orthodox Gaullist members reacting immediately and strongly. This was the time of the "défense tous azimuth" while the Socialists, then in the opposition, were again and again accusing us of selling France out to Nato and of behaving like colonialists in Africa. How quickly they have changed their minds for the better since they gained power in 1981. At the same time the Gaullists have become quite European-minded, even on defense issues, to the point that we are sharing with them a common opposition list for the forthcoming European election. But in any case, since 1958—whether it be under de Gaulle, Pompidou, Giscard d'Estaing or Mitterrand—the French National Assembly has had very little to say in terms of handling a crisis. The obvious question is, *why*?

In response to this question it would be useful to provide a few examples of the minimal role Parliament has played in some key crises. Take the problem of England's entrance into the Common Market, which was rather popular in France at the time if only to counterbalance the weight of Germany. General de Gaulle as President of the Republic single-handedly ruled it out on his own will in 1963. This is in contrast to the decision taken by

Parliament to veto the European Defense Committee in 1954, but then this was under the Fourth Republic, when Parliament held most of the power. When in 1971 President Pompidou decided that the time was ripe for England to be admitted to the EEC, he called a referendum, bypassing the National Assembly and the Senate entirely.

Take the sending of French troops into battle in Africa, such as the dropping of paratroopers over Kolwezi in 1977. President Giscard d'Estaing acted alone leaving Parliament entirely outside the picture, which infuriated the then leader of the Socialist opposition, M. Francois Mitterrand. Mind you, M. Giscard d'Estaing had himself criticized General de Gaulle for *l'exercice solitaire du pouvoir* (the unilateral exercise of power) after the well-known Quebec incident involving his call *Vive le Quebec libre*, and M. Mitterrand had fiercely attacked both General de Gaulle in his book *Le Coup d'Etat Permanent* and later M. Giscard d'Estaing for not warning Parliament of the upcoming action in Kolwezi!

And look how the present President of the French Republic handled both Tchad and Lebanon; such operations and the sending of French troops were solely decided by him, with Parliament being taken for granted and, if I may say so, also taken for a ride. The Tchad operation took place in August 1983 while Parliament was in recess, and it was not until September that the Minister of Defense came before the Armed Forces and Defense Committee of the National Assembly to give some explanations. I must state, to be honest, that he invited ten of us to spend three days in N'Djamena and the Tchad desert in October—this is the ride—so that we could see for ourselves the high morale of French troops there and so inform French public opinion upon our return. Political leaders of the opposition did criticize the President about the Tchad invasion, not because Parliament was not informed, but solely because they thought he had acted too slowly and let the Libyans occupy the northern third of that country.

I could multiply such examples inasmuch as France is involved almost everywhere in the world with more than 20,000 troops stationed outside France, especially in Africa (Dakar, Abidjan, Libreville, Bangui, N'Djamena, Djibouti) but also in the Middle East and the Indian Ocean, in the South Pacific and in the Caribbean, without mentioning the 50,000 French troops in Germany. Apparent to the reader, there are lots of theaters of action and occasions for involvement and crisis. But rather than going down the list and exemplifying further the almost mute role of Parliament in dealing with such matters, let me try to explain why it is so.

To start with, we do not have such a thing as the "War Powers Act" enacted by the French Parliament; such an act would be unthinkable under the *new* French system of government. I say *new* because it goes back only to 1958, when General de Gaulle had a new Constitution adopted by the people and

thus created the fifth Republic. His aim was to curtail the powers of the French Parliament and, by so doing, to prevent governmental instability which had plagued the third and fourth Republics. Let me say that he fully succeeded, even beyond his expectation. The Constitution created a President of the Republic in charge of the main interests of the French nation, among them foreign affairs and defense, whereas internal matters concerning the day-to-day problems of government were to be dealt with by a Prime Minister responsible to the National Assembly. The President, on the other hand, far from being accountable for his actions to Parliament, can dissolve it.

The concept of balance of powers or checks and balances, dear to your Founding Fathers and derived by them from the French philosophers of the 18th century, was changed in 1958 very much to the benefit of the French President. Whereas your "War Powers Act" could be justified by the balance of power concept, the absentee role of the French Parliament in foreign and defense matters stems from a new concept of our own: *le domaine reserve*—the reserved field of the President. M. Chaban-Delmas invented that phrase in 1959, while President of the National Assembly. The notion cannot be found directly in the Constitution but naturally it has been accepted by everyone who has held the top position in the country, and now by everyone else.

It is true that Parliament has kept two essential prerogatives which theoretically should enable it to act in a crisis: the right to declare war and the power to vote the budget and military appropriations. As for the first, it is common wisdom that nowadays we wage war without declaring it, bypassing Parliament. And as for the budget we, in the House, hold very limited powers indeed, inasmuch as all opposition amendments are rejected and the majority automatically follows and supports the government. Of course, most bills originate in the government and very few in the National Assembly or the Senate. As an illustration, the billion francs needed to foot the bill for Lebanon and Tchad in 1983 were voted almost without debate as a supplementary budget bill. And when we hold a debate on foreign affairs, usually no more than one out of ten members attend.

To emphasize the point, our National Assembly Armed Forces and Defense Committee is not entitled, by Assembly regulations, to hear any Chief of Staff nor any other member of the Executive Branch but only and, solely, the two Ministers of Defense and Foreign Affairs. If we were to try to conduct a hearing, which is extremely rare, it would have to be solemnly authorized by the Assembly as a whole, and the proceedings would have to take place behind closed doors and be off the record to everyone concerned except committee members.

As a Deputy, I am not complaining. I am only stating the facts so as to make clear why the French Parliament has so little to do with playing a real role during a crisis or bringing about consensus; although, we are the institution designed to represent the people.

How does it compare with other Parliaments? Frankly, I am not overly impressed by what goes on in the United States where Congress and the President fight it out—each one trying to overpower the other. After all, the President of the Republic is also elected by the people. He is the one who would ultimately push the button of nuclear warfare and we have no alternative but to trust in him.

To be sure, as a parliamentarian I would like to see Parliament have more powers. However, I have also known the fourth Republic, the endless tumbling of governments and the paralyzing effect over public affairs which went along with it. I would say that if passivity on the part of Parliament is the price we have to pay for a solid and lasting government, then I am ready to pay that price. (As for the House of Commons, although it is a parliamentary rather than presidential system, I don't think there are many differences with the French National Assembly insofar as the reality of power is concerned.)

But in a structure of unilateral decision-making, how is consensus achieved, if it ever is? Let us look at the gravest internal crisis France has had to face under the Fifth Republic—the student uprising of 1968. The role of Parliament was of course nil, but during the crisis there was no Executive Branch of government worth the name either. People simply took to the streets, even building barricades. There was demonstration after demonstration, and finally one million people paraded down the Champs Elysees on behalf of de Gaulle, headed by Parliament members who were having to act *outside* Parliament.

Nowadays, people parade down the streets of Paris for any reason whatsoever. Lately we have had the miners and then the steel workers of Lorraine, followed by the civil servants and then representatives of liberal professions, while at about the same time 800,000 parents of private school children parade in Versailles on behalf of freedom of education. Quite a democracy France is—with its citizens peacefully parading down the streets chanting slogans, carrying placards and banners, and warning the government, while everything is being reported on TV and radio stations.

On problems which defy social consensus, political parties do take positions and political leaders express themselves as if they held a parcel of national sovereignty. Most of these leaders are Parliament members, although it is not only in the Assembly that they air their views but week after week in newspaper articles, TV broadcasts, political rallies, and press conferences.

Political parties, after all, are the real essence of a democracy, and the fact that so much takes place outside Parliament shows that Parliament *per se*, as an institution, is no longer the seat of power in France nor the place for bringing about real consensus; it is rather a place for bitter fights. On the other bank of the river Seine, at the Elysee Palace, sits the man—the President—who rules the country with powers far wider than those of any other chief of state or government of any democratic country in the world. A man who, almost once a year, at his solemn press conference—nothing much

in common with Mr. Reagan's frequent press meetings—hands down the main guidelines for the rules of the political game and the laws of the land, and who utters words writ in gold. France after all has a political history dominated by such monarchs as Louis XIV and Napoleon I.

As for political parties, General de Gaulle had intended to destroy them because of their grip and hold over Parliament; it is ironical to witness the fact that they are today reborn as the leaders of French political life but *outside* Parliament. Let me add that in 1968 Parliament nevertheless played a role in helping solve the crisis but, only by being dissolved by de Gaulle, thus paving the way for new elections.

Now everything I have said so far holds true because, up to now, the President of the Republic has always had a majority in the National Assembly. At times a very large majority, such as was possessed at one time by de Gaulle and nowadays by the Socialists, and at times a slimmer majority but nevertheless a majority even when the Gaullists were only half-hearted supporters of Valéry Giscard d'Estaing. However, should this not be true and, come the next general election in 1986, should President Mitterrand face a majority in Parliament adverse to his Socialist and Communist coalition, then it would be quite a different story.

A new majority in Parliament adverse to the President could impose on him a Prime Minister and a Cabinet which would then try to enact policy which could not possibly be accepted by the President of the Republic. In that eventuality we would be in a deep crisis and Parliament, which according to the Constitution has to give a vote of confidence to the Cabinet, would then be in a position of holding the balance of power. I frankly do not know what would happen. The President could dissolve the National Assembly but only once, then he would have to wait for another year and if the same majority, adverse to himself, had been returned to power, he would have either to resign or to abide by the new majority system. The coexistence of an Executive and a Legislative Branch opposed to each other may indeed be very very difficult for the French Constitution in its present form to handle. Perhaps we shall see.

But inasmuch as past experience can be looked at and drawn upon, I dare say that under the Fifth Republic, Parliament has a very limited role to play in building consensus or solving a crisis in France.

