Legitimacy inside the Council of Europe

A Study on the Impact of Recommendations by the Parliamentary Assembly of the Council of Europe (PACE) to the Committee of Ministers (CM)

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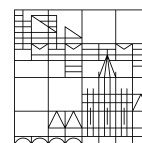
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1. Introduction

Over 75 years have passed since the Congress of Europe took place in The Hague in May 1948. A congress which led to the establishment of the oldest and largest intergovernmental organization (IO) in Europe. A year later, on 5 May 1949, the Council of Europe (CoE) was created. The, at that moment, 10 member states (Belgium, Denmark, France, Ireland, Italy, Luxembourg, the Netherlands, Norway, Sweden, and the United Kingdom) created the organization with the aim of achieving "*a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress*." (Statute of the Council of Europe 1949, art. 1). The seat of the organization was symbolically placed in Strasbourg, a French city on the border with Germany. Over the years, the organization developed itself by more than quadrupling in member states to a total of 47 at the start of 2022. Currently, this number has dropped to 46 as a result of the expansion of the Russian Federation from the organization. A decision made in reaction to its war of aggression in Ukraine, another CoE member state (Council of Europe 2022a). The mandate of the organization became clearer over time, with the Council of Europe currently calling itself the 'Guardian of Human Rights, Democracy and Rule of Law' on the European continent.

To achieve its aims, the CoE has been established with two main statutory bodies: the Committee of Ministers (CM) and the Parliamentary Assembly of the Council of Europe (PACE). The CM is the decision-making body of the Council of Europe. Following the Statute of the CoE, one of its main tasks is to "*consider the action required to further the aim of the Council of Europe, including the conclusion of conventions or agreements and the adoption by governments of a common policy with regard to particular matters*" (art. 15a). Where appropriate, these "*conclusions of the Committee may take the form of recommendations to the governments of members, and the Committee may request the governments of members to inform it of the action taken by them with regard to such recommendations*" (art. 15b). Also, the CM "*shall [...] decide with binding effect all matters relating to the internal organisation and arrangements of the Council of Europe*" (art. 16). In practice, the CM concludes conventions or agreements which, at a later stage, can be adopted and ratified by governments. It also makes recommendations to the governments of its Member States and decides on the internal matters of the Council of Europe. In terms of its membership, the CM consists of one delegate of each member state. Contrary to the name, it does not necessarily consist of ministers. During most of the weekly sessions, the ministers are replaced by the ambassadors who are

stationed at the permanent representation of the respective member state in Strasbourg (Palmer 2017).

The second statuary body of the CoE is the Parliamentary Assembly of the Council of Europe, within the Statute fittingly called the 'Consultative Assembly'. It is the "*deliberative organ of the Council of Europe*", which "*shall debate matters within its competence under this Statute and present its conclusions, in the form of recommendations, to the Committee of Ministers*" (art. 22). It is able to "*discuss and make recommendations upon any matter within the aim and scope of the Council of Europe*" and is expected to "*also discuss and [...] make recommendations upon any matter referred to it by the Committee of Ministers with a request for its opinion*" (art. 23) The signatories of the Statute of the CoE saw this first European international parliamentary institution as a "means through which the aspirations of the European peoples may be formulated and expressed, the governments thus being kept continually in touch with European public opinion" (Leach 2017, p. 166). Within its mandate the PACE does not have parliamentary oversight of the CM, as it can only make recommendations. Formally, this makes it a truly consultative Assembly which is not on equal ground with the CM as it has no decision-making powers.

Within the Assembly parliamentary delegations of the member states are represented. These are members of the national parliaments who hold a double mandate to participate in the meetings of the Parliamentary Assembly of the Council of Europe (Leach 2017). The number of delegates a parliament can sent to the PACE depends on the demographic characteristics of the specific member state. These PACE delegations are expected to 'fairly represent' the full political spectrum of the national parliament (PACE Resolution 1798 (2011)). It should therefore represent both governmental and opposition parties. The PACE delegates can attach to European-wide political groups (PACE 2021). Currently there are five political groups recognized within the Assembly (PACE n.d.(a)).

Among the citizens of the member states of the Council of Europe, and especially in those member states which are also member of the European Union (EU), the CoE might not be the best-known international organization. A fitting illustration of this is the fact that the CoE dedicates a special page on its website titled 'do not get confused', highlighting the differences between its bodies and the bodies of the EU (Council of Europe n.d.). A reflection on the budget of both organizations provides for one explanation of the relative unfamiliarity with the CoE. The overall budget of the CoE (€479M) contains less than 0.3% of the amount of the overall budget of the EU (Council of Europe 2022b, European Council 2022). This gap of public knowledge between the CoE and the EU also has its consequences on academical

attention. Where the scholarly debate about the EU and its legitimacy is lively (see, for example, Ruchet 2011 and Beetham & Lord 2014), the CoE is often only mentioned as one of many examples of IOs in research regarding the legitimacy of international organizations. Often this means that the CoE is not being critically and substantially analyzed. This is the case whilst the work of the CoE influences the daily lives of hundreds of millions of citizens. This issue is at the core of this research: looking at the Council of Europe not just in comparison to other international organizations, but as an organization in itself and assessing its legitimacy.

1.1. Research Objective

The PACE is not the only platform where parliamentarians from different countries meet each other to discuss and strive to influence politics on a supra-national level. The first so-called international parliamentary institution (IPI), the Inter-Parliamentary Union, was already established in 1899 and is still in function today (Albers 2012). Since then, and especially in the last decades of the twentieth century, more and more IPIs got created all over the world, some of which are attached to international organizations whilst others are functioning independently. Where an IPI has been established as part of an organization, this establishment was often roughly based on the same idea as the creation of the PACE within the CoE. Namely, to have the aspirations of the governed people formulated and expressed, as to make sure that the governors are kept in touch with public opinion (Šabič 2008). The addition of an IPI to an international organization has been recalled by many scholars as a plausible way to reduce the so-called democratic deficit, which results from the growing power of executives in international organizations combined with the loss of parliamentary oversight of their work as most of these international organizations function in secrecy (Costa, Stavridis & Dri 2013b). Even within the EU, where the European Parliament (EP), a directly elected body, has a rather strong role in the legislative process, the 'black box' of executive decision-making is still being heavily criticized among scholars and both national and European parliamentarians (Dutch COSAC delegation 2017).

To assess the effectiveness of the PACE in expressing public opinion within the CoE decision-making process, this research focuses on one of the most important formal powers of the Assembly: the power to make recommendations. Where a question to the CM can be sent by PACE members on their own behalf,[1] a recommendation needs to be approved by at least a two-thirds majority of the parliamentarians (PACE 2023; PACE 2022). A recommendation is

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[1] The question has to be accepted only be the president of the Parliamentary Assembly.

therefore more likely to represent the 'public opinion' of the citizens in the member states than a question. For this reason, the focus of this research lies with these recommendations and the reply the CM gives to them. By analyzing the influence of PACE recommendations, and the factors that determine the reply of the Committee of Ministers, the research indirectly and partly analyzes the legitimacy of the Council of Europe.

The concept of legitimacy has been heavily debated among scholars. In defining legitimacy in this research, the division by the American political scientist Vivien Schmidt will be followed (2013). She differentiates between input, throughput, and output legitimacy. Where input legitimacy is seen as the scope to which citizens have a direct say in the decision-making process, output legitimacy is concerned about the output of policy and, therefore, result oriented (Scharf 1999, Beyer & Hanni 2018). With regard to input legitimacy, democratically elected officials are often seen as 'the gold standard' as it is one of the most direct ways people can have a say in decision-making. With output legitimacy, the main question is whether a policy delivers to the people and if the results of policies align with their preferences. Throughput legitimacy, as addition to the two aforementioned forms of legitimacy, looks at the processes of creating legislation and focusses on "their efficacy, accountability, transparency, inclusiveness and openness to interest consultation" (Schmidt 2013, p. 2).

The part of legitimacy this research touches upon belongs to the throughput legitimacy, as it looks at the *de facto* accountability of the CM to the PACE. While the *de jure* accountability has, purposely, been made as small as possible in the Statute of the Council of Europe, the Committee of Ministers still corresponds with the PACE which, as a result, might have *de facto* influence (Leach 2017). Moreover, to have the PACE as an international parliamentary institution diminish the democratic deficit of executive powers in the CoE, it is important that it does have this *de facto* influence. If, on the contrary, the CM does regularly reject recommendations of the PACE or does not listen to them at all, the PACE might be an example of an IPI which only provides for the idea of parliamentary control. This would mean that the PACE only makes the Council of Europe look more legitimate, without really influencing the organization. Researchers have blamed certain IOs of having IPIs that only fulfil such a window dressing task and claim that they are, in fact, just talk-shops or places for 'parliamentary tourism' (Lipps 2021; Malamud & Stavridis 2011, p. 106).

As shown by Vivien Schmidt, it should be recalled here that legitimacy has multiple determents. It is not a binomial scale by which one can objectively state that the work of an organization is legitimate or not. It is a scale which is even perceived differently by different researchers. Therefore, if the PACE does only have a very little say in the policy outcome of

the Council of Europe, this does not mean that the policy is directly illegitimate. Moreover, it does not even mean that the work of the PACE is unavailing. For one, it could be that the influence of the PACE on the CM is stronger through informal channels than through the official recommendations. On top of that, multiple scholars have shown that IPIs can play an important role in other issues, for example through their non-official power as "norm entrepreneur" (Šabič 2013, p. 21).

1.2. Research Question

To better understand the relationship between the PACE and the Committee of Ministers, this research quantitatively analyzes recommendations sent by the PACE and replies given by the CM to these recommendations, as a way to partly assess the legitimacy of the Council of Europe. As already pointed upon, the recommendations need to be adopted by a two-thirds majority within the PACE and are therefore likely to be the instrument most representative of 'public opinion'. This research dives behind looking at the sort of responses recommendations receive, as it also looks at which factors influence the response received. Are, for example, recommendations supported by a broader majority in PACE more likely to receive a reply in which follow-up is promised? It places this in the broader academical debate on international parliamentary institutions. In this regard, the research focuses on the following research question: *"To what extent does the international parliamentary institution of the Council of Europe, the PACE, increase the legitimacy of the Council of Europe through its statutory strongest power, the power of recommendations?"* To answer this question, two sub questions will be answered: 1) How can international parliamentary institutions influence the legitimacy of international organizations? and 2) what characteristics of PACE recommendations influence the content of the reply by the CM?

To answer the first sub question, the academical debates on the (perceived) democratic deficit of international organizations and the role of IPIs as an answer to this deficit will be considered. Hereby the concept of legitimacy will be further applied, which will help to better understand the formal relationship between the CM and the PACE. In answering the second sub question, the research makes use of 150 hand-coded recommendations and replies covering a period of seven consecutive years (2016 – 2022). It should be noted that within this research the focus lies with the texts written in the recommendations and replies. Taking into account whether the reply given by the CM is also transposed to concrete action is therefore out of its scope. It might be that the CM promises certain changes in policies in its reply to the PACE which are not actually put into practice. However, this research only focuses on the first step of

the relationship between PACE recommendations and concrete actions, namely the textual reply of the CM. The other step of the relationship, whether the Committee of Ministers executes the actions promised in the replies to the PACE, would be an interesting avenue for further research.

In the end, the research will show that the power to send recommendations is, in general, a rather weak instrument of the PACE to influence the policies made within the Council of Europe. This becomes clear from the lack of a relationship between the support in the PACE and a more active response in the CM, the little influence of other factors from the PACE on the response of the CM, the long period before the CM answers a recommendation and the low follow-up given to recommendations. As a result, it can be questioned whether the PACE increases the legitimacy of the Council of Europe through this power at all.

1.3. Relevance

The academic relevance of this research derives from the fact that the Council of Europe as an organization has only received limited academic attention so far. As mentioned above, this might be partly due to the fact that the Council of Europe has been overshadowed by the European Union on the European continent. While the European Convention on Human Rights and the European Court on Human Rights, both developed within the CoE and claimed to be the most effective human rights system in the world, have received quite a lot of scholarly attention, this is less the case for the internal functioning of the CoE (AIV 2022, p. 16). To combat the limited scholarly knowledge about the CoE, Stefanie Schmal and Marten Breuer decided to publish a reference book about the organization, which they describe in their abstract as "one of the most influential organizations in Europe" (2017).

Also, a quantitative approach in assessing the formal powers of IPIs is currently lacking in academical literature. The persistent view that, because of the small legal possibilities for IPIs to change policies, their influence is also very small is therefore lacking empirical evidence (Jancic, 2015). This research will not only make a first step into the assessment of (part of) the *de facto* power of the PACE, it will in addition look at the factors which might determine this influence. It sheds light on the voting-behavior within the Parliamentary Assembly and the functioning of this oldest European Parliamentary Assembly. More specifically, it looks at one of those international parliamentary institutions which is formally bound to an IO and established with the intention to be the voice of the people in this organization. This as opposed to, for instance, the Parliamentary Assembly of the OSCE, which was established without any formal ties to the organization and only convenes a meeting spot for the parliaments of the

member states. Due to its statutory status, one might safely expect the PACE to be a relatively influential IPI, when compared to IPIs in other IOs. So, if it has no formal influence in this set-up, what can be expected of IPIs with even less statutory powers in their tasks of diminishing the democratic deficit?

On top of that, the creation of a new database with hand-coded PACE recommendations and CM answers can potentially be used in further research to the Council of Europe, the CM or PACE. This database provides interesting insights in voting behavior per country and per political group. Moreover, it shows in what fields the PACE has tried to exert its influence most during the researched period.

The research derives its societal relevance on the one hand from its indirect assessment of the legitimacy of the Council of Europe through its focus on the role of the PACE, which is a body that represents a broader part of the society than the CM. Thereby, it assesses whether the work done in Strasbourg, which influences the daily lives of citizens from all CoE member states, is also influenced by the parliamentary representatives of those citizens. By its critical assessment of the influence of the PACE on the CM it is the first assessment of this relationship so far, at least as far as known by the author. It is also important to have a critical overview of the functioning of the CoE, as it is an organization which runs on public money. Moreover, if this research leads to increased knowledge about the Council of Europe and the work it does, this could further increase the legitimacy of the CoE itself.

1.4. Structure

The second chapter of this research provides the theoretical framework and identifies the roles of international parliamentary institutions in solving the democratic deficit. In doing this, it first explores the debate about the democratic deficit further to identify the key issues mentioned. Next it looks at the development of IPIs over time, and the academical thoughts about their existence. From this, the key role IPIs can play in diminishing the democratic deficit are identified. Based on this general overview, the relationship between the PACE and the CM within the Council of Europe will be assessed, which is the focus of the second section of the chapter. Here, this relationship will be set out with reference to the Statute of the Council of Europe and the working methods of both institutions. In the end more specific attention will be paid to the instrument of recommendations and the requirements for working with these both in the CM and the PACE. The chapter ends with presenting four hypotheses to be tested empirically.

The third chapter focuses on the methodology of this research. Special attention will be given to the coding scheme, as hand-coding is often associated with a high degree of validity but only a low degree of reliability (Klüver 2009, p. 537). Therefore, it thoroughly reviews the coding process as transparent as possible. Next to the coding process, the variables, the models, and the multinomial logistic regression used to analyze the data and test the hypotheses will be introduced and the choices made in these fields will be further explained.

In chapter four the findings from the research will be analyzed, starting by a general overview of the data to identify notable features. Afterwards, the hypotheses will be tested. These are further analyzed in the discussion in the fifth chapter. In the concluding chapter the addition this research has made to the academic debate on IPIs and the democratic deficit will be highlighted. Also, a critical reflection of this contribution will be provided, in combination with promising avenues for further research. Lastly, it provides some practical policy recommendations to the organs of the Council of Europe, grounded in the findings of the research.

2. Theoretical Framework

2.1. Conceptualization

The first section of this chapter focuses on the main concepts mentioned within this research. To ensure this research meaningfully captures "the ideas behind the concepts", a conceptualization tool provided by Adcock and Collier is followed (2001, p.5 29). This tool recognizes four levels in conceptualization and measurement. This part will focus just on the first two levels: the so-called 'Background Concept' and the 'Systematized Concept' (Ibid., p. 531). While the 'Background Concept' is the "broad constellation of meanings and understandings associated with a given concept", the 'Systematized Concept' is the "specific formulation of a concept" (Ibid., p. 531). In other words, the Background Concept can contain multiple meanings in different contexts and therefore needs to be 'systematized' to be used in research. This way, it is clear what is intended with these concepts within the framework of this research.

The first key concept of this research is the concept of legitimacy. As already reflected upon in the introduction, this is a concept which has been broadly divided into three streams: 'Input', 'Output', and 'Throughput' (Schmidt 2013). As this research does only look at the internal procedure taking place within the Committee of Ministers and not at the way the delegations within the PACE are mandated by the national parliaments, the focus does not lie with input legitimacy. Moreover, the exact policy outcome resulting from recommendations is outside the scope of this research. By looking at the internal procedures of the decision-making, the focus is therefore on the throughput legitimacy. However, also within this part of legitimacy important distinctions exist. Van der Vleuten and Hoffmann, who refer to this area of legitimacy as 'control legitimacy', state that the focus of this area is whether the government is held accountable (2007, p. 7). Accountability can come from different processes. It is not only through institutions within the organization that accountability can be achieved, but also with responsiveness to civil society or transparency (Monaghan 2012). This research focuses on the sub-part of formal institutional responsiveness by the CM to the PACE.

The second key concept is the concept of international parliamentary institutions (IPIs). As said above, this research builds on the discussions about these institutions and the role they can play in addressing the (perceived) democratic deficit within international organizations. In defining IPIs this research relies on the following definition from Robert Culter, where he states that an IPI is:

"an international institution:
- that is of a parliamentary nature, whether legislative or consultative, and has three or more member states
- of which the parliamentarians are either selected from national legislatures in a manner that they determine or popularly elected by the electorates of the member states
- that is a regular forum for multilateral deliberations on an established basis, either attached to an international organization or itself constituting one" (Culter 2001, p. 209)

This definition is indicative for the IPIs this research uses as reference. The PACE itself, clearly within this definition, consists of 46 member states, with parliamentarians selected from national legislatures, and constitutes a regular forum for multilateral deliberations.

2.2. International Parliamentary Institutions and the Democratic Deficit

IPIs are often claimed to be a possible way of combating the democratic deficit within international organizations (Kraft-Kasack 2008; Rocabert et al. 2019). But what is this democratic deficit, and what caused this phenomenon? This section will first discuss these questions. Subsequently it focuses on the debate on the emergence of IPIs. It will end with an analysis of the powers stated to be crucial in empowering IPIs to act as legitimators for international organizations, even when their formal powers are relatively weak in comparison with national parliaments.

2.2.1. The Democratic Deficit

The debate about the existence of a so-called democratic deficit has its origins within scholarly work on the EU. The political scientist Ruchet places the start of this debate already in the 1970s (2011). It is within this EU-context that the frame 'democratic deficit' has been coined by David Marquand in 1979. According to Ruchet, the cause of the debate about the democratic deficit can be found in the societal situation of the 1970's, specifically when the output legitimacy of the EU was insufficient to compensate for its weak input legitimacy (2011, p. 6). Due to the disappointing results, people started to critically review the organization. Yves Mény argues that it was not only the lack in output legitimacy which resulted in scholarly and popular interest in the democratic deficit (2003). He blames the reaction of the European leaders for this, paradoxically because of their decision to strengthen the powers of the European Parliament. Due to these reforms, the EP became more similar to national parliaments and, as a result, was easier to compare with them. This comparison showed that the EP did not meet the same standards as national parliaments (Ibid.). As a result, the democratic deficit became more visible.

The debate on the democratic deficit within international organizations in general, including the EU, has become more popular amongst scholars since the 1990s (Cofelice 2012). In the debates about both the EU and other IOs, the focus has been on the same idea behind the 'democratic deficit', namely "the increase of executive dominance and consequently the decline of parliamentary control" (Lipps 2021, p. 502). In that regard, given the increasingly important roles of international organizations in both foreign and domestic politics, the idea that more power has been transferred to the executives as main actors within IOs is not much disputed in literature (see, for example: Rocabert et al. 2014; Habegger 2010; Kraft-Kasack 2008; Kissling 2011). Moreover, this fact is not necessarily seen as negative for national democracies. It can

strengthen "the policymaking capacity and efficiency of democracies and help mitigate the negative externalities of democratic decisions in one country on democratic decisions in other countries" (Rocabert et al. 2014, p. 1). However, it also develops a participatory gap, which inherently clashes with the idea of input legitimacy (Habegger 2010). Next to that, due to the complexity of certain international organizations and the fact that international policy is often negotiated behind closed doors, it is more difficult to redirect certain decisions to decision-makers and to hold them accountable for these decisions on the national level (Kraft-Kasack 2008).

Especially this last problem affects national parliaments, as these are often the main institutions in place to hold the executive power accountable. The shift to executive decision-making in international organizations therefore affects the traditional functioning of these parliaments, leading Rocabert et al. to identify "the decline of parliament" as a "major component" of the democratic deficit (2019, p. 612). Even in those fields where the national parliaments have a say through the acceptance or rejection of legislation made in an IO, this cannot be compared to the role these parliaments have in national policymaking. Parliamentary scrutiny is, in this case, only possible at the final stage (Habegger 2010, p. 190). Parliaments are provided with the choice between accepting or rejecting all legislation without being able to negotiate during the process. They are faced with a package deal and have to choose between all or nothing. Some scholars have gone as far as stating that the democratic deficit results from a deliberative attempt of executive leaders to get free of the constraints of domestic politics, formally referred to as the "collusive delegation thesis" (Koenig-Archibugi 2004, p. 152). Deliberate or not, the limited powers of national parliaments make Malamud and Stavridis rightly conclude that "foreign policy is not adequately subjected to democratic scrutiny" (2016, p. 103). Moreover, they recall that democratic control alone would not be sufficient to make the democratic deficit disappear. According to them, there is still an important need for output legitimacy of international policies, even if this policy would have been subjected to democratic scrutiny in the decision-making process.

It is undeniable that the possibilities for parliamentary oversight by national parliaments have been severely limited with the shift of power to executives in international policymaking. In scholarly literature about the democratic oversight within the EU, different reactions to this can be recognized (Ruchet 2011). After the recognition of the democratic deficit in the 1970s there have been academics who clearly problematized this lack of democratic accountability, such as Follesdal and Hix in 2006. In their article they critically respond to the views of political scientists Moravcsik and Majone. Moravcik had referred to the democratic deficit as 'the myth

of Europe', claiming that the procedures in place within the European Union already provided for enough legitimacy (2008). Majone stated that the EU is mainly an economic and regulating actor that seeks for pareto-efficient outcomes with no need for further legitimacy (Majone, Baake & Tame 1996). Without having a final and undisputable answer to this debate both within the EU and in other IOs, the pure fact that the debate has been held, together with public pressure, has already led to changes in IOs to react to new legitimization demands (Lipps 2021).

Habegger recognizes three options to combat the democratic deficit for international organizations (2010, p. 188). First of all, certain decision-making could be 'renationalized', meaning a return to the national political arena and, as a result, the decisions being subjected to the same political scrutiny as, or even becoming, national policies. Second, the democratic deficit can simply be accepted. As long as the output legitimacy is high enough, as was the case before the 1970s in the EU, this might be enough to make up for the lack of input and throughput legitimacy. The third option Habegger recognizes is democratization of the policy of the international organizations. This can be done by increasing the mechanisms of national parliaments in the decision-making or by creating a bigger role for civil society. Another option for this is the setting-up, or strengthening, of parliamentary engagement in international politics (Ibid.). According to Malamud and Stavridis, this last option has been chosen rather often by international organizations in the last decades, identifying this phenomenon as "the 'parliamentarization' of world politics" (2016, p. 103).

2.2.2. The rise of International Parliamentary Institutions

This 'parliamentarization' of world politics can be traced back to the establishment of the Inter-Parliamentary Union (IPU) in 1899. The reports commissioned by this organization since the 1990s have led to an increase in research to international parliamentary institutions and the involvement of national parliamentarians in international politics in general (Rocabert et al. 2014). The establishments of IPIs are just one, although atypical, way in which national parliamentarians engage in international affairs (Malamud & Stavridis, 2016). More straight-forward ways of this engagement are influencing foreign policy within national parliaments and creating diplomatic relations with other parliaments, a phenomenon also known as "parliamentary diplomacy" (Ibid., p. 101). Even though the creation of IPIs is rather atypical, IPIs "have mushroomed" since the Second World War (Kissling 2011, p. 10). Where in 1939 only three IPIs existed (the IPU, the Nordic IPU (founded 1907 – 1909) and the Commonwealth Parliamentary Association (CPA, founded in 1911)), today over 100 IPIs can be identified (Ibid.).

Cutler (2001) divides the growth of the IPIs in three phases: 'The Cold War System' (1947 – 1973, with the creation of 1 IPI roughly every 4.5 years), 'The System of Multilateral Interdependence' (1974 – 1991, with the creation of 1 IPI every 3 years) and the 'Current International Transition' (1992 onwards, with the creation of over 1 IPI a years).[2] One of the most important moments of the first phase, and arguably in the complete development of IPIs, has been the Congress of the European Movement in The Hague in 1948, better known as the 'Congress of Europe' (Sabic 2008). After two World Wars, the European people demanded more transparency in foreign policymaking to prevent such disasters from happening again (Ibid.). As a result, the creation of a European Parliamentary Assembly with legislative powers was debated during this Congress of Europe. Especially some western European governments, with France in the lead, were proponents of the creation of such an Assembly with legislative powers (Ibid.). In the end however, only a Consultative Assembly had been agreed upon (which was later renamed the Parliamentary Assembly of the Council of Europe). Still, both Sabic (2008) and Habegger (2010) recognize this creation as an milestone in the development of IPIs, as it was the first time an intergovernmental organization was created with a parliamentary organ.

In the decades since, the growth of IPIs, which started rather Western-centered, also spread to other continents (Cutler 2001). Rocabert et al. stated in 2019 that, "a third of today's relevant IOs have IPIs" (2019, p. 608).[3] Moreover, apart from an enormous growth in number and geographical scope of IPIs over the years, a strengthening of the powers of IPIs has been identified, among which for the PACE (Habegger 2010; Kissling 2011). Interestingly, the growth in number and powers of IPIs cannot be explained with the standard reasoning about international cooperation, as this line of thinking sees international cooperation as a way of delegating powers to international organizations (Rocabert et al. 2019). The creation of an IPI as extra actor within an IO is contradictory to the efficiency-oriented logic of delegation. First of all, IPIs are bound to make decision-making more complex and slow-down the processes (Rocabert et al. 2014). Moreover, they might even "undermine the credibility of international commitment" (Ibid., p. 2).

However, the ideas of delegation and efficiency are not the only concepts of importance in international politics. As recalled above, legitimacy is an important factor in policymaking. This search for legitimacy, after the recognition of the democratic deficit, played an important

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[2] Note, as Cutler wrote his research in 2001 the rate calculated in the last phase is only about the period 1992 – 2001.

[3] Which IOs they identify as 'relevant' is not defined in their article.

role in the creation of IPIs in international organizations (Rocabert et al. 2019). Following this top-down reasoning, IOs strive to legitimatize their authority by creating a parliamentary assembly which resembles a national parliament. This builds forward on the widespread idea that "parliaments epitomize democratic legitimacy" (Ibid., p. 612). However, Rocabert et al. are rather skeptical about the extent to which the creation of IPIs is more than merely an attempt to create the appearance of being legitimate. They blame IOs for "decoupling" IPIs from real "democratic empowerment" (Ibid., p. 612). In other words, they claim that, by creating an institution in an international organization which is recognizable as a parliament, IOs hope to legitimize themselves without giving the parliamentary institutions anywhere near the same powers as national parliaments have in the national decision-making process. Another explanation for the creation of IPIs has been offered from a bottom-up perspective. This explanation focuses on the attempts of national parliaments to strengthen their say within international organizations as they recognize the limitations of their powers resulting from the work in IOs (Costa, Stavridis & Dri, 2013a). According to this theory, the pressure from the parliamentarians is the main driving force in the creation of IPIs.

Against this background, it is also interesting to underline the growing powers these institutions are attributed. Some authors explain this by the fact that once an IPI is in place, it uses its powers to claim a more important role in the decision-making process (Sabic 2008, p. 256). In their role as legitimizing actors, they use their informal powers to pressure the executives to provide them with more formal powers. Another way of increasing their powers, is by deepening their powers in the fields they are formally enabled to act. An important example is the power IPIs can have in international standard setting as a result of their work in monitoring missions (Sabic 2012, p. 42). The extent to which IPIs are able to empower themselves further, or have any power at all, is still debated in literature. Some authors recognize IPIs to play a key role in reducing the democratic deficit and as interesting legitimizers for international organizations (Costa Savridis & Dri, 2013b; Jancic 2015). Other authors, however, state that they are ineffective and do not play any role in making IOs truly more legitimate (Rocabert et al. 2014; Malamud & Stavridis 2016). One important explanation for these contradictory assessments of IPIs can be found when looking at the thresholds with which one compares the IPIs. The following section will focus more on these thresholds, with the aim of recognizing those functions IPIs should have to effectively combat the democratic deficit in international organizations.

2.2.3. The Legitimizing Aspects of International Parliamentary Institutions

Democratically elected and strong national parliaments are often seen as the ideal form of providing for input legitimacy and, through their procedures, for increasing throughput legitimacy. This section will therefore use the four main functions of a national parliament in political systems as recognized by Malamud and Stavridis as a basis for the assessment of IPIs (2016). These functions are: 'representation', 'legislation', 'control of the executive', and 'leadership recruitment and socialization' (Ibid., p. 106). Adding to these, and of special relevance in the field of IPIs, the section will also focus on the power of IPIs to organize themselves.

2.2.3.1. Representation

There are two main ways of constituting IPIs. They can either consist of directly elected parliamentarians or consist of national parliamentarians delegated by their parliament with a double mandate. For both, the precondition for fair representation is the delegated being representative of the people (Costa, Stavridis & Dri 2013a). The condition of representation is, in theory, easier met by direct elections as all citizens have an equal vote in these. A well-known example of an IPI whose members are directly elected is the European Parliament. Here, however, the effectiveness of the direct elections has been debated as the turn-out for these elections is, in general, rather low and it seems that citizens mainly vote for national topics during these elections. Some scholars have even gone as far as calling these elections 'second-order national elections' (Schmitt 2005; Hix & Marsch 2011). The representativeness of the EP is impacted by the fact that these elections are not perceived as having the same importance as national elections.

The practice of double mandates also has problems with representativeness. While the internal rule can be made that a national delegation should represent the broad political spectrum of a parliament (which is the case within the PACE), this still means that those voices not represented within a parliament are also not represented in the delegation. There is a selection from an already selective group. Moreover, academics have voiced their concerns about national delegations considering themselves as representatives of their own parliaments and therefore, in practice, only functioning as representatives of national policy (Ipsas 2011). In addition, due to their double-mandate, it might be that national parliamentarians are not able to spend as much time and develop as much expertise as they would have been able to when they would only be active in one parliament, national or international (Malamud & Stavridis, 2016).

On the other hand, there are clear advantages to having double-mandates. Functioning on both the international and the national level at the same time, creates a "link between the national and the international decision-making levels" (Habegger 2006, p. 133/4). Through this link, parliamentary control on the national level can be done more successfully, as the national parliamentarians gain knowledge and expertise about what is happening in the international organization (Costa, Stavridis & Dri 2012). This decreases the knowledge gap between executives and parliamentarians and opens the 'blackbox' of executive decision-making for parliamentarians at least to a certain extent. This "extends the national parliamentary arena" as executive policymaking can better be scrutinized at the national level (Rocabert et al. 2019). So even when, as argued by some scholars, the official powers of IPIs are rather weak, parliamentarians are still enabled to increase their competences. Moreover, the delegations are able to play a two-level game in international cooperation by "threatening not to ratify international agreements" unless they are more involved in the policymaking of these agreements (Kraft-Kasak 2008, p. 544). It is for this reason that Jancic considers international parliamentarism "a meaningful activity of electoral representation in foreign affairs" (2015, p. 205). In other words, double mandates can empower national parliaments in playing their institutional role to hold their national government accountable.

2.2.3.2.   Control of the Executive

The power of IPIs to control the executive within IOs is often based on 'soft powers' (Slaughter 2004). Most IPIs do not have the power to send the executives away on the international level. However, even without such a power there are still certain rights IPIs can have to control the work the executives are doing and to pressure policy change within the IO (Jancic 2015). Habegger claims that the right to demand and obtain information is one of the key rights IPIs should have (2010, p. 191). To obtain more information about what is happening within the executive body of the IO, IPIs can also be given the right to ask questions or perform studies (Ispas 2011; Culter 2001). By asking questions they can enforce the executives to give insight in certain processes and can even, up to an extent, formally debate topics with the executives (Ispas 2011). In many national arenas, the questioning of the executive power is an important mechanism "to impose parliamentary accountability on the government" (Martin 2011, p. 259). Especially when, as is the case in multiple IOs, the executive body is obliged to answer questions from the IPI, this power can be a useful way of controlling the executive. To increase the information supply even more, IPIs can be given the right to perform investigative studies

(Culter 2001; Habegger 2006). This power also helps IPIs to addres, through their studies, issues which are at that moment under discussion among the executives (Culter 2001).

Apart from being able to act as a reactive force to the work of the executives, IPIs might be given the right to address issues that are not on the agenda. This can be done by asking questions or doing executive studies, but the most powerful formal way of doing this is the right to submit recommendations (Habegger 2001). While these might not be legally binding, and executives do have the opportunity to neglect them, "the intergovernmental side will at least take note of them" (Ibid., p. 140). Moreover, as recommendations often need to be supported by a majority of the members of the IPI, they sent a stronger signal than a question from only a small minority of parliamentarians. Through their recommendations, IPIs can influence decision-making by at the very least influencing the political agenda of the executive body (Jancic 2015).

2.2.3.3. Legislation

The power to be actively engaged in the legislative procedure is often not provided to IPIs (Ibid.). While they may issue topics to the executives through their control powers, and thereby influence the agenda of the executive body, one of the strongest powers IPIs might be given in the legislative process is the right to be consulted on certain matters (Habegger 2010). While this power is quite passive in itself, it is an instrument which can be used actively. This has been the case in the European Union in 1980. At that moment, the European Parliament did have the right to be consulted by the Council of the European Communities on proposals by the European Commission (Varela 2009). This consultative role did not provide for any active power, but merely required the EP to give its opinion on the proposal. However, when the Council of the European Communities decided to adapt legislation without having gained the opinion of the EP, they got called back by the European Court of Justice in the so-called Isoglucose judgement (SA Roquette Frères v Council of the European Communities, 1980). The passed legislation got declared "null and void" (Varela 2009, p. 9). Through ways like these, the power of consultation can become an active power instead of a passive power. At the moment the EP is the only IPI that has received real effective powers in the field of legislation, more specifically as one of the co-legislators (Malamud & Stavridis 2016). In other words, the legislative power of IPIs is often much weaker than their other powers, which supports the thesis of the 'decoupling' of IPIs from real democratic power mentioned above.

2.2.3.4. Leadership Recruitment and Socialization

The power of leadership recruitment can differ per IPI. While some IPIs, especially those part of an IO, can have a say in the appointment of important positions in the organization, they often do not have the opportunity to change the executives or their successors directly (Habegger 2010). However, parliamentarians might be able to 'socialize' the executives to a certain extent. For example, through (informal) contacts (Jancic 2015). While it is difficult to state to what extent this influences the executives, these are clear possibilities to exchange views and, willingly or unwillingly, influence one another during formal or informal meetings.

2.2.3.5. Organizational Power

The inclusion of this fifth power to the four recognized by Malamud and Stavridis is especially of importance for those IPIs operating as part of an international organization. It focuses on two main points: the extent to which an IPI is independent from the executives in its internal operations and the extent to which an IPI can operate freely and transparent, among which is also meant the possibility to publicize information.

Rocabert et al. recognize three important factors for IPIs to organize themselves and act in relative freedom (2014). These are the ability of an IPI to decide on its own priorities, to decide on the frequency with which meetings of the IPI take place, and to decide on its own rules of procedure (Ibid., p. 6). If an IPI is enabled to organize itself, this means that it can work freely on the topics it deems to be important in a way it deems appropriate and as often as necessary. As said above, these factors are mainly under pressure for those IPIs formally belonging to an international organization, as this might reduce the autonomy of an IPI to a certain extent. Also, financial means are an important factor in this regard.

Subsequently, and partly in line with the above, another crucial element is the power to operate freely and transparent. One important function many authors envision for IPIs as actors to diminish the democratic deficit, is that through its involvement the IPI brings more openness and transparency to an organization (Habegger 2006). If the IPI is able to share its views and work transparently, it can further open the aforementioned 'black box' of executive government (Rocabert et al. 2019; Habegger 2010). Moreover, when actively sought after, IPIs can work to increase the public visibility of organizations and as a result increase the democratic accountability of the IO (Sabic 2008). This process is two-fold. On the one hand, increasing publicity can lead to more informed citizens who take the work of the IOs into account, for example when voting in national elections (Habegger 2010). On the other hand, increasing transparency and visibility creates room for civil society and media to act on the work of the

organization (Costa, Stavridis & Dri 2012). Through this, public pressure can be exerted on the IOs to change their policies, where this is deemed necessary (Kissling 2011). However, it has been argued that currently "public ignorance of their [IPIs] actions and importance is widespread and makes IPIs less relevant than they could be" (Ibid., 52).[4] Still, this means that more active policies from IPIs to increase their visibility, and also the visibility of the complete organization, can lead to extra empowerment of IPIs as legitimizing actors of international organizations and make IPIs possible mediators against the democratic deficit.

The next section will focus more specifically on the formal relationship between the Committee of Ministers and the Parliamentary Assembly of the Council of Europe. It will take the powers mentioned above as a threshold to compare the power of the PACE in each area. Special focus will be placed on the power of the PACE to send recommendations to the CM and the internal rules and practices surrounding this instrument.

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[4] Part in parentheses added by the author.

2.3. The Internal Structure of the Council of Europe

As mentioned above, the Council of Europe has two statutory bodies, the Committee of Ministers and the Consultative Assembly (Statute of the Council of Europe 1949, art. 10). Since 1994, the latter was renamed to be formally called a Parliamentary Assembly in all documentation of the Council of Europe. The PACE is composed of 612 parliamentarians, elected at the national level (PACE 2022, p. 8). Of these 612, half are formal representatives and half are substitutes. Consequently, when in session, a maximum of 306 members from the 46 parliaments of the Council of Europe member states are able to formally take part. The size of a national delegation is decided by the PACE upon accession to the Council of Europe (Ibid.). Here, the main criterium used is the population size. Next to the parliamentarians from the member states, there are parliamentarians from certain non-member states which can achieve the 'special guest', the 'observer' or the 'partner for democracy' status. The representatives of these states are not allowed to take part in the voting and are additional to the 612 members from the member states.

The PACE meets in one ordinary session a year (Statute of the Council of Europe 1949, art. 32). However, this one session is divided into four plenary part-sessions which normally take place in January, April, June, and October at the Palais de l'Europe in Strasbourg (PACE 2022). During these meetings the PACE is presided over by the President of the PACE. This is one member who is elected by the PACE for a term of one year and is the formal spokesperson of the Assembly (Leach 2017). For its organizational work the PACE relies on its bureau, its Standing Committee, and its Presidential Committee (Ibid.). The bureau is tasked to coordinate the activities of the PACE and to support the president. The Standing Committee is a committee consisting of a smaller number of the parliamentarians and gets together between the part-sessions. During these sessions it will hold debates and it has the power to adopt texts (PACE 2022). The Presidential Committee, consisting of the President, the chairpersons of the political groups and the Secretary General of the Assembly, is a consultative body to the PACE (Leach 2017, p. 171). Apart from these three organizations, the PACE also has its own secretariat which is headed by the Secretary General of the Assembly.

For the preparation of its debates and texts, the Assembly makes use of its nine permanent committees which all have their own focus on different topics. Normally, the debates within the plenary, and the recommendations which can result from these debates, are based on the reports of one these committees (Ibid., p. 173). Moreover, when a committee deems this necessary, it can appoint 'general rapporteurs' that focus on a certain topic and report back to the committee (Ibid., p. 172). To co-ordinate the work between the PACE and the CM a Joint

Committee can be called on an ad hoc basis. Within this Committee representatives of the CM and of the PACE meet to discuss certain urgent topics (CM 2023).

After its establishment as a consultative Assembly, the PACE received more powers over time. That is why, according to Habegger, "a treaty-based analysis of the Council of Europe would be misleading" (2010, p 191). We need to take into account those informal powers it has obtained as well. Habegger even goes as far as to state that the PACE has managed to become "a decision-making organ" (Ibid.). This development is also recognized by the PACE itself, which recalls in its Member Handbook that "the Assembly has over the years acquired a real parliamentary mandate" (PACE 2022, p. 8). To see the extent to which this is the case, the following section will focus more on the powers the PACE has acquired over the years, linked to the five powers of international parliamentary institutions recognized above.

2.3.1. The Legitimizing Powers of the PACE

2.3.1.1. Representation

In terms of representation, it has already been recalled that the PACE consists of national delegations. These delegations should be composed to "ensure a fair representation of the political parties or groups" in the national parliaments (Rules of Procedure of the Assembly 2023, art. 6.2a). To reach the goal of fair representation the PACE Member Handbook actively calls upon PACE members to join a political group which relates to their political affiliation (PACE 2022, p. 19). It is not only in the national delegations that the PACE strives to be a representation of the European people. In the composition of its (both ad-hoc and permanent) committees the Assembly makes use of the, so-called, d'Hondt system, to have a balance in the political representation of these committees (Leach 2017, p. 173). This way, it strives to make the PACE as representative of the citizens of the member states as possible in all areas of its work.

The extent to which PACE members make active use of their double mandate to use the possibility of a two-level game regarding international politics is hard to determine. The Members Handbook does actively call upon the PACE delegates to make use of the opportunities given to them by their national mandate and to strive to increase the national knowledge about the work of the CoE and the PACE (PACE 2022, p. 15). However, there has been criticism on the extent to which delegates really integrate the work of the PACE to the

national parliaments, limiting the effectives and the opportunities that come with a double mandate (Leach 2017, p. 168).

2.3.1.2. Control of the Executive

The PACE holds quite some powers in the field of control of the executive. The most important of which is, statutorily seen, the power to send recommendations to the CM (Statute of the Council of Europe, art. 22). As recommendations are the main focus of this research, the exact functioning of these and the obligatory elements concerning recommendations for both the PACE and the CM will be discussed extensively in the next section. Next to sending recommendations the PACE is able to send opinions to the CM, a precondition for this being the request of the CM to do so (Leach 2017, p. 172). As a result, with this power the PACE is less free in deciding the topics it wants to address (Habegger 2010, p. 193). An important third way to control the CM, is the possibility to ask questions to the Committee of Ministers. These can be written by individual members of the PACE and, after approval by the President of the Assembly, will be sent to the CM which does have to provide an answer (Rules of Procedure of the Assembly 2023, art. 61.1). Both the questions asked, and the answers received will be published by the PACE. Apart from written questions, oral questions might also be directed to the chairperson of the CM, for example when the chairperson addresses the PACE during their session (a standard practice during each part-session). The effectiveness of this availability depends on the willingness of the chairperson to react to them, as the chairperson is not obliged to do so (Ibid., art. 61.2). Another opportunity for the PACE to ask oral questions concerns the meetings with Heads of State and/or Government of the CoE member states. When they address the Assembly, the PACE has the right to ask them questions (PACE 2022). Habegger sees the power to ask questions to the CM, especially written questions, as an important means to elicit information about its work (2010, p. 192). He especially points to the fact that, if the CM is not able to formulate an answer, it has to objectively inform the PACE about the reasons for the lack of agreement necessary for the answer.

Apart from directly communicating with the CM, the PACE has more indirect powers to control the executives. It can start investigations to human rights violations and write investigation reports about this (PACE 2022, p. 9). This partly corelates with the power of the PACE to monitor states to see to what extent they "fulfill their promises regarding democratic standards" (Ibid., p. 9). This monitoring will be done by the Monitoring Committee of the PACE and gives it the power to uncover situations in which the obligations from the Statute of

the Council of Europe or the conventions are not followed by the member state (Leach 2017, p. 174). It is important to recall here that, since 1994, the PACE has decided to subject all member states to the monitoring process. Specific monitoring also takes place, for example when observing elections or when following the execution of judgements of the European Court of Human Rights (PACE 2020, p. 16; Leach 2017). If the PACE finds that a state fails to honor its commitments, the PACE can take further steps (Leach 2017, p. 175). It can send a recommendation to the CM about it, or annul the credentials of the PACE delegation. If this does not resolve the issue, the PACE can even go as far as recommending the CM to suspend the membership of a member state (Ibid.). These powers strengthen the urgency for member states to accept monitoring missions of the PACE.

2.3.1.3. Legislation

In the field of legislation the PACE does not have very strong official powers. The practice has developed over the years that the CM consults the Assembly on almost all its treaties (CM 2023, Habegger 2010). Still, in the end it is the Committee of Ministers that decides whether or not to adopt a treaty, being able to neglect the outcome of the consultation of the PACE (Leach 2017). The consultation power of the PACE is stronger in the field of accession, leading some authors to even state that the PACE has so-called 'accession power' (Jancic 2008, p. 236; Cofelice 2012, p. 21). Due to a political agreement of the CM from 1951, the CM is not allowed to invite a new state to become a member of the CoE without consulting the PACE (Sabic 2012; CM Resolution (51)30A). This gives the PACE considerable power towards Member States that want to become a new member of the Council of Europe. It has used this power since 1994 for instance to require potential new members states to adopt the European Convention on Human Rights and its protocols before sending out their answer to the consultation of the CM (Cofelice 2012).

2.3.1.4. Leadership Recruitment and Socialization

While the PACE is not able to influence the composition of the CM on its own, it does play an important part in the recruitment of key figures of the Council of Europe. For one, it has the power to appoint the Secretary General and the Deputy Secretary General of the Council of Europe (Statute of the Council of Europe 1949, art. 36.B). It does this based on a recommendation of the CM. In practice this means that the CM sends a list of candidates to the

PACE, which afterwards casts a vote and decides by simple majority which candidates will be appointed (CM Procedures and Working Methods (n.d.), V art. 1). For new judges at the European Court of Human Rights and the post of Commissioner of Human Rights the same procedure is followed (Kissling 2011, p. 45). This gives the PACE an important role in the appointment of these high-level representatives (Leach 2017, p. 169). Still, it is telling that when there has been tension within the appointment procedure, for example about the appropriateness of the list of candidates sent by the CM to the PACE, the CM has often had the stronger position and did not need to give in to pressure by the PACE (Ibid., p. 179) .

In the field of socialization informal and formal exchanges between national delegations and the permanent representatives of the respective countries are no exception within the Council of Europe. This is strengthened by the fact that members of the CM, as well as any other ministers of the government of a member state, have the right to access the Assembly and its committees and are able to address it (Rules of Procedure of the Assembly 2023, art. 57.1). This provides for plenty of opportunities to, willingly or unwillingly, influence each other.

2.3.1.5. Organizational Power

While being part of an international organization, the PACE does have quite some freedom when deciding on the way it organizes itself. Within the Statute, it is given the freedom to accept its own rules of procedure (art. 28). It still has the power to change these and can adopt resolutions on substances within its competences, among which on its working procedures (Rules of Procedure of the Assembly 2023, art. 25.1.b.) Next to that, it has 'considerable budgetary freedom' (CM Procedures and Working Methods (n.d.), IX art. 1.8.1.). However, its budget does need to be adopted by the CM and is part of the budget of the Council of Europe (Ibid.; Kissling 2011, p. 44). Costs for the national delegations in the Parliamentary Assembly are covered by the parliaments of the respective member states (PACE 2022, p. 35).

Regarding transparency the Statute of the Council of Europe states that, in principle, debates of the Assembly are to be conducted in public (art. 35). Only when the Assembly itself decides to change this a meeting can be held in private. To provide for an extra layer of transparency verbatim minutes of the meetings are made available on the website of the PACE. Moreover, when voting takes place by an electronic voting system, the individual votes of the members are to be made public (Rules of Procedure of the Assembly 2023, art. 40.5). To increase the awareness of the matters discussed in the Assembly, PACE members are encouraged to reach out to the media. According to the Members Handbook, there are even a

wide range of tools available for PACE members to increase the media impact of the activities of the Assembly (PACE 2020, p. 22). Lastly, the fact that PACE members are given "privileges and immunities as are reasonably necessary for the fulfillment of their functions" and that they are, as a result, immune from "arrest and all legal proceedings in the territories of all members, in respect of words spoken and votes cast in the debates of the Assembly or its committees or commissions", should provide PACE members the freedom to speak without the fear of national consequences on all matters related to the Council of Europe (Statute of the Council of Europe 1949, art. 40).

In sum, it can safely be said that the PACE did indeed increase its position with regard to the CM since its establishment as a Consultative Assembly. It strives to be as representative of the people as possible in all its work and has its main powers in the appointment of high-level officials and the accession of new countries. Next, its transparency and openness enable it to inform citizens of the work the PACE is doing. Still, in other fields it is mainly through its recommendations and questions that the PACE is formally able to control the executives up to a certain extent. The exact requirements for these recommendations both within the PACE and the CM are the subject of the next section.

2.3.2. The PACE: Initiator of Recommendations

According to the Statute of the Council of Europe, recommendations are the way by which the PACE can present the conclusions of its debates to the Committee of Ministers (art. 22). The PACE is allowed to "discuss and make recommendations upon any matter within the aim and scope of the Council of Europe" (art. 23a). It is often the case that the PACE makes both a resolution and a recommendation based on the same report. When this is the case, the resolution focuses on those topics that are within the competence of the PACE itself, while the issues in the recommendations are beyond the competence of the Assembly, but within the competence of the CM (Rules of Procedure of the Assembly 2023, art. 25.1).

To create a recommendation, a member of the Assembly has to write down a motion containing a maximum of 300 words. This motion should be signed by at least twenty representatives (or their substitutes) from at least five national delegations, or accepted by a committee (Ibid., art. 25.2). For this latter option, the motion should fall explicitly within the terms of reference of the specific committee. As soon as the motion has been tabled, it cannot be withdrawn any more. Neither can a signature be withdrawn or added to it. Furthermore,

"motions shall not contain propaganda for commercial purposes or on behalf of persons or associations whose ideas or activities are incompatible with the Council of Europe's principles. They shall also not contain racist, xenophobic or intolerant language or words and expressions whose meaning bears an affront to human dignity. (Ibid., art. 25.2)" If these conditions are met, the Presidential Committee and the Bureau consider whether the issue should be referred to a committee, which afterwards can choose to appoint a rapporteur who is tasked with drafting a report about the issue (Leach 2017, p. 172). This draft report will also include a draft resolution and/or a draft recommendation. Before the report can be sent to the plenary debate, it must be accepted by the committee involved. During the plenary debate, parliamentarians have the opportunity to propose amendments to the draft resolution and / or recommendation, which are put to a vote (Rules of Procedure of the Assembly 2023, art. 34). Afterwards the, possibly amended, recommendation will be voted upon, requiring a two thirds majority of the votes cast (Ibid., art. 41.a). In the number of votes cast, only affirmative and negative votes count in calculating the total (Ibid., art. 40.4). The individual vote of the parliamentarians is made public after adoption of the resolution or recommendation. Once adopted, the recommendation will be sent to the Committee of Ministers.

2.3.3. The CM: Respondent to Recommendations

After receiving the recommendation, the CM in principle has to answer the recommendation (Habegger 2010, p. 193). Within the CM, the Secretariat is tasked with drafting the reply. It does this relying on the expertise of the Permanent Representatives, the relevant rapporteur group and the expertise available within the Secretariat (CM Procedures and Working Methods (n.d.), IX art. 1.4.2.). Whenever possible, the CM strives to answer to recommendations within 3 months, trying to be as short, concise, and result oriented as possible (Ibid.). To adopt a reply, a two-thirds majority within the CM is necessary, provided that a majority of the representatives in the CM are taking part in the vote (Ibid., art. 1.4.3). However, every effort should be made by the Chair of the CM to strive to reach a consensus within a reasonable timeframe, for example by conducting (informal) consultations with certain delegations. Since 1994, a delegation can request to mention it in the beginning of the text of the reply if this consensus has not been found (CM 1994, p. 2). The answers to the recommendation will be published online, as should be done with the information on the actions taken based on the PACE recommendations. According to the Procedures and Working Methods of the Committee of Ministers, the actions taken would be written down in the statutory report (IX, art. 1.4.5). In the

last versions of these reports only the recommendations received and the answers given are included, without further specifying the follow-up given to these answers. There have been empirical studies to the recommendations sent out by the CM to the member states, according to which about 20% of these recommendations adopted referred to PACE recommendations (Habegger 2010, p. 193). This does not necessarily mean that all those recommendations also find their origin in the work of the PACE.

The PACE itself has, in the past, not always been satisfied with the replies it received from the CM. This was made especially clear in the PACE Recommendation 2153 'Role and mission of the Parliamentary Assembly: main challenges for the future', in which it reflects on the current relationship between the CM and the PACE and states the following: "[The Assembly] calls on the Committee of Ministers to ensure that its replies to Assembly recommendations address fully and substantially all issues raised" (2019, art. 5.2). Interestingly enough, this recommendation is the most recent recommendation which has not (yet) received an answer by the CM.

2.4. Hypotheses

This research focuses on four hypotheses about the way the CM responds to PACE recommendations. For this, it focuses only on the content of the reply. On the one hand, it looks at the extent to which all issues raised in a PACE recommendation are fully and substantially addressed. On the other hand, it determines to what extent the CM listens to the issues addressed and promises to take action. As already mentioned above, it must be acknowledged that promising to act in a reply is not the same as executing the response in the future. At the same time, it is very well possible that a request for action rejected in a CM reply is still executed at a later stage. To find out more about this, future research should dive into a small number of recommendations to trace the complete process from the motion for a recommendation in the PACE to the response executed by the CM.

2.4.1. The Influence of Stronger PACE Support

The PACE manifests a broader spectrum of political preferences than the CM, due to the internal rules of the PACE on representativeness of national parliaments the delegations. The CM consists only of government parties, represented through the appointed Permanent Representative. Based on these characteristics, a recommendation accepted by the PACE with the smallest majority possible (a two-thirds majority) is more likely to be unsupported by all government parties than a recommendation which is accepted by an (all-most) consensus. In general, one could expect that recommendations supported by a higher percentage of parliamentarians receive a more active answer, as the chances are higher that all government parties have voted in favor of the recommendation and the public pressure will be higher when (almost) all parliamentarians request a certain measure to be taken. On the other hand, if voting behavior in the PACE does not influence the response, this would give an interesting insight in the responsiveness of the CM to the PACE. Based on this understanding, the following hypotheses are derived:

H1a: A recommendation of the PACE supported by a higher number of votes is more likely to be clearly referenced than a recommendation with a lower support-level.

H1b: A recommendation of the PACE supported by a higher number of votes is more likely to be given an active response than a recommendation with a lower support-level.

2.4.2. The Densenity of Recommendations

In one recommendation document the PACE often makes multiple recommendations (for the documents this research is based on, the average number of recommendations that could be recognized within one document is around 4). These are mostly about the same field of issues but can be executed independently. At the same time, the answers of the CM are roughly the same length for a recommendation document containing only one real recommendation as for a document containing more than ten. As a result, the CM has more options to cherry pick from the recommendations made in one document when the number of recommendations in a document is higher. The opposite is the case when a document contains only one recommendation. While this line of reasoning is based on rather simple reasoning, a confirmation of this hypothesis could potentially lead to valuable insights for designing recommendations.

H2a: A recommendation out of a document containing a higher number of recommendations is more likely to remain unreferenced or referenced only slightly than a recommendation from a document containing a lower number of recommendations.

H2b: A recommendation out of a document containing a higher number of recommendations has a lower chance to be given a (high) follow-up than a recommendation from a document containing a lower number of recommendations.

2.4.3. The Double Mandate

As written above, the double mandate of parliamentarians in the PACE can be used in two ways. Parliamentarians can use it to take the international agenda back home, thereby increasing the knowledge of the national parliament and as a result enabling the national parliament to better hold the executives accountable for their work within international organizations. On the other hand, national parliamentarians can also take the national agenda with them to the Parliamentary Assembly and, as a result, act more as a national politician than a pan-European parliamentarian. According to Sabic, this last option is expected to happen rather often in IPIs with a blow to the representativeness, and therefore the legitimacy, of these international parliaments as a result (2008, p. 266). Ipsas has found evidence of both instances taking place in IPIs (2011, p. 57).

Interestingly enough, the PACE member handbook does not call on its members to behave as pan-European parliamentarians. Indeed, it even states that attendance in the PACE

sessions is an "opportunity to defend the position of your national parliament and the political group you represent as well as your own positions" (2022, p. 15). This strong link with the national political agenda might be made even stronger by the fact that all national delegations have their own national secretariat, which also formally creates a stronger link between the parliamentarians representing a country.

If parliamentarians are, indeed, mainly operating as representatives of their country, a link can be expected between the times a national delegation votes against a certain recommendation and the activeness of the response given to that specific recommendation. This results from the fact that the CM strives to respond to recommendations on the basis of a consensus. So, when national preferences bring a full national delegation to vote against a certain proposal, it can be expected that within the CM that same country is more critical towards that recommendation. While the effect of this for a reference to a topic is not clear, one can argue that the response will be less active in general when this is the case. This leads to the following hypothesis:

H3: When an entire national delegation votes against a recommendation, the response promised by the CM will contain a lower follow-up due to national resistance to the recommendation in the CM as well.

2.4.4. The Mandate of the Council of Europe

The mandate of the Council of Europe has grown to be its work in the fields of 'human rights', 'democracy' and 'rule of law'. While, according to the Statute, it is only the area of national defense which does "not fall within the scope of the Council of Europe" (art. 1d), and the CoE therefore officially has much freedom in its scope, the fields of 'human rights', 'democracy' and 'rule of law' are widely seen to be the key mandate and ground of existence of the Council of Europe. As mentioned above, the CoE also claims this for itself, stating to be the guardian of these values on the European soil.

The PACE divides its preparational work among nine permanent committees. Two of these (the committee on Political Affairs and Democracy (POL) and the committee on Legal Affairs and Human Rights (JUR)) relate directly to these three core values of the Council of Europe, while others are less directly within the mandate. For example, while social rights are deemed by many to be an important extension to human rights, there is less agreement on this area within the Council of Europe than on the first generation of human rights. This becomes clear from the fact that the European Convention on Human Rights is widely adopted, while

the adoption of the (Revised) European Charter of Social Rights has been, and still is, a more difficult and debated process (Dörr 2017). Moreover, Rocabert et al. (2018) recognize that the policy preferences of IPIs do often not align with those of intergovernmental bodies, as IPIs consist of both the government and the opposition parties of the member states. It can be expected that this misalignment will be higher in those fields which are not directly linked to the mandate of the Council of Europe, as in these fields the task of the CoE is not as clearly defined and developed as in those fields within the mandate. It is to be expected that recommendations of those committees which deal with topics directly within the accepted and acknowledged mandate of the Council of Europe are more likely to receive a follow-up and as a result are clearly referenced in the answer of the CM and promise more active action than those recommendations from other committees. This leads to the following hypotheses:

H4a: Recommendations of the committee on Political Affairs and Democracy and the committee on Legal Affairs and Human Rights receive more in-depth references than those of other committees resulting from the fact that these two committees do work in fields most clearly related to the mandate of the Council of Europe.

H4b: Recommendations of the committee on Political Affairs and Democracy and the committee on Legal Affairs and Human Rights receive a higher follow-up than those of other committees resulting from the fact that these two committees do work in fields most clearly related to the mandate of the Council of Europe.

3. Research Design and Methodology

3.1. Operationalization

This research analyzes 150 PACE recommendation documents sent in the period between 2016 and 2022 and the CM replies to these documents. The final versions of both documents, which constitute the official correspondence between the PACE and the CM in this area, are publicized. They can be found in the database of the Parliamentary Assembly of the Council of Europe.[5] Apart from the official texts, it is also possible to see the support base of a recommendation document in this database, as the individual votes of the parliamentarians are made public. To analyze the data from the documents in a quantitative way, the documents have been coded. This was done in line with the approach of Klaus Krippendorff in his book 'Content analysis: An introduction to its methodology' (2018). All recommendation and reply documents available during the researched period were used as Sampling Units, and thereby included in the analysis. Within the resolution and replies, certain parts were identified as Coding Units, meaning that they were distinguished from the other parts, the Context Units.

The Coding Units within the documents are those units that are clearly concretizing the recommendation. These are the parts that follow phrases like: "In the view of the above, the Assembly invites the Committee of Ministers to: …" (PACE Recommendation 2232 (2022)). Often this division is also recognizable in the layout of the recommendation. The points that follow, as specific recommendations within one recommendation document, have been coded individually. In this process, the focus lay on the main topic of the specific point. This approach is in line with what Krippendorff described as 'thematic distinctions' (2018, p. 111). A division has been made between those points that ask the CM to 'consider, discuss, debate, examine etc.' and those that are more active by asking to 'act, do, install, create etc.', due to the different kind of action they require and the distinct difficulty of execution. Which PACE committee has created the recommendation, in what kind of session the recommendation has been accepted and the date on which the recommendation was accepted by the PACE has also been coded.

The reply of the CM is coded on three grounds. First of all, it is coded whether a reply has been given by the CM or not. Second, it is assessed whether the reply relates to the main topic identified in the recommendation. Three categories are divided in this respect:

1) where the main topic identified is clearly addressed by an unambiguous referral to the topic;

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[5] See: http://semantic-pace.net/

2) where the main topic is addressed by a referral to multiple recommendations within one sentence or without a more detailed analysis; and

3) where no referral to the main topic could be discovered.

In the last case, the reply can, for example, focus more on the context of the proposal but not directly address the main points of the specific recommendation. Lastly, it is coded what kind of response the CM promises in its reply to the individual recommendation. This is based on an ordinal scale, which contains 7 categories:

1) 'no action',

2) 'taken note',

3) 'referral to actions taken',

4) 'consideration',

5) 'commitment to referral or follow-up,

6) 'partly follow-up', and

7) 'complete follow-up'.

The main difference between category 2 and 3 being that for those recommendations coded in category 2 the reply only states the CM 'takes note' of the recommendation, without much more context. In the third category 'referral to actions taken' the CM at least discusses what it has already done in the field of the recommendation showing a more active response than only taking note. For those recommendations to which no reference is made in the CM reply, this variable has been coded with 1, 'no action'.

As a result of the coding on an ordinal scale for each specific recommendation in the document, it is not possible to give an overall score for documents containing more than one recommendation. For a document containing two recommendations, of which one is coded in category 1, 'no action' and the other in category 7, 'complete follow-up', it makes no logical sense to take the mean and state the complete document should be coded as 4, 'consideration'. To overcome this problem, the choice has been made to use every recommendation within a document as a single observation. This way most information about the outcome of the recommendations is kept. It might be the case, however, that some PACE recommendations only received a certain support base in combination with the other recommendations in the same document. This should be kept in mind during the interpretation of the results. Another negative side-effect is the relative influence of documents with a higher number of

recommendations, when compared to documents with a lower number of recommendations. To visualize this impact, both the values for variables per document (in the appendix (A2)) and per recommendation (see below) are given. As can be seen, the impact on both the mean and the standard deviation of the variables is relatively low. A positive effect of this division of the documents into the specific recommendations made, is an increase in number of observations from 148 to 592.

To test the reliability of the coding process, 30 randomly selected recommendation documents (containing 124 recommendations) were coded again at a later point in time. This intertemporal comparison identified the stability of the coding frame (Schreier 2012, p. 167). Because of its simplicity in interpretation, the research uses the percentage of agreement to describe this stability of the coding scheme. This percentage is only given for the three subjective variables, namely 'strength', 'reference' and 'response'. For the 'strength' variable 4 recommendations were identified differently between both attempts, corresponding to a percentage of agreement of 97%. Moreover, closer inspection of the differences did not lead to any changes to the original coding. The 'reference' variable differed in 9 cases, relating to a percentage of agreement of 92%. As a result, 4 values of the original coding attempt were changed. The last variable, 'response', has the lowest percentage of agreement. With 17 differences in the data, the percentage of agreement was 86%. After careful consideration these differences led to 12 changes to the original dataset. As a result, the outcome for the response variable should be considered with some more caution. However, a percentage of agreement of 86% still shows a rather stable coding frame, which can be found in the appendix (A1).

3.2. Variables

The two ordinal variables related to the CM reply are used as the dependent variables in this research. 'Reference' contains the level of reference given to a recommendation by the CM, while 'Response' contains the action taken in response to the recommendation. As independent variables, the voting process is taken into account with two different variables. 'Total votes' measures the total votes in favor and against the recommendation as this can differ tremendously resulting from the fact there is no quorum in place for recommendations. The variable 'percentage in favor' represents the percentage of positive votes. To increase the interpretability of this variable, it has been rescaled within the regression to range from 0 to 31 (where a value of 0 for this variable is the equivalent of a support base of 69% and a value of 31 for 100%). Two variables measuring whether the full delegation of a country or a full political group votes against a proposal are included, respectively named 'country against' and 'party against'. The variable 'committee' contains the committee that has written the report on which the recommendation is based, for which the committee on Culture, Science, Education and Media (CULT) is used as the reference category in the estimation. 'Strength' is a dummy variable, which is coded as 1 when the recommendation asks for a more difficult response and requires the CM to 'act, do, install, create etc.'. Next to that, the variable 'Total recommendations in a document' takes into account the number of recommendations made in the respective PACE document. Finally, the variable 'answer period' consists of the number of days between the moment the PACE formally sent out a recommendation document and the moment it formally received an answer by the CM.

3.3. Multinomial Logistic Regression Model

This research makes use of two different dependent variables, for each of which an individual model is estimated. Due to the ordinal character of both variables, it is not possible to use an estimation method which is designed for continuous or interval data. One standard option for estimating an ordinal model, is the ordinary logistic regression (OLR). This regression method uses the rank-ordering of the values of the dependent variable, without assuming a constant space between these levels (Harrel 2015, p. 311). Due to this characteristic, OLR makes optimal use of the ranking order of the dependent variable when calculating the probability of a given outcome Y. OLR relies on the so-called proportional odds assumption, which means that the beta coefficients in the model are equal for each step in the dependent variable. Analysis of the data, following the method as described by UCLA (n.d.), showed that this assumption does not hold with the data of this research. As a result, this research follows the estimation method of a multinomial logistic regression (MLR). This regression technique is mainly used for instances with a nominal dependent variable, which means that the information gained from the ordering of the DVs will be lost as these are treated as nominal categories. This results in a less specific regression method than the OLR would have been if the assumption of proportional odds were to hold.

The multinomial logistic regression is an extension of the standard logistic regression model where the dependent variable is either binary or dichotomous (Lemeshow et al. 2013, p. 269). It estimates the probability of the categories of the dependent variable, using multiple logit functions which are compared to a base category. In case of a DV with N categories, this means that N-1 logit functions are estimated, as the remaining category is the reference category. As a result, all estimates must be compared to the reference group for interpretation. The estimates of the parameters are derived from the Maximum Likelihood method of inference. The basic form of the model can be written as:

$$\ln\left(\frac{P_h}{P_j}\right) = \beta_{0h} + \beta_{1h}X_1 + \beta_{2h}X_2 + \cdots + \beta_{kh}X_k$$

Where j is the number of categories, h is the indicator for the respective category the model is predicting (numeric, h is equal to j – 1), and k is the number of predictors. For this method, the Independence of Irrelevant Alternatives (IIA) assumption needs to hold. However, the only test that has been developed for the IIA, the Hausman Test, has been heavily criticized and,

according to political scientists Dow and Endersby, "for most applications (of the MLR model) the IIA property is neither relevant nor particularly restrictive" (2004, p. 107).[6] Especially in applied settings they are very critical of the importance of the IIA assumption. Moreover, the most convenient solution to this problem, making use of a multinomial probit model, requires a sample with several thousand observations and provides less intuitive results than the multinomial logit model (Ibid., p. 120).

To enable the multinomial logistic regression to work more properly, the main dependent variable 'Response' is regrouped to three groups. This is achieved by keeping the category of 'no action' the same, while pooling those events where only an inactive response is given (categories 2 and 3), and where a more active response is given (categories 4 – 7). Through this division three groups of roughly the same number of observations can be distinguished. Again, this limits the specificity of the model, but is a consequence of the rather small sample size.

For the specification of the model, the technique of 'purposeful selection of covariates' as described by Lemeshow et al. is used, which combines theoretical knowledge with statistical features (2013). The technique led to the following basis models to be estimated:

$$\ln\left(\frac{P_h}{P_j}\right) = \beta_{0h} + \beta_{1h} * \textit{Percentage in favor} + \beta_{2h} * \textit{Com EGA} +$$

$$\beta_{3h} * \textit{Com JUR} + \beta_{4h} * \textit{Com MIG} + \beta_{5h} * \textit{Com POL} +$$

$$\beta_{6h} * \textit{Com PRO} + \beta_{7h} * \textit{Com SOC} + \beta_{8h} * \textit{Answer Period} +$$

$$\beta_{9h} * \textit{Total recommendations} + \beta_{10h} * \textit{Country against} + \beta_{11h} * \textit{Party against}$$

Model 1: Reference to the main point made in the recommendation. Baseline: 'No Reference'. Where:
Com EGA: Committee on Equality and Non-Discrimination
Com JUR: Committee on Legal Affairs and Human Rights
Com MIG: Committee on Migration, Refugees and Displaced Persons
Com POL: Committee on Political Affairs and Democracy
Com PRO: Committee on Rules of Procedure, Immunities and Institutional Affairs
Com SOC: Committee on Social Affairs, Health and Sustainable Development

$$\ln\left(\frac{P_h}{P_j}\right) = \beta_{0h} + \beta_{1h} * \textit{Percentage in favor} + \beta_{2h} * \textit{Total Votes} + \beta_{3h} * \textit{Com EGA} +$$

$$\beta_{4h} * \textit{Com JUR} + \beta_{5h} * \textit{Com MIG} + \beta_{6h} * \textit{Com POL} +$$

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[6] Part in parenthesis added by the author.

$$\beta_{7h} * Com\ PRO + \beta_{8h} * Com\ SOC + \beta_{9h} * Answer\ Period +$$

$$\beta_{10h} * Total\ recommendations + \beta_{11h} * strength$$

Model 2: Response promised as answer to the recommendation. Baseline: 'No action'

Apart from these two models, one more model will be estimated on the DV 'Reference' which, instead of multiple dummies for the committees includes just one dummy for the variable 'mandate': a variable which is '1' if a recommendation comes from either the committee on Legal Affairs & Human Rights (JUR) or the committee on Political Affairs and Democracy (POL), and '0' if this is not the case. For the DV 'Response' two more models are estimated. One to determine the influence of a national delegation voting against a recommendation, and one including the 'mandate' variable described above.

4. Results and Discussion

4.1. Descriptive Statistics

Before looking at the estimated models, an overview of the independent variables is given in table 1, 2 & 3 as these provide important information about tendencies in the process from 'PACE recommendation' to 'CM reply'. From these, it becomes clear that the PACE Committee on Legal Affairs and Human Rights (JUR) has sent the most recommendations to the CM (176), while the PACE committee on Rules of Procedure, Immunities and Internal Affairs (PRO) only sent 30 in the period from 2016 to 2022 (table 1). Of the 592 recommendations coded in total, 225 were identified as a request to the CM, while 367 were more of a demand (table 2).

Table 1: Recommendations sent per committee						
CULT	EGA	JUR	MIG	POL	PRO	SOC
99	41	176	73	68	30	105

Table 2: Recommendation strength	
Weak	Strong
225	367

Table 3: Overview of independent variables[7]					
Variable	N	Min	Mean	Max	SD
Total Votes	454	18	78,35	149	31,98
Participation	454	21	84,35	157	34,82
Percentage in favor (in %)	454	69,48	93,71	100	7,17
Answer period (in days)	580	56	250,10	574	109,37
# of recommendations within 1 document	592	1	5,55	16	3,20
# of countries against	450[8]	0	0,55	6	0,98
# of parties against	450[8]	0	0,06	1	0,23

From the total votes casted per recommendation, it becomes clear that there is much variation per recommendation. It should be noted that, in line with the practices at the PACE, in both the variables 'total votes' and the 'percentage votes in favor', only those votes are counted which

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[7] An overview of these statistics per recommendations document can be found in the appendix (A2).

[8] For PACE Recommendation 2121 no voting records have been published by the PACE. The overall vote has been recovered by watching the livestream of the session. However, the personal votes (and as a result the votes per country or political party) have not been published.

were either supportive or negative. The abstentions are taken into account in the variable 'participation'. The variation in total votes becomes most clear from the fact that the recommendation with the lowest votes casted only received 18 supportive and negative votes in total, while the one with the most received 149. This is rather influential for the necessary support for a recommendation, as the PACE works, in general, without a quorum. When interpreting these variables, it should be recalled that the PACE officially consists of 712 members, of which 306 are entitled to vote and be active during a session. This means that the recommendation with the highest participation was only voted upon by 51% of those entitled to vote. This has serious consequences for the representativeness of the support base of a recommendation and shows, to a certain extent, the activeness of members of the PACE. However, PACE members can be active without voting in the plenary session, for example by only going to committee meetings or taking part in monitoring visits. Still, the low participation in voting on recommendations is of concern to their legitimacy. Another interesting tendency is that recommendations passed at the first meetings of a PACE session (which normally takes multiple days) in general receive a higher number of votes than those passed at the last meetings. This tendency was also recognized by multiple PACE parliamentarians.[9] A possible explanation for this is the already busy agenda of many national parliamentarians, to which the PACE session is added. This corroborates the thesis of Malamud and Stravridis who state that this is one of the negative side effects of double mandates (2016).

The average recommendation document receives an answer in about 250 days. This should be compared to the CM Procedures and Workings methods which states that the CM strives to answer PACE recommendations within 90 days. For the documents coded in this research, this has been reached in only 1 case (Recommendation 2128). 46 recommendation documents (containing 192 recommendations) received a reply within 180 days, while 88 documents (containing 416 recommendations) received a reply within 270 days. Two recommendation documents (12 recommendations) are, at the moment of writing, still without an answer. The oldest of these has been sent to the CM on 16 March 2018.

Out of the 150 documents coded, 34 were not supported by at least one entire national delegation. It should be recalled however that, due to the low turnout as described above, this could also mean that only one delegate of a national delegation was present at the vote and voted against. Twenty recommendation documents lacked the support of at least two national

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[9] As no interviews have been conducted and this was said during an informal chat, this should only be seen as exemplary evidence. Moreover, as I did not receive active acceptance to assign this quote, the sources will remain anonymous.

delegations. The adopted recommendation with the lowest support across the nations has been Recommendation 2101 on 'The protection of the rights of parents and children belonging to religious minorities' with six countries voting against: Andorra (2 delegates), Austria (1 delegate), Denmark (1 delegate), Germany (1 delegate), Iceland (2 delegates) and the Netherlands (1 delegate). This statistic shows that this variable, while important, should be handled with care due to the low number of delegates participating. Only in 6 cases a full political group voted against a recommendation. This happened once with the United European Left group when one delegate took part in the vote, and five times with the Free Democrats Group (three times with only one delegate and twice with three). The Free Democrats Group is currently not active within the PACE anymore.

Table 4: Overview of coded variables 'Reference' and 'Response'				
	No Reference	**Partial Reference**	**Full Reference**	**Total**
No action	125	32	47	204
Take note	0	4	24	28
Referral to actions taken	0	21	134	155
Consideration	0	25	46	71
Commitment to follow-up	0	0	16	16
Partly follow-up	0	5	29	34
Complete follow-up	0	18	54	72
Total	125	105	350	580[10]

Looking at the dependent variables (table 4), it becomes clear that over 20 percent of the recommendations are not referenced at all in the replies of the CM. As it is outside the scope of this research to look further than the text of the documents, these are coded as 'no action' with regard to the variable 'Response'. The majority of the recommendations (60,3%) do receive a full reference. However, only 15.4% of those recommendations which are fully referenced in the reply document do receive a complete follow up. Interestingly enough, this percentage is rather comparable to those recommendations only receiving a partial reference, where 17,1% has a complete follow up. The recommendations in this latter category are often the result of the PACE asking the CM to encourage the CoE member states to consider a certain action, where the CM states something in its reply like: "the Committee encourages member States to

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[10] To two recommendation documents (containing 12 recommendations) no reply has been given.

give due consideration to the recommendations put forward by the Assembly", without going more into depth into these recommendations (CM reply to recommendation 2185, point 10).

Another clear tendency is that, when the CM does refer either partially or complete to a recommendation, around 34% of the recommendations are answered by referring to actions the CM has already taken in the specific field. It should be recalled here that these actions might have been caused by the recommendation of the PACE. However, there have been instances where it was clearly stated in the reply that certain actions were taken as a result of the PACE recommendation. This makes it more likely that in those instances where this is not mentioned, which is the large majority of the cases, the actions have been mainly executed without being caused by the PACE recommendation. The long answer period of the CM does blur this process to a certain extent.

As stated above, the DV 'response' had to be reclassified to a three-level variable as a consequence of the use of a multinomial logistic regression model. For this, those recommendations of which is 'taken note' or which were answered with a 'referral to actions taken' are combined as the category 'inactive response', while the other remaining categories are combined to the category 'active response'. Also, as a result of the main IV being the percentage of votes in favor, only those recommendations on which has been voted (e.g. those accepted during plenary sessions) can be taken into account in the model (N = 499). To give an overview of this, the dependent variables used in the regression are shown in table 5.

Table 5: Overview of Dependent Variables of the Models				
	No Reference	**Partial Reference**	**Full Reference**	**Total**
No action	106	25	41	172
Inactive response	0	16	123	139
Active response	0	26	112	138
Total	106	67	276	499

4.2. Multinomial Logistic Regression

Table 6: Multinomial Logistic Regression Model 1 - 3

	Model 1 (Reference)		Model 2 (Response)		Model 3 (Response)	
	Dependent variable:					
	Partial Reference (1.1)	Full Reference (1.2)	Inactive Response (2.1)	Active Response (2.2)	Inactive Response (3.1)	Active Response (3.2)
Percentage of votes in favor[11]	-0.012	0.063**	0.039**	0.021	0.036	0.028
	(0.033)	(0.025)	(0.020)	(0.019)	(0.024)	(0.024)
Total votes			0.003	-0.005	0.002	-0.005
			(0.004)	(0.004)	(0.004)	(0.004)
Com EGA	-1.324	0.497	0.541	1.080*	0.538	1.088*
	(1.201)	(0.566)	(0.534)	(0.574)	(0.535)	(0.574)
Com JUR	0.449	0.287	-0.232	0.560	-0.199	0.584
	(0.590)	(0.427)	(0.364)	(0.401)	(0.368)	(0.405)
Com MIG	1.174*	0.387	-0.549	0.339	-0.575	0.373
	(0.691)	(0.563)	(0.465)	(0.473)	(0.475)	(0.485)
Com POL	0.215	-0.617	-0.594	-0.032	-0.591	-0.011
	(0.619)	(0.449)	(0.423)	(0.478)	(0.426)	(0.481)
Com PRO	-0.156	-1.023	-1.071	-0.134	-1.066	-0.073
	(0.911)	(0.701)	(0.725)	(0.695)	(0.736)	(0.708)
Com SOC	-0.412	-0.004	0.104	0.814*	0.084	0.837*
	(0.691)	(0.460)	(0.413)	(0.449)	(0.419)	(0.456)
Answer period	0.006***	0.004**	0.001	0.002	0.001	0.002
	(0.002)	(0.002)	(0.001)	(0.001)	(0.001)	(0.001)
Total recommendations in one document	-0.286***	-0.266***	-0.175***	-0.149***	-0.179***	-0.151***
	(0.075)	(0.051)	(0.050)	(0.048)	(0.050)	(0.048)
Country against	-0.057	0.129			-0.043	0.151
	(0.491)	(0.353)			(0.338)	(0.350)
Party against	-0.349	-0.808				
	(0.687)	(0.554)				
Strength			0.183	-0.272	0.205	-0.269
			(0.253)	(0.244)	(0.254)	(0.246)
Intercept	-0.002	0.078	-0.525	-0.211	-0.441	-0.428
	(1.283)	(0.944)	(0.860)	(0.842)	(0.977)	(0.991)

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[11] To increase the interpretability of this variable, it has been rescaled from 0 to 31 (where a value of 0 is the equivalent of a support base of 69% and a value of 31 for 100%).

| Akaike Inf. Crit. | | 763.416 | 763.416 | 974.472 | 974.472 | 969.849 | 969.849 |

Table 6 shows the results of the multinomial logistic regression of the two basic models (model 1 and 2) and the extended model for 'response' (model 3). The results shown in table 6 are the log-odds. To increase the interpretability, the exponentiated values of the coefficients are given in the appendix (A3) and will be used in this section. It should be recalled that for model 1 the reference level is 'no reference', and for model 2 and 3 this is the case for 'no action'. All results should be interpreted with reference to these levels.

Before focusing on the outcome of the regression, an important precondition needs to be made. The predictive capacity of the models is rather low (for model 1 64% of all observations are predicted correctly (with especially correct predictions in the 'no reference' category)) while for model 2 only 45% of all observations are predicted correctly). The pseudo R^2 of Cox and Snell is only 0.214 for model 1 and 0.116 for model 2. This shows that model 1 is only able to explain about 21,4% of the variation in the dependent variable, while model 2 can only explain about 11,6% of the variation (Hua, Choi & Shi 2021).[12] These figures are partly influenced due to the choices made in the operationalization process, but also indicate that certain tensions may have not been included in the model and that the relationship between factors from the PACE and the reaction of the CM may be weaker than expected. Moreover, other factors, either unincluded on the side of the PACE (for example informal communications) or factors from within the CM itself, might play an important role in the response to recommendations by the CM.

While the different committee variables are not all statistically significant, a likelihood tests for each model showed that inclusion of the variables was highly significant. Another interesting observation is that in model 1 the coefficient for the length of the answer period is positive and statistically significant. This means that, according to the model, the chance that a recommendation is either partly or fully referenced in the answer of the CM is higher when the answer period increases, when compared to a recommendation to which no reference is made and keeping all other variables constant. This is interesting, especially as further inspection of the model did not provide evidence for a parabolic relationship in this regard, suggesting an ever-increasing relationship. A possible explanation being that those recommendations

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[12] The Pseudo R^2 of Nagelkerke and McFadden can be found in the Appendix (A5).

answered after a longer period are debated more within the CM, leading to a more in-depth answer.

4.2.1. The Influence of Stronger PACE Support

Both in model 1.2 and in model 2.1 a statistically significant relationship ($p < 0.05$) has been found between the number of votes in favor and the reference given to a recommendation. The interpretation of this variable in model 1.2 reads that there is a 6,5% increase in the odds for a recommendation to be fully referenced for a 1 percentage point higher support base, when compared to a recommendation with no reference and keeping all other variables fixed ($\exp(0.063) = 1,065$). Model 2.1 shows an increase of 4% in the odds for a recommendation to be given an inactive response for a percentage point higher support base, in comparison to a recommendation which is followed by no action and keeping all other variables constant. For the other two models (1.1 and 2.2) no statistically significant relation has been found between the percentage of votes in favor and either the reference to the recommendation or the activeness of the reply given to the recommendation. While for all categories, except for 'Partial Reference' (model 1.1), the figures are positive, indicating that a higher level of votes would lead to a clearer reference and a more active action, not all coefficients are statistically significant. As a result, hypotheses 1a and 1b cannot be confirmed. More research is necessary to judge if, and if so to what extent, the CM gives a more in-depth/active response to a recommendation when the recommendation has a higher support base.

4.2.2. The Denseness of Recommendations

From model 1 and 2 it can be seen that the coefficients for 'total recommendations in one document' are both negative and statistically significant at a 1% significance level. This supports the hypothesis that the CM is less likely to refer to each recommendation when multiple recommendations are made in a document. Compared to a recommendation with no reference, a recommendation from a document with multiple recommendations has a 24,9% smaller chance of being only partly referenced and a 23,4% smaller chance of being fully referenced per extra recommendation in the document, ceteris paribus. In other words, for the number of recommendations in one document there is a clear negative relationship with the chance that an individual recommendation will be either partly or fully referenced. For the response to recommendations the relationship is also highly significant, although less strong. Compared to a recommendation with no action, a recommendation from a document with multiple recommendations has a 16,1% smaller chance of being followed by an inactive

response and a 13,8% smaller chance of being given an active response per extra recommendation in the document, ceteris paribus. As a result, as hypothesized, documents with a lower number of recommendations have a higher chance of receiving an answer which partly or fully references the recommendation and being given an inactive or active response. In conclusion, hypotheses 2a and 2b are supported.

4.2.3. The Double Mandate

Both in model 1 and model 3, the coefficients for the dummy variable 'country against' are not statistically significant. While it is interesting that models 1.2 and 3.2 return positive coefficients for this variable (which would mean that recommendations to which a full national delegation voted against would have a higher chance of being fully referenced, when compared to those recommendations to which no reference is made, and have a higher chance of an active reply, compared to those recommendations to which no response is given, keeping all other variables constant) no conclusions can be drawn from these figures. It is, theoretically, not unexplainable that recommendations which are not supported by a full national delegation in the PACE receive a higher level of follow-up. As most recommendations are in a document with multiple recommendations, it could be that a national delegation within the CM is willing to support some recommendations, while only wanting to boycott one. By supporting the active implementation of the other recommendations in the document, they might be able to shift the focus away from the recommendation that is not in line with their national preferences. However, the caution stated in the section above, where it is recalled that a nation can be stated to be 'against' a proposal even when only one delegate votes against it, should be kept in mind here. All in all, there is no support for hypothesis 3.

4.2.4. The Mandate of the Council of Europe

To test the mandate hypothesis, the dummies for the committees were taken out of the model and a new dummy has been included which has the value '1' if a recommendation has been based on the report of either the committee on Legal Affairs & Human Rights (JUR) or the committee on Political Affairs and Democracy (POL). These models can be found in table 7 (exponentialized values in the appendix A4). The Cox and Snell pseudo R^2 for these models is smaller than for model 1 – 3, with 0.173 for model 4 and 0.087 for model 5. The coefficients for the 'mandate variable' do not reach a statistical significance of at least 10%. For model 4.2, 5.1 and 5.2, the coefficients are negative but not statistically significant. These findings would fit in the trend, recognized by legal scholar Anotine Busye, that the "age old discussion between

states" on whether the CoE should focus on its mandate in a narrow or broad way seems to be won by those states with the broader interpretation (2023). However, based on the current model, no conclusion can be drawn regarding both hypothesis 4a and 4b.

Table 7 Multinomial Logistic Regression Model 4 & 5

	Model 4 (Reference)		Model 5 (Response)	
	Dependent variable:			
	Partial Reference (4.1)	Full Reference (4.2)	Inactive Response (5.1)	Active Response (5.2)
Percentage of votes in favor[13]	-0.025	0.057**	0.043**	0.018
	(0.029)	(0.023)	(0.018)	(0.017)
Total votes			0.003	-0.006
			(0.004)	(0.004)
Mandate	0.217	-0.092	-0.242	-0.039
	(0.356)	(0.263)	(0.244)	(0.244)
Answer period	0.006***	0.005***	0.001	0.002
	(0.002)	(0.002)	(0.001)	(0.001)
Total recommendations in one document	-0.291***	-0.262***	-0.180***	-0.155***
	(0.070)	(0.045)	(0.046)	(0.045)
Country against	-0.222	0.147		
	(0.463)	(0.332)		
Party against	0.100	-0.510		
	(0.638)	(0.525)		
Strength			0.192	-0.294
			(0.251)	(0.241)
Intercept	0.390	0.025	-0.859	0.305
	(1.022)	(0.817)	(0.748)	(0.704)
Akaike Inf. Crit.	766.562	766.562	968.438	968.438
Note:			*p<0.1; **p<0.05; ***p<0.01	

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[13] To increase the interpretability of this variable, it has been rescaled from 0 to 31 (where a value of 0 is the equivalent of a support base of 69% and a value of 31 for 100%).

5. Discussion

International parliamentary institutions are able to influence the legitimacy of international organizations considerably, thereby reducing the democratic deficit. They should, however, be given powers which are at least comparable to the powers given to national parliaments. If this is not the case, IPIs are decoupled from real democratic empowerment. Such tendencies correspond with the often-heard concern that IPIs are only established to provide the idea of a transparent and legitimate organization, without really adding something to the organization. It would not be appropriate to say this is the case for the PACE within the Council of Europe. This research showed that the PACE is a comparatively strong IPI, which has gained some powers that are comparable to those of national parliaments. Still, in many fields it lacks any decisive or active power. The main exception for this being its so-called accession-power. While the PACE actively strives to be representative of the European people in all its procedures, for example with its internal rules concerning the composition of national delegations, the relative inactiveness of PACE members during the ordinary sessions is troublesome. Exemplary of this is the fact that some recommendations have been accepted after a vote by only 6.8% of all the PACE members. This can partly be explained by the practice of double mandates, which requires parliamentarians to combine their work in the PACE with their work at the national level. This does have important consequences for the representativeness of the PACE, and as a result for its legitimacy. It was without the scope of this research to see whether the members of the PACE did use their double mandate to better control the government at the national level.

A numerical overview showed that the CM rarely answers within the deadline it has agreed upon itself within its Rules of Procedure. This way it is more difficult for the PACE to follow the reaction to the recommendation in a formal way. It might be the case, however, that PACE members are updated on the process through informal ways which are not publicized. Also, the CM did respond to almost 99% of the PACE recommendation documents, even when late. Looking at individual recommendations this response rate drops. The CM did not respond at all to around 20% of the recommendations made by the PACE, and only gave a complete follow up to around 12.4% of the individual recommendations. Moreover, those recommendations that did get a full follow-up were mainly those asking the CM to encourage its member states to adopt CoE treaties or bring a certain topic to their attention. In general, the answer most consistently given is a reference to actions the CM had already taken in the field the recommendation touched upon.

Diving further into the recommendations, this research showed that the 'usual suspects' for a relationship between PACE recommendation and CM reply are only able to explain a small fraction of this relationship. This causes to think that other, latent, variables within the PACE, in combination with processes within the CM, play an important role in the relationship. The multinomial logistic regression showed no statistically significant relationship between a higher support for a recommendation within the PACE and either a more in-depth response or a more active response. Also, recommendations based on the main mandate of the organization are not more likely to receive either a higher follow-up or a more direct reference. It might even be that they systematically receive less clear and less active answers. Next, it could not be concluded that, as feared by some, national PACE delegations only follow their national agendas. Even though the PACE member handbook does describe this as one possibility for the members, this tendency could not be discovered in voting on recommendations. It should be recalled, however, that in those scenarios where a full national delegation voted against a proposal this often was only a very small part of the national delegation, while the others did not take part in the vote at all. Evidence has been found that recommendations are more likely to receive a more in-depth reply and more active response when they are embedded in a document with less other recommendations.

6. Concluding Remarks and Possible Ways Forward

It can be concluded that the strongest statutory power of the PACE, the power to send recommendations, is currently a rather weak instrument to influence the policies made within the Council of Europe. This is based on the lack of a relationship between the support in the PACE and a more active response in the CM, the little influence of other factors from the PACE on the response of the CM, the long period before the CM answers a recommendation and the low follow-up given to recommendations. As a result, it can be questioned whether the PACE increases the legitimacy of the Council of Europe in this regard. However, the PACE does have more powers and, as Habegger rightly recalled, and shown in the second section, "a purely treaty-based analysis of the CoE is misleading" (2010, p 191). The powers of the CoE described in the second section of this research go further than the power to send recommendations. As a result, this conclusion does not necessarily mean that the PACE, or even the whole CoE, is illegitimate. It does mean that there is room for improvement in the formal interaction between the PACE and the CM to make the policies of the CoE more legitimate, however.

With regard to the debate on international parliamentary institutions as answer to the democratic deficit, this research showed that the worries about IPIs being relatively uninfluential are to be taken seriously. The introduction recalled that the PACE could be expected to be relatively influential, compared to other IPIs, among other things due to its statutory status. However, the formal power given to the PACE is not as influential as one might hope, putting doubt on the idea that the statutory status is one of the most important indicators for organizational influence. Further research could look further into this practice by, for example, comparing the results of this research to the power of the Parliamentary Assembly of the OSCE. Another interesting comparison could be done within the Council of Europe itself, by comparing the influence of the Congress of Local and Regional Authorities with the Parliamentary Assembly of the Council of Europe. The former body having no statutory status, but also sending recommendations to, among others, the Committee of Ministers.

Much more research towards the Council of Europe is necessary, especially focusing on the institution and its policies itself. This research can only be considered as a first step opening this field to a certain extent. The recommendations coded in this research can be used as a start for the selection of recommendations which are followed more in-depth, for example through process tracing. This way the relationship can be extended from something being mentioned in a PACE recommendation document and answered (or not) in a CM reply to the moment of a motion in the PACE to the measures taken in the field by the CM. In such a qualitative study

variables as informal contacts between PACE and CM members might be uncovered. To enable researchers to do this, the Council of Europe should open itself more and increase the transparency of its internal procedures. Certain steps towards increasing transparency can be discovered, but much is still happening behind closed doors. Without the participation of those partaking in the processes of the CM, for example from the Secretariat of the Committee of Ministers, much will remain unclear. If such participation is gained, especially those recommendations in the field of accession and expulsion of member states might be fruitful for future research, as the accession power of the PACE is recognized as one of its strongest powers.

It should be admitted that within the research process certain choices had to be made in the operationalization, which had an effect on the efficiency of the estimated models. Several examples of these are the choice for a multinomial logistic regression instead of an ordinary logistic regression, the individual coding of recommendations instead of recommendation documents and the rescaling of the variable for response to a variable with only three categories. These choices do influence the outcome to a certain extent, but there is no indication that these choices would lead to an extreme overestimation of relationships by the model.

While the conclusions of this research cannot be seen as a full assessment of the legitimacy of the Council of Europe, both the Committee of Ministers and the Parliamentary Assembly can make steps to increase the legitimacy of the organization with regard to their dealing with recommendations. Within the Parliamentary Assembly of the Council of Europe a quorum for the adoption of recommendations should be considered. While this might increase the difficulty of sending recommendations, the situation is troublesome that a recommendation can be made with only 6.8% of the parliamentarians taking part in the vote. In this specific case, the CM, with 46 delegates, can be expected to be more representative of the European citizens than the 21 parliamentarians. This is especially worrisome for an organization, as the PACE, that is very concerned about its representativeness. Next, to give the CM less opportunities to 'hide in plain sight' when answering recommendations, PACE members should consider dividing recommendations among multiple documents. The CM could, in such a case, still chose to answer multiple recommendations within one reply. However, the current practice does not lead to more in-depth answers of the CM.

The CM itself should, first and foremost, try to keep itself to its Procedures and Working Methods. A quicker response does not only help to keep a sort of conversation between the PACE and the CM, but it will also allow the CM to be clearer in what aspects it is planning to take the recommendation into account, instead of only recalling certain actions after more than

nine months. Moreover, in the broader picture where legitimacy of international organizations is an important topic and where, in certain societal groups and countries, the added value of the Council of Europe is under discussion, the CM should consider giving more formal power to the Parliamentary Assembly. Not as a way to look more legitimate, but as a way to grow in one of those values it holds most dear: 'democracy'. While it should be acknowledged that making such changes in an intergovernmental organization with 46 member states is difficult, two other avenues in further legitimizing the Council of Europe should at least be discovered: 1) more transparency, also for researchers, in the functioning of the organization and 2) more awareness-raising about the work of the Council of Europe.

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8. Appendix

A1. Codebook recommendations and replies	
Main Sheet	
Year	2016 – 2022 (steps of 1)
Month	1 – 12 (steps of 1)
Day	1 – 31 (steps of 1)
Resolution #	Number resolution
Resolution title	Title resolution
Session:	Assembly debate / standing committee
Committee	JUR: Legal affairs & Human Rights POL: Political affairs & democracy SOC: Social Affairs, Health and Sustainable Development CULT: Culture, Science, Education and Media EGA: Equality and Non-Discrimination MIG: Migration, Refugees and Displaced Persons
Votes +, - / abstention	Based on PACE data
Request for action	Based on 'Coding text' ('Strength = 1')
Call for action	Based on 'Coding text' ('Strength = 2')
# of actions	Number of actions as identified on slide 'Coding text'
No. Points	Number of points the recommendation is given by PACE
Reply	0. No 1. Yes
Unanimous	0. No 1. Yes
Doc #	Internal # of the document
Voting Behavior	
Voting behavior per recommendation: split out both per country and per political group	
Coding Text	
Step 1	Refer to where in what part of text recommendation is made
Step 2	Identify strength of a recommendation: 1: Request. In text cues: (To Ask/ consider /discuss/debate/look into/ Examine etc.) 2: Call for action. In text cues: (To Act / Do/ Install/ Create /etc.)
Step 3	Identify the main topic/ main content of the recommendation
Step 4	Identify the referral to the main topic: 0: No 1: Yes: General (referral to multiple in 1 sentence, without content: for example: "will bear in mind the specific elements highlighted in the Assembly's recommendation (paragraphs 2.1 to 2.4)") 2: Yes
Step 5:	Identify the response to the main topic: *Kind of action that the CM commits to in its reply* 0: No action 1: Taken note 2: Referral to actions taken

	3: Consideration 4: Commitment to referral / follow-up 5: Partly follow-up 6: Complete follow-up If Referral = 0: 0 'no action'

A2: Overview of variables per document					
Variable	N	Min	Mean	Max	SD
Total Votes	111	18	78,16	149	31,57
Participation	111	21	84,17	157	34,70
Percentage in favor (in %)	111	69,48	93,42	100	7,63
Answer period (in days)	148	56	248,50	574	101,83
# of recommendations within 1 document	150	1	3,95	16	2,52
# of countries against	110	0	0,6	6	1,09
# of parties against	110	0	0,06	1	0,23

A3: Model 1 – 3: exponentialized values

	Model 1 (Reference)		Model 2 (Response)		Model 3 (Response)	
	Dependent variable:					
	Partial Reference (1.1)	Full Reference (1.2)	Inactive response (2.1)	Active response (2.2)	Inactive response (3.1)	Active response (3.2)
Percentage of votes in favor	0,970	1,045*	1,028	1,010	1,023	1,016
Total votes			1,002	0,996	1,002	0,995
Com EGA	0,219	1,330	1,590	2,751*	1,598	2,762*
Com JUR	0,684	0,637	0,616	1,380	0,634	1,391
Com MIG	2,883	1,319	0,649	1,508	0,636	1,553
Com POL	1,127	0,483	0,557	0,962	0,555	0,978
Com PRO	0,764	0,252***	0,198**	0,573	0,187**	0,611
Com SOC	0,929	1,315	1,323	2,620**	1,293	2,689**
Answer period	1,007*	1,005***	1,001	1,002	1,002	1,002
Total recommendations in one document	0,882*	0,893***			1,009	0,996
Country against	0,824	0,926			0,917	1,141
Party against	0,905	0,542				
Strength			1,139	0,731	1,164	0,728
Intercept	0,540	0,663	0,293	0,453	0,318	0,380
Akaike Inf. Crit.	763.416	763.416	974.472	974.472	969.849	969.849

Note: *p<0.1; **p<0.05; ***p<0.01

A4: Model 4 – 5: exponentialized values

	Model 4 (Reference)		Model 5 (Response)	
	Dependent variable:			
	Partial Reference (4.1)	Full Reference (4.2)	Inactive response (5.1)	Active response (5.2)
Percentage of votes in favor	0,975	1,059**	1,044**	1,018
Total votes			1,003	0,994
Mandate	1,242	0,912	0,785	0,962
Answer period	1,006***	1,005***	1,001	1,002
Total recommendations in one document	0,748***	0,770***	0,835***	0,856***
Country Against	0,801	1,158		
Party Against	1,105	0,600		
Strength			1,212	0,745
Intercept	1,477	1,025	0,424	1,357
	0,975	1,059	1,044	1,018
Akaike Inf. Crit.	766.562	766.562	968.438	968.438

Note: *p<0.1; **p<0.05; ***p<0.01

A5: Pseudo R^2 per model (Cox & Snell, Nagelkerke & McFadden)			
R^2	CoxSnell	Nagelkerke	McFadden
Model 1	0.214	0.255	0.131
Model 2	0.116	0.130	0.056
Model 3	0.117	0.132	0.057
Model 4	0.173	0.205	0.102
Model 5	0.087	0.099	0.042