

Workshop

Beyond intergovernmentalism and the quest for unity: democracy or efficiency?

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RECON WP 6 – the Foreign and Security Dimension Workshop outline

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A democratic foreign and security policy?

Highlighting the democratic challenges that stem from the ongoing transformation of the European state-system, the RECON project seeks to clarify whether democracy is possible under conditions of pluralism, diversity and complex multilevel governance. RECON spells out three different models for democratic reconstitution: (a) democracy can be reconstituted at the national level with a concomitant reframing of the EU as a functional regulatory regime; (b) democracy can be reconstituted through establishing the EU as a federal state based on a collective identity; and (c) democracy can be reconstituted through developing a post-national Union with an explicit cosmopolitan imprint. RECON assesses which approach to democratic reconstitution is most viable – in empirical and normative terms – through analysing, amongst other things, the field of foreign and security policy in Europe.

Foreign and security policy is in many ways at the water's edge of democratic governance. It is within this issue area that the incidence of executive dominance is the most pronounced both at the EU and the national levels. Conducting and deciding over foreign and security policy is traditionally seen as an executive prerogative. The overarching purpose is considered to be the protection of the 'national interest', and in line with the idea of an underlying national identity, the concomitant expectation that citizens would close ranks on foreign and security matters. However, if we are to examine the status of democracy in Europe it is necessary to take also this field into account. There are several reasons for this. Two may be highlighted here: Firstly, considering that democracy requires an organized capacity to act, foreign and security policy is an important test case. This is particularly so for those who consider an organised capacity to act as dependent on statehood. Foreign and security policy is traditionally seen as linked to the existence of a state and to a conception of external sovereignty. It follows that expectations that the EU's members would move beyond sovereignty in this field have always been low. On the other hand, this also means that should the EU develop a robust foreign and security policy, this will be an important indicator of the EU developing into a polity in its own right.

Secondly, while the weak mechanisms for democratic control have always been a problem from a principled perspective, it is now so also from a practical political perspective. From being a consensus issue security policy is becoming increasingly

contested in the domestic arena. Citizens and national parliaments are challenging the executive and seeking to hold it accountable. It is now increasingly difficult to sustain the argument that what is in the 'national interest' is simply 'given'. In short, it is no longer possible to expect parliaments and citizens' automatic support for the executive's decisions in security and defence policy.

Beyond intergovernmentalism?

What do we know about developments in the EU's external policies and the possible establishment of a governance capacity?

It has become increasingly difficult to neglect the EU's international role. It is the world's largest trading power as well as a major donor of humanitarian assistance and development aid. Further, its gradual building of capabilities in security and defence makes it an important actor in areas of tension, such as for example in the Middle East. In spite of the scepticism, the European Union has forced itself upon the international agenda. However, the point is not only that the EU has moved further and more quickly in terms of developing instruments and capabilities than many expected within this policy field. More contentiously, a number of observations suggests that the ability of the EU to make its mark on international affairs may be linked to a departure from a simple intergovernmental organizing model also in foreign and security policy. A number of authors highlight what is often termed a process of 'Brusselsisation' of European foreign and security policy, that is, a shift in the locus of national decision-making from home institutions to Brussels-based institutional structures. This, it is argued, makes it increasingly difficult for national foreign ministries to control all aspects of national foreign policy-making. The Brussels-based institutions are considered to 'gain the advantage' amongst other things due to regular access to information and dialogue with partner states. Such observations suggest that although the institutional structures in the field of foreign and security policy remain formally intergovernmental and hence in principle are simply instruments in the hands of the member states, the Brussels-based institutions have gained considerable autonomy. They contribute, it is claimed, to shape the EU's security policy and also to re-shape national perspectives and preferences in the field of foreign and security policy.

However, a number of questions remain unanswered. The significance as well as empirical validity of these observations must be further investigated. It is particularly unclear what the implications of such observations really are for the EU's ability to develop an autonomous governance capacity –and hence what it may really tell us about the EU as a polity as well as about its democratic status.

Towards an undemocratic supranationalism?

In order to further pursue these questions we would need to have some idea about what a common foreign and security policy system that has moved beyond intergovernmentalism might look like? It is only when we know what kind of polity we are facing that we can be clear about what kind of democratic requirements might be necessary and suitable. As noted, the RECON project suggests three models for tackling Europe's democratic challenges. The second of these would imply that we will observe a continuation of the tradition established at the nation state level, through the development of a federal multinational democracy. This could allow for a democratic process of will formation in which agreement could be reached on a 'European interest' in matters of foreign and security policy. However, are the necessary conditions really in place for this to develop at the European level? Given that mechanisms for democratic participation and accountability are limited in this field at the national level, is it reasonable to expect that it is possible to establish this at the EU level? It is possibly more likely that we would observe simply that foreign policy functions are 'uploaded' to the EU level without democratic control. The result would be a multi-level process of self-

reinforcing executive dominance. (However, the question is whether or not this is really tenable in the long term.)

On the other hand, as the EU is an entity based on voluntary cooperation, is there any other way to establish agreement on and popular support for a common foreign and security policy than through some form of democratic process? While the member states may still at least attempt to fall back on a national tradition and the idea of a 'national' interest, this is not possible for the EU. Path dependency is not an option; certain choices must be made regarding the nature and content of the common policy.

So far, evidence is divided on these questions. It has been argued that the role of national parliaments is further restricted through the development of the CFSP/ESDP and that this is not compensated for at the EU level. In this case, the result is a form of undemocratic supranationalism or transnationalism. Others have suggested that the routines of interstate interaction within the EU's foreign and security policy contain such elements of publicity and deliberation that the democratic deficit is to some extent modified. If this is the case, it may point to a different polity model of the EU – more akin to the conception of a cosmopolitan entity as outlined in the third model of the RECON project. The point here would further be that processes of will formation would be explicitly constrained by cosmopolitan law and not only by institutional mechanisms of accountability. (To be sure, international actors are already to a certain degree constrained by international law in their definition and exercise of the 'national interest', yet the expectation of a cosmopolitan polity would be that it goes further than this.)

As the current international system is far from upholding cosmopolitan legal principles, the expectation would be that it contributes to strengthen them, and that it on the other hand explicitly binds itself to such principles. Some research suggests that the EU's external policies already go some way in this direction and that the EU is willing to bind itself, and not only others, to international law and cosmopolitan principles. However – there is also a tension, or competing arguments, regarding the role of the EU in the international system. In justifications for the EU's foreign and security policy – why is it considered 'necessary' or desirable – the question of ability to function as a countervailing power, balancing other great powers in the international system, is often found in parallel with the emphasis on strengthening the legal principles that govern international interactions, as well as what kind of principles the EU binds itself to/a commitment to legal principles. This could suggest an emerging polity that sees itself as a future great power, rather than as a vanguard of a cosmopolitan order.

To sum up, the long term question for RECON's work package 6 is that of assessing

1. If a – putative – move beyond intergovernmentalism should be democratic – which of the RECON models of European democracy would be required?

In order to answer this question, however, it is necessary first to establish the following:

2. Does the argument that the EU has moved 'beyond intergovernmentalism' hold up to systematic empirical investigation?
3. If such a move has taken place, what kind of competences and powers have been uploaded to the EU level?

The two latter questions will constitute the core focus of the workshop. They may be discussed in light of the first question. Some papers will also address the first question.