

## **What kind of Democracy for what kind of European Foreign and Security Policy?**

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### **1. Introduction**

The political and academic debate about democracy in the European Union has by and large focused on the governance of the common market and has exempted the EU's Common Foreign, Security and Defence Policy.<sup>1</sup> This awkward silence on one of the EU's key areas of activity can be attributed to several lines of reasoning: First, foreign and security policy in general has been regarded as an issue area that frequently requires swift reaction and secretiveness which is incompatible with the transparency and deliberation that characterize democratic procedures. Second, it has been argued that even if foreign and security policy as such should not be shielded from democratic control, the EU's CFSP does not suffer from a particular democratic deficit. Whereas only a vocal minority position doubts the existence of a democratic deficit in the EU more broadly (most prominently: Moravcsik 2002), many observers have perceived CFSP as a largely intergovernmental affair that does not require any particular effort to ensure democratic accountability. In contrast to the common market, the argument goes, CFSP leaves the governments' freedom of action intact. As a consequence, it is up to the member states to decide to what extent they scrutinize government policy and hold government accountable for its decisions.

The first position echoes classical texts in democratic theory and has been brought forward by proponents of a "realist" approach to international relations.<sup>2</sup> However, in the wake of the Democratic Peace debate, a growing body of research has documented the beneficial effects of democratic control on foreign and security policy (Wagner 2007). As a normative position, the plea for exempting foreign and security policy from democratic control has therefore become difficult to sustain. It therefore seems safe to start from the assumption that foreign and security policy is not per se inimical and incompatible with democratic oversight.

In contrast to the first line of reasoning, the second one relies more directly on empirical claims about the nature of the EU and its foreign and security policy. Thus, whether and what kind of

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<sup>1</sup> Important exceptions include Barbé/Herranz 2005; Kantner/Liberatore 2006; Bono 2004; Hummel 2003; Koenig-Archibugi 2002.

<sup>2</sup> Classics of this tradition include John Locke 1960 [1690], particularly §§ 145-148 of the Second Treatise and Alexis de Tocqueville 1990 [1835/1840], 234f.

For a realist argument along these lines cf. Lippmann 1922; 1925 and Almond 1950

democracy is required for CFSP depends on the decision-making processes in CFSP, the nature of the European polity of which it forms a part as well as the “civic-cultural infrastructure” in which it is embedded.

Although a lot is written on the EU’s external policies, less attention has been paid to the issues just listed. The aim of this volume is to redress this deficit and to assess the status and prospect of democracy in the EU’s foreign and security policy. We will do this bearing in mind that different forms and degrees of integration would require different challenges to democracy, as well as different “remedies”. The task is both conceptual and empirical, in that it is a matter of capturing the nature of the polity and what kind of democratic institutions it would require, as well as investigating the present state of affairs. References to a single set of basic models of institutionalising democracy ensure that individual findings add up to a comprehensive picture. Consequently, we ask two questions:

First, to what extent has CFSP moved beyond intergovernmentalism? To be sure, member states have refrained from a full-fledged supranationalization of CFSP. However, even though the supranational institutions have remained marginalized in decision-making, a multitude of new actors such as the High Representative or the European Defence Agency have proliferated that challenge the exclusive role of the member states. A move beyond intergovernmentalism would raise a number of questions regarding democratic control and accountability. As long as CFSP remains intergovernmental, it is the exclusive responsibility of the individual member states to ensure sufficient democratic accountability and control. Once CFSP develops towards a multilevel system of governance, questions of democracy immediately become more complex as possibilities of reconstituting democracy beyond the nation state would have to be examined. Addressing this question would entail examining the formal institutions of CFSP as well as the more informal dimensions of decision-making. Thus, the extent to which the member states share information and develop common perceptions of international issues is key to understand the nature of CFSP. Furthermore, the perceptions and policies of key external actors such as Turkey have an impact on the degree to which the EU perceives itself as an actor (cf. Schmitter 1969).

Second, to the extent that move beyond intergovernmentalism has taken place, what model would be required in order to reconstitute democracy? Again, in order to answer this question, we must not only analyze formal institutions of accountability and representation although an analysis of the competencies of and interactions between parliaments is an important building bloc of any such analysis. However, any comprehensive examination also has to address to what extent they are embedded in a civic-cultural infrastructure without which formal institutions are rendered ineffective (Grimm 1995). Because democratic legitimation requires “an inclusive process of informal mass communication” (Habermas 2004: 28), particular attention will be paid to the public sphere as the backbone of democratic deliberations (Wessler et al. 2008: 3). Furthermore and perhaps less obvious, attention will be paid to the policy profile the EU has developed in its

foreign policies. Some models of democracy create expectations about the principles and values that a polity would promote in its external relations. Consequently, the consistency between the principles and values underlying the EU's foreign policy and its domestic principles and values will be examined.

The remainder of this chapter introduces three models of democracy (Eriksen and Fossum 2007) that form the basis for the analyses in this volume, and specifies them with a view to the particular context of CFSP.

## **2. Audit democracy<sup>3</sup>**

In the first model the EU is conceived as an audit democracy. Its purpose would be to address challenges that the Member States cannot (or only inefficiently) resolve when acting independently, such as environmental problems, economic competition or migration. In order to handle such issues, the Member States would delegate power to specialist agencies and independent regulatory commissions at the European level.

A main presumption of this model is that '[...] only the nation state can foster the type of trust and solidarity that is required to sustain a democratic polity' (Eriksen and Fossum 2007: 12). Viable social prerequisites of democracy such as a public sphere and a common identity only exist on a national level and cannot be expected to emerge beyond the nation-state because a common language and a common media system are lacking. Democracy is considered viable to the extent that governments can be held accountable to domestic parliaments and publics more broadly. To preserve the viability of national democracy, Member States would need to refrain from delegating too many competencies to supranational institutions that would be more difficult to hold accountable to national parliaments and publics.

In order to preserve national sovereignty and ensure that Member States would be able to hold the EU institutions accountable, a set of institutions in which Member States would have the right to veto would be established at the EU level. Parliamentary control and accountability would mostly rely on national parliaments although they would be assisted by a representative body like the EP that would be able to supervise the Union's actions (hence the concept of audit democracy). The intergovernmental character of CFSP would be reinforced by the way actors in the international system perceive and treat the EU.

What would foreign and security policy be like in this model? First of all, it seems quite clear that whatever would be done at the EU level, it would be quite limited in scope, as it would be entirely subject to the Member States' approval. This would be a European order in which one would have national European foreign, security and defence policies, with only concrete tasks

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<sup>3</sup> The following sections build upon Sjursen 2007.

delegated to the European level. To the extent that there would be institutions at the EU level dealing with foreign and security issues, these would be intergovernmental. Member States would communicate through the traditional means of diplomacy, with national diplomatic missions in Brussels. It follows logically that there would be no permanent European 'voice' in the international system, no 'Europe' to telephone, although the Member States of the EU might chose to speak collectively on certain issues or in a particular setting. As for the diplomatic missions, these might conceivably be located in the same geographic area, as is for example the case with the national delegations to NATO; however, diplomats would have their daily workplace in their national delegation in Brussels, and not in any other permanent institutional formations (even if intergovernmental). The mandate for national delegations would be formulated by the home ministries and changes would be subject to decisions in the capital.

One would not necessarily expect restrictions on the types of issues that could be discussed amongst the Member States. As long as the principle of consensus would rule regardless of the issue area under discussion, there is no reason to assume that security and defence would be excluded. There would be no political, economic or military instruments directly available to the EU as a collective actor. One could however expect collective, ad hoc, civilian, economic or military initiatives, when so decided by consensus amongst the Member States. One could also imagine such initiatives to be taken by a smaller group of Member States, if all would not like to take part.

Still, however, such initiatives would also have to be run by the rule of consensus. But what, then, might one expect to see delegated to the EU level? What would be the European dimension to foreign and security policy in this model? Is it possible to imagine that any dimensions, aspects or tasks that are relevant to the field of foreign and security policy could be delegated to the EU, without affecting the ability of Member States to maintain control? One area where one might imagine delegation is that of defence procurement. Here Member States might see an economic advantage in joining forces in the development of armaments. Overseeing such tasks might be delegated to a special agency. Further, joint training operations as well as education of military staff might very well be conducted in cooperation without jeopardising the sovereign control of each government over its troops. Finally, as already noted, it should be possible to expect some ad hoc joint military activities, along the same principles as those followed in military alliances. That is, troops would be raised by the nation states, and it would be entirely up to them to decide for each specific task whether or not they would be willing to contribute to a common operation.

### **Federal multinational democracy**

In this model, the EU is conceived as a multinational federal European state. Rather than being premised on a sense of common destiny of the kind one traditionally considers to be at work in the framework of a nation state, the idea here is that of a multinational federal state, where nation building processes at Member State and regional levels would have to be accommodated within the overall federal structure. The common identity basis would then be premised on a '[...]

commitment to direct legitimacy founded on basic rights, representation and procedures for opinion and will-formation, including a European-wide discourse' (Eriksen and Fossum 2007).

In this conception of the EU, there would be a single foreign, security and defence policy at the federal level. More concretely this would entail that core criteria of statehood, such as: a permanent population (in other words the establishment of a European citizenship); a defined territory (or the idea of a common territory); effective government (that is, a system of political institutions capable of making decisions and putting them into practice through a system of law) and the capacity to enter into legal relations with other actors at the international stage would have to be fulfilled. One would expect the EU to establish a single foreign and defence ministry and that decisions in such matters would be made in accordance with the decision-making procedures of a federal state, resting on a coherent conception of a European foreign and security policy. The EU would raise military forces and they would be answerable to the Union and not the Member States. Further, their core purpose would be that of guaranteeing the inviolability of the EU's territory. The EU's identity as a multinational federal state would be reinforced in interactions with third states that perceive and treat the EU as a state, most importantly by addressing the supranational institutions rather than the member states.

Although the EU would be a state, it would, as noted, be a multinational federal state, which would accommodate nation building processes both at regional and 'national' levels. The expectation in this model is that the EU would have a sufficient identitarian basis to act collectively and be representative of a common interest at the global level. This could be constituted through a so-called constitutional patriotism where 'political agency [is] conceived as animated by a set of universalist norms, but enriched and strengthened by particular experiences and concerns' (Müller 2006: 2). It would mean that, contrary to what is usually assumed to be the case in European nation-states, there would have to be a stronger reliance on democratic procedures and on an open public debate in order to ensure the legitimacy basis of the foreign and security policy. It would not, most likely, be sufficient to assume the kind of automatic 'rallying around the flag' that seems to be the expectation in states that rest on the idea of a 'thick' collective identity. Rather than merely assisting national parliaments in exercising control, the European Parliament would assume the role of a "senior representative body" (Fossum/Crum 2009: 16) that is forum of deliberation *and* a locus of decision-making. However, the EP may be supplemented with a second parliamentary chamber that emerges from the national level and represents the previous Member States' concerns in foreign and security policy.

### **3. A regional-democratic polity**

According to this conception the EU would be a regional cosmopolitan order, in which government would be separated from the state. It would be a non-state democratic polity with explicit government functions. In such a polity, the concept of government would rest on the

moral authority of the procedures established for decision-making and law making (Eriksen and Fossum 2007: 29). Compliance, in other words, would be ensured as a consequence of decisions following such authorised procedures, and not as a result of coercion (or the threat of coercion). It should be noted that the EU would be cosmopolitan in the sense that its actions would be subjected to the constraints of higher ranking law; however, it would not be aspiring to become a world organisation. Instead it would be committed to the fostering of similar regional cosmopolitan orders in the rest of the world. So what is envisaged is a polity ‘with a pyramidal conception of congruence and accountability, i.e. where the global level contains certain fundamental legal guarantees, the EU handles a limited range of functions over which it has final authority’ (ibid.: 30).

In this model, public deliberations play “a greater role than formalised structures of representation” (Fossum and Crum 2009: 121). The model assumes a vivid transnational public sphere that does not abruptly end at the EU’s borders. As regards the parliamentary dimension of democracy, the emphasis is on cooperation between parliaments as “strong publics who *together* seek to accommodate the interests and concerns of a multitude of interdependent *demoi*” (ibid.), even reaching out to parliamentary bodies outside the EU’s borders.

What would foreign, security and defence policy look like in such a non-state multilevel polity? An important assumption is the idea that there is a link between the role of the polity in transforming political community within the region and how it would situate itself in relations to the rest of the world. This is so as the internal standards of the polity – the principles of human rights, democracy and rule of law – would be the ones that would also be projected externally. Nonetheless there would be a border to Europe – but this border would be justified in functional terms – allowing for other regions also to form. But what, in more concrete terms, would be the distinctive institutional features of a regional cosmopolitan polity? Proponents of a cosmopolitan perspective are surprisingly vague on this (Held 2003, 1995; Archibugi 2002; Beck 2003; Rumford 2005). In the Eriksen and Fossum (2007) conception of a regional-democratic polity some explicit choices have been made. Most important perhaps is the emphasis on government rather than governance – pointing to an ability to make binding decisions to which the executive is held accountable. So, there would be a clear and identifiable executive dealing with global issues at the EU level. This executive would be accountable both to the regional and to the global levels, as the EU would be bound by global cosmopolitan law. As noted, this also means that the tasks for which this executive would have responsibility would be different from those of a traditional foreign or defence ministries. What seems to follow from the Eriksen and Fossum conception, however, is that there would be a rather ‘thin’ global order, with a focus on respect for human rights and global security. Hence, these would be the core tasks of the EU executive’s ‘foreign’ policy – together with that of representing the Union in relations with other regions as well as in global institutions.

As for accountability at the regional level, it would be ensured through a regional parliament that closely cooperates with national parliaments and, to the extent possible, even reaches out to

parliaments of non-members in order to form a concomitant parliamentary field (Fossum/Crum 2009). The parliamentary field, in turn, is situated within a transnational public sphere.

A cosmopolitan stance is easier to uphold if third states have developed concomitant expectations about European foreign policies. In contrast, to the extent that third states mistrust the EU's cosmopolitan rhetoric and treat it as a normal 'great power', it becomes more difficult to fully develop a cosmopolitan foreign policy. Therefore, the perceptions and policies of third states play an important role as they may exert some socializing pressures on the EU.

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