Integration Without Democracy?
Three Conceptions of European Security Policy in Transformation

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Abstract

European Foreign and Security Policy is being transformed. This raises potentially important challenges to democratic accountability. But in order to properly assess the state of democracy in this policy field it is necessary first to define the nature of the EU polity. This paper explores three different ways in which this may be done and assesses these against the existing literature. It finds that although the literature predominantly argues that state-like models are not relevant for understanding the EU's foreign and security policy, the alternatives are surprisingly vaguely formulated. Further, when turning to empirics, it finds that conceiving of EU foreign policy as "state-like" is not as far-fetched as one would perhaps expect.

Keywords

Introduction[1]

As competences that have traditionally been under the exclusive control of the nation states are increasingly transferred to the European Union's common institutions the requirement and expectation that policy-making also at this level is subjected to democratic procedures has been strengthened. In parallel, the ability of nation states to retain democratic control and accountability is considerably weakened. Concerns over the state of democracy in Europe have transpired in the public contestations over the proposed Constitutional Treaty, as well as more generally in debates over the future of the EU and in the literature assessing the democratic quality of the European polity. But how can Europe's democratic challenge be overcome? As Eriksen and Fossum (2007: 2-3) argue: "Today's Europe is marked by *complex interdependence embedded in a multilevel governance configuration*. Europe's conundrum is that it cannot simply do away with this structure, without facing democratic losses. But neither can it simply rely on this structure to resolve its democratic problems."

The field of foreign and security policy is often isolated from debates regarding democratic accountability. It is an issue area where democratic procedures and democratic accountability by many is considered less relevant. As the core concern of security policy has traditionally been the survival of the nation state, the expectation is that policy-making would be consensual, that actors would rise above particularistic preferences as well as ideological divides and bow to the "national interest". The nature of foreign policy has led to arguments about a particular need for secrecy and efficiency of decisions, which by many is considered difficult to reconcile with the requirement for democratic accountability. However, foreign and security policy is changing. It is generally acknowledged that the distinction between what is domestic and what is international is increasingly blurred. Decisions are increasingly made at the global level and policies are subject to international rules and regulations as well as to decisions made by international institutions. Further, the actors involved in international politics have become more diverse, the international arena is no longer the exclusive domain of states. This affects the policy fields that are traditionally considered as part of "domestic politics", or from a different perspective: it widens the scope and to some extent "domesticates" foreign policy. But this is not all. What is traditionally considered to be the very essence of a foreign and security policy is also changing. Firstly, the ways in which potential challenges to national security are portrayed are shifting. –Such challenges or threats are now portrayed as emerging not only from other states, but also from non-state actors. Secondly, threats to national security are expected to take a different form and to be aimed at different types of targets. Rather than on the risk of an all out military intervention of national territory, the focus tends to be on perceived threats to particular functions of the state or to strategic economic sectors. Thirdly, and perhaps most importantly, the task of security and defence policy is no longer *only* defined as that of securing national

territory. Military force is deployed also for other reasons, or at least for reasons that appear to be only remotely connected to the need to protect the territorial integrity of the nation state.

The changes to the conception and practice of foreign and security policy raise a number of normative dilemmas (and put practical challenges to policy-makers). For example: if military force is used for other purposes than the protection of the territorial integrity of the state, on what basis, if any, can this be legitimate? And how can we ensure that security policy remains accountable to the citizens in such times of change, and that the "imperative" of security does not overrun the rights of citizens? From a principled perspective it has always been problematic to argue that foreign and security policy should be exempt from "normal" procedures for democratic accountability. However, the combined effects of a plurality of actors involved at the international level, of issues that no longer directly and self evidently can be framed in terms of the survival (or not) of the political community and territory have also led to an actual increase in national debate and contestation. In *practical* terms it is becoming increasingly difficult to argue that deciding on foreign, security and defence matters should be an executive prerogative.

In addition to these general reasons why the question of democracy is increasingly salient for the field of foreign and security policy, there are specific reasons connected to developments in Europe that suggest it is time to examine the democratic embeddedness of a European foreign policy. This is so even though the field of foreign, security and defence policy is formally governed by the principles of intergovernmentalism, and hence should be easily accountable to domestic constituencies. There is an increasing diversity of actors, institutions and procedures involved in the making of foreign and security policy in Europe. This could of course mean that the policy field is more open to input from actors outside of the executive, and thereby more transparent. If this were the case, foreign and security policy would to some extent be "democratised", as the executives would have to stand accountable to other actors and through more transparent processes than what is often customary in a domestic political setting. However, it could also mean that the institutional "soup" has become so complex that it is even more difficult for the citizens and their representatives to get a clear picture of what is going on than in the nation state context. It could, in other words, strengthen the tendency towards decision-making behind closed doors and in small, exclusive settings.

Regardless of what might be the correct interpretation, the very complexity of developments in foreign and security policy in the EU highlights the need to 1) map the "empirical reality", in order to a clearer picture of the nature and degree of integration in this field. To what extent and in what way is there a move beyond intergovernmentalism? 2) assess the democratic implications of developments. In order to do so, conceptualising the polity is important. 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. The purpose of this paper is to do exactly this: to suggest different ways in which we may conceive of a European political order with a democratically grounded foreign and security policy.

In order to do so I draw on Eriksen and Fossum (2007), who suggest three ways in which a putative democratic deficit in Europe can be rectified. Each of these possibilities is linked to a more general conception of the EU qua polity, and responds to the basic democratic requirements of congruence and accountability in different

ways. Firstly, democracy may be reconstituted at the national level, as delegated democracy with a concomitant reframing of the EU as a functional regulatory regime. Secondly, they suggest, democracy may be reconstituted through establishing the EU as a multi-national state based on a common identity (ies) and solidaristic allegiance strong enough to undertake collective action. Thirdly, democracy may be reconstituted through the development of a post-national Union with an explicit cosmopolitan imprint. These are ideal types, where the core concern has been to develop conceptions that, from a normative/democratic perspective are consistent. It follows that what we find empirically will not have a perfect fit with any of the models. Nevertheless, they are useful tools to help organise and make sense of empirical knowledge, and point to explicit standards against which the EU's democratic qualities may be assessed.

But what would the foreign and security policy dimension of these three conceptions of European democracy be like? The main task of this paper is to specify this. I will also provide a preliminary assessment of the empirical fit of each of these conceptions, based on the existing knowledge.[2]

Relevance for our understanding of the EU's foreign and security policy

Ever since the first attempts in the early 1970s at establishing foreign policy cooperation in the European Community (EC), through the so-called European Political Cooperation (EPC), there has been a, sometimes implicit, sometimes explicit, search for conceptual tools that might allow us to capture its implications. In the early days, much of the debate was between those who simply considered the idea of a common European foreign policy as inconceivable, and those who saw this as the beginning of an altogether new kind of international relations. It was often a rather sterile debate focusing on whether EC foreign policy "existed" or not. While realists considered states to be the only conceivable foreign policy actors, others, often with a more empirical inclination, sought to map and describe EPC and thereby documented "real" changes in the way foreign policy was made in Europe. Amongst the first explicit efforts to conceptualise European foreign policy that grew out of this literature was Gunnar Sjöstedt's book (1977) on the EU's actorness in foreign policy. Further, Dave Allen and Michael Smith (1990) wrote about the EU's international *presence*, while Christopher Hill (1990) discussed whether the EU should be thought of as a civilian power, superpower or flop.

Today there is a change. The voices of dissent, or rather, the argument that the EU does not have an impact internationally, or that there is no such thing as a European Foreign Policy (EFP), has been increasingly difficult to sustain. The EU 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, as we can observe for example with regard to the Middle East. In spite of the scepticism, the European Union has forced itself upon the international agenda. It seems that we are facing a field where empirics are running ahead of the theories. As a result, rather than questioning the 'reality' of the EU as a foreign policy actor, the existence of the EU as a relevant force at the

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[2] The focus here is on the second pillar of the EU, that is, the CFSP and the ESDP.

international level is taken for granted and the debate focuses much more explicitly on how to conceive of and account for this development.

A precise and coherent conception is however still lacking. What is particularly lacking is a conceptualisation of the foreign policy actor. Most attempts at conceptualising EFP focus on the content of the EU's foreign policy initiatives, rather than on the polity as such. This is particularly problematic if we want to address the question of democratic accountability of foreign and security policy, and if we consider concerns about democracy to be an integral part of any discussion about future developments in foreign and security policy in Europe. It is also surprising given that much effort has in recent years been put into arguments regarding the so-called "normative" power of the EU in the international system.[3]

One way out of this dilemma is to consider that the conceptual toolbox that we should still rely upon is the "traditional" one where sovereignty is the constitutive principle of international relations and where foreign policy is intrinsically linked to the idea of a state. This is a position that, in fact, would be shared by IR Realists and a number of democratic theorists, albeit perhaps for different reasons. As for the Realists, the state is the core constitutive unit of the international system and it is unlikely that this will change. Consequently, if we want to understand international politics, this is where we should start (Bull 1991: 295-6). Realists would probably be less concerned with the question of democratic accountability, which would be at the core of certain democratic theorists' attachment to the concept of the state as *incontournable*. From their perspective, the argument would be that it is impossible to separate a conception of law from that of a state, as hierarchy is required in order to ensure respect for the law and uphold citizens' rights. From a more empirical research position, the advantage of taking such a standpoint is that it also provides us with a fairly clear conception of a polity that may be applied to the EU as a form of "measuring stick". With the two exceptions of Christopher Hill (1993a and b) and Teija Tiilikaanen (2001) surprisingly few have, however, sought to explicitly compare the EU's foreign policy to that of a state's.[4] In fact, the tendency seems to be to argue, sometimes even from a normative perspective, that such comparisons are not the way to go.

In the conceptions presented by Eriksen and Fossum (2007), which form the basis for the discussion in this paper, the concept of polity (democracy) is disconnected from that of the state in the last of the models. A core challenge is then to establish a coherent conception of the foreign policy of such a polity. What might a non state foreign policy look like – and does it entail abandoning all traditional conceptions of what foreign, security and defence policy "actually" is?

I now turn to each of the three conceptions of the European polity, discussing first what the foreign and security policy dimension might look like and second, briefly, the empirical fit of the conception.

Audit democracy

In the first model the EU is conceived as a *functional regime*. Its purpose would be to address problems that the member states cannot (or can more efficiently) resolve

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[3] For a critical assessment of this literature, see Sjursen (2006a and 2006b).

[4] Incidentally, they come to very different conclusions.

when acting independently. Examples would be cross border issues such as crime and terrorism, environmental problems, economic competition or migration. In order to handle such issues, the member states would establish politically independent institutions such as specialist agencies and delegate policy-making powers to independent regulatory commissions. In this model the presumption would be 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). 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. Further, member states would be assisted in their exercise of democratic control of collective endeavours through a representative body that would be able to supervise and control the Union's actions (hence the concept of audit democracy), but that would not be able to authorise law making.

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 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 be 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.

What kind of perspective on international relations might underpin joint initiatives in this conception of European Foreign and Security Policy? There is little in the model prescribing a particular type of foreign policy or a particular type of military initiatives. As the main criterion for acting would be that there is agreement amongst the member states, one might expect policy to be based on self-interests, but it could equally well be inspired by a collective conviction of what is "right" or "good". However, as the model is premised on the idea of the nation state as the only entity that can foster the type of trust and solidarity necessary to sustain a democratic polity, one would expect to see a foreign policy that considers sovereignty to be the constituent principle of international relations. This does entail clear restrictions in terms of how far European initiatives could go in a normative direction and seek to establish common rules and regulations at the global level, if one is to expect consistency between the internal standards of the polity and the principles and values that are promoted externally, multilateralism would be the limit. The scope for strengthening human rights legislation, for example, at the global level would be restricted, as this is a concept that challenges that of external sovereignty. The main indicators for this model are summarised in the first column of Table 1.

Beyond delegation?

What is the empirical fit of this model? Looking at the main principles guiding the institutional setup, the initial conclusion would be that this model fits very well with what we have in the field of foreign and security policy. Foreign and security policy is confined to a separate pillar within the EU, and decisions are made through consensus. Each member state has the right to veto any proposed decision. As for the supranational institutions – the European Parliament, the Commission and the European Court of Justice (ECJ) – their roles are fairly limited. The European Parliament is only consulted on the main aspects and basic choices made in the field of foreign and security policy and kept informed of how those policies evolve. As for the European Commission, it has slightly more influence, as the Treaties stress that it is fully associated with the CFSP. Representatives of the Commission take part in a number of intergovernmental groupings within the CFSP framework. The more we move toward the "hard" end of defence, however, the lesser the influence of the Commission. As for the ECJ, as the EP, it plays only a limited role in the CFSP.

A further factor that suggests a fit with the expectations of this model is that there is some delegation of concrete tasks. In fact, in 2004, a European Defence Agency (EDA) was established, "to support the Member States and the Council in their effort to improve European defence capabilities in the field of crisis management and to sustain the European Security and Defence Policy as it stands now and develops in the future".[5] The Agency became operational in 2005. The governance structure of this agency fits well with the first model. The EDA is under the direction and authority of the Council, which issues guidelines to and receives reports from the High

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[5] European Defence Agency: www.eda.europa.eu (accessed December 2007).

Representative as Head of the Agency (Meyer 2006). Detailed control and guidance, however, is the job of the Steering Board, which is composed of the Defence Ministers of the 26 participating Member States (all EU Member States, except Denmark) and a representative from the European Commission. In addition to ministerial meetings at least twice a year, the Steering Board also meets at the level of national armaments directors, national research directors, national capability planners and policy directors. Its main "shareholders" are the Member States participating in the Agency; key stakeholders include the Council and the Commission as well as third parties such as OCCUR (fro. Organisation Conjoint de Cooperation en Matière d'Armement) and NATO (European Defence Agency Information). In addition, an intergovern-mental Regime on Defence Procurement was launched on 1 July 2006. This is a voluntary, non-binding intergovernmental regime aimed at encouraging application of competition in this segment of Defence procurement, on a reciprocal basis between those subscribing to the regime. At the moment there are no provisions for joint training of military staff. However, there are, of course a number of joint military and civilian operations conducted under the aegis of the EU- with personnel provided by the member states (Howorth 2007).

However, this is not all that there is to the EU's foreign and security policy. As becomes evident in the institutional map provided in Figure 1, this is an extremely complex system. Two things may be noted straight away. Firstly, it is often very difficult to distinguish the authority of the Commission and that of the Council/Member States. Formally, matters pertaining to foreign political, as well as security and defence issues are the responsibility of the Council and subject to the rule of consensus. Other issues that arise at the global level (trade, agriculture, environmental issues, etc) are subject to the Community method. However, it is a well-known fact that it is very often difficult for the Union to decide whether an issue falls under the first or the second pillar. Economic sanctions are the classic example. This involves the EU's trade policy, so relates also to the first pillar, however, it is an important instrument of foreign and security policy – hence it relates to the second pillar. From early on in the history of European foreign policy cooperation, this has lead to double headed missions and ad hoc solutions in which the Commission and the Council are both involved at different levels. The second thing that may be noted immediately is the increasing density of permanent intergovernmental institutions in Brussels. Some of these appear to have emerged in the context of the nomination and gradual strengthening of the role of the High Representative for the CFSP, as a number of the Council bodies work under his direction. However, it is not the case with all the institutions. The Political and Security Committee (PSC), which is also crucial to the definition of the EU's foreign and security policy seems to have fortified its position as a result of different logics.

An important question that arises as a result of this institutional mushrooming is to what extent it is still possible for the member states to retain the kind of sovereign control over foreign and security policy that is expected in the audit democracy model. It would seem that the member states themselves have sensed the "risks" involved in establishing permanent institutional structures in Brussels, even when these are intergovernmental and staffed with member state representatives. For a number of years, the establishment even of an EPC Secretariat in Brussels was resisted, although there were clear practical arguments in favour of such an arrangement (Nuttall 2000). The reason for this resistance must be seen as linked to concerns about a loss of sovereignty, which in turn raises questions about democratic accountability, although it is doubtful that the latter was a core concern for national

executives. Likewise, the almost instinctive reluctance of many member states to any perceived incurrence of supranationalism into this field is also visible in the distinction that remained for so long between the common trade policy and EPC. Until the early 1980s, certain member states refused to accept that EPC should be able to invoke the instruments available through the common trade policy to support its diplomatic statements. This only changed after the Polish crisis in 1981 (Sjursen 2000).

A further element that goes counter the expectations of the audit democracy model is that a lot of effort has in recent years been put into developing a coherent vision of a European Foreign and Security Policy. The most explicit expression of this ambition is probably the European Security Strategy (ESS 2003) that outlines the core elements and principles of the EU's security policy. The establishment of such a document does not fit the idea of member states only delegating specific tasks to the Union level in order to be better placed to develop their own national foreign and security policies. Rather, it points towards the aspiration of developing a coherent and distinctive European voice in international affairs.

In the same vein, a closer look at the identification of tasks for the EDA reveals that it is not established to support the security and defence policy of the member states, as one would expect in the audit democracy model. Rather, the aim is systematically referred to as supporting and strengthening *European* defence policy. Amongst its tasks are those of working "…for a more comprehensive and systematic approach to defining and meeting the capability needs of the *European* Security and Defence Policy (ESDP)." Further, it should support "…collaborative use of national defence R&T funds, in the context of a *European* Defence R&T Strategy which identifies priorities (my emphasis)." (European Defence Agency Information). Again, this suggests a coherent and distinct European voice, rather than simply a pooling of resources to strengthen national defence policies as a core concern.

This preliminary discussion suggest that if Europe is to reconstitute democracy in accordance with the principles of audit democracy, it would have to roll-back integration even in this policy area, which is generally assumed to be subject to only limited (if at all) supranationality. The institutional structures are more complex than what an intergovernmental model implies, and this raises questions regarding the possibility of holding the executive accountable. Further, the aims of common initiatives appear to go much further than what a mere delegation of tasks would require.

What then, about the model that conceives of democracy as reconstituted at the EU level?

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.

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. Further, there would be two parliamentary chambers – where one would emerge from the national level and represent the previous member states' concerns in foreign and security policy.

There would be no practical limitation to the kind of "power" that a federal EU might want to project in global politics, as it would dispose of military, as well as economic and political, instruments. However, this is not to say that the EU would necessarily conduct a foreign policy in line with what we think of as Great Power politics, where the particular interests of the EU itself would constitute the only guideline for policy and would be asserted in a manner consistent with the material power of the Union. One could equally well expect a more multilateral focus and a focus on international law. This would be in line with arguments presented for example by John McCormick (2007), as well as Jürgen Habermas and Jacques Derrida (2003). The idea here is that a European state is needed at the global level not so much in order to pursue "European" interests in a power-political game, but to promote a "European2 perspective on international affairs, in contrast, for example, to the perspective of the United States. As in the case of model one, however, policy would be underpinned by the idea of external sovereignty as the core constitutive principle in the international system, thus setting clear limits on the human rights dimension to the foreign policy. One could even imagine that this would be the prime mover for the establishment of such a multinational federal entity. The core elements of this conception of a European foreign policy are summarised in column two of Table 1.

Is this a completely far-fetched model of EFP? As already noted, the institutional set-up of the CFSP/ESDP is far more complex than what one would expect according to

the audit democracy model. Does this signify a de facto move towards supranationalism in line with model two?

Elements of statehood?

Increasingly, findings suggest that the institutional nexus of policy-making and the many actors involved in the field of foreign and security policy depart from a simple intergovernmental organising model. It is not only that the Commission's activities affect traditional foreign policy issues and it is often difficult to distinguish between its domain and that of the member states. More importantly, several authors point to the increasingly autonomous role of the Council and the Council Secretariat in making and shaping European foreign policy. Deirdre Curtin (2007) argues that, especially in the newer policy fields such as the CFSP, the Council has assumed executive functions much in the same way as the Commission does in other policy areas. And in spite of governmental inputs in these policy-areas, what is becoming apparent in her view is the autonomous nature of the Council and its bodies. The performers of this growing Council structure are Council General Secretariat bureaucrats as well as national bureaucrats participating in Council committees. Their important role in assisting the Presidency in agenda-setting and in actual negotiations is, according to Curtin, often overlooked. Duke and Vanhoonacker (2006) also find, in a study of the Brussels-based administrative aspects of the CFSP (defined as Coreper II, the Political and Security Committee (PSC) and the Director Generals in the Commission and the Council Secretariat), that the 'administrative level plays a crucial role in the agenda and decision-shaping processes of CFSP'. And further that '…the administrative role goes well beyond that of making sure that the machinery works smoothly, to include important if often unnoticed roles in agenda-shaping, decision-shaping and implementation.' (p.18). Their overall conclusion is that this, in combination with the increasingly political function of the High Representative and the Policy Unit, has entailed considerable modifications of intergovernmentalism in foreign policy.

Ben Tonra (2003) points to the same phenomenon when he argues that the CFSP structure reflects a move from intergovernmentalism towards a Brussels-based bureaucratic working method. This is so even though the locus of control lies with the Council and the Council Secretariat and consequently leads to a policy process that is distinctive from the so-called Community method. Other researchers also point to such a process of Brusselsisation i.e. a shift in the locus of national decision-making to Brussels-based institutional structures of foreign policy (Allen 1998; Howorth 2001).

It has been argued for a long time that the existence of clearly distinguishable national preferences within European foreign policy has become less obvious. In fact, despite the well-known solo initiatives of some of the EU's member states in situations of crisis, it is increasingly difficult for Member States to escape expectations of consistency between national foreign policy and the foreign policy positions of the EU. The accumulation of previous stances on foreign policy issues providing a common framework for action and decision, and the fact that the obligation to consult all other parties has (according to observers such as Nuttall 2000) become the standard in the CFSP - even though it is obviously not consistently respected suggest a move beyond a pure intergovernmental process. But what is more recent is all the observations pointing to the fact that it is increasingly difficult for national foreign ministries to control all aspects of national foreign policy-making. The frequency of meetings amongst national representatives in the various institutional settings

organised under the Council and located in Brussels may have contributed to such processes of Brusselsisation, which suggest a de facto move in the direction of supranationalism. Further, the time spent on the preparation of these meetings as well as their duration may contribute (Tonra 2003; Pijpers 1996). These kinds of observations further strengthen the idea that we are beyond a classic intergovernmental model. They do also imply that we have in front of us a system of political institutions capable of making decisions. However, this system is dis-similar to that of the federal model in the sense that it is difficult to trace the decision-making hierarchy and to see where and within which institution lies the authority to specific decisions. As I will return to later, this has implications for the question of democratic accountability as outlined in the second model. Do the recent provisions of the Lisbon Treaty make a difference to this?

Although the post of Foreign Minister was taken out with the Lisbon Treaty, all the functions that this foreign minister was supposed to fulfil, have been agreed upon. This means that when (if) the Lisbon Treaty comes into force, the High Representative, whose responsibility it is according to art. 9e to "…conduct the Union's CFSP" will also be the Vice President of the Commission. It is of course too early to tell what the implications of this innovation will be. However, one hypothesis is that, even though he/she will have a mandate from the Council she will spend most of his/her time in the Commission and only intermittently meet with the national Foreign Ministers. From an organisational perspective this would imply that his/her prime reference and identity will be linked to the Commission rather than the member states. In turn this would suggest that the tendency referred to above of a loosening of the grip of member states on the EU's foreign policy is likely to be further strengthened.

However, it is other elements in the Lisbon Treaty than those of the institutional structures that most clearly modify the intergovernmental perspective hint towards the shaping of a state-like entity. First of all, with regard to the issue of external sovereignty, it is important that the EU according to the Lisbon Treaty will obtain legal personality. This means that it may sign treaties and engage in direct diplomatic relations with other actors. Some would argue that the EU has already done this (Tiilikainen 2001), as the EU has for example entered into an agreement with the now defunct West European Union (WEU) as well as with NATO through the Berlin agreement. However, with the Lisbon Treaty the EU's status in international affairs should no longer be disputed. Further, with regard to the EU's conception of its territory, the Treaties say that the Union's foreign and security policy shall "safeguard its values, fundamental interests, security, independence and integrity". Clearly, the commitment to the integrity of the Union does not go as far as promising to protect the inviolability of the borders of the Union, as a national security and defence policy would. However, to commit to the "integrity" of the Union, a clause that was introduced in the Treaty of Amsterdam, as well as to its security, certainly goes a long way in this direction. According to Tiilikainen (2001) there was also a debate in Amsterdam as to whether the inviolability of the EU's external borders should be added to the list of goals of the EU's foreign and security policy.

Finally, with regard to foreign policy instruments, the Lisbon Treaty agrees to establish a European External Action Service (EEAS), which is "to work in cooperation with the diplomatic services of the member states and comprise officials from relevant departments of the General Secretariat of the Council and of the Commission, and staff from national diplomatic services". This is not, then, a

European diplomatic service, however, its establishment does seem to be modelled on the very idea of the diplomatic services of states. Further, although it is called a European External Action Service, it might actually look and act very much like a European diplomatic corps.

As noted, in spite of the increasing autonomy of the Brussels-based CFSP institutional network, it is quite clear that this does not amount to the establishment of single and coherent foreign and defence ministries, which have the final word in decisions in foreign, security and defence matters. However, several of the recent institutional developments, such as the strengthening of the role of the High Representative and the development of an External Action Service, appear to be inspired by a state-like foreign policy model. Further, although it does not fulfil the core criteria of statehood, such as having the power of coercion, the EU does possess some elements of what is considered intrinsic to external sovereignty, such as legal personality. So, although he picture is mixed, model two appears to have a closer empirical fit than model one.

However, the federal model also has certain democratic requirements. Here, the EU's foreign and security policy does not fare well. Although more research is required regarding the implication of institutional developments in CFSP/ESDP for openness, transparency and accountability in European foreign and security policy, it does seem that the increased integration and efficiency in this policy-field has come at a certain cost to democratic accountability (Bono 2006, Thym 2006, Crum 2006, Barbé and Herranz 2005, Koenig-Archibugi 2002).

Curtin (2007) considers, in line with her findings of an increasingly autonomous role for the Council, that executive dominance is exacerbated in foreign and security policy. She describes (foreign) policy making in the Council as taking place in largely non-public conclaves and argues that the Council is set apart from debates on public deliberation in the EU decision-making process and that it is not engaging with non-bureaucratic actors in a deliberative fashion prior to decision-taking. Wolfgang Wagner (2007) also points to the risks of executive dominance. He argues that the Europeanization of defence policy weakens the Parliamentary control of defence policy, particularly in those member states in which the national Parliament has been a powerful participant in these policy fields. Integration of military structures, and role specialisation in particular, make an individual member state's opt out from joint military missions difficult. As a consequence, only little room is left for (national) Parliamentary deliberation. Thus, the democratic deficit, which clearly is already an issue in some countries in the field of foreign policy, has been exacerbated due to the limited role of the European Parliament. In fact he argues "… the EP can hardly compensate for the weakening of parliamentary control at the national level (Wagner 2007: 9).

On the other hand, some argue that certain developments towards a strengthening of democratic control at the European level have in fact taken place, which is why more research on this issue is required. Maurer, Keitz and Völkel (2005) show that over time, the European Parliament has gained considerably more competencies in foreign policy than what was foreseen in the Treaties. This is so, in their view, both in terms of the EP's supervisory and budgetary powers. The strengthening of the EP's power was introduced through an Interinstitutional Agreement (IIA) from 1997, which extends the EP's information and consultation rights, confirms its budgetary powers and introduces concrete budgetary procedures in the field of foreign policy (p. 187). This 1997 interinstitutional agreement was amended by a Joint Declaration of the

Parliament, the Council and the Commission in 2002, which provided amongst other things for a regular political dialogue on the CFSP between the Council and the EP. What is more, Maurer et.al. predict future amendments to this IIA, which would further strengthen the EP's role (p.187).

Overall, what emerges is an ambition of establishing the EU as a political power in its own right in the international system. The EU does possess some of the core features of statehood, and even that the state model may be at the back of policy-makers minds when they discuss further integration in this field. However, there is no exact fit with this model. This is particularly so when it comes to the question of democratic accountability, where almost all mechanisms appear to be located at the level of the nation states. It would seem that foreign and security policy functions are simply uploaded to the EU level, without strengthening democratic control. The risk is that what we will observe in future then is a multi-level process of self-reinforcing executive dominance. Yet, it could very well be that this "political power" should be conceived of in a different way from that of a state-like power. This would point us in the direction of the third model of a regional cosmopolitan order.

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." (Eriksen and Fossum 2007: 30)

What would foreign, security and defence policy look like in such a non-state multilevel, civil society based 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 relate to / situate itself in relations to the rest of the world (Linklater 2005: 368). 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. This gives a clear indication as to the kind of perspective on international relations that would form the basis for the polity's foreign and security policy. The main point would be a search for a "domestication" of power politics through law. In other words a search for the international order to move from an exclusive emphasis on the rights of sovereign states within a multilateral order to the rights of individuals in a cosmopolitan order. One would

expect a foreign policy underpinned by the idea that the principles of human rights need to become positive legal rights that could be enforced at the global level. It is indeed difficult to avoid both that the most powerful only use a 'moral' foreign policy for their own interest and to avoid that even when they don't they are still suspected of doing so unless human rights, in practice, are universal principles applied to all (Eriksen 2003). In a cosmopolitan system, all international relations would have to be subordinated to a common judicial order that would transform the parameters of power politics and redefine the concept of sovereignty. It is this emphasis on the "taming" of power politics – on a transformation of the international system from a Westphalian state order to a global cosmopolitan order that constitutes the core, or critical, difference between this third model and the first and second one.

As noted, the whole sense on internal and external would be transformed, and not only foreign policy but also domestic politics would have a different meaning than in a traditional perspective. One could imagine that issues such as energy, environment and perhaps even social redistribution would not only be "European" issues, but also issues that would be discussed and decided upon at the global level. The need for territorial defence would in principle disappear and one would instead see a kind of security policy that would focus on ensuring the respect for cosmopolitan principles, in line with collective decisions made at the global level. 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 and 1995, Archibugi 2002, Beck 2003, Rumford 2005). In the Eriksen/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/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 combined with a transnational public debate. A summary of this model is found in the third column of Table 1.

Cosmopolitan Europe?

How, then, does this fit with what we know about the EU? Obviously, we are not in a global cosmopolitan context. This means that when examining the external policies pursued by the EU we must consider instead the extent to which the EU is a promoter of such an order at the global level. First, however, what about the institutional structures?

As noted in the discussion of the second model, there is an ongoing process of transferring decision-making to a more diffuse European administrative/executive level, which, although formally working along the principles of intergovern-mentalism, in practice appears to have a more autonomous role. Here, the Political and Security Committee, the Policy Unit working for the High Representative and

some of the DGs in the General Secretariat of the Council are key. Most research does, however, point to a rather closed decision-making process in these fora rather than a process that is geared towards ensuring an open public debate, as one would expect in a regional cosmopolitan polity.

Arguably, the institutional structures may present some normative constraints on the dealings of the executives. As there is no hierarchical structure with the ability to coerce member states in the EU's foreign policy we may consider the EU's foreign policy as being made somewhere in between the assumed anarchy of the international system at large and the hierarchy of a nation-state decision making system. This leads to mechanisms such as the coordination reflex between member states, requiring that they take no final position on foreign policy matters before consulting with the other member states, which may be conducive to a kind of closed deliberation. This requirement of consultation, in which national positions would have to be justified in a manner that makes it acceptable to all, might not only, as Mitzen (2006) suggests, cause member states to moderate their interest claims, but also to seek a certain consistency between their claims and the underlying constitutive principles of the EU. An example may be the process of writing the EU's Security Strategy, where some of the more belligerent formulations regarding intervention disappeared from the first draft during the process of consultation with member states. Although this does not amount to democratic accountability, it might provide for a foreign policy with a deliberative imprint in the sense that it subjects actors to intersubjective scrutiny and leads to the requirement that policy be consistent with the entrenched norms of the Union. Further, as Eriksen (2006) underlines, there is a fairly strong focus on rights, through the EU Charter, which ensures a protection of citizens' rights across Europe. However, it remains that we are far from observing the kind of democratic accountability envisaged in the regional cosmopolitan model. Also the lines of accountability towards national and European Parliament are unclear, and attempts at establishing transnational parliamentarism do not appear to have brought much improvement in terms of democratic accountability (Marschall 2007).

Most importantly, however, it is difficult to find evidence in the existing literature with regard to whether or not this emerging structure would be more similar to model three than to model two. Clearly, this may in part be due to a failure to sufficiently specify the model in this paper. However, we should not disregard the possibility that, as already hinted at, when it comes to the core organisational features of the third model, these are not that different from that of the second model of a democratic constitutional state. Such a suggestion is strengthened by the fact that, as noted, the "cosmopolitan" literature provides little concrete information on this matter. This might suggest that we should think of the third, cosmopolitan model as a guiding principle for policy rather than a polity model.[6] However, before concluding on this point, more research is required.

What, then, about the EU's perspective on international relations? As noted, this is what would constitute the critical difference between the third model and the two others. According to the EU's Security Strategy (ESS 2003), its international objectives are to develop a stronger international society, well-functioning international institutions and a rule-based international order. Membership in key international institutions is to be encouraged and regional organizations are considered important in the effort to strengthen global governance. The cornerstone of a law-based

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[6] Many thanks to Daniel Gaus for pointing this out to me.

international order is, according to the ESS, the United Nations (UN). Its role must be strengthened; it must be equipped to fulfil its responsibilities and to act effectively. Furthermore, protection of human rights has been included as a particularly important goal in the European Union's external policy.[7] This has, amongst other things, led to a human rights clause becoming standard content of all trade agreements established with third countries since 1992 (Menéndez 2004). The emphasis on human rights is consistent with a regional cosmopolitan entity. Clearly, such an emphasis could be seen simply as 'cheap talk', or even as an effort to impose specifically European conceptions on other parts of the world. However, the EU is willing to bind itself to the same standards through legal measures. Hence, it has for example actively supported the establishment of the International Criminal Court (ICC), which might hold the EU as well as other actors accountable. Making the Charter legally binding would further reinforce this tendency by ensuring that the EU is legally committed to consistency between it own policies and those promoted abroad. Furthermore, the EU consistently refers to the principles of the UN and makes it clear that its peace keeping and conflict prevention missions should be 'in accordance with the principles of the United Nations' (Article I-41.1).

So, the EU binds itself to principles that are consistent with what we might expect in a regional cosmopolitan entity. With regard to practical policy there is also evidence support such an interpretation The EU's campaign for the abolition of the death penalty launched in 1998, is an example of its human rights policy leading to results: it has contributed to the abolishment or reduction of capital punishment in Cyprus and Poland, Albania, Ukraine, Azerbadjan, Turkmenistan (Manners 2002: 249-250). It is also a case which demonstrates that its human rights policy has been pursued at a certain cost and thus most likely is not merely 'cheap talk': as it has meant taking a stand in opposition to its closest ally the United States. Finally, to the extent that enlargement may be considered a form of foreign policy, Gamze Avci (2006) argues that the EU's conditionality has been a crucial factor in triggering democratic reforms in Turkey. And clearly, respect for democratic principles and human rights have been a condition for membership in the EU since its early inception (Verney 2006).

However, some of the external policies of the EU may be interpreted in different ways and signal a certain ambiguity that might lead us to question this close 'fit' with the foreign policy of a regional cosmopolitan entity.[8] For example, a core characteristic of the EU's foreign policy is the emphasis on regional cooperation. Federica Bicchi (2006) argues that the EU's promotion of regionalism in the Mediterranean must be characterized as an attempt by the EU to promote its own model abroad without much consideration for the context in which it is to be introduced. Thus she writes that "...the EU does not promote (neutral) norms, but promotes Europe" (p. 220). She concludes that this does not necessarily echo the promotion of norms that are universally embraced. Similarly, Börzel and Risse's survey of the EU's policy on democracy promotion suggest a certain value-bias in the sense that the EU has developed a specific model of democracy promotion that it seeks to export without much consideration for the target state. Hence they argue that "In fact, the EU follows quite clearly a specific cultural script." (Börzel and Risse: 2004: 2). Thus, although the promotion of regionalism could, in light of the emphasis on cosmopolitan regionalism, fit quite well with the third model, it is given a different meaning by these authors.

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[7] See in particular *Human rights in third countries: Summaries of legislation*. http://europa.eu.int/scadplus/leg/en/lvb/r10100.htm, but also the *European Security Strategy* (2003).

[8] For this interpretation see Hyde-Price (2006).

An alternative interpretation of the EU's promotion of regionalism is however, presented in a publication by the Foreign Policy Centre (Barth Eide 2004). Here the promotion of regionalism is seen as part of a global trend in which the EU contributes to fundamental processes of transformation in the international system in the direction of a power shift from states to regional organizations and individuals. Regionalization is seen as part of an effort to ensure global security and respect for human rights. This would be more consistent with a regional cosmopolitan foreign policy. Finally, Lerch and Schwellnus (2006) stress that the EU not only works to promote human rights, but that it aspires to change the valid rules of international law in order to accommodate a stronger human rights protection than what is found in international law today. As the EU is confronted with the challenge to present coherent arguments that go beyond the legal status quo she has found that it "…EU leaves room for different human rights conceptions while pushing a debate and a gradual process towards a new international consensus on the interpretation of the right to life" (p.241). In this respect she points to a contrast with the United States for example, which considers the issue of the death penalty to be a 'value' question of criminal justice.

Concluding remarks

In this paper I have depicted three models of European foreign and security policy, based on three broader conceptions of European democratic order. I have also made a very preliminary assessment of the empirical relevance of each of these models, drawing on the existing literature. Three observations can be made on the basis of this analysis. First, and perhaps most surprisingly, it would seem that thinking of EU foreign policy as "state-like" is not as far fetched as one would perhaps expect. In fact, contrary to most of the literature on European foreign policy, which stresses the uselessness of a state model, it would seem that elements of this model are present. Hence, the EU is at least as close to a conception of the foreign policy of a federal state as it is that of the "foreign" policy of a cosmopolitan-like polity, which appears to be a conception much more favoured in the EFP literature at the moment. This is not due to the EU's recent strengthening of capabilities in the field of defence, but rather to it acquiring most of the legal attributes of a sovereign state. One might add to this the fact that we are seeing the early beginnings of a discussion of "final" borders for the EU, which further reinforces the impression of a state-like entity. (The question of borders has not been raised in this paper though.) These empirical findings are, however, preliminary and must be further investigated and verified (or rejected).

A second observation that emerges from this analysis pertains to the models in themselves and most particularly to the third, regional cosmopolitan model. Although it has become increasingly popular to call for a cosmopolitan Europe or to refer to a cosmopolitan perspective when analysing the EU, it is difficult to find much detail on the specific characteristics of a cosmopolitan *polity* in this literature. The attempt made in this paper to specify the distinct organisational features of a cosmopolitan polity suggests that it would in fact in very many ways be similar to that of a constitutional state. This is so both with regard to the role of executive authorities and to a hierarchical legal structure that would uphold citizens' rights. This might then suggest that rather than allowing for a distinct concept of polity, a cosmopolitan perspective would constitute guiding principles for policy that could match different types of polities. The difficulty with this conclusion though is that it does not allow us to resolve the tension between human rights and the principle of

external sovereignty, which is one of the core reasons why a global cosmopolitan law is required in the first place. Hence, it may very well be that the problem is simply that the potential organisational features of a cosmopolitan polity have not been fully and satisfactorily explored in this paper.

My third and final remark is that from the perspective of European democracy, foreign and security policy is not doing very well. It would seem that executive functions are indeed uploaded to the EU level, but that this is not matched by changes in the forms and levels of accountability, which are still linked to the nation-state. We must ask to what extent such a development is sustainable? If the EU were to equip itself with a "thick" identity of the kind that we usually assume underpins the foreign and security policies of European nation states, the answer would be in the positive. This is so, as this would allow for a more traditional legitimacy basis for foreign and security policy where, as noted in the introduction, democratic procedures would be less important in order to establish support for policy. However, there is little evidence to support the idea that such an identity is emerging or may be built. This would mean that the EU, if it continues down the path of deeper integration of the executive dimension of European foreign and security policy must expect increased contestation. In an entity such as the EU, which accommodates a variety of identities, thick and thin, it is hard to imagine that one can establish legitimacy for a policy through other things than democratic procedures. It would be through such established procedures that it would be possible to develop and sustain a common foreign policy for Europe, either in a cosmopolitan or a state-like variant.

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Table 1   Indicators for three models of democracy

Dimensions of a democratic polity	Audit democracy	Federal multinational democracy	Regional-European democracy*
Legal sovereignty/ legal personality	No EU capacity for treaty making, recognition of other states, diplomatic relations	Treaty making, recognition of other states, diplomatic relations the prerogative of the union level	Right to sign legal agreements, representation of the EU at global level
Conception of territory	No single European territory	Guarantee of the inviolability of the EU territory	Commitment to the integrity of core principles of cosmopolitan law
Executive institutions	1 state 1 vote Specialist agencies No administrative capacity at EU level	A single foreign ministry A single defence ministry	Executive at EU level accountable to regional and global levels
Capabilities Economic Political Military	Ad-hoc military operations subject to collective agreement No EU diplomatic representation	Military forces raised at EU level (core task: the territorial defence of the Union) Diplomatic representation at EU level Common trade policy	EU and national military forces (core task: the enforcement of cosmopolitan law)
Resource allocation	No budgetary powers at EU level	A single European foreign policy budget and defence budget	Shared budgetary powers between EU and national levels
Forms of democracy	Audit democracy at Union level Representative democracy at Member state level	Representative democracy at EU level (two chambers)	Representative democracy at EU level combined with transnational public debate(s)
Perspective on international relations	Westphalian state system	Westphalian state system	Global cosmopolitan order
Mode of legitimation	Protection of national interests and values	Protection of European interests and values	Upholding cosmopolitan principles
Identity	No European identity	Collective European identity founded on constitutional patriotism	Post-national identity based on universal norms, fundamental rights and democratic procedures

* Embedded in a cosmopolitan order with limited legal competences at global level (security, human rights protection, crimes against humanity).
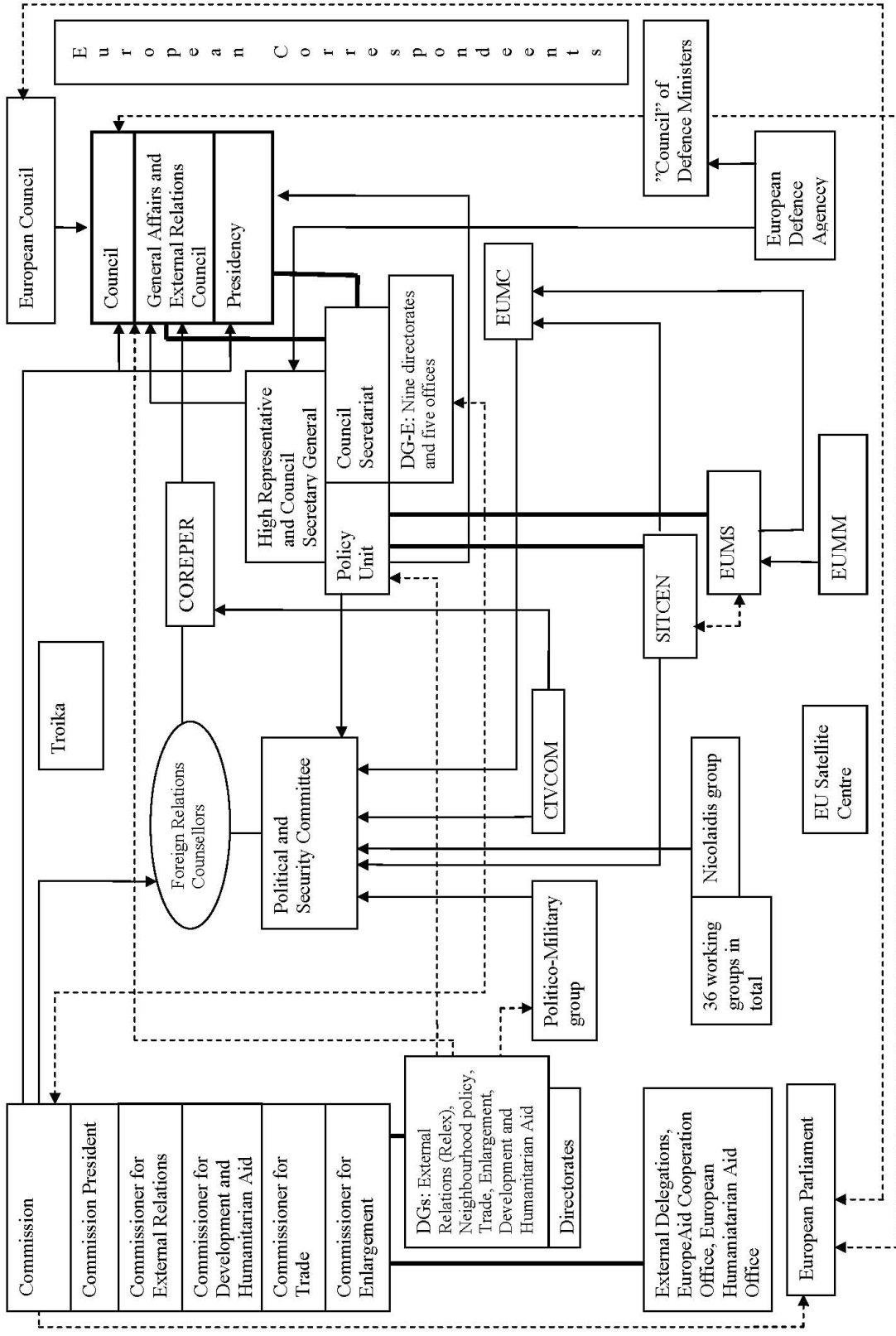
Figure 1   The EU's Foreign and Security Policy – Institutional map

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