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The Democratic Control of the CFSP (Common Foreign and Security Policy)

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abstract

The case for the importance of democracy for the foreign policy of the EU is presented. Then the current CFSP mechanisms for accountability are described. There follows a discussion of the two types of democratic deficits: the institutional and the socio-psychological (demos). Then, the main integration theories and their implications for the democratic deficit in the CFSP come under scrutiny. Finally, a number of suggestions for improving the democratic dimension of the CFSP are put forward within the preferred integration model, that of Confederal Consociation.

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Introduction

Why is it important?

- because democracy is a value;
- because foreign policy will not work at the EU level if there is no democratisation.

Both are becoming more controversial arguments than in the past with a number of serious and respected academics (who will remain unnamed) arguing for a continuation of the elite-driven process of integration in the interest of the European demoi. Of course, philosopher-kings are not something new but they are to be opposed now even more than in the past because the end of the Cold War has shown how important democracy is and how it should be respected intellectually and implemented in practical terms.

The second argument over the negative implications of the lack of democratic control for the emergence of a CFSP is probably even more controversial because it brings into play the question of how to assess a foreign policy record. However our rather negative assessment is not in a minority view.

The European Union has often tried to achieve a common position in world affairs but with failures few successes (Stavridis, 1997b, 98-109). Europe's reaction to the conflict in ex-Yugoslavia has been almost unanimously considered as a major foreign policy disaster by academics (Kintis, 1997; Remacle and Delcourt, 1998) and practitioners alike (Delors, 1996; van den Broek, 1996). The same can be said of the current NATO intervention in Kosovo: it confirms the lack of an efficient European foreign policy as the USA were needed to lead once more. There are other examples where the CFSP has been unable to produce clear, rapid, *and* common decisions on international issues: the Middle East, Algeria, the African Great Lakes, Albania, Iraq, Cyprus, etc.

Of course, one could argue that this is a pessimistic interpretation of European foreign policy. Why not concentrate instead on the success stories and define European foreign policy as the external relations of the EU including thus trade and development policies as well as enlargement.

There is number of problems with such an approach. As David Allen argues, 'the idea that a European foreign policy could be built solely upon the foundations of the Community's external economic relations is misguided and flies in the face of the Union's own experience'. (Allen, 1998,46). Moreover, the record of aid and development policies (see Lomé Convention but also Mediterranean countries) is far from being very effective either. In areas where treaty provisions make it in theory more feasible to achieve decisions, the record is far from being better and the decision making process is often similar to that of the first pillar, namely unanimity, hence showing that 'institutional arrangements are not enough' (Stavridis, 1997b). For instance, there is still room for greater coherence in GATT negotiations over agricultural policy (Meunier, 1998), and over environmental politics (Jupille and Caporaso, 1998).

Of course, any assessment depends on criteria and assumptions but it will be very difficult to argue that the EU's record in trade and development has been excellent. To argue that EU foreign policy should be wider than the CFSP is misleading and dangerous as it cannot hide the fact that the CFSP's record has been rather poor. Yes, crises are exceptional situations in international politics but as we have seen even less exceptional situations have not produced the expected results. If the EU cannot produce an effective CFSP in times of crisis it is perhaps because there are other reasons (and not just institutional matters), one of them being, we would argue, the lack of democratic control.

I. democracy, foreign policy and European integration

The control of foreign policy has always been a controversial topic. The dominant Realist view is that foreign policy should be secretive and left to the executive. Parliamentary scrutiny should be avoided or minimal. This approach has come under fire over the years. First, via the International Democratic Theory school of thought (as early as the beginning of the century in Britain, see Stavridis, 1991,48-96), and, secondly (and more recently), via the 'domestic sources of foreign policy' approach in FPA (Foreign Policy Analysis; see Hill, 1996,1-18).

The two main reasons for such an interest stem from the fact that there is no (or very little) democratic control (defined as parliamentary accountability) in the national foreign policy making process, and the boundaries between 'high' and 'low' politics have become blurred over the years. As a result the

quality of the democracy in place at a given time and a given place was being affected more and more by many factors including international affairs. This was even more so in the case of European integration, which is a unique phenomenon in post-war Western Europe (now being, very slowly, expanded eastwards).

The control of national foreign policy making of the EU (European Union) member states is an under-developed area of research. Most attention has been paid to the so-called (institutional) democratic deficit of the European Community (EC) or first pillar under the Maastricht and Amsterdam treaties.

Only recently, the additional socio-psychological dimension of the deficit (through the lack of a European demos) has added a new element in the democratic deficit of the first pillar (part of the third pillar will be incorporated in the first pillar by May 2004; see Henson's paper on the same panel).

II. the current mechanisms for CFSP accountability

Means of accountability

Although means of accountability in foreign policy vary from state to state, it is possible to group them (Santoalla, 1987; Chauchat, 1989) under, on the one-hand, the 'minimalist school' which claims that accountability exists whenever information powers (i.e. advisory powers) are available, and, on the other, the 'maximalist interpretation' which argues that supervisory powers are also necessary. This article takes the view that it is only possible to say that real democratic control exists when both powers of information and supervision are present.

The category of advisory powers include the following:

- (oral, written) parliamentary questions
- parliamentary debates and question times
- parliamentary committees.

The supervisory powers consist of:

- ratification procedures for international agreements/treaties
- vote of censure of government over foreign policy issues,
- co-decisional powers over international affairs.

The Current Democratic Control Mechanisms of the CFSP

The existing mechanisms for controlling the CFSP can be found in Article J.7 (now Article 17). It is up to the Presidency (of the Council) to 'consult the EP on the main aspects and the basic choices of the CFSP'. And again it is the role of the Presidency to 'ensure that the views of the EP are duly taken into consideration'. Although the Commission is also associated in the regular information of the EP on CFSP developments, there is very little the EP can do other than ask questions, hold annual debates, and, since Maastricht, 'make recommendations to (the Council)'.

Therefore, with the possible exception of the provision for EP recommendations, there is little, if any change, from the limited accountability mechanisms that already existed in EPC, a view shared by practitioners (Grunert, 1997). Article J.7 reproduces almost *verbatim* the provisions of EPC as codified by the Single European Act and spelt out in the 28 February 1986 Decision adopted by the EPC Foreign Ministers. Thus, from the above and from the fact that the existing mechanisms for accountability have not been changed by Amsterdam confirms that there are information powers but no real democratic control over European foreign policy (Stavridis, 1997a; 1993).

III. the democratic deficits of the CFSP: institutions and public opinions

The number of integration theories and democratic forms of government which are discussed in the Chrysochoou paper ('The Nature of Democracy in the EU') are of particular relevance to the discussion of the democratic control of the CFSP because they tackle both the two-sided democratic deficit (institutional and public opinion) and the 'supranational versus intergovernmental' approaches.

This leads to two major observations:

- the institutional deficit is of a particular kind as far as the second pillar is concerned because there is very little democratic control at the national level in the first place. Therefore, a transfer of powers from the national parliaments to the European Parliament is not possible because there are no such powers to start with. So in order to tackle the institutional deficit in the first pillar, there need to be two simultaneous 'deficit-bridging' (i.e. democratisation) exercises: one at the national level of the member states and one at the EP level. Tensions and contradictions in practical terms between the two levels of parliamentary control are easy to identify.

- the second social-psychological dimension is even more problematic for the second pillar.

As a result, what is needed is a combined effort to bridge both democratic deficit and to try to create identifiable 'European' (as in 'EU') interests in the world. Not an easy task, it goes without saying!

Some would say there is a big jump between efficiency (or lack of it) and democracy (or lack of it) but they would ignore the absence of a European *demos*.

The absence of a *demos*

The existing literature on the subject tends to argue that either a European *demos* is emerging, or that it is not incompatible with the existence of national *demos*, or that it will eventually replace them (Marks et al., 1996; Munch, 1996). This paper takes the alternative view that, as the then European Parliament (EP) President has put it, 'the emergence of a European *demos* is neither feasible nor desirable' (Hänsch, 1996).

There is little doubt that this is not the case in the EU now (Laffan, 1996,93). Or, as Zielonka has argued:

'The lack of a European *demos* is probably most visible in the field of diplomacy and defence (...). Discrepancies between national public opinions are well illustrated in *Eurobarometer* (surveys)' (Zielonka, 1998, 175, note 82).

This is particularly true of reactions to the conflict in former Yugoslavia: for instance in 1994, in France 57% favoured strikes against Serbia but only 9% in Portugal and 6% in Greece (*Agence Europe* no.6235, 2 May 1994, citing a Eurobarometer survey; see also Sinnott, 1997; Grunberg 1998). Similarly, the current NATO bombing of Yugoslavia over the Kosovo crisis includes a number of recalcitrant public opinions: this is particularly true of Greece but is also visible in Italy, and there are signs of disquiet in Spain and Portugal. On the contrary there was solid support in Belgium, Denmark, France, Germany, the UK, Luxembourg and Holland. (*The Times*, 22 April 1999 which reviewed only EU members of NATO; equally at the time there was very little, if any, support for a ground intervention even in those countries backing air bombardment).

It is also interesting to note here that a number of surveys have been used to claim that the various national public opinions are overwhelmingly supporting a European-wide defence and security policy. The most fundamental flaw in this argument is that it ignores the fact that when asked if, as a third option, a combination of both national and EU levels of policy is possible, the returns drop dramatically from 65-70% in favour of the European option to about 1/3 for each of the three choices (national or EU or combination of both). This point is often 'forgotten' by a number of observers (for such a recent example, see Seabra, 1998).

Thus, the main question is what happens to European foreign policy until such a *demos* is created, or, more importantly, if such a *demos* is never created?²

IV. integration theories and the democratic control of the CFSP

All of the above has implications for the theories used to explaining integration. Chrysochoou distinguishes between the following approaches: federalist, majoritarian, consociational, and confederal. We use the first two as supranationalists and intergovernmentalists. The Confederal Consociation model combines the other two approaches.

the supranational models

The supranational/federalist school emphasises the following existing means of accountability:

- the codification by the SEA of the practice of the EP's questions, debates and reports on EPC
- the regular colloquia between the EPC Presidency
- the relevant EP parliamentary committees.
- the fact that by making the Commission a full participant in the CFSP with co-initiative powers, the EP has increased its powers as it can dismiss the Commission *en bloc*.
- the possible use of QMV for the implementation of Joint Actions has made the EP the sole parliamentary body that can supervise the CFSP as a whole.

² A working definition of a *demos* being, to use Chrysochoou's own words, a community of citizens capable of directing their democratic claims to, and via, the central institutions' (Chrysochoou, 1996,789).

- the EP has been given the power to issue recommendations on CFSP matters (a sign of a potential co-initiative role in the future formulation of the CFSP?).

In addition, over other (non-CFSP) international issues, there is the 'power of assent'

(international agreements and enlargement) which has given the EP a *de facto* role in

European foreign policy. Indeed, most EU external economic relations and development and aid policies have budgetary implications which strengthen the

international importance of the EP (see Corbett, 1989).

On the whole, the federalist/ supranational approach puts all its emphasis on the need for greater parliamentary control by the EP exclusively (via budgetary but also other supervisory means), without realising that this would not be possible as long as there is no European *demos*.

the intergovernmental approach

The intergovernmentalist/realists use the following arguments:

- during EPC, both before and after the SEA, the EP's role was only advisory and that a number of important foreign policy issues were left outside its realm as *ultra vires* ones (see Stavridis, 1993a, 178-180).
- the above situation has not been fundamentally altered with Maastricht or Amsterdam.
- They also downplay the EP's budgetary powers as these are of a negative nature (delay) and only affect a tiny proportion of CFSP expenditure.
- security and defence matters are really left outside the CFSP and it is well-known that national and NATO or WEU means of democratic control are rather poor.

On the whole, the intergovernmentalists/realists argue that national parliaments must carry out the democratic control of the CFSP, but they fail to signal the existence of a series of democratic deficits at the national levels.

The Confederal Consociation model (Chrysochoou, 1997; 1998, 175-184)
building on Taylor (1993; 1996); see also Gabel (1998)

We have decided to group the two different models used in the Chrysschoou paper because we believe that the EU is neither a confederation nor a consociation but a combination of both.

As we have illustrated the fact that there is no European demos especially in the fields of the CFSP, then it is logical to look for means of democratic control within the Confederal Consociation model of integration. The lack of democratic control cannot be altered fundamentally with the introduction of QMV. To a certain extent, the debate over QMV is unnecessary because it has not been used in CFSP even though it has been possible to do so for Joint Actions since the entry into force of the Maastricht treaty on 1 November 1993..

Thus, whatever the federalist or majoritarian models suggest as solutions to the democratic deficit in the CFSP, they fail to deal with the real question of a demos.

Instead we suggest more cooperation between the national parliaments and the EP together with a democratisation of national foreign policies. This is a tall order and let us not fool each other. But democracy is a tall order.

The additional question of the democratic disjunction

We also need to mention that there is also now (in addition to the democratic deficit at the institutional level) a more important 'disjunction' (Stavridis, 1993b) between the views of the elites and those of the public opinions. As the sometimes huge gap between the elites and the publics has recently shown. To take but two examples, over 50% of the Danish population rejected the TEU in the first referendum of June 1992 whereas the parliamentary result had produced a 75% majority in its favour. Similarly just over 50% of the French population backed Maastricht whereas an impressive 87% of French decision-makers had backed it a couple of months earlier (Stavridis, 1992, 130). As Weller (1997, 107) has noted, '(a)t a minimum, Europe is no longer part of consensus, non-partisan politics in many Member States, not least the new ones'. Similarly, the first examples of the ratification processes for the January 1999 introduction of the 'euro' showed (again in France and in Germany) significant discrepancies between the views of the publics on the one hand, and those of the governments and parliaments on the other (*The Independent, Le Monde, April 1998*).

It could therefore be argued that, short of finding a way of reconciling the obvious non-existence of a European *demos* that might have legitimised the use within its midst of 'majority voting', the EU will not be able to make any really important decisions in the future without running the risk of ignoring its most fundamental *raison d'être*, namely the protection and promotion of democratic principles in Europe and beyond.³ The Confederal Consociation model therefore respects the democratic rights of each of the EU's constituent parts (member states).

The Confederal Consociation model of reforms

Strengthening the existing 'Assises' of parliamentary committees from the EP and national parliaments would be an advantage. Such a development would add a truly European layer of control (EU plus national levels) for an area of EU policy to which the EP cannot claim exclusive responsibility. Closer cooperation between the directly elected (post-1979) EP and national parliaments would re-instate some of the legitimacy of the pre-1979 EP which was made up of national parliamentarians but this time without losing the enhanced legitimacy the EP has gained through direct elections.

Such a development would fit with the wishes expressed in one of the TEU's Declarations (on the role of national parliaments in the European Union) which states that 'it is important to encourage greater involvement of national Parliaments in the activities of the European Union'.

There has been some movement in one of the Amsterdam Protocols as far as COSAC (Conference of European Affairs Committees) is concerned, but its remit only includes EC affairs and does not extend to the CFSP. Furthermore, the French proposal of an institutionalisation of COSAC was not adopted and the relevant Protocol recognises the EP's reluctance to such a development in its final paragraph. Indeed, the EP sees the institutionalisation of COSAC as a threat to its own authority, and as an obstacle to the federalisation of the EU, where the Council of Ministers eventually becomes a Second Chamber or Senate (hence an 'unholy' alliance of federalists and anti-federalists in the EP against such a development, Stavridis, 1992).

³ The list of declarations and treaty provisions to that respect is simply too long to enumerate. Moreover, the voluntary basis of post-WW2 integration in Western Europe should be contrasted to prior authoritarian and fortunately unsuccessful attempts (from the Roman Empire to Nazi Germany) and to the equally failed and flawed communist integration attempts in Eastern Europe from 1945 to 1989.

We suggest the creation of a COSAC-inspired institutionalisation of a 'Committee of Committees' for foreign policy, and of another committee for security and defence. The former should include members of the EP's Committee on Foreign Affairs, Security and Defence Policy as well as members of the respective national foreign policy parliamentary committees. The latter should include members of the EP's Sub-Committee on Security and Disarmament and the European members of the respective committees and sub-committees of the NATO's and the WEU's Assemblies as well as members of the respective national defence parliamentary committees and sub-committees.⁴

Conclusions

democracy and the CFSP revisited

The lack of democracy has been presented as a major problem for the future efficiency of the CFSP. The preference for the Confederal Consociation model of integration means that the retention of the veto power is seen not as an obstacle but as a necessary guarantee for democracy. Thus the principles of efficiency and accountability are seen as compatible and reinforcing each other. Consensus and unanimity are of fundamental importance. Otherwise, a 're-nationalisation' of European foreign policy is on the cards (Gougeon, 1997, 247-294; Aliboni and Greco, 1996; Tsakaloyannis and Bourantonis, 1996, 97).

Confederal Consociation also makes the CFSP less of an oddity when compared to the other two pillars of the EU, especially after Amsterdam's *de jure* incorporation of the 1966 Luxembourg Compromise and institutionalisation of the national veto. Indeed there is now a vast array of mechanisms available in the treaty provisions for keeping national control over European affairs (see Devuyst, 1998).

Implications for a European international identity

In practice, an institutionalisation of parliamentary complementarity between the national level and that of the European Parliament could help the

⁴it would also be a good idea in our view to create a link between the new planning cell and the parliamentarians of the EP, and the national parliaments (and the assemblies of NATO and the WEU).

emergence of a common sense of belonging, and, eventually, common interests, and, in the longer run, a European identity might result.

text only: about 3,500 words

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