Reconstituting Democracy in Europe
RECON

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Input for Full Proposal – WP6
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B.4 OUTLINE IMPLEMENTATION PLAN

Queen’s IR Team (Leader: Antje Wiener) Contribution to WP6 Foreign and Security Policy (Director: Helene Sjursen)

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**RECON Framework and Research Question**

The project draws on the general consensus expressed in the theoretical framework of the overall IP regarding the powerful input of dialogue in the policy process. In tune with the main democratic principle of equal access to participation based on equal rights for all citizens, we hold that dialogue under conditions of equal access is the main source of democratic legitimacy in contexts of governance beyond the state. Following the main research purpose of RECON, it remains to be demonstrated whether and if so how dialogue is better developed on the supranational, national or transnational level of interaction in beyond the state contexts. This goal implies two research dimensions including an empirical and a normative one. The former will need to engage in stock-taking to assess existing practices and institutions that inform and guide dialogue, the latter normative perspective will need to elaborate on which institutions ought to be put in place in order to warrant a constitutional framework for democracy.

**Research Object**

With a view to pursuing both dimensions, the Queen’s international relations (IR) team examines the role of fundamental norms. To that end, it conducts a comparative analysis of elite groups of different national background who operate in transnational and in domestic settings in the sector of Common Foreign and Security Policy (CFSP). The goal is to assess the degree of divergence, diffusion or convergence in the interpretation of the meaning of constitutional norms. The norms under investigation are democracy, the rule of law, citizenship and human rights following RECON’s focus on constitutionalisation and its input on doable and desirable models of democracy in Europe. The case studies build on the three models of democracy including (1) reconstitution of democracy at the national level, (2) establishing the EU as a federal state based on a strong European collective identity, and (3) developing a postnational Union with a cosmopolitan vocation based on the principle of deliberative supranationalism. RECON expects research to demonstrate that processes, procedures and practices in different policy sectors ranging from economic policy to foreign and security policy reveal potential for establishing cross-linkages between the three models of democracy. These cross-linkages notwithstanding, it is expected however that the third cosmopolitan model provides the strongest institutional and normative blue-print for European democracy in a globalised world.

**Case Study**

More specifically, the project starts from the assumption that the discussion of alternative institutional options for improved democratic governance in this policy field relies on a profound understanding of the nature of the existing constitutional framework. The EU’s Common Foreign and Security Policy (CFSP) is based on a decentralised framework of decision-making. National governments remain in control of the process. Nevertheless, core constitutional norms guide the coordination process – such as the general principles of the Union and the respect for the principles of the United Nations Charter, i.e. in a word the promotion of democracy, the rule of law and human rights. The project starts from the observation that particularly in times of unforeseen foreign policy crises the EU finds it difficult to derive clear policy options from these broad principles which are acceptable to all member states. Moreover, we observe that domestic political processes are crucial for
the interpretation of these broad principles in times of crisis. Thus, the policy-makers find their room for manoeuvre restricted because they have often already committed themselves to certain policy options at the domestic level. The situation of war and peace triggers special ‘lock-in’ effects. This implies a two-fold challenge to democracy at the European level. On the one hand, the current decentralised system of decision-making makes the national arena the logical place for the political process to take place. In other words, the demand for more European decision-making behind closed doors which ignores domestic processes is both unrealistic and does not seem to be a democratic option either. On the other hand, the interconnectedness of different domestic discourses on foreign policy options in times of crisis has repeatedly led to the paralysation of the common decision-making process. In other words, even if the European decision-making process became more transparent, it would most likely not be more effective and democratic as it would remain difficult to accommodate diverging domestic interpretations of the core constitutional principles in the area of CFSP.

From this we derive the three major research questions of the project:

- What makes common decision-making on the basis of commonly shared constitutional principles so difficult?
- How do domestic discourses on appropriate policy responses in times of major foreign policy crisis evolve?
- What are institutional options to better accommodate diverging domestic interpretations of the core constitutional principles of the CFSP in a way that the decentralised decision-making system becomes more effective and democratic at the same time?

Research Object

Following the above questions the project will first examine the role of fundamental constitutional norms which are supposed to guide foreign policy coordination at the EU level. Secondly, the project will focus on a particular instance of collective EU decision-making in reaction to a major foreign policy crisis. It subsequently traces the evolution of domestic discourses on appropriate policy responses to this crisis. The project will be based on a comparative analysis of the evolution of domestic positions in the United Kingdom and Germany as two major opponents in this crisis; in addition, Sweden as a traditionally neutral country will be examined. Through media and document analysis we first trace the evolution of the domestic debates on the issue and investigate at which stage national decision-makers became ‘locked’ into the domestic discourse. In a second step elite interviews will determine how this impacted on the collective European decision-making process. The goal is to assess the degree of divergence, diffusion or convergence in the interpretation of the meaning of constitutional norms. Following this empirical analysis the project will propose alternative institutional options which allow better to accommodate diverging domestic interpretations of core European norms at an early stage, and which at the same time strengthen the democratic character of the overall decision-making.

Projected Outcome

In detail, the project makes an innovative contribution to studies of complex multilevel governance processes in composite democratic settings. It applies an approach which links a pragmatic and efficiency-oriented policy perspective with a normative and participatory-oriented theoretical perspective. We argue that constitutionalisation is a desired innovation in the area of foreign and security policy because it ultimately allows to avoid conflict. It does so based on the institutionalisation of the organising principle of equal access to dialogue. This proposal for constitutional change is based on experience in the sector of European economic policy coordination (keyword: the Eurogroup), on the one hand, and on normative approaches to democratic governance (keyword: contestation), on the other. We thus argue that establishing equal access to dialogue is not only the normatively more desirable choice, it is also the politically more efficient choice of procedure. Both dimensions contribute to enhance the potential for democratic legitimacy in the field of
CFSP. At the same time this output will feed back into the conceptual discussions of WP1 and WP3.

We caution against the assumption that consensus on the fundamental principles of the current institutional framework alone guarantee the successful implementation of policy objectives within a decentralised system of governance. Instead, we propose to emphasise the role of organising principles that guide decision-making and the institutionalisation of these principles. Based on previous research in the area of European economic policy coordination we highlight in particular the principle of equal access to dialogue which allows member state representatives to engage in collective processes of norm contestation and interpretation. Further more we stress the importance of the routinisation of such procedures which will identify appropriate policy options to foreign policy events also in a forward looking manner. Such a model implies a greater role for national parliaments in foreign policy decision-making as in a decentralised policy framework these institutions are the only ones which can provide the interface between an enhanced policy dialogue at the EU level and domestic discourse on appropriate responses to foreign policy crisis. Thus, we expect that the third cosmopolitan model provides the strongest institutional and normative blue-print for European democracy in a globalised world.

Research Plan

The project consists entails three periods. The first period includes the elaboration of the theoretical framework. It builds on normative approaches to constitutionalism and IR theories, on the one hand, and on policy studies, on the other (months 1-6 Puetter & Wiener). The second period involves a case study which compares the contestation, diffusion, and/or convergence of the meaning of two the two fundamental norms of ‘democracy’ and ‘the rule of law’ in four European political arenas that differ according to domestic context and type including Germany, the UK and Sweden as well as the transnational arena in Brussels. The third period evaluates the results of the comparative case study with a view to potential constitutional innovation. Following prior work on the divergence, diffusion and convergence of the meanings of modern constitutional norms in the EU, we hypothesise that in the absence of all encompassing transnationalization, more diversity in the interpretation of meanings is to be expected. Subsequently, there is little chance of sustaining the expectation of shared fundamental norms, rules and values – which is a core condition for smooth and effective foreign policy decision-making. To overcome this hurdle, we argue, it is necessary to deal with diversity. Importantly, this need will increase rather than decline. The question we seek to debate within the larger RECON project is, whether or not, and if so how, changes can fruitfully be introduced in the process of constitutionalisation so as to embrace diversity towards achieving more legitimacy rather than more conflict. According to the twofold, normative and institutional approach, successful institutional change must be both normatively desirable according to the condition of reconstituting democracy, on the one hand, and politically efficient according to the condition of reducing conflict and enhancing cooperation, on the other. We expect that the third approach to the reconstitution of democracy offers the most potential due to its diversity-oriented approach which is most compatible with the requirements of contemporary constitutionalism. This ‘fit’ will be tested, however. And the comparative case study is particularly designed to test all three models of reconstitutive democracy based on its focus on nation-state identity positions, supranational Europeanisation options, and transnational diffusion positions. All three models are examined for their respective influence on the interpretation of fundamental norms.

We ask how constitutionalisation does and should contribute to a more effective supranational structure of decision-making which is subject to enhanced democratic control. We propose to analyse this question pursuing a two-fold approach which first stresses the inability of governments to rally domestic support for decisions at the intergovernmental level because of a lack of democratic control of EU level decision-making. Secondly, we focus on inability to garner support because of unconnected domestic discourses over policy, which are dominated by elites. The research would
therefore include a comprehensive comparative empirical study detecting the differences in domestic policy discourse and the connecting lines between them. Two policy recommendations (deliverables) would follow addressing the problem of coordination failure: a) improved intergovernmental coordination plus strengthening of democratic procedures in foreign policy in the domestic arena; and b) supranationalisation of CFSP and strengthening of democratic procedures at the EU level.

Research Method

In detail, the comparative research begins from foreign policy coordination under conditions of crisis. The assumption is that while norms are contested by default, the expectation of diverging interpretations is enhanced by three conditions of governance beyond the state, contingency and crisis. This contestation, we hold, is a major obstacle in the process of supranational policy coordination, even in countries which enjoy multiple memberships in supranational communities. The objective is to identify possibilities of enhanced policy cooperation in the EU. The project proceeds in two steps. First, it will identify commonly shared assumptions among Germany, the UK and Sweden as three EU member states based on their approval of a) treaty language and b) domestic policy programmes. Secondly, we compare the reactions displayed by both in situations of international crisis, taking the Iraq crisis as an example. Following this snap-shot on policy coordination in a situation of crisis, the project engages in long-term comparative research. To this end, a case study including three domestic ‘nation-state’ settings (Berlin, London, Stockholm), and one transnational setting (Brussels) in which the interpretation of normative meaning is examines, is carried out. In concluding, the project develops an alternative approach to CFSP coordination based on dialogue referring to the concept of ‘deliberative intergovernmentalism’ which has been successfully applied in the area of economic policy coordination in the euro area, so far. The methodology of the case study is interdisciplinary, building on ethno-methodology and critical discourse analyses, respectively, and their application to research in IR.