

Democratic Accountability in Global Governance: The European Rhetoric and Performance in International Security

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Abstract: *In a context of intense transnationalism, acute interdependence and pertinent global trends, the conventional patterns of democracy are increasingly questioned by new standards and additional levels. This paper transgresses the ontological locus of democracy and aims to analyze the exercise of democratic accountability at global level, focusing on the EU practice in the spectrum of international security. The analysis begins with the conceptual framework of accountability, and seeks to clarify the meanings and mechanisms of democratic accountability within the architecture of global governance. The second part of the paper analyzes how the principle of democratic accountability is integrated in the planning and implementation of EU's international security policies. The paper analyzes the forms of external accountability, peer and reputational, in the case of EU international counterterrorism policies. Finally, the paper assesses how the language of democratic accountability is used within the sphere of international security. Is the European rhetoric a mere recitation of the good governance norm, or a realistic investment towards an accountable exercise of power at global level?*

Keywords: *European Union, democratic accountability, global governance, standards, power, counterterrorism*

Introduction

Developed in a world that looked nothing like today, the Rousseauist concept of direct democracy is increasingly questioned by the forces of interdependence, transnationalism and the ubiquitous dynamics of global calculations. Although the absence of a global government, global elections and a global constitution makes the understanding and the functioning of democracy and democratic principles at global level difficult, the current developments make the limited perspective of democracy only within the borders of individual nation-states unrealistic. In other words, as today's world consistently moves towards a substantial transnational level, we should adopt different lenses, and rethink the boundaries of democracy in order to understand the major changes undergone in the space of contemporary politics.

Transgressing the ontological locus of democracy, this paper aims to analyze the exercise of democratic accountability at global level, focusing on the EU practice in the spectrum of international security. The analysis begins with the conceptual framework of

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accountability, and seeks to clarify what is meant by democratic accountability in global governance, how the principle of democratic accountability is performed at global scale and which are the attainable mechanisms of democratic accountability in the architecture of global governance. The second part of the paper analyzes how the principle of democratic accountability is integrated in the planning and implementation of EU's international security policies. The analysis looks at the forms of external accountability, peer and reputational, in the case of EU international counterterrorism policies. In the final part, the paper assesses how the language of democratic accountability is used within the sphere of international security. Is the European rhetoric a mere recitation of the good governance norm, or a realistic investment towards an accountable exercise of power at global level?

1. Democratic Accountability in the Global Governance Architecture

The attempts of going beyond the territorial congruence of democracy and democratic principles are facing a complex puzzle. The absence of a global demos, the improbability of global elections or of a global government, are just a few of the conventional elements that cannot be performed in the architecture of contemporary global politics. However, despite the numerous obstacles regarding the functioning of democratic accountability mechanisms at the global level, it is possible to conceive forms of non-electoral democratic accountability, capable of overseeing the exercise of power at global level.

The area of democratic accountability in the framework of global governance is a relatively new and overlooked domain. In most cases, the assessment of accountability at global scale departs from national or domestic terms, where the issue of accountability has been considered quite simplistic. For example, in democratic countries the principle of accountability is understood as the government responsibility to the people, in the base of a varied number of means, including election power with a universal franchise¹. In the language of rational-choice, the accountability relationship is between the people as principals and government officials as their agents. Democratic accountability is defined as "a justificatory process based on the adequate control of the decision makers by the constituencies that create the foundations of a polity"² or "being liable to be required to give an account or explanation of actions and, where appropriate, to suffer the consequences, take the blame or undertake to put matter right, if it should appear that errors have been made"³.

Despite the relatively simplistic logic of the concept and its functions at domestic level, the reality is undoubtedly far more complex. For example, the principal encounters numerous difficulties in making full use of its rights, and in holding the agent accountable in an efficient manner.⁴ As Benner, Reinicke, and Witte argued, "the ideal of democracy is

¹ Robert O. Keohane, "Accountability in World Politics", *Scandinavian Political Studies*, No. 29, June 2006, p. 77.

² Raimo Väyrynen, "Political Power, Accountability, and Global Governance", in Ruth Zimmerling (ed.) *Globalization and Democracy*, Tampere University Press, Tampere, p. 170.

³ European Commission for Democracy through Law (Venice Commission), "Report on the Democratic oversight of the Security Service", Strasbourg 11 June 2007, p. 4.

⁴ Björn Müller-Wille, "Improving the democratic accountability of EU intelligence", *Intelligence and National Security*, Vol. 21, No. 1, 2007, p.101.

hard, if not impossible, to implement at the national level in its purest form"⁵. Moreover, the rapid extension of governance at global level has brought an additional level of reference, where the need for democratic accountability remains valid. In the last decades, it became well known that while many aspects of economy, finance and social interaction, have acquired a substantial global dimension, the practices of democracy have largely failed to keep pace⁶. However, despite the limited progresses, the attempts of approaching democratic accountability in global politics are not an absent pattern.

In David Held's point of view, democratic accountability in global politics would be one in which power-wielders would have to report to the people whose actions they profoundly affect, and be subject of sanctions from them⁷. Furthermore, the multilateralism cosmopolitan perspective of Held advances the perspective of adaptation of familiar models of democratic accountability at global level through overlapping and multilayered institutional forms, designed to restore the symmetry between rulers and ruled at all levels of governance. Contrarily to Held's assumptions, Robert Dahl limited the conception of democratic accountability to the mechanism of popular control, and wrote about the absence of preconditions of democratic accountability in global politics, "democratic accountability beyond the state is an unrealistic plan"⁸.

Indeed, the absence of a global demos and a global government emphasize the need of being cautious about approaching the conventional democratic principles beyond the traditional spatial ideology of democracy. But, in the context of the new transnational developments of world politics, it is also necessary to avoid thinking of the space of global politics as a vacuum. In the words of Bellamy and Castiglione, "the very principles of democracy may need revision to meet post-national and global conditions"⁹. In consequence, the framework of accountability in global politics has to be approached with the types and practices of accountability that are appropriate at this scale¹⁰. As Robert Keohane points out, "there is no global government but there is global governance: authoritative rule-making with expectations of obedience and anticipated negative consequences of disobedience"¹¹.

Abandoning the domestic analogy, Michael Goodhart advanced an alternative model (AM) built as an approach to the "no demos" problem or "the breakdown of equivalence" between governing and governed¹². In more explicit terms, the Goodhart model is based on the idea of adopting a conception of interests derived directly from the core principles

⁵ Thorsten Benner, Wolfgang H. Reinicke, Jan Martin Witte, "Multisectoral Networks in Global Governance: Towards a Pluralistic System of Accountability", *Government and Opposition*, Vol. 39, No. 2, 2004, p. 206.

⁶ Jan Art Scholte, ed., *Building Global Democracy. Civil Society and Accountable Global Governance* Cambridge University Press, Cambridge, 2011, pp. 10-12.

⁷ David Held, "Democratic Accountability and Political Effectiveness from a Cosmopolitan Perspective", *Government and Opposition*, Vol. 39, No. 1, 2004, pp. 364-391.

⁸ Robert Dahl, "Can International Organizations be Democratic? A Skeptic's View", in Ian Shapiro, Casiano Hacker-Cordon (eds.), *Democracy's Edges*, Cambridge University Press, Cambridge, 1999, pp. 19-36.

⁹ Richard Bellamy, Dario Castiglione, "The Uses of Democracy: Reflections on the European Democracy Deficit", in Erik O. Eriksen, John E. Fossum (eds.), *Democracy in the European Union: Integration through Deliberation?*, Routledge, London, 2000, p. 68.

¹⁰ Robert O. Keohane, "Global Governance and Democratic Accountability", Miliband Lecture at the London School of Economics, May 17, 2002, p. 4.

¹¹ Ruth W. Grant, Robert O. Keohane, "Accountability and Abuses of Power in World Politics", *American Political Science Review*, Vol. 99, Jan. 2005, pp. 29-43.

¹² David Held, "Democratic Accountability and Political Effectiveness from a Cosmopolitan Perspective", *Government and Opposition*, Vol. 39, No. 1, 2004, pp. 382-383.

of democracy by focusing on democratic norms or standards of accountability, rather than on the identity of the appropriate accountability holders¹³. Rather than an insoluble issue of global governance, the alternative model follows other means, and offers an alternative perspective for the question “who watches the watchers?”. In other words, the Goodhart model re-conceptualizes democratic accountability as a problem of norms, rather than agents. In the case of international organisations, the AM model is understood as a mechanism that functions in three related ways. First, democratic human rights standards have to be taken into account in decisions and operations. Second, the international organisations have to institutionalize opportunities for deliberative input from groups and individuals to shape policies before implementation. Finally, the AM model requires the institutionalizations of opportunities for groups or individuals to sanction the policies that affect their rights. Goodhart explains his choice for the perspective of human rights has been formulated specifically for the global context, because “they share a commitment to freedom and equality, have a long association with emancipatory democratic theory [...] and because human rights do command a wide and meaningful global consensus today”¹⁴.

It is important to note that the AM model is seen as an extension of the procedures available at domestic level and its aim is not to substitute the regular framework. As an epitome, the shift from agents to norms allows the AM to emphasize the normative standards that power and policies must respect. Instead of seeing democratic accountability as making power answerable to the right people, Goodhart reconceived democratic accountability as a way of making power answerable to the right standards. Democratic accountability in the space of global politics becomes normatively dependent upon a contingent system of rule, and offers an important base for the assessment of the accountability principle in the extended sphere of global politics.

However, the broad view of norms proposed by Goodhart has to be supplemented with more specific mechanisms of assessment. In this case, Grant and Keohane¹⁵ have the merit of introducing in the sphere of global governance accountability, a system of seven individual mechanisms: hierarchical, supervisory, fiscal, legal, market, peer, and reputational, known as the “pluralistic accountability system of world politics”¹⁶. The principal aim of their perspective is to limit the abuses of power by agents of global governance, including international and nongovernmental organizations, transgovernmental networks, states and corporations.

The forms of external accountability that are relevant for the analysis are peer and reputational mechanisms. In concrete terms, peer accountability indicates a process in the manner of multilateral forums, where the actions of similar organizations are open to debate¹⁷. The second mechanism, reputational accountability, defines the appropriate behavior of an actor in global politics, accentuating the perspective of norms. Although Grant and Keohane propounded a system of accountability, and not democratic accountability,

¹³ Michael Goodhart, “Democratic Accountability in Global Politics: Norms, not Agents”, *The Journal of Politics*, Vol. 73, January 2011, p. 52.

¹⁴ *Ibid.*

¹⁵ Ruth W. Grant, Robert O. Keohane, “Accountability and Abuses of Power in World Politics”, *American Political Science Review*, Vol. 99, Jan. 2005, pp. 29-43.

¹⁶ *Ibid.*, p. 35.

¹⁷ *Ibid.*

their mechanisms imply, in an indirect manner, strong democratic credentials. Similarly to the domestic sphere, the essential function of their accountability mechanisms seeks to create processes for preventing the abuse of power, thus ensuring the most important function of a democratic system. Furthermore, they point to a global accountability system not as an ideal accountability scheme, but as a way of limiting the abuses of power in a world with a wide variety of power-wielders and without a centralized government. In consequence, elections and representation are one way to achieve democratic credentials, but not the singular way. Democratic accountability can and should be achieved in many different ways, in accordance with the level and the characteristic of the analyzed spectrum. After all, it is contradictory to approach global governance and to manage global problems without democratic accountable frameworks, precisely because what the architecture of global governance proposes to the world politics is a solid commitment to the democratic principles, norms and mechanisms.

Moreover, despite a common view on what accountability should mean in the sphere of global governance, the literature argues unanimously that the international organizations and the new political entities that configure the scene of global politics must be accountable¹⁸. Democratic accountability is not only about preventing and neutralizing potential threats from the agent against the principal, but it is also about the promoting of good governance, understood as an efficient use of the state authority for the good of the people¹⁹. The concept of accountability entails thus a strong normative aspect, including under its umbrella the notions of justice, fairness, responsibility and integrity. In Müller-Wille's words, improvements in democratic accountability are not about maximizing formal scrutiny, but it should rather be understood as a move towards good governance²⁰.

2. The European Case - Rhetoric and Performance in International Security

The responsibility for creating effective and accountable mechanisms in the architecture of global governance revolves around the consecrated entities of international politics, but also around the new actors of the global stage. In fact, due to the global impact of their practices and their innovative means to approach and tackle the current transboundary issues, the international and nongovernmental organizations or the ample transnational networks are actively engaged in regulatory processes beyond domestic spaces, and are considered central pieces in contributing to the architecture of global governance and the advancement of democratic principles at global scale. In this regard, the EU's prominent capability of influencing the variables of global governance makes the Union a major target of demand for democratic accountability.

Departing from the assumption that democratic accountability specific to the framework of global governance does not follow the domestic pathway of accountability to whom, but it is justified through the course of accountability in what way, the second part of the paper examines how the principle of democratic accountability is integrated in the planning and

¹⁸ See Mathias Koenig-Archibugi, "Transnational Corporations and Public Accountability", *Government and Opposition*, Vol. 39, No. 2, 2004, pp. 234-259.

¹⁹ Robert Behn, *Rethinking Democratic Accountability*, Brookings Institution, Washington, D.C., 2001, p. 12.

²⁰ Björn Müller-Wille, "Improving the democratic accountability of EU intelligence", *Intelligence and National Security*, Vol. 21, No. 1, p. 104.

implementation of EU's international security policies. The analysis looks at the forms of accountability to which the EU is subject in the architecture of global governance, peer and reputational accountability, in the case of international counterterrorism.

From a general point of view, the emergence of a new European approach towards the architecture of international security has been marked by the European Security Strategy (ESS). Adopted on December 2003, the ESS emphasized an active role for the EU in the dynamics of global security, accentuating the European engagement in the fight against international terrorism, the proliferation of WMD, organized crime and failed states. From the democratic accountability point of view, the ESS has accentuated the development of an international order based on legitimate rules and effective governance²¹. This approach supports Michael Goodhart's perspective of democratic accountability, where power is answerable to the right standards instead of the right principals. In other words, the agent, the EU, gives account of its practices through the degree of commitment and respect towards international norms.

Looking at the European role in the fight against international terrorism, it can be easily noted that the EU has registered a progressive evolution, from unofficial cooperation arrangements, like the TREVI Cooperation, mainly a secretive group, to a coordinated framework, based on institutionalized dynamics, capable of shaping wider regulatory frameworks. In the aftermath of 9/11, the EU strengthened its global voice and adopted its first Plan of Action for the fight against terrorism²². The Plan of Action comprised multidimensional measures and called for a coordinate response in the EU's global action. Furthermore, the EU's involvement in the world has been rooted on the relevant UN resolutions²³.

In 2003, EU's role in the fight against international terrorism gained a relative recognition on the world stage through the ESS, and through its increased interest in shaping the global dynamics with a different approach, based primarily on a soft focus. In 2004, through the "Declaration on Combating Terrorism", the European Council emphasized the engagement of the EU and its Member States "to combat all forms of terrorism, in accordance with the fundamental principles of the Union, the provision of the Charter of the United Nations and the obligations set out under the United Nations Security Council Resolution 1373 (2001)"²⁴. In the following year, the EU external counterterrorism agenda has been pushed forward by the Madrid and London attacks. On November 2005, the Council adopted the "European Union Strategy to Counter-Terrorism (CT)"²⁵, which further integrated the EU's interest in pursuing its goals in a democratic and accountable way. Organizing its actions around four objectives, prevention, protection, pursuit and response, the EU rhetoric outlined "the European Union's Strategic commitment to combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of

²¹ See "European Security Strategy", Brussels, 12 December 2003, <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>.

²² European Council, "Conclusions and Plan of Action of the Extraordinary European Council Meeting on 21 September 2001", http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/140.en.pdf.

²³ *Ibid.*

²⁴ European Council, "Declaration on Combating Terrorism", Brussels, 25 March 2004, <http://www.consilium.europa.eu/uedocs/cmsUpload/DECL-25.3.pdf>.

²⁵ Council of The European Union, "EU Strategy to Counterterrorism", Brussels, 20 November 2005, <http://register.consilium.eu.int/pdf/en/05/st14/st14469-re04.en05.pdf>.

freedom, security and justice”²⁶, Furthermore, the EU’s efforts to tackle the challenges of international terrorism have been deepened in 2009 through the Stockholm Programme (2010-14), which emphasized the continuum between the two dimensions of security, the internal and external spheres, in ensuring a secure international environment.

The inclination of the EU’s counterterrorism efforts towards the promotion and the respect of international norms, and the high priority given by the Union to the actions in conjunction with the provision of the United Nations Charter, have considerably increased the EU soft power profile in the sphere of global politics. Moreover, this image, product of the EU rhetoric, created great expectations regarding the European practice in the arena of global security.

The first mechanism of the analysis, peer accountability, refers to the results of mutual evaluation, capable of overseeing the exercise of power at global level. Given the common nature of the terrorism threat for all the international actors, there is a high level of peer cooperation in this spectrum. Furthermore, the cooperation is in a conspicuous need of maintaining high standards. The actors that are poorly rated by their peers lose credibility and are likely to have difficulty in persuading them to cooperate. Therefore they are predisposed to failure in achieving their own purposes. In other words, the mechanism of peer accountability can hold the actors accountable through the standard of critical assessment or the refusal of cooperation, as forms of sanctions.

The EU counterterrorism actions and performances are discussed through multiple channels, from multilateral forums with the UN, NATO, the Council of Europe and OSCE, to bilateral forums with actors such as US, Russia, India or Turkey among others. Both types of forums are focused on consultation, planning, technical assistance and exchange of experience, addressing the issue of cooperation, as a form of sanction power at this extended level.

Beyond the rhetorical commitments, the European Union practice emphasized that the EU is a prominent player in the United Nations system. For example, the EU and the UN Counter Terrorism Committee (CTC) are engaged in a series of similar actions, which enables the observations of practices undertaken in the fight against international terrorism, facilitating thus a form of power control. The data emphasize that the cooperation between the EU and the UN is extensive, approaching a wide range of issues, from aspects of prevention and law enforcements, to issues related to response mechanisms. From 2011, the EU became an observer within the UN system²⁷, being a recognized part of the multilateral agreements. This acknowledged role is in fact a clear indication of the EU’s status in the global fora, and of the credibility it has acquired over the last decades. The Report of the UN Secretary-General regarding the implementation of the UN CT Strategy, published in April 2012, has recognized the role of the European Union in the fight against international terrorism²⁸. The EU received a favorable assessment in its role in assisting the Central Asian States in implementing the UN CT Strategy, in conjunction

²⁶ *Ibid.*

²⁷ UN/GA, “Participation of the European Union in the work of the United Nations”, http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/65/276.

²⁸ UN/GA, “United Nations Global Counter-Terrorism Strategy: activities of the United Nations system in implementing the Strategy. Report of the Secretary-General”, <http://www.un.org/en/terrorism/ctitf/pdfs/A%2066%20762%20English.pdf>.

with the Counter-Terrorism Implementation Task Force and the United Nations Regional Centre for Preventive Diplomacy for Central Asia (UNRCCA), and for its contribution to the UN Interregional Crime and Justice Research Institute (UNICRI)²⁹. Also, the UN Security Council resolutions enable a common ground of assessment for the actors engaged in the fight against international terrorism. More precisely, this framework enables a comparative valuation of practices, empowering a form of soft pressure on actors to bring their regulations to high standard³⁰. The UN underlined the role of the EU in implementing the provisions of the UN/SC Resolution 1373³¹, directed against the financial resources of terrorism, through the establishment of an electronic list of persons, groups and entities in relation to which restrictive measures are applied. This example emphasized the manner in which the EU respected the lines of cooperation³², and has been labeled as a relative success in EU's fight against international terrorism. In other words, this contribution can be interpreted as a reliable commitment to the international norms specific to the spectrum of global governance, limiting the arbitrary in the international realm.

Another example of peer cooperation through which democratic accountability can be achieved is the Global Counter-Terrorism Forum (GCTF)³³. The Forum emerged in 2011 as an informal platform aimed to enhance global cooperation in countering terrorism. The Forum functions through regional working groups, that are held accountable through standard-setting documents which are intended to collate good practices. From October 2012, the EU co-chaired with Turkey the GCTF Working Group on Horn of Africa focusing on capacity building³⁴. Being a close partner of the GCTF framework, EU's actions are dependent on the approval and the consent of the peers, ensuring a supranational form of democratic accountability for the EU practices. It is important to note that, despite the lack of formal agreements, this type of framework is able to oversee the control of power at global level and to sanction the incongruous deviations.

Beyond the UN framework, the EU actions are subject of observations in international fora as the Council of Europe, OSCE, or NATO. These types of forums explore common goals and aim to strengthen the cooperation on areas of interest. As in the previous case, the cooperation factor indicates the actor weight and credibility in global affairs. These cooperation frameworks are essential due to their focused areas of actions. For example, the EU-Council of Europe dialogue focuses on criminal justice, capacity-building, integration, intercultural dialogue and de-radicalisation in prisons. On the other hand, the EU-OSCE dialogue focuses on Central Asia, and the prevention of counterterrorism radicalisation. The EU-NATO cooperation addresses issues that comprise measures of prevention, capacity-building or de-radicalisation. The quality of cooperation, is perhaps more visible in the bilateral frameworks, where the EU maintains close relations with the United States. The relation between the EU and the US is by no means perfectly symmetrical, but what is

²⁹ *Ibid.*

³⁰ David Cortright, George A. Lopez (eds.), *Uniting Against Terror: Cooperative Nonmilitary Responses to the Global Terrorist Threat*, MIT Press, 2007.

³¹ UN/SC, "Resolution 1373 (2001)", <http://www.un.org/News/Press/docs/2001/sc7158.doc.htm>.

³² UN/SC, "Report of the European Union to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism", http://eeas.europa.eu/organisations/un/docs/eu1373_en.pdf.

³³ Council of the European Union, "Annual Report on the Implementation of the EU Counter Terrorism Strategy", Brussels 12 November 2012, <http://register.consilium.europa.eu/pdf/en/12/st16/st16471-ad01.en12.pdf>, p. 45.

³⁴ GCTF, "Inaugural Meeting of the Horn of Africa Working Group", February 8-10 2012, Dar es Salaam.

essential is the responsibility that this mechanism creates on the actors involved in common practices. Through forums, meetings, working groups, and other types of cooperation instruments, the power responds to standards and objectives, aiming to ensure a responsible exercise of power.

Although these types of cooperation, multilateral or bilateral, do not sanction power directly, they offer an enhanced means of adjustment to the international rules and rights. The manner in which they induce a review of policies and practices can be seen as a mechanism that enables accountability in the normative sense, in the direction of good governance. Overall, the EU involvement in multilateral and bilateral cooperation frameworks ensures a proximal use of power in the extended sphere of global governance. The peer accountability analysis emphasizes the absence of discouraging cooperation factors or of any form of sanction, a fact that enforces the EU democratic accountability power in the global governance arena.

The second mechanism, the reputational accountability, is dependent on two essential dimensions, transparency and effectiveness. The presence of the former enables the functioning of the latter. Both of these dimensions can enforce or diminish the actor credibility, and can be valid mechanisms capable of ensuring the control of power at global level. As Benner *et.al.* pointed out, the loss of credibility is one of the most effective negative sanctioning mechanisms to further accountability³⁵. In similar terms, Terry and Kate Macdonald have emphasized the mechanism of “public disempowerment”, which disable the public political agents, through an effective sanction imposed upon them by publics when they consider it appropriate, in order to minimize the agent’s capacity to continue exercising public power³⁶.

Firstly, the dimension of transparency is an essential precondition for the holistic functioning of the reputational mechanism. In fact, the standard of transparency is of particular importance, being one of the most prominent aspects of democratic accountability concerning the practice of the international actors. In Gupta words, “disclosure of information has become a heavily relied on tool used to strengthen accountability, so much so, that transparency has become a moral and political imperative in global governance”³⁷.

The European rhetoric reflected in multiple rows the promotion and the respect for transparency, asserting its commitments to the standard of transparency and implicitly to an efficient exercise of power. In practice, the *ex post* transparency has been concretized by regular publications of annual reports, describing in satisfactory detail the four dimensions of the EU counterterrorism Strategy. It is important to note the role of the new technologies that facilitate cost-effective communicating, managing and monitoring information. The public open version and the accessibility of these reports, bring important assets to the EU efforts in the fight against international terrorism within the framework of democratic accountability. improvements. Their regular publication, backed up by critical assessment, is an essential tool Furthermore, these annual reports are essential tools that facilitate the path for necessary of the democratic accountability governance.

³⁵ Thorsten Benner, Wolfgang H. Reinicke, Jan Martin Witte, “Multisectorial Networks in Global Governance: Towards a Pluralistic System of Accountability”, p. 200.

³⁶ Terry Macdonald, Kate Macdonald, “Non-Electoral Accountability in Global Politics: Strengthening Democratic Control within the Global Garment Industry”, *European Journal of International Law*, Vol. 17, No. 1, 2006, p. 104.

³⁷ See Dipak K. Gupta, *Understanding terrorism and Political Violence*, Routledge, 2008.

However, transparency must be constant, and not sporadic. Although the provision of information has been long advocated by the EU framework, not all the pieces of the CT architecture are following the transparency dynamic. More precisely, EU's intelligence agencies involved in the fight against terrorism have been highly reluctant regarding the provision of information in a transparent manner. They are an integral part of the EU instruments for tackling international terrorism and they need to respond to similar standards of transparency. One of the most prominent examples is Europol, which publishes an annual report named the EU Terrorism Situation and Trend Report (TE-SAT), with the aim to offer an account of the state of terrorism in the EU, from a law enforcement perspective. However, the report fails to offer a direct account of the Europol practices undertaken in the fight against terrorism. The shifted focus from concrete measures to the general picture of threats, led to ambiguous perceptions regarding their compliance with the mandates entrusted, and the way power is used. More precisely, the means employed by the Europol for the purpose of preventing international terrorism are criticised for compromising international standards, in particular from the point of view of human and fundamental rights and privacy. Although the Europol practice in the fight against international terrorism implies a soft focus, the issues of privacy protection, the type of data held by Europol, and how this data is used, are raising numerous unanswerable questions in terms of transparency and respect for international human rights standards. This ambiguity has important reflections on the Europol credibility, and on the EU as a whole, in the fight against international terrorism.

Moreover, the importance of transparency as an essential dimension of accountability, continuously grows, as the secrecy and opacity of the intelligence agencies can be leading factors of the "securization" process. As Loader pointed out, "the terrorist threat demands new responses that seem both urgent and inevitable and lifts such issues above the realm of normal politics and subsumes them within a discourse of effectiveness that evinces a strong tendency to trump considerations of civil liberty"³⁸. In other words, the protection of the public has become a ubiquitous means to justify the deployment of sensitive mechanisms for the area of privacy, despite founded grounds. More precisely, a consistent part of the Action Plan to CT is not directly connected with terrorism, but with general security issues. This fact augments the ambiguity and deeply undermines the effectiveness of the counterterrorism practices³⁹. While it is understandable that a certain degree of secrecy is unavoidable in security and intelligence operations, the need for transparency and accountability in the field of security and intelligence stays imperative for the democratic legitimacy of the agent practices⁴⁰. This is supported by the UN General Assembly argument that "effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually reinforcing"⁴¹. In similar terms, the European Convention on Human Rights augmented that "democracy is not simply a notion of power lying in the hands of an electoral majority - it must be inclusive, accountable and respect human rights"⁴².

³⁸ Ian Loader, "Policing, securitization and democratization in Europe", *Criminology and Criminal Justice*, Vol. 2, No. 2, 2002, p. 137.

³⁹ Statewatch, "Statewatch Report", <http://www.statewatch.org/analyses/exceptional-and-draconian.pdf>.

⁴⁰ Jelle van Buuren, "Secret Truth. The EU Joint Situation Centre", Eurowatch, Amsterdam, 2009, p. 9.

⁴¹ UN /GA, "United Nations Global Counter-Terrorism Strategy", Resolution 60/288, Annex.

⁴² European Court of Human Rights, "European Convention on Human Rights", http://www.echr.coe.int/Documents/Convention_ENG.pdf.

Undoubtedly, the EU has important assets in transparency terms, but not a complete capital, able to respond in an accountable manner to the demands of the international spectrum. Furthermore, the high expectations crafted by the EU rhetoric and the practical fragmented image impose costs on the EU international reputation and the way power is used in the external dimension.

Secondly, the mechanism of reputational accountability addresses the question of effectiveness. The analysis explores the outcome of the EU practices or the achievement of the proposed goals. The failure to fulfill its commitments in accordance with its mandate or its strategy, as in the present case, has repercussions on the EU reputational accountability. The point of reference is the EU Action Plan of the CT Strategy. According to the security continuum, the Plan comprises a set of actions that link both the internal and external dimensions of security. Of particular importance for the analysis is the external dimension and the implications of this dimension on the framework of democratic accountability in the architecture of global governance. However, given the internal-external continuum, the reflections of the internal measures on the external architecture are also taken into account.

The EU counterterrorism Strategy focuses on four strands: prevent, pursue, protect and respond. The extent to which the EU achieved the proposed objectives in the external dimension of the four strands, indicates the feasibility of its dictums, and can either enhance or diminish the EU legitimacy at global level.

The first cluster of the CT Strategy, prevention, refers to the actions of radicalisation and de-radicalisation, both in Europe and internationally. Outside the European borders, the EU focused on the relationships with the neighborhood countries, where a special attention has been given to the Southern dimension of the European Neighborhood Policy. More precisely, in 2005, the EU enforced the preventive dimension by adopting the “Strategy for Combating Radicalisation, and Recruitment to Terrorism”, aiming to provide technical assistance to third countries, as a way to impede terrorism⁴³. The Strategy accentuated the EU soft means to tackle terrorism, and emphasized the need for dialogue and understanding between cultures. Furthermore, the cooperation has been concretized through the Euro-Med Association Agreements with Tunisia, Israel, Morocco, Jordan, Egypt, and Algeria, but specific clauses on counterterrorism are present only in the agreements with Egypt and Algeria. However, these clauses are limited to vague commitments regarding the implementation of terrorism related UN/SC Resolutions⁴⁴. being unable to ensure efficient means to tackle the issue of terrorism. Furthermore, the EU involvement in supporting the fight against terrorism in the MENA countries has been challenged by the prioritization of security and stability over democracy and human rights. The practical deployment of these sorts of action, infringe the ground of democratic accountability in the global architecture, diminishing the credibility of the agent considerably. In 2011, the Arab Spring has brought new processes in the MENA region, opening up the possibility to fight terrorism with democratic tools. As a result of the new developments, the EU advanced a new approach, materialized through the release of the document “A New Response to a Changing Neighbourhood: A Review of the European Neighborhood Policy”. The document addressed the issue of radicalization

⁴³ Council of the European Union, “The European Union Strategy for Combating Radicalisation and Recruitment to Terrorism”, Brussels 24 November 2005, <http://register.consilium.eu.int/pdf/en/05/st14/st14781-re01.en05.pdf>.

⁴⁴ Alex MacKenzie, Christian Kaunert, Sarah Léonard, “EU Counterterrorism and the Southern Mediterranean Countries after the Arab Spring: New Potential for Cooperation?”, *Democracy and Security*, Vol. 9, No. 1-2, 2013, pp. 140-141.

as a structural problem, in need of comprehensive responses. However, two years after the Arab Spring, EU's role in counter-radicalisation in the region is still not consistent. In addressing structural problems such as social and economic inequalities, considered important factors of terrorism occurrences, EU's actions are lagging behind. Furthermore, the developments in Mali have increased the need to address the radicalization factors in a more coherent way. From the democratic accountability point of view, the lack of efficient results in spite of the grandiose rhetoric does not place the EU in a very favorable light. The gaps between rhetoric and practice are evident, and their impact on the actor's credibility, already crumpled by the actions undertaken before the Arab Spring, are considerable.

The second cluster of the EU counterterrorism Strategy, namely protect, refers to a better protection of the potential targets, and the reduction of vulnerabilities through improved security of the borders and transport.

In the case of boarder management, the EU succeeded in the implementation of the Visa Information System with third countries⁴⁵. Furthermore, the EU improved the basic security measures in the case of air cargo transport⁴⁶, and, in the case of maritime security, the EU contributed to a positive implementation of CT measures in the external sphere. According to the EU CT Report, during 2012 the number of incidents in the Horn of Africa region has declined as a result of the provisions of the Commission Recommendation 2010/159/EU⁴⁷ regarding measures for self-protection and the prevention of piracy and armed robbery against ships, and through the EU NAVFOR military naval presence in the Horn of Africa. However, the larger picture of maritime and transport security is still in need for more efficient actions.

The third strand, pursue, has been defined by the EU CT Strategy as the investigation, and prosecution of terrorists across and outside Europe. This spectrum comprises efforts aimed to uncover terrorist networks, to impede communication, travel and planning activities by terrorists and their supporters, to cut off funding and access to attack materials, to investigate terrorist offenses and to bring terrorists to justice.

The investigation of terrorist networks can be difficult to pursue through ordinary procedures. Most of the time, the investigative efforts are raising concerns regarding the respect of human rights and the privacy of data. The EU efforts on strengthening the dialogue with international partners and with third countries have further augmented this risk. More precisely, the EU's reputation and the way of using power, has been fissured by the struggle between privacy and security in the case of the Passenger Name Record Agreements with the United States. Although, the issue of terrorism is in need of special investigative techniques, this demarche cannot be performed beyond the law, with subversive tools.

Moreover, in pursuing terrorism globally, the EU emphasized the need for political and technical dialogue with third countries. The EU efforts to fight terrorism globally, to investigate and prosecute terrorist suspects, has been concretized by the law enforcement

⁴⁵ In October 2011 the visa codes have been implemented by Algeria, Egypt, Libya, Mauritania, Morocco and Tunisia, in May 2012 they have been implemented by the countries of the Middle East, and on 2 October 2012 the visa codes have been implemented by Afghanistan, Iran and Arab countries.

⁴⁶ See Council of the European Union, "Annual Report on the Implementation of the EU Counter Terrorism Strategy".

⁴⁷ European Commission, "Commission Recommendation of 11 March 2010 on self-protection and the prevention of piracy and armed robbery against ships", 2010/159/EU, *Official Journal of the European Union* L 67, 17.03.2010, pp. 1-14.

perspective. Despite the complex web of external relations, the EU cooperation with third countries registered, in the last decade, an upward trend in this direction. The outcome of EU actions emphasizes positive results in South Asia. For example, the case of EU assistance to Afghanistan marked an important legislative progress in police and judicial capacity building, contributing to a decrease in actions of violent extremism. The EUPOL Mission in Afghanistan has brought important contributions to the positive developments registered in this regard. In a similar manner, the EUPOL Mission to Ramallah has contributed to the enhancement of the law enforcement perspective in Palestine.

A special attention in the investigation and the prosecution of terrorism has been given to the southern neighborhood. The countries in North Africa have been of particular importance, because of the terrorist groups based in this countries, such as Al-Qaeda in the Islamic Maghreb. The efforts to counter terrorism in the southern neighborhood have been further complicated by the Arab Spring events that emerged in 2011, where the effectiveness of EU strategic goals have been challenged by the dynamic nature of changes. More precisely, the events have spread a sense of general insecurity across the MENA countries, being in need of effective investigation mechanisms. The EU has been involved from an incipient stage in the events from Tunisia, Egypt and Morocco, advocating its readiness to assist the emerging democratic governments of the Arab world in the reform processes, guaranteeing in the meantime the respect for human rights and fundamental freedoms. However, at the time of writing, the progress is slow. Of course, an effective cooperation depends not only on the EU, but also on the third countries' willingness to cooperate in this field. The unsettled political changes in the MENA region, the lack of institutional capacities, the absence of international standards in the exchange of data, are substantial factors that limit the effectiveness of EU actions.

The fourth objective, response, aims to improve the coordination with international organisations on managing the response to terrorist attacks. In tackling the terrorism crises, the EU developed in the external sphere the programme Prevention Preparedness Response to Natural and Man-made Disasters⁴⁸. This mechanism has been developed together with the southern and eastern neighborhood countries, and has a prime focus on civil protection mechanisms. The recent events of January 16, 2013, have tested the viability of this mechanism in the case of a terrorist attack. Despite the high expectation, the attack on the strategic Algerian gas facility, In Amenas, has been confronted with the lack of EU responses. This practice brought numerous costs on the instruments developed by the European Union to tackle the issue of terrorism, and on the EU international role in this field.

Overall, the EU CT implementation is poor. The EU is far from meeting the expectations of its commitments in the fluid system of global governance in terms of countering international terrorism. Despite the emphatic rhetorical commitments towards the democratic practices and principles in this spectrum, the evidence emphasizes that the road from discourse to practice is intertwined with multiple difficulties and faces heterogeneous lines. The prevalence of the cannons of good governance and the rule of law that have nourished the EU soft power status regarding the cooperation with third parties is fissured by the MENA cases, and most recently by the In Amenas attack. The achievements and the pitfalls of the

⁴⁸ Teemu Sinkkonen, "Counterterrorism in External Action-The EU's Toolbox for Responding to Terrorism Abroad", *FIIA Briefing Paper*, No. 129, p. 6.

EU's actions bring forward the need of the Union to develop and improve its capabilities in tackling the issue of terrorism in the external dimension, and the need to exercise power with more transparent and efficient mechanisms.

Conclusion

Over the last decades, the developments in the architecture of global governance have transformed the sphere of foreign policy into a valid domain in need of accountability. Exceeding the Westphalia patterns of democracy and the narrow statist view of politics, the framework of democratic accountability in global politics imposes new conditions, to which adjustment is necessary.

The analysis emphasizes that the case for democratic accountability has gained momentum in the EU rhetoric, but has not delivered the expected results in practice. In the last decade, the European Union has been able to ensure a good degree of accountability in terms of working within the UN framework, implementing with success the UN/SC resolutions, and partially providing regular updates and transparent information regarding the EU Counter-Terrorism Strategy, but it has not been able to provide a complete picture. The EU democratic accountability in global governance is challenged by the lack of transparency, secrecy, and weakly justified practices. While the analysis emphasized a series of achievements, there is ample space for improvement and the EU policies have to rise to the challenges of accountability in global governance.

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