Europe's Foreign Policy and the Nature of Secrecy

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Abstract

What is the role of secrecy in crafting EU foreign policy? This paper analyzes the concept of secrecy in governance, and argues that to some degree secrecy is of functional necessity for policy-makers. Despite common associations of secrecy with anti-democratic practices, when it comes to foreign policy, some level of secrecy is actually necessary for good governance. Furthermore, the counter-point to secrecy, transparency, does not automatically lead to more democracy in governance processes. Indeed, historically, transparency has sometimes been used an instrument of control and domination. Thus, the relationship between secrecy and transparency is not simply zero-sum. The author considers the case of the Common Security and Defence Policy (CSDP) to explore these arguments.

Keywords

Introduction

In a time when populist groups frequently attack the European Union (EU) for its elitism and lack of transparency, questions surrounding the role of secrecy in EU governance have taken on a new sense of urgency. Citizens in other countries readily buy the narrative that the EU is opaque and unaccountable, and the term 'democratic deficit' is routinely invoked among EU experts to describe its problems, Even though public opinion consistently favors strengthening the Common Foreign and Security Policy (CFSP) (Howorth 2007; European Commission 2016, numerous studies have documented the degree to which it lacks full transparency compared to other areas of EU policy for which public scrutiny is much more possible (Bicchi 2014; Curtin 2014; Galloway 2014; Huff 2015; Schilde 2015; Stie 2010). There certainly exists a 'secret EU' in the security, defense, and foreign policy realm. At the same time, it is well understood that secrecy is often necessary, and even valued, in these policy areas to safeguard the ability for states to conduct their affairs with foreign governments strategically.

The EU, however, is obviously a more complex actor than a single state, with an additional layer of actors engaged in decision-making beyond individual member states. This has led some scholars to caution that accountability may not have been fully transferred from the national to the supranational level (see for example Decker 2002; Hix 2005; Hooghe 2001; McCormick 2005). As member states move towards bringing security and defense policies more closely together, even pursuing the creation of a true defense union in the wake of the Brexit referendum, this issue is becoming more pressing. This paper, however, leaves aside the broader question of how much secrecy is legitimate in democracies, and instead focuses on the underlying nature of secrecy itself and its role in foreign policy-making. To understand the nature of secrecy, I distinguish between various types of secrecy, and also problematize a number of standard assumptions about secrecy. In brief, I argue that secrecy does not necessarily detract from the goal of good governance because in many cases it is the pre-requisite for the stable functioning of the state. Secondly, focusing on classification of documents, parliamentary scrutiny, and second-order publicity only tells us a small part of what happens behind closed doors because transparency can just as easily be used to manipulate publics. Thirdly, the relationship between secrecy and transparency is not zero-sum because even as secrecy goes up, transparency may not go down.

To illustrate the role of secrecy empirically, I focus on the most significant high-level Council committees tasked with the work of setting the agenda for the Common Security and Defense Policy (CSDP). These committees primarily include the Political and Security Committee (PSC), the EU Military Committee (EUMC), and the Civilian Crisis Management Committee (Civcom). Not only are the deliberations of these committees secret, I argue that the committees themselves have taken on a life of their own to varying degrees, making them agents in their own right. The EUMC is strongest in this regard, while the PSC is weakest, and Civcom is somewhere in between, but becoming increasingly more influential (Cross 2011). Behind closed doors, these committees arrive at common proposals on their own, develop shared norms about EU integration, and try to persuade their capitals of policies that are

oftentimes different in character and caliber than what member states had originally anticipated. These phenomena have been documented in detail, and I have shown in previous work how these committees are sometimes so influential that they operate as epistemic communities of different strengths (Cross 2011). But if these committees sometimes exercise agency in unexpected ways, it is also necessary to consider how they operate with and through secrecy.

The paper proceeds as follows. In the second section, I review the literature that grapples with the nature of secrecy in governance and CFSP more generally. I break down secrecy into three categories: (1) deep secrecy, (2) known unknowns, and (3) functional secrecy. With respect to the EU and its system of multi-level governance, I argue that there is a form of *compound secrecy* that emerges as a result of the combination of member states' secrecy at the supranational level. In the third section, I outline the important space the PSC, EUMC, and Civcom occupy in the CSDP decision-making apparatus, and argue that they operate with and through a combination of functional and compound secrecy. Finally, I conclude that although CSDP decision-making largely happens behind closed doors, and with privileged information, it is still contributing to effective regional governance, making international cooperation possible in ways that might not have otherwise happened.

Understanding secrecy in CFSP

In the context of this research paper, secrecy is defined as 'arrangements through which political actors intentionally conceal (policy-) relevant information from others' (Goetz and Rittberger, forthcoming). In today's world, there is an undeniably negative connation to the idea of secrecy in democratic governance. It is often assumed that secrecy is tied to corruption or abuse of power, and that the more transparent policy making is, the better for democracy. Consequently, when scholars examine political actors who hide relevant information, they interpret this as a means for these actors to gain power over others. More specifically to the case discussed here, as the EU crafts external security policy behind closed doors, a key criterion for judging these processes is whether they are 'enabling actors in control of information flows to advance political agendas in line with their preferences, and possibly at the expense of other actors' (Goetz and Rittberger, forthcoming). As Helene Sjursen (2011: 1070) argues, we must ascertain whether 'procedures that may ensure that the viewpoints of all those affected by decisions may be heard are in place'. Without this, the fear is that the kinds of secret actions that Edward Snowden revealed in the US – mass surveillance and tracking of citizens without warrants – could occur in Europe too. For this reason and others, secrecy is assumed to be potentially dangerous, sinister, and suspicious.

At the same time, secrecy is generally accepted to some degree in the crafting of national foreign policy because it pertains to survival of the state, which is core to national sovereignty and should transcend partisanship (Sjursen 2008). Democracies recognize that for certain policy areas effectiveness requires secrecy. Dennis Thompson writes, 'citizens cannot evaluate some policies and processes because the act of evaluating defeats the policy or undermines the process' (Thompson 1999: 182).

To be clear, this approach does not give government free license to bar the public from participation simply for reasons of effectiveness. In democracies, governments must seek a role for the public at least at the beginning and end of processes that must necessarily be secret. In addition, there must be some indication that if the public were to have access, it would still support the policy. Thompson (1999: 183) argues further that, 'If one of the reasons that a policy cannot be made public is that it would be defeated in the democratic process, then the policy should be abandoned'. Thus, there is a tension in the role of importance of secrecy in policy-making. As Eva Horn puts it, 'Secrecy serves to protect and stabilize the state, and as such it is the precondition for the functioning of the law; but at the same time secrecy opens a space for the exception from the rule of law]…]' (Horn 2011: 106).

To complicate matters further, the EU is not simply a state, but a quasi-federal entity that exists above a collection of like-minded nation-states. The making of EU foreign policy increasingly involves other actors than states, overlaps with internal or domestic politics issues, and cannot be reduced to simply securing national territory (Sjursen 2008). In other words, an increasing variety of EU agencies, business interests, NGOs, international organizations, and transnational networks play some role in determining EU foreign policy. The line between internal and external security initiatives is blurred in many ways. And the realm of CFSP goes beyond defense of the EU 'homeland', and now often pertains to multilateral expeditionary operations in third countries. In light of these growing dimensions of CFSP that go well beyond standard notions of state sovereignty, many have argued that the traditional secrecy assumption should not be taken for granted, particularly in light of the power the Council of the EU has to shape the agenda without public scrutiny. While the EU's CFSP is not more secretive in comparison to individual countries' foreign policy processes, it is still possible that the secrecy that exists at the EU level may give the Council extraordinary power (Stie 2010).

Thus, in the political science literature, most of the debate surrounding secrecy centers on evaluating the balance between secrecy and openness in democracies, in light of the need for some degree of secrecy in the provision of effective security. Scholars have used a variety of methods to understand the role of secrecy in the field of CFSP. Some scholars focus on the classification system of documents since EU decision-makers have the power to determine what information is open and what is closed on an ongoing basis. Scholars often refer to the fact that NATO's old classification system was imported into the EU, and not sufficiently updated since (Curtin 2014). For example, Kaija Schilde (2015) argues that the European classification system tends to conflict with EU norms espoused in the treaties, which grant EU citizens the 'widest possible access' to documents. Indeed, it is clear that the number of documents kept secret from the public is growing over time. Other scholars focus more on the ability of the European or national parliaments to scrutinize CFSP decisions. Ariella Huff borrows the concepts of *authority*, *ability* and *attitude* from Born and Hänggi's analysis on parliamentary scrutiny of military action, and applies it to the EU (Huff 2015 citing Born, and Hänggi 2005). She argues that parliaments must have the formal *authority* to consider defense actions; the *ability* – whether through expertise or information – to deliberate on the issue; and the right *attitude* or motivation to do so. Similarly,

Christopher Lord (2011) argues that parliaments potentially play an extremely important role in weighing in on CSDP, especially if the issue at stake goes beyond technical coordination of EU resources and is not obviously in line with member states' stated preferences.

Another approach examines public participation in a more limited way, given the acknowledged need for secrecy. Thompson, for example, argues that *second-order publicity* – that is, before the action happens, the public has put into place a process that determines which policies will be subject to secrecy – could ensure accountability (1999: 185). Similarly, Deirdre Curtin argues that, 'The best way of ensuring that secrecy is democratic is to make certain that there is proper *public* discussion of the rules that determine *when* secrets shall be kept and how they will be subject to oversight processes' (2014: 687). In addition, she argues, 'In order for citizens and national parliamentarians to hold the politicians in the Council and European Council accountable, they must be able to attribute responsibility for decisions to their particular government' (2014: 687). Thus, this perspective contends that there should be some connection to public oversight at the beginning (the process of deciding should be known) and at the end of the decision-making when the outcome has been determined (the actual decision should be known).

While these approaches to evaluating secrecy in CFSP are certainly important, I argue that they only tell us part of the story. The classification of documents, for instance, represents only a fraction of the information involved in the making of CFSP. Much of the process involves meetings, deliberations, and informal communications. And even if one is given access to both documents and statements (i.e. through interviews), this kind of informational openness does not necessarily mean that there is public scrutiny more generally in the field of security. As Oliver Belcher and Lauren Martin (2013: 404) argue in their study of US security policies, 'taking for granted the "transparency" of liberal states, the freedom of state officials to speak and the veracity of those utterances assumes an unproblematic relationship between representation, fact and truth […] [it] conceals the very process of truth-making'. In other words, transparency does not necessarily uphold accountability, and by extension, democracy. In the 19th century, for example, new levels of transparency for public consumption through the creation of archives, libraries, and museums did not so much enable public scrutiny as it indoctrinated citizens into a particular version of the truth. Clare Birchall (2011: 9) aptly writes, 'presentation of knowledge is never neutral'. On the contrary, historically transparency has been an instrument of control and domination. It is only more recently that transparency has become valued and intrinsically linked to democracy.

Rather than attempting to further refine the literature that evaluates whether the EU is adding to or detracting from democratic processes of accountability, I seek to understand the nature of secrecy itself in the making of CFSP, and what distinguishes it from other forms of secrecy that exist in governance. In so doing, this article seeks to take secrecy itself seriously, and to problematize some assumptions about its role. If we truly want to understand whether the public has access to the security policy that impacts them, it is necessary to go beyond an examination of the 'appropriate balance'

or the idea that there is a zero-sum relationship between secrecy and transparency (i.e. as secrecy increases transparency decreases, and vice versa).[1]

The first step is to recognize the different types of secrecy that exist in the making of foreign and security policy for states. On one end of the spectrum, there is so-called *deep secrecy*, defined as aspects of security policy that are so hidden that the public does not even know what it does not know. Examples of this in the US have at various points included torture in interrogations, spying on citizens, and the creation of a range of highly classified programs. The EU likely does not have a large realm of *deep secrecy* as this is something that can usually only happen in national governments. Another category is what William Walters (2015) calls *known unknowns*. The public knows that policies in a particular area are secret, without knowing the substance of these secrets. Walters uses the example of the US drone policy. The public is aware that the program exists, but does not know the details of how decisions are made on an operational level. A key dimension of this category of known unknowns is *functional secrecy*, which Carl Schmitt (1995 [1921] as cited in Horn 2011) defines as technical knowledge comparable to business 'know how', but in the governance setting. He argues that technical or functional secrecy should be thought of as politically neutral yet necessary because it is simply there to enable the functioning and stability of the state. On a practical level, Schmitt argues, not everything can be publically debated otherwise government would quickly grind to a halt. Functional secrecy commonly includes the areas of defense, security, diplomacy, and document classification (Horn 2011: 115). According to this view, as long as secrecy is fulfilling its function of stabilizing the state and enabling the rule of law then it is warranted. Of course, there are acknowledged limits to this as even functional secrecy still runs the risk of providing too much discretionary space for decision-makers.

To this I would add another category, *compound secrecy*, which I define as the added layer of secrecy that is produced through the combination of national-level secrecy at the supranational level. This is specifically relevant to the EU, with its multi-level governance structure, because member state representatives in Brussels bring together policy stances that are the product of national-level, functional secrecy. Through the process of sharing member states' secrecy at the supranational level, new information is produced that is in itself unknown outside of certain Brussels-based committees. Compound secrecy is still about fulfilling the function of good governance, but it does mean that EU-level policy output in the area of CSDP can be based on more than the sum of its member states' secrecy.

As I describe in the next section, secrecy exists in the making of CSDP, and in some cases it goes beyond functional secrecy because some of these committees actually exercise agency beyond a purely technical remit. In other words, sometimes they are not simply acting as transmission belts for states, finding the lowest common denominator outcomes, but pushing for EU policies that are more ambitious than what member states had originally anticipated. In doing so, they are generating and operating through a kind of functional compound secrecy. I suggest that the more a

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[1] See Birchall (2011) and Walters (2015) for a full discussion of this.

CSDP committee takes the initiative to exercise agency – usually as a result of shared expertise, informal meetings, and shared norms – the more likely it is that it is working through compound secrecy.[2] This type of secrecy is still functional, but also raises further questions about the need for public scrutiny, which I return to in the conclusion. The next section illustrates what functional and compound secrecy look like in the case of key CSDP committees.

The secrecy of CSDP

CSDP comprises only one part of the EU's overall foreign policy apparatus, but since it is the core operational dimension of EU action, it is more sensitive than other areas and a good window into understanding how secrecy works in CFSP. If EU member states decide to launch a civilian mission or military operation together, CSDP is the instrument to do so.

The Political and Security Committee (PSC), EU Military Committee (EUMC), and Civilian Crisis Management Committee (Civcom) are Council committees that together make up the core CSDP decision-making apparatus in Brussels. As such, they have the power to set the agenda for what is possible. The committees are comprised of one representative from each of the member states, except for Denmark, which has opted out of defense issues. Formally, the EUMC and Civcom are both of equal rank in the Council's hierarchy, just below the PSC – the member states' ambassadors are responsible for the political and strategic direction of crisis management operations under CFSP. The EUMC is responsible for providing recommendations on military operations within CSDP, while Civcom is responsible for the civilian side. Each committee operates with a different level of secrecy. As I will describe below, as a group, PSC exercises less agency than EUMC and Civcom, and also generates less compound secrecy. EUMC exercises the most agency as a group, and is also the most secretive. Civcom is somewhere in between. I have argued elsewhere that the cohesiveness of the EUMC and Civcom is such that they operate as more than the sum of their parts, comprising epistemic communities, defined essentially as professional networks with authoritative and policy-relevant expertise (Cross 2013a). I now briefly review the power and practices of each committee in turn to show how they operate with and through both functional and compound secrecy.

The political and security committee

Of the three committees discussed here, the PSC most closely conforms to the idea of functional secrecy. The PSC is comprised of diplomats at the ambassadorial level who are recognized for their expertise in EU affairs. Most have served as European Correspondents at some point.[3] Some have regional expertise, while others have

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[2] Since I have already established the causal relationship between CSDP cohesion and committee agency elsewhere (see Cross 2010, 2011 and 2013b), the goal in this paper is not primarily to review this part of the argument, but rather to focus on secrecy.

[3] Interview, Dutch PSC Ambassador Robert Milders, January 2009

grappled with EU security issues on previous assignments.[4] The PSC is generally responsible for three major types of security issues. First, it strives to craft a common EU voice in response to international crises or incidences, like the 2008-9 Georgia-Russia crisis, and the 2007-8 Kosovo bid for independence. Second, it discusses and manages ongoing relationships with third parties like the African Union, Iran, and Russia. Third, it oversees CSDP operations and missions from inception to withdrawal. The bulk of the PSC's work is in the third category, and it is largely an oversight role. Much of the details of operations planning are determined in other bodies with more specific crisis-management and operational expertise, such as the EUMC and the Civcom. The PSC essentially takes a problem-solving, functional approach in their secret deliberations. As Juncos and Reynolds (2007: 144) describe it, they 'are there to sound out other national positions, gain information, and find out what is and is not possible'.

Thus, the PSC's secret work largely consists of formal meetings that are closed-off from the public. The committee meets regularly twice per week, and schedules emergency meetings to discuss specific crises as the need arises.[5] These meetings are valuable and necessary in terms of EU foreign policy. Without the ability to meet quickly and behind closed doors, it would be nearly impossible for the member states to forge agreement in response to a crisis. Thus, the functional need for PSC secrecy is clear. In some cases, like over the question of whether to invade Iraq in 2003, member states refuse to allow the PSC to discuss the issue, but when they do give the green light, being able to convene representatives of the member states quickly and in one location is important. They are essentially bringing together the combined functional secrecy of their member states' foreign policy preferences to find areas of agreement, and subsequently craft a common EU approach to issues.

But is the quality of their meetings such that they are producing an added layer of secrecy at the supranational level? I would argue that compound secrecy is pretty minimal in this committee. PSC's schedule has become progressively overloaded with formal meetings usually lasting the whole day and often going into the night (Juncos and Reynolds 2007: 137). These ambassadors also attempt to meet informally, but they increasingly do not have enough time to do so. They admit to being quite overwhelmed with information and meetings, and this detracts from their ability to form relationships as a group (Meyer 2006: 126). Juncos and Reynolds (2007: 143-4) write, 'the Committee's workload has reduced opportunities for socializing and has rendered the diplomatic work closer to a government in the shadow […] the PSC increasingly appears as being "outside the charmed circle of diplomacy"'. The inability to have fruitful informal meetings, and the stifled quality of formal meetings means that the PSC resembles less a diplomatic community than a bureaucratic one. In this sense, functional secrecy encompasses nearly all of the PSC's work. Informal meetings are where true agenda-setting at its most secret takes place, and these are few and far between for PSC.

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[4] Interview, Finnish PSC Ambassador Anne Sipiläinen, February 2009

[5] Interview with French Nicolaidis Group delegate Quentin Weiler, January 2009

While it is true that the PSC's role has grown alongside the expansion of CSDP and it has a strong coordination reflex, there is not much to suggest that ambassadors are pushing for higher levels of cooperation or integration beyond the day-to-day management of these operations. This is not necessarily a good thing in terms of the effectiveness of their work. For example, the PSC has not streamlined the overly complex process of CSDP operational decision-making in Brussels. This often makes it very difficult for coherent implementation of operations. A European Council on Foreign Relations report argues that the PSC is guilty of bureaucratic mismanagement, naïve transference (applying a previous model to a new and different situation), ignoring the advice of officers on the ground, micro-managing missions, and neglecting to build connections between internal and external security bodies in Brussels (Korski, Gowan and Guéhenno 2009). For these reasons, one could conclude that more secrecy, particularly compound secrecy, might facilitate their work in terms of their contribution to EU foreign policy.

The EU Military Committee

In contrast to PSC, the EUMC operates with functional secrecy to a significant degree as the EU's highest military body.[6] As I will describe, their work goes beyond functional secrecy as their cohesiveness as a community allows them to combine their national positions to push for more than the lowest common denominator.

EUMC is comprised of three-star Generals or Admirals from each of the member states, and it 'exercises military direction of all military activities within the EU framework' (Council Document 2001). The EUMC is primarily assisted by the EU Military Staff, consisting of around 200 civilian and military personnel, and the EUMC Working Group. Importantly, EUMC military representatives (milreps) are double-hatted, representing their countries to both the EU and NATO. In NATO, they constitute the top-level political committee, providing expert advice to the North Atlantic Council. In the EU, they mainly deal with the day-to-day and long-term aspects of running CSDP operations, the necessary military contributions from member states, and the deliberation over future possible initiatives.

With their wealth of expertise, rich culture of shared professional norms, frequent informal meetings, and high levels of status and trust, milreps operate as more than just a technical committee. They have each worked their way up through the ranks of their national armies or navies for an average of 35 years.[7] In this time, career experience, education, and training give them a high level of tactical knowledge. Many of them have served as commanders and chiefs of staff, and have been posted as faculty at defense colleges, among other things (Cross 2013b). By the time milreps begin their work in the EUMC, they possess a high level of specialized knowledge of how best to devise the best military strategy on the ground, and during an operation. For milreps, reaching compromise on their collective military advice is unproblematic

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[6] Here the EUMC refers to the permanent military representatives based in Brussels, rather than the Chiefs of Defense in the capitals they represent.

[7] Interview with Greek EUMC representative Kourkoulis Dimitrios, June 2009.

as their training and career experiences give them a body of shared knowledge that is virtually taken for granted. Any disagreements over tactics, which happens exclusively in secret meetings, usually derive from a lack of political information rather than any profound difference in knowledge.

Obstacles to consensus may also come from political disagreements within the PSC or among the capitals regarding military doctrine. Milreps may find that they have secret redlines from their capitals that they cannot cross. But if they are able to successfully persuade their capitals to shift their political positions, agreement in the EUMC comes very quickly as a result of their shared professional expertise. All of these processes are secret, and create an added layer of compound secrecy at their own supranational level. Formal EUMC meetings are on the agenda every Wednesday, and additional meetings are quickly scheduled if there is a crisis. But it is really during the informal meetings – in the form of working coffees, lunches, or dinners – that the milreps get to know each other and discuss sensitive topics. They often have dinner together as many as five times per week.[8] In addition, they socialize at presidency receptions, 'away day' visits to EU military operations, and if their schedules permit, various conferences, seminars, and think tank meetings around Brussels.[9] Since milreps arrive in Brussels already with a very similar body of expertise alongside a shared military culture, they find that consensus among themselves is virtually immediate. Their ability to meet behind closed doors, away from public scrutiny, enables them to do this so expeditiously, and enhances their effectiveness.

Besides the internal dynamic within the EUMC, the relationship between the milreps and their capitals is crucial to understanding the group's influence. Formally, Ministries of Defense in the capitals are responsible for preparing instructions to milreps. In practice, it is a two-way street in which milreps play a strong role in writing their own instructions. The German deputy-EUMC representative, Peter Kallert, said 'Our three-star general […] gets guidance from Berlin, it's not an order; it's *guidance*'.[10] Milreps are not simply following orders. On the part of the milreps, they avoid if at all possible escalating issues to their chiefs of defense or ambassadors. Rather, they try to successfully find common ground at their level. After all, they have a better understanding of the issues at stake and the perspectives of the various member states since they deal with them every day, and are able to sit together at the same table behind closed doors.

Two CSDP military operations – European Union Naval Force (NAVFOR) Atalanta and European Union Force (EUFOR) Chad – provide illustrative examples of how milreps are able to regularly achieve consensus even when member states disagree from the start. In the case of NAVFOR Atalanta, not all member states supported the launching of such an operation at the outset. It was to be the EU's first naval operation, and there were many non-EU ships in the region already, seeking to deal with the pirates in their own ways. Thus, some member states believed that the best course of

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[8] Interview with Dutch EUMC military representative General A.G.D. van Osch, March 2009.

[9] Interview with Romanian EUMC military representative General Sorin Ioan, February 2009.

[10] Interview with German deputy-EUMC representative Colonel Peter Kallert, June 2009.

action did not necessarily involve a formal CSDP operation. But because the EU had unique experience at incorporating the civil dimension into military initiatives, bringing together other (non-EU) actors, and promoting international stability, the milreps saw this naval operation as politically attractive, and with a high potential for success. Secret discussions within the EUMC resulted in a consensus to launch a formal CSDP operation contingent upon the creation of a coordination network between ships, including those from non-EU nations, such as China, Russia, and India, as well as between these ships and ground personnel. In addition, they called for advance agreements with nearby countries on procedures for dealing with captured pirates on the ground. In the end, the milreps essentially pushed for a wider mission, and by relying on military logic and expertise, they were highly persuasive. All 27 member states (minus Denmark) were able to agree that a formal CSDP operation under EU command would be the best route to take given the nature of the threat. Once the political mandate was in place, the actual operation was launched in a matter of days.[11]

Similarly, in the case of EUFOR Chad – a humanitarian operation to bring security and relief to refugees and displaced people – member states initially disagreed about getting involved in an operation so far away that did not have any immediate political and economic interest for them. At the same time, they did feel increasing pressure to do something about the growing problem in Chad. The milreps set aside the debate about interests versus moral obligation, and addressed the issue from the perspective of whether or not such an operation could ultimately be successful. Given the reluctance on the part of some member states to contribute troops, the answer to this question was not straightforward. Several attempts to generate promises of troop contributions had not resulted in the necessary level of participation, and there was an initial shortfall of 2,000 troops. Milreps determined that despite this shortage, there were enough reserve forces to satisfy the requirements, alongside an extra contribution from France. As long as the UN took over as planned, the chances for success were high. Despite great hesitance and division among member states initially, the expertise and persuasiveness of the milreps behind the scenes served as a catalyst for the launching of a new operation that would not have otherwise gone forward. Thus, milreps effectively operate with and through compound secrecy to produce CSDP initiatives. Moreover, these functional solutions would have been difficult to arrive at without the ability to discuss issues frankly and with expediency.

Overall, the EUMC is far more cohesive than the PSC, held together by high-level expert knowledge as well as shared policy goals. Their frequent informal meetings, which naturally involve a high level of secrecy, have given milreps more power to set the agenda compared to PSC. While both committees have similar potential to meet informally and take advantage of secret information, it is clear that the EUMC does more with this potential.

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[11] Interview with Italian Chief of the Operations & Exercises Branch, Colonel Italian Air Force Benedetto Liberace, June 2009.

The Civilian Crisis Management Committee

Civcom is like the EUMC in that it is also a key group of experts shaping CSDP, providing policy recommendations to the PSC, but it focuses on the civilian side of missions and priorities.[12] It is unlike the EUMC in that its members tend to be closer to the beginning, rather than at the pinnacle, of their careers. Civcom officials are naturally not double-hatted to NATO, and they have a smaller support structure with some assistance from the Council's Secretariat. Like the EUMC, Civcom is comprised of one representative from each member state, but its membership is more diverse drawing from national ministries of foreign affairs, interior, and justice. The majority of them are career diplomats and accustomed to working in secret environments. Civcom's expertise is directed at the planning and management of current civilian missions, the discussion of future possible missions, and the determination of available resources.

Despite the fact that the EUMC and Civcom were created within a year of each other, Civcom is in several ways less developed and cohesive. These civilian crisis experts have a distinctive *esprit de corps,* but their professional norms and shared culture are less defined and tangible compared to those of the EUMC. Decisions are made in formal rather than informal settings, and Civcom delegates have varied expertise. At the same time, the management of civilian crises overseas is a relatively new activity for member states when thrown into contrast with traditional military operations.

Civcom is populated with experts from national ministries of foreign affairs, interior, and justice, many of them low- to mid-ranking diplomats. Except for its police officials, most Civcom delegates do not arrive in Brussels with experience in civilian crisis management and EU affairs. Rather, they come from different career tracks and must gain this technical knowledge quickly through on-the-job learning (Cross 2011). Despite these weaknesses, when it comes to expertise, there are several ways in which Civcom representatives are able to mitigate this. For example, since Civcom delegates are replaced one by one, new members can benefit from the support of their longer standing colleagues when they arrive. They are quickly socialized into the Brussels environment, and there is a high learning curve during this early part of the job. While EUMC milreps often learn a lot from each other during this stage, Civcom delegates more often learn from those in their own permanent representations. Thus, the learning process itself does not lead to as much transnational socialization within Civcom as it does in the EUMC.

Like in the case of the milreps, there are certain shared professional norms that help smooth interactions and create expectations of how the deliberations will play out. These norms play out in secret meetings, however, Civcom's professional norms are not quite as developed compared to those of the military epistemic community. Civcom's professional norms range from appropriate behavior in the conduct of meetings to a shared notion of how best to reach consensus. Those in Civcom have a practice of talking in the corridors, making phone calls to their capitals, or text-

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[12] The Council decision setting up Civcom stipulates that the committee's role is to '[…] provide information, formulate recommendations and give advice on civilian aspects of crisis management' (Council Document 2000).

messaging each other across the table to secretly and informally resolve conflicts during the course of a formal meeting (Cross 2011). They feel that it is best to avoid an atmosphere of open, sharp confrontation. Since they often must deal with controversial issues, this commitment to harmonious interaction is noteworthy, and secrecy even amongst themselves is necessary to achieve this.

What really drives their meetings is a common expectation that some degree of consensus should be found by the time they adjourn. In these behind-closed-doors discussions, they put forth their positions and misgivings frankly to facilitate mutual understanding, and generate a new level of compound secrecy (Cross 2011). Although they are focused on the ends – finding a common solution – the means are what make the difference between success and failure. Civcom delegates are skilled at determining when they must contribute, and to a large extent, this depends on how committed their member states are to a particular issue. As with the EUMC, if a member state does not want to participate in a particular mission, rather than blocking agreement, it is seen as appropriate for the delegate to remain silent and let the others go forward. These actions remain secret precisely because they collectively take pride in always leaving the room with a common paper ready, even if some representatives abstained from participation.

A good example of the work of Civcom is EULEX Kosovo – a 2008 rule of law mission to provide assistance in the police, judiciary and customs areas – was a challenging case for Civcom. Delegates wanted to set-up what would be the largest civilian CSDP mission to date, but five member states (Cyprus, Greece, Romania, Slovakia, and Spain) opposed Kosovo's bid for independence, and took special measures to constrain what their experts in Brussels could say during the deliberations. As a result, these delegates were given very little flexibility, but they were able to work around this, taking a professional and objective approach. A key tactic they used was to quickly adopt the planning documents for the mission early on in the process, *before* Kosovo formally declared independence. By doing this, they were able to use status-neutral language in the documents. As Belgian Civcom representative Koenraad Dassen put it, it was 'a *technique du non-dit*. We don't say it, but it's there'.[13] If they had not acted before the declaration of independence, then they would have faced the tricky question of what to label Kosovo's leadership and government, and consensus on an actual mission would have been less likely. For their part, those delegates from the five member states opposed to the recognition of Kosovo were able to rationalize compromise by taking a more technical approach. This enabled them to leave aside the issue of independence.[14] The discussions leading to EULEX Kosovo not only demonstrated skilled diplomatic maneuvering through compound secrecy, they also showed the benefit of avoiding the central controversy of an issue in order to find a solution.

In sum, these committees have access to secrets and they also generate secrets to varying degrees through the process of sharing knowledge and deriving new policy goals. The ways in which they have arrived at certain policy goals, the policy goals

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[13] Interview of Belgian Civcom delegate Koenraad Dassen, May 2009.

[14] Interview of anonymous Civcom delegate, May 2009.

themselves, and they ways in which they persuade capitals of these policies are all secret. A tight-knit committee tends to generate and work through compound secrecy, while a looser committee tends to rely on the combination of national-level functional secrecy. Have there been any instances in which a lack of secrecy derailed EU foreign policy?

Counter-factual

I have argued that secrecy – both functional and compound secrecy – helps to facilitate good governance in the EU. Without secrecy in the everyday processes and specific decision-making episodes of these committees, the crafting of some areas of EU foreign policy would be much more difficult, if not impossible to achieve. A rather dramatic case in point is the 2003 Iraq crisis for Europe. In this foreign policy episode, member states did not delegate deliberations to any of these CSDP committees even though arguably, it would have at least been appropriate to have the PSC involved. Instead, member state leaders openly discussed and reacted to the US request for European contributions to the invasion of Iraq for supposedly possessing weapons of mass destruction.

The ensuing public debate on whether or not to side with the US over the Iraq invasion led to a veritable break-down in EU integration, precipitating a media frenzy surrounding the issue and widespread perceptions that the EU was in existential crisis (Cross 2017). Not only could member states not agree on any form of common response in the beginning, European leaders ended up hurling insults at one another on the world's stage, and even threatening the derailment of the enlargement process to include the Central and Eastern European countries. US Defense Secretary Donald Rumsfeld referred to countries as either belonging to 'Old Europe' or 'New Europe', which precipitated an unhelpful narrative that is sometimes echoed even to this day. And at the height of the crisis, French President Jacques Chirac famously called the EU candidate countries 'not very well behaved and rather reckless' in regards to their signing letters of support for the US position, and that they had 'missed a great opportunity to shut up' (*CNN World* 2003).

The Iraq crisis for Europe ended up being wholly unproductive because eventually European countries for the most part stood together (with perhaps the exception of the UK), and the George W. Bush era in US politics is now more known for the ensuing transatlantic divide, rather than an intra-European divide. However, the harm that was done in terms of Europe's image at the time is hard to deny. The media thoroughly bashed Europe's prospects for devising any sort of foreign policy, and the European project was featured very unfavorably on the covers of several influential news magazines (Cross 2017). It is not hard to imagine that had European leaders allowed their ambassadors to discuss issues in secret at the outset much of this turmoil could have been averted. Eventually, EU member states did find common ground on Iraq, but only after they had suffered through this crisis, and held a series of secret, high-level meetings to hash out the EU's position on the matter.

Conclusion

In this paper, I have aimed to break down the various categories of secrecy, and apply it to the EU's CSDP. Of most relevance are the notions of functional secrecy and compound secrecy. Analysis of the three main CSDP committees sheds light on where secrecy exists and how it works in its relationship to the EU's foreign policy outcomes. I have suggested through these examples – PSC, EUMC, and Civcom – that secrecy can actually contribute to the functioning of good governance, especially in the case of the multi-level governance structure of the EU. The Iraq 2003 case illustrates how the governance of EU foreign policy can completely break down in the absence of functional and compound secrecy.

But does this level of secrecy leave too little that is transparent for public scrutiny? Keeping in mind that the relationship between secrecy and transparency is not as simple as zero-sum, I would suggest that that the answer is no. After secret deliberations take place, the EU systemically provides public announcements of the decisions arrived at within these committees. When a CSDP mission or operation is launched or renewed, the EU's foreign policy chief issues a press release and makes a public announcement. Even though many EU citizens are unaware of the various initiatives that occur under CSDP, it is clear that they can easily find out about them. Each CSDP mission or operation also maintains a website, and this includes facts and figures on which countries are participating, how much they are contributing, and the goals that are sought. As the mission or operation evolves, the Council keeps track of progress and also provides public indications of this and lessons learned. While it is true that these announcements may paint everything in a more positive light or gloss over any failures, most of the policy outcomes of CSDP deliberations are transparent. At the same time, it must be noted that the PSC is much more open about the progress of missions or operations, and more directly responsible for communicating this to the public, compared to the EUMC and Civcom.

Press releases and updated websites are only a limited form of transparency. Most aspects of arriving at decisions are secret. As explained above, transparency does not necessarily lead to accountability. Given the nature of the work of Council committees, especially the importance of informal meetings, much of what happens behind closed doors is simply not available, and never will be. Guri Rosén (2015) finds in her study that since 2003 the European Parliament has had a stronger role in checking the information that goes into deliberations about CSDP. However, the limited amount of information given to certain members of the European Parliament still amount to examination of a partial record. Agreements made over coffee or dinner are not recorded or explained. Overall, reasons for CSDP decisions are selected and revealed, but there is no access to the actual means by which these decisions were determined.

But this concern over the degree of transparency versus secrecy in CSDP may be misplaced. Indeed, several studies have shown that the EU's multitude of efforts to make CSDP more visible has failed (Anderson 2015; Pertusot 2013). Indeed, one of the major reasons for launching CSDP in the first place was to 'assert [the EU's] identity on the International Scene' (Official Journal of the European Communities 1992). In

order for Europe to have such a security identity, people must both know and want to know about it. Several Council conclusions have addressed the issue of how to enhance the visibility of CSDP, but to no avail. To make matters worse, the media almost never mentions CSDP (Anderson 2015). Thus, some of the concern about the secrecy surrounding CSDP is not really an issue unless the public actually demands access. In the meantime, the fact that most of CSDP's secrecy actually derives from member states' functional secrecy in the first place should provide some consolation. If there is an issue to be raised in terms of how foreign policy is arrived at behind closed doors, the answer still lies more at the national than the EU level.

References

Anderson, Stephanie (2015) '"To Assert its Identity on the International Scene": Visibility and the European Union's Common Security and Defense Policy (CSDP)', CGS Faculty Awards.

Belcher, Oliver, and Lauren L. Martin (2013) 'Ethnographies of Closed Doors: Conceptualising Openness and Closure in US Immigration and Military Institutions', Area, 45(4), 403-410.

Born, Hans, and Heiner Hänggi (2005) 'The Use of Force under International Auspices: Strengthening Parliamentary Accountability', DCAF Policy Paper no. 7, Geneva: Centre for the Democratic Control of Armed Forces.

Bicchi, Federica (2014) 'EU Foreign Policy and the Politics of Information', in T. Blom and S. Vanhoonacker (eds) The Politics of Information, London: Palgrave Macmillan, 211-228.

Birchall, Clare (2011) 'Introduction to "Secrecy and Transparency" The Politics of Opacity and Openness', Theory, Culture & Society, 28(7-8), 7-25.

CNN World (2003). 'Chirac Lashes Out at "New Europe"', 18 February, available at http://edition.cnn.com/2003/WORLD/europe/02/18/sprj.irq.chirac/

Council Document (2001) Council Decision of 22 January 2001 setting up the Military Committee of the European Union 2001/79/CFSP, Brussels: Council of the European Union.

Council Document (2000) Council Decision of 22 May setting up a Committee for civilian aspects of crisis management (2000/354/CFSP), Brussels: Council of the European Union.

Cross, Mai'a K. Davis (2010) 'Cooperation by Committee: The EU Military Committee and the Committee for Civilian Crisis Management', Occasional Paper 82, Paris: European Union Institute for Security Studies.

Cross, Mai'a K. Davis (2011) Security Integration in Europe: How Knowledge-based Networks are Transforming the EU, Ann Arbor: University of Michigan Press.

Cross, Mai'a K. Davis (2013a) 'Rethinking Epistemic Communities Twenty Years Later', Review of International Studies, 39(1), 137-160.

Cross, Mai'a K. Davis (2013b) 'The Military Dimension of European Security: An Epistemic Community Approach', Millennium, 42(1), 45-64.

Cross, Mai'a K. Davis (2017) The Politics of Crisis in Europe, New York: Cambridge University Press.

Curtin, Deirdre (2014) 'Overseeing Secrets in the EU: A Democratic Perspective', JCMS: Journal of Common Market Studies, 52(3), 684-700.

Decker, Frank (2002) 'Governance Beyond the Nation-state. Reflections on the Democratic Deficit of the European Union', Journal of European Public Policy, 9(2), 256-272.

European Commission (2016) 'Standard Eurobarometer 86. National Report. Public Opinion in the European Union', Malta, autumn 2016.

Galloway, D. (2014) 'Classifying Secrets in the EU', JCMS: Journal of Common Market Studies, 52(3), 668-683.

Goetz, Klaus H. and Berthold Rittberger 'Framework', West European Politics, forthcoming.

Hix, Simon (2005) The Political System of the European Union, 2nd Edition, London: Palgrave.

Hooghe, Liesbet (2001) The European Commission and the Integration of Europe: Images of Governance, Cambridge: Cambridge University Press.

Horn, Eva (2011) 'Logics of political secrecy', Theory, Culture & Society, 28(7-8), 103-122.

Howorth, Jolyon (2007) Security and Defence Policy in the European Union, London: Palgrave.

Huff, Ariella (2015) 'Executive Privilege reaffirmed? Parliamentary Dcrutiny of the CFSP and CSDP', West European Politics 38(2), 396-415.

Juncos, Ana E., and Christopher Reynolds (2007) 'The Political and Security Committee: Governing in the Shadow', European Foreign Affairs Review, 12, 127-147.

Korski, Daniel, Richard Gowan, and Jean-Marie Guéhenno (2009) Can the EU Rebuild Failing States?: A Review of Europe's Civilian Capacities, European Council on Foreign Relations.

Lord, Christopher (2011) 'The Political Theory and Practice of Parliamentary Participation in the Common Security and Defence Policy', Journal of European public policy, 18(8), 1133-1150.

McCormick, John (2005) Understanding the European Union, New York: Palgrave Macmillan.

Meyer, Christoph (2006) The Quest for a European Strategic Culture: Changing Norms on Security and Defence in the European Union, Basingstoke: Palgrave Macmillan.

Official Journal of the European Communities (1992). Treaty on European Union, signed at Maastricht, 7 February, C191/1.

Pertusot, Vivien (2013) 'Flunking the Visibility Test: The Council on Security and Defence', European Geostrategy, 5(32).

Rosén, Guri (2015) 'EU Confidential: The European Parliament's Involvement in EU Security and Defence Policy', JCMS: Journal of Common Market Studies, 53(2), 383-398.

Schilde, Kaija E. (2015) 'Cosmic Top Secret Europe? The Legacy of North Atlantic Treaty Organization and Cold War US Policy on European Union Information Policy', European Security, 24(2), 167-182.

Schmitt, C. (1995 [1921]) Die Diktatur: Von den AnfÌngen des modernen SouverÌnitÌtsgedankens bis zum proletarischen Klassenkampf, Berlin: Duncker and Humblot, [As cited in Horn 2011].

Sjursen, Helene, (2008) 'Integration without Democracy? Three Conceptions of European Security Policy in Transformation', ARENA Centre for European Studies, Working Paper No. 7.

Sjursen, Helene (2011) 'The EU's Common Foreign and Security Policy: The Quest for Democracy', Journal of European Public Policy, 18(8), 1069-1077.

Stie, Anne Elizabeth (2010) 'Decision-Making Void of Democratic Qualities? An Evaluation of the EU's Second Pillar Decision-Making Procedure', European Integration online Papers, 14.

Thompson, Dennis F. (1999) 'Democratic Secrecy', Political Science Quarterly, 114(2), 181-193.

Walters, William (2015) 'Secrecy, Publicity and the Milieu of Security', Dialogues in Human Geography, 5(3), 287-290.

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