

**Københavns Universitet  
Institut for Statskundskab  
PhD Research Proposal**

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*Title:*

**Legitimate Power Europe?  
Assessing the Status of Democracy in the European Security and Defence Policy**

***Introduction and summary***

*The proposed dissertation aims to analyse the democratic legitimacy of the European Security and Defence Policy (ESDP), one of the most dynamic and controversial policies of current European integration. By drawing on concepts of communicative action and discourse ethics, the aim is to discuss the topic beyond considerations of legality and institutionalized democratic processes. The project shall resume the ‘normative power Europe’ debate and consider what kind of institutional procedures as well as understandings of security, legitimacy and justified action the EU as emerging post-nation state entity constructs. Methodologically, the objective is to apply a sophisticated theoretical approach in an analysis of institutionalized structures and case studies of ESDP operations and therefore to take the concept of normative power Europe to the empirical level.*

*This PhD proposal proceeds as follows: First, I am going to present research questions and objectives of the study. Secondly, the background and relevance of the proposed project will be discussed. In the third section, basic research concepts and the approach of the study shall be introduced. The fourth section provides for an outline of methods, case selection and study programme of my PhD project.*

***1. Research questions and objectives***

Two issues have increasingly attracted academic attention over the last decade: First, the role of norms and interests in international relations, and second, democratic legitimacy in the context of European integration. My PhD project addresses both themes and combines them with one of the main topics of current European studies, the emergence of the EU as security actor. By drawing on the backdrop of the debate on ‘normative power Europe’ (Manners 2002), I will examine the central research questions of how the European Security and Defence Policy (ESDP) is legitimized, particularly with regard to crisis management operations, and on what basis the EU could be labelled a legitimate power with regard to theories of democracy. In the centre of the empirical part of this work lies the ‘internal legitimacy’ (Buchanan 1999) of EU interventions. Sub-questions to be addressed are, first, how is the EU justifying its policy in the framework of ESDP, what kind of norms and rules as well as definitions of European security are constructed and presented? Second, what kind of decision making procedures and communication practices are prevailing? Third, according to which logic of action does the EU legitimize its security policy? The objective of this study

is not to provide a causal explanation of political acting, although it allows to draw some conclusions with regard to this dimension. Rather it aims to clarify how the process of legitimizing is structured, what kind of arguments are put forward and whether the ESDP is legitimate to a normative standard of democracy.

## ***2. Research background and relevance of the project***

The first operations in the framework of the ESDP have spurred the discussion on the causes and implications of this process (on the ESDP's evolution: Treacher 2004). Research in the field basically focuses on two dimensions: One part deals with the institutional developments and operations of the ESDP on the basis of a descriptive assessment.<sup>1</sup> A second segment puts its focus on considerations of the normative dimensions of the CFSP/ESDP in tradition of the notion 'civilian power', coined by François Duchêne.<sup>2</sup> Recent studies have concentrated on the concept 'normative power Europe' (Manners 2002), comprising terms like 'military power in the making' (Salmon/ Shepherd 2003) or 'civilizing power Europe' (Bicchi 2006) (on the level of research: Sjursen 2006a/b). It is interesting to note that only a few studies on the normative aspects of the Common Foreign and Security Policy (CFSP) have addressed the security dimension. This is even more astonishing since the studies of Duchêne and Manners, the point of reference of many enquiries, do explicitly deal with the role of military elements in the security and foreign policy of EC/EU and underline the importance of this issue for the broad debate. More frequently, the role of norms has been analysed in the context of the EU's external relations and particularly of its human rights policy (Lerch 2004). A crucial question in this context is how normative acting can be legitimate beyond a certain political arena under different socio-cultural conditions of civil society (Wiener 2003: 151).

Sjursen (2006a) has noted that we do not yet have sufficient criteria to assess empirically the value of concepts from the 'normative power Europe' dimension. In this paper, I propose to approach the normative aspect of European Security and Defence Policy by a discussion of the democratic legitimacy of this policy. The central assumption of this approach is that norms are crucial for the legitimacy of policies. The EU has to rely on the power of norms to claim legitimate acting. Given that the EU is a unique entity in international politics, studies on the legitimacy of ESDP will provide for empirical evidence to assess the asserted particularity (of being a civilian power or normative power) of a polity which is about to emerge as major security actor on a global scale. The aim is however not to clarify the 'real' and 'true' motives behind legitimizing arguments. Neither are discourses transparent and allow for a look into the deepest inner of policy maker's minds, nor do we need to find out whether actors only present normative reasons to justify the maximization of self-interests. (Sjursen 2002: 496). The important fact is that legitimacy builds the central point of reference for democratic policies. This has significant implications for policy making and the resulting actions. While the whole project of an *ever closer Union* has been increasingly contested, the emergence of a European security policy is even more contentious. The citizens' acceptance of a policy is decisive for its overall success and continuation. Therefore, the 'logic of

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<sup>1</sup> Ortega 2001; Olsen 2002; Shepherd 2003; Biscop et al. 2004; Gourlay 2004; Salmon 2005.

<sup>2</sup> Aggestam 2004; Larsen 2004; Sjursen/ Smith 2004; Hyde-Price 2006; Manners 2006; Sjursen 2006b.

legitimacy' is the crucial factor behind all political actions of the EU. In the end, we need to study and understand the status of democracy and legitimacy in the ESDP for being able to explain partly why the EU is acting in the way it does.

Policies within the margins of legality, be it international law or procedural rules of the European Union, provide a major basis to claim legitimacy. However, lawfulness cannot be the only reference point, neither to claim nor to assess democratic legitimacy. Hence, we need to operationalize an approach for the use in empirical research that has a strong basis in philosophical concepts of normative understandings of legitimacy.

The broader context of my project is the emergence of a European public and of trans-national democracy. One of the central problems of democratic legitimacy in the European integration is the lack of a trans-national sovereign within a single European communicative space (Trenz 2005). There are two options for the constitution of a common European space of public communication: First, the construction of Europe as a community of rights and, second, of common historical experiences as source of collective identity (Eder 2003). Part of the former is the idea of universal values like human rights and the formal inclusion of diverging interests in deliberative processes. The latter consists primarily of the trans-European experience of war and of the perception of the European integration as peace project.

Against this backdrop, I will analyse how inclusive the procedure of ESDP decision making as well as communication is and what kind of arguments the EU puts forward to legitimize its security policy towards a European public. Which actors and institutionalized democratic structures are included in policy making? Does the EU refer to security interests against an evil 'Other' outside of its community? Does it legitimize action with universal human rights? How is the use of military force legitimized with regard to the European history of war and the central value of constituting a peace project? The consideration of these questions is crucial for the understanding of legitimacy in the European security policy making.

In my opinion, it is highly appropriate and worthwhile to study legitimacy and security in the proposed context. Security and military action have always been in the centre of nation state sovereignty and legitimacy. The emergence of the EU as security actor does challenge central features of nation states as well as the self-image of the Union as civilian power. This could become the crucial touchstone of the EU's legitimacy and in this respect, also of the 'success' of the political union and of forms of post-nation state global governance.

The legitimacy of the EU's security policy has not been comprehensively investigated. Recently, Sjusen (2006b) has addressed the question of how normative acting in the CFSP can be assessed as legitimate. She notes that there is a considerable lack of criteria to open the concept of normative power for empirical analyses. The perspective suggested in her article puts its emphasis on considerations of legality, approaching the issue with the EU's position towards cosmopolitan law. However, this perspective omits the role of legitimacy sources beyond legality. The aforementioned study of Wagner (2005) deals with institutional aspects of democratic legitimacy of the ESDP without addressing the discursive process of justification and without considering the relation of legality and legitimacy.

In the field of ESDP studies, an analysis of the internal and external legitimacy of security policy together with a look into the process of justification is absent. In general, there is need

for a study which combines the theoretical assumptions of the ‘normative power Europe’ debate and communicative action with an empirical analysis of ESDP structures, arguments and actions. As Diez has put it, ‘the discourse constructing “normative power Europe“ should be analysed more systematically, particularly regarding forms of othering and the degree of reflexivity it entails.’ (2005: 636). Taking this into consideration, my project can contribute to a refinement of the concept of ‘normative power Europe’, to the analysis of the status of democratic legitimacy in the ESDP and shed more light on the underlying logic of action and decision making as well as communication procedures.

### ***3. Approach and research concepts***

In international governance, it is widely considered as ‘democratic deficit’ that the only legitimacy of international organizations is an indirect one, through the democratic election of nation state governments. There has been a broad discussion on this issue in the context of the European integration. In this debate on democracy and legitimacy, concepts have gained prominence who refrain from depending solely on institutionalized democratic procedures like the participation of the European Parliament in policy making. Alternatively, it is posited that the normative legitimacy of decision making depends on the degree to which ‘those affected by them have been included in the decision-making process and have had the (equal) opportunity to influence the outcomes.’ (Nanz/Steffek 2005: 369). This goes back to an understanding of legitimacy that puts acceptance by citizens into the centre: According to Max Weber, legitimacy rests on the acceptance of an action as appropriate. Drawing on this contention, Hurd has defined legitimacy as ‘the normative belief by an actor that a rule or institution ought to be obeyed’ (1999: 381). Steffek considers legitimacy as ‘the fact that people voluntarily accept domination on the grounds that they believe in its normative rightfulness.’ (2000: 6). These concepts are different from notions in which legitimacy is basically equated with legal rationality. Legality is based on the obeying of rules like laws and regulations or in the following of legal procedures. The legality of an action, e.g. under the mandate of the UN Security Council, does however not necessarily mean to act legitimately. On the other hand, an action considered as legitimate is not necessarily legal (Haaland Matlary 2004: 148). Hence, legality and legitimacy are entwined, but it is essential to be aware of their interplay and conceptual difference (Finnemore/Toope 2001).

Deliberative democracy builds a strong theoretical basis for the assessment of legitimacy, particularly in the context of global governance. However, the question remains how the legitimacy of international governance, and in our case of the European Security and Defence Policy, can be analysed empirically. In the following, I present briefly some closer considerations on this question.

The legitimizing of the EU’s security policy has two addressees: Internal to the EU and its citizens and external to non-member states and their citizens (Sjursen/Smith 2004: 126). The internal legitimacy of military interventions is a seldom-discussed issue (Tesón 2003: 123). Studies on security actions focus almost exclusively on *external* legitimacy and the question

whether intervention can be justified to the intervened state or towards the whole community of states (Buchanan 1999: 72). However, recent research has provided evidence for an insufficient *internal* democratic legitimacy of ESDP with regard to parliamentary participation and institutional procedures (Wagner 2005). The legitimacy of norms depends on the degree to which those affected are involved in the deliberation of norm validity (Habermas 1992). Therefore, it is suitable to apply an approach to measure legitimacy which does not only resort to parliamentary participation, but allows to assess legitimacy normatively. If we aim to apply the approach of deliberative democracy on empirical cases, we have to ‘operationalize’ this approach, which means to develop criteria to measure legitimacy. As central element to assess legitimacy in this context, I propose the degree of inclusion a policy unfolds. The analysis shall be carried out on two dimensions, (1.) a structural and (2.) a dimension in terms of content: <sup>3</sup>

(1.) With regard to the structural dimension, the legitimacy of the practice of ESDP decision making and communicative processes will be assessed. Here, it shall be analysed what kind of structural inclusion the EU security policy provides. The idea behind this is to assess the mode and structure of actions according to concepts which draw on the approach of communicative action. The question is whether there is evidence for communicative action in ESDP, which is different to rhetorical reason-giving.

To sustain the legitimacy of action, inconsistent application of rules has to be explained to the community as justifiable (Franck 1990: 163). The subsequent criteria to assess legitimacy are considerations on the logic of action in terms of justification, which has been repeatedly conceptualized as a discursive process (Risse 2000; Steffek 2000). These studies adapt and develop Habermas’ theory of communicative action and the differentiation of the ‘logic of appropriateness’ and the ‘logic of consequentialism’ (March/Olsen 1989; 2004). In this context, the ‘normative power Europe’ debate raises the question whether the EU really promotes ‘universal norms and principles’ in its relations with non-members (Manners 2002: 241) or whether it rather stands for exclusive tendencies in international relations. The aim is to clarify in which way the EU does legitimize action, in a communicative process or a process of mere reason-giving (Sjursen 2006b: 244) and what kind of decision making procedures are to be found. An Union that acts according to a ‘logic of rhetorical action’ (Schimmelfennig 2001), in contrast to a ‘logic of argumentation’ (Risse 2000), would provide evidence of an exclusion that limits the legitimacy of policies.

Following indicators shall be applied to operationalize the concept:

1. Involvement in and access to deliberation/decision-making procedures: Which governmental actors participate in deliberation and decision making? Who takes a consulting role and who is in charge of decision-making powers? What legal-procedural processes do exist?

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<sup>3</sup> For a similar research agenda to assess the democratic quality of deliberation in international governance, see Nanz/Steffek (2005).

2. Inclusion of alien actors: How does the EU deal with arguments and interests of NGOs and non-EU governments in the ESDP? Are there institutional arrangements and attempts to include these actors in deliberations?
3. Transparency and access to information: Are official documents and statements accessible by the public? How can information be obtained?
4. Communication procedures: What kind of information is provided? When are information available, ex-post or ex-ante? What kind of role does communication play in the ESDP and how is it organized institutionally?

(2.) On the second dimension, the argumentative inclusion will be studied. The discursive content analysis shall clarify what kind of arguments are presented, i.e. which understanding of legitimate security policy acting is constructed, what definition of security is provided, who is included and excluded and to which degree are arguments coherent in different cases.

The justification of action can be distinguished along three criteria: utility-, value- and rights-based arguments (Sjursen 2002; Lerch/Schwellnus 2006). An argument on the basis of the utility type legitimizes with reference to the expected utility of an action concerning efficiency or interests like economic gains or enhanced security. Secondly, the EU can refer to specific values of its community to present a policy as legitimate that follows fundamental European standards. Third, a policy can be legitimized with reference to universal rights like human rights or certain standards of international law. This distinction draws on the concept of pragmatic arguments, ethical-arguments and moral arguments in Habermas' reflections on discourse ethics (1993). He posits that a normative action is only legitimate if it is accepted by all people who are influenced by this action or as Linklater puts it, 'the legitimacy of systems of exclusion ought to be decided in open dialogue' (2001b: 28). This leads towards the question how exclusive or inclusive the EU is in its foreign and security policy and whether its norms of legitimacy are put forward as universalistic, but do itself create a system of exclusion (Bicchi 2006). The degree of legitimacy of policies is closely intertwined with the level of exclusion/ inclusion it provides.

In this respect, it should be taken into consideration that security has been traditionally centred upon the construction of a threatening 'Other' (Wæver 1996). This leads towards the question whether the EU legitimizes the use of military means by constructing a 'traditional' and exclusive security dichotomy of Self and Other. The securitization approach of the 'Copenhagen School' provides the basic backdrop of this discussion. Following the work of David Campbell, Larsen (2004) argues that the articulation of threats by making reference to an 'Other' in the EU discourse on security is a decisive element of constructing a foreign and security identity. Security conceptions have been legitimized mainly by constructing countries and groups as Others who threaten the Self of the own nation or group. These are basic elements of a securitization process and the construction of security identities. However, the Other is not necessarily another state which constitutes a perceived military threat. For example, Wæver (1996) argues that the Other of the EU lies in its own violent past. Larsen (2000: 344) makes the point that the Self of the EU is embodied in its liberal values.

Drawing on this, I suggest that the European Self comprises the core values of the EU and the Other consist of threats to those values. As Hyde-Price has put it, the core elements of an

European identity in foreign and security policy 'are associated with the values of liberal-democracy' (2004: 108). In this, the crucial point is the assumption that the EU is trying to construct a security identity based on certain values, leaving behind the framework of territorial boundaries and the dichotomy of internal-external, in which the EU is secure internally, but threatened from external spaces and actors. This specific construction of security is necessary for the EU to legitimize ESDP actions in cases where the construction of an existential threat to the security of the EU citizens will not be accepted as appropriate. Considering this, it shall be analysed which understanding of security the EU constructs and whether reference to norms or interests (threats) play a decisive role here. Are there evidences for the emergence of unique trans-national points of reference? Brought back to the concept of communicative action, the hypothesis to be examined is that the EU has to rely heavily on specific normative aspects to legitimize any kinds of security policies.

The suggested approach to conduct an analysis on the second dimension consists of, first, the use of the outlined criteria of utility-, values- and rights-based arguments. This shall clarify what kind of arguments are put forward in the legitimacy of ESDP actions. The aim is primarily to look for a dominant argumentation structure along one dimension of the three criteria. Secondly, the analysis shall bring out the complexity of rhetoric legitimizing structures. The findings concerning the argumentative structure will be analysed to assess the coherence of legitimizing arguments. In a complex argumentation structure, an important aspect is the coherence between different types of arguments (Lerch/ Schweltnus 2006). As Franck has put it, 'the degree of a rule's legitimacy depends in part on its coherence, which is to say its connectedness, both internally (among the several parts and purposes of the rule) and externally (between one rule and other rules, through shared principles)' (1990: 180). It shall be analysed which type of arguments is used in which case. For example, how did the EU legitimize action in the case of humanitarian emergencies in the DR Congo and how did the Union legitimize the lack of action in the case of Darfur?

#### ***4. Methods, case selection and structure***

The objective of this study is an analysis of legitimacy in the context of the ESDP. For this, the structure of communicative processes and procedures as well as the content of argumentation shall be analysed. The proposed analysis draws meta-theoretically on approaches of constructivism and basically on the concept of communicative action. The study of the content of the EU's security rhetoric will follow the methodological assumption of the securitization approach (Buzan/Wæver 1998) and the underlying tool of discourse analysis. However, the Copenhagen School does not explicitly deal with different modes of communicative actions or the discursive justification of deeds (Sjursen 2004: 83). To carry out this kind of analysis, I will apply the mentioned concepts drawing on Habermas' ideas of communicative action and discourse ethics. In this section, I discuss briefly, first, the way of proceeding to apply the outlined indicators to assess the structural dimension of legitimacy and, second, the methodological implications for the dimension in terms of content. Lastly, the selection of cases and a preliminary work structure will be presented.

First, as for the structure of communicative processes and procedures of decision making, the formal-institutional settings of the ESDP shall be analysed before the work will turn to an analysis of modes of communicative action. The analysis has to rely here on secondary research work and on a study of institutional conditions, rules and procedures of ESDP, as laid down in the framework of European law. Additionally, the accessibility, type and temporal aspect of information can be assessed by an investigation of the mainly internet based information sources of the EU. The internet is considered as decisive medium to reach the European public on a large scale and those communication means and practices are key criteria to assess the underlying questions. On a supplementary basis, it should be considered whether a number of structured interviews could be carried out along the outlined indicators to take account to informal aspects of the practice of decision making and communication procedures.

Second, discourse analysis is a regularly used method in the study of security policy (Hansen/Wæver 2002; Larsen 2004; Hansen 2006). Recently, Hansen has presented a comprehensive methodological framework of discourse analysis in the context of military interventions. According to her research design, a study comprises four elements to be identified: number of Selves, intertextual models, temporal perspective and number of events (2006: 75). The discourse analytical research design for my study will be as follows:

As the analysis aims not to measure individual opinions of citizens on EU crisis management or how the official argumentation is adopted and presented in the media, the number of Selves I am going to examine is single, the European Union. Concerning the temporal perspective, the analysis will focus on moments from 2003 to 2006, taking the first ESDP operation as a natural starting point. Regarding the intertextual models, the research design comprises an identification and analysis of the legitimizing discourse in official EU documents, papers and press statements. Relevant sources are sufficiently accessible, in the first place through the internet presentation of the EU. The official documents and statements on ESDP operations are rather limited. This does not make it necessary to carry out a pre-selection of documents. The legal bases and press releases of the mentioned ESDP operations vary between 5-10 documents in each observation. Overall, there are about 90 documents to be analysed.

The content analysis on the basis of three criteria, utility-, value- and rights- based arguments, follows the idea of frame-analysis (Gamson 1992/1999). According to this approach, questions to be considered are: Do certain ways of thought become dominant with regard to the interpretation of issues and the presenting of problems, solutions, actors and interests? Which interpretation is provided (injustice frame)? Are events legitimized with recourse to existing frames, perceptions or do new patterns occur over the period studied? Who is presented as Self and Other (identity frame), as adversary (adversarial frame)? Is there an explicit reference to shared norms and values, to objectives, interests and past experiences? What kind of solutions are presented as legitimate (agency frame)? The frame-analysis shall be carried out with regard to the assumptions on the construction of security mentioned above.

The scope of this discursive dimension will be limited to the analysis of how the EU legitimizes its security and defence policy. The second analytical dimension, a comparative study of discourses and arguments in the European public, i.e. how the legitimizing arguments are perceived, adopted and transformed, will not be addressed. However, both dimensions complement each other and should be taken together for a broad understanding of legitimacy and security in the EU. A current research project at the Free University Berlin does attend to the second dimension, an analysis of media discourses on ESDP in several states.<sup>4</sup>

Third, I propose to analyse three cases in this study. The word ‘case’ as a term of qualitative research does not lack ambiguity and there is no consensus about its meaning (Ragin 1992). In my project, the expression case is used with reference to Geddes and her definition of ‘every day language cases’: An every day language case is e.g. one country or one organization, which comprises multiple observations e.g. regions or individuals (Geddes 2003: 137). This is in line with King, Keohane and Verba who have pointed out that it is useful in social science research to refer to observations rather than cases. A case is a ‘domain of study’ that consists of several observations (King et. al, 1994: 118). The first case covers ESDP operations in the Western Balkans. Here, four observations shall be considered: The EU Military Operation in Bosnia and Herzegovina (EUFOR-Althea), EU Police Mission in Bosnia-Herzegovina (EUPM), EU Military Operation (Concordia) and EU Police Mission (Proxima) in the former Yugoslav Republic of Macedonia. The second case is the Democratic Republic of Congo, with four observations: Operation Artemis, EUPOL Kinshasa, EUSEC DR Congo, EUFOR DR Congo. The third case consist of one observation, the EU support to AMIS II (Darfur) and the EU’s debate on the Darfur crisis. The range of observations, i.e. ESDP-operations, is limited due to the fact that the first operations were only carried out in 2003. For the analysis on the basis of the three criteria of arguments, to assess their coherence and to study decision making and communication procedures, it is important to select cases dissimilar on the geographical and situational dimension. All selected observations are also different in objectives, carrying out and results. Another aspect to consider are non-military elements in ESDP operations to identify possible differences between the legitimizing of military operations and civilian means of crisis management in the frame of ESDP.

To sum it up, the design of this analytical part consists of two sections: First, on the structural dimension, it shall be considered what kind of logic of action applies and to what kind of inclusion is institutionalized in communication and decision making processes. In the second section, with regard to the dimension of content, a discourse analysis of argumentative frames and coherence of arguments shall be carried out.

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<sup>4</sup> ‘In search of a new role in world politics. The common European foreign, security and defence policies (CFSP/ESDP) in the light of identity-debates in the member states’ mass media’, Center for Transnational Relations, Foreign and Security Policy, Free University Berlin.

## Study Programme

### Preliminary work schedule and structure

Month	Stages/Chapters	Words (~110,000)
1-2	Literature review, development of theory and methodology	
3-4	Completing of final PhD structure, refinement of theoretical models	
5-6	<b>Part I.</b> <b>1.</b> Introduction	5,000
7-9	<b>2.</b> Chapter on research background and relevance of the project	8,000
10-13	<b>3.</b> Chapter on theoretical background	10,000
14-16	<b>4.</b> Methodological chapter	11,000
17-18	<b>5.</b> Summary and implications of part I for the way of proceeding	8,000
19-25	<b>Part II.</b> Analysis of structural dimension <b>6.</b> Decision making and communication procedures of ESDP	21,000
23-25	<b>Part III.</b> Analysis of dimension in terms of content <b>7.</b> European construction of Security: ESS/ textual basis	7,000
	<b>8.</b> ESDP Case study: discourses on Congo operations	7,000
26-28	<b>9.</b> ESDP Case study: discourses on Western Balkan operations	7,000
29-32	<b>10.</b> ESDP Case study: discourses on Darfur	7,000
33-36	<b>11.</b> Discussion and Conclusions	16,000

### Stay at other institutions

It would be beneficial if a stay as guest researcher at ARENA – Centre of European Studies, University of Oslo, could be arranged after 2-3 semesters to refine theoretical-methodological aspects of the work. A research section at ARENA is part of the RECON project on democracy in Europe and specialized in the topic of my PhD study. Another option is a stay at the Department of Political Science and International Studies, University of Birmingham. I am into contact with Thomas Diez who is interested in the topic of my project and would be willing to support an exchange and work with me on some aspects of this piece of research.

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