

The Democratic Inadequacies of the European Union

Throughout the past sixty years, the European Union has progressed from a trade agreement between several neighboring countries into a supranational and intergovernmental union encompassing nearly all of Europe. As the EU progressed through the integration process, power slowly shifted from the national government level to the European Union. Problems arose when the democratic oversight present on the national level was nowhere to be seen in the EU. What exists now is a multinational organization with enormous power and meager democratic representation. Policymaking, elections, and the distribution of power within the Union all must be reevaluated to meet the Union's mission statement of "Listening to its citizens, being accountable to them and working for them in a transparent and decentralized way"¹

Lack of Democracy

Abraham Lincoln famously stated, "Democracy is the government of the people, by the people, and for the people."² While there are many interpretations of what democracy means, its core values, a system of government through which the entire population participates, remains constant. The European Union fits these criteria, but only to a certain extent.

Upon careful examination of the EU's institutions and their composition, it is very easy to see how "un-democratic" the EU currently is. The only institution that is held directly accountable to the European citizens through elections is the European Parliament. The representatives from the other four institutions are selected by their national governments. The representatives for the Council of Ministers, the Commission,

¹ This is only one of the EU's nine goals on its mission statement. *European Union Mission Statement*. http://www.cor.europa.eu/alde/EU_mission_statement%20final%20EN.pdf

² Abraham Lincoln, 16th President of the United States (1861-1865), http://thinkexist.com/quotation/democracy_is_the_government_of_the_people-by_the/6959.html

and the European Court of Justice are all appointed by their national governments. The other institution, the European Council is accountable to the citizens on a nation-state level; its representatives are the heads of state from each member state. John McCormick defines the EU's democratic deficit as, "the gap between the powers of European institutions and the ability of European citizens to influence their work and decisions."³ This deficit is clearly seen through the citizen's lack of influence over the Commission and Council of Ministers.

As the integration process progressed, national parliaments continued to see their powers transferred to the EU level without the accompanying democratic oversight. These powers, which initially were subjected to democratic controls through elections on the national level, are now held by the Commission or the Council, which have no democratic input. A supranational institution does not have the representation of citizens like a national government or parliament does. The only way for citizens to influence decision-making is through the European parliament.⁴

A main feature of a democratic system of government is the citizen's ability to change the government through elections or referendum. The majority of the EU is immune to these public pressures because only one of the three institutions handling legislation, the Parliament, answers directly to the European citizens. According to McCormick "the average European has few opportunities directly to influence the work of the EU."⁵ A major shift in the composition of the Parliament will not necessarily affect the decision making of the EU as a whole. McCormick explains this argument further,

³ John, McCormick, . *Understanding the European Union*. (New York: Palgrave Macmillan, 2005) p.131

⁴ Ola Zetterquist, "Democracy and Legitimacy in the European Union". Diss. University of Lund. (Spring 2004) p.46

⁵ John, McCormick, . *Understanding the European Union*. (New York: Palgrave Macmillan, 2005) p.131

“Voter interests are directly represented in the European Parliament, but it is one of the weaker European Institutions. The Commission and the Court of Justice promote the interests of ‘Europe’, but citizens have no direct influence on senior appointments to either body.”⁶ The Commission and Council could potentially ignore public opinion and continue in a direction they deem worthy. The Commission is supranational and its representatives are not held responsible to the individual states, and the Ministers are only accountable to their individual states, not the EU citizenry as a whole. Two of the three institutions responsible for developing new EU law and policies are not accountable to the European Citizens. Furthermore, when the voters do express their opinions through elections and referenda those opinions can have almost no impact on the direction of the EU.

Democratic Flaws

The parliament is the only institution that answers directly to the European citizens. European wide elections are held over the course of three days every five years to elect the representatives. While the Parliaments power was limited in the early years of the Union, its powers increased significantly with the Maastricht, Amsterdam, and Nice Treaties in an effort to improve the democratic legitimacy of the EU.

The Parliaments powers in the early stages of the union were literally non-existent. Until the debate over the EU’s democratic legitimacy began, the Parliaments role was to consult with and deliver an opinion to the Commission and Council of Ministers concerning proposals and legislation. The Commission and Council of Ministers had to consult with the EP when creating legislation, but were not required to adhere to the Parliaments recommendations or opinions. Today, “the parliament has the

⁶ John, McCormick, . *Understanding the European Union*. (New York: Palgrave Macmillan, 2005) p.131

right of co-decision in a wide range of EU legislation. Under this procedure no text can be adopted without the formal agreement of both the Council and Parliament.”⁷

While the EP wields significant power in the EU, its democratic legitimacy is undermined by institutional loopholes. The first loophole is the policy areas where the Council and Commission do not need to include the EP in the entire decision making process. In some key policy areas, the Parliament cannot change or amend legislation. Instead, the EP only votes to accept or reject legislation, a significant difference in power compared to the co-decision procedure. Some of the key policy areas left out include agriculture policy, taxation, economic policy, citizenship policy, and the revision of treaties. This poses a significant threat to the democracy argument of the EU. By limiting the policy areas where the Parliament shares its legislating power, the EU is also thereby limiting its democratic connection with its citizens. If the parliament does not share equal legislating power with the Council and Commission on every policy area, “The Parliament can find itself excluded from critical legislative and policy decisions...European citizens can be affected by measures over which they have no direct control.”⁸ This weakness almost completely removes the democratic inputs from a portion of the legislation process.

The second loophole is that the EP does not have full legislative powers like traditional national parliaments. The Parliament cannot initiate proposals, they can only debate, discuss and vote on the proposals set forth by the Commission. The EP is unable to complete the entire legislation process of developing, debating, and voting on its own

⁷ Elizabeth Bomberg and Alexander Stubb. *The European Union: How Does It Work?* (New York: Oxford UP, 2003) p.54

⁸Ola Zetterquist, “Democracy and Legitimacy in the European Union”. Diss. University of Lund. (Spring 2004) p.15

policy proposals. Policy areas that were subject to this complete process at the national level now experience only a portion of this process at the EU because of the separation of powers between the institutions. There is a breakdown of democracy when European citizens cannot communicate their interests and opinions for future legislation to their government. The Commission's representatives, the only people responsible for initiating proposals and legislation, sever all ties with their national government upon taking office and are only accountable to parliamentary oversight.⁹ It is difficult for public opinion to progress to the EU policy level because the Commission's job is to propose legislation that it feels is beneficial to the EU citizens, considering EU public opinion is not a required part of that process. If the EP had direct initiation power, the citizens could communicate their interests directly through elections.

Electoral and Referendum Flaws

Criticism of the Parliament's elections significantly weakens the EP's case as being the only democratic institution. European citizens view European elections as "second-order" elections and they traditionally take a back seat to national party politics and elections. This happens because national elections provide a distinct outcome and have the ability to bring about serious change to a nation. Europeans give priority to national elections because,

"They determine who controls the national government, which in turn makes decisions that are most immediate and relevant in the lives of citizens...European elections are seen as second-order elections because there is less at stake, there is no potential change of government

⁹ The Parliament has supervisory power over the commission to ensure they are respecting the general interest of the European Union.

involved, and most Europeans are badly informed about European issues or know very little about what the Parliament does.”¹⁰

This nonchalant attitude EU citizen’s hold toward the elections explains a lot about how Europeans feel about the EU. According to McCormick, when the voter turnout in most member states is below fifty percent, it “undermines the credibility and political influence of Parliament.”¹¹

Parliamentary elections also face structural problems that weaken their significance. Elections are not conducted on the same day in every member state. Instead, they take place over three-day period throughout Europe. Furthermore, there is no standardized electoral system in the EU. Voters in Germany for example use a different elector system than voters in France. While one country might consider its entire country one large constituency and allow representatives to be elected from a general list of candidates; other member states divide their country up based on population and allow voting based on districts. The EU must standardize its voting procedures to legitimize the EP elections. All of these problems combined with the “second-order” mentality and low voter turnout dramatically hurt the EP’s democratic legitimacy claim.

Election turnout is also likely hurt by EU citizens’ belief that their actions do not accomplish anything. Turnout for referenda is on the average higher than EP elections because citizens believe their opinions are truly accomplishing something with a referendum vote.¹² If citizens feel they have no influence on their government and believe their opinions are falling onto deaf ears, they will withdrawal from participating. The

¹⁰ John, McCormick,. *Understanding the European Union*. (New York: Palgrave Macmillin, 2005) p.146

¹¹ John, McCormick,. *Understanding the European Union*. (New York: Palgrave Macmillin, 2005) p.146

¹²Jennifer Mitchell, *The European Union’s “Democratic Deficit”*,
<http://www.eumap.org/journal/features/2005/demodef/mitchell>.

situation in the EU now is one of an uninformed, unmotivated constituency. The historical use of the referenda provides support for this argument.

A referendum is an aspect of direct democracy that allows the voters to express their opinions on specific policy topics¹³ through an election. The results of referenda used in the EU are very interesting. In 2001, Swiss voters overwhelmingly decided not to join the EU when the referendum was on the ballot. Also, in 2005 French and Dutch voters effectively ended the attempt to develop a European constitution by voting no when the referenda was on the ballot.

When citizens have the ability to play a direct role in EU decision making and understand the implications of their decisions, voters seem much more willing to participate and take an active role in the EU. European citizens seem willing to participate in EU politics if they know their opinions will be considered, but lack motivation to participate in EP elections because of the small impact they have on the Union.

“Voters are so rarely given the opportunity to express their views on EU matters that referenda are often used to express opinions on the EU and European integration more generally, rather than the issue at hand.”¹⁴ This quote explains the problems at hand with the referendum process. Allowing citizens to participate directly with referenda allows them to remove all the intermediaries, the undemocratic institutions, from the governing process. This process seems ideal to increase the democratic input of the EU, and to an extent, it does, but its legitimacy suffers because this process only allows EU citizens to participate in the policy areas the EU delineates. One or two referenda every

¹³ Traditionally in the EU, referenda are used when countries are deciding whether or not to join the EU, or to accept a new treaty.

¹⁴ John, McCormick, . *Understanding the European Union*. (New York: Palgrave Macmillan, 2005) p.149

five years does nothing in the way of significantly increasing the democratic input of the European Union; especially when many citizens use those referenda as a means to relay their opinions of EU policy as a whole, rather than the specific issue on the ballot.

Support for Less Democratic Input

Some scholars, most notably Giandomenico Majone, argue that placing more democratic pressures and influences on the EU detracts from its overall purpose. Majone argues that because the EU consists largely of regulatory and economic institutions established to promote free trade and economic development, it should be insulated from democratic influences in much the same way as an independent central bank, like the US Federal Reserve. According to Majone those democratic influences on the EU level can be exploited to serve the interests of politicians at the nation state level, whereby defeating the overall purpose of the EU.¹⁵

Insulating the EU from democratic inputs also gives EU political leaders the freedom to make important decisions regarding the future of EU integration and policy. With the general public of Europe withdrawn from EU politics the average citizen does not have an understanding of important integration processes or policy areas. Giving the decision making powers to EU officials, democratically elected or not, who are informed and understand the intricacies of the Union allows them to make better, wiser decisions. While the representatives comprising four of the EU's institutions are not democratically elected, McCormick argues, "The citizens hold their national governments accountable, which in turn represent their interests at the European level."¹⁶ It is clear that while the EP is the only EU institution held directly accountable to the

¹⁵ Giandomenico Majone, *Dilemmas of European Integration*. (New York: Oxford University Press, 2005)

¹⁶ John, McCormick, *Understanding the European Union*. (New York: Palgrave Macmillan, 2005) p.145

European people, the other four institutions are clearly well within the reach and control of Europe's citizens should they need to be reformed.

Moving Forward

The democratic deficit of the EU will only be solved through a major shift in both the structure, and distribution of power in its institutions. The first way to develop more democratic inputs into the EU is to replace the Council of Ministers with a second house of parliament. Using the legislature in the United States as a model, the EU should replace the Council of Ministers with a new institution much like the senate in the US. This new house of parliament would meet separately from the current parliament and would establish a different level of representation.¹⁷ Both houses of parliament would share equal power in all policy areas and an agreement from both houses would be necessary for a proposal to become EU law.

In addition to the changes to the Parliament and Council of Ministers, McCormick believes the Commission should be completely taken out of the legislative process. Instead, "the powers of the European Commission should be focused on policy implementation...it should have the same role as a conventional bureaucracy, and be charged with ensuring the execution of laws developed by the Parliament."¹⁸ This change in powers would give the Parliament the power to initiate proposals and allow the supranational Commission to focus on making sure the EU develops into a more productive cohesive government. Transferring the initiation power from the Commission

¹⁷ The U.S. senate is composed of 100 representatives, 2 from each state. Establishing another chamber of parliament, one based on equal representation from each nation-state, would make significant strides towards eliminating the "big state – small state" conflicts that sometimes arise in EU politics. The distribution of seats in the EP is allotted to member states based on population.

¹⁸ John, McCormick, *Understanding the European Union*. (New York: Palgrave Macmillan, 2005) p.154

to the Parliament allows the citizens to take an active role in electing all representatives responsible for the legislating of the EU.

Another solution that is not as wide sweeping as those previously mentioned would be the expansion of the EP's powers. This issue was already attempted in the failed attempt to ratify the EU constitution in 2004. The constitution would have extended the parliament's co-decision procedure to virtually all policy areas. This change would have established the parliament as an equal legislative partner with the Council on all EU level policy areas.

The EU needs to make a significant effort to involve its citizens in the legislative process. Currently most Europeans do not understand EU level politics or the legislative process. This transparency issue concerning the transfer of information from the EU to its citizens is also one of the reasons for low turnouts at EP elections. Informed constituents, who are passionate, concerned and critical about the decisions their government makes creates a better and more productive government. Opening the Council of Ministers meetings to the public¹⁹, creating a formal EU office tasked with improving the flow of information to EU citizens, and establishing a more positive public image of the EU are all possible ways to generate more public interest in the EU.

Reform of the current EP electoral procedure is also necessary to improve the democratic legitimacy. Currently electoral procedures and ballot technicalities are handled on a national state basis. Standardizing all European elections, both EU and member-state, will ensure fair and democratic representation throughout all levels of government. This improved electoral procedure combined with improvement in the

¹⁹ Currently the Council of Ministers meets behind closed doors in Brussels. This policy combined with the importance of the Council only confuses EU citizens as to its actual decision making process.

transparency of information will promote citizens to take a more serious stance on election turnout..

Conclusion

The last sixty years of the European Union have been filled with integration, economic policy, and the transfer of power from the nation state to the EU. While these advancements increased the power of the EU dramatically, they did little to improve the democratic deficit. The EP is the only institution held directly accountable to the European citizens, but it also has serious democratic flaws. In order to continue the integration process and handle more responsibility, the EU must undergo serious changes to make it more democratic. The institutions, policy areas, distribution of power, and elections must all undergo change to better include the interests and opinions of the EU citizens.

Works Cited

1. "European Union Mission Statement." Alliance of Liberals and Democrats for Europe. 17 Mar. 2008
<http://www.cor.europa.eu/alde/EU_mission_statement%20final%20EN.pdf>.
2. Bomberg, Elizabeth, and Alexander Stubb. The European Union: How Does It Work? New York: Oxford UP, 2003.
3. Lane, Jan-Erik. Democracy in the European Union. Diss. Univ. of Geneva. 17 Mar. 2007 <<http://www.spp.nus.edu.sg/docs/wp/wp20.pdf>>.
4. Majone, Giandomenico. Dilemmas of European Integration. New York: Oxford UP, 2005
5. McCormick, John. Understanding the European Union. New York: Palgrave Macmillan, 2005
6. Mitchell, Jennifer. "The European Union's "Democratic Deficit"." 17 Mar. 2008
<<http://www.eumap.org/journal/features/2005/demodef/mitchell>>.
7. Zetterquist, Ola, Democracy and Legitimacy in the European Union. Diss. University of Lund. Spring 2004. 17 Mar. 2008
<[http://www.jur.lu.se/Internet/Biblioteket/Examensarbeten.nsf/0/C67F84D6269531F7C1256F4D00312B15/\\$File/xsmall.pdf?OpenElement](http://www.jur.lu.se/Internet/Biblioteket/Examensarbeten.nsf/0/C67F84D6269531F7C1256F4D00312B15/$File/xsmall.pdf?OpenElement)>.