

The European Union's "Democratic Deficit": Bridging the Gap between Citizens and EU Institutions

Jennifer Mitchell, PhD candidate at the Polish Academy of Science

With the recent enlargement of the European Union (EU) in May 2004, which expanded its membership from 15 to 25 countries, and with further expansion on the horizon, [1] there is increasing pressure on the EU to overcome the complexities of its institutional decision-making procedures and address the broad and growing perception of a "democratic deficit". The fact that internal awareness has been on the rise concerning the perceived lack of democratic practice among EU institutions gives credit to the European Union project as a whole. Institutions should be able to reflect and adapt to shifting circumstances, as they do to changes in society, whether influenced by globalisation or transition of political processes. While originally realised as a project to unify European nations against the possibility of future wars, the initial focus of the EU was on trade and economic union. However, with more nations joining, coupled with expansion in the scope of the EU's mandate, an incongruity between popular democratic representation and expansion has developed.

Europe's democratic deficit, whether it be perceived or real, is largely due to the EU's institutional architecture, which promotes a type of circulatory decision-making process, but permits little input from the European public sphere. Compounding this situation is the informal nature of negotiations that often take place among and within the key policy-making bodies of the EU, leading to a less than transparent, and sometimes unpredictable, policy-making process. This paper first briefly examines the main EU policy-making institutions to reach a broader understanding of this perceived democratic deficit. A discussion then follows that highlights the citizens' perception of the EU's decision-making process, and some European civil service responses towards democratising the EU institutions. In conclusion, several proposals are put forward as a start to bridging the EU's democratic deficit.

EU institutional structures: a closed window on policymaking

The common denominator between national and multi-level governing procedures is that each is tasked with coordinating opinion, and ultimately policy and resources, into a common pool. Power and influence within the European Union structures are divided, although somewhat disparately, between the European Parliament (EP), the Council of Ministers and the Commission. These bodies are designed to check and balance one another. In member states, citizens have the opportunity to influence national policy making through their elected officials. In the EU's multi-tiered system, the closest a citizen comes to impacting a policy decision is through their elected representative to the European Parliament.

While the EP has co-decision making authority with the Commission, [2] it lacks any binding legislative power. In practice, this means that while the candidates running for the EP can put forth various platforms, pro- or anti-EU, once they get into office they have no real hope of realising their plans. As one scholar aptly notes:

[T]he EP itself has virtually no role in constitution making in the EU. The EP is reasonably important in terms of day-to-day policy making *within* the EU, of course. But it carries no weight in the discussion *about* the EU, since this is instead a matter for national politicians and national governments and, through these, for the Council and Commission. [3]

Nevertheless, the EP is increasingly asserting itself and becoming more vociferous on matters that it has direct influence over, as was demonstrated by its recent disapproval of the newly appointed Commission cabinet. [4]

The Council of Ministers is a body that is composed of the respective member state representatives, and is the main legislative and decision-making body of the EU. Members of the Council have the necessary support of their national parliament to make policy. However, the almost clandestine nature of its procedures, often coupled with a lack of sufficient member state input, introduces a distinct perception of democratic deficit into the workings of the Council. "With the exception of Denmark and Austria, member states do not allow their national parliaments to exact commitments from ministers before Council meetings, consult them during sessions, or hold them answerable afterward." [5] Furthermore, with the introduction of qualified majority voting, member state representatives in the Council are further empowered to manipulate voting procedures, sometimes according to compressed timeframes, to reach a decision, inevitably leading at times to a blocking or veto of minority opinions within the Council.

While the EP must approve the legislature proposed by the Council, the internal veto power conducted among the MEPs, along informal lines, makes it easier for decisions to be influenced. Similarly, the Council's external veto power erodes effective decision-making power as member governments are reluctant to create a deadlock, and consequently use their veto power carefully. Ultimately, therefore, the crucial difference between national and multi-

level governing procedures, may lie less in a continuum of opinion between national to multi-level institutions, but rather between who defines majority interest within the respective national or multi-level spheres.

The Commission is bestowed with the power to draft laws and regulations for approval by the EP and Council, and is thus viewed as the driving force among the European institutions. The European Commissioners, appointed by member governments in consultation with the Commission president, hold various portfolios reflecting the mandate of the different directorates within the Commission. Due to the fact that the real drafting of laws and regulations often takes place behind closed doors by Eurocrats, who rarely venture into the regions and locations where Commission policies may ultimately have a direct influence, there is a perceived or real democratic deficit.

Instead of an interplay of opinion and consensus building from the European member states' public sphere, eventually to be reflected in policymaking in Brussels, a huge industry of "satellite organisations", claiming to represent European opinion in their respective issue areas, has mushroomed in Brussels. These organisations are made up of consultants who have regular contact with the Commission and the special committees set up to advise on specific issues, but may be equally out of touch with general opinion as many of their counterparts in the Commission.

Citizen vs. Eurocrat: perception of the demos in EU institutions

The complexities arising from the EU's inter-institutional linkages mean that citizens are often left confused and apathetic in accessing their rights. In national democracies, institutional linkages are more clearly defined and supported by constitutions and other formal frameworks. The public has the perception that, and indeed a clearer role whereby, they are involved in the process of decision-making, whose outcome directly affects them and their national interests. In contrast, people are represented in the EU's multi-tiered system by an assembly of elected officials who rarely consult or question the public's role. This has sometimes been referred to as "the permissive consensus", as a process that takes place because "Europe is too complex... or too technical, or perhaps even boring, to be of concern to ordinary voters, with the result that it is seen to become, by mutual consent, a matter for elites". [6]

The transformation, from national government to multi-level governance, leads, as some researchers point out, to a type of "co-ordinated decentralisation" emerging that replaces centralisation with multi-level coordination. [7] Yet in the act of altering the traditional procedure of decision making to emphasise the process itself over the institution, some have pointed to the emergence of a 'Faustian bargain'. [8] A key example of this 'bargain' concerns the consensus nature of decision making that currently takes place in the Council, which limits accountability and effectiveness in order to arrive at a broader agreement. Institutional structures within the Union have thus become compromised, as decision-making takes place within an informal setting, inserting a distance between citizens and their EU representatives.

The type of multi-level governance practiced by the European Union is characterised by a technocratic system that includes transnational, national and sub-national institutions, and a wide variety of public and private actors. Negotiations and networks among the multi-level institutions are defined more by informal, behind the scenes relationships. Here relations are not hierarchically defined, but rather contextualised both at the vertical and horizontal levels. Rather than complementing or expanding on inter-governmental practices, the multi-level arrangement often deals directly with sub-national or local authorities. Some point to the effectiveness of separating the central, regional and local authorities into autonomous bodies, capable of creating autonomous linkages directly with the transnational institutions of the EU. [9]

Yet these types of institutional networks have a way of allowing more powerful stakeholders to succeed over smaller, often less experienced and resourced agents. This is due to the lack of formal structure inherent in the negotiations among EU institutions and regional or local actors. With so many actors and institutions contributing to the EU process of policymaking, it becomes difficult to hold any one player accountable.

Internal solutions to combat criticism over the lack of democratic practice within EU institutions have failed to overcome the deficit, or address the underlying root causes. This was demonstrated by the recent appointment of a new Commissioner to deal with external communication issues. Aside from the fact that the new Commissioner was in fact an "old" commissioner, simply reassigned or "re-commissioned", [10] her main focus of attention in engaging the public sector centred on creating a "dialogue" or "brainstorming" with civic groups. This, it is inferred, would create the necessary link with the disgruntled and disconnected European citizens.

Yet, in common with many of the consulting firms and lobbying associations set up to influence policy in Brussels, many of these civic groups were directly financed largely by the commission. As one commentator points out, the Commission financially supports many organisations:

[...] partly because they are convenient interlocutors for the various policymaking directorates. Suppose the environment or social-affairs directorates are thinking of issuing new directives and want to be seen to take account of the views of European citizens. What could be easier than picking up the phone and arranging a meeting with the local (Commission-funded) NGO? [11]

This, in turn, could lead to a rather stale or self-serving dialogue or brainstorming between the Commission and non-governmental organisations (NGOs) that depend on the Commission for their financial lifeline.

Bridging the democratic deficit: restoring the organic flow between citizens and their institutions

Taking into account the diversity among the European member state populations, with their varying interests and needs, it must be conceded that representation of majority interests is unlikely to take place until a clearly defined European public space emerges. This will only happen once citizens, of both large and small member states, old and new, feel themselves “plugged in” to a process whose outcome they are able to influence and feel invested in. Among conceptual approaches that may be employed to bridge the perception of a democratic deficit, the following may offer a starting point:

First, efficiency should be restored to a governance process stretched too thin in order to accommodate a wide variety of actors at the expense of maintaining democratic principles and reaching effective solutions to policy problems. Through the creation of a legal framework, such as the constitutional process underway, a regulatory setting will be promoted which, in turn, would permit for more equal representation of all participants. Formal rules, embedded in constitutional principles, would ensure equality of representation for all involved. This would overcome a key flaw in the EU’s multi-level governing system, which is often more focused on process than outcome, by clarifying the individual role of the EU’s institutions to the public.

Second, in order to restore accountability and address the problems of transparency in EU institutions, the structure and process of negotiations should be formalised, and less powerful actors at all levels of government should be provided with institutional safeguards to ensure their equitable representation. This is particularly important when considering the lack of access many citizens have due to an absence of practical know-how to launch effective lobbying campaigns in the labyrinth of European institutions, in combination with lack of resources and political connections. To do this, the principle of subsidiarity [12] should be strengthened, in an effort to open up and demystify the decision making process to all levels of participants.

Third, as a means to alleviate the tunnel vision phenomena suffered by many Eurocrats in the Commission, a two-way exchange process whereby Commission officials spend some period of time reviewing their areas of responsibility from a national perspective, should be put in place. Just as the Commission has the stage (internship) programme as a way for individuals to learn more about the internal workings of its institutions through practical work experience, newly-inducted civil servants should be required to spend some time in member states other than their own, in their particular field of competence. This would allow civil servants to experience first-hand the issues ordinary citizens encounter, and reflect these back in Brussels.

Finally, crucial to public engagement is the need to create a wider forum for disseminating information regarding EU issues and procedures. The mass media is an excellent vehicle for this, and one that has been effectively utilised by anti-EU critics. Much of the problem with public perception of the EU has been the lack of information forthcoming from the institutions themselves. Perhaps in the past this was considered an effective way to maintain control by the elites driving the EU machine, but present reality can no longer tolerate such closed door policies. The issue is no longer whether Europe has a real or perceived democratic deficit. Ultimately, the perception of a democratic deficit itself represents a democratic deficit. What is needed is a commitment to install the lacking structural, institutional and procedural solutions that address an abyss which potentially threatens to engulf the democratic legitimacy of the EU and its institutions.

References

[1] Bulgaria and Romania are scheduled to join the EU in 2007.

[2] The EP was given increased powers in both the Maastricht Treaty and Amsterdam Treaty, under the Single European Act, to draft resolutions for consideration by the Commission.



- [3] Peter Mair, “Popular Democracy and EU Enlargement”, in *East European Politics and Societies*, Vol. 17, No.1 (2003), pp. 58-63 at p. 61.
- [4] The EP has the power to bloc the Commission President’s appointees to the Commission, but the vote must be unanimous.
- [5] A. Follesdal, “Democracy and the European Union: Challenges,” in A. Follesdal and P. Koslowski (eds), *++Democracy and the European Union++*, New York: Springer, 1998, p. 5.
- [6] P. Mair, p. 62.
- [7] Netherlands Organisation for Scientific Research Programme, “Shifts in Governance: Problems of Legitimacy and Accountability”, 2004, p. 7, available at <http://www.nwo.nl/governance/> (accessed 25 February 2005).
- [8] B. Guy Peters and Jon Pierre, “Multi-level Governance and Democracy: A Faustian Bargain?”, in I. Bache and M. Flinders (eds), *Multi-level Governance*, Ch. 5, Oxford University Press, 2004, p. 3.
- [9] For example the Committee of Regions has been successful in mobilising EU Structural Funds, independently of the State.
- [10] Margot Wallstrom, appointed the new Commissioner for Communication, was previously responsible for the environment portfolio.
- [11] Charlemagne, “A rigged dialogue with society”, in *The Economist*, 23 October 2004.
- [12] “The subsidiarity principle is intended to ensure that decisions are taken as closely as possible to the citizen and that constant checks are made as to whether action at Community level is justified in the light of the possibilities available at national, regional or local level. Specifically, it is the principle whereby the Union does not take action (except in the areas which fall within its exclusive competence) unless it is more effective than action taken at national, regional or local level. It is closely bound up with the principles of proportionality and necessity, which require that any action by the Union should not go beyond what is necessary to achieve the objectives of the Treaty”. See: <<http://europa.eu.int/>>.