

# The European Union's Democratic Deficit and Options for EU Democracy in the 21<sup>st</sup> Century

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## ABSTRACT

The European Union (EU) is widely acknowledged as a successful example of economic and political integration of nation states today - a slate of democratic institutions such as the European Parliament have also been developed and European citizens now possess extensive political and civil rights by virtue of the introduction of European citizenship. Nevertheless, the EU is said to suffer from a so called "democratic deficit" even as it seeks deeper and closer integration. Decades of institutional design and elite closed-door decisions has taken its toll on the inclusion and integration of European citizens in social and political life, with widening socio-economic inequalities and the resurgence of extreme-right parties in the wake of the debt crisis in the Eurozone. This paper attempts to evaluate the democratic development of the EU through the use of a process-oriented approach, and concludes at the end with discussions on the various options that the EU and its citizens can take to reform democratic processes and institutions in Europe.

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## THE EUROPEAN UNION'S DEMOCRATIC DEFICIT AND OPTIONS FOR EU DEMOCRACY IN THE 21<sup>ST</sup> CENTURY

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### Introduction

Initially conceived by six Western European nations as the European Coal and Steel Community (ECSC) in 1952 to safeguard peace and economic progress in Western Europe, the European Union (EU) is widely acknowledged as a successful example of economic and political integration of nation states today. Numerous treaties have shaped the EU's economic and political institutions, and a slate of democratic institutions have also been gradually developed. The European Parliament - the world's only directly elected legislature at the supranational level – is an established body that is directly accountable to the citizens of the EU, and EU citizens now possess extensive political and civil rights by virtue of the introduction of European citizenship. All twenty-eight member states of the EU are consistently recognised in major international indicators and surveys as "democratic" (Freedom House 2014).

However, there are critics who believe that the EU suffers from a so called "democratic deficit" even as it seeks deeper and closer integration. Substantial powers have shifted over the years to the EU, while closed-door decision making by Europe's elites has taken on a greater role amidst the falling interest in European elections. This has led to a weakening of inclusive institutions and mechanisms for democratic rights. In the wake of the debt crisis in the Eurozone, the widening socio-economic inequalities and the resurgence of extreme-right parties, all these have placed strains on democratic institutions in EU member states.

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This paper attempts to evaluate the democratic development of the EU through process-oriented approach, and concludes at the end with discussions on how proposed reforms should concentrate on enhancing democracy of and by the people.

### (1) Approaches to Pan-European democracy (1950 to present)

Democracy, according to Tilly (2007: 7) can be defined in four ways: constitutional/formal, substantive, procedural and process-oriented. These approaches essentially boil down to two ways that we can look at democracy, namely, process-oriented or **government of and by the people** versus substantive approaches to democracies in terms of **government for the people** (Buehlmann and Kriesi 2013: 45). The process-oriented approach is of deep significance for representative democracy in the European Union as the key question that this paper seeks to address is the ongoing process of democratisation in the multilevel European Union today: it is important to consider what are the processes involved in forming this multilevel European polity, how the presence or lack of key processes and institutions impact democracy, and what steps, if any, can be taken by citizens and politicians to reform or enhance the processes. Robert Dahl's five minimum criteria for democracy - effective participation, voting equality, enlightened understanding, the exercise of final control over political agenda, and the inclusion of all adults – is a useful starting point in the study of representative democracy in the European Union (Dahl 1997: 37-38). In a later work, Dahl (2000: 85) even goes further to suggest that large-scale democracy is best implemented through elected officials, free and fair elections, freedom of expression, alternative sources of information, associational autonomy and inclusive citizenship.

There is no doubt that these processes and institutions defined by Dahl are essential to the study of democratic states, and could also apply to supranational polities such as the European Union – after all, a process-oriented approach here

entails the set of relations between elected bodies and citizens. However, there is also a need to build on the process-oriented approach laid out by Dahl, and to incorporate a broader understanding of historical institutionalism, which defines institutions as formal or informal procedures, routines, norms and conventions embedded in organisational structure of polities. In particular, more emphasis is required in understanding path dependence and asymmetries of power here to explain how institutions develop and why they remain weak or stable after decisions have been taken place (Hall and Taylor 1996). Charles Tilly's (2007: Chapter 8) study of democracies has led him to identify three master processes that shape the strength or weakness of democracy: the integration of trust networks into public politics, the insulation of public politics from categorical inequalities, and the dissolution of autonomous coercive power centres. Tilly's approach has not been used to study political processes outside of the nation-state level, but this paper aims to incorporate a broad enough approach including inequalities and power asymmetries into the analysis of democracy and democratisation in the EU. By studying how inequalities and asymmetries are created in the EU polity, this could be beneficial in crafting solutions for the future.

## **(2) Europe, the European Union and Democracy: An Overview**

### ***Post-war Democracies and a United Europe through Integration***

Democracy in Europe took some time to consolidate following the Second World War – after all, it was only in the 1980s did Western Europe become uniformly democratic – but it is now essentially the “only game in town” (Kriesi 2013: 1). Indeed, the lesson learnt from the failure of peace in Europe between two devastating wars was that in order for Europe to be stable, prosperous and free, the dangers of extreme nationalism and the possibility of future wars had to be reduced. From the ashes of a post Second World War Europe, governments had to deliver strong democratic states through socio-economic

inclusiveness, the integration of trust networks and the control of the agenda within national borders. First and foremost, social and economic inequalities that had emerged during the inter-war period were corrected through the development of social welfare systems. At the same time, Western European states weaned the people from the extremes of autonomous groups by including them in the decision making processes through democratic institutions that guaranteed universal suffrage, accountability and extra-parliamentary participation. Arguably, these political developments set the stage for Western Europe's economic resurgence in the latter half of the 20th century, and in doing so, created the ideal political and economic environment during the post-war years for integrationists such as Jean Monnet and Robert Schuman to press ahead with an age-old dream of a unified Europe.

It must be emphasized that the European Union (EU) is not a federal nation-state, but rather, it can be described as a polity with multi-level governance to “internalize externalities” (Karr 2008: 127). The founders of the EU initially adopted an intergovernmental approach to international cooperation at the very beginning, where treaties rather than a constitution mediated policy externalities resulting from cross-border economic activity - the Council of Ministers performed its role as the representative of national ministries, the European Commission served as the EU's executive body or its civil service, and the European Parliamentary Assembly – later renamed the European Parliament in 1974 – was the deliberative body for national MPs to discuss European issues. Nevertheless, it was in the 1980s where national leaders took a neo-functionalist approach towards uniting Europe and agreed that it would make sense to deepen integration in other areas - the Single European Act of 1986 engineered the establishment of a single market as well as acknowledged the role of the European Council, and the Maastricht Treaty formally extended the existing policy structures of the EU to include, amongst other things, a layer of horizontal accountability through the development of supranational political institutions. Nevertheless,

Monnet's and Schuman's dream of a federal Europe has yet to come to fruition – an attempt to draft a EU constitution was rejected in the referendums in France and the Netherlands, putting the brakes on neo-functionalism driven integration. The EU thus remains a complex multi-level polity, but this did not bring an end to the European democratic experiment. On the contrary, the EU has placed more emphasis on developing the EU's democratic institutions after the failure of the constitutional referendums, and much of what was in the Constitution was retained in the Treaty of Lisbon.

### ***Democracy in Institutions and Treaties***

The Treaty on the European Union (TEU) explicitly states that the EU “shall be founded on representative democracy” (Article 10 TEU), but at the time of the ECSC's founding a pan-European representative democracy was not the key issue at hand – peace and economic co-operation was considered more important than the polity's democratic legitimation, which at that time functioned with representatives from national parliament (Rose 2013: 2 and Nettesheim 2005). Nevertheless, there was a push for pan-EU representative democracy resulting in the introduction of direct elections through universal suffrage for the European Parliament in 1979.

After further changes in the Maastricht and Lisbon treaties, the European Parliament (EP) is now a co-legislator with the European Council through the Ordinary Legislative Procedure, meaning that it is now equal with the Council in all competences except for agriculture and new policy fields. Furthermore, the EP has parliamentary oversight over the EU's budget, the power of assent for all international agreements in fields governed by ordinary legislative procedure, and the power to elect the President of the European Commission (Europa: Treaty of Lisbon and Article 14 TEU). Through decades of legislative activity, the EP has firmly established itself as an institution that maintains a high level of openness, transparency and accountability in the sense that public discussions, plenary sessions of committee

meetings and voting procedures are truly accessible, and it is “independent” in the sense that MEPs answer to voters and not member state governments ((Stie 2013: 168-171 and Kluver 2013: 35). These changes have enhanced the representativeness and accountability of the EP, bringing it more in line with the basic expected role of legislatures in representative democracies.

Other measures in the recent treaties have placed more emphasis on new democratic ideals and processes. Firstly, the centrality of democracy remains a non-negotiable aspect of membership. Aspiring member states have to fulfil, among other criteria, the *acquis communautaire* and the Copenhagen criteria before they are allowed to join the EU. Simply put, nation-states that wish to join the EU must be democracies (Rose 2013, TEU and European Union 2012). Secondly, the Maastricht Treaty confirmed the role that national legislatures play in approving EU treaty modifications, the transposition of directives into national law, and the “influencing” of the decisions of government officials in the Council of Ministers (Pollak and Slominski 2013: 148).

In 2007, the Lisbon Treaty extended to national parliaments the role of a second channel of democratic legitimation - national parliaments are now informed about the decisions and draft legislations of the Council of Ministers, and the “Early Warning Mechanism” empowers them to flag EP proposals for action if such proposed legislation is more effective at national than EU level (Pollak and Slominski 2013: 148-149, Micossi 2009: 223 and TEU Article 10). Since the implementation of the Single European Act in 1986, the EU has begun to incorporate public views through interest group engagement for the purpose of enhancing policymaking. Alongside the EU's specialised networks of regulatory agencies, consultative status has been conferred upon important organisations such as unions, business interest groups, consumer groups and public interest advocacy groups, (Kluver 2013, Kar 2008 and Micossi 2009: 226-227). The Lisbon Treaty also introduced a “citizens' initiative” where European citizens can petition commissioners to develop

legislation in important areas of public interest (Miccosi 2009: 226 and Article 11 TEU).

The innovation with arguably the greatest direct impact on European citizens' democratic identity is supranational citizenship rights. "European Citizenship" is enshrined in the Maastricht and Lisbon Treaties, as well as the EU Charter of Fundamental Rights of 2009. This citizenship is "complimentary" to national citizenship, and it includes familiar fundamental political rights such as the right to vote, the promise of periodic elections, the right to stand in these elections regardless of residence in the EU, and the freedom of movement within the European Union (Articles 10, 11, 21 and 45 TEU and EU Charter 2009). So far, the idea of European citizenship has been positively received – the result of the last Eurobarometer indicates that 59% of Europeans feel like citizens of the European Union (European Commission 2013).

It is worth noting that the idea of a "European democratic identity" contradicts the view that democracy presupposes a "demos" and as such, its continued existence is only possible in the context of a nation state and not a polity such as the EU (Greenfield 1992). Indeed, theorists such as Kielmansegg (2003: 57) have argued that a politically resilient identity of the Europeans does not exist because Europe lacks a *demos*, but this is based on an ethno-cultural rather than "political" view of the "demos". In contrast, writers such as Habermas (1995) argue that collective identity is not a precondition, but rather, a consequence of the creation of political institutions, while Follesdal and Hix (2006) warn against assuming a European demos as a prerequisite for genuine EU democracy as a European democratic identity could form through the practice of democratic competition. Indeed, these developments in Europe and views on an EU "demos" are in line with Dahl's view that the most important criteria for democracy in any polity include political participation, voting equality and the inclusion of all citizens, and these must be supported institutionally in terms of elected officials, free and fair elections and inclusive citizenship.

### **(3) Democracy in danger: the deficit in the EU and de-democratisation in member states**

It is not hard to see that, on paper the treaty changes to develop EU-wide democracy has met the criteria of Dahl's six distinctive criteria, and the EU can be considered "democratic" in the formal and constitutional sense. Nevertheless, the actual process towards a genuine Europe-wide democracy is far from ideal, as the EU continues to suffer from a "democratic deficit" which can be said to be a deficit of substantive and process-oriented approaches to democracy (Follesdal and Hix 2006, Hix 2008, Weiler et al. 1995 and Rohrschneider and Loveless 2007). Negative views towards the EU have increased - the latest Eurobarometer (Dec 2013) suggests that the proportion of European citizens who are pessimistic about the EU has risen substantially since 2007, while two-thirds of Europeans feel that their voice does not count in the EU. Also, there is a trend of continued falling turnout in European elections, with a new low of 42.54% recorded in the 2014 European elections (Kroet 2014). The increased pace of integration has meant that national legislatures are increasingly bypassed in decision making on matters that affects member states, and the widening of categorical inequalities such as unemployment combined with populist politics is fuelling de-democratisation in several member states (Economist Intelligence Unit 2013: 2). Ultimately, the weaknesses in democratisation in the multilevel EU can be understood by examining key processes and mechanisms of institution building at the EU level – indeed, the effects of these processes and mechanisms over the years not only affect how the EU's democracy is mismanaged in Brussels and Strasbourg, but also, how member states' democracies ultimately suffer from the systematic transfer of competences to EU institutions at the expense of inclusiveness.

#### ***A deficit of democracy in the EU***

As mentioned in the previous section, European integration has, and still is, primarily driven by political leaders or trustees through *engrenage* or "spillover" (Rose 2013: 41), and this experiment in

regional integration has resulted in a multi-level EU where the Commission, Council and Parliament engage in deliberation and decision making on directives and regulations for managing externalities at the highest EU level. Indeed, the underlying reason why the “deficit” exists is that the development of the EU has been “for the people” rather than “by the people”, and democracy in the EU has been facilitated by its trustees through “integration by stealth” rather than by the input of its citizens. As Jürgen Habermas (2013) argues, the downside of establishing this supranational bloc through *engrenage* has meant that substantively, leaders and institutions have prioritised “output” legitimacy over “input” legitimacy and endorsed processes that support the “permissive consensus” of its citizens (Lindberg and Schiengold 1970). The clearest sign that all is not well today is the decline of this type of consensus post-Maastricht, where the failed constitutional reform and the Eurozone crisis have contributed to a “constraining dissensus” instead (Down and Wilson 2008). In essence, democracy in this multilevel polity was built on weak people-oriented foundations and is a stumbling block for accountability, transparency and responsiveness of European institutions (Kriesi 2013: 8). Ultimately, it can be said that the deficit is a result of not adequately including Europeans in the EU’s decision making processes, as well as the failure to integrate the trust networks between the institutions themselves and the citizens they represent.

While the European Parliament’s powers and co-decision activities have increased in recent years to help it gain credibility as an accountable and responsive representative institution, the EP’s share of problems associated with the deficit has been brought about by the general process of developing European institutions to deliver substantive outcomes without invoking more process-oriented inputs from citizens (Stie 2013: 167-171 and Karr 2008). Unlike national parliaments, the EP’s “responsiveness” problem compounded by a “lack of politics” (Schmidt 2006), where cross party co-operation in decision making trumps true representativeness of voter

preferences. Indeed, the parties in the EP often work closely together on finding solutions to European issues rather than go against each other, and, taking into account the lack of politics, the EP and its MEPs asymmetrically represent citizens in the sense that it can justify its response to decisions on the basis that that they represent everyone regardless of voter turnout (Rose 2013: 107). In terms of policymaking, the EP’s new role as a co-legislator in Ordinary Legislative Procedure (OLP) has meant that it is increasingly reliant on the use of trilogues, or informal tripartite meetings attended by representatives of the EP, the Council and the Commission, in the deliberation of policies and directives. However, the drawbacks of such trilogues are that the Council can now negotiate directly with majority party leaders in the European Parliament at the expense of committees and minority parties, and agreements are often reached before they can be deliberated. Indeed, the OLP is arguably one area where the EP suffers from systematic non-transparency and non-accountability in the decisions that it makes through its committees at an early stage, and the trilogue process adds to the systematic exclusion of European citizens from being involved in important decision making areas (Kardasheva 2012, Stie 2013: 167-171 and Karr 2008).

Next, it is important to note that the gap in democratic accountability and transparency has been facilitated by the non-inclusive processes and mechanisms in the European Commission, the European Council and the Council of Ministers. In terms of democratic decision making, these institutions have benefited more than the EP due to “permissive consensus” created by institutional design, and while some decisions by the Council and Commission can be considered as responsive to the needs of European citizens, issues relating to exclusionary processes of deliberation and decision-making in these European bodies have had a harmful effect on democracy at the EU level. The Council is a body where national executives are subjected to an indirect chain of accountability to national electorates, but most deliberation and decision making work is not undertaken by these executives but rather, the Council’s working

groups, the Secretariat and Coreper. These groups take care of daily tasks including work on the OLP dossier but often behind the scenes, thus reinforcing the Council's non-transparency and weak accountability (Karr 2008: 99-100). Similarly, decisions in the non-elected European Commission are often taken by invisible actors due to technical complexity of subject matters, and concerned European citizens can expect concluding press statements on these institutions' positions on issues rather than a clear account of how decisions have been made (Stie 2013, Miccosi 2009: 226-227, Gilardi 2008 and Lavenex 2013: 122). Most importantly, these exclusionary practices in European institutions were not created overnight, but rather, through decades of sustaining informal and exclusive mechanisms of internal communication and deliberation since the passing of the Single European Act and subsequent EU treaties.

Last but not least, the expanded role that special interest groups play in a multilevel and networked polity like the EU is another major factor in this so called "deficit" or weakness of EU democracy. Since the mid-80s, the EU has attempted to include more voices in policymaking through expanded interest group engagement due to the aforementioned weakness of representative democracy in the EU (Kohler-Koch 2007). Indeed, many single-issue groups are often engaged by the EU in this relationship precisely because EU institutions such as the Commission and Parliament often require information, financial resources, as well as citizens' support to achieve their objectives. In particular, both sides stand to win when citizens support is courted, as this vital asset increases interest groups' chances to influence policymaking as well as the EU's efforts to appear responsive (Kluver 2013: 215-217). However, by and large these processes have led to EU institutions relying heavily on output legitimacy rather than delivering the input legitimacy that they seek, and also, these institutions have systematically built barriers to the inclusion of citizens in EU decision making. While Kluver insists that the high number of business interest groups in the EU lobbying process is not a sign of an inherent systematic bias, the evidence at

hand suggests that lobbying success is stronger in groups that do not have to aggregate interests, are institutionally and financially stronger, and who have a better relationship with EU institutions (Karr 2008: 171-172). The privileged position of stronger and better-endowed interest groups results from the EU's failure in integrating public trust networks in these deliberation and decision making mechanisms, and the main outcome is the erosion of citizens' sense of being included in the political process. In the long run, imbalanced interest representation is a threat to the effectiveness and efficiency of the policymaking process in the EU.

In sum, the main consequence of such embedded processes and informal institutions is the failure to include European citizens within European decision making, as well as missed opportunities to integrate public interest groups into EU decision making. Although low voter turnout could be a result of voter indifference towards the EU or, at best, their implicit support of the basic consensus in EU policymaking, it may also be the strongest sign of continued citizen de-legitimation of a European democratic process that does little to engage its key stakeholders in policy deliberation and decision making (Miccosi 2009: 222, Rose 2013: 109-11 and Lord 2013: 243-245). It is perhaps no surprise that the systematic alienation of citizens - a vital trust network in any democracy - from decision making processes in the EU has led to a falling interest in European politics, leading to a record number of eurosceptics and extreme-right candidates being elected into the EP in 2014. More worryingly, the EU's current weak attempts in democratisation and sustaining citizen interest in the European politics could inevitably reduce incentives for its leaders to deal adequately with this deficit in democracy (Krivanek 2012).

### ***Internationalisation of democracy in a multilevel EU: a challenge to social equality and civil rights***

Democracy in a multilevel EU must also be understood in the context of the internationalisation of politics and its impact on democratic governance in its member states. Indeed, the growth of international and

supranational bodies in the globalised world account for the “vertical transformation of democracy” where the spatial reconfiguration of the political system involves the de-bordering of societal and political transactions commonly associated with nation states, yielding new perils for the exercise of democracy as societies move towards more technocratic based practices at the international level (Lavenex 2013a: 106-107).

In the case of the EU, the internationalisation of democracy via the transfer of competences to the European Parliament, the Council of Ministers and the European Council reflects a growing asymmetry of powers between the EU's political elites and national parliaments. Indeed, such transfers of decision-making powers to the EU mean that national executives have less reason to include their parliaments in decision. A prominent example of this is how the Eurozone crisis was handled – in the international fora consisting of national executives, heads of international organisations and EU institutions where national legislators were systematically excluded in the deliberation process and subsequent responses. (Lavenex 2013a: 118-119, Lord 2013: 236-238 and Winzen 2010: 8-11). Although national parliaments are equipped with the “Early Warning System” mechanism that gives them a greater say in the decision making process of the EU, this procedure has been rarely used, and it could even generate more uncertainty about the roles and responsibilities of various institutions (De Wilde 2012).

As the EU grapples to resolve its most severe financial crisis in the midst of trying to build notions of democracy and citizenship, the aforementioned vertical transformation of democracy combined with neoliberal economic policies play an important role in the widening of inequalities. The increasing phenomenon of “contractualisation of citizenship” (Somers 2008) has meant that European and national citizenship, instead of being reciprocal but non-equivalent in terms of rights and obligations, are increasingly being eroded through elite and technocratic attempts to save the Eurozone and the European

integration project. The widening inequalities within and between nation-states as reflected in figures on poverty, youth unemployment, and the socio-economic exclusion of minorities further erode social and political trust networks (Birdwell et al 2013). The fiscal austerity measures agreed to by the Eurogroup to resolve the Eurozone crisis has worsened youth unemployment, with record high of 59.2% recorded in Greece in December 2013 and an average of 23.2% recorded across the EU (Eurostat 2014). At the same time, a recent report by the European Commission has noted that, in the wake of the Eurozone crisis, 24% of the EU's population is now at risk of poverty or social exclusion and 9% live close to severe material deprivation (European Commission n.d). The changing face of Europe's demographics has meant that Europe's minorities such as immigrants and stateless peoples now face new problems in social exclusion in terms of discrimination and racism – in particular, the Roma people face socio-economic exclusion from social services such as education and social services and do not have political rights despite being residents of the EU (Benhabib 2002 and Birdwell et al 2013). In terms of trust networks, member states in Eastern Europe and the Mediterranean are failing to protect their citizens from corruption and organised crime – corruption and organised crime groups have certainly increased in the wake of the Eurozone crisis, and citizens have indicated that they are increasingly affected by corruption in their daily lives (European Commission 2014).

The disintegration of public trust and the widening of social inequalities have also led to the re-emergence of extreme-right politics and the erosion of civil-political rights in the EU's member states. The transfer of decision making functions to the EU, the slow adoption by citizens of the internationalisation of democratic functions from nation-state to Brussels (Lavenex 2013a: 112) and the resurgence of national identity (Turner 2011: 7) has meant that there is a further erosion of trust between national politicians and their citizens, and in turn, this has given extreme-right and eurosceptic groups space to establish themselves in both the national and European parliaments



from Greece to Sweden (Boréus and Hübinette 2012). These extreme-right and eurosceptic groups often focus on the failings of the EU to promote populist and xenophobic solutions – such as exiting the European Union and curtailing non-European immigration - as a way out of the current imbroglio (Van der Brug and Fennema 2003: 69). In terms of the strength of democracy in member states, the EU's new Eastern European members have a shorter history of being democracies, and their trajectories of democratisation and state capacity are correspondingly weaker than their Western European counterparts. Worryingly, there is a growing trend towards a de-democratisation in countries such as Hungary and Romania where the strength of the extreme-right has had a transformative effect on governing parties. The evidence in Hungary and Romania points to governing elites eroding the rule of law, curbing political opposition, gaining more control over state resources, and tolerating corruption leading to a host of socioeconomic problems (Wiktorek and Otashvili 2013 & Abtan 2013 and Tismaneanu 2012). Perhaps what should worry EU leaders in Brussels and other European capitals is Hungarian Prime Minister Viktor Orbán's confident belief that Hungary's membership of the EU does not preclude his administration from building an "illiberal state" on new national foundations (Mahony 2014).

#### **(4) Challenges and options for the EU's democracy in the 21st century**

The recent comments of Hungarian Prime Minister Victor Orbán are against the spirit of the *acquis communautaire*, and in essence, the EU's belief in liberal democracy. These comments point to a real danger that the EU might become less interested in resolving its problems with democracy, focusing instead on other technocratic elements of the EU's further integration such as trade policy. Indeed, it would be too easy for the EU's leaders to narrowly focus on the successful elements of European integration instead of addressing the flaws in the European democratic project, namely, the weak accountability and transparency of EU decision making bodies, the systematic exclusion of public

trust networks from public decision making, the erosion of civil-political rights and the ever expanding social inequalities such as unemployment and poverty which could have a negative impact on democracy. These flaws pose serious challenges to the longevity of the EU's supranational democracy, and in the long term, the challenge to its democratic identity. The challenge for the EU's leaders and democracy advocates is putting the EU back onto a path where democracy is forged by, rather than for its citizens.

There is no shortage of ideas to overcome the EU's deficit in democracy, both in the pro-integrationist camp and among those who call for more caution on integration. Among the pro-integrationist solutions include the call for treaty revision to create more balanced powers in the EU (Vesnic-Alujevic and Nacirinothis 2012) so that the European Council, through the downgrading of the notion of national sovereignty, is on an equal footing with the European Parliament in decision making powers (Habermas 2013); German finance minister Wolfgang Schäuble's proposal for a President of Europe to balance the EU's increased powers (Deutsche Welle 2012); and instituting a European referendum system for citizens to vote on EU treaties and register their views directly (Richard Rose 2013: 154). There are also proposals to develop a standard EU parliamentary democracy where parties fight for elections in a two chamber Parliament with a "Prime Minister of Europe" (Hill 2013) or contest for additional seats through Europe-wide lists in order to create vital space for political contestation (Duff 2011, Duff 2012 and European Parliament 2011). Among the cautious include the "demoicracy" approach where the EU would not be treated nor developed as a singular political entity but as one that is judged on the basis of having multiple "*demos*" (Nicolaidis 2013 & Cheneval and Schimmelfennig 2012, 2013). Indeed, this "intermediary realm of political justice between national and international politics" may be suited for an increasingly globalised world where political institutions and rules should be devised to observe the overarching common good while respecting domestic limits to internationalisation (Sandra Lavenex 2013a: 134),

and is certainly in line with Glencross' view (2011: 364-365) that the nation-state still has a major role in legitimating the EU.

Resolving the root causes of the democratic deficit is a priority, but any options developed will have to take into account several factors. First, while some political changes are desirable for democracy, the EU is constrained in the use of amending treaties to reform institutions because it has to act within the scope of previous decision making processes and mechanisms. For example, further treaty changes to create a new presidential system or grant decision making powers to the EP must overcome the issue of gaining the endorsement of the majority of citizens and sovereign member states. Second, it may also be important to explore where balance can be struck between the needs of policymakers and those of citizens – in a rather complex polity, trilogues and closed door sessions may be required in the early stages of decision making so that decision makers can build mutual trust and make initial decisions, but this is provided that the EU firmly establishes a point in the deliberation and decision making process where the actions of the three main EU institutions are made open to the public for further scrutiny (Stie 2013: 189). Last but not least, the biggest danger to take note of, especially in the case of pro-integration reforms, is the continued dominance of democracy building by EU's trustees at the expense of national legislatures and citizens. Further treaty changes could once again involve more non-accountable and non-transparent decision making by political leaders, and this may not be suitable for a polity that already faces citizens' "constraining dissensus" towards more elite centred moves.

Indeed, a multitude of treaty changes to craft new institutions and powers may even draw our attention away from reducing the deficit in substantive outcomes of equity and social equality such as the inclusion of minority groups in deliberation and decision making at the EU and national levels, and in process-oriented outcomes where all European citizens are adequately integrated into the deliberation and policy making mechanisms at the EU level. Tackling the deficit in

substantive outcomes would also require EU leaders and citizens to place greater emphasis on "practicing democracy" (Hughes 2012) or process-oriented approaches to democracy in order to achieve a greater degree of equality, accountability, responsiveness, transparency and legitimacy in the EU's democratic polity. Given the current institutional set-up of the EU, such approaches would emphasize the working process of practicing democracy, meaning that citizens or *demos* are able to have a bigger say in the European system to deal with the deficit in accountability and transparency in the EU brought about by the insularity of member states' elites and asymmetries of power.

The EU currently has several non-treaty options that it can pursue to achieve stronger democratic outcomes. First, in terms of working with existing political institutions, the EU can continue to forge genuine EU political competition by building upon the recent changes to the election of the Commission President. Second, it can draw upon the untapped avenue of national parliaments to legitimate EU decisions. Last and most important, the EU can play a part in developing citizen empowerment in the political process.

### ***Genuine EU Political Competition***

As mentioned in the previous section, one major problem that hinders proper democratic participation and representativeness is the creation of an EU political system by the EU's trustees to deliver on output legitimacy through "integration by stealth". This is evident in the EU's centrist policy regime that restricts, among many things, a proper European wide debate about structural reform of the EU economy (Hix 2003). The outcome of such a policy regime has been the fall in voter turnout as EU citizens become less inclined to engage with EU politics, hence leading to the failed inclusion and integration of citizens into the democratic politics that the EU is trying to build. One way to overcome this current deadlock is through increasing the level of political competition at the European level. So far, EU leaders have heeded the need for a more competitive system in the EU by being creative

during the 2014 European elections, which saw for the first time the fielding of candidates for the Commission Presidency by Europe's main political parties, televised debates, and the subsequent election of Jean-Claude Juncker by the European Parliament in July 2014. Granted, the horse-trading by the European Council to nominate Juncker proved embarrassing, European elections still remain "second order" and political competition between the centre-left and centre-right remain minimal with the formation of a "grand coalition" after the May 2014 elections, but these changes have brought a fresh injection of accountability to the selection of Commission leaders and has created higher stakes for future democratic elections where lead candidates will have to compete on policies and programs.

Political competition is a wholly new area for EU leaders and citizens to focus on and as Hix argues, the outcome of political competition is beneficial to EU democracy because it can help to overcome institutional gridlock, promote policy innovation, preference changes and issue linkages, and also increase accountability and transparency (Hix 2006). Instead of wholesale treaty changes to inject more democracy the EU has several doable options to help bring about competition between parties and to encourage political debate on EU issues in member states. First, pro-system parties in EU member states should be upfront on EU issues, as voters will have to vote for national parties in order for their vote to count towards the respective European party in the European elections. Conservatives/Christian Democrats, Socialists, Liberals, Greens and the far-left have already banded closer together with their fellow counterparts to overcome European policy constraints in order to influence policy outcome (Hix 2011). Now that European elections are emerging as a high stake game for power these parties should have a greater incentive to further coordinate and develop more coherent European policy programs. The closer national parties work together in a European party setting, the more effective they would be able to compete with other party groups vying to take charge of the Commission. Secondly, the EU should follow up on

improving political competition among parties by introducing transnational lists for European Parliament elections in order to "europeanise" the political debate. Here, parties would have to become full-scale European campaigning organisations competing on the basis of political ideologies and political platforms - thus giving genuine choices to voters, who could then vote accordingly in support of their preferred candidates, policies, and programs. The winning party and candidate would then be able to claim a legitimate democratic mandate to lead (Hix 2006 and Lambsdorff 2012). At the end of the day, a gradual improvement in political competition would provide further accountability and transparency in the European electoral process, and EU citizens would be further integrated into an increasingly competitive European polity.

### ***Inter-parliamentary cooperation***

As Lord (2013: 236) argues, "insufficient parliamentary control over EU decisions is the original sin of the democratic deficit". National legislatures are actually less embedded in the politics of EU decision making and therefore can take on a more prominent role at the European level instead of having to "fight back" individually (Raunio and Hix 2000). National parliaments are the main approvers of EU funds (Grant 2013) and, as the direct channel of democratic representation in member states, they are equipped to use their "legitimation" role to enhance the EU's democratic legitimacy (Knutelska 2013: 34). It is worth noting that legislatures have previously cooperated on the EU's "yellow card" mechanism against a commission policy on labour, and they have also gotten together to discuss Eurozone governance and a financial stability treaty (Knutleska 2013 and Grant 2013). Therefore, deeper instances of inter-parliamentary cooperation are certainly feasible and can be achieved in two ways. Firstly, legislatures would be able to fill in the legitimacy gap in areas that the EP cannot, and given time, could create an independent second sphere of democratic representation in the eyes of EU citizens. Secondly, inter-parliamentary cooperation can help overcome EU institutions lack of

accountability and transparency. Parliaments could cooperate to form a European Parliamentary Forum where MPs can ask questions, file reports on aspects of EU and Eurozone policymaking, gather information without going to national executives, scrutinize the European Council's decision on foreign and defence policy, as well as elect the Eurogroup President (Grant 2013). Also, the proposed "red card" mechanism to give national parliaments the right to block unwanted legislation could also bring back democratic accountability over EU decision making (Grant 2013).

There is no doubt that for inter-parliamentary cooperation to work, the political incentive to increase the involvement of national parliaments in EU affairs must be present among the national MPs. It can be argued that national legislatures would not win back sovereignty by cooperating, and that there are political difficulties to get parliaments to agree on policies (Synon and Forsyth 2013). Nevertheless, such arrangements would actually entrust more crucial law-making responsibilities to national parliaments in a bloc where national sovereignty is slowly becoming secondary. Furthermore, inter-parliamentary cooperation to get things done at the European level would require parliaments – both national and EU - to behave and function as a cohesive group. This is something that MPs must develop through an ongoing process of proposed inter-parliamentary cooperation between national and European parliaments in order to allow these institutions to forge a stronger cooperative role in EU law-making processes at the European level. Taking into account the segmented roles of the EP and national legislatures is important, but this multilevel model of cooperation where national parliaments would collectively monitor the principle of subsidiarity and the EP would take centre stage as a liaison to its national counterparts would allow for versatility and a coherent inter-parliamentary force at the EU level (Crum and Fossum 2013: 255-256).

### ***Empowering citizens and strengthening citizenship rights***

While European citizenship has helped foster a sense of pride in "being European", its value would be further degraded should the EU's citizens continue to be systematically excluded from political processes in Europe. After all, democracy is not just about electoral participation but also about equality, inclusion and integration in the broader political process, and the EU can do much more to improve citizens' access to public politics so as to strengthen their inputs in deliberation and decision making. First, the European Citizens Initiative (ECI) can be further enhanced to provide more avenues for citizens to have a direct say in EU affairs. Although the ECI suffers from design issues such as the strict timeline for groups to obtain petition signatures, the process can benefit from an extended period to campaign and collect signatures, as well as allowing future ECI initiatives to propose treaty amendments (ECI Campaign 2012). Second, public interest groups can be further integrated into the EU's decision making processes in order to overcome the systematic bias contributed to by stronger interest groups. This can be done by actively strengthening weaker public interest groups through funding and majority requirements, institutionalise lobbying in the EU by registering groups, creating transparency through disclosure of interests and improving information channels, provide more resources and regulations to strengthen the independence of officials, and enable these bodies to self-correct themselves (Karr 2008: 177-182). Lastly, with regards to growing illiberalism in extreme-right politics, more can be done to protect the citizenship rights of EU citizens. The Union's rapporteur for fundamental rights has suggested the creation of an "Alarm Agenda" and a "Copenhagen Commission" to monitor democracy and human rights compliance within the EU (European Parliament 2013). Although this would entail interference in member states' domestic affairs, these mechanisms are in the interests of EU's citizens and would guarantee better protection against potential future violations without resorting to diplomatic sanctions (Habdank-Kolaczowska and Csaky 2013).

As mentioned above, democracy is not just about electoral participation, and recent evidence in opinion polls has suggested that citizens want to express their voices beyond elections (Kiez and Nanz 2014). In an increasingly multicultural EU, there is a growing need to reinvent the European community by encouraging EU citizens from different member states to discuss important socio-economic issues with each other. Similar to the inter-parliamentary cooperation model mentioned previously, Kiez and Nanz (2014) propose a European consultative Council of Citizens that would give permanence to and a tangible impact by wide-ranging citizen debates covering major issues – no decision making power would be given to this consultative body but it is envisaged that the EP, Commission and Council would then have to consider the recommendations and questions that emerge in this Council. Arguably, this bold idea would go further than the citizens' initiative by including citizens, campaigns and networks in a process of cross-national cooperation, and such civic solidarity and the strengthening of European civil society, as Habermas (2013) argues, can help forge a lasting partnership between citizens and political elites in the EU. For example, it can be envisaged that such a council can eventually use the ECI process to campaign and petition for changes to be made to dysfunctional EU policies, back public interest groups in their dealings with EU institutions, and help to create a political environment where citizen rights are protected. Nevertheless, the success of the Council of Citizens and the other initiatives ultimately depends on how political actors, public interest groups and citizens are able to successfully develop "bottom-up" citizen involvement; this must also take into account the integration of weaker and underprivileged groups into European governance in order to include them in discussions about European policy.

## **(5) Conclusion**

To summarise, previous decades of deeper integration in the EU have failed to integrate citizens and public interest groups in European decision making and other aspects of democratic

deliberation. At the same time, the vertical transformation of democracy has also undermined the inclusion of national institutions in the European integration project and has played a major role in widening economic and political equality in the EU. Nevertheless, the desire for a more democratic European Union remains, and this paper has argued that instead of difficult treaty changes, more emphasis should be placed on "practicing democracy" (Hughes 2012) to foster substantive democratic outcomes. The processes and mechanisms presented in this paper - a competitive political sphere for European political parties to debate policies and programs, cooperation among national parliaments to further scrutinize the EU, and the integration of citizens into political decision making processes through more deliberative and participatory mechanisms – are doable without the need to resort to massive treaty changes, and can help foster greater ownership of the EU's democratic project by its citizens, trustees and stakeholders. The list of options in this paper is certainly not exhaustive, and more ideas are expected to emerge in the future.

Before ending, it is worth remembering that democratization is an ongoing process of progress and reversal (Tilly 2007: Chapter 8) - it is not always the case that democracies remain fixed on a smooth development trajectory as they may face irregular periods of democratisation and de-democratisation. Therefore, it would be naïve to predict the future direction of the EU's democratic trajectory, as it remains to be seen whether the practice of democracy in the manner outlined in this paper EU would develop as envisaged – whether such initiatives could take root would depend on whether EU leaders, national institutions and citizens are able to seize critical junctures and opportunities to develop policies or coalitions that address the flaws of Europe's democratic deficit. Nevertheless, the minimal criteria for equal and just democracies – Dahl's criteria of effective participation, voting equality, enlightened understanding, the exercise of final control over political agenda, as well as Tilly's criteria of the inclusion of all adults, integrating

trust networks into public politics, insulating citizens from categorical inequalities, and the dissolution of autonomous coercive power centres – remains the same, and it is hoped that any future creative proposals that seeks to address the flaws in democracy within the European Union should certainly look beyond the constitutional and procedural approaches to take into account process-oriented approaches and options that can break down inequalities and asymmetries in power.

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