

DEMOCRATIC DEFICIT IN THE EUROPEAN UNION

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## **ABSTRACT**

### **DEMOCRATIC DEFICIT IN THE EUROPEAN UNION**

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This thesis analyzes the democratic deficit problem inherent in the European Union since the initial stages. In the study, the two dimensions of the problem is studied and within this context, the decision making procedures in the European Union, the functioning of the European Union institutions, the European Parliament elections are discussed in detail. Moreover, issues related to Europeanness and European identity are referred to and the improvements achieved by European Union concerning institutional structure and popular unity to overcome the democratic deficit are analyzed.

Keywords: Democratic deficit, legitimacy, public sphere, European identity

## ÖZ

### AVRUPA BİRLİĞİ' NDE DEMOKRASI AÇIĞI

Birben, Ayşegül

Yüksek Lisans, Avrupa Çalışmaları Bölümü  
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Bu çalışma Avrupa Birliği'nin başlangıç döneminden beri süregelen demokrasi açığı problemini incelemiştir. Çalışmada bu sorun kurumsal ve sosyal boyutları ile ele alınmış ve bu kapsamda Avrupa Birliği'nin karar alma mekanizmaları, Birlik kurumlarının işleyişleri, Avrupa Parlamentosu seçimleri detaylı olarak tartışılmıştır. Ayrıca, Avrupalılık ve Avrupa kimliği konularına değinilmiş ve genel olarak mevcut demokrasi açığının giderilmesi konusunda Avrupa Birliği'nin hem kurumsal yapı hem de sosyal birliktelik açılarından gösterdiği gelişmeler anlatılmıştır.

Anahtar Kelimeler: Demokrasi açığı, meşruiyet, kamu alanı, Avrupa Kimliği

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## TABLE OF CONTENTS

PLAGIARISM.....	
ABSTRACT.....	
ÖZ.....	
ACKNOWLEDGEMENTS.....	
TABLE OF CONTENTS.....	
CHAPTER	
1. INTRODUCTION.....	1
2. EUROPEAN UNION GOVERNANCE.....	14
2.1 GENERAL DEFINITION OF GOVERNANCE.....	14
2.2 PECULIARITIES OF EU GOVERNANCE.....	16
2.3 COMPARISON WITH NATION STATE .....	19
3. DEMOCRATIC DEFICIT.....	23
3.1 GENERAL DEFINITION.....	23
3.2 A PARTICULAR PROBLEM AREA OF EU GOVERNANCE.....	25
4. INSTITUTIONAL FRAMEWORK OF DEMOCRATIC DEFICIT IN EUROPEAN UNION.....	29
4.1 ROLE OF EUROPEAN PARLIAMENT IN DECISION MAKING .	30
4.1.1 CONSULTATION PROCEDURE.....	31
4.1.2 COOPERATION PROCEDURE.....	32
4.1.3 ASSENT PROCEDURE.....	34
4.1.4 CO-DECISION PROCEDURE.....	34
4.2 OTHER POWERS OF THE EUROPEAN PARLIAMENT: BUDGETARY AND SUPERVISORU POWERS.....	37
4.3 MAIN WEAKNESSES OF THE EUROPEAN PARLIAMENT.....	42
4.4 EU CITIZENSHIP.....	43

5. DEMOCRATIC DEFICIT IN THE CONTEXT OF POPULAR DEMOCRACY.....	47
5.1 PUBLIC PARTICIPATION IN THE EU: EUROPEAN POLITICAL PARTY SYSTEM .....	48
5.2 EUROPEAN PARLIAMENT ELECTIONS.....	52
5.3 IDENTITY QUESTION-DEFINITION AND GENERAL PERCEPTIONS.....	58
5.3.1 EXISTENCE OF A EUROPEAN IDENTITY?.....	61
5.3.2 OBJECTIVE ELEMENTS OF A “EUROPEAN IDENTITY” .....	64
6. ENLARGEMENT IMPACT ON DEMOCRATIC DEFICIT.....	71
6.1 AN OVERVIEW OF LATEST ENLARGEMENT.....	71
6.2 IMPLICATIONS OF ENLARGEMENT.....	73
7. ATTEMPTS FOR HANDLING DEMOCRATIC DEFICIT.....	76
7.1 INSTITUTIONAL DIMENSION.....	76
7.1.1 MAASTRICHT TREATY.....	79
7.1.2 AMSTERDAM TREATY.....	82
7.1.3 THE DRAFT CONSTITUTION-INSTITUTIONAL DIMENSION.....	84
7.1.4 MODELS FOR EUROPEAN POLITICAL SYSTEM.....	86
7.2 POPULAR DIMENSION.....	88
7.2.1 COMMISSION WHITE PAPER ON EUROPEAN GOVERNANCE.....	90
7.2.2 THE DRAFT CONSTITUTION - POPULAR DIMENSION.....	93
8. CONCLUSION.....	95
BIBLIOGRAPHY.....	102

## **CHAPTER 1**

### **INTRODUCTION**

Among the many different kinds of economic and political integrations that we did and still do experience in the world, it is beyond doubt that the European integration process is the most advanced and complicated example. Moreover, the inclination that this integration process shows towards enlargement by including more member states makes it become even more complex to function. This is mainly due to the reason that this project not only confines its level of integration to economic policies and decisions but also aims to achieve an advanced level of political integration among its member states. Although the level of willingness and determination of the member countries to increase the number and content of the economic and political policy areas covered were reformed from time to time, we now have a European Union as a unique polity in front of us.

European integration process began right after the end of the World War II in order to end the on-going confrontation between the major European states, which caused two worldwide wars. To be able to ensure peace, prosperity and stability throughout the European continent, these hostile countries were needed to be controlled by some supranational bodies in relation to some problematic but common policy areas. These supranational bodies were to have somewhat different characteristics when compared to regular international organizations or traditional nation-states, and the members were required to transfer some of their decision-making powers to these bodies regarding certain matters. These transferred areas were related mainly to economic issues at the beginning of the integration movement, however, aiming at the realization of a political union among the European countries in the successive stages.

Nevertheless, during the course of this integration process many problem areas appeared to exist. Some of these problems were relatively easier to solve than some of the others and therefore were immediately resolved by the member states by compromise and common sense. For instance, since the beginning of the integration,

there have been a number of enlargement waves, all of which ended with the membership of more countries to the Union. During these accessions, some controversies occurred both between the members, and also between the candidates and the members regarding the entry of the candidates. Yet, these were resolved after a number of meetings, by compromise and by convincing each other. However, there were some other issues, which not only could not be solved by agreement or discussion, but also, on the contrary, got even harder to solve as the integration process itself deepened. One of the very important and intensively debated of these problem areas inside the EU is the so-called democratic deficit, which roughly intends to question and compare the level of democracy in the European Union, in the way in which it is experienced by individual member states today in their internal competence areas. Democracy is closely related to terms like accountability, transparency and therefore legitimacy, and there are deficiencies in the European Union regarding all of these concepts.

The democratic deficit problem began to manifest itself in the political and academic arena in the 1990s as a result of some steps taken by the member states to further deepen the integration movement. By then, the crucial stages of economic integration were completed and the final stage, namely, Economic and Monetary Union had begun to be achieved. Now it was possible to talk about a well-functioning economic union among the members, with the supranational institutional setting backing up this common experience. The only leftover issues were those of monetary nature like single currency, and the plan for its realization was already made and being implemented. In such an atmosphere, the deepening movement foresaw further integration among member states in more policy areas and inevitably, an increase in the powers and competences of the supranational institutions in such a way to include not only economic policies, but also others regarding security, defence and internal affairs. The deepening process involves both policy reform and institutional reform. While the policy areas began to increase in number, and in sensitivity, the rights and responsibilities of the institutions began to be questioned more by the member states and the citizens. Their accountability and legitimacy became the primary concern. In the early times of the integration process, the legitimacy and accountability of the

institutions were not much of a concern. The understanding in early times was as such that since the European Council and Council of Ministers were consisted of elected representatives of the member states and their governments who were accountable to their own national electorate in their countries, the decisions made in the European level could be considered to be legitimate. However, this is an indirect form of legitimacy and this application makes the elected representatives of the member states accountable only at the national level, not in the supranational European level. Then, in 1979, the introduction of direct elections for the European Parliament was seen to be the most important step to eradicate democratic challenges towards the integration process. With this new process the members of the European Parliament are to be elected directly by the European public instead of member governments appointing them to the office. Moreover, they are expected to be fulltime MEPs dealing with European issues in general, deprived of their national affiliations.

However, following a number of increases in the competences of the European institutions in the 1990s, the democratic credentials of the European Union began to be questioned more than ever. On the one hand there is the lack of accountability of the decision makers in European institutions to the European citizens and the legitimacy question as a result of this deficiency is accompanied by an inherent institutional imbalance with respect to the relative weakness of the European Parliament when compared to Commission and the Council of Ministers. These issues constitute the institutional dimension to the democratic deficit in the European Union. On the other hand, the absence of a European demos with a common identity and common interests, the problems and deficiencies associated with public participation in the decision making process and their lack of support of the whole process constitute the socio-psychological (popular) aspect of the democratic deficit. The concept of democratic deficit will be referred to in relation to these two aspects throughout the study.

This study aims to analyse this particular democratic deficit problem, which can be a very severe obstacle in front of further integration of the member states. The dual character of the problem, as mentioned above, will be the basis of whole discussions. Regarding the solution of this particular problem, this study does not

intend to develop a model, but will discuss some different proposals made by scholars, together with the initiatives taken by the European Union itself like Treaty improvements and the draft Constitution.

The basic subject matter that will be questioned in the study will be the extent to which the EU is a democratic model of governance. In order to clarify the subject and draw the framework for the study, it is of utmost importance to mention that in the three-pillar system of the European Union, it is the first pillar, i.e. the European Communities pillar, around which all the discussions regarding the institutional framework will take place. The institutions and the decision-making procedures that are to be considered in the whole study are those related to the first pillar of the EU. Although the draft Constitution proposed the elimination of this pillar system of the EU, since this structure exists as of today it is important to make this clarification. The basic reason for this distinction is that these two pillars, namely the Common Foreign and Security Pillar and the Justice and Home Affairs pillar, still maintain their intergovernmental character and therefore, European institutions; especially the European Parliament does not have much role in these pillars. Although this is the case, it should be noted that the democratic legitimacy is a matter of concern in the Common Foreign and Security Policy pillar as well. This second pillar is a very important area for the European Union to be able to proceed further towards a political union. Member states need to overcome the difficulties they face in this pillar in formulating their policies and implementing them to enable the deepening of the Union.

There are some initial motives, which constitute the reasons for choosing this particular problem area to be analyzed. To begin with, although the democratic deficit has been present and even intentional since the very beginnings of the EU, with the completion of the economic side of the integration and by trying to spill the same acceleration over to the political side, the problem became more and more debated among the EU scholars. The establishment of very first supranational bodies in the second half of 1950s in Europe was conducted under a very technocratic point of view, which was relatively desirable at those times to guarantee the success of the integration project, and there had been an inherent aim of ensuring peace and stability

in the continent. The continent left behind two world wars and there was an urgent need for a solution. In the beginning of this process, people of Europe were neglected for the sake of an economic, and consequently political, solution to the problems among the states. This was basically due to the elitist nature of the process, where it was the technocrats who were developing and conducting the ways and means in which this integration would take place. These technocrats were the experts specialized in different issue areas and they were to make the crucial decisions about the process. If this has not been the case, the initial stages of the process would possibly take longer time because it would not be realistic at those post-war times to expect public support behind European Coal and Steel Community or European Atomic Community, or the European Economic Community. Jean Monet, one of the most important founding fathers of the European Integration project had a very technocratic and elitist view, which might be necessitated by the context of those early times. As Mazey and Richardson describe; “His ambition was to build up gradually a small, non-hierarchical administration composed of highly qualified (technically and linguistically) officials to support and assist the ‘supranational’ European executive.”<sup>1</sup> Today, his ambition is being fulfilled by the very nature of the Commission.

Such an initiative by the founding fathers was justifiable to an extent. The overall aim was to prevent the wars between European states which caused huge economic, social and political damages. The citizens of these hostile European countries were faced with economic difficulties and their priority was to improve their economic conditions and achieve economic recovery. In such a condition, the European Economic Community was suggested as a “managerial” system which had a supranational spirit. The founding fathers of the integration project were not seeking a parliamentary model from the beginning since the inherent problems have not been able to be resolved between the states.

However, this negligence of democratic credentials continued during the course of the integration and grew so much that now it is maybe one of the most criticized areas in the whole process. Of course some steps were taken to close or

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<sup>1</sup> Mazey, Sonia and Richardson, Jeremy; “Interest Groups and Brussels Bureaucracy” in Hayward, J. and Menon, A. **Governing Europe**, Oxford University Press, New York, 2003, p.213.

decrease the gap between the people and the Union but apparently these were neither enough nor effective. There needed to be some precautions taken and improvements made regarding the public involvement before the integration came up to this stage. Now that economic integration is almost complete and it is time for the political integration to accelerate, it can be observed that member states are more careful and more uncertain in trying to set up a consensus on any political issue like the security and defense or internal affairs. It was easier for the member states to find a consensus on economic issues when compared to political matters, as the interests of all the member states could more or less easily converge with each other. However, in the political sphere, no one member state is willing to surrender, or even share, its sovereign powers. This is understandable to an extent because in the field of political integration sensitive national interests and priorities come into existence more than ever, which may be in contradiction with those of other member states from time to time. Therefore, it is natural that the controversial aspects of the EU are preferred to be raised in the agenda in this particular stage.

Secondly, as another initial motive, it is interesting that a continent, which is referred to as the “cradle of democracy”, is coming across with such accusations. As long as the individual member states are concerned, there are no questions or doubts in terms of functioning and intimidating the democratic rule of state. The requirements of parliamentary democracy are fulfilled more or less in a similar way in the member states. However, questioning begins when these individual member states come together and begin to make and implement decisions, which in the end affect citizens living in these countries. Again, the questioning begins when the people of these member states either have minimum or rather no involvement in the decision-making procedures in the Union but nevertheless have to abide by the outcomes of these procedures.

Thirdly, another interesting point, which is worth mentioning, is the enlargement policy of the Union. European countries, which would like to become a member to the EU, need to fulfil some conditions, which involve compliance with certain political standards as well as economic ones. Among the political conditions, adherence to democratic principles and rule of law can be characterized as being the

most challenging item for most of the accession countries. For instance, in the Turkish case, this condition has always been one of the first among what Turkey could not have achieved yet, although it has had a longer experience in formal democracy than most of the Central and Eastern European countries, which already became EU members in this year. From this point of view, it is somewhat astonishing that a Union, about which a lot of debates going on about its level of democracy, is enforcing the candidate countries this much strictly to accept and implement its own democratic standards, which, from certain aspects, are highly questioned and criticized.

The deficit of democracy in the functioning of the European Union seems to have two basic dimensions: institutional dimension and the socio-psychological or popular dimension. In the three-pillar system of the European Union, the roles and responsibilities of the institutions in the EC pillar constitutes the institutional dimension, whereas the lack of public interest, involvement and consent in the decision making processes of these institutions are the socio-psychological popular dimension. These two dimensions are naturally inter-linked and cannot be separated from one another due to the fact that the question of public involvement in the system can be achieved by their participation in the EC decision making institutions and their impact on the decisions. However, for analytical purposes, such a distinction would ease the discussion of the topic throughout the study.

The question of democratic deficit can also be analyzed from the point of view of member states in the sense that the member states have already transferred some of their decision making powers in certain areas to the Union and therefore they do not have any means to make legislation by themselves without first adopting the EU legislation in those particular fields. This situation adversely affects the accountability of national governments and national parliaments that are popularly elected in front of their public. Under these circumstances, the electorate in the member states loses their control over the elected politicians regarding these transferred policy areas. The institution at the European level, which can be the equivalent of national parliaments, is the European Parliament, however, it can neither be considered to be the full legislative body, nor does it have a power in terms of controlling other institutions

adequately as in the case of the national parliaments. This situation is basically due to the very unique structure of the European Union and the way this supranational system functions, however, there are some measures initiated to increase the role of the European Parliament and ensure that it is more involved in the legislation process and can exert more control over the executive bodies in the Union.

When someone approaches the problem of democratic deficit from an institutional perspective, the immediate solution proposed to the problem is related to the extension of powers and competencies of the European Parliament. The basic reason for this is the fact that in parliamentary democratic systems, Parliaments are seen to be the places where the elected representatives of the public debate on the policies, make the necessary changes on the legislations and try to influence the policy outcomes, which in the end will result in the maximum benefit for their electorate. Now that the representatives of member states make legislation in certain policies within the framework of and at the level of the European Union, such decisions and decision-makers are argued to be not accountable enough to the public who are affected by these decisions. In a democratic state, the legislative body is the Parliament and therefore it is the elected Members of the Parliament who are responsible for the decisions made. Theoretically, if the majority of the public is not satisfied with the ruling of that particular Parliament, by not re-electing them into office in the next elections, they can change their representatives. In the EU context, however, although European public directly elects the members of the European Parliament, it is not this particular institution, which has the sole legislative power. It is the Commission, which determines the policy areas to be discussed, and it is the Council of Ministers and/or the European Council, which takes the decisions. It should be noted, though, that the powers of the European Parliament and its involvement in the decision making process have increased considerably through the initiation of the co-decision procedure where the Council and the European Parliament make the decision together. However, these improvements could not bring the discussions of democratic deficit to an end since there is also a popular dimension to the problem as well.

In the study, the comparative role of the European Parliament in the decision-making procedure with respect to the European Commission, European Council and the Council of ministers will be analyzed with the recent improvements in the involvement of the European Parliament in the EU system. Moreover, there will be remarks on the representation of the European public in the European Parliament with special interest on the political party groups in the Parliament and how they are elected to the office.

It can be argued, though, that it is not realistic to expect the decision-making bodies of the European Union be the same as those of a state. Therefore, strengthening the powers of European Parliament cannot be expected to be the ultimate solution to the democratic deficit problem, because European Union is not governed in the same way as the member nation states are ruled today. In nation states, Parliaments are the guarantors of the democratic rule and equal representation of citizens' wills and demands. It is a commonly agreed issue that the EU is not a state, but is a unique model of governance with many peculiarities. The European Union consists of twenty five member states all of which still preserve their own statehood, although in some policy areas they transferred their policy-making powers to the EU institutions. There is a very increased level of cooperation between the member states in these designated policy areas and the competences of the member states and those of the Union are clearly drawn in a number of Treaties during the integration process. The supranational character of the decisions in the EU competence areas is the guarantee for the European public that their interests are protected, at least in theory, by the members of the European Parliament, who are supposedly, deprived of their national characters. However, it should be underlined that, although the European Union is not a state, the decisions that are made by its legislative, executive or judicial institutions have the same impact on the European public as those of a state. The EU legislation has priority over the national legislations and the decisions of the European Court of Justice have direct effect over the legal systems of the member states. Therefore, a model of governance, with this much power, even if in designated policy areas, needs to be more accountable to the public in order to secure its legitimacy and its future. Since, institutionally speaking,

democratic deficit is primarily a problem of accountability, transparency, openness. If the means utilized to make decisions are not transparent enough, the related information is not easily accessible to the public, and if there is an ambiguity as to who is responsible of the decisions made, then it is inevitable that the public will lose its confidence in the whole process of European integration. Even if the ultimate solution of democratic deficit does not lie in the European Parliament itself, a solution should be found to secure the Union's legitimacy.

It is also important to note at this point that the European Union is a multi level system of governance. There are different actors involved in different stages of policy formulation and implementation. There are different levels of competences between the member states and the European level institutions. This complex system makes the democratic deficit even harder to diminish since the existence of various actors complicate the accountability of the decision makers. It becomes more difficult to identify whom to hold responsible for which decision.

As mentioned above, there is a second dimension to the democratic deficit in the EU, which is the socio-psychological/popular aspect. Within this framework it can be argued that due to the lack of sufficient accountability to the European public, there is not a considerable public interest in what is going on in the EU. Although people are affected by the outcomes, as they know that they will not have any substantial role in terms of effecting the decisions made by the EU bureaucrats/politicians, they are not feeling as being a part of the process. This disinterest manifests itself in the low turnout rates in the European Parliament elections. The relatively low degree of sharing information with the European public contributes to the unawareness of general public of what is going on in the European Union. Most of the debates are taking place behind closed doors with little information given to the press even when the discussions are finalized. This lack of transparency may have a reason as to the protection of the member states representatives regarding the negotiations and compromises they make during the sessions, however, this confidentiality causes the loss of interest of public, and more problematically, raises questions about the accountability and legitimacy of the whole functioning of the European Union in the final analysis.

Another important issue that is worth discussing within the framework of democratic deficit is that absence of a European public sphere as a whole, with commonly defined interests and aims. The cultural, ethnic and social differences among the nations of member states and the historical confrontations that were experienced for many decades in the European continent constitute the grounds for the inability and unwillingness of the European nations to become a social and political unity. The differences experienced among the citizens of Member States can be claimed to slow down the pace of the political integration of the European states due to nationalistic concerns and diverse priorities. Therefore, democratic deficit becomes a socio-psychological problem not only because of the lack of public accountability but more importantly because of the lack of a European public sphere.

Along with the institutional and social problems embedded in the European integration process, another factor which also affects the democratic deficit is the enlargement process, which will almost double the number of the member states when all the candidate countries become members. Regarding the enlargement of the Union, the accession of more countries can be argued to make things worse both from the institutional perspective as it will further complicate the decision making procedures, and also from the popular dimension as the cultural and ethnic differences between the countries will be increased.

There are a lot of steps that have already been taken to be able to solve the problem of democratic deficit in the European Union. The role of the European Parliament has been strengthened, the public interest has been tried to be raised through media channels and politicians, a number of official papers were issued related to the issue and so on. Moreover, the Treaties were amended accordingly and now the European Union has a draft Constitution. However, as of today, under the current structure of the European governance, the democratic deficit is still there and whether it is going to be closed some day is a total mystery.

Regarding the organization and structure of the thesis, the study consists of eight chapters. The first chapter is the Introduction where a general introduction to the subject matter is made with the reasons for analyzing this problem. The second chapter is about the EU governance. The term governance will be defined with

specific reference to European governance analyzing some of its peculiarities like its being a supranational political system decisions of which are binding over its members. Also, a comparison of the European Union model with nation state and with other international organizations will be provided.

In the third chapter the emphasis will be on the democratic deficit problem both as a general concept and also as a problem area in the EU governance. There will also be reference to the specific nature of the evolution of the European integration in relation to the formation of the democratic deficit.

In the next chapter, the democratic deficit will be discussed from the institutional perspective with reference to decision-making procedures of the Union, the institutions involved in legislation, and the role of European Parliament in decision-making procedure. The different methods utilized to involve the European Parliament in the system like assent, consultation, cooperation and co-decision procedures will be presented. Certain weaknesses of the European Parliament in comparison with national parliaments from the points of legislative control over executive and accountability are also to be mentioned.

In Chapter Five, the popular dimension of the democratic deficit will be presented. This chapter will concentrate on issues like lack of public interest and support, lack of information channels and representation issues in the EU emphasizing the current election and political party systems in the EU. The chapter will then elaborate into the discussions regarding the identity of Europe as to whether there is a European identity and a European demos with reference to European citizenship.

The next chapter will concentrate on the latest enlargement of the EU in 2004 and the impact of enlargement processes in general on decision-making procedures and institutional structure of the Union.

In Chapter Seven, the measures taken by the EU to solve or at least diminish the democratic deficit problem will be discussed. The chapter will analyze the institutional reforms and improvements in the popular dimension of democratic deficit under separate headings for analytical purposes. There will be specific reference to Maastricht Treaty, Amsterdam Treaty, Commission White Paper on European Governance and the Convention process followed by the draft Constitution. Also,

different models foreseen for the future of the EU and their possible implications for the democratic deficit problem will be mentioned.

The study will end with Conclusions chapter where an overview of the thesis will be provided with possible results and suggestions.

## **CHAPTER 2**

### **EUROPEAN UNION GOVERNANCE**

#### **2.1 GENERAL DEFINITION OF GOVERNANCE**

With an increasing level of interaction and dependence among the individuals, groups and inevitably nation states at the very end, traditional means of management and administration began to be insufficient to understand and serve the needs and demands of the citizens. Before, the ‘government’ was the sole responsible body for policy formulation and implementation, since it was the elected body representing the will of people. There were also the local governments, which were elected as well, however, limited by the movement area designated by the national governments and financial resources.

With the increase in number of population who demand quick and high quality service from the national and/or local governments and with the internationalization of not only the financial resources but also the problems previously handled at the national level, new actors began, and even had, to take roles in the political arena with different interests and aims. The primary goal of these various actors is to take part more actively in the policy formulation and implementation and in the end, increase their shares in the re-distribution of resources. These shares need not necessarily have to be economic; the concern can also be to get more access to political and social power as well. Whatever the initiative behind the interdependence may be, it is almost unavoidable for the power holders to adapt themselves to the requirements of today’s globalized world to be able to stay in office.

It is in such a context that the term governance began to be used more and more in everyday political life. It is slightly different from “government” in the sense that governance is a different and may be a broader term used to define the act of ruling a nation. As R.A.W. Rhodes puts it “...governance signifies a change in the meaning of government, referring to a new process of governing; or a changed

condition of ordered rule; or the new method by which society is governed.”<sup>2</sup> With this new method, there can be observed a loss of a “hierarchical” system of relations among actors and the system becomes open not only to public agencies but also to private actors as well. Governance enabled more actors to be involved may be not in the decision making process of the nations, but definitely in the policy formulation stage. These actors are various in numbers and in character; they can be national or international in their origins, can be governmental or non-governmental in nature, may be business associations or trade unions, and even may be individuals themselves. Whoever is involved in the process, with this new way, a “network” of relations is established the components of which are interdependent on each other and which try to pursue their own individual interests.

Vincent Wright also refers to the term ‘governance’ and makes an extensive definition. As Le Gales quotes from his work:

Today...regional government is increasingly a prisoner of the traditional demands of the nation-state: to manage contradictions and elaborate legitimate forms of governance. Governance requires the coordination of multiple levels of inter-dependencies in a complex framework, and include not only official politico-administrative actors, but also a vast series of economic and social actors, both public and private, that manage, control...and are members of networks which in some cases, exceed official, political boundaries.<sup>3</sup>

Therefore, there is not a two-level government system anymore; there are multi levels of this new system of governance, with the inclusion of different actors in each level. These actors, of course, need not necessarily act individually. Actually, under today’s circumstances it is even almost impossible for them to function by themselves. There is and should be a certain level of interaction taking place among these different actors, since demands they are trying to meet and/or problems they are trying to solve are common and each has their own means of contribution. It is inevitable that there should be a cooperation and coordination in between these sometimes contradicting actors.

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<sup>2</sup> Rhodes, R.A.W., What is New about Governance and Why does it Matter? in Hayward, J. and Menon, A. **Governing Europe**, Oxford University Press, New York, 2003, p.65.

<sup>3</sup> le Gales, Patrick; “The Changing European State: Pressures from Within” in Hayward, J. and Menon, A. **Governing Europe**, Oxford University Press, New York, 2003, p.381.

In the European political system, too, there is a similar scene. The state and the national governments are losing their importance each day at the expense of local and regional authorities. Le Gales indicates two reasons for this situation:

A first point to mention is related to the slightly limited margin of financial maneuver. Central governments are always willing to associate other levels to contribute financially to public policy schemes...The whole issue of coordination of public policy involves various schemes to bring together different levels of governments...to redefine public policy in a rather flexible way in order to face ill defined problems, to cope with heterogeneous goals, or to manage different types of networks.

Second, sub national levels of government now have more resources, more legitimacy, more room for maneuver within European governance in the making.<sup>4</sup>

Within the European context, of course, there is also the presence of the European Union as the most important actor in the field of public policy. Now, there is another level involved in the scene and the European level governance in some respects has priority over that of national, even overriding the national policies and decisions.

## **2.2 PECULIARITIES OF EU GOVERNANCE**

The European Union is a unique experience in many ways but among these its way of governance has always been subject of debate and concern. The discussions on whether European Union is a state, or will eventually become one, or whether it is a little more than an international organization has always been on the top of the agenda of the scholars in this field.

Simon Hix, in his book “The Political System of the European Union”, argues that the EU can be considered to be a political system, which can be analyzed through Comparative Politics approach similar to the analysis of national political system. He refers to the characteristics of democratic political systems listed by Gabriel Almond and David Easton:

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<sup>4</sup> *ibid.*

1. There is a stable and clearly defined set of institutions for collective decision-making and rules governing relations between and within these institutions.
2. Citizens and social groups seek to achieve their political desires through the political system, either directly or through intermediary organizations like interest groups or political parties.
3. Collective decisions in the political system have a significant impact on the distribution of economic resources and the allocation of social and political values across the whole system.
4. There is a continuous interaction (feedback) between these political outputs, new demands on the system, new decisions, and so on.<sup>5</sup>

Hix discusses that the EU has all of these characteristics; an institutional structure with executive, legislative and judicial powers accredited, various groups which try to influence the decisions made, a wide range of implementation of the decisions made and finally, the EU has a significant role in the political life of Europe and its people.

Hussein Kassim, as well, considers the European Union as a political system with and due to five characteristics<sup>6</sup>. The first one is the lack of a clear distinction between the ‘competencies and powers’ of the European Union and the member states. Second one is that the European Union is not a complete process; it is constantly changing and evolving. The third one is the existence of an ‘institutional fragmentation’, where the power and authority are shared among different actors and institutions. Fourth one is related to the ‘complexity’ of the processes taking place in the functioning of the European Union. This fact is related to the multiplicity of policy areas, actors and processes. Finally, there is ‘sectoralization’ in the European Union, which implies that there are different policy areas and authorities concerning these different policy areas.<sup>7</sup>

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<sup>5</sup> Hix, Simon, **The Political System of the European Union**, Palgrave Publications, New York, 1999, p.2

<sup>6</sup> Kassim, Hussein; “The European Administration: Between Europeanization and Domestication” in Hayward, J. and Menon, A. **Governing Europe**, Oxford University Press, New York, 2003, pp.140-142.

<sup>7</sup> *ibid.*

This study accepts the view that EU constitutes a political system on its own right.

Depending on these explanations of the European Union as a political system, we can determine a number of unique and peculiar aspects of the system. First of all, there are many political actors involved in the system. These are not only confined to the member state governments and the EU institutions, but also national bureaucracies, both national and European political parties, civil society organizations are involved in at least one stage of the legislation and executive system of the Union. Moreover, the EU system has a supranational character. The EU has its own legislative, executive and judicial institutions to run the system and also has its own Treaties which define its scope of functioning. The European Parliament, the Council of Ministers, the Commission, and the European Court of Justice which are designed to function independent of the national governments are the core institutions of the system supported by the European Ombudsman, European Central Bank, Economic and Social Committee, European Investment Bank and the Regional Committee. Moreover, the core institutions themselves have their own committees and administrative structures to assist them in their functioning. Therefore, it can be said that the European Union political system has its own administrative and bureaucratic structures independent but also interdependent of those of the national governments. In the final analysis there is a “fusion” of the EU and national political and administrative systems of the member states.

Secondly, the competence areas of the European Union are clearly defined and delimited by the Treaties which are discussed and approved by the Heads of State or Government in the European Council held in six monthly intervals and then ratified by the national parliaments in each and every member state. These competence areas are three fold: where the EU has exclusive competence, where the member states are competent and the shared areas where the EU and the member states share the power. Although this distinction is made by the member states at the first place, once it is decided, the EU becomes the only authorized body to make decisions in the specified policy areas. However, when it comes to implementation of the policies, it is inevitable that the national executive bodies need to enter into stage. It should be

mentioned at this point that the distinction between the competences of the EU and the member states has been more clearly achieved by the draft Constitution of the EU, a point which will be discussed further in Chapter Seven.

As a third characteristic, decisions taken by the EU institutions are binding on the member states. National governments need to adjust their policy implementations in line with the EU laws and regulations in that particular area. This is of course valid for those policy issues over which EU has the full competence, however, this gives EU law a supremacy over the national law, in such a manner that if there is anything that contradicts the EU rules and regulations, the member states are obliged to make the necessary changes in their administrative or legal structures.

Moreover, it can also be said that the EU political system has an evolving character. During its historical evolution the integration process achieved many steps and it became a unique example of economic and political union functioning together. This evolution has two connotations; the EU is both enlarging with the entry of new members and also it is deepening with the increase of the policy areas under the competence of EU. The process has not reached its boundaries, yet. There are still policies to be covered at the European level, and there are candidate countries which are expected to become members.

Among many others that can be listed as a peculiarity of the EU, these are the distinguishing ones of this particular political system.

### **2.3 COMPARISON WITH NATION STATE**

Although the EU political system is very powerful and effective among the member states, according to Hix, it still cannot be referred to as being a state because it fails to fall under the definition of state made by Weber. The traditional Weberian definition a state involves monopoly of the legitimate use of force, a characteristic that the EU lacks today.

There had been many definitions of state throughout the history. These definitions varied according to the time and dominant ideologies. According to the Blackwell Encyclopedia of Political Thought, most generally:

The state as a universal phenomenon is a kind of activity or undertaking, one that history shows to be imposed on man as necessity. The recurrent features of this activity would appear to be the following. First, it forms or shapes a fixed relationship between human beings together with their possessions, or in other words it creates a unity or society, in the most basic sense of this term, between human beings. The end or achievement of the state is hence peculiarly fundamental. Second, it presupposes an ordering potency or a form of rule, or a relationship of command and obedience between human beings. The unity or society that the state achieves is hence coterminous though not necessarily identical with a hierarchy. Finally, the activity that makes and upholds the state is always exclusive and particularistic, asserting itself in contrast to that of others who are not part of the community in question.<sup>8</sup>

In some respects the European Union resembles a state like system. Nugent and Paterson refer to the existence of a flag, an anthem, which is the Beethoven's 9<sup>th</sup> Symphony and a common passport, even though virtually, as the symbolic state-like characteristics of the European Union<sup>9</sup>. Moreover, now that most of the member states before the enlargement took place were members of the Economic and Monetary Union and accepted the Euro as their single currencies, it can be argued that the European Union has a single European currency as well. Regarding the similarities as to the functioning of the Union, they point out the fact that since the EU has the authority not only to control the social and economic activities within its territory, but also to make decisions about the policy areas within its own competence areas, which are binding over the member states and their citizens. Moreover, they refer to the implementation of qualified majority voting regarding some policy areas in the decision making process, "which means the preferences of the governments and citizens of one or a group of states can be overruled – a situation that is normally associated with state since it pre-supposes the existence of a political community."<sup>10</sup>

In addition to this institutional resemblance between the European Union and the state, the discussions regarding the citizenship issues and especially the inclusion of articles in the newly issued Constitution about European Citizenship have a

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<sup>8</sup> Miller, David (ed), **The Blackwell Encyclopedia of Political Thought**, Basil Blackwell Ltd, Oxford, 1987, p.504.

<sup>9</sup> Nugent, N and Paterson, W. *The Political System of the European Union*, in Hayward, J. and Menon, A. **Governing Europe**, Oxford University Press, New York, 2003, p.102.

<sup>10</sup> *ibid.* p.103.

significant place in these arguments. Nugent and Paterson evaluate such discussions as a very important step since;

Citizenship is a concept that has been linked inextricably to the development of the modern state since the eighteenth century, with assumptions about citizenship invariably being framed in the logic of statism. The institution of a EU citizenship was therefore a considerable departure from established norms and arguably represented a very significant step in state-building.<sup>11</sup>

Menon, on the other hand, mentions the dissimilarities between a state and the European Union especially from two dimensions.<sup>12</sup> He refers to the definition of a state which sees legitimate use of coercion as an ‘intrinsic feature’ of states and explains the fact that the European Union does not have such an authority. Moreover, a second ‘intrinsic feature’ of state in general and government in particular, is the authority to make law and implement them. He lists the shortcomings of the ability of the Union to make and implement law as:

For one thing, the supremacy of European over national law,...is not as assured as one might suppose. For another, the very nature of the legal methods relied upon by the Union illustrates its weakness rather than its strength. The preference for the use of directives, with the need for transposition into national law via national legislation, is one of the reasons why the homogenizing effects of membership are relatively limited.<sup>13</sup>

Regarding the implementation of the decisions taken, the EU lacks adequate enforcement mechanisms of its own. The decisions need to first be ratified by national parliaments of the member states and then implemented through the legal mechanisms of member governments. This may cause an “implementation deficit” on behalf of EU. However, although Menon argues so, and although some EU legislation need ratification by the member state parliaments, still the EU legislation has a very significant place and influence in the member states’ political agenda.

The EU cannot be considered to be a state nor an international organization. It can be seen as a polity or a political system with in-built peculiarities and the uniqueness of the EU makes it impossible to compare it with any other political

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<sup>11</sup> *ibid.*

<sup>12</sup> Menon, Anand; “Conclusion” in Hayward, J. and Menon, A. **Governing Europe**, Oxford University Press, New York, 2003, p.425.

<sup>13</sup> *ibid.*

entity. Therefore, it is not possible to expect the EU to act as a state. It is of great concern during this study that all the discussions related to the democratic problems embedded in the EU project take their roots from the expectation that the EU is capable or should be capable of acting like a state and therefore its legitimacy should be evaluated as such. However, although the decisions made by the EU authorities affect the European people in the same way the national state decisions do, it is still not relevant to assume that the EU will enhance the same democratic characteristics as the nation states do. It is unquestionable that the EU needs some improvements within itself to base the overall functioning of the Union on legitimate grounds, but these will have to be considered within the framework of the general spirit of the whole integration process. The solutions proposed should advocate changes and improvements within the supranational character of the EU political system, not trying to apply nation state originated formulas to a totally different political setting.

The EU political system has its own special features with respect to its structure and processes which differentiates it from member states and international organizations. However, it is due to these features that the EU faces the democratic deficit and is criticized to a very large extent based on this deficit. In the next chapter this problem is analyzed in detail.

## CHAPTER 3

### DEMOCRATIC DEFICIT

#### 3.1 GENERAL DEFINITION

In its most general definition, democratic deficit refers to the problems encountered in the implementation of democracy in a political system. These problems can be related to the institutional structure, lack of sufficient participation of public in the system, lack of transparency and accountability on behalf of the governing elite or lack of demos which would represent common will of the people. Chrysochoou defines democracy as:

...a method of organizing public life that allows the concerns and interests of citizens to be articulated within the government. Democracy's defining properties are its institutional controls, the peaceful resolution of conflicts in society, meaningful legislative representation, as well as civic inclusion, and political participation.<sup>14</sup>

Based on this definition, it can be said that democratic deficit appears if and when any of these properties are not fulfilled to their fullest extents.

Democratic deficit is not a peculiar problem for supranational organizations or communities. Almost all countries ruled by democracy face this deficit in one way or another. It can be said that the democratic deficit is an inherent part of the democratic rule of state. This is mainly because of the fact that the type of democracy we experience today is a representative type of democracy and in this sense it is an indirect one. People, in other words the electorate, can express their will in a relatively indirect manner, through the elected representatives. It is assumed that these representatives reflect the demands of their people to the best of their effectiveness and ability.

Within this perspective, it may be discussed that there is an indirect legitimacy in the EU as well. In the final analysis those representatives of member governments

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<sup>14</sup> Chrysochoou, Dimitris N.; "EU Democracy and the Democratic Deficit", in Cini, M. (ed), **European Union Politics**, Oxford University Press, New York, 2003, p.366.

are politicians in their home countries and are accountable to their own public. In this regard a national parliament acts as the legitimizing body for that particular officer in charge of EU affairs and as a result, although in separate occasions and by different procedures, the decisions taken on the supranational level are in a way legitimized at the national level. However, this argument has its limitations. First of all, as a supranational polity the EU needs its own tools to satisfy the democratic requirements in its own procedural mechanisms. If it has the authority and the power to make decisions for the people of Europe as a polity, in the same way, it should have adequate mechanisms to ensure the legitimacy of those decisions. Secondly, although the decisions taken at the EU level need to be ratified by the national parliaments, each member state has its own laws and regulations to be applied in this ratification procedure. If and when these processes are unified and the same route is followed in each and every national parliament, this may serve for the goal of establishing common grounds for public support and therefore, enhancing the legitimacy of the polity.

Anderson and Eliassen discuss that there are some peculiar characteristics of parliamentary democracies. These are namely the presence of a constitution, a parliament, an electoral system, and a party system.<sup>15</sup> They argue that if one or more of these elements do not function properly, the overall cohesion of the political system would be endangered and democratic deficit would begin to emerge. They designate these concerns as the main reason for the existing democratic deficit in the European Union polity. They suggest that if and when a parliamentary democracy does not have enough of these characters it means that that particular system has a democratic deficit. In other words they define these four elements as the core aspects in the way to the solution of the democratic deficit problem.

From this perspective, the European Union has a Parliament, an electoral system, a party system and a draft Constitution; however, the democratic deficit still exists since these structural elements are not the only dimension of the deficit from EU perspective. German Minister of Foreign Affairs Joschka Fischer, during his speech at Berlin Walter Hallstein European Research Center in May 2000, underlined the most

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<sup>15</sup> Andersen, Svein S.; Eliassen, Kjell A.(ed.s), **The European Union: How Democratic Is It?**, Sage Publications, London, 1998, p.5.

important problem of the EU as the lack of democratic legitimacy in the minds of citizens of Europe.<sup>16</sup>

At this point a clarification needs to be made regarding the relationship between democracy and legitimacy problems in the EU. These two concepts are interrelated but they may not necessarily be used interchangeably. As Weiler explains the distinction:

To be sure today, a non-democratic government or political system in the West could not easily attain or maintain legitimacy, but it is still possible for a democratic structure to be illegitimate-either in toto or in certain aspects of its operation.<sup>17</sup>

Based on this explanation, it can be concluded that the fact that a political system is a democratic does not necessarily mean that it is legitimate as well. This is mainly due to the reason that the legitimacy of a political system entails not only structural and/or procedural connotation, but also, a social component as well. For legitimacy to be maintained there should be wide “societal acceptance of the system”<sup>18</sup>, as well. Weiler makes a distinction between formal and social legitimacy and these two concepts will be further discussed under the context of democratic deficit in the EU in the following chapter.

### **3.2 A PARTICULAR PROBLEM AREA OF EU GOVERNANCE**

Under the European Union context, among other things, the democratic deficit can be explained by underlining its relation to the sovereignty issue. In a traditional nation state sovereignty belongs to people’s representatives in the national parliaments and the people recognize this sovereignty because they realize that this is a legitimate and absolute power that they themselves have delegated to the parliamentarians through elections. The sovereignty of nation state is hardly questioned as bodies that are ruling the state and the governing people are transparent and accountable to the public. The power holders and the institutions can be dismissed

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<sup>16</sup> Celebi, Aykut; **Avrupa: Halkların Siyasi Birliği**, Metis Yayınları, İstanbul, 2002, p.68

<sup>17</sup> Weiler, J. *The Transformation of Europe* in **Yale Law Journal**, Vol.100, 1991, p.79.

<sup>18</sup> *ibid.*

if and when necessary by the representatives of the public. It is the people who have control over the decisions and actions of the executive and the legislative bodies of the government.

The very beginning of the European integration process was initiated due mainly to the lack of sufficient ability and power of the two states, namely Germany and France to recover themselves and to solve an economic dispute among them. The tools of the nation state were inadequate to find a solution to the ongoing crisis between these two countries in relation to the coal and steel mines in their border lines. This inadequacy led to the transfer of the solution to a “supranational” body, which is independent of either of the member states. Under this supranational character, the competence of decision making has been delegated to these bodies and member states are no longer able to make legislation on their own in these areas. Moreover, member states are obliged to abide by decisions of these bodies. The success of this supranational community led to the spread and increase of the roles and responsibilities of the supranational institutions in the successive European communities along with the increasing numbers of its members. However, the fact that these supranational bodies are not as transparent and accountable as the decision making bodies in the member states led the way to the increase in the democratic deficiency of the European integration.

At the beginning there was not much concern for the democratic norms and values in the EU. This is partly due to the importance given to the implicit ultimate aim of the integration idea which is securing peace and prosperity with a continent wide participation. While structuring the supranational bodies with this goal, the democratic concerns were undermined for the sake of integration. Moreover, another reason according to Andersen and Eliassen lies with the nature of the process:

...the incremental development of EU made it difficult to identify its true nature with regard to democracy at any point of time. The EU has been characterized by continuous change into new and more complex political constructions. The social scientists who have paid most attention to the EU are the integration theorists and in particular the functionalist school which has been more concerned with the possibility of a fully fledged democracy in a

federal Europe than the bumpy road towards it. The same has been the case for the founding fathers and the main architects of recent institutional changes.<sup>19</sup>

Therefore, one can assume that both for the founding fathers and for Eurocrats who have been in charge of integration, the basic aim was to secure and accomplish an integrated Europe and democratic considerations could be sacrificed for the success of the project. This understanding resembles Machiavellist “ends justify means” thought or the functionalist understanding of forms follow functions, however, in this case this justification is harder to make as decisions made in the road to the ultimate aim have significant impacts on the peoples of the member states who have either no or limited say in this process. Moreover, the founding fathers envisaged the ultimate aim as a European Federal State; however, there is an ongoing debate among the member states regarding this aim, as there was in the early times. There is not a consensus on the future of the Union and the form it will take, and therefore, bearing in mind the possibility that it will keep today’s structure, the lack of transparency and accountability threatens its legitimacy and the validity of the decisions made in the Union.

It is important to note here that, in the European Union context, the democratic deficit had always been two sided. The first side is related to the institutional structure in the EU and the second dimension is the lack of a dynamic participation of European people behind the policies formulated at the European level and the lack of their support.

Nugent and Paterson, for instance, refer to Weiler’s study “The Constitution of Europe” of 2000 to explain these two dimensions of the legitimacy problem in the EU.<sup>20</sup> Weiler argues that there is a distinction between the formal and social legitimacy and that the formal legitimacy is resolved somehow since the members of Council of Ministers which is the executive body of the European Union and the main decision making institution are more or less accountable to their national parliaments in their own countries. However, with respect to the social legitimacy without public

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<sup>19</sup> Andersen, Svein S.; Eliassen, Kjell A.(ed.s), **The European Union: How Democratic Is It?**, Sage Publications, London, 1998, p.3.

<sup>20</sup> Nugent, N and Paterson, W. The Political System of the European Union, in Hayward, J. and Menon, A. **Governing Europe**, Oxford University Press, New York, 2003, p.107.

consent and control over the European Union bodies, it is very difficult to overcome. Weiler argues that it would not be feasible to achieve social legitimacy in the absence of formal legitimacy in the first place<sup>21</sup>, however, it is not possible for a political system to be legitimate without a public behind it. In the EU context, strengthening of the powers of European Parliament in legislative process can make EU political system more legitimate from an institutional (and formal) perspective since it would enable wider public participation. However, this should also be accompanied by the social legitimacy where the European public is assured that the EU in general “display a commitment to, and actively guarantees, values that are part of the general political culture, such as justice, freedom, and general welfare.”<sup>22</sup>

These dual dimensions of the problem are linked to each other and they are somewhat complementary to one another. Without realization of the improvements in the institutional structure, it will be hard for the European public to support the policies and trust in the decision making authorities. This distinction is further elaborated in the following chapter.

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<sup>21</sup> Weiler, J. *The Transformation of Europe* in **Yale Law Journal**, Vol.100, 1991, p.81.

<sup>22</sup> *ibid.*

## CHAPTER 4

### INSTITUTIONAL FRAMEWORK OF THE DEMOCRATIC DEFICIT IN EUROPEAN UNION

As previously mentioned, the democratic deficit can be analyzed from two perspectives; institutional and popular. In this section, the institutional dimension is explained with particular reference to the decision making procedures of the EU and their evolution in time.

Within the institutional framework of the EU, the democratic deficit problem is usually attributed to the European Parliament most of the time. European Parliament and its powers are seen to be the core of the problem from an institutional dimension and most attempts are made to enhance the position of the EP vis a vis other institutions and further enable it to secure the democratic system. However, the EP is not the one and only institution that is involved in the (legislative) functioning of the EU and neither it is the only less democratic one. The procedures of the Commission and the Council have their own discrepancies from a democratic perspective. The EP is taken as granted to be the main institution related to the problem because in the parliamentary democracies, which the member states are currently experiencing, it is the parliaments which are the signs and guards of the democratic system enabling the representation of the wills and demands of the citizens and ensuring that the decisions are taken in line with this will of people. The parliaments have the right to control the executive organ and take necessary measures to reflect the views of their electorates. This can be the main reason why EP is attributed this much concern.

Moreover, as Akgül Acikmese indicates, in the European Union political system, the Commission works as a ‘government’ and the democracy problem arises when the European Parliament, i.e. representatives of people, are not involved in the designation of the Commission as much as the national parliaments do when designating their governments.<sup>23</sup>

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<sup>23</sup>Akgül Açıkmeşe, Sinem, “*Avrupa Birliği’nde Demokratik Meşruiyet Sorunu*” in **Ankara Avrupa Çalışmaları Dergisi**, Vol. 4, Bahar 2003, pp.41.

The main dimensions of democratic deficit at the European Parliament level are the role of the EP in the legislative function, lack of adequate executive accountability to the EP and lack of legitimacy as a result of low turnout in the EP general elections. The legislative dimension and accountability deficiency will be covered in the following section, whereas EP elections and the reasons for low turnout will be the subject matter of the popular dimension of democratic deficit. Moreover, discussions concerning European citizenship will be mentioned as well.

#### **4.1 ROLE OF EUROPEAN PARLIAMENT IN DECISION MAKING**

In the legislative process of the EU, Nugent argues that the EP has many areas of action which can be listed as follows:

1. EP can discuss a proposal with the Commission at the pre-proposal stage of legislation.
2. EP can explain its own views regarding a particular legislative proposal either by adopting initiative reports or by asking the Commission to prepare a proposal on a matter which requires Community action.
3. In the budgetary process, the EP can power to influence the opening of new budget lines, setting expenditure limits and therefore apply preferential treatment to some policy areas.
4. EP discusses and prepares a resolution regarding the annual program of the Commission in its Committees, which in the end is voted in the plenary session.
5. EP is to be involved in the legislation process as foreseen in the Treaties by using different procedures varying between consultation and co-decision.<sup>24</sup>

There has been an evolution in the existence of the European Parliament in the decision-making procedure within the EU over time. At the very first stages of the integration movement, there was an Assembly (the initial roots of the EP) and the powers and functions of this Assembly was only limited to consultation on legislative issues, the outcomes of which were not binding at all. As the integration process continued and deepened, the role of the EP has increased as well. Almost each Treaty that constructed today's EU aimed at increasing not only the role and functions of the EP but also making it more effective in the legislation process. As a result of these

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<sup>24</sup> Nugent, Neill, **The Government and Politics of the European Union (5<sup>th</sup> Edition)**, Duke University Press, Durham, 2003, pp.197-203.

treaties several decision-making procedures were initiated, in each of which the involvement and influence of the EP varied. Below, these different models of decision-making procedures are going to be discussed in detail.

#### 4.1.1 CONSULTATION PROCEDURE

As mentioned above, this procedure has been used since the early stages of the European Integration movement. Consultation has been the general one-reading decision-making procedure previously used in almost all policy areas if there had been no specific reference to other methods. However, its scope narrowed during time and today it only applies to limited areas like taxation issues, industrial policy, regional planning, agricultural policy and competition policy.<sup>25</sup> In this procedure, if the Council is to accept the proposal prepared by the Commission, it needs unanimity. The role of the EP in this procedure is only limited to issuing opinions, which can be ignored by the Council as these opinions are not binding. Therefore, the EP has neither a power to veto legislation nor that of an amendment. However, if the Commission decides to consider the amendments made by the EP to certain legislation, then in order for the Council to overrule that amendment it needs unanimous vote.<sup>26</sup> The importance of this procedure is that the Council, before adopting a proposed legislation is obliged to wait for the EP opinion, even though in the end it will not take that into consideration. The EP uses this opportunity to delay the legislation process especially when those issues, which it does not favor, are concerned.<sup>27</sup> This power of the EP has been sustained by a decision of the European Court of Justice in 1980, namely the Isoglucose case. The ECJ annulled a regulation issued by the Council depending on the fact that the Council did not wait for the EP to issue its opinion on the subject although it had to do so. This annulment strengthened the power of the EP in the consultation procedure in the sense that when it is required

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<sup>25</sup> [www.elections2004.eu.int/highlights/en/103/html](http://www.elections2004.eu.int/highlights/en/103/html), 03 July 2004.

<sup>26</sup> Ibid.

<sup>27</sup> Nugent, Neill, **The Government and Politics of the European Union (5<sup>th</sup> Edition)**, Duke University Press, Durham, 2003, p.199.

by the relevant articles of the Treaties, it should be ensured that the EP's opinion is issued before the Council made its decision.

However, M. Pollack points out that although expected otherwise, the Single European Act and the Maastricht Treaties brought two limitations to the exercise of this power by the EP:

First, in the areas of Economic and Monetary Union and visas, immigration, and asylum, the Parliament enjoys the right to consultation but the Commission shares its right of initiative with member states or the ECB (European Central Bank). In those areas, the Commission's agenda-setting powers are substantially reduced since a member state unhappy with a Commission proposal could in principle introduce its own proposal in place of the Commission draft; this loss of Commission influence, in turn, reduces the Parliament's ability to pressure the Commission to incorporate its amendments into a revised Commission proposal.

Second, according to Article 39(ex K.11) EU, the Council must consult the EP when adopting framework decisions, decisions, and conventions in the areas of police and judicial cooperation in criminal matters; however, by contrast with the traditional consultation procedure, the Council may set down a time limit, which shall not be less than three months, for the EP to deliver its opinion; if the EP fails to act within the prescribed time-limit, the Council can adopt the measure.<sup>28</sup>

#### **4.1.2 COOPERATION PROCEDURE**

This procedure has a two-reading system and it is introduced with the Single European Act. It is still the Council, which has the final say in the legislative process under cooperation method, but here the EP is more influential due to the introduction of a second reading stage. In the first reading, the Council issues a 'common position' acting by qualified majority voting which then is directed to the EP to be discussed within three months. At the end of these three months, if the EP has not issued an opinion about the proposal or issued a positive opinion, then the Council in the second reading may adopt the proposal by qualified majority voting. If the EP rejects the common position, in order for the Council to adopt the legislation in the second reading, it needs unanimity vote. As another option, the EP, by absolute majority of the MEPs can propose amendments to that particular common position. In this option,

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<sup>28</sup> Pollack, Mark A., **The Engines of European Integration: Delegation, Agency and Agenda Setting in the EU**, Oxford University Press, New York, 2003, p.220.

the role of the Commission is important. If the Commission accepts the amendments made by the EP, then in order for the Council to ignore these amendments, it needs a unanimity vote. If the Council is to accept the amendments, it needs to act by qualified majority voting.<sup>29</sup> This procedure does not have a wide usage either and is confined to limited number of issues under Economic and Monetary Union.<sup>30</sup> According to Nugent this procedure gives EP more power to influence the policy outcomes as the views of the EP “carry considerable political weight, and because (the veto) can only be overcome in the Council by unanimous vote, they put considerable pressure on the Commission and the Council to take the EP’s views seriously and to engage in inter-institutional bargaining.”<sup>31</sup>

Although in the cooperation procedure the EP seems to gain more influence, George Tsebelis argues that when compared to the Council of Ministers this power can only be exerted conditionally. As Pollack quotes from his 1994 article:

This procedure may only enable the EP to offer a proposal that makes a qualified majority of the Council better off than any unanimous decision. If such a proposal exists, if the EP is able to make it, and if the Commission adopts it, then the EP has agenda-setting powers. If, however, these conditions are not met, the EP loses agenda-setting power.<sup>32</sup>

Therefore, even though it seems that the EP has gained more power when compared to the consultation procedure, it seems that the use of this power is dependent on the actions of other institutions, which it cannot influence in the direction it likes. However, again Polack points out the statistical data given by Tsebelis’ 1996 article which shows that almost 50% of the amendments proposed by the Parliament are adopted either by the Commission or the Council.<sup>33</sup> So, even if it is not a perfect increase in the powers of the EP in the decision making procedure, it can

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<sup>29</sup> George, Stephen; Bache, Ian, **Politics in the European Union**, Oxford University Press, New York, 2001, p.263.

<sup>30</sup> [www.elections2004.eu.int/highlights/en/103/html](http://www.elections2004.eu.int/highlights/en/103/html), 03 July 2004.

<sup>31</sup> Nugent, Neill, **The Government and Politics of the European Union (5<sup>th</sup> Edition)**, Duke University Press, Durham, 2003, p.200.

<sup>32</sup> Pollack, Mark A., **The Engines of European Integration: Delegation, Agency and Agenda Setting in the EU**, Oxford University Press, New York, 2003, pp.221-222.

<sup>33</sup> Ibid. p.223.

be considered as an improvement. With the introduction of other decision making procedures, the cooperation procedure seems to lose its scope of usage to a particular extent.

#### **4.1.3 ASSENT PROCEDURE**

In this procedure, which was also introduced by the Single European Act, the Council needs the assent of the EP in order to adopt a legislative proposal made by the Commission. The EP, however, does not have a power to propose amendments to the proposals; it can either accept or reject them. Therefore, the EP has veto power in assent procedure. This procedure is applied to the accession of member states and conclusion of association agreements with non-EU states, electoral law for the EP, freedom of movement and right of residence, issues related to Structural and Cohesion Funds and sanctions for breach of fundamental rights by the member states.<sup>34</sup>

Pollack argues that this procedure is used by the member governments to ‘fine tune the legislative powers of the Parliament.’<sup>35</sup> In this model, the Parliament is in a position to accept or reject the Commission proposals without any right to make any amendment proposals. Therefore, in those issue areas where assent procedure is applied, the EP does not have an effective influence when compared to other institutions in the sense that it cannot issue an opinion for its own behalf. It can accept the proposal as it is, or totally reject it.

#### **4.1.4 CO-DECISION PROCEDURE**

This procedure, which was introduced by the Maastricht Treaty, aims at a considerable increase in the power and influence of the EP in the EU legislation. The steps in the co-decision procedure as explained by the EU are as follows.

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<sup>34</sup> [www.elections2004.eu.int/highlights/en/103/html](http://www.elections2004.eu.int/highlights/en/103/html), 03 July 2004.

<sup>35</sup> Pollack, Mark A., **The Engines of European Integration: Delegation, Agency and Agenda Setting in the EU**, Oxford University Press, New York, 2003, p. 230.

It is the European Commission which prepares the proposal and once it is prepared it is submitted to European Parliament and the Council. The European Parliament, in its first reading adopts an opinion by simple majority. The European Parliament usually makes some amendments to the proposal and in this case, the Commission after reviewing the amendments for approval or refusal, refers the proposal to the Council. The Council can either approve the proposal, in which case it is adopted, or can adopt a common position about the proposal. In this case this common position is forwarded to the European Parliament where it should be decided upon within three months. This is the second reading in the EP and in order for Council's common position to be adopted absolute majority is required. If EP approves the common position or does not take a decision within three months, the act is deemed adopted. If the EP does not approve, then the act is not adopted.

When Parliament amends the common position, it refers the text to the Commission and the Commission returns it to the Council as amended Commission proposal. If the Council approves these amendments within three months, the act is adopted. If the Council does not approve Parliament's amendments then a Conciliation Committee is formed which consists of 15 representatives from the Council and the EP, a rapporteur, and representative of Commission for mediation. If the Committee reaches an agreement a joint text is drafted and this is presented to the Council and the EP for approval. This is the third reading stage where the Council needs to take its decision by qualified majority vote and Parliament by a majority voting. If both the Council and the EP approves the joint text, then the act is adopted. If any of them reject it or fail to approve within the deadline then the act is not adopted and the procedure is finalized.<sup>36</sup>

The co-decision is the procedure in which the EP has the most say in the final stage of the process. As Nugent puts it,

The key feature of the co-decision procedure is that it provides the EP with the potential to veto legislative proposals. The significance of the Parliament's powers under the procedure is symbolized by the fact that legislation that is subject to the procedure is made in the name of the EP and the Council,

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<sup>36</sup> <http://www.elections2004.eu.int/highlights/en/103.html>

whereas legislation that is made under the consultation and cooperation procedures is made in the name of the Council only.<sup>37</sup>

Garrett and Tsebelis argued, however, that although it was expected that the co-decision procedure would enable the EP to take more active part in the decision-making procedure, the contrary had happened. As Pollack summarizes from their article:

...Council's option of reaffirming its common positioning its third reading shifted the locus of agenda-setting power from the Commission and the Parliament under the cooperation procedure to the Council of Ministers... (This) procedure allowed the Council in its third reading to make a take-it-or-leave-it offer to the Parliament, which was not allowed to propose further amendments but was simply left to choose between the Council's proposal and the status quo. If we assume, moreover, that the preferences of the European Parliament are more integrationist than the pivotal member of the Council of Ministers, then the Parliament was unlikely to veto the Council's common position in favour of the less integrationist status quo, and the Council's bargaining power in the conciliation committee would be strengthened by the prospect that it could reassert its common position if conciliation were to break down.<sup>38</sup>

There had been continuous efforts to increase the role of the EP in the legislative process in the EU and with the co-decision procedure it was achieved to a considerable extent when compared to the initial position of the EP. The aim behind introduction of these different decision making procedures has been to increase the role of European Parliament in the legislative system. It can be concluded that from such a perspective, EP can be said to be the institution which benefited the most from these institutional reforms when compared to other institutions. Such reforms were needed to lessen the institutional dimension of the democratic deficit by increasing European Parliament's participation. The Members of European Parliament, who were elected into office by universal suffrage, are now in a position to influence the decisions taken more, reflecting the will of European people to a larger extent.

In the Convention process, which resulted in a draft Constitution, there is a reference to a new legislative procedure, which is called the ordinary legislative

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<sup>37</sup> Nugent, Neill, **The Government and Politics of the European Union (5<sup>th</sup> Edition)**, Duke University Press, Durham, 2003, p. 200.

<sup>38</sup> Pollack, Mark A., **The Engines of European Integration: Delegation, Agency and Agenda Setting in the EU**, Oxford University Press, New York, 2003, p. 225.

procedure.<sup>39</sup> This procedure is based on the co-decision method which makes the European Parliament as powerful as the Council in the decision making procedure. Moreover, the number of Treaty articles which will be decided according to this procedure in increased. The cooperation, consultation and assent procedures are now called special legislative procedures, and their usage became very limited.<sup>40</sup>

#### **4.2 OTHER POWERS OF THE EUROPEAN PARLIAMENT: BUDGETARY AND SUPERVISORY POWERS**

Besides legislative powers, the EP has some other powers as well. These are the supervisory powers, by which it can exert some influence over the executive bodies of the EU, namely the Commission and the Council of Ministers, and the budgetary powers, where it has a considerable say especially concerning certain expenditures in the budget.

In parliamentary democracies Parliaments play a very important role not only in the legislation process but also in controlling the executive organ. Being the directly elected bodies of these political systems the parliaments and the MPs are expected to reflect the wills and desires of the public in general and try to effect the legislation and execution in a parallel manner. However, it is this supervisory power in which the EP has the most weakness in executing. This weakness is not only confined to the EP, though. National parliaments, too, have some difficulties when exerting control and supervision over the executive bodies. For most of the time, the executive organs are not willing to be accountable to the Parliament in regards to their policy implementation and try to avoid this parliamentary control.

Among the executive organs, EP has more supervisory powers over the Commission and its functioning. N. Nugent, in his book, lists a number of items in this respect. The EP has the authority to approve the President of the Commission, the Commission as a whole needs to be approved by the EP, in cases of fraud and mismanagement the EP can dismiss the whole Commission, and the Commission

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<sup>39</sup> [www.europa.eu.int/scadplus/european\\_convention/parliament\\_en.htm](http://www.europa.eu.int/scadplus/european_convention/parliament_en.htm)

<sup>40</sup> *ibid.*

needs to submit annual reports and annual financial accounts regarding the budget to the EP. Moreover, the standing committees of the EP have supervisory powers over the Commission, whereas it can also set up temporary committees to control the Commission. In addition to these, the EP has a right to ask written or oral questions to the Commission.<sup>41</sup>

Pollack reminds, however, that until the Maastricht Treaty, the European Parliament did not have any power in the appointment process of the Commission.<sup>42</sup>

EP's control over the Council is more limited when compared to that of the Commission. Nugent argues that the amount of interaction between the Council and the EP depend upon the attitude of the Presidency and that there are four opportunities for contact:

1. The Foreign Minister of the country holding the Presidency addresses the EP plenary sessions twice, one at the beginning of their term to outline their policy priorities and second one at the end of their term to make an overall evaluation of their term.
2. Related ministers of the country holding the Presidency attend the EP committees of their specialty.
3. Ministers attend the EP plenary session on a regular basis.
4. EP can ask questions to the Council.<sup>43</sup>

The European Council is the body where the EP has almost no say at all. The only relationship between the two institutions is confined to the addressing of the EP President to the European Council at the opening sessions of their regular meetings held twice every year, and the evaluation made by the President of the EC about the just-ended summit meeting in the EP plenary session.<sup>44</sup>

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<sup>41</sup> Nugent, Neill, **The Government and Politics of the European Union (5<sup>th</sup> Edition)**, Duke University Press, Durham, 2003, pp.207-210.

<sup>42</sup> Pollack, Mark A., **The Engines of European Integration: Delegation, Agency and Agenda Setting in the EU**, Oxford University Press, New York, 2003, p.208.

<sup>43</sup> Nugent, Neill, **The Government and Politics of the European Union (5<sup>th</sup> Edition)**, Duke University Press, Durham, 2003, pp.210-211.

<sup>44</sup> Ibid. pp.211.

In addition to the above mentioned areas where the EP can exert its influence over the executive, Pollack mentioned a number of other bodies where the EP is a part of the appointment procedure. These bodies are Court of Auditors, European Central Bank, the European Ombudsman and European Environment Agency.<sup>45</sup>

As the other power of the EP there comes the budgetary process. When the EU started to gain and use its own resources and created its own budget, the Parliament and the Commission were assigned significant powers and responsibilities in the formation and the implementation of the budget.<sup>46</sup> In the early days of this budgetary formation, there had been long and harsh negotiations between the then six member states. The basic debate was on the expenditures related to the Common Agricultural Policy, which the French government advocated to a large extent. The main problematic concerned was the voting method to be used in the budgetary system, which was proposed by the Commission, then. The French government, under the leadership of de Gaulle, was in favor of unanimity requirement in order to make sure that the budgetary system was more intergovernmental and its interests in the CAP are secured, whereas, the Commission and the other five members of the then EC were more in support of qualified majority voting to enhance the supranational elements of the integration movement. This debate among the member states even led to the Empty Chair crisis between the member states in 1965 and was only resolved by the acceptance of the Luxemburg Compromise by the member states, which foresaw that in those cases where the interests of member governments are vitally threatened, even if that particular issue was to be decided under qualified majority voting according to the relevant Treaty articles, unanimous vote would be sought for to protect the interests of that particular member state. So, at those times a tentative budgetary system was adopted by the member states to overcome the sensitive economic concerns at those times and the basis of the existing budgetary system has been

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<sup>45</sup> Pollack, Mark A., **The Engines of European Integration: Delegation, Agency and Agenda Setting in the EU**, Oxford University Press, New York, 2003, p.208.

<sup>46</sup> *ibid.* p. 210.

adopted by the Treaty of Luxembourg in 1970.<sup>47</sup> According to this Treaty and as Pollack lists, the budget was to be adopted in five stages:

Stage one typically begins on 15 June each year, when the Commission submits a 'preliminary draft budget' to the Council. In stage two, the Council has 45 days to examine and amend this proposal and adopt the 'draft budget', which it then forwards to the Parliament. From September to mid-October, Parliament examines the draft budget and makes proposals for changes. Stage four then takes place from mid-October to mid-November, when the Council conducts its second reading of the budget, accepting or rejecting the changes proposed by Parliament. Finally, in stage five, which takes place from mid-November to mid-December, Parliament conducts its second reading, and the final budget is adopted upon receiving the signature of the President.<sup>48</sup>

The main motive behind this considerable presence of the European Parliament in the budgetary process at that time was the concern for the democratic legitimacy of the EC/EU budget and therefore the legitimate use of resources.

However, the intensity and applicability of the budgetary powers of the EP are divided between the compulsory and non-compulsory expenditures of the budget. Regarding the compulsory expenditures, the EP has a relatively weak position in the sense that the EP can only propose modifications. If these modifications do not increase total expenditure, these may be rejected by the Council acting under qualified majority. If the Council does not take any action, then the modifications are deemed to be accepted. If the modifications cause an increase in the total expenditures, then in order for these modifications to be accepted the Council should decide by qualified majority. If no such action is taken by the Council, then the modifications are deemed not accepted. One important policy area covered in compulsory expenditures is the Common Agriculture Policy.

In the non-compulsory expenditures, on the other hand, EP has the final say. The EP can propose amendments and the Council can propose changes to these amendments only by acting in qualified majority. Otherwise, the amendments are deemed to have been accepted within fifteen days. However, the EP has limitations even for non-compulsory expenditures, as well and these limitations concern the increases to be made in these expenditures. These increases are to be made between

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<sup>47</sup> Ibid. p.210-213.

<sup>48</sup> Ibid, p.213.

the margins set according to the rule of “maximum rate of increase”, which is calculated each year according to the overall Gross Domestic Product of the Union, the expenditures of the member states and the overall rate of inflation.<sup>49</sup>

Pollack argues that these slight limitations enable the member states to ensure a certain level of democracy in the budgetary process, whereas at the same time does not give the EP that much power to endanger their policy priorities:

The combined effect of these two provisions, the compulsory/non-compulsory distinction and the maximum rate of increase, allowed the member governments to pursue their normative goal of increasing the democratic control of the EC budgetary process by allowing the EP to serve alongside the Council in the EC budgetary authority and even adopt the final budget, while at the same time limiting Parliament’s ability to tinker with the Common Agricultural Policy, foster new supranational policies, or adopt large increases in overall expenditures.<sup>50</sup>

So, although on the one hand the EP seems to have the final authority in the budgetary process, the final power still lies with the member governments. As mentioned before, the member governments delegate certain powers to the European Parliament both in legislative process and also in supervisory control and budgetary processes as well to secure their policy priorities and to keep a certain level of intergovernmental characteristic of the Union not to loose their powers to influence the policy outcomes all at once.

Regarding the budgetary functions of the EP, the draft Constitution proposes that ordinary legislative procedure, which is based on co-decision procedure, is to be applied.<sup>51</sup> It also eliminates the distinction between compulsory and non-compulsory expenditures.<sup>52</sup>

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<sup>49</sup> Nugent, Neill, **The Government and Politics of the European Union (5<sup>th</sup> Edition)**, Duke University Press, Durham, 2003, pp.204-205.

<sup>50</sup> Pollack, Mark A., **The Engines of European Integration: Delegation, Agency and Agenda Setting in the EU**, Oxford University Press, New York, 2003, pp. 214-215.

<sup>51</sup> [www.europa.eu.int/scadplus/european\\_convention/parliament\\_en.htm](http://www.europa.eu.int/scadplus/european_convention/parliament_en.htm)

<sup>52</sup> *ibid.*

### 4.3. MAIN WEAKNESSES OF EUROPEAN PARLIAMENT

In national parliaments the members of the parliament accrue their power from their electorate. Because they are elected into the office by the public, the origins of their powers and responsibilities come from the will of people. Therefore, these powers are legitimized, and are secured by the constitution and therefore cannot be limited or taken away depending on the nature of the legislative issue.

The European Parliament gets stronger as long as the member governments agree to delegate powers to it. The duties and responsibilities of the EP are clearly stated in the related articles of the Treaties and are used by the MEPs according to these treaty articles. The presence of the EP is negotiated and decided among the member governments in the Council of Ministers on an issue by issue basis. The role of the EP is not defined in a general manner, but on the contrary the delegation has always been made as long as a need for its further presence is recognized. This necessity for EP's presence in the legislation procedure of a certain issue may originate due to different reasons, like the issue as its nature requires the opinions of the elected parliamentarians, or there may be need for further legitimization of the decision taken by including the elected body of the EU in the process. Whichever is the case the EP can use its powers in relation to carefully selected issue areas and also within the strict boundaries of the Treaties.

M. Pollack discusses that the basic motive behind this delegation of powers to the EP is the concern for the democratic legitimacy of the EU in general instead of the functional need for its presence.<sup>53</sup> In national democratic systems the directly elected parliament is the core of the democratic legitimacy of the whole legislative system and therefore, has a very important role in securing the democracy. In the EU system, however, as the role of the Parliament is somewhat limited and dependent on the will of member governments rather than the people, the EU polity often has to deal with criticisms about its democratic legitimacy. Pollack argues that it is this need for

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<sup>53</sup> Pollack, Mark A., **The Engines of European Integration: Delegation, Agency and Agenda Setting in the EU**, Oxford University Press, New York, 2003, p.204.

ensuring democratic legitimacy which enforces the member governments to further include EP in the legislative process more.

Regarding the legislative process Nugent outlines four weaknesses of the EP:

1. When compared to the national parliaments the EP does not have the final decision making power in the legislative process. It is the Commission to start the process by preparing legislative proposals and it is the Council which in the end makes the final decision regarding the proposals enabling EP involvement to a certain extent.
2. In some cases, the Council can make its preliminary decision or can adopt its common position in principle without waiting for the EP to issue its opinion. The Council cannot approve the legislation before the EP gives its opinion but in some cases the Council already decides on the subject and only needs the positive or negative opinion of the EP to complete the process.
3. The Council is not obliged to consult the EP on all issues to make legislation. These issues especially involve the Council's execution of the external policy of the Union. The EP is not involved in neither stage of the agreements the Council makes with the third parties. The only external agreements that the EP has a say on is the accession agreements and some specific types of agreements like association agreements, certain cooperation agreements and some budgetary agreements.
4. The Commission is not obliged to consult the EP when making legislation.<sup>54</sup>

Although the European Parliament's role in the policy making in the European Union has increased during the integration process, it can still not be concluded that the members of European Parliament have sufficient power to represent the demands of their electorate in the policy outcomes.

#### **4.4 EU CITIZENSHIP**

The existence and survival of the nation state had always been accompanied by the notion of national identity through which the citizens of a particular nation state affiliate themselves with the political, social, cultural and ethnic values dominating that society. This affiliation gives people a sense of belongingness, through which the citizens feel themselves a part of the social, political and cultural life of that society. The rights and privileges of the citizens are defined and secured by

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<sup>54</sup> Nugent, Neill, **The Government and Politics of the European Union (5<sup>th</sup> Edition)**, Duke University Press, Durham, 2003, pp.203-204.

formal means like the laws and the constitution, and these means form the basic framework for the citizenship.

Delgado-Moreira, in his book where he discussed the citizenship in the European Union defines citizenship as “participation in the polity of nation states, and is thus the most political of all forms of cultural identity or membership.”<sup>55</sup> He also quotes the work of various scholars to indicate the relationship between citizenship and nationality, which refers especially to the political but also social and cultural rights of people who are members of that particular nation.

Newman, as well defines citizenship in political, but also legal terms:

The possession of ‘citizenship’ implies that a person is recognized as a full member of a community by a legally instituted authority. But while citizenship may be legally conferred and partly legally defined, its resonance is political<sup>56</sup>

As he continues to explain, the main reason behind the fact that the concept is more political than legal is because it is not enough to define citizenship and the rights associated with it; these rights need to be recognized and also protected by the political authority.<sup>57</sup>

With the growing interdependence of societies in mostly economic but also in political, social and cultural issue areas, the notion of citizenship began to be discussed more and the search for a different definition began to be in the agenda of scholars. The nation state and its formal institutions are no longer the one and only actors in everyday lives of the people; there are many national and/or international government and non-government bodies that are involved in policy formulation and even decision making related to the issues that directly affect the people. For instance, with respect to definition and protection of human rights, the nation states are not the only decisive authority, there occurred many international organizations, some of which have judicial obligatory powers as well, are in the scene more than ever. More and more issues related to human rights are being discussed on a global arena each

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<sup>55</sup> Delgado-Moreira, Juan M., **Multicultural Citizenship of the European Union**, Ashgate Publishing Limited, Hampshire, 2000, p.19.

<sup>56</sup> Newman, Micheal; **Democracy Sovereignty and The European Union**, C.Hurst &Co., London, 1996, p.141.

<sup>57</sup> *ibid.*

day, and these discussions not only remain as simple brain storming, but also these affect the way in which the nation states handle and view these particular questions. Therefore, citizenship began to gain some new connotations without being confined only to the boundaries of the nation state.

Delgado-Moreira lists three changes that he observes in the notion of citizenship.<sup>58</sup> These are mainly the global conception of human rights issues, the development of social citizenship along with the political aspects, and the simultaneous globalization and particularization of the economy. In this last item, he argues that although the economic relations gain a global character each day, at the same time, the regional and national differences are promoted more in contrast to the unpreventable rise and spread of global tendencies.

The concept of European citizenship is very recent and the European Union administration is trying to promote and develop this notion and use it as a tool to unite European people.

Newman, in his book, refers to the work of Elizabeth Meehan, who is very optimistic regarding the European citizenship.<sup>59</sup> Meehan strongly argues that there exists a notion of European citizenship, which exists side by side with the national citizenships of the member states and that in some policy areas like health and safety and gender equality, the rights of people are protected better at the European level when compared to the national level. One important counter argument that Newman suggests to her views is the problems associated with the definition of 'European' and whether the people associate themselves with such a European citizenship.<sup>60</sup>

When the Maastricht Treaty first institutionalized the concept 'European Citizenship' and defined the rights associated with it, there had been opposition from some member states. Newman argues that this citizenship article is the one of the

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<sup>58</sup> Delgado-Moreira, Juan M., **Multicultural Citizenship of the European Union**, Ashgate Publishing Limited, Hampshire, 2000, p.20.

<sup>59</sup> Newman, Micheal; *Democracy Sovereignty and The European Union*, C.Hurst &Co., London, 1996, pp.148-150.

<sup>60</sup> Ibid. p.150.

main causes of the failure of the ratification process in Denmark.<sup>61</sup> The clauses regarding the right to vote in municipal elections of the member states led to quite a number of discussions in many other countries as well. Newman describes the Maastricht Treaty conception of citizenship as

...too sensitive to attempt to influence the ways in which each MS ascribed legal citizenship, for such issues go to the core of the whole notion of the 'nation-state'. In principle, the idea of the 'union citizenship' could threaten to 'denationalize' citizenship completely, and this was certainly a step that the MS were not prepared to take.<sup>62</sup>

The Treaty of Amsterdam had some improvements on European citizenship. As Karluk lists, with the Treaty, it was decided by the member states that the notion of European citizenship needs to be enhanced further and the distinction between member state citizenship and European citizenship is to be clarified. Moreover, a social contract should be prepared to protect basic human rights including women's rights and also, each and every European citizen is to be given right to have access to EU related documents and to communicate in his/her native language.<sup>63</sup>

With the newly issued draft Constitution, the citizenship rights will acquire a more legal and more European context with the inclusion of the Charter of Social Rights. However, before this can happen, it should be ratified by the national parliaments of the member states. There already occurred some concerns regarding this ratification process, since it is expected that a number of member states will make a referendum and these may have negative results.

The discussions regarding European citizenship are closely related to the popular dimension of the democratic deficit problem in the European Union. The strengthening of the notion of a European Union citizenship will help European people better affiliate themselves with the integration process and Union policies in general. This dimension will be discussed in the following chapter.

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<sup>61</sup> *ibid.* p.155.

<sup>62</sup> *ibid.* p.157.

<sup>63</sup> Karluk, Ridvan Prof. Dr.; **Avrupa Birliği ve Türkiye**, Beta Basım, İstanbul, 2002, p.89.

## CHAPTER 5

### DEMOCRATIC DEFICIT IN THE CONTEXT OF POPULAR DEMOCRACY

Apart from the institutional dimension of the democratic deficit in the European Union, there is another aspect which is even more important than the structural setting of the Union. This second dimension is related to the peoples of Europe, their conception of the European Integration project and their support of and interest into the matter. The deficiency in this popular aspect of the integration constitutes a very big threat to the overall processing and future of the Union. It can further be argued that even the institutional drawbacks that the Union is experiencing today are a result of lack of a common consciousness and will among the European citizens. The very point whether such a consciousness can be achieved some day is also the other side of the popular dimension of the democratic deficit, which will be discussed below with particular reference to the identity question in the European Union.

The popular dimension has some other aspects as well. The need for mechanisms to link citizens to the EU is the basic step to be taken to ensure public interest and therefore public participation to the political system. This necessitates that the institutions and procedures be open and transparent to the public. Within this respect, the institutional and popular dimensions are interdependent.

According to the federalist view, the legitimacy of the European integration and then the ultimate federal European state is guaranteed by the existence of a European public and European Parliament.<sup>64</sup> Therefore, the assumption that with the strengthening of the European Parliament's role in the decision making procedure, the democratic deficit problem and the democratic discrepancy of the Union will be eliminated is not enough for the solution. There should also be a European demos, who participates in the decision making procedure through the European Parliament and influences the policy outcomes of the Union.

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<sup>64</sup> *ibid.* p.28.

## 5.1 PUBLIC PARTICIPATION IN THE EU: EUROPEAN POLITICAL PARTY SYSTEM

A very significant characteristic of a democratic rule of governance is the existence of structures and means through which different views and interest in that particular society could be institutionalized and expressed through political channels. The presence of civil society organizations help to serve this aim provided that all the different interest groups can be represented under equal conditions.

Some of these organized interest groups are so influential that they can have important effects in the formulation and implementation of certain policy issues, especially those which are to their own benefit. The important point is that in a particular political system, there should be means to prevent the dominance of particular interest groups.

In the European Union, as well, there are some civil society organizations. These are mainly transnational interest groups, with members from different member states. The most important of these are the UNICE, which is a business interest group, and the European Trade Union Confederation (ETUC), the representatives of trade unions.<sup>65</sup> All of these organizations receive funding from EU funds and have their own working groups, meetings and work procedures. Both of these organizations have implications in policy formulation in the sense that according to the Maastricht Social Agreement “the Commission is statutorily obliged to consult both business and labor before submitting proposals for social policy legislation.”<sup>66</sup>

The most important organizations which facilitate representation in any kind of a political arena are the political parties. Political parties are one of the indispensable elements of a democratic rule of governance. Their importance is due to the fact that they are the means for the articulation of political priorities and preferences of the public in general, and they are the instruments for representing the public will although not in a perfect manner. Although Rousseau blamed the political

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<sup>65</sup> Hix, Simon, **The Political System of the European Union**, Palgrave Publications, New York, 1999, pp.195-198.

<sup>66</sup> Ibid. p.196.

parties of hiding and distorting the real public will<sup>67</sup>, they still continue to be the organizations where the majority of the public can express their political opinions.

The main motive behind the political party activities is undoubtedly the aim to be elected into the political offices where the legitimate access to use of power is gained. Once a particular political party is in power, it has the legitimate right to make the decisions for the whole nation.

The very first political parties that took place in the Assembly of the European Coal and Steel Community were built by the national political parties of the member states according to the coherence between their political views. As the integration evolved among the member states, the political parties not only gained their relative independence from their national counterparts but also began to have their own income sources and personnel. The Maastricht Treaty article strengthened the role of the political parties as well:

Political parties at the European level are important as a factor for integration within the Union. They contribute to forming a European awareness and to expressing the will of the citizens of the Union.<sup>68</sup>

There exist a number of political parties actively involved in the political life of the European Union and European public. Being the only institution to which the members are elected by direct elections, the European Parliament is the core of the political activities of the Union. After the latest enlargement of May 2004, the total number of Members of Parliaments increased to 732 and the number of the political parties in the EP is 7. The largest political parties are the Group of the European People's Party and European Democrats (PPE-DE) and the Socialist Group (PSE). The other political groups are Group of Alliance of Liberals and Democrats for Europe (ALDE), Groups of the Greens/European Free Alliance (Verts/ALE), Confederal Group of the European United Left-Nordic Green Left (IND/DEM) and

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<sup>67</sup> Pedersen, Morgen N. "Euro-parties and European Parties: New Arenas, New Challenges and New Strategies, in Andersen, Svein S.; Eliassen, Kjell A.(ed.s), **The European Union: How Democratic Is It?**, Sage Publications, London, 1998, p.15.

<sup>68</sup> Maastricht Treaty, Article 191 (ex. Article 138a)

the Union for Europe of the Nations Group (UEN). There are also non-attached members who do not have any party affiliation.<sup>69</sup>

It is interesting to note that, on the contrary to one would expect, the party affiliations in the European Union party system concentrate along the traditional left-right continuum rather than their support for or opposition to further European integration. If these parties are to be involved in European level political activities, and if the future of Europe is to be structured by the discussions concerning the level of integration from this point, it is natural for one to expect the most important agenda of European politics to be this particular subject matter. This, of course, does not suggest that these party groups do not express or disseminate views on further integration vs. nation state sovereignty discussion, however, Hix mentions the fact that the political party boundaries need to be determined according to this traditional distinction as it would be very difficult otherwise to maintain the coherence among the party groups as the views will change from one member to another.<sup>70</sup> After defining the political parties as a right or left wing party, then there are formed some coalitions among the parties on the integration issue. Hix, underlines two such coalitions in the EP:

First, there is a large centrist ‘pro-European bloc’ of Socialists, Regionalists, Liberals and Christian Democrats. An opposing ‘anti-European bloc’ based on the Greens, Radical Left, Conservatives, Extreme Right and Anti-Europeans would be almost impossible to construct and maintain because there are large differences between these party families on left-right issues. Second, there is a ‘left bloc’ led by the Socialists, which is opposed by a ‘center-right bloc’ of the Liberals, Christian Democrats, and Conservatives.<sup>71</sup>

As the European Parliament is a supranational institution where the European interests are represented and prioritized than the national interests of the Members of European Parliament, it is expected that the political parties or groups in the EP are to be supranational deprived of their national party affiliations and national issue areas.

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<sup>69</sup> [http://www.db.europarl.eu.int/ep6/owa/p\\_meps2.repartition?ilg=EN&iorig=home](http://www.db.europarl.eu.int/ep6/owa/p_meps2.repartition?ilg=EN&iorig=home)

<sup>70</sup> Hix, Simon, **The Political System of the European Union**, Palgrave Publications, New York, 1999, p.169.

<sup>71</sup> *ibid.*

However, the political party system existing in the European Union mainly resembles the systems in the national systems of the member governments. As Hix lists, in order for the party system in the European Union to function as part of the solution to close or at least minimize the democratic deficit in the Union, three main rules need to be satisfied:

- political parties should compete in EP elections over issues on the EU policy agenda and/or for EU political office,
- voters should make a choice in EP elections on the basis of these rival policy platforms or candidates, and
- the winning electoral choices should be translated into legislative and executive action at the European level via cohesive political parties.<sup>72</sup>

Therefore, instead of national policy and office priorities, the electoral campaigns for the European elections are to be organized to cover the European-level issues and concerns, and the electorate should evaluate the candidates in accordance with the solutions and policy proposals that they suggest for the European wide agenda.

Moreover, there are some concerns on behalf of the MEPs, when elected into office, in their recognition of this supranational character. There are some in-built structural problems which prevent them minimize their national identities. One of these problems is related to the election procedures of the candidates for European elections. It is the national political parties which nominate the candidates and financially and politically support them. When a candidate is elected into office in the European Parliament, that MEP is not only involved in the European politics but also in domestic politics as well in order to guarantee his candidacy in the next elections. Therefore, s/he is responsible for not only the EP group that he became a member of and the European public, but also to national electorate and the national party of which he is a member of.<sup>73</sup> This fact may not seem to be a very disturbing effect;

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<sup>72</sup> Hix, Simon, **The Political System of the European Union**, Palgrave Publications, New York, 1999, p.168.

<sup>73</sup> Pedersen, Morgen N. "Euro-parties and European Parties: New Arenas, New Challenges and New Strategies, in Andersen, Svein S.; Eliassen, Kjell A.(ed.s), **The European Union: How Democratic Is It?**, Sage Publications, London, 1998, p.24.

however, it definitely affects the preferences of the MEP and therefore the supranational characteristics of the political parties in the EP.

The Socialist Equality Party in Germany ( Partei für Soziale Gleichheit), in their statement issued after the 2004 European elections, criticize the parties in the European Parliament as not reflecting the true wills of European people from different nations:

None of the parties that dominate the European Parliament and the national legislatures has a social base of any significance. The so-called “people’s parties” are merely skeletons comprising careerists and bureaucrats. They represent the interests of narrow economic elite, whose fortunes, incomes and standard of living soar above that of the rest of the population. Their policies hardly differ from each other, whether they call themselves socialists, social democrats, greens, liberals or conservatives.<sup>74</sup>

Although there are some deficiencies regarding the political party system in the EP it is still important that such parties exist to ensure the participation of public in the European politics, even though in a limited way. The EP election system in which these European political parties function will be discussed below.

## **5.2 EUROPEAN PARLIAMENT ELECTIONS**

The EP is the one and only directly elected institution in the EU. The direct elections were introduced as early as 1979 and since then every five years new MEPs are elected into office by the Europeans.

The European Parliament elections, however, are not considered to be as much important as the national election in the member states. This is mainly due to the fact that it is the national politics and national political actors that dominate the European elections. According to Hix, and many other scholars, the “main goal of political parties in the EU is to win national government office, and elections that decides who holds national executive office are consequently ‘first-order’ contests.”<sup>75</sup> The main

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<sup>74</sup> [http://www.wsws.org/articles/2004/jul2004/euro-j01\\_prn.shtml](http://www.wsws.org/articles/2004/jul2004/euro-j01_prn.shtml)

<sup>75</sup> Hix, Simon, **The Political System of the European Union**, Palgrave Publications, New York, 1999, p.180.

implication of such a second-order perception is inevitably the low turnout results in the European elections.

The number of MEPs that each member state can send to the EP is determined according to the populations of these member states. Therefore, the seats in the EP are divided in proportion to the population sizes of the member states. To exemplify, the chart used by George and Bach can be mentioned to show the number of MEPs for each member state after the 1995 enlargement:

DISTRIBUTION OF THE SEATS IN THE EUROPEAN PARLIAMENT	
Germany	99
France, Italy, United Kingdom	87
Spain	64
Netherlands	31
Belgium, Greece, Portugal	25
Austria	21
Denmark, Finland	16
Ireland	15
Luxembourg	6
Total	626

George, Stephen; Bache, Ian, **Politics In the European Union**, Oxford University Press, New York, 2001.

Distribution of MEPs after 2004 enlargement and EP elections:

Country	After elections 2004
 DE	99
 FR	78
 IT	78
 UK	78
 ES	54
 PL	54
 NL	27
 BE	24
 CZ	24
 EL	24
 HU	24
 PT	24
 SE	19
 AT	18
 DK	14
 SK	14
 FI	14
 IE	13
 LT	13
 LV	9
 SI	7
 EE	6
 CY	6
 LU	6
 MT	5
<b>Total 25</b>	<b>732</b>

Source: <http://www.elections2004.eu.int/ep-election/sites/en/yourparliament/outgoingparl/seats2004.html>

The recent elections were held this year, in June 2004, immediately after the latest enlargement wave was completed, and the European Union of 25 elected their new representatives. However, on the contrary of what was expected before the elections and during the electoral campaigns, the number of people who attended the elections and voted for the candidates turned out to be the lowest figure since 1979. According to the survey conducted by Eurobarometer among 24063 people from all over the member states revealed that only 45.7 % of the whole population in the Union went to the polls.<sup>76</sup>

Simon Hix, in his book “The Political System of the European Union” makes reference to a study conducted by Inglehart in 1977. According to this study which focused on the effects of demographic changes among the electorate on the support they give to the integration, the outcome was that “Through successive generation change, higher levels of education in society, and growing awareness and understanding of the EU, the levels of support for European Integration should increase.”<sup>77</sup> As Simon points out as a criticism against this result and as the turnout trend proves, the interest and therefore support of European public into European affairs in continuously decreasing. Even the accession of new, and enthusiastic, member states could not reverse this trend. As previously discussed above, the continuing dominance of the national actors in the European elections decrease the importance of the European elections and therefore, people conclude that their vote for the European offices will not make any difference.

The democratic qualifications of the voters have been analyzed in the Eurobarometer survey as well. Accordingly, the abstention rate is higher among the manual workers and the young population in Europe.<sup>78</sup> This result proves to be another opposition to the view of Inglehart about the generation difference assumption. According to his assumption, the younger people are expected to be more

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<sup>76</sup> [http://europa.eu.int/comm/public\\_opinion/index\\_en.htm](http://europa.eu.int/comm/public_opinion/index_en.htm)

<sup>77</sup> Hix, Simon, **The Political System of the European Union**, Palgrave Publications, New York, 1999, p.151.

<sup>78</sup> [http://europa.eu.int/comm/public\\_opinion/index\\_en.htm](http://europa.eu.int/comm/public_opinion/index_en.htm)

interested in the European integration; however, the profile of the electorate in the latest European elections proves the opposite.

This Eurobarometer survey has another important result with regards to the reasons of peoples' not going to the polls. The survey indicated three reasons as the most common answers given among the people surveyed. These are first, "lack of confidence or dissatisfaction with regard to politics in general", secondly, "lack of interest in politics" and finally, the view that "voting does not change anything"<sup>79</sup>. These results underline the fact that there is a general distrust and disinterest in the politics among European people depending on the reasoning that their vote will not have any effect on the politics. Therefore, the problem of low turnout is not only confined to the European elections, but has a wider context.

Among the reasons of general depolitization of people, the economic difficulties that people encounter play some role as well. As Meny underlines "economic stagnation and the massive increase in unemployment in certain countries or regions of the European Union have indubitably contributed to the emergence of the feeling of mistrust or even hostility."<sup>80</sup>

The procedures that the European Union utilizes to function and the Treaties and other legal documents that it uses as reference points have always been criticized to be very complex and difficult to understand for the public. Such criticisms have very strong supporting evidences and the lack of interest among the European public to the EU is attributed to this complexity. However, this situation, according to the Barometer survey, does not necessarily mean that the European public is not informed about the elections. Almost 90% of the people who were interviewed said that they came across with the electoral campaigns in media and that there had been a wide coverage of the EP candidates in televisions and newspapers. When asked, almost 60% of the respondents were able to correctly identify their own countries' candidates in the elections.<sup>81</sup> This result manifests that people are actually interested in the

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<sup>79</sup> *ibid.*

<sup>80</sup> Meny, Yves; "From Popular Dissatisfaction to Populism: Democracy, Constitutionalism, and Corruption" in in Hayward, J. and Menon, A. **Governing Europe**, Oxford University Press, New York, 2003, p.254.

<sup>81</sup> [http://europa.eu.int/comm/public\\_opinion/index\\_en.htm](http://europa.eu.int/comm/public_opinion/index_en.htm)

European elections, however, the fact that they are not satisfied with the outcomes of the politics in general, they refrain from going to the polls.

Although the survey proves the opposite for today, it can still be argued that the increase in public interest will be accomplished more as more generations pass. Today's electorate, especially those between certain ages, has grown up listening war stories from their parents or grandparents. It was only little more than half a century ago where there had been brutal and long lasting wars between many European countries. It would not be rational to expect that generation to forget about the recent past and gather around the idea of a United Europe. The new coming generation, who learns about European integration project at schools, from many media channels, from Internet by playing computer games will become more aware of the European Union.

On the other hand, one thinks that the ones who had gone through all those war years and had that experience should be more in support of the integration idea. The main idea behind the United Europe project was to end the ongoing confrontations between European states and making the European continent more powerful economically and politically. Maybe it is basically this fact that people are not interested in the project; perhaps it is too early to forget about the past and sacrifice their nationalistic feelings for the sake of European Union. Whatever the reason is one cannot doubt the unawareness and indifference of citizens of MS regarding the EU.

### **5.3 IDENTITY QUESTION- DEFINITION AND GENERAL PERCEPTIONS**

The identity question has always been in the agenda of the administrations throughout the history. It sometimes takes the form of a means for political propaganda, sometimes a problem to solve in cases where there is antagonism between different identities among the public and sometimes as a means to define the society in contrast to others. Whichever form it takes the identity issues have always been sensitive and difficult to explain.

In an effort to define and explain the peculiar characteristics of the term identity Yurdusev's studies can be used as a reference<sup>82</sup>. He defines identity by listing a number of determinations.

First of all, identity is a social phenomenon which cannot exist on the absence of other individuals. In order to speak of one's identity, there should be other individuals to make comparisons. Secondly, a particular identity exists with the presence of an "other", being defined in spite of the "other". The differences, and sometimes the contradiction, in between these two define a particular identity. Third, identity has two components: the identifier and the identified. The identifier component refers to the individual or object that is described, whereas the identified component describes the identifier and it is comprised of the individuals or objects that are in question. Fourth determination is related to the fact that identity and identification is a multi-dimensional, dynamic and an ongoing process. People began to be identified beginning with birth and this continues for a life time since they acquire different affiliations and characteristics each and every day. Fifth, as can be presumed by now, identity is plural; i.e. one person can have multiple identities. These identities are in continuous interaction with each other, but one can also expect that these may contradict with each other from time to time. Finally, some identities are defined by birth, like nationality, ethnicity. People are born into a family, a nation, an ethnic group etc. These identities may vary in the future; however, the original affiliations can never be changed.

It is important to underline the importance of the "other" one more time at this point. This concept is very important in identity discussions primarily because a particular identity is defined by referring to the differences between itself and the "others". These differences draw the boundaries between different identities. This assumption is valid not only for individuals but also for nations as well. If there had

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<sup>82</sup> Yurdusev, Nuri A., 18. ve 19. Yuzyillarda Avrupa'da Turk Kimligi, in **Cumhuriyet, Demokrasi ve Kimlik**, by Nuri Bilgin (ed.), Baglam Yayinlari, Istanbul, 1997; Yurdusev, Nuri A., Identity Question in Turco-European Relations, in **Turkey's Foreign Policy in the 21<sup>st</sup> Century: A Changing Role in World Politics**, by Tariq Ismail and Mustafa Aydin (ed.s), Ashgate Publishing Limited, New York, 2002; Yurdusev, Nuri A., Avrupa Kimligi'nin Olusumu ve Turk Kimligi, in **Turkiye ve Avrupa: Batililasma, Kalkinma, Demokrasi**, by Atilla Eralp (ed.), Imge Kitabevi, Ankara, 1997; Yurdusev, Nuri A., Lecture Notes from EUS 208-Development of European Identity and the European Union, Middle East Technical university, Fall 2002.

not been other individuals or nations to observe, it would not be possible to sort the peculiar characteristics for individuals and nations. It is due to these differences that the identities gain meaning.

The “other” is also important especially when there is an explicit or implicit perception of threat coming from “them”. This is especially true for the nations but this threat does not necessarily come from abroad in of military forms; it can also be an internal threat like an economic crises or a contagious disease. Under such conditions, the people unite against the ‘common’ enemy and act as one body. The strongest identity takes over all the other sub-identities and the related differences are undermined for the sake of self-protection and/or defense of the country.

In perception of a common collective identity, there are objective and subjective elements concerned. These help us to define and compare the identities among themselves and in contrast to “others”.<sup>83</sup> Weiler says that the objective and subjective elements are somewhat intertwined: “The people of a polity, the Volk, its demos, is a concept which has a subjective -socio-psychological- component which is rooted in objective, organic conditions.”<sup>84</sup> The objective elements are those which can explicitly be seen and observed by people and which define the general characteristics of that collectivity. These can be a common history, common language, common religion, common symbols etc. When a person is born into a particular society, he or she can be assumed to acquire almost all of these elements as part of his or her identity formation. One can change some or all of these identities during his or her life time, however, at the very first instance these are the defining factors. The nations are defined according to their historical origins, religion, the language they speak and their symbols, like the national flag or cultural habits and so on. However, in order to speak of a common collective identity, the presence of objective elements is not sufficient. There are a lot of people who are in the same religion, who speak the same language, who have similar historical experience; however, these people do not

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<sup>83</sup> Ibid.

<sup>84</sup> Weiler, J.H.H., Haltern, Ulrich R., Mayer, Franz C., “European Democracy and Its Critique” , in Hayward, Jack (ed), **The Crisis of Representation In Europe**, Frank Cass & Co. Ltd., London, 1995, p.10.

necessarily become members of a collective identity. At this point, the subjective elements of collective identity come into the scene.

The people also need to recognize these characteristics and feel themselves belonging to that particular collectivity. It is not until the members of the suggested group identify and define themselves in terms of this identity that one can talk about a common identity. This recognition and identification brings with itself some form of loyalty to that group and it is this subjective feeling that keeps the group together and have a group and an identity consciousness. Therefore, as Weiler concludes, “The subjective manifestations are a result of, but are also conditioned on, some, though not necessarily all, of the ...objective elements...”<sup>85</sup>

Another important aspect of identity is related to the size of the members and extent of the identity. In other words, if the identity people define themselves is very wide, than the sense of belongingness and loyalty is very low. If the number of members affiliated with a group is low, then it can be concluded that that group is a more cohesive one when compared to a collectivity with a larger membership.

### **5.3.1 EXISTENCE OF A EUROPEAN IDENTITY?**

Delgado-Moreira defines European identity as a “project” and “the desire of the administration of the European Union, as expressed in texts of European law, court cases, and other official sources of news and reports.”<sup>86</sup> Among the reasons why the Union promotes such a project and the desire for a European identity may be the need for a stronger cultural and social unity among the people of Europe, which would in the end contribute to the economic strength of the Union. Moreover, the political integration is related to this aspect as well in the sense that in order for the Union to achieve a “federal” state in the end as the ultimate goal, it should define its citizens and their rights and the citizens in return must feel themselves loyal to this politically integrated unity and have the “we” feeling to become bonded around such an aim. However, one can easily perceive that the construction of a European identity

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<sup>85</sup> *ibid.* p.11.

<sup>86</sup> Delgado-Moreira, Juan M., **Multicultural Citizenship of the European Union**, Ashgate Publishing Limited, Hampshire, 2000, p.135.

will help the European Union institutions and functioning to gain legitimacy in the eyes of the public. The related assumption may be if the people of Europe feel themselves as part of Europe in general, not undermining but prioritizing their European identities compared to their national identities, they will be more interested in the policy formulation and implementation at the European level and participate more, and thus contribute to the solution of the popular dimension of the democratic deficit problem. In a theoretical framework, the establishment of the “we” feeling may really help to raise interest among the citizens of member states, however, the bigger problem to overcome lies with the means to achieve a European identity.

Delgado-Moreira, after a review of the Treaties from the identity perspective explains the reasons behind the need for a European identity as such:

A European identity is necessary for the European Union to avoid ‘fragmentation, chaos and conflict of every kind (military, social, economic and politic) and to help achieve cohesion, solidarity, subsidiarity, concertation and cooperation...Europeans have to increase the feeling of belonging together, sharing a destiny and so on...’<sup>87</sup>

In pursue of this aim, Delgado-Moreiro argues that the tool that the European Union utilizes is nationalism “to create an imagined community”<sup>88</sup>. The Union tries to promote European identity under nationalism discourse and make the European people perceive it as if it is their nationality. He continues this argument as:

In following the chosen procedure to do so, the creation of European identity resembles the style of nationalism and imperialism that flourished in Europe after the 1850s (Russia, British Empire, Austro-Hungarian Empire...). Similarly, European identity is meant to respond to threats of national populism, intends to overcome the pressure from both underneath (unemployment, minorities, etc.) and outside (growing immigration), and aims to be effective in terms of propaganda, defense policy, cultural policy, the rewriting of history and the affirmation of identity.<sup>89</sup>

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<sup>87</sup> Delgado-Moreira, Juan M., *Multicultural Citizenship of the European Union*, Ashgate Publishing Limited, Hampshire, 2000, p.142.

<sup>88</sup> *ibid.* p.151.

<sup>89</sup> *ibid.*

However, he also underlines the discrepancies of this “nationalistic” view of constructing European identity and refers to the Barometer surveys conducted in 1997 which show that 51% of the respondents feel European, whereas 45% defines themselves only with their national identities:

Not only does this nationalism fail to relate the European identity with all the cultural network in the nation states, ethnic minorities (traditional and new) and so on, but it also ignores the relationship between them and a future European identity and citizenship.<sup>90</sup>

In pursuit of discussions regarding the presence of a European identity, Wintle argues that in general national identities are more prioritized when compared to a “higher” European identity and that it is difficult to expect otherwise although there is some sort of a shared similar historical experience.<sup>91</sup> He refers to the short history of the European integration project as the reason for this assumption.

As mentioned in the previous section, in order to be able to speak of a common identity, the objective and subjective aspects need to be satisfied. Only satisfaction of these rules is not sufficient for the sake of a common identity experience of course; the public who are the subjects of this identity need to feel it and affiliate themselves with this identity, along with their other given or gained identities.

European Union is a political system with its own institutions, policy priorities, certain sanctions and a certain level of authority which it can exert upon a predefined territory. It consists of a number of member states and the citizens of these member states can be considered to be the European public on behalf of and for the ‘benefit’ of whom the European Union acts as the legislative, executive and judicial administration. Within this respect if one can speak of a European public who are affected by the functioning of the European Union, it can be expected that these people constitute the demos in the European territory. Therefore, again one expects to observe some degree of solidarity among these people sometimes in support for and sometimes against the policy priorities of the European Union, trying to increase their

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<sup>90</sup> *ibid.*

<sup>91</sup> Wintle, Micheal, Introduction: Cultural Diversity and Identity in Europe, in **Culture and Identity in Europe**, (ed) Micheal WIntle, Avebury Ashgate Publishing Limited, Great Britain, 1996, pp.1-2.

living standards, economic, social, cultural conditions, improve the quality and quantity of the services they receive like education, health, housing etc. However, this collectivity of action and political interest can not be said to be present at the European level, a level which is above the national boundaries, and this lack of a European demos is usually attributed to the lack of a common European identity.

In the historical development of Europeanness as a supra-identity in Europe, Yurdusev mentions that the rise of the nation state since the 15<sup>th</sup> century, the Renaissance and Reformist movements followed by the age of Enlightenment, the imperialist expansion overseas and the presence of the “other” played important roles.<sup>92</sup> Although limited to the elite class, Yurdusev argues that there existed a European identity, although not very cohesive, in the 19<sup>th</sup> century.<sup>93</sup> Among other things, the existence of a significant other, namely the ‘enemies’ helped the development of a European identity and especially the presence of the Ottoman Empire constituted a very big threat for the European countries at those times as it used to be one of the most powerful, both politically and in military terms, states at those times. Again, Yurdusev argues that throughout history the Turks has always been conceived as the ‘other of Europe’ and the Ottoman Empire in particular had always been a part of Europe either through wars or through trade relations.<sup>94</sup>

### 5.3.2 OBJECTIVE ELEMENTS OF A “EUROPEAN IDENTITY”

In order to begin the discussions regarding the presence of objective components of collective identity in Europe one first needs to define and draw the boundaries of Europe. Where does it start and where does it end, which countries are included, which are left outside, what are the geographical limitations of ‘Europe’? These are the main questions to be answered to clear the European identity since the

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<sup>92</sup> Yurdusev, Nuri A., Avrupa Kimligi’nin Olusumu ve Turk Kimligi, in **Turkiye ve Avrupa:Batililasma, Kalkinma, Demokrasi**, by Atila Eralp (ed.), Imge Kitabevi, Ankara, 1997. p.47.

<sup>93</sup> ibid.

<sup>94</sup> Yurdusev, Nuri A., Identity Question in Turco-European Relations, in **Turkey’s Foreign Policy in the 21<sup>st</sup> Century:A Changing Role in World Politics**, by Tariq Ismail and Mustafa Aydin (ed.s), Ashgate Publishing Limited, New York, 2002, pp.10-14.

territory is almost the most important aspect of identity and a sense of belongingness. Although it can be said today that the geographical boundaries of the continent are more or less clear due to the natural boundaries like the Mediterranean Sea and the Atlantic Ocean, there is some vagueness regarding the Eastern boundaries. Throughout the history, the geographical definition of Europe changed constantly and political considerations, especially regarding the Eastern boundary with Russia, played a more important role in the determination. Moreover, even at the Western part of the continent, although there is the Atlantic Ocean limiting the continent naturally, the fact that Napoleon considered Europe to end at the Mountain Pirene due to the Muslim rule in Iberia at those times shows the weight of political considerations in defining Europe geographically.<sup>95</sup> If the continent could be clearly defined in geographical terms there would not be any contradiction on the boundaries among different rulers and it would be easier to affiliate one's self to Europe. Under these considerations Turkey's position is somewhat problematic as well in regards to its being part of the European continent or not. Although accepted as a candidate country there is still some opposition as to the geographical place of Turkey. Although decreased to a considerable degree in number some continue to argue that Turkey is not a part of Europe geographically. Therefore, regarding the geographical definition of Europe, it can be concluded that there are no clear cut territory definition for Europe.

As a second objective element one can argue whether there is a common shared ethnic unity among Europeans. Regarding the ethnic roots of the European people, for years it has been argued that since most of the Europeans belong to the Arian ethnic group, they could be considered to have a common ethnic commonality.<sup>96</sup> However, it cannot be said for the European identity to have a common ethnic origin since the Bulgarians, Finnish people, Estonian and Polish people do not belong to the Arian ethnic group<sup>97</sup> but still are considered to be

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<sup>95</sup> Yurdusev, Nuri A., Lecture Notes from EUS 208-Development of European Identity and the European Union, Middle East Technical University, Fall 2002, Ankara, December 22, 2002.

<sup>96</sup> Yurdusev, Nuri A., Avrupa Kimligi'nin Olusumu ve Turk Kimligi, in **Turkiye ve Avrupa: Batililasma, Kalkinma, Demokrasi**, by Atilla Eralp (ed.), Imge Kitabevi, Ankara, 1997. p.50.

<sup>97</sup> *ibid.*

European as they are either the members of or about-to-be members of the European Union. So, regarding ethnicity either, it cannot be concluded that the European identity can be assumed to have a common origin.

The presence and usage of a common language throughout the continent can be proposed to be another objective element of a proposed European identity. It can be assumed that since the Latin language is the origin of most of the contemporary languages used in Europe there exists a common language. Although this is true to some extent until the 16<sup>th</sup>-17<sup>th</sup> centuries, the usage of Latin language was limited with diplomacy and literature.<sup>98</sup> As Wintle summarizes from the views of Delouche, Amin and Hale:

Many of Europe's languages clearly have a Latin or Germanic roots; the claim that ancient Greek is directly linked to an Indo-European family of languages, which is strictly differentiated from Semitic languages, has been called an artificially constructed myth. Whatever the theoretical linguistic technicalities, there do appear to be empirical links between the most European languages (with the notable exceptions of Finnish, Hungarian, Estonian and Basque) which most of us notice. As for single languages, or lingua franca, Greek had to claim to that function under the Roman Empire, and Latin served the same purpose for the highly educated in the Middle Ages until about 1600; in the sixteenth century it was challenged by Italian and French. English-often American English- has tended to become the universal means of communication in Europe in the media-saturated later twentieth century. The issues are not clear about Europe's shared linguistic heritage, and there is certainly still enormous diversity, but it is true to say that now, as for many centuries, most Europeans understand more of each others' languages than they do of non-European ones.<sup>99</sup>

In the European Union today, there is not a single official language for the Union neither written nor verbal. All the documents are translated into the languages of all member states, which are formally recognized as the official languages of the Union all at once. The web page of the European Union can be downloaded in the native languages of all the member states. Therefore, language cannot be taken as a defining element of the European identity since neither the roots of current European

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<sup>98</sup> Yurdusev, Nuri A., Lecture Notes from EUS 208-Development of European Identity and the European Union, Middle East Technical University, Fall 2002, Ankara, December 25, 2002.

<sup>99</sup> Wintle, Micheal, Cultural Identity in Europe: Shared Experience, in **Culture and Identity in Europe**, (ed) Micheal Wintle, Avebury Ashgate Publishing Limited, Great Britain, 1996, p15.

languages nor today's spoken and written languages confine to a single and common 'Lingua Franca'.

The European continent has always been associated with Christianity as the dominant religion prevailing all around the continent. Among the common objective elements, the religion can be considered to be the most uniting factor among the European countries, since with a few exceptions, all of the European people are Christians. Although the effects of Christianity were more deterministic in the past, especially before the Renaissance and Enlightenment movements, however, this element has its implications even today over the discussions regarding Turkey's membership.

Although this is the case for contemporary Europe, Yurdusev warns about the exaggeration of the effect of religion in Europe.<sup>100</sup> He argues that the Christianity is the prevalent religion of the continent and that it was so throughout history, however, there were always some parts of the continent which were not Christians like the Iberia and the Balkan region until the 14<sup>th</sup>-15<sup>th</sup> centuries. Even today there continues to be some countries, namely Albania and Bosnia, which are Muslim countries. Moreover, the sect divisions, Catholicism, Protestantism and Orthodoxy, within Christianity decreased its effect as well.

Yurdusev thinks that Christianity is more associated with the history of Europe than with today<sup>101</sup>. As a tool for uniting and even ruling people, the religion and Church used to play important roles in ancient times. In today's contemporary Europe it is true that most Europeans are Christians and it is a very significant element used in comparison to the non-Christian communities, however, being a Christian is not only peculiar to the European continent. There are Christians in many other parts of the world as well. Therefore, it can be concluded that even if one accepts the presence of a common religion among the European people, it lost its significance to a great extent in terms of uniting people.

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<sup>100</sup> Yurdusev, Nuri A., Avrupa Kimligi'nin Olusumu ve Turk Kimligi, in **Turkiye ve Avrupa: Batililasma, Kalkinma, Demokrasi**, by Atila Eralp (ed.), Imge Kitabevi, Ankara, 1997. p.52-53.

<sup>101</sup> Yurdusev, Nuri A., Lecture Notes from EUS 208-Development of European Identity and the European Union, Middle East Technical University, Fall 2002, Ankara, December 11, 2002.

Another objective element is the presence of a common history among the members of the collective identity. History is may be one of the most important elements of a collective identity since it is the sign of a common experience and unity.

Regarding the European experience of a common history, their roots can be traced back to the Ancient Greece. Then, there is the Roman Empire, which dominated the world history for many centuries. In addition to these, throughout the historical evolution of the continent, feudalism, Renaissance, Reformation movements, scientific revolution, and Enlightenment can be considered to have developed in and confined to Europe.<sup>102</sup> These historical developments are the peculiarity of the continent and of its people. Within this respect, these can be said to have a common European element in themselves and had impacts in the history of the different European countries.

However, although the European continent can be assumed to undergo a somewhat similar path of historical development and evolution, this argument has a main discrepancy and this is the fact that these movements were most of the time confined to some parts of the continent, not all over Europe. For instance, as Yurdusev points out, the Roman Empire was not able to rule Scandinavia, some parts of Great Britain, some parts of Germany and all East Europe even at its most powerful era.<sup>103</sup> Similarly, feudalism was not experienced in Scandinavia and the Renaissance was not practiced in Northern and Eastern Europe.

Although this being the case, the common history seems to be the strongest objective element among the Europeans and in the formation of a common European identity. It is again this element where we can think that people have a sense of belongingness and satisfy the subjective criteria of identity. Most of them are aware of their ancient roots and the route most of the European countries followed show similarity in regards to ruling tradition, economic development, scientific and technological innovations. There was a considerable degree of hostility among these countries and among the people, as well, however, the wars experienced among the

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<sup>102</sup> Yurdusev, Nuri A., Avrupa Kimligi'nin Olusumu ve Turk Kimligi, in **Turkiye ve Avrupa: Batililasma, Kalkinma, Demokrasi**, by Atilla Eralp (ed.), Imge Kitabevi, Ankara, 1997. p.53-54.

<sup>103</sup> Ibid. p.54.

European people does not necessarily imply that they did not have a common historical experience.

As the final objective element, the existence of a common culture is a very distinguishing factor of a collective identity. The question is, whether the Europeans have a common culture to distinguish themselves from others in terms of lifestyle, for instance. As discussed above, within some respects, the answer to this question is 'yes', however, one should also realize the differences regarding lifestyle within the continent, even within the nation states.

One cannot expect the whole continent, consisting of a number of different countries with different linguistic, cultural, historical experiences to act like a single country and have all these objective elements in common. What is to be expected from a European identity should be the emphasis put on the common uniting elements of being a European. For instance, a European is different from a Turkish or an American in many ways with respect to traditions, culture, everyday life, and it is most of the time easy to differentiate a European from 'others'. To exemplify, a very common perception is that the European 'system' is more bureaucratic when compared to the solution-oriented U.S. system. Likewise, Europeans are considered to be more traditional and conservative than the more liberal Americans. These are not necessarily bad connotations, but they definitely are distinguishing factors of the Europeans. It is normal to have differences among themselves, but this does not mean that the European continent has collective, either objective or subjective, elements in common. It should be acceptable for the different member states of the European Union have different identities, but instead of taking these as a negative impact on the European integration, they should be utilized to construct a unity and establish a sense of belongingness and Europeanness to support these objective elements.

Although it can be concluded that there is not a common European identity, it should also be underlined that it is not possible to create a single identity out of other different dominant identities. It is also not desirable either, since there is a very considerable degree of diversity among the member states and it would not be realistic to expect them to identify themselves with a common identity. What should be aimed by the European level needs to be initiating means and mechanisms to try to

unite these diverse actors and interests around a common goal and create an environment in which these differences are expressed freely. In other words, the EU needs to enable a public sphere to ensure that the European people can find means to express their ideas and participate in the policy formulation stage.

Apart from the institutional and popular elements discussed throughout the chapter, the democratic deficit is affected from some other dynamics as well. One very important of these dynamics is the enlargement process that takes place in order for the EU to include more European countries into its structure and become more powerful in the global arena. However, the latest enlargement completed in May 2004 will have considerable changes in the institutional and popular structure of the EU since this is the largest wave of new countries becoming members. This issue will be discussed in the next chapter.

## **CHAPTER 6**

### **ENLARGEMENT IMPACT ON DEMOCRATIC DEFICIT**

#### **6.1 AN OVERVIEW OF LATEST ENLARGEMENT**

European Union had already gone through a number of enlargement projects in its history. Therefore, the EU polity as a whole was experienced to a considerable extent about the possible outcomes of and the procedures to follow about the latest enlargement move that took place early this year. Although this being the case, due to some distinguishing characteristics, this enlargement wave constituted a challenge all by itself.

In the beginnings of the European Integration project one of the basic motives was to ensure and maintain the emergence of a united and therefore, economically and politically strong Western Europe against the other bloc in the cold war era. Supported by the United States, this motive enabled the release of numerous financial funds to Western European countries and to the European Community as it was referred to in those days, and also a considerable degree of political and social support. The member states of the time were also enjoying the peace and increasing prosperity and privileges associated with these.

Bearing these in mind, the current wave of enlargement is quite appealing in its historical context since the candidate countries concerned were mostly Central and Eastern European Countries, members of former Eastern bloc. The EU is once again in a position to unite Europe, this time two former enemy blocs instead of single countries.

Moreover, the EU in its history is once again in a position to constitute a model for democracy, rule of law and human rights for its candidate countries. As in the case of the accession procedures of Greece, Spain and Portugal, the EU is conceived as the political entity, the membership to which will help these particular accession countries to enhance the democratic standards in their own countries. In the case of the CEECs, similar motive can be observed both in the candidate countries and in the EU. By adopting their political structures and institutions to the EU

standards, the candidate countries are expecting to experience a better level of democracy in their own countries. As they are not very familiar with this type of Western democracy practices, they presume that membership will ease their adoption to this “new” world. On the other hand, the EU wants these countries as member states as well for the sake of a more united, more prosperous and therefore a stronger Europe.

One another distinguishing factor regarding this wave of enlargement, and may be the one which concerns the EU most, is the number of the accession countries. Once all become members to the Union, although gradually, the EU will eventually double its number of member states and therefore needs fundamental structural and institutional adjustments to this new situation. So, as Nugent describes it, this enlargement does not only require the candidate countries’ adoption to and acceptance of the EU norms and regulations, but also the adoption of the EU structures to the new and more crowded formation.<sup>104</sup>

The end of Cold war era and the fall of the Berlin Wall were the two simultaneous events that gave speed to the accession of the former eastern bloc countries. Almost immediately after these states gained their independences, Europe Agreements began to be signed with most of them in 1991. However, these agreements were directed more to regulate the economic activity between the EC and the CEECs like access to the single market without any implications regarding their membership.<sup>105</sup> It was not until the European Council in 1993 in Copenhagen that their intention for membership was formally recognized by the EC/EU. In this very same European Council was the announcement of the Copenhagen criteria to which all the prospective candidate countries were to comply with.<sup>106</sup>

The accession of the CEECs were planned to be completed gradually. The accession of the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia, and Malta and Cyprus were to be prioritized than those of

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<sup>104</sup> Nugent, Neill, **The Government and Politics of the European Union (5<sup>th</sup> Edition)**, Duke University Press, Durham, 2003, pp.494-517.

<sup>105</sup> George, Stephen; Bache, Ian, **Politics In the European Union**, Oxford University Press, New York, 2001, p.413.

<sup>106</sup> *ibid.*

Bulgaria, Romania, Turkey and Croatia. On 01 May 2004, the prioritized states became members to the EU whereas negotiations are still being conducted with the rest. Bulgaria and Romania are expected to become members in 2007, and the negotiations have not been started yet with the other two candidate countries, Turkey and Croatia. In March 2004, former Yugoslav Republic of Macedonia applied for membership as well.<sup>107</sup>

## 6.2 IMPLICATIONS OF ENLARGEMENT

It is foreseeable that the enlargement of this size will have some positive and negative impacts for both the EU and the accession countries. From the CEECs side, there will mostly be positive implications, as discussed above, due to the facts that membership is expected to increase the economic prosperity in these countries in the long run and also ensure and standardize a level of democracy and rule of law. These are mainly the reasons behind the will of these countries' intentions to establish close relations with the EU.

From the EU side, when the benefits of enlargement are concerned, Maresceau mentions four important items:

- support the newly liberalized market economies by further opening up markets in goods and services between East and West, North and South, stimulating economic growth in Europe and offering new trading opportunities for all;
- bind the countries of Central and Eastern Europe into Western European political and economic structures and thus enhance security and stability; both the US (and Russia) support enlargement for this reason;
- increase effective cooperation in the fields of Justice and Home Affairs, helping to fight crime and the menace of drugs, the effects of which are felt throughout our continent;
- bring higher environmental standards to Central and Eastern Europe, benefiting all of Europe by reducing cross-border and global pollution.<sup>108</sup>

Regarding the measures that the EU needed to take before the enlargement happened, there were two main issues to be decided on. One of them was the

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<sup>107</sup> [http://www.europa.eu.int/pol/enlarg/overview\\_en.htm](http://www.europa.eu.int/pol/enlarg/overview_en.htm)

<sup>108</sup> Maresceau, Mare (ed.), **Enlarging the European Union: Relations between the EU and Central and Eastern Europe**, Addison Wesley Longman Ltd., Bath, 1997, p.244.

adjustment of the existing policies to a Union of 27 members and secondly the adaptation required in the institutional framework of the Union.<sup>109</sup> The policy aspect is mainly related to the application of the main policy areas of the Union to the new member states. The basic policies with which the Union is concerned most are the Common Agricultural Policy and the allocation of the Structural Funds among the newcomers. The policy adjustments fall mainly under the economic side of the enlargement process and therefore, for the sake of staying within the limits of the democratic deficit subject this aspect will not be further mentioned.

Regarding the institutional dimension, Nugent lists the need for at least six main institutional changes to be accomplished before the enlargement process is completed. These items are mainly discussed and decided upon at the Amsterdam and Nice Treaties. These are

- upper limits were set on the size of the Commission, the EP, the ESC and the CoR (an upper limit of 700 on the EP that was set at Amsterdam was changed at Nice.
- from 2005 and until such time as the EU has 27 members, each member state will have one Commissioner (Nice)
- national representations in the EU's institutions were set (Nice)
- QMV was extended to more treaty articles (mainly Amsterdam, with only minor extensions at Nice)
- Provision made for enhanced, or flexible, cooperation (established at Amsterdam and made easier to apply at Nice).<sup>110</sup>

It was especially at the Nice European Council held in December 7-9, 2000 that the issues related to enlargement were in the main agenda. The basic issues that were covered in the Council had been the institutional reform and the extension of the qualified majority voting.<sup>111</sup> In the Nice Treaty, the usage of the qualified majority voting was extended to twenty nine more Treaty articles out of seventy although it

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<sup>109</sup> Nugent, Neill, **The Government and Politics of the European Union (5<sup>th</sup> Edition)**, Duke University Press, Durham, 2003, pp.506-507.

<sup>110</sup> *ibid.*

<sup>111</sup> Karluk, Ridvan Prof. Dr.; **Avrupa Birliği ve Türkiye**, Beta Basım, İstanbul, 2002, p.116.

still failed to include those policy areas related to industrial policy, free movement of citizens, and technical and financial cooperation with third countries.<sup>112</sup>

About the institutional reform, the Nice Treaty regulated the qualified majority voting procedure in the Council and re-determined the weight of the votes of each member state. According to this new measure, the larger member states gained an advantage when compared to the smaller member states which had a lower percentage of the total votes.<sup>113</sup> Moreover, it was also agreed that for any issue to be decided by qualified majority voting, the votes should come from those member states which represent 62 percent of the EU population.<sup>114</sup> This clause favored the member states with big populations in the sense that they could either accelerate or block the approval of a proposal.

The number of Commission members after the enlargement was also discussed at the Nice Council, where the number of Commissioners were decided to be increased to 27 to allow each member state to have one representative in the Commission.

As an overall evaluation of the Nice Treaty, it can be said that although it facilitated a number of institutional reforms, it was not very successful in terms of preparing the EU for an enlargement of this magnitude. With the increase in number of the member states after the enlargement, the difference between the big and small member states will become more problematic in terms of economic, political and social differences. Moreover, the increase in number will definitely have impacts on the decision making procedure in general, which further complicate the institutional reform efforts. Therefore, it was quite important that the institutional problems were solved before the enlargement took place, however, the Nice Treaty cannot be said to have achieved this aim to its fullest extent.

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<sup>112</sup> *ibid.*

<sup>113</sup> George, Stephen; Bache, Ian, **Politics in the European Union**, Oxford University Press, New York, 2001, p.416.

<sup>114</sup> *ibid.*

## CHAPTER 7

### ATTEMPTS FOR HANDLING DEMOCRATIC DEFICIT

#### 7.1 INSTITUTIONAL DIMENSION

With the evolution of the European Integration there had been an increase in the powers and influence of the European Parliament in the system. When compared to the very beginnings of the project and its very first attempts to establish an Assembly, today's EP has already gained a considerable degree of say in the procedural framework of the EU.

The major driving motive behind the empowerment of the EP has always been the search for a more democratic and more legitimate entity with the aim of eliminating criticisms on this matter. From the very beginning the actors involved in this project always had to face with criticisms regarding the democratic deficit of the Union and therefore had to improve the democratic conditions in which the EU acts with each Treaty.

The politicians also recognize and point out the need for taking some measures regarding this issue.<sup>115</sup> For instance, in order to increase the powers of the EP J. Fischer, in his speech in 2000, mentions about a second senate, which will support the EP in its decision-making and legislative functioning. Moreover, the Commission should be strengthened as well with the coordination of the Commission and the EP.

Jacques Chirac in his speech at 2000 at German Federal Parliament mentioned the need for a European Constitution to ensure and determine the authority, cooperation and coordination between the Community institutions and the member states.

Gerhard Schroder in May 2001 speech gave the emphasis on the strengthening of the executive function European Commission by decreasing the number of areas that it is responsible for. Regarding the strengthening of the EP, Schroder emphasizes the control power of the EP over the legislative organs. He thinks that in order for a strong EP, it should become a real decision making body, which however is very

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<sup>115</sup> Celebi, Aykut; **Avrupa: Halkların Siyasi Birliği**, Metis Yayınları, İstanbul, 2002, pp.67-76

difficult in the existing model of decision making which is dependent on the decisions made by the executive body in the IGCs. He also mentions the need for a Senate along with the EP, which will only be assigned a control power. Its duty will be to ensure that the decisions made in the EP will be in line with the perspectives of the member states and once both bodies approve the decisions, they will become the official policy of the EU.

Throughout the study there had already been made references to the reforms made to increase the powers of the European Parliament from many respects, namely, regarding the legislative system and the supervisory functions of Parliaments. In this section, these reforms will be presented in a more systematic way trying to follow a chronological order. The main emphasis will be on how each Treaty helped to increase the role of the European Parliament when compared to the roles of other institutions and therefore contributed to lessen the legitimacy crisis in the European Union in general.

At the very early stages of the European Integration movement, when the first supranational Communities appeared, they had a Common Assembly, which constituted the foundations of today's European Parliament. The Common Assembly was composed of the members of the national parliaments of the six member states of that day and they used to serve for the Common Assembly along with their service to their own national parliaments and their own national parties. In other words, they were not full time members of the Common Assembly. Moreover, the powers of the Common Assembly were very limited in the sense that it could only dismiss the "High Authority", as it was the name given to today's Commission.<sup>116</sup>

As can be easily predicted, the members of the Common Assembly did not have much concern for European issues. The fact that they were not independent from their national parliaments prevented them from acting solely for the sake of the integration as they had concerns as to the behavior of their own electorate as well. They had to make decisions keeping in mind the policies and priorities of not only their own national interests but also of the political parties that they are a member of back at home. Such an institution and such a model of a member of Common

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<sup>116</sup> Green Cowles, Maria; Smith, Michael, **The State of the European Union: Risks, Reform, Resistance and Revival Vol.5**, Oxford University Press, New York, 2000, p.230.

Assembly was very far from the supranational perspective of today's European Parliament.

The most important development had been the introduction of the direct elections in 1979. Although in the 1970s the European Parliament gained some relative importance with the increase of its role in the budgetary process, the opportunity of the European public to elect the members of the EP was the most remarkable step in the 1970s. On the other hand there are some views which question the significance of the direct elections. Smith directly quotes from Venon Bogdanor's study of 1996 called "The European Union, the Political Class, and the People" as such:

It is a paradox that direct elections, intended to help create the political will for European integration, might actually have served to increase popular alienation from European institutions, since the European party system is unable to act as a vehicle for genuine choice at the electoral level<sup>117</sup>

Hix argues that in order for the European people to become more concerned about the European elections and therefore help to reduce the democratic deficit, the European elections need to be "about Europe". Now that the European Parliament is becoming stronger in terms of institutional presence and effect, the national parties' dominance should be reduced "in control of the process and selection of the candidates".<sup>118</sup> Moreover, he refers to Schmitter's and Weiler's proposals of holding referenda all around Europe to ensure people's 'direct' participation regarding important policy areas. Moreover, another suggestion is related to the direct election of the President of the Commission<sup>119</sup>. This, of course will have consequences as to the further empowerment of the President now that the public support is maintained and may cause a further democracy problem if the rights and privileges of the directly elected EP President are exploited. However, still as being the head of the most important executive institution in the EU, this procedure may serve the solution of one

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<sup>117</sup> Smith, Gordon; "The Decline of Party?", in Hayward, J. and Menon, A. **Governing Europe**, Oxford University Press, New York, 2003, p.191.

<sup>118</sup> Hix, Simon, **The Political System of the European Union**, Palgrave Publications, New York, 1999, p.187.

<sup>119</sup> *ibid*, pp.185-186.

part of the democratic deficit in terms of the legitimacy of this particular office provided that there are efficient control mechanisms exerted upon the President.

The significance of the EP in the legislative process began to increase with the Single European Act of 1987 with the introduction of the two new decision making procedures. These were namely the cooperation and the assent procedures, both of which aimed at strengthening the role of the Parliament in comparison to the other two actors of the legislative procedure which are the Council of Ministers and the Commission. As explained previously, the cooperation procedure introduced second reading stage for the EP where it could affect the decision by issuing its own opinions. Within this respect, this procedure gave the EP an ability to affect and to some extent alter the decisions to be made by the Council of Ministers. Until the Single European Act, the one and only decision making system used was the one in which the EP was involved the least. The consultation procedure which had been used until the very beginning of the European integration was the one which foresaw little involvement of the Parliament in the procedure.

As discussed in the previous chapters, as a part of the democratic deficit problem, the executive institutions are problematic as well. The discussions regarding the transparency and openness of the Commission are the important level of these arguments. In searching for means to overcome these discrepancies the Commission introduced some measures as well. In 1992, the Commission initiated some actions like “earlier publication of the Commission’s legislative program, a commitment to ensure that target groups are aware of any new policy initiatives, and greater use of Green (consultative) papers.”<sup>120</sup>

### **7.1.1. MAASTRICHT TREATY**

The democratic deficit problem has always been in the agenda of the member states and the efforts to decrease and even eliminate the problem can be observed in the consecutive treaties accepted by the member states. As Majone determines, “In desire to reduce the EU’s democratic deficit, the framers of the Amsterdam and

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<sup>120</sup> Mazey, Sonia and Richardson, Jeremy; “Interest Groups and Brussels Bureaucracy” in Hayward, J. and Menon, A. **Governing Europe**, Oxford University Press, New York, 2003, p.221.

Maastricht Treaties have radically modified the balance of power between Commission and Parliament.”<sup>121</sup>

With respect to the legislative powers of the Commission, this institution has the monopoly to start the legislative process. In order to limit this monopoly of these institutions some new measures have been taken by the acceptance of new Treaty articles which limit the role of the Commission to a considerable extent. For instance in the first pillar, after the introduction of the co-decision procedure by the Maastricht Treaty, the Commission still has the main role for legislative initiation, however, the European Parliament and the Council, acting together, can change the legislative process by making decisions in contrast to the Commission proposal. The importance of co-decision procedure in terms of controlling democratic deficit lies with this particular characteristic of the method.<sup>122</sup> Maurer concludes that:

...through the introduction of the co-decision procedure, the European Parliament gained more control in the legislation process (it can prevent the enactment of legislation) and acquired more means of input into the binding EC legislation (the final text requires the EP’s approval).<sup>123</sup>

Moreover, in the second and third pillars, where the issues related to Common Foreign and Security Policy and Justice and Home Affairs are handled on an intergovernmental basis compared to the first pillar’s supranational nature, the Commission needs to share its legislative powers with the member states.

Apart from the limitations that the Maastricht Treaty exerted upon the Commission regarding the legislative process, the role of the European Parliament in the appointment of the Commission members have changed to a considerable extent, as well. With the Maastricht Treaty the Parliament gained an approving right in the sense that the Commission President was to be approved by the European Parliament

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<sup>121</sup> Majone, Giandomenico; “The Politics of regulation and European Regulatory Institutions” in Hayward, J. and Menon, A. **Governing Europe**, Oxford University Press, New York, 2003, p.306.

<sup>122</sup> *ibid.* p.305.

<sup>123</sup> Maurer, Andreas; “Democratic Governance in the European Union: The Institutional Terrain after Amsterdam” in Monar Jörg; Wesswls Wolfgang (ed.s), **The European Union After the Treaty of Amsterdam**, Continuum, London, 2001, p.100.

at the stage of nomination.<sup>124</sup> Then, the President, who is approved by the European Parliament, can designate the other Commissioners in consultation with the member states. At the end of this designation process, the Commission as a whole has to be approved by the European Parliament, before appointed to office. Moreover, with the Maastricht Treaty, the term of office of the Commission is harmonized with that of the European Parliament and made five years.

Regarding the identity of the European Union and how the Treaties refer to the concept, it can be said that it is with the Maastricht Treaty that the discussions regarding the European identity began to be extensively discussed. The Maastricht Treaty refers to the concept in terms of a military perspective in the sense that a European identity is necessary to have a common defense, independency and presence in the international arena.<sup>125</sup>

Moreover, the Maastricht Treaty also emphasized the need for ‘respecting’ the national identities of the member states in its Article F.<sup>126</sup>

It is interesting at this point to refer to the specific ruling of the German Constitutional Court related to the Maastricht articles. As Maurer summarizes the Court argues that it is not possible for a European statehood to be established without a ‘single European people sharing heritage, language, culture and ethnic background, that without a European public space of communication that could shape the wills and opinion of the population.’<sup>127</sup> Maurer also makes another interpretation regarding the Court’s decision which is important to emphasize:

The Constitutional Court, however, opened another window for reforming the Union: it argued that in the absence of a truly European demos, democratic governance is mainly secured by the peoples of the Member States via their nationally elected representative bodies. Thus democratizing the Union would

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<sup>124</sup> Karluk, Ridvan Prof. Dr.; **Avrupa Birliği ve Türkiye**, Beta Basım, Istanbul, 2002, p.150

<sup>125</sup> Delgado-Moreira, Juan M., **Multicultural Citizenship of the European Union**, Ashgate Publishing Limited, Hampshire, 2000, p.142.

<sup>126</sup> *ibid*, p.143.

<sup>127</sup> Maurer, Andreas; “Democratic Governance in the European Union: The Institutional Terrain after Amsterdam” in Monar Jörg; Wesswls Wolfgang (ed.s), **The European Union After the Treaty of Amsterdam**, Continuum, London, 2001, p.101.

mean strengthening the roles and powers of the national parliaments and not, or only in the second instance, of the European Parliament.<sup>128</sup>

It was not until the 1990s that the term European citizenship began to be officially used in the formal documents and meetings of the Union. The concept drew so much attention that in the Maastricht Treaty, the concept is legally explained under a separate heading: “Citizenship of the Union”, Article 8. In summary, this article and its six paragraphs define a citizen as ‘every person holding the nationality of a member state’ and give the European citizens the right to free movement and residence within the Union, right to vote in municipal elections of member states, right to vote and be a candidate in the European Parliament elections, right to diplomatic protection by the consular posts of member states in third countries, right to submit petitions to the European Parliament and apply to the Ombudsman.<sup>129</sup>

### 7.1.2. AMSTERDAM TREATY

After the Maastricht Treaty, the Amsterdam Treaty improved the position of the European Parliament in the institutional structure of the European Union as well. As Maurer lists, it enlarged the policy areas where the co-decision procedure was to be applied.<sup>130</sup> The co-decision procedure was simplified by eliminating the third reading stage where after the conciliations the European Parliament was to approve or reject the Council’s common position. In addition to this, a proposal can now be accepted even at the first reading provided that the Parliament does not make any amendments or even if it does, if the Council accepts those amendments.<sup>131</sup> Moreover, the usage of consultation procedure was extended.

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<sup>128</sup> *ibid.* p.101.

<sup>129</sup> Newman, Micheal; **Democracy Sovereignty and The European Union**, C.Hurst &Co., London, 1996, p.153-154.

<sup>130</sup> Maurer, Andreas; “Democratic Governance in the European Union: The Institutional Terrain after Amsterdam” in Monar Jörg; Wesswls Wolfgang (ed.s), **The European Union After the Treaty of Amsterdam**, Continuum, London, 2001, p.110.

<sup>131</sup> *ibid.*

Regarding the appointment of the Commission President, the European Parliament now has the authority to approve the future President of the Commission. As Maurer argues this would help the European political party system in the sense that:

...the elections would be brought more alive and enriched through a kind of personalization of the Union's governing institutions. Moreover, provided that each of the European parties presents its contest candidate for the post in question, not only the election campaign, but also the day-to-day life in Brussels and Strasbourg could induce politicizing and mobilizing effects for the Union's citizenry.<sup>132</sup>

As for the third pillar of the European Union, the European Parliament now has a consultative role in the Justice and Home affairs related issues, although not in Common Foreign and Security pillar, yet.<sup>133</sup>

With the Amsterdam Treaty, the role of the national parliaments increased, as well. The Protocol on the Role of National Parliaments in the European Union was accepted as part of the Treaty and with this protocol, the Commission is to transmit the legislative proposals and the Green and White papers it issued to the national parliaments.<sup>134</sup> This would enable the national parliaments to be aware of the Commission's acts, and this would help to enhance the openness and transparency of the Commission.

Although in general it can be concluded that the Amsterdam Treaty strengthened the Parliament institutionally, it has some drawbacks as well. For instance, the European Parliament still does not have an influence regarding the compulsory expenditures of the budget, it is still not an efficient actor in the second and third pillars of the European Union, and although simplified, the procedures are still complicated and difficult to understand.<sup>135</sup>

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<sup>132</sup> *ibid.*p.114.

<sup>133</sup> *ibid.*

<sup>134</sup> *ibid.* p.116.

<sup>135</sup> *ibid.* p.118.

### 7.1.3. THE DRAFT CONSTITUTION - INSTITUTIONAL DIMENSION

In order for the European Union to proceed further to become a political union and to make the European public feel more affiliated with the Union, there were initiatives taken to establish a Constitution for the European Union. For this purpose, the initial step was taken in the Laeken European Council in December 2001, where the member states agreed on the “Laeken Declaration on the Future of the European Union”. According to this Declaration, within the overall view of strengthening the European Union for the existing and future global challenges, there was an urgent need to solve one of the biggest internal problems inherent in the Union which is closing the gap between the European Union and its citizens.<sup>136</sup> Based on this decision, the Declaration also initiated the formation of a Convention, which would be a platform for discussing and agreeing upon a draft Constitution for Europe with wide participation from both the member states and the European institutions. The Convention had 105 members which included the heads of state or government of the member states and the candidate countries, representatives of the European Parliament, representatives from the national parliaments of the member states, the representatives of the European Commission<sup>137</sup>. There were also public debates taking place especially through the EU web page which facilitated the Europeans’ participation in the debates.

The Convention consisted of three consecutive stages. The first “Listening Stage” started in March 2002 and lasted for almost six months. Then, the second “Evaluation Stage” lasted for four months, which was followed by the “Proposal Stage” where the draft end document of the Convention was prepared and agreed upon.<sup>138</sup> The draft Constitution was discussed and approved by the member states in the European Council held in Brussels in June 2004 and it is signed by the Heads of States or Governments of the member European countries on October 29, 2004 in

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<sup>136</sup> Selcuk, E; “Anayasasini Arayan Avrupa: Avrupa Anayasal Anlasma Tasarisi Uzerine”, in **Hukuk ve Adalet Elestirel Hukuk Dergisi**, Yil:1, Sayi:3, Temmuz-Eylul 2004, p.65.

<sup>137</sup> *ibid.* p.76

<sup>138</sup> *ibid.* pp.78-79.

Rome, in the very palace that the Rome Treaty establishing the European Economic Community almost half a century ago, this time however, by 25 member states and 3 candidate countries, instead of 6 founding members. In order for the Constitution to become effective in the EU law, it has to be ratified by all the 25 member states according to their national approval procedures. As approximately 10 member states, including Spain, France, Holland, United Kingdom, Portugal, Denmark, Ireland, Luxembourg, are expected to hold referenda in their home countries asking the opinion of their peoples, this ratification process is expected to take place not until 2006.<sup>139</sup>

The draft Constitution consists of four chapters and 448 articles. The first chapter is related to the structural and functional principles of the European Union. In the second chapter, the Charter of Fundamental Rights is embedded into the draft Constitution. Third chapter is about legal structural norms of the European Union, and finally the last chapter includes general principles and final provisions.<sup>140</sup>

The importance of the draft Constitution is multi dimensional. Possibly the most important contribution of this document is the fact that it combines all the founding treaties which have been the main reference texts until now, and also by including the Charter of Fundamental Rights, it defines the basic rights and privileges of the European public. Moreover, the Constitution underlines that this document will be above all national legislature, if and when ratified by the member states. The Constitution also enlarges the usage of qualified majority voting, introduces the position of Ministry of Foreign Affairs for the EU, which is important for the international presence and recognition of the Union regarding the Common Foreign and Security Policy, strengthens the European Parliament vis a vis other institutions, changes the Presidency procedures, decreasing the number of members of Commission by one thirds by the year 2014 and strengthens the cooperation among the member states.<sup>141</sup> Another important modification of the draft Constitution is the

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<sup>139</sup> BBC World Live EU Constitution Coverage from Rome, October 29, 2004.

<sup>140</sup> Selcuk, E; "Anayasasini Arayan Avrupa: Avrupa Anayasal Anlasma Tasarisi Uzerine", in **Hukuk ve Adalet Elestirel Hukuk Dergisi**, Yil:1, Sayi:3, Temmuz-Eylul 2004, pp.81-82.

<sup>141</sup> Radikal Newspaper, "Iste Avrupa'nin İlkeleri", October 30, 2004, p.13.

elimination of the three pillar structure first initiated by the Maastricht Treaty and the second CFSP pillar is renamed as “Foreign Affairs of the EU”, and the third pillar about Justice and Home Affairs is renamed as “Freedom, Security and Justice Affairs”.<sup>142</sup>

In relation to the strengthening of the European Parliament, the draft Constitution emphasizes once again the essential presence of the EP in budgetary functions and the legislative procedures and by doubling the number of the policy areas where the co-decision procedure is to be used it underlines the significance of the Parliament.<sup>143</sup> It also introduces a new model for decision making, called the ordinary legislative procedure, which is based on the principles of the co-decision procedure.

By including the Charter of Fundamental Rights, the draft Constitution aims to strengthen the connection between the EU and its citizens but this aspect of the Constitution will be analyzed under the next chapter about the popular dimension of the solutions suggested to the democratic deficit problem.

#### **7.1.4 MODELS FOR EUROPEAN POLITICAL SYSTEM**

In search for the solution of democratic deficit in the European Union, Chrysochoou proposes four models for the Union political system. These are the parliamentary model, the confederal model, the federal model and the consociational model.<sup>144</sup>

In the parliamentary model, the emphasis is on the elected legislative institution, which is not the model experienced in the European Union. Although there is a directly elected Parliament, it is not the one and only legislative institution, and under the current conditions, it is not likely, even not desired, that it will become one.

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<sup>142</sup> Selcuk, E; “Anayasasini Arayan Avrupa: Avrupa Anayasal Anlasma Tasarisi Uzerine”, in **Hukuk ve Adalet Elestirel Hukuk Dergisi**, Yil:1, Sayi:3, Temmuz-Eylul 2004, p.82.

<sup>143</sup> *ibid.* p.88.

<sup>144</sup> Chrysochoou, Dimitris N.; “EU Democracy and the Democratic Deficit”, in **European Union Politics** by Michelle Cini, Oxford University Press, New York, 2003, pp.374-378.

Chrysochoou argues that the establishment of such a model is not possible in the European Union context because:

the parliamentary model presupposes some form of social unity, which allows the minority to identify with the central institutions. Given the fragmented nature of the European citizenry, there would seem to be no such social unity of this kind within the EU at the present time.<sup>145</sup>

In the confederal model, he emphasizes the ‘intergovernmental’ characteristics of the Union, where the “establishing a democratic society of European states, rather than by forging a new polity and EU democracy.”<sup>146</sup> As Chrysochoou explains:

the confederal model sees European integration as a predominantly interstate affair, and favors the diffusion of authoritative decision-making power to the segments (or member states), rather than to the regional center (the EU level)<sup>147</sup>

With this model, since the decision making power will rest with the member states then the democratic deficit will be resolved by itself not only because there is not a supranational entity making decisions on behalf of people without being accountable to them, but also because the member states already have their own national parliaments to secure democracy and legitimacy.

In the federal model, on the other hand, the authority is in the center and the member states are represented in this unity, without losing their on beings. In Chrysochoou’s wording:

Federalism aims to establish a cooperative democratic ethos in relations between the center and the subunits. It seeks to reconcile the parallel demands for greater political union (although not necessarily unity) of the whole, at the same time as ensuring adequate constitutional guarantees for the autonomy of the parts, in order to establish unity without uniformity and diversity without anarchy.<sup>148</sup>

J. Fischer, in his speech in 2000, explains the reason of the fear that some member states have for federalism by the thought that with federalism the nation-

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<sup>145</sup> Ibid. p.375.

<sup>146</sup> Ibid.

<sup>147</sup> Ibid..

<sup>148</sup> Ibid, p.376

states will lose their sovereignty. However, he thinks that this fear is not necessary, as the nation states will continue to be autonomous and sovereign in this federal structure.<sup>149</sup>

And finally, the consociational model is for the protection of the subgroups in a unity composed of many different collectivities. Chrysochoou lists four characteristics of the model, which are the grand coalition of elites, proportional representation of all the subgroups, segmental autonomy, where each elite member of the grand coalition has his own authority in his own territory, and unanimity requirement among the elites regarding vital policy issues.<sup>150</sup> He then explains the similarities of this system with the current system of the European Union with particular emphasis to its elitist domination and the consensus atmosphere that the Union experiences.

It can be discussed which model is the best for the future of the European Integration; however, there is one important aspect. In neither of these models, the popular dimension of the Union is clearly resolved. The lack of a European demos still continues and none of these models seem to fully cover the issue. Since it is not possible to speak of democracy without not only the presence but also the participation of the people, it would not be sufficient to institutionally enhance the democracy in the Union.

## 7.2. POPULAR DIMENSION

As Celebi mentions, strengthening the powers of the EP is a very important step in the resolution of the democratic deficit problem in the EU, however it is of secondary importance. The problem is the one, which supersedes the presence of a weak EP and the one of the lack of a European public and a European public sphere. It is still the dark side of the process when it comes to the extent to which European public is involved in the preparations and the implementation stage of the decisions taken at the IGCs, how and why the decisions are taken, the extent to which European

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<sup>149</sup> Celebi, Aykut; **Avrupa: Halkların Siyasi Birliği**, Metis Yayınları, İstanbul, 2002, p.68.

<sup>150</sup> Chrysochoou, Dimitris N.; “EU Democracy and the Democratic Deficit”, in **European Union Politics** by Michelle Cini, Oxford University Press, New York, 2003, pp. 377.

bureaucracy is open to criticisms. What European democracy is lacking in the first place is openness, criticism and dialogue.<sup>151</sup>

Johannes Rau, in a speech at the EP in 2001 gave the emphasis more on the social dimension of the democratic problem. He complained that EU was not successful in realizing citizens' initiatives and will and for them to feel that they are a part of a Union which is composed of the nation-states that they are a member of, there is an urgent need for a European Constitution. European nation-states have always based themselves on public sovereignty and the Constitution to be established should reflect this tradition. In his view, the EP has the role of a public forum, in which the will of European citizens is represented.<sup>152</sup>

Lionel Jospin in 2001 stressed the need for supporting scientific and cultural projects, as these two are the parts of Europeanness. This is the way for the formation of a European Public. He opposes the view of a European government, which is legitimized by a strong EP. Rather he argues for the need to strengthen the relationship between the EP and the national parliaments of the member states. He thinks that the federalism that is to be realized at the EU level should base itself on the controlled and rational division of powers between the EU institutions and the member states.<sup>153</sup>

There are some measures taken to improve the sense of belongingness of the European people to the EU and its activities, as well.

In order to increase and raise public interest in European Union certain means are trying to be developed. For instance, to draw the children into the matter a web site has been developed under the official homepage of the European Union, addressed as <http://europa.eu/int/europago>. Under this web page there are certain computer games for children about their European counties, their locations on the map, their historical developments. Children, by visiting this web page can learn about the EU member states and the history of European integration while having

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<sup>151</sup> Celebi, Aykut; Avrupa: **Halkların Siyasi Birliği**, Metis Yayinlari, Istanbul, 2002, p.81.

<sup>152</sup> ibid, pp.67-76.

<sup>153</sup> Celebi, Aykut; **Avrupa: Halkların Siyasi Birliği**, Metis Yayinlari, Istanbul, 2002, pp.67-76

good time. Moreover, this site enables the children to compare the high scores they got from the games and also communicate with each other on the web.

Among the most important official steps taken on behalf of the European Union in realization of the need for increasing the public support of and public participation in the functioning of the European Union has been the issuance of the Commission White Paper on European Governance issued in 2001. This White Paper is particularly important for assisting the efforts to resolve the popular dimension of the democratic deficit problem in the sense that it searches for means to enable European people to receive more information about the EU and its policies and also to participate more in the decision making process through certain means like civil society organizations, public debates. This White Paper has more solution proposals for the enhancement of popular interest and support rather than trying to improve the institutional structure of the European Union. Therefore, this document will be analysed in detail in the following section.

### **7.2.1. COMMISSION WHITE PAPER ON EUROPEAN GOVERNANCE**

The ongoing problem of the popular disinterest and lack of confidence in the policies and institutions of the European Union was also realized by the Commission as well. The White Paper it issued in 2001 on the European Governance aims at “opening up the policy making processes to get more people and organizations involved in shaping and delivering EU policy. It promotes greater openness, accountability and responsibility for all those involved.”<sup>154</sup>

The Commission underlines the need for closing the gap between its citizens and the EU and gives four reasons underlying this gap:

- There is a perceived inability of the Union to act effectively where a clear case exists, for instance, unemployment, food safety scares, crime, the conflicts on the EU’s borders and its role in the world.
- Where the Union does act effectively it rarely gets proper credit for its actions. People do not see that improvements in their rights and quality of life actually come from European rather than national decisions. But at the same

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<sup>154</sup> European Commission, **White Paper on European Governance**, Brussels, 2001. This document can be downloaded from [www.europa.eu.int/comm/governance/white\\_paper/index\\_en.htm](http://www.europa.eu.int/comm/governance/white_paper/index_en.htm)

time they expect the Union to act as effectively and visibly as their national governments.

- By the same token, Member States do not communicate well about what the Union is doing and what they are doing in the Union. “Brussels” is too easily blamed by Member States for difficult decisions that they themselves have agreed or even requested.

- Finally, many people do not know the difference between the Institutions. They do not understand who takes the decisions that affect them and do not feel the Institutions act as an effective channel for their views and concerns.<sup>155</sup>

With these aims, the European Commission defines the principles of good governance as openness, participation, accountability, effectiveness and coherence.<sup>156</sup>

Under the principle of openness, the Commission will take measures in order to ensure that the EU documents are easily accessible for public and easily understandable. It will try to enable circumstances which will allow more public participation not only in the policy formulation stage but also in the implementation of these policies. The European institutions are aimed to be more accountable to the public. Regarding the implementation of the policies, the principles of effectiveness and coherence must be looked for to enable fast and appropriate delivery of services by clear-cut distribution of powers and authorities among the relevant institutions and bodies.

The need for cooperation between the European Institutions and the member states is clearly stated in the White Paper. In order to pursue better European governance, all the included parties need to realize their responsibilities both in transposing information to the public and in the effective and transparent implementation of the policies.

In the White Paper, regarding the better involvement of the public, there are some means suggested in which the EU must take action. For instance, there is need for changing rules and regulations so that the European public can have more and easier access to the EU documents issued by any of the institution. It should also be provided that these documents are not complicated in language and easily understandable. There should be a better and more active communication between the

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<sup>155</sup> *ibid.*

<sup>156</sup> *ibid.*

European institutions and the European public through various networks. One very important of these networks is the official web page of the European Union, [www.europa.eu.int](http://www.europa.eu.int) , and this page is planned to be updated to facilitate an arena of interactive discussions and information exchange. In addition to these projects, the Commission also underlined the need for further and effective participation of the local authorities. Since the local conditions may be different in each member state, there should be flexibility in determining the conditions for implementation of the EU legislation. Moreover, the civil society organizations as well need to be consulted more both in the policy formulation stage and in the implementation stage. The civil society organizations are good means for public to get involved in European issues and express their views and demands.

After the issuance of the White Paper in 2001, the Commission issued two more reports on the subject, particularly focusing on how the White Paper helped to increase the level of good governance in Europe. These reports are issued in 2002 and 2004 and are called “Report on European Governance”. The first report referred to the improvements regarding the better involvement of public and underlined the efforts of the Commission on formulating an information and communication policy to ensure that public is more actively informed about the activities of the EU and to facilitate communication between different sectors. Moreover, services like Europe Direct, Citizens Signpost Service operating since 2002 and Solvit which is available since 2002 were extended to reply questions and solve problems of peoples and businesses. To enhance interactive communication the Futurum web site, official web site of the Convention, Governance web site, Your Voice in Europe web sites are being offered to exchange information and share views. Moreover, the openness of the institutions and their activities were improved as well. The Commission meetings’ minutes are available to the public through Internet since 2002, guide on how to access Commission documents is issued for citizens. The European Parliament made its official register accessible to the public by mid-2002.<sup>157</sup>

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<sup>157</sup> The European Commission, Report from the Commission on European Governance, European Communities, 2002. This report can be downloaded from [www.europa.eu.int/comm/governance/docs/index\\_en.htm](http://www.europa.eu.int/comm/governance/docs/index_en.htm)

Since the issuance of the White Paper in 2001 all the European institutions have been searching for means to make their processes and documents more accessible to the public. With these measures, one of the important criticisms directed to the EU with respect to its openness and transparency is being tried to be eradicated. However, although these efforts are conducted, it is also important to analyze the perception of the public of these improvements as to how many people visit these sites and if they think that these are useful and understandable. The effects of these initiatives are to be measured in the long run as to their contribution to the establishment of a public interest and support at the European level.

### 7.2.2. THE DRAFT CONSTITUTION-SOCIAL DIMENSION

In the above sections the process of preparation of a draft Constitution for the European Union was referred from an institutional perspective, underlining its improvements to the institutional structure of the EU. This part will focus on how it initiates measures to close the gap between the EU and European public.

The draft Constitution underlines that the European Union is based on the protection of human dignity, freedom, democracy, equality and human rights and that these values are common in all member states.<sup>158</sup> Although the draft Constitution does not specify the means thorough which the citizens can report breaches of these rights and values<sup>159</sup>, the inclusion of the Charter of Fundamental Rights strengthens the link between the EU and its citizens by officially recognizing their rights and values.

Apart from the inclusion of the Charter, the Convention procedure which preceded the formation of the Draft Constitution itself was more inclined to ensure the democratic concerns were met. The very structure of the Convention with respect to its members enabled wide interest representation since not only political interests were represented through member states and political party delegations, but also business and social interests were articulated through civil society organizations.

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<sup>158</sup> Selcuk, E; “*Anayasasini Arayan Avrupa: Avrupa Anayasal Anlasma Tasarisi Uzerine*”, in **Hukuk ve Adalet Elestirel Hukuk Dergisi**, Yil:1, Sayi:3, Temmuz-Eylul 2004, p.92.

<sup>159</sup> *ibid.*

Also, the Convention's official web site enabled public to express their views and take part in discussions online. From this perspective, it can be concluded that although the members were not elected, the Convention itself and its outcome was more or less legitimate when compared to the formulation process of other Treaties.<sup>160</sup>

Moreover, as Shaw indicates, the Convention procedure helps to secure the legitimacy of the EU since:

...the convention is clearly more open, more transparent and more inclusive than an IGC, that it 'decides' by 'consensus' and does not incorporate a set of formal veto arrangements, and that it involves a wide range of elites, giving an institutionalized voice to the European Parliament and to national parliaments in process.<sup>161</sup>

The Convention opened the way to the formation of a draft Constitution for the EU which would secure the rights of the citizens and which would set up an easily understandable and accessible source for the public to understand the procedures and policies better. In the final analysis, although in order for it to become effective all the member states need to ratify it, the achievement of agreeing on such an important document can be considered to be the main success of the Convention.

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<sup>160</sup> Magnette, Paul, "Will the EU be More Legitimate After the Convention?" in Shaw J, Hoffmann L, Bausili A.V., **The Convention and the Future of Europe: Working Towards an EU Constitution**, The Federal Trust for Education and Research, London, 2003, p.33.

<sup>161</sup> Shaw, Jo, "What is in a Convention? Process and Substance in the Project of European Constitution-Building", in **The Convention and the Future of Europe: Working Towards an EU Constitution**, by J. Shaw, L. Hoffmann, A.V.Bausili, The Federal Trust for Education and Research, London, 2003, p.53.

## **CHAPTER 8**

### **CONCLUSION**

The aim of this study was to discuss the democratic deficit problem that is inherent in the European integration project since its very beginnings. The main reason for analyzing this particular problem area is that the democratic deficit is conceived to be one of the significant problems of the EU. It can be claimed that its persistence may even threaten the future of the integration.

The EU started as an economic integration model and it can be considered to have achieved it in a very successful manner. The main intention since the very beginning of this project was to establish a political union among the members of the initial economic union. Once the economic integration phase was almost completed successfully and was observed to function well, the main priority among the member states became the effort to demonstrate both to them and to the outer world that Europe could achieve more than an economic integration and therefore gave speed to the social and political aspects of integration process. It is at this stage where the democratic deficit problem began to be raised more by the opponents of the EU political integration, namely in the 1990s. The main reason for this is that with the realization of the Economic and Monetary Union, the deepening process within the EU began to be promoted more. The policy areas that fell into the competence area of the EU increased in number and they gained a more sensitive character since now there were attempts to discuss security and defense policies or immigration policies at the European level. The member states were to transfer more of their competences to the European level decision making institutions.

For analytical purposes, democratic deficit in the EU is analyzed from two different but inter-related dimensions; the institutional and the popular. When one refers to the institutional dimension of the democratic deficit, the structural framework of the EU needs to be considered with its institutions and its functioning. Within this respect, from an institutional view, the position of the European Parliament in the decision making structure of the EU and the decision making

mechanisms utilized are of great importance. The main arguments are that the decisions taken at the European level lack sufficient public participation and the decision makers are not as accountable to the European public as they ought to be. The Members of European Parliament are elected to their offices by direct election, which was one of the most important steps taken in 1979 to secure legitimacy, and the role of European Parliament increased to a considerable extent by a number of institutional reforms, however, the problem continues to exist, since the elected European Parliament is not the main legislative body, and the institutions which are the main decision makers are not being held responsible for their decisions.

Most of the debates concerning the democratic credentials of the European Union derive from the supranational characteristic of the Union. The fact that the member state governments are losing their importance in policy formulation compromising their sovereignties regarding certain policy areas to a political system which is lacking sufficient democratic control, accountability, transparency and openness made some skeptics become threatened by the existence and evolution of the European integration process.

Menon, on the other hand, argues the opposite. He is in favor of the idea that the member states are not losing power, instead their influence in the system is increasing everyday. He writes:

(European Union)...serves as an arena within which member states fight to impose their own preferences on each other. By this reading, the European Union can be viewed as an institutionalized form of inter-state conflict, with member states competing to ensure their own preferences are adopted as policy at the European level...<sup>162</sup>

He, moreover, states that it is still the member states which hold the power to determine and influence the policy outcomes of the European Union:

The member states play an important, indeed the most important, role in shaping the developments within the Union...and their dominance of the system is, if anything, increasing...the principles of subsidiarity and proportionality have helped limit the extent to which the accretion of powers to the EC is possible; the member states dominate in the second and third pillars; specialized new agencies-such as the European Environment Agency-

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<sup>162</sup> Menon, Anand; "Conclusion" in Hayward, J. and Menon, A. **Governing Europe**, Oxford University Press, New York, 2003, p.424.

have been created as a result of bargaining between member states and in such a way to ensure their continued influence within them.<sup>163</sup>

All of such arguments in support of the increasing, instead of the expected and aimed decreasing role, of the national governments in the whole process cannot be considered to be a solution to the democracy problem in the Union. Since the member governments are already exposed to some degree of democratic control by their national parliaments and their national electorate, it can be argued that the European Union is enjoying an indirect legitimacy. However, the effort to legitimize the acts and decisions of the European Union institutions through the democratic structures of the member states cannot be the ultimate solution due to the peculiar characteristics of the Union.

At this point, the unique structure of the European Union should be re-emphasized. It is underlined in the study that European Union is neither a state like entity nor an international organization. It is a supranational political system composed of 25+ member states, with its own peculiar institutional structure and decision making procedures. Therefore, it may not be helpful to compare its structure with a state or an international organization and try to find solutions out of this comparison. It may not be realistic to expect European Union to develop state-like institutions or procedures, nor desirable. However, this does not undermine the expectation that the EU should be capable of functioning in a more open, transparent and accountable manner. There had been many attempts to improve these credentials in the EU and it is not totally unfeasible to satisfy these requirements.

On the other hand, the more difficult task is to raise the popular interest in the European affairs. This issue is more complicated and harder to solve since it has the different social, cultural, political, ethnic values embedded within itself. The popular dimension of the democratic deficit is mainly related to the lack of people's perception of and attitude towards the European level politics. It can be observed from the results of the European Parliament elections that the Europeans are not interested in European level politics and therefore the election turn out rates are very low. Even

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<sup>163</sup> Ibid, p.424-425.

the enlargement of the EU did not help the turnout rates to get higher, although the newly accessed member states were expected to be more enthusiastic.

It should be mentioned, however, that the lack of interest is not peculiar to European politics. As seen from the Eurobarometer survey, there is a general political alienation in Europe, and may be in other parts of the world as well if investigated, and this alienation is basically due to the lack of political offices and outcomes in general. Therefore, this is a more comprehensive problem. The people do not trust politics and politicians in general.

Although there is a general disinterest in public to politics, this issue has a Europe specific character as well. This is related to (lack of) a common European identity among people. For most Europeans their national identity has priority over their Europeanness and this distinction is so strong that because they cannot define themselves with a common identity, a European public is very difficult to establish. In an enlarging European Union, it is very difficult to agree upon common problems, common goals and priorities among the citizens of different member states since each will try to bargain for his/her own national problems and priorities. This assumption can be considered to be the very basis of the integration process, the supranational character of the EU and the European institutions, where the members are deprived of their national characteristics and act for the benefit of Europe. It is because of the difficulty in the 1950s of enabling such a unity between different member states that the Communities were established by a supranational character. This also can be the reason for the elitist conception of the integration process.

It is possible to argue that this elitist vision is one of the main problems of the European Integration project in general, and the European identity in particular and it is the basis of the democratic deficit. As Yurdusev points out, the European identity could not be socialized throughout Europe.<sup>164</sup> He refers to Delanty in his work and discuss that the European identity had always been a movement from top to bottom.<sup>165</sup> The same trend can be observed in today's efforts for the creation of a common European identity as well. All the discourses related to identity and the

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<sup>164</sup> Yurdusev, Nuri A., *Avrupa Kimligi'nin Olusumu ve Turk Kimligi*, in **Turkiye ve Avrupa: Batililasma, Kalkinma, Demokrasi**, by Atila Eralp (ed.), Imge Kitabevi, Ankara, 1997. p.56.

<sup>165</sup> *ibid.* p.57.

actions taken to support them like the common currency, common flag, European anthem and so on are all decided by the 'elite' group of bureaucrats in the European Union and then supported by the Heads of State or Governments at the European Council meetings, and then implemented in member states. These attempts are justifiable to an extent, since in a Europe which is this much alienated to politics and which experienced a history of hostility, it would not be realistic to expect the integration process to be promoted by people's own initiatives. There should be some people who would start and continue the project for it to be successful. Until the 1990s, throughout the economic integration, this problem already existed and was already realized both by the EU officials and the public, but was undermined.

The EU had some attempts for the solution of the democratic deficit, both from an institutional and a popular perspective. European Parliament has relatively more say in the legislation process with the introduction of the co-decision procedure, the European decisions and documents are easier for public to get access to through different channels especially via Internet, a number of means are being introduced to ensure more public participation and so on. As the latest attempt the draft Constitution and the Convention process were important steps on behalf of the EU to promote European citizenship, public debate, simplification of Treaties and procedures. All of these have contributed to the solution of the democratic deficit by ensuring the legitimacy of the EU in general. However, most of these attempts helped the solution of the problem from an institutional dimension more. Regarding the popular dimension the solution is more difficult if there is any.

European people need to affiliate themselves with the broader identity of Europe, in addition if not above their national identities and feel a part of the United Europe, without any concern with respect to physical boundaries. The existence of such a unity feeling may not necessarily guarantee public support behind the policies of the European Union, however, it may at least help to increase the interest in European level politics in general and facilitate their participation in the decision making process.

A Europeanness feeling is being tried to be constructed by the European Union administration utilizing certain means like the constitution, the flag, European

citizenship, and the like. All of these mechanisms show the efforts towards creation of a European public sphere since it is not feasible, and also not desirable to create a common European identity among the EU member states and their citizens. Since the democratic deficit problem is related to the participation of European public in the decisions made at the European level, the aim should be to improve the institutional means through which people with different historical, cultural, religious backgrounds can express their views. A public sphere with diverse actors will be the basic tool to overcome the democracy problem in the EU.

The democratic deficit is important in relation to the future of the European integration process as well. As underlined in the study, the economic integration of different nations is easier to establish since the aims and benefits are more or less the same when it comes to economic decision making. However, if and when the policy areas become more complicated and more sensitive for the nation states, then not only reaching a consensus becomes more difficult but also the ways in which these decisions are taken began to be questioned more. In order for the EU to continue its path towards a political union, it needs to ensure not only institutional legitimacy, but also a public support behind these policies.

Among the different models discussed for the future of Europe, it is difficult to suggest a model at this point. The ultimate aim of the European integration has been a federal model since the very beginning of the project, however, as of today; there is a very strong opposition from a number of member states to become a federal structure. Even if it is accepted that the Economic and Monetary Union is accomplished, it should not be underestimated that the common currency Euro is not being used by some of the member states. So, there are even some gaps in the implementation of the common economic policies. Moreover, although many steps were taken in the CFSP area like the appointment of a Foreign Minister for the EU to represent it in the international arena, these policy areas still remain strictly confined to the member states. With the inclusion of the new member states, and there are still candidate countries to be accessed, the member structure of the EU became more and more differentiated with respect to economic, political and also social respect. The EU, before deepening further, needs to internalize the new members and their citizens well

first. There are of course some models proposed like Europe a la Carte, Multi Speed Europe, and the Europe of Variable Geometry, however, all of these models will not be in line with the idea of a political integration since there will either be different member states choosing among a number of different policy areas to transfer to the EU, or member states will accept to transfer sovereignty regarding some policy areas at different times. All of these models will cause the loss of not only the spirit of the European integration but also damage the perception of the EU in the global arena.

In conclusion, the democratic deficit is one of the most important problems on the table for the EU to solve to ensure further and legitimate integration. While doing so, it is not sufficient to initiate institutional reforms only, the European public needs to be present and supportive of the whole process. The (lack of) a European public sphere can be claimed to be at the heart of the problem of the democratic deficit, which is not likely to be solved with the reforms made by the Treaties or the Constitution or with any other about-to-come written legal material. The European people need to start the initiative, if the European integration project is going to become a political union for its people.

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