The Ability of the European Union to Solve the Democratic Deficit: A Historical Perspective

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ABSTRACT
This report offers a historical review of European integration and analyzes the democratic-deficit agenda in the European Union. It is argued that the distinct positions among the three big Member States (i.e., the United Kingdom, France, and Germany) have a great impact on the integrative movement wherein these Member States have aspired to fight for their sovereignty. The European Parliament has been evolving from a common assembly to a supranational parliament but with limited powers. It is argued that the European Union will not be fully democratic and accountable by the enactment of a Constitution.

Key Words: European Union, democratic deficit, European Parliament, sovereignty
I. INTRODUCTION

There has been pressure on the European Union (EU) to overcome the complexities of its decision-making procedure since its membership was increased from fifteen to twenty-five members in 2004 and with further enlargement scheduled to occur in 2007. This article studies whether the EU can, under these circumstances, become fully democratic and accountable by establishing the Constitutional Treaty. The concept of “democratic deficit” engaged critical arguments that the European Union and its institutions, mainly refer to the European Parliament (EP), the Council of Ministers and the Commission, suffer from a lack of democracy. European Parliament, designed as an assembly but changed its name, introduced direct election and expanded its powers step by step. The Treaty Establishing a Constitution of European signed by the EU Heads of Government in October 2004 to a large extent reconfirms the reliance on the representative democracy. The EU constitutional treaty has to be ratified by all 25 Member States before it comes into force. However, voters in France and Netherlands rejected the Constitution. The results caused other countries to delay or stop their ratification procedures, and the Constitution now has an uncertain future (Laurent & Laurent, 2005; Taggart, 2006). The Community was fundamentally an economic organization, which was designed by highly contracting parties such as France and United Kingdom (UK). In the following years some provisions of the founding treaties enabled the European Parliament to transform the nature of the treaties (Weller, 1991). The process of EU constitutionalization, which was driven by the European Parliament, would lead to the democratic deficit. EU’s democratic deficit is largely due to its institutional structure; in which European citizens only enjoy limited citizenship from the Community. Powers within the EU institutions are divided between the European Parliament, the Council of Ministers and the Commission. These institutions are designed to balance one another. In Member States utilizing representative democracy, citizens enjoy the rights to have effects on national and local policy making through their elected representatives. However, in the EU system, citizens can only influence EU policies through the members of European Parliament (MEPs). The limited and unbalanced situation gave the birth of so-called “democratic deficit” (Mair, 2003).

The first section briefly reviews the distinct positions between the three big players: the United Kingdom, France, and Germany, from the perspectives of intergovernmentalism and supranationalism. The following discussion highlights the historical evaluation of the European Parliament from the 1950s to the present. In the third section, the EP’s authority, functions and relationships with other institutions within the EU are analyzed. Whether the directly elected EP can remedy the democratic deficit in the EU will be considered in the forth section. In the final section, whether the Constitution can make the EU fully democratic and accountable is discussed.

II. THE DISTINCT POSITIONS AMONG THE THREE BIG PLAYERS

1. The United Kingdom

In 1946, Winston Churchill called for a kind of “United States of Europe” in a speech at the Zurich University (Churchill, 1946). However, the “United States of Europe” did not include the United Kingdom (UK) and lacked important features. The traditional perspective of UK politicians is that parliaments are the representation of sovereignty for nations, so that it is difficult to accept a supranational institution with powers greater than the powers of parliament. During the 1950s, therefore, the UK was not interested in joining the European Coal and Steel Community (ECSC), the European Economic Community (EEC) and the European Atomic Energy Community (Euratom). After the Treaties of Rome were signed, the UK, with six other countries, established the European Free Trade Association (EFTA), which did not involve the issue of sovereignty, nor did it contend with the European Community (EC) (Urwin, 1991, pp. 117-118).

Intergovernmentalism refers to the decision-making owned by the Member States and these decisions are made by unanimity. In contrary, supranationalism refers to the powers to make decision are held by appointed officials and elected representatives of the Member States (Hoffman, 1966; Tsebelis & Garrett, 2001). The EC and the EFTA can be regarded as the institutions representing the supranationalism and intergovernmentalism. However, most of the EFTA member states applied to join the European Community (EC) in the 1960s, which implied that intergovernmentalism would be carried on within the EC, a supranational institution. From the late 1970s, there were two kinds of integration activities within the EC: deepening integration and intergovernmental cooperation. Deepening integration was advanced by France and Germany, while the British pushed for intergovernmental cooperation. In the early 1980s, the so-called “British problem” became a major issue for the EC. Margaret Thatcher, the British Primer Minister, strongly criticized the Common Agricultural Policy (CAP) and asked for a rebate (Allen, 1998, p. 39). Eventually, a budget mechanism that adjusted the contribution percentage for member states was established by the member states in the Fontainebleau Summit.
in 1984 (Holland, 1993, p. 45). Thatcher also believed that the “United States of Europe” was an artificial mega-state with supranationalism that would completely fail in the end.

The Single European Act modifying the Treaties of Rome was a milestone for European integration. The system transformation by the Act concentrated powers from member states onto the EC, in which the economic targets embraced political implications. As usual, Thatcher welcomed the economic benefits produced by the Act, but attacked the provisions of the Act that she perceived to give away sovereignty (Bulmer, 1992, p. 11). The Maastricht Treaty signed in 1992 organized three pillars under the roof of the EU: (1) European Communities; (2) Common Foreign and Security Policy; (3) and Justice and Home Affairs. The first pillar developed an institution with supranationalism. The later two pillars still operated under an intergovernmental mechanism. The UK refused to commit to move to the third stage of Economic and Monetary Union (EMU) without concurrence by her government and parliament. As a result, the UK did not participate in the protocol on Social Policy.

2. Germany

As a defeated country under the supervision of the United States of America at the end of World War II, Germany’s major aspiration was to regain its independent sovereignty. The foreign policy of Germany sought to transform the limitations on German sovereignty into a common commitment for all nations in international organizations. Adenauer argued that Germany could recover its sovereignty only by integrating its politics and economy with other European countries (Hanrieder, 1980).

Germany and the UK were separated by a fundamental difference in their positions after the end of World War II. Germany was determined to recover her sovereignty, while the UK was equally determined to maintain limits on that sovereignty. In fighting for sovereignty, Germany joined various international organizations so that she could acquire a status equal to that of other countries under international law. From this perspective, the destitute sovereignty of Germany benefited from her joining the EC without regard to whether the EC was a supranational institution or exercised intergovernmental cooperation. After the fall of the Berlin Wall, the meaning of European integration for Germany changed from seeking equality to acquiring power from other member states, since she had become a strong economic body with complete sovereignty.

3. France

The attitude of the French on the issue of European integration lies in between the positions of the UK and Germany. France is eager to play a major role on the world stage again by leading an integrated Europe. The main foreign policy of France is to maintain her leading position in Continental Europe. That is why France proposed to establish the ECSC, the EEC and the Euratom, even though her National Assembly rejected the European Defense Community Treaty.

In the 1960s, French President de Gaulle persisted with three principles, which reduced the speed of integration: (1) oppose enlarging the EC; (2) insist on unanimity; (3) and refuse to give further power to EC institutions. President de Gaulle believed that nations are the main bodies for sovereignty and European integration should be developed upon the basis of each individual nation’s needs. Supranational institutions did not fit the needs of the European nations. The Luxembourg Compromise, which preserved the unanimity vote if major interests are at stake, was a victory for intergovernmentalism. The compromise changed the direction of decision-making procedures and had a great influence on the development of European integration for a decade.

In 1969, the Hague Summit confirmed the principles of completion, deepening and enlargement, which created a stability that moved towards a genuine economic and monetary union and an empowered EP. The Summit also reaffirmed agreement on the enlargement of the EC and on the closer cooperation of social policies. France’s acceptance of the direct election of EP members by European citizens in the Paris Summit in 1974 represented a great achievement in strengthening the legal basis of EC powers for supranationalism. After the fall of the Berlin Wall, France worried that a united Germany could again become an uncontrolled and powerful country. France’s position with regard to the integration movement never changed: European integration could not limit her sovereignty and has advanced further under her leadership (Cole & Drake, 2000).

III. FROM COMMON ASSEMBLY TO PARLIAMENT: AN EVOLUTIONAL REVIEW

The ambitions of the EP have changed noticeably from an assembly in the nature of a forum at its beginnings into a directly elected legislature. In 1950, Robert Schuman, the French Foreign Minister, proposed to integrate the coal and steel industries of Western Europe (Holland, 1993, p. 25). The Paris Treaty, bearing a strong color of supranationalism, created a structure of functional cooperation. Established in 1952, the Common Assembly in the European Coal and Steel Community (ECSC) can be regarded as the origin of the European parliament. In the plan prepared by Jean Monnet,
setting up the Common Assembly was more image than substance, since the function of the Council of Europe was limited to consulting (Monnet, 1978). According to the Paris Treaty, the main purpose of the Common Assembly was to supervise the High Authority in the ECSC by having hearings and debating the annual report. Although France proposed that the Common Assembly would be empowered to force the High Authority to withdraw its decisions by a two-thirds majority, which proposal was rejected by the other members. According to the Treaties of Rome, the Common Assembly had only limited advisory and supervisory powers and was not given legislative powers. Nevertheless, the Common Assembly was the first supranational parliament in Europe with powers authorized by a treaty (Smith, 1999, p. 37).

In 1957, the Treaties of Rome were signed establishing the European Economic Community (EEC) and the European Atomic Energy Community (EURATOM). The three institutions (i.e. ECSC, EEC, EURATOM) used a mutual assembly: the European Parliamentary Assembly. The name, European Parliament, had not been recognized by other institutions in the EC until the Single European Act was signed in 1987. The differences between the European Parliament and the Common Assembly (CA) are negligible. First, members of the CA can be elected, but members of the EP must be elected. Secondly, the CA may propose the dissolution of the High Authority due to its annual report, while the EP can submit the same proposals to the Commission at anytime. Finally, the EP was granted legislative power by the Treaties of Rome, in which the Council of Ministers was required to consult the EP before legislation could be enacted (Kreppel, 2002, pp. 58-60).

Ten years after the Treaties of Rome, the powers of the EP were increased slightly by organizational reengineering. First, the powers of the EP were increased, not by treaty, but by amending its rules of procedure. For instance, the EP may request that the President of the Commission present the annual report and may look for supporting materials. Secondly, the EP’s consultation powers were strengthened by enlarging explication. For instance, Article 149(2) of the Treaties of Rome provides that the EP’s opinions shall be included in the Commission’s proposals. The EP, therefore, can formally request that the Commission report the circumstances under which the EP’s opinions are adopted or rejected.

At The Hague Summit in 1969, the heads of member states declared their willingness to reaffirm their agreement on the treaties and indicated that the EP’s election would soon be ready. In the Treaty of Luxemburg, the Council of Ministers introduced the “own-resources system”, by which the Community would receive import duties from non-member states and a value-added tax not to exceed one percent. It was also the first time that the EP’s budgetary powers were increased. Until then, the EC budget had been divided into two parts: compulsory and non-compulsory spending. Compulsory spending refers to budgetary items used by necessity from treaties or legislation, such as spending under the Common Agricultural Policy. However, the EP could not control compulsory spending, which encompasses ninety percent of the budget. The EP was given wider budgetary power in 1975. For instance, the budget may be discharged by the EP and shall be signed by its President. However, the EP still does not have the power to decide the income of the EC.

As a new member of the first expansion, the UK introduced her parliamentary traditions into the EP. These included “question time.” In 1972, the Vedel Report suggested that the EP share the legislative powers with the Council of Ministers, but the suggestion was not adopted by the member states. The EP expanded its powers, such as legislative delay, by amending the rules of procedure. That approach, however, was controversial. For instance, in 1979, the Council of Ministers had finished the legislative procedure before it received the EP’s consultations. As a result, the EP took the case into the European Court. Eventually, the Court legalized the power of legislative delay for the EP in the case of Isoglucose (Szyszczak & Cygan, 2005, p. 37). The European Court, however, refused to withdraw the decisions of the Council of Ministers, which did not include the EP’s consultations. The reasons were that the EP had intentionally postponed its consultations, which it was able to do (Corbett, Jacobs, & Shackleton, 2000, p. 12).

There are several reports (i.e. Vedel Report, 1972; Tindemans Report, 1976; Three Wisemen Report, 1979; and the Genscher-Colombo Plan, 1981) that examined the EC’s structure and that recommended that the EP’s powers be enlarged in order to remedy the so-called “democratic deficit” in the EC. In 1983, the EP expanded its powers in the Solemn Declaration. For instance, the EC was required to consult the EP before appointing the President of the Commission and signing protocols. In addition, the EP was empowered to debate and vote on the annual plan of the Commission. In 1984, for the first time ever, the EP refused to discharge the Commission on the execution of the Communities’ budget for 1982. When the Single European Act took effect in 1987, the EP obtained legislative powers, including treaties and agreements of association under cooperative procedures. It was also the first time that the name “European Parliament” was used in an official document in the EC.
In 1992, the Treaty on European Union created a new structure of three pillars: European Communities, Common Foreign and Security Policy (CFSP), and Justice and Home Affairs (JHA). The first is a supranational mechanism, while the CFSP and JHA are intergovernmental co-operations. The official powers of the EP were considerably changed by the Treaty of Maastricht. Firstly, the EP was empowered to set up an investigative committee and to appoint an ombudsman, who could provide citizens with a direct opportunity to comment about institutional mal-administration under Article 195 EC. Secondly, the EP could be consulted in appointing the Commission and force the intact Commission to resign by motion of censure under Article 201 EC. Thirdly, a co-decision procedure through the joint appointment of a Conciliation Committee was introduced to remedy the disagreement between the Council and the EP and to reach a common position. When the Conciliation Committee could not adopt a mutually agreeable text, the proposed act would be considered not to have been adopted. Fourthly, the EP could indirectly influence foreign and security policy by using the assent procedure provided through the CFSP pillar.

A group in the Intergovernmental Conference (IGC) suggested that the decision making procedure practiced by the EU be open, transparent, legitimate and efficient. In response, the member states divided into two groups. Countries such as France, Germany, Italy, the Netherlands, Belgium, Luxemburg, Austria, Finland and Ireland supported further integration, while the UK, Sweden and Denmark opposed the suggestion (Stubb, 2000). The issue was resolved by the signing of the Amsterdam Treaty, which slightly modified the EP’s legislative powers and shifted policies from a cooperative procedure to a more simplified co-decision procedure. Consequently, the EP shared equal powers of legislation with the Council of Ministers. Article 230 of the Nice Treaty strengthens the EP’s legitimacy by putting it into an equal position with other institutions and member states with regard to inspecting any rule of law relating to its application, abuse of powers, or a violation of that Treaty.

The evolution of the EP from this historical perspective can be summarized as follows. Firstly, the EP has transformed itself from a supranational assembly with consulting power into a co-legislative institution. However, parts of its powers are limited to delaying the legislative procedure or vetoing bills, which is inconsistent with the public’s expectations of a ‘parliament’. It is likely for this reason that the EP has sought to enlarge its powers. Secondly, the successful transformation of the EP has depended upon support from member states, which explains some of the treaties and the strengthening of the rules of procedure. In the early days, the EP requested that the Commission include its opinions by utilizing its consultation powers. Furthermore, the EP obtained the power of legislative delay by amending rules of procedure. Other institutions have, however, tried to decrease the EP’s powers. For instance, the President of the Commission, J. Delos, suggested that multiyear budgets be adopted so that the budgetary powers would be transferred to the European Council, depriving the EP of the chance to veto the budget.

IV. THE AUTHORITY AND FUNCTION OF THE EUROPEAN PARLIAMENT

Although the EP members have been directly elected since 1979, it would be difficult to say that the EP is a parliament by traditional concept (Szyszczak & Cygan, 2005, p. 35). However, the concepts developing from democratic parliaments may still be applied to analyze the EP’s authority and functions. It was suggested that the functions of democratic parliaments include: (1) legislative; (2) representative; (3) control; (4) elective; (5) financial; (6) informative and (7) supportive (Bagehot, 1967, pp. 151-154). These functions will be analyzed as follows.

1. Election and Nomination

One of the most important functions of a democratic parliament is electing and forming a government. The EP lacks this function. A party with a majority of the votes in the EP cannot form a cabinet. The EP lacked the authority to nominate members of the Commission until the rules of procedure changed in 1979. The EP’s members could debate plans and have a motion of censure when the nominated Commission presented its first plans. In other words, the EP transformed its supervisory power over the Commission into a nomination power. This practice was soon recognized by the Solemn Declaration in 1983 and legislated.

Under Article 158 of the Maastricht Treaty, the President of the Commission could not be appointed unless the EP was consulted. When the nominated President of the Commission was vetoed in a hearing, the EP could suggest that the member states withdraw the candidate. It was an unrestricted suggestion in the rules of procedure; however, the member states were fully aware that the EP’s support would be the foundation of a successful Commission. The EP not only obtained the power to nominate the Commission, but also acquired the power to nominate the members of the European Court of Auditors in 1975, the members of the Executive Board of the European Central Bank (ECB) and the Ombudsman in the Maastricht Treaty in 1992.
2. Supervision and Control

The administrative units in the EU include the Commission, the ECB, the Council and other institutions. As a parliament, the EP supervises and controls these units by questioning, debating, and examining their relevant reports. It is a challenge for the EP to exercise these functions due to the complexity of interactive relationships between the units. The EP can monitor the Council of Ministers by enforcing temporary Committee of Inquiry to investigate its activities. The EP may supervise the Commission by consulting on its annual report. Since the 1960s, however, the Council of Ministers has had no obligation to attend the EP, though it has presented its annual report and answered questions in the EP. Since 1970, the Council of Ministers has also had to explain why the EP’s opinions were not adopted. According to research by Corbett and his colleagues, of 25,054 requests in EP’s meetings between 1994 and 1999, 84.23 per cent were for the Commission and 15.80 per cent were for the Council of Ministers (Corbett et al., 2000, p. 250).

The strictest mechanism of supervision and control is probably the motion of censure. The members of the Commission are required to resign as a body if a motion of censure is passed by the EP with a two-thirds majority voting. Nine motions of censure have been proposed by the EP, but none of them have been successful. It is a challenge for the EP to carry a two-thirds majority vote, which is even more difficult if it is against all of the Commission members (Corbett et al., 2000, p. 245).

3. Informative and Representative

Parliaments were important places to publicize political information in the days before the advent of advanced media. Common citizens could understand how their governments worked, and its policies were developed by debates in parliaments. Members of parliament not only broadcast the government’s policies, but also represented voters’ interests. From the perspective of being informative and representative, the European Parliament Assembly was a forum without legislative powers in the early days.

It is important for democratic parliaments in the world to have hearings in order to disseminate information and to communicate effectively with voters. The committees in the EP have typically held thirty hearings each year since the first direct election in 1979. All the committees in the EP are required to present an annual plan of hearings. Since 1983, the EP’s annual report regarding the status of human rights around the world has attracted increasing attention. The EP’s emphasis on human rights protocols of its signatory states by using the agreement powers has been successful. For instance, the EP delays the budget to fulfill the protocol obligations between the EU and Israel. According to Article 138(d) of the Maastricht Treaty, every citizen of the member states has the right to petition the EP, which was included in the rule of procedure in 1953. In 1977 and 1978, only twenty such petitions were presented. However, the number of such petitions has since increased radically to the point where 1,223 cases were filed in 1998 and 1999 (Corbett et al., 2000, p. 245).

The voters living in the EU do not seek to participate in the election of EP members. For instance, in the UK, in comparison to high turnouts for national elections, only forty-two percent of the electorate voted in EP elections in the early 1980s and only forty-seven per cent voted in such elections in the late 1990s (Curtice & Steed, 1995, pp. 240-256). The low turnout rates of the EP elections are alarming to EP representativeness.

4. Financial

Under Article 78 of the Paris Treaty, administrative budgets may be managed by a joint commission, the members of which are comprised of the presidents of the Council of Ministers, the High Authority, the Court, and the Common Assembly. The High Authority, therefore, accepts opinions proposed by the Common Assembly in general. Since the Rome Treaties, the budgetary powers have been managed by the Council of Ministers, and the EP can suggest amendments of the budget. In 1975, a treaty signed by nine member states gave broader budgeting power to the EP by granting the EP the right to reject the annual budget. The inter-institutional agreement among the Council of Ministers, the Commission, and the EP provided for arranging multiyear budgets and spending limits for each policy. The EP can, therefore, influence those policies outside of its formal jurisdiction.

Article 272 of the Amsterdam Treaty authorized the EP the budgetary power to veto the Commission’s proposals for non-compulsory expenditures and to veto the entire draft budget by a majority of EP members and two-thirds of the votes cast. In 1980 and 1985, the EP vetoed the EC budgets, thereby increasing its influence on policies. The EP can influence the noncompulsory spending, which was added to one-third of the EU budget between 1994 and 1999 by raising the structure funds. The Common Foreign and Security Policies were also included in the budget controlled by the EP in 1999.

5. Legislation

This part analyzes the evolution of power and the operation of the EP under consulting, cooperation, co-decision, and agreement procedures. Firstly, the EP can request to accept its proposed amendments to the proposals of the
Commission. The EP can exercise the power of legislative delay to force the Commission to consider its opinions. However, a resolution proposed by the EP and the Commission is not necessarily required to be considered by the Council of Ministers, which has the final decision (Nugent, 1994, p. 176).

The Single European Act gives the EP legislative powers under the cooperation procedure, which added a second reading over the consulting procedure. It is easier for the Council of Ministers to accept amendatory opinions after the second reading of the EP than to re-amend them (Westlake, 1994, p. 25). Of 6,008 amendments, 54 percent were fully accepted by the Commission after the first reading, as compared to 43 percent accepted in the second reading procedure between 1978 and 1997, which demonstrates that the Commission accepted the vast majority of the amendments proposed by the EP (Maurer, 2001). The Amsterdam Treat simplified the co-decision procedure by removing the veto intension announcement. Since 1999, an act will fail if the Council of Ministers and the EP cannot reach agreement in the conciliation committee. In other words, the EP has actually developed into an equal co-legislature (Tsibelis & Garrett, 1997).

V. CAN A EUROPEAN PARLIAMENT REMEDY THE “DEMOCRATIC DEFICIT”?

The European Union is often called governance without government (Rhodes, 1996). Governance refers to the methods and approaches to accomplish forceful decisions, which are to be achieved by public organizations – governments. The citizens living the EU are not sovereign people of the European Union as they are in their own states. In other words, people authorize powers directly to their own national governments, not to a supranational institute, the EU. However, decisions made by the EU can restrict all citizens of member states. From this perspective, the EU does not have a government, but the citizens are governed (Kohler-Koch, 1999, p. 14). The democratic legitimacy of the EU, therefore, is a concern.

This so-called “democratic deficit” was not a threat to member states until the European Court of Justice transformed itself from a lenient overseer of rules and laws into an autonomous legal order (Weiler, 1991). This process was the origin of the EU’s democratic deficit and drove the EU toward supranationalism. Consequently, power will be progressively embodied in the EU’s institutions, including a directly elected Parliament with nearly full legislative authority. The democratic deficit must, therefore, be remedied if the EU is to be considered governance with government. How can the EU justify its legitimacy under such a proposition? The issue of democratic deficit can be examined in the light of three criteria: (1) the democratic level of the governments of member states; (2) the policy outputs of the EU system; and (3) the consent of the governed EU citizens.

In the early days, the EC could satisfy the first and second criteria under the Treaties of Rome. The output of the EU system was quite efficient, since common issues could not be resolved by any single member state. The decisions made by the EC were either authorized by the treaties or sustained by all of the member states. In other words, the EC system had indirect democratic legitimacy, because the government of each member state, elected by its citizens under democratic procedures made the decisions of the EC (Beetham & Lord, 1998, p. 24).

The democratic legitimacy was challenged when the EC system deepened and utilized qualified majority voting. The majority of member states could decide EU policies, which restricts all EU citizens of member states, including states opposed to the decisions. In other words, the sovereignty of citizens in minority states is impinged. It is an opportunity for EU citizens to exercise direct democracy by introducing direct elections of EP members, while the EP’s decision powers are limited. Not only is the operation of the EU beyond the supervision of the member states and their citizens, no single institution is accountable for policy outputs due to the deepening complexity of the EU decision procedure.

It has been argued that the direct election of the EP members or the administrative transparency of the Commission may reduce the democratic deficit (Majone, 1998). Firstly, EU democracy will not be a problem due to no demos in the traditional ethnic terms. For instance, Germany can be called a country, because volk, a psychologically collective identity, has existed there for a long time (Weiler, 1955, pp. 10-15). Hence, EU democracy can be concerned if there is ethnic identity by EU demos. It is useless to increase the powers of the elected EP if the people living in the EU do not think that they are part of the EU demos. However, Weiler argues that the concept of volk can be constructed after a country is established as in the case of the United States of America (Weiler, 1955, pp. 16-19). It was suggested that the collective identity of the modern European countries is constructed upon democratic procedures of public debating and communicating by citizens (Habermas, 1996, p. 264). In other words, the reason that the democratic deficit arose is not that there has been no EU demos, but because there has been no democratic functioning of a Pan Europe.

What kind of democratic system and operation can
remedy the democratic deficit? The EU is neither a nation nor an international organization, so that the concept of parliamentary democracy, which is traditionally governed by majority vote, cannot be used to measure the democratic legitimacy of the EU. The rights of minority states will be damaged if they are governed by the vote of the majority. Requiring that all votes be unanimous, however, will greatly decrease the decision efficiency of the EU. It is a dilemma created by the tension between citizen participation and system effectiveness for member states to measure the democratic legitimacy of the EU (Dahl, 1994). The balance will be the supervision of the EP, the transparency of the Commission, and the Pareto optimal criteria, in which the Commission will make decisions in the common interests of member states. Majone argues that, if no single member state is allowed to control the regulatory institutions (i.e. the European Council, the Commission, the Council of Ministers, and the European Parliament) under the Pareto optimal criteria, the democratic deficit can be lessened (Majone, 1996, p. 300). With regard to citizen participation, the attitude toward European integration of citizens was commonly indifference in the early days, and then turned negative in the 1990s (Niedemayer & Sinnott, 1995). It is difficult to say that the EP is a forum solely, because it has been equipped with most of the functions of a traditional, national parliament. One main difference will be that the majority party in the EP cannot form a European government, and no government can be overthrown. This is probably the most important indication that the EU cannot fully remedy the democratic deficit.

VI. CONCLUSIONS

The adoption of a Constitutional Treaty by all 25 Member States was certainly a great success for further European integration (Crum, 2005; Konig, 2005). However, can the EU become fully democratic and accountable by enactment of the constitution? Before answering the question whether the EU can become fully democratic and accountable under a constitution, a fundamental question has to be answered: Should the EU be an intergovernmental institution or a supranational institution? Dehouse (1998) argues that the institutional development in the EU is similar to a supranational structure. The EU appears to be on the way to becoming a supranational institution by creating a constitution. The debate between intergovernmentalism and supranationalism is closer to resolution today than thirty years ago (Cole & Drake, 2000). However, the three big players have different ideas about the EU, which will decide the future of EU integration. One method to measure the democratic deficit is the extent to which the democratic institutions and processes of legislation have attained formal legitimacy and social acceptance, such as in the context of the reorganization of EU citizens (Weiler, 1991).

It is argued that the EU is already as democratic as her member states from a perspective of formal legitimacy (Moravcsik, 1998, p. 26). The EP, which is directly elected by the EU citizens, is obtaining more powers. The Constitution extended the co-decision procedure into the vast majority of EU policies, including structural funds, the Common Agricultural Policy, asylum, and immigration. In other words, the EP will become a legislature equal to the Council of Ministers. The Commission became more accountable to the EP when it became more independent of the member states. The Council of Ministers has played a role similar to that of the second chamber in parliamentary nations. The role of the Court has been the supreme protector of EU laws and rules. However, Fossum & Menendez (2005) argue that the Constitutional Treaty cannot be accorded the full dignity of a democratic constitution when consider the procedural changes in constitution-making. Overall, there is still room for improving the EU’s democratic deficit. For instance, the Charter of Fundamental Rights in the Constitution will provide a legal basis for protecting human rights in the EU.

From the perspective of supranationalism, one of the most successful achievements in the Constitutional Treaty is the creation of a President of the European Council, who will represent the EU in matters of common foreign and security policy under Article I-22 (Craig, 2001; Kumm, 2005). The EU will benefit from establishing the Presidency in several respects with regard to policy making. Firstly, the policy making of the EU will be more consistent and stable. Secondly, the elected President of the Council can improve the legitimacy of policy making in the EU. Thirdly, a symbolic figurehead can be recognized as the result of having a closer EU. From the perspective of intergovernmentalism, the Constitutional Treaty introduces a mechanism through which the parliaments of the member states are enabled to review part of the EU legislation process. The parliaments of member states can send a legislative proposal back to the EU for review if the proposal is considered an infringement by at least one-third of the national parliaments. This mechanism is important in two ways. Firstly, it will be very difficult to ignore the view of a minority made up of one-third of the parliaments of member states, which means that the Council will not acquire the qualified majority. Secondly, it is the first time that parliaments of member states can directly participate in the EU’s law-making procedures (Szyiszczak & Cygan, 2005,
The EU integration, therefore, has become a muddy trough by stealth within a group of member states who are unwilling to go further, which has deepened the EU's democratic deficit (Dlugas-Scott, 2002, p. 37).

The complexities of the EU inter-institutional linkages mean that citizens are often confused and apathetic in accessing their rights. The citizens have the perception that institutional linkages are clearly established and supported by the constitutions of the national democracies, that they are involved in the decision-making process, and that the outcomes will affect their interests. The transparency of the EU institution will be improved by the Constitution. For instance, the President of the Commission will be elected by the EP on the proposal of the Council of Ministers, in which the results of the elections of the EP members will be calculated. The creation of an EU ombudsman will provide citizens with a direct opportunity to be informed of institutional mal-administration, which will make the EU more democratic and accountable to the citizens (Szyssczak & Cygan, 2005, p. 36). As to social acceptance, empirical evidence shows that there is plenty of room for filling up the EU's democratic deficit. For instance, the Dutch and French people refused to ratify the Constitutional Treaty in 2005 (Kramer, 2006; Laurent & Laurent, 2005).

Nowadays, it is common in the daily lives of EU citizens to be affected directly or indirectly by the EU laws. EU citizens are considered central to remedying the EU’s democratic deficit. Under Article I-10 of the Constitutional Treaty, EU citizenship is the first link in a series of developments. The right of citizens to have their voices heard and to be taken into account is one way to measure democracy. Not only economic cooperation, but also closer participation of individuals in EU activities is regarded as an essential part of successful integration. For EU citizens, the most effective way to influence a policy decision is through their elected representative in the EP. The Constitutional Treaty provided citizens the right of initiative, by which EU citizens can invite the Commission to submit a legislative proposal by collecting a minimum of one million signatures. Although it is difficult to exercise, this initiative right for EU citizens will be a progressive step toward remedying the democratic deficit in terms of social acceptance. The EU Constitutional Treaty, therefore, can be considered as remediating essentially the formal legitimacy of the democratic deficit, if only slightly advancing social acceptance of the EU.

REFERENCES

...thatcher (pp. 210-218). Deddington: Philip Allen.
European Communities, 30, 216-219.

Received: Jun. 08, 2006 Revised: Sep. 05, 2006 Accepted: Jan. 31, 2007