



Guest Editorial

Democratic Deficit: A European Scapegoat for Domestic Trouble

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For a number of years observers, politicians and lawyers have been seeking the new shape for the European institutions. The impending EU enlargement serves very often as a leading argument for institutional re-arrangements, as if the need for modernizing the post-European Communities structures (invented half a century ago in the early 1950s and 1960s) was not obvious and thus worth reaction much earlier. We should however take things as they are and therefore only a few people – if any – disagree with the idea of renewal.

A supplementary reason for new balance of powers and decision-taking procedures is being delivered by the belief that Europe – and namely the European Union – is suffering ‘democratic deficit’. This belief has made a world-wide impact. It is being perceived as one of the major weaknesses of the EU today. Most of those who advocate more or less fundamental changes in European institutional architecture make reference to the ‘democratic deficit’. Since we discuss politics, sensitivity towards how political instruments meet the challenge of democracy is absolutely justified. The problem remains however of whether the source of weakness is properly identified or whether we have only one unique evil to face. Where then resides the evil?

For those observers or contributors to the debate who come from the ‘newly-born-democracies’ of Central and Eastern Europe (CEE), the stress on democratic values is no less pertinent. A contempt for democracy is the phenomenon that was experienced by them under totalitarian regimes and therefore it is quite understandable that they might be even more sensitive to democratic values to be fully implemented and practised in their tomorrow’s political destiny. However, there comes a paradox: were we so wrong believing under communist rule that there existed a democratic Eden, only to discover that the slogan of a ‘free, democratic world’ was false and far from reality? Are we then today right in our trust in ‘western democracy’ and in the EU as the guarantor of democracy at the European level? It is an even more dramatic thought when one might have shared a belief that re-establishing the

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rule of law and democracy is perhaps inevitably characterized by an in-born disposition to infantile health troubles. Is then the inclination to democratic weaknesses a sign of infantile age only or it does apply also to a patient that – as the EU – has reached already a more mature age (and experience)?

For some time we have observed new political events and trends in all European countries, seeming to contradict traditional distinctions between ‘old’ and ‘new’ democracies. Radical/populist movements and parties appear almost everywhere. Public support for them arises irrespective of maturity and experience in exercising the democratic rule of politics. Many barriers were reached and passed, including the presence of these political tendencies not only in the legislative, but also in the executive, on all possible levels. In each case the main antidote that is prescribed by doctors specialized in political illnesses remains the same: political class has lost its necessary link with the electorate, public discourse is unclear and the policy-making process lacks public control.

This must be true. There is a visible deterioration of politics on every level, there is a general lack of genuine leadership, and misconduct and even corruption is widely dispersed on many levels and in many countries, including those who for centuries used to serve as the Sèvres model of an almost sinless democracy. There is also a crisis in the NGO world. People live less and less in communities, with the sense of responsibility for the common good being replaced by a strictly individualistic approach.

And it is within this landscape that the notion of an ‘EU democratic deficit’ appears. One may identify – and often does - at least two major sources thereof: progressive enlargements from 6 to 15 without being anticipated by in-depth reform of decision-taking procedures, and the bureaucracy of Brussels as such. With such a judgement as regards sources, relevant remedies – namely the reform of the institutions and the behavioural purification of the apparatus, with the European Commission first in line – might seem to be justified. For the latter, for everybody who knows the national-level rules of the game it’s obvious: parliaments are always and *par excellence* innocent, while the executive is generally the first to be accused. Therefore we often hear more from those who claim the European Parliament should get more power than those who say that the European Commission should be entrusted with more confidence.

There is no question that both targets of reforms – institutional and behavioural – are well defined. From the point of view of public opinion, institutional and personal honesty and rightness are legitimately awaited with regard to politics and politicians. Codes of professional conduct are not extremely successful in persuading powerful individuals to fight against their own temptations. The same applies to outdated and bloated institutions, invented to serve a community of 6 and not of 15. What seems to be

questionable however is a presumption that important improvements could come from including national political institutions into an all-European level of political decision-taking. Namely, national parliaments of the Member States are more and more frequently supposed and expected to strengthen the democratic legitimacy of EU-level decisions.

Let's change our perspective for a while and assume that a national parliament and national government come under severe criticism, accused of democratic deficit. Would it be relevant to seek a solution by inviting regional or local legislative and executive institutions to counterbalance this inconvenience on national level, and therefore to involve them in an all-country level of decision-taking? It's hard to believe it would.

Not only a simple logic-derived hesitation should put under question this way of reasoning. There are also deeply doctrinal counter arguments against replacing (or even partially replacing) EP decisions with ones emanating from National Parliaments. The counter arguments come directly from the most fundamental principles of the EU itself: solidarity and subsidiarity.

Governance has been, remains and foreseeably *will* remain a matter of interest's balance. It is obvious and unquestionable that the size and character of the constituency decides the representative's actions and motives. One could not and should not believe that national MP's would first take into account the interests of all Europeans before thinking about their own constituency! Whether we call it more or less local/regional egoism, the natural positions of national parliamentarians will be focused on fulfilling their own electorates' priorities: this is the precondition for future re-election. By virtue of a parliamentary free mandate, there is a chance (but never the certainty) that national MP's will look objectively at the 'common good' on a national level. The ideal is that they will be able, in a collegial way, to identify nationwide interests, which often are not a simple sum of constituency-wide interests but require difficult compromises.

The principle of a free mandate on an all-European level may be perceived as a replica of what we know on a national level. Again, there is a justified hope that acting as a college MEP's could ultimately be closer to identifying a compromise, meeting all-European interests and the pressures coming from their national-wide constituencies. 'Hoping' does not mean being sure but at least the chance exists.

To put it another way, the solution that is being offered seems to bring with it a serious risk of damaging the principle of European solidarity and of reducing the other principle of subsidiarity. It would lead to a weakening of those top levels that were created in order to fulfil tasks unachievable at lower levels.

Therefore one should be extremely cautious when promoting a simple re-shuffling of powers as the simplest solution to the present frustrations.

Before a scapegoat at the Commission level is finally sentenced to capital punishment, it's worthwhile studying and minimizing the evil that appears at national, regional and local levels. Current models of democracy have the face of Haider in Austria, Le Pen in France, Fortuyn in the Netherlands, and Lepper in Poland, just to quote few. This model suffers from a lower than ever active participation by citizens in the electoral process. This model is based on political parties' mechanisms that are not far away from their early stage prototype. This model is finally based on public control through the fourth pillar of democracy – media. Who fails the most? I dare to venture that it is not necessarily the EU institutions.

That is how the principle of subsidiarity becomes linked with the principle of the rule of democracy. In the early stages of the European Communities the first one served as an intuition and indication, that some decisions should be taken at a more relevant level and presumably at a higher level. That meant in practical terms sending some sensitive issues 'upwards', to the High Authority. Thanks to the Founding Fathers, coal, steel, atomic and other sensitive areas became a task for supranational rather than national decisions. Uniting Europe in this fashion resulted in the twin benefits of peace and stability. Years later, we found ourselves inclined to think about the subsidiarity rule mostly in 'downwards' terms. Rightly so, because many issues might be much better solved when decided in close proximity to the individual human being, to his or her family, milieu, region or country. Both senses of subsidiarity are therefore well founded. What remains to be solved is how to let the sacrificial goat escape from its sad destiny of being the victim for sins committed by somebody else.