



THE POLITICAL IMPLICATIONS OF INSTITUTIONAL REFORM: EXECUTIVE-LEGISLATIVE RELATIONS IN THE EU BEFORE AND AFTER THE LISBON TREATY

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A HISTORY OF PIECEMEAL REFORM AND ADAPTATION OF INSTITUTIONS

- ◉ Generally reforms have been motivated by specific concerns rather than a comprehensive vision of the EU.
- ◉ Even during constitutional treaty debate discussions revolved around the relative powers of the member states or between the institutions rather than the character of the EU political system as a whole.

THE RESULT IS A GENERAL INSTITUTIONAL STRUCTURE THAT HAS EVOLVED ‘ORGANICALLY’ (*natural selection rather than intelligent design*)

- ◉ A very serious problem is the resulting confusion regarding the institutions, the role they play and the character of their interactions.
- ◉ Understanding and clarifying the institutions of the EU and the inter-institutional relationships between them is a critical first step to understanding what (if any) reforms should be pursued
- ◉ This includes understanding the logic behind the institutional evolution of the EU (and there is some logic actually).

PAST AS PROLOGUE - WHY THE EU IS THE WAY IT IS...

⦿ Motivations

- Benefits of economies of scale on the economic front (reconstruction, trade/globalization).
- Benefits of economies of scale on the political front (world stage, emerging super powers).
- Fostering peace (shared interests and supranational oversight)

⦿ Constraints

- Diverse economies and broad variety of norms in social, fiscal and monetary policies.
- Very different international/ foreign policy programs, alliances and histories
- History of war (in some case centuries long).

⦿ Outcomes

- Shared desire for cooperation in an environment of mutual mistrust
- The development of institutions that foster cooperation while decentralizing decision-making and dispersing authority.
- Development of LCD decision-making rules and structures to protect against clear winner/loser dichotomy even at the expense of increased benefits from cooperation for some or all.

THE EXECUTIVE-LEGISLATIVE RELATIONSHIP IS THE CENTRAL INSTITUTIONAL RELATIONSHIP IN MOST POLITICAL SYSTEMS

- ⦿ This takes two general forms, fused powers systems and separation of powers systems
- ⦿ The critical difference between the two types of systems is the relative level of institutional independence between the executive and legislative branches as a function of their method of selection and removal
- ⦿ These differences result in more or less hierarchical versus diffuse power structures.

Figure 1: The Hierarchical Character of Fused-powers Systems

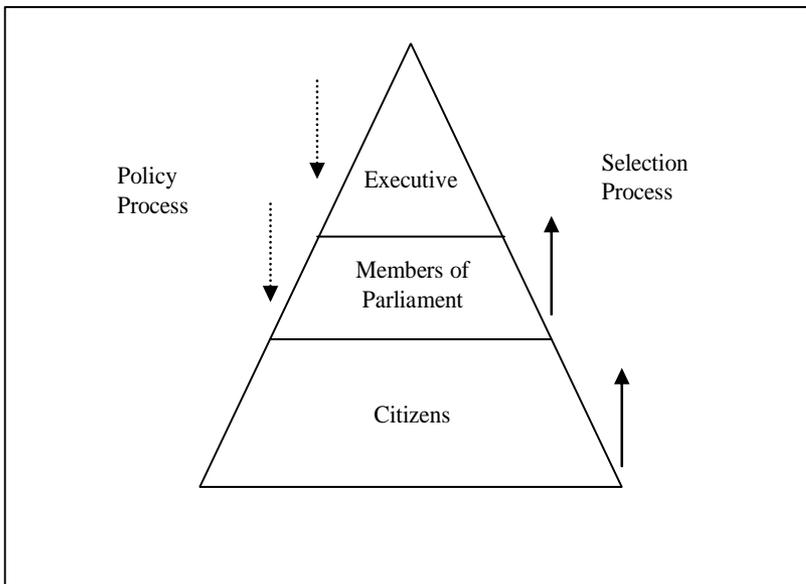
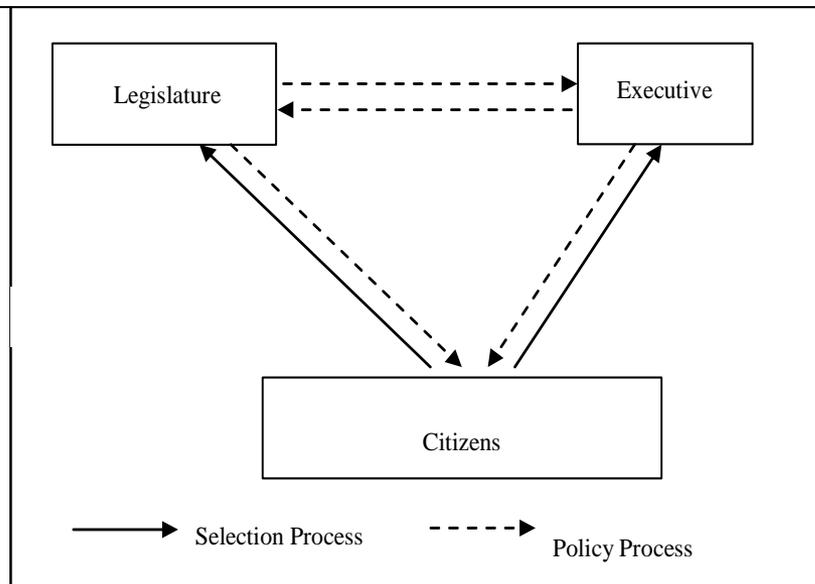


Figure 2: The Diffuse Character of Separation-of-power Systems



EXECUTIVE-LEGISLATIVE STRUCTURES IN THE EU

- ◉ The EU Executive Branch:
 - Political Executive = European Council (*collegial, indirectly elected*)
 - Bureaucratic Executive = Commission (*collegial, appointed w/confirmation*)
- ◉ EU Legislative Branch
 - Lower chamber = European Parliament (*directly elected, represent citizens*)
 - Upper chamber = Council of Ministers (*indirectly elected, represent sub-units*)

EXECUTIVE-LEGISLATIVE RELATIONS IN THE EU

- ◉ The EU as constructed is clearly a separation of powers system
 - The EP-Commission relationship resembles a process of confirmation and possible impeachment more than investiture and censure.

FIGURE 3: THE PRE - LISBON POLITICAL STRUCTURE OF THE EU

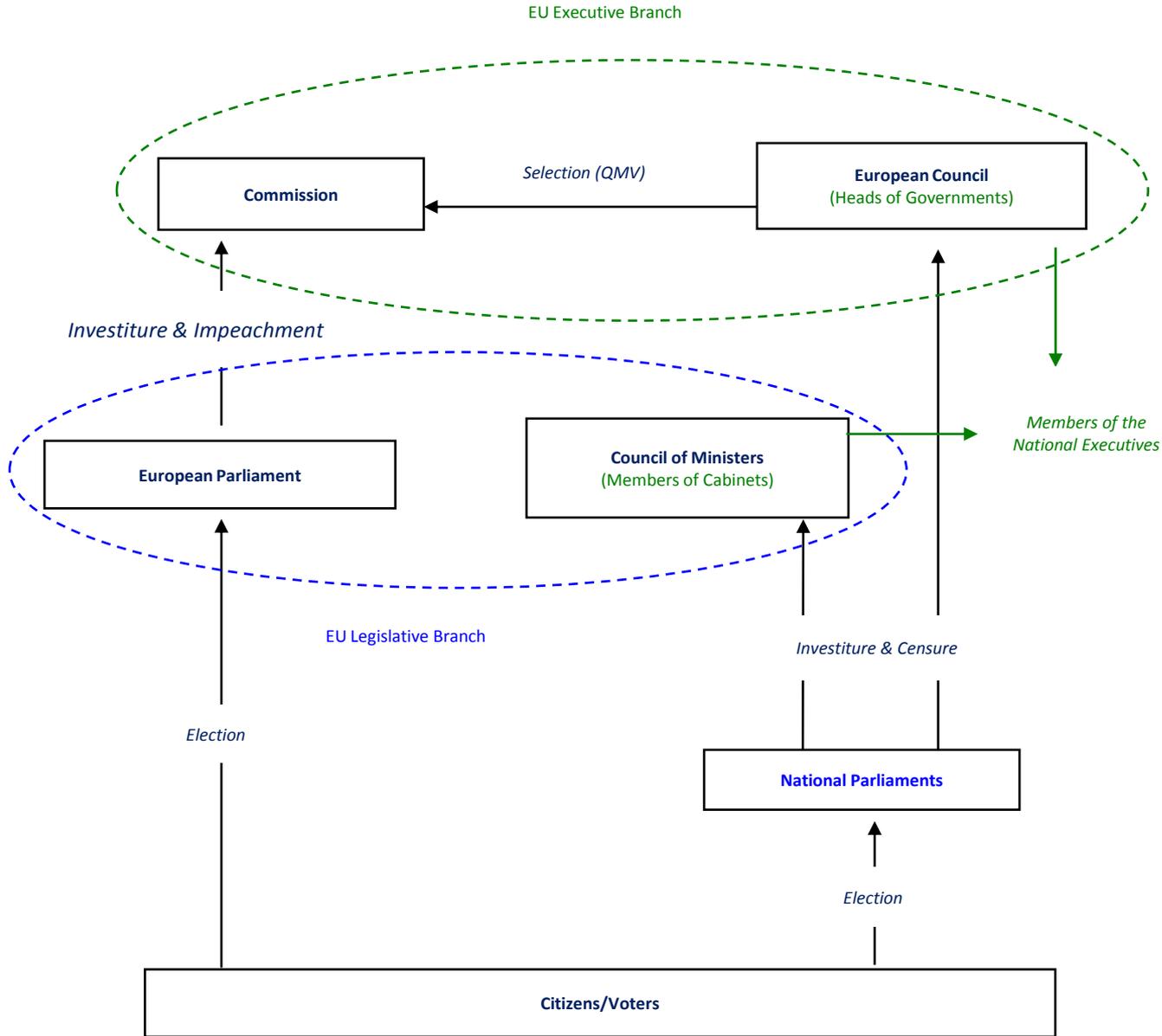
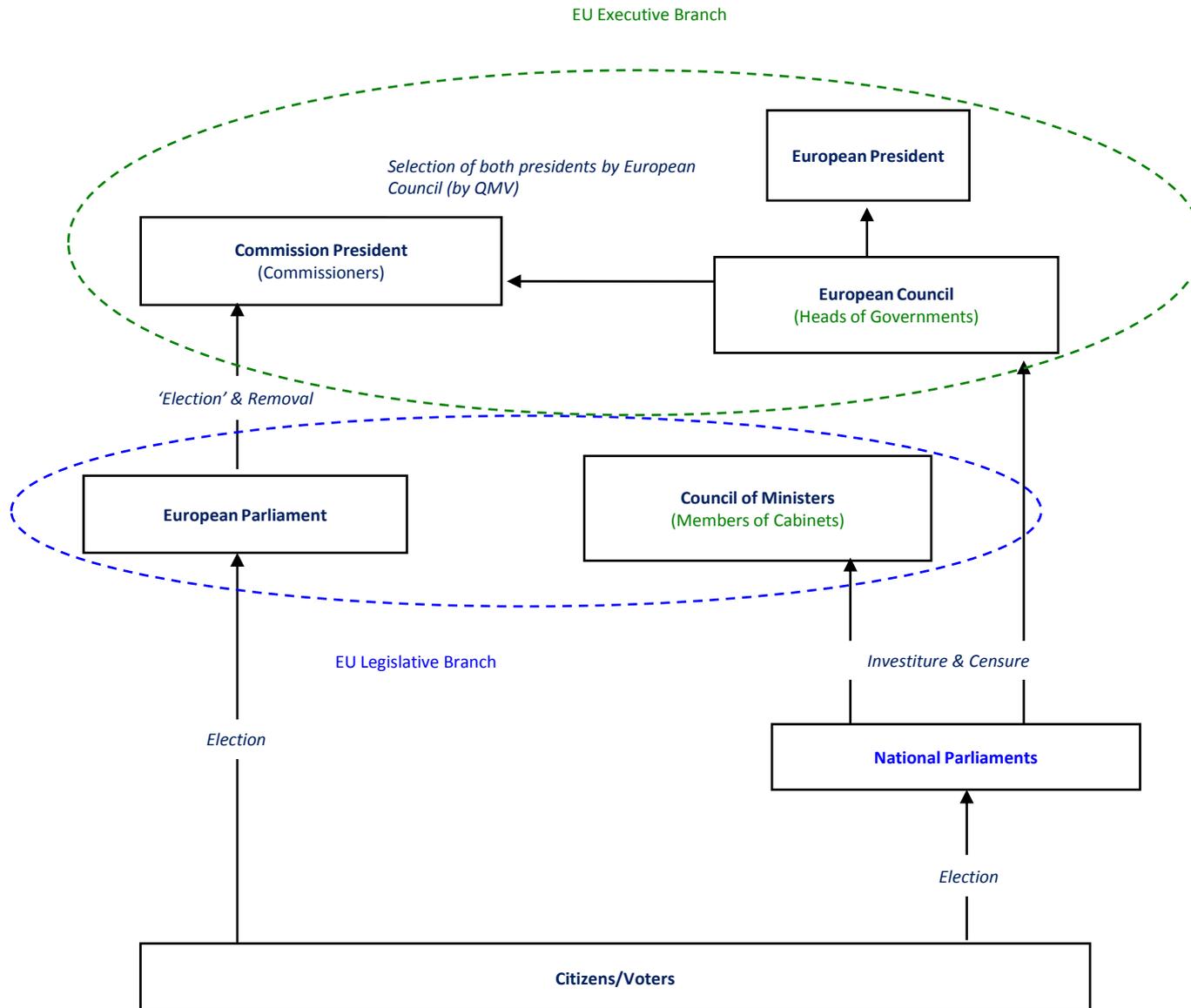


FIGURE 4: THE EU UNDER THE LISBON TREATY



SO WHAT HAPPENS IF WE PURSUE SOME OF THE
GENERAL REFORM PROJECTS UNDER DISCUSSION...

AND WHAT (IF ANYTHING) DOES LISBON CHANGE?

FIGURE 5: THE EU WITH A PARLIAMENTARY STRUCTURE (COMMISSION AS EXECUTIVE)

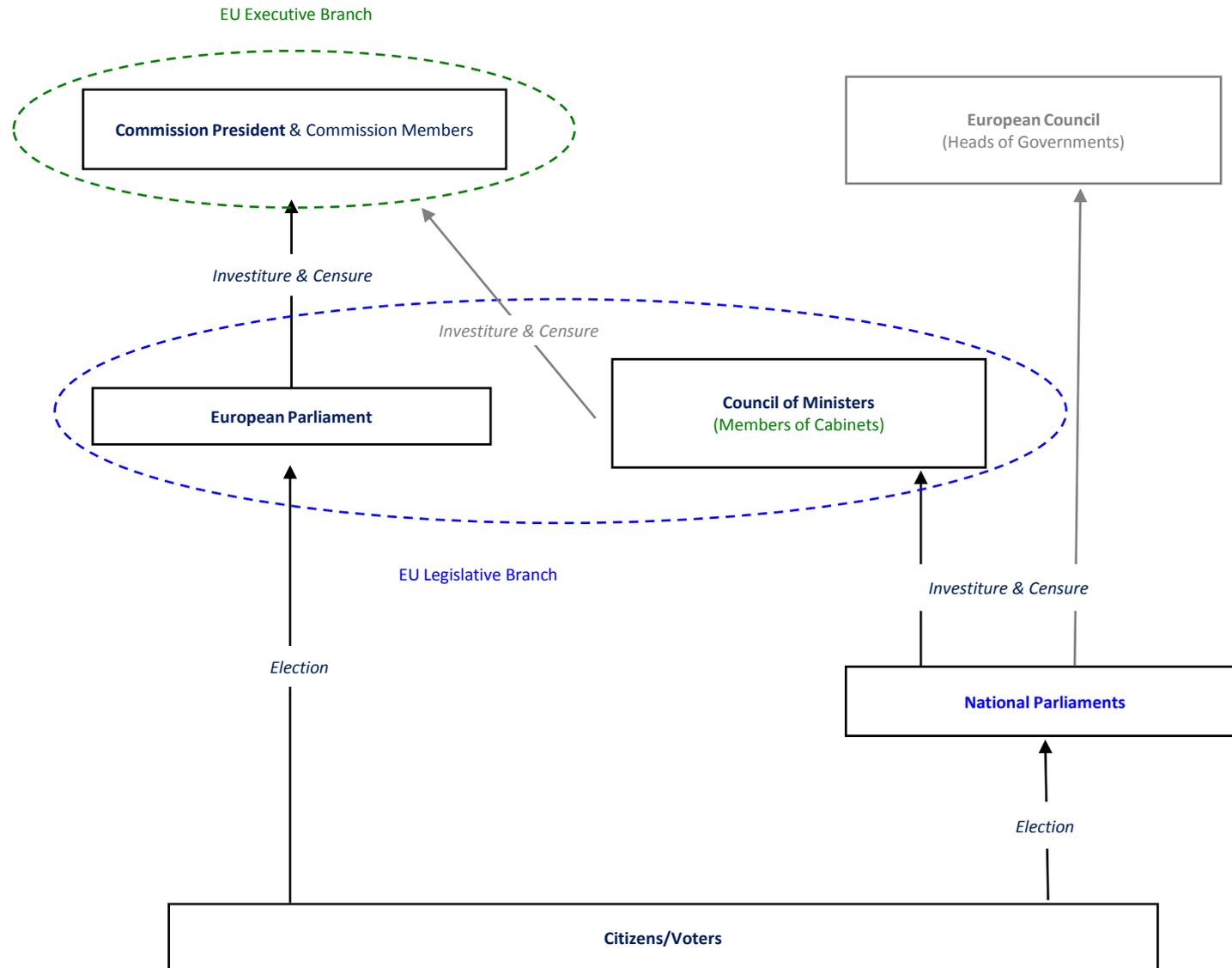
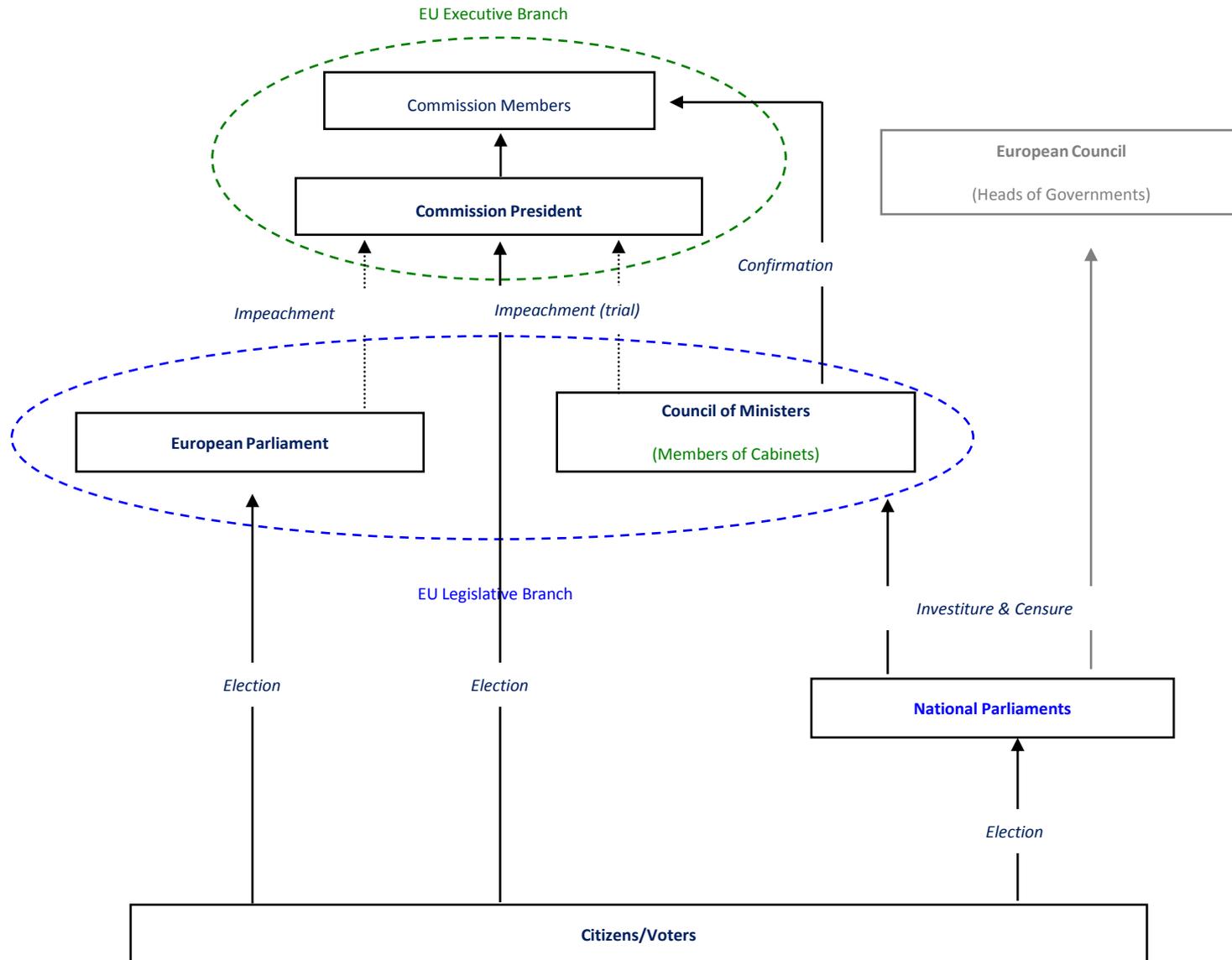


FIGURE 6: THE EU UNDER A PRESIDENTIAL STRUCTURE (COMMISSION AS EXECUTIVE)



CONCLUDING THOUGHTS...

The institutions of the EU are not perfect (*but then think about the electoral college...*)

- ⦿ Despite these imperfections, the current structures and relationships between them (especially the executive and legislative branches) do make sense from a functional and a historical point of view
 - The current structures insure representation of the member states and the citizens
 - They foster broad coalitions and consensus politics in a very diverse political space
 - They allow for variable coalition on a policy by policy basis (as opposed to a fixed government-opposition dichotomy with fixed winners and losers for long periods)
 - They are flexible enough to absorb the impact of political volatility at the national level

- ⦿ However, there are a number of important weaknesses in the current system
 - General confusion (in the public, media, political elite and academia) regarding the executive branch and the role of the Commission.
 - Lack of transparency in the upper chamber (Council of Ministers)
 - Confusing role of the GAC I Council of Ministers - still (increased by Lisbon)
 - Muddling of the distinction between the European Council and the Council of Ministers

(a concluding appeal to please be clear when writing on the EU in whatever forum)