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# THE EU POLITY BETWEEN INNOVATION AND MONSTROSITY

## Abstract

This paper starts analyzing some basic definitions of international organisation in order to prepare the background for a proper conceptualization of the European institutions framework. Then, it will report some conceptual contrasts existing in the contemporary academic debate, such as: international organisation versus state, political versus technical organisations, regional vs. international organisations, and governance versus government. Finally, it will be argued the reason why the European Union is not a state and cannot be considered an international organisation. The last paragraph will demonstrate that the European Union is still involved in a democratization process which will lead to the achievement of a federal system status.

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# Introduction

This paper starts analyzing some basic definitions of international organisation in order to prepare the background for a proper conceptualization of the European institutions framework. Then, it will report some conceptual contrasts existing in the contemporary academic debate, such as: international organisation versus state, political versus technical organisations, regional vs. international organisations, and governance versus government. Finally, it will be argued the reason why the European Union is not a state and cannot be considered an international organisation. The last paragraph will demonstrate that the European Union is still involved in a democratization process which will lead to the achievement of a federal system status.

Currently the majority voting is much more used than in the past and the 2014 European parliament (EP) elections saw the indirect election of the president of the European Commission (EC) for the first time. Nevertheless, many of the European organisations are intergovernmental and only few of them have a supranational character. Therefore, if one still want to consider the vision of the founding fathers behind this political project, it is necessary to shoot the EU as a quasi-federal system bearing in mind that we are in the middle of a transitional process towards democracy.

## Some definitions of international organisation

First of all, dealing with these kinds of definitions means choosing between a judicial and a political approach. Keeping that in mind, both will be introduced below with a preference for the latter. As a matter of fact, the academic debate on the nature of the existing international organisations has gained importance in the field of political sciences since September 11 2001. After the Twins Towers' fall, the United States of America might have become less politically and economically influential in international relations and there would have been space for a new multilateral world order. As a consequence the role of international organisations might have grown also in response to the negative effects of the globalization process, such as: the new security challenges (how to face the terrorism?) and the deeper economic interdependence (how to face financial crises?).

Secondly, focusing on the last developments of the European Union's (EU) institutional framework, the Lisbon Treaty shaped a new political system without precedent in history. As a result, the debate among regional integration theories engaged many international relations

experts and the comparisons between international organisations became more relevant academically speaking. Moreover, the EU founding fathers' vision still influences the understanding of its institutional shape. The battle between unionists and federalists has never ended since 1948 The Hague Congress. Even now politicians, reunited in the Constitutional Affairs Committee of the European Parliament, are discussing how the EU might achieve a profile of state. As a matter of fact, on the 22nd of October 2015 the first item on the Committee's agenda was the presentation of the Héritier and Moury's study entitled: "The European Parliament as a driving force of Constitutionalisation" (European University Institute of Florence). Nevertheless, it has to be remembered that the work of the last European constitutional convention failed after the Dutch and French referendums in 2005. Consequently the analysis on the EU nature has to focus on the creature born with the Lisbon Treaty.

Starting with the judicial definitions, an international organisation is a voluntary association established by international acts and composed of international actors. It has a scope and agencies. Its scope must be providing an international public service through the actions of its agencies. Besides, these international actors, which are nation-states in the majority of the cases, agree to give up specific powers aimed at the achievement of the common objective without losing structural elements of their sovereignty (Draetta, 2010, 16-18). This last concept allows arguing that the European Union does not have sovereignty over its territory and therefore it lacks autonomy in its actions. In other words, despite the fact that the EU has its own seat in the World Trade Organisation (WTO) representing the interests of the whole community concerning the commercial policies (meaning that Member States ceded their sovereign rights regarding commercial policies), it does not have the monopoly of violence over the Member States citizens which is the distinctive element of a sovereign state according to Weber (1921).

Additionally, Dupuy (1988, 14-15) explains that there are two types of international organisations: the political and the technical organisations. The former act on members as normative powers, while the latter pursue common specific targets replacing the states. For instance, on the one hand the United Nations (UN) through the General Assembly make recommendations to their members (article 10 of the United Nations Charter), on the other hand the North Atlantic Treaty Organisation (NATO) through its North Atlantic Council act collectively "for the preservation of peace and security" (preamble of the NATO Treaty). In the last decades more detailed academic interpretations are born and in some cases political systems are explained according to their grade of influence on individuals' life. That is to say, they

become more than a simple association of states and this is obviously the case of EU. Indeed, the 2014 parliamentary elections are an evidence of a supranational nature of the EU because its citizens voted for the new president of the European Commission, which is actually the body in charge of shaping the common good of the European people. On the contrary, members of the national delegations in both UN General Assembly and NATO Parliamentary Assembly do not receive a direct mandate by citizens.

Now in order to continue with definitions belonging more to a political field, a geopolitical reflection is needed. For instance, as far as territorial expansion is concerned, an international organisation does not have to respect geographical continuity; while historically the nation-states have fought wars against their neighbours aimed at expanding their political influence (colonialism is the exception to the rule). As the Russian Federation attacks Ukraine, the international community is concerned about the violation of the principle of the territorial integrity. This is due mainly to fact that the Russian Federation is not an international organisation and Ukraine does not have mentioned its voluntary intentions to join the Russian sphere of influence. On the other hand, as Croatia joins NATO, which is a voluntary regional association of states according to its founding Treaty, there is no violation of international laws and no lost of sovereignty for the Croatian state. Indeed, in that case Croatia becomes a NATO Party by agreeing to give up practical competences to a technical regional organisation and signing the Treaty.

There are two other types of international organisations: the international and the regional organisations. The United Nations represent the former, while NATO represents the latter. To put it briefly, we find an international scope in the preamble of the UN Charter and the following sentence in the second chapter article 4: “Membership in the United Nations is open to all other peace-loving states with accept the obligations contained in the present Charter”. Consequently one can state that the UN has a universal scope: to maintain international peace and security and its membership is open to all states sharing the principles mentioned in the Charter. On the other hand, the NATO Treaty has specific geographical limitations. Firstly, its name specifies that only states located in the North Atlantic area can be members. Secondly, NATO is born with the sole aim of improving the international relations among states situated in the North Atlantic area north of the Tropic of Cancer and in the Mediterranean Sea (article 6 of the NATO Treaty). In that sense we can argue that NATO has a specific regional character, while UN has a more universal ambition (numbers count: 28 NATO Parties versus 193 UN Member States).

Having described above the first three conceptual contrasts quoted in the introduction, such as international organisation versus state, political versus technical organisations, and international versus regional organisations it is the time to address the international organisations decision making process. Does an international organisation need to have democratic legitimization to act in the name of their Parties? In other words, which is level of democratization required to hold the international organisation status? Generally it is believed that a government has the right to represent their citizens due to an electoral mandate in democracies or an ideological justification in authoritarianisms. On the contrary, governance takes place where decision making effectiveness is required without the necessity of a democratic legitimization (Kurian, 2011, 687). According to *The Encyclopedia of Political Science* (Kurian, 2011) the internationalization of human exchanges and relationships is the first cause of ungovernability and reason of governance, instead of a government. Thus, the international organisation is a system of governance aimed at achieving common goals, replacing states in fields where they cannot provide solutions anymore. In addition to that, it is proved that the unanimity voting is preferred in place of the majority one in intergovernmental organisations. For example, both UN and NATO use the former. It means that both the UN Security Council and the North Atlantic Council take decisions according with the rule of unanimity, thus decisions are taken only if there are not objections. On the contrary, the majority rule is applied in the contemporary democratic systems.

In summary, international organisations do not have statehoods, but can be political entities and can have a limited geographical scope. Also, their decision making process is often characterized by the rule of unanimity. Therefore, is the European Union an international organisation according to the above mentioned characteristics?

## **The nature of EU polity between innovation and monstrosity**

“The EU is a unique economic and political partnership between 28 European countries that together cover much of the continent”<sup>1</sup>. As a result, the EU is a partnership according to the available definition published in the EU official website read by 7 billion of world citizens.

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<sup>1</sup> European Union, *The UE in brief*, [http://europa.eu/about-eu/basic-information/about/index\\_en.htm](http://europa.eu/about-eu/basic-information/about/index_en.htm) (consulted 15/11/2015).

Obviously, we do not agree with this definition because wrong. Indeed Borchardt (2010, 11) underlines that the “EU distinguished it from the usual type of international association of states” due to the fact that Member States have ceded some of their sovereign rights so that the Union can act independently under certain circumstances. But, as we have mentioned in the previous paragraph, the EU lacks the monopoly of violence over its citizens that is generally recognized as the most relevant sovereign right. Therefore, one can argue that the EU is a non-state political system in some way different from other international organisations. Additionally, it is more than a simple partnership mainly because it has agencies which act as delegations replacing the Member States.

With regards to the coercive power, the Economic and Monetary Union allows the EU applying sanctions or fines to whom does not respect recommendations by the European Commission. In fact, the Stability and Growth Pact provides two coercive tools: the preventive and the corrective arm. The latter ensures the correction of any Member State economy. For instance, the Eurozone countries may be sanctioned up to 0.5 % of their GDP<sup>2</sup>. As a consequence both states and citizens start taking the EC’s opinions seriously, although the conditions which entered into force with the Maastricht Treaty are too strict<sup>3</sup>. Further, the so called 2015 ”Five Presidents’ Report” indicates a clear roadmap in the European integration process consisting of 4 steps: 1) a genuine Economic Union; 2) a Financial Union; 3) a Fiscal Union; and 4) a Political Union. Regarding the last one, they have been pointed out 5 ways to progress: a) more powers to European Parliament and national Parliaments; b) consolidating the external representation of the Eurozone countries; c) integrating the intergovernmental agreements created during the crisis; d) strengthening the role of the Eurogroup president; and e) creating a euro area treasury.

In short, the direction described above leads to believe that the federalist theory is correct<sup>4</sup>. The EU proceeds towards the establishment of a federal system by unifying the countries of the Eurozone. Nevertheless, the way is still long and nowadays the federal aspects of the EU structure are not enough to let us describe it as a federal entity.

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<sup>2</sup> European Commission, *Stability and Growth Pact*, [http://ec.europa.eu/economy\\_finance/economic\\_governance/sgp/index\\_en.htm](http://ec.europa.eu/economy_finance/economic_governance/sgp/index_en.htm) (consulted 15/11/2015).  
<sup>3</sup> The treaty limits government deficits to 3 % of GDP and public debt levels to 60 %, so as to enable countries to share a single currency. Source: European Commission, *Stability and Growth Pact*, [http://ec.europa.eu/economy\\_finance/economic\\_governance/sgp/index\\_en.htm](http://ec.europa.eu/economy_finance/economic_governance/sgp/index_en.htm) (consulted 15/11/2015).  
<sup>4</sup> Source: Bevir, M., *Encyclopedia of Political Theory*, SAGE Publications, Inc.: Thousand Oaks, London, New Delhi, Singapore, 2010.

There are at least two considerations that still need to be address in the following part. First of all the EU has unclear borders, secondly it has a complex decision making system. As a matter of fact, after the end of the Cold War the EU enlargement policy towards central and eastern European countries reshaped the geopolitical order of the continent. But then the 2013 Ukrainian civil war and the 2014 European election put a temporary stop to the EU expansionism<sup>5</sup>. At present it is arguable that the EU has a regional scope, the same as NATO. One can easily find the reference to the European continent in the preamble of the Treaty of the European Union (TEU). In addition, the article 49 of the TEU declares: “Any European State which respects the values referred to in Article 2 and it committed to promoting them may apply to become a member of the Union”. But what does Europe mean? The *World Geographical Encyclopedia* (1995, 1) states that “the European space is considered to include the contiguous Black Sea basin along with the Anatolian peninsula, the Caucasus, and Transcaucasia”. Therefore, one can say that the European Union has geographical ambitions but the current political situation explains the motive for breaking the enlargement. To sum up, the EU is a non-state political system, but it is more than a simple partnership between states and not comparable with the other existing international organisations. Moreover, it has a regional scope: to promote peace, values and well-being of the European peoples (article 3 TEU) and its membership is open to all states of the European continent.

The decision making system is characterized by both confederal and federal characteristics. In this sense the EU is an innovation, because of its complexity and high level of institutionalization. As mentioned before, the financial and economic crisis led to the birth of many intergovernmental agreements such as the Stability and Growth Pact. Also, currently there are at least 28 existing intergovernmental organisations in the European institutional framework according to Cogen (2015). Then, there are the 6 institutions of the Union which are of two natures: intergovernmental and supranational mainly due to the unanimity/majority voting procedure (Borrell, 2014). For instance, the Commission is one of the existing supranational institutions within the system. In fact, it represents the European common interest, votes according with the majority rule and has a sort of control power over the Member States. The Commission has the right to ask them to provide information regarding their legislative process, so that they cannot adopt a regulation without receiving before its opinion. Facing new changes in governance such as the Economic and Monetary Union, the overall

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<sup>5</sup> The 2014 Juncker presidential campaign objectives stressed the need of a “pause for enlargement”. Source: Juncker, J.C., *My Priorities*, <http://juncker.epp.eu/my-priorities> (consulted 15/11/2015).

political system adapts itself. Therefore, despite its weak centre formation (a modest budget and small bureaucracy) the EU appears like a new creature, between an innovation and a monster because of its complexity. The next paragraph will argue how the EU combines confederal and federal elements thanks to its dynamicity. In other words, the Union will be defined bearing in mind its federal objective.

## **A quasi-federal system**

The quasi-federal character of the European Union is explained by the presence of confederal elements in the Lisbon Treaty (Bevir, 2010). All for one the unanimity voting procedure which is still adopted in the European Council. Nevertheless, what impedes to consider the Union a federal system is the lack of a clear separation of powers among the EU institutions. The ordinary legislative procedure leads the Commission and the Parliament to share the legislative power. The confederal structure of the Lisbon Treaty leads the Commission and the Member States to share the executive powers. Yet it is lacked a clear distinction of competence between the European and national level. Put simply, the difference between confederation and federation is reflected in the distinction between union and unity. This is to say, the confederal elements included in the Lisbon Treaty modeling the European institutions prevent the constitutionalization of a federal centre with autonomous competences for example regarding foreign policy and taxation.

On the other hand, the presence of federal elements in the EU structure, such as the direct election of the Members of the European Parliaments, the unique currency, the independence of the European Court for Justice, and the supranational character of the Commission, leads us to define the EU polity a quasi-federal system. Nonetheless, the debate about the exceptionality of this political system allows arguing that the current economic crisis might lead to a long break in the integration process according to the functionalistic logic (Burgess, 2004). It means that the lack of recent successes in the European integration process risks interrupting the process itself by leaving the EU in an hybrid, complex, and unclear institutional framework. From innovation to monster. From a quasi-federation to a hybrid union.

At present, the “Five Presidents’ Report” represents an attempt of strengthening the federal powers in spite of the confederal ones, from the establishment of a European Treasury for the Eurogroup to the achievement of a common foreign policy. Furthermore, in that same document it is expressed the goal of integrating all the intergovernmental agreements signed

during the crisis in the existing common legal framework giving more responsibility to the European Court of Justice. And yet, the 2014 EC presidential electoral campaign has marked the most popular engagement in European matters ever. As a consequence, the quasi-federal system definition is more correct considering both the status quo and the process. The dynamicity of both the integration process and the institutions themselves requires a continue discussion on the EU nature. On the whole, one can easily argue that the EU is more than a simple international organisation, but then the rest is influenced by contrasting theories and argumentations.

## Conclusion

The European Union is more than a simple international organisation, but less than a state. It is no more a regional model, but still a political innovation. It is a high institutionalized political system, which combines confederal and federal elements, intergovernmental and supranational institutions. Considering the federalist theory as the theoretical approach of this work, the European integration process is leading to a federal system, but at present the EU is still in between a confederal and a federal system. Thus, the quasi-federal definition is the most concise and clear and contains the idea of the founding fathers.

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