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## Twenty-eight national elections for a Parliament in constant evolution

*Michel Theys*

**In the City, the citizen is king. At least theoretically. In the European City currently being built around twenty-eight national democracies, the citizen will soon be called upon, in May, to democratically elect his or her representative in the European Parliament for the next five years. Since the very first election of Members of the European Parliament by direct universal suffrage in 1979, spectacular progress has been made by the “European Economic Community” that we now all know as the European Union. And the powers vested in citizen representatives are equally impressive. But there is a real possibility that European citizens will turn their backs on the upcoming European elections like never before. Why?**

Viviane Reding, whose term as Vice-President of the European Commission is about to end, is probably right to claim that “the elections of the European Parliament matter more than those of

national parliaments because their outcome will affect the future of an entire continent,”<sup>1</sup> but convincing the citizens of that state of affairs will be no easy task. Evidently, convincing Belgian political party leaders and media officials will be just as hard.

However, more than ever the future of the Belgians and their children will be decided at the European level. Change will come from the Union, because no single Member State – not even mighty Germany or nuclear powers like France or the United Kingdom – can hope to go solo on the international scene. Against all odds, there is strength in unity, “l’union fait la force.”

At the European level, the Belgian people is well aware of this fact. The Autumn 2013 Eurobarometer<sup>2</sup> revealed that even after 5 years of crisis, 70% of them still identified as European Union citizens, a number well over the Union average of 59%. On the other hand, only 47% felt that their vote actually gives them a say, which isn’t so bad compared to the... 66% of Europeans that think the very opposite. Another study done at the request of the

Commission<sup>3</sup> found that 73% of respondents felt a gain in influence with local and regional elections, a number that falls to 70% for national elections... and even worse, to 54% for European elections. Such a mindset is clearly not conducive to the enthusiastic exercise of electoral right. In countries where, unlike Belgium, voting is not compulsory, this could result in record-breaking abstention levels.

### THE EUROPEAN PARLIAMENT AT THE SERVICE OF THE ELECTORATE

The European does not deserve this scorn. For two reasons.

Firstly, the Lisbon Treaty that came into force on the 1<sup>st</sup> December 2009 broadened the scope and increased the prerogatives of Members of the European Parliament (MEP) considerably. Therefore as the legislative arm of the European Union, the European Parliament became co-legislator in 90% of cases as opposed to 60% under the Treaty of Nice, and the number of fields falling under the purview of the ordinary legislative procedure that puts MEPs and ministers on an equal footing rose from 33 to 73, including the sensitive areas of Justice and Home Affairs (JHA). If anything, this proves that European citizens do have a say, through the representatives they will elect on 25 May. On that day, they will be the decision-makers, those that, as explained by Vice-President Viviane Reding, will affect tomorrow's Europe: "*Voters can decide whether Europe should take a more social or a more market-oriented direction. Voters can decide whether the future majority in the European Parliament will favour opening Europe's borders to immigration or build a Fortress Europe; whether we are tough with the U.S. when it comes to data protection or genetically-modified organisms, or whether we will instead favour the economic benefits of free trade.*"<sup>4</sup>

Secondly, the truth is that the European Parliament makes generous use of the powers it was granted, most often in the interest of the

individuals to which it is accountable: the European voters! "*The European Parliament is paying very close attention to the individual when making use of its prerogatives,*" argues Professor Josiane Auvre-Finck, Director of the Centre for the Study of European Organisations Law (CEDORE) from the Université Nice – Sophia Antipolis, in recognition of its "*constant concern*" for the increased protection of the individual.<sup>5</sup> There are many examples of this.

- For instance, the European Parliament argued at length for the Erasmus+ budget to be increased by 40% compared to last year: over 4 million students under the age of thirty will thus be able to go abroad to study or receive training between 2014 and 2020; the previous figure was 2.8 million students. In addition to this, MEPs put their political affiliations aside long enough to push through a soft loan mechanism enabling students of lesser means to earn a Master's degree abroad. Such an investment in education and youth is common sense, but the programme would not have been as successful had the European Council been alone to call the shots.
- In a similar spirit, last November, the Parliament overwhelmingly approved a directive draft designed to ensure that the boards of directors of publicly listed companies would aim to have 40% of women directors by 2020 (as opposed to 17% at present). Even better, the MEPs chose to add the "exclusion from all public invitations to tender" to the list of sanctions against uncooperative companies devised by the Commission. Could any female citizens of the EU disagree with this show of parliamentary assertiveness?

Furthermore, the European Parliament is working on an overall strategy to ensure a high degree of consumer protection:

- Starting tomorrow, you will be able to buy a charger for your smartphone regardless of its

make. Thanks to European representatives that proved more demanding than even the Commission, the maximum cost of a call abroad from a mobile phone went from €0.35 per minute to €0.24 in 2013, and will fall to €0.19 on 1 July 2014 to coincide with the start of the holidays for tens of millions of citizens. And it doesn't stop here: from 2015 onwards and if MEPs have their way, roaming charges will be scrapped. Who could complain about that?

- A desire to strengthen EU tobacco law led to a revision process during which the electronic cigarette was discussed extensively. In order to promote their spread, the Parliament has authorised their sale from specialised stores and tobacco sellers, in contradiction with the proposal of the Commission and against the initial wishes of Member States, who wished to restrict their sale to pharmacies. The resulting health gains are undeniable.

Even more so than as a consumer, pampered and cared for extensively, it was the European citizen as an individual bearer of a set of rights and fundamental rights that stood at the very heart of all the work done by the European Parliament during its previous legislative term. Time and again, European representatives made it very clear that the current obsession with security would not infringe freely on citizens' rights to benefit from the highest degree of protection for their personal data. They requested the close examination of agreements made with the United States for the exchange of data, such as that of airline passengers for instance, to make sure that they are still relevant and justified in the current context. After an unambiguous vote in July 2012, the Parliament chose to discard the Anti-Counterfeiting Trade Agreement (ACTA) that would have forced Internet access providers to share the personal data of individuals found guilty of illegally downloading intellectual property with the

copyright holders outside of any legal framework

In terms of equity, the restrictive influence of the European Parliament over the supervision of bankers' bonuses should also be underlined in the larger context of the consolidation and stabilisation of banks. It succeeded at making these bonuses the result of long-term performance rather than their short-term benefits.

All of these elements underline the fact that European citizens can tip the parliamentary balance one way or another. Therefore, why are they once again willing to take the risk of not showing up in sufficient numbers for their next opportunity to cast a ballot? Why choose to express their disagreements with policies that have nothing to do with how the future of Europe is built? This question cannot be answered unequivocally, but there are clues we can follow to more or less identify the various facets of the reasons behind the democratic malaise that the European Union is going through.

## THE EUROPEAN PROJECT IS A WORK IN PROGRESS

First off, there is no denying that the European project is still a work in progress and quite outlandish from the point of view of classical representative democracy. Why? Because in the European Union the representative of the sovereign-citizen must often compromise, and are sometimes left to talk away without any influence on the decision-makers.

For example, let us look at the February 2013 European Council that dealt with the Multiannual Financial Framework for 2014-2020, a set of restrictive measures that will affect the European Union for the upcoming 7-year period. A few days later, Alain Duhamel would comment that *"on this occasion, we witnessed*

*egotistical national outbursts of uncommon ferocity and the decline of any hope for solidarity,”* and he came to the conclusion that *“euroscepticism won this round. The Europe of 27 goes down the path of a simple free trade area just like London had dreamed of all along. The United Kingdom more than ever combines the world’s best diplomacy with the least European mindset of the Northern Hemisphere.”*<sup>6</sup> Usually a very moderate figure, French MEP Alain Lamassoure, Chairman of the Parliament’s Committee on Budgets, also intervened: *“We are dealing with twenty-seven Mrs Thatcher around the table: each and every one of them is obsessed with getting something out of the European budget whilst at the same time contributing as little as possible to it.”*<sup>7</sup> Is this really how the interests of 500 million European citizens are best served? Is this how general interest will triumph?

Naturally, a large majority of MEPs are opposed to this ruling and worked until the month of November to remedy the situation as much as possible. Eventually they obtained that the seven-year plan – not even the USSR dared anything longer than five-year plans sniggered some of them – would be re-evaluated midway through to take into account the evolution of the economic context and to put a high-level working group in place tasked with finding a solution for the Union to return to “own resources” financing, freed from its dependence on national budgets. For the rest...

For the rest, nothing! Nothing because the financing system of the European Union remains, in the words of jurist Aymeric Potteau, *“the strict prerogative of the unanimous European Council and of the Member States that have to ratify the decision on own resources,”*<sup>8</sup> while the European Parliament is limited to providing an advisory opinion as per the Lisbon Treaty. In other words, the sovereign is made voiceless and disintegrates into twenty-eight state actors talking in its stead. In reality, the Parliament will only come to fill its role when it can share

voting power on resources rather than just on how to spend them. It’s a long way off!

The truth is that citizens are not alone in their role of sovereign of the European City: they share this role with those that lead their respective States for the duration of their term and provided that they hold a majority in their parliament. Even the European Constitution dropped in 2005 by the French and Dutch people was not trying to hide this fact: whereas the Constitution of the United States as drawn up by the Philadelphia Convention in 1787 reads *“We, the people of the United States...”*, the European text read *“we, the representatives of the Members States”*. It’s not quite the same thing...

From this point of view, it matters little whether or not the measures taken to keep in check the multifaceted crisis that overwhelmed the Union after the subprime debacle were adequate. This is an issue of political relevance. The result is that the heads of state and government proved themselves capable of preventing the catastrophe. It’s also important to know whether or not the methods and procedures that lead to the adoption of these measures were fully respectful of the basic principles of democracy: were they or weren’t they democratically legitimate?

In the eurozone, the crisis was so intense that European decision-makers had no choice but to equip themselves as quickly as possible with an arsenal of measures and countermeasures – Treaty on Stability, Coordination and Governance (TSCG), European Stability Mechanism (ESM), European Financial Stability Facility (EFSF), etc. – that they would have deemed completely strange or even out of place mere minutes before the crisis began. It took until the crisis gained in intensity for example in Greece, Ireland or Portugal for political wills to thaw. The start of... genuine economic governance in the European Union and the eurozone was delivered with the help of forceps.

And often behind the closed doors of meeting rooms for the exclusive use of the members of the European Council.

As aptly observed by Yves Bertoncini, Director of “Notre Europe”, the think tank founded by Jacques Delors, *“the participants involved in the European Councils and the eurozone summits (...) became part of a crisis governance, subject to the unyielding scrutiny of the media that made it possible for observers and the public at large alike to grasp the interests and stakes at hand, despite the use of doublespeak by some heads of state.”*<sup>9</sup> The void of economic governance was filled in a hurry by heads of state and government. Evidently, there is no case to be made against this as democratically-speaking these Presidents and Prime Ministers possess the highest degree of legitimacy in their own countries at the national level. However, for many actors and observers of the European project this is a real issue.

This technocratic and intergovernmental management of the crisis was a boon for the strongest players amongst the European Council – and on the field, too. We owe Régis Debray for the accuracy of the following metaphor: *“If a concert calls for a conductor, with or without a podium – Prussia for the German Reich or Piedmont for Italian unity –, it’s only normal in these economy-driven times for Germany to be holding the baton.”*<sup>10</sup> This image makes sense, but it is dangerous; and it is utterly absurd in the European Union, lest we allow it to fatally regress.

Under pressure from the state of emergency and the balance of power within the European Council once community good manners are laid aside, and thus under the pressure exerted by the strongest Member State that is Germany, European leaders had no choice but to opt, gladly or not, for a federalism *“tinged with ordoliberalism,”* in the words of French economist Edwin Le Héron.<sup>11</sup> This mixture was fertile ground for discipline and austerity at the four corners of the European Union and led to the

birth of the Troika. But are we certain that a policy that proved itself in one country, Germany in the present case, will be just as successful in other countries? Philosopher Jürgen Habermas thinks to the contrary that the policy being made to dominate Europe and defended by the (previous) Berlin government is a mistake for three reasons, the first two being the following: *“Firstly, Angela Merkel is unrelentingly pushing her own model onto other countries. As written by Chancellor Helmut Schmidt, she is squandering the trust that previous German governments spent half a century earning. Secondly, she is carried forward by the misguided belief that everything will be fine as long as countries respect the rules of the stability pact and she’s obsessed with sanctions.”*<sup>12</sup>

Consequently, the Europe of the European Council – and that of Germany in particular – has been giving the impression that it wants to impose a return to budgetary stability regardless of the cost to the citizens from countries “guilty” of slip-ups punished by the markets. From an economic standpoint, was this a sound strategy? Some doubt it.

From a psychological point of view, trying to impose this *“austeritarian Europe”* condemned by Nobel prize winner Paul Krugman has highly damaging consequences. First off because the responsibility of this burden was placed in its entirety on the shoulders of the countries guilty of having a lax budgetary stance. Within the “virtuous” countries (but who could forget that France... and indeed Germany were the first countries in the eurozone to take liberties with the rules set out by the Stability and Growth Pact (SGP), having escaped sanctions thanks only to their considerable influence?), citizens were led to believe, with the indirect help of national government and media officials, that they had to *“pay the bills for the extravagant lifestyle of the other Europeans”*,<sup>13</sup> in the perceptive – but sad – words of Fabian Amtenbrink from Erasmus University Rotterdam. And yet

according to Paul De Grauwe, it's the very opposite: *“Fundamentally speaking, citizens from Northern Europe should be made aware that the crisis is the result of more than just the irresponsibility of Southern Europe and the accumulation of high external debts. It originates from Northern Europe and its boom years behaviour during which it supplied Southern countries with surplus banking credits without a moment's thought. For each careless loan being requested by the South, there was a careless loaner ready to grant it in the North.”*<sup>14</sup>

Therefore it's no surprise that it heralded a return to name-calling, to the point that even a thinker like Panagiotis Sotiris, who teaches social and political philosophy at the University of the Aegean, resorted to describing the *“reactionary mutation”* of the Union in those virulent words: *“Listen to the way they talk during those meetings of the Eurogroup or of European summits. That tone of voice is aggressive, arrogant, they speak as if they they were granting themselves the power to impose diktats on society – going so far as to making fundamental changes to quality of life. Listen, for example, to the German Finance Minister suggesting that Greece should temporarily put democracy aside: this isn't so different from neocolonialism.”*<sup>15</sup> It's an understatement to say that Pandora's box, which had been sealed by the Schuman Declaration six years after the end of the Second World War, has been reopened following the events of the European Council.

Once again, the way in which this policy was chosen matters: *“behind closed doors”*, like at the *“time of the Congress of Vienna, where national interests came first, and outside of any democratic control.”*<sup>16</sup> Even academic observers that tend to agree with the principle that, at the European Council and in the Union, some can be *“more equal than others,”* admit like Yves Bertonecini that *“the primacy of the Merkozy duo, at the expenses of the principle of formal equality between Member States of the EMU and the EU”* might have shocked some of them from a democratic point of view: *“The*

*economic power, and thus the contribution capacity differentials (...), have indeed contributed to the legitimization of the variable weight of Member States in decisions about the use of the EFSF and the ESM. The emergence of the Franco-German duo and its domination of other heads of state and government, both in its form and substance, shocked a lot of people, as it went against the normal behaviour at the European level, where actors strive to solve problems between countries by consensus.”*<sup>17</sup>

Which brings us to the third mistake identified by Jürgen Habermas, who believes that the intergovernmental collaboration at the heart of Merkel's modus operandi has led to the *“hollowing out of the democratic process,”* as this circumvention of national parliaments' financial laws is nothing short of a consecration of *“the unprecedented self-empowerment of the executive.”*<sup>18</sup> To be absolutely clear, this state of affairs was translated by a journalist as the *“coup by the executive, that is by the European Council, and through it of the national executives.”*<sup>19</sup> Is this statement insignificant because it is an exaggeration? Many will no doubt think so among those working to build a Union without undoing the sovereign prerogatives of the Member States. However, a doubt remains as evidenced by this question from MEP Sylvie Goulard: *“Who controls the European Council, this collective monarch who takes its decisions behind closed doors with no room for debate, no intention to be held to account, and who cannot be overthrown?”* In answer to this question from the French representative, grumbling journalist and federalist Jean-Pierre Gouzy would reply: *“The legitimization of its members at separate national elections that have barely anything to do with Europe are no longer enough.”*<sup>20</sup> One cannot help but note that Yves Bertonecini is not denying the federalist's claim when he adds that it is *“at the heart of Member States that the democratic deficit”* in terms of the governance of the Economic and Monetary Union, *“can be felt most tangibly when numerous governments can take key decisions at the European level*

*without being subjected to any kind of control or in-depth public scrutiny and debate.”*<sup>21</sup>

## WHAT CAN THE EUROPEAN CITIZEN DO ABOUT THIS?

Because of these “opposing currents”, the European citizen can react in two ways. The first one is unfortunately the most likely one: he will desert the ballot booth in May like he never had before, or he will cast his vote in favour of extremist parties, both to the right and to the left of the spectrum, as long as they identify as eurospectic as a result of their nationalism, or even as completely europhobic. The analysis of a collective carried by Daniel Cohn-Bendit in anticipation of the last French presidential election is, in that respect, irrefutable: *“When part of the population is struck hard, when the majority feels vulnerable and confused, when the future is bleak, we embellish the past and feel safer when turning back upon ourselves; sovereignty is a comfort and being open is scary. And thus Europe is put at a distance. Populists from the right and the left rush into the vacuum and make an easy scapegoat out of Europe.”*<sup>22</sup> The demonstration is irrefutable, not even for Belgium, albeit to a lesser degree...

The second possible reaction would be for the citizen to rise against the tricks being played on the European project and to want to use his or her vote to remedy the flaws mentioned above. In the European City, things can indeed change if the citizen decides to truly take up its role of sovereign and to design the European Union it wants.

To that end, the sensible voting citizen could, for example, probe the heart of the candidates vying for the ballot to find out whether, once elected, they will carry on with the fight for the defense of the democratic principles that was consistently carried out by many of their predecessors during the legislative term about to end. *“Until now, the European representatives have played a useful role consisting in giving discussions and*

*debates directions with a view to reorganize the EMU,”* as underlined by researcher Yves Bertoncini, immediately adding that: *“They were able to do it with the support of extensive reports and resolutions (...). The European representatives thus contributed to passing on the positions and expectations voiced by their electorate, but did so without the institutional power to impose their point of view on the main decision-makers”* of the Economic and Monetary Union.<sup>23</sup>

At the very least, the voting citizen should have the right to request of the man or woman that will represent him in the plenaries of Brussels and Strasbourg for the next five years the commitment to endeavour to *“make the European Council accountable to the European Parliament”* for all issues pertaining to the management of the eurozone in some way or other that still needs to be ascertained, as specified by Ambassador Philippe de Schoutheete, previously Belgium’s permanent representative at the European Union, and Stéphane Micossi, reminding us that this will require the Treaty to be revised and that this will be no easy task.<sup>24</sup> They believe that the European Council should remain the main executive power of the Union, *“with the Commission playing a central role in the implementation of common policies rather than working to initiate and select them.”*<sup>25</sup> Very specifically, the budgetary guidelines to be respected by Member States in the framework of the European semester procedure should remain as a sole prerogative of heads of state and government under the parliamentary scrutiny – both national and European – that would need to be strengthened. It seems out of the question that the design of these guidelines could be left to any other institution than the European Council because it will place a heavy burden on governments and place them under threat of automatic sanctions: *“Asking of the European Parliament to deal directly with such constraints would turn it into a political matter, making the procedure less automatic, less predictable and therefore less credible,”*<sup>26</sup> conclude the

Belgian diplomat and College of Europe professor.

This analysis is very perceptive and it is similar in spirit to the prevalent opinion found in the circles where Europe has been devised until now. A state of mind that is perfectly embodied in a couple of sentences from a recent report co-authored notably by Pierre de Boissieu, who worked as France's permanent representative to the European Union and as the Secretary-General of the Council, by Stephen Wall, who worked as the United Kingdom's permanent representative to the European Union, and by Antonio Vitorino, who was European Commissioner for Portugal:

*“The apparent logic, which would consist in progressively replacing national democracies with a hypothetical European democracy, can only end with failure. It's fanciful to think that a hybrid system can be transformed into a perfect and constitutionally rational construct. Democracy at the European level will have to coexist with the democratic procedures of each Member State, procedures at the local, regional and national level, and complement them. One should not attempt to replace, but to establish pathways for communication and complementation between the various levels.”<sup>27</sup>*

Perfectly lucid, this point of view has been prevalent in Union since its very beginning. Nevertheless it is still being challenged by some because managing the common good that is the euro will be increasingly difficult in the context of national instructions in favour of state sovereignty and of democracies conceived and designed exclusively on the national level. As noted by economist Philippe Herzog who also worked as an MEP, the *“the sovereignty of nation-states becomes a moon, an agent of obscurantism when we need to conceive a future to build together in Europe and the world.”<sup>28</sup>* Jean-Claude Juncker, long-serving Prime Minister of the Grand Duchy of Luxembourg and president of the Eurogroup, the gathering of Finance ministers from countries of the Eurozone; showed us the limits

of this kind of political management when he declared: *“we know everything that needs to be done; what we don't know is how to get reelected if we do it”* – which made Hugues de Jouvenel raise the question whether *“our governing officials, in our democracies, are capable of having a real interest for issues pertaining to long term public interest”<sup>29</sup>* ...

Against this background accusations were fired, such as the one from Mark Leonard and José I. Torreblanca, active members of the European Council on Foreign Relations: *“If by sovereignty we mean the capacity of citizens to choose what they want for their country, neither Northern nor Southern Europeans feel sovereign very often. A substantial part of democracy has disappeared from the national level, but has not been transferred to the European level.”<sup>30</sup>* This is the heart of the issue for more and more observers.

The more ambitious European voters, quite possibly dreamers and utopians in equal part, could also ask of the man or woman vying for their ballot whether he or she can agree to take action in favour of real European elections, freed of the shackles currently being kept in place by 28 national democracies, so that true European democracy can finally take flight. The picture painted by Mark Leonard and José I. Torreblanca might be a little grim and too inspired by Goya's darker moments, but it does describe a reality that according to many, can no longer be ignored:

*“In a national political system that works properly, political parties should be able to express diverging points of view – and could even act as arbiters to help them find a consensus. But this is precisely what the European political system cannot do: because it does not have real parties, a real government and a public sphere, the European Union cannot compensate for the failings of national democracies. Instead of being a teeming heart for competing ideas, the Union finds itself sucked into a vicious circle where anti-European populism bumps into technocratic agreements between Member States scared by their own citizens.”<sup>31</sup>*

Until the 25 May, in Belgium, political parties will campaign around what is and will remain at the core of their profession: the federal level, and the regional level. Will the candidates for the European elections manage to make themselves heard about slightly different issues? Maybe slightly, but they will not be noticed by many. And if they are elected on the 25 May, they will soon learn that for five years they will be far removed from their party, much like European journalists are far removed from their editorial boards, so different are the preoccupations of national politics.

Consequently, the ambitious and romantic voting citizens could possibly ask of the men and women vying for their vote whether they are ready to fight for this very ballot to become identical in all Member States, governed by the same electoral process, if only to prevent the fourth representative on a list to be denied a seat after receiving more votes than the person in 3<sup>rd</sup> position if the party only has three seats, just because the hierarchy is decided internally. They could also ask these candidates if they are ready to fight during the upcoming legislature for European electoral campaigns to no longer be conducted by national parties but by European parties having filled and outgrown their currently empty husks, with real political programmes, conceived and approved in support of European public interests, shorn of the trappings and restrictions of national parties. Maybe the European citizen will ask of

whomever can receive this ballot whether he or she will fight to make the European Council take the results of the May election into account when choosing the next President of the Commission. These are all demands that, if met, would prevent the 2019 European elections from being robbed of their momentum by political eddies, all twenty-eight of them...

Will all of these demands ever produce real results? That remains to be seen, but they will at the very least add to the debate on democracy and birth life into a public European sphere that still remains largely absent today. In this fashion, it's not impossible that the sovereign citizen will eventually shake things up, create a new layer of genuine European democracy no longer held hostage by the national, regional, and local levels of democracy that it will nonetheless continue to cooperate with. This is the end for which it will have to fight, maybe for longer than a single legislature...

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*This Policy Brief is part of the publication series "The Citizen and the European Elections". The project intends to bring the debate on the European elections closer to the citizens, by focusing on those EU issues that are of particular importance to them.*

## ENDNOTES

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- <sup>3</sup> Eurobaromètre Flash 373, mars 2013
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