

Voting for Europe: Citizens, Elections and Referendums

There are two main ways for Europe's voters directly to influence the course of European integration: elections and referendums. In European elections, voters have decided six times on the composition of the European Parliament (EP), a body that now has co-legislative power in many areas of policy-making. In national elections, voters choose the governments that will represent them in the European Council and the Council of Ministers. In referendums, citizens in some member states have had a direct say on issues such as European Union (EU) membership, treaty reform and the single currency.

Voting on European issues has therefore become a regular part of political life across the EU. Nevertheless, elections and referendums in the EU have been a disappointment to those who hoped that they would stimulate pan-European debate and a sense of shared European political identity. Instead, elections have been characterised by low turnout, the dominance of national topics in campaigns and the success of extreme parties. Referendums have been more successful in encouraging participation in campaigns and voting, but have frequently led to outcomes that put the European project itself in doubt.

Building an EU that is more democratic, legitimate and accountable in the eyes of its citizens may well require fundamental changes in the relationship between the ballot box and European politics. This Policy Brief will consider how, in future, elections and referendums could more closely involve citizens in EU decision-making. Many of the possible reforms are broad in scope, including for example direct election of the Commission President and pan-European referendums, and could, if implemented, lead to fundamental changes in the political system of the EU. It is of course worth pointing out that what is considered as an improvement in the workings of European elections and referendums may well reflect, implicitly or explicitly, an underlying view of the appropriate nature and extent of European integration. Arguably, a more democratic European Union would also be inevitably a more integrated European Union. This would not be an outcome congenial to all analysts.

The structure of this Brief is as follows: first, we will consider why elections and referendums are important and what they can achieve; next, we will examine the main problems associated with elections and referendums in the European Union; finally, the Brief will look at how they could be reformed, with the aim of increasing democracy, legitimacy and accountability in the EU.

The importance of elections and referendums

The most obvious benefit of elections and referendums is their role in recording the will of the people. Through voting in elections, citizens can show which parties, policies and politicians they support. In particular, elections should allow voters to reject a government they dislike and replace it with a new team. Of course, there are a wide variety of electoral systems, and each translates voters' decisions into electoral outcomes in different ways. It is quite rare for a single party to receive more than fifty per cent of the votes and a clear majoritarian popular mandate. Instead, electoral systems usually either encourage coalition formation (as in most systems of proportional representation) or translate a relative electoral majority into an absolute parliamentary majority (as in most first-past-the-post systems). In general, we can say that elections are an efficient, concrete and demonstrable way of enabling citizens to participate in the political process. As they, broadly speaking, summarise the opinion of the voting public, elections are also important in giving the incoming government a significant bonus of legitimacy in carrying out its electoral promises. On a European level, then, elections should in an

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EDITOR'S NOTE

This is the twenty-seventh in a series of regular *European Policy Briefs* produced by the Federal Trust. The aim of the series is to describe and analyse major controversies in the current British debate about the European Union.

We would welcome comments on and reactions to this Policy Brief. Other Policy Briefs are available on the Federal Trust's website www.fedtrust.co.uk/policybriefs. This Policy Brief has been submitted to the Trust's Working Group on 'Democracy, Legitimacy and Accountability in the European Union', chaired by Professor Vernon Bogdanor. For more information, please visit www.fedtrust.co.uk/democracy.

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ideal world allow voters to change or endorse the policies and the personnel of the EU and give them added legitimacy.

Referendums, like elections, allow voters to express their political will, and some commentators argue that they endow the outcome of the vote with a particular legitimacy unparalleled by other forms of popular participation. As reform of European treaties can often imply a change in the relationship between citizens and the legal order under which they live, the argument is frequently made for allowing citizens to endorse this change directly, in the same way that a new national constitution would in many countries of the Union be submitted to a popular vote.

Elections and referendums also stimulate political debate among citizens. Campaigns force political parties to take positions on key issues, while voters have the opportunity to observe and participate in political debates. Beyond the mere act of voting, elections and referendums provide for political education and participation. Ideally, European elections and EU referendums might serve to inform voters of the Union's institutions and policies and put Europe at the centre of national debates, at least for the campaigning season.

Furthermore, European elections and referendums might be conducive to the development of a common European political identity. Political debate and competition are, at the national level, powerful reinforcers of the perception among voters that they form part of the same political entity and share common priorities and problems. This potential function of elections and referendums naturally has particular relevance for the EU, as its common political identity is often seen as under-developed. It has thus sometimes been claimed (or at least hoped) that campaigning and voting in European elections and referendums could encourage the development and strengthening of a common European political identity.

The disappointing reality of EU elections and referendums

Few observers would claim that elections and referendums in the EU have realised their potential, either as means of expressing the popular will or as means of fostering political debate and the formation of a genuine European identity. EP elections in particular have suffered from their status as second-order national contests. Such elections are characterised by low turnout compared to national elections, punishment of the parties in power at a national level, a strengthening of political extremes and campaigns

dominated by national concerns. This national focus is a recurrent feature of European elections, as campaigns – conducted by national rather than EU parties – often offer little in the way of European debate and discussion. There is little indication that electors vote on EU issues. Indeed, parties may not even present very clear differences on EU topics, while voters' preferences on such issues may not be fully developed. The political message that results from EP elections is usually of more relevance to national than to European politics. There has been no real debate on European issues, and European political parties have been noticeable mainly through their absence in EP campaigns.

Even more significantly, there is no clear link between the EP vote and political outcomes. It is hard for European citizens to see how their choice in the last election affected the policies coming out of Brussels, for EP elections do not lead to the election of a government as in most parliamentary systems. Instead, the Commission is nominated through a complicated bargaining process which, although it involves the EP, is dominated by national governments. In contrast to the outcomes of familiar national systems, the results of EP elections have no clear-cut impact upon the governing personnel or policies of the European Union.

An additional problem with elections in the EU political system is that the most powerful institution, the Council, is made up of the governments of the member states and thus indirectly elected. However, national governments are not in office because voters have endorsed their views on European integration. Instead, they are chosen in national elections dominated by domestic policy issues. General elections, the most important political event in most democracies, only provide an occasional and passing forum for discussion on European integration and public policy. It is difficult to argue, therefore, that most member state governments act on a specific popular electoral mandate in the Council. In the Council, national governments are much more likely to seek to legitimise their choices to their voters by appeals to 'national interest', a concept usually defined in an ad hoc and opportunistic fashion. Indeed, the increasing insistence of many national governments that they are acting in the Council to protect national interests, supposedly threatened by 'Brussels', has significantly contributed in recent years to the delegitimation of the European Union.

EU referendums have been problematic as well. First, like EP elections, they tend to be national affairs, with explanations of the outcome as often rooted in national as in

European factors. For example, general unhappiness with the politics of President Chirac and Prime Minister Raffarin is essential to understanding the rejection of the Constitutional Treaty last year by the French. In France, however, the contents of the Constitution were at least discussed at some length, if not always accurately: there was a real European debate on the issue. In the Netherlands, on the other hand, the campaign was far more low-key, with popular awareness of European issues increasing little if at all as a result of the referendum. Nor is there any guarantee that referendum results necessarily reflect underlying public opinion. In Ireland, for example, a second referendum – with a higher turnout – gave the Nice Treaty popular approval after a failed first attempt. A further unresolved issue arising especially from negative votes in popular referendums is that it is not always clear why voters voted the way they did. The 'no' votes in France and the Netherlands last year, for instance, reflected a wide range of sometimes contradictory concerns, and it is now very difficult for the French and Dutch governments to know how to address these concerns.

Reforming Europe's parliamentary elections?

Disappointment with existing arrangements for democratic accountability in the European Union has led to a number of proposals for reform. When these proposals concern the European elections, they typically seek to improve the quality of debate and electoral contest in one of two ways, either by increasing the objective importance of the European elections or clarifying the choices presented to voters.

The first group of proposals sees the solution to the problems associated with EP elections in increasing the political interests at stake. On this analysis, for voters to be interested in European elections they need to feel that the contest's outcome will have an important effect on European policies. As voters often do not see how their votes change anything at the European level, their motivation to participate in EP elections is, perhaps understandably, limited.

An increase in the legislative powers of the EP has often been mooted as a way of increasing the relevance of the Parliament in the eyes of voters. If the EP had co-decision in all areas, it is argued, voters would soon take its elections more seriously. However, the Parliament now does enjoy the power of co-decision in many of the most important policy areas and attracts a substantial amount of corporate lobbying

and street protests. The EP's powers are well-recognised at an elite level, and yet most voters remain largely uninterested in its activities. The proposal to increase the legislative powers of the EP may have had some force ten years ago when the EP was still the clear junior partner in its relationship with the Council, but recent increases in the Parliament's interinstitutional standing have so far had little impact upon public perception of the body's role and competencies.

A second means of increasing the importance of EP elections would be to tie the nomination of the main executive body of the EU, the Commission, directly to the result of the elections. For example, each of the EP groups or the party federations loosely associated with them could nominate a candidate for Commission President in the run-up to EP elections. Once the Parliament has been elected, a majority in the EP would then form to support one of these candidates. Since national parties will have endorsed a particular candidate in the European election campaign, they will have to defend their choice in Council bargaining as well.

Such a change to the nomination procedure would not be as fundamental a change as might be thought. Instead, it would be a culmination of recent reforms that have politicised the process. Thus, whereas the European Council used to name the President unanimously, merely consulting the EP, the head of the Commission is now nominated via a qualified majority in the Council and approval by the EP. In 2004, the European Council officially nominated José Barroso unanimously. This unanimity, however, may have only been superficial as some governments - in particular France - were openly opposed to his candidacy.

One benefit of this proposal for linking the Commission Presidency to the European elections would be increased political simplicity: if campaigns centred on presidential candidates, voters could see more clearly what consequences their vote would have. This may also lead citizens (and indeed national parties) to see EP elections as important events in their own right. Moreover, such a reform would also increase the accountability of the Commission President, whose performance would be assessed by voters in the next election. Critics of this suggested reform wonder whether in reality it would suffice to attract the voters' attention. Would interest in the 2004 elections have been significantly higher if people had been able to choose between, say, José Barroso and Guy Verhofstadt, two political figures not widely known outside their own countries?

It is important to recall that, under this proposal, Commissioners other than the President would still be nominated by member states and approved as a whole by the EP. This would retain the traditional link between the Commission and the Council: after all, many policy areas are still dominated by national governments, and the Commission needs the trust and support of the Council if it is to function effectively. The Commission would thus continue to reflect the political diversity of national governments and the centrist tendencies of the EP. A more radical approach that has sometimes been suggested is that the European Commission could become a true parliamentary executive, with all its members elected by the EP and reflecting the Parliament's ruling coalition. This is politically unlikely in the short term but would certainly dramatically raise the political stakes in any future European elections. Such a reform would mean a redefinition of the Commission's relationship to the Council. This in turn would have considerable implications for the current consensus-based nature of EU policy-making.

Another group of proposals for giving greater salience to EP elections concentrates on increasing the clarity and accountability of EP elections without changing the EU's institutional processes. This could be done in two different ways: first, national parties can be disaggregated, so that each MEP has more of an individual role and identity; second, national parties can be aggregated into transnational parties, creating a clear system of competition in the EP. A practical reform related to the first approach would be to (re)create single-MEP constituencies, which existed for EP elections in the UK until 1999. It is argued that this would strengthen the bond between parliamentarians and their voters, who could see exactly who represents them. If the voting record and constituency service of an MEP disappoints, voters could eject their representative more easily than with multi-member districts. There is a certain amount of evidence to show that representatives from single-member constituencies tend to work harder to represent their voters well and take their concerns into proper account.

However, the impact of single-member constituencies on accountability and legitimacy is debatable. In the UK, many people do not know who their MP is, even though Commons constituencies are small. In general elections, there is in general a very small personal vote. It is possible that single-member districts only encourage representatives to work harder for re-election if their constituency is a potentially marginal one. In any case, it is difficult to

equate single member constituencies for Westminster with those that might be introduced for the EP. There is no government currently at stake in European elections and even single member constituencies for the EP would need to cover many hundreds of thousands of voters if the Parliament were not to become paralysed by an unmanageable number of elected representatives.

Other suggestions relating to electoral systems have included adopting systems such as the Finnish open-list or the Irish single transferable vote. Both methods allow voters to choose the MEP they want instead of having to elect the candidate the party decided to place on the top of the list. As a result, MEPs would be potentially more accountable to voters for their personal election or re-election, in contrast to the current closed-list systems which tend to guarantee seats to those placed at the top of the list. MEPs working in the Irish and Finnish systems have been shown to work harder at representing their voters and also put more effort into their campaigns. Neither system provides MEPs with their own constituency: the Finnish open-list system, for example, functions on a national basis. It may, however, be questioned whether even the generalisation of the Finnish or Irish systems would be likely to have a large effect on popular participation in EP elections and the accountability of MEPs. The number of people willing to invest time to find out more about the comparative personal records of their MEPs is likely under any system to remain relatively small.

It has also been suggested that transnational parties should be more important forces in European elections and play a larger role in the EP. Such European parties already exist and were strengthened by the 2004 Party Regulation, which gave them an independent source of funding and an identity independent of EP groups. It has been suggested that European parties could campaign instead of national parties and present a unified manifesto, making it clearer to voters what each party stands for at the European level and where the EP has significant power. Euro-parties could thus play a role in generating real European debate. One important aspect of European parties' purpose could be to nominate a Commission President, as suggested above. However, it has to be recognised that national parties guard their current predominance in EU politics jealously. If there is a single most important barrier to the development of a European 'demos', it is arguably the absence of European political parties, which can focus and crystallise differing political interests and analyses

throughout the Union. Those leading European politicians genuinely and sincerely committed to building a democratic and integrated Union have an obvious contribution they could make to this construction by facilitating the emergence of genuine European political parties. All too often, they have failed to do so. The sovereignty of national political parties is apparently even more resistant to sovereignty-pooling than is that of national governments.

Reforming Europe's referendums?

Ideally, referendums on European issues would encourage factual debate and informed voting while legitimising further steps in European integration. If referendums are to be held on an issue relevant for the whole European Union, the Union's member states should as a body logically follow one of two routes: either only very few or as many states as possible of the member states should hold a referendum. If only a few countries hold a referendum, then that should imply that the issue at hand is one of minor constitutional relevance, with little change to the distribution of powers and competencies across the different levels of European governance. Only those countries which by a peculiarity of their constitutional system are obliged to hold a referendum even in those circumstances should do so. If by contrast many countries hold a referendum, then that fact itself should reflect the importance of the new step being contemplated. The intermediate situation experienced with the ratification of the Constitutional Treaty was an anomalous one: a sufficiently large number of member states decided to organise a vote to create pressure for a similar vote in other countries, while the votes of only two countries, France and the Netherlands, have for reasons largely specific to those countries destroyed a treaty which the overwhelming majority of member states in the European Union were willing to ratify. This paradoxical outcome has led for calls for European referendums to be organised in future on a more uniform and consistent basis.

Referendums could for instance be held in the same week across Europe, just like European elections. This would mean that European politicians, media and citizens discuss the same issue at the same time, which would, it might be hoped, encourage a debate focused more on European and less on national issues. In addition, simultaneous referendums would provide an answer to situations where rejection in one country puts in jeopardy the future of the entire

Treaty. Where only one or two member states had voted against a text while all the others had voted in favour, the onus would properly be on the minority to suggest ways in which the will of the clear majority of the Union's citizens could be respected.

A further refinement has also been suggested to the concept of simultaneous, EU-wide referendums, namely that the practice of requiring unanimity among the member states should be replaced by a high threshold of majority, for example four-fifths of members and a majority of the population. Member states that voted 'no' could be given the choice of allowing others to go ahead with the reform proposed (while opting out themselves) or joining reluctantly the majority in implementing the reform. Organising referendums in this way would ensure that no one member state could hold up the ratification process.

The more radical option of trying to force the recalcitrant minority to accept new steps in European integration that it had rejected is politically very difficult to envisage. It is highly unlikely that voters in the member state that said 'no' would accept that their voice be ignored. In the EU as it currently exists, constitutional changes still need to be approved by each member state and cannot be imposed on the minority. When a year ago there seemed a possibility that the United Kingdom might be the one member state of the Union rejecting the Constitutional Treaty, there was some academic speculation about a possible 'refounding' of the Union to ensure that the UK could not exercise a veto on the other twenty-four member states. This speculative discussion never achieved any genuine political credibility. The French and Dutch referendums will have made national politicians even more cautious in the face of any proposals tending to override popular decisions based on referendums. Any proposal to implement pan-European referendums must therefore take into account that fact that, for the foreseeable future, all member states will have to agree to a treaty for it to come into being. This should not cloud the obvious benefits that cross-national co-ordination of referendums could bring.

Conclusions

The EU could organise its elections and referendums more effectively. While the European Parliament is a remarkable institution and still the world's only elected supranational chamber with real legislative powers, the way it is elected does not match its political relevance. Several reforms are worth considering, in

particular:

1. The choices presented to voters should be made clearer by linking EP elections more directly with the nomination of the Commission President.
2. The involvement of European parties in policy co-ordination and campaigning should be encouraged.
3. A limited reform of the electoral system, including for example open lists or single-member constituencies, should be considered.

Referendums have now become politically necessary in order to move forward with European integration: if the EU were ever to agree on a new treaty to replace the moribund Constitutional Treaty, this would almost certainly have to be ratified by popular vote in many countries. It would be best if referendums were held on the same day and in as many member states as possible in order to foster a genuine European debate and give the process of ratification more popular legitimacy.

Effective reforms to EU elections and referendums will be difficult to achieve. The most prominent arena of political debate will remain national, at least for the foreseeable future, and European votes will always risk being influenced by unrelated national concerns. The simple size and variety of the European electorate is a challenge in itself when trying to create a homogenous debate across the continent. As always, reforms to make the European Union more democratic and accountable will require political determination and conviction on the part of the European Union's leaders. These leaders are often happy to talk about the need for a more democratic European Union, but their rhetoric is not always followed by action. It is perhaps understandable that those leaders who personally do not seek a greater degree of European integration should be suspicious of the undoubted impulse towards greater integration arising from the sort of reforms discussed above. It is more surprising that member states and their leaders that have always followed a more integrative agenda should be unwilling to engage in a serious and constructive programme of measures to create a more democratic and legitimate political identity for the European Union. Perhaps the Union's political leaders, even the most integrationist-minded among them, find it easier to share their country's national sovereignty than their own political legitimacy.

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