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Unifying Europe (1)

The Purpose and the Problem

ALAN RAMSAY LAMOND

A Definition of Federalism

Federalism is defined as 'a system of government in which central and regional authorities are linked in an interdependent political relationship, in which powers and functions are distributed to achieve a substantial degree of autonomy and integrity in the regional units. In theory, a federal system seeks to maintain a balance such that neither level of government becomes sufficiently dominant to dictate the decision of the other, unlike in a unitary system, in which the central authorities hold primacy to the extent even of redesigning or abolishing regional and local units of government at will.'

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Unifying Europe:

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Enlightening the Debate on Good Governance

European Essay No. 39

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Abstract

The member governments of the European Union are now considering what they should do with the stalled European constitution. Any decisions about how the Union should function ought to be based, however, on a clear concept of its purpose. For pro-Europeans it is to enable Europe to strengthen its collective voice, weight and influence in world affairs, as well as to increase its wealth.

Fulfilment of this purpose will be possible only when the Union overcomes its decision-making problem. One aspect of this is the fact that at present decisions in crucial areas such as foreign affairs, defence and budgetary policy require unanimity among the member governments; another is that the decision-making processes themselves lack openness and democratic acceptability. The proposed constitution provides no answer to this problem, which cannot be solved without some further, but limited, evolution of the Union in a federal direction. This in turn will not be possible without the development of a true pan-European political life. How to bring this about, and thereby enable the Union to advance by evolution rather than by constitution, is now the primary task facing pro-Europeans.

Introduction

By saying 'no' to the proposed constitution for the European Union, contained in an impenetrable document of 495 articles which they were invited to accept or reject as a whole, the voters in the French and Dutch referendums in 2005 unwittingly performed a valuable service to the pro- European cause. The document is mainly a recapitulation of what is in existing European treaties. However, the use of the term 'constitution' implies that it contains a set of institutional arrangements and rules that are definitive and not easily alterable, despite the fact that these do not provide an adequate answer to the problem of how to enable the Union to function more democratically and effectively. Whatever governments decide to do with the stalled constitution, therefore, this is the problem on which pro-Europeans should now concentrate.

The democratic functioning of the Union requires that its collective decisions be taken openly and in a manner that is generally understood and accepted by its citizens. The fact that this condition is not at present being met is what constitutes the Union's democratic deficit, which manifests itself in popular complaints of top-down decision-making and Brussels bureaucracy, as well as in declining participation in elections to the European Parliament. How effectively the Union functions on the other hand depends on its ability to take firm collective policy decisions that are crucial to the fulfilment of its purpose. Proposals for strengthening the Union's decision-making capability therefore need to be based on a clear concept of its 'raison d'etre'. Clarity on this is also essential for remedying the Union's democratic deficit, since lack of interest in elections to the European Parliament, whose role is so important for the democratic functioning of the Union, no doubt reflects widespread public uncertainty about what exactly the purpose of the European project is.

Unfortunately this is a question on which there is at present no consensus among pro-Europeans. Opinions on it range from the view of the 'minimalists', who consider that the Union should have a limited economic purpose only, to that of the federalists, who believe that the purpose should be to achieve 'ever closer union'. The positions of the majority of pro-Europeans lie between these two extremes but there are still some important differences among them. In these circumstances it is not surprising that in the Preface to the proposed constitution, in the Preamble to it and in the opening section entitled 'Definitions and objectives of the Union', the word 'purpose' nowhere appears. To be sure, a large number of worthy objectives and aspirations are listed but these do not constitute a clear statement of the Union's 'raison d'etre'.

The differences among pro-Europeans regarding the Union's purpose are inevitably reflected in differences on the question of where and how, or even whether, the Union's decision-making processes need to be democratised and strengthened. For example, those whose view of the purpose is much closer to the minimalist than to the federalist position are likely to be resistant to any further relaxation of the unanimity rule, especially in the areas of foreign, defence and security policy, and to be less concerned than other pro-Europeans about the democratic deficit. Those taking a less restrictive view of the Union's purpose on the other hand may be more willing to accept some further extension of qualified majority voting and of the powers of the European Parliament but may nevertheless wish the Union to remain an essentially intergovernmental entity.

Another issue dividing pro-Europeans, and one to which the question of the Union's purpose is particularly relevant, is that of whether or not Turkey should be admitted into full political membership of the Union. To this issue should be added that of enlargement in general, on which there is also much disagreement.

For the various reasons adduced above, therefore, the examination of the problem of the Union's democratic functioning in section 2 of this paper is preceded in section 1 by an exposition of the concept of the Union's purpose on which it is based. It is the belief of the author that the concept is one on which a large degree of consensus among pro-Europeans can and should be mobilised. Section 2 of the paper contains also proposals for tackling the problem described, all of which involve essentially the creation of a new Union-wide political party.

1.   The Purpose

In the cathedral square of the small German frontier town of Breisach-on-Rhine, from where one can look out across the river to French Alsace, there stands a piece of modern sculpture which symbolises Europe and which, in doing this, may be unique. It consists of a figure representing the Phoenician princess Europa standing on the back of a swimming bull representing the bull into which, according to the Greek myth, Zeus transformed himself before abducting Europa to the island of Crete. The work was executed by a local sculptor to commemorate the fiftieth anniversary of a plebiscite held in the town in 1950, on the initiative of the European Movement, in which almost 96 per cent of the voters, in a turn-out of some 87 per cent of the local

population, pronounced themselves in favour of the creation of a federal European state. Since then sights have been lowered and it is unlikely that the burghers of Breisach would vote in the same way today. Nevertheless the outcome of the 1950 plebiscite illustrated the essentially political nature of the original impulse which led in stages to the creation of the Union. All the Breisach voters in 1950 had lived through the Second World War and had seen their town 85 per cent destroyed; many of them would also have lived through the First World War. What the 1950 vote reflected above all was a desire to bring peace and stability to Europe after centuries of wars and conflicts. The political and ideological division of Europe after 1945 seemed to lend urgency, as well as a defensive character, to the project.

Nevertheless the founding fathers of the European Movement - people like Jean Monnet, Robert Schumann and Konrad Adenauer - realised that European unity would have to be built on a solid economic foundation. That is why the first step in the process of unification was the establishment of the European Coal and Steel Community in 1952 and why the organisation created by the Treaty of Rome in 1957 was called the European Economic Community. Though the purpose of both organisations was mainly political, the early architects of what is now the European Union recognized the close inter-relationship between political and economic integration. They realized that ´facts on the ground' created by economic integration, such as internal free trade and free movement of labour and capital, would tend to underpin efforts to achieve greater political unity.

The processes of economic and political integration are nevertheless distinct and they do not necessarily advance ´pari passu'. Since 1957 economic integration in the Union has advanced much further and faster than political integration. A single market for goods, services, labour and capital has been established together with a common external tariff and trade policy, harmonised competition rules, a common agricultural policy, a system of regional aid and, for some countries, a common currency and central bank. On the political side an important step was taken in 1979 when the first elections were held for the European Parliament. The goal of federation, however, has been eschewed by all but a minority and the Union has remained a predominantly intergovernmental entity in which decision-making in many important policy areas requires unanimity among the member governments. One reason (apart from a fading of early idealism and a growth of nationalist resistance) why political integration has lagged behind economic integration has been the fact that one of the motives for the former - a desire on the part of the member governments to be able to speak with a distinctive collective voice on international issues and to

develop a collective defence - has been weak or lacking. At first this was because during the whole period of the cold war the foreign policies of most of the Union member states were aligned with those of the US in the transatlantic alliance, while their defence policies could be said to have been sub-contracted to NATO. The collapse of the Soviet Union and the Warsaw Pact led to growing acceptance of the need for more distinctive European policies in these areas but it also raised the question, highlighted by the split over the Iraq war, of what exactly these policies should be. Ironically, just when it has opened the way to a more comprehensive political unification of Europe, the ending of the cold war has re-opened a debate on its desirability and purpose.

The truth is that the original motive for political union in Europe is no longer valid. Following the disappearance of all the traditional mainsprings of conflict in Europe - religious and ideological antipathies, colonial rivalry, imperial domination and ambition - the final triumph of democracy in the continent has made war between any of the major European nations inconceivable. This would remain true whether the European Union existed or not, since there are in any case a number of other organisations which, together with the UN Security Council, play important roles in ensuring peace and stability on the continent. These include the Organisation for Security and Cooperation in Europe (OSCE) and NATO as well as the Council of Europe and the European Court of Human Rights. Pro-Europeans must therefore face the fact that in present-day world circumstances a clear re-definition of the Union's purpose is required. They need to heed the warning given already many years ago by President de Gaulle of France when he declared sarcastically in a television broadcast that it was not enough for pro-Europeans simply to keep chanting the slogan "Europe! Europe!"

The need to take account of present-day realities, however, does not apply only to the question of the Union's political purpose. According to one strand of eurosceptic opinion, the progress achieved in the multilateral lowering of tariffs and other trade barriers, together with the steady advance of globalisation, puts into doubt even the rationale for deeper economic integration within the Union. This raises the further questions of the relationship of economic integration to the political purpose of the Union and of the extent to which, within that relationship, economic size matters. In the light of all these considerations the twin aspects of the Union's purpose - political and economic - are examined hereafter in turn.

The political purpose

If political unification in Europe is no longer necessary for ensuring peace and stability in the continent what other purpose can it have? The pro-European answer to this question must be based essentially on what it means to be ´pro-European'. There is general agreement among pro-Europeans that the nations which form the European Union share certain values. The basic ones, which are set out in Article 2 of the proposed constitution, are those of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights. To these must be added the principles of free enterprise and free markets, on which there is clearly an overwhelming consensus in the Union member countries, especially in those eastern European ones which experienced decades of central planning and state control of the economy. This fact explains the anti-Europeanism of the extreme anti-capitalist left but it appears to cause unease also among some moderate left-wing pro-Europeans who fear that the Union is imposing an excessively liberal and insufficiently social model of capitalism on its citizens. There is, however, nothing in any Union treaty or in the proposed constitution which prohibits state enterprise or prevents member governments from maintaining high levels of social protection. Moreover there is no reason why, if sufficient popular support and pressure for it were generated, the Union could not be endowed ,via its budget, with a stronger social component than the modest one it at present possesses.

European nations are of course not the only nations to share these values and principles. For example, some anti-Europeans and eurosceptics in the UK often refer to the so-called ´Anglosphere', by which they mean the globally scattered group of developed English-speaking nations, of which the United States is the overwhelmingly predominant member, with which they feel a closer affinity than they do with the European nations. This affinity probably has more to do with shared language than with shared values and much to do with a misguided belief in a ´special relationship' between Britain and the United States. Nevertheless, evocation of the community of values that undoubtedly exists between Europe and the Anglosphere serves to bring out the fact that the rationale for the European project, and for Britain's participation in it, rests on much more than shared values. Geographical contiguity and propinquity make the European nations close neighbours, a fact which underlies the strong cultural, sporting and economic links that exist between them and gives them common interests in the fields of defence and security, including security against terrorism, drug-running, human-trafficking and illegal immigration, as well as in the field of environmental protection.

As far as cultural bonds are concerned a special reference needs to be made to the question of religion. The fact that Christianity is an important part of Europe's cultural heritage is the reason why the Vatican wanted it to be mentioned in the constitution. More important, however, is the fact that it is not so much the predominance of the Christian religion that characterises Europe and distinguishes it from the Islamic world which flanks it in Asia and North Africa, as it is the European attitude to religion itself. In Europe, where church attendance is extremely low and falling, the attitude to religion is a very relaxed one, a fact which distinguishes the continent not only from the Islamic world but even from the world's largest Christian country, the United States. In Europe Christian fundamentalists are few and far between and its political leaders are not in the habit of invoking the blessing of God upon their countries, or even of mentioning the deity at all, in their public speeches. In Europe religious beliefs, or the absence of them, are a private matter and generally speaking, except perhaps in the Balkans and Northern Ireland, different faiths co-exist easily with esoteric philosophies, agnosticism and atheism as well as with each other. In short it may be said that today Europe is not only a free-trading area but also a free-thinking area.

All the considerations mentioned so far form part of the rationale for political unification in Europe. For pro-Europeans, however, what clinches the case for such unification is the argument relating to political weight or ´clout ´. In the last century the Soviet Union demonstrated that in world politics military strength could enable a country to punch well above its economic weight. However it is obvious that in the world of today, dominated as it is by a single superpower, no European country possesses a combination of military strength and economic weight sufficient to enable it to play a major role in world affairs on its own. This is true even for the countries which possess both a nuclear weapons capability and a right of veto in the UN Security Council, since the ability to deter and the ability to obstruct are essentially negative powers and not means of exerting positive political influence.

In this situation, even in European countries which have traditionally thought of themselves as big players in world politics, support has grown for the European project, which aims to unite the like-minded nations of the continent in a political entity possessing the ´critical mass' necessary to enable it to play a major role in world affairs. Pro-Europeans realise that if it is to wield real international political clout this entity has to be something more than an association for enhanced regional cooperation and that its effective functioning will require a substantial amount of

pooling of national sovereignties. This is the issue that separates pro-Europeans most clearly from anti-Europeans, who are unwilling to share sovereignty, and from eurosceptics, who are reluctant to share it.

A distinction also needs to be made, within the ranks of the pro-Europeans themselves, between two groups whose pro-Europeanism is in the one case mainly sentimental in character and in the other case mainly pragmatic. In the former category are those who, despite linguistic and ethnic differences, feel themselves to be European in much the same way Texans or Californians feel themselves to be American. For these pro-Europeans the sharing of sovereignty poses no problem and most are in fact likely to be European federalists. For those in the second category the sharing of sovereignty is more of a means to an end, a price they are willing to pay to enable their country to play indirectly, as a member of the Union, a greater role in world affairs than it would be able to play independently. In some of the smaller European countries, for example, pragmatic pro-Europeans may see a seat for their country in the European Council and Council of Ministers as being worth more than its membership of any other international body. In some of the larger member countries, which are capable of exercising a substantial, though limited, amount of influence in world affairs on their own, such pro-Europeans may see membership of the Union as a means of enhancing that influence vicariously. This way of perceiving the Union clearly underlies the ambitions that are voiced from time to time for particular countries or groups of countries to play a leading or ´motor´ role in the Union. Such aspirations complicate the problem of decision-making in the Union.

In the light of the foregoing description of pro-Europeanism, an attempt can now be made to give a clear definition of the Union's political purpose which would be acceptable to most pro-Europeans. Though some of them might quibble over the wording, it may be stated that the essential political purpose of the Union and its various institutions is, internally, to bind the citizens of the member countries together in defence of their shared values and way of life and, externally, to enable the member states to speak with a powerful collective voice in international diplomatic and political discourse, to strengthen their collective security and to bring to bear their combined weight and influence in world affairs generally.

It is obvious that consensus on the above definition of the Union's political purpose, or on a closely similar one, is of vital importance for the Union's future. As far as the crucial external aspect is concerned, the avowed intention of European leaders to

adopt a common foreign, defence and security policy appears to imply their acceptance of the definition proposed above. Yet neither this nor any similar definition has been explicitly endorsed by European leaders and no definition at all appears in the proposed constitution. The main reason for this, no doubt, is that even staunch pro-Europeans among political leaders and members of the Convention which drew up the constitution have been aware that so long as unanimity is required for decisions on foreign policy, defence and security issues, such a forthright declaration of the Union's external political purpose would give a hostage to fortune, inasmuch as it would risk making the Union look silly if agreement on these issues proved impossible to achieve. Some leaders, moreover, may have refrained from pressing the matter out of concern about opposition to such a declaration from anti-Europeans and eurosceptics in their own national constituencies. For one or other or both of these reasons, therefore, the issue has been side-stepped or ´fudged', with the result that the appointment of a High Representative for the Union's still-to-be-defined common foreign and security policy may be likened to the placing of a horse between the shafts of a wagon that has not yet been equipped with wheels. This is a highly unsatisfactory situation, for unless and until clarity has been established on the matter public opinion and debate on the European project will remain confused, with all the negative consequences this will have for its advancement.

In defending the forthright definition of the Union's political purpose suggested above pro-Europeans face a two-fold task. On the one hand they have to face up to and answer the objections that will be mounted against the proposed definition, particularly the crucial external aspect of it, by anti-Europeans and eurosceptics. On the other hand, they have to show convincingly that the purpose is a feasible one. This is a task that involves essentially tackling the all-important problem considered in detail in the second section of this paper, namely, that of decision-making within the Union.

With regard to the former task, it may be said first that argument about the Union's purpose with outright anti-Europeans is pointless, since they are making what is, for their country, a political ´life-style choice'. Pro-Europeans should point out, however, what the implications of that choice are. Those making it are in effect opting for a situation in which their country will have virtually no influence at all in world affairs (if it is a small one) or only severely limited influence (even if it is a large one). Some might wish their country to be neutral (like Switzerland) or aloof (like Norway) but it is more likely that the majority of anti-Europeans are simply content to accept the dominant role of the US in world affairs and follow its leadership where necessary.

The principal challenge for pro-Europeans will therefore be to defend the above definition of the Union's political purpose from the criticisms of eurosceptics. What is likely to worry them, and even some half-hearted pro-Europeans, is the idea implicit in the definition that the Union should speak and act on the world stage as a fully autonomous political entity. The objectors to this idea agonise over the possibility that a collective voice of Europe might clash with the voice of America. Some of them will argue that loyalty to the ´Atlantic partnership' demands that such a possibility be totally excluded. It cannot be known whether the unpleasant initial reaction in some quarters in the United States to French and German opposition to the Iraq war may have intimidated such ´Atlanticists'. They should note, however, that a deferential posture vis-a-vis the United States will not necessarily be welcomed everywhere in that country any more than it will be respected in Europe. In an article on the Iraq war in the London *Financial Times* of 6 August 2004, Dr. Zbigniew Brzezinski , the former National Security Adviser to US President Jimmy Carter, wrote the following:

"Had the UK, America`s most trusted ally, spoken firmly as the stalwart voice of Europe instead of acting as the supine follower in an exclusive Anglo-American partnership it could have made its voice heard. The US would have had no choice but to listen."

At the intergovernmental level, of course, there was no collective voice of Europe on the Iraq war. The voice to which Dr. Brzezinski was referring was that of Europe's citizens, who in their great majority were opposed to the war. The distinction between these two voices is one which lies at the heart of the problem of democratic decision-making in the Union. With regard to Atlanticism it has to be said in fairness that among its proponents are many who take the entirely sensible position that on major world issues the European Union should always seek to reach a common position or understanding with the US. However the crucial question for these Atlanticists is whether, in the event that such efforts fail, they agree that the collective voice of the Union, assuming of course that one exists, should be heard loudly and clearly.

Closely related to arguments about Atlanticism are parallel ones about ´polarity'. That the US is the world's sole superpower in military terms is obvious, but if the word ´pole' is taken to mean a major centre of economic power and political influence then the world is clearly a multipolar one, with the European Union and China, and possibly soon India and Russia, constituting such poles together with the US. The real debate to which the concept of polarity gives rise is that about whether the European Union should seek to become a rival or countervailing pole vis-a-vis the

US. This is an idea pro-Europeans should shun. As far as military power is concerned a substantial increase in the Union's defence capability is certainly desirable but an attempt to rival the US in this field would be as pointless as it would be unacceptably expensive. As the US is discovering, the problems in the world to which overwhelming military force is capable of providing an answer are few and likely to become fewer. The idea that the EU should seek to become a rival or counterweight to the US in terms of political influence is a less unrealistic notion but it is neither necessary nor desirable that Europe be in any systematic political competition with the US. What is important is that the voice of Europe should be heard loudly and clearly whether it is fully concordant with that of America or not. In other words the EU should see itself not as a rival pole vis-a-vis the US but simply as an independent one. In this connection anti-Europeans, eurosceptics and pro-Europeans alike should reflect on what takes place in the United States every year on the 4th of July, when the citizens of that country celebrate their ´Independence Day'. Originally it was specifically their independence from Britain they celebrated on that day (British believers in the ´special relationship' need to be reminded of this), but today the 4th of July celebrations are an affirmation of America's total independence per se. Pro-Europeans must insist that Europe's status be no different.

   Before leaving the question of the Union's political purpose something needs to be said about its relationship to the question of enlargement. It is obvious that the larger the Union becomes the more difficult it will be for it to find its collective voice, especially regarding any issue on which intergovernmental unanimity is required. Hence, until the Union's decision-making problem has been solved in a way which is both acceptable to the existing 27 members and effective in enabling the Union to fulfil its political purpose, any further enlargement   should be precluded.

   Whether or not such a moratorium is declared, however, pro-Europeans ought to reflect seriously on how the entry into full Union membership of Turkey, with its fast-growing population of over 70 million Muslim citizens, would affect the Union's decision-making and, particularly, its ability to speak as the collective voice of Europe. Pro-Europeans must insist that the basic condition for a country's admission into full membership of the Union should be that it is truly European, which means that it must share Europe's values, cultural heritage and way of life, as well as the Union's political purpose.

The economic purpose

To ask what the Union's economic purpose is is to ask what the purpose of economic integration is. As noted earlier, the first step towards such integration, the European Coal and Steel Community, was seen as helping to cement political ties between the participating countries and pro-Europeans should continue to see the process as having this purpose. While it serves the cause of political unification, however, economic integration has a rationale of its own. Its intrinsic purpose is to boost economic growth and living standards in the Union as a whole through the establishment of a single European market (and customs union) in which the free movement of goods, services, capital and labour, by increasing competition and specialisation, will lead to a more efficient allocation of resources and faster wealth creation. Furtherance of this process does indeed demand a minimum degree of political cooperation among the member states but it does not necessarily require, or automatically lead to, a high degree of political integration. In practice economic integration within the Union has proceeded much faster than political integration and the considerable mass of European legislation that has been adopted by the member governments is overwhelmingly economic in nature.

While the Union's economic purpose is to a considerable extent independent of its political purpose, however, the converse is not true. Although many eurosceptics and some half-hearted pro-Europeans can quite rationally propose that the Union's purpose should be mainly or exclusively an economic one, serious pro-Europeans cannot take the position that it should be a purely political one. This is because attainment of the objectives of economic integration - enhancing the Union's weight and influence in the world economy and the sense of common economic interest among its citizens - is a pre-condition for the fulfilment of the Union's political purpose.

The extent to which these objectives of economic integration are achieved nevertheless depends on how the process is furthered and managed. While a great deal of progress has been made in freeing internal trade within the Union and in harmonising competition rules, pro-Europeans have to be worried by phenomena such as resistance to the freeing of trade in services within the Union, protests that the Union's economic legislation is excessively liberal, talk of 'economic patriotism', and complaints about over-regulation and Brussels bureaucracy generally. Some of the popular disenchantment or disappointment with economic integration doubtless reflects not only the reality that the benefits of the process may be difficult to perceive, overlaid and obscured as they are by cyclical variations in economic activity and

the effects of external ´shocks' (such as globalization), but also the reality that the benefits are unevenly distributed and actually negative for some. Moreover, realisation of the benefits may be frustrated by economic policy failures on the part of individual governments. The persistence of slow growth and high unemployment in recent years in some major member countries of the Union has been a manifestation of this problem.

These realities raise difficult economic policy issues for pro-Europeans, who must strive to ensure that the Union's economic purpose is not pursued in a way that prejudices attainment of its political purpose. Their existence demonstrates how important it is for the Union's decision-making processes to be democratically acceptable as well as effective. This is the problem, to which the provisions of the proposed constitution do not provide a solution, that is examined in the next section.

2.   The Problem

For the purpose of collective policy-making and decision-taking by a group of sovereign states a spectrum of theoretically possible systems exists. At one end is a loose intergovernmental arrangement based on unanimity and at the other end is a fully-fledged federal system in which legislative authority in the main areas of government is transferred to a central federal legislature and executive authority is vested in a central federal government. Since its beginnings as an arrangement occupying a position towards the intergovernmental end of the spectrum, the entity which is now the European Union has evolved to some extent in a federal direction, as a result of a number of institutional changes. Principally these have been, first, the establishment of the European Commission, a body whose nominated members are charged with the task of proposing European legislation and of monitoring the implementation of laws that are adopted; second, the creation of the European Court of Justice with the power to interpret and adjudicate on the application of European laws; third, the establishment of the directly-elected European Parliament which has been given power to enact legislation jointly with the member governments as well as certain functions of political control and consultation; and fourth, the modification of the unanimity rule by the introduction of qualified majority voting by governments for the purpose of decision-making in certain (mainly economic) areas of policy.

Despite these changes, however, the Union is still far from being a fully federal system. This is evident from the fact that the areas of foreign, defence and budgetary policy, as well as a number of other policy areas, remain subject to the rule of unanimity. The disagreements which arose over the Iraq war, as well as more recent wrangles over the Union's budget and other matters, have demonstrated how difficult this makes the problem of ensuring that the Union's political purpose can be pursued effectively. It is, however, only one aspect of the problem, because a major difficulty exists also in the areas of decision-making where the unanimity rule does not apply. This consists in the fact that the arrangements that have so far been devised for qualified majority voting in these areas are insufficiently democratic and unlikely to be capable of working effectively and acceptably. Nevertheless, since the introduction of these arrangements represents the furthest step in a federal direction that the member governments have so far taken, it is appropriate to start an analysis of the Union's decision-making problem with an examination of them.

The Union governments have in fact agreed upon two systems of qualified majority voting, one that was adopted by the European Council at Nice in 2000 and is at present in operation, and a modified version of it that was incorporated in the proposed constitution and which, if the constitution were adopted, would come into force in 2009 in place of the original Nice system. Since, despite non-ratification of the constitution, the modified system could conceivably be introduced by separate legislation, both systems need to be examined. The adoption of the original Nice system was a consequence of the realisation by the then existing and prospective member governments that in a Union of 25 or more members some modification of the unanimity rule would be necessary to facilitate decision-making. The system adopted after intensive and difficult negotiations allocated voting weights to the then existing 25 member countries very roughly according to size. Eleven small countries received weights ranging from 3 to 7, eight medium-sized countries were allocated weights ranging from 10 to 13 and six large countries obtained weights of 27 to 29. To be adopted, decisions under this arrangement had to obtain 232 votes (72.3% of the total) from a majority of the member countries or, in certain cases, from two-thirds of the members. There was a further provision that the countries constituting a majority should represent together at least 62% of the total population of the Union.

It is not surprising that the Convention which drew up the proposed constitution for the Union considered this arrangement to be unduly complicated and in some respects anomalous (Poland and Spain were allocated weights almost as great as

those accorded to Germany). The Convention therefore proposed a simpler and somewhat more rational system which was subsequently modified slightly by the member governments. As it stands in the latest version of the constitution the revised system requires a qualified majority decision to be taken by at least 55% of member states (with a minimum of 15) representing at least 65% of the Union's population.

Many commentators have pointed out that the original Nice system (which is still in force) is not only highly complicated but also highly arbitrary, based as it is on an allocation of voting weights which was decided through a process of haggling among the member governments. What has been less clearly perceived, however, is that the revised system provided for in the constitution, while undoubtedly simpler, is scarcely less arbitrary. Although population size is an objective criterion for the allocation of voting weights, it is by no means a democratically rational one. The weighting of votes by total population might appear superficially to establish some sort of rough link between decision-making in the Council of Ministers and popular opinion across the Union but in reality of course it does nothing of the kind. One obvious reason for this is simply the fact that democratic governments are not elected by unanimous votes of their entire populations. Under non-compulsory voting systems they may be elected by a minority of the electorate while under non-proportional systems they may even be elected by a minority of the total votes cast. A more important reason, however, is the fact that the positions taken by some governments in the Council might actually be quite contrary to majority opinion in their respective populations, a possibility strengthened by the fact that governments are not usually elected on the basis of their stances on European issues. Moreover, even if each government's position did accurately reflect majority opinion among its own citizens, this theoretically would still not ensure a truly democratic outcome in population-weighted voting. If majority opinion outweighed minority opinion by a narrow margin in the countries whose votes were responsible for carrying (or defeating) a proposal, and by a wide margin in the other countries, it is perfectly possible that minority opinion in the former countries and majority opinion in the latter would together represent the opinion of a majority of citizens in the Union as a whole who were opposed to the decision which was actually taken. Much would depend on how evenly divided or otherwise popular opinion on the issue was in the larger countries.

Here it may be argued that since it is impossible for decision-making in the Union to take place by popular Union-wide referendums, the system provided for in the proposed constitution is the most practical way acceptable to governments in which effective decision-making in the Union can be facilitated. There is nevertheless a

high possibility that operation of either the Nice system or the simplified version of it, because of the democratic weaknesses inherent in both, will sooner or later lead to deadlock or crisis, either as a result of the unwillingness of one, or more than one, government to accept a qualified majority decision on some key issue, or because of serious popular opposition to one or more of such decisions. The great difficulty governments had in reaching agreement, first on the original Nice system and then on the revised version, should be taken as an early warning sign of the potential weaknesses inherent in both of them. Pro-Europeans should therefore consider whether there may not be a better approach to the entire problem of decision-making in the Union.

The sharing of sovereignty

When any group of democratic states agree to share or ´pool' their sovereignty in any areas of policy or action, the basic problem they face is that of how to define and determine the ´collective majority will' for the purpose of decision-making in the areas concerned. Clearly this is essentially a political problem and not simply a technical one requiring for its solution only a suitable choice of country weights and majority thresholds for use in intergovernmental voting. An illustration of this point was provided in an article in the *Financial Times* of 16 January 2004 by the then Polish foreign minister at the time when the negotiations over the simplification of the Nice voting system were still going on. In the article the minister stated that the art of compromise was a characteristic of European integration and warned that this "could be undermined if decision-making procedures are geared to pushing through decisions, rather than seeking agreement". Ironically this could be interpreted as an argument for retaining the unanimity principle. Essentially, however, it points to the reality that when collective decisions are taken by the Union, what matters is not merely the manner of their adoption but also their ability to be generally accepted by governments and citizens without undue strain being put on the Union's cohesion. Under the arrangements provided for in the constitution, and notwithstanding the increased role they give to the European Parliament, such strain might easily be generated not only by the inevitable tendency of Union governments to pursue national interests, to engage in back-stage dealing or to put pressure on each other, but also by hostility on the part of Union citizens to decisions they see as being taken over their heads in bodies remote from their influence. It is no doubt their awareness of this danger that explains why governments try to avoid resorting to qualified majority voting in the areas where it is applicable, with the result that the great majority of decisions in the Council of Ministers are in practice taken by consensus.

In a federal system the problem of collective decision-making is solved in a stable and effective manner by virtue of the fact that in a federation, while the member states retain their separate identities and some of their sovereign prerogatives, ´intergovernmentalism' disappears completely. To be able to judge how far in this direction the Union will have to move in order to solve its decision-making problem it is therefore necessary to look at how a federal system works. In particular, it is necessary to examine how the collective majority will is determined under such a system and the conditions which must be fulfilled before the governments and citizens forming a federation become willing to submit themselves continuously to it.

The central legislature of a typical democratic federation comprises two chambers, a lower house consisting of directly elected representatives of the entire population of the federation and an upper house, or senate, consisting of representatives of the member states as such. The latter may also be directly elected or, as in the case of the Bundesrat of the Federal Republic of Germany, they may be the locally-elected heads of the state governments themselves. It is noteworthy that in either case each state has an equal number of representatives in the upper house, and hence an equal voting weight, regardless of size. The central government of the federation may be formed by a directly elected president, as in the USA, or by a prime minister (or chancellor) elected by the lower chamber of the legislature. It may be noted in passing that the European Union possesses two institutions, the European Council and the European Parliament, which correspond superficially to an upper house of the Bundesrat type and to a lower federal legislature respectively. In the European Commission the Union also possesses an institution, very much ´sui generis', which resembles in some respects a government and in others a civil service but which in fact is neither.

The crucial characteristic of a federal system, which distinguishes it from any kind of intergovernmental arrangement, is that the collective majority will which in principle governs the process of central decision-making is not the will of a majority (qualified or otherwise) of the state governments. It is the much broader popular majority will which is expressed by the citizens of the federation in direct elections to the lower chamber of the federal legislature and possibly also to the upper chamber and to the office of head of the central executive. It is therefore a collective majority will which is determined more accurately and more democratically than it is in any intergovernmental system that treats the will of the government of the day of each participating state as being the will of the entire population of the state.

That the collective majority will should be determined in this kind of way is one of the conditions on which the governments and citizens of the states forming a democratic federation will be prepared to submit themselves to centralised federal government. A prior condition for the granting of this consent, however, is that the governments and the great majority of the citizens concerned should share a sense of solidarity based on common values and on common interests strong enough to override purely national interests. The existence of a common language may not necessarily be a further pre-condition of federation but the widespread use of a ´lingua franca' (like English in India and Russian in the former Soviet Union) may well be one as will be also the use of a common currency. The ambitions of the European federalists notwithstanding, it is clear that these conditions are far from being fulfilled to the extent necessary to enable the Union now to contemplate any imminent move all the way to the federal end of the earlier-mentioned institutional spectrum. Nevertheless the progress that has been achieved in political and economic integration is sufficient to make it feasible and worthwhile for the Union, by adopting some elements of the federal decision-making process, to move further along the spectrum far enough to enable it to pursue its purpose more democratically and effectively.

The European Parliament

At this point it may be claimed that such a move is already provided for in the proposed constitution, by virtue of the fact that it would give the European Parliament a somewhat enhanced power of co-decision, i.e. the right to enact legislation jointly with the Council of Ministers, as well as certain additional powers of oversight and control. Even with these changes, however, the Parliament's powers would continue to be essentially negative or reactive ones. Thus, while according to the constitution the Parliament may seek to amend, and ultimately may block, legislative proposals emanating from the Commission, it may not itself propose legislation or other so-called legal acts (regulations and decisions). Similarly, it remains the case under the provisions of the constitution that while the Parliament has the right to approve the membership of the Commission as a whole, and to dismiss it en bloc through a vote of censure, it has no power to nominate its President, who is nominated by the European Council, or its members, who are nominated by the member governments and selected by the President. The only positive power granted to the Parliament in the constitution, apart from the right to appoint a European Ombudsman, is the power to request the Commission to submit a proposal on any matter "on which it (i.e. the Parliament) considers that a Union act is required for the purpose of

implementing the Constitution". What this means is unclear but in any case the Commission would be under no obligation to accede to such a request, although if it decided not to do so it would have to give its reasons. Thus even the enhancement of the Parliament's powers in all the ways envisaged in the constitution would do little to modify the essentially intergovernmental nature of the Union's decision-making processes.

The powers of the Parliament therefore ought to be increased to a greater extent than is envisaged in the constitution. This, however, will not be enough to enable it to play the role it ought to play in democratising the Union's decision-making unless an additional and more fundamental difficulty is overcome. This springs from the fact that the Parliament does not at present reflect Union-wide popular opinion in the clear way that such opinion is reflected in the lower chamber of a typical democratic federal legislature. One reason for this is that the members of the Parliament are not all elected on the basis of strictly proportional representation and another is that the number of representatives allocated to each member country is not strictly proportional to population. The main reason, however, is the fact that elections to the Parliament are not contested by Union-wide political parties which take clear stances on European issues. The members of the Parliament are in practice elected to it on the basis of their membership of national parties and of the stances of these parties on national rather than European issues. For most commentators and analysts, therefore, European parliamentary elections are interim tests of the relative strengths of the main national parties and their results are assessed in terms of their implications for domestic politics.

Essentially, therefore, the European Parliament is at present an institution in which representatives of national parties are simply juxtaposed and not a body whose composition is the outcome of any kind of Union-wide political debate. This is the most important aspect of the widely deplored democratic deficit in the Union and this truth is not diminished in any way by the fact that most of the national parties concerned have formed like-minded cross-country groups, since these so-called ´European political parties' have no real existence outside the Parliament itself. Another important aspect of the problem is the fact that members of national parties elected to the European Parliament remain subject to party discipline and are therefore likely to be under strong pressure, if not compulsion, to follow the ´party line' on European issues, especially when sensitive national interests are involved. An apparent example of this was the way voting took place in the Parliament on a proposed take-over rule that would have removed the restrictions which at present under German

law prevent a take-over of the Volkswagen car company. Out of the 99 German members of the Parliament 98 voted against the legislation in question and thereby prevented its adoption.

Despite all these weaknesses and anomalies the European Parliament is nevertheless an institution crucial to the process of political integration in the Union. Pro-Europeans should recognise that if it could be transformed into a more democratic and accurate sounding-board for Union-wide popular opinion on European issues the way would be opened for it to play a much more important role in the Union's decision-making in all areas, including those where the unanimity rule at present applies. A key condition for such a transformation is that elections to the Parliament take place on the basis of European instead of national issues. Fulfilment of this condition would in turn revive popular interest and participation in these elections, which are currently characterized by public apathy and low turn-out. It is often pointed out that the main obstacle to the required change in the nature of elections to the Parliament is the absence of a truly Europe-wide political life. Efforts to make the Union's functioning more democratic and effective must therefore start with an examination of how this deficiency can be remedied.

Putting political life into Europe

The first point that needs to be made regarding this problem is that it is not one that can be solved by any kind of policy for improved communication between the Commission and the European public, as envisaged by the former in a recently-issued White Paper. It is not through an expansion of the Commission's output of explanatory documents and papers, or of its use of the internet, that a European political life can be generated. This requires first of all more cross-border contact and exchange of ideas among pro-Europeans. At present, opinions and policy ideas on European issues put forward by pro-European politicians, commentators or think-tanks are unlikely to achieve much, if any, currency outside the countries in which they are expressed. A second requirement is that views on European issues that are widely shared throughout the Union should be the subject of discussion and debate in the broadcast and print media in all the member countries. The principal requirement, however, is that the Union's citizens should be able to pronounce on competing European policy proposals in elections to the European Parliament.

A true cross-border political life of this kind would ideally be based on the existence of two or more genuinely Europe-wide parties which competed for seats in the

European Parliament. Such parties would not contest national elections and would concern themselves solely with European issues together with their implications for national policies. As already mentioned, however, the so-called European political parties which at present exist in the European Parliament are not parties of this type but merely unstable coalitions (formed from among a multitude of national parties) which function only in the Parliament. None of them, moreover, has ever published any kind of agreed policy platform or manifesto. There is therefore a need for at least one new genuinely pan-European political party which, by competing for seats in the Parliament with national parties in all or most member countries, would act as a catalyst in the necessary process of infusing cross-border political life into the Union.

Since its sole aim would be to advance the European project the proposed new party would have to be founded on the basis of a widely-shared concept of the Union's purpose. This might be the one suggested in the first part of the present paper, on which it should be possible to build a large degree of consensus. Associated with this would have to be a shared view on how the Union should develop institutionally, i.e., on how much further its decision-making processes should evolve in a federalist direction, assuming that the Parliament can be transformed into a body reflecting Union-wide popular opinion more democratically and accurately. In addition, however, the party would have to draw up an electoral platform covering specific issues in the various areas of the Union's competence and here consensus-building might be more difficult.

At present the pro-European vote in each member country of the Union, in European as well as national elections, is shared by different national parties of the left, right and centre. At the national level, however, these traditional labels are rapidly losing their significance and at the European level their meaning is even less clear. This is particularly noticeable in the area of foreign policy but it is also evident to a considerable extent in that of economic and social policy. Pro-Europeans of all shades of traditional political colour should recognize, therefore, that in the European Parliament their cause would be better served by a Union-wide party that pursued it single-mindedly than by any combination of national parties with schizophrenic attitudes towards it. They should note also that there is no reason why eventually, after a true Union-wide political life has developed, differences among them on institutional and/or sectoral policy issues might not give rise to the founding of one or more rival pan-European parties. Initially, however, they should support the creation of a pioneer party which would begin to have a stimulating impact on the Union's

political life from the moment it came into existence. For that reason the fact that the next elections to the European Parliament are not due to take place until 2009 is not of great importance. A substantial amount of time would in any case be needed first to launch and establish the party and then to prepare it for an election campaign.

A number of policy ideas which might be reflected in an electoral programme for the proposed new party are considered in a separate paper (see below). In the present paper, however, something more can and needs to be said about some of the problems involved in bringing the party into being. The creation of the party would no doubt be a complex and difficult enterprise but there is nothing inherently unrealistic about the idea. This is shown by the fact that the alliances of national parties represented in the European Parliament are being referred to as European parties. The idea is even given explicit support in the statement included in the now stalled European constitution that "Political parties at European level contribute to forming European political awareness and to expressing the will of Union citizens". If the idea has not yet been taken up seriously it is perhaps because no proposals have been put forward specific enough to constitute a basis for discussing it. This is a deficiency which hopefully the present paper may help to remedy but the idea of creating the party raises also the question of how and by whom the necessary discussions might be initiated and who the prime movers in the enterprise might be. One possibility is that one or more of the many research institutions (think-tanks) concerned with European politics might convene debates or symposiums on the question. Similar initiatives might be taken also by more evangelical bodies such as the European Movement in Britain or the Europa-Union in Germany. Out of these discussions a spreading network, national and international, of supporters of the project might emerge who would together take it forward in ways that it would be pointless to speculate upon at the present stage.

Another possibility, which could be complementary to the first, is that some national parties which shared the ideas put forward in the present paper might agree that the proposed new party, once it was up and running, should take over their own roles in the European Parliament while they concentrated on national politics. Such parties might actually assist in forming and launching the new party, which would then become to them a sister party operating at the European level. In this they would be greatly helped by any of their own members who held seats in the European Parliament and who, once the new party had come into existence, would re-label themselves as members of it. Whatever steps were taken to get it off the ground,

however, the new party would have to acquire eventually an individual membership, its own sources of finance and a truly cross-country leadership. Some other potentially important practical issues are considered below in question and answer form.

Could the creation and functioning of the new party be prevented or obstructed?

It may be noted that the reference in the proposed constitution to ´political parties at European level' is somewhat ambiguous inasmuch as it could be interpreted as applying merely to the loose groupings of national parties which already exist in the Parliament. It is difficult to imagine, however, that any member government of the Union, or the Parliament itself, would challenge the right of Europe-wide parties to exist and to seek representation in the Parliament. Any such move would totally contravene the Charter of Fundamental Rights of the Union, already agreed by governments and incorporated in the constitution, particularly the articles relating to freedom of expression, information, assembly and association, and to the right of Union citizens to stand as candidates for election to the European Parliament.

How would the proposed new cross-country party differ from a typical national party?

Such a party would aim to recruit as members people whose interest, and perhaps vocation, was in European rather than in national politics. Members of the party who stood for election to the European Parliament would do so as representatives of the common European interest and would be expected to place that interest above purely national interests, including those of their own nation. Members elected to the Parliament would be expected also to be immune from pressures of any kind from their own governments, something that would differentiate them sharply from Parliament members representing national parties, who are subject to such pressures, especially when their own party is in power at the national level. In the Parliament the new party would have no inhibitions about criticising, as it felt necessary, the policies or behaviour of individual member governments, or about advancing proposals of its own on any European issue. In general it would follow the policies set out in the party's manifesto, or decided by its pan-European leadership, but otherwise it would operate within the Parliament with a considerable degree of autonomy.

What would be the relationship between the proposed European party and national parties?

   It might well be that the stance of a particular national party on European issues was very close to or even identical with that of the new cross-country party. If, as suggested above, an agreement was reached under which the national party refrained from putting up candidates in European parliamentary elections in opposition to candidates of the new party, there should be no objection to a member of the latter party being also a member of the national party concerned. Within the Parliament itself there would be no reason why the new party, while maintaining its complete independence, should not make common cause, tactically or strategically, with other parties on particular issues. It is to be hoped that if the new party were successfully launched, a good number of parliamentarians at present representing national parties of varying political hues would 'cross the floor' (in British parliamentary language) and switch their allegiance to the new party. The encouragement of such moves would be an important part of the new party's strategy.

Conclusion

Efforts by its member governments to endow the European Union with a formal constitution are not the most urgent challenge facing the European Union. More urgent is the need to revive popular interest in and support for the European project. This requires the development of a true Union-wide political life, out of which might emerge a popular consensus on the purpose of the Union and on how it can function more democratically and effectively. The necessary instrument for triggering this development is a new pan-European political party which, on the basis of its own proposals on these matters, would seek representation in the European Parliament in competition initially with national parties. What some of these proposals might be is discussed in *Unifying Europe (2): Building a Platform for a Pan-European Party (European Essay No. 40)*.

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