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**Research Report**

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## Lessons from the Failed Constitutional Referenda

The European Union Needs to be Politicized

*Daniela Schwarzer*

The rejection of the EU Constitution Treaty by the people of France and the Netherlands has thrown the European Union (EU) into a state of shock—now it is time to learn lessons from the referenda and the debates conducted in the lead-up. France in particular went through a passionate debate about the future of the EU which raised a number of major issues. It was not fundamental anti-EU sentiment that led to rejection of the Treaty but dissatisfaction with the French government's domestic policies, coupled with divergent ideas about the future shape of the EU. The results in France and the Netherlands revealed an alienation between the population and the EU which has been perceptible for several years, for example in European parliamentary elections. If the EU is to regain legitimacy in the eyes of the population, it must be politicized and entrenched as a democratic project.

The clear rejection of the EU Constitution Treaty in France (54.9 percent “no” votes) and the Netherlands (61.6 percent) sent the EU spinning into a crisis of unique proportions: the populations of two of its founding members brought down a treaty, whose drafting by the Convent was celebrated as a revolution not so long ago. The attempt to negotiate an amendment to the Treaty through open dialog rather than by government officials behind closed doors was a conscious break with established traditions. Entrusting the Convent with drafting the Treaty was a way of ensuring openness and a link to the people in the Treaty negotiations, and also of overcoming

obstructionism in international negotiations.

This attempt has failed. Various proposals have been made for getting out of the crisis, such as renegotiating the Treaty, continuing or halting the ratification process, and implementing individual components of the Treaty by different means. But that does not remove the problem—the particularly painful fact that the population has blasted the work of the recently lauded Convent. The innovation that was the Constitutional Convent did not suffice to have the desired effect. This is a signal that the EU is loosing its legitimacy in the

eyes of its citizens. The most pressing political task is now to restore it.

### **Politically Mature Debate**

Despite all the populist exaggeration and power-political intrigues, in particular France's debate on Europe showed that it is possible to argue about the future of the EU with political maturity. The debate on the future shape of the Union went on for months. There was a distinct right/left polarization: in addition to right-wing opponents of the constitution who argued for the preservation of French sovereignty, the Treaty was also opposed by a strong alliance of left-wing groups who otherwise call themselves "pro-European" because one of their demands is for greater social protection. Their "*non*," unlike that of the pro-sovereignty camp, did not paint a contradiction between the nation state and the EU. What made their position acceptable was their rejection of a particular step of integration, without being against the EU per se.

Many of the arguments of the constitution's left-wing opponents were unrealistic. But despite their exaggerations it became very clear that the population's expectations of the EU are not being fulfilled. Europe is no longer accepted purely as a peace project that deserves support on the merits of its stabilizing effect alone.

The populace, not only in France, expects a community that guarantees prosperity and social protection, the level of which should be determined politically. The demand of the constitution treaty's opponents for greater EU powers in economic and social policy is a reflex against a reality that is becoming more and more tangible for the citizens of all EU countries—the single market, currency union, and EU supervision of industrial and structural policy greatly limit national scope for action. EU economic policy has become more complex and less transparent due to the asymmetries of power, particularly in the currency union, and has been

depoliticized by procedures such as the "Open Method of Coordination." In view of the high degree of interdependence it would make sense to lift the debate on economic policy to the level of the EU. It is no surprise that France is bringing forward this issue, if we bear in mind the French tradition of state interventionism.

What is more, France and the Netherlands show us what can happen when the EU's population no longer supports the presentation of the EU as an integration *process*. Beginning in the 1950s, steps toward greater integration were received more or less enthusiastically. The population never demanded a clear definition of the goals of integration in terms of the size and depth of the community—and thus no answer was given. Now the strength of the "no" vote in France and the Netherlands has shown in all clarity how contentious not only the form and goals of the community are, but also its size. The Constitution Treaty has become the victim of a neglected debate that should have been held at an early stage throughout the EU, coupled with a downbeat mood in the face of poor economic development.

### **No Great Wonder**

The tenor of the debates in France and the Netherlands can be seen as typical of the mood in other EU countries. An increasing number of Europeans today express expectations of the Union, for whose fulfillment little or no means are available at European level. In current Eurobarometer surveys, 54 percent of those questioned said the fight against unemployment and social exclusion should be the main task of the EU. This reflects the arguments for rejection fielded in the French debate. The citizens' wish for European policies that guarantee stability, prosperity, and employment has not been fulfilled sufficiently.

The alienation of the population from the EU, Europe-wide, is shown in the fact that European parliamentary elections are increasingly marked by abstention, nation-

ally motivated voter choices, and protest votes. What is more, in the most recent Eurobarometer survey only 50 percent of respondents said they trusted the EU—the figure for the United Nations was at least 54 percent.

One reason for this poor result is a double frustration: people feels the EU is undemocratic and beyond their influence to shape, and it does not satisfy the expectations they have of it. The opportunities for participation are considered to be low: only 48 percent of those questioned were satisfied with the way the EU's democracy works. The result for French respondents was even lower, 45 percent, while in Germany the figure was 47 percent.

### Promoting Democratization

These observations suggest that the EU needs to be politicized more strongly in order to anchor it in the population as a democratic project. To date the standard reaction to the gradual delegitimation has been to discuss the retransfer of powers to the member states and make attempts at debureaucratization. The constant surveillance of EU powers in line with the principle of subsidiarity is a meaningful measure. But it reaches its limits where Europe is so closely interlinked that a retransfer of powers would neither be politically expedient nor, in this case, desired by the population.

Opinion-poll data shows that the population of the EU is not fundamentally Euro-skeptical. On the contrary: when asked about the pace of integration they desired, respondents gave an average of 4.7 points on a scale from 1 (stagnation) to 7 (as rapid integration as possible); the current state of integration was rated 3.9. A total of 51 percent hoped the EU would play a greater role in their everyday lives in future.

Yet at the same time the citizens—who politics should be made by and for!—are alienated from the EU and the policies of the nation states by the apolitical way in which many crucial issues are treated. No

wonder: close interdependence and synergies mean that European-level decisions make sense, and sometimes the populace appreciates this; but debates on European policy still take place almost exclusively within a national framework and are largely shaped by actors pursuing national political agendas. This is the origin of the tendency to blame all unwelcome developments on "Brussels." Consequently European problems are often not assessed and discussed in their European context.

The more debates on the EU are conducted at a European level, the harder it will be to use European problems to forward national political agendas, as sections of the Parti Socialiste did in the French constitutional debate. Political logic must therefore be married to decision-making necessity. The following steps would be conducive to this end:

1. The actors of European politics at EU level, and above all in the individual member countries, must send out a clear signal that the political has priority over the administrative. This applies in particular to those policy areas where the power to act has largely been transferred to the EU. The Union needs a strong European Parliament, but also a European government legitimized through European elections; the government should be in charge of an administration provided by the Commission. This is because, in a democracy, responsibility toward the citizens is a significant factor ensuring the legitimacy of the executive and legislative. This would also eliminate the problem that the national governments act in the European context both as legislative and executive (the latter in foreign, security, and defense policy), but in the national framework only as executive.
2. The political parties in Europe must become effective and democratic structures for association and communication and be recognized as such by the population. First steps would be the introduction of direct membership, as already

practiced by the EPP, and the drafting of uniform EU party programs after the model of the Greens. The European parties should field teams of top candidates recruited EU-wide for the key positions in European parliament and government. There is still no European political leadership, one which would conduct the justified political contest at EU level. As things stand, the people are using European parliamentary elections as “secondary elections” to punish national governments, which is far from their intended purpose.

3. All future amendments to the EU Treaty and enlargements of the Union should be ratified in Europe-wide referenda. In order for a decision to be accepted, a majority of the total population of the EU and a majority of member-country populations should give their approval. The present situation, where some countries ratify by referendum and can bring down the constitution, like in France and the Netherlands, while the people of other countries have no direct vote, is untenable.
4. A point must be made of holding EU-related debates throughout the Union. Firstly, this is a way of counteracting the instrumentalization of European issues by parties in individual countries, as occurred in France. Secondly, an open and democratic debate that reaches the whole population is the precondition for minorities acknowledging the decisions of the majority. The more the growing EU operates by majority decisions rather than unanimous votes, the more important it becomes that the proceedings—including public debate—be recognized as legitimate.

people will continue to turn their backs on the Union.

Not surprisingly, the same problem also exists in the context of individual member countries: as long as parties in the individual states maintain the illusion that they can master particular challenges in a national framework—although they do not have the power to do so—there will be promises they are unable to fulfil. European problems must be clearly identified in order to avoid political frustrations.

The French debate has shown that dispute about Europe is possible—and necessary. There is broad acceptance for the EU in the population, at a basic level; but there is a legitimate need for political debate concerning its shape. The relationship between market and government, for example, must be brought into equilibrium democratically, not technocratically. Political dispute of this kind needs arenas and mouthpieces; if it does not take place, the delegitimization of the EU will continue. The political vacuum could then be filled by populist EU opponents steering debate in a direction that had detrimental consequences for the further existence of the Union.

### Thriving on Argument

These steps would promote honest political competition, make decisions more democratic, and thus strengthen the legitimacy of the EU system. If this is not achieved,

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