

# **The European Citizens' Initiative. A New Springtime for European Democracy?**

*by Guido Montani*

The European Parliament has defined the European Union a "Supranational democracy". Unfortunately, the citizens' behaviour mitigates this statement: since the first European election of 1979, until the last election of 2009, the turnout continuously decreased. Without doubt, a participation problem exists. Citizens are involved in national political debates everyday, but only occasionally in European politics. Accordingly, they do not consider the European Union a political union of national peoples. Forty years after the first European election, the public image of the European institutions is alarming.

Today, a change is becoming possible. After the ratification of the Lisbon Treaty, European citizens and organisations of civil society can exploit a new democratic power, the European Citizens' Initiative (ECI). Art. 11 of the Lisbon Treaty states: "Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties." Of course, the practical possibility to exploit this new democratic instrument depends greatly on the procedures under discussion in the European Commission, the European Parliament and the Council. Some uphold that the ECI confers a new political right to the citizens: the right to initiate a legislative process, on an equal footing with the Commission. In such a case, the ECI can work as a bridge between representative democracy and direct democracy. The question is tricky and deserves a deep discussion, especially in a phase in which the Lisbon Treaty shows clear limits for UE governance. We shall examine the ECI in the context of the EU institutions and politics, considering that the ECI can have a real impact on the future of European democracy only if institutions of representative democracy, first of all the European Parliament, fully support the citizens' will. In order to discuss this problem, we shall examine the following topics: I. The original sin of European integration; II. The system of European parties; III. The European public sphere; IV. One Government for the EU.

## ***I. The Original Sin of European Integration***

In his *Memoirs*, Jean Monnet remembers that the project of the European Coal and Steel Community (ECSC) was kept secret until the last minute, because Schuman and Adenauer were afraid of negative reactions within national bureaucracies and political parties. The Schuman Declaration, of May 9th 1950, came as a surprise in European politics. Secrecy was a necessary condition for the success of the project. After the *fait accompli*, it was easy to ask other countries to join the Franco-German group and resist UK attempts to dilute the political contents of the project.

The ECSC was not conceived as an international organisation, but as an embryo of a federal state, with a democratic body, the Common Assembly, temporarily constituted by representatives elected in national parliaments until its election by universal suffrage. Jean Monnet, the first President of the High Authority (today, the Commission), in his first speech to the Assembly said: "the European Assembly is endowed with sovereign power ... All institutions can be modified and improved by

experience. What will never be disputed is that they are supranational institutions and, let us say the word, federal. They are institutions that, within the limit of their competences, are sovereign". Even in the Council, excluding exceptional matters, the unanimity rule was abandoned. Indeed, what today is called, in Brussels and Strasbourg, the communitarian method is the federal method, "let us say the word".

Historical circumstances and conditions are what they are. Without the ingenious device and the bold initiative of Jean Monnet it is difficult to imagine how a supranational institution could have been set up in 1950's Europe. But, very soon, when the Six had to face the problem of a common defence, the ECSC became inadequate. The French government proposed a European Defence Community (EDC), i.e. a European army. Right away, Altiero Spinelli and the federalists understood that a European army had to be entrusted to a political Community, democratically legitimated by a Constituent Assembly. The history of the *Assemblée ad hoc* and the failure of the EDC, in 1954, is well known. Here, we want only to stress the fact that the federalists made the first attempt to put the European institutions onto democratic legs. Moreover, after the EDC's failure, without delay, the federalists tried anew to build a democratic Europe campaigning for the European People's Congress, a kind of directly elected European parliament, whose main goal was to claim a European Constituent Assembly. But even this attempt failed.

The lack of legitimacy of European supranational institutions had negative consequences on their future. When in the Sixties, the President of the Commission, Walter Hallstein, proposed to complete the reform of the Community with the institution of a Community budget and the majority vote in the Council, President de Gaulle strongly rejected the Commission's proposals: they were considered an onslaught to national sovereignty. France could never accept to be outvoted. In 1966, in Luxembourg, France gained the preservation of the veto right when a major interest of one of the member states was at stake. Since then, unanimity and not majority became the decision-making rule in the Council.

We can read the history of European integration as the struggle between the supranational principle and the national sovereignty principle. After de Gaulle, Europe advanced in many crucial fields, such as the Single Market and the Monetary Union. These advancements went along with institutional reforms, like the direct election of the European Parliament in 1979, which was considered a major federalist achievement. The elected European Parliament, at the beginning considered just a consultative body, was able to seize significant powers. Today, with the Lisbon Treaty, it co-legislates with the Council on many issues. In such a case, we can say that the communitarian (or federalist) method has been adopted: the Council and the Parliament legislate on the basis of the majority rule; the European Commission executes and the European Court of Justice watches over the implementation of European laws. The real problem is that for important matters, such as foreign and security policy and the size of the European budget, the main powers remain in the hands of national governments. Therefore, an intergovernmental Europe gets along with a federal Europe. No wonder European citizens do not understand the workings of the European Union.

Without the citizens' support, the EU is weak and incapable to act effectively. After the fall of the Berlin Wall and the end of the Cold War, Europe has to face new challenges: the instability of the global market, international terrorism, nuclear proliferation, migration, climate change, and the

increasing competition of emerging economies, like China, India and Brazil. The old international order, built by the USA after the Second World War, is under stress and a global breakdown has become possible, as the 2008 financial crisis has shown. Europe's incapability to face global challenges is reflected in the debate on Europe's decline. But Europe's decline is not a destiny. Europe, for its history and the universal values embedded in its culture, is able not only to solve its problems but also contribute to the progress of humankind, showing the way for a new world democratic order. If national politicians are not able to see how to give a future to Europe, citizens and civil society can show the way.

## **II. The System of European Parties**

The construction of a supranational democracy proceeds alongside the construction of a supranational state, even if the speed of the two processes can be different. The ECSC and the EEC were built without any significant improvement of European democratic institutions. But, after the direct election of the European Parliament, we can observe a closer interdependence of the two processes, even if the European parties did not play their role fully.

In a democratic state, political parties are the indispensable link between citizens and institutions. A political party takes in people's values and elaborates a programme to carry them out. The present democratic deficit of the European Union is partially explained by the weakness of European parties. For the first thirty years of European integration, in the European Assembly, the European parties evoked the symbol of the supranational values of their ideology, but only national governments fostered European construction. National parties were usually passive, with the exception of the ratification phase. Europe was considered a foreign policy affair of their government. After the direct election of the European Parliament a moderate improvement came about. Indeed, the European Parliament was able to exploit all the reforms proposed by the governments to obtain more powers. But the European Parliament – if we exclude Spinelli's Project of 1984 – was never able to take an autonomous initiative for a constitutional reform. The passive attitude of the European Parliament is difficult to explain. The European Parliament is the only legitimate representative of European citizens and has many powers – if it wants to exploit them – to impose a European-wide debate for reforms, on which the European citizens agree, such as a European rapid reaction force and a Plan for growth and sustainable development. The citizens cannot but think that the behaviour of the European Parliament means implicit subordination to the Council.

The passive role of the European Parliament is certainly one of the causes of its insignificance in the citizens' opinion and of the low turnout on the occasion of the European elections. Rousseau's critique of representative democracy fits the European case very well. "Sovereignty cannot be represented – wrote Rousseau in the *Social Contract* – ... the people's deputies are not, and could not be, its representatives ... The English people believes itself to be free; it is gravely mistaken; it is free only during the election of Members of Parliament; as soon as the Members are elected, the people is enslaved; it is nothing." In effect, the European citizens vote for a Parliament, which does not fight to affirm a more democratic Europe: after the Election Day, "the European people are enslaved; it is nothing". Accordingly, for the euro-sceptics it is easy to maintain that the European people do not exist and that the European Parliament is a waste of public money.

Two are the interrelated causes of the passive role of the political parties: the first is the ideology of the primacy of national democracy over European democracy; the second is the lack of organisational autonomy of European parties before national parties. As far as national democracy is concerned, it is enough to quote Carl Schmitt's sharp statement: "The French Revolution of 1789 ... assumed the *nation française* as a historical fact; ... one nation moulds a state, a state incorporates a nation" (*Verfassungslehre*). It is true that the making of the nation state and the spread of democracy were two parallel and self-enforcing processes. Nevertheless, the nation is assumed as "a historical fact," a prepolitical entity, a myth. Today civil society relationships spill over national borders, but a supranational democracy cannot have national roots: Europe is not a nation. For backward-minded people this is an insuperable hurdle. The main political leaders prefer to fight for national powers instead of fighting for a seat in the European Parliament, where they can spur European democracy. This behaviour testifies that they believe that the future of their national people depends more on the survival of national sovereignty than on the European Union, as a political union of national peoples, who manage their sovereignties together. The national leaders do not accept to give more powers to the EU, especially in the fields of foreign policy and budgetary policy. Each of them prefers to be one of the 27 leaders of a disunited and weak Europe, instead of being the architect of a united and strong Europe.

The other face of the supremacy of national democracy is the weak, and sometimes inexistent, democratic organisation of European parties. The so-called European Congresses are nothing more than the old international meetings with a new name. Usually, only national leaders speak because European ranks and files are inexistent. The real political debate occurs in the congresses of national parties, where Europe is considered an issue of foreign policy. Only the national party congress elects leaders and decides a political line. In European congresses, the national leaders negotiate a compromise among several national programmes and, of course, the European programme is the lowest common denominator. The inexistence of a real European democratic party life has some negative effects: ordinary citizens do not know about the existence of their own European party and the decisions taken at a European level are practically ineffective for national parties. The vicissitudes of the European Constitution are a good example. A great majority of the European Parliament – including the Socialist Party – invited the European citizens and national Parliaments to ratify the Constitution. But in France, a fraction of the Socialist Party, dissenting from the European Party's decision, decided to launch a campaign to reject the draft project on the occasion of the national referendum (let us say that this behaviour was possible because of the wrong ratification procedure: a European referendum, approved by a double majority of citizens and states, would have made it impossible to exploit national party divisions).

The construction of European democracy is not opposed to national democracy. On the contrary, today the nation state is so weak that there are serious dangers of secessions in some countries and the birth of populist parties where a leader is able to show that he/she, with the direct support of the citizens, will overcome state powerlessness. Indeed, national politics is no longer the arena in which citizens can face global challenges. For these reasons the ECI can widen, albeit gradually, the horizon of European politics. The ECI can be exploited in different ways: a) civil society can draw the attention of European parties to special problems ignored or underrated up to then; indeed economic lobbies are today more influential in the European Parliament than citizens; b) European party members who want to reinforce

the European organisation of their party can promote an ECI, in agreement with civil society organisations; c) the creation of a network of civil society organisations, in view of one or several ECIs, will reinforce the European ranks and files of political parties and favour the transformation of the present coalition of national parties into a true European federal party, based on a democratic congress and with European leaders.

### ***III. The European Public Sphere***

Day by day, public opinion breathes life into a democratic state. Public institutions become a bureaucracy if the political class, mass media, intellectuals, universities and civil societies do not debate the most pressing problems of the community daily. Of course, as Hegel first noticed, we find contradictory statements in public opinion. Nonetheless, a pluralistic society, as a democracy is, cannot survive without a permanent debate between governors and the governed. Democracy is a form of government, whose aim is to eradicate, in the last resort, all differences among citizens, bringing about the self-government of the people.

For these reasons, some critics of the European Constitution affirmed that the European Union's legitimacy is based only on the will of the nation states and not on that of European people. Without a European public sphere, the only working democracies are national democracies: a European people does not exist and a European Constitution is an empty institutional construction. To answer these critics, after the negative French and Dutch referenda on the European Constitution, the European Commission launched a plan, called Plan D – D for Democracy, Dialogue and Debate – to “set out a process aimed at encouraging a wider debate on the future of the EU institutions and citizens”. In 2005-06 the fortunes of the European Constitution were extremely uncertain and the European Commission made an effort to further a public debate on some possible ways out. The goal of Plan D was to find “ways to develop a European Public Sphere particularly through audiovisual media as well as a European narrative”. The role of civil society and their active contribution to European dialogue and debate were also addressed.

Plan D was a failure. The citizens did not show a sensible new interest in the problem nor did a European public sphere emerge from the Commission's efforts. Plan D is a special case of a wider problem. In theory, the Commission has a democratic legitimacy, just as national governments more or less have. After the European election, the President of the Commission presents his team of commissioners to the Parliament, which has the power of approval or dismissal of the entire Commission or of a single commissioner. But this is not enough to transform the Commission into a democratically accountable government. One problem is that the main powers in the fields of foreign policy and of Community budget financing are in the hands of national governments. But there is something else.

Jürgen Habermas' communication theory can help us to understand Europe's communication trap. Habermas distinguishes between two kinds of power: communicatively produced power and administratively employed power. In a democratic state the two powers are mutually related and one can reinforce the other. A government, a party, a leader capable of raising popular consensus can also rely on the administrative power to realize a certain policy. In Europe, the communicatively produced power is located at national level, while the administrative employed power is at European level. The outcome

is that the public image of the European Commission as a bureaucratic body is created by the Council of Ministers (or the European Council), which claims to be the true government of the EU. Until this image of the EU governance is publicized by mass media, the role of the Commission appears to be that of a secretariat of the Council and the Parliament turns into a consultative body. In any case, European democracy is mocked: 27 national governments are not a European government democratically accountable before the European Parliament. The truth is that euroscepticism is bolstered by national governments.

Therefore, the Commission's effort to communicate something to the citizens is doomed to failure. Citizens look for a piece of political information when they feel that such information is important for their life and for their political judgement on the occasion of the next election. Active citizens want to participate in the political debate and – maybe, only with their vote – in the governing of their community. If they understand that some information comes from a bureaucracy and not from a government capable of acting, the message cannot create a “dialogue.”

In order to change this state of affairs and build a European public sphere, the straightforward solution is an institutional reform of European governance. In this perspective, the initiative of European citizens can play a substantial role. The present European Union is a kind of minimal state – the state as night watchman – as proposed by some liberal thinkers of the 19th Century and the so-called contemporary libertarians (as opposed to communitarians). The pre-eminent interest of the onedimensional citizen of the minimal state is the defence of his/her personal wellbeing: for this kind of citizen a well working single European market is enough. Indeed, in Maastricht an Economic and Monetary Union was agreed, but, of this project, only the Monetary Union was fully implemented. The Economic Union is still waiting. The EU, as it is today, can be compared to a minimal state. The size of the European budget was more or less 1% of GDP before Maastricht and it is of the same size today. The budget is the financial instrument to provide citizens with public goods (or European policies). In fact, the main share of the present EU budget is devoted to Common Agricultural Policy and Structural Funds (for regional development). Very few finances are left for other policies. But, in the 21st Century, Europe must face new challenges. Today, the European minimal state should become a republic, i.e. a political community in which the values and the expectations of multi-dimensional citizens are taken into account by public powers. The European Commission will be able to communicate with citizens if it begins to answer their questions, providing new and better European public goods: an effective environmental policy, a plan to fight poverty in Europe and the world, an effective security policy and a European civil service for young people, a plan to foster research in advanced technologies and human sciences, student mobility, aid to poor countries, a common immigration policy, etc. A series of ECIs asking for new European public goods can attract mass media attention and oblige the European Commission to “debate” with the citizens. Active citizens can force Europe to act.

#### ***IV. One Government for the EU***

The European decline is not caused by a mysterious adverse fate, neither by good-for-nothing people, since in all societies passive and talented individuals live together, nor by a weak economy, which has several serious problems but is also, with the euro, one of wealthiest and strongest in the world. The fundamental cause of Europe's decline is its political divisions. Notwithstanding sixty years

of integration, Europe's political unity is weak. The claim of national governments to act as sovereign powers, subordinating the EU to their national interest, is the root of Europe's division. National governments say that Europe should speak with one voice, but they prefer to sit divided in the IMF and the UN Security Council, instead of asking for a single EU seat. They have created a single market and a single money, but they protect national champions in energy and advanced technology sectors tooth and nail. They decided, twenty years ago, in Maastricht, to build a European army, but up to now practically nothing has been done.

The European Union needs one government. The tragedy is that it has two. The first is the European Commission. It is a legitimate and democratically accountable government to the European Parliament. But it is invisible to European citizens, because ordinary people believe that the real European power is in the hands of national governments. The other more "visible" government is the Council, in which 27 representatives of national governments decide – in some important fields, unanimously. But the Council is not democratically accountable: European citizens and their representatives cannot dismiss it. So, European supranational democracy is seriously baffled. The Lisbon Treaty allows for some steps forward, for instance with the creation of a European External Action Service and the opportunity of allowing a group of countries to set up enhanced cooperations.

At the same time, with the creation of a permanent President of the European Council, the Lisbon Treaty has also reinforced the image of the Council as the real government of the EU. The European Parliament has in several occasions defended the communitarian (or federalist) method and criticized some intergovernmental decisions. But the European Parliament has not yet taken serious initiative to overcome the democratic deficit. Only recently, a group of MEPs has created the "Spinelli group" to protest against intergovernmentalism which "is not only warfare against the European spirit, but an addiction to political impotence." The goal of this group is "a federal and post-national Europe, a Europe of the citizens."

Obviously, an ECI, whatever the subject claimed, reinforces the action for a democratic and federal Europe in the European Parliament and alerts public opinion, capturing the attention of the mass media. But to build a European government is a difficult task. In order to further and hasten a new set of institutional reforms, citizens and civil society organisations should take some crucial intermediate steps into consideration. The storming of the Bastille, the symbol of the *Ancien Régime*, preceded the proclamation of the French Republic and the execution of the King. In present-day Europe the *Ancien Régime Européen* is well symbolized by the pictures of the 27 Heads of State and government published by the mass media at the end of all European Councils. The European Union needs *one* government with *one* President, *one* foreign minister, *one* ministry of the economy and finance, etc. Thankfully, the Lisbon Treaty allows for a significant step forward: nothing in it prevents the President of the Commission and the President of the European Council from being the same person. If this happens the EU will have *one* President. This does not mean that all the problems of the European government are solved: some important institutional reforms should follow. But the single President of the EU will be accountable to the European Parliament and this is a decisive step towards a politically united Europe and a real supranational democracy. Moreover, if the claim for one President of the EU comes out from an ECI, all the people can understand that a movement of sovereign citizens for a European sovereign

government is born.

The time is ripe to emend European integration's original sin. The founding fathers conceived a supranational Europe, but their dream is still unaccomplished. To build a supranational democracy is a revolutionary undertaking, not only for Europeans. Carl Schmitt affirmed: "The essential contents of democracy is a people not humanity." Schmitt explained clearly that only national people exist: for Schmitt, a world without nation states and war was unthinkable. Eradicating democracy from its national prison is not only a great institutional innovation, it is also a cultural revolution: cosmopolitan democracy becomes thinkable and possible. This is the true contribution of Europe to the future of humankind.

Published in *Europe's Word*, October 15th, 2010