Notre Europe
Thinking a united Europe
Penser l'unité européenne

Tribune

«The EU, Still Seeking Legitimacy»

*Transcription of an interview with Yves Bertoncini conducted by Génération 112
on 14 October 2011, on the topic: «The UE, Still Seeking Legitimacy»
as part of a programme entitled «Questions for a Euro-Democracy»*

People often mention a deficit of democracy and a deficit of legitimacy in the same breath. What distinction would you make between the two?

In simple terms, one might say that the EU's legitimacy rests on two main pillars: its member states on the one hand and its citizens on the other. We are in a federation of nation states, so on the one hand there is a form of legitimacy which emanates directly from the member states and which is embodied, in particular, by the European Council. On the other hand, there is a form of legitimacy which emanates directly from the citizens and which is perhaps best embodied by the European Parliament. In the midst of all that, there is what I have termed a "civic deficit".

Looking at things from a strictly institutional viewpoint, which is what I have just done, the situation is fairly balanced. All of the EU member states are democracies, the mechanisms which have been established at the European level, the institutions, all of that is pretty clear in terms of its legitimacy: that legitimacy rests either on the member states or on the citizens. And yet in the middle of all that, there is a deficit of overall legitimacy in civic terms, because the citizens cannot clearly or easily find ways or means of influencing European decisions or the EU's guidelines.

Do you mean by that, that Europe is first and foremost an elitist construction which is being built without the people, and that that is what we're paying the price for today?

Staying with the issue of legitimacy for a moment, I would say that you are right: "enlightened despotism" is indeed what originally lay behind the construction of Europe. We are talking about a very clear political initiative which is enlightened in terms of its ultimate aims yet despotic in the way it functions.

The ECSC's High Authority, in other words the entire institutional architecture devised at the outset, was based on a series of supranational mechanisms. It was possible to set such things up when it was simply a matter of sharing coal and steel quotas, but they ended up *de facto* being altered over the years as the construction of Europe progressed. So we first got what the experts call "legitimacy by result", in other words enlightened despotism. The institutions may not be fully and totally legitimate in the traditional democratic sense, but given that the results achieved with the construction of Europe are positive, a kind of legitimacy trickles down from that.

Then as time went by, people started clamouring for legitimacy no longer through results but through procedures, the so-called "inputs". And it is particularly in that connection that the EU is being called into question today, because obviously, at the same time, there are numerous debates and there is great deal to be done in terms of the results it produces.

Exactly, so you are talking about legitimacy through results, and today we see Europe's social and economic crisis calling the EU into question virtually in its entirety. One gets the feeling that the EU is suffering from a legitimacy crisis today more than ever before, that the crisis is jeopardizing the

acquis of the European construction process, including some of its most symbolic achievements, in particular the euro but also the internal market, with the revival of a debate on protectionism, or Schengen and the reintroduction of borders between certain member states. So what links can we identify between that, and this economic and social crisis which is becoming an identity crisis?

Obviously, for half a century the main goal of the European construction process was to pacify the European continent and to reunite Europe. And that goal has almost been achieved. It is wonderful. It is a result that could have been imposed more or less surreptitiously, because peace is something that benefits everyone without distinction. You can make peace for everyone and you will not find many people complaining about it.

Was it a consensual goal?

Well, that is the whole point. At least, we embarked on a different era in the construction of Europe starting in the 1980s and 1990s, getting down to the nitty-gritty, one might say. The common market – later the single market – was set up thanks to the thrust imparted by Jacques Delors. It was actually envisaged in the Treaty of Rome but it had never really been implemented until then. And also the single currency project, an excellent project, was launched. But of course, when you deregulate in the context of a single market or when you create a single currency, with the benefits but also with the problems that such a thing can spark, you are getting into a far more conflicting field, into something which needs to be debated – and which was debated as there were referenda: some successful, others unsuccessful. It is fairly obvious that what we were embarking on at that time was a new era.

And then there is the last point you mentioned, which to put it in a nutshell one might call "the EU in the globalisation process". That is a particularly crucial issue because the EU, in terms of its ultimate aims, only makes sense for its citizens if it is useful in the globalisation process. It is quite clear that Europe's countries are getting smaller and smaller on the global scale, and older and older as well, so unity in a globalised world can become a factor for strength. That is why today's debates are focusing on these issues, to help us discover whether the EU is a bulwark against globalisation, or rather something that can get us better prepared for globalisation; or even, and this is the third option, a Trojan Horse for the globalisation process. Everything hinges on that, in connection with the economy, with migration, with energy and even with diplomacy.

One gets the feeling, from listening to you, that the hiatus between the first and second phases in the construction of Europe occurred more or less in the 1980s, which was when election to the European Parliament began to take place by universal suffrage (1979). The turnout in those days was superior to 60%, while it had dropped to 43.4% in the last elections in 2009. Despite all the debates you have been talking about, one gets the impression that Europe's MPs are not sufficiently representative of the peoples of Europe.

That is indeed a very interesting topic. Sure enough, there is a rather fearsome scissor effect in connection with this turnout for European elections. To be quite honest, it's something of a miracle that 60% of the European electorate turned out in 1979 to vote for a European Parliament which had virtually no powers, in a European Economic Community that did not have much power itself either. I wonder how it was possible to persuade 60% of the European electorate to do that?

Does such a result seem impossible to achieve today?

Of course, I think it is a very positive result. But what happened after that? Perhaps the Europeans were disappointed to discover that their vote did not have a totally direct or visible impact on the course of affairs, and so to some extent they lost interest.

Yet we need to see all of this against the backdrop of a broader crisis, a crisis in political participation in general. The turnout trend is not rising at the national level either. So there is this fearsome scissor effect, because at that time a movement for democratisation was set up and it translated, in particular, into the European Parliament being granted more extensive powers. And now the Lisbon Treaty has recently boosted the European Parliament's powers even further – which is a very good thing. The problem seems to be that people have not yet fully taken that on board. Yet it is a curve that will inevitably tend to rise sooner or later.

The other problem is that, while the European Parliament undoubtedly has many powers, yet the most important and strategic decisions are not taken there. There are also two other institutions, the European Council which is fully legitimate, consisting as it does of the heads of state and government leaders, in other words, of members clearly identified at the national level; and a Commission which has a rather hybrid status and which represents both the majority in the European Parliament and the member states. And then there are even institutions such as the European Central Bank which have been playing an extremely important role in the recent crisis yet which, in the ECB's case, are not representative at all. Looking at it from the viewpoint of the man in the street, there is this highly complex institutional architecture and the European Parliament is only one of the roads leading into it, alongside several others.

And finally, if you add to that the fact that there are 736 MEPs, and there are soon going to 751 of them, and that those 751 men and women are going to have to represent 500 million citizens, the proportion is huge. It means that it in a country like France, a national deputy represents 100,000 French people. If you translate that into a Europe-wide scale, with 700 deputies for 5 million citizens, you get huge figures. If you wanted to get the same proportion, you would have to have 5,000 MEPs which, of course, is impossible simply in terms of effectiveness. But naturally, it stretches the tie between the European electorate and the people tasked with being their most direct representatives.

We will be coming back to the way the EU works and the democratisation issue later on, but just to stay with the man in the street for a moment, you said that people may not have realised that this democratisation process has actually taken place. Other people put it down to indifference or to lack of interest. Michel Barnier recently spoke of the "citizens falling out of love with the EU", while others talk about a lack of confidence... So have there been any turning points, such as the Maastricht Treaty or the referenda back in the days of the debate on the European constitution, which may have triggered a rift between the citizens and the Union?

When talking about the referenda, you always have to remember a small detail, a nuance. There have been numerous referenda on European issues in every country over the past twenty years. If you count the total number of referenda that have been held in Europe and you then isolate the number within that overall total that concerns European-related issues, you will find that the EU-related ones account for a majority of them. It is another way of implementing democracy, it is participatory democracy.

When the French, the Spaniards or the Irish go to the polls, that is part of European democracy. Sometimes they vote in favour, other times they vote against; the favourable votes outnumber the contrary ones, but there have been some unfavourable results. We should not focus solely on the contention that the unfavourable votes reveal disenchantment with the construction of Europe. If you analyse the French rejection in 2005, it was indeed partly a rejection of the construction of Europe, but at the same time it carried within it a seed of hope for a different vision of European construction. It was not an "anti-European" vote. We always have to bear that in mind when considering referenda. They are also an expression of European democracy, albeit an imperfect one.

So how do we fit that into the broader historical picture? There was legitimacy through results which lasted until the late 1980s, at a time when the EU did not have much of an impact on people's daily lives in Europe in any case, except maybe for the farmers. We must always peg the democratic deficit

to the EU's interventions. Ever since the impact of those interventions started to grow, in other words from the 1980s on – people have mentioned the Single Act, the common market, the euro – the debate has grown with it.

A vast range of mechanisms to foster democratisation has been put in place, but probably belatedly and to an insufficient extent. In that kind of context, Europe's citizens are debating in an imperfect world, based on information that can be both good and bad, with some political parties more open to European issues than others, and with media which also vary in their coverage of European topics. Thus the European public space is extremely imperfect, or perhaps we should call it a succession of national public spaces. So you are bound to get rejections, which are very difficult to analyse in a comprehensive fashion. The French rejection was not the same as the Dutch rejection. Everything that is going on in Finland right now is not the same thing as what is happening in Greece. Each country has its specific issues.

You mentioned the debates on European issues, and you have been talking about "public space". Traditionally, at the national level, that public space has been built up around battles over ideas, over more or less distant positions which then proceed to produce blueprints for society and the concrete implementation of that society. There have been clashes, but those clashes have allowed the political sphere to establish itself and then the country to mobilise, to get going, once the clashes had been resolved. In Europe, on the other hand, one gets the feeling that political conflictuality is proving impossible to manage: either we get a categorical "*Niet*", as personified by Margaret Thatcher in her day, or else we get "weak consensus". One gets the impression that people no longer manage political conflictuality, they use it as an expedient. How can we overcome that? For instance, does the solution reside in the EU institutions' increased politicisation?

When we talk about representative democracy, about those somewhat distant MEPs, about those ministers meeting in the Council in relatively opaque surroundings, we are talking about a "deficit of faces". Democracy is first and foremost a matter of faces. All of the French, all of the Belgians, all of the Finns know who governs them, more or less, but the same cannot be said of the Europeans.

The point you just made has more to do with a "deficit of ideological rifts". In a democracy, the thing that makes people feel as though they can influence the course of affairs is that they identify with a faction or with a party that is more or less part of a faction. And they know that at any given moment there are both a coalition or a party in power, and an opposition which might one day take its place. That does not exist at the European level, and there are two reasons for this.

First, there are the underlying political reasons relating to the EU's areas of jurisdiction. Divisive issues at the national level concern taxes, security, welfare and values. These are all issues addressed at the national level. We are in an environment in which subsidiarity is enshrined in the treaties, and it is reflected in the EU's intervention. So it is already a little more difficult to be split over an issue at the European level. The European Parliament intervenes frequently in the fields of consumer protection and environmental safeguards, issues over which there tends to be a broad consensus of opinion. When it was a matter of pushing the construction of Europe forward, there was a traditional alliance between the Christian Democrats and the Social Democrats. From a political standpoint, the issues up for debate simply are not as divisive.

And then there is a second aspect. You mentioned "weak consensus". I don't know if that's the right way of putting it, but we can certainly talk about a "consensus ethic". That ethic holds sway in the Council of Ministers: they thrash out agreements with one another. That is not necessarily a bad thing in the Council of Ministers, of course, because the member states try to accommodate each other; they forge compromises. Where it is less beneficial is in the European Parliament, because that is the context in which a left and a right could emerge more clearly. There is a tradition which has always been honoured, except for once, and it consists in forging a broad agreement between

the Popular Party – basically the Christian Democrats, or the Conservatives – on the one hand and the European Socialists on the other. This tradition prevents citizens from being able to say: "I voted for one or the other faction". It is an ethical tradition, but it also has to do with the fact that, when all is said and done, there are very few occasions on which the European Parliament takes a vote based on the majority of those in attendance. The voting thresholds are fairly high, which prevents the emergence of any clearly distinguishable differences of position to which Europe's citizens might relate.

Notre Europe has published a *Policy Paper* by Julian Priestley entitled "European Political Parties: The Missing Link"[1]. Behind all of this, what is required to allow differences of position to emerge are apparatuses working on the issues themselves. They are in the process of being set up. At this juncture there are European political parties and there are foundations which stem from them. It is a gradual process. It is like the institutional democratisation process currently under way: it is a little late, it is incomplete, it is gradual, and it may bear fruit in the future.

You were saying that people in the European Parliament often try to secure a very broad compromise, which tends to make the issues rather weak and flimsy. The solution would be to politicise the EU. So just where are these European political parties today? What should we make of an initiative currently being pursued by an MEP in the European Parliament, who wants to push through the notion that MEPs should be elected in transnational lists? Does that seem realistic to you? Do you think that it is a positive development?

It certainly sounds realistic to me. Here at *Notre Europe* we have actually published a *Policy Paper* by that MEP, Andrew Duff, entitled "Post-National Democracy and the Reform of the European Parliament"[2]. That is the publication in which he put forward the idea of promoting transnational lists. In symbolic terms, 25 MEPs out of 751 is not exactly a huge number, but given that they are elected on a transnational basis, that they embody a transnational vision, and that they are players in a public space that has become European, the electoral space itself becomes European. That is an institutional aspect that I find very positive. The European Parliament today is a contingent of MEPs per member country. If we could add to that structure some MEPs elected at the pan-European level, it would make for a welcome boost to the parliament's soul and to its global vision.

What are the difficulties involved? The member states are very concerned to maintain their quota of MEPs per country. National political parties have a big say in the way the lists are put together, in the way one or the other national or local politician can be promoted, or even kicked upstairs, to join a list at the European elections. So there is a lock on that issue. Complementing what national political parties can do, and maybe even in an attempt to break the lock, there are the things that the European political parties can do.

Initially in the European parliament there were only political groups, which was an embryonic form that was followed by political parties. I think that the Greens were the first to form a European political party, back in 2004. There are now foundations which stem from these European political parties and which seek to project a vision that is pan-European and even a little global. I know that the European political parties are gearing up ahead of the deadlines in 2014, in particular in order to designate a candidate who would then be put forward for the presidency of the European Commission. This, because the Lisbon Treaty specifies that the European Parliament newly elected in 2014 is going to have to elect the president of the European Commission.

---

[1] Julian Priestley, "European Political Parties: The Missing Link", *Policy Paper n°41*, Notre Europe, http://www.notre-europe.eu/en/axes/european-democracy-in-action/works/publication/european-political-parties-the-missing-link/
[2] Andrew Duff, "Post-National Democracy and the Reform of the European Parliament" *Policy Paper n°42*, Notre Europe, November 2010 : http://www.notre-europe.eu/en/axes/european-democracy-in-action/works/publication/post-national-democracy-and-the-reform-of-the-european-parliament/

All of this is a move in the right direction, because as soon as there is clearly identified electoral issue, procedures will be established and they will have to be pan-European. But it is all very difficult because we are in a federation of nation states, in which the member states are also perfectly entitled to have their say.

Another issue connected with the pan-European lists is language. Translation and interpretation are costs that weigh down heavily on the budget, particularly in the European Parliament's case. People often say that this multiplicity of languages is a virtually insurmountable barrier to the establishment of an integrated European public space, because language lies at the very core of all debate. If the EU were to adopt certain official working languages to the detriment of other languages, would it not gain in internal efficiency what it loses in legitimacy in the citizens' eyes?

We need to make a distinction between internal and external. Internally, people speak English. That is the rallying language with which the Europeans manage to debate and to work together. Some may be pleased with that fact, others less so, but it is probably the most important gift that England has given the EU, because the country tends to adopt a reticent stance on other issues. A new economy and finance minister was recently appointed in France and people immediately began faulting the fact that he had only a mediocre command on English. People are aware that speaking English is necessary for European functions, and that that's how people can work.

But then there is a different issue, concerning working languages. In the institutions there is also French, and sometimes German; in the European Parliament , MEPs need to be able to get hold of all documents in their national language. That is the internal workings, and they come at a cost. Unity in diversity also means "each one in his own language, working towards a common goal".

In extreme terms, there is the need to communicate in every single EU language in the *Official Journal of the European Union*. If you look at the European institutions' websites and go to the languages box, you will find a lot of content in English, sometimes in French, and less in the other languages. Quite frankly, I do not think that it is the EU's most pressing problem, because those people who feel that they belong to the construction of Europe today tend to have a reasonable command of English. The younger generations are speaking English more and more. And besides, if someone does not understand something, it is fairly easy for him or her to have it explained. So in my view the language aspect is not crucial but of course I may be underestimating it.

In the citizens' view, the EU should play a useful role in the globalisation process. But should it be a bulwark, should it pave the way, or should it play the Trojan Horse? Those are the possible roles that you mentioned. One gets the feeling today that the EU has lost its way to a certain extent. What is the European project for the future? And how can we launch a new project?

The driving force these days is globalisation. But having said that, not all of the EU's member states perceive the challenges in the same way.

In France, the idea that the EU should act as a trigger for action in the globalisation process is considered fairly self-evident both on the left and on the right. Why is that? Well, France has a tradition of playing a role in the world; it is a legacy from the country's long history. It is just that, being somewhat weaker these days, France has to use other triggers, like Europe for instance, in order to play that same role.

Other countries that have never played a strong role in the world, such as Sweden (even though it is a country that has played an international role), were fairly favourable to joining the European construction process because it represented a broad space for peace, and for human and economic exchange. Sweden may not be totally motivated by this global prospect that is going to act as a driving force for the construction of Europe.

So the first thing we should realise is that not all the member countries have the same inclination to bind themselves to, or to commit to, a deepening of the European construction process.

Would it therefore not be beneficial to move towards enhanced cooperation? We know that the possibility exists, but so far it has never been implemented. Should we be moving towards the so-called concentric circles pattern in order to make progress?

That is "unity in diversity". You can achieve it by procedural means, in other words with individual instances of enhanced cooperation on an *ad hoc* basis, such as the Schengen area, the euro, which have an international dimension. There is also a highly symbolic instance of enhanced cooperation that has recently been launched in the sphere of marital law and of divorce (the mechanism was put in place a long time ago but it had never been used). To some extent, when you look at things from the outside, the war in Libya for instance, some member states took far more of a front-row seat than others; you cannot really call that "enhanced cooperation", strictly speaking that is not what it was. But there are groups of member states that are going to want to do specific things at a lower level than 27-strong.

The real issue here is maintaining overall cohesion. Because if everything is based on variable geometries according to which players are involved, if there is no hard core, no unity, no major cohesion around this project for the construction of Europe, then it may be in danger of weakening or of breaking up. That raises the issue of a group of countries going further on issues linked, as things stand today, to the governance of the euro zone, to foreign policy issues, to energy policy, to migration policy or to a whole series of issues which, when all is said and done, are of interest and importance in the context of the globalisation process. That is the major issue arising today, particularly for countries such as France and Germany.

In this overall context, what role does *Notre Europe* propose to play today? And in what way does the organisation consider that it can influence developments?

The role of *Notre Europe*, which was founded by Jacques Delors, is to attempt to fuel the debate on the construction of Europe, to keep alive the political legacy of Jacques Delors, who has done so much in both theoretical and practical terms – and who still plays a very active role in our midst for precisely that purpose –, and to endeavour to produce analyses and proposals on the major challenges facing the EU.

The external issues that I have just been talking about are part and parcel of this. It is a field on which *Notre Europe* is going to focus far more over the coming years. And then there are the internal issues: Europe is first and foremost a space for peace and prosperity. Jacques Delors coined a tripartite phrase: "competition which stimulates, cooperation which strengthens, and solidarity which unites". It is obvious that all of that is being sorely put to the test right now, in connection with the euro, with Schengen and so forth. So we want to be part of the debate on all of those issues.

And then there is also a third group of topics comprising all of the political issues that, from *Notre Europe*'s viewpoint, have a very pronounced citizen-related dimension. The aspects that we have addressed in the course of this interview, in other words all the aspects of participatory democracy, of representative democracy and of opinion-based democracy, feature regularly in *Notre Europe*'s analyses. And we also attempt to accompany this by taking "citizen-related action" ourselves. We try to foster the debate; to address, whenever possible, a slightly larger audience than our traditional audience which consists of decision-makers and insiders. That is how *Notre Europe* tries to play a role in a debate which is obviously an extremely broad one, attempting to redirect whatever can be redirected, if not globally, then at least by influencing one or the other decision-maker or one or the other segment of the peoples of Europe.