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European Democracy: A Manifesto

Edited by
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Simon Hix, *Linking National Politics to Europe*, March 2002

Mark Leonard and Jonathan White, *Can Brussels Earn the Right to Act?*, July 2002

Mats Engström, *Rebooting Europe*, November 2002

Tom Arbuthnott, *Is Europe Reviving National Democracy?*, February
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Claes de Vreese, *Communicating Europe*, April 2003

Nick Clegg and Michiel van Hulten, *Reforming the European
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Tom Arbuthnott, Mark Leonard and Sharon Memis

November 2003

The Next Generation Democracy Programme

The British Council is an independent, non-political organisation. Uniquely placed at the hub of a Europe-wide network, the British Council Brussels facilitates debate that introduces new and exciting ideas into the European arena. Our position means we can bring together a diverse range of people for animated discussion and constructive disagreement. That is simultaneously realistic and innovative. We actively seek out those who are willing to delve a bit deeper, those who are inspired by new ideas, and those who push hard against intellectual boundaries. The kind of people who have contributed to 'European Democracy: A Manifesto'.

We examine issues that matter to both citizens and policymakers, challenging the orthodoxy that Brussels-based thought lacks creativity. We ask questions that are emotive and political. Do we need a homogeneous society to create a European demos? How far should integration go? What is the EU there for? This is not about landing on one side of the sterile Europhile-Eurosceptic discussion; it is about addressing fundamental issues of identity, transparency and democratic accountability.

The Next Generation Democracy programme has been one of the cornerstones of our creative programme at the British Council Brussels. We are delighted that the project has thrown up sharp ideological conflict and controversial discussions, and that ultimately it has generated, in the shape of this new book, a series of practical proposals for reconnecting citizens with Europe. It has been an enormous pleasure to work with the Foreign Policy Centre in developing a genuinely innovative and exciting policy agenda.

People are disengaged from the EU because they cannot see how it is relevant to their lives. If citizens perceive that Brussels is a collusive

club, characterised by agreement that glosses over some of the fundamental and challenging questions that go to the very heart of what Europe means, there can be no grounds for trust or respect. Cautious and technocratic debate will not win hearts or minds. By concentrating on European issues rather than just institutions, by bringing new and exciting voices into debates, and by working with partners who like to think outside the conventional European (or, rather, Brussels) framework, the British Council Brussels is seeking to reconnect with Europe.

Ray Thomas, Director, British Council Brussels

For more information on the British Council Brussels' Europe Programme, please contact Sharon Memis, Head Europe Programme, on +32 (0)2 227 0857 or sharon.memis@britishcouncil.be. Alternatively, check our website on www.britishcouncil.org/belgium.

Introduction

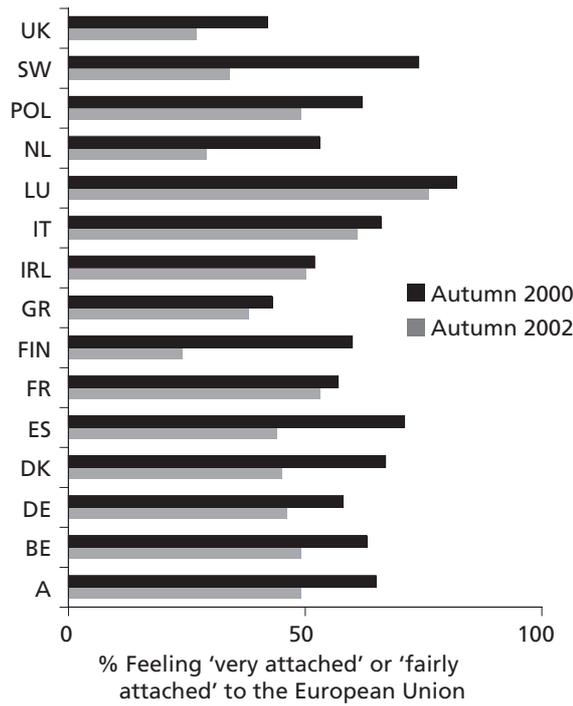
In the past two years, Europe has tried – and failed – to democratise itself from the top down. The Convention itself admitted as much. The rather ungrammatical challenge laid down in the Laeken Declaration which launched the process in December 2001 was: “Within the Union, the European institutions must be brought closer to its citizens.” In the preamble to the constitution, the Conventioneers rephrase their task: “how to bring citizens closer to the European design and European institutions.”

Everything changes only to stay the same. At the end of two years of hard, legalistic talking, this seems to be an admission of defeat. The European institutions cannot be brought closer to the citizen: instead, the citizen must be educated to come closer to Europe. It absolves the European institutions of responsibility for engaging people: instead, it relies on a notional civic responsibility to learn how to be a democrat within this mind-boggling European system.

As the Convention adopted this rather lofty perspective, Europe’s legitimacy problem has got worse. In the two years that the Convention has been operating, Europe’s popularity has continued to decline. Over the two years after the Treaty of Nice was signed, people’s attachment to Europe has dropped throughout the Union to an extraordinary extent.

In national politics, anti-European sentiment has been on the rise. In the UK, the Conservative party is inching ever closer to an outright anti-EU position. In France, the first round of the 2002 presidential election not only saw Le Pen, on an anti-EU ticket, reach the second round, but also saw a number of anti-EU candidates, including Arlette Laguiller, Jean-Pierre Chevenement and Jean St-Josse coming high up the ballot. The Irish ‘No to Nice’, which was largely responsible for the whole Convention process, was matched by a Swedish ‘no’ and a British ‘not yet’ to the euro.

FIGURE 1
ATTACHMENT TO THE EUROPEAN UNION



The frustration for European technogues is that people don't seem interested in the array of democratic options laid out for them by the Brussels elites. When offered the choice to vote for their kind of Europe in five-yearly parliamentary elections, people don't turn out (and, indeed, only 43% of Europeans believe that "Members of the European Parliament are elected by citizens like you and me."). The chance to participate in the great '2004' debate about Europe's future, trailed by the Commission as encouraging "every form of public debate between Europe's politicians, institutions, organisations and citizens" passed most people by. The Convention tried to herald a 'listening phase' for civil society organisations to feed into the

process. Few did – and those that took the opportunity were largely the larger, Brussels-based NGOs up to speed with European debates, jargon and terminology. The effort – as with the holding of a ‘youth convention’ to aggregate and report young people’s views – smacked of tokenism.

The end point is clear. Unless the European Union changes its mindset and starts to engage people in their daily lives, its 45 years of achievement will come under threat. The constitution cannot be seen, complacently, as the end point of creating democracy, European-style.

The dangers of an illegitimate Europe

Given the lousy track record of governments throughout Western Europe in persuading electorates to vote ‘yes’ in European constitutional referendums, this disengagement has one key practical effect. It is already approaching the point where constitutional or other change becomes impossible in Europe. The Irish referendum on Nice showed how easy it is for a single issue campaign, such as the anti-abortion campaign, to co-opt European referenda for their own ends. This will be tested to the greatest extent next year, during the swathe of referendums about the final version of the new constitution. It will be a surprise if all are positive.

The process of European integration is changing its direction. The story of Europe in its first fifty years has been about countries joining the European Union, sustained by a powerful narrative about the “ever closer union” of Europe. The Convention brings this to an end. The story of the next fifty will be one of variable geometry, either through countries seeking to renegotiate their criteria for entry, and disengage from some of the core European policy areas, or through the flexibility clauses that allow coalitions of the willing to work together in ever more advanced ways. Germany and France are already experimenting with proxies in the Council of Ministers, where, in October 2003, Chirac was left to speak for Fischer and Schröder at an IGC when they had to return to Berlin for a parliamentary vote.

This can go in two directions. It will either be seen as a way of keeping decisions within the private, informal atmosphere of governments working together, in which case the complications of this disengagement will be exacerbated. Or it will be used as an opportunity for constitutional innovation. One of the key discussions in the Convention presented this dilemma in a clear form. The Praesidium wanted the constitution, for formal reasons, to be adopted by the people of Europe. Governments, nervous that the result might end in a ‘no’, rejected this possibility. They should have been braver. Whatever the risks of a Europe-wide vote, it would have been superior to the piecemeal referendums, debates and political scars that will be caused by leaving popular legitimation to chance. This is not to say that national referendums are the answer: these merely give nationally-focused single issue groups a platform, and, ultimately, do not innovate with the concept of democracy.

A response to the changes in democracy

The premise of the Next Generation Democracy project was that:

If Alexis de Tocqueville and Tom Paine were around today, the solutions they would suggest would not be designed to dilute the power of a despotic monarch. Instead, they would be addressing the widespread awareness that, at all levels of government including the national, even the most democratic institutions are not democratic enough. Parliaments and ministers across Europe are seen as unresponsive and more concerned with inter-institutional rivalry than with citizens' problems. The institutions of government are all too obviously not transparent, not representative of women and ethnic minorities, battered by a 24-hour media cycle, dependent on corporations for funding, and regularly hit by scandals of corruption and mismanagement.

Some people assume that Europe is part of the problem. They argue that the crisis in democracy comes, partly, because so many powers have been shunted upwards, leaving national governments with a simulacrum of power in these policy areas. This is a short-sighted point of view.

Issues such as the environment and the economy are too big to be dealt with at national level: there is no choice but to deal with them within Europe. A co-ordinated response by Europe's 25 member states will be more effective than 25 individual responses in these areas. Clearly the institutions need to be responsive and accountable for the policies they develop: and the ways in which they become responsive and accountable will, ultimately, define the terms and conditions of 21st century democracy. During the course of this project, we asked the question, "Is Europe reviving national democracy?" In the long term, it will have to: national democracy can revitalise itself only in certain limited areas.

The constitution shows that the traditional ideological federalism of Europe will not deliver these ends. All other things being equal and in a purely rational choice world, it might have been that a European state with a European demos would have resolved these problems. But while it was possible in the 19th century for nation-builders to control the structures which created national 'imagined communities', in the 21st it will never work. Political identities simply do not work like that: and it is not desirable that they should. The Convention talked and talked about Europe's finalité: and their conclusion lays the ghost of European ideological federalism to rest.

Instead, as these essays show, an entirely new form of democracy must be developed in Europe – one that is relevant for a network of interdependent states rather than a superstate. This will be a democracy which works through the political spaces that exist at national level; that marries the technocratic approach and moral benevolence that are Europe's strengths to new forms of citizen participation and engagement. These patterns are influenced by the techniques and policies devised in Brussels: but shape democracy at all levels.

European Democracy: A Manifesto

The Next Generation Democracy project, which produced the six essays contained here, started as Europe's leaders were aiming to "bring citizens, and primarily the young, closer to the European design

and the European institutions.” At that time, we argued that democracy should be the focus of the European Union’s activities, its next *grand projet* after enlargement and the euro. We warned, though, that there was “a danger that democracy will be seen as another technocratic project, hatched at a distance, like the creation of the single market or the development of the euro.” This, sadly, is exactly what happened within the Convention on the Future of Europe.

We accept that the Convention, as a model, is a vast improvement on the horse-trading and pork-barrel politics of a traditional IGC. We accept that the draft constitutional treaty is a far better way of presenting how Europe works than the mish-mash of treaties and protocols that went before. We even accept that the Convention process brought new voices and ideas into play. But we do not accept that the constitution represents that significant a stride towards creating a genuine democratic space in Europe.

The biggest difficulty the Convention faced was not its lack of representativeness or its technocratic bent. It was that it could deal only with the problem of Europe in isolation. In fact, revitalising democracy is a process which has to go beyond the corridors of Brussels. The problem is larger than just gaining legitimacy for a set of institutions and policy processes in Brussels. In essence, what must happen is that democracy at all levels, national, supranational, local and regional, is rejigged so that it reflects the multi-tiered world in which people live: where some problems are best solved through European co-ordination; others are the preserve of the nation-state; others are best reflected through local government as close as possible to the people; and others, often the most intractable, are resolved globally.

A body such as the European Convention, while valuable in itself, was never going to invent democracy, European-style. It could fine tune the language, alter the structures, create new roles and positions. But it could not recast the whole language, the old concept of democracy so that it measured up to the challenge of a multilingual,

multinational, contortional political system that had developed in Western Europe.

We have called this collection ‘European Democracy: A Manifesto.’ Even though the proposals, written at various points over the past two years, often refer specifically to the Convention, they tend to be on a rather different level. They do not point out the institutional changes that Europe needs to make, but instead to the way that Europe needs to *think* about democracy if it is to thrive in the age of uncertainty.

Democracy after the constitution

The new Commission president who starts in 2004 will come in with the urge to achieve something, to imprint their mark on European history: in the same way that Delors presided over the advent of the single market, and Prodi has shepherded the enlargement process to completion. They will have two years of being the ‘President of Europe’ before the permanent Chair of the European Council is appointed. But Europe does not need another state-maker. It needs someone who knows well when to leave alone: who will draw a line under ten years of unbelievably rapid constitutional and social change in Western Europe.

These two years, though, also represent a real opportunity. It may be the last chance for the Commission, with its entrenched view of itself as Guardian of the Treaties and the European interest, and its ability to set the agenda for all the main European institutions, to push strategic decisions. The new President should take democracy as their first priority. These essays present six ways in which they could do so.

First, Europe must redefine its communications strategy so that policy debates which happen within the Brussels bubble intrude into the national political space. Claes de Vreese’s essay, *Communicating Europe*, is based on a study of how the broadcast media across a number of different countries actually cover European news. It shows

that it is not enough to lament that journalists ought to cover stories about Europe from a sense of responsibility. News editors will never bring Brussels-based stories into the public weal. The EU needs to look at the kinds of stories that journalists will cover – involving conflict, economic benefits or human interest – and retool its strategy.

Changes in the communications culture, pioneered by the Commission, do not require constitutional amendments. Europe's tendency to grandiloquence, as expressed through its monolithic iconography, its attempts to garner an equivalent kind of loyalty to that of the nation state via an anthem, a flag and a national day can easily be moderated. It can be replaced by a nuanced strategy that works with the way the media works, rather than trying to replace it with a worthy definition of what people ought to be interested in.

Second, the mindset that European democracy happens on a different plane to national democracy must be challenged. As Tom Arbuthnott's essay, *Is Europe Reviving National Democracy?* shows, Europe is actually a democratic resource in a number of ways. It makes it easier for people to hold their own government to account: and, increasingly, political parties are using European comparisons to set the benchmark for quality control on their own policies. Dynamic links are developing both inside and outside the political system between Brussels and the national level, expressed in popular protests on fuel prices, or through national commitments to fit national spending on health to the European average. There are a number of ways in which the European institutions can ensure that the tendency works in favour of democracy rather than against it.

Third, Europe must develop a more dynamic way of engaging with the heated debates of national parliamentarians. The exercise contained in the new constitution for national scrutiny of the subsidiarity principle is a technocratic rather than a political exercise.

A complementary, but superior proposal is contained in Simon Hix' essay, *Linking National Politics to Europe*, which outlines how national parliaments could have the prime responsibility for electing the European President. This outlines a radical way of integrating debates about the political priorities of each new Commission into national parliamentary debates. Despite a lot of interest from Convention members, this proposal was not adopted. However, the way that this proposal would force national parliamentary parties to engage with the political priorities of the EU is deeply relevant. There are a number of parts of this proposal that national parliaments, working on their own initiative, could implement. We would encourage them to start doing so.

Fourth, Brussels is in a strong position to pioneer new ways of doing democracy, based on new media and methods of communication. Brussels can take a lead in exploring how e-democracy can bring political communities together across borders. Mats Engström's *Rebooting Europe* lays out an agenda for making this happen, through a combination of pilot electronic voting schemes, electronic surveys, an increase in the number of documents placed online, and developing a framework for public service content on the internet.

Fifth, Brussels must earn the right to act by proving that it is delivering the policies that it is responsible for more effectively than national governments acting on their own. Mark Leonard and Jonathan White's *Can Brussels Earn the Right To Act?* lays out a set of principles which European policymakers should judge themselves against. Only if the idea of European co-operation achieves a reputation for practical excellence, alongside its theoretical justness, will it achieve popular legitimacy. For example, if people see that 45% of the budget is spent on an agricultural policy whose effectiveness, at best, is under threat, it is hard for them to see Brussels as a legitimate sphere of governance. Leonard and White lay out an agenda for a European 'earned autonomy', where, when Europe fails to work adequately in delivering the policies that people want, the accountability for those policies is brought back to national level.

Finally, Europe's own democratic house must be in order. It is not enough to mistake the institution for the social good: having a parliament, in itself, does not guarantee democracy. The European Parliament is a useful institution: and will have a more powerful formal role to play in the European system once the constitution is ratified. Nick Clegg and Michiel van Hulten's *Reforming the European Parliament* sets out a radical agenda for reforming the Parliament so that it works better, and reflects citizens' priorities.

In setting this new agenda for European democracy on track, the new Commission president can do one simple thing. The enlarged Commission of 2004¹ will allow a number of new portfolios to be created. Rather than break down the policy areas into smaller and smaller chunks, it would be better to give the additional commissioners roles in innovating across the range of European activities. The model for this would be the Commissioner for Enlargement in the Prodi Commission, Gunther Verheugen, who was responsible for implementing a broad horizontal priority for Europe as a whole, and who, in so doing, supervised Europe's greatest constitutional and methodological innovation of the past five years.

In particular, three Commissioners should be appointed, each with a new Directorate General to back them up. There should be a 'Commissioner for Democracy', whose role is to track how Europe is integrating with national systems for democracy, and bring in reforms, where necessary, to keep Europe on course. Second, there should be a 'Commissioner for Effectiveness', whose purview should cover corruption, waste and inefficiency in the European institutions. The Eurostat affair, where Commissioner Solbes was let off the hook, shows how impossible it is for a Commissioner with policy responsibilities to keep track of these management issues in a bureaucracy as unresponsive as the Commission. Third, there should be a 'Commissioner for Transparency and Communications', who should monitor how the European machine is informing and communicating with its public, and ensuring that unbiased information about the

institutions is easily available to those who seek it. The transparency of the European Convention, for example, was impressive but overwhelming, with documents in their thousands gathering dust on the Convention's website. Pity the historian who has to read all the submissions. This Commissioner would be tasked with narrativising the information and making it digestible, subject to Parliamentary scrutiny.

These three roles should have a high status within the Commission, perhaps as Vice Presidents. It would be difficult to take European democracy seriously if they were considered junkyard posts for the lowest-ranking Commissioners to take on.

It is not purely the Commission's responsibility, of course, to bring about democracy, European-style, although the Commission can play its part in setting the agenda. National governments can take some simple steps forward. The Convention has made a start in bringing national ministers and parliamentarians to Brussels on a regular basis. It is now time to think about extending the national political environment into Brussels formally, through member states each appointing a national Europe minister to be based in Brussels. During the Convention, at least for the countries which appointed ministers to represent them, this became the case *de facto*.

Wise national governments will appoint this figure to supervise their own ministry, much as the candidate countries created 'Ministries for Europe' of different kinds, peopled by the best and the brightest, during the accession negotiations. The new Legislative Council would be a clear area where benefits would accrue from such figures, straddling the national and the European.

These six essays point some ways in which a genuine European democracy, formed from the bottom up, can start to regenerate. Healthy societies develop the systems for self-rule. It is not enough for Brussels to devise new procedures, and then expect citizens to learn the roster:

it has to take a much more activist role in intruding into people's everyday political lives. If this happens, we will be on the road to matching Europe's undoubted innovation and constitutional strength with a unique, transnational democracy of a new kind.

Tom Arbuthnott and Mark Leonard

November 2003

¹ Even if it then shrinks in 2009 according to the rules of the new constitution.

Communicating Europe

Claes de Vreese

First Published April 2003

SECTION ONE:

COMMUNICATIONS STRATEGY = DEMOCRACY STRATEGY

Effective democracy means effective communication. Many of the traditional structures in national politics are based on this precept – paraphernalia ranging from parliamentary debates to select committee reports are designed to have maximum media impact locally, to increase the accountability of government to the people, and to engage the public in debates for and against the issues in play. This observation appears to be stating the obvious. Nonetheless, it is rarely heard in Brussels.

The European Union is particularly challenged in this regard. It is a new and highly complex political system, without an easy constituency to reach into – with the possible exception of the *Financial Times*' high-level, internationalist audience. In the case of European politics, a number of the democratic challenges are magnified. Citizens know and feel the implications of Westminster, The Hague, and other national parliaments directly and frequently, but few people even know who takes decisions in the EU. Generally, 60-90% of citizens turn out to vote in national elections. In the 1999 European elections, turnout plummeted below 50%. While all citizens can recognise their Prime Minister, only a few can identify Romano Prodi, let alone the President of the European Parliament or the High Representative for the Common Foreign and Security Policy.

The European Union comes across as paralysed and impervious to change. Those democratic structures that exist fail to pass the test of structuring political debates. Scrutiny mechanisms lose much of their

power if the decisions made by those mechanisms do not find their way back to the public – who, at the end of the day, have the capacity to approve or disapprove a government's or a legislature's activity. Electoral mechanisms are also meaningless if communicable information about the political position of parties and representatives does not filter through to the public, who can use this information to make their choice at the ballot box.

Considerable effort has been invested in trying to expose and analyse the so-called democratic deficit of the EU. With the Intergovernmental Conference working on the European Convention's blueprint for the Future of Europe, key issues emerge such as the number of Commissioners, the division of competences between Brussels and the nation state, and the method of electing some European representatives. Arguably, though, the communication deficit is as important as these more technocratic questions.

This is particularly true given the critical importance of the media in today's age of 'permanent campaigning' in which politicians (and their spin-doctors) increasingly plan their activities around the requirements of the media, not only during campaigns preceding elections, but also in daily politics. Governing has become campaigning and politicians are held accountable through frequent opinion polls and performance ratings.

Given, on the one hand, that any citizen's impression of the EU and European integration is more than likely to be a result of media coverage of the EU, and, on the other hand, that politics has become increasingly professionalised, we would expect professional, streamlined communication efforts from the European Union institutions. Nothing is less true. Even if never stated formally, the European Union's communication policy for years could best be characterised as 'no news is good news'.

'No news is good news'

Whenever Europe has developed a communications strategy, it has

tended to be elitist, self-congratulatory, and without an understanding of how the news media actually work. The aim has been to make people love Europe, not to give people the information they need in order to be able to understand and tolerate it.

This is not the fault of the communications teams – the structures of the EU have left them very little to play with.

Earlier studies concluded that the *Commission's* communication “suffers from the fragmentation of political authority, a pervading technocratic mindset and a lack of adequate staffing”¹. In general, these problems were located in the fragmented structure of the Commission's Directorates General and in the system of governance without politics and without political disagreement, which has obfuscated political debate and accountability.

The *Council*, on the other hand, suffers from being an institution in flux. The core communication activities are largely at the discretion of the incumbent EU presidency. And the different countries use different standards and techniques in their presidency communication. This discontinuity does little to advance coherent and professional communication efforts.

Initially, the *Parliament* has been ridiculed for its lack of political authority. But even though competences have shifted to the Parliament, the institution, its activities, and its representatives are still seen as peripheral by journalists and news editors; The Editor-in-Chief of the national Danish public service broadcasting news programme, when asked about the 1999 elections, noted:

If you ask the politicians what the agenda is, then it is totally different. Then you get big, abstract things like the enlargement [of the European Union] to the East, very diffuse themes that in terms of news coverage have been extremely difficult to make some concrete political stories about ‘what is this election all

about?' [...] What you have here is a gap between what the voters think is interesting, what they would like to see addressed – corruption, which we have done a number of stories on – and what the politicians want. This has meant that we have all the Members of the European Parliament criticising us, saying that we have derailed the debate.

In the Netherlands, the Deputy Editor-in-Chief succinctly stated that the political arena for European elections was less engaged compared to national election campaigns:

[T]here was no campaign. Even the political parties reduced their campaign activities to an absolute minimum.

At the end of the day, political communication is perceived by the institutions as a reactive and peripheral activity, not a proactive one, key to daily governance. Keeping decisions and debate from the public has been seen as a lesser risk than having closer and more intrusive media coverage and, with it, public scrutiny. In the words of Jeffrey Lewis, “we all knew that if the discussion was put a certain way, we would never reach agreement”.² In other words, conventional wisdom has been to keep a low-key media profile with little public debate and scrutiny, all of which has amounted to a de facto ‘no-news-is-good-news’ policy.

Communicating Europe, communicating the EU

In discussions of how the EU – and the process of European integration more broadly – is communicated, a common assumption is that the best strategy for communicating Europe is to send out rigidly pro-European messages. However, feel-good messages about the benefits of being European do little to solve the communications deficit. Navel-gazing institutional communication, inward-focused and for the ear of specialists or enthusiasts only, is one-directional and neither generates debate nor provokes the interest of the media or of public opinion. For example, in the European elections, the problem is not getting people

to vote yes or indeed to be in favour of any one party over another – it is to get people to vote at all. A communication strategy must be developed and put into practice which is aware of the principles used by the media to engage people's interest. It should not seek to convince them and create 'euro-enthusiasm' at the cost of telling an interesting story.

Those with responsibility for communicating Europe must make a distinction between *long-term communication goals* and *short-term communication objectives*. A long-term goal of the EU is to communicate – and in fact brand and promote – the notion of Europe to its citizens and beyond. This involves a process of strategic, long-term image-building which projects a positive, emotionally appealing European narrative, based on 'European' values (such as democracy, equality, tolerance etc.) and a history of European integration as that of a continent which overcame division and achieved a morally and rationally superior form of coexistence among peoples. The long-term goal is probably most effectively reached through existing initiatives such as education, expansion of the Socrates programme, and culturally expressive events.

However, these mechanisms will not achieve the short-term European communications goals, which are to present Europe as a responsive, disputatious political system which reflects its citizens' priorities. The information which is communicated needs to cover three aspects:³

- 1 What is the story about? What issues are being discussed, what are the arguments involved and what is about to be decided?
- 2 What is happening? At what stage of the decision process are the issues under discussion? What are the means, actors and access points to influence the outcome of the process?
- 3 Who is advocating what? Who is responsible for a decision taken or the implementation of a policy?

Clear information about issues and procedures, access to and feedback into the decision-making process, and accountability to the public are prerequisites for public debate and in the end political legitimacy. If these structures are to be communicated, the goal should not be to use communication structures – most notably the media – to send out rigidly pro-European messages, but to present EU affairs, ranging from key Council meetings to directives on standards for professional work clothing, as a communicable story.

A European public sphere?

One proposed solution to the communication deficit has been to invigorate a ‘European-wide public sphere’ in which citizens and elected power holders deliberate and interact across borders in the same way as they interact within them. This largely theoretical argument, traditionally part of the attempt to build a ‘European demos’, may come across as appealing and, in terms of democratic theory, ideal. However, the proposition is naïve. Previous top-down attempts to stimulate a common communication system have shown that a monolithic European public sphere does not work in practice.

The ill-fated newspaper *The European* and the suffering *Euronews* are examples of these failed attempts. Such initiatives appear to be targeting specific markets and segments, and are perhaps not an appropriate forum for a larger audience. Since most people don’t belong to these high-interest groups, the news comes across as boring, particularly in televisual terms, and it almost encourages the audience to change channel. The vast bulk of political communication is organised along firm national lines. It is better to take account of these differences, rather than to expect national newsmakers to conform to European norms.

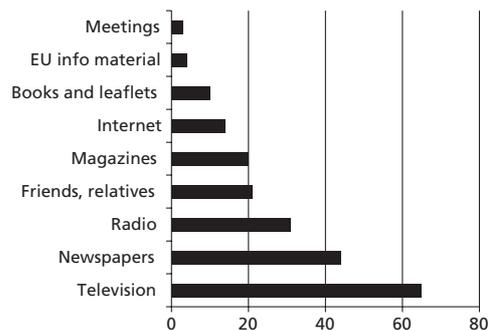
The tendency, among Brussels-watchers, has been to shoot the messenger. Whenever public support has gone down, the media have always been the first to be blamed. There are several studies of the role of the media in the process of European integration and one solution

repeatedly provided is to educate the press in the systems and structures of European integration. A much better solution would be to provide better material for them to use.

For understandable reasons, most studies of the media's role in Europe cover the printed press. Such studies have shown that the Council and the European Parliament are under-represented in the press coverage of EU-affairs and that the Commission tends to generate negative press coverage.⁴ A number of studies have investigated the coverage of the EU in the written press in Britain, documenting the partisan and 'biased' coverage.⁵

But this concentration on the print media is very odd given that television is repeatedly identified as the most important source of information to a majority of citizens (see Figure 1) and national television news reaches far larger audiences than any printed newspaper. While press coverage is undeniably easier to track, all available data show that it is the broadcast media that really matters. This pamphlet, therefore, will focus on TV news coverage of European issues.

FIGURE 1
MOST FREQUENTLY USED SOURCES FOR INFORMATION ABOUT THE EU (IN %)



Source: Eurobarometer 57.1, p. 18. Respondents were shown a card listing 15 sources and asked to name all those they use when they look for information about the EU. Multiple answers were possible. The most frequently mentioned sources are listed in Figure 1.

Unfortunately, there is very little evidence to assess the actual broadcast media coverage of the European Union. The EU has monitored its media coverage in a number of national television news programmes.⁶ Beyond these descriptive sources, however, the discussion of the media coverage of EU affairs suffers from the almost total absence of data.

This pamphlet relies on public opinion surveys collected as part of a research project about opinion dynamics around the enlargement of the EU. It draws on data from a large cross-nationally comparative study by *ASCoR*, The Amsterdam School of Communication Research at the University of Amsterdam. The studies provide the opportunity to assess a number of the assumptions about the way news media deal with European affairs. To investigate this, television news coverage was investigated in all EU member states during the campaign leading up to the 1999 European Parliament elections.⁷ Furthermore, television news in five countries was analysed during the year 2000 to gain insights into the characteristics of news about European affairs outside the specific context of an election.⁸

SECTION TWO:

THE BROADCAST MEDIA AND EUROPE

This section assesses four assumptions about the television news coverage of European affairs:

- 1 *The EU is invisible in the news.* EU politicians and representatives of EU institutions increasingly complain about the lack of attention devoted to their work. This section assesses whether it is correct that the EU is absent on the evening news.
- 2 *The EU has low priority in the news.* EU representatives and members of the Brussels press corps often complain that even when the EU does make it in to the news, it is often hidden away at the end, sandwiched somewhere between domestic local news and sport. This section answers the question whether the EU suffers from double trouble: is the visibility low and does it receive low priority?
- 3 *The EU is faceless.* When the EU makes it into the news, who then represents the issues at stake? In other words, which actors are the face of the Union? This section provides an analysis of the extent to which the EU is successful in getting its actors in national television news.
- 4 *EU news is negative.* Europhiles often contend that the EU is portrayed negatively when in the news. Is this observation justified? This section assesses the tone of the coverage towards the EU and compares this to the tone of news about national politicians.

Each of these four indicators are important to move the debate on communicating Europe beyond an exchange of views and convictions towards a discussion based on data and information. Based on cross-nationally comparative studies of the broadcast media over a number of different occasions, it becomes possible to assess some of our assumptions about European news coverage, look at the ways that the

broadcast media deal with political issues, and therefore make recommendations about how the EU needs to be redesigned in order to make itself more communicable.

In the second part of this section we discuss the notion of ‘news framing’. For the EU to improve its communicability, the understanding of the dynamics of political news journalism is in need of improvement. News framing refers to the spin given to an issue in the news. The section identifies recurrent frames in political and economic news and reviews how the communication of the EU may be optimised to fit our knowledge about news framing. These are the factors which determine how an issue travels between press release or interview and news report.

Assumption 1:

The EU is invisible in television news: mostly TRUE

Studies written for the EU suggest that EU news is not very prominent on the national news agendas. Other studies dating back to the 1979 and 1989 European Parliament elections confirm this impression and suggest that, even in the days of higher turnout, the campaigns leading up to the elections were marginally visible in national television news, except in the final weeks before the election.⁹

During the final two weeks prior to the June 1999 elections, national television news programs such as, for example, the BBC and ITN in Britain, NOS and RTL in the Netherlands, TVE and Antenna3 in Spain, and RaiUno and Canale5 in Italy, spent between 2% (the Netherlands) and 8% (Italy) of their news programs on the elections.¹⁰ On average, the main national news programs in the EU member states devoted 8% of the news to the elections. Belgium, Britain, Germany, Ireland, the Netherlands, and Spain stand out for devoting less than 5% of the news to the elections during the campaign. In Austria, Denmark, Finland, France, Greece, Italy, and Sweden, between 8% and 13% of the news dealt with the European elections, while Portuguese television news devoted 27% of the news to the elections.

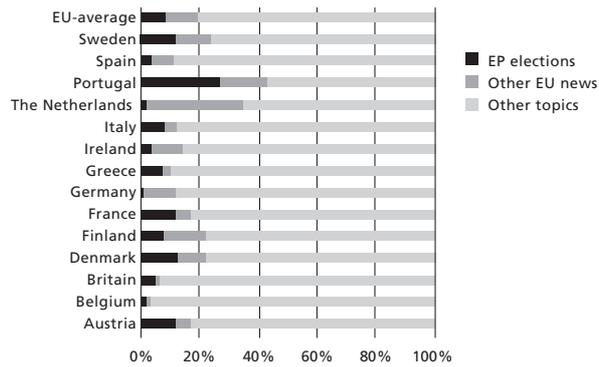
There are three identifiable reasons for these differences. Generally speaking, public service broadcasters provided more coverage of the elections than commercial news shows – therefore countries with large public sector broadcasters tended to have more coverage. Second, there tended to be more coverage in countries with polarised elite opinion, that is countries in which the political parties took outspoken and differing standpoints on European issues. Finally, there was more coverage in countries where citizens are less satisfied with domestic democracy.¹¹

Is there a decline in these figures compared to previous (higher turnout) European election campaigns? It is hard to tell since there are no comparable studies of the campaigns on television news in 1984, 1989, and 1994. One indicator from the first elections in 1979 suggests that between 40 (the Netherlands) and 100 (Britain and Denmark) minutes in the news bulletins of the public broadcasters were devoted to the European elections.¹² By 1999, these figures were 4 minutes (NOS Journaal in the Netherlands), 15 minutes (BBC) and 47 minutes (DR TV1 in Denmark). While the European Parliament has become more important politically and has seen its competences grow over the past 20 years, the Parliament has become less important in broadcast news.

Compared to national elections, the European Parliamentary elections gain nowhere near the same amount of news coverage. For example, in 1997, the BBC Nine o'clock news was extended by 20 minutes per evening for the general election, and the election led the news show on 38 of the 44 days of campaigning.¹³ During the national election period in the Netherlands, NOS news (the public broadcaster) spent 32% and 27% of the time in the news on the elections in 1994 and 1998. In comparison, NOS news devoted 5% and 1% respectively to the European elections in 1994 and 1999.¹⁴

Turning to the visibility of EU news during a 'regular', non-election period, we find that national news programs devote most attention to EU news during the periods in which the European Council of heads of state meets.

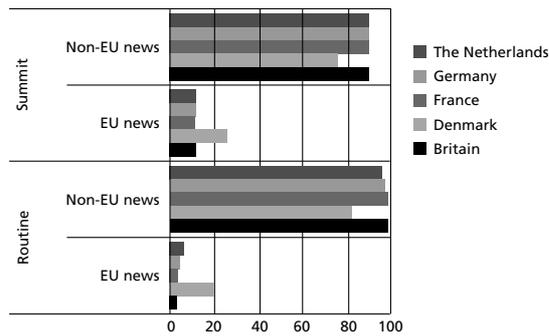
FIGURE 2
VISIBILITY OF THE 1999 EUROPEAN ELECTIONS ON NATIONAL TELEVISION NEWS



Source: News content analysis, European election study, University of Amsterdam. ‘EP elections’ refers to news specifically about the European Parliament elections, ‘Other EU news’ refers to political and economic news making brief reference to the EU, ‘Other topics’ is a miscellaneous category of all other news during the campaign.

In the days around the EU summits, about 10% of television news in Britain, France, Germany and the Netherlands is devoted to EU topics, with Danish news at more than 20%.¹⁵ In the weeks outside the pre-scheduled council meetings, the national news programmes devote about 2-5% of the news to EU topics. Again, Denmark stands out with almost 20% of the news devoted to EU topics, but this number is inflated given the September 2000 referendum on the euro in Denmark which is included in the period studied.

FIGURE 3
VISIBILITY OF EU NEWS (ROUTINE AND SUMMIT PERIODS)



Source: News content analysis, European routine and summit news, University of Amsterdam

As a general pattern, it seems fair to conclude that the EU is not very successful in establishing its topics and priorities on the national television news agenda. While considerable national variation was found in the amount of news devoted to the European elections, some countries scored rather poorly in terms of information provision about the elections.

In the light of the extended competences of the Parliament and the March 1999 (Parliament-initiated) resignation of the Commission, it may seem surprising that Dutch and German television news, for example, devoted only two news stories to the elections: one on each national network on the night prior to the elections. In Britain, the little election news that there was was taken up by the euro (which has nothing to do with the European Parliament) and by the anticipated voter apathy (see Figure 4). The assumption that television news, which reaches the largest audiences and is the preferred means for citizens to obtain information about EU affairs, is largely negligent of EU matters can – with the exception of few countries – largely be supported.

FIGURE 4

1999 EUROPEAN PARLIAMENT ELECTION CAMPAIGN ON BRITISH TV NEWS

	BBC	ITN
June 9	Final day of campaigning (3, 3:20) Proportional representation ballot (4, 2:00)	Turnout expected to go down; big ballots (8, 2:37)
June 8	Euro is battleground. Britain to "lead or leave Europe" (5, 3:00)	–
June 7	–	Three days away: persistent predictions of low turnout (8, 2:00)
June 6	–	–
June 5	–	–
June 4	–	–
June 3	Conservatives pressured to deny EU-leaving policy (7, 1:57)	–
June 2	–	Campaign stepping up, fear for low turnout (10, 2:01)
June 1	William Hague calls for government to ban the euro (6, 2:45)	–

Note: Table entries are 'headlines' of news stories on BBC Nine o'clock news and ITN News at 6:30 in the 10 days prior to the 1999 European elections. Numbers in brackets are the number of the story in the news program and the length of the story in minutes: seconds. Source: de Vreese (2002).

Assumption 2:**The EU has low priority in the news: NOT TRUE**

Given this evidence about little news coverage of the EU, it would seem fair to assume that not only is EU news partially neglected, it is also likely to be given low priority. In television news terms, this would entail being pushed back to the middle or last third of the program. This is not the case. When the EU manages to enter the news, it is fairly prominent in the program. EU stories are generally placed in the first third of a news bulletin and are, compared to other political news, not disadvantaged by being lumped together at the end of the news programme.

From this finding of low visibility but, interestingly, relatively high priority, a pattern of EU news emerges that is *cyclical* in nature.¹⁶ The EU, it seems, is often absent from the news agenda, and then enters the agenda, peaks and vanishes. In effect, this means that the news provision about the EU is rather sporadic and that no stable level of news and information is present.

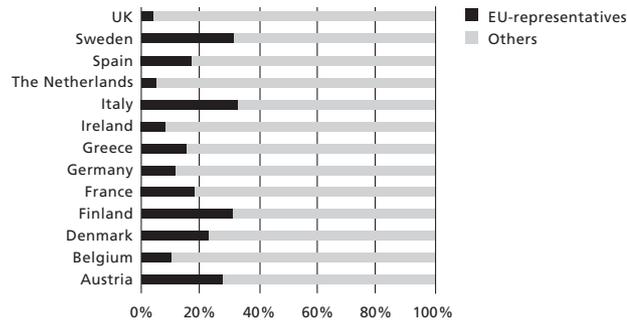
Assumption 3:

The EU is faceless in the news: TRUE

For a representative democracy to operate, elected political representatives must be publicly visible. The media, and specifically the broadcast media, are one of the key ways of achieving this visibility. During national elections, the visibility of political representatives on television is generally monitored closely to ensure a degree of balance in the reporting. With respect to the representation of the EU, on the other hand, we have only a little knowledge about *who* the EU is, i.e. the faces and institutions that represent the EU in the news.

Looking at political television news¹⁷ during the 1999 European elections, EU representatives (that is members of EU institutions such as the Commission and the Parliament, members of EU parties or associations, and candidates for the European Parliament), constituted between 4% (Britain) and 33% (Italy) of the representatives in all political news on television during the campaign.¹⁸

FIGURE 5
VISIBILITY OF EU-REPRESENTATIVES AND OTHER ACTORS IN POLITICAL TELEVISION NEWS DURING THE 1999 EUROPEAN PARLIAMENTARY ELECTION CAMPAIGN



Source: News content analysis, European election study, University of Amsterdam (see Peter and de Vreese, 2002).

The share of EU representatives varied considerably between the countries. In general, news in countries that entered the EU more recently (e.g., Austria, Finland, and Sweden) included EU representatives in the news more often than older members (with the exception of Italy).¹⁹

Assumption 4:
EU news is negative: TRUE, but no more than other news

In addition to the important features of visibility, priority, and facelessness of the news, the tone of the television coverage is also important as it influences public opinion in the long run. News in general tends to be negative – as succinctly stated by credos such as ‘if it bleeds, it leads’. The critical stance of journalists was to some degree a surprise to the EU. A spokesman in the former Santer Commission admitted that the significance of critical, investigative journalism was underestimated and that new journalists have entered the Brussels stage:

We used to deal mainly with militant EU supporters. Now we are faced with more sceptical journalists who look at the Commission like a national government. The home editors have become more critical and more interested, which increases the incentive for journalists to attack a little bit more.²⁰

Based on the media data collected by the EU, Norris concluded that the directional bias of television and newspapers is consistently negative and that “the coverage of the European Community in newspapers and on television therefore often proved anti-Europe”.²¹ This conclusion is partially supported in the study of EU news throughout the year 2000 reported here. Television news is generally neutral, but if slanted, then more often slightly negatively.

However, this finding must be put in an appropriate perspective. While Norris sees an “endemic bad-news or eurosceptic frame”²² characterising most EU coverage, this ‘negativity bias’ is not exclusive of the EU but is a general rule in the media coverage of political news. Based on the analysis of the European election campaign, the summit and the routine news periods, our study suggested that while EU news is generally negative and with a moderately negative slant, so is other news about politics too.²³ The more appropriate conclusion is therefore that news media tend, in general, to be negative about (or critical of) politics and not about the EU in particular.

To sum up, EU news on television is moderately visible and the coverage is cyclic in nature, with ‘priority peaks’ after which the news vanishes from the agenda. The EU is largely faceless in the news, and its coverage is neutral or slightly negative, like political news in general.

Framing Europe

As Europe’s future constitutional arrangements are discussed, a point should be made of considering how the recommendations will work in communication terms. Good communication is not something that is

automatic: it needs to be embedded in the institutional design. The problem with Europe is that institutions which work very well at a national level, such as plenaries in national parliaments, do not work at all at European level.

One way to think about how to communicate is through the use of frames. A frame is a term referring to how journalists shape raw material into stories.²⁴ News is more than selecting and giving weight to different events and issues. A frame is *an emphasis on the salience of some aspects of a topic*.²⁵ Journalists and politicians use frames when they discuss political, economic and social events or issues, by presenting them as *alternatives* which emphasise contrasting aspects and make the information more interesting and understandable. In terms of news production, framing refers to the spin given to an issue and a story in the news. Events as such have little intrinsic value, unless they are embedded in a meaningful framework or context that organises and lends coherence to the interpretation of the event.

NEWS FRAMING

A news frame is a template for journalists to compose a news story in order to optimise audience accessibility. In turn, news frames are potentially important resources for public thinking about, understanding of, and support for contemporary political and economic issues, such as the EU. As Denis McQuail puts it, “news is presented within frameworks of meaning which derive from the way news is gathered and processed”. Standard organisational procedures, work routines, and news values all function as ‘guidelines’ in the quest for fast and regular news output. News in itself has little value unless embedded in a meaningful framework which organises and structures it.

Given the centrality of the television media in informing the public about the EU, it is necessary to develop a better understanding of the dynamics of political communication and political news journalism in particular. Those designing the new constitution need to be thinking creatively about how the institutions they design will play in the broadcast, print, and digital media.

With journalists forced to select and prioritise to tell a story in the news, framing also plays a central role in the production of news. ‘Framing in the newsroom’ is therefore the starting point. Journalists have to tell a story within a limited time or space, so they need certain frames to simplify and give meaning to the flow of events, and to keep audiences interested. Frames guide journalists, editors, and news executives to structure and organise news stories, and framing helps audiences to make sense of the information provided.

This applies particularly to European news. To the Editor-in-Chief at the BBC, the interpretative tone adopted when covering European affairs is a function of the fact that many European news stories are highly specialised:

Just telling what has happened or what somebody said is of no use to the audience at all unless you give them some background and context, a bit of explanation, where it all comes from and where it is all leading. [...] We employ journalists with specialist knowledge to give that sort of information and guidance. They lay out the arguments for you by saying why a person is saying this or that.

Though news may be framed in numerous ways, scholars agree on the fact that a number of recurrent frames exist. This observation is in line with the notion of generic news frames as being ‘detached’ from a specific issue. These studies link news frames to more general features of news coverage such as journalistic conventions, norms, and news values.

Work conducted at The Amsterdam School of Communications Research developed this line of research and identified five generic news frames: ‘conflict’, ‘human interest’, ‘attribution of responsibility’, ‘morality’ and ‘economic consequences’.²⁶

1 The **conflict frame** emphasises conflict between individuals,

groups, institutions or countries. Research has observed that political debate between elites is often reduced to conflict in the news.

- 2 The **human interest frame** brings a human face, an individual's story, or an emotional angle to the presentation of an event, issue or problem. This frame personalises and "emotionalises" news.
- 3 The **responsibility frame** presents an issue or problem in such a way as to attribute responsibility for causing or solving the issue to either the government or to an individual or group.
- 4 The **morality frame** interprets an event or issue in the context of religious tenets or moral prescriptions. For example, such stories may contain moral messages, judgments, and offer social prescriptions about majority behaviour.
- 5 The **economic consequences frame** presents an event, problem or issue in terms of the economic consequences it will have on an individual, group, institution, region or country.

In an analysis of national print and television news coverage surrounding the 1997 EU summit with European Heads of Government in Amsterdam during the Dutch EU presidency, it was found that the attribution of responsibility frame was the most commonly used followed by the conflict and economic consequences frames.²⁷

However, when EU news frames are compared across nations, some local or national 'spins' emerge together with the general frames. De Vreese et al. found that although there were some common conflict and economic consequences frames used in television news in Britain, Germany, the Netherlands, and Denmark, national news organisations still provided a significant local or national 'spin' to the news stories.²⁸ This is important because it suggests that news coverage of the EU, when it takes place, is constructed in one or more of the generic frames outlined above, as well as in a specific frame which is national or local in focus.

The next section discusses the practical ways in which these frames can be used to increase news coverage of EU issues and public engagement with the institutional and policy debates. It also outlines some more general policies which may improve the political communication of the EU.

SECTION THREE:

SOLUTIONS

‘Communicating Europe’ should not be about simplistic, self-congratulatory messages reinforcing European ideals. The central objectives should be to present EU affairs, ranging from key issues such as the enlargement of the Union to details on minimum standards for food production, as a communicable story. The goal should be raising the profile of EU affairs, not by applauding initiatives and work from its institutions, but by increasing media attention, public debate, and political discussion. In particular, this needs to be done through institutional reform and a change of mindset, which gets away from the prevailing ‘shoot the messenger’ mentality.

Three key proposals emerge from on-going research on the EU in the news and public opinion about European integration:

- 1 *Redesign political communication to take account of journalistic frames.* Several news frames hold the potential to improve the communication of Europe. Political conflict is a news frame with great democratic potential. Understanding news framing is more than revamping a press strategy, but should be built into the institutions.
- 2 *Link European governance with national communication systems.* Covering European issues from Brussels is not enough, as communication tends to happen at a national level. European stories need to be discussed in the national context. One way of doing this is that national parliaments need, more actively, to scrutinise the European level of governance. This process increases visibility and transparency and, ultimately, legitimacy.
- 3 *Give Europe a face.* The EU is faceless. Making use of existing communicative potential, such as EU Commissioners, and keeping

EU Council meetings local and not only in Brussels, contribute to giving the EU a face.

1 Redesign Europe to take account of news framing

Communication efforts need to be rethought to take account of the rules of political journalism. Journalistic frames inform us which events, and packaged in what ways, may or may not become news. Why is this important? Frames interact with individuals' predispositions and knowledge, so that framing effects are conditional upon finding resonance with an audience. Frames give direction to viewers' thoughts, they affect evaluations of policy issues such as the enlargement of the EU,²⁹ and may, in certain circumstances, affect real policy support and the intention to turn out to vote.

A bulletin editor at Danish national news summarised these points in her characterisation of what an issue or event must contain:

Two things are important: First, what does this mean for ordinary Danes? That is to say, what are the consequences, financially, politically, personally? Second, who are the domestic political stakeholders? Do the EU countries agree? Is there unanimity? Any vetos, why and how?

Frames can help get these points across. An example of a frame being used successfully is in referring to a historical context for a story. Research shows that a few sentences on this historical context can evoke some powerful ideals such as peace or shared European values, which, as a result, the EU comes to represent in the minds of the audience.³⁰ However, the other frames referred to in Section Two can be used more creatively to feed into news broadcasts to inform and engage the public.

a Finding the human story

One news frame that pervades is the human interest frame.³¹ Finding an example to be used as a journalistic peg in the story is nothing new. But this frame is not often used in stories about European politics.

Journalists consider EU affairs complex and not readily accessible. One solution is to 'translate' the broader issues at stake to personal, illustrative examples. Journalists do this, but European institutions may as well use this frame in their communications. Good examples of EU-related human interest stories that manage to portray broader policy issues include a number of BBC News stories. For example, around the first step introduction of the euro in 1999, the BBC broadcast stories on cross-border workers commuting daily between Germany and France, stressing how using the euro made life easier to them. Using this angle, rather than providing the official exchange rates between German Marks and French Francs, made the EU communicable, as well as being good television journalism. EU institutions should encourage news coverage by lining up people to comment on stories and by framing press releases themselves rather than just issuing fact sheets. A second example, also from the BBC, was a story which communicated the common EU refugee and asylum seeker policy. This story was told from an Italian coastal village where ships from Albania had previously come to shore. Again, the human examples make the contentious and complex issue of immigration more readily accessible.

b Who's paying? Who's gaining?

A second news frame that is well-known in political reporting is the 'economic consequences' frame. This approach to news and events is preoccupied by 'the bottom line', by the economic and financial implications.

EU issues can – and should be – translated into questions such as: What does competition regulations – one of the key areas of EU policy-making – do for companies? And for consumers? What is the growth potential of a region after gaining or losing structural support? What are the costs of different policy alternatives being discussed?

c The democratic potential of conflict-driven news

A third news frame that scholars, both in theoretically and empirically, identify as particularly recurrent is the conflict frame. In fact, news

about the EU and European integration in some countries has been found to conform to this pattern and is highly driven by conflict and disagreement between contrasting points of view.³²

Conflict news is generally feared by politicians and policy-makers since issues run the risk of being reduced to a game over being 'right' and 'wrong'. But the fear is perhaps not fully justified. Framing a story in terms of conflict, for example, is a translation of a key news selection criterion into a template for organising the news story in a way that is familiar not only to journalists, but also to sources and audience.

As a senior BBC political correspondent said of the difference between covering domestic politics and European politics:

Here [in Britain] we have our 'Punch and Judy rows'. They are easy to cover because they fall into that British wish to have two sides. They are neat because they are told briefly, only need two bits of actuality, and require very little explanation, because people are familiar with the ideas, and you don't have to explain too much. [...] Now things are more complicated and we are still learning to accommodate a more sophisticated story in relation with the EU.

The implication of this view is that political news about the EU is less easily reported due to the absence of conflict. This in fact hampers the EU in getting into the news. Again, the EU and issues of European integration are much more likely to hit the news when presented as a political system with conflict, disagreement and tension, rather than as an integrationist, single-minded, unstoppable force.

Moreover, some research suggests that the audience of conflict-framed news often reacts in a more reflexive manner to the information, and develops a fairly balanced point of view.³³

How do we get more conflict-driven news? How can journalists be

encouraged to see EU issues in this way and frame them in terms of disagreement and political debate? The problem is that disagreements in the Commission or European Council about policies which are being negotiated are not voiced in public. When there is a contested policy issue being decided at the national level, it is clearer what the key steps to legislation are, and thus Parliament is in the limelight and political opposition is quite strident.

This happens to a much lesser extent in the UK than in other countries, where the parliament is more powerful or there is a coalition government. By contrast, at the EU level compromises are either reached in diplomatic negotiations held between governments behind closed doors, or by the Commission, which does not voice political disagreements because of its bureaucratic nature and lack of democratic accountability. When there is conflict-driven news about the EU, it is simplified in terms of Commission vs. governments, and there is no communication of the real issues. EU decision-making must become more transparent, a bigger effort must be made to voice disagreements, and the culture of the Commission must be changed and become more openly political to reflect a role which is far more political than that of a typical national bureaucracy.

2 Link European governance with national communication systems

Political communication is national. Previous attempts to organise deliberation on EU issues through pan-European newspapers and television have failed. With this observation as a starting point, the institutions need to be inviting national-level media attention. The role of national parliaments is key in feeding in to national communication circuits and providing a structured political debate that can make it into the news.

In order to develop conflict frames, scrutiny in national parliaments has strong communication potential: it fosters conflict and it feeds the national news media. For example, when Tony Blair headed off to Nice

for the European Council meeting in December 2000 he was questioned in parliament on the negotiation strategy (prior to the summit) and the outcome (after the summit). The clashes with former Tory leader Hague made the evening news on both instances. A second example from the same summit: when the Danish delegation headed for Nice the European Affairs Committee and a debate in parliament made the news because political parties disagreed on the mandate to be given to the Danish government.

All national parliaments in the member states have established some kind of European affairs committee (EAC) within their parliament to improve parliamentary scrutiny over the decision making of their own government concerning EU matters. These committees typically focus on the negotiating position taken by the national governments in Council of Ministers meetings.

National parliaments' ability to scrutinise their governments' decisions at the EU level varies from country to country for constitutional, statutory or electoral reasons. Generally, parliaments with minority governments have the greatest power to scrutinise their governments, followed by parliaments with coalition governments.³⁴

One study compared the parliamentary scrutiny in Britain, Denmark, and Germany and concluded that Denmark appears to be the most powerful parliament for scrutinising government decisions in the EU.³⁵ The Danish Parliament has the right to give or deny a mandate to negotiate in the Council of Ministers. It also has a system of overlapping membership between the European affairs committee and the specialised policy committees, thus concentrating expertise in the European committee.

The German Bundestag (or lower house of parliament) also has relatively effective scrutiny powers on EU issues. Although it does not have the right to give or withhold a mandate from the government, it does have the right to be consulted and to guide EU policy

(*Mitwirkungsrechte*). The system of overlapping membership with the European Affairs Committee also strengthens oversight.³⁶ The power of the British House of Commons to scrutinise their government's decision making over EU matters is normally quite low. There are only weak constitutional and statutory bases for scrutiny.

Effective scrutiny mechanisms, even when they produce criticisms, should be welcomed by the EU. Although they will increase negative as well as positive news coverage of the EU, this type of political communication is the only mechanism through which real public legitimacy of the European construction can emerge. Enhanced scrutiny will also foster opinions of EU policies which, when negative and critical, will nonetheless be better informed and intelligent, and which are anyway preferable to the present voters' apathy. One starting point to do this is strengthening the scrutiny role of European Affairs Committees. Active, visible and influential European Affairs Committees are remedies to ensure that the reporting of issues and processes takes place. This happens at a point in time in the decision-making process when policy change is still possible.

3 Give Europe a face

a Use current assets: make national commissioners key communication agents

The EU suffers from low-profile politicians. Analyses of the profile of members of the European Parliament suggest that a Parliament term is oftentimes a step towards a 'serious' domestic political career or a 'gentleman's career exit'. This impression finds resonance with newsmakers. During the 1999 election campaign, national television in Denmark (TV2) ran a story on the 'Mickey Mouse elections', making reference to the number of 'celebrities' running for office. Moreover, only very few MEPs make it to national news on a regular basis. Thus the Parliament is perhaps not the best institution to take on responsibility for political communication of EU news and providing the public faces to come across to the public. This may be best done by the Commission.

European Commissioners are often well-known politicians. They have a clear function in the EU, and by virtue of the Commission's fragmented political authority, they have a clear area of expertise and a recognisable portfolio. In the communication of European issues, Commissioners should be utilised to a greater extent. Fulfilling the goal of putting issues on the media agenda, at an early stage of the EU decision-making process, can be realised by using Commissioners as key communication agents. The Commission's agenda-setting role within the EU dovetails with the goal of initiating issues on the news agenda.

The main reason this has not happened in the past has been a reluctance by Commissioners to speak on briefs outside their own area of competence. Whilst this would be entirely appropriate for a national civil service, it is a shame if the most recognisable political figure in Denmark on European matters, Commissioner Poul Nielson, is only allowed to speak about development aid. It also presents a very skewed vision of the breadth of European competence.

Suggestions about the election of the Commission President equally need to take account of national media structures. While it can be expected that a democratic contest, whether in the European Parliament or directly in member states, would raise the profile of the campaign, perhaps there are better ways of achieving this. For example, Simon Hix has suggested that the Commission President should be elected by national parliaments: this would link the contest directly into existing national media structures.³⁷

b. 'Out of Brussels, going local!'

One relatively simple tool in generating public debate and attention to EU issues is to maintain – in one form or another – the 'EU road show'. Currently, the EU presidency rotates on a biannual basis between the member states. The six month Presidency term typically involves a number of meetings in specialised policy areas and one or two key European Council meetings. In the past, the country holding the presidency has hosted these meetings. However, the Nice summit

negotiations stipulated that these should be held permanently in Brussels. While this decision may seem cost-reductive and efficient, a number of underestimated advantages of the 'road show' and the changing meeting location are likely to be lost. A country's EU presidency is an opportunity to literally bring the EU closer to its citizens.

To give an example: during the 1997 Amsterdam summit, media coverage in the Netherlands boomed.³⁸ The presence of Kohl, Chirac, Blair etc. generated public debate and the images of the European leaders on bicycles along the canals of Amsterdam did more for public awareness of the EU than any caravan of limousines cruising through Brussels. Moreover, the summit boosted support for Dutch EU membership which increased to an even higher than usual approval level.

Another striking example in favour of holding EU summits in the presidency countries is the December 2002 EU Council meeting in Copenhagen. In a parallel study by the author, public opinion was monitored closely before and immediately after the December 2002 Copenhagen summit.³⁹ Nationally representative samples of the Danish (host-country) and Dutch (non-host country) electorate was interviewed to investigate, amongst other things, the effects of hosting the summit locally.

The evidence collected shows that the summit had the following effects in the host country:

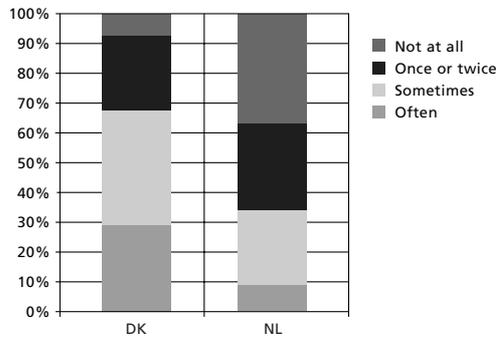
- 1 It boosted media attention and public debate in the host country.
- 2 It increased the public's attention to EU news in the host country.
- 3 It increased the frequency of debating EU issues with family or friends in the host country.
- 4 It increased the level of support for the key policy issue of the summit in the host country: the enlargement of the EU.

Evidence from not only the Danish and Dutch, but also the English and

Spanish news coverage of the summit suggests that media attention in Denmark was indeed extraordinarily high. Danish public service television, for example, broadcast an hour of EU council news during prime time before and during the summit.

The result from the public opinion surveys suggested that Danish respondents, on the aggregate level, paid somewhat more attention to news about the EU in the period around the summit. 63% reported paying ‘a lot’ or ‘some’ attention to EU news in Denmark while this was 59% in the Netherlands. Also, the Danish engaged more often in interpersonal conversations about EU topics than the Dutch. 28% of the Danes reported talking ‘often’ about EU affairs, while this was 8% in the Netherlands. 40% of the Danish respondents reported talking about EU affairs ‘sometimes’ while this was 26% in the Netherlands. Conversely, 7% of the Danes reported not discussing the EU at all while this was 36% in the Netherlands (see Figure 6).

FIGURE 6
INTERPERSONAL COMMUNICATION ABOUT EU AFFAIRS



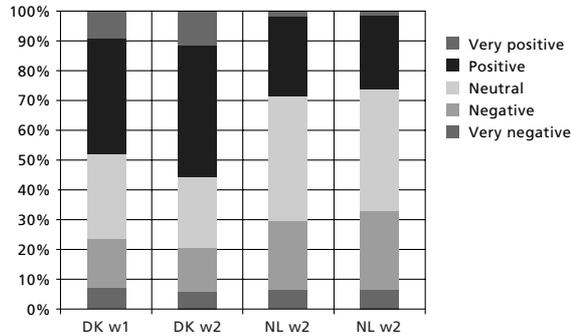
Source: Public opinion and the enlargement of the EU, Claes de Vreese, University of Amsterdam, January 2003. (Data collected in the week after the 2002 Copenhagen summit with a nationally representative sample of 1,400 Danish respondents and 2,300 Dutch respondents). Question wording: “How often did you discuss EU matters with family, friends or colleagues in the past weeks?”

We also investigated the development of public support for EU

enlargement around the summit. The same groups of respondents were interviewed in both countries about three weeks before and immediately after the summit. Two things emerged from the study: first, Danish respondents were, in general, more supportive of the enlargement than their Dutch counterparts. This pattern is in line with data collected by the Eurobarometer.⁴⁰ The Danish approval rate was in the range 47-56% compared with 26-29% in the Netherlands.

The panel surveys also suggested that the Dutch remained stable in terms of their support for the enlargement. The share of support decreased from 29% before the summit to 26% immediately after the summit. By contrast, the Danes showed an increase in the support for enlargement. The approval rate (respondents reporting to be ‘positive’ and ‘very positive’) went up from 47% before the summit to 56% after the summit. At the same time the share of sceptics (respondents reporting to be ‘negative’ and ‘very negative’) went down from 23% to 19% (see Figure Seven).

FIGURE 7
SUPPORT FOR EU ENLARGEMENT



Source: Public opinion and the enlargement of the EU, Claes de Vreese, University of Amsterdam, January 2003. (Data collected three weeks prior to and in the week after the 2002 Copenhagen summit with a nationally representative sample of 1,400 Danish respondents and 2,300 Dutch respondents. Only participants interviewed in both waves are included in the analysis.) Question wording: “Generally speaking, what is your opinion about the enlargement of the EU?”

In sum, the data from the public opinion surveys in Denmark and the Netherlands provide evidence for the argument that a locally-hosted EU summit is an excellent communications opportunity. The level of attention to the subject is higher, citizen engagement in discussion is more frequent, and (at least in this case) there was an increase in support for the key policy area addressed during the summit.

Obviously, a higher level of news coverage and public engagement is no guarantee of an increase in public support for specific policies. It can only guarantee greater awareness. Council meetings such as the 2000 Nice meeting may not contribute positively to support for the EU given the political rows at the summit. But the tension, disagreement and conflict during the summit generated tremendous press and television coverage. In sum, a locally hosted summit provides one of the more prosperous opportunities to ‘communicate Europe’.

Thus, from a communication perspective, the Council’s rotating presidency has clear benefits. The European ‘road show’ would be lost with a fixed president of the Council, as suggested in the Franco-German plan for the dual presidency.

SECTION FOUR:

A FINAL THOUGHT

The three proposals listed above do not provide *the* solution to the EU's communicative deficit. They aim to provide an input that attempts to revamp the debate on how to tackle these challenges. As mentioned at the outset, the challenges faced by the EU are far greater than those confronting national political systems.

That said, communicating Europe should *not* be about sending out a monolithic pro-European message that might 'rekindle a European spirit'. It is about generating media attention, debate and discussion. This might come at the cost of volatility in public opinion and support, but politicians must be able to overcome this. Neglecting the task of communicating Europe in the institutional reform will enlarge the gap between 'Brussels' and European citizens and do little more than reinforce public perceptions of a democratic deficit.

¹ See Meyer, C. (1999), 'Political legitimacy and the invisibility of politics: exploring the European Union's communication deficit,' *Journal of Common Market Studies*, 37, 617-639.

² See Lewis, C. (1998), 'Is the hard bargaining image of the council misleading? The committee of permanent representatives and the local elections directive,' *Journal of Common Market Studies*, 36, p. 494.

³ Based on Meyer, C. (1999), pp. 622-3.

⁴ See Fundesco/ AEJ Annual Report (1997), *The European Union in the media 1996*, Madrid, and Pippa Norris (2000), *A Virtuous Circle. Political Communications in Post-Industrial Societies*, Cambridge University Press.

⁵ See Anderson, P. J. & Weymouth, T. (1999), *Insulting the public? The British press and the European Union*, Longman Publishers.

⁶ See Euromedia reports. These reports were commissioned by the European Commission to provide an overview of the coverage in the EU in a number of countries.

⁷ The analysis does not include Luxembourg.

⁸ For more detailed information about the studies, see de Vreese, C. (2002), *Framing Europe. Television news and European integration*, Aksant Publishers or contact the author at c.h.devreese@uva.nl; <http://www.claesdevreese.com/>.

⁹ See Blumler, J. G. (1983), *Communicating to voters. Television in the first European Parliamentary elections*, Sage; Leroy, P. and Siune, K. (1994), 'The role of television in European elections: The cases of Belgium and Denmark,' *European Journal of*

Communication, 9, 47-69.

¹⁰ News about the elections was defined as "Explicitly (only if the story or somebody in the story says so): Is the European Election Campaign mentioned? Does the story at least mention or make reference to the campaign or the elections of the European Parliament in June 1999?" It should be noted that the war and peace negotiations in Kosovo in former Yugoslavia occupied a significant part of the news during the campaign in most countries.

¹¹ For a further discussion of the explanations of the country differences, see Peter, J. (2003), 'Why European TV news matters. A cross-nationally comparative analysis of TV news about the European Union and its effects', Unpublished PhD dissertation, University of Amsterdam.

¹² See Kelly and Siune, M.K. (1983), 'Television and campaign structures' in Blumler, J. G. (Ed), *Communicating to Voters*, pp. 41-64, Sage.

¹³ See Norris, P. Curtice, J. Sanders, D. Scammell, M. and Semetko, H. A. (1999), *On message. Communicating the campaign*, Sage.

¹⁴ See de Vreese, C. (2001). 'Election coverage – new directions for public broadcasting: the Netherlands and beyond', *European Journal of Communication*, 16.

¹⁵ News about the EU is defined as: 1) stories which mention at least two complete independent sentences or more of the following: EU events (summits, meetings of EU ministers), decision-making on an EU level ("Brussels decided..."), involvement of EU institutions (EU commission, EU parliament, Council of ministers, etc.), or 2) Programmatic/policy stories (EU enlargement, EU common foreign policy, speeches on particular EU-related problems). A story is NOT an EU story when the EU is only referred to marginally (e.g. mentioned once) and when EU institutions, persons etc. are merely shown in footage.

¹⁶ See also Norris (2000) for a dovetailing analysis of the data collected by the EU for the period 1995-1997.

¹⁷ Political news is defined as a story that meets one the following three criteria: first, politics is explicitly mentioned; second, politicians, political groups, political institutions, or political organisations are verbally mentioned *and* depicted at least once; third, politicians, political groups, political institutions, or political organisations are verbally mentioned at least twice. For news about Kosovo, a major topic in the news during the 1999 election campaign, political coverage as defined here includes political stories about the war in Kosovo only if, first, politics of the EU are explicitly mentioned, or if, second, politicians, political groups, political institutions, or political organisations of the EU are verbally mentioned *and* depicted at least once, or, third, if any of the above are verbally mentioned at least twice. This may lead to a potential *overestimation* of the overall coverage of EU representatives and should be borne in mind when interpreting the results. The special treatment of the Kosovo war stories was necessary in order to keep this large-scale content analysis feasible.

¹⁸ EU representatives are defined as people who are members of EU institutions or EU parties or who are clearly associated with them (e.g. a spokesperson of an EU institution), see Peter, J. and de Vreese, C. (2002), *A Faceless European Union*. International Communication Association.

¹⁹ See Peter, J. (2003).

²⁰ Deputy spokesman T. Damanm cited in Meyer, C. (1999).

- ²¹ Norris, P. (2000).
- ²² Norris, P. (2000), p. 199.
- ²³ See de Vreese, C. (2002), for more information.
- ²⁴ For a comprehensive overview of framing research, see de Vreese (2002).
- ²⁵ de Vreese, C. (2002).
- ²⁶ See, for example, H A Semetko and P M Valkenburg (2000), 'Framing European politics. A content analysis of press and television news', *Journal of Communication*, 14.
- ²⁷ See Semetko, H. A. and Valkenburg, P. M. (2000).
- ²⁸ See Bierhoff, J., Deuze, M., and de Vreese, C., (2000), *Media innovation, professional debate and training: A European analysis*. European Journalism Centre, Maastricht.
- ²⁹ See de Vreese, C. (2002).
- ³⁰ See de Vreese, C. and Boomgarden, H. (2003), Valenced news frames. Linking content analysis and experimental evidence on the support for the EU Communications, *The European Journal of Communication*, 4 (3).
- ³¹ See Bennett, W. L. (1992), *News: the politics of illusion*, Longman; Neuman W. R., Just, M. Crigler, A. N. (1992), *Common knowledge. News and the construction of political meaning*, University of Chicago Press; Semetko and Valkenburg (2000).
- ³² See de Vreese, C. (2002).
- ³³ See for example Valkenburg et al. (1999); de Vreese C. (2002).
- ³⁴ See Holzhacker, R. (2002), *National Parliamentary Scrutiny in the EU: Comparing Rules, Institutions, and Party Behavior*. Copenhagen Dialogue conference. Copenhagen, October 2002.
- ³⁵ Ibid.
- ³⁶ Ibid.
- ³⁷ See Hix, S. (2002), *Linking National Politics to Europe*, The Foreign Policy Centre / British Council, reprinted in this volume.
- ³⁸ See Semetko et al. (2001).
- ³⁹ The study is part of a larger cross-national research program on 'Public Opinion and the enlargement of the EU' directed by de Vreese, The Amsterdam School of Communications Research. The research is supported by a grant from the Danish Social Science Research Council.
- ⁴⁰ See for example Eurobarometer 56, 2002.

Is Europe Reviving National Democracy?

Tom Arbuthnott

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SECTION ONE:

INTRODUCTION

Governments, at national level, seem to have lost the confidence of the people they represent. People mistrust politics, politicians, and the news media they read more than ever before, and a well of cynicism dominates connections between the governors and the governed.

Some argue that this loss of confidence is because of a declining level of accountability of government in the face of its citizens. When things go wrong, it is increasingly hard to identify which specific set of 'scoundrels' are the ones to throw out of office. The embedding of national democracy in an international system of checks and balances often leaves the impression that national politicians, while claiming to have power to change the course of events, are left clutching a calculator as the economy slides into recession.

Most arguments make Brussels the scapegoat: government ministers working in Europe take decisions behind closed doors, and rarely have to justify their actions; the European Commission is unelected, unanswerable, bureaucratic, and, to some, takes advantage of its freedom of action to become corrupt and ineffective; the European Parliament is merely a democratic trick, a mirage of formal democracy designed to reassure the sceptics and encourage the technocrats. Responsibility is caught between the different levels of government in an opaque, shifting system where ministers and commissioners always have the chance to blame someone else when things go wrong.

By shifting the burden of responsibility onto Brussels in this way, reformers are missing something important. Traditional systems of

national accountability have become clunky and rather outmoded. The context, the potential and the information required to hold governments to account have changed radically over the past twenty years. And if Europe is part of the problem, it is also the key element in the solution.

Membership of the European Union has in fact increased the capability for citizens to hold their governments to account. It has done this by developing a framework within which governments' ability to offer their citizens the best services, the best taxation regimes, and the best quality of life can be compared; and all within a framework which empowers citizens to quickly notice and punish their failures.

The availability of comparative data within the EU context and the capacity to compare experience is influencing citizens' assessment of government performance, and, indeed, has driven governments to seek to reach higher standards than they otherwise would. The EU has brought out a series of objective criteria which allows the public to gauge, precisely, how effectively each member government has been delivering its services. Perhaps the best example has been the rising power of the 'European average', which has become a dynamic standard that reflects a peculiarly European set of resource and ideological priorities.

The result of this has been to make comparability the new accountability in Europe. As the technical capacity to make comparisons between different systems and differing ways of doing things has increased, so has the ability of civil society, NGOs, national oppositions and backbench MPs to hold their governments to account. This paper explores how political systems need to be rewired to take account of this change. Benchmarking and comparability have so far been seen as largely a technocratic tool: now is the time to harness them to improve democracy and accountability at national level.

The changing nature of political accountability

An accountable political system has traditionally performed four functions:

- It should allow **abuses of power** to be exposed.
- It should ensure that **government standards are continually raised**.
- It should provide a framework within which **public expectations of state performance** can be managed in an effective and informed way – and where ineffective performance can easily be sanctioned.
- It should have **well-established routes** for political pressure.

The key to each of these functions of accountability is information. Abuses of power can only be exposed if people find out about them – through mechanisms such as parliamentary questions or (at European level) well-publicised whistleblowers. Judging whether standards are raised or not requires public access to relevant data, collated by independent agencies. What the public expects from government usually depends on manifesto, parliamentary and other commitments – again, usually calibrated against available data. And political arguments require figures to be convincing.

The nexus between information and its use for political purposes has evolved in four distinct ways in the past twenty years.

First, **public access to information** has changed out of all recognition. No longer are government departments exclusively reliant on official channels of communication or the news media to disseminate ideas and information. The development of new technologies has made it easier to disseminate statistics, and has ushered in extraordinary new opportunities for public access. Necessary figures are out there on the internet, allowing any unit within an organisation to take the initiative in using comparative data or comparative systems to improve performance or hold a given government or institution to account. The internet is not the only communications medium that makes this easier: the single currency makes it far easier to compare figures ranging from government spending to consumer prices. And these technologies are driven from below rather than from above: if they choose, individuals can take on the editorial and political role. In one case study, it was an

initial search on the internet by one enterprising individual which allowed the British and Dutch police forces to develop innovative new forms of co-operation. Clearly, to be politically effective, information needs to be ordered, readily findable and comprehensible, and, especially in this context, audited for its authoritativeness – but the potential is there.

Second, governments are far more **responsive** to nuances of public opinion than they were before. Rather than focusing on five-year cycles, there has been a move to American-style ‘permanent campaigns’, where parties start running for office on the day they are elected.¹ This has opened up a new responsiveness in the political system – rather than sit on a story, governments and ruling parties feel obliged to respond, resolving issues before the media caterwauling becomes too intense. As the British newspaper *The Guardian* puts it:

It is a system of unplanned political management, for which no one ever voted, but which now dominates our public affairs as ruthlessly as the civil service mandarinate once did. At its heart is what the political scientist Hugh Hecllo has called “the continuous and voracious quest for public approval”. Its vital organs are focus groups, 24-hour communications and fundraising.²

While the legitimacy and success of these campaign tactics is open to doubt – many blame the permanent campaign for the widespread disaffection with politics and politicians that lies at the root of today’s malaise of national accountability – there is no doubt that they have opened out a new responsiveness of government to criticism from civil society, whether these are expressed at the beginning or the end of the electoral cycle.

Third, there is a **multiplicity** of different levels of government to hold accountable, making it extraordinarily complex to keep track of the systems in use. With the rise of the ‘shared competence’, a policy area driven at regional, national and international levels, it becomes unclear

who precisely is responsible for any given policy. This is exacerbated by the separate scrutiny and legitimacy systems at each level – your local MP can easily claim it's the MEP's or MSP's responsibility when things go wrong. While it is very clear from polling data, turnout levels and surveys that people see general elections as their primary arena of choice, the formal system denies this by demanding that people keep track of hundreds of decision-making procedures (over 25 within the EU alone) and thousands of individual politicians if they are to attribute responsibility adequately.

Fourth, with advances in the science of international statistics, the **raw material** for accountability has improved out of all recognition. Even ten years ago, when Eurostat (the EU's data gathering body) asked some eminent academics to compile indicators to compare performance in different areas, neither the knowhow in the social sciences, nor the understanding of the benefits, nor the willingness of governments to attempt to make their indicators comparable were there.³ However, at the same time, the concept of benchmarking had taken root in the business world – and was showing enormous dividends in terms of the capacity of businesses, and business units to learn from each other and develop a good practice culture. In the last few years, these techniques have taken root in the European Union's thinking also in public policy terms.

Europe's revival of national accountability

These four factors all open up a new role for the European Union, not as a voice from on high pushing legislation into national systems, but as a forum which allows citizens to compare their governments' performance with that of others. Citizens who rate their governments' performance poorly can either vote with their voice, by putting pressure on them to perform better; or with their feet, in opting to buy their services from other governments who offer the same things either more cheaply or more conveniently.

This links to one of Europe's core historical dynamics – the innate sense of competition between national systems. Whether it is Craxi

claiming “Noi siamo un popolo che ascende. Gli altri declinano” (“*We are a people on the rise. The others are declining*”) in the 1980s, the French prickliness over their culture, or the frog-bashing of the eurosceptic British, one nation pronouncing its superiority over its neighbours is Europe’s oldest political sport.

There is plentiful evidence that civil society, in all its diversity of forms and organisation structures, has taken advantage of the availability of comparative figures. Few days pass without a new league table or set of percentages, comparing government performances, being launched into the public domain. One example is recycling, where EU figures show the United Kingdom down at the bottom of the European league. Lobby groups such as Friends of the Earth have used these to raise awareness of a perceived lack of policy priority attached to the issue by the British government, saying “these latest figures highlight once again just how pathetic the UK is at recycling.” This has also translated into backbench political action: support for greater resources devoted to recycling is growing amongst MPs. In May 2002, over 200 MPs had signed a parliamentary petition backing increased recycling, and both the Conservatives and Liberal Democrats promised more doorstep recycling in their general election manifestos. The comparison to standard practice elsewhere in Europe is a potent factor in pushing governments to perform.

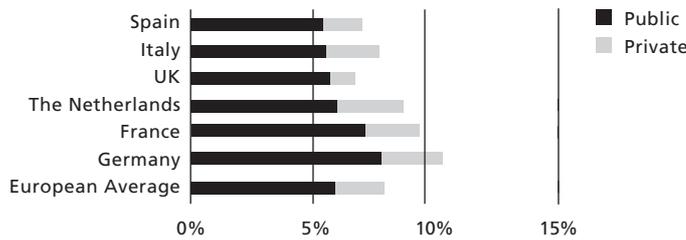
On occasion, this empowerment has also mushroomed into new forms of political activism, aided by new technologies including mobile phones and the internet, and disseminated by the modern mass-media. Perhaps the clearest example was in autumn 2000, which saw a protest about the price of fuel in France, involving the blockading of the oil refineries and consequent disrupting of supplies. This was quickly adopted as a model by truckers in other countries, notably in the UK. Not only did the protest paradigm cross borders, but the difference between national systems actually played a strong role in keeping the protests going. People who, under other circumstances, might have seen this as non-civic, disruptive behaviour, bore the inconvenience of

a fuel-less country stoically, as the papers showed daily that the price of fuel in the UK was up to 20% higher than in other European countries. Equally, both sides of the protest took international comparisons as a base point for their argument.

Governments themselves have reflected this pressure in commitments to align their priorities, particularly their spending priorities, with the common standards set in other EU member states. Through the 1990s, underspending on the British health service over many years was made abundantly clear through transnational statistics, from the OECD, the EU and elsewhere (see Figure One). The Labour government responded to these criticisms not by promising a 5% or 10% year on year rise: but by reassuring the electorate that the UK was not falling behind the common European standards – in other words, accepting that the European average constituted a minimum acceptable performance level, a gold standard for good government in the EU. In January 2000, Tony Blair promised to raise British spending on health to the European average by 2005: a commitment that was reiterated in the June 2001 general election, and put into practice in the pre-budget statement of November 2001.

It's not just in the UK – in France, President Chirac has made similar commitments, pledging to reduce the rate of corporation tax to *la moyenne Europeenne* within five years. Gerhard Schroder has made much the same pledge in Germany.

FIGURE 1
PUBLIC AND PRIVATE HEALTHCARE SPENDING AS A PROPORTION OF NATIONAL INCOME IN SELECTED EU COUNTRIES, 1998



Source: OECD Health Data 2001: A Comparative Analysis of 29 Countries, CD-ROM. The average across the EU countries is calculated by adding up the spending across the 15 countries and then dividing it by 15.

Creating new opportunities for self-expression

It isn't just electoral politics that have been influenced by the ability to compare within the EU. In certain limited areas, it is also beginning to be possible to 'exit', by choosing to use services provided by another government in preference to one's own. It has never been easier for British people to see that wine and tobacco cost less in France, and to do something about it; for Italian students, fed up with an inefficient and time-consuming system at home, to opt to study in the UK instead; for protesters about the price of fuel to ask precisely why it costs so much more in Britain than in France. They are able to make a choice, more and more, of other national systems over their own in certain areas. This can either be prosaic, in terms of expecting better train services from personal experience of using those in other countries; or can, in some cases, have a demonstrable effect over policy.

This is perhaps rather tenuous: and could, in time, have negative effects. For example, if people go abroad for healthcare, that imposes a high risk of 'free riding' – after all, why invest in better services if they

will end up subsidising the healthcare of richer people from elsewhere in the EU? However, it is happening, especially in the area of consumer spending: and is forcing governments to challenge some of their traditional regimes in areas where intra-EU borders are rather porous.

SECTION TWO:

THE RISE AND RISE OF EUROPEAN COMPARABILITY

In the last ten years, the European Union has improved its capacity to provide the sort of figures that allow citizens to hold their governments to account – even if accountability per se is an unintended consequence.

There have been two major advances. First, genuinely comparable figures defining performance between member states have been developed, which can be used by civil society in determining whether member governments are performing well or badly in comparison with their peers. Second, there has been the rise of a ‘benchmark’ culture, which has seen ministries, units and individuals become increasingly aware of the benefits that benchmarking techniques can bring in terms of measuring performance and identifying areas where policies are failing or standing still.

The result of this has been to revolutionise the methods used by the European Union for data collection and transmission, initially fuelled by a sense that Europe was falling behind the US in terms of its structural capacity to deliver higher productivity. Indicators sprout from the Directorates General of the European Commission as profusely as memos; member states are agreeing to targets that can be objectively assessed; modernisers talk endlessly of ‘evidence-based government’, ‘quality assessment’, ‘benchmarking performance’ and even ‘customer service’. This has created a number of structures which facilitate the making of clear comparisons.

There are three major reasons for this enthusiastic adoption of comparisons and benchmarking by the European Commission and the member states.

First, administrators and politicians trying to drive through solutions to

Europe's continuing economic laggardliness saw an indicator-based approach as a useful way forward. It fits with the **general political movement** of the European Union away from centralisation and towards a freer structure based on the principle of subsidiarity, where the centre limits itself to setting the strategic objectives and responsibility for implementation lies at the lowest possible level (usually the national). This framework for policy making has been advanced by fears about the ability of a Europe with 25 member states to function, especially after the difficulties even 15 had in reaching agreement on the Treaty of Nice. Instead, Europe has started working out how to take advantage of its diversity as a core strength. Techniques of benchmarking and peer review fit well with the reality of a Europe of 25 member states, allowing different cultures and societies to incubate solutions, and then feed them into the policy mix without the requirement to be dogmatic. It is an ideology based very much on what works, not what should work.

Second, the rise of **benchmarking** as a tested tool for improving performance in the private sector, and its gradual absorption into the public sector opened, the door to establishing monitoring systems which could show progress, or lack of progress, in the consistent implementation of policy. It had a proven track record, having been applied broadly and successfully by companies. These frameworks have provided a mechanism for assessing the quality of policy implementation that was essentially dynamic, in that the terms of reference for the comparison was best practice worldwide – creating the potential for consistent and continual learning from the best.

Third, it began to be recognised in the 1980s that **statistics** themselves played a hugely important role in the democratic process. Previous to this, it was assumed that statistics were for governments to learn from, and that they should be designed solely with government priorities in mind. This was perhaps expressed best in the Rayner doctrine in the UK, which stipulated: "Information should not be collected primarily for publication. It should be collected primarily because the

Government needs it for its own business”⁴. In the 1990s, the official view of statistics changed, however. Access to statistics, and the provision of free and fair data, became seen as an essential tool for open government. The 1993 UK White Paper on Open Government provides a good example, saying:

Official statistics... are collected by government to inform debate, decision-making and research both within government and by the wider community. They provide an objective perspective of the changes taking place in national life and allow comparisons between periods of time and geographical areas.⁵

This was reflected also at international level. **International organisations**, with a need to make policy based on authoritative and comparable statistics, started investing time and resources into the development of statistical systems. The United Nations set the ball rolling with its Resolution on Best Use of Statistics (see Appendix One) in 1994. Since then, common initiatives of the WTO, the UN, the European Commission, the OECD and the International Monetary Fund started to be set up in the mid-1990s, addressing the need for “more detailed, more comparable and more comprehensive statistics.”⁶ In 1994, one such task force put it: “In view of the wide gap between statistical needs and available data, the work of the Task Force was considered a long-term exercise.”⁷ The fruits of this research are beginning to be available now: and within the European Union particularly, these have become powerful tools for use not only by governments, but also for those forces in civil society, in the media and in politics, who aim to hold those governments to account.

Of course, it’s not only the European Union which is driving this move towards greater accountability and better transfer of best practice. Increasingly, best practice elsewhere is seen as the primary source of new thinking and new ideas for political movements throughout the world. However, the EU has gone further than any other international organisation in providing a framework in which it has become easy to

compare and contrast: unlike organisations such as the OECD, EU figures form the basis of defined governance structures. It has also opened out specific routes for political pressure such as the ‘Lisbon process’ and the doctrine of subsidiarity, which could allow these comparative figures to be popularised.

These three factors have led to a serious investment both in the science and the accessibility of cross-country statistics. Open access to official statistics provides the citizen with more than a picture of society. It offers a window on the work and performance of government itself, showing the scale of government activity in every area of public policy and allowing the impact of government policy and actions to be assessed.

Benchmarking

The key philosophical shift came in the growing application of business practices to public policy, particularly at European level. The same philosophy which saw business units compared against other business units applied easily to an arena within which fifteen member states were aiming to achieve the same goals through different public policy structures and philosophies.

The science of benchmarking was developed in the USA in the 1970s. Essentially, benchmarking is a tool for improving performance by learning from best practices and understanding the processes by which they are achieved. The core element in benchmarking is to look outside your own organisation, industry, region or country, escape from the norms and orthodoxies which become sedimented in any institutional structure, and examine how others achieve superior performance levels. As Robert Camp from the Best Practice Institute puts it:

In today’s business application, the benchmark is that performance objective which incorporates the best practice, the epitome or standard of excellence; and benchmarking is the activity of learning, exchanging and adapting best practices to your organisation...

The Japanese word *dantotsu* – striving to be the best of the best – captures the essence of benchmarking. Benchmarking is a positive, proactive process to change operations in a structured fashion to achieve superior performance. The purpose of benchmarking is to obtain a competitive edge.⁸

In the private sector, benchmarking has become ever more prevalent, especially in the digital economy. A recent poll from the European Centre for Total Quality Management shows that benchmarking works, and is here to stay – 71.3% of companies agree that increased benchmarking activity will result in a proliferation of best practices. Beyond this, digital media are opening new opportunities to enhance the effectiveness of benchmarking: 81.6% of companies believe that the internet and other electronic media will result in more transfer of best practices. The drivers are not only technological however – the way benchmarking works is constantly under development and it is shaped by best practice itself. 63.4% of companies agree that the production of generic process and management concepts will provide more opportunities for future benchmarking.

This extraordinary growth in the private sector has been matched by a more tentative growth in the public sector. Domestically, government departments have explored how benchmarking can be usefully applied to public policies. As a spokesperson for the UK Customs and Excise put it:

For public sector organisations, benchmarking can serve as the surrogate for the competitive pressures of the market by driving continuous improvement in value for money from taxpayers.⁹

More and more, this mantra of ‘best practice’ has come to dominate European policymaking, as it has been seen as a way to bring government performances closer without the necessity of passing harmonising legislation through the European Commission. The EU allows government departments and citizens to learn from each other – and its cultural impact has been to encourage agencies to actively seek

such benefits. Figures are now available in a huge number of different areas which are robust enough to be used by civil society in assessing governmental performance.

However, transfer of business processes to government has to be taken with a pinch of salt. The drive for greater efficiency and quality management are fine insofar as they improve standards – but the necessary political competition that defines which resources should be allocated to which tasks can easily be overlooked if a narrow economic focus is taken. As benchmarking becomes a more important aspect of the EU's operations, there is a danger that the indicators chosen could drive a certain vision of society which is entirely divorced from political choices made at the grassroots. While it aids the European Union's legitimacy if it works effectively, this mustn't be pushed through at the expense of democratic scrutiny.

There are two particular dangers which need to be avoided. First, unbalanced statistics can present a flawed vision of society, and lead to bad choices. Various organisations are already using statistics derived from these benchmarking processes in order to stoke political debates. One example is *Benchmarking Europe's Competitiveness*, produced by the European Round Table of Industrialists, which focuses on statistics about Europe's innovation, wealth and productivity, and makes comparisons in each case with the USA. The argument derived is that Europe still has a lot more to do in order to catch up with the United States. However, it would be equally possible to develop a set of benchmarks based around quality of life, working weeks, holiday entitlements or crime that would present an alternative view. The European Commission is doing the right thing by developing sets of benchmarks. However, efforts need to be made to ensure that economic decision-making takes account also of other benchmarks for the social, political or demographic aspects of welfare.

Second, there is a danger that biased or bad statistics are used in order to make political points. These are statistics that either fail to compare

like with like, or which present only a limited picture of a given area. The answer is to regulate use of comparative statistics. One possibility is to develop a kite mark, showing that the figures have been derived by a trusted source, usually Eurostat. The other alternative is to set up a body like the Advertising Standards Authority in the UK, which will have the capacity to pass judgements on the use of these statistics in political campaigns, and to force them to be withdrawn from use where inappropriate.

That said, the benchmarking principle can be very helpful to the legitimacy of the European Union, as long as it serves the cause of democracy rather than undermining it. If we can reach the stage where a good initiative by one government can be effectively seeded into the public management practices of other countries, institutionalised within an international structure that is more normative than legislative, then there is great potential for progress. In the end, if it can be seen that European structures are raising standards at national level, then Europe's legitimacy will increase. Governments that do not take advantage of these techniques to improve their national performance will be held accountable for this failure. This potential is particularly evident in the 'process of open co-ordination', which the next section will address.

Benchmarking as governance: the Lisbon process and the development of European indicators.

In 2000, faced with a European economy obdurately growing more slowly than world competitors, and uneasy about putting harmonised enforcement mechanisms in place, particularly in sensitive areas of social policy where national traditions varied enormously, the 'Lisbon process'¹⁰ was launched. This pioneered a new method of European governance – a method that saw the European Council setting targets for itself, and then taking on the responsibility, at national level, for fulfilling those commitments. The Commission took on a monitoring role. The process focused on employment, enterprise and environmental policies.

The significant thing about the Lisbon process in this context is the model that it developed: a method of transnational governance which was dependent on the transmission of objectives rather than directives. The important thing was not how a policy was implemented – but, rather, what it achieved.

While brought in for all the best technocratic reasons, Lisbon actually opens up an enormous scope for greater accountability. Governments set themselves up as prepared to be judged by their performance in certain fields and eventually to be criticised for their inaction. Admittedly, censure from the European Commission may come across as relatively risk-free: but even so, there is an awful lot of untapped democratic potential there if we could only start to use it.

The democratic potential rests on one thing: the quality of the indicators and statistics developed under the Lisbon process to allow cross-national comparisons. In order to reach the overarching goal of being the ‘most dynamic knowledge-based economy in the world’ by 2010, targets and objectives were set for member states to implement at various stages along this road. Progress would be judged against a set of mutually agreed benchmarks by the Commission, and member states which failed to implement their commitments would be ‘named and shamed’. The hope was that peer pressure would underpin progress, even where the traditional legislative means of the Community method were inappropriate.

In these areas, particularly perhaps in the sensitive field of social policy, the strength of an indicators-based approach is that, as Nobel Prize winning economist James Meade put it, they allow freedom for national diversity as opposed to continental uniformity – especially salient in a post-enlargement European Union. Because the objectives in a given policy area are set by the European Union, but the member states themselves have responsibility for setting their own strategies to achieve them, it is at the national level, where member states themselves are responsible for scrutiny, that decisions about resources

and policies are made. For example, if governments want to put taxes up in order to achieve those objectives, they are free to do so – and they have to answer to their national electorates, rather than to the European Commission, for their failure to do so.

As Tony Atkinson puts it:

One country may achieve low poverty rates by active labour market policy; another may place more reliance on social transfers.... In one member state transfers may be provided by the state; in another, member state transfers may be private. In one country, training may be associated with apprenticeships; in another, training may be provided by the school system....¹¹

The development of this process has, without doubt, contributed to the development of some very solid European Union indicators in these fields.

For example, in order to calibrate social exclusion, a particular set of indicators was developed, as explained in the box to the right. More importantly, given the difficulty of comparing like with like, some sustained academic work went on to ensure that the indicators were directly comparable. This was only successful to a degree – at the end of the day, any comparison of, say, education levels which compares a twelve-year and thirteen-year system is going to be flawed. However, the result was a set of indicators that, according to the group that developed them, was robust enough to be used by civil society in assessing government performance.

These indicators have some very significant characteristics. They are as robust as transnational indicators can hope to be – they have also been endorsed by governments as a set of performance targets on which they are happy to be, and expect to be, judged. This is an important first step in making it possible for Europe to improve national accountability.

The Lisbon Process offers a lot of potential for using these indicators to increase national accountability. For it to be ultimately effective, however, this link between national performance and accountability has to be extended. Governments may set objectives, and be prepared to be judged on them. But only if the sanction is some years in the electoral wilderness, rather than a strongly worded rebuke from the Commission, will the democratic potential of these processes truly be achieved.

**PRIMARY INDICATORS AGREED BY EUROPEAN UNION
DECEMBER 2001**

- Percentage of individuals living in households with low incomes (below 60% of the national median equivalised income)
- Persistent financial poverty
- Depth of financial poverty
- Ratio of top 20% to bottom 20%
- Co-efficient of variation of regional employment rates
- Long-term unemployment rate
- Percentage of people living in jobless households
- Early school leavers not in further education/training
- Life expectancy at birth
- Self perceived health status by income level

The Lisbon issues, however, have not succeeded in developing a high political salience at national level. Even the attention-grabbing headline goal of being the most dynamic economy in the world within a paltry ten years is hardly known. To rectify this, the process, and the common enterprise to become the most dynamic economy in the world has to be shared by people at large – and individual governments who prevent the common goal being realised have to be subject to the only sanction that really matters: within their own, national, permanent campaign.

A country which fails to achieve its obligation to enact the reforms, and therefore impedes moves towards the agreed economic and social standards, should be subject to criticism domestically from some of the key stakeholder groups, be they the unions, the trade associations or the

opposition party in Parliament. There is little evidence that this has happened to date, despite the Commission's publication of extensive review reports before each of the summits. Instead, domestic positions have tended to show the business community in support of the process, and the trade unions sceptical of it, particularly in the social policy arena. Unless these debates take off at national level, then the Lisbon process ends up being easily caricatured as another Brussels 'stitch-up' which fails to reach out and engage wider constituencies in the process of reform.

So how can this be achieved? How can the hard statistical and technocratic work which goes into each of these spring summits open up the accountability of national government?

Two key attributes of these indicators need to be taken advantage of. First, they are more reliable when they are **output** indicators, rather than **input** indicators. While it is easier to evaluate how much a government is spending on its health service, this is far less significant than indicators which can be used to judge how good the healthcare actually is. As such, commitments to raise spending to the European average have to be treated judiciously. Second, because these indicators use standardised measures, the key attribute is not **absolute**, but **relative** position. What is impressive is a rise up the list, showing that performance has improved relative to the performance of other governments and to the 'gold standard' of the European average. Being at the top or at the bottom is significant – but only when evaluated against this time dimension. As such, governments should not be pledging to raise their health spending to a certain level – they should be committing to overtake their nearest rivals in terms of the quality of services delivered, and the excellence of their outputs.

To increase accountability, one method would be to use the data in a form that's readily understandable and accessible, perhaps by formatting the data in such a way that it evokes notions of national competition – by formulating the data as league tables, and focusing a

communications effort around who's done best and who's done worst in any given year. If this is seen as too political an exercise for the impartial Commission, then this responsibility could be passed to a specialist, independent organisation. This would have the by-product of developing some strong stories which will raise the profile of the Spring Summits, and the European economic reform effort, more generally.

Second, criticism, when it comes, must come from a body with a different frame of reference to the European Commission's. For understandable reasons, governments have been reluctant to criticise each other. This is because the political momentum is coming from the wrong place – from the top down, rather than from the bottom up. The European Commission can only do so much, even though it is as independent an arbiter as can be imagined – and, moreover, in its role as guardian of the European common interest, has a stronger incentive to keep the process on the rails than any of the national governments. The key bodies that the process of open co-ordination has so far failed to engage are the European Parliament, and national parliaments.

The European Parliament has a very limited formal role in overseeing economic reforms. However, it is the only body with sufficient transnational legitimacy to be able to make its criticisms count: if the French government criticises the UK, then this can be written off as sour grapes. Giving the EP this power would have a number of beneficial effects. First, because of the links between parties in the European Parliament and parties in national systems, it would be easier to link these criticisms into domestic political debates. Second, it would enhance the political role of the EP, and therefore imply that it would be taken more seriously by national parties. Third, if the European Parliament monitored governments in their implementation of the agreed reforms and put pressure on those who fail to act by naming and shaming them, it would begin the process of defining a role for representative democracy at European level that is founded on the strengths (internationalism, pluralism) of the EP, rather than its

weaknesses (law-making, government formation). It would give the European Parliament a defined future in a non-federal European Union.

It would be possible to go beyond this, and give the European Parliament a more formal role in choosing the indicators that would work best from an accountability perspective. The European Parliament is the only body which is pluralist and representative enough to do this without being accused of selecting certain criteria for manifestly political ends. Maybe there should be a vote at the April plenary each year where the Parliament awards recognition to the winners and the losers under Lisbon, perhaps by doling out high marks to the countries that have achieved their commitments comfortably, and low grades to those that have failed.¹²

National parliaments, on the other hand, formally have a lot of influence over government policies, but their awareness of the process and its ramifications tends to be low. Indeed, on these economic issues, national parliaments will always be hamstrung from taking an activist role in monitoring government performance: for a start, national government will have a majority, and, except in the case of coalition or other hung parliaments, it is unlikely that any focused criticism will result. Second, as a very broad generalisation, national parliaments (with the exception of the United Kingdom and some others) tend to be more sceptical of economic liberalisation than the governments they elect – implying that the debates might devolve into criticism of the Lisbon process rather than scrutiny of the government's commitments under that process.

However, it is important that national parliaments have a role, as indeed the Convention on the Future of Europe has recognised. In the report by the Working Group on Involving National Parliaments, it stated:

The exchange of information between parliaments, including on best practice and benchmarking in national scrutiny, was instrumental in improving the capacity of national parliaments to

deal with EU issues and strengthen the link with the citizens.¹³

The Convention also recognises that the mechanisms for achieving this must be defined at national level. As such, they do not play an important part in this paper. However, the data provided under the Lisbon process gives an ever clearer picture of how the European economy functions – and makes it easier to isolate the commitments that any given government is delivering on or failing on. It may be in the interests of those scrutinising government performance to take advantage of these figures: just as it may be convenient for the government to set itself up to be judged in comparison to other member states. In the UK, for example, should the Conservatives take a leaf out of Labour's book and commit to aligning spending or outcomes with the European average in a given timeframe?

The other group that the Lisbon process could engage better are NGOs, trade unions and other interest groups. At present, there is very little obvious value to be gained by these groups in making use of the Lisbon data. If the profile of the Lisbon process could be raised, perhaps by endowing it with a specific communications budget of its own, then it becomes easier for the figures it generates to be adopted as political artillery in the domestic context. To do this, it would be important to shift the way the process is presented away from its current aspiration (a technocratic method to allow Europe to achieve its economic goals) to one which emphasises that Lisbon is all about accountability, something with an enormous amount of domestic political resonance.

Finally, a key weakness that has developed from the process of peer review has been the conscious raising of the political stakes on a particular issue by one member state in order to turn up the pressure on another. The best example was Blair calling the 2002 Barcelona Summit 'make or break for the European economy', in an attempt to cajole the French government into as wide a liberalisation of their energy market as possible. This has meant, naturally, that the aspirations behind the spring summits have always been more far-

reaching than the actual outcome – even if not proceeding at the pace of the slowest, the chances are that progress will be slower than the fastest would like. This creates a set of political traps that, to an uninformed observer, can make the process seem clunky, unwieldy, and ultimately ineffective. However, refashioning the process so it is about accountability rather than technocracy would bypass this problem, as governments in ‘go-slow’ mode would be named and shamed by civil society and by domestic constituencies.

The development of the Lisbon indicators has proved that it is possible to develop cross-national statistics, which governments endorse and against which they are prepared to be judged. It has also taken the initial steps to define what has to be done if the benefits of these indicators are to be extended into other areas of policy.

Grassroots benchmarking

Europe-level benchmarking has opened up other opportunities for enhanced accountability beyond the level of national government. Most of these instances focus on best-practice initiatives, which have improved the performance of public sector bodies without influencing their accountability – within the Customs and Excise or the Metropolitan Police, for example.

However, some cases can show how, even in these areas, an initiative designed to improve performance can have important political implications. Many of these occur in areas where the European Union set initial quality standards, but then left their regulation to non-governmental bodies. In these cases, the EU provides the capital and motivation to get initiatives off the ground, but then allows the power of the benchmarking model to operate independently.

One example is the rise of the Blue Flag programme for beach quality. This was a benchmarking initiative in the government sector which actually predated the rise of benchmarking in the business world – a

rare example of government taking the lead on innovative quality standards.

The Blue Flag is a respected eco-label. It is awarded to beaches and marinas with good environmental management. To gain a Blue Flag, beaches have to meet 27 and marinas 15 criteria, covering water quality, beach/marina management, safety, services and facilities, environmental education and information.

The Blue Flag was born in France in 1985 where the first French coastal municipalities were awarded the Blue Flag on the basis of criteria covering sewage treatment and bathing water quality. Then, in 1987, the European Commission decided to launch the Blue Flag Campaign as one of several “European Year of the Environment” activities in the European Community. The countries participating in the scheme included all EU countries with a coastline, but then expanded to a total of 22 countries, some with no institutional connection with the EU, like Iceland and South Africa among others.

This is an example of an initiative seeded by the European Commission which allowed for the establishment of a Europe-wide minimum standard which would be enforced through the Community. Responsibility for achieving the standard was in the hands of elected officials at regional or local level. The success of the scheme, especially in its export out of Europe and its adoption by non-European countries, shows how transnational standard-setting bodies can create real dynamics for improvement in local politics.

Is Europe reviving national democracy?

Some people are already exploring the ways in which the development of reliable cross-country statistics relate to the governance debates taking place in the Convention, the Commission and elsewhere. As Tony Atkinson, who was charged as one of a multinational team under the Belgian Presidency in late 2001 to work on the science of indicators

at European level, admits, the use of indicators works particularly well in fields where subsidiarity applies. This is because it empowers actors at national or subnational level to make decisions based on comparable data. In these areas, the EU is a data-gathering and policy co-ordination body, but the key political decisions about implementation are debated and decided at lower levels.

A major debate went on about democracy in the Convention on the Future of Europe. However, the democracy they considered was a far statelier model than that which perhaps really exists. Discussions about constitutions, parliaments and traditional democracy are not necessarily perfectly attuned to the kind of transnational political space which is developing in Europe. By taking forward these 19th century formal processes of democracy, the Convention may ended up missing out on how democracy is changing, both under the impact of these transnational comparability and elsewhere.

Enhancing the role of comparability in the European Union to hold national governments to account will not resolve the democratic crisis within national institutions. However, unlike the traditional view of representative democracy, comparability takes better account of the relative strengths and weaknesses of the European Union as opposed to national governments, as well as of the way that accountability, and expectations of accountability, themselves have changed. It shows the European Union for what it has become – a body which initially, perhaps, was bound by technocratic norms, but which increasingly has become a force for democracy. However, it is a force for democracy which respects national sovereignty by reinforcing our ability to hold our governments to account.

There are five key things that could be done to enhance the limited revival of national democracy through the European Union.

1 Choose the right benchmarks

There is a danger, as the benchmark culture permeates European

decision-making to an ever greater extent, that the wrong benchmarks are used to make political cases. Raising health spending to the European average is a clear example, as statistics measure outputs far better than inputs. Use of statistics by governments, national oppositions or civil society needs to be informed by this.

2 Make sure figures are comparable

The power of the European average is such that political cases can be made on unauthenticated figures derived by very different means. The European statistics service needs to develop a mechanism, either a kitemark or a self-regulation agency, whereby the comparability of statistics used for political ends can be adjudicated. The European Parliament should have a role in scrutinising this process.

3 Formulate and communicate the data more imaginatively

This paper has argued that European statistics could be a powerful force for democracy in the EU. However, they need to be communicated better if this is to happen. Given that the key thing about statistics is relative, rather than absolute, position, it may make sense to derive a set of league tables in different policy areas, which would demonstrate how individual governments are doing. Judgements should be made, however, on improvements or declines in position, rather than on the absolute figures, as no statistics are 100% comparable.

4 Raise the political salience of comparisons by making it easier for national oppositions and civil society to engage with the process

Political parties and NGOs have a real interest in using the figures generated by the Lisbon process and by EU-level benchmarking for political ends. If this is to happen, though, the Lisbon process needs to be communicated as more than just a technocratic exercise. A budget should be created to communicate how the process of open co-ordination can serve the interests of accountability and subsidiarity.

5 Give the European Parliament a scrutiny role

The European Parliament, perhaps acting on a report by the Court of Auditors, might be more effective at evaluating the performance of national governments than the Commission or national parliaments. MEPs should have broader powers to scrutinise the use of statistics, and use them to censure member state governments that are not delivering on their commitments. It could also be able to request statistics to be generated by Eurostat if there is a clear case that this could improve the accountability of national government.

¹ See the Hansard Society website for more details of this theme. www.hansard-society.org.uk

² See Guardian leader, *Impermanent Revolution*, November 22, 2002.

³ O'Higgins, M. and Jenkins, S., *Poverty in Europe: Estimates for 1975, 1980 and 1985, Analysing Poverty in the European Community*, Eurostat News Special Edition, I-1990, Luxembourg.

⁴ *Government Statistical Services*, Cmnd 8236. Her Majesty's Government (1981). HMSO.

⁵ *Open Government*. Cmd 2290 (1993). HMSO.

⁶ See EU, IMF, OECD, UN, UNCTAD, WTO, *Manual on Statistics of International Trade in Services* at <http://unstats.un.org/unsd/tradeserv/docs.asp?sel=cat&cat=4>

⁷ Ibid.

⁸ Camp, R. (2000), 'The Path to Excellence' in *Benchmarking in Europe – Working Together to Build Competitiveness*, available from www.benchmarking-in-europe.com

⁹ see http://www.benchmarking-in-europe.com/library/archive_material/articles_publications/archive_psi_articles/hmce.htm

¹⁰ For a related set of ideas on the legitimacy implications of the Lisbon process, see Leonard, M. and White, J. (2002), *Can Brussels Earn the Right to Act?*, The Foreign Policy Centre / British Council. Reprinted in this volume.

¹¹ See www.nuff.ox.ac.uk/users/atkinson/ESRC%20Lecture.pdf

¹² See Bannerman, E. (2001/2002), *The Stockholm Scorecard* and *The Barcelona Scorecard*, Centre for European Reform, and Alasdair Murray (2003), *The Brussels Scorecard*, Centre for European Reform for examples of this approach in practice. www.cer.org.uk.

¹³ See <http://register.consilium.eu.int/pdf/en/02/cv00/00353en2.pdf>

Linking National Politics to Europe

Simon Hix

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SECTION ONE:

THE EUROPEAN UNION'S LEGITIMACY PROBLEM, AND FOUR CRITERIA FOR REFORM

The European Union (EU) is not, and may never become, a 'state'. But whether most European citizens like it or not, the EU has all the traditional powers of a 'political system'.¹

Executive power – the power to propose legislation and implement policies – is mostly controlled by the European Commission (except in the areas of 'intergovernmental' decision-making, where this power resides with the national governments). Legislative power – the power to enact decisions – is shared between national governments and the European Parliament. Judicial power – the power to enforce decisions – is shared between the European Court of Justice and the national courts.

These powers are exercised over almost all areas of public policy, including monetary policy, market regulation, social policy, environmental policy, consumer protection, competition policy, agricultural policy, regional policy, transport policy, research and development, asylum policy, trade policy, public health and education, development aid, foreign policy, and even defence co-operation. The EU budget may be small compared to national government budgets at less than two percent of total EU Gross Domestic Product (GDP). But the real authority of the EU resides in its ability to 'regulate' the production, distribution and exchange of goods, services, capital and labour in the world's largest single market. These regulatory powers are formidable, touching almost all aspects of economic and social behaviour in Europe.

The problem for a growing number of European citizens is that this emerging political system seems beyond the control of the very people in whose interests it is supposed to work.

If executive and legislative powers resided solely with national governments, and all decisions were taken by unanimous agreement between these governments, nobody would raise the question of the legitimacy of the EU. National governments are highly visible to their citizens, chosen through competitive elections, and are accountable to the promises they make in these elections. Hence, if a decision could not be made without the consent of every government, all European citizens would have their interests protected by the EU.

But, for good reasons, the governments have collectively agreed in various treaty reforms to delegate increasing executive power to the Commission and to take many legislative decisions, particularly in these regulatory areas, by qualified majority instead of by unanimity.²

In the case of the Commission, the efficiency of ‘intergovernmental’ policy-making is greatly increased by delegating initiative and implementing powers to an independent authority.³ This enables the Commission to develop policy expertise, to act as an honest broker in legislative bargaining, and to monitor the enforcement of legislation by the member states. For example, without the Commission playing this role in the construction of the single market, the governments would not have trusted each other to propose the necessary Europe-wide standards, or to monitor each other’s implementation of these standards.

The governments have also understood that, as the EU has developed, the unanimity rule is less efficient than majority rule.⁴ First, unanimity tends to prevent policy reform – in political science lingo, it tends to ‘lock in sub-optimal policies’.⁵ Under unanimity, it takes just one government to benefit from the existing ‘sub-optimal’ policy to prevent policy reform that would improve the outcome for everyone else.⁶

Second, with more member states, unanimity is harder to achieve. On every item on the EU agenda, there is at least one government ready to veto. So, as the EU has enlarged, the governments have introduced qualified majority voting in a greater number of policy areas.

The Result: An Unaccountable Commission and an Undemocratic Council Majority

The result has been a gradual drift away from unanimous 'intergovernmental' agreements towards a highly undemocratic and illegitimate political system at the European level.

First, the Commission is the least accountable political executive in the democratic world. Selection of the Commission President is far removed from Europe's voters: voters elect national parties in national parliaments, who form governments, who then elect the head of the EU executive. As a result, the Commission President is not really elected by the 'member states', but rather by the parties who happen to be in government when the choice was made. For example, Jacques Santer was the choice of the British government after John Major had vetoed the clear choice of the majority in the Council. This did not stop the next British Prime Minister, Tony Blair, from refusing to accept any responsibility for Santer's actions.

In no sense, then, is there a democratic contest for the Commission President: where the policy agendas of rival candidates are compared by national politicians and publics, where there is an electoral choice in favour of one candidate over the other, and where the 'scoundrel' can then be thrown out of office if they do not deliver on their promises or if they fail to govern effectively.

Second, majority rule is not simply a device to increase decision-making efficiency. Political scientists have for a long time argued that majority rule is qualitatively different to unanimity rule. Under unanimity rule, it is impossible to make a decision against the interests of any single government. Majority rule, in contrast, will produce

outcomes that benefit those in the majority and punish those in the minority.

In the EU, use of majority voting inevitably means that some governments are on the minority side. If the EU were a legitimate system this would not be a problem. The Council majority would be acting on a proposal from a legitimate executive. The problem, however, is that the majority in the Council acts on proposals from an unaccountable Commission. As long as European citizens see their own national governments as more legitimate than the Commission, the citizens of the states on the losing side in the Council will feel the EU is imposing policies against their interests.

The main response of the EU governments has been to increase the powers of the European Parliament – both in the legislative process (where the governments act by majority rule) and in the procedure for choosing the Commission President.

However, in contradiction to many of the optimistic prophecies at the time of the first direct elections, European elections have not produced a choice between rival policy agendas for the EU or a democratic mandate for a majority in the European Parliament. This is because European Parliament elections are not fought on European issues or the rival manifestos of Europe-wide parties. Instead, throughout the EU, European elections are similar to other ‘mid-term’ electoral contests – such as local or regional elections – and are dominated by ‘national’ issues, parties and personalities, and the successes and failures of the parties in power at the national level.

The European Parliament has proved very effective at scrutinising and improving the quality of EU legislation, and opinion polls show that a growing number of people see the European Parliament as a trustworthy institution.⁷ But this is not the same as commanding a democratic mandate to elect the EU executive or to control the EU policy agenda. As a result, a majority in the European Parliament may

never be a sufficiently legitimate counter-weight to an unaccountable Commission or an illegitimate majority in the Council.

What can be done: four criteria for reform

Consequently, the EU faces a festering ‘legitimacy crisis’, just as it embarks on the most dramatic political and constitutional changes in its history.

Neither a return to intergovernmental practices nor a reliance on existing supranational methods will solve the legitimacy problem. Intergovernmentalism, requiring unanimous agreement by the governments, is a recipe for gridlock and stalemate, especially with the prospective doubling in the number of member states. Supranationalism, with more agenda-setting powers by the Commission and more majority voting in the Council, is a recipe for increasingly angry electorates, as a growing number of national groups feel they are on the losing side in the EU.

In a fully integrated political system, with a single democratic identity (a ‘demos’), a classic ‘majoritarian’ solution would probably be best, as this would ensure an efficient connection between voters’ choices and the exercise of executive power and legislative action. In such a majoritarian model, either the Commission President could be chosen by a straight majority in the European Parliament (a parliamentary model) or through a Europe-wide direct election (a presidential model).

But ‘unified majoritarian government’, where the executive and the legislative majorities are from the same side of the political divide, can only work in homogeneous societies. In deeply divided societies, like the EU, policies will only be legitimate under either: (a) ‘consensus government’, where decisions are made with the broad support of each of the main groups in society (i.e. ‘intergovernmentalism’); or (b) ‘divided majoritarian government’, where the executive and legislative majorities are from different sides of the political divide.⁸

From this analysis, the constitutional reform of the EU should meet four criteria:

- 1 There should be a contest for the Commission President and the EU policy agenda, which promotes an open and democratic competition, and enables the winner of such a contest to be held to their policy promises.
- 2 This contest should be organised in a way that creates real debate about the rival policy alternatives and candidates which is less about entrenched 'pro' and 'anti' Europe positions and more about what the EU should be doing. This debate must be conducted in every member state by national politicians, national political parties, national media, and national voters.
- 3 This contest should not divide along national lines, with some member states on the winning side and others on the losing side, as this would increase rather than reduce the EU's legitimacy problems.
- 4 There should be a reasonable possibility of divided government, where the majorities choosing the EU executive (the Commission) and governing in the legislature (in the Council and Parliament) are from different sides of the political divide. This ensures moderate policy outcomes and checks and balances on the power of any one political force.

With a real contest involving a broad political discourse on the future of Europe, non-majoritarian government, and a possibility of divided government, policies adopted at the European level – initiated by the Commission and ratified by a Council majority – would be guaranteed to command broad national and political support.

Also, legislative proposals made by the Commission to the Council could then be passed by a qualified majority with full legitimacy. This would endow the supranational policy process of the EU with new

authority – and hence reduce the problems associated with transferring policy competences from the intergovernmental to the supranational method.

I will argue in this pamphlet that these criteria are best met by the introduction of an election of the Commission President by national parliaments. To present the case for this reform, this pamphlet is organised as follows. Section two analyses why existing reform ideas would not resolve the legitimacy problem. Section three sets out the proposal for electing the Commission President by national parliaments, and discusses a possible scenario of how this might work. Section four then explains why this reform would be in the interests of both pro-Europeans and those critical of the EU. The main elements of the argument are then summarised in the conclusion.

SECTION TWO:

WHY EXISTING REFORM IDEAS WILL NOT SOLVE THE PROBLEM

The Constitutional Convention discussed three potential models:

- The model of the draft Nice Treaty (signed in December 2000), where the Commission President would be chosen by a qualified majority of EU governments instead of by unanimity;
- A classic ‘parliamentary model’: where, after a European election, the new majority in the European Parliament would elect the Commission President;
- A classic ‘presidential model’: where the Commission President would be directly elected by EU citizens in a Europe-wide contest.

A presidential model would probably be preferable to either of the other two models, as it would produce more checks and balances in the EU. However, direct election of the Commission President would probably not work.

2.1 Election of the Commission President by a Majority of Governments

Since the Treaty of Rome, EU heads of government have been required to choose the Commission President by unanimous agreement. As discussed in the introduction, the unanimity rule tends to produce policy failure. Also, the need to reach unanimous agreement has made the choice of the President more akin to the selection of the head of an international agency than the election of a head of a political executive. Unanimous agreement has inevitably led to compromises, package deals involving other posts (both inside and outside the EU), and candidates that reflect the desires of the most belligerent member states.

For example, unanimity rule has often enabled the British government, as one of the most vocal opponents of European integration, to force its preference on the other member states. In 1984, Margaret Thatcher vetoed French President Mitterrand's first choice of Claude Cheysson in favour of Jacques Delors, whom she believed was closer to her views on economics and European integration. Similarly, in 1994, John Major vetoed Belgian Prime Minister Jean-Luc Dehaene, who was Kohl and Mitterrand's first choice. In return, Kohl vetoed Dutch Prime Minister Ruud Lubbers. The member states finally agreed on the Luxembourg Prime Minister, Jacques Santer, who Major felt would be less integrationist than either Lubbers or Dehaene, and Kohl felt would be a loyal servant of the heads of government. Then, in 1999, Tony Blair managed to secure his preference, former Italian Prime Minister Romano Prodi, who may not even have been the first choice of the then Italian Prime Minister.

Of these three recent Presidents, Jacques Delors clearly stands out as the exception rather than the rule. Despite the need to reach unanimous agreement, and belying rather sceptical assessments of Delors' abilities when he was first chosen, he emerged as a dynamic political leader, determined to set a clear policy agenda and to enforce his will on the rest of the Commission. Regardless of whether one would agree or disagree with Delors' policies, a Commission President with a clear agenda and a high public profile is preferable in terms of the accountability of EU decision-making. With an activist, agenda-setting Commission, EU governments were able to establish the single market and negotiate a deal on economic and monetary union. Without a strong Commission since the Delors Presidency, governments have tried to set the medium-term policy agenda themselves in the European Council rather than delegating this to the Commission. But this has led to ever greater policy stagnation and ineffective policy-making by the heads of government.

Recognising this problem, the governments have tried to create a Delors-style President through institutional means. In the Amsterdam

Treaty (implemented in 1999), the Commission President was given the right to be consulted on the governments' choices for the other Commissioners, and was given the authority to decide the overall policy agenda of the Commission. Under the Nice Treaty, the governments proposed that the Commission President be given the power to allocate and re-allocate portfolios and to fire individual Commissioners. Together, these reforms grant the Commission President powers similar to those held by any Prime Minister in the European model of parliamentary democracy – what Walter Bagehot, the famous British constitutional historian, called a 'first among equals'.⁹

In addition, in signing the Nice Treaty in December 2000, EU governments proposed to choose the Commission President by qualified majority in the Council rather than by unanimity. This reform was in response to the need to increase the efficiency of the EU in the face of enlargement in the next decade from 15 to 27 member states – which forced the member states to extend qualified majority voting in a number of areas. The governments made no consideration of whether this would increase or decrease the legitimacy of the EU (intergovernmental conferences simply do not promote such fundamental reasoning).

On the positive side, increasing the authority of the Commission President over the rest of the Commission, and introducing a majority vote in the Council will probably increase competition for the office, as more candidates will be proposed. With more competition, there will probably be more media coverage and more debate in the Council about the policy agenda of the Commission President, although this debate is unlikely to be covered extensively in the national press.

Also, a majority election in the Council will reduce the possibility of making the choice of the Commission President part of a wider package deal. No member state will be able to threaten to veto the Commission President if they do not get their way on another issue.

On the negative side, though, selecting the Commission President by a majority in the Council is likely to reduce rather than increase the legitimacy of the Commission President. Under the current unanimity rule, a candidate for Commission President must command the support of every EU member state to win office. This means the Commission President is not able to govern without the prior support of all member states.

With majority rule, in contrast, there will inevitably be losers – those governments in the Council on the minority side who presumably would have preferred another candidate. For the first time, the head of the EU executive – who will have the power to allocate portfolios, fire Commissioners, set the EU policy agenda, and drive legislation through a Council majority – will be able to govern without the prior approval of some of the member states.

Above all, such a reform will lead to a new government-opposition dynamic in the Council. In the ‘governing’ majority will be those member states who backed the Commission President and who then will vote through his/her legislative initiatives under the same qualified majority voting rules in the Council. In the ‘opposing’ minority will be the member states who were on the losing side in the choice of the Commission President, who, as a result, will most likely be on the losing side on most legislative issues (until the next chance to choose the Commission President).

For example, imagine the situation in 1994 had the qualified majority rule been in place. The British government would not have been able to veto Jean-Luc Dehaene. In terms of his political leadership ability, Dehaene may have been a better Commission President than Jacques Santer. However, Dehaene would have made many more legislative proposals than Jacques Santer that were opposed by the British government and most British voters. Supported by the same Council majority for the adoption of legislation, many of these proposals would have been adopted against the interests of the British government. Just

think what this would have done to the level of opposition to the EU amongst an already sceptical public and media in Britain.

From this analysis we can conclude, as before, that a contest for the Commission President can only be legitimate if: (a) the contest does not divide the EU along simple national lines, where some member states support the Commission President and others are opposed; and (b) there is a reasonable likelihood that the Commission President and the majority in the EU legislature (the Council and the Parliament) are from different political and partisan traditions.

2.2 A Parliamentary Model: Election of the Commission President by a Majority in the European Parliament

Since the mid-1980s, the EU governments have dramatically increased the powers of the European Parliament.

First, the Single European Act (implemented in 1987), the Maastricht Treaty (implemented in 1993) and the Amsterdam Treaty (implemented in 1999) reformed and extended the European Parliament's legislative powers vis-à-vis the EU governments. So much so that the European Parliament is now a genuine 'co-legislator' with the Council (under the so-called 'co-decision procedure') in most areas of EU legislation.

Second, in the area of executive selection powers, in the Maastricht Treaty the European Parliament gained the right to be consulted on the governments' choice of the Commission President. In the Amsterdam Treaty, the European Parliament was formally given the power to veto the governments' nominee.

But in practice, this right of veto over the Commission President is relatively weak, as the nomination for President is still controlled by the governments in the Council. Only after approval in the Council is the nominee presented to the Parliament as a 'take it or leave it' offer. Under these conditions, research has shown that it is unlikely that the European Parliament would ever reject a candidate from the Council,

because the governments can put pressure on their MEPs to support their candidate.¹⁰

As a result, one of the proposals on the table in the Constitutional Convention was that the Commission President should be elected by a majority in the European Parliament following each set of European elections.¹¹

This might not require a Treaty reform, as it could be introduced informally within the current procedure – thereby the Council would simply allow the European Parliament to propose a candidate for Commission President before than deciding on their formal ‘nomination’. (The precedent for using such informal interpretation rather than a formal Treaty change would be the interpretation of the Maastricht Treaty rule to ‘consult’ the European Parliament on the Commission President nomination, which in practice was interpreted as a right of the European Parliament to veto the Council’s nominee).¹²

Nonetheless, in reality, this would be a fundamental constitutional change – from an intergovernmental model for choosing the head of the EU executive to a classic ‘parliamentary model’, where the EU executive would be chosen by the winning majority in European elections. The main political groups in the European Parliament would propose rival candidates for the Commission President in European elections, and the group that ‘wins’ the European elections (emerges with the most seats, but is unlikely to command more than 50 percent of seats in the EP) would try to form a parliamentary majority to support their candidate.

This may sound a good idea, given the universal practice of parliamentary government at the domestic level in Europe.¹³ But there is a major problem in applying the parliamentary model to the EU: European Parliament elections do not provide, and may never provide, a legitimate majority for choosing the Commission President.

The direct election of the European Parliament was first introduced in

1979. At that time, there was widespread optimism that these elections would usher in a new period of democratic competition over the agenda of the EU, and a consequent mass identification with the European project. For example, Walter Hallstein, the former President of the European Commission, predicted:

Such a campaign would force those entitled to vote to look at and examine the questions and the various options on which the European Parliament would have to decide in the months and years ahead. It would give candidates who emerge victorious from such a campaign a truly European mandate from their electors; and it would encourage the emergence of truly European political parties.¹⁴

But this has not happened.

This is because European Parliament elections are what political scientists call 'second-order national contests'.¹⁵ What this means is that European elections are exactly like other domestic mid-term contests, such as local and regional elections, or parliamentary by-elections. As a result, European elections are dominated not by Europe-wide issues, parties and candidates, but by national parties, policies and political leaders, and the battle for national executive office.

National parties do not have an incentive to fight European elections on European issues. Instead, there are high incentives for national parties, and the national media, to treat these contests as measures of public support for the parties in government at the domestic level. Victory for the governing parties demonstrates approval of their policies, while defeat demonstrates opposition. Voters have an incentive to go along with this game, using European Parliament elections either to indicate which national party they intend to vote for in the next national election or to signal their preferences for policies not pursued by the governing parties. They do this by voting for single issue parties, like Green parties or anti-immigration parties.

This 'second-order national contest' nature of European Parliament elections has two consequences:

First, there is a much lower turnout in European Parliament elections than in national general elections. For example, in 1994, the difference in turnout between the European Parliament elections and the previous national general elections in each member state was 28 per cent.¹⁶ In the 1999 elections, voter turnout fell to below 50 per cent for the first time. The people who stay home from the polls tend to be from the parties in government at the national level, as they see less reason to go out to vote.

Second, citizens vote differently than if the contests were a genuine 'European' contest or national general election. They either vote to punish the parties in national government (by voting for the main opposition party), or to signal their policy concerns to the main political parties (by supporting smaller or protest groups).

These two consequences have the same effect: European elections tend to see a fall in support for parties in national government and a rise in support for opposition, minor and protest parties. For example, in the 1989 election, when centre-right parties were in power in most member states, the second-order effect produced a centre-left majority in the European Parliament elections. Conversely, in the 1999 elections, when centre-left parties were in power in most member states, the second-order effect led to a victory for the centre-right in the European Parliament elections.

Defenders of the parliamentary model argue that the situation would be very different if the European Parliament were given the power to elect the Commission President. Whereas in past elections there was very little at stake, if a parliamentary model were to come into operation voters would be able to see a connection between how they vote in European elections and the formation of 'government' at the European level. After all, this is how it works at the national level, so it would be easy to explain a similar structure at the European level.

There are two main problems with this argument:

First, a similar argument was made after the early elections to the European Parliament – they are second-order contests because few people vote. Few people vote because the European Parliament does not have much power. The European Parliament is therefore not relevant for voters. Therefore the only solution is to increase the powers of the European Parliament. However, as the powers of the European Parliament, both in the legislative arena and in the choice of the Commission President have increased, turnout in European elections has actually declined, and voters continue to use these elections to punish or reward national governing parties.

Second, and probably more significantly, giving the European Parliament the power to elect the Commission President would not change the incentive structure for national parties and voters. There would still be far more at stake for political parties, the media, and voters in national elections than in European elections. Being the head of a national government is a far bigger prize (in most member states) than being the President of the Commission. As a result, regardless of whether rival candidates for the position are proposed in European elections, it is highly unlikely that they would become the main talking point of the European elections in every member state – which would be essential to make the parliamentary model work.

Furthermore, these problems do not even touch on the drawbacks of the parliamentary model for the EU. For example, a majority election of the Commission President in the European Parliament would suffer from the same drawbacks as a majority election in the Council. In a parliamentary model, the same majority in the European Parliament would be able to elect the Commission President and then pass their legislative proposals into law. This would be ‘unified majoritarian government’ and would lead to alienation of the politicians, parties and voters on the minority side.

Finally, it would even be rather paradoxical if the European Parliament desired the introduction of a parliamentary model at the European level. It is widely accepted in political science that parliaments in parliamentary systems are much weaker than parliaments in separation of powers systems. In parliamentary systems, the parliamentary majority may choose the executive, but the executive ends up ‘controlling’ the parliamentary majority – for example, by threatening to resign unless supported by the parliamentary majority.¹⁷ As a result, most parliaments at the domestic level in Europe are simply ineffective ‘talking shops’, that rubber-stamp legislation proposed by the executive. In contrast, in the United States presidential system and in the current EU separation of powers system, the US Congress and the European Parliament are extremely effective legislating bodies – who are able to force the executive to amend legislation to incorporate their policy aims.

2.3 A Presidential Model: Direct Election of the Commission President

Growing appreciation of the failure of European Parliament elections to make the EU fully legitimate and the undesirability of choosing the Commission President by a majority in the Council have led to growing calls for the introduction of a classic presidential model for electing the Commission President: via a Europe-wide direct election.¹⁸

The logic behind all these proposals is the following:

As a large and multinational political system, it is not appropriate for the head of the EU executive to be chosen by a ‘parliamentary model’. The parliamentary model works in most countries at the domestic level in Europe because they are relatively homogeneous nation-states (although this form of parliamentary majoritarianism is criticised by the various regional and national minorities in Europe – such as the Scots, Catalans, Corsicans, Lombards and Bavarians). In a much larger and more diverse polity, divided into separate national and ethnic polities, there needs to be a separation of executive and legislative

power which would produce checks and balances on the power of the legislative majority (in the Council and European Parliament) as well as on the power of the majority that chooses the EU executive.

The conclusion, then, is that the EU should be based on a presidential rather than parliamentary system, where the EU executive is chosen by a separate constituency (in a separate electoral contest) to the constituencies that choose the two branches of the EU's legislature – the 'states' in the Council, and the 'people' in the European Parliament.

Following from this analysis, the logical next step, so most scholars and practitioners claim, is to propose a direct election of the Commission President by universal suffrage.

The most popular plan would be to elect the Commission President at the same time as electing the European Parliament. The strategy of electing the head of the executive and the legislature at the same time is a common recommendation of political scientists.¹⁹ This allows the terms of office of the two branches of government to run in parallel. More significantly, this design gives a choice to voters of whether they want divided or unified government. If voters want unified government, they can support the same political majority in both institutions. But if they want divided government, they can split their votes and support different political majorities for each institution.

I find the basic logic behind preferring a presidential model over a parliamentary model for the EU, and behind holding the contest at the same time as European Parliament elections, very persuasive. As discussed in the previous sections, it is probably not a good idea that the legislative majority in the EU – in either the Council or the European Parliament – gets to elect the head of the EU executive.

But the next step of the argument – that the Commission President should be elected by universal suffrage in a single European-wide contest – is highly problematic.

First, direct election of the Commission President would almost certainly suffer from the same ‘second-order’ problems as direct elections for the European Parliament (see above). As with European Parliament elections, there would be little incentive for national parties and the national media to fight an election for the Commission President on European issues. Instead, the contest would be dominated by the positions of the various national parties towards the prospective candidates. As in all second-order elections, the direct election of the Commission President would be little more than a series of separate national referendums on the popularity of the parties in national executive office.

Hence, just as with European Parliament elections, voter turnout in a direct election of the Commission President would be extremely low, as few people would be motivated to go out and vote. In addition, because governing party supporters would stay home and other voters would be motivated to signal their opposition to the policies of the national government, the candidate supported by the main opposition party in each member state would probably do considerably better than the candidate supported by the governing party. Consequently, the winning candidate would not be able to claim that they had a genuine popular mandate.

Second, the direct election of the Commission President would also suffer from some of the problems associated with majoritarian rule by the Council (see above). In a straight direct election of the Commission President, where every citizen’s vote is treated equally, the outcome would be decided by the more populous EU member states. Candidates would only bother campaigning in the larger EU member states, in the knowledge that if they were to win majorities only in these states, this would outweigh a loss in all the smaller states. This calculation would not change even in an enlarged EU, as most of the EU’s population would still live in the six largest EU states.

As discussed above, such a majoritarian outcome would not be a problem in a highly politically integrated and homogeneous polity.

However, the EU is a 'union of states'. Hence, an outcome whereby the head of the EU executive is elected by a majority in only a minority of states would not be legitimate for the citizens of most member states.

In a sense, then, direct election of the Commission President combines the problems inherent in European Parliament elections with the problems inherent in choosing the President by majority rule by a majority of governments. It might in fact be the worst of both worlds!

Even if one accepts the logic of the argument about a separation of executive and legislative majorities, we should conclude from this analysis that a contest for the Commission President would only work if: (a) the contest is not held by a direct election, but instead through some form of non-direct election, via an 'electoral college'; and (b) the contest produces a 'non-majoritarian' outcome, where the winner is supported by a section of the political leadership and the citizens in almost every member state.

SECTION THREE:

A 'MIXED' MODEL: ELECTION OF THE COMMISSION PRESIDENT BY NATIONAL PARLIAMENTS

We can draw two main conclusions from the preceding analysis.

First, at the current stage of the EU's development – where voters, parties and the media are predominantly focused on the contest for control of the national, rather than the European, policy process, direct elections (either for the European Parliament or for the Commission President) will not increase the legitimacy of the EU.

Second, because Europe is divided into separate nation-states, and because there are large discrepancies in the size of these national groups, majority rule (either through a fusion of an executive and legislative majority or through simple election of the Commission President) will undermine rather than reinforce the legitimacy of the EU.

The best solution, then, is to establish a contest over executive and agenda-setting power in the EU that is both indirect and non-majoritarian, via the indirect election of the Commission President by national parliaments.

The proposal has five elements:

1 An electoral college composed of the lower houses of national parliaments

The most legitimate and efficient way of holding an indirect election for the Commission President is to allow the vote to be taken by the lower houses of national parliaments. National parliaments are the main democratic and sovereign bodies in Europe's representative democracies.

There is widespread concern that national parliaments have suffered as a result of European integration. By delegating more policy competences to the European level, national governments have transferred legislative power away from national parliaments to the executive branches of government in the EU: the European Council and the European Commission. The EU governments acknowledged this problem by putting the issue of the powers of national parliaments on the agenda of the Constitutional Convention. So, as well as allowing for a contest over the Commission President, giving national parliaments the right to choose the Commission President would be a very straightforward way of giving national parliaments a genuinely significant role in the EU system.

In terms of the contest itself, election by national parliaments would not suffer from the so-called 'second-order' problems inherent in the direct election of the European Parliament or in a direct election of the Commission President.

First, there would be a political debate in every national parliament about the choice for Commission President, and the candidates' respective policy agendas. In all likelihood, each of the candidates would be invited to present their manifesto to each national parliament. Since the media in every member state is predominantly focused on national parliamentary politics, these manifestos, and the ensuing positions of the various national parliamentary factions, would receive considerable media coverage. For the first time, there would be a real Europe-wide political debate on the policy direction of the EU.

Second, unlike European Parliament elections, a ballot of national parliamentarians would not be dominated by the policies and popularity of the parties in national government. Parties in national government will no doubt express their support for one or other of the candidates. But the outcome of a parliamentary ballot would not be an indication of which national party the public would vote for in the next national election.

Furthermore, an electoral college composed of national parliamentarians would be different from the US Presidential electoral college in two important respects: (1) the Commission President electors would reflect the balance of voters' choices in the previous national general election, rather than in a specific election for the Commission President; and (2) the Commission President electors would be full-time professional politicians, rather than party officials chosen for their party loyalty.

2 Ensuring a non-majoritarian and transnational outcome

a Each national parliament (lower house) has a number of 'Electoral College Votes' equal to their member state's representation in the European Parliament

Having specified that ballots should be held in national parliaments, a decision needs to be made about how much weight to give to each MP's vote. To ensure a fair and non-majoritarian outcome, the best method would be to allow for the population of a member state to determine the share of the vote, but at the same time allow for some over-representation of the smaller member states.

In the EU this could be done by giving each member state a number of 'Electoral College Votes' (ECVs) equal to their number of Members of the European Parliament. Representation in the European Parliament has been specifically designed to balance population with states' rights, and is probably a better balance of these qualities than the allocation of votes in the Council.

For example, the largest member state, Germany, with a population of 82 million and 669 members of the Federal Parliament (lower house), would have 99 ECVs in the contest for Commission President. This would be one ECV per 800,000 German citizens and seven German MPs. At the other extreme, the smallest member state, Luxembourg, with a population of 450,000 and 60 members of parliament, would have six ECVs. This would be one ECV per 75,000 Luxembourg citizens and ten Luxembourg MPs.

Such a system would force candidates to campaign throughout the EU, as they would need to secure support beyond the largest EU member states. And, such a vote allocation would guarantee that the winner would have secured support in a majority of member states.

b Candidates must secure support from at least five percent of MPs in at least two thirds of member states

Securing support in a majority of member states is not sufficient to produce a legitimate outcome. A non-majoritarian outcome, as set out as one of our criteria, can only be guaranteed if (a) the contest does not pit one national group against another, and (b) the winning candidate is supported by, and accountable to, a section of the elected representatives in every member state.

To achieve this, candidates should be required to gain support from a certain number of MPs in every member state. Ideally, candidates should have to secure backing in every national parliament. In practice, however, if candidates are required to gain formal backing (via MPs' signatures) in two thirds of parliaments, they would almost certainly receive support from some MPs in every parliament. Also, to limit the number of candidates and to ensure a reasonable level of support across the EU, the candidates should be required to gain a certain level of support in each of these parliaments. Five per cent of MPs might be an appropriate figure.

The signatures of these MPs should be collected by a given date – such as one month before the European Parliament elections – which would be almost two months before the national parliament ballots, if the ballots were held a few weeks after the European Parliament elections.

c The role of Europe-level political parties

The practical effect of these candidate-selection rules would be that candidates would be chosen by the main transnational political parties: the Party of European Socialists (PES), the centre-right European People's Party (EPP – Christian Democrats and Conservatives), the

European Liberal, Democrat and Reform Party (ELDR), and the European Federation of Green Parties (EFGP). These so-called 'Euro-parties', which were established in the 1970s in the build-up to the first direct elections to the European Parliament, have evolved into organisations primarily for exchanging views and co-ordinating national party policies on EU issues. The main institutions of these Euro-parties are the 'party leaders' summits', which bring together the national party leaders, the party group leaders in the European Parliament, and other leading figures in each transnational party. These summits are held every couple of months, and immediately before every European Council (and often in the same venue).²⁰

These Euro-parties, meeting at the level of national party leaders, would be the ideal vehicles for building transnational political alliances behind a particular candidate, organising the collection of MPs' signatures to secure a candidate's selection, drafting and agreeing the manifestos of the candidates, and recruiting senior national political figures to their 'presidential campaign teams'. In other words, these Euro-parties would be essential lubricants of the electoral process.

Over time, the indirectly elected Commission President may emerge as the effective 'European Party Leader' of their particular Euro-party, attending every party leaders' summit, and making policy recommendations to their parties' group in the European Parliament and to their national party leaders in the European Council. In return, the elected Commission President would probably be held accountable to the manifesto that was agreed with the other members of their Euro-party. This would work since the national member parties could threaten to support a different candidate in the next election, and so undermine the chances of the Commission President from being re-elected if their candidate refused to abide by the manifesto agreed by the Euro-party.

This relationship between the transnational party federations and an elected Commission President could in fact be formalised in parallel

with the adoption of the European Party Statute, which is currently being drafted and will regulate the organisation and funding of the Euro-parties. For example, a rule could be agreed that stipulates that a candidate can only be proposed by a 'European political party' as defined by the European Party Statute (which is likely to require that European parties must have member parties in a certain number of EU states, are internally democratic, have transparent financial arrangements, have a common political manifesto etc.)

3 When and how to hold the parliamentary ballots

a On the same day

The national parliaments could hold their ballots on different days, as with the European Parliament elections. However, the ideal solution would be to hold the ballots on the same day, maybe the third Monday after the European Parliament elections. This would allow the term of office of the Commission President to be unchanged (see below).

Also, to avoid one national parliament ballot influencing how MPs vote in another parliament, the results from each ballot – and the consequent allocation of the Electoral College Votes – should not be announced until it has been confirmed that all national parliaments have counted their ballots.

b In public, and recording how the MPs voted

A choice would also need to be made about whether the parliamentary ballots should be in secret or 'roll call' – where how each MP votes is recorded in the public record.

A secret ballot would prevent national party and parliamentary leaders from enforcing party discipline in the vote.

But the best solution in terms of the accountability of the Commission President would be to stipulate that all ballots should be by roll call, and that the direction of every MP's vote should be recorded in the

official record of each parliament and in the Official Journal of the EU.

This would allow the media and the public to see which parliamentarians and party factions supported each candidate. This is essential for the establishment of a connection between the Commission President and a section of the political leadership and their supporters in every member state.

This connection works both ways. On the one hand, the MPs who supported the elected President would be responsible for advocating 'their' President's policies to the media and public in their member state. On the other hand, if the President proposes unpopular policies, these MPs would be able to threaten not to support the President for re-election. This would be a significant improvement on the current system, where the Commission President is chosen in the Council, and where the governments do not claim any responsibility for their choice (as discussed above).

4 Counting the parliamentary ballots and electoral college votes

a Proportional representation in each parliament, but allowing each parliament to decide which formula to use (or whether to hold a direct election)

One of the most politically difficult decisions would be how to allocate the Electoral College Votes to the candidates on the basis of the ballots in each parliament. This decision could be left to each parliament. However, to ensure that the influence of each parliament is proportionate, a single procedure should be used, or a single set of principles should be agreed, which could then be interpreted by each parliament.

For example, in US Presidential elections, electoral college votes are allocated on a 'winner takes all' basis, where the candidate who wins a simple plurality of the popular vote in a state wins all the electoral college

votes of that state.²¹ But, as we saw in the 2000 Presidential election, this allocation method can produce a result where the candidate with the majority in the popular vote does not win the electoral college vote. The fact that this has only occurred on four occasions in American history is probably more a matter of luck than good constitutional design!

In addition, a ‘winner takes all’ allocation rule would not produce the non-majoritarian outcome we are seeking, where the winning candidate is supported by, and accountable to, a section of the electors in every member state.

A better method would be ‘proportional representation’ (PR): where the Electoral College Votes of a state are allocated to each candidate in proportion to their share of the ballot in that state’s parliament. This way, if a candidate secures backing in each state in order to stand in the election, they are likely to receive a certain number of Electoral College Votes from that state in the contest. Furthermore, with PR instead of ‘winner takes all’, it is almost certain that the winner of the ‘popular vote’ (of national MPs) would also win the highest number of Electoral College Votes.

There are a number of different methods under PR for translating votes into seats, or, in our case, parliamentary ballots into Electoral College Votes – for example, the ‘largest remainder’ or ‘divisor’ methods (such as d’Hondt or Sainte-Laguë).²² If a general principle of proportionality is accepted, each national parliament could choose separately which counting method to use.

Each parliament could also decide how to count abstentions – either not to count MPs who abstain in the ballots, or to allocate ECVs to ‘none of the candidates’ if there are enough abstentions to warrant this.

Another advantage of an election by each national parliament is that, over time, voters in each member state might demand that the Commission President should be voted directly by them, instead of by

their national parliaments. As this is likely to occur in different member states at different times, each national parliament could be free to decide whether to hold a direct election on a case by case basis. This way, instead of a direct election being imposed on a public that is not interested in such a contest, it could be introduced in response to voters' demands. Presumably, if voters had demanded a direct election, it would be less likely to suffer from the second-order problems we discussed.

b An absolute majority, and a run off between the top two

A choice would also need to be made about how to decide the winner. For example, a simple plurality rule could be applied, whereby the candidate who receives the most Electoral College Votes wins the contest. However, if there are more than two candidates, the winner under a simple plurality rule is unlikely to obtain a 'majority' of the ECVs.

A better method, which is used in most direct presidential elections in the world, is to require that the winner must secure an 'absolute majority' (50 percent plus one) of the ECVs.

If no candidate achieves this, a second 'run off' contest would be held between the two candidates with the most ECVs in the first round. This run off could be held one week after the first vote, and under the same vote counting and allocation rules as the first contest.

5 Leave the Commissioner nomination and censure rules unchanged

Finally, the election of the Commission President by national parliaments would inevitably increase the authority and prestige of the Commission President. But any informal change in the balance of power between the EU institutions resulting from the indirect election of the Commission President could be limited if the other rules governing the nomination and censure of the Commission are unchanged.

This would also be important in maintaining the European Parliament's incentive to scrutinise policy implementation and administrative

behaviour by the Commission. If the European Parliament were removed from the ratification and removal process, this incentive would disappear, and the EU would lose what has become a very effective watchdog for EU voters and taxpayers.

a Term of office of the Commission

If unchanged, the term of office of the Commission President would run concurrently with the term of office of the European Parliament. This would allow the old appointment timetable to remain in place: with European Parliament elections held every four years in June, the Commission President elected by national parliaments in late June/early July, the appointment of the other Commissioners in September and October, ratification of the Commission as a whole in December, and the term of office of the new Commission beginning in January of the following year.

In addition, if left unchanged, the office of the Commission President would be renewable as many times as the candidate so desires – assuming, of course, that they can win re-election.

But introducing a system of indirect election for the Commission President might be the right time to introduce ‘term limits’, by stipulating that a Commission President can only stand for two terms, as in many presidential elections in democratic systems.

b Selection and ratification of the other members of the Commission

If left unchanged, the selection and ratification of the other Commissioners would ensure a reasonable national and partisan representation in the College of Commissioners as a whole.

Under the Nice Treaty reforms, the other members of the Commission will be chosen by the national governments ‘acting by a qualified majority in accord with the President’. In practice, the party in government in each member state would negotiate their nomination for

Commission in consultation with the President-elect. As with the current non-elected system, if the member state of the President-elect has one Commissioner, they would not have a second nomination. If, on the other hand, the member state of the President-elect has two Commissioners, they would only have one other nomination.

Furthermore, under the Nice Treaty reforms, the President-elect will have an influential role in determining the initial allocation of portfolios between the other members of the Commission, would be able to re-allocate portfolios once the full Commission took office, and would also be able to force an individual Commissioner to resign in the face of serious allegations of misconduct or incompetence.

As in the current practice, these nominations would then be subject to scrutiny by the European Parliament in hearings before the relevant committees (who have consciously modelled this practice on the US Senate hearings of US Presidential nominations to the Cabinet). And, as before, the Members of the Commission would be subject to a 'vote of approval by the European Parliament'.

However, the President-elect would need to be given a derogation from being subject to this parliamentary ratification, to avoid a potential conflict between the majorities in national parliaments and the European Parliament.

c Censure of the Commission by the European Parliament

Finally, the European Parliament would still maintain the right to censure the Commission, which it has held since the Treaty of Rome (implemented in 1958).

Fitting with our model of a separation of executive and legislative majorities, the right to censure the Commission by the European Parliament is more akin to the right to impeach a President (in a presidential system) than the requirement that a government command a 'working majority' in a parliament (in a parliamentary system).

A censure of the Commission President can only be passed in the European Parliament by a ‘double majority’: an absolute majority of all MEPs (regardless of how many MEPs take part in the vote), plus two-thirds of the votes cast. This ensures that only a ‘super-majority’ in the European Parliament can censure the Commission. In practice, a censure motion can only be carried for the equivalent in the EU of what the US constitution calls ‘high crimes and misdemeanours’. For example, despite several attempts in the European Parliament, the only time a censure motion had a reasonable chance of being passed was in the case of the corruption and mismanagement scandals surrounding the Santer Commission in early 1999. On that occasion, facing the prospect of a censure vote in the parliament, the Commission chose to resign the day before the vote in plenary (rather like Nixon resigning before the prospective impeachment vote in the U.S. Senate).

If the rules regarding censure were maintained, and an elected Commission President were censured by the European Parliament, an interim Commission President (and full Commission) would be nominated by the European Council and approved by the European Parliament. This interim Commission would sit until the next proper election and selection procedure.

SECTION FOUR:

TEN REASONS TO SUPPORT THIS PROPOSAL

The indirect election of the Commission President by national parliaments is preferable to the current status quo for at least ten reasons:

- 1 There would be a genuine debate about the future of the EU and the direction of the EU policy agenda. This debate would be covered in the national media because of their dominant focus on national parliamentary politics. For the first time, this debate would be about the actual policy direction of the EU, rather than whether or not the EU is a good thing.
- 2 There would be new checks and balances in the EU. In the current system, a Council majority can choose the head of the EU executive and then implement their legislative proposals. But if the Commission President is chosen in a separate contest, the head of the EU executive is more likely to be from a different political tradition than the Council majority, and would not be forced to propose only those policies supported by the governments that had voted for them during the election.
- 3 The Commission President would have supporters in every member state, who would then be accountable for their votes for the incumbent President. Because candidates can only stand if they secure a certain level of support in most national parliaments, it would be guaranteed that the winning candidate be supported by a section of the political establishment, and their supporters, throughout the EU.
- 4 EU policy-making would be open to full public scrutiny for the first time. The manifestos of the candidates would be picked apart by the national press across Europe. Also, since there would probably be enough MPs in enough national parliaments for a more EU-critical

candidate to stand, anti-European voices would be heard throughout the EU for the first time.

- 5 There would probably be a run off contest between a leading centre-left and a leading centre-right politician. The battle would be over the policy agenda for the EU, with both candidates advocating moderate policies. These politicians would already be well-known across Europe, and would probably become household names.
- 6 The sovereignty of national parliaments would be strengthened rather than weakened. Of all the proposals to involve national parliaments in the EU – such as allowing national parliaments to scrutinise EU legislation or creating a ‘second chamber’ of national MPs in the EU – this is the simplest and most efficient. Just as national executives are accountable to majorities in national parliaments, so too would be the head of EU executive. As a result, this proposal would have more chance of being ratified than more radical proposals – such as Europe-wide referendums, a direct election of the Commission President, or a full-blown federal system for the EU.
- 7 There would be a democratic brake on the ‘unaccountable Brussels bureaucracy’. If the elected President strays too far from his/her manifesto promises, national parliaments would be free to ‘throw the scoundrel out’ at the next election.
- 8 Direct democracy in the EU could develop in response to public demand, instead of being imposed by Europe’s elites through a Treaty reform. If national parliaments are free to replace a parliamentary vote with a direct election for the Commission President in their state, there would be the possibility of gradually moving to a Europe-wide direct election of the head of the EU executive.
- 9 The existing institutional balance in the EU would not be

fundamentally altered. The formal power of legislative initiative and policy implementation by the Commission and the power of policy enactment by the Council would be unchanged, and the intergovernmental areas of decision-making would not be touched. Also, the national governments would retain the right to appoint the other members of the Commission, and the European Parliament would retain the right to adopt legislation in parallel with the Council and to censure the Commission.

- 10 Over time, a consensus on the bigger constitutional questions – about the basic design of the EU – might emerge through the contest for the Commission President. Initially, because the institutional balance would not be affected, an indirect election of the Commission President would not influence the debate about whether the EU should be based on a basic intergovernmental or federal model. But, over time, a dominant position might emerge as a consequence of the wider public debate and understanding of the EU that would result from the contest over the Commission President.

SECTION FIVE:

CONCLUSION

When James Madison and Alexander Hamilton designed an indirect election for the US President, they argued that it was vitally important that there should be a contest for the most powerful executive office in American government. But they also believed that the United States at the end of the eighteenth century was not ready for direct democracy. The direct election of the President would be conducted separately in each state, rather than as a genuine 'continent-wide' contest.²³ When it came to adopting the constitution, the electoral college system was specifically designed to appease the smaller southern states, who feared that, if the electoral college votes were allocated purely on states' populations, the election would be dominated by the more populous northern states.²⁴

The logic developed in this pamphlet is somewhat similar:

To increase the legitimacy of the EU, and to improve the connection between the will of the EU citizens and the policies of the EU, there should be a contest over the policy agenda of the EU. The best way to do this is through a contest for the Commission President – who, in most policy areas, is exclusively responsible for proposing legislation to be adopted by the EU governments by only a qualified majority.

However, choosing the Commission President by a majority in the Council and/or the European Parliament – a parliamentary model – is not right for the EU. This would allow the majorities in the Council or Parliament to dominate the executive as well as the legislative process, and hence rule against the interests of the nation-states or political parties on the minority side. In the EU's heterogeneous society, such a 'majoritarian' solution would be a recipe for disaster.

As a result, a separate election of the Commission President – a

presidential model – would probably be better for the EU. This would reduce the likelihood that a particular political majority would be able to dominate the EU system.

But direct election of the Commission President would probably not work. As direct elections for the European Parliament have repeatedly shown, such a contest would not lead to a debate over European-wide priorities and the virtues of the candidates.

The best solution is a middle way between these ideal types – an ‘indirect’ election of the Commission President via an electoral college composed of national parliaments.

As Table 1 shows, only an indirect election by national parliamentarians would meet the four criteria we set out in the introduction. There would be a contest for the highest political office in the EU. This contest would be covered in all the national press and so would facilitate an EU-wide political discourse about the policy agenda of the EU for the first time. The winner of the election would command the support of a section of the elected representatives in every member state. Finally, there would be a high likelihood of fair and balanced government in the EU – with no particular national group or political party family able to dominate the EU policy agenda.

TABLE 1
THE FOUR REFORM OPTIONS COMPARED AGAINST THE FOUR CRITERIA FOR REFORM

The Criteria:	A majority in the European Council	A majority in the European Parliament	Direct election	An electoral college of national parliaments
1 A contest?	Yes More governments will propose candidates	Yes The EP party groups would propose rival candidates in European elections	Yes The European party federations would propose rival candidates	Yes The European party federations would propose rival candidates
2 Wider (national) debate on the future of the EU?	No The decision will still be made behind closed doors in the Council, and without much more media coverage of the rival agendas	No EP elections would still be fought by national parties on national issues (the 'second-order' effect), and there would be no EU-wide debate	No EP elections would still be fought by national parties on national issues (the 'second-order' effect), and there would be no EU-wide debate	Yes The media focus on national parliaments would ensure widespread coverage and debate, conducted by national politicians and media
3 A cross-national majority (no member state on the losing side)?	No By definition, some member states will be on the winning side, with others on the losing side.	Yes The winner would command a cross-national majority because the EP party groups that support them would contain MEPs from every member state	No The more populous member states would dominate the outcome	Yes Candidates would have to command support in each member state, and the votes would be weighted to balance 'nation' and 'population'
4 Possibility of divided government?	No The same majorities will choose the head of the EU executive and then be able to pass their legislative proposals	No By definition, the parliamentary model would unify the political majorities that choose the executive and then form legislation	Yes A separate election would increase the possibility that the Commission President and the majorities in the Council and EP are from different sides of the political divide	Yes A separate election would increase the possibility that the Commission President and the majorities in the Council and EP are from different sides of the political divide

- ¹ See, for example, Hix, S. (1999), *The Political System of the European Union*, Palgrave.
- ² Qualified majority voting is a system whereby the number of votes for each government is weighted (broadly in relation to its population, but with a deliberate over-representation for smaller states), and an oversized majority (of approximately 72 per cent) is required for decisions to be made.
- ³ See Majone, G. (1996), *Regulating Europe*, Routledge, and Moravcsik, A. (1998), *The Choice for Europe*, Cornell University Press.
- ⁴ See Garrett, G. (1992), 'International Cooperation and Institutional Choice: The European Community's Internal Market', *International Organization* 46(2), pp. 533-60.
- ⁵ On the EU see Scharpf, F. W. (1988), 'The Joint Decision-Trap: Lessons from German Federalism and European Integration', *Public Administration* 66(3) pp. 277-304, and Pierson, P. (1996), 'The Path to European Integration: A Historical Institutional Analysis', *Comparative Political Studies* 29(2) pp. 123-63. On the general issue of veto-players and policy stability see Tsebelis, G. (1995), 'Decision Making in Political Systems: Veto Players in Presidentialism, Parliamentarism, Multicameralism and Multipartyism', *British Journal of Political Science* 25(2) pp. 289-325.
- ⁶ For example, this is exactly the situation with the Common Agricultural Policy – where after dramatic changes in the world's agricultural markets, almost every government wants policy change, but the EU is incapable of addressing this need because unanimity is needed to reform the Treaty articles related to the CAP.
- ⁷ On public opinion towards the European Parliament, see Niedermeyer, O. and Sinnott, R. (1995), 'Democratic Legitimacy and the European Parliament', in Niedermeyer, O. and Sinnott, R. (eds), *Public Opinion and Institutionalized Governance*, Oxford University Press
- ⁸ On the importance of non-majoritarian institutions for securing stable democratic rule in deeply divided societies, see Lijphart, A. (1997), *Democracy in Plural Societies: A Comparative Exploration*, Yale University Press and Lijphart, A. (1999), *Patterns of Democracy: Government Forms and Performance in Thirty Six Countries*, Yale University Press.
- ⁹ Bagehot, W. (1963 [1865]), *The English Constitution*, Fontana.
- ¹⁰ See Hix, S. and Lord, C. (1996), 'The Making of a President: The EP and the Confirmation of Jacques Santer as President of the Commission', *Government and Opposition*, 31 (1), pp. 62-76; and Gabel, M. J. and Hix, S. (2001) 'The Ties That Bind: Theoretical and Normative Implications of the European Parliament Vote on the EU Commission President', in M. Hosli (ed.) *Institutional Challenges for the European Union*, forthcoming.
- ¹¹ See Fischer, J. (2000) 'From Confederacy to Federation – Thoughts on the Finality of European Integration', speech at Humbolt University, Berlin, 12 May 2000. Reprinted in Leonard, M. (ed.), *The Future Shape of Europe*, Foreign Policy Centre.
- ¹² On how the informal interpretation by the European Parliament of the Maastricht Treaty rules became formalised in the Amsterdam Treaty see Hix, S. (2001), 'Constitutional Agenda-Setting Through Discretion in Rule Interpretation: Why the European Parliament Won at Amsterdam', *British Journal of Political Science* 32(2) pp. 259-280.

- ¹³ All EU member states have a parliamentary system except France, which has a semi-Presidential system. And, even in France, the Prime Minister and the Council of Ministers (the cabinet) are chosen by a majority in the National Assembly.
- ¹⁴ Hallstein, W. (1972), *Europe in the Making*, Allen and Unwin, p. 72.
- ¹⁵ Reif, K. and Schmitt, H. (1980), 'Nine Second-Order National Elections: A Conceptual Framework for the Analysis of European Election Results', *European Journal of Political Research*, 8(1), pp. 3-45. For an application of the second-order model to the 1989 and 1994 European elections see Cees van der Eijk and Mark Franklin (eds) (1996), *Choosing Europe? The European Electorate and National Politics in the Face of Union*, University of Michigan Press.
- ¹⁶ Hix, S. (1999), p.181.
- ¹⁷ See Huber, J. (1996), 'The Vote of Confidence in Parliamentary Democracies', *American Political Science Review*, 90(2), pp. 269-82.
- ¹⁸ See Verhofstadt, G. (2000), 'A Vision for Europe', speech given to the European Policy Centre, Brussels, 21 September 2000. Also see Bogdanor, V. (1986), 'The Future of the European Community: Two Models of Democracy', *Government and Opposition*, 22(2), pp. 344-70, and Laver, M. Gallagher, M. Marsh, M. Singh, R. and Tonra, B. (1995), *Electing the President of the European Commission*, Trinity Blue Papers in Public Policy: 1, Trinity College Dublin.
- ¹⁹ For example, Shugart, M. S. and Carey, J. (1992), *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*, Cambridge University Press.
- ²⁰ On the emergence and role of the transnational party federations and the party leaders' summits see Hix, S. and Lord, C. (1997), *Political Parties in the European Union*, MacMillan.
- ²¹ Except in Maine and Nebraska.
- ²² For a clear and concise explanation of the difference between the 'largest remainder' and 'divisor' counting methods under proportional representation see Farrell, D. M. (1997), *Comparing Electoral Systems*, Prentice Hall.
- ²³ "Publius" (Alexander Hamilton) (1788 [1788]), 'The Federalist LXVIII', *Independent Journal* (New York), March 12, 1788, in Bernard Bailyn (ed.) *The Debate on the Constitution, Part Two*, The Library of America.
- ²⁴ See Chapel Jr. H. and Keech, W. (1989), 'Electoral Institutions in The Federalist Papers: A Contemporary Perspective', in Bernard Grofman and Donald Wittman (eds), *The Federalist Papers and the New Institutionalism*, Agathon.

Rebooting Europe

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SECTION ONE:

INTRODUCTION

Debates on the future of Europe have focused on formal institutions and procedures: constitutions, competences and the like. These are evidently important issues in connecting Europe's citizens with their institutions. But there is a further question that needs to be asked: How can citizens play a more active part in the European policy making process?

If citizens are to feel that they really belong to the European Union, and can influence decisions made in Brussels, there has to be a European public debate. Without open and common political arenas, confidence in European institutions will remain low no matter how they are designed. Debate has to reach out beyond the usual suspects: today, pan-European political debates are mainly conducted by a jet-set of specialists in the European institutions.

Traditional political arenas such as parliaments, party organisations, social movements and public meetings remain important. But more interest needs to be attached to the question of how to design the new digital forums for political debate and decision-making. This is not because they are a once-and-for-all solution to the current democratic deficit in Europe. It is because information and communication technologies (ICT), in varying shapes, are already playing crucial roles in the political process at national and local levels. Newspapers, institutes and lobby groups already publish electronic surveys and organise campaigns over the internet.

What is lacking is a long-term commitment from European decision-makers to let their citizens and organisations have their voices heard in

this new political environment. The purpose of this paper is to explore how political decisions and processes in the European Union can make the most of the democratic potential of new technologies.

Information and communication technologies can offer real democratic benefits. This paper follows other studies (such as *Bowling Together: Online Public Engagement* by Stephen Coleman and John Goetze¹) in making a distinction between direct democracy, or gauging public opinion, on the one hand, and online public engagement in policy formation on the other. While it is undeniable that ICT offers tools for measuring public opinion through electronic polls or voting which can be very useful in EU policymaking, this paper focuses instead on the second aspect. It asks how ICTs can be used to increase the quality and quantity of public participation in the European Union's policymaking process.

At a European level, the European Commission has taken some important initiatives, for example through electronic consultations on new proposals. Members of the European Parliament have initiated a resolution on the wider use of e-democracy tools. The Greek Presidency launched the *eVote* initiative during the spring of 2003. By the end of March, more than 132,000 votes had been cast on a number of questions regarding EU policy.

That said, strategies to date at the European level have been uncoordinated and piecemeal. A new start is needed, linking the development of electronic tools and the state of the digital commons to the wider debate on the future of Europe and the reform of the institutions. The recent Commission report on European governance did not deal with this subject in enough detail. The EU institutions could make a better effort to jointly develop such a strategy. The ongoing reform of the working methods of the Council should also put greater emphasis on the use of ICT tools for bringing citizens closer to the EU decision-making process.

Successful political arenas often have some characteristics in common.

They are transparent and open for all. They have a wide participation and are not only a discussion among the political elite. They are often built on public ownership, and are independent from market forces. These factors are also important for the new digital environment of politics. Left to the market alone, these political spaces could become inaccessible to many.

The issue of connectedness is important. Today, many citizens do not have access to the internet or other digital resources. However, this imbalance does not imply that we should not try to use ICT to improve public participation. Instead, member states should increase their efforts to make information technologies available to all.

Achieving access for all is also a matter of preserving and developing the 'digital commons'. It is important to deal with the possible evolution of the internet from a network open to all to a series of more closed spaces. If this tendency continues, then most of the possibilities for e-democracy will not be realised, since citizens would not be part of the same communication networks. Such a development would also bring commercial control over electronic public debate, potentially reducing opportunities for 'democratic' participation to simplified voting on simplified issues, such as soap operas or 'most charming politician' contests.

There is a choice to be made. One scenario is open dialogue in electronic commons similar to ancient Greek Agoras, open places in the middle of the cities where citizens could participate in decisions. Another option is a division of citizens into privately-owned networks where entertainment and intrigue are the main elements of politics and whereby ICT becomes an elite tool to influence Europe. We should make this choice in an informed democratic way. Otherwise the decision will be made without us.

SECTION TWO:

AN OPPORTUNITY FOR CIVIC ENGAGEMENT?

The European Union is often criticised for its democratic deficit. It is argued that citizens do not feel they can influence European decisions, and that there is no clear way of making decision-makers directly responsible for their actions.

E-democracy is not an all-encompassing solution for such a lack of trust in the European institutions. The reasons for the current problems go deeper. Yet ICT tools offer real possibilities for improving democracy and public participation in the EU.

Much has been written on democracy and ICT technologies, and there are a number of local and national examples, some successful, some not. They include many interesting ideas and projects, but vary in quality and results. Based on existing examples, Jay G. Blumler and Stephen Coleman identify seven major benefits of online civic engagement in their important study *Realising Democracy Online: A Civic Commons in Cyberspace*.²

- 1 Transcending time: participants can discuss over any time-frame in an asynchronous fashion.
- 2 Transcending place: participation can be open to all, regardless of geographical spread.
- 3 Making connections: groups meet online that would otherwise probably not have made contact.
- 4 Language: online discussion tends to be closer to the language of ordinary people.

- 5 Community-building: online civic engagement often tends to develop into a broader network.
- 6 Recruitment of experience and expertise: people with specific competences can inform policy decisions.
- 7 Learning to deliberate: participants can encounter new ideas and new ways of thinking.

Blumler and Coleman point to a number of risks, such as political control, vague objectives, bogus democracy, lack of informed inputs and fragmentary marginalisation.

The European arena is different from local and national policy-making in a number of ways:

- The European dimension is little understood: the barriers of understanding among a sceptical electorate must be overcome.
- Different languages complicate online dialogue and necessitate some kind of translation in order to achieve a debate that genuinely crosses frontiers.
- Decision-making on many issues is complex, and often bureaucratic in nature.
- Elites come into debates with enormous advantages: there is a risk of a technocratic or eurocratic elite dominating discussions in new electronic arenas.

Still, given the considerable need for an improved link between European citizens and policy-making, more effort should be made to exploit the potential of online civic engagement.

It is necessary to link such initiatives to real institutions both in the EU and nationally, and avoid creating new arenas separate from the places where decisions are made. Too often, efforts to improve online

consultations have failed because they have not been sufficiently linked to existing political decision-making. Before we take a look at possible new EU initiatives for online civic engagement, we need to assess existing measures.

Learning from past EU initiatives

There has been no shortage of will from the Commission to develop inclusive forums in which citizens can feed directly into the process of European policy formulation. Recently, such efforts have materialised in the form of the Interactive Policy Making initiative (IPM), with the aim of making wider use of digital technologies (the 'e-Commission'). The IPM web service *Your voice in Europe*³ is a significant example of a website for European dialogue on policy issues, since it is directly linked to the development of new proposals. *Your Voice* includes discussion forums, chats with Commissioners, the possibility to comment on new policy initiatives, and links to other debates. It is available (but hard to find) through the Europa portal,⁴ which brings together all the EU institutions.

After a slow start, the number of consultations have picked up. In October 2002, only five specific discussion forums were active on *Your Voice*. Among hundreds of proposals being prepared by the Commission, eight were open for comment, most of them in the area of enterprise policy. At the beginning of April 2003, more than 25 consultations were taking place in many different areas. Yet much remains to be done.

Previously, the Commission has launched electronic consultations on issues such as biotechnology, telecommunications and regional policy. These have resulted in many substantial proposals. However, relatively few contributions came from ordinary citizens or local non-governmental organisations, compared to the large number of views from industry. "Open and better consultation", in particular through the internet, was a key element of the recent *Modernisation plan for clearer and better European legislation*⁵, adopted in June 2002. The

report proposed to increase the degree of consultation with stakeholders and sets minimum standards for the Commission services.

In December 2002, the Commission adopted general principles and minimum standards for consultations. Important proposals should be the subject of open public consultations, which should be published on the internet. The results should be displayed on websites accessible through *Your Voice*. However, some directorates have stated that they do not intend to submit their proposals for electronic consultations. The Agriculture and Fisheries directorates, for example, say they use their own system of Advisory Committees – a much less transparent way of dialogue.

Every Directorate-General (DG) of the Commission now manages at least one website. The Commission's ambition is to develop its europa.eu.int portal into a highly interactive space, including content from different DGs, and also allowing for the delivery of personalised content. The e-Europe portal of DG Information Society is the first in a series of new thematic portals. The new public-services.eu web portal aims at providing information and services to assist Europe's citizens and enterprises to carry out cross-border activities. It also contains links to interactive discussion sites such as *Your Voice*. Some Commissioners ask for comments on their policies via personal websites. Margot Wallström, responsible for environmental issues, has launched an ambitious dialogue with schools on future EU policy.

The Greek EU Presidency launched the *eVote*-initiative in January 2003. In early April, more than 140,000 votes had been cast on a number of questions regarding the European Union. "We intend to use the Greek presidency to continue our long history of democracy by promoting e-democracy in the EU", said Greek Foreign Minister George Papandreou. The results from the online voting were presented to the Council of Ministers, but it remains to be seen what influence the votes will have on the political deliberations, and if the project will be continued by the next Presidencies.

Another example of EU-wide consultations is the *Futurum* website. It aims to be a gateway for information on the Future of Europe. The initiative was launched at the Nice Intergovernmental Conference (IGC) in December 2000. It forms part of a process of discussion and exchange of ideas which will contribute to the preparation of a further IGC planned for 2004. There are discussion forums online, and the website also gathers and publishes contributions to the discussion from other sources. EU politicians make regular interventions and participate in chat sessions. The *Futurum* site includes links to national governments, non-governmental organisations, universities and think-tanks expressing views on the upcoming revision of the Treaties. *Futurum* has attracted many contributions on a wide range of issues.

The Convention on the Future of Europe established a forum where non-governmental organisations could participate in the debate.⁶ The forum is made up of European and national organisations which have sent in a substantive contribution for the attention of members of the Convention, putting across their point of view and their ideas on questions relating to the future of the European Union.

Several caveats have emerged as these initiatives have developed.

First, the intensity of the discussion varies between sites. On the Commission discussion site on bank charges, for example, only five comments were made during one month. The *Futurum* site, on the other hand, has had thousands of comments.

Second, the discussion tends to be dominated by an exclusive group of people. Interventions on the *Futurum* website, for example, do not seem to represent the population in general, given that they demand detailed knowledge of EU treaties and often make references to political science textbooks.

Third, there has often been a lack of engagement from policy-makers, leaving people feeling that they are shooting their comments into a

vacuum. In one comment on the *Futurum*⁷ website, a Greek visitor wrote under the heading “The citizens are here. Where are the representatives?”:

“For the last several months now, a number of debates have been posted. Even though citizen participation is very limited (in terms of different people and not just contributions) the fact remains that the citizen, at least, has made some effort to answer the debate call.

It is rather striking how little reaction and direct feedback has been given by the so-called representatives in the European Parliament.

To those ladies and gentlemen I ask this: You have asked for a debate on the future of Europe. You have restricted it to organised groups and avoided direct citizen input. You have provided this website for citizen debate.

Don’t you think that you ought to participate in this debate?”⁸

Fourth, the nature of the forum can lead to an imbalanced set of views being put forward. Especially in Commission-led discussions, economic interest groups have tended to dominate over citizens and NGOs. This is particularly acute on issues such as telecommunications or the waste disposal of electric equipment. Industry views are an important part of decision-making, but measures are needed to encourage contributions from other groups affected by policy proposals. There is also a need to check for misleading lobby campaigns via the internet, where an interest group or company uses different senders to give an impression of a stronger opinion on a policy issue.

Finally, there is often no clear link between online consultation and off-line involvement. There is a danger that e-debates become balkanised in electronic territory. In fact, these consultation mechanisms are no

substitute for other forms of consultation and debate, rather, they complement them.

Making better links to real decision-making

In order for online discussions to be taken seriously, participants need to see a direct link to the forums where decisions are made.

Your Voice could be developed further. The Commission has decided to make electronic consultations on important new proposals standard practice. New proposals should come with a summary of the results of these consultations. However, not all Commission Directorate-Generals seem to be following this principle. The Commission should implement its new standard for consultations fully. It could also allow citizens to propose new initiatives, and not be limited to reacting to existing legislative projects.

A cultural shift needs to be fostered towards viewing these contributions as an asset in the development of policies. Citizens are often experts in some way, either due to their professional background, their experiences or simply due to being ‘users’ of policy proposals. For a civil servant drowned in papers from colleagues and lobby groups, that might not always be so easy to appreciate. It is worth investing extra resources to develop more effective mechanisms for participation.

There must be feedback links between participants and policy-makers. Policy-makers should be encouraged to take part in discussion forums they have initiated, not only in question and answer sessions, but with regular interventions in on-going discussions as well. Such commitment could increase participation significantly. Good moderators of the discussion can play an important role in doing this, especially if they are felt to be reasonably independent from the decision-makers concerned.

New initiatives are to a large extent shaped in Commission expert groups. This existing structure would benefit from additional,

electronic dialogue. When these groups meet to discuss strategy, policy initiatives or implementation, many of the documents and proceedings can be published on the web. The general public and interest groups not participating in the expert group can then comment, and these comments can be used as part of the background for the next expert meeting. This would provide a clearer link between experts and citizens, and possibly valuable contributions to the new proposals. On implementation of environmental legislation, for example, it would stimulate a discussion based both on the views of implementing agencies in the member states and on those of the citizens concerned.

In the Council, the circumstances are somewhat different, since national governments are the key players. They respond first and foremost to their national voters and parliaments. Still, there is scope in the Council for electronic consultations with citizens. The *eVote*-initiative is an important such step. Voters on the site may not be representative for the population in general, and it is difficult to formulate the questions in a non-controversial way. But the project could increase interest in EU policymaking and may force the Council to pay more attention to issues important to the citizens. The next Presidencies should – together with the Council Secretariat – develop the project further.

There is also a need for more transparency and a clearer link to national discussions in the deliberations of ministers meeting in the Justus Lipsius building. The Council secretariat should make proposals to this end in the ongoing reform of the Council's working methods.

Electronic discussions could be made more visible in the run-up to Council decisions. So far, contributions have mostly been available on the website only, as full-text documents are often difficult to read. If the Commission follows its new standards, summaries of the debates would be part of the explanatory memoranda accompanying new proposals. They could be used as a part of the information to national parliaments and the media before Council debates.

Similar initiatives have been successful in the past. The consultation before the launch of the Sixth Environmental Action Programme was presented on the DG Environment website, with exactly this kind of short summary of comments received, both electronically and by usual consultation procedures. Such summaries can also be used as one part of the background material for open debates in the Council on new legislative proposals. Another part of the background could be an overview of the national debates on the issue to be discussed, published on the Council website.

A similar method could be applied to high-profile political discussions, including meetings of the European Council. This could have been done, for example, before the Laeken Summit, using the contributions on the *Futurum* website to produce a more visible summary of citizens' comments. Even if the people making comments on the *Futurum* site do not represent the citizens in general, it would give direct incentives for participating online and bring another perspective to the public debate before the summits.

A specific theme could be chosen to underpin a coherent effort by all the institutions to use ICT for public participation. One possibility would be the Spring European Councils, where employment, the economy and social policies are discussed. These are issues of considerable importance to citizens and the EU has already set targets on these as part of the so-called Lisbon process. All relevant EU institutions could use a single site to provide user-friendly information on progress and for the participation of citizens and NGOs. Member states could do the same with their national reports on progress made, perhaps publishing the scoreboards that are produced as part of the process.

The European Parliament already plays a decisive role in opening the EU legislative process to public scrutiny. Open committee meetings, public hearings and contacts with national members of parliament are important factors in EP decision-making. In a proposal for an EP

resolution, Marco Cappato and 56 other parliamentarians launched three initiatives on e-democracy:

- 1 Broadcast all public meetings of the Union's institutions and file them in archives on the internet. Change the treaties so that every citizen has access to their rights of European citizenship through the internet.
- 2 Put European Parliament meetings online, as well as activities by individual members such as the tabling of documents.
- 3 Launch a campaign for an e-election to the European Parliament in 2004.

MEPs can also be encouraged to set up consultations on EU policies in their constituencies, as proposed by Agnès Hubert and Bénédicte Caremier in *Democracy and the Information Society in Europe*.⁸

Broadening participation

To avoid online forums being dominated by a cyber-elite, the Commission and national governments must work together with organisations, schools and the media and reach a wider group of people in an EU-wide debate on policy issues. The Tampere-based project *Mansefoorumi* combines contributions from citizens with interviews and articles written by journalists on relevant themes. In Sweden, more than 90,000 school pupils showed their preferences for political parties through an electronic referendum, *Ungt Val* (Young elections).⁹ The project was a co-operation between schools, civil society, all political parties and the largest Swedish daily newspaper *Aftonbladet*. It included discussion sites around ten themes chosen by the pupils, meetings with politicians, and a number of other activities.

Many citizens use the internet in their daily work and studies and see it as a natural tool. For younger people, it also forms part of their social lives. Internet sites and chat rooms generate a new environment for exchange of views. Participation in policy discussions can increase

through co-operation with such 'attention gateways', by creating deliberative forums within existing popular sites. The EU institutions should also co-operate with local, regional and national e-democracy initiatives.

The EU institutions have an important role to play in supporting NGOs that may not by themselves be strong enough to get their voices heard in the multimedia society. Such support should involve financial incentives, especially as a larger part of pre-accession support for the candidate countries. There should also be a specific programme within the revised structural funds. But support can also take the shape of opening arenas for smaller NGOs to participate. The *Futurum* site gives the possibility for everybody to comment on the future of Europe. But the EU institutions could help NGOs from smaller countries participate more efficiently, for example by providing translation services.

The Commission simplifies contacts with and between NGOs through the directory CONECCS (Consultation, the European Commission and Civil Society). The Commission could also include fact sheets on consultations with NGOs on all the relevant DGs' home pages, giving links to organisations that have given comments in the development of a new proposal. CONECCS was supposed to include a list of consultative bodies, but that part of the directory did not work in May 2002. The Commission offices in the member states could facilitate participation by NGOs that do not have a strong representation in Brussels, acting as a fast-track point of entry to the specific DG developing a proposal.

The Commission is already supporting the Regional Environmental Center for Central and Eastern Europe,¹⁰ which is connecting environmental NGOs in the candidate countries and other parts of Eastern Europe.

Digital contact should not replace meetings between social movements and decision-makers in the EU. On the contrary, both elements should

be intensified. They can be used together, for example in the preparation of European Councils.

In preparing the Spring Summits, the social partners, the Commission and the EU Presidency could engage in an online dialogue on the evaluation of policies and development of new proposals. Doing this in a transparent fashion would make this part of the dialogue open and understandable to all. Thereafter, meetings with the social partners prior to a Summit could concentrate on the most salient issues, and also attract more attention from the general public. On the day before a Summit, open debates could be arranged between the European political parties, taking the social dialogue as well as other opinions on the web as a starting point. The same methods could be used in other areas of political decision-making.

Developing methods for electronic deliberation further

Existing tools for electronic consultations must be improved. Some methods that have been effective at local and regional levels should be tried more widely at the European level.

The possibility of developing electronic surveys as an input to EU policies should be explored. The internet makes it possible for the public to express immediate opinions. Electronic referendums as a way of direct EU democracy are a distant prospect, and are problematic both in theory and in practice. Policy driven by frequent referendums faces many problems, particularly in reference to the coherence between policy areas and to respecting long-term international commitments. It is also difficult to formulate the right questions and to respect the rights of minorities. In the EU, it also raises issues such as the balance between small and large EU countries.

However, electronic surveys, linked to more deliberative methods, can play an important role in the decision-making process. The *eVote*-project is one effort in this direction. It could be used in the run-up to the European Council in Rome in December 2003, when a multi-

annual work programme for the EU will be debated for the first time. Another useful method could be to get citizens' opinions on the most pressing areas for action when the Commission is preparing its annual work programme. Home PCs, schools, public libraries and other official institutions in member states could be used as 'polling stations'. Responses are necessarily biased by the selection of visitors to websites, and their motivation to answer questions on the net. The key condition for using surveys is to make participation possible and attractive for all citizens, whether they have their own internet access or not.

Another way of collecting views and encouraging dialogue is to use citizen panels, where a group of people is chosen and asked for their opinions on policies under development. The method is not new, but ICT makes it easier and faster to use such panels on an EU-wide scale. For example, in the development of work programmes, citizen panels with participants from all member states can discuss new proposals for EU action. Participants can react to each other and provide feedback to the responsible institution in a way that is not possible through traditional opinion surveys.

The European Union has a specific task in encouraging cross-border debates, not only across the whole Union, but also across regions. A large number of information society projects have been promoted through the structural funds. For example, 28 regions participated in the Regional Information Society Initiatives, RISI.¹¹ The European Regional Information Society Association, eris@, has received financial support from the Commission. But few of the projects have public participation in policy-making as their purpose. For many cross-border regions, however, such democracy projects can be important. One example is the Baltic Sea, where the development of an action plan for sustainable development took place largely on a common website (Agenda 21 for the Baltic Sea). The regional funds could be used to promote such web-based cross-border debates on common areas of interest.

The Commission could also take more steps to facilitate exchanges of best practice between member states. The on-going best-practice exercise on e-government mainly considers the public services offered by national authorities. In the future, it should place more focus on initiatives to encourage deliberative democracy. A report for the Commission on e-government recently examined 7,400 public websites. The purpose was to survey the availability of public services on the web. A similar exercise could be performed to investigate the use of electronic tools in democratic governance, and also in order to disseminate useful experiences by non-governmental organisations.

Using existing programmes and initiatives

Many of the proposals in this paper would require additional resources. At present, substantial amounts are devoted to policy instruments such as the structural funds for regional development and the (albeit smaller) audio-visual programmes. The e-Europe initiative aims to build an information society for all. Measures to encourage deliberative democracy can be built more effectively into these policies.

One way of finding the money for a concerted effort to create digital public arenas is to include a democracy and participation target in the revised structural funds. As pointed out by Swedish professor Daniel Tarschys, cohesion is not only about physical infrastructure. In today's society, it is about common values and political spaces where people from different backgrounds and regions can meet. In his paper, *'Promoting Cohesion: The Role of the European Union'*,¹² Tarschys argues that making investments in a European public space should be part of cohesion policy. He proposes EU support for common European TV channels, supplementing the present Euronews, and for translation services, among other things.

In addition to a revised approach to cohesion, support for deliberative democracy should play a more important role in the Union's programmes for culture, media and the information society. The current e-Content and Media plus programmes should be expanded and

better co-ordinated to include more money for digital content and open networks, with the aim of encouraging European debate and public participation in decision-making.

To start with, this can be done via pilot programmes using existing funds. For example, the website euractiv.com, which provides European news and links to civil society and think-tanks, is supported by the e-Content programme. Other initiatives, such as OpenDemocracy.net and www.network-europe.net are making important contributions to a European political debate, and could pave the way for a much wider range of public forums.

Another important task is connecting European and national politics. Each member state should make efforts to stimulate public participation by using new technologies. Targets for deliberative democracy could be included in the revised e-Europe initiative, along with the targets already set in earlier versions of the e-Government programme. The new e-Europe 2005 document does not go far enough in this direction. Indicators could, for example, include the number of government proposals whose preparations have involved online consultations, and the number of people participating in debates on European policy on official websites. The Commission could, together with Member States, encourage links between national and European websites on different policy subjects, following the model already used for the Future of Europe debate.

Paying attention to the genuine problems of transparency within European structures

Measures should also be taken to reduce the barrier of incomprehension that prevents many people from getting involved in European debates.

Currently, decision-making in the EU is opaque. To a certain extent this is built into the treaties themselves. The co-decision principle of the first pillar, for example, is not easy for ordinary citizens to understand

and follow. But there is also a lack of transparency in the day-to-day work of the institutions, not helped by the limited resources devoted to making policies easy to follow and understand.

For citizens to be able to influence decisions, access to information is a prerequisite. However, this is more than just access to documents. Much remains to be done to make transparency a basic principle of EU working methods. In an effort to attain this, ICT can make it easier for citizens to access information.

The websites of the different EU institutions vary in terms of the amount of information provided, and in how user-friendly they are. Joint action should be taken to increase transparency from a user-oriented perspective. It could be based on a panel of citizens from different member states, and use their comments the need to improve openness and make the present sites more accessible. Similar exercises could be conducted with national parliamentarians and with journalists. A benchmarking study of member states and EU institutions would serve as another element in improving transparency.

The provisions in the Amsterdam Treaty on access to EU documents have been put into practice through the new regulation 1049/2001, which entered into force on the 3rd December 2001.¹³ The regulation makes documents available to the public with some specified exemptions, and stipulates how citizens can get quick and cheap access to them.

But it is still difficult to access documents in time for citizens and organisations to have a real influence on decision-making. Citizens' rights to follow decision-making should be stated more clearly, and their access to information expanded.

The Council decision on making certain categories of Council documents available to the public (2001/320/EC) calls for as many documents as possible to be made available via the internet. This

includes reports on the state of discussions in the Council or its preparatory bodies (with the exception of individual member states' positions). It has already resulted in improvement in the transparency of the Council, but more can be done to increase openness. All agendas for working party meetings should, for example, be published on the web.

The EU Summit in Seville in June 2002 decided to open legislative debates in the Council to the public in the first and last phase of negotiations. So far, there is no requirement to make the debates available on the internet, only in printed form at the Council building. It would not be too difficult to broadcast the discussions on the web. Archives with audio-visual information on Council and Parliament meetings should be initiated and easily accessible to citizens. As Marco Cappato put it in a recent resolution, "access to raw material is a prerequisite for democracy".

Taking advantage of set-piece opportunities for debate, notably the 2004 European election

The direct election of representatives to assemblies is a fundamental component of the national concept of democracy. In the European Union, given its current form, power is not exerted by directly elected representatives of the people. The exception is the European Parliament and its powers of co-decision, including internal market legislation and the EU budget.

The elections to the European Parliament are one of the few occasions on which a European-wide political debate occurs. Even though participation in the elections is low – and decreasing – in many member states, elections still provide an opportunity to encourage discussions on the priorities of the Union.

In the next elections to the European Parliament, a pilot project could give the possibility of voting on the internet in one region per country. Each member state could choose a region with 50,000 to 100,000 inhabitants for the project, and the EU would then list them as

'internet-voting regions'. Of course, voters would also have the right to use conventional voting methods.

Such projects build on rather extensive national experience. As pointed out by Marco Cappato, there have been pilot projects in France, Italy, Spain, Great Britain, Denmark and the Netherlands. In Belgium, e-voting involved 49% of the population in the 1999 elections, while in the Netherlands, the government has set aside funds for voting via the internet in the 2006 general elections.

The EU and the member states could share the costs of promoting technology, public access points and open debate on the web in election campaigns. It would give European political parties the possibility to present both their pan-European and their national candidates on the internet. It could also provide citizens with a broader possibility for influencing candidates, if there were discussion forums linked to the election sites. Such a project would supplement existing election procedures, not replace them. It would give valuable experience in using e-democracy tools in a European context, and could also promote debates across borders.

Allowing criticism as well as praise

Implementation of policies is another important area. One possible reform is to allow citizens to express their formal opinions on the actions of national governments and EU institutions in the implementation of EU policies. These comments should be easily accessible by others, and used as a tool to improve the service to the citizens.

The current *Your Voice* website offers information on complaint procedures, but does not invite other comments or proposals for improvements in the daily work of the institutions or the implementation of EU policies by governments. On the other hand, *Europe Direct* offers any citizen in Europe the opportunity to call or e-mail the Commission with questions about Europe. However, these

questions and comments are not integrated sufficiently into deliberations on new proposals from the Commission.

One example on the national level, highlighted in the e-government exercise, is the Central Complaint Management in Vienna.⁸ Citizens can send complaints and other comments by email. A well-managed similar system for EU institutions, where citizens receive feedback and the comments are used for real improvements, could have positive effects. The EU Ombudsman¹⁴ offers an electronic form for complaints about maladministration on its website, but, unlike the city of Vienna, does not allow the possibility to propose improvements. The Europa website could include forms where user could suggest improvements to the working methods of the institutions. One result of the governance exercise could be to devote resources to follow-up and feedback on such suggestions.

SECTION THREE:

THE DANGERS

DIGITAL DIVIDE OR ACCESS FOR ALL?

The new technologies are not used by everybody. There is a clear digital divide between the 'haves' and the 'have nots' in the information society.

A key objective for the e-Europe initiative, adopted in Lisbon in March 2000, is to bring every citizen into the 'digital age' and online. But access to the internet is fragmented across member states and different parts of the population. In June 2002, the number of households connected to the internet ranged from 65% in the Netherlands to less than 10% in Greece. Even if some use the internet in places other than their home, only half the EU population was using the net. Furthermore, the growth in internet usage seems to be slowing down from earlier years. On average, Central and Eastern Europe lags behind Western Europe in internet access and usage (even if there are exceptions, such as Estonia).

There are other differences as well: 40% of women in the EU use the internet in comparison to 56% of men. Internet usage is particularly high amongst young people, those with higher education and those living in cities.

These differences are a major obstacles to ICT tools for deliberative democracy. If information technology is to be a useful tool for democracy, it has to be available to all – and everybody must have the competence to use it. In the context of this paper, it is necessary to sketch some of the important ways of achieving this.

Education about ICTs

The e-Europe initiative correctly identifies education as a crucial factor. Better use of ICT in schools, and lifelong learning, does not

only place citizens in a better position on the labour market. It is also a prerequisite for using ICTs for democratic purposes. Education mainly falls under the competence of member states. So far, ambitions and achievements differ, and more effort is needed.

For example, connecting all schools to the internet by the end of 2001 was one of the first e-Europe targets. In March 2002, the target had almost been reached: 93% of EU schools were online. However, that did not mean that all students had access to the internet in their daily learning. On average, there were 17 pupils per PC connected to the internet. In Greece, the figure was 40 pupils per connected PC, in Denmark only 4 pupils. "Efficient usage in schools is still at the beginning", the Commission wrote in its progress report on e-Europe. "Member States need to upgrade internet connection to broadband, increase the number of internet connected computers available to pupils, and place greater emphasis on the internet for educational purposes."¹⁵

Leaving too much in the hands of the market

One of the problems is that policymakers have largely left it to the market to ensure internet access for all. However, this has failed to deliver. Broadband and mobile internet are even further from becoming an everyday tool for the ordinary citizen. There is a need for a stronger political commitment to ensure access for all. Member states must do more to meet the targets set by the e-Europe programme.

Universal access is the subject of a recently revised EC directive. Member states are obliged to ensure that citizens have access to basic telecom services. But broadband services are not covered, and it is still unclear who will pay the bill. A revision of the directive on universal access should include broadband and mobile communication, and place more responsibility on the operators, even though they are presently facing economic difficulties. At the same time member states should themselves take more responsibility for building digital networks, such as broadband, where the market does not create enough

incentives. Such investment in the 'digital motorways' should take place both on a national level and as a part of trans-European networks.

Governments also have an important role to play in promoting the use of new technologies, such as broadband, for example by using applications in education and health systems. Border regions and trans-European co-operation should be supported in parallel to the trans-European networks for railways and roads. Joint European initiatives, such as the present e-TEN programme, should be expanded and given more resources.

Excluded groups

Particular measures must be taken for specific groups such as disabled people. It is also important to use a gender perspective, and avoid the prospect of new technology creating obstacles to gender equality. Targets and proposed action in these fields are part of the e-Europe initiative. But progress is too slow.

Access for all must include the citizens of the candidate countries. It has been agreed to involve these countries in e-Europe, thereby creating e-Europe Plus 2003. Governments in the candidate countries should not only adopt legislation to create a deregulated EU market, but also encompass the social aims of e-Europe. In a recent study by the Centre for Democracy and Technology, it was suggested that telecom policy in most of Central and Eastern Europe is focused on privatisation and competition. This is due to the influence of the EU. The study concludes that countries seeking accession to the EU must commit to universal service. This would be expensive, but has to be made a political priority, playing an important part in the revised structural funds.

PRIVATE NETWORKS OR DIGITAL COMMONS?

The internet is changing and this has to be taken into account in a strategy that promotes information technology as a tool for good governance.

Service provision

In Europe, discussion on how the internet will develop is limited (although important contributions have been made by, *inter alia*, Ingrid Hamm and Marcel Machill of the Bertelsmann Foundation, and the French Conseil d'Etat). On the other side of the Atlantic, the debate is much more intense. Lawrence Lessig, law professor at Stanford, is one of the important thinkers on the future of the internet. He claims (in *The Future of Ideas: The Fate of the Commons in a Connected World*, Random House 2001) that the internet is changing from an open network to a number of privately-owned networks, with fences around them. The effects are disastrous for creativity and democracy, according to Lessig. People are divided into different segments by cable TV and broadband companies. They do not meet and exchange views in the same forum, the universal internet, as before.

With the development of 'open source' culture, there used to be a culture of openness and sharing of ideas on the internet. Now, extended copyright rules make such an exchange of creativity much more difficult. In an earlier book, *Code and Other Laws of Cyberspace*,¹⁶ Lessig described how computer software and other technological applications for the internet set informal, yet considerable, limits to the degree to which the net can be an open access environment.

Lessig's arguments are also valid for Europe and for the discussion on e-democracy. Many of the arguments regarding the internet and governance start from the assumption that the net is open for all. But what if Lessig is right and the digital commons are being replaced by private networks with different sets of rules than the early, "democratic", internet? If all citizens cannot communicate with each other, how can true European political spaces be created in the multimedia age?

One threat is the power of the broadband companies. Cable and digital TV providers, as well as broadband operators, demand protection for their investments. As many of them also own content such as television

programmes and films, they might create obstacles to accessing information from other providers. At the moment a political debate can be put on the web, free for all to download. A public service television programme on the EU can be seen by most television owners in the country concerned. In the future, however, access might be much more limited. The so-called 'carry-all' provisions in national legislations, which demand that operators carry the main terrestrial television channels, will form a battleground between those who protect the digital commons and those who look to the economic interest of the individual operators.

Internet governance

The governance of the internet is an important issue for the preservation of the digital commons. Without such a commons, many of the arguments for e-democracy become much weaker. The rules for the internet are in practice set in the US. For example, the global body for domain names, ICANN, falls under the jurisdiction of Californian courts. The Internet Engineering Task Force, which sets important standards for the net, is also in essence a US body.

European demands for influence on the development of the internet have been relatively unsuccessful so far. This is not surprising: the most important parts of the net are in the US. In *The Internet Galaxy*,¹⁷ Manuel Castells describes the digital geography: the main internet servers and most of the websites are situated in the US.

In 1998, the French Conseil d'Etat proposed an international agreement on the internet. The European Commission attempted to convince the US that rules for the internet should be set through international collaboration. However, the EU had to step back and agree to the domain-name system for the internet being subject to American law.

However, although the IT sector has suffered a backlash, digital communications are an important part of the global economy. This

makes e-commerce and other internet issues part of the horizontal relationship between the US and the EU, and co-operation is intense. As the Europeans increase their share of internet content, and start developing new markets such as the mobile internet, the balance between the EU and the US will become more even. This should mean that the EU also engages more strongly on issues concerning the governance of the internet.

The current situation, where decisions on the governance of the internet are taken under American law, is not satisfactory. The EU should follow earlier proposals and take the initiative for an international agreement on internet governance. One important aim should be to preserve the open-for-all principle of the internet, and to develop a charter of citizens' rights on the net, including the possibility to participate in policy-making. The EU should also make the digital commons and access for all a priority in the WTO negotiations on the audio-visual sector.

Multimedia: e-commerce or public service?

The internet and the mass media are rapidly changing and converging as a result of technological development, deregulation and changes in ownership. In the multimedia society, it will be difficult to separate discussion forums on the internet from similar tools on interactive digital TV. The convergence of technologies will mean that media policy will also be important for the deliberative processes discussed in Section Two. One important task is to secure multimedia commons, where everybody can participate.

The number of television and radio channels has increased tremendously during the last two decades. Digital TV and radio will result in even more choices, and convergence with the internet will make broadcasting difficult to distinguish from simply making content accessible on the net. This multitude of alternatives can be a democratic asset, but also raises the question of where citizens can find common sets of references. The dominance of private interest and market-driven journalism can also be

negative for an open and democratic debate on policy issues.

The speed in communications and publishing brought about by the ICT revolution also leads to a convergence in frames – that is to say that international news tends to be reported in similar ways in all media. Almost immediate publishing on the internet leads to a “synchronisation of editorial decision-making between news services in different countries”, (as formulated by Stig Hjervard at the University of Copenhagen.)

But even if the same international events are reported in different countries, there is often a national connection made in the reporting. The Danish researcher Claes de Vreese says that more issues are European, but that there is also a ‘domestication’ of European news. Mass media does not yet provide a common European public space, but there is a tendency for the same agenda to be discussed in all European countries.

For specific groups, new media technologies have made it possible to select the content that they find most interesting. One example is how immigrants can watch the news broadcast in their home country through satellite television – or watch dissident stations with a specific message. When something occurs in Turkey, for example, Kurds in all European countries can have the information quickly and demonstrate a few hours later– even if the issue has not been covered in the other countries’ mainstream media.

The internet will make this tendency even clearer and extend it to more groups. To some extent, as with the growth in the number of TV channels, this will imply a defragmentation of public opinion and the destruction of common political spaces. But it also brings the benefits of pluralism. Citizens will develop a good knowledge of world events within their spheres of interest – but with rather convergent pictures of other events, given to them by mainstream media with the same pictures and conclusions.

Media and politics interact. The changing media landscape also changes politics. The effects are different in different time frames. Media coverage often has a large effect on political decisions in shorter time frames. In European politics, this has been the case with issues such as petrol prices and mad cow disease. But long-term projects such as EU enlargement, the euro and the European Security and Defence Policy (ESDP) are driven by many other forces. Here, media coverage tends to affect the timing of decisions and the temporary ups and downs of developments, more than the general trend. But interest groups with long-term strategies try to use the media to make these developments favourable to them.

In many ways, the media have a positive influence on European governance. Decision-makers must justify their decisions. Plans can be revealed and discussed in public. New issues can emerge. Fraud and insufficiencies can be revealed. Trans-national campaigning that engages public opinion in many member states can have a large influence on European decisions. It becomes more difficult for national politicians to make their own 'spin' on EU politics, when so much information is coming from news sources other than the national media.

But the almost immediate news coverage also forces decision-makers to react quickly to problems that might need reflection and critical debate. With so many different media throughout Europe hunting for an immediate reaction to the developments in the Balkans, it became very difficult for a national politician to say that he needs more time for reflection.

The shorter time frames might lead to unwise decisions, and to a centralisation of power. In an hour or so, policy can be made on the phone between the most important actors, in order to answer CNN; the BBC, ARD and FR1 in similar ways before their deadlines. This global market for political information has some similarities to the global financial market. Quick policy decisions are sometimes generated in similar ways to quick flows of capital.

Public service radio and television is still a common point of reference for politics and for citizens meeting in a pub or during a coffee break at work. In its best moments, it provides quality programmes giving a deeper understanding of society. But, already challenged by competition cases pending in the European Commission, public service companies face an uphill battle when viewers move to digital technologies on the internet and cable networks.

Thus, to create European political arenas is also to preserve and develop the role of public service broadcasting in the new multimedia environment. There is a need to encourage pan-European public service in the multimedia age.

The experience from earlier initiatives is mixed. A stronger commitment from public service broadcasters is needed to enter into European co-operation in multimedia outlets.

Support for public service content on the internet is an important task for governments and for EU institutions. One step is to develop a European framework for public service in the new environment. It could build on outputs from public service companies in member states, like Euronews, but use new technology to improve links to local content.

Another important step is to state clearly that public service is in the general interest of the EU and allow this to be taken as a basis for competition policy decisions, especially in terms of allowable state aid payments. The protocol on public service in the Amsterdam Treaty could be made a legally binding article in the next Treaty.

SECTION FOUR:

TWENTY ACTIONS FOR A MORE OPEN AND TRANSPARENT EUROPEAN UNION

Even though there are already important initiatives to develop websites and other electronic tools to improve European democracy, there is certainly more to be done. The EU could take a number of new actions. Twenty proposals emerge from Sections Two and Three.

- 1 Fully implement Commission standards on using electronic consultations as a mandatory measure for new proposals. Devote additional resources in the EU institutions to the analysis of views from citizens and to giving feedback.
- 2 Make sure policymakers themselves take part in discussion forums they have initiated, not only in question and answer sessions, but with regular interventions in on-going discussions as well. Use good and reasonably independent moderators to encourage an open and constructive dialogue.
- 3 Try out citizen panels in setting priorities for action and preparing new proposals. Work together with non-governmental organisations, schools and the media to reach a wider group of people in consultations.
- 4 Develop *Your Voice* into a highly visible site, common to the EU institutions, where the public can debate different areas of European policy. Link it to existing initiatives and give incentives for developing it further. Co-operate with other actors, such as electronic newsletters and NGOs' sites.
- 5 Take advantage of the *eVote*-initiative by the Greek Presidency and develop it further during forthcoming presidencies.

- 6 Link electronic consultations close to the actual decision-making process, for example by providing summaries as a part of the information to national parliaments and the media before Council debates, and by linking to the existing working group structure.
- 7 Use electronic surveys to get citizens' opinions on the most pressing areas for EU actions, when the annual work programme is being prepared.
- 8 Make the annual Spring Councils the subject of a coherent effort by all the institutions to use ICT for public participation.
- 9 Promote web-based cross-border debates on common areas of interest, for example through the INTERREG initiative.
- 10 Commission a study on best practice in the use of electronic tools in democratic governance. Encourage the exchange of best practice through a clearing-house linked to the Commission.
- 11 Include a democracy and participation target in the revised structural funds.
- 12 Expand and co-ordinate the current e-Content and Media plus programmes to include more support for digital content and open networks.
- 13 Include targets for deliberative democracy in the next revision of the e-Europe initiative.
- 14 Publish more documents, including Council working party agendas, on the web. Broadcast Council and Parliament discussions on the web and make archives with audio-visual information on meetings easily accessible to citizens.
- 15 Invite citizens to express their opinion on the action by national

governments and EU institutions in the implementation of EU policies, and set up a feedback process with sufficient resources, reporting what action has been taken.

16 Set up a pilot project in the next elections to the European Parliament, giving the possibility for voting on the internet in one region per country as a supplement to existing procedures. Include electronic tools for deliberative democracy in the run-up to elections.

17 Devote more political energy, mainly in member states, to implementing the e-Europe proposals on access for all to digital technologies.

18 Take a stronger EU initiative for an international agreement on internet governance. One important aim should be to preserve the open-for-all principle of the internet, and to develop a charter of citizens' rights on the net, including the right to participate in policy-making.

19 Develop a European framework for public service content on the internet and an improved, multimedia Euronews, building on public service companies in member states.

20 Make the protocol on public service in the Amsterdam Treaty a legally binding article in the next treaty.

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² Bulmer, J. G. and Coleman, S. (2001), *Realising Democracy Online: A Civic Commons in Cyberspace*, IPPR.

³ <http://www.europa.eu.int/yourvoice>

⁴ <http://www.europa.eu.int>

⁵ European Commission (2002), *Modernisation Plan for Clearer and Better European Legislation*. IP/2002/825.

⁶ http://www.europe.eu.int/futurum/forum_convention

⁷ http://www.europa.eu.int/futurum/forum_convention

⁸ Agnès Hubert and Bénédicte Caremier (2000), *Democracy and the Information Society in Europe*. Macmillan.

⁹ <http://www.ungtval.nu>

¹⁰ <http://www.rec.org>

¹¹ <http://www.europa.eu.int/ispo/risi>

¹² Tarschys, D. (2002), Promoting Cohesion: The Role of the European Union Paper for the ARENA Conference, Oslo.

¹³ <http://www.magwien.gv.at>

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¹⁵ European Commission (2002), Progress Report on eEurope. Published Online: http://europa.eu.int/information_society/eeurope/2002/index_en.htm. COM(2002)0263.

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Can Brussels Earn The Right to Act?

Mark Leonard and Jonathan White First Published July 2002

SECTION ONE:

WHY WE NEED A NEW AGENDA FOR DIVIDING POWERS BETWEEN MEMBER STATES AND THE EUROPEAN UNION

The search is on to define the ultimate constitutional shape of the European Union – the *finalité politique*. The Brussels policy community hopes that this will be the key to closing the gap between the European Union and its citizens.

Some hope to fix the division of powers between national governments and the European Union before it is enlarged to take in an additional ten members. Others argue against any attempt to fix the European Union's powers in their current form when some areas (such as the Common Foreign and Security Policy and the Justice and Home Affairs agenda) are still in such embryonic form. In this paper we argue for a different approach: introducing a dynamic system that allocates powers according to performance – with legislation moving them up and down between national and European levels at different points in order to achieve specific goals.

Underlying the different approaches to the division of powers are radically different diagnoses of the problem. The key question is whether one ascribes Europe's legitimacy problems primarily to a "democratic deficit" (the need to have more directly elected European institutions, or "input legitimacy") or to what some have called a "delivery deficit" (the need to prove that the EU can deliver effective outcomes, or "output legitimacy").

Critics of the European Union have argued that whereas in a liberal democracy governmental legitimacy is conferred once every five years at the ballot box, the European Union does not have this basis of legitimacy. There is no direct electoral mechanism for the appointment of two of the three main institutions, and elections to the third enjoy the participation of only a meagre proportion of the EU electorate. Responding to these attacks has led many pro-Europeans down the blind-alley of the democratic deficit. For example, some delegates to the European Convention – the discussion forum specifically set up to examine these ideas – argued that the way to enhance the EU's legitimacy is to make it structurally more like a national democracy by strengthening the powers of the European Parliament or by electing the president of the European Commission in a direct election under universal suffrage.

But because Europeans living across the European Union do not have as strong a sense of community as most national political systems – which sustains the institutions through the bad times as well as the good times – they are unlikely to accept decisions which go against their interests even if they have gone through a democratic process. That is why the failure of certain European Union policies will sometimes bring support for the whole enterprise of European integration into question. This means that formal changes of this sort made in the name of 'input legitimacy' are likely to be too cosmetic to mute the chorus of criticism that presents the Union as out of touch and ineffectual. Public support for the integration process will not be won by presenting the citizens of Europe with a *fait accompli*, the substantial powers that the EU institutions have acquired over the past fifty years suddenly legitimised by a slight re-jigging of the institutional arrangements of the Union, accompanied by a thunderclap public relations campaign.

This means that EU institutions cannot simply 'earn' their legitimacy by expressing the popular will at election-time. Instead, they have to reflect the popular will in a more ongoing, concrete fashion – by delivering effective action in the areas in which the citizens of the EU

wish to see it. The very essence of the European Union is the voluntary pooling of sovereignty by each of the Member States *for the benefit of all of them* – it is only as valuable, in other words, as the public goods that it brings. If the legitimacy of the EU is in direct correlation to its effectiveness, the powers that the Union has accumulated are legitimate powers only in so far as they contribute to the effective execution of widely desired policies. This implies that it is the institutions of the European Union that carry the ‘burden of proof’,¹ the responsibility of demonstrating that they can be more effective than national governments acting on their own. This in turn implies that the delegation of power from the level of the citizen to the level of the Community must be regulated by some kind of mechanism which ensures this movement of powers is justifiable in terms of the results that it can and does achieve.

Unfortunately, this is not the approach which has generally so far been taken in the ‘Future of Europe’ debate which has been focusing minds in Brussels over recent months. The debate about dividing powers between the European Union and the member states has gone down the route of the “democratic deficit” – looking at the formal rules for allocating powers rather than monitoring performance. Calls have been made to “draw a line in the sand” on European integration and clearly delineate which powers the EU should legitimately exercise and which should be kept at a national level. This is essentially a reworking and refinement of the old principle of subsidiarity – the idea that powers should lie at the level closest to the citizens at which they can be effectively exercised. The implication is that subsidiarity is a workable principle which simply needs fine-tuning.

This principle has never been effectively defined or implemented, and many decisions have been taken – in areas as diverse as zoo regulations, drinking water and tobacco advertising – which clearly could have been taken at a national level or through an international agreement to implement these measures nationally. Subsidiarity has too often been overlooked.

The real problem with subsidiarity is that it is a theoretical concept. It asks which level of government is *theoretically* best placed to deliver good results rather than examining which level can best deliver *in practice*. Moreover, so far there has been no organised system of evidence-gathering which would provide an objective, rather than subjective, basis for decisions on the allocation of powers. There are many things that the EU should, in theory, be better placed to do than the nation state – such as the delivery of overseas aid – but in which it is in fact failing. If a policy is failing, the people need to know about it – and there needs to be a system for turning it around, or, if ultimately necessary, returning it to the national level.

The whole current debate about the division of competences is in danger of basing itself on theory rather than practice. The danger is that the final version of the Convention embeds an elegant and scholarly scheme for allocating competences which fails to address the roots of the EU's legitimacy problems.

In our view there are four criteria which the European Union must meet if it is to undermine the charges made by its critics and win over sceptical popular opinion, i.e. if it is to close the delivery deficit by “earning the right to act” from its citizens:

1. CLARITY: THE ABILITY TO UNDERSTAND. Larry Siedentop has argued that “no political system can be legitimate which its citizens do not understand.” It is clear that it is not just the citizens of the European Union but also many parliamentarians and officials who struggle to understand both the processes and the principles behind European integration. This is exacerbated by the lack of a clear rationale for dividing or sharing powers between the European Union and its national governments. Even if the EU's legitimacy is, as we have argued, ultimately founded on its efficiency, it is clear that appropriate attention must be devoted also to the formal clarity of the system, the extent to which it is readily comprehensible to the non-specialist observer.

2. REVERSIBILITY: THE ABILITY TO REVIEW OR RENEW. Certain policies, like the Common Agricultural Policy, have come to be adopted over the years in response to a pressing historical need. However, decades later, when these needs have disappeared, the policies remain in place and seem virtually impossible to reform. The frantic efforts to review certain aspects of the CAP before the enlargement process began is a perfect example. It is astonishing that the reform of an outdated policy, approved already by almost all member states, became a potential impediment to the Union's top strategic priority of the early years of the 21st century. A sense of irreversibility contributes to a feeling for many that the main driving force behind European integration is the ideology of "ever closer union" rather than a concern with delivering positive outcomes. It is important therefore to enshrine the principle that all policies can be reversed or subject to review (through the existing Treaty article 308² or through some other mechanism). But a mechanism alone is not enough. There must also be something that gives impetus to the review of policies or else the bureaucratic inertia of the EU system will mean that the Union retains instruments or objectives long after they have served their useful purpose.

3. ACCOUNTABILITY: THE ABILITY TO ELECT. Many people have described the European Union as an unaccountable bureaucracy where judges and civil servants are more important than elected politicians. For this reason it is important for legitimacy purposes that people have the sense that the distribution of powers between national governments and the European Union is overseen by elected politicians whom they can 'throw out' if they feel they have failed. By and large, this means having the process overseen by national parliamentarians and national governments, who are the focus of media attention and who are visible enough to have an influence on the domestic political scene.

The link to national politics goes further still, especially where questions of subsidiarity are concerned. In the past, problems of

disputed authority have arisen not where the allocation of competences has made bad *theoretical* sense, but where decisions have been made about seemingly technocratic regulations which have a high salience in certain member states. Certain single market regulations on subjects ranging from double-decker buses to carrot jam to snuff have developed a disproportionate level of political sensitivity in the UK, Portugal and Sweden respectively. Dealing with these issues in an appropriate way is a political as much as a legal challenge. People must know that regulations with a high national salience will be reviewed and overturned if they do not work.

4. DELIVERY – GETTING THINGS DONE. It is worth remembering Abraham Lincoln’s Gettysburg address, where he talked about democracy as government “for the people” as well as “by the people”. In the EU, very little attempt has been made to address this first side of the legitimacy debate – what exactly it is that the EU gets done for the people of Europe. And yet it is clear that most citizens worry more about the effectiveness of policies than the processes by which they are drawn up. There are many areas where EU-level action already brings benefits that could not be achieved by member states acting on their own. Regulating the market at a European level means that consumers, producers, retailers and workers benefit from the added choice, economies of scale, and competition which a market of 370 million consumers brings. But the European Union has consistently failed to monitor the effectiveness of its policy decisions.

Of the various reasons that can be attributed to this, two are of particular concern to us here:

- **The supremacy of ‘negotiability’ over evidence.** In complex negotiations, the ease with which a certain solution can be negotiated will often take precedence over the evidence base for that solution. This is more noticeable in the implementation stage for a policy, as the Commission links proposals to likely outcomes as it draws up

legislation. However, in the post-legislative phase, this sensitivity has never been matched, given that the Commission has not been able to *react* to outcomes and to review its policies accordingly once they have been implemented. This has remained the case despite a few attempts, perhaps insufficiently radical, by the Commission (in 1996 for example) to introduce some guiding ‘principles of evaluation’ which would allow policies to be more easily and effectively adapted once they are underway.³ In the dry words of the Working Group Report on ‘Evaluation and Transparency’, “only 7 of 25 Directorate Generals that manage expenditure programmes have an evaluation unit. Thus it would be premature to claim that the Commission has a general evaluation culture.”⁴

- **The splitting of implementation between national governments and European institutions.** This also makes it very difficult to measure policy effectiveness, as the criteria used are often not directly comparable. Top-down attempts at evaluation are not the same as an official audit. Even the audits that are carried out are of limited use, as national audit offices very rarely co-operate on parallel studies, and in the few examples where they have done so, it has tended to be an examination of the ability of national institutions to administer European programmes or the fulfilment of regulations, rather than the ability of policies to meet goals. There is also no political impetus to have these evaluations discussed, as they are presented to the European Commission rather than to specialist scrutiny bodies such as national parliaments or to the European Parliament. An official in the Swedish national audit office made this point very forcefully: “The CAP constitutes almost half of the EU budget. Policy objectives have been set, monitoring methods are in place with EUROSTAT, there is evaluation by the European Court of Auditors and still there is no Commission interest in evaluation of programme effectiveness. The studies made indicate failing policies but strong political interests at the national level prevents evaluation.”

The Future of Europe Debate was launched three years ago by Joschka Fischer, three main models have been advocated for making subsidiarity work. One of these takes a *judicial* approach, vesting in the European Court of Justice (ECJ) the role of final arbiter in disputes over the application of subsidiarity. The second accords this arbitrating role to a *political* body of elected representatives (usually involving national parliamentarians as well as MEPs). The third seeks to combine the strengths of judicial *and* political review by giving both the ECJ and a political body a role in the monitoring of competence distribution in accordance with subsidiarity.

Our belief is that the hybrid approach, which draws on the clarity of a legal framework and the flexibility of a political one, is the right approach, but that for it to be effective it has to be harnessed to an ongoing process of independent performance assessment. Such performance assessment would ensure that decisions on the allocation of competence were rooted in clear understanding of how policies were working in practice. Only on the basis of this will it be possible to turn subsidiarity into a meaningful guideline with practical relevance rather than simply a loosely-defined abstract concept – only in this way, in other words, can institutional reforms be made to satisfy all the four criteria for reform.

In the next section we explore some of the lessons of performance-based government in other countries, and in the final section we set out a mixed model for “earning the right to act” which brings together legal and political instruments with an objective assessment of the effectiveness of institutions.

SECTION TWO:

THE MISSING LINK – PERFORMANCE-BASED GOVERNMENT

The missing link in all of the proposals for reform is the focus on performance. The European Union still bases its solutions on what can be negotiated, not on what can be audited, verified or factually proven – and none of the proposals we have examined would correct this. The number of different lobbies and interests that must be satisfied across so many different dimensions means that it is uniquely difficult to introduce an element of evaluated performance into the system. This is the central cause of the “delivery deficit”.

But even in political systems where there are fewer interests to satisfy there are often important tensions to be resolved between the theory about where a certain policy should lie, and the ability of institutions to deliver that policy in practice.

A good example of this is the debate about local government in Britain where, on the one hand, the present Government believes that many policies should be decentralised, but, on the other, it doesn't have faith in the ability of many local authorities to deliver results. As a result it has devised a set of minimum national standards which must be met and pioneered the idea of “earned autonomy” where local health authorities, hospitals and schools are given greater control over their activities and budgetary support if they can prove their effectiveness.

An example of this happening in reverse is the relationship between state and federal government in the United States of America, where Congress has introduced measures to place the burden of proof on the federal government, insisting that it demonstrates that it can deliver more effective outcomes than states can acting on their own. The 1993 Government Performance Results Act was introduced to ‘improve the confidence of the American people in the capability of the Federal

Government by systematically holding Federal agencies accountable for achieving programme results.’ The US government was responding, in other words, to exactly the same problems of popular consent faced by the institutions of the EU.

This idea of “performance-based government” has been pioneered in a number of different countries as a way of giving extra public accountability to governmental policy-making and execution. The schemes share some of the following characteristics:

- A **preliminary assessment** to establish what is working and what is not (benchmarking). Considerable attention has to be paid to mitigating factors, to ensure that all performance comparison between different institutions is fair and accurate.
- **Classification.** This may take the form of a ‘traffic-light’ scheme, whereby performance is classed as ‘green’, ‘yellow’ or ‘red’, where green is a high standard and red is low.
- **Allocation of competences and powers.** Those organisations classified green are accorded substantial freedoms, whether managerial (freedom to take decisions on policy, personnel etc.) or financial (access to central funds) or both; those classified yellow get ‘support’ with the way they manage their programmes and finances; those classified red receive ‘intensive support’ and close monitoring from central government.
- **Setting of performance objectives.** These are to be commensurate with the classifications regarding current performance, so that there is a realistic chance of their being met.
- **Periodic assessment** and reassessment of how far these performance objectives are being met. Assessment is based on a range of Performance Indicators, examining the effects of changes and providing the opportunity (and incentive) for improvement.

Once again, performance is judged relative to the particular circumstances in which it is carried out (together with some kind of absolute minimum). This is followed by a *continual review process* to ensure that the criteria and policies adopted remain current.⁶

It is clear how these systems could go a long way to dealing with our four criteria. Having a specific set of objectives and an overarching principle (effectiveness) provides a very *clear* way for deciding what level of government should be responsible for legislation. Secondly, the idea of allocating competences according to performance tackles the arguments about *reversibility*. The focus on performance should help tackle the European Union's *delivery* deficit. And finally, establishing clear criteria for judging the existing delivery of competences also allows the political and judicial processes to have a better framework for *input democracy*.

2.1 Performance-based government in the European Union

There are, however, some important differences between performance-based government as it has been employed in the two above examples and as it would be used in the EU.

First, it is more difficult at European level to define, monitor and make conclusions from objectives set. For example in the health service, the criteria of good performance are fairly clear, since the goal is to maximise the standard of treatment accorded to patients in a quantifiable way. In this context, it is methodologically and statistically relatively easy to carry out a cost-benefit analysis. Within a more complex political context, the nature of the objectives set, against which performance is measured, is likely to be less clear. This point was made by one of the Working Groups that helped to draw up the European Commission's White Paper on governance: 'it is difficult to evaluate the results or effectiveness of any initiative if its objectives are vague or even contradictory'.⁷ Moreover, there are no connections in the EU budget lines with objectives or performance programmes.

Secondly, the transnational nature of the EU makes it more complex to

establish a centralised system of monitoring. The fact that many Community policies are implemented at a national level means that it is very difficult to get an overall picture of how effective a particular policy is. This means that any solution will have to combine national and European-level evaluations. At present the European Court of Auditors audits the Commission but it is not allowed to use the results of National Audit Offices (who rarely conduct performance audits of EU institutions anyway). This presents a double challenge for National Audit Offices: the need to use comparable measures when auditing national implementation of European policies; and the need to audit the implementation of EU policies against EU objectives rather than simply examining the efficiency of the administration. One of the rare examples of a National Audit Office doing this comes from the Swedish National Audit Office which carried out a goal-based audit of the largest single element of EU spending: the arable area payments scheme. Although they worked with other audit offices on looking at administrative efficiency, they failed to persuade other National Audit Offices to carry out parallel studies on the ability of the scheme to meet its goals. The three reports which this study produced audited the scheme against the three basic objectives for the policy which were set out in the Treaty of Rome: increasing agricultural productivity; ensuring supplies reach consumers at reasonable prices; and ensuring a fair standard of living for the agricultural community. They concluded with a warning about the lack of information: "In view of the budgetary amounts involved [the Swedish National Audit Office] regards it as remarkable that the arable area payments are not more frequently followed up and evaluated in relation to EU objectives. In our audits we have not found any requests for good statistics or evaluations which describe the development".

Of course any national audits will need to be set alongside a study of the effectiveness of the European institutions at meeting their goals. The Commission has in the past tried to make its Directorates General (DGs) themselves responsible for evaluating performance, but this has meant that there is no overall coordination, and very little analysis of

the ability of policies to achieve goals.⁸ This would seem to suggest the value of extending the remit of the European Court of Auditors (ECA). To give it the responsibility for the performance evaluation of large sections of Community activity would demand a substantial enlargement of the ECA, but the evaluative function which it would be undertaking would be a natural development of the auditing role that it currently performs. The ECA already extends its activities beyond the monitoring of Commission resources into the monitoring of national governments and their management of resources, and as an institution with considerable experience and a wide network of activity the ECA would seem to be exactly the right body to provide a coherent analysis of Community policymaking and the ways in which it might be reformed.⁹ The challenge will be to move on to a new kind of auditing based on the fulfilment of specified goals. This would require a review of how the ECA operates and how it is constituted.

Finally, in a European context there are important questions of identity and legitimacy which mingle with these questions of efficiency. Questions of sovereignty are somewhat more complicated than they would be even in a federalised country like the US. In the national context, the power hierarchy remains fairly conventional even after performance-based government has been introduced, because it is central government which is monitoring the use of power, and bestowing it or taking it away. In the EU, the flow of autonomy would be from central government *upwards*, from national governments to the Community institutions – rather than *downwards* to regional or local government.

If policies are failing to meet their goals, the European Council will have to decide on recommendations that authority over a particular policy area be redistributed: either upwards or downwards. A radical recommendation might be that a piece of legislation be removed altogether.

Developing a performance-based culture in the European Union does

pose some hard questions. The nature of the *acquis communautaire* is that measures should be implemented in a uniform way. What should the European Union do when faced with asymmetrical performance across member states – where measures seem to work in some countries, but other countries fail to implement them effectively? There are examples from fields like Justice and Home Affairs or environmental policy where one country can create real problems for another by failing to deal with migration or pollution effectively. In these cases one could imagine the audit examining whether the policy worked in a majority of countries, and maybe recommending sanctions against countries that consistently under perform.

With all these schemes there will be many detailed issues to resolve, but it is clear that performance evaluation can bring a sharper edge to the sometimes fuzzy discussions about the division of competences. The key benefit of introducing a scheme such as this one will not be the use that is made of it in individual policy areas, but the effect of changing the culture of the European institutions so that delivery rises to the top of the agenda. In the next section we attempt to put these principles into practice – to develop a system of evaluation which allows Brussels to ‘earn’, and most importantly be seen to have ‘earned’, the right to act.

SECTION THREE:

EARNING THE RIGHT TO ACT – A NEW MODEL FOR ALLOCATING POWER

Democracy and delivery are treated as different problems that need different solutions. But the solutions that are being developed to solve an imagined “democratic deficit” could have a real impact on the ability of the European Union to win consent by delivering effective outcomes. We argue in this paper that attempts to re-work the European constitutional framework need to be governed by the need to close the “delivery deficit” as well. This means that we must be ready to re-examine the old principle of subsidiarity and reform it so that powers are distributed according to performance as well as constitutional theory.

In this section, we attempt to show how an element of performance measurement can be built in to the legal and political processes that have been suggested for allocating competences. We argue that this approach is the most appropriate way to meet the four criteria for reform set out in the introduction. First, the European Union must set out clearly the constitutional principle of “earning the right” to act in order to provide *clarity* about the reasons for actions being taken at a European level. Second, the European institutions must start systematically setting objectives, so that there is a clear *input* basis against which performance can be measured. Third, an independent assessment of the performance of different community instruments and policies must be carried out so that *delivery* is a key criterion for decisions about competences. Finally, there must be a political review of each policy area after a performance assessment to provide a political impetus for the *reversibility* of policies that do not work.

3.1 Enshrining the principle of “earning the right to act” in the preamble to the Constitution.

The Constitution should instill a new set of principals that set out

aspirational goals and explain the limits of European integration. This could both bring greater clarity to the institutions and act as a highly symbolic way of dealing with peoples' concerns about excessive integration. The over-riding principle should be the principle of "earning the right to act". This must contain two components:

a The effectiveness principle – The European Union will only act in areas where it can deliver more effective results than member states acting on their own. There should be a legal obligation on member states and European institutions to supply data on the performance of this policy. In marked contrast to the traditional subsidiarity principle, this would state that effective delivery rather than federal theory must be the guide to all allocation of competences.

b The reversibility principle – The European Union can only exercise powers that are granted to it by member states. It holds these powers in trust, and they can both be given and taken away. This principle could explain that existing legislation may also be reviewed, on the basis of independent reports, if it is considered unsatisfactory by a significant majority of Member States.

3.2 Systematically setting objectives for policy

It is important to set clear objectives for legislation and executive action so that performance can be judged. This is essentially a question of making clear and explicit what is already present in implicit form in most current Community action. The goals of European-level programmes are rarely made public or cast in such a form as to be readily used to measure subsequent performance. One way of standardising the use of objectives would be to demand that the preambles to all Commission documents include a specific and detailed set of objectives to be realised by the measures that follow, plus an explanation of the mechanisms by which their effectiveness is to be assessed. In this way, the task of performance evaluation would be made significantly more transparent, and the need for consistent and unequivocal objectives highlighted in the Working Group Report above

would be met. The objectives might be of both a macro- and micro-level type. As well as policy-specific objectives included in the preambles, one could envisage broad, outline objectives being set in the European Council. One would then see a series of Community legislative and non-legislative measures taken to realise this overall objective, each having their own more specific, lower-level targets. This would allow one to assess the necessity of new legislation, but would it contribute to the achievement of the overall objective?

3.3 An independent assessment of performance

Once the use of explicit policy objectives has become widespread, the basis is set for an ongoing evaluation of performance in all the main areas of EU policy competence (including Justice and Home Affairs, Social Policy, Environmental Policy, the Internal Market, Financial Services, Cohesion, and Agriculture). There is a danger that an attempt to review all the European Union's policies in one go could create an enormous volume of red tape and eat up a good deal of parliamentary time. One possibility would be to hold these rolling reviews on different policy areas at different times – aiming to review each policy area once a decade - which would establish a culture of performance evaluation without crippling the EU's ability to make new decisions.

The review should be based on a parallel auditing process at a European and national level. The European Union will need to establish a new framework of co-operation between the European Court of Auditors and National Audit Offices. The European Court of Auditors could set out a common approach and a common set of indicators which can be pursued by each National Audit Office. The national reports could then be brought together with an assessment of the Commission's performance by the ECA and then published for public dissemination. A final report could be drawn up which evaluated all the European Union's policy instruments in each policy area against the objectives set in the European Council. The policy instruments could then be classified according to a traffic-light scheme. Successful policies, which would be classified as green, would be left intact. The

reports could end with a series of recommendations for change on areas where existing EU-level action is proving to be unsuccessful. For policies that are classified red, there should be some ideas for refining the policy – or if necessary returning elements of it to a national level. Borderline policies – classified as yellow – could be held under greater supervision and reviewed at a later date.

3.4 A political review process

The auditors' reports would be nothing more than a set of recommendations, often of a fairly technocratic nature. They would not in themselves carry the authority to make changes (since the ECA has not been designed to be democratically accountable). Rather, these reports would be the basis for a political review process which would lead to political decisions about the allocation of competence. Our idea is that the auditors' reports would provide a more objective basis on which to take decisions about the allocation of power. Though we would favour a mixed approach, it would be possible to introduce an element of performance review into any model.

The review process would see the ECA's reports presented to the relevant political bodies. This could be the European Parliament, a new body containing national parliaments, a revised version of COSAC or the Committee of the Regions – or even some combination of all the above. These bodies could attach an Opinion to the reports and debate them in public. It is important to ensure that European Commissioners (and national ministers in the case of dilatory implementation at member state level) could be called for cross-examination. This process of discussion and debate could be concluded with the drawing up of a Final Report which reflects the positions of the various bodies. The report could be compiled by the European Commission, European Parliament or a new subsidiarity body (if one is established). The Final Report could be sent to the European Council for ratification. The European Council would then initiate reform measures and feed the Final Report's recommendations back into the setting of new objectives (or would demand new objectives, dealing with criticism, to be

delivered by the Commission). For a diagrammatic representation, see Figure 1.

Importantly, the reports would also be published for public scrutiny. This would generate media involvement in the specifics of policy-making. Public scrutiny would also be a useful means by which to cut away at the culture of 'deal-making' that is so prevalent in Brussels: national governments would have to take their share of responsibility for the policy measures being pursued, they would have to react to the criticisms of the ECA reports, and they would be less able to slur the European Commission for all unpopular legislation and policy-measures.

The value of having auditing *seen* to be conducted by an external body, rather than by those responsible for policy execution, should not be underestimated, particularly given the current challenge of renewing public faith in Community activity. Recommendations for improving performance would be readily available so as to lead the reform process and improve effectiveness. The reports would have the authority of neutrality and objectivity which could act as a point of arbitration for those in dispute about where to place decision-making and executive authority – and act as a basis for decisions by a political body.

SECTION FOUR: CONCLUSION

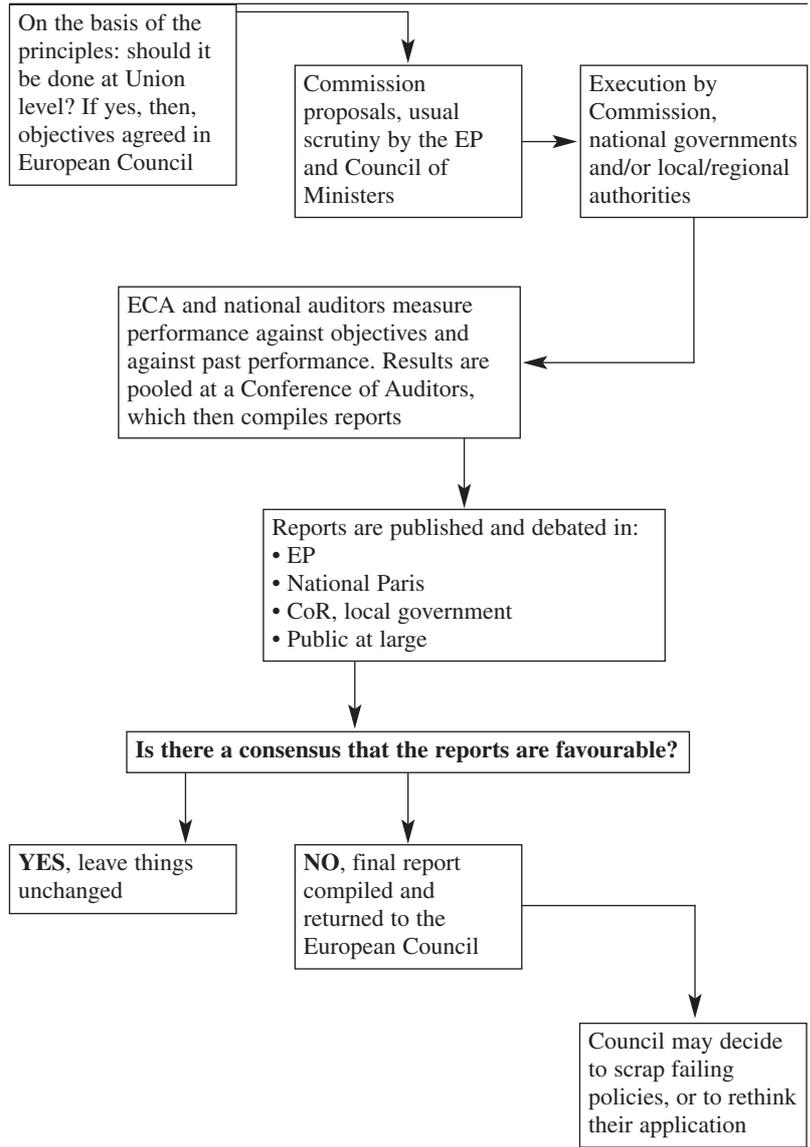
No political system can survive in the long term without the consent of the people it serves. The European Union is no exception.

This pamphlet has sought to map out a way of allowing Europe's institutions to "earn" that consent by consistently outperforming national governments – and by having the ability to prove it. By designing all EU reform so that it works best to satisfy the four criteria of clarity, reversibility, accountability and effectiveness, the idea has been to ensure that attempts to increase legitimacy in the formal sense (by tackling a perceived democratic deficit) do not undermine the basic effectiveness of the system, which is also a central component of its legitimacy (in other words do not undermine attempts to tackle the delivery deficit).

This emphasis on 'outcomes' is in no sense intended to undermine the importance of 'input legitimacy' – that is, the formal side of democracy. It is quite clear that this programme of delivery will have to take place within a broader democratic framework, one which allows people to feel that they have been part of the process which set the objectives for delivery. Only the reform of institutional structures from a formal perspective can achieve this, and naturally we are fully supportive of the draft constitution in this respect. Indeed, 'some of the institutional innovations that were discussed at the Convention (the subsidiarity Chamber in particular) are an integral part of the system we are advocating.

But we firmly believe that attempts to address 'input legitimacy' in this way are of little value if they are not complemented by a concern for the legitimacy conferred by practical effectiveness, a fact which is too often neglected in the debate about how to direct the reform of the Union's governance.

FIGURE ONE: THE PROCESS



The mantra of “delivery, delivery, delivery” will of course never be sufficient in its own right. It will always be true that at some stage the citizens of Europe will have to embrace the *idea* of Europe, and that this idea will always be larger than the sum of its parts, that it will embody some kind of ideal as well as a ‘list of practical advantages’. The words of Lionel Jospin in May 2001 make this point with eloquence: ‘Europe is made up not merely of regulations, directives and disputes. It is first and foremost a work of the mind, a societal model, a world view. The European idea as part of reality – that is what counts ...’¹⁰

But the people of the European Union will not make that conceptual leap of faith unless they are confronted with the practical benefits of the EU on a daily basis. If governmental effectiveness is consistently improved, levels of popular consent will be heightened accordingly, and consequently substance will be added to the formal side of democratic legitimacy. If this is not done, the citizens of the Union will simply have little interest or enthusiasm for the European project, a problem which no amount of structural tinkering will remedy.

- ¹ Vibert, F. (2001), '*Governance in the European Union – from Ideology to Evidence*', European Policy Forum.
- ² Article 308 of the TEC is a catch-all article which allows the Community, by unanimous decision of the Council, to adopt the measures necessary to attain objectives laid down in the Treaty where the powers necessary to attain these have not been provided.
- ³ Commission Communication on Evaluation (SEC(96)659final). See also General Report 2000, SEC(2000)1051. As the Report of the Working Group makes clear, though this has led to some efforts to evaluate whether existing programmes could be improved (*formative* evaluation), *summative* evaluation (concerning whether it should exist at all) is rare.
- ⁴ Report of the Working Group, p.10.
- ⁵ Government Performance and Results Act 1993, p.3.
- ⁶ It should be noted that the system has to have *stability*, so that organisations are not bouncing from one classification to another without proper justification, causing undue upheaval.
- ⁷ Report of the Working Group, p.37.
- ⁸ See Report of the Working Group 'Evaluation and Transparency' (part of the preparations for the ECWP) p.9.
- ⁹ It should be noted that there are some strong counter-arguments to the establishment of a single overseeing body, as highlighted by the Report of the Working Group, p.23. Equally, however, it should be emphasised that the evaluation reports are but the prelude to a political discussion process during which any serious objections to the reports may be raised.
- ¹⁰ Jospin, L. "On the Future of an Enlarged Europe" speech given in Paris, 28 May 2001.

Reforming the European Parliament

Nick Clegg and Michiel van Hulten First Published May 2003

SECTION ONE:

THE CHALLENGE AHEAD

The biggest dilemma of its short existence now faces the European Parliament. On the one hand, it has been breathtakingly successful in expanding its influence in the EU decision-making process. It now stands at the heart of the legislative cycle of the European Union and wields considerable political clout over the European Commission, the EU's primary executive body. Presidents and Prime Ministers now regularly make the trip to Brussels or Strasbourg to address MEPs, and it increasingly serves as a venue where many crucial EU political debates take place. MEPs prove remarkably skilful in shaping the discussions in Valéry Giscard d'Estaing's Convention on the Future of Europe. Within a couple of decades of the first direct election of MEPs, the European Parliament has emerged as a major institutional player on the EU scene.

On the other hand, political credibility has lagged behind this steady increase in its institutional powers and legislative authority. Despite its manifest achievements, the European Parliament remains fairly invisible to voters, indistinguishable from the vague conception most citizens have of 'Brussels'. In large part, this is a reflection of the misfit between the local, regional and national political loyalties of voters and the pan-European aspirations of the European Parliament. MEPs are suspended between the two: elected to legislate on a federal EU level by voters whose loyalties remain trapped in subsidiary political boundaries. It is as if MEPs aspire to exercise federal political authority on the basis of a confederal political mandate.

This tension diminishes the legitimacy of the European Parliament

since it appears to be wielding power without the explicit understanding or support of a significant proportion of the electorate in whose name it operates. The dilemma is obvious: MEPs are at risk of wielding power and authority without adequate legitimacy and responsibility.

This essay is an attempt to provide some answers to the dilemma facing the European Parliament. By accepting the world as it is – especially that the vision of a meaningful “European demos” is unrealistic for the foreseeable future – the recommendations are pragmatic in nature, highlighting how the European Parliament can best deploy its strengths and reform its organisation to instil greater legitimacy and credibility in all it does. We reject the notion, too long accepted as received wisdom amongst much of the EU policy elite, that the remedy to the European Parliament’s problems is simply to push ahead with ever more ambitious proposals until, somehow, a pan-European electoral culture will suddenly emerge. Rather, we prefer to work with the grain of Europe’s existing and diverse democratic cultures which remain, in our view, the only realistic building blocks from which to forge a legitimate, credible and accountable European Parliament.

This is a crucial time to consider the political orientation of the European Parliament. The impending enlargement of the EU combined with a new EU constitution flowing from the work of the Convention on the Future of Europe are set to change the EU’s institutional rules of the game once again. Much of the debate about the future of the EU has been conducted in sterile terms, especially the clash between “federal” and “intergovernmental” approaches to EU integration. We reject both extremes. Both the cavalier assumption that the EU can be transformed into the equivalent of a united federal state, and the stubborn belief that the nation state must remain supreme in EU governance, overlook the unique mix of supranational and national forces which make up EU decision making. Far from being a “federal” or “intergovernmental” arrangement, the European Union remains a creative hybrid of both, an essentially confederal project.

The task for the European Parliament is to serve as an accurate expression of Europe's diverse and competing political voices, whilst acting in a coherent manner in discharging its legislative and institutional duties. This is no easy task. Capturing the bewildering complexity of the EU's political identity is not a simple exercise. But it is something which the European Parliament must attempt if it is to act as a credible legislative and political body. We believe this will only be possible if the European Parliament sheds some of the conventional proposals for its own advancement – such as the unworkable introduction of pan-European electoral “lists” – and focuses instead on the nuts and bolts of accountable parliamentary representation. That is why we devote much attention to questions such as collective party discipline within the Parliament, and improved electoral arrangements for the European Parliament elections.

The dilemma

The steady decline in turnout for elections to the European Parliament is, of course, the most obvious indication that all is not well. In almost all EU countries, turnout at European elections has steadily declined since the first direct elections in 1979. In some member states such as the UK and the Netherlands this is hovering at such low levels, with 25 and 29 percent turnout respectively at the 1999 elections, that the democratic mandate of MEPs is open to question. Opinion poll evidence shows that, in the vast majority of member states, the advent of EU governance and a federal European Parliament has not diminished citizens' strong emotional attachment to political institutions closer to home, at national or regional level. Indeed, all the indications within many of the candidate countries of Central and Eastern Europe suggest that this trend is likely to grow, not wane, as the EU enlarges in the years ahead. Voters in Central and Eastern Europe, because of their experiences of Soviet rule, are especially wary of transferring their loyalties to a supranational entity.

Of course, this is partly a reflection of a wider malaise in representative politics. Voter turnout seems to be on the decline at national and local

elections too. There is, arguably, a wider crisis of legitimacy in the whole democratic political process. But the challenge is sharper for MEPs precisely because their powers have expanded so rapidly over the last decade or so. Losing the allegiance of voters because they do not believe you have the authority to improve their lot – one of the principal reasons national parliamentarians cite for declining voter interest – is one thing. Failing to elicit the loyalty of voters when your powers are expanding dramatically is quite another. It suggests that the old argument made by MEPs – give us more power and we will be taken more seriously by voters – is perhaps not as credible as it seemed.

So the challenge to the European Parliament is particularly acute. It must strive to connect with the source of its own legitimacy, Europe's voters, or else risk wielding power without responsibility. The stakes are high. In an age of globalisation, where so much economic, social, environmental and security policy is inevitably worked out at supranational level, it is crucial that new parliamentary arrangements are installed to enforce accountability. The European Parliament is the most sophisticated supranational parliament in the world. Its success will serve as a model for supranational governance for years to come. At this important point in its political maturity, it is essential that it can prove that democracy above the level of the nation state is a workable proposition, whilst accepting that the nation state still exercises a dominant grip on the political cultures in Europe.

The federalist failing

According to the classical federalist school of thought, the only viable solution to the absence of a pan-European "demos", a body of voters united in a common understanding of the same political project, is to invent one. This, it is suggested, can be done in two ways. First, according to some federalist thinkers, the President of the European Commission should be elected directly by the voters of the European Union. Second, an increasing number of MEPs should be elected on pan-European lists, freed from the constraints of national or constituency boundaries.

The first idea, while widely mooted in the early stages of the Convention on the Future of Europe, has been abandoned, at least for the time being. The second idea, however, has been taken forward by the European Commission itself in its submission to the Convention, and by several MEPs and Parliamentary Groups.

As with many ideas derived from a purist constitutional position, these proposals to create a pan-European electorate are impeccable in their logic. It is entirely logical to suggest that the head of a federal executive body of the EU should be directly accountable to EU voters. It is equally logical to suggest that MEPs who purport to represent the general European interest, rather than local or national interests, should be elected directly on pan-European electoral lists. However, logic is not all. These proposals are flawed precisely because they elevate constitutional logic over the unique, hybrid nature of EU democracy. It is both wrong in theory and condescending in practice to assume that the profound loyalties expressed by voters towards the local and national political boundaries with which they are familiar can summarily be displaced by a new transcontinental election. It is precisely because the European Union does *not* possess a pan-European demos, but is composed of a rich variety of national and subnational political traditions and cultures, that the process of political integration in the EU is both unique and challenging. It is fanciful to assume that the ingrained complexion of Europe's polities can simply be wished away through the imposition of new, and entirely unfamiliar, elections.

Pan-European elections would also dramatically weaken the already tenuous link between MEPs and their voters. As experience in the UK has amply demonstrated, the greater the scale of the constituencies represented by MEPs, the harder it is for any meaningful identification between voter and Parliamentary representative to evolve. It flies in the face of all available evidence of voter disaffection to suggest that the right solution is to increase the distance between MEPs and the electorate still further by asking Basques to be represented by Belgians or Latvians by Luxembourgers.

That is why we strongly reject the suggestion that pan-European lists for MEPs should play any role in the short- to medium-term evolution of the European Parliament. Instead, the focus should be on rebuilding links between MEPs and their electorates. For that reason, for instance, we suggest that all member states must be compelled to introduce either smaller constituencies for MEPs and/or “open” electoral lists in which voter choice is maximised.

Coherence from diversity

As already explained at the outset, we believe that the key challenge for the European Parliament is not to create an artificial sense of unity where it does not exist, through, for example, the creation of federal electoral lists, but to capture the diversity of Europe’s political composition in an institutionally coherent manner.

One of the principal problems in representing such a diverse and dispersed political entity as the EU is that MEPs themselves are inclined to act in a diverse and dispersed manner. However, if the European Parliament is to raise its game, it must make particular efforts not to succumb to internal dissonance, and instead impose greater internal political discipline. Ironically, precisely because the electoral foundations of the European Parliament are so varied and incoherent, MEPs must make particular efforts to compensate by creating their own internal political coherence in the Parliament itself. Yet, at present, meaningful party political discipline is almost entirely lacking.

One of the most remarkable characteristics of the present European Parliament is the extensive autonomy that individual MEPs enjoy. One of the most frequently noted differences between the European Parliament and national Parliaments is that MEPs from small or minority parties, and MEPs who hold no “frontbench” responsibilities in their political Groups, can still exert enormous influence. This is largely due to the fact that the core work of the European Parliament – the drafting of comments and amendments to European Commission legislative proposals – is widely distributed between MEPs. Thus, for

instance, in 2002 an MEP from Luxembourg, the smallest EU Member State, and a member of the Greens, only the fourth largest group in the European Parliament, was appointed as “rapporteur” – Parliament’s draftsman – on one of the most economically important issues in the current period, the liberalisation of the EU’s electricity market. There are countless other examples of MEPs who enjoy meagre public recognition and do not hold important party positions who nevertheless emerge as crucial power-brokers in the legislative game between the Parliament, the Commission and the Council of Ministers.

Of course, it could be argued that such a generous dispersal of influence is a welcome contrast to the centralised party political patronage which characterises the work of so many national parliaments. The liberty which MEPs enjoy on an individual basis to exert influence is, surely, something to celebrate. It is, in many ways, more attractive than the stiff hierarchy of national parliamentary politics.

Yet, on balance, we believe that the present arrangements, whilst welcome to individual MEPs, damage the wider effectiveness of the European Parliament. There is a marked tendency amongst MEPs to behave in a maverick, highly individualistic manner, in which party discipline plays almost no real role in constraining or shaping their actions. Whilst this creates a colourful cacophony of opinions – reflected in the astronomical number of reports, opinions and resolutions which flow from the European Parliament – it leaves a confused impression of the European Parliament as a whole. Without greater internal discipline, it will be impossible for MEPs to forge the clear identity which they very much need to elicit greater interest and respect from voters.

The absence of meaningful party political discipline within the European Parliament is easily explained. In effect, because MEPs are not dependent for their election on the patronage of the political groups to which they belong, they have only a minimal loyalty towards them.

The primary political loyalty of MEPs remains towards their own, national political parties, particularly since it is the procedures of those national parties which determine whether MEPs are selected as parliamentary candidates in the first place. Since the ultimate sanction over any parliamentarian is candidate selection, it is no wonder that the European political groups have only weak control over their members.

The loose relationship between MEPs and their political families has been pushed to bizarre extremes in some cases. Thus it is that British Conservative MEPs, many of whom hold violently anti-European views, sit as semi-attached members of the centre-right European People's Party in the European Parliament, which happens to be an avowedly pro-European group. As explained in section 2.4, the political groups in the European Parliament remain amalgams of sometimes conflicting political allegiances and ideologies.

Whilst recent academic research¹ has demonstrated that there is an increasing degree of internal consistency in the way in which the political groups vote, albeit at the end of the legislative process during "plenary" votes, the European Parliament remains a more unpredictable political body than should be the case given the considerable powers it now enjoys.

That is the reason why we strongly advocate strengthening the role of the political groups within the European Parliament in section 2.4. Whilst MEPs will always retain a degree of autonomy given that their domestic political power base lies outside the reach of their European political families, a strengthening of the resources of the groups will ensure that any MEP who hopes to advance politically within the European Parliament will not be able to do so other than through the mechanisms of their group. Equally, we strongly believe that the ability of national political party bureaucracies to dictate the selection of European Parliament candidates should be weakened as much as possible. By releasing MEPs from the patronage of domestic party bosses and beefing up the capacity of European political groups to act,

we hope that a far greater degree of party political discipline will be infused into the work of the European Parliament.

Legislative overkill

Consistent with our view that the party political coherence of the Parliament should be strengthened to improve the political force of the work of MEPs, we also believe that the manner in which the Parliament legislates must become more politically coherent. The European Union remains, in many ways, an extraordinary experiment in regulatory activism. The core of the EU, the economic freedoms of the Single Market, is entirely based on the ability to introduce legislation and regulation which replaces and overcomes national barriers impinging on the free movement of goods, capital, services and people. The European Parliament is located at the centre of this vast regulatory endeavour, which has significantly expanded in recent years as new areas of legislation, notably environment and consumer protection, have grown in importance.

Armed as it is with the powers to “co-decide” EU legislation with EU Ministers, there is no doubt that the European Parliament has steadily improved the professionalism with which it handles a wide array of legislative and regulatory issues. The increasing prominence of the Parliament’s sectoral committees, in which the detailed scrutiny of legislative texts takes place, is the most obvious manifestation of this growing maturity.

However, as the legislative clout of the Parliament has grown, so has the risk that MEPs become ever more immersed in technical legislative detail. Lawmaking is, of course, a highly political process. Whether and how legislation is crafted to raise social standards for temporary workers, to impose environmental penalties on polluting business activity, or to liberalise rail services, are questions which go to the heart of the contemporary political debate. All of these subjects are, by way of illustration, picked from the current legislative agenda of the European Parliament at the time of writing.

Yet, curiously, the political nature of the work of MEPs is rarely reflected in the manner in which draft legislation is processed. To begin with, because large majorities are required to impose the European Parliament's will, especially in the second reading of the co-decision procedure, political argument is usually displaced by detailed horsetrading to secure the widest possible cross-party support for a given position or set of amendments. Whilst such consensual activity is generally to be welcomed, and usually produces improved legislative scrutiny, it tends to take place at the cost of a more ideological debate on the value and objectives of EU legislation. In particular, MEPs who argue, either on the grounds of subsidiarity or because of concerns of excessive regulatory intervention, that the fundamental merits of a proposed EU law should be questioned are rarely given serious consideration.

If it can be argued that the draft legislation in question is necessary to "achieve the objectives of the Treaty" (which sets out the broad principles of EU activity), it is especially hard to generate a political debate on the merits of a proposal. The EU's founding Treaty is invoked in a manner which effectively silences debate, as if there is no political volition left in deciding the timing or manner in which its objectives are pursued.

This is reflected in the desultory manner in which MEPs debate the annual legislative programme of the European Commission. Every year the European Commission presents a detailed list of the new laws and non-legislative instruments it wishes to propose to the European Parliament and the Council of Ministers. As such, it is one of the most important moments in the EU's legislative and political calendar. It is the point at which political objectives are translated into legislative form, when the European Commission fully exercises its extraordinary monopoly power to set the legislative agenda.

Yet, notwithstanding some significant recent improvements,² the manner in which the European Parliament examines and debates the

Commission's annual programme remains half-hearted at best, irresponsible at worst. Far from scrutinising the Commission's proposals in the light of an overall strategic view of EU priorities, still less in the light of the need to challenge new legislative activity, MEPs tend merely to insist on their own personal pet initiatives, and supplement the Commission's lengthy legislative shopping list with a shopping list of their own.

Thus, despite concerted attempts in recent years to introduce greater political direction to the debate on the annual legislative programme, the European Parliament still contrives to produce resolutions which simply cobble together all the outstanding legislative demands of the different political groups. This inability of the European Parliament to make coherent political judgements at the beginning of the legislative cycle, whilst allocating excessive attention to the precise detail of individual legislative texts, demonstrates the lopsided nature of much of its work. That is why, in section 2.3, we advocate a significant overhaul of the debate on the annual legislative programme.

The division of labour between MEPs on any one legislative proposal also contributes to the bias in favour of detailed legislative scrutiny over political debate. The rapporteur usually displays a territorial ownership over the legislation irrespective of its content, and sectoral spokespeople for other party groups are keen to deploy their skills within the sector-specific Committees to leave their imprint on the legislation too. Thus draft EU legislation is almost never rejected or fundamentally challenged by MEPs, but almost always tampered with and amended in great detail by zealous law makers.

The fact that the legislative process, especially in the co-decision procedure, can be painfully slow merely exacerbates the apparent technicality of lawmaking. At times, the two legislative branches of the EU, the Council of Ministers and the European Parliament, can delay an agreement on legislation because of a series of mind-numbingly detailed differences of opinion. Equally, the fact that EU Directives,

which remain the principal legal form of EU legislation, rely on subsequent interpretation and transposition within member states protracts and obscures the process further.

Thus it is that the role of an MEP appears to be more technocratic than it need be, and less political than it should be. This technocratic bias has arguably been confirmed by the Parliament's poor record in responding to major political events. MEPs did not, for instance, exploit the downfall of the Santer Commission to their maximum benefit. It took a maverick Commission official, Paul Van Buitenen, to highlight failings in the Commission administration, many of which were long known to MEPs. The Parliament Groups also reacted slowly because of an initial inclination to protect their "own" Commissioners. Equally, the Parliament failed to agree upon a coherent political response to the burgeoning international crisis leading up to the US/UK invasion of Iraq. Whilst it could be argued that the stark divisions opened up in the Parliament's debate on Iraq were an accurate reflection of the political divisions amongst EU member states, such impotence at a crucial moment also reflected poorly on the Parliament's political maturity.

MEPs make their reputations in the important sector-specific Committees which make up the European Parliament. Attention to detail and an eye for technical subtleties are the qualities which help an MEP assert authority in their chosen field of expertise. But detailed expertise, whilst essential in any lawmaking capacity, must also be coupled with a capacity to make wider judgements on the political wisdom of draft legislation. If not, MEPs risk becoming important but technical adjuncts to a legislative process entirely dominated by the European Commission, the executive which retains the monopoly right to initiate EU law.

The risk of legislative overkill in the European Parliament is exacerbated by the almost cavalier attitudes which MEPs appear to display towards the practical impact of EU legislation. MEPs regularly

table far-reaching amendments to EU proposals – often drafted with outside help from industry associations or NGOs – without first examining what their practical or unintended consequences might be. This failing is not just confined to MEPs. The European Commission has only recently started to implement Impact Assessments of its draft proposals, and the signs are that it is only doing so fitfully. Ministers in the Council of Ministers are equally blasé about the practical effects of their legislative changes.

Efforts are now underway to introduce new procedures which would compel all three institutions to examine the effects of their legislative actions before making any final decisions.³ But there remains much resistance to the introduction of impact assessment procedures, not least from MEPs who wrongly regard such procedures as an unwarranted inhibition of their parliamentary prerogative to legislate freely. The truth, of course, is that without adequate impact analyses, MEPs are presently legislating freely but blindly, oblivious to the real impact of EU law. That is why we propose, in section 2.1, new methods which would ensure that objective impact assessment analyses would be attached to all significant parliamentary amendments.

Putting the house in order

Strengthening the party political discipline within the Parliament, and giving greater emphasis to politics over technical lawmaking, will make a significant difference to the political impact of the European Parliament. As argued here, such changes would help address the fundamental dilemma of the Parliament, namely how to forge political coherence out of a highly disparate electoral mandate. But such a programme of reform would be incomplete without equal attention to some of the practical idiosyncracies which presently affect the work of MEPs.

Most notoriously, the fact that the European Parliament is still spread across three locations – Brussels (for committee and group meetings, and occasional plenary sessions), Luxembourg (for administrative

backup) and Strasbourg (for the monthly plenary sittings) – significantly hinders the work of MEPs. It is obvious enough that a parliament of such considerable powers should have the authority to decide its own working arrangements. There is no other fully democratic parliament in the world which has such limited sovereignty in deciding its own organisation. It is also obvious that the public resources spent on maintaining the three locations are impossible to justify at a time when public expenditure everywhere is under pressure.⁴

What is perhaps less obvious is the debilitating effect that the endless travel inflicts on MEPs themselves. A parliamentary job is always peripatetic since constituencies and parliaments are by definition in different locations. But the requirement to travel between three different countries – Belgium, France and home country – imposes a unique burden upon MEPs (excluding, of course, the happy minority who represent the constituencies of Brussels and Strasbourg).

Travel may well nourish the soul. But ceaseless travel on Europe's increasingly erratic short-haul airline network is guaranteed to disorientate even the most tranquil soul. A disproportionate amount of an MEP's time is spent in fruitless travel. Such frenetic movement means that MEPs must compress their working time in the Parliament into relatively short bursts, which merely undermines the quality of the work achieved. The split location of the European Parliament is especially hard on MEPs with young families. In our view, there is no conceivable justification left to maintain the present arrangement. The French Government has decided to make the maintenance of the Strasbourg home of the European Parliament a question of Gallic honour. This suggests an immature approach to what is essentially now a pragmatic issue. Whilst the symbolic gesture of establishing the Parliament (and the European Court of Human Rights and the Council of Europe) in Strasbourg may have resonated loudly in the aftermath of the Second World War, it is fast becoming a symbolic anachronism, especially as the European Union enlarges into Central and Eastern Europe. It neither serves the French national interest, nor assists the

cause of European political integration, to maintain such wasteful and inefficient working arrangement for MEPs.

Other practical flaws in the mechanics of the European Parliament must also, in our view, be tackled. The unforgivably lax arrangements for MEPs' travel expenses must be reformed urgently – and particular responsibility for the lack of progress here must be attributed to German MEPs. The legal limbo in which MEPs' assistants are presently suspended must be tackled. Despite recent innovations, the lacklustre manner in which many Parliamentary debates still occur, dominated as they are by stale set-piece interventions from policy spokespeople from each group, must also be addressed. Our detailed proposals include suggestions for reform on each of these issues.

Whilst improving the practical performance of the European Parliament is not a panacea for its dilemma of legitimacy, such detailed reforms are a necessary, if not sufficient, requirement if MEPs are to win the confidence of Europe's voters. Precisely because the European Parliament is criticised, often unfairly when set against the equally profligate habits of national parliaments, for being wasteful and inefficient, it is all the more necessary that it removes all remaining justification for such criticism.

A political body striving to establish itself in the hearts and minds of voters must jump higher hurdles of probity and responsibility to succeed. MEPs who grumble that they do not think the European Parliament should become "holier than the Pope" in reforming its internal procedures, underestimate the scale of the challenge. Without clear and visible reform of the manner in which MEPs work, efforts to enhance the political standing of the European Parliament will remain stillborn. That is why we make no apology for the detailed nature of our specific recommendations about cleaning up the Parliament's act in section 2.6.

SECTION TWO:

RECOMMENDATIONS

We have argued that the European Parliament needs to deploy its strengths better and reform its organisation if it is to gain greater legitimacy and credibility. The European Parliament needs to:

- 1 Focus on its core business by becoming a more effective legislator.
- 2 Improve the accountability of the European executive through enhanced scrutiny of the Commission and the Council.
- 3 Bridge the gap with national politics via closer links with national parliaments.
- 4 Heighten the Parliament's public profile by politicising Parliament's working methods and media relations.
- 5 Ensure closer links between MEPs and voters through reform of the electoral system.
- 6 Rid itself of its wasteful image through increased efficiency, transparency and accountability.

1 Becoming a more effective legislator

There are two serious weaknesses in the way the European Parliament works as the legislative branch of the European Union. The first – largely of its own making – is that its approach to lawmaking is too technical and too detailed. The European Parliament often fails to assess the wider political and other implications of the proposals it considers. The second – and here the European Parliament is not to blame – is that its powers of co-decision do not extend to all major areas of legislation, thereby contributing to the impression of a powerless institution.

The European Parliament's legislative role must be strengthened. It is widely perceived as a weak parliament with limited powers. That is not a fair perception, however, as the European Parliament's legislative powers have increased steadily over the years. Most significantly, the 1992 Maastricht Treaty introduced the co-decision procedure, whereby the European Parliament was given the right to amend and veto EU legislation in several (and, through subsequent amendments to the Treaty, most) policy areas. But the European Parliament has taken a long time to adjust to its role as a fully-fledged co-legislator. Its membership and its working methods have always been more geared to contributing to the federalist debate about the future of Europe than to playing an activist role on the legislative stage. Until very recently, Parliament seemed more interested in extending its formal powers and flexing its institutional muscle than in making use of the powers it had already been granted.

The European Parliament does not always give the impression of taking its legislative role too seriously. Some of its decisions are plain frivolous and lead to unhelpful media coverage, such as the vote in November 2002 calling for a ban on chocolate cigarettes as part of the EU's anti-smoking drive. Plenary voting sessions in Strasbourg never attract more than 550 or so out of its membership of 626 – even when taking crucial decisions such as the election of its own President or approving the final outcome of legislative negotiations with the Council. Since, under the second reading of the co-decision procedure, 314 votes are needed to adopt an amendment, this effectively raises the threshold for adoption from 50 to 57 percent of votes.

Absenteeism also leads to chance outcomes, as when the European Parliament voted in July 2001 by a single vote to reject the compromise proposal for a takeovers directive thrashed out between the Parliament and the Council.⁵ Had all 626 MEPs been present, and had they all voted according to their national delegation whip, the proposal would have been adopted. Absenteeism (which in this case was skewed towards members belonging to the 'yes' vote camp, but which was not

politically motivated) caused the 'no' side to win by the smallest possible margin. National parliaments often have 'pairing' arrangements between government and opposition members, allowing equal numbers from both sides to be absent from key votes without impacting their outcome. In the case of the European Parliament, the absence of a governing party-opposition party structure and the existence of different issue coalitions make such an arrangement virtually impossible.

Finally, the European Parliament does not appear to be very concerned with the quality or the impact of the measures it adopts. Amendments are often poorly drafted. Texts adopted are sometimes inconsistent with each other. The financial, economic, social or environmental impact of amendments voted by the European Parliament only becomes clear when EU Directives are transposed into national legislation, by which time it is too late for voters to have a say. These factors have all contributed to the European Parliament's unflattering political image.

The European Parliament has responded to some of these problems. The committee structure has been redesigned to respond more effectively to the co-decision agenda. A reorganisation of its secretariat, aimed at providing better legislative support for MEPs, is under way. Last year, the European Parliament voted to adopt a set of changes to its internal rules drawn up by British Labour MEP Richard Corbett, designed to streamline and improve its ability to conduct parliamentary business.

While these changes have proved to be successful, further steps are still needed to make the European Parliament function more effectively. One relatively simple but nonetheless important innovation will be the establishment of a Tabling Office, as voted recently by the Parliament's Bureau (its governing body), to assist Members with the drawing up of legislative texts. The European Parliament will require that all reports that come before plenary have been 'quality controlled' by the Tabling Office.

Equally, a mechanism is urgently needed to help MEPs assess the financial, economic, environmental and social impact of proposals

before they are voted on. The most effective means of doing this would be by way of an independent EU impact assessment agency. Such an agency could subject Commission proposals to objective impact analyses, and provide similar scrutiny on all major amendments tabled by MEPs in the European Parliament or by Ministers in the Council of Ministers. The agency's independence would be crucial, ensuring that all three institutions are subjected to the same impact assessment methodology as each other.

Most current proposals for improved impact assessment procedures, by contrast, rely on each institution conducting its own analyses "in-house". Thus, the European Commission, which is most advanced in producing impact assessments, is proposing to conduct these assessments internally. Such an approach is likely to prove inadequate since it assumes that a legislative body, with a clear political and legislative agenda of its own, is capable of acting as judge and jury on its own legislative products. If such a model were reproduced in the European Parliament or the Council of Ministers, both of which are even more politicised internally, it is highly likely that impact assessments would quickly be used as tools to prove or disprove particular political and legislative arguments, rather than serving as objective, rigorous tests to improve the quality of EU lawmaking. This over-politicisation has been evident in the role played by the institutions' Legal Services over the years.

We strongly advocate the establishment of an independent impact assessment agency, not least in view of the experience in the Netherlands where a small, independent agency has been operating since May 2000 with the aim of analysing the regulatory effect of draft legislation on the Dutch commercial sector. This agency has no right to override the legislative prerogatives of the Dutch assembly, but it has the statutory right to place its findings in the public domain, and so over time encourage lawmakers to become more aware of the potential impact of their legislative actions. Such a model could be reproduced at EU level and expanded to include other important effects, such as the

social and environmental impact of EU legislation. In keeping with the Dutch precedent, such an independent EU agency would have no right to curtail the legislative prerogatives of MEPs or Ministers, but would encourage better lawmaking by both.

Another compelling reason why such an independent agency would help the legislative work of MEPs is that it would act as a useful counterweight to the greater role for the political groups advocated in this paper. Strengthening the party groups would undoubtedly lead to greater politicisation of much of the legislative activity of MEPs. Independent input from an autonomous agency would, therefore, become an invaluable source of objective analysis freed from the influence of party politics.

Naturally, establishing such an agency will be fraught with practical difficulties, not least in deciding upon which amendments should be analysed within what are bound to be highly challenging deadlines. But such detailed questions can be overcome if a clear decision of principle to establish such an agency is taken.

At the time of writing, the European Commission, the European Parliament and the Council of Ministers are embroiled in an inter-institutional negotiation to agree new procedures to improve the quality of EU legislation. Impact assessments are one item on the list of issues being considered by this inter-institutional group. Whilst it is to be hoped that the group will produce a clear recommendation for an independent impact assessment facility, the signs so far are not good. All three institutions are proving to be excessively protective of their own prerogatives, and do not appear willing to subject their work to any meaningful external test. Such a parochial attitude is dispiriting, and is likely to lead to yet another missed opportunity to improve the way in which the EU performs in its crucial lawmaking functions.

Despite these weaknesses in the way the European Parliament functions, there is a strong case for strengthening its formal powers as

well. If we accept as a ground rule of democracy that any new law must be approved by a democratically elected parliament, then there is an inherent problem when decisions are taken by qualified majority in the Council without European Parliamentary co-decision. When the Council decides by unanimity, each national parliament is in a position to force its national ministerial representative in the Council to support or oppose the decision to be taken. In other words, under the unanimity rule national parliaments are in a position to block European legislation *de facto* if not *de jure*. In the case of qualified majority accompanied by co-decision, that role is played by the European Parliament. In the case of qualified majority without co-decision, no national parliament can exercise a veto, and neither can the European Parliament. That is a highly unsatisfactory situation. The power of co-decision should be extended to all areas where the Council decides on legislation by qualified majority. This would have important consequences, particularly with respect to agriculture and fisheries policies (where the Parliament only has an advisory role at present) and in relation to the EU budget, only part of which Parliament is able to amend.

Extension of co-decision to agricultural and spending policy has always been near the top of the European Parliament's institutional wish list. Regarding agriculture, this is because of its importance in budgetary terms (it swallows up almost half the EU's 100 billion euro budget) and its impact on other policy areas (most notably trade, environment and international development); as regards spending policy, this is because it is one of the few ways in which the European Parliament can effectively flex its institutional muscle vis-à-vis the Council and the Commission. Member states have so far managed to resist the European Parliament's demands, although developments in the Convention on the Future of Europe pointed to a possible change of heart.

There are two main objections which are raised by member states when the extension of co-decision to agricultural policy is raised. The first is that the European Parliament's Committee on Agriculture is dominated

by farming interests, and that extending co-decision to agricultural policy would effectively hand control of the Common Agricultural Policy to farmers. The second is that, given Parliament's record of voting for increases in agricultural spending – against the prevailing mood in Council, which is to seek to maintain or reduce agricultural spending levels – extending co-decision to the CAP and to the whole budget would lead to a ballooning of the EU budget and of CAP spending in particular. Although there can be little doubt that a minority of MEPs (and certainly most members of the Agriculture Committee) would hope for this increase in agricultural spending to happen, it is not very likely, for two reasons.

First, the introduction of co-decision would alter the composition of the Parliament's Agriculture Committee. At present, the Agriculture Committee is heavily dominated by farmers and farming interests. As it has no formal powers, Parliament as a whole is quite happy to let this be. Agricultural questions are dealt with almost exclusively by the experts and are rarely discussed in full meetings of the political groups. Those matters relating to agricultural policy in which the European Parliament does have co-decision power (primarily in the field of food safety) have been transferred to the Committee on the Environment, Consumer Protection and Public Health. If the European Parliament were to be granted full power of co-decision, that would undoubtedly lead to a re-evaluation of the Agriculture Committee and a more varied composition to reflect better the different interests that are at stake, including those of consumers, the environment and developing countries.

Second, a similar argument applies to the fear of overspending. The European Parliament currently allows its Agriculture Committee to vote for increased spending in the field of agriculture, as Council is not bound to accept the amendments voted by Parliament. That means that agricultural spending (market support as opposed to rural development) does not compete with other spending priorities. If such competition were to arise, it is very unlikely that agricultural spending would be able to compete with other priority areas, such as R&D or development policy.

If member states are not convinced by these arguments, a solution could always be envisaged whereby the spending limits contained in the Financial Perspective—the EU’s seven-year budget plan—are made legally binding, so that Parliament could make changes only within those limits.

Full parliamentary scrutiny of the Common Agricultural Policy (CAP) will require the Council to open up both policy discussions and budgetary issues to co-decision.

Finally, there is a good case to be made for reforming the way EU legislation is applied in member states. In rough terms, there are two types of EU laws: Regulations, which are directly applicable in every member state, and Directives, which must be transposed into national law before they take effect. This is cumbersome, as each country transposes Directives at its own rate, and it also creates a big time-lag between the time a Directive is approved by Council and Parliament and the date of its actual implementation on the basis of national legislation. No Directives which will be adopted by the European Parliament between now and next year’s European elections will take effect before those elections. As a result, it will be difficult for voters to judge MEPs on their deeds. Directives were originally designed as framework legislation, the details of which were to be left to national legislation to refine. In practice, Directives are now as detailed as Regulations.

Several things can be done to deal with this problem. First, the EU should return to the original idea of Directives as framework legislation. This has been tried with some success in the financial services field in recent years. Second, a time limit should be imposed on the implementation of Directives, for instance requiring that they must always be transposed into national law within one year of adoption. At present, there is no standard time limit for the implementation of Directives.

2 Better scrutiny of the Council and the Commission

The European Parliament’s role in scrutinising the Council and the

Commission must be enhanced. This is the area where the European Parliament's role has most evolved in recent years, and which needs to develop further, both in the new constitution and in the European Parliament's own working methods and procedures. This is not just because of the general need for scrutiny of the executive branch, but in particular because, while the Parliament's legislative role is shared with national parliaments, scrutiny of the European Commission's work, as well as that of the Council when acting in an executive capacity, can realistically only take place at the European level.

The Commission

In 1999, the European Commission was forced to resign following allegations of fraud, mismanagement and nepotism. The allegations surfaced as part of the annual discharge process, in which Parliament's Committee on Budgetary Control scrutinises the way the Commission has implemented the EU's general budget for the previous year. It does so largely on the basis of reports, particularly setpiece annual reports, produced by the European Court of Auditors. It was not until the allegations were brought to the public's attention by Dutch whistleblower Paul van Buitenen that the European Parliament as a whole took them seriously. To this day, many longer-serving MEPs are resentful that their policy of "constructive engagement" with the Commission was upset by – in their view – a lowly Commission bureaucrat. But the events only served to highlight the degree of disconnection between most MEPs and their voters. An investigation by a Committee of Independent Experts concluded that it was "becoming difficult to find anyone who has even the slightest sense of responsibility" in the Commission.⁶ It was this sentence that led the full Commission to tender its resignation, following the refusal of French Commissioner Edith Cresson – who was blamed for most of the problems – to resign on her own. The resignation of the Santer Commission led to a brief improvement in Parliament's public standing.⁷

The new European Commission that took office in the autumn of 1999 was subjected to public confirmation hearings for the first time. New

Commission President Romano Prodi undertook to reform the Commission and extracted a promise from all his colleagues that they would resign if asked by him to do so. All Commissioners were eventually confirmed, even though many MEPs were critical of the return of four members of the Santer Commission.⁸ Two of the candidates came under heavy fire (Loyola de Palacio from Spain for her alleged involvement in an agricultural subsidies scam and Philippe Busquin from Belgium for a lack of mastery of his brief) but were spared owing to the fact that each belonged to one of the Parliament's two main political families.

Despite this half-hearted approach to the confirmation process, it quickly became apparent that the new Commissioners were all too aware of the problems that brought down the previous Commission, and moved swiftly to demonstrate their willingness to be subjected to close parliamentary scrutiny. Since 1999, members of the Prodi Commission have appeared before plenary and committee meetings hundreds of times. A framework agreement on relations between Parliament and the Commission was agreed in late 1999, setting out the ground rules for engagement between the two institutions. In addition, it adopted new rules governing the conduct of Commissioners and their private offices, as well as an impressive range of financial management and control and personnel policy reforms.

As a result of the 1999 crisis, the European Parliament's scrutiny role vis-à-vis the Commission has clearly strengthened. But it still lacks some essential powers. One of the criticisms most frequently levelled at the European Parliament is that, unlike national parliaments, it is not free to elect the leader of the executive it is meant to control. Furthermore, it is unable to force the resignation of individual members of that executive. The criticism is justified. The Parliament should be able to do both. The President of the European Commission should be directly elected by the European Parliament.⁹ The election should be confirmed by the European Council on the basis of a decision taken by qualified majority.

This combination would guarantee two things: first, that the fate of the Parliament becomes inextricably linked with that of the European Commission, and that the majority who elected the President of the Commission has every interest in helping them make their term of office a success. This would require Parliament to operate in a more self-disciplined manner than has hitherto been the case. Second, as the Council would have to ratify the election, the President elected by Parliament would have to be a politician who can command a broad range of support. If Parliament were to opt for a less mainstream candidate, a Council veto would become very likely, forcing Parliament to reconsider its choice.

Better still, if each European political family were to declare its candidate for President of the European Commission in time for the next European elections, that could inject new life and vigour into the electoral process and strengthen the identity and cohesiveness of political groups. The President elected by Parliament would then be free to select his or her own team of Commissioners, within the parameters set by the Treaty (in particular the nationality requirements). In doing so, he or she would probably pick a team comprising representatives from different political families, as the Commission would still need to be able to command absolute majorities in Parliament (at least for as long as the co-decision rule requires one), and as majorities in Parliament shift depending on the issue that is under consideration.

As is the case at present, the full Commission team should then be subjected to a vote of confidence, following public hearings with the individual candidates for Commissioner in the relevant parliamentary committee. These hearings should be more extensive than the ones which took place in 1999, which lasted for only half a day per Commissioner. One or two full days would seem a minimum for a thorough hearing, during which every Member of the relevant Committee would have an opportunity to question the candidate for Commissioner at some length – similar to the confirmation process followed in the US Senate for Cabinet appointees.

Finally, with respect to the Commission, the European Parliament should be given the right to sack individual Commissioners. In 1999, the ability to fire Edith Cresson would have prevented the fall of the Commission. The arguments against this proposal simply do not stand up to scrutiny. One is that the power to sack individual Commissioners would undermine the concept of collegial responsibility. This is nonsense. Member State governments also operate on the basis of collegiate responsibility, yet national parliaments can usually sack individual ministers or call for their resignation. Another argument is that the European Parliament would abuse its power for party political or nationality reasons. That is also an unfounded fear. If the European Parliament is made responsible for picking the President and confirming his or team, it will share in the responsibility for its performance, and sacking individual members of that team for the 'wrong' reasons would reflect badly on the European Parliament itself. Furthermore, if an absolute majority was required, that would exclude the possibility of a single political group acting on its own to fire a Commissioner it does not like.

The Council of Ministers

In a classic Western liberal democratic system of government, with the Parliament in the role of lower house and the Council as the upper house, the Council's management of its own affairs would be no-one's business but its own. But in the EU system, the Council is not comparable to a classic senate.

The Council has both a legislative and an executive role. The legislative role applies in all 'first pillar' areas; in short, all areas to do with the completion of the internal market. In the second and third pillars (as created by the Maastricht Treaty), the Common Foreign and Security Policy (CFSP) / European Defence and Security Policy (EDSP) and Justice and Home Affairs (JHA) policy, the Council has both a legislative and an executive role. This was explicitly recognised when the Secretary-General of the Council Secretariat, previously a purely bureaucratic role, was also made High Representative for the CFSP.

The Council's executive role in the second and third pillars has grown significantly in recent years, and the European Parliament should be able to exercise proper scrutiny in this area, as it would automatically have been entitled to do had these powers been conferred upon the European Commission rather than the Council.

Some progress has already been made. The High Representative makes regular appearances before Parliament, and at the end of 2002 the European Parliament and Council reached an agreement on Parliament's access to confidential information in the second pillar. This arrangement should also apply to any future permanent EU Presidency, the creation of which we support, as, among other benefits, it will bring greater accountability to the work of the Council.

Furthermore, the 'gentlemen's agreement' which allegedly exists between the Council and the European Parliament whereby the two institutions do not scrutinise each other's budgets, should be 'amended' to allow the European Parliament to scrutinise those parts of the Council budget which are earmarked for its operational role.¹⁰ Pressure in this area is already being applied: in April of this year, Parliament voted to include the Council in the broader budgetary discharge procedure for the first time. The Council opposed the idea.

Parliament's internal procedures

The changes suggested in this section will make an enormous contribution to Parliament's ability to scrutinise the European Union's executive organs, and improve its public standing as a result. Most of them require either Treaty changes or an inter-institutional agreement. In the meantime, Parliament should improve its own internal procedures to facilitate its scrutiny role.

The European Parliament should ensure that its relations with the Commission and the Council are managed more consistently. In the present situation, each parliamentary committee has its own 'foreign policy' vis-à-vis the other institutions. Commissioners are often invited

to appear before different committees to discuss the same subject matter. That is a waste of their time and a waste of parliamentary resources, and it dilutes Parliament's impact. More central co-ordination is needed.

Furthermore, one result of the 1999 crisis is that scrutiny of the Commission in particular is very much focused on financial management and control, and personnel questions. The Committee on Budgetary Control is seen as the 'lead committee' on scrutiny issues. This focus on budgetary issues, egged on by a media actively seeking stories about fraud and mismanagement, has led to an incident- and scandal-driven politics that does not do justice to the full range of activities undertaken by the Commission. Parliament should set up a Public Administration Committee, distinct from the Budgetary Affairs Committee, to act as the key scrutiny committee for the general aspects of the Commission's executive role – without undermining the ability of sectoral committees to scrutinise the work of the Commission in their respective areas.

3 Closer links with national parliaments

The European Parliament needs to develop closer links with national parliaments for a number of reasons. The first reason is to strengthen the legislative process. Although many bilateral and trilateral contacts take place involving MEPs, MPs and national governments, these contacts tend to focus on acute crises – such as the aftermath of September 11, the BSE and foot and mouth crises or the shipping disasters involving the Erika and the Prestige – or on safeguarding perceived vital national interest, as in the case of German MEPs collectively jumping to the defence of their car industry when it is deemed under threat. Most national parliaments make little effort to share information and co-ordinate activities on issues that are relevant to both the European Parliament and the national parliaments. Similarly, the European Parliament does not have a strategy for dealing with national parliaments, apart from a few isolated areas related to the Common Foreign and Security Policy (the second pillar). Better

information sharing and increased co-ordination would put both national parliaments and the European Parliament in a stronger position vis-à-vis national governments and the Council.

Second, closer links between the two levels are necessary to strengthen the scrutiny process. For instance, the European Commission is often criticised for fraud and irregularities involving EU funds. In actual fact, most of the EU budget is decentralised, spent by member states – but whereas the European Commission can be (and frequently is) hauled before the European Parliament, national governments are rarely called to account over the way EU funds are handled. Similarly, the Presidency of the Council of Ministers only appears before the European Parliament, and not before fourteen out of the fifteen national parliaments (not to mention regional parliaments in the case of federal states). These fourteen national parliaments rely on the European Parliament to scrutinise the Council Presidency effectively. Finally, links need to be strengthened because MPs are generally more in tune with the mood of voters than MEPs are, and can therefore inject a touch of realism into the European Parliament's work.

There are several ways in which links can be strengthened. First, national parliaments that have not already done so should set up a unit dedicated solely to monitoring the European legislative and decisionmaking process and to developing and maintaining relations with the European Parliament. Several national parliaments (including those of the UK, Denmark and Finland) have stationed permanent representatives in Brussels whose job is to do just that. They played a key role in the Convention on the Future of Europe, acting as liaison officers between national MPs and MEPs. Other national parliaments should follow suit.

Second, the European Parliament should create permanent institutional links with each of the fifteen national parliaments. Draft legislation being considered by the European Parliament should be made available to each of the national parliaments, which could then make their own

assessment of the impact of the proposed legislation in their country. The outcome would assist the EP's rapporteur and his or her Committee in coming to a balanced overall view, taking into account its estimated impact in member states. Finally, the European Parliament could envisage posting liaison officers with every national parliament (based, for instance, at the existing European Parliament information offices), mirroring national parliaments' representation in Brussels.

Third, national parliaments should involve MEPs more systematically in their work. In several member states, MEPs have the right to attend meetings of the national parliament. The situation differs widely per member state. In Britain for instance, MEPs cannot participate in Westminster committee meetings. In the Netherlands, on the other hand, new rules were introduced in 1999 giving MEPs the right to attend meetings of the European Affairs Committee – attendance at meetings of other committees is subject to the chair's approval. Once a year, the leaders of the national party delegations in the European Parliament participate in the annual plenary debate in the Dutch Parliament on the 'State of the Union', based on a Government report setting out its European policy for the next year. Most MEPs are in the same position as their British colleagues. Only a few member states give MEPs rights approximating the Dutch model.

That is not to say, however, that the Dutch model is perfect. The annual plenary debate on the State of the Union is a very subdued affair, partly due to the fact that MEPs may not interrupt MPs or ministers. In committee meetings, the attendance of MEPs more often than not leads to friction with MPs of the same political party, wary as they are of MEPs interfering in the serious business of controlling the government. The *ad hoc* nature of the arrangement means that neither MPs nor MEPs are getting used to the new system. These problems could be resolved by opting for a permanent joint parliamentary committee for European Affairs, bringing together MPs and MEPs, operating on the basis of equal rights for all its members. Such a committee could play an important role in co-ordinating work on European legislation, as

well as scrutinising the work of the Council in non-legislative areas. It would lead to a better awareness of European issues in national parliaments and a more active involvement of national MPs in EU affairs, but it would also force MEPs to assess the development of European policies in a national political context.

Fourth, national MPs should be more systematically involved in the work of the European Parliament. This already happens on an *ad hoc* basis: national MPs are sometimes invited to attend Committee meetings where issues that are relevant to both the European Parliament and national parliaments are discussed. To achieve more systematic involvement, a number of steps could be envisaged. One would be to involve national MPs in the confirmation hearings of prospective Commissioners. Another would be to give national parliaments the right to submit opinions to be considered by the European Parliament when voting on proposed legislation. Finally, MPs should be involved in the annual debate on the Commission's legislative programme for the following year. This currently lacklustre event could be livened up, both in terms of ceremony and in terms of substance, by allowing MPs to take part in the plenary debate, and perhaps by inviting all leaders of EU governments to take part as well. The Congress of the Peoples of Europe proposed by Convention President Giscard d'Estaing could provide the setting for such an event.

Finally, we believe that the proposal discussed by the Convention, which would allow national parliaments to block proposed Commission legislation before it is considered by the Council of Ministers and the European Parliament, would constitute a useful 'early warning system' in defence of the subsidiarity principle.

4 Politicisation of the European Parliament's working methods and media relations

The European Parliament's internal organisation and working methods have traditionally been – and to a large extent still are – based on the premise that Parliament is a unified actor whose main aim is to secure

greater powers for itself. Institutional power is concentrated not with individual political groups or with the plenary, but with the collective decision-making bodies of the Parliament: the Conference of Presidents (of political groups) and the secretive Bureau, which consists of the President and 14 Vice-Presidents. While Parliament probably needed to play this role in the first twenty years of its existence in order to establish the minimum conditions necessary to be able to operate effectively as a parliament, the inter-institutional debate (the Council's power vs. the Parliament's) is no longer the dominant axis in Brussels.

Instead, it has been replaced by a more traditional left-right axis or, perhaps more accurately, a number of traditional left-right axes. The European Parliament now fights over issues such as social affairs, environmental policy and consumer protection in the same way as any national parliament would. The federalist consensus has virtually disappeared, and even enlargement has become controversial, with Turkey's possible accession to the EU under fire from Parliament's largest political group, the European People's Party.

This move towards a more party political approach is a positive development. The European Parliament is now more in tune with national political debate. In that sense, it has become more like a real parliament. But this positive development is not yet reflected in the way Parliament and its political groups are organised. Parliament continues to be seen by many as a dull federalist powerhouse.

There are several ways in which Parliament can present a sharper and better-focused political image.

First, by shifting resources from the Parliament and individual MEPs to the Parliament's political groups. The political groups are by no means ideal entities. They are relatively loose groupings which do not reflect the variety of opinions and political positions of individual MEPs, or even of national parties. The European People's Party, the largest

political group, comprises avowedly pro-European Christian Democrats as well as ardently anti-European British Conservatives. The Socialist Group, Parliament's second largest group, includes the former Italian Communists and old-style socialist parties as well as Tony Blair's New Labour and other 'third way' social democratic parties. The Group of the United European Left includes Danish Socialists, French Radicals and German Communists. The Green Group is made up of pro- and anti-European Greens, as well as pro- and anti-European Regionalists. The Liberal Group is home to the pro-European Social Liberal Democrats (D66) as well as the conservative and more eurosceptic Liberals (VVD), both from the Netherlands.

This has two consequences. First, members of the same political group do not always vote the same way; alternatively, and much more importantly, they often vote the same way even when they actually disagree. If every MEP was completely free to choose his or her political group in the European Parliament, regardless of national political party affiliation, the European Parliament could look very different, but such a situation is unlikely to arise in the near future.

Despite their failures and lack of internal consistency, political groups are in a better position than the European Parliament as an institution to reach out to voters by expressing in public the political disagreements that take place. This is because political groups are free to put their partisan views across, whereas Parliament's spokesmen must stick to a politically neutral line. Resources should therefore be shifted from European Parliament's central administration (including the committee secretariats, the research service and the spokesman's service), as well as from MEPs' individual 'information campaign' budgets, to the political groups.

These additional resources would enable the political groups to play a greater role in the legislative and scrutiny process, resulting in more distinctive policy outcomes and a greater degree of differentiation in the public's perception of the European Parliament. This could also be

applied to the European Parliament's Information Offices in the member states. Their general information activities could be merged with those of the European Commission, creating a single EU Information Office in each member state, leaving the political groups to conduct information campaigns of a more partisan nature.

Second, the European Parliament can sharpen its message by becoming more political and strengthening the role of its political groups in the ongoing debate about the future of Europe. The Parliament's external identity should be expressed less in terms of inter-institutional and Brussels-vs-member-states rivalries, and more in terms of the different political identities that make it up. An example where the clash between these two identities of the European Parliament clearly came to the fore was a recent speech by Parliament's President, Pat Cox, to the European Council of Heads of State and Government. All European Council meetings open with a speech from the President of Parliament (who does not, however, attend the remainder of the meeting). Following the Copenhagen summit in December 2002, French Socialist MEP Pervenche Bérès complained that in his speech, Cox had largely ignored the Parliament's Convention agenda, and instead had focused on his own priorities as President. Bérès may be right – but would it have been better for Cox to follow the example of his predecessors, who gave bland, lowest common denominator speeches, offending no-one but equally failing to make any political impact whatsoever? Cox was in a clear bind – say something interesting and incur the wrath of many MEPs, or play the diplomat and be ignored.

An alternative, more attractive approach would be to invite the leaders of Parliament's largest political groups to attend European Council summits to put across the position of their respective Groups. That would free the President of his institutional shackles and help the Parliament develop a multi-dimensional, multi-party message. Furthermore, it would end the anomaly – at least compared to national parliaments – whereby the guardian of Parliament's internal rules and procedures is also its chief political spokesman.

Third, the development towards truly European political parties could be encouraged. Most political groups in the European Parliament are linked to a European party family.¹¹ They are financed by their national member-parties and by their party groups in the European Parliament, and as such lack the ability to operate independently.

In most party families, relations between the party federation and its parliamentary group are fraught with friction and rivalry. This is a shame, because the party federations can and should play an important role in the development of a European political debate that is more than just the sum total of all national contributions. The existence of European political parties was acknowledged for the first time in the Amsterdam Treaty and has been placed on more secure legal footing by the Nice Treaty. Since late 1999 efforts have been under way to draw up a European party statute, which would provide for official recognition and EU funding of European political parties. Talks collapsed in 2002 as a result of disagreements on the minimum thresholds for establishing a European party and on the question of sponsorship and donations, a sensitive subject in member states. With the Nice Treaty, decisionmaking on the party statute shifts from unanimity to qualified majority with co-decision, and so an early decision on the statute should now be possible: in fact a deal now looks likely before the end of June this year. Parliament will have to use its co-decision role to ensure that the recognition of European parties is not confined to the existing party families – although care should be taken to ensure that any newly formed European political parties are not opportunist amalgams of national political movements just out to secure European party funding; and also that tight rules are introduced regarding sponsorship and donations, to avoid igniting a funding arms race.

Once they have secured direct funding from the EU budget, European political parties can focus on developing their role in organising debate, generating ideas and fighting elections. As suggested above, one of the key ways in which European political parties can contribute to livening up European politics is by presenting a candidate for the Presidency of

the European Commission; there is no reason why this cannot be done before the 2004 elections, even if the Treaty has not yet been amended. The organisation of US-style primaries within each party family could bring the debate about the future of Europe a lot closer to citizens than it has thus far been.

5 Reform of the electoral system

The system used to elect MEPs needs to be reformed. The present arrangement does not do enough to encourage close links between MEPs and voters. In the 1999 elections to the European Parliament, for the first time, some form of proportional representation was used in all member states. Although proportional representation ensures a balanced representation of political views, it also has a tendency to weaken the link between voters and their representatives. Under PR, constituencies are larger (sometimes encompassing the whole country), and each constituency has more than one MEP. MEPs elected under such a system inevitably end up being more out of touch with their voters than politicians elected in a single member constituency.

In an indication of the need felt by at least some MEPs to produce closer politician-voter relations, most Dutch political parties represented in the EP have divided the Netherlands into 'virtual constituencies', making individual MEPs responsible for maintaining links with one or several of them. That trend is likely to continue and, until the electoral law is changed to address the issue, we believe it should be encouraged as a stop-gap measure. We support the principle of proportional representation, but we also believe that a direct link with a distinct group of voters is necessary in order to improve the quality and effectiveness of representation in the European Parliament.

Under European law (the 1976 'Act concerning the election of representatives of the European Parliament by direct universal suffrage'), each Member State sets its own rules for the election of MEPs. Between 1979, when the first direct elections to the European Parliament were held, and the 1999 elections, the divergence between

the electoral systems used by member states gradually grew smaller as almost every member state opted for a system which respects the principle of proportional representation. The United Kingdom was the last country to do so, in time for the 1999 elections. This was an autonomous decision, not a requirement imposed from the outside, although one must assume that peer pressure from other EU member states and political expedience (minimising the effect of Labour's expected loss of the election) probably also played a role. The UK's adoption of PR for European elections opened the way for an agreement between the Council and the Parliament and the 1976 Act was amended. The amendments lay down common principles on how to elect the European Parliament, but within these guidelines member states are free to apply their own national provisions. The most important common principles are the following:

- Elections must be held by means of a system of proportional representation, using a (preferential) list system or the Single Transferable Vote, with a maximum threshold of five percent, at national level, for the allocation of seats to political parties.
- A member state may establish constituencies or other electoral divisions, as long as this does not compromise the proportional nature of the system.
- A member state may set a ceiling for candidates' campaign expenses.
- From 2004, MEPs may not also be members of a national parliament (abolition of the dual mandate).

These amendments have important consequences.

First, a member state government will no longer be free to change the electoral system for its MEPs and eliminate proportional representation. An incoming Conservative administration in the UK, for

instance, could not change the electoral system back to First Past The Post without first securing the agreement of all other member states.

Second, the commitment to proportional representation will continue to bring more political stability to the European Parliament. The 1999 European elections, which saw control of Parliament shift from the centre-left to the centre-right for the first time in its brief history, would have produced an even greater shift had the UK not abolished First Past The Post. This would have given a small minority of British voters a disproportionately large say in determining the make-up of the European Parliament. Radical shifts in the political makeup of the European Parliament are now very unlikely as a result of these amendments – unless, of course, there is a radical shift in voting behaviour among Europe’s voters.

Third, the abolition of the dual mandate (with an opt-out for the United Kingdom until 2009, secured for the benefit of Members of the House of Lords who are currently also MEPs) will reduce the problem of absenteeism. Many Italian MEPs hold a dual mandate as a senator or as a national MP and are rarely seen in Brussels or Strasbourg. French lists for the European elections are usually headed by national party figureheads who resign their seat following the election, thereby contributing to the second-order image of the European Parliament. With these EU-wide changes in the electoral law, this will no longer happen.

However, there are two aspects of the electoral system which still need further reform. The first change is to create a more direct electoral link between individual MEPs and their voters. If achieved, this may make a real difference to the legitimacy of the European Parliament, as well as to reverse the trend of declining voters’ turnout in the elections.

Two practical steps can achieve this. One is for larger member states which have not already done so to make use of the possibility under the 1976 Act of dividing its territory into multiple constituencies, each

electing several MEPs. While in the smallest member states national lists are the only realistic option, in larger countries they fail to create that all-important direct electoral link between the MEP and his or her voters.

The other step to create a direct link between individual MEPs and their voters is to use open as opposed to closed lists, also in the smaller member states. In many EU countries, closed lists are used. For example, in France each party makes a ranking of candidates, and voters can only give a preference to the party and not to a person. Dutch MEPs are elected by a semi-closed system, where voters can express a preference for a candidate, but the ranking established by the party is eclipsed by the voters' ranking only when the candidate receives a number of votes above the threshold established by law. What is needed is something similar to the Irish system: a combination of multi-member regional constituencies (a single one in the case of the smallest member states) and an open list system within those constituencies. This would achieve a direct link between the MEP and his or her voters, one similar to that which ensues from the British First Past The Post system; but which would also respect the proportionality principle, whereby no votes weigh (much) more than others.

Second, regional constituencies and open list electoral systems will only live up to their democratic potential if the role of political party elites in selecting parliamentary candidates is significantly reduced, or even eliminated altogether. In most member states, parties' candidate selection is in the hands of a small group of ranking party members and officials. In a closed list system, this gives party elites excessive power. Party elites instead of voters effectively determine who should represent their party in the European Parliament. But even in an open list system, where voters have the final say, party apparatchiks may choose not to admit candidates who are likely to have too much individual electoral appeal and are thus likely to get elected at the expense of established party loyalists. Political parties should not be able to exclude potential candidates from standing, provided that they

comply with the party's rules. There is no reason why political parties should not rank candidates in order of preference, although for this to be democratic it should be done by 'primary' elections on a one-member-one-vote basis. But in the end, electors must be able to change the party ranking with their votes.

These changes, while absolutely necessary in our view to improve direct links between voters and MEPs, would have to be adopted by member states on a voluntary basis. With the recent amendment of the 1976 Act, the Union has probably gone as far as it can in determining the ground rules for European elections. The introduction of further binding electoral rules at an EU level would not do justice to the different electoral traditions that exist within the Union.

We did consider one very radical idea for reform, which would be to do away with the present arrangement altogether, and to replace it with a single electoral procedure for the whole of the European Union. This idea would involve dividing the enlarged EU into equally-sized constituencies of approximately one million inhabitants each. Each of these constituencies would be represented by a single MEP elected by Alternative Vote (candidates are ranked in order of preference by voters, and the candidate with the least votes is eliminated and his/her votes are transferred to the candidate of next preference; this process is repeated until one candidate has obtained a simple majority). The advantages of such a system are clear. It would make for a European Parliament of some 450 Members, a much more workable number than the 734 foreseen by the Nice Treaty. It would give every EU citizen equal representation in the European Parliament, as opposed to the current system in which some member states are over-represented and others are under-represented. And it would ensure that every citizen has a single representative in the EP.

But there are also several disadvantages. In the enlarged EU, several member states will have less than 1 million inhabitants. In order to enable them to have at least one MEP, the rules would have to be

changed in order to allow the smallest member states to be over-represented – unless we were to opt for cross-border constituencies, which would seem even more difficult to sell to the general public than the idea of pan-European party lists. Furthermore, even having one MEP per country as a minimum would pose problems. In most member states, there are at least two to three important political forces. Having the voters of a member state represented by just one MEP, even if elected on the basis of Alternative Vote, would run into too much opposition. It is debatable whether the benefit of having a directly elected MEP outweighs the disadvantage of losing the plurality of political views represented under the present system. On balance, we do not feel that this idea merits further consideration.

6 Increased efficiency, transparency and accountability

Last but not least, the European Parliament must put its own house in order. The Parliament is often criticised for its lavish lifestyle. Newspapers and broadcast media in the UK, Denmark, Sweden, Finland, the Netherlands and Belgium frequently carry reports of taxpayers' money being wasted. Such coverage is not limited to the popular press. On 5 May 2002, for instance, the Observer newspaper ran an article under the alarmist headline, "Europe squanders billions spoiling MEPs". An outlandish claim, even by British eurosceptic standards, given that the total annual budget of the European Parliament amounts to some 650 million pounds, most of which is spent on general costs such as buildings, staff, IT, translation and interpretation. Less than one third is spent on MEP expenses, and none of it is used to pay for their salaries – they are paid out of the national exchequers.

Despite the frequently inaccurate and misleading coverage, the Parliament's critics do have a point. The European Parliament's generous system of expenses is characterised by lax rules and a lack of adequate control mechanisms. This doubtlessly contributed strongly to the record low turnout at the June 1999 European elections, and reform is necessary to prevent a recurrence in 2004.

First, the European Parliament must reform the system of pay and expenses for MEPs. MEPs currently receive the same salary as members of the national parliament in the country in which they were elected (the only exception are the Dutch, who earn slightly less). As a result, there are huge disparities in salary between MEPs from different countries. Italian MEPs, the highest paid, earn 3.5 times as much as their Portuguese colleagues. Additionally, MEPs derive revenue from the Parliament's system of expenses. MEPs are paid a flat-rate daily allowance of 256 euros for each day they attend meetings in Brussels and Strasbourg, and are paid travel expenses on the basis of published, not actual fares. This obviously encourages MEPs to find the lowest priced ticket available and to pocket the difference – something which has been made even more lucrative with the arrival of budget airlines in Brussels and Strasbourg. A German MEP flying with Lufthansa from Berlin to Brussels can pocket up to 900 euros per trip – tax-free.

In addition, MEPs are paid a secretarial allowance for staff costs. The rules for the use of this allowance have been tightened up in recent years but are still open to abuse.

MEPs are also paid a flat-rate office allowance of 3,620 euros per month to cover the cost of constituency office rental, phone and computer costs, etc. There are no checks on how this money is actually used. Finally, MEPs can join a voluntary pension fund which comes on top of their national pension, and to which the taxpayer also contributes. The overall package of pay and expenses is generous, even in the case of badly-paid Portuguese MEPs, who compensate for their low salary handsomely by racking up excess travel money.

For several years now, Parliament has been discussing reform of the system. The idea is to provide all MEPs with the same salary, which would be subject to Community rather than national tax (as for EU civil servants) to ensure equal net pay. Travel expenses would be paid out on the basis of actual costs incurred. This proposal – known as the MEP Statute – has run into several problems. For some (the Germans, the

Italians), the proposed pay level is considered too low. For others (the British, the Scandinavians), the proposed EU tax is anathema. And others still dislike the idea of expenses being paid on the basis of actual costs incurred. So far, only the tax issue has been resolved (member states can complement the EU-tax with a national top-up tax).

Pat Cox, the Parliament's current President, has made agreement on the MEP Statute one of his top priorities. In December 2002, following several months of behind-the-scenes negotiations, he and the Parliament's rapporteur on the subject, German Socialist Willi Rothley, agreed on a joint letter to the current President of the European Council, Greek Prime Minister Costas Simitis, spelling out the principles on which a Statute should be based. This could well be the final chance to reach a deal.¹² If Cox does not succeed, the issue of MEPs' pay and expenses will return to haunt the 2004 European election campaign in several member states, and continue to undermine Parliament's legitimacy. If a pay and expenses deal for MEPs is finally agreed however, that would also remove a major obstacle to a statute for parliamentary assistants – arguably the worst protected employees in the European Union today due to the absence of minimum employment standards and the lack of regulation governing their cross-border employment status.

Second, the European Parliament should have a single seat. The present arrangement is neither efficient nor effective. A report by Parliament's Secretary-General to the Convention on the Future of Europe showed that the additional cost to the taxpayer, per year, of having three places of work amounts to 165 million euro, and this will go up after the enlargement of the EU with new member states. The split-site arrangement puts unnecessary strain on MEPs, in particular those with young families. And the European Parliament's monthly absence from Brussels means it is less well placed to control the two other major institutions, the Council and the Commission. Brussels-based journalists usually cover the work of all three institutions; when the European Parliament travels to Strasbourg, they often stay behind.

In 2000, the European Parliament voted to reduce the length of its stay in Strasbourg from five to four days per month following intense lobbying by the Campaign for Parliament Reform which the authors of this paper co-founded. However, any further reduction in the number of days would probably be thrown out by the European Court of Justice (this did not stop MEPs, in April 2003, from voting to reduce the number of Strasbourg sessions in 2004 from twelve to ten). A change to the Constitution is now what is needed. British Liberal Democrat MEP Andrew Duff tabled a proposal making each institution responsible for its own working arrangements; it offers a face-saving way out for the French Government. In return, Strasbourg could be the meeting place for the proposed annual Congress of MEPs and MPs.

Finally, the European Parliament should back the setting up of a Committee on Standards in Public Life (CSPL). The setting up of such a committee was recommended by the Committee of Independent Experts which investigated allegations of wrongdoing inside the European Commission in 1999. In their second report, the experts argued that the Community institutions should draw up codes of conduct in a range of areas, and that a CSPL should monitor the operation of these codes. The European Commission incorporated this idea in its White Paper on Reform of April 2000, and produced a draft Inter-institutional Agreement. While the European Parliament endorsed the idea initially, MEPs gradually grew resistant to it. German and Spanish MEPs in particular warned of a return to the days of the Weimar Republic and Franco, expressing the fear that it would lead to civil servants controlling politicians. The proposal was duly buried in the Parliament's Legal Affairs Committee, and nothing has been heard of the proposal for over two years. It is high time to resurrect it.

The fears expressed by German and Spanish MEPs can easily be overcome by ensuring that the terms of reference of the proposed Committee respect the primacy of politics. The 1999 Committee of Independent Experts (a de facto precursor to the proposed CSPL)

demonstrated the value of having an independent body exercise a degree of scrutiny over the activities of the EU institutions.

SECTION THREE:

THE WIDER CONTEXT

This is not the place to examine the wider challenges facing the European Union as it enters a dramatic phase of change. The ongoing discussions on the constitutional future of the EU, and the transforming process of enlargement, will fundamentally alter the nature of the EU in ways which are difficult to predict at present. Such changes will, undoubtedly, leave a significant mark on the way in which the European Parliament operates and is viewed politically. The focus of this paper, however, is on the changes which the Parliament can and should implement itself, regardless of wider developments.

Nevertheless, two especially important factors beyond the control of MEPs should be noted, because they have such a direct bearing on their work. First, the crushing myopia of much of the national media and national political elites in many EU member states. Whilst it varies from country to country, it is broadly the case that EU governance generally, and the European Parliament specifically, simply do not receive the attention they deserve in domestic political debates. This can partly be explained by the relative complexity and lack of familiarity of EU procedures. But it is also due to an insular and defensive reaction from national political elites who prefer to ignore the evolution of EU decision-making altogether rather than engage the public in it. National parliamentarians are also susceptible to an immature belief that any power or attention devoted to MEPs somehow occurs at the cost of their own standing. Reports of territorial machismo between national MPs and MEPs are common in almost all member states. Yet, without greater participation in EU debates and in the work of the European Parliament by national politicians and the domestic media, it will prove enormously difficult to enhance the standing of the EU as a whole and MEPs in particular.

Voters do not confer trust on political institutions overnight. Trust requires familiarity. Familiarity cannot be foisted on voters from above. It emerges slowly, bit by bit, from the bottom up, and only if the work of the European Union is discussed daily in the media and by familiar national political figures. Without the active participation of national media and political elites, the European Parliament is doomed to remain a distant, unfamiliar entity, notwithstanding the valiant efforts of MEPs themselves. That is why we have placed a great deal of emphasis in section 2.3 on incorporating national MPs more fully into the work of the EU. Some MEPs foolishly regard this as a concession to national interests which will cut across the European vocation of the European Parliament. In our view, it is a necessary evolution if the common interests of Parliamentarians at all levels in the EU are to be identified, and if voters are to be encouraged to familiarise themselves with the realities of EU governance.

Second, we believe familiarity and trust amongst voters also require a degree of institutional and constitutional stability. In the last decade or so, the European Union has been embroiled in an almost constant process of institutional change. One Intergovernmental Conference (IGC) after the next has introduced significant changes to both the powers of the EU and the way in which EU decisions are taken. This is set to accelerate still further in the months ahead with the conclusion of the IGC. Whilst it can be argued that this pace of change is well justified in view of the evolutionary needs of the European Union, it should not be forgotten that this occurs at a political price. Voters are left either bemused or confused by the sheer scale of change at EU level. The EU, far from clarifying its image and standing in the eyes of the electorate, an aspiration loftily declared in the ongoing constitutional discussions, has become a restless, moving target, always mutating, never stable. This, we believe, must come to an end. At some point, MEPs and all politicians active in the EU must be able to present a clear, stable proposition of what the EU is about to voters if they are to stand any real chance at strengthening popular support for EU integration.

For this reason, we would advocate that, once the next IGC is complete, and irrespective of its outcome, there should be a moratorium on further constitutional change for a period of, say, five to ten years. The EU has been a great work in progress for almost fifty years. It has now embarked on perhaps the largest revision of its internal composition and working methods. But it should not remain an open-ended work in progress indefinitely. We believe to do so would be incompatible with the need to build legitimacy and accountability in the way in which the EU operates. The European Parliament will remain central to that endeavour, and we believe that a period of institutional stability will help it in this crucial task.

¹ Hix, S., Noury, A. and Roland, G. (2002), *How MEPs Vote*, ESRC/Weber Shandwick-Adamson.

² Malmström, C.'s 'Report on the European Commission's legislative and work programme', 21 February 2002 (A5-0046/2002), introduced a new improved procedure including a so-called 'state of the union' debate at the beginning of each year and a final vote on the work programme at the end of each year.

³ An inter-institutional working group on better lawmaking was established to this end following the Seville summit conclusions: "[The European Council] invites the three institutions concerned (Parliament, Council and Commission) to adopt an inter-institutional agreement before the end of 2002, on the basis of proceedings in the High-Level Technical Group, in order to improve the quality of Community legislation and the conditions, including timeframes, for its transposition into national law." (Presidency Conclusions, Seville European Council, 21 and 22 June 2002).

⁴ See section 2.6 for further detail on this topic.

⁵ Under the co-decision procedure, a conciliation committee consisting of MEPs and ministers meets to try and reach a compromise between the positions adopted by the Parliament and the Council respectively. The compromise is then submitted to MEPs for final approval – and requires a majority of one. In this case, the vote tied at 273-273 – one vote short.

⁶ Committee of Independent Experts, *First Report on Allegations regarding Fraud, Mismanagement and Nepotism in the European Commission*, Brussels, 15 March 1999, p. 144.

⁷ Until it became engulfed by its own scandals, see in section 2.6.

⁸ Franz Fischler, Neil Kinnock, Erkki Liikanen and Mario Monti.

⁹ Other methods have been suggested and are being discussed within the Convention on the Future of Europe. Another worth considering, election by national parliaments, is outlined by Hix, S. in *Linking National Politics to Europe* (The Foreign Policy Centre / British Council, 2002).

¹⁰ Whether this agreement actually exists is a bone of contention both between the institutions and within the European Parliament – but either way it is certainly being

adhered to.

¹¹ Most national political parties in Europe belong to a European party federation that brings together national member parties of the same political persuasion. Socialist and social democratic parties, for instance, are members of the Party of European Socialists (PES). MEPs who belong to a party affiliated to the PES are members of the Group of the Party of European Socialists in the European Parliament. Other key groups in the European Parliament include the European People's Party (EPP), the European Liberal Democrat and Reform Party (ELDR) and the European Federation of Green Parties.

¹² The painful history of attempts to negotiate an effective MEP statute is best expressed by an anonymous Parliament official, who told us: "The sheer resilience of the brick wall against which anyone wishing to address this subject has to bang their head is truly amazing."

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