

# Europe's parliament: Reform or perish?

*By Denis MacShane*

What are we going to do with the European Parliament (EP)? Such a question is normally the beginning of an anti-European diatribe. Not for me. I have spent every year since the first direct elections in 1979 to the Strasbourg Assembly defending its role and purpose. I have knocked on doors in campaigns and defended members of the European Parliament (MEPs) against the gravy-train accusations. As a parliamentary private secretary and a minister at the Foreign Office I worked to integrate MEPs into Britain's political networking in Europe. I regularly visited the giant EP buildings in Brussels and Strasbourg which contrast to the more homespun modesty of the US Congress or the intimacy of the UK's House of Commons. But the size of a parliament building does not equate to power or legitimacy. Has the time come for pro-European defenders of the EP to say that it needs reform? All democracies, mature and new, re-examine periodically the way their parliaments are formatted, their size, their mode of election, the composition of their members, their powers in relation to other legislatures and whether they have the confidence of their electorate. Britain has just begun a process of reducing the number of MPs, altering constituencies, and holding a referendum on its voting system. Why should Strasbourg be exempt from such a re-examination?

The EU is democratic. But is it a democracy? It cannot join the UN or the Organisation for Security and Co-operation in Europe because it is not a state. But if it is not a state why does it need a legislature? Perhaps the time has come to invite the EP to accept its *sui generis* nature and ask MEPs to consider if they might seek a new relationship with the citizens of Europe? The worrying and inescapable fact is that participation in elections to the EP has gone down even as membership of the EU has gone up. Indeed, participation has decreased in almost exact ratio to the powers the EP has demanded and obtained in successive EU treaties. Today six out of ten European voters stay at home on the day they should elect MEPs. On present trends, after three or four more Strasbourg elections – say by 2029 – voter participation will be a little above 20 per cent and the Parliament will have lost all legitimacy.

In addition, serious questions have now been asked about the composition of the Parliament. This may be unfair on the majority of MEPs who serve diligently and work hard on committees trying to make sure EU legislation and the policy statements of Strasbourg are coherent. Nick Clegg, Britain's Deputy Prime Minister and leader of the country's Liberal Democrat Party, has described the Conservative Party's new allies in the EP as "nutters, anti-Semites, and homophobes" and Michal Kaminski, the Polish leader of the new group, chosen personally by David Cameron, resigned early in 2011 because of "extremism" amongst his colleagues. Even allowing for the hyperbole of an election campaign, Clegg has a point. The EP has become home to some very odd politicians, often at the far fringe of politics, who would have no traction at home but can use Strasbourg to gain legitimacy. Who can forget Ian Paisley, in the days of his extreme politics, hurling bigoted abuse at the Pope, or Jean-Marie Le Pen using his EP immunity to advance his extreme far-right views? The UK's racist party, the British National Party (BNP), has little purchase in national politics and, according to BNP observers, is in meltdown as the even more obnoxiously racist English Defence League organises street protests against British Muslims. But the BNP's leader and its chief ideologue are both MEPs.

In countries where MEPs are elected on a single national list they are often placemen or placewomen nominated by the party apparatus. The French left daily, *Libération*, for example, has exposed how little time many French socialist MEPs spend in Strasbourg. In France, seats tend to be reserved for party notables who carry out regional or national secretariat duties while drawing an MEP's salary. In 1994, 75 British Labour MEPs constituted more than 10 per cent of the EP. Today 13 Labour MEPs have to yield to British MEPs from the BNP and UKIP who use Strasbourg to preach their extreme views but are not full-time legislating or scrutinising parliamentarians in the manner of a US representative or a member of the Bundestag or even a member of a German regional assembly or the Scottish Parliament.

There are two ways to make European parliamentary representation more effective. One is a top-down route which takes as given that more power and presence for pan-European political or supra-national parliamentary activity is the way forward. The other way is to ask how European parliamentary work and scrutiny could be given new life and legitimacy by involving the national parliaments more in EU decision-making and European legislation.

Two expert observers of the European political and parliamentary scene, Sir Julian Priestley, who served as secretary-general of the EP 1997-2007, and Andrew Duff, the Liberal Democrat MEP and long passionate in promotion of the European cause, have produced reports which argue the first position. In 'European political parties: The missing link', Priestley calls for pan-European political parties with individual members, delegates elected to congresses which decide policy on a majority vote, and primaries or hustings to designate candidates for the presidency of the Commission. Priestley argues that:

"Party leaders and activists need to understand that a European dimension to party policy is now central to a party's credibility. Almost none of the traditional policy ambitions of parties can even be begun to be met by national means alone...Electors increasingly understand that many promises made at national elections cannot be honoured in the absence of EU action."<sup>1</sup>

<sup>1</sup> Sir Julian Priestley, 'European political parties: The missing link', *Notre Europe*, November 2010.

Priestley is right in theory. But on the ground the opposite seems to be the case. Leaders at national elections carefully calibrate their European stance to present it in national terms rather than convince voters that their future depends on more Europe. Indeed, Britain's Conservative Party won seats in 2010 after five years of strident eurosceptic campaigning with promises to hold a referendum on the Lisbon treaty and on the repatriation of powers from Brussels to Westminster. The two nominally more pro-EU British parties, Labour and the Liberal Democrats, lost seats. In other European countries a more assertive nationalism is seen across the political spectrum. As national parliamentarians feel patronised by or excluded from European law-making and decision-making, they find it easier to take refuge in assertions of national sovereignty. The more MEPs insist on their power, the more they generate resentment from national MPs who see the EP as a rival and opponent to be curbed or opposed rather than in terms of co-operation and complementarity.

Andrew Duff in 'Post-national democracy and the reform of the European Parliament' wants a new all-European constituency of 500 million with 25 pan-European MEPs elected on the basis of pan-EU party lists. Duff believes that this "will lead the way to a confident post-national democracy" as "the addition of a transnational list elected from a pan-EU constituency would enhance the popular legitimacy of the European Parliament by widening voter-choice."<sup>2</sup>

<sup>2</sup> Andrew Duff, 'Post-national democracy and the reform of the European Parliament' *Notre Europe*, November 2010.

Priestley and Duff are both well-meaning but they do not address the fundamental point that European democracy – in terms of its electoral expression – has yet to sever links with the EU's member countries. Nor is there any evidence that political parties are ready to forgo control over policy expressed in their name. Political parties may claim to be more pro-European than their opponents but they still have to get elected within a national context. The policy stance of the Liberal Democrat Party under successive leaders from Paddy Ashdown to Nick Clegg was always the most pro-European of the main UK parties. But while Ashdown or his successor, Charles Kennedy, supported the creation of the euro and Britain's adoption of it in the first flush of enthusiasm for Economic and Monetary Union in the late 1990s, this pledge has never featured in the party's election literature for Westminster or the EP.

Henri Mallet, the French socialist, recalls negotiating the Party of European Socialists (PES) manifesto for the 1999 EP election with Labour's Robin Cook. "Robin fought over every comma to make sure there was nothing in the manifesto that might be used by the British press against Labour back in Britain." It is not

just Britain. In the 2009 EP election, the PES's manifesto omitted any endorsement of nuclear power because of objections from Germany's Social Democrats; any support for a legal EU minimum wage because of objections from Sweden's Social Democratic Party; any mention of agricultural reform because of French Socialists' objections; and any mention of recognising Kosovo because of the objections of Spain's Socialist Workers' Party. In the final draft there was at least strong language on banking secrecy but this was toned down after Luxembourg's Socialist Workers Party turned up and announced it would be a bit of a problem for the Grand Duchy if they could not keep vacuuming-up tax-dodging monies from dentists and lawyers in neighbouring Germany.

Nor are the chances high of a socialist president of France in 2014 or a social democratic chancellor of Germany, let alone David Cameron and his fellow conservative leaders if Nicolas Sarkozy and Angela Merkel stay in power, giving up the right to designate the EU's top executive posts. The PES has suggested primaries to designate a candidate for the presidency of the EU Commission. But in private discussion few PES leaders really believe that – if by 2014 the left controls more governments – national political leaders will give-up the power to nominate EU leaders. Today, the European left rails against the centre-right EU Commission President José Manuel Barroso. But his strongest supporters and earliest nominations for a second term in 2009 came from the socialist governments in Spain and Portugal backed by Britain's Labour government.

Such cross-party contradictions and often lowest common denominator politics may appear unworthy of the high aspirations and noble ambition of idealistic Europe-wide political activity. But they are real. If in America the watchword is 'All politics is local', in Europe it might be 'All politics is national' or trouble ensues. Successive French governments have presented EU agricultural policy in terms of the support it provides French farmers. Germany defends the EU's single market by stressing the benefits for German exporters. Poland says that the EU's structural funds are vital to finance Polish development. In other words, the best way to sell European politics is to cloak EU decisions in a mantle of national self-interest. Neither voters nor national parties are yet ready to surrender control of national policy to MEPs or to the co-ordinating secretariats in Brussels of the different European political formations. So instead of trying to fit national political realities into a European parliamentary and political procrustean bed might the time have come for European politics to adopt a bottom up approach? Should we not start from the nations of the EU in the search for greater European political and parliamentary legitimacy?

To begin with, MEPs should be in tune with the democratically elected governments of the countries whence they come. Instead, the Parliament's 750 members are presently elected in one fell swoop and often in response to national political sentiment about the government of the day. To Strasbourg, then, are sent the opponents of whoever might be in power nationally. In Britain, elections to the EP have always been protest votes against the Conservatives when they were in power and against the sitting Labour governments in 1999, 2004 and 2009. The same pattern can be seen in many other EU countries. This means that MEPs do not reflect the electoral politics that sustain their governments back home.

The 750 members of the EP are dwarfed by the 9,571 national parliamentarians who sit in the 27 national parliaments of Europe. The latter feel excluded from the European decision-making process, although they are expected to defend EU decisions with equal vigour to the national laws they vote for themselves. This gap is now a major part of the growing deficit in democratic confidence in Europe.

Part of the problem is perception, of course. There is a false polemical debate over the extent to which laws emanating from the European Union replace laws made in national parliaments. Jacques Delors fuelled this with a comment in 1988 that in ten years' time 80 per cent of economic legislation and perhaps also of fiscal and social legislation would come from the EU. This has been seized on by anti-Europeans of all colours to argue that national parliaments have lost most of their sovereignty and that European law-makers now decide the rule of law in Britain and other member-states. Eurosceptic Conservative MEPs, the BNP and

<sup>3</sup> *How much legislation comes from Europe*, House of Commons Research Paper 10/62, October 2010.

UKIP, along with the europhobic British press regularly assert that up to 80 per cent of all UK law is now decided in Brussels and Strasbourg. Yet a comprehensive study by the House of Commons Library published in October 2010 said that "from 1997 to 2009 6.8 per cent of primary legislation and 14.1 per cent of secondary legislation had a role in implementing EU obligations".<sup>3</sup>

Delors' 1988 assertion was made in a speech to the EP. Perhaps it was intended as a boast, perhaps an attempt to flatter the first generation of MEPs about their importance. However his assertion has boomeranged as today it is those hostile to Europe who insist that national parliaments are irrelevant as power flows one-way – from national parliaments to the EP and the Commission.

Eurosceptics are keen to peddle myths, but the sense of national democratic alienation is understandable. It does not matter whether one is a pro-European or a eurosceptic. Parliamentarians in the Bundestag or the Assemblée Nationale, in the Cortes in Spain or the Riksdag in Sweden, do not feel that they have much say over the decisions that relate to EU membership – either the decisions taken by national governments on national parliamentarians behalf or taken collectively by the Union.

To rectify this, could we not look at electing the EP in the same way as the US Senate – a third every two or three years – rather than in one fell swoop through an election every five years? Could we allocate some EP seats according to the political make-up of national parliaments so that the representatives in the Parliament more adequately reflect the will of the people as expressed in individual member-states? Alternatively, could we not create an upper house or senate in the EP consisting of representatives from national parliaments? MEPs in the past have rubbished this idea or even claimed that the Council of Ministers acts as the upper house. But ministers at the Council are executive representatives of their nations. They do indeed debate and decide by majority or unanimous votes but they are accountable to their national governments, parliaments and legislatures for the decisions they take.

Paradoxically, we could strengthen European parliamentarianism as a whole if we made the national parliaments partners, rather than after-thoughts, in the EU's political construction. This bottom up approach based on the principle of subsidiarity would allow the EP to connect to a European demos by means of building in representation from national parliaments. The sense that national MPs – as guardians of sovereign democracy – are less and less in control of decisions taken in Europe and then imposed on their peoples is of growing concern. It does not matter whether the decision is seen as emanating from the Commission or the Council of Ministers or the extent to which it has been debated and honed by the EP.

The new British law which mandates referendums for treaty changes across a range of issues is a way of escaping from both European and national parliamentary decisions. It elevates the plebiscite to a new constitutional place in British political decision-making. But other countries may follow the British example. As long as the EP and the European institutions in Brussels and Strasbourg insist on ignoring or relegating national parliaments and European traditions of inviolable national democratic sovereignty, more defence mechanisms like plebiscites will surface. Even in Germany, SPD leaders have hinted at referendums before Germany 'transfers' more money to struggling eurozone countries. One does not require too many doctorates in political science to work out how quickly the EU will stall if decisions like treaty modifications have to be ratified by referendums.

In their paper for the Centre for European Reform titled 'Beyond the European Parliament: Rethinking the EU's democratic legitimacy', Anand Menon and John Peet, make a series of constructive suggestions including one for national parliamentary committees to appoint EU policy rapporteurs.<sup>4</sup> In a pamphlet I wrote in 2005 titled 'Britain's voice in Europe. Time for a change', I argued that the UK House of Commons' European Standing Committee (ESC) should be reconstituted into five distinct committees covering economic and finance legislation, internal market and trade, foreign and defence policy, social and environmental laws and justice and home affairs.<sup>5</sup> As it stands, the Commons

<sup>4</sup> Anand Menon and John Peet 'Beyond the European Parliament: Rethinking the EU's democratic legitimacy', CER essay, December 2010.

<sup>5</sup> Denis Macshane, 'Britain's voice in Europe. Time for a change', Foreign Policy Centre, December 2005.

appears incapable or unwilling to organise its work so that EU policy gets mature consideration, apart from the pro- and anti-EU knockabout which fills most of the debating time on Europe. The appointment of the veteran Eurosceptic Conservative MP Bill Cash to the chairmanship of the ESC has hardly helped matters.

The UK government's decision to abolish the bi-annual European debate held before each main EU Council meeting is also regrettable. Nick Clegg (himself a former MEP) has warned against Britain adopting an 'empty chair' approach whereby an increasingly disinterested, not to say isolationist, UK simply opts out of full EU policy engagement. But the Commons is less and less interested in international as well as European policy. MPs who seek to travel and engage with European politics and parliamentarians are pilloried as junketeers and British political parties are starved of funds needed to carry out European political networking. As a result MEPs tend to dominate the European party political structures and they are largely financed by the EP itself. So there is no objective and independent examination of how the Parliament is constituted and whether what it does would re-connect to electorates if national parliaments and parliamentarians felt they had some part-ownership of the European decisions imposed on their constituents. He who pays the piper decides what is important.

The paper by Anand Menon and John Peet and the two reports by Andrew Duff and Julian Priestley show that serious thinking is now under way about the future of the Parliament even if, for the time being, it is by British politicians and commentators. A further debate is needed. The EP regularly proposes reforms of the way Europe works and does its business. Is it too impertinent to suggest it may be time for the MEP reformers to look in the mirror and reform themselves before there are fewer voters than the European parliamentarians they elect?



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April 2011*

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