

# SHIFT mag

EUROPE TALKS TO BRUSSELS

SUMMER 2009

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**EUROPE  
TALKS  
TO BRUSSELS**

**Democracy in  
Europe**

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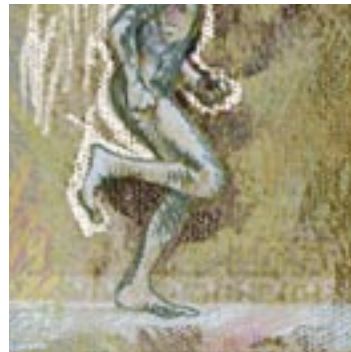
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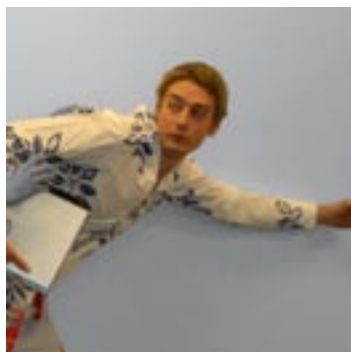
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## SHIFT Mag EUROPE TALKS TO BRUSSELS

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Born in Greece, raised in Westminster, let loose in the streets of Paris, Prague and Berlin... democracy is perhaps Europe's most important contribution to the world.

So why is today's EU still desperately trying to add the D-word to its vocabulary?

Modern life is no excuse. Less than a year ago, the whole world was gripped by the story of America's presidential election. Record turnout, armies of volunteers, fierce online campaigning: it was not always pretty, but it sure was popular.

The key word there was "story". The EU needs its own modern narrative that will take it beyond the "united in diversity" motto. Otherwise old cracks will start reappearing behind the blue and yellow paper.

Part of the paradox is that Europe's existential crisis has deepened just when it makes most sense for European states to join forces – ask Iceland's government or any British business that relies on imported goods...

Yet too few Europeans know about this "all in the same boat" situation. National media and politicians still frame issues in narrow national terms, with the different languages acting as buffers to prevent pan-European debate.

Is real political debate possible at the EU level? Yes, if politicians stop hiding the real distribution of power between regions, capitals and Brussels.

Either people do not like the unfiltered truth, in which case the process can be stopped or reversed, or they will expect their politicians and media to follow suit.

As good democrats, how about we let the people make their (informed) choice?

# VOLUNTARY AND INVOLUNTARY POLITICAL ABSTINENCE



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The forthcoming elections for the European Parliament are causing Europe a great deal of anxiety. Fewer and fewer Europeans who are eligible to vote actually intend to exercise their right to do so. The media, contrary to what it does before other elections, is concentrating not so much on candidates, but on voter apathy. Certainly, the authors of surveys and studies seem to want to undercut each other in the scramble to see who can predict the lowest voter turnout – which has been steadily decreasing with each previous election.

The European Union's democratic deficit today is being aggravated further by worsening abstentionism among its people. Yet while EU citizens seem so cavalier about foregoing their right to vote, many other Europeans – namely, third-country nationals who are permanently resident here – do not even have that right. Europe is not only a place of abstentionism, but also

of pre-abstentionism. Those who are demanding greater legitimacy and democracy for the EU mostly have qualitative expansion in mind and cite direct democratic instruments, such as popular petitions and EU-wide referenda, as possible solutions. However, most such democratic political considerations disregard quantitative elements, i.e. not the how of democratic participation, but the who.

### **“If you're here, you're European”**

“What concerns everyone should be endorsed by everyone,” says an old legal adage. Therefore, in accordance with the democratic ideal, all people who are themselves affected by political decision-making should also be able to contribute to the process. The decisive factor would then be neither citizenship or the accident of a person's place of birth; nor would it be naturalisation criteria, which differ greatly from one country to the next. Instead, permanent

residence would be simply all that mattered. The maxim would be: “if you're here, you're European”.

This very idea was mooted when Union citizenship was first deliberated back in the 1970s and 1980s: the European Parliament itself wanted European citizenship to be granted not just to nationals of EU member states, but also to permanently resident third-country nationals, who would then have had the applicable voting rights.

As everyone knows, no such supranational citizenship status was ever enforced. There were even some Europeans – for example in Gibraltar – who had to fight first for their own right to vote.

The member states alone decide who is regarded as one of their nationals “for Community purposes”, as stated in the Maastricht Treaty. So it was that Gibraltarians, despite quite obviously being British citizens and carrying

British passports, were only ranked as part-citizens of the Union until 1999. The peninsula's residents first had to fight for their right to vote in European Parliament elections by taking their case to the European Court of Human Rights. Gibraltar's residents, whom the UK Government was adverse to making European citizens, were allowed to vote for the first time at the last EP elections in 2004.

The exclusion of the 28,000 residents of Gibraltar from voting in European elections could be regarded as an exception and sideshow. However, the equally arbitrary and highly inexplicable pre-abstentionism affecting a crucial proportion of Europe's population remains: the European Union has some 18.5 million permanently resident third-country nationals living in its member states.

### An inclusive democracy?

The European Union is not the only political community to refuse non-naturalised migrants the right to vote. All around the world it is common practice to link voting entitlements with the possession of citizenship. Yet closer scrutiny reveals that there are also many important exceptions and that a right to vote without prior naturalisation is not utopian. Aside from the right of EU citizens to vote in local elections, 14 European states also let migrants vote at local level even if they are not the holders of a burgundy-red EU passport. Across the globe, 45 democracies even give non-nationals the right to vote in local, regional and even national elections. It would be befitting for a European Union, which espouses mobility and travel freedoms and also champions the cause of pluralism, to tread the same path or take on a pioneering role of its own.

Ultimately Union citizenship, even in today's modest form, has already had an effect on the national level and blurred the dividing line between nationals

“ If the EU operated a system of citizenship for which permanent residence counted rather than nationality, it would do justice to the complexity of people's modern paths through life ”

and non-nationals in member states. The change was sparked by a ruling by the Federal Constitutional Court on voting rights for foreigners in local elections. In 1990 the highest court in Germany, despite decreeing that the notion of the (enfranchised) “German people” was possibly implausible in democratic political terms, ultimately defended the status quo and accepted that giving foreigners the right to vote was incompatible with Germany's Basic Law. Just a few years later, however, the introduction of Union citizenship made this self-same entitlement a reality, at least for Europeans from other EU countries.

The EU's independent and sovereign member states have now ceased to be the ones to decide who is a (part) citizen of their respective country and thus entitled to political, civil and economic rights. In fact, Union citizenship is forcing the member states to grant each other prerogatives and recognise nationals from partner countries as at least part-citizens of their own state – right of residence and freedom of movement, economic activity, social protection, and political participation at local level included.

### Who are “the people”?

The exclusion of an ever larger proportion – courtesy of migration – of Europe's population already delegitimises society's democratic basis. This is because fewer and fewer people are tied to just one place, and

instead are confronted by assorted political contacts and legal frameworks in the course of their lives. If the EU operated a system of citizenship for which permanent residence (“residential citizenship”) counted rather than substantial affiliation (i.e. nationality), it would have the opportunity to do justice to the complexity of people's modern paths through life and smooth the way for an EU “people”. A post-national(istic) European citizenship, courtesy of doing rather than being, would emerge – a model for political solidity that, instead of building identity on the basis of cultural integration, did so through political inclusion.

The story of voting eligibility shows us how open to interpretation the term “people” has been down the years: the awarding of the right to vote to various segments of the population, e.g. women, during the twentieth century fuels the hope that the European Union will overcome the nation-state custom of inclusivity in respect of obligations, but exclusivity in terms of rights. After all, permanently resident third-country nationals are expected to abide by the EU's laws. So how come such nationals are expected to belong when asked to obey the law, but not when the law is made? Whether third-country nationals in the EU would actually head to the polling stations, compared to today's Union citizens, is unclear and, as far as arguments about democratic theory are concerned, irrelevant – they should, however, be allowed the possibility. ...



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