

**WORKSHOP 1
POPULAR CONSULTATION AND DEMOCRATISATION IN THE EUROPEAN
INTEGRATION PROCESS**

Popular Consultation and EU Elections in Belgium: Scepticism from Above?

Jean-Michel LAFLEUR (FNRS Research Fellow, University of Liège)

“If we look at the results almost everywhere, there are like, mid-term tests of Government. That has its own validity, but this was not about the nation state, this was about the future of the European Union and regrettably Europe is too absent from European elections east and west” (Pat Cox, former President of the EP, 14/06/2004)¹.

« On ne peut pas prendre de risque avec l'idée européenne. L'Europe est bien trop importante pour devenir l'objet d'expériences (...). Nous sommes les élus du peuple et nous devons assumer nos responsabilités » (H. Van Rompuy, Christian Democrat member of the Belgian Federal Parliament about the idea of a popular consultation on the EU Constitutional Treaty)².

Introduction

On June 13th 2004, the fear of many European leaders materialized as turnout to the sixth direct European Parliament (EP) elections reached a new low. There were however reasons to hope that European leaders would engage in a wide one on the EU. The issues were there: the European Union was living a critical moment of its history with the largest enlargement ever, major institutional reforms on the run and critical questions on the stability pact being asked. Still, most political leaders refused to engage in a real debate on European issues. The most obvious conclusion that one can draw from this observation is that European elections will never matter as much as national elections.

Looking at the situation of Belgium, we discover a slightly different situation. Because voting is mandatory, turnout is not a relevant tool to assess the importance of EU elections in the country. The use of other indicators – such as the absence of a debate on EU issues – however signal the lack of importance of this election.

Similarly the discussions around the possibility to hold a popular consultation on the ratification of the Constitutional Treaty also revealed the scepticism of Belgian political parties when it comes to involving the population in the European integration process. By using these two examples, this paper will try to demonstrate how political elites' reluctance to involve its population in the integration process is justified by their electoral ambitions and their willingness to maintain the image of Belgium as a pro-European country.

¹ Australian Broadcasting Corporation TV PROGRAM TRANSCRIPT 14/06/2004, <http://www.abc.net.au/lateline/content/2004/s1131673.htm>

² VERHEST S., “On ne peut pas dire non”, *La Libre Belgique*, 20 mai 2005.

To reach this ambitious goal, I will use a theoretical tool named the Second-order theory of European elections developed by Karl Reif. Then, after showing the voters' lack of interests in EP elections with a few key figures, I will identify some of the reasons that make European elections so unpopular to the voters. I later apply this theory to EU elections in Belgium and to the discussions around the ratification of the Constitutional Treaty. Eventually, I conclude by showing how these two examples take place in a similar context and are shaped by similar constraints.

Second-order theory of European elections

Following the first EP direct elections, Karl Reif has elaborated a model that demonstrates the lack of importance of those elections. According to this theory, most electors consider the European elections as second-order national elections. The concept of first-order elections imply that they “offer voters the critical choice of who should govern the country” (Norris 1997). Second-order elections, on the contrary, “are less important because, although still open to influence by national party politics, they determine the outcome for lesser offices, such as regional, municipal and local official in parliamentary systems, and legislative representatives in presidential systems” (ibid). Accordingly, national elections are the most salient in the eyes of voters and political parties. For EP elections, it means that, even though they are fought by the same parties as national elections, electors tend to see the European political arena as less important than the national one. The “less at stake dimension” of this theory has four major implications (Reif and Schmitt 1980, Reif 1985, Hix and Lord 1997, Marsh 1998, Norris 1997):

- *European elections are not primarily about the EP but instead campaigns are dominated by national issues.* The EP electoral debate focuses on national issues and political parties take this opportunity to attack or support the work that has been done by the government (this is even truer when EP elections are coupled with national elections like in Luxemburg or with regional elections like in Belgium). This assumption is also found in the referendum theories developed for mid-term elections in the United States. They assume “[m]idterm elections are essentially a referendum on the government’s performance, in which voters express their approval or disapproval through voting for or against those representing the president’s party” (Marsh 2000).
- *The domestic political cycle determines the outcome of the elections.* The moment in the national election cycle at which the EP election is held influences voters’ behaviour. Studies tend to prove that governing parties experience a loss of popularity around mid-term (Norris, 1997). In other words, voters will have a strong incentive to use EP elections as a referendum on the government’s performances if they are held halfway through its mandate.
- *Opposition parties and small parties are more likely to do well in EP elections.* The fact that voters do not perceive the clear impact of their vote at EP elections supports them in voting with the “heart” instead of voting with a clear purpose in mind as in the case of a vote for the formation of a national government. Reif (1997) later corrected this assumption by adding radical, protest and populist parties to the list of potential beneficiaries of second-order elections. The organizational resources and or the visibility given to them by established parties and or the media support this proposition. (ibid).
- *EP elections’ turnout tends to be lower than in national elections.* This last assumption comes somehow as a consequence of the first points. As voters perceive

that less is at stake during EP elections, the expected benefit of voting is reduced and the expected cost increases. Hence, fewer people turn out to vote.

Some factors explaining the lack of importance of EP elections

Many reasons have been brought forward to explain the voter's lack of interest for EP elections. Before exposing some of them, I wish to present the extent to which EP elections lack popular support.

The most obvious indicator of voters' interest in an election is the turnout. Since the first direct elections in 1979, participation has consistently decreased. Turnout to EP election reached a historic low in 1999 when, for the first time, less than half (49%) of the voters turned out. Yet, this downward trend has been confirmed at last EP elections in 2004. What is even more interesting is that – contrarily to what some commentators expected – participation in most recently acceded countries was lower than in EU-15 member states. The “first-election principle”, according to which new member states have high participation level at their first EP election (Belot 1999 and Flickinger et al. 2003), visibly did not apply in countries like Slovakia (17%) and Poland (21%).

What is even more interesting in the question that I examine is that the difference between the turnout at the European election and the last national elections in each member state was of -27.44% on average (in 1999). In the UK, the Netherlands, Germany, Austria, Denmark, Finland and Sweden the difference was comprised between -50 and -30%. (Perrineau et al. 2002).

Some reasons why EP elections are considered less important

It is not the aim of this paper to list all the causes that explain the lack of importance of EP elections. I would much rather focus on those reasons that I deem important to bear in mind before applying the second-order election model to EP elections in Belgium.

There are however two more thorough documents which are worth quoting when addressing this issue. First, studies of voting behaviour in the European elections made by Blondel, Sinnott and Svensson (1996) that show how voters use this opportunity to give their opinion on their government's performances. They confirm empirically one of the assumptions made by Reif that governments encourage voters to make such judgments because the potential loss of power involved is seen as acceptable. Governing parties therefore use those elections to assess the popularity of the work they are doing at the national level rather than promoting a real European debate in their respective countries. Second, a more recent document drafted by Sinnott and Lyons gives some technical advices on how to improve participation by addressing some of the informational, political, institutional and technical difficulties around the election.

Looking more precisely at the reasons for low turnout, one has to necessarily observe the election campaign itself. First, the amount of money spent by political parties on the European election campaign is only a small share of what they spend on national campaigns (e.g.: Germany's SPD spent 4 times less money on the 1999 EP election than on the national election that was held nine months before). Secondly, the issues at stake during the campaign are mainly domestic or non-European (see Belgian case study). For example, during the 1999 EP elections campaign in the Netherlands, the debate focused over a constitutional amendment and the dioxin crisis. In Belgium, national elections were held on the same day and in Italy the Kosovo crisis was monopolizing the political arena. Thirdly, as mentioned earlier, voters' perception of the campaign is that is dominated by domestic issues. In 1999, a BVA Survey showed that more than 50% of the voters in France, Germany and Italy considered that the EP election campaign focused on those issues.

One major reason that is often found in the literature is the absence of a European public space where a debate on European issues could take place. Several actors are to blame for

this absence of public space. In the first place, political parties at the European level have failed to fulfil the mission that was given to them by the Treaty (art. 191):” *Political parties at European level are important as a factor for integration within the Union. They contribute to forming a European awareness and to expressing the political will of the citizens of the Union.*” Yet, a new regulation on European political parties adopted by the Council and the Parliament in 2003, tries to address this issue. The Regulation allows political parties to form cross-border alliances which may then apply for funding (Mc Giffen 2004).

Other institutional issues such as the lack of uniformity in elections systems contribute to making EP elections second order elections. Even though efforts have been made to approximate elections systems (proportionality, threshold for distribution of seats of 5% maximum, possibility to establish constituencies), large disparities still exist between systems in members states (use of preferential vote or not, use of D’hondt method or not...). Those differences diminish the “Europeaness” of these elections and contribute to the confusion that citizens make between EP and national elections. The lack of a common statute for MEPs has similar consequences.

The media also share a part of responsibility in underplaying the importance of EP elections. The EU is the international institution that has the largest number of journalist accredited. Yet, media coverage of the EP elections tends to focus on secondary issues such as the personality of candidates or the consequences of these elections for national governments (The Bulletin 1999).

Studlar et al. (2003) point out that electoral behaviour also very much depends on the perceived interest of the voter. That is, if voters feel that the institution they are supposed to vote for is having little impact on their life, they will tend not to vote or to take the election more lightly. Consequently, turnout is lower and small parties tend to do better.

Now that the second-order character of the EP election has been demonstrated, I can turn to the example of Belgium to demonstrate how it applies to EP elections and, more original, to popular consultation on the Constitutional Treaty.

EP elections and popular consultation in Belgium

The application of second-order theory in Belgium

To really understand the meaning of what a second-order national election can be, it is useful to analyze one particular national context in details. Belgium is relevant as it has a set of characteristics that makes it different than other EU countries. Reif (1997) has however underscored the necessity to apply his model to non-bipolar political system (such as the Belgian multi-party government’s system) with great care.

Another major difference is that voting is not a right but an obligation in Belgium. Even though turnout may be a little bit lower at European elections, turnout is not a relevant tool to be used when assessing the importance of an election in this country. Third, Belgium is a Federal state with very autonomous communities and regions. The decision has been taken to hold EP elections on the same day as elections for federated entities (regional elections). Fourth, all parties are subject to the pressure of extreme right parties in the Walloon and even more in the Flemish region. One election after the other, those parties have consistently gained votes. They also have in common to be the only parties which totally reject the EU integration process³.

³ This means that a democratic party would not take the risk of holding strong anti-EU positions as it could be accused of allying with the extreme-right.

EP elections in Belgium

Several months before the elections, the route that the Belgian political debate had taken already confirmed the lack of importance of EP elections; Reif's assumptions were only going to be confirmed on the day of the election.

As I mentioned above, the assumption that the *turnout will be lower* at EP elections is not relevant in the Belgian case because voting is mandatory (turnout was 90.8% against 91.9% at the 2003 national election).

On the contrary, the *moment in national election cycle* at which the EP election is held is of peculiar importance in this case. The federal government was formed in July 2003. In September opinion polls showed that 36% trusted this government could address the challenges that Belgium is facing. In June 2004, just before the election, this figure was down to 29%. Following Reif's argument, holding an election at a time when the level of confidence in the government is down leads to a sanction vote towards him at the second-order election. These figures also reflect the frustration of the population regarding the poor economic performance of the country. Lastly, governing parties had agreed to postpone institutional reforms before the regional election (held on the same day as EP elections). Consequently, Belgian voters had those federal government's unfulfilled promises in mind when they voted on 13th June.

Reif also assumes that *European elections are not primarily about the EP but rather campaigns are dominated by national issues*.

Several factors support this statement. First, opposition parties had, since the beginning of the campaign, asked to couple those EP-Regional elections with new Federal elections. Therefore, governing parties found themselves in the position of having to justify the work they have done at the federal level for the last year. This hampered the creation of a debate on the European issues that were supposed to be at stake.

Secondly, Medias have exclusively focused on the regional elections at the expense of EP elections. This was particularly evident in some opinion polls which only concerned the regional election. Voting intentions were only analyzed in terms of regional seats distribution and possible government coalition. At no point, have those forecasts been interpreted in seats at the European Parliament.

Thirdly, in the last few months, the Federal government has taken various steps that resulted in diminishing the importance of EP elections. During the negotiation for the formation of the government in 2003, it decided that the next Belgian European Commissioner would be a francophone from the Socialist party whatever the results of the EP elections would be⁴. This contributed to undermine the emerging link between the EP elections and the construction of the European executive. The Belgian government also decided to hold the regional elections on the same day as European elections (unlike France which separated both). Considering the power that regions have in Belgium and their perceived implications in citizens' life, this decision implied that European issues would not be largely debated between political actors. This decision was of particular importance at a moment when Belgians proved to be very critical about the EU and its enlargement (only 31% of the Belgians supported the 2004 enlargement)⁵.

The last assumption states that *opposition parties and small parties are more likely to do well in EP elections*. This is almost totally confirmed by election results. Indeed governing parties seem to lost ground in both Flanders and Wallonia (French speaking liberals MR -1,4%,

⁴ Eventually this deal was not respected as Louis Michel (French speaking liberal) became EU Commissioner. However, this change had little to do with the elections' results.

⁵ http://europa.eu.int/comm/public_opinion/archives/eb/eb45/chap4_en.pdf

Flemish socialists SPA/Spirit -3,87%, Flemish liberals VLD -1,8%) with the major exception of the francophone Socialist Party (+2,52%)⁶. The major beneficiaries of these losses are the Flemish Christian democrats led by Dehaene (+4,18%) and the extreme right parties in both parts of the country (Vlaams Block + 2,75%, and Front National + 0,81%). Small ecologists parties also did better at the European election than at the last national election.

All these elements lead me to believe that the theory developed by Reif is relevant in trying to assess the importance of EP elections in Belgium. One could even go further in saying that EP elections are third-order elections in Belgium. Indeed, the decision to hold regional elections and EP elections on the same day implies that regional issues overshadow the European debate. Also, the regional elections lead to very visible regional and community governments. This reinforces the voter's perception that his vote has an impact. This is not yet the case for EP elections. In this difficult context, it was very unlikely that any fruitful debate on the EU integration process arose before EP elections.

The Constitutional Treaty and popular consultation

Freed from the prospect of holding it on the same day as another election, the ratification of the Constitutional Treaty could have been another opportunity for Belgian political parties to mobilize the voters around EU issues. On 14th October 2003, two Flemish Liberal MPs tabled a law proposal to the Federal Parliament regarding "*the organisation of a popular consultation on the treaty establishing a Constitution for Europe*"⁷. Their motivation was that the Constitutional Treaty was bringing important changes to the citizen's life and that they were accordingly entitled to have a say on its ratification.

At the time, the two MPs already knew that the legislation –as it stands- had little chance to be adopted right away as it was breaching the Constitution. And indeed, the Supreme administrative court gave a negative (though non-binding) opinion on the law proposal on 29th November 2004⁸. To hold a popular consultation at the Federal level, says the Court, it is necessary to modify article 33 of the Constitution. This article states that "All power emanates from the Nation". This implies that, in Belgium, only Parliaments and Governments have a say on legislation and they are the only competent authorities to ratify treaties. The Court recommends that the Constitution should be modified before a popular consultation is held⁹.

From this point in time, the question became a political issue upon which all parties had to take an unambiguous position. Only some of them will be presented here to illustrate my argument. Liberals, both Flemish (VLD) and French-speaking (MR), were holding the same line as the initiator of the project considering the best way to ensure that the Belgian people adhere to the rights and principles contained in the Constitutional Treaty is to allow them to have a say on its ratification. For the VLD, this was to be a first step because "*with the organization of the referendum, we clear the way for further democratization of our political system by letting the people decide directly on important societal issues*" (VLD Press release, 15/11/2004) The Flemish extreme right, Vlaams Belang (VB), also voted in favour of the revision of the Constitution as it wanted "*to make use of this consultation to open a large debate on the accession of Turkey to the EU*" (VB Press Release, 14/12/2004). Spirit, the Flemish nationalist left, had also given its support to the revision during Parliamentary commission meetings. However, a few weeks after it had promised its support, Spirit

⁶ Those differences seem to be marginal because they are calculated on the basis of national results while in reality, except in Brussels, each party only presents a list in its own community.

⁷ *Proposition de loi portant organisation d'une consultation populaire sur le traité établissant une constitution pour l'Europe*, Doc. n°51/0281, 14 octobre 2003.

⁸ *Avis du Conseil d'Etat sur Proposition de loi portant organisation d'une consultation populaire sur le traité établissant une constitution pour l'Europe*, n° 37.804/AG, 29 novembre 2004.

⁹ Political parties in favour of the consultation supported however the revision of article 167 to modify the competences in terms of power to ratify treaties (this article was indeed open to revision).

declared it was no longer willing to vote in favour of the revision of the Constitution to allow popular consultation. Its president stated that “*we notice that under the pressure of one single party – Vlaams Belang- it has been debated about the accession of Turkey to the EU. We think however that the European constitution is about other issues*” (Tijd, 24/01/2005). This question had been raised by early opponent to popular consultation: the Socialist Party (both Flemish and French speaking). For French speaking PS another risk was the possibility of different results to the consultation in the two major communities. This could have exacerbated division between them. Lastly, the Flemish Christian democrats (CD&V) considered that the EU was too important to take the risk that people reject the Constitution for reasons not related to the Treaty. This would put the government in an awkward situation with its population but also with the EU (CD&V Press release, 30/11/2004) After a few months of discussions on the opportunity to hold a consultation, the project was officially rejected on 10th March 2005 when the vote on the modification on the Constitution in the plenary assembly of the House of Representatives did not reach the necessary two-third majority¹⁰.

Can the second-order election theory be of any help in analyzing the Belgian debate on popular consultation? Here again, I use Reif's four assumptions to understand why the project was eventually rejected. First, the fear that *turnout would be lower* was an early preoccupation of Flemish Socialists who wanted that participation to the consultation be mandatory (like voting for an election) rather than a right. The justification was that “*it is no democratic progress if only half of the voters participate*” (SP.A Press Release 19/08/2004). The CD&V's paternalistic position proceeded from the same logic which consisted in saying that the EU is a too important question to be treated as a testing-ground for direct democracy in Belgium. Second, the idea that the *domestic political cycle would determine the outcome of the popular consultation* was central in the Socialist position. If the popular consultation had been held in May 2005 (as initially planned), it would have happen at a moment when the Federal government was facing it lowest rate of popular support. Harsh communitarian debate on the splitting of an electoral district and further economic slowdown would have greatly undermined the government's capacity to mobilize the voters around the Constitutional Treaty. This leads me to the third assumption according to which *the debate on the Treaty would have been dominated by domestic issues*. What would have been the topics of discussion during the campaign preceding the consultation? One can only make informed guesses on this third assumption. There is however a data to bear in mind which could have encouraged the reluctant parties to support the organization of the consultation: in the November 2004 Eurobarometer, 70% of the Belgians declared they were in favour of the Constitutional Treaty (second largest support after Italy) and Belgians were the fourth most knowledgeable population on the content of the Treaty (Eurobarometer March 2005). This does not however mean that Belgian voters would not have used the popular consultation to express feelings about domestic issues. Indeed, the Dutch population was almost as supportive and knowledgeable as the Belgians in the November poll but still rejected the Treaty on 1st June 2005. Coming back to the content of the debate, Vlaams Belang leaders would have used the opportunity to discuss the question of Turkey's accession to the EU (as shown in their declarations). This would have most probably diverted parts of the debate from the Treaty to issues of migration and integration in Belgium. The role of the powerful Vlaams Belang is therefore also to be underlined when looking at Reif's fourth assumption stating that *small parties, opposition parties and populist and extremist parties tend to do better at second-order elections*. As voters to a popular consultation do not vote for candidates but answer a question, it would have been difficult to measure the support to VB ideas. Yet, the very fact that Spirit eventually renounced to support the constitutional reform that would have led to the organization of the consultation is a proof that the extremist VB is capable of influencing the political agenda of a second order election.

¹⁰ Only a simple majority was reached.

Conclusion: Scepticism from above?

The 2004 EP elections had the potential to be the most important election of the history of the European Union in terms of the interests at stake. Major events such as the introduction of EURO notes and coins, the enlargement, the Convention on the future of Europe, the role of Europe in the fight against terrorism have occurred in the last few years. Those event put the European Union and often its Parliament in the spotlight.

Nonetheless, this proved insufficient to reverse the constant decline of interest of EU citizens for the EP elections.

I underlined some shortcomings in the election process that should encourage actors such as the EU institutions and the media to take some steps. Yet, the case of EP elections and popular consultation in Belgium clearly underline the fact that the largest share of responsibility for the lack of participation to the election is held by Governments and political parties in Member states. By applying the second-order election theory, it was demonstrated how a population traditionally described as supportive of the integration process is actually prevented from being exposed to fruitful debates on the EU. On EP election day, Belgian voters are called to primarily cast their vote on the formation of federated parliaments and governments. And when the possibility of a popular consultation is examined, some parties declare that the EU is too important to be messed with or that voters would not answer the question. This is what I call scepticism from above: a process whereby political elites undermine debates on the EU both for electoral reasons on the one side, and to protect the image of Belgium as a leading state in the integration process on the other.

The comparison between EP elections and popular consultation through the second-order election theory reveals that the context in which questions of democratization of the integration process is shaped by two strong constraints. The first constraint is institutional and comprises all the legal mechanism which prevents EU debates from developing largely in Belgium. Some of these barriers are easier to overcome than others depending on the willingness of political parties to undertake the necessary reforms. For instance, a revision of the Belgian constitution to allow popular consultation was virtually accepted for a weeks and was eventually a few votes shorts in Parliament. On the contrary, holding EU elections on a different day than regional election would require breaking the unanimous opinion of parties that the frequency to which the voter is called to vote (especially in a Federal State) should be kept under control. A more general institutional limit concerns the Belgian Federal system itself. One of its recurring critiques is that a federal state with only two major federal entities (and MPs solely responsible towards their community) implies that all issues are treated according a Flemish-French speaking cleavage.

The second constraint is of political nature. It refers basically to the context made of old and recent political practices that shape the way questions of democratization of the EU integration process are treated in Belgium. A major counter-argument to the organization of popular consultations in Belgium is the memory of the "Question royale" by which Belgian citizens had to express their opinion on the return of the King after World War II. The fact that different opinions were expressend in Flanders and Wallonia exacerbated the division of the country and left political elites critical about the opportunity to organize again a popular consultation. The major political constraint is however the powerful Vlaams Belang which managed to convince Spirit to oppose the consultation in fear of a debate which would exclusively focus on Turkey's accession to the EU. The power of the VB to influence the political agenda is not exclusive to popular consultation on the Constitutional Treaty. It has also been a recurring feature of the Flemish integration policy towards migrants. Lastly, in Wallonia, a recent popular consultation at the local level in the small town of Huy (whose mayor is also the President of the Senate) created a controversy after the results of the non-

binding consultation had been mocked by the local authorities¹¹. This example showed that political elites do not always measure the political consequence of greater democratic involvement of the citizens.

To conclude, the two examples of popular involvement of Belgian citizens in the EU integration process seem to support the idea that political elites hold a large of responsibility for the weakness of the European debate in Belgium. Other constraints such as Belgian or EU institutional mechanism have also been underlined. The Federal Parliament officially ratified the Constitutional Treaty on 20th May 2005. One could say that an opportunity has been missed to give a chance to citizens to get closer to the EU. As the Dutch example has shown, it could also be argued that this Treaty was not the right text to open to launch the first popular consultation at the national level for more than 50 years. The necessary steps to allow such a consultation were not taken and accordingly European leaders will not point their fingers at Belgium like they did with France and the Netherlands. Scepticism from above has accordingly reached its objective. But will Belgium be able to participate much longer to the construction of Europe without further popular participation?

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¹¹ Local and provincial consultations are allowed by the Constitution.

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