

## **The European elections 2024. On the way to the Constituent Assembly?**

Jean Marsia, for Europe Day, 9/5/2023

I will try this evening to bring you some elements of reflection for the European elections of 2024, which should lead to the establishment of a Constituent Assembly that is increasingly essential to the progress of the European part of humanity. The leaders of our Member States are on the wrong track, for 73 years now, because the European federation announced on 9 May 1950 by Robert Schuman still does not exist.

On this 9 May, this morning, at the Schuman roundabout, we celebrated all the positive things that the European Union has achieved, including the single market and currency, the opening of borders, the Erasmus exchanges, but this should not obscure the EU's insignificance and impotence on the international stage. It has unable to reduce tensions, neither between Russia and Georgia, Moldova, or Ukraine, nor between Armenia and Azerbaijan, nor between Israel and Palestine, nor between Algeria and Morocco, nor in Libya, Syria, the Horn of Africa, the Sahel, Senegal, Central Africa, the former Belgian Congo, nor between Venezuela and Colombia, nor between China and several of its neighbours, for example.

Mr. Macron is aware of this. In view of the European Council of 23 and 24 June 2022, he proposed the establishment of a European Political Community, to bring together quickly, which the EU, he rightly points out, cannot do, the European States that share our democratic values and want to contribute to the security, stability and prosperity of our continent. On 6 October last year, 44 Heads of State and Government met in Prague to set up this European Political Community, with no other concrete result than a photo souvenir of a meeting which was extremely costly and harmful to the environment, given the mass of greenhouse gases emitted to transport the participants.

Since February 24, 2022, Russia's war on Ukraine has finally made European public opinion aware of the extreme weakness of our armed forces, including in France and the United Kingdom. We have understood that our Heads of State and Government are as incapable of dealing with today's threats as those of the 1910s, 1930s and 1990s were during the Balkan and world wars, the Spanish Civil War or the tearing apart of the former Yugoslavia. The European institutions are increasingly discredited, whether by petty questions of precedence between authorities or by suspicions of corruption, or by their inability to manage crises.

These were numerous in a quarter of a century: financial in 2008, monetary in 2010, migratory in 2015, health in 2020 and 2021, geopolitical in 2022 with the intensification of the war between Russia and Ukraine. Our failures show that our economic, fiscal, employment, environment, migration, health, security and defence policies will only be effective if they become European, and if Europe adopts the only mode of governance that suits it: federalism. It is the only way for Europeans to speak with one voice and to bring their full weight to bear on the international stage, but also to be effective and efficient.

### **How can we move towards federalism, towards democracy?**

The European Parliament, founded in 1952 and finally directly elected since 1979, has always neglected its first duty: to provide Europe with a constitution. This should have established the fundamental rights of citizens, laid down the principles on which the legitimacy of political power is based, outlined the general architecture of federal institutions and the distribution of competences between Europe, its states, their regions and local authorities, and finally guaranteed equality between European citizens.

On 30 June 2009, the Federal Court of Karlsruhe ruled that: "The representation of citizens in the European Parliament is not linked to the equality of citizens of the European Union, in accordance with Article 9 of the Treaty on European Union, but to nationality, which is a criterion of distinction absolutely prohibited in [the European Union. The latter] thus finds itself in a contradiction of value with the basis of its identity as a union of citizens, which can only

be explained by the character of the European Union as an association of sovereign States". The Federal Court of Karlsruhe adds that: "Even after the entry into force of the Treaty of Lisbon, the European Union lacks a political decision-making body resulting from an equal election of all citizens of the European Union and having the capacity to represent uniformly the will of the people".

Two paths could lead to a federal constitution: either an initiative of European parliamentarians or a decision of some governments.

### **How to make the European Parliament a Constituent Assembly?**

After the 2024 European elections, the European Parliament should finally play its natural role and declare itself a constituent and then draft and vote on a European Federal Constitution.

Before the 2024 European elections, the European Parliament should put an end to the situation denounced by the Federal Court of Karlsruhe, by adopting the electoral law announced by Article 21(3) of the Treaty on the European Coal and Steel Community of 1950 and Article 138(3) of the Treaty on the European Economic Community of 1957. These articles provided that their Parliamentary Assembly would "draw up drafts with a view to enabling elections by direct universal suffrage, in accordance with a uniform procedure, in all member States".

This did not happen. In 1976, the governments adopted the Act which in 1979 allowed the first election by universal suffrage of the European Parliament, regulating the representation of citizens on a degressively proportional basis, with a minimum threshold of six Members per Member State and a ceiling of 96 seats. This provision, which became Article 14(2) of the Treaty on European Union,<sup>1</sup> does not comply with the requirements of Article 9 of the same Treaty: "In all its activities, the Union shall respect the principle of equality of its citizens, who shall receive equal attention from its institutions, bodies, offices and agencies. Any person holding the nationality of a Member State is a citizen of the Union. Union citizenship is additional to and does not replace national citizenship. ».

This Article 14(2) perpetuates the fact that the electoral weight of a Maltese or a Luxembourger is twelve times higher than that of a German, if at least they are old enough to vote, because the right to vote is acquired everywhere at 18, except in Austria, and soon in Belgium it seems, where it is at 16.

Eligibility is acquired at the age of 18 in 14 Member States; at 21 in 10 others; at 23 in Romania and at 25 in Italy and Greece.

Under Article 20(2b) of the Treaty on the Functioning of the European Union and Council Directive 93/109/EC, European citizenship makes it possible to vote in the country of residence, if it is part of the Union, in accordance with the rules in force in that country. Nationals residing abroad can vote in their own country, by post and/or at the embassy, or even electronically, but

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<sup>1</sup> Article 14(2) of the Treaty on European Union provides:

1. The European Parliament shall exercise, jointly with the Council, legislative and budgetary functions. It shall exercise political and advisory control functions in accordance with the conditions laid down in the Treaties. It shall elect the President of the Commission.

2. The European Parliament shall be composed of representatives of the citizens of the Union. Their number does not exceed seven hundred and fifty, plus the president. Citizen representation is ensured in such a way as to ~~degressively proportional, with a minimum threshold of six members per Member State. No Member State shall be allocated more than ninety-six seats.~~

The European Council shall, acting unanimously on the initiative of the European Parliament and with its consent, adopt a decision determining the composition of the European Parliament, in accordance with the principles referred to in the first subparagraph.

3. Members of the European Parliament shall be elected by direct universal suffrage, free and secret, for a term of five years.

4. The European Parliament shall elect its President and Bureau from among its members.

The crossed-out passage in subparagraph 2 is the one criticised by the Federal Court in Karlsruhe.

Bulgarians, Greeks and Italians can only do so from a Member State of the Union, and this is forbidden to Czechs, Slovaks, Irish and Maltese.

In Belgium, Bulgaria, Luxembourg, Greece and Cyprus, voting is compulsory, elsewhere not.

Article 14(2) does not provide for an electoral threshold, but Cyprus has introduced a threshold of 1.8%, Greece 3%, Italy, Austria, and Sweden 4%; 10 countries have a threshold of 5%.

In most Member States, but not in France, Germany, Spain, Hungary, Romania, and Portugal, lists drawn up by the different parties are competing and voters have to vote for a single candidate. In Luxembourg, voting for several candidates from competing lists is allowed. In Belgium, Ireland, Italy, and Poland, the electoral college is divided into constituencies. Ireland, Northern Ireland, Scotland, and Malta use single transferable vote elections in multi-member constituency elections.<sup>2</sup>

This unequal situation is unacceptable in a democracy. It lasted at least 45 years.

To put an end to this, the European Parliament elected in 2019 should adopt, in view of the 2024 elections, a European law setting at least the age of acquisition of the right to vote, the electoral threshold, the voting system, as well as a criterion of equal representation of citizens, to improve the legitimacy of his successor. This law could provide, for example, that each region, Land or canton, would send one Member to the European Parliament if it has 1 to 1.000.000 citizens or inhabitants, two, if it has 1.000.001 to 2.000.000 citizens or inhabitants, etc.

Until now, the date for elections to the European Parliament is set by the European Council based on a proposal from the European Parliament in May or early June. For 2024, it will be from 6 to 9 June. For us, there is still time to act.

### **A new core of European states is needed**

Since the 1950s, it is unlikely that all European states will immediately agree on any scenario or project. There is no shortage of examples, since the Soviets opposed the Central and Eastern European countries they occupied, benefiting from the Marshall Plan, joining Atlantic Alliance or the European Communities.

With patience, however, it is possible to achieve that 28 states adhere for example to a common definition of European values, despite their linguistic, religious, and other differences. This was accomplished in 2000 by the Treaty of Nice, thanks to the support of Jacques Chirac, a defender of secularism. These values can be summed up in three words: humanism, universalism, progressivism.

To achieve consensus progressively, it is necessary to build a core of States, more motivated or more realistic or freer than others. The Benelux has paved the way for the Six, which were 28 and are 27 since Brexit. The Benelux also abolished its internal borders in 1975. Ten years later,

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<sup>2</sup> Multi-member constituency elections ensure proportional and independent representation. This voting system gives voters the certainty that their vote will not go to a candidate they reject. It allows him to express his secondary preference in favour of a candidate of a different party than that of the first choice and thus to influence the formation of coalitions. This voting system was developed in the XIX<sup>e</sup> century by Thomas Hare (1808-1891) in Great Britain, as well as by Carl Andrae (1812-1893) in Denmark. It is practised in Ireland, Northern Ireland, Scotland and Malta. Outside Europe, it is used in Australia, New Zealand, and Tasmania. The voter must indicate on his ballot paper an order of preference between the candidates. After all ballots have been counted, the quotient, known as Droop's quotient, required for the election of a candidate is determined by dividing the number of valid votes by the number of seats to be filled plus one. Candidates with first-choice votes greater than or equal to the Droop quotient are elected. The votes obtained by these candidates above the quotient are distributed among the unelected candidates who had been positioned as second choice. The distribution is done according to a mechanism that may vary from country to country. If no candidate has reached the quotient, then the candidate with the fewest first-preference votes is eliminated. Its votes are then redistributed to the candidates who had been positioned as second choice by its voters. The process continues until all seats are filled.

France and Germany joined to found the Schengen area, which now comprises 23 EU Member States, 4 Associated States and Gibraltar. The euro zone was initiated in 1999 by 9 States, it has 20 since 1 January 2023.

An extensible core could strengthen Europe's sovereignty, by developing a European pillar of NATO and by increasing our military capabilities, through more efficient defence spending. It could better shoulder our share of the burden of our defence and better limit the risks, which are higher if we simply follow our American allies. A European pillar of NATO could better balance the Alliance geopolitically and thus increase our sovereignty. It would complement the institutions of the EU, because the latter will always remain incapable of setting up a European defence: it is not a state, but an association of states. States have, since 1648, had a monopoly on the legitimate use of force.

Unfortunately, European leaders do not want to lose any of their competences, even if they struggle to exercise them, while on 11 September 2018, the American<sup>3</sup> and Russian presidents<sup>4</sup> said to agree with the creation of a European army.

We must therefore increase the pressure on our leaders so take better account of our desire for good governance, increased security and efficient defence. If they do not change course, they will have to be sanctioned, as early as 2024.

### **How can we influence our leaders?**

The European Defence Society AISBL (S€D) founded in 2015<sup>5</sup> is, since 7 March 2023, supported by the European Society for Defence in Central and Eastern Europe (S€DCEE), based in Warsaw. Since 21 March, they have been joined by Avenir de l'Europe (Future of Europe), Associazione Mazziniana Italiana, Citoyen d'Europe M3E (Europe, éthique, équité) - Citizen of Europe M3E (Europe, Ethics, Equity), Europe Unie dans sa Diversité - Europe United in its Diversity, Europa-Union – Kreis Heilbronn, Union of European Federalists (UEF) - Groupe Europe, UEF-Belgium, UEF in the Czech Republic, UEF-Luxembourg, and Movimento Federalista Europeo (MFE) Sezione Ezio Vedovelli Valtellina Valchiavenna. Together they have drafted and are disseminating a Manifesto for a more democratic 2024 European elections.<sup>6</sup> This text responds to the observation that, during the Conference on the Future of Europe, launched on 9 May 2021 and which ended a year ago, a list of 49 changes to be introduced as soon as possible in governance, and therefore in the European institutions, has been established. While the European Parliament has supported these demands for change, neither the Council of the European Union nor the European Council has responded to them.

Let us ensure that the expected changes take place after the election of the new European Parliament at the end of spring 2024. They will not result from a reform of the current treaties on European Union (TEU) and on its functioning (TFEU). Article 48 of the TEU requires the unanimous agreement of the Member States, which is impossible.

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<sup>3</sup> Fareed Zakaria for CNN on 11/11/2018, *Interview of President Emmanuel Macron*, <https://edition.cnn.com/videos/world/2018/11/10/emmanuel-macron-fareed-zakaria-trump-tweet-sot-gps-vpx.cnn>  
Fareed Zakaria for CNN on 11/11/2018 *Interview of President Donald Trump*, <https://edition.cnn.com/videos/world/2018/11/10/trump-macron-bilateral-meeting-bts-vpx.cnn/video/playlists/intl-latest-world-videos/>

<sup>4</sup> sn, « Vladimir Putin answers in exclusivity to RT questions France », 11/11/2018, <https://francais.rt.com/international/55305-vladimir-poutine-repond-exclusivite-questions-rt-france-video>.

<sup>5</sup> The European Defence Society AISBL (S€D) has been working tirelessly since 2015: three books have been published in French, the third has been translated into Dutch and English, its second edition is being completed. It will be available in English, French, Dutch and German, thanks to the support of the Minister-President of the Deutschsprachige Gemeinschaft - Ostbelgiën.

<sup>6</sup> The Manifesto for a more democratic European elections in 2024 is available in 23 languages on the websites of Europe Unie dans sa Diversité and the European Defence Society AISBL.

There will be no strong and sovereign Europe if it is not democratic, which requires a constitution approved by us "the sovereign people", the citizens of Europe. Like the French deputies of 1789, the newly elected MEPs should commit themselves to playing their role in the eyes of history by a kind of European "*Oath of the Jeu de Paume*": "*We swear never to separate and to gather wherever circumstances require, until the day when the constitution (of Europe) will be established and consolidated on solid foundations*".

For the Europe we want, federal, sovereign, strong but peaceful and democratic, respectful of our natural environment, to emerge, let us join the first signatories of this manifesto and, for a year, let us campaign for genuine democracy to triumph in Europe. Democracy is the first of our fundamental common values.

Today, it seems that the states that know they are the least sovereign, because they have joined the European Union, the Atlantic Alliance, the Schengen area, the euro zone and its deepening, and which have modest means, in terms of defence budget and defence industrial and technological base, will probably be the first members of the United States of Europe. The process they will have to follow to federate is very simple. A 3-minute video animation shows it, it is online on the website of the European Society for Defence INPA, on [https://www.seurod.eu/videos\\_audios.html](https://www.seurod.eu/videos_audios.html).

The United States of Europe would assume the part of Europe's international relations, security and defence, which would be ceded by the Member States. Competences would be divided between the levels of government in accordance with the principle of subsidiarity. International relations would be managed as in Canada or Germany. The federal armed forces would coexist with the armies of the Member States. The current European Council would be succeeded by a Senate, representing the Member States. The European Senate and Parliament would have the power to vote on the budget, levy taxes, approve the corresponding accounts and take legislative initiatives, even if the technical nature of the subjects means that most of the new texts today emanate from the executive powers and administrations.

Gradually, a United States of Europe founded by a small core of small states could, without becoming unbalanced, absorb increasingly large states, such as Spain and Italy, or even Germany, when the extended core will weigh as much as each of these states. The United States of Europe could then integrate France, its strike force, and its permanent seat on the United Nations Security Council.

It has been 73 years since Robert Schuman gave his fundamental speech. The dramatic events taking place in Ukraine, Georgia, Asia and Africa, as well as those that we see on the horizon, particularly in the Indo-Pacific region, require us to be lucid. The European Treaties cannot guarantee us and future generations a good future. There is no reason to wait any longer.

Without a constitution capable of founding a federal, strong, sovereign, and democratic Europe, tomorrow it will be too late to restore Europe to its rightful place on the international stage.

That is why a second stage of our action consists of an appeal to democratic political parties. It is entitled: '**A PROJECT, A METHOD AND AN AGENDA TO BUILD THE EUROPEAN FEDERATION**'.

It is supported by the Italian Section of the European Movement, Avenir de l'Europe - Future of Europe, the Associazione Mazziniana Italiana, Citoyen d'Europe M3E (Europe, éthique, équité) - Citizen of Europe M3E (Europe, ethics, equity), Europe Unie dans sa Diversité - Europe United in its Diversity, Europa-Union – Kreis Heilbronn, the Union of European Federalists (UEF) - Groupe Europe, UEF-Belgium, UEF in the Czech Republic, UEF-Luxembourg, the European Society for Defence INPA (S€D), the European Society for

Defence in Central and Eastern Europe (S€DCEE) and the Movimento Federalista Europeo (MFE) Sezione Ezio Vedovelli Valtellina Valchiavenna.

Since the signing of the Treaty of Lisbon in 2007, fifteen and a half years ago, the European Union has faced a series of challenges which have highlighted its weak capacity to react and respond to the expectations of its citizens. The aggressiveness asserted by Putin in Munich in 2007, and exercised in 2008 towards Georgia, then in 2014 in Crimea and Donbass, remained unanswered, which prompted him to behave even more horribly from February 24, 2022 in Ukraine. Faced with the financial crises of 2008, the monetary crisis of 2010, the migration crisis of 2015, the health crisis of 2019 to 2022 and the security crisis, whether in Afghanistan, the Sahel or Ukraine, the European Union and its Member States have taken certain measures, but not in the way that a **European Federation** with a **single foreign and security policy**, including a common defence, and budgetary, monetary, migration, health, social and environmental policies could have done, enabling Europe to act effectively in the interests of its citizens. But it is no longer enough to suggest a **European federation**, it must be done.

To this end, it is necessary and urgent to establish the fundamental elements of a **PROJECT**, a **METHOD**, and an **AGENDA**, taking inspiration from the dozens of federal states that exist throughout the world, but considering the cultures, values and history specific to Europeans. **Like the Schengen zone or the Eurozone, this Federation would be founded by the States that want it**, alongside the European Union, of which it would be a member, but this time by means of a Constituent Assembly, with the mission of drafting and adopting a real **Constitution**, not a new international treaty. That is the **PROJECT**.

The essential elements of this constitutional text must first of all be a **single citizenship** granted to all those who live in the **European Federation** and guaranteed by the Charter of Fundamental Rights. It will then be up to the federal legislator, which will be bicameral, to fix the **Federation's budget** and finance it **from its own resources**. The whole European Federation will use the single European currency. The common **foreign and security policy** must include a common defence. No **veto power will be granted to Member States**. The federal **government** will be accountable to the federal legislature.

The **METHOD** that the Constituent Assembly should follow in drafting and adopting a Federal **Constitution** will include a **constant and in-depth dialogue with national parliaments and civil society**. It will be submitted to the citizens for ratification by a **pan-European referendum**, because sovereignty **belongs to the people**. In this way, the principles of both **representative** democracy and **participatory democracy** will be respected. From this perspective, it would be useful to convene **interparliamentary assizes** such as those held in Rome in November 1990.

The **AGENDA** is linked to the **tenth legislature of the European Parliament (2024-2029)** in order to found a **European Federation** before any further enlargement.

It is time to come to two brief final considerations.

Our leaders want to be more sovereign, but they submit more and more to the United States of America, even though the interests of the latter differ from ours. However, the West is losing its influence in the face of Russia, China, etc., not least because these autocracies only consider their interests and the balance of power. If Europe wants to promote our values and human rights, it must be stronger than the EU. Its Soft Power, which is also so useful in relations with peaceful countries, is useless in the face of people who use Hard Power.

That is why we call on **European political** parties to incorporate these ideas into their electoral programmes, and we will call for a vote for parties that have done so.

I have said and I am ready to respond to any question.

In response to a question about European political parties, I replied that political parties exist only at national level. At the level of the European Parliament, there are seven political groups. A minimum of 23 members is needed to form a political group, and it must include members representing at least a quarter of the Member States.

Some of the 7 groups have called themselves European parties, but this is not true: the political positions taken by a group are the result of internal consultation; no member can receive a mandate to vote compulsorily. Spitzenkandidaten are not legitimate outside the constituency where they were elected.

The Group of the European People's Party has 14 parties, 6 of which claim to be Christian democrats. He said to be committed to creating a stronger and more self-confident Europe, built to serve its citizens, more competitive and more democratic, where citizens can build the lives they want.

The Group of the Democratic Alliance of Socialists and Democrats in the European Parliament has as its partner the Party of European Socialists (PES), which brings together 34 socialist, social democratic, labour and democratic parties, from the European Union and Norway. In addition, 12 parties are associated, and 12 parties are observers.

Renew Europe Group has 37 vaguely centrist parties.

The Group of the Greens/European Free Alliance comprises 20 parties, including Volt Germany.

The "Identity and Democracy" group notably includes 3 major far right parties.

The European Conservatives and Reformists group comprises about fifteen parties, some of which are in power, in Poland, Italy, Flanders (N-VA), or close to being so, in Spain.

The Left Group in the European Parliament has 20 parties.