

OPINION

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

By Jean MARSIA, President of the European Society for Defence INPA (S€D)

On 9 May, along with other federalists, I celebrated Europe Day, which commemorates all the positive things the European Union (EU) has achieved for Europeans, such as the single market and currency, open borders, and Erasmus exchanges, but that doesn't mean we can't keep a clear head. That is why I have denounced the fact that the EU remains insignificant and impotent on the international stage. It has not been able 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. I have reproached the leaders of our Member States and of the European institutions with being on the wrong track, and have done so for 73 years, because the European federation announced on 9 May 1950 by Robert Schuman still does not exist.

Has the European Political Community, stillborn in 1954, been resurrected?

Mr. Macron, in view of the European Council of 23 and 24 June 2022, had proposed to establish a European Political Community (EPC), to bring together quickly, which the EU, he rightly notes, 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, around 50 Heads of State and Government met in Prague to set up this EPC, with no concrete result other than a promise to meet again and a souvenir photo of a meeting that was extremely costly and harmful to the environment, given the mass of greenhouse gases emitted for the transport of the participants.

On 1 June 2023, the EPC met near Chisinau, a few kilometers from the Russian soldiers stationed in Transnistria, and just 20 kilometers from the Ukrainian border. The Moldovans were delighted by this moral support and by the fact that the previous day the European Council had increased the financial assistance to their country from €145 million to €295 million. The EPC supported Moldova's and Ukraine's requests to join NATO, after the end of the war with Russia, and to open accession negotiations with the EU. The Commission will make its recommendations in October, enabling the European Council to take a decision in December.

Does this meagre record justify the EPC? The participants believe so. Mr. Zelensky was able to set out once again his plan to put an end to Russian aggression. The Netherlands, Denmark, Belgium, and the United Kingdom coordinated their contribution to the training of Ukrainian fighter pilots and mechanics. The leaders of Armenia and Azerbaijan were able to hold talks, as were those of Serbia and Kosovo.¹ Mr. Macron advocated extending the EU's support for cybersecurity and the protection of critical infrastructures and public opinion against information manipulation to the other members of the EPC, as well as enlarging the EU to include Albania, Bosnia-Herzegovina, Kosovo, Moldova, Serbia and Ukraine, in order to appease the situation in the Western Balkans and the Eastern neighbourhood. The EPC will meet in Granada on 5 October, in London in spring 2024, and then in Budapest in the second half of the year. Belgrade has applied to host the next meeting.

A quarter of a century of impotence

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

¹ Voir Zarina Zabrisky, "**Russo-Ukrainian War. Day 465: A ceasefire unacceptable – US Blinken**" in *Euromaidan Press*, <https://euromaidanpress.com/2023/06/03/russo-ukrainian-war-day-465-a-ceasefire-unacceptable-us-blinken/>, 3/6/2023.

institutions are increasingly discredited, 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. It appears from our failures that our economic, fiscal, employment, environment, migration, health, security and defence policies will only be effective if they become European, 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 allocation 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 an absolutely prohibited criterion of distinction in the European Union. The latter thus finds itself in a contradiction of value with the foundation 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 MEPs or a decision of some governments.

How can we make the European Parliament a legitimate assembly?

After the 2024 European elections, the European Parliament should finally play its natural role and declare itself a constituent and afterwards 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 was not the case. 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 in a degressively proportional way, with a minimum threshold of six Deputies per Member State and a ceiling of 96 seats. This provision, which became Article 14(2) of the Treaty on European Union,² does not comply with the requirements of Article 9 of the same

² 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.

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 paragraph 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; to 21 in 10 others; to 23 in Romania and 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 living abroad can vote in their own country, by post and/or at the embassy, or even electronically, but Bulgarians, Greeks and Italians can only do so from an EU Member State and this is forbidden to Czechs, Slovaks, Irish and Maltese.

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

Article 14, paragraph 2, mentioned above, 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 must vote for only one 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 in multi-member constituency elections.³

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

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 paragraph 2 is the one criticized by the Federal Court in Karlsruhe.

³ 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^e 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.

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 June 6 to 9.

So, there is still time to act.

A new core of European States is needed

Since the 1950s, it is unlikely that all European States immediately agree on any scenario or project. There is no shortage of examples, since the Soviets opposed the Central and Eastern European countries that they occupied benefiting from the Marshall Plan, joining the 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 the European values, despite their linguistic, religious and other differences. This was achieved in 2000, by the Treaty of Nice, thanks to the support of Jacques Chirac, a supporter 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 abolished its internal borders in 1975. Ten years later, France and Germany joined to found the Schengen area, which today has 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 expandable core could strengthen Europe's sovereignty, by developing a European pillar of NATO and increasing our military capabilities, through more efficient defence spending. It could better shoulder our share of the burdens 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 EU will always remain incapable of setting up a European defence: it is not a State, but an association of States. States have, since 1648, the monopoly on the legitimate use of force.

Why and how to influence our leaders?

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 American⁴ and Russian⁵ presidents said they agreed with the creation of a European army.

We must therefore increase pressure on our leaders so as they take greater 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.

⁴ 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/>

⁵ sn, « Vladimir Poutine répond en exclusivité aux questions de RT France (Vladimir Putin answers RT France's questions exclusively) », 11/11/2018, <https://francais.rt.com/international/55305-vladimir-poutine-repond-exclusivite-questions-rt-france-video>.

The European Society for Defence INPA (S€D) founded in 2015⁶ is, since 7 March 2023, supported by the European Defence Society 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.⁷ 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 taken appropriate action.

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 TEU requires the unanimous agreement of the Member States, which is impossible.

There will be no strong and sovereign Europe if it is not democratic, which requires a constitution approved by us "the sovereign people", the European citizens. 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] is established and consolidated on solid foundations*".

To create the Europe we want, federal, sovereign, strong but peaceful and democratic, respectful of our natural environment, 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 zone, the euro area 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 Defence Society AISBL, on page https://www.seurod.eu/videos_audios.html.

The United States of Europe should assume the part of Europe's international relations, security and defence, which would be ceded by the Member States. Competences should be divided between the levels of government in accordance with the principle of subsidiarity. International relations should be managed as in Canada or Germany. The federal armed forces should coexist with the armies of the Member States. The current European Council should be succeeded by a Senate, representing the Member States. The European Senate and Parliament should have the power to vote on the budget, levy taxes, adopt the corresponding accounts and take

⁶ 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 - Ostbelgien.

⁷ The Manifesto for a more democratic European elections in 2024 is available in 23 languages on the websites of United Europe in its Diversity and the European Defence Society INPA.

legislative initiatives, even if the technicality of the subjects means that most of the new texts today emanate from the executive powers and administrations.

Gradually, the United States of Europe, founded by a small core of small States could, without unbalance, absorb increasingly large States, such as Spain and Italy, or even Germany, when the extended core weighs 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 founding 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 can be 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 the second stage of our action on 9 May consisted of proclaiming an Appeal to democratic political parties. It is entitled “**A PROJECT, A METHOD AND AN AGENDA FOR BUILDING 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 Defence Society 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 that have highlighted its weak capacity to react and meet 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 24 February 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 could have done**, with a **single foreign and security policy**, including a common defence, and budgetary, monetary, migration, health, social and environmental policies 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 be a **single citizenship** attributed 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, who will be bicameral, to set the **budget** of the Federation and **to finance it from 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 to be followed by the Constituent Assembly 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 point of view, 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 establish 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, while the interests of the latter differ from ours and the West loses its influence vis-à-vis Russia, China, etc., especially 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. His Soft Power, otherwise so useful in relations with peaceful countries, is useless in the face of people who use Hard Power.

That is why we call on the political parties of Europe, because there are no truly European, that is to say transnational, political parties to incorporate these ideas into their electoral programmes, and we will call for a vote only for those parties that have done so.

It is worth reminding voters that political parties only exist at the national level. The European Parliament has seven political groups, composed of at least 23 members, representing at least a quarter of the Member States. The names European People's Party and Party of European Socialists are misleading. The political positions taken by a group are the result of internal consultation; no member may receive a compulsory voting mandate.

The Group of the European People's Party involves 14 parties, 6 of which call themselves Christian Democrats. He says 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 Progressive 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 is a collection of 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 brings together about fifteen parties, some of which are in power, in Poland, Italy, Flanders (N-VA), or are close to it, for example in Spain.

The Left Group in the European Parliament involves 20 far-left parties.

Finally, it should be remembered that the appointment of *Spitzenkandidaten* is to be avoided: they are not legitimate outside the constituency where they were elected.

The few elements of reflection that I have just outlined should lead, after the European elections of 2024, to the establishment of a Constituent Assembly, essential for the gradual establishment of federal governance at European level.