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Spain and Poland should support double majority voting in the EU constitution

Recommendation to
the Governments
of Spain and Poland

by André Nilsen and Holger Osterrieder

The success of Zapatero's socialist party in the Spanish elections has removed the deadlock in the process of agreeing a European constitution. Immediately after their victory, the designated government declared it would abandon the previous government's blockade position on the European constitution and restore 'magnificent relations' to France and Germany. Sensing the risk of being left out in the cold

as the only remaining obstacle to agreement, Poland quickly signalled that it would be prepared to compromise as well.

European leaders meeting in Brussels in March welcomed the development in Spain and Poland and set a deadline for agreement in June, just after the elections to the European Parliament. This is great news for Europe. In the wake of the

MAIN POINTS

Spain and Poland should support a double majority voting system in the EU constitution. This would be more legitimate and more effective than the system in the Nice Treaty. At stake are the prospects for democracy in the EU, our capacity for collective action, and the vision of a unified, strong Europe.

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terrorist's attacks in Madrid, Europe's 3/11, European integration is all the more needed. The new European constitution will add common capabilities that can help us deal with the deadly challenges of terrorism. Moreover, in stark contrast to the American 'war on terror', the European constitution will at the same time strengthen democracy, expand the rule of law, and extend civil liberties.

Nonetheless, despite the recent signs of progress, the battle over the European constitution is not yet over. European integration can only go ahead in a proper way when both Poland and Spain are prepared to abandon their position on the double majority voting system.

Although Spain's new government has signaled its desire to adopt the European constitution, it has not yet declared its official position on the voting system, which arguably is the trickiest issue. Poland, moreover, which is compromising more out of fear of being isolated than out of any genuine new dedication to European integration and led by a government that is increasingly pressured in domestic politics, is still an unpredictable negotiating partner.

Last year, these two medium sized countries caused the biggest crisis in the entire

fifty year history of European integration. Their unrelenting pursuit of national interests in the battle over voting weights in the Council of the European Union caused the collapse of the summit of Heads of Government that was convened to agree a constitution for Europe.

Poland and Spain insisted upon keeping the current complicated voting system that gives them disproportionately much power compared to the four large and the nineteen small countries. This blatantly unfair system was hastily devised as part of the Nice Treaty after late hours of horse trading three years ago and is likely to impede European integration.

All the other countries, led by Germany and France, prefer to adopt the straightforward 'double majority' voting system that establishes full equality not only among states but also among citizens. This uniquely representative system was carefully crafted by the Convention on the Future of Europe after long hours of deliberation last spring and would oil the machinery of European policy-making.

After enlargement from 15 to 25 states in May, the current voting system might lead European policy-making to a halt. A solution is urgently needed. The resolution of the conflict will determine the

prospects for democracy in Europe and the capacity of the European states to collectively respond to crises.

The ‘double majority’ – or more appropriately ‘double democracy’ – system would contribute to the development of a real democracy in Europe for several reasons.

First, as opposed to the biased Nice system, it gives all states equal power. Each state has one vote. In order to pass a decision, at least half of them have to vote in favour.

Second, contrary to the discriminatory Nice system, it gives all citizens – regardless of where they live – equal representation. A citizen of Germany and a citizen of Luxembourg would each count as one citizen of Europe. In order to pass a decision, the states that vote in favour must comprise at least 60 % of them.

Third, in opposition to the opaque and convoluted Nice system, it is transparent and easily comprehensible. Everyone intuitively understands and accepts the two equality-based requirements for approving legislation as they are based on common sense and conventional principles of justice.

Fourth, in contrast to the power-brokered Nice system, the ‘double majority’ system is the outcome of a process that enjoys great democratic legitimacy. The Convention on the Future of Europe included representatives of all the stakeholders in European governance, deliberated in public, debated in terms of common European interests, and achieved consensus for their proposals.

Not only democracy is at stake. After enlargement from 15 to 25 states takes place in May, the ‘double majority’ system is needed in order to maintain and possibly enhance the effectiveness of European policy-making.

The recent terrorist attacks in Spain have dramatically shown the urgent need for efficient European policy-making. Security is at the heart of the citizen’s concerns and a precondition for a competitive knowledge-based economy and a free and just society.

As opposed to the cumbersome Nice system, the ‘double majority’ system would ease decision-making by facilitating the creation of working majorities and impeding the formation of veto coalitions. Avoiding deadlocks is critical to the success of the European project.



The 'double majority' system would therefore promote the democratic legitimacy of the EU as well as advance the effectiveness of European governance. At the end of the day, the 'double majority' system is needed in order to safeguard the long term interests of Europe, whereas the Nice system is a fundamental threat to European cooperation driven by short term national interests.

In order to create a unified and strong Europe that can deal effectively with the terrorist threat, but in a way that does not undermine the very values of democracy, rule of law, and freedom that constitute heart of European civilization, smaller national interests must be subordinated to the greater European common good.

This is, after all, neither a story about Poland and Spain nor about Germany and France. It is about Europe. If any doubt remains, Spain and Poland should now wake up to the unique historical opportunity the states and citizens of Europe have to together establish robust democratic foundation for long term peace and prosperity.

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