



SPRING 2021

# The Trust Deficit: Restoring Confidence in the EU and AU

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# The Trust Deficit: Restoring Confidence in the EU and AU

## Introduction

From President Trump's bellicose rhetoric on trade and international cooperation to the rise of nationalist political movements across the globe, it feels that public trust in international institutions is fast receding. Trust in institutions is a cornerstone of their ability to foster cooperation among nations to solve regional problems. We feel that this decline is most clearly shown in regional institutions such as the European Union (EU) and African Union (AU). In the EU, right-wing populists have ridden a Eurosceptic wave to power and acted antagonistically towards the union. For instance, Hungary, currently governed by the right-wing Fidesz party, has threatened to veto the EU budget. In the AU, the organization's legitimacy on human rights issues has eroded. The response to human rights crises such as in Cameroon in 2017 has been criticised as severely lacking. We want to understand the reasons for this decline in public trust and explore its effects on the EU and AU.

## European Union

In the wake of the Euro crisis in 2009 and the European migrant crisis in 2015, the public trust in the EU has declined significantly. According to the Eurobarometer, the percentage of Europeans saying they trust the EU has dropped from 50% in 2004 to just 33% in 2016.<sup>1</sup> The eroding trust in the EU has caused the change of political consciousness amongst the EU citizens as the right-wing populist political forces started to gain more support. Fidesz in Hungary, Alternative for Germany in Germany, National Front in France, Law and Justice in Poland, and the UK Independence party in the UK are just a couple of examples of the right-wing populist political parties gaining considerable support from 2015 onwards. The rising popular support for the anti-establishment parties is directly related to the decreasing trust in the EU amongst the citizens of the EU member states: the unifying ideological ground for the right-wing populist parties across Europe is nativism and the prioritization of the national interest, while often promoting the distrust in the European Union.<sup>2</sup> It can be deduced that the rising popular support for the populist, right-wing, eurosceptic political parties is an expression of protest and distrust amongst the EU citizens who believe that the

progressive values such as cosmopolitanism and multiculturalism promoted by the EU inherently threaten the national identity and interest of the sovereign EU member states. The rejection of the mandatory refugee quotas by Poland, Hungary, Czech Republic and Slovakia following the European Migrant Crisis, for example, manifest the distrust in the EU decision-making process by some of its member states.

In the case of the European Union, the lack of trust in the EU has most notably contributed to an increase in autocratic populist representation in the national governments. The result has been democratic backsliding and autocratization, most notably in Poland and Hungary. In Poland, the right-wing Law and Justice Party (PiS) came to power in the 2015 elections and has been led by Andrzej Duda. In Hungary, Viktor Orbán and his right-wing populist party Fidesz came to power in 2010 and have retained supermajorities in parliament in subsequent elections.

These governments have openly flouted the rule of law, judicial rulings and EU obligations on civil rights. For instance, Poland has undermined the independence of its supreme court<sup>3</sup> and tightened control over the media. These actions serve the interest of the ruling right-wing coalition, which now has heavy influence on the appointment of judges on the supreme court and is able to prosecute journalists critical of the government.<sup>4</sup> Additionally, the Polish government has breached EU obligations concerning LGBT and women's rights.<sup>5</sup> This conforms to the socially conservative view of their voters and solidifies their political support. Hungary has mirrored these steps, dismantling press freedom<sup>6</sup> and an independent judiciary while also ignoring the European Court of Justice rulings on refugee deportations.<sup>7</sup> Hungary has been able to ignore the court's rulings because it has no real mechanism to ensure a nation's compliance.

Distrust in the EU is strengthened by the popular opinion that this supra-national institution is responsible for subjecting its member states to the global economic competition. Thus, the rise of eurosceptic populism in the EU can be also attributed to economic insecurity, stemming from either globalization and technological progress (typified by outsourcing, increased competition from low-wage countries, and



automation) or the sharp increase in unemployment in Europe in the aftermath of the global financial and economic crisis in 2008.<sup>8</sup> The anticlimax of the distrust in the EU and its supposed promotion of globalization over the national interest became explicitly evident in the UK Brexit referendum in 2016 when euroscepticism appeared to be highest in regions hit the hardest by economic globalization and unemployment.<sup>9</sup> Economic insecurity contributes to a decline of trust in the EU in both direct and indirect ways. First, directly, mistrust of the economic decision-making made by the EU leadership has been exaggerated by the expensive bailout program for fiscally irresponsible countries, such as Greece.<sup>10</sup> Second, indirectly, right-wing populists in the EU have been exploiting economic shocks and anxiety to push for anti-immigration, anti-EU, and nationalist narratives.<sup>11</sup>

## African Union

The African Union (AU) was established as an African response to African solutions on the 10th of July 2002 after the degradation of the Organisation of African Unity (OAU) which was heavily criticised for its dependence on Western colonial powers and its failure to respond in a timely manner to humanitarian, economic and political crises.<sup>12</sup> Whilst the primary function of the OAU had been to facilitate a smooth transition from colonial rule to independence for African nations from the 1960s to the 1990s, the newly formed African Union envisaged its goals as promoting the integration and evolution of the continent with its citizens playing an active role in social, political and economic development.<sup>13</sup> However, 19 years later, the AU has found itself plagued by the same problems as the OAU and losing trust amongst the very citizens it had originally been conceived to serve and protect.<sup>14</sup> The reasons for this loss of trust can be traced to a loss of legitimacy due to the corrupt nature of many member states which comprise the African Union, an overly ambitious mandate that failed to consider the cultural needs of the incredibly diverse member states, and a high level of division within the organisation itself.

Firstly, the loss of legitimacy within the African Union is mostly due to the fact that it was established as a democratic organisation, but the vast majority of its member states have an abysmal democratic record. As a result, in situations where the AU would be expected to act such as fraudulent elections, separatist movements or coup attempts, the

AU finds itself indirectly supporting incumbent corrupt politicians in government as opposed to the citizens of the countries due to being restricted by its own constitution.<sup>15</sup> The AU is severely restricted by its constitution that explicitly states that a member state is required to formally request the AU to intervene in a bid to protect the sovereignty of its member states. However, in situations where the government in question is the perpetrator of human rights violations, the AU cannot act as a representative of the citizens when it has been barred from intervening by the government. Consequently, citizens feel as though the AU exists to perpetuate the oppression of the governments in place in direct contradiction of its mandate which states that the AU will “promote democratic principles and institutions, popular participation and good governance” and “promote and protect human and peoples’ rights”.

Secondly, the AU’s overly ambitious mandate failed to consider the practical, urgent issues of multiethnicity and cultural diversity within its member states. Multiethnicity within the member states is a major factor that detracts from the legitimacy of the African Union. Culturally speaking, the loyalty of most citizens lies with their respective ethnicity of tribal heritage as opposed to the government, an effect of colonisation left over by the construction of borders that forced groups who had not historically lived together to inherit the same nationality despite a lack of inter-ethnic cohesion.<sup>16</sup> This makes it difficult for the African Union to act in inter-ethnic disputes such as the separatist movements in Somalia, Nigeria and Western Sahara. Furthermore, this detracts from the legitimacy of the governments of the member states who are often composed solely of elites from one particular ethnic group e.g Nigeria. This distrust of other ethnic groups and a refusal and hesitancy to collaborate is reminiscent of the problems that plagued the OAU, where African states opted to align themselves with former Western colonial powers instead of uniting with each other, leading to a dependence on Western states.

Thirdly, the AU displays a high level of division amongst its member states. This division is most salient in inter-ethnic conflicts. For instance, since 2016, Cameroon has experienced violent conflicts and civil unrest in its North West and South West regions. The conflicts began when English-speaking regions declared independence from Cameroon symbolically. In the context of a history of marginalization that English-speaking groups in the country have



experienced for decades, and the abolition of the federal system in 1984,<sup>17</sup> the Cameroon government's suppression of Anglophone groups' protests over the increasing marginalization of Anglophone institutions and regions resulted in continuing demonstrations and an independence movement. Over time, this movement quickly turned violent, as armed separatists and the central government forces clashed and harmed civilians. Cameroonian authorities repeatedly rejected civil society reports on the killing of protestors and grave human rights violations committed by government forces.<sup>18 19</sup>

According to Ayo Johnson, Director of Viewpoint Africa, in an interview with Deutsche Welle, the AU has many tools it could use to respond to the crisis; for example, it can impose sanctions on Cameroon, revoke Cameroon's membership in the AU, or appoint a UN and AU special rapporteur to the country to conduct a truth-finding mission about the situation on-the-ground.<sup>20</sup> Yet, the African Union has largely stayed out of this urgent conversation. Even the AU's Peace and Security Council, which is its decision-making group on the "prevention, management and resolution of conflicts" and "facilitat[ing] timely and efficient response to conflict and crisis situations in Africa," has remained silent on the situation. Presumably due to its emphasis on the principle of the inviolability of borders, the AU has been concerned about the political implications of and controversies that will follow from intervening in this situation.<sup>22</sup> Furthermore, many states in the AU, specifically on the Peace and Security Council, share similar concerns within their own borders and therefore do not support the independence movement in Cameroon. At the UN Security Council, several member states from Africa blocked a formal introduction of the situation in Cameroon to the Council's agenda.<sup>23</sup> The AU's lack of action on the situation in Cameroon is an example of how the institution directly contradicts its mandate for the advancement of democratic principles and institutions, promotion of popular participation and good governance, and protection of human rights. Due to divisions between its member states, the organization often lacks action on these situations against its mandate. Over time, popular trust in the AU will inevitably decline further.

## Challenge Overview

While the EU and AU share a decline in

public trust, they differ in the reasons behind and effects of it. A mix of political and economic crises have driven populist backlash against the EU along with a cultural shift away from the multiculturalism and cosmopolitanism associated with the union. The result is uncooperative national governments and even the UK exiting the organization. By contrast, the AU has lost legitimacy due to the undemocratic nature of many member states and divisions within the organization. It has had a weak response to human rights crises such as in Cameroon.

Rebuilding trust in these institutions will not be an easy task, but it is essential for their future. The COVID-19 pandemic only underscores the importance of regional cooperation that the EU and AU are meant to facilitate. Cooperation on issues of budgeting and vaccine distribution could save lives and lessen economic pain. While reforms may not come in time to help with the current crisis, greater public trust would greatly assist the EU and AU in the next one.

## Policy Solutions

Regional institutions are critical for fostering multilateralism and solving collective problems among countries. However, their ability to function is strongly dependent on the cooperation of member states, and indirectly, trust with the public. The European Union and the African Union both face issues with public trust, but the circumstances and causes of their problems are unique to each. Therefore, they need to pursue different strategies in solving them.

In the EU, rule of law disputes with autocratic governments must be addressed to promote the normal functioning of the organization. Additionally, the EU can make long term investments in human development and foster greater political participation to stem eurosceptic populism.

In the AU, issues of accountability could be remedied with direct representation through an EU-style parliament. In the long term, the AU should make structural changes to its approach for intervention and enhance cooperation with human other institutions to promote human rights.

Rebuilding trust will be a long-term process for both institutions but these policy recommendations offer a path to do so.

## European Union

Over the past year, the right-wing populist





governments of Poland and Hungary have become increasingly at odds with the EU as they undermine rule of law and freedom of the press.

These issues have been years in the making, but the EU's response has been slow and anemic with little concrete action taken. Though the EU Commission launched formal hearings against Poland in 2017 and Hungary in 2018, they have not led to sanctions or suspension. European Court of Justice rulings have been largely ignored because they lack consequences for noncompliance. Although the European Parliament has been comparatively stronger on the issue, introducing regulations late last year that would make EU funds conditional on rule of law compliance, the measure was almost derailed by Poland and Hungary threatening to veto the long-term EU budget over the provisions. This standoff was eventually defused and the measure passed, but the episode underscores how vulnerable the EU is to member states that refuse to cooperate. Ultimately, the union must shift the political calculus of Poland and Hungary to put a stop to obstruction and rule of law breaches.

To start, the European Commission must take a stronger stance on rule of law issues. The European Commission released a report on rule of law throughout the union in September of last year. However, it was strongly criticized for not clearly establishing the facts of the situation or "connecting the dots" on autocratization.<sup>24</sup> Poland and Hungary's leaders have used "whataboutism", making misleading criticisms of other countries' legal systems to deflect attention and portray the EU as hypocritical. Additionally, the lack of real consequences for flouting EU obligations has emboldened them, leading to the antagonistic EU budget standoff.

To clarify its stance on the issue, the Commission should act as a more involved stakeholder when establishing facts on rule of law issues. The Commission should amend the 2020 Rule of Law report or commission a new study to clearly establish Poland's and Hungary's pattern of autocratic behavior. Having a clear stance on the issue and a body of evidence behind it will partly close the door on "whataboutism" and help the Commission convince member states to take action.

This stronger rhetorical stance must go hand in hand with the European Commission's actions. The recently adopted rule of law compliance powers are the best option for imposing costs on leadership in Poland and

Hungary and there is reason to believe they would be effective. Essentially, such powers would allow the Commission to withhold funds, including Covid relief, from noncompliant states.<sup>25</sup> Using these powers or threatening to do so could significantly change the political calculus of Poland and Hungary's leaders.

Sanctions would be effective due to several factors. First, Poland and Hungary are the #1 and #2 net recipients of EU funds,<sup>26</sup> meaning cuts could not be offset by refusing to contribute to the EU budget. Second, the ruling right-wing populists in both countries would be politically vulnerable to sanctions. Due to generous EU funds and a backlash against eurosceptic governments, approval of the EU has risen in Poland and Hungary. Paradoxically, the two countries now have the highest EU approval as trust in their governments has dropped.<sup>27</sup> If the EU were to impose sanctions and make the reasons why clear, the blame would likely fall on the national governments, not the EU. With the chances of a snap election rising in Poland<sup>28</sup> and Hungary's presidential election coming up next year, a significant backlash could remove both governments from power.

If the European Commission can signal sufficient resolve to impose sanctions, Poland and Hungary will not be able to ignore the consequences. Their behavior must change or they risk being voted out. The challenge for the EU is turning the page on its previously inadequate response to rule of law violations and maintaining momentum going forward.

Another main factor contributing to the declining trust in the EU amongst its member states is populism.<sup>29</sup> Populism can be best defined as a thin-centered ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, 'the pure people' and 'the corrupt elite', and which argues that politics should be an expression of the *volonté general* (general will) of the people.<sup>30</sup> In Europe, the easiest political agent to be labeled "the corrupt elite" has been the European Union. For the populist actors, the EU becomes an effective scapegoat blamed for the country's problems that enables them to aggregate popular support. We believe that the connection between populism and Euroscepticism can be inhibited through two mediums – the EU's economic policy and the approach for representation.

The findings of various studies have concluded that the domestic political support for the EU may critically depend on the



ability of the EU to prevent rising unemployment and debt levels across member states.<sup>31</sup> Hence, in order for the EU to prevent the rise of the eurosceptic populist parties that engender the increasing distrust in this international organization, economic policy changes have to be implemented.

Firstly, as the future political support for the EU relies on the ability of EU institutions to prevent hikes in unemployment, the expansion of the worker retraining initiatives has to take place. Currently, the European Commission has established the European Social Fund that seeks to open the pathways to work for EU citizens who struggle to find employment due to their skills being outdated or because they have no qualifications.<sup>32</sup> However, in 2018, only 7.9 million out of 17.5 million unemployed individuals have benefited from this initiative.<sup>33</sup> These numbers clearly indicate that the program has to be expanded and made more accessible to all the individuals who struggle to integrate into the workforce.

Secondly, studies have been conducted suggesting that the increase of EU funding for domestic projects correlates to the more positive attitudes towards the EU.<sup>34</sup> Through the initiatives such as the Cohesion Fund, the EU has heavily invested in the infrastructure of the countries like Greece, the Czech Republic, Poland, and Hungary.<sup>35</sup> However, in the wake of the rising populism in many countries that have benefited from the EU's investment, it can be concluded that the promotion of infrastructural projects does not directly translate to the high levels of support and trust in the EU. Hence, the EU should invest more in people instead of infrastructure, as personal development programs, such as educational and training initiatives, would benefit people more directly and enable them to see the positive contribution of the EU.

Lastly, in the long run, the EU has to ensure a broader economic recovery and lower debt levels across the EU through the means of greater fiscal integration in order to prevent the asymmetric economic shocks within the Union that are one of the main catalysts for the populist, Eurosceptic political forces. As fiscal integration is often perceived as a politically sensitive issue, it should be the first approach by the EU encouraging uncontroversial policy changes, such as privatization of loss-making national companies.

The distrust in the EU can also be mitigated by improving the EU's communication to and representation of the EU citizens. Firstly, the

EU must solve its "communication deficit". The organization has a responsibility and incentive to communicate its decisions and activities to EU citizens in order to maintain the image of transparency and prevent the misinformation campaigns that hinder the trust in the EU. The EU institutions have specialist staff, specific budgets, and various initiatives, such as Europe Direct - a platform in which EU citizens can ask specific questions about the EU, dedicated to making sure that information about the EU is easily available in a language that citizens understand.<sup>36</sup> However, it is of vital importance that the EU communicate better about its success stories, such as an agreement reached on the Covid-19 relief package, in order to make the positive contribution of this organization more visible amongst the EU citizens.

Secondly, the EU should promote greater political engagement of the EU citizens through direct democracy or participatory budgeting. The EU could deal with its alleged democratic deficit that is often utilized by the populist, eurosceptic political parties to villainize the EU by favoring direct participation of EU citizens in decision-making at the European level. The supranational organization could call for binding referenda on EU internal issues to be held in all member states, the model similar to the Swiss practice, where constitutional decisions are voted at the federal level through mandatory referenda.<sup>37</sup> This approach of direct democracy would legitimize the decision-making process of the EU and weaken the narrative feeding the eurosceptic sentiment regarding the EU's undemocratic nature.

Moreover, the adoption of participatory budgeting practice in the EU member states could also promote people's participation in the democratic processes, exemplify a shift towards collaborative governance, and have positive spillover effects, such as the restoration of trust in the EU. The initiative of the participatory budget has been successfully implemented in nine Polish municipalities and has resulted in greater trust in the mechanisms of representative democracy and its ability to translate public wishes into action.<sup>38</sup> Hence, the EU should seek to implement similar practices of participatory budgeting when determining the allocation of its structural funds to the member states in order to encourage the EU citizens' participation in the decision-making process and restore the trust and the transparent nature of this organization.



## African Union

The conception of the African Union (AU) in 2002 signaled a new age: a forum for African states to collectively advance the development of the continent without the problems of their predecessor, the Organisation for African Unity (OAU). Regrettably, the AU has been haunted by the same ghosts and as such, a restructuring of the organisation is the only feasible solution to restore trust in the AU in the long term.

The entire basis for which trust between an organisation and the people it claims to represent is centered depends on transparency of the organisation as well as the people's ability to rely on the organisation to deliver on its mandate and be held accountable for its shortfalls. As it currently stands, the African people have no sway on the AU as its actions are solely dictated by the governments of its member states. The corruption of the member states propagates through the organisation and any distrust between citizens and their governments to go along with it. Allowing citizens of the member states to have a more prominent role in the AU can restore trust by allowing them to feel as they are participating in the future of their countries and the continent as a whole. As such, the creation of an AU Parliament akin to the EU Parliament that is composed of officials who are elected by the citizens in free and fair elections will both rid the AU of its corrupt officials and restore some of the power to the people. In addition, the organization should more actively engage with the citizens of the member countries to eliminate the communication and transparency deficit in the AU. The AU could promote the participation of the citizens and foster a better public understanding of the organization's agenda and future goals by setting up a platform where AU citizens can ask specific questions about the organization. This platform should ensure information about the AU is easily available in a language that citizens understand.

Furthermore, a restructuring of the process by which the AU intervenes in regional crises is necessary to facilitate a more rapid response to humanitarian crises and curb the spread of terrorism throughout the continent. The current system requires states to call upon the AU for assistance, which critically delays responses in which a swift response is imperative e.g. terrorist attacks. The response time is further delayed by the fact that the AU does not have a task force of their own and so is obligated to call on member states to deploy military personnel. Member states

may be hesitant to allow intervention in where tension between ethnic groups exists, as in the case of Cameroon or Ethiopia, further delaying a response by the AU to the crisis. Thus, the AU should create a permanent task force that can swiftly be deployed to deal with the relevant crises. This eliminates the delay caused by assembling troops from different member states. Moreover, the AU's constitution should be amended to increase their flexibility by introducing exemption cases whereby the AU should be allowed to intervene before a state requests it. These exemption cases should apply strictly to situations where the threat cannot be contained within borders and endangers multiple countries within the region such as disease outbreaks, terrorist attacks or war. In this manner, citizens can observe the African Union actively responding to situations instead of playing the role of the bystander and acting in the interests of the people, further restoring trust in the organisation.

To restore public trust in the AU's mandate to protect human rights in the region, there are two overarching objectives: to improve the independence of regional human rights institutions from states' interference and to ensure individuals' access to justice and accountability. To ensure the autonomy of two other regional human rights-focused institutions—the African Commission on Human and People's Rights and the African Court on Human and People's Rights—the African Union Commission (AUC) should discourage and restrain member states from interfering in these two institutions' operations.<sup>39</sup> The AUC should also facilitate strengthening cooperation between the Commission and the International Criminal Court in their investigation and the Court's prosecution responsibilities. The AUC should also facilitate strengthening cooperation between the Commission and multilateral human rights institutions, including UN human rights treaty-based bodies and the Office of the High Commissioner for Human Rights, to investigate human rights violations, and to enhance the availability and transparency of credible information on human rights violations.<sup>40</sup>

To improve individuals' access to justice, the AUC should enhance citizens' awareness of the African Charter on Human and People's Rights and the African Commission on Human and People's Rights individual complaints procedures. The AUC should work with the Commission and human rights non-governmental organizations to produce guides for explaining the human rights and essential freedoms detailed in the Charter,



the Commission's complaints process, how to file a complaint, and how to seek assistance for filing complaints. These materials should be actively disseminated through the African Union's online presence, including social media platforms. The AUC should also encourage member states to actively disseminate these materials to their citizens. The AU should ensure a consistent allocation of its budget to the Legal Aid Fund of Human Rights Organs of the African Union to ensure that individuals looking to file complaints have access to legal representation, in accordance with the Statute on the Establishment of the Legal Aid Fund of Human Rights Organs of the African Union.

As public trust is the foundation upon which the legitimacy of the international institutions is built and is crucial for preserving social cohesion, the elimination of the public trust deficit should be the main priority of the EU and the AU.

## Conclusion

In conclusion, the elimination of the public trust deficit in the EU and the AU will require a long-term endeavor by implementing structural, institutional, and representative changes.

In regards to the European Union, the hindrance of the popular appeal of the populist, eurosceptic political forces that often utilize the narrative of EU's villainization to scapegoat the organization for domestic welfare and economic issues is of vital importance. Rekindling the public trust in this supranational organization will require the EU to strengthen its rhetoric on rule of law issues in the member states governed by the eurosceptic political forces and to tackle of the conditions that have facilitated the rise of these anti-EU, populist parties, such as high unemployment rates, ineffective allocation of the EU structural funds, and the lack of communication and direct political participation of the citizens.

The problems of the AU are directly connected to its structural organisation and as such, a complete overhaul of the existing system is necessary to restore trust in the institution. This structural overhaul would include the introduction of an AU Parliament that will allow citizens to directly participate in and have a stake in the affairs of the AU and contribute to the development of the continent, the creation of a dedicated AU task force and amendments to the AU constitution that would (1) allow the AU to drastically improve their response to crises by bypassing the bureaucratic processes of member states having to request intervention, (2) prevent member states from interfering in human rights judicial processes and (3) increase transparency of the organisation.



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