

Fédération Humaniste Européenne

European Humanist Federation

association internationale de droit belge

**CONTRIBUTION TO THE WHITE PAPER  
ON EUROPEAN GOVERNANCE**

**VALUES , RULE OF LAW**

**CIVIL SOCIETY**

**SCIENCE AND SOCIETY**

**ROLE OF PUBLIC SECTOR**

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# Summary

## **1. Foundations of the European Union**

- The values on which the European Union must be based
- Reinforcing the rule of law and notably one of its dimensions : direct (i.e. close to the people) democracy
- The Union's main political goal : to create a truly democratic European public space

## **2. Civil Society**

- The civil society's associations : a link between politics and citizens
- The civil society's actors
- The contribution of the Churches
- The contribution of the «communities of conviction and of faith »
- Democratically elected partners

## **3. Science and Society**

- The new information and communication technologies : democratising their access
- Teaching and learning
- Citizens' relation to science
- Precaution and responsibility principles
- Role of the experts

## **4. Role of public sector in reinforcing social cohesion**

## **5. Five lines of action to reinforce direct (close to the people) democracy**

# 1. The European Union's Foundations

## **Values**

It is proposed to complete the White Paper on page 8 § 2 by the following text :

**« The Union is based on values, the rule of law and political goals ».**

The main values are : dignity \*\*, liberties, equality, solidarity, citizenship and justice, as set out in the European Charter of Fundamental Rights (2001), the Amsterdam Treaty (1999) and the European Convention on Human Rights (1951).

## **Reinforcing the rule of law**

Good governance is dependent on reinforcing the rule of law through the following initiatives :

- 1) The setting up in the member States of a network of « citizens' chambers », accessible to all citizens and legal persons, where they could express their aspirations for the improvement of their quality of life. For reasons of vicinity and accessibility, this network should be as dense as possible
- 2) The setting up of neighbourhood councils in towns, thus reinforcing the citizens' participation in local public life
- 3) Creating or multiplying in member States ombudsmen trained in European law and in the subsidiarity principle in order to deal in an efficient way with citizens' complaints on the implementation of Community law. For reasons of vicinity and accessibility, their network should be as dense as possible
- 4) Setting up an appeal chamber to deal with cases not solved at the level of the ombudsmen, and enhance European law through its jurisprudence

According to the Laeken Declaration, the Praesidium will prepare the work of the Convention on the Future of Europe by drawing the lessons from the public debate.

- 5) Drawing up an inventory of the reservations attached to the Treaties at the time of their ratification, in order to assess their usefulness or counter-productivity from the point of view of the quality of the rule of law.

## **Political goals**

A substantial weakness of the Community system lies in the link between democratic suffrage and the authority entrusted with submitting proposals at European level.

In order to develop a European citizenship, a democratic European public space must be created, and be assured by preserving the independence of mass media.

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\*\* On behalf of dignity, the Charter of Fundamental Rights should be completed with the following fundamental rights : right to a minimal income, right to work, right to a pension

Citizens consider that too many things are settled without their knowledge and wish a more efficient democratic control and a better implementation of essential values.

**In order to prevent a loss of democratic credibility on the part of Community institutions, of which the European Parliament is the only one to be based on a direct democratic legitimacy, the Union's goal should consist of creating a full democratic system at European level.**

## **2. Civil Society**

### ***An indispensable dialogue***

Dialogue today is about getting to know each other, listening to each other and getting rid of the barriers of prejudice and misunderstandings. There are examples of publications managed by editorial boards composed of Catholics, Protestants, Jews, non-confessional laymen and women and Buddhists. Their aim is «to confront different visions of society and ethics, to better understand their nature in mutual respect for the bearers of these ideals and to progress together in organising society .»

It is generally recognised that Europe tries to open itself to dialogue. Dialogue between cultures, religions and Churches, believers in God and atheists as well as agnostics.

**People, religions and cultures must talk to each other. Within civil society, the associations can respond to this approach.**

### ***Civil society's associations : a link between politics and citizens***

Life within associations encompasses many topics and can therefore act as a driving force for collective aspirations.

Democracy by participation does not boil down anymore to giving a blank cheque to politicians for the period in between two elections. Besides, the electoral platforms do not normally tackle in detail many of the questions which arise between elections.

Civil society plays a dual role in this respect : while acting as a useful relay towards the political class, **without trying to act as a substitute**, it thus contributes to sustain and develop an active citizenship.

**It thus becomes possible to rehabilitate the role of politics in democracy, whilst getting the citizen more involved into the development of society.**

### ***The actors of civil society***

According to the mandate of the Economic and Social Committee, the organised civil society comprises social partners, socio-economic circles, NGO's, grassroots organisations and religious communities.

Life within associations encompasses many subjects which are not necessarily of interest to the traditional social partners. It is desirable to make a clear distinction between social partners and non state or non economic associations relying on volunteers.

Since the Delors presidency, the Commission has wanted to establish contacts with Churches. The White Paper is echoing this concern in the following terms » *Churches and religious communities have a specific contribution to make* ».

The White Paper draws a blank in this respect, as its editors did not deem fit to mention the contributions of non confessional associations.

In recent years, a distinction has arisen between the Churches on the one hand, and the "communities of faith and conviction" on the other hand. **The latter offer a dialogue opportunity between partners of confessional and non confessional convictions**

In the future, it will be necessary to draw a clear distinction between **social partners and non state and/or non economic associations constituted on a voluntary basis on the one Churches and "communities of faith and conviction" on the other hand**

**In order to avoid the above confusions, the brief of the Economic and Social Committee, as set out by article 257 of the Treaty on the European Union, should be amended accordingly.**

### **Contribution of the Churches**

Religions and Churches are supposed to bring added value to the Union by shaping conscience, and thus citizenship. One may wonder about this role given solely to the Churches by the European Commission, whereas a majority of citizens are no more regular churchgoers and do not follow anymore the teachings proper to Churches. Furthermore, it should be remembered that democratic States draw their legitimacy and their sovereignty from their citizens.

But, if in order to find itself a proper legitimacy, the State invokes religion and looks for religious legitimacy, it is undermining the legitimacy of the sovereign nation.

The Union cannot engage in this way.

From their side, Churches deliver to the faithful a message based on transcendence.

**Consequently, their "specific contribution" does not concern the whole of the population.**

It is not the role of governments or European Union to interfere in these matters, as they are committed to respect religious freedom; likewise they cannot introduce a discrimination between the convictions of citizens who believe in heaven, and those who do not.

On the other hand, the White Paper would be well inspired by inviting Churches to promote a dialogue between themselves, to abandon every proselytism, and to avoid having recourse to the concept of religious identity, which is still nurturing/underpinning so many conflicts.

**European institutions do not have to be concerned with the "specific contribution" that Churches can offer the faithful. Religion should not interfere with good governance**

### **The contribution of the "communities of conviction and of faith"**

Next to the other associations of civil society, "communities of conviction and of faith" have a specific role to play.

Criteria concerning civil society associations have been worked out at the Economic and Social Committee, in order to reflect: "*the expression of the will of citizens*", they have to be constituted "*on a voluntary basis.....via a democratic process*".

It is not conceivable that the Commission or the European Parliament would establish institutional relationships with communities of conviction and of faith not responding the various criteria referred to above.

A large number of civil society associations, among which the humanist associations, intervene in a responsible way in public life on important society questions. Their positions respond in many cases to the search for the **meaning of life** by the majority of European citizens, whether

they concern the family, divorce, contraception and abortion, role of women, end of life, tolerance and freedom of conscience, or peace in the world.

People with no religious beliefs nevertheless develop convictions of their own which are as important and respectable as those of the "believers".

**As a consequence, their contribution cannot be neglected and must be able to express itself on an equal footing with that of communities of religious conviction. The various communities of conviction and of faith have to respond to the same representative criteria**

**>Eliminate discriminations according to philosophic and religious convictions**

Discriminations are observed in numerous member States and candidate countries against various social groups : women, Jews, believers of minority or not recognised religions, but also all those who are not religious, the "non-believers". These discrimination are apparent in education, religious courses, social aspects, intrusion upon privacy, certain political privileges, official ceremonies with an exclusively religious character, etc.

It is time to realise that a large number of citizens with democratic values and without religious beliefs increasingly consider these discriminations as unacceptable.

**Good European governance must ensure that legislation and customs associating Churches and religions in member States are not discriminatory against citizens, notably those who do not adhere to any religion.**

***Democratically elected partners***

Civil society is entitled to demand a direct interlocutor, politically responsible before the European voters, and endowed with the powers every democracy is devolving to its elect. Before the citizen, only democratically elected male and female politicians are responsible to the voters and can be sanctioned by them. Isn't sanction by election the first right of a democratic representation ? At the European Union's level, the logic of parliamentary democracy designates the members of the European Parliament and the mandatories nominated by them. The European Parliament has a direct legitimacy and a political responsibility to the European voters whereas the Commission can make proposals within the competencies conferred to it by the Treaties

**Consequently, a structured dialogue has to be organised between civil society and the European institutions under the political responsibility of the European Parliament**

### **3- Science and society**

**Education is at the foundation of a living democracy; citizens can only really participate in it via an appropriate training, including civic education.**

#### ***The new information and communication technologies***

They are fundamentally rocking our different ways of

- Learning
- Acquiring knowledge
- Reasoning
- Communicating
- Perceiving reality

hence our behaviour and attitudes, as well as our capacity to act and react to political, economic or social events. At their present development stage, they are in the process of generating a new form of social and cultural exclusion, the "e-exclusion", or digital divide.

If the values founding the European Union are to be preserved (cf. point 1 above), each citizen must be given the means to master these new technologies through adequate training, as well as free access to digital information disseminated by governments, as is the case for the display of traditional public announcements. In the absence of such means, electronic consultation processes will not be considered as instruments of democratic participation, but rather as a discrimination factor between those having both knowledge and access, and those deprived of both.

Likewise, governments/public authorities should prevent and avoid through adequate provisions the rise of dominant or single information or communication technologies, of "tidal wave" type, which would give to certain industries and companies of the private sector an exorbitant power to appropriate and control the communication infrastructure. Through the exclusively private and/or closed character of their property, nature and use, technologies of this type would aim at preventing any other alternative means of transmission and expression of public opinion.

By this effect, they would constitute a direct and clear breach of the principles of a participate democracy, based on freedom and equality of citizens, cornerstones of any good governance.

The White Paper on European governance remains silent on these subjects, as well as on the risks affecting electronic democracy, due to the rapid obsolescence of new technologies, or on the so-called "interactive policy making" with civil society : which interactivity with which representation of civil society ?

The European Humanist Federation requests that certain themes dealt with in previous documents and put aside in the White Paper be taken up again, asencouraging the general acquisition of new knowledge at European level (history, languages, institutions and techniques notably)fighting social exclusion, economic marginalisation and technocratic elitism.

#### ***Teaching and learning in science and technology***

They must enable the citizen toapprehend their complexity, while remaining able to connect each science and technology with the whole of the various disciplinestrain during his whole life in order to be capable of understanding and effectively participating in the choices of concern to him.

**This systemic approach of complexity will also have to be followed when it comes to formulating education and scientific training policies in Europe and drafting Commission proposals in this area.**

### ***Relationship of citizens with science***

**Science, which so substantially contributed to freeing individuals, cannot surreptitiously become a means of restricting their freedom by the emergence of some monopolies of knowledge and technology**

The right to information being a general principle in democracy, it is particularly relevant to materialise it in the area of science and society. The bodies entrusted with assessing scientific and technological options, as they exist in both European and national parliaments, should consult, as a rule, socio-economic partners as well as representatives of the organised civil society, not only at the examination and discussion stages, but also when drafting conclusions. Final decisions will naturally remain with politicians.

The European Humanist Federation notes that in its Communication of 4 December 2001, the Commission limits itself to enumerating a series of actions, whilst remaining silent on the political choices implied by scientific and technological activities. Exploiting their results with only their economic profitability in mind while discounting their ethical and social implications, may strip away the principles on which good governance is based via the appropriation of the ownership of research by a small group of very powerful enterprises.

The increasingly preponderant part played by technologies in the private appropriation and exploitation of scientific knowledge must be questioned, as well as the part played by computer science and software in the automation of making available and implementing technical knowledge.

Presently these questions are relentlessly discussed by parties not sharing the same options. Stakes are considerable and sometimes disquieting, to the extent certain industrial options truly compromise the public ownership of a growing share of human knowledge.

**In order to make the citizens duly aware of the stakes involved, the Commission should make a distinction in its proposals between on the one hand the stakes related to the acquisition of knowledge (notably scientific knowledge), and on the other hand their use and applications list all communication channels likely to report on scientific and technological achievements, as well as on their likely economic, ethical and philosophical implications.**

### ***Precaution principle***

Politicians, scientists and experts fundamentally differ in their way of tackling problems. The complexity of the debate is notably related to:

the knowledge explosion

the management of scientific uncertainty and risks

the implementation of the precaution principle flowing from it.

Directly concerned by the above, civil society can :

pass on the elements of the debate to its members

start the process leading to decisions by signalling to politicians in charge problems or new risks which have escaped their attention

offer complementary opinions from the citizens' angle

### ***Responsibility principle***

The complexity characterising questions related to science and society has to be taken into account both in its causes and its effects, at short, medium and long term. The decisions called for by these questions must result from enlightened choices, made in the light of state of the art knowledge. If the final responsibility for these choices clearly rests with the politicians, this responsibility has to be shared at all stages preceding the decision with all actors concerned, scientists, researchers and teachers, including civil society.

Besides, all consequences resulting from the implementation of a scientific and technical process must be taken into account, in order to equitably share its benefits, risks and nuisances between its owners, those in charge of its implementation, and the end users of the product. The recent discussions and controversies around the GMOs, the patentability of life or the global warming clearly show the imperative need to set up at all political levels in Europe the democratic framework of a governance clearly taking these principles on board.

**If the debate and the stakes are to become truly transparent and democratic, and the precaution and responsibility principles to be effectively implemented, civil society must be associated from the outset.**

### ***Role of the experts***

The use of scientific expertise should explicitly refer back to a statute defining clearly their assignment and their role at the various levels the experts are called upon. Following the example set by the European reflection Group on Ethics, such a statute should be democratically accessible. This would usefully complete the Commission draft guidelines for the use of expertise at Community level, to which civil society should also be associated.

**General interest must prevail over any particular interest or partisan view. Assessments conducted by means of public funds, as well as their conclusions, must be made accessible to the citizen.**

## **4- Role public sector**

The White Paper doesn't take duly into account the role of this key sector comprising services and enterprises, and its demographic dimension : within national economies it ranks indeed among the largest employers and service providers.

The principle of social cohesion, already enshrined in the Treaties and materialised by the EU's Cohesion Fund, lies at the heart of good governance, which can only produce its effects in a solid democracy. If social fracture is to be prevented or minimised, services of general interest

should be given their due importance versus market forces. This is only possible through a public sector capable of balancing the market forces by assuring the basic services to which all citizens must have access without distinction.

Consequently, it is convenient

- **to draw up a clear definition of the services of general interest to be assured**
- **to set up a European network of these services, enabling their role to be subsequently enhanced**
- **to reinforce the role of this sector in the decision making process by endowing the enterprise committees with a social and economic observatory**

The latter will be entrusted with assessing

- the quality of life of an often considerable number of staff
- the satisfaction of the needs of the citizens-users
- the evolution required to enable the enterprises to keep playing efficiently its role at national, European and even world level
- establishing an annual social account of the situation of the public sector and the state of social cohesion within the EU

A substantial part of these concerns is covered by the draft Charter of Services of General Interest, presented in June 2001 by CEEP (Centre Européen des Entreprises à Participation Publique et des Entreprises d'Intérêt Economique Général / European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest).

## **5- Conclusion**

**In its contribution to the White Paper on European Governance, the European Humanist Federation, concerned with the reinforcement of close to the people democracy, has successively dealt with the Union's values, the role of European ombudsmen, of civil society, education and scientific training and of the public sector in bringing the Union nearer to its citizens, so as to be more receptive to their expectations and to treat them as actors rather than as simple subjects of law.**

**By opening new communication and participation channels, good governance thus implemented will ensure the effectiveness of the values on which the European Union is supposed to be based.**