

## **CONTRIBUTION TO THE CONVENTION**

### **"THE FUTURE OF EUROPE" <sup>1</sup>**

#### **Civil society and democracy by participation**

- A new article of the Treaty should enshrine the consultative role of civil society associations, independently from socio-economic partners, and under the European Parliament's political responsibility
- A democratic legitimacy is indispensable within the associations requesting their recognition
- No distinction can be made by the Union between “ those who believe in heaven and those who do not ”

#### **European citizenship**

##### ***Five measures to enhance citizenship***

- Introducing training courses on European citizenship and on the working of the Union in all curricula
- Intensifying European actions aimed at increasing the quality of education and its European dimension
- Developing European volunteer programmes in the framework of the Community YOUTH programme and of sustainable development programmes
- Opening or improving communication channels between local, regional, national and European authorities

##### ***Creating a European public space***

- Endowing the Union with a Constitution
- Fostering the implementation of European governance principles at Member States' level
- Setting up of a network of “citizens' chambers” in Member States, accessible to all citizens and legal persons

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<sup>1</sup> Presented to the Convention in June 2002 and published on its web site  
Also available on EHF web site <http://www.humanism.be>

## **Increasing the Union's competencies**

### ***Enlarging and improving the European political model***

- Reinforcing the legislative function and the democratic control powers of the European Parliament
- Reviewing the respective competencies of the Council and the Commission in order to do away with the present confusion of powers
- Including the European Charter of Fundamental Rights in the Constitution, e.g. as a preamble
- Completing the Charter with the contribution of the European Social Charter and its additional protocols on the minimum wage, pensions and the right to work
- Adhesion of the European Community to the European Convention on Human Rights in order to enhance the use of civil liberties
- Adjusting the European Court of Justice's competencies, so as to ensure protection of these rights

### ***Importance of public sector***

- Defining clearly the services of general interest which must be available to all and setting up of a network of these services
- Reinforcing the role of the public sector, notably in the areas of education and health
- Reinforcing their role in the decision making process by endowing the public sector and the services of general interest with an economic and social observatory, in charge of assessing whether the needs of citizens-consumers are being satisfied as well as the quality of life of staff

### ***Police and judicial co-operation in penal matters. Economic and social insertion policy***

- The common justice and security area has to become one of the major axes of Community policy
- These co-operation areas will be written into the competencies to be shared between the Union and its member states
- Implementing a real Community policy in the economic and social insertion areas

***Defining a common statute for migrants, guaranteeing decent living conditions***

***Reaffirming and explaining sustainable development as one of the fundamental aims of the Union in institutional texts***

***Reviewing articles 95 and 308 of the Treaty***

***Setting up the indispensable bodies to formulate and implement a real foreign policy***

## **Drafting a Constitution**

***Ten essential elements***

## **Civil society and democracy by participation**

*One of the aims of the European Union is to bring the citizens closer to the goals it pursues. In the present context, such a concern would be better worded as follows: bring the Union closer to the citizen by developing a European citizenship.*

To call for more Europe without the active support of citizens is an illusion: this view is shared by many people. It is also tantamount to turning its back on a European democratic process.

Any approach of citizenship must take this fact into account: citizenship only exists by and with all citizens, without any discrimination based on gender, skins colour, philosophical or religious beliefs.

Citizenship and civil society are thus closely linked and can be considered from the viewpoint of the Commission White paper on European governance, of which three aspects will now be examined:

- *allow the citizens to express their concerns*
- *have the citizens participate more actively in the implementation of the goals of the EU, and offer them a structured channel to express their reactions, criticisms and protests*
- *take into account the specific contribution of the Churches and the religious communities*

### ***The civil society associations: a link between the political world and the citizens***

The activities of civil society associations are a driving force in developing global projects affecting the entire society.

It is no longer sufficient for democracy by participation to give politicians a blank cheque in between two elections. Moreover, the electoral platforms do not usually enter into the details of questions likely to arise between elections.

In this respect, civil society plays a dual role: to act as a relay to the political world without trying to substitute it, and to maintain and develop an active citizenship.

**By fulfilling these two functions, it is possible to help rehabilitate the political function in democracy, and to involve the citizen more closely in the social evolution process.**

*In its article 257, the Union Treaty sets up the Economic and Social Committee, composed of representatives of economic and social life.*

*According to the Committee: “The organised civil society comprises the social partners, the socio-economic circles, the NGOs, the grass root organisations, the religious communities”<sup>2</sup>*

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<sup>2</sup> (\*) Proceedings of the Ecosoc Convention “The organized civil society at European level” 15-16/10/1999

*The activities of civil society organisations are covering many topics that are not necessarily of concern to the traditional social partners. Hence it is desirable to draw a clear distinction between social partners and non-State and non-economic associations based on volunteers.*

Many actors of civil society do not accept to be part of the market place, and/or associated with social partners and socio-economic circles.

Social dialogue is no longer focused exclusively on work and the economy. Moreover, dialogue with social partners differs from that to be conducted with civil society organisations.

NGOs allow the bulk of the citizens to participate in public life. In view of the importance of the questions discussed, stakes are high. Topics dealt with are numerous and concern notably human rights, ethical problems, social questions, Europe against poverty and social exclusion or health problems.

EHF considers that the consultative role of civil society associations should be recognised by a new article of the Treaty, offering them a specific communication channel, independent from the socio-economic partners.

### ***Democracy by participation***

*The question which matters most is to determine which criteria are to be fulfilled by the civil society associations in order to be recognised, so as “to allow the citizens to express their concerns ”.*

The representative body for consultation will also have to be defined.

Our concept of democracy by participation aims at having the largest possible number of people participating in the preparation of decisions. It is about having the voice of citizens heard, not about offering a new platform to self-proclaimed leaders.

If the representatives of NGOs generally express the views of their members, does the bulk of accredited NGOs faithfully reflect the views of civil society? In other words, is there not a temptation for certain opinion trends to be over-represented by numerous NGOs in order to have their viewpoint prevail, as on questions related to bioethics, beginning and end of life?

These matters among others are subject to public controversy, and it would be unacceptable for the “ vox populi ” to be muted or distorted for reasons of representation by the civil society.

In order to clarify things, the Economic and Social Committee has agreed on some criteria to be fulfilled by civil society organisations, notably

- *to serve the general interest via a democratic process*
- *to be organised on a voluntary basis, ruled by law, and act as a link between the expression of the will of citizens on specific themes and the bodies ensuring their representation.*

These criteria should apply to the various interlocutors of the European Union, acting on behalf of civil society, be they NGOs, religious or philosophical associations, and even churches.

**A democratic legitimacy is indispensable within organisations requesting their recognition.**

***No discrimination according to philosophical or religious beliefs***

Although churches rarely respond to the above criteria, if any, and their aim is not “to allow citizens to express their concerns”, one cannot overlook the assertion of the White Paper on European governance:

*“ Churches and religious communities have a specific contribution to offer ”.*<sup>3</sup>

One may wonder about this particular role devolved by the European Commission to churches, as the majority of citizens no longer practice their faith. Likewise, they no longer align themselves on the church’s positions concerning everyone’s conduct in matters related to family, marriage and free union, divorce, abortion, contraception, bioethics, etc.

It is not an attack against religious convictions to note that, as in many areas, the rules of social life and the codes of conduct advocated by churches no longer constitute models followed and shared by large numbers of citizens.

Due to their loss of audience, their diversity, and sometimes competition amongst themselves, these models are no longer widely shared today and have lost any claim to “consolidate the peoples’ union”. This is particularly striking in matters related to the rights of women, of homosexuals, or to all aspects of sexuality and reproduction.

Religions and churches have lost the monopoly of values.

**To grant churches a particular status among European institutions would be tantamount to creating a discrimination between the beliefs of “those citizens who believe in heaven and those who do not”.**

Moreover, one has to remember that democratic States draw their legitimacy and their sovereignty from the citizens. If, in order to forge a legitimacy of its own, the European Union appeals to religion and seeks some form of recognition by the churches, it is undermining the legitimacy of the sovereign people. The Union cannot engage in this way without losing its “raison d’être”.

On their side, churches deliver a message based on transcendence to their believers. If every church has the monopoly of its message to its own believers, the “specific contributions” of each of them do not address the entire population.

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<sup>3</sup> A detailed presentation on this aspect was made in the EHF’s contribution to the Commission’s White Paper on European governance in March 2002

The dialogue the European institutions want to establish with the churches cannot express a judgement on, or question the content, the value or the foundations of the opinions and convictions of these communities.

The European Union is resulting from an economic and political integration process deprived of any religious dimension. Religious beliefs are not a matter covered by the Treaties; hence they do not fall under the Community competencies.

**Consequently, citizenship and civil society in the Union cannot be based on religious convictions or messages resting upon any kind of transcendence.**

Public authorities and the European Union do not have to intervene in these matters, as they have to respect religious freedom as part and parcel of the freedom of conscience.

### ***Democratically elected partners***

Civil society is entitled to ask for a direct interlocutor, politically responsible before the European voter, and endowed with powers conferred by every democracy to its elected representatives. In this respect, only democratically elected men and women are responsible before the citizens and voters, and may be sanctioned by them. Isn't such a sanction by the ballot box the first right of democratic representation ?

At EU level, the logic of parliamentary democracy is designating the members of European Parliament and their mandates.

The European Parliament has a direct legitimacy and a political responsibility before the European citizens and voters ; on its side, the Commission is entitled to submit proposals.

The contribution of the civil society has to be taken on board as a matter relevant to the articles of the Treaty, at least in the framework of the co-decision procedure as set out in article 189 of the Treaty.

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

## **European citizenship**

### ***Five measures to enhance citizenship***

Since the adoption of the European anthem and flag, only the Schengen agreements and the introduction of the single currency have contributed to raising the awareness of the citizens and their sense of belonging to a single space - essentially of an economic nature.

If the citizens are to be brought closer to the European project, one has to enhance their sense of belonging to the Union, make them understand its achievements and advantages, and change the way they perceive themselves, no longer simply as nationals, but also as European citizens, associated in a project with a future.

Such a project must enable the Union to reposition itself, and to defend its values and interests throughout the world in a more efficient way.

*The EHF proposes*

*- to set up a training programme on European citizenship and the working of the Union in the curricula at primary, secondary and higher education levels*

*- to intensify the three actions of the SOCRATES programme, aimed at improving the quality of teaching and its European dimension : COMENIUS (kindergarten, secondary school, including technical and professional training), ERASMUS (higher education), GRUNDTVIG (adult education and other educational circuits)*

*- to develop existing European volunteer programmes, enabling young people to work on building sites with a socio-cultural dimension in other member States of the Union (YOUTH programme, action European Volunteer Service)*

*- to launch European sustainable development co-operation programmes, notably and primarily in the candidate countries and in the ACP States associated to the EU by the Cotonou Convention*

*- to set up or improve the communication channels between local, regional, national and European levels in order to help the concerns of citizens reach the decision-making bodies at European level.*

**Only if citizens feel their concerns and expectations are being taken into account will they be able to involve themselves in the European project.**

### ***Creating a European public space***

Since the end of the eighties, the gap has widened between public space – more and more openly occupied by private interests under the combined thrust of liberalisation, privatisation and globalisation- and citizens, more and more disillusioned with the role of public authorities and political parties in defending collective interest and keeping an acceptable balance between the needs of the public sector and those of the market.

*The European Union can close this gap*

- *by adopting a Constitution, based on largely shared values, founding citizenship and restoring the finality of politics*<sup>4</sup>
- *by fostering the implementation at member State level of the principles of European governance, as viewed by the EHF. This entails a review of the performance of organisational infrastructures towards greater openness and transparency*
- *by setting up a training programme on citizenship and the working of the Union in all curricula at primary, secondary and higher education levels*

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<sup>4</sup> See EHF's contribution to the Commission's White paper on European governance

- *by creating in the member States a network of “ citizens’ chambers ” of sufficient density, accessible to all citizens and legal persons, where they could express their aspirations concerning the improvement of their quality of life*

The EHF would like to see the emergence of a real European public space, offering direct communication channels between citizens and their elected representatives, and compensating for the continuous shrinkage of national public spaces over the past two decades.

## **Increasing the Union’s competencies**

The present European Union was born over 50 years ago from the destruction left by two world wars. At the very source of its civilisation, it succeeded in developing a unique model of regional integration, open to the requirements of a state of law and social justice, and securing peace and stability. At the start of the 21<sup>st</sup> century, it needs a clear vision of its future in order to define its role in the world and respond to the expectations of its citizens.

**The role of Europe and the expectations of its citizens in a rapidly changing world are at stake.**

### ***Enlarging and improving the European political model***

Europe’s victories lie in the representativity and responsibility of political institutions with clearly identified powers, functions and faces.

The Union’s size and position call for both placing political decisions under Community competence and decentralising the preceding discussion and subsequent implementation, alongside a sound management of the principle of subsidiarity.

The European citizen has indeed to be the starting point of all political initiatives, as well as their final beneficiary.

*EHF proposes*

*- to reinforce the legislative function and the democratic control powers of the European Parliament*

*- to review the respective competencies of the Council and of the Commission in order to do away with the present confusion of powers (legislative power exercised in virtue of a national legitimacy and executive power stemming from the successive Treaties). Such a confusion is detrimental to the clarity of the decision-making process and deters the citizen from getting involved in the European project*

*- to make the European Charter of fundamental rights, promulgated in 2001, part and parcel of the Constitution which the Convention is to draw up, e.g. as a preamble. On this occasion, this Charter deserves to be completed by the inputs from the European social Charter and its additional protocols regarding minimum wage, pensions and the right to work*

*- to have the European Community adhere to the European Convention on human rights, so as to enhance the exercise of the citizens' liberties*

*- to adjust the competencies of the European Court of Justice accordingly, so as to secure the protection of these rights.*

### **Importance of the public sector**

The Commission's White Paper on European governance does not take this key sector sufficiently into account. Not only does it comprise of services and enterprises, but it is moreover one of the largest employers and service providers in national economies.

The principle of social cohesion, already enshrined in the Treaties and materialised by the Cohesion Fund, lies at the heart of good governance, which can only be practised on the basis of a strong democracy.

*EHF proposes*

*- to clearly define the public services and the services of general interest which must be guaranteed to all without distinction*

*- to set up a European network of these services, enabling them to enhance their role at a later stage*

*- to underpin such a network with an open infrastructure, accessible to every citizen*

*- to reinforce the public sector in the areas of education, health, assistance to the needy, aged and handicapped people*

*- to reinforce the role of this sector in the decision-making process by endowing the public services and services of general interest with an economic and social observatory, in charge of*

*- assessing the satisfaction of the needs of citizens-consumers and the quality of life of the often considerable staff employed in this sector*

*- defining the necessary means to enable enterprises to keep playing an effective and efficient role at national, European and even world level*

*- producing an annual social evaluation of the public sector's situation and of social cohesion within the EU*

If social divide is to be prevented or reduced, the public sector and services of general interest have to be granted a specific position with regard to market forces, by guaranteeing the basic services to which all citizens without distinction must have access. Indeed the public sector ensures equal treatment for all and is a factor of collective solidarity.

### **Security of people and goods. Police and judicial co-operation in penal matters. Economic and social insertion policy.**

In order for the citizens to feel safe in the Union, it is not enough to reinforce police and judicial co-operation in penal matters , notably in the context of mafia-type trafficking, large scale banditism and terrorist attacks aimed at States.

A real Community policy in the areas of economic and social insertion has also to be implemented without delay. Only then will the citizens feel effectively and efficiently protected within the Union.

*EHF proposes*

*- to make of the common justice and security area one of the major axes of Community policy, without being detrimental to the exercise of fundamental rights as stipulated in the corresponding Charter as well as in the European Convention of human rights*

*- to write these co-operation areas into the competencies to be shared out between the Union and its Member States*

*- to implement as soon as possible a real Community policy in the economic and social insertion areas*

### **Organising and controlling migratory fluxes**

It is time for Europe to tackle the problem of immigration, which is generating too much fear, confusion and manipulation. In this area, historic traditions of hospitality, attendance and asylum are part and parcel of the European humanist heritage.

The Union cannot accept differences of treatment in this regard, at the risk of dangerous disparities between its Member States. A real policy organising and controlling migratory fluxes must be set up at Community level. On the other hand, Europe needs migrant workers to secure its economic future and the balance of its demographic pyramid.

*FHE proposes to define a common statute for migrants in their various conditions (asylum seeker, refugee, under temporary protection), assorted with guarantees about decent living conditions.*

### **Writing the objective of sustainable development into the Treaty**

Reducing social inequalities, fighting poverty and social exclusion, preserving our environment and maintaining our moral responsibility vis-à-vis our descendants are important stakes, in line with humanist ideals. To the extent that it is integrating social, economic and environmental dimensions, sustainable development is reflecting these stakes,. From both

angles, that of “ enhanced citizenship ” and of good governance, it should therefore be a permanent feature of every Union policy.

If the Union decides to effectively implement this vision of a sustainable development within the Community and outside, it will no doubt enable it to act as a driving force in the process towards a more humane globalisation.

**EHF requests that this objective, already outlined in the Amsterdam Treaty, be further reasserted and explained in the institutional texts to be drafted as one of the fundamental aims pursued by the Union, to be reflected in all its policies.**

### ***Reviewing articles 95 and 308 of the Treaty***

Both from the viewpoint of the institutional reform, as from the angle of “ enhanced citizenship ”, re-examining, rearranging or even reviewing these articles have become a must.

*EHF thus proposes*

*- to review article 95 in the light of two of the principles underpinning good governance, notably the principles of precaution and sound management of the environment*

*- to complete article 308 with an explicit and limited list of matters requiring unanimity, all other matters being ex officio submitted to qualified majority decisions*

### ***A coherent European foreign policy***

The Union is presently deprived of any political dimension or influence somewhat commensurate to its economic weight. Opinion polls conducted in the Union constantly confirm the expectations of public opinion in the area of foreign policy : citizens want a strong Union, capable of projecting itself and defending its interests and its values outside its borders.

A substantive and visible reinforcement of foreign policy and its cohesion will provide an adequate answer to that expectation. Moreover, such coherent and visible foreign policy would no doubt act as a pacification factor in the European space and its immediate environment.

In line with the decision to dispose of an operational European rapid deployment force by 2003, the Union should endow itself with the instruments of a common foreign policy, commensurate to the Union’s importance in Europe and in the world, and capable of securing its cohesion after enlargement.

*Prior to enlargement, EHF proposes to set up and endow with the necessary competencies the indispensable bodies to formulate and implement a real common foreign policy.*

## ***Adhesion of the European Community to the European Convention of human rights***

By adhering, the Community will reiterate the deep commitment of its Member States to the principles set out in the Convention, and thus reinforce the liberties of its citizens.

**EHF therefore firmly supports the adhesion of the Union to the European Convention of human rights.**

### **A Constitution for the Union**

It is essential for the Union to clearly define and assert its “raison d’être”, its identity and its fundamental goals. Prior to enlarging, such a deepening is indispensable, lest the Union be watered down in a larger and more shallow entity, where economic goals would have precedence over political aims, with all the risks that this would entail, such as loss of substance, internal and external weakening.

Consequently it is of prime importance for the Union to endow itself with a Constitution, solemn expression of its foundations and finalities, with which the vast majority of its citizens will be able to identify themselves.

Prior to the next enlargement, a Constitution must be drafted, submitted to a wide consultation of civil society, then to the approval of Heads of State and government, and ratified as soon as possible by the Member States and the European Parliament.

With the status of “*acquis communautaire*”, this text will also secure the cohesion, the stability and the finality of an enlarged Union having reached adulthood.

**Any draft Constitution will have to contain at least the following essential elements :**

- *Nature of the Union*

- *Values of the Union, based on human rights, as set out in the European Charter of fundamental rights (2001), the Amsterdam Treaty (1999) and the European Convention on human rights (1951). Such values are incompatible with a discrimination between “those citizens who believe in heaven and those who do not ”*

- *Sharing out of competencies between the Union and its Member States, with due attention to the principles of subsidiarity and non-discrimination, managed in a non-contradictory way*
- *Fundamental rights and duties of the citizens*
- *Democracy by participation, based on*
  - *fundamental values such as liberty, equality and solidarity, instrumental to define the Union's identity, vocation and goals*
  - *good governance, inspired by principles set out in the White Paper on European governance, and taking on board the proposals submitted by EHF*
- *State of law*
- *Justice and social integration, including notably the right to a minimum wage, to a pension, defining a European poverty threshold, granting the right to social benefits, and harmonising the legal framework of redundancies for economic reasons*
- *Public sector and services of general interest*
- *Sustainable development*
- *Promotion and defence of these fundamental values in the framework of relations between the Union and the rest of the world.*

**EHF therefore strongly requests the drafting of a Constitution for the Union.**

Brussels, June 2002