

PATHS TO A MORE DEMOCRATIC EUROPE

This text was prepared by Andrew Tompkins and Thomas Deterding. A version of it was delivered at the “Constitution Building Process in the EU” seminar on May 5th, 2006 at the 4th European Social Forum in Athens, Greece.

My name is Andrew Tompkins and I am representing Democracy International, along with its German partner organization Mehr Demokratie. As the names of these two organizations imply, we concentrate our work—and our criticisms of the European Union—on problems of democracy. This means that we do not have a position, as many of the other groups here do, on how federal or social Europe should be and what its foreign policy should look like, even though many of us privately have strong feelings on these matters.

The point of my mentioning all this is that even from a limited perspective focused narrowly on democracy, the European Union falls *far* below acceptable standards. For instance, the only directly elected body in the European Union, the European Parliament, does not have a right of legislative initiative. This power is reserved for the Commission, the institution with the *weakest* democratic legitimacy. Furthermore, while the treaties that form the basis of European governance have been subject to referendum sometimes and in some places, in other countries there has never been a referendum on any aspect of the EU’s construction. The recent French and Dutch “no” votes demonstrate what a great many other Europeans would say if they had the chance: that they will not allow themselves to be dictated to.

The undemocratic state of EU affairs cannot continue. The European Union needs to become much more democratic and a re-examination of its basic structure is definitely in order. Drafting a new Constitution is one way to go about democratizing the EU. If this is in fact what we want, I think we first need to answer two very important questions: *what* do we want in a constitution? And *how* will we get it?

Regarding *what* we want, Democracy International and Mehr Demokratie have a simple answer: more democracy. At the EU level, democracy means making changes to the existing institutions, such as making the Commission accountable to the Parliament or

perhaps doing away with it altogether and replacing it with a bicameral system. However, we believe Europe also needs *direct* democratic instruments, so that citizens themselves can have a say in European politics.

A citizens' right of initiative like the one included in the previous treaty is a first step in this direction. However, the instrument in the constitutional treaty was a watered-down version of a much stronger proposal that included binding obligations for the Commission and procedures for holding referenda. Democracy International thinks that a right of initiative is so important that we are working on a campaign to get the European Citizens' Initiative enacted independently, without it being part of any so-called "Constitution" or treaty. However, we think any future treaty should guarantee this right and expand it to include citizen-initiated referenda.

I have just mentioned some of the things we *want* for a new constitution. I would also like to make clear some of the things we do *not* want. We do *not* want a constitution that dictates economic policy and that ascribes rights based on market principles. We do *not* want a constitution that citizens have practically no power to change or amend. A constitution should not be used to make controversial policy choices unalterable and permanent, as the draft Constitutional Treaty did. A constitution should specify basic rights and organize the democratic process. It is the position of Democracy International that any European constitution should be limited to these aspects and nothing more.

Regarding *how* we will try to get what we want, Democracy International feels that the idea of a convention to draft a constitution or a new basic treaty is one good possibility. That said, the previous convention, headed by Valéry Giscard d'Estaing, was, from a democratic point of view, unacceptable, if not disastrous. The Convention was not an elected body, its mandate came from the European institutions and *not* from European citizens, and it even went beyond *that* mandate by calling the document it created a "Constitution." Though the Convention was undoubtedly much more open and transparent than previous treaty negotiations, decision-making power was concentrated in the closed, non-transparent Presidium, that is to say, in the hands of Giscard and his buddies. If this kind of thing

sounds familiar, it's probably because it's the way European politics generally operates. Everyone is supposedly allowed to participate in the debate, but the important decisions are made by a small group of elites.

Democracy International has launched a Call for a New Convention on the Future of Europe. Our proposal includes five points that should serve as guidelines for any new convention.

- First, its members must be *directly* elected by the *people* of Europe.
- Second, the Convention's proceedings must be *democratic* and *transparent*. Not only its discussions, but also all of its decisions should be made in public.
- Third, there needs to be ongoing citizen participation. Citizens and their organizations should be able to make proposals *directly* to the Convention and give feedback on the Convention's work through citizen conferences.
- Fourth, the work of the Convention should have an open outcome. This means that it does not *necessarily* have to create a "constitution," and it could even present voters with several alternative proposals.
- Finally, the result should be subject to referenda in *all* member states, and these should take place *on the same day*.

Our plan for a new convention is not the *only* way to proceed, but it is a realistic possibility that could bring good and *democratically legitimate* results. Whatever we as members of civil society do regarding this constitution-building process, I think it is especially important that we take advantage of the current situation in the EU. Since the resounding "no" votes in France and the Netherlands, European elites have been confused and they are desperately looking for a way out of the so-called "crisis." This gives us a window of opportunity that we can take advantage of if we make our own proposals *quickly and effectively*. This Social Forum is an excellent time and place to elaborate some of those proposals. Regardless of which specific path we all think will be best for doing this, I strongly believe that **democracy** and **active citizen participation** must be among our highest priorities. Only through democracy can we hope to legitimately achieve our goal of another, better Europe. Thank you.