A Values-based Citizens' Europe

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In a complex and rapidly changing global order continuous political courage, inspiration and citizen-centric practices are needed to shape and strengthen the values that are connected with the EU. We clearly affirm the value premises of the EU as a community responsible for security and stability and for guaranteeing the welfare and well-being of its citizens. The paper is structured in three parts: The first part focusses on the importance of citizens' participation and citizens'dialogue in the future developments of the EU. Growing complexity and interconnection between and within societies have become intrinsic characteristics of European societies, impacting the dialogue of institutions with citizens. In a second part we deal with participatory democracy and civil dialogue as legally embedded concepts in the Lisbon Treaty. This implies an analysis and assessment of the phased development of EU practices in participatory democracy and civil dialogue. The last part concerns the instruments and practices of participatory governance that the EU has developed to respond to the citizens' demands for a more values-based community.

Point of departure: A Values-based Community

The main point of departure for recognising Europe as a values-based Community is legally embedded in Art. 2 of the Lisbon Treaty (TEU):

> «The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail».

In a rapidly changing world continuous political courage, inspiration and human-centric practices are needed to shape and strengthen the values, which are connected with "Europe". The promotion of these values should be conceived as a task that goes beyond the European territory and is recognised worldwide as a model of society. We must foster our Europe as a space of unity in diversity, based on relations of reciprocity and fraternity. Europe's mission today is to redefine its post-war concept of peace and social order in the context of a globalising world. That consists of a system of global relations based on the principles of an eco-social market economy where free exchange is balanced with strong institutions of social welfare, ecological commitment and distributive justice. To realise this mission, we are convinced that Europe should strengthen its resources in relational identity-building to further a common sense of belonging and to respond jointly to global challenges. This should be done in the spirit of the European personalist tradition, respecting the significance, uniqueness and inviolability of the human person, as well as the person's essentially relational or social dimension.

Reflecting on the recent problems of the financial crisis, the Grexit and Brexit threats and terrorist attacks, the migration question, and certainly the (human) security issue, overall priority should be given to consolidating a values-oriented European project that can protect, guarantee and inspire not only the European citizens, but, hopefully also the future world organisation with peace, human rights and the basics of a state of law. Therefore we should focus on the values that are common to all European nations/states, given common cultural traditions and varied expressions.

We clearly affirm the value premises of Europe as a community in dealing with the welfare and wellbeing of its current and future citizens, although acknowledging negative reactions and criticisms to its (non-)application and implementation.

- Europe as a Community of Destiny: The process of European integration has led to the increasing interdependence and complexity of the interactions and relations that shape our common destiny in a globalising world. The maintenance of

peace, the conservation of the environment, and the means of enabling people to live their lives with dignity all demand common policies, respecting diversities. All Europeans are called upon to work responsibly together to build a peaceful European order in dialogue.

- Europe as a Community of Values: The aim of European integration and inclusion is to carry out, develop and safeguard the community of shared values. These are rooted in common legal principles, acknowledging the freedom of individuals and social responsibility. Fundamental European values are based on human dignity, tolerance, humanity and fraternity. These principles have opened the way to a free and peaceful future in international relations.

- Europe as a Community of Life: In order for the European Union to become a citizens' Europe it must develop into a tangible and living community. To that end, citizens must be given the opportunity to participate more fully in the process of European integration. A unified Europe implies further developing European citizenship to the point at which all citizens in all member states have the same rights and duties.

- Europe as an Economic and Social Community: The first steps were taken when six countries founded the European Coal and Steel Community in which basic industries important for the conduct of war were placed under a common Authority. This neo-functional approach resulted in the European Economic Community, and eventually developed into the European Union, in a process that led to peace between the member states and a higher standard of living.

- Europe as a Community of Purpose and Responsibility: In today's globalising and individualising world, the European Union carries a particular responsibility. The European continent has close economic, political and cultural ties with many regions of the world, set in various cooperation agreements. Conflicts and crises, whether within or beyond Europe, threaten all European states and citizens alike. Only through cooperation, solidarity and unity can Europe effectively help to solve world problems. Discord in European policies would be irresponsible and can only lead to chaos.

- Europe as a Community and Meeting Place of Multiple Identities: Freedom, peace, human dignity, equality and social justice are Europe's greatest common goods. To protect and further develop these aims, Europe needs a morally acceptable political structure and policies which strengthen the sense of common purpose while establishing the credibility of the European Union and making its citizens proud to be Europeans through the building of meeting places and the recognition of the wealth of its multiple identities.

- Europe as a Community of Multicultural Learning: In order to build up a common European identity as an added value a common background and future of the

citizens' dialogue is needed which takes into account the specific multilayered and diversified institutional and cultural European environment in education and learning.

I. Citizens' participation and Citizens' dialogue in the EU

1) A global context

Growing complexity and interconnection between and within societies have become intrinsic characteristics of European societies. They are having an impact on the dialogue with citizens.While power is increasingly globalised, the State is no longer an exclusive actor in the system, despite attempts to return to national solutions, as the current migration and refugee crisis illustrate. This leads to multiple identities, different duties and rights, diverse tasks and roles for citizens. It has also resulted in a widening gap and mistrust between citizens and their institutions. This kind of fragmentation brings many people to confusion and uncertainty.

In order to stimulate true citizens participation and realise citizens valid dialogue within such a fluid global context some conditions need to be fulfilled:

- A clear, coherent and critical vision is required about the essentials of information, communication and dialogue, as well as on the limits of each. The ongoing and radical process of transformation needs to be put into its proper context. Citizens' concerns about identity, citizenship, governance, borders, democracy and dialogue need tangible answers.
- The Union's responses must place citizens at the centre of political action, with full respect for their diversity. This implies the need to have a more global and flexible approach for the EU's information and communication. This approach will help reinforce positive messaging, narratives and perspectives to achieve more effective and focused cooperation among EU institutions and other governance levels.
- The concept of "community" should be strengthened. This embraces the local, regional, national and international contexts that individuals live in to create a common public space, within which individuals can act together on a values-based foundation.
- the Union should offer a true identity of reference and an added value to existing regional and national notions of belonging. Indeed, due to the radical changes affecting our societies, the sense of belonging to a community has to be underscored with a clear vision and be sustained by tangible and visible results.
- The role of education in responding to the challenges of globalisation and increasing societal complexity, is therefore fundamental. Indeed, learning to

live together positively with our differences and diversity is becoming the central dimension of active citizenship. [1]

2) Citizen-centric context: Citizens as co-owners and protagonists of the European project

The new social platforms and communicational framework also affect the way politics is conducted. Traditional representative democracy (i.e. parliamentary government) is now challenged by other forms of democratic expressions, namely participatory and deliberative democracy. There is no question of replacing one with the other, but we need to ensure that the two complement each other. Some recent developments have happened in this area. [2]

The social media facilitate civic participation in the policy-making process, and new methods of public governance are being implemented by different public authorities that attempt to integrate citizen know-how into the decision-making process, also through social media platforms. Therefore it can provide more democratic legitimacy as has been shown by the opposition to the Transatlantic Trade and Investment Partnership (TTIP) between the EU and the USA.

In addition to their representation by an elected politician, citizens now also want to have real, personal ownership of and involvement in the different public spheres. The best way to regain the citizens' trust is to make them feel protagonists in policy-making, not appear as mere passive receivers.

II. Participatory Democracy in the EU

1) Main legal basis

The Lisbon Treaty's Preamble calls for enhancing the legitimacy of the Union. This is underlined with Treaty Articles 10 on representative democracy and 11 on participatory democracy. Despite self-imposed obligations and the Treaty's clear commitment to citizen's participation, the Union's institutions appear to be slow to fully embrace the applications of these articles. Still the legal reference for participatory democracy in the EU is presented by these two articles.

Article 10 of the TFEU reads as follows:

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1 - L. Bekemans, *The Role of Education in the rethinking of Europe in a global perspective*, in «Educatio Catholica», Populorum progressio and education, Congregation for Catholic Education, Rome, Anno III, 1-2, 2017, pp. 139-155.

2 - See the French Project "Parlement et Citoyens"(https://www.republique-numerique.fr) or the European project "Eucrowd" (*http://www.inepa.si/eucrowd*).

«(1). The functioning of the Union shall be founded on representative democracy.(2) Citizens are directly represented at Union level in the European Parliament. Member States are represented in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national Parliaments, or to their citizens. (3) Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen. (4) Political parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union».

Article 11 of the TFEU read as follows:

«(1) The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.(2) The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society. (3). The European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent.(4) Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties».

2) An applied vision for civil dialogue

- A general theoretical framework of Civil Society Organisations (CSOs)

An empowered civil society is a crucial component of any democratic system and is an asset in itself. It represents and fosters pluralism and can contribute to more effective policies, equitable and sustainable development and inclusive growth. It is an important player in fostering peace and in conflict resolution. By articulating citizens' concerns, CSOs are active in the public arena, engaging in initiatives to further participatory democracy and governance.

The UN has recognised Civil Societies Organisations' legitimacy to participate in global governance through Art. 71 of the UN Charter[3]. The conceptualisation of

3 - See United Nations, The Charter of the United Nations, Available at: http://www.un.org/en/sections/un-charter/introductory-note/index.html. Article 71: "*The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where*

Civil Society has developed through various interpretations from the political theory of Aristotle and the pre-modern thinkers of Locke, Hobbes and Rousseau [4] to the contempoary theories of civil society.

Laura Pedraza-Farina provides a theoretical framework that provides an accurate description of civil society. [5] She proposes a useful typology that distinguishes civil society organisations into their possible functions and purposes, ranging from apolitical and individualistic to policy-oriented and state-integrated. She argues that five groups of theories of civil society, each espousing different value systems and emphasising particular functions of civil society, map into this framework – (1) market liberal; (2) civic republican and social capital; (3) Habermasian critical; (4) Third World, feminist and minority critical; and (5) governance and state-society synergy theories – exposing fundamentally different normative understandings of civil society. In line with Salamon and others, CSOs are classified in five main categories: organisations, private, non-governmental, self-governing and voluntary [6].

A European application of this search for conceptualisation of civil society is given by the very interesting AUGUR Study proposed by the European Commission. [7] CSOs' actions are linked either to service provision or advocacy. Advocacy CSOs define their mission as democracy building. It is a top-down approach [8] and its aimed at influencing and impacting authorities and their policies by expressing cultural, social, environmental, political concerns. The main strategies used by advocacy CSOs are the "name and shame" critical approach and the awareness campaigns. Service provision CSOs adopt a bottom-up approach that offers welfare services in fields such as education, recreation, health, family, humanitarian support, development project implementation and expertise services acting as a socio-economic agent by providing concrete services to the population, business or governments and international institutions.

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appropriate, with national organizations after consultation with the Member of the United Nations concerned".

4 - UK Essays, *Comparative Analysis Of Hobbes Locke And Rousseau Philosophy Essay*, November 2013, Retrieved from https://www.google.it/?vref=1.

5 - L. Pedraza-Fariña, *Conceptions Of Civil Society In International Lawmaking and Implementation: A Theoretical Framework*, in «Michigan Journal of International Law», vol. 34, Issue 3, 2013, pp. 605-673.

6 - L. M. Salamon a.o., *Global Civil Society: Dimensions of the Nonprofit Sector*, vol. 2, «The Johns Hopkins Center for Civil Society Studies», Baltimore, MD, 2004.

7 - F. Desse, *Challenges for Europe in the world in 2030, The Role and Structure of Civil Society Organizations in National and Global Governance Evolution and outlook between now and 2030*, AUGUR, European Commission, Brussels, Project no. SSH-CT-2009-244565, 2012, 71 p.

8 - *Ibid.*, p. 9.

In short, this very brief theoretical overview of the definition and role of civil society through the historical developments tells us that CSOs can have a considerable impact on the community in general and more specifically, on the strengthening of democratic practices. CSOs offer spaces where cultural, social, recreational, artistic and spiritual aspects can be expressed, enriching the community and contributing to its social and cultural vitality. Moreover, CSOs, both on local and international levels, can potentially contribute to local economic and cultural development and improve the wellbeing of their own communities and those of others. We believe that in the current conjuncture, we are moving towards a 'dominance' of 'commons' format for societal development. The commons format assumes a mode of development that indicates civil society and community as critical initiators and guardians of common value.

- A European policy-oriented conceptual framework of CSOs

The EU considers CSOs to include all non-State, not-for-profit structures, non-partisan and non-violent, through which people organise to pursue shared objectives and ideals, whether political, cultural, social or economic. Operating from the local to the national, regional and international levels, they comprise urban and rural, formal and informal organisations.

In conceptual terms, the civil dialogue with the European CSO framework refers to following content elements:

- Civil dialogue reaches out to, involves and includes representative associations and civil society at all levels – local, regional, national and European. It is multi-level, open, transparent and inclusive.
- Civil dialogue supplements direct participation methods: citizens, organised in associations representing their interests, will be able to participate in and contribute to civil dialogue at the level that best suits them.
- Civil dialogue gives an overarching structure to existing dialogues, as well as those yet to be developed, between EU institutions and civil society focused on particular themes. Any confusion between dialogue, consultation and communication should be avoided. It builds on, but does not duplicate existing dialogues or consultations.
- Civil dialogue is a process for exchanging expertise and connecting with innovation in grassroots citizens' organisations. It is a space for identifying, reflecting and building on the values, principles and objectives of the European project, creating a European public sphere by closing the gap between policymakers and citizens and also harnessing the potential of direct participation by the citizens. It should lead to better policy development for the common good, closer to the citizens' needs and expectations, generating a

greater sense of common ownership. The role of civil dialogue is crucial in stimulating ideas for a "new" Europe as well as in drafting legislation, as it allows the impact of the legislation on the citizens to be assessed.

- Civil dialogue may favour joint actions on agreed EU priorities. It serves as a place for civil society and the EU institutions to cooperate and build joint projects for a better implementation of EU policies, contributing to better understanding amongst citizens of the added value of the European Union and evaluating the impact that policies have on civil society and citizens. The value of cross-sector and cross-thematic initiatives should be borne in mind.
- Civil dialogue is an opportunity to create links between the citizens themselves and their elected representatives from across the EU. It can lead to EU-wide cooperation, exchange and projects for change, encouraging the development of stronger ownership and a stronger sense of European identity, underpinning the process of European integration.

In short, civil dialogue favours interactive dynamics expressed by virtue of the extensive and complex net of channels of access that EU is providing to actors of non-state or non-governmental nature (e.g. CSOs, NGOs, Networks, Platforms). Moreover, it is linked to the democratisation of the international system, to the participatory dimension of democracy at the European level and to the characteristics of "good governance" (i.e. openness, participation, responsibility, effectiveness and consistency) as it was explained in the White Paper on European governance [9].

3) Phased development of EU practices in participatory democracy, governance and civil dialogue: horizontal, vertical and structural dialogue [10]

Although modest attempts of participatory practices started with the creation of the European Economic Community, in particular with the Social Dialogue institutionalised in the European Economic and Social Committee (EESC) and financed through the European Social Fund and the political dialogue set up in the European Political Cooperation, real EU practices of participatory democracy only emerged with the Treaty of Lisbon. Only then the role and impact of civil society

9 - Commission of the European Communities, *White Paper on European Governance*, COM(2001) 428 final, Brussels 25/07/2001.

10 - A good critical overview is given by J.Pichler, *Civil dialogue and Participatory Democracy in the EU Institutions*, Visits and Publications Unit EESC, Brussels, 2015, p. 110.

organisations became recognised. It is good to recall the major recent building steps of this formalised awareness and increased institutionalisation of civil society in EU affairs.

- The White Paper on European Governance by the European Commission [11] clearly states that

  «The Union must renew the Community method by following a less top-down approach." It also implied to "establish a more systematic dialogue with representatives of regional and local governments through national and European associations at an early stage in shaping policy and […] a stronger interaction with […] civil society».

- The Opinion of the European Economic and Social Committee on Civil Dialogue in 2001 [12] clearly defined what is meant with civil dialogue in the European context:
  - dialogue within European organisations that represent civil society on the theme of development and the future of the European Union and its policies;
  - structured, regular dialogue between these organisations as a whole and the EU;
  - day-to-day sectoral dialogue between civil society organisations and their partners in legislative and executive bodies.

- Civil Dialogue Platform of European Social NGOs [13] clarified that: «Civil dialogue is not just about consultation, it is about ensuring all stakeholders are given the opportunity to influence policy issues where they have expertise […]». The Platform conceives the dialogue as an ongoing process involving local, national and European levels, within a specific sector as well as on horizontal issues. Focus is on social justice, inclusion, employment, right, civil dialogue, etc. This process is channeled up to the EU institutions by the European NGOs who have been mandated by their constituencies to represent them and advocate on their behalf. This close link between the EU NGOs and their national networks explains why the EU institutions value so much the direct consultation with civil society organisations.

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11 - *Ibid.*

12 - European Economic and Social Committee on Civil Dialogue, Opinion of the EESC 535/2001.

13 - See *http://www.socialplatform.org*

- The Riga Process on participation, launched by the NGO Forum - RIGA 2015 offers an Action Roadmap towards dialogue at different levels [14] for the implementation of Article 11.1 and 11.2 of the Lisbon Treaty. It has been supported by European Economic Area Grants, European Economic and Social Committee (EESC), the EESC Liaison Group, and EU NGO networks - the Konrad Adenauer Stiftung and King Baudouin Foundation. It clearly emphasised that:

> «Only a qualitative dialogue between decision makers and society can provide decision-making process in accordance to society needs. In order to ensure a successful dialogue, the exchange of experience and cooperation among state institutions, non-governmental organizations, experts, and society is essential. There is no doubt – the resources and skills are needed for an active participation».

The objective of the Roadmap is to promote civil society participation in decision-making at both national and EU level, as well as to identify future actions to be taken by people, organisations, communities, states, and the European Union. It outlines a vision, a structure and actions needed for the implementation of better civil dialogue in the EU and the involvement of citizens. In short, it reflects citizens' calls for better decisions, better policymaking and better governance responding to citizens' needs. It lays the concrete groundwork for civil dialogue in which representative associations play a key role while, at the same time, the full potential of individuals is harnessed.

The roadmap outlines three levels of dialogue reflecting Article 11(1) and (2) of the TFEU:

a) Dialogue with representative associations and civil society at national level focuses on:

- Structure (Article 11.2): Although national traditions and legal frameworks differ considerably, EU decisions are, to a large extent, prepared by national departments and have greatest impact at national, regional and local levels. Treaties are binding upon Member States and joint commitments and aims (such as the Europe2020 Strategy) cannot be achieved without broad ownership and participation by the citizens. The

14 - See NGO Forum - Riga 2015: *http://ecas.org/roadmap-better-civil-dialogue-agreed-upon-ngo-forum-riga*

thematic dialogues that often already exist at a national level need better EU recognition and support measures so that they can be extended to other Member States. National dialogues should form part of the debate in the annual EU dialogue.
- Building on: Existing dialogues on EU issues at a national level (e.g. health, youth, sport, trade etc.) as well as the EU Citizens' Dialogues should be adapted and restructured.
- Partners: Member States, European Commission DGs, civil society representatives involved in the dialogues [also via Economic and Social Councils (where existing)].

b) Dialogue with representative associations and civil society at EU level focuses on:

- Structure (Article 11.2): Appropriate regular and structured dialogue forums to link each and all the EU institutions with civil society while creating synergies between the institutions where possible. Existing best practice should be extended and strengthened. The organisation of a yearly event would bring together EU institutions represented at the highest levels and representative associations/civil society as well as representatives from sectoral dialogues at the local, regional and national level. This annual meeting could be structured along the lines of the Open Days, with workshops and thematic meetings feeding into a comprehensive closing session and a final joint declaration or annual work plan. Online engagement and ad-hoc structures could be developed over time. Any declaration would be forwarded to all the EU institutions, and all would be required to issue a formal reaction.
- Building on the European Economic and Social Committee NGO Liaison group, EESC Civil Society Day.
- Partners: European Economic and Social Committee, European Commission, European Parliament and European Council, Committee of Regions.

c) Opportunities for citizens and representative associations to make known and publicly exchange views in all areas of Union action in local, regional, national and EU Dialogues) (Article 11.1).

- Structure: All citizens, through the associations representing their interests, should be able to access civil dialogue at the level that suits them best – be that local, regional, national or the EU level.

These dialogues should be self-organised by the representative association/civil society organisations, with the support of the relevant public authority, thus getting as close to the citizens as possible and helping to reduce feelings of isolation and distance. Citizens should also be able to feed in as individuals.

The format, agenda and topics for discussion would be decided by the representative association/civil society organisations themselves. Agreed reports and representatives would feed into the national and EU-level dialogue process.

- Building on NGO networks, councils, initiatives, EYC 2013 National Alliances;
- Partners: Public authorities from different levels, Member State European Affairs Departments, Economic and Social Councils (where existing), civil society platforms.

4) Implementing participatory democracy

Based on the above mentioned legal references the strengthening of participatory democracy within the EU has been focussing on different levels and various actions.

- The implementation of the Horizontal Civil Dialogue (Art 11(1) TEU) was long overdue. It is all the more relevant as young people prefer more activity-related, issue-related politics. More recently, we have seen some interesting attempts at horizontal civil dialogue, which could serve as pilot projects for a more structured horizontal dialogue with citizens, such as the EESC "*My Europe…Tomorrow"*[15], the "*Eleven-One-Austria Project"*[16] run by the Aus-

15 - The "*My Europe…tomorrow!*" project established a dialogue in the form of a two-way exchange with citizens. During the pilot phase the EESC cooperated with partner organisations in three Member States (Austria, Estonia and Spain) in order to debate the issues of youth (un)employment and immigration. The online platform was launched on 28th October 2014. See also J. W.Pichler and A. Wolfschwenger (eds), *Final Report on the 'EESC's Online Too l"My Europe..Tomorrow Bridging the Gap between Europe and its citizens"* in «Publications of Legal Policy Publications of the Austrian Institute for European Law and Policy», Volume 38, 2015 (*http://portal.eesc.europa.eu/myeurope/Pages/aboutmyeurope.aspx*).

16 - The aim of the project Eleven One Austria is to conceptualise, develop and implement a pan-Austrian open access online platform for all official and other institutions as well as for all forms of organised civil society devoted to all areas of Union action for mutual exchange and exploitation of synergies. This would create a closed "European policy network" within which each participant has full knowledge of the activities of the other participants of the network. Participating partners include: Austrian Institute for

trian Institute for European Law and Policy together with the University of Graz, or the "*REIsearch"* project [17] and the foresight project "*Futurium"*[18], an open-source-tool launched in July 2011 by the European Commission's Directorate General for Communications Networks, Content and Technology (DG CONNECT).

- Also the Vertical Civil Dialogue has to be enforced and opened up as widely as possible. [19] The fragmentary, lobbyist-dominated character of vertical civil dialogue should be replaced and opened up to allow for inputs from the average European citizen. Agenda-setting needs to be from the bottom-up, letting citizens co-decide in a reformed model that reaches consensus from below. The *Eleven One Austria* network or the *Futurium* platform are trying to give concrete responses to the long overdue vertical European dialogue. Quality has to be chosen over quantity, and the Commission has to sustain a "dialogue-regime" where the European Institutions should focus on delivering on substance rather than concentrating on procedures.

- The EU Citizens' Initiative (ECI) is legally embedded in Art 11 (4) of the TFEU:

«Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission,

European Law and Policy, University of Graz, University of Salzburg, State of Styria, State of Salzburg, Federal Chancellery of Austria. The final outcome of the project Eleven One Austria is the first open access online tool for the Austrian civil society and their associations for a lively European discussion in the sense of collaborative and cooperative democracy. It is meant to serve as a role model in the development of European Participatory Democracy that can be extended to other EU member states (*https://legalpolicy.org/2015/12/06/eleven-one-austria*).

17 - The REIsearch platform has been created as a bridge to connect citizens, researchers and policy makers on topics linked to the scientific research and to societal challenges that Europe is facing. It was launched in 2016, with the support of the European Parliament and European Commission, with the objective of showing how a technological tool, coupled to a broad network of leading media, research institutions, researchers, civil society organisations, and citizens, can help policy makers to make better use of all knowledge and experience, to make better decisions, based on evidence and experience, for the benefit of society as a whole
(http://www.eismd.eu/reisearch).

18 - Futurium was initially developed as an online space for European citizens to discuss digital topics. Now, the platform serves as a space for European citizens to discuss any topics related to the European Union. The platform hosts an online foresight toolkit to facilitate the joint creation of ideas to help design future policies (*https://ec.europa.eu/futurium/en/egovernment4eu*).

19 - See "Detailed suggestions" in : J. W. Pichler, S. Hinghofer and P. Pichler, *Civil Dialogue and Participatory Democracy in the Practice of the European Union Institutions*, "NWV", Vienna 2016.

within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties». This legal instrument needs significant changes and should be used as 'a window of opportunity', and unnecessary barriers and hurdles should be eliminated. The ECI mechanism needs to change if it is to perform better in the future. It should be an intimate platform of exchange between the citizens and 'their' Commission, creating one single handling entity, preferably run by an outsourced body.

This would imply a removal of the Commission's power to decide on the admissibility of incoming ECIs, an involvement in non-successful but interesting ECIs as well as granting successful ones a chance to become a partner in the vertical civil dialogue. It would also mean a reduction of the data requirements at the regional and local levels. A legal status for citizens' committees could be pursued and non-productive administrative burdens eliminated. An increasing general awareness and knowledge of the ECI could only benefit the actual implementation of this potentially strong participatory democracy tool.

- For the first time in EU primary law, the Treaty of Lisbon under Article 17 TFEU explicitly introduces a dialogue between European institutions and churches, religious associations or communities as well as with philosophical and non-confessional organisations.. The Treaty provision for the Dialogue of European Values states that:

«(1) The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States; (2) The Union equally respects the status under national law of philosophical and non-confessional organisations. (3) Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations».

In order to frame the dialogue and give guidance to interlocutors in the context of the implementation of Art 17 (3) TFEU, the European Commission adopted guidelines based on the principle of 'open, transparent and regular dialogue': this dialogue has to be opened up to the members of all accredited organisations. It also has to diversify the dialogue away from a Brussels' dialogue to a genuinely open and European dialogue. In short, only an enriching and open dialogue can make it a broad and fruitful public dialogue, connected to communities and citizens.

Assessment

The ongoing EU practices of participatory democracy and the debate on its future developments clearly show the need for citizen-friendly and direct democratic innovations that are attractive to citizens. Deepening democratic representation at the European level should therefore be strengthened, such as the direct election of a President of the Union or an EU-wide electoral constituency.

- The idea of the introduction of a directly-elected president of the Union is not new. The results of the Eurobarometer survey of 6.09.2013 showed that 60% of the Europeans favoured such a direct-democratic right. Initiating the "Spitzenkandidaten" process during the last elections for the European Parliament was already a step forward in improving citizens' legitimisation of the nomination of the President of the European Commission, but additional steps are needed to improve this further.
- An EU-wide election of the European Parliament could also be a step towards a more democratic Europe. The EP has become a vital democratic institution of the EU. It plays an important role as co-legislator, and has become the parliamentary voice at the Union level. The election of MEPs according to Member-State-determined constituencies should nevertheless be questioned. An EU-wide electoral circumscription could further improve the full European dimension of the European Parliament.

III. Participatory governance in the EU

1) Context

Participatory governance is gaining momentum as a means for countering the 'democratic deficit' in the contemporary political systems. In fact, over the past twenty years, the need for bridging the gap between institutions and citizens and constructing a new relationship between citizens and public bodies has been high in the rhetoric of political agenda, although the Eurobarometer findings over the last years show less concrete and positive outcomes. The future of the EU is at stake. A change from a mere output democratic legitimacy to a more input legitimacy would be more than welcomed. Some concrete steps have been taken in the last year.

- On February 14, 2018 a pro-European Appeal by over 300 leading European intellectuals and academics was published all over Europe addressing the Heads of State and Government meeting in Rome on 25 March to celebrate the 60th anniversary of the Treaties of Rome. The Appeal, «a genuine Euro-

pean Union to ensure welfare, security and democracy» [20], called for a re-foundation of the EU on the basis of the European Parliament's recent proposals to strengthen EU institutions and policies and to pave the way towards a true European democratic government. The Appeal invited European citizens to participate in the March for Europe in Rome on 25 March.

- On March 1, 2017 the European Commission presented a White Paper [21] as a contribution to the 60th anniversary summit of the Treaty of Rome. It contained five possible paths for the future of the EU: *Carrying On* (the EU27 focuses on delivering its positive reform agenda); *Nothing but the Single Market* (the EU27 is gradually re-centered on the single market); *Those Who Want To Do More* (the EU27 allows willing Member States to do more together in specific areas); *Doing Less More Efficiently* (the EU27 focuses on delivering more and faster in selected policy areas, while doing less elsewhere); *Doing Much More Together* (Member States decide to do much more together across policy areas).

- On the date of the celebrations many manifestations, events and debates took place in Rome. They mainly dealt with the future challenges of the EU and focussed on rethinking Europe in a global perspective. A good example of such a forward looking, but policy-oriented event has been the geo-thematic conference on "*The future of the EU: a commitment for You(th)"* organised by the EU Jean Monnet Programme. Most of the activities however, referred to the needed Citizens' Dialogue, such as the Citizens' Dialogue with High Representative and Vice-President Ms. Federica Mogherini bringing together some 250 people to discuss the future of Europe; the Symposium at Rome 3 University on "*Europe Fights Back: Re-building Vision, Regaining Trust, Re-launching"*; the Civil Society Forum coordinated by the European Federalist Movement at the Sapienza University; or the *March for Europe* on 25 March 2017, organised by the Spinelli Group. [22]

Finally, the policy context of participatory governance is showing in the last years a growing awareness that more democratic structures are needed in order to

20 - http://www.marchforeurope2017.eu/wp-content/uploads/2017/02/Appeal-EU-Re-foundation__EN.pdf

21 - https://ec.europa.eu/commission/white-paper-future-europe-reflections-and-scenarios-eu27_en

22 - www.marchforeurope2017.eu

build up a real European citizens-driven public space. Citizens' dialogues on the future of Europe have become a priority issue.

- The Report by Luc Van den Brande, Special Adviser to the President of the European Commission Jean-Claude Juncker, "*Reaching out to EU citizens: a new opportunity About us, with us, for us*" [23] in October 2017 contains a number of concrete policy proposals on vertical and horizontal policy dialogue, youth, intergenerational solidarity and education.

- On February 14, 2018 the European Commission presented a Leaders' Agenda with a number of practical steps that could make the EU's work more efficient, and improve the connection between the leaders of the EU institutions and the citizens of Europe [24]: further building on the 2014 "Spitzenkandidaten" experience, the composition of the European Parliament and the European Commission, and the idea of a double-hatted President for the Commission and Council.

- On 5-6 May 2018, the Commission convened for the first time in the history of the EU a Citizens' Panel to prepare a public consultation on the Future of Europe. [25] A group of 80 Europeans came to Brussels from 27 Member States, and worked together to draft a 12-question online consultation. This exercise in participative democracy will involve citizens in shaping the conversation on the Future of Europe ahead of the European Parliament elections in May 2019. In addition to the European Commission's work, Citizens' consultations are now also organised in all Member States, following an initiative launched by French President Macron.

2) Governance in perspective

Understanding participatory governance is much related to the concept of governance, expressed at different levels. Governance can be defined as follows: «The process whereby elements/actors in society (institutions & civil society) wield power and authority, influence and enact policies and decisions concerning public life, economic, social and cultural development». It focuses on the construction of

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23 - L. Van den Brande, *Reaching Out to EU Citizens: A New Opportunity "About Us, with Us, for Us"*, Publications Office of the European Union, Brussels, October 2017, 35 p.

24 - *http://europa.eu/rapid/press-release_IP-18-743_en.htm*

25 - *http://europa.eu/rapid/press-release_AGENDA-18-3603_en.htm*

effective, accountable and legitimate governing arrangements within diverse institutional settings of the public, private and voluntary sectors. It deals with the legitimacy and effectiveness of a political system in terms of democracy and inclusiveness. As such it presents a normative approach to assess the capacity and ability of different levels of governance.

Of course this needs to be put in perspective: good governance in perspective implies national, local and regional, European and global levels of capabilities. These are often interconnected and linked:

- National capabilities and policies for a good national governance are a well-functioning democratic political system responsive to people's needs and the rule of law, with effective administration of justice and an equitable institutional structure. This implies a new and different role of the State, being not any longer the exclusive actor in internal and external affairs.
- Local capabilities and policies are mainly based on the principle of subsidiarity and decentralisation. Governance should take place at the lowest level at which it is effective. It implies that community-driven and values-based approaches create trust, social capital and cohesive societies. States must protect and nurture the local space, create and support opportunities for cross-border networking, cooperation and exchange in view of creating strong, democratic and accountable local institutions.
- (Macro-) Regional capabilities and policies refer to regional cooperation/ integration processes that can strengthen participatory democracy. These mechanisms allow for empowering people to better manage socio-economic forces, improving negotiating power and building capabilities to profit from global opportunities, including a strong social dimension, democratic accountability and social dialogue.
- Global capabilities and policies relate to the importance of the legitimacy of democratic input for international oganisations, taking into account global public goods and global civil society organisations.

3) EU Practice of participatory governance

In a last section we give an overview and assessment of some of the more recent practices of participatory governance in the EU context.

- A White Paper on "*European Governance*" [26], was adopted by the European Commission in July 2001 with the aim of establishing more democratic

26 - Commission of the European Communities, *European Governance: A White Paper*, cit.

forms of governance at all levels - global, European, national, regional and local.

When taking office in 1999, Commission President Romano Prodi drew attention to the need for fundamental reform of the EU decision-making process and the way that the EU institutions function. Promoting new forms of European governance then was made one of the four strategic priorities of the Prodi Commission at the beginning of 2000. Although the need to improve the quality and to simplify regulation has been recognised both at EU level and within individual Member States since the mid-1980s, only in the early 2000s the renewal of the long-standing efforts for institutional and policy-making reform was put into practice.

The White Paper forwards a set of proposals focusing on the role of the EU institutions, better involvement, better regulation, and the contribution the European Union can make to world governance. The White Paper and its ensuing action plans were intended to involve the Parliament, Council and Commission and Member State governments in improving the way in which legislation and policies are prepared and implemented under the existing EU treaties. The Commission defined governance as «the rules, processes and practices that affect how powers are exercised at the European level», as defined by the treaties as they stand. The choice of promoting new forms of governance under the existing institutional framework became the only option available following the decision of the Nice European Council in December 2000 to call for an Intergovernmental Conference (IGC) on institutional reform in 2003.

The content of the White Paper based good governance on the core principles of openness, participation, accountability, effectiveness and coherence. It dealt with four main action themes: (1) Better involvement and more openness: instituting openness through all stages of decision-making; ensuring consultation with regional and local governments and with civil society networks; (2) Better policies, regulation and delivery: simplifying EU law and related national rules; promoting different policy tools; establishing guidelines on the use of expert advice; defining criteria for the creation of new regulatory agencies; (3) Contributing to global governance: reviewing how the EU can speak more often with a single voice in international affairs; improving dialogue with actors in third countries; and (4) Refocusing policies and institutions (Commission, Council of Ministers and Parliament): ensuring policy coherence and long-term objectives; clarifying and reinforcing the powers of the institutions; formulating proposals for the Intergovernmental Conference (IGC) based on governance policy consultation

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- In 2009 the Committee of the Regions (CoR) published a "*White Paper on Multi-level Governance*" [27], reflecting its determination to «build Europe in partnership». Multi-level governance was defined as:

> «coordinated action by the European Union, the Member States and local and regional authorities, according to the principles of subsidiarity and proportionality and in partnership, tasking the form of operational and institutionalised cooperation in the drawing-up and implementation of the EU policies».

By publishing this political document, the CoR took the initiative to submit its vision of an inclusive European decision making process and political debate, based on a mode of governance which involves local and regional authorities in the formulation and implementation of European policies.

The White Paper set two main strategic objectives: encouraging participation in the European process and reinforcing the efficiency of Community action. It proposed Regional Action Plans, tools, territorial pacts, an inclusive method of coordination, vertical and horizontal partnerships. The European Grouping of Territorial Cooperation (EGTC) is a good practice of territorial cooperation (cross-border, transnational and interregional cooperation), involving regional and local authorities, in view of strengthening the economic and social cohesion of the European Union. [28] The EGTC Regulation was established in 2006 and was the first European cooperation structure with a legal personality defined by the European Law.

- A new kind of political thinking was accurately expressed in 2014 by the Charter for Multi-Level Governance by the Committee of the Regions. [29] It refers to the principles of:

> 'togetherness, partnership, awareness of interdependence, multi-actor community, efficiency, subsidiarity, transparency, sharing best practices (...) developing a transparent, open and inclusive policy-making process, promoting participation and partnership, involving relevant public and private stakeholders (...), inclusive through use of appropriate digital tools (...) respecting subsidiarity and

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27 - http://cor.europa.eu/en/activities/governance/Documents/CoR%27s%20White%20Paper%20on%20Multilevel%20Governance/EN.pdf

28 - L. Bekemans, *Territorial Cooperation and Multi-level Governance; The Stimulating Role of the Committee of the Regions*, in L. Bekemans, *Globalisation vs Europeanisation. A Human-centric Interaction*, P.I.E. Peter Lang, Brussels-Bern 2013, pp. 289-304.

29 - https://portal.cor.europa.eu/mlgcharter/Pages/default.aspx

> proportionality in policy making and ensuring maximum fundamental rights protection at all levels of governance to strengthen institutional capacity building and investing in policy learning among all levels of governance … '

The Charter's focus was on better lawmaking, growth in partnership, territorial, economic and social cohesion, European Neighbourhood Policy and decentralised cooperation. It establishes a set of common values and identifies practical processes of good European governance. It commits its signatories to implement multi-level governance principles and mechanisms and to actively inspire and promote practical multi-level cooperation projects. It serves as a guide for local and regional authorities to implement fundamental Rights in partnership to "*making rights real*". After the adoption of the Charter for Multi-Level Governance, the concept of multi-level/multi-actor governance has gained increasing importance as a policy tool in managing diversity and cross-border challenges, enhancing the citizen-ownership of the European project.

In short, the EU can be considered a system of multi-level governance in continuous evolution and a policy response for active adaptivity to the changing international environment and its challenges, bringing participatory democracy closer to the citizens.

Despite the general emphasis on the participative forms of political decision-making as a means to improve the quality of public intervention in various fields, participatory governance does not always assure more effective and sustainable policy-making. Firstly, participatory governance contains the risk of dominance by pseudo-democratic elites who have good resources and organisational strength. Such practice has led to the motivation of some authors to refer to "participation as tyranny" [30] that is being practiced and reproduced to reinforce the interests of the "already powerful". Secondly, participatory governance is deemed to negatively affect the quality of public decisions because it gives power to non-expert citizens that replace knowledge with opinion. According to this argument, citizens would focus on short-term, easily manageable decisions that are not effective and sustainable in the long run.

In general, participation is increasingly seen as a "buzzword" in the contemporary development lexicon. Due to the fact that the concept is ambiguous and value-laden, the actual discourse indicates mounting disillusionment with its nature and outcome. This is why more evidence-based research on the impacts of participatory approaches in political decision-making is needed, in order to determine

30 - B. Cooke and U. Kothari, *The case for participation as tyranny: Participation: the New Tyranny?* in: *Participation: the New Tyranny?* Zed Books, London 2001, pp. 1-15.

whether, and under what conditions, participatory governance improves the sustainability of policies.

Conclusion

There is again need for an enlarging and mobilising vision which can raise a new and a regained connection with the citizen. [31] Furthermore, we must dare to recall the enthusiasm and faith in the European project, as it was embodied by the Founding Fathers of Europe. They wanted to guarantee a sustainable peace within the European borders and combined a long term vision with a pragmatic policy approach. Economic arguments supported the political goodwill. Therefore, Europe needs bridge builders who can concretely complete the rhetoric of the European story, underscore the European ideals of peace, unity in diversity, freedom and solidarity and mobilise the young people for the European model of society. Still the rhetoric needs to be translated into a workable and forward looking reality amidst a radically changing world.

The role of education is herein fundamental [32]. Only through integral human development in education and learning processes true citizens' dialogue can develop and link EU citizenship to democracy. Indeed, learning to live together with our differences and diversity is becoming the central dimension of active citizenship education. [33] Also new forms and places of dialogue, active citizenship and cooperation emerge outside the existing institutionalised structures of representation with an increasing role of the formal and non-formal civil society.

In short, I am convinced that, in spite of failures and imperfections in the integration process, the project "Europe" remains a valid working place to define the European common good and to develop a unique institutional and operational framework in which citizens are important actors of true participatory governance. I distinguish four fundamental tasks:

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31 - L. Bekemans, *European concerns, reflections and perspectives*, in: Monica Simeoni, *Europe or not? Multiple Conversations with Alberto Martinelli, Vittorio Cotesta, Alain Touraine, Nadia Urbinati*, International Academic Publishers Peter Lang, Brussels-Bern 2016, p. iii-xii.

32 - L. Bekemans, *The Role of Education in the rethinking of Europe in a global perspective, in: Educatio Catholica, Populorum progressio and education*, Congregation for Catholic Education, Roma, Anno III, 1-2, 2017, p. 139-155.

33 - L. Bekemans, *Role and Responsibilities of educational institutions and strategies for intercultural citizenship education in a globalising world*, « Dialogue of Civilizations Research Institute », Berlin, Dec. 2016, p. 30.

- Firstly, Europe has the moral responsibility to build a best practice of cooperation internally and externally. The individual and collective well-being depends more and more on a comprehension of man's capacity to read the signs of time and act accordingly in the pursuit of economic and social welfare within a world of global competition. We are in need of a radical change in vision and method to survive as a European civilisation.
- Secondly the Europeans have the moral responsibility to show that people can live together in the world, despite differences in language, culture, religion, origin, etc. In practice EU citizens still need to show that they can form an international public space where a cultural diaspora can exist in mutual respect, tolerance and dialogue. Clear and coherent messages, examples and testimonies are important and meaningful instruments to inspire citizens.
- Thirdly the European countries and regions have to seek continuously to make their social and economic systems more efficient so that the weaknesses of one can be compensated with the strength of others. This implies the importance of encouraging individual initiative, to aim for a broad and just distribution of the benefits of economic welfare and to revalorise the sense of responsibility in a value-driven education with a European dimension.
- Finally, the Europeans should play a more courageous and dynamic role on the international political scene by defending its model of peace and transnational cooperation and strengthening its method of collaboration with other macro regions. Europe should work for a transition of the traditional management of geopolitical and global economic conflicts to a new transversal policy of the global political and economic landscape.

A values-based EU will only survive if it is based on citizens' participation and participatory governance.

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