

A Citizens Compact: Reaching out to the Citizens of Europe

*An initiative proposed by members of the European
Policy Institutes Network (EPIN)*

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**A CITIZENS COMPACT:
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The French and Dutch ‘no’ votes have cast doubt on the future direction of the European integration process. The Constitutional Treaty laid out a prospect, but after the double rejection of the text, it is difficult to predict whether it will ever come into force. Indeed, by adding a special declaration addressing the possibility that member states would encounter difficulties in proceeding with ratification, the Heads of State attempted to ensure that rejection by one country would not automatically lead to the immediate ‘death’ of the Constitution. Events have proved that leaders showed a good sense of foresight when they took non-ratification into account.

Nevertheless, the wording does not allow for a legal interpretation in which ratification by the “countries encountering difficulties” would not eventually be required. Ultimately, the Constitution takes the form of an international treaty, which needs the consent of *every* state.

Also, from a political perspective, the negative results of the two referenda cannot be ignored. Any attempt to disregard the results would provoke the opposite effect of what the process had initially intended: to make the EU more democratic and to ‘reconnect’ it with the citizens. In the French case, the referendum was legally binding: to ignore its results would cause not only a political, but also a constitutional crisis. In the Netherlands, the referendum was merely ‘consultative’, but the government promised to respect the results because the turnout of 63.3% was more than twice as high as the government’s initial requirement of 30%.

Still, whatever criticism can be levied against the Constitution, few will argue that the present order is a superior arrangement. Indeed, dissatisfaction with the present EU system has probably contributed significantly to the Constitution’s hostile reception.

Clearly, then, any solution to the present crisis will have to be found collectively at the European level, but so far, no viable alternative way forward has come into view. A rerun of the referenda in France and the Netherlands has no credibility at the present time, although we cannot exclude the possibility that new governments in both countries may wish to revive the case for the Constitution after elections in 2007. And even if the Constitution were to be declared ‘dead’, any new revision process would probably have a greater chance of success if it could get some orientation from a text that has already been approved by a majority of the member states. If the justification for any new initiative is merely based on the present deadlock in the ratification process, it could even prove counterproductive, especially in countries that have already ratified the draft treaty and that would now witness their national vote being discounted before every member state had its say.

However, with or without the EU Constitution, any attempt to resolve the present crisis will remain futile if in the meantime Europe’s politicians fail to revise their present practices and do not succeed in engaging citizens in debates about European policy matters at an earlier stage.

A Period of Reflection – not Inaction

At the European Council last June, Europe's leaders bought themselves some time by inaugurating a 'period of reflection'. It is essential that this pledge is taken seriously and that the time is spent productively. The current crisis is only a symptom of a bigger problem between the EU and its citizens. Until the early 1990s, citizens seemed to accept a situation in which decisions were being taken in their name at the European level, but without their involvement in the process. Since then, however, European leaders have had to learn that the era of 'permissive consensus' was over. The French and Dutch no votes were only the latest example in a long series of lost referenda, starting with the Danish rejection of the Maastricht Treaty.

Since 1992, there have been many calls for the EU to get closer to its citizens and to 'reconnect' with them. Obviously, it has not yet achieved this goal. According to the analysis of voters' motivations in the Dutch and French referenda,¹ many seized the opportunity to express a general dissatisfaction with the EU and the way in which the European integration process has developed. Therefore, decision-makers cannot afford to squander this self-imposed 'period of reflection' in inaction and to assume a 'wait-and-see' attitude in the hope that a more favourable situation will emerge.

There are plenty of possibilities to actively engage citizens in the debate on European matters that still remain unexplored. We outline below several concrete proposals on how the coming months can be used in a constructive manner, with a view to helping the Union to regain legitimacy and confidence. While it may or may not contribute to a political environment in which it becomes viable to resurrect the Constitution, the debate should not focus on the text itself. Rather, European leaders must use this 'period of reflection' to convincingly demonstrate that they take seriously the message from the two negative referenda. Instead of 'selling' the Constitution, the period of reflection must directly address the larger malaise that characterises the attitude of a growing part of the population towards the EU.

A Citizens Compact: Establishing a European Democratic and Civic Space

As a clear signal of their determination to reach out to the citizens, European politicians need to subscribe to a hard compact that addresses the democratic and communicative deficits of the EU with concrete measures. The main aim of such a compact for citizens would be to establish an effective 'European Democratic and Civic Space', which would serve as a follow-up to the relevant discussions in the European Convention.

The Citizens Compact would aim to establish better conditions for debate on the future direction of the EU. It would foster a European dimension in the public debate by improving the 'vertical' links between the national (regional, local) level and the European level as well as the 'horizontal' links among the different national forums. This would help to counter the 'nationalisation' of the EU debate, as occurred in France and in the Netherlands. In those referenda campaigns, it proved impossible to communicate the Constitution as a compromise that has to accommodate many national preferences. Instead, the text was measured against a highly specific set of demands

¹ See Flash Eurobarometer 171, "La Constitution européenne: Post-Référendum France", June 2005 and Flash Eurobarometer 172, "The European Constitution: Post-Referendum Netherlands", June 2005.

from a national perspective that it could not begin to satisfy any. Since change to a European treaty must be acceptable in every member state, it is crucial to prepare the ground for a debate that is adapted to this challenge.

The initiative for the Compact must represent a concerted effort on the part of all European institutions and should go beyond a mere declaratory text. Through the adoption of the Compact, binding commitments on its basic content must be obtained from all political actors involved. To assure that all stakeholders have a sense of ownership, it is important that they are equal partners in the process of shaping the agreement. Hence it should take the legal form of an inter-institutional agreement where the EU institutions themselves are concerned. It would be appropriate for the initiative to be launched by the European Parliament, as it is the elected representative of the EU citizens and is the EU institution that is best placed to coordinate such a process with the necessary legitimacy. Political parties at the national and the European level should be closely associated with the process.

National governments and parliaments as well as regional and local actors will have an important role in presenting the Compact to the citizens. In cooperation with actors from the European level, they should use their high profile within their respective constituencies to raise awareness for this initiative.

Concerning its content, the Citizens Compact must include commitments for better communication from European and national actors, but could also comprise short-term structural changes and the development of a long-term strategy to tackle the EU's democratic shortcomings. It must deliver practical and visible measures that will have a significant impact on citizens' ability to hold European decision-makers accountable and leave a marked imprint on the way EU matters are discussed and decided upon. While such actions can well be envisaged within the confines of the existing treaties and hence do not require any treaty change (and therefore also no ratification), the Compact has to be based on a broad political consensus. Specific measures are outlined below.

1. Discussion of important EU policy initiatives in national parliaments

Just as national parliaments are needed for the presentation of the Compact to a wider public, they should also play an important role in carrying out the initiative. It is a fact that the primary attention in public debate continues to be generated by national politics. European actors should not spend their energy on challenging this status quo, but rather on integrating the established existing structures in their efforts to bring the European agenda to the attention of the citizens. Therefore, all national parliaments should make an official commitment to publicly (and possibly even simultaneously) discuss European policy initiatives that are of special concern to citizens, e.g. the services directive, anti-terrorism measures, immigration issues, enlargement. This would associate the national parliaments with the European policy process beyond the – necessary, but rather technical – “early-warning mechanism on subsidiarity” proposed by the Constitutional Treaty.

It is important, however, that the results of the national debates are communicated back to the EU level, because only then will a need for a common European agreement become apparent. The agreement must be reached within the EU's institutional

framework in the light of the findings that emerged from the national debates. Therefore national parliaments and governments should jointly prepare reports that summarise their national debates for submission to the European Parliament. The convergence or similarity of views held across the member states should be stressed in this process. The conclusion may well be that ‘national interests’ are only one criterion among many others defining political preferences – and that many controversies are *not* dominated by divisions along national lines, but rather along political ones that find support in every member state.

2. Communication of policy priorities and positions

At the national level, each head of state and government should explain to his or her national parliament their position on the issues of the EU presidency’s priorities and positions they have taken during the preceding presidency. Such an account should be made twice a year, *after* the presentation by each new EU presidency at the start of its term of its priorities to the European Parliament.

At the EU level, the European Parliament should host a general debate once a year in which the group leaders in the European Parliament, the heads of government (or high-ranking ministers) and the European Commissioners would discuss the broad lines of European policies.

A further possibility would be an annual meeting between European and national parliamentarians. The main purpose of these meetings would be to raise public awareness of European policy, unlike the sessions of COSAC (Conference of Community and European Affairs Committees of Parliaments of the European Union), which primarily aim to strengthen the role of national parliaments in the community process. Therefore their discussions would clearly concentrate on a limited number of pressing policy issues that are likely to trigger politically controversial debates and attract media interest.

3. Involvement of European actors in national debates

MEPs and European Commissioners should devote even more of their time to participate in national debates on European issues. Even top officials could become more involved. (This call for a stronger involvement by personalities from the European level is also a central plank in the Commission’s recently published *Action Plan to Improve Communicating Europe*.) European actors could use national debates to give the broad public a better idea about the nature of their work and the functioning and actual competences of the EU. It must become clearer to the people what the EU can actually do and also what it *cannot* do under the current conditions. Otherwise the danger persists that expectations are created which the EU ultimately cannot fulfil.

4. National information bulletins

All national governments should publish at regular intervals factual bulletins containing information about the latest EU proposals and decisions. These should be widely distributed to all national media and accordingly should be drafted in a fashion that makes the information easily accessible and processed. The information bulletins would

serve to draw public attention to EU policy decisions at an early stage in order to avoid subsequent ‘blame-and-claim’ games between different actors when the actual effects of the decisions become apparent.

5. Citizens’ forums

Public debates on European issues should be organised with the participation of politicians and civil society. These debates could follow the model of Ireland’s National Forum on Europe. Such fora should not promote a particular point of view, but should function as a neutral venue for open and uncensored debate. In addition, particular efforts should be made to enlist the participation of citizens from other member states to strengthen the European dimension in these debates. New methods of participatory democracy – such as consensus conferences, deliberative polls or the formation of cross-border networks between citizens – should be considered at the national but also at the European level in order to maximise citizens’ involvement in policy-making.

6. Institutional measures enhancing democracy and participation

In addition to introducing the communication measures outlined above, the Citizens Compact could possibly implement a number of uncontroversial elements from the Constitutional Treaty that improve democracy and do not require ratification. Among these could be the ‘citizens initiative’, the Council voting in public and the ‘yellow card procedure’ on the principle of subsidiarity for national parliaments. These measures would demonstrate the presence of political will to make the EU more democratic and transparent.

Additionally, national parliaments would be encouraged to create structures and procedures at the national level to ensure that their control over the principle of subsidiarity is effective and systematic. Cooperation between national parliaments on these matters should be improved.

7. Legislative measures concerning the democratic and civic life of the Union

Beyond the measures already mentioned, there should also be a long-term approach to tackling the EU’s democratic deficit, including measures that will necessitate a change of the existing treaties. The European Commission in cooperation with the European Parliament should define a strategy on the ‘Democratic and Civic Life of the Union’. The strategy could take the form of a White Paper based on consultations with national parliaments, the Committee of the Regions, the Economic and Social Committee as well as with citizens’ organisations and other actors of civil society. As long ago as the 1980s, Lord Cockfield identified the 300 pieces of legislation needed to create a true single market; this paper would spell out in detail the legislative package needed to strengthen a true ‘European Democratic and Civic Space’. To prevent the strategy from becoming another bureaucratic exercise, the Commission and the EP would have to draw on powerful advocates in civil society and the media to put pressure on governments concerning the proposed institutional changes.

8. Impact assessment

Similarly, as happened with regulations on subsidiarity, environmental protection or gender issues, important future pieces of European legislation could include an impact assessment specifying how citizens' concerns have been taken into account when drafting the proposal and what the likely impact of the legislative initiative will be on citizens' lives. A reference may be included in the proposal specifying whether any special communication actions are needed.

This short list of suggestions for a Citizens Compact is by no means exhaustive. Our intention is to show what *could* be possible, if resources are made available and political determination prevails over the current feelings of crisis and perplexity. In this sense, the Citizens Compact could become a successful initiative in creating a crucial sense of ownership on the part of citizens towards the European Union.