VALUES, RULE OF LAW

CIVIL SOCIETY

CONTRIBUTION TO THE WHITE PAPER
ON EUROPEAN GOVERNANCE

DECEMBER 2001

1. Foundations of the European Union

1. Values

It is proposed that the following phrase be added to page 8, paragraph 2 of the White Paper:

"The Union is based on values, the rule of law and political objectives"

The essential values are dignity, liberties, equality, solidarity, citizenship and justice, as defined in the European Charter of Fundamental Rights (2001), the Amsterdam Treaty and the European Convention on Human Rights (1951).

2. Strengthening the rule of law

Good governance is achieved by strengthening the rule of rule. To do so, the following action should be taken:

(1) A network of "citizens' assemblies" should be set up in all the Member States. All members of the public and legal persons would have access to these bodies and could contact them in order to air their views on how their quality of life could be improved. The network should be as dense as possible so that the assemblies are located near at hand and can be contacted easily.

(2) Steps should be taken to create ombudsmen in the Member States or increase their numbers. They should be trained in European law and the subsidiarity principle so that they can deal effectively with complaints from the public about the implementation of Community law. The network should be as dense as possible so that the ombudsmen are located near at hand and can be contacted easily.

(3) An appeals body should be set up which would be responsible for judging cases which have not been resolved by the ombudsmen. The case law produced by such a body would help advance European law.

It should be remembered from the Laeken Declaration that the Presidium will prepare the groundwork for the Convention while learning from the public debate.

(4) A record should be kept of the reservations attached to the Treaties during their ratification in order to evaluate the extent to which they strengthen or undermine the rule of law.

3. Political objectives

One of the greatest weaknesses of the Community system lies in the link between democratic suffrage and the body which makes legislative proposals at European level. If European

citizenship is to be achieved, we need to create a democratic polity at European level. People feel that too many things are being decided behind their backs and want to see greater democratic control as well as more effective implementation of essential values.

If the Community institutions, of which the European Parliament is the only one to enjoy direct democratic legitimacy, are not to lose their democratic credibility, the Union should seek to create a fully-formed democratic system at European level.

2. Civil society

Need for dialogue

Dialogue is currently at the top of the agenda. We need to engage in dialogue in order to get to know each other, listen to the opinions of others and overcome the barriers created by prejudice and misunderstanding. In Belgium, for example, there is a periodical, *Vivre*, that is published by the *Centre d'action laïque* (centre for secular action) and has an editorial committee composed of Catholics, Protestants, Jews, Buddhists and those without a religious affiliation. Their goal is to "compare differing social and ethical beliefs, improve understanding of these beliefs while showing mutual respect for those who hold them, and move forward together in helping to shape society." On all sides, we can see that Europe is trying to become more open to dialogue, whether it is intercultural dialogue, ecumenical dialogue between religions and churches, or dialogue between believers on the one hand and atheists or agnostics on the other.

Dialogue is essential — between people, religions and cultures. Associations representing civil society can help make this happen.

Associations representing civil society: a link between politicians and the public

The voluntary sector encompasses a wide range of subjects and can therefore act as a driving force behind social development. In a participatory democracy, people are no longer content to give policy-makers a blank cheque to do what they like for several years between elections. Moreover, a large number of issues can arise between elections which electoral programmes usually do not deal with in depth. Civil society therefore has a twofold role to play: it can act as a useful link with the political world without replacing it, and can thus help maintain and develop active citizenship.

By achieving both these goals, civil society can help not only to restore the democratic credentials of public life but also to make the public more interested in social developments.

Participants in civil society

According to the mandate of the Economic and Social Committee, civil society comprises the social partners, socio-economic organisations, NGOs, grassroots organisations and religious communities. The voluntary sector encompasses a large number of subjects which are not necessarily of interest to the traditional social partners. A clear distinction should be made between social partners and voluntary associations which are not in the public sector and do not have a commercial purpose.

Since the Delors Presidency, the Commission has sought to establish contacts with the churches. The White Paper takes up this theme by stating that *"churches and religious*

communities have a particular contribution to make." Curiously enough, the authors of the White Paper did not see fit to extend this statement to include secular associations.

Over the last few years, a distinction has emerged between the churches on the one hand, and "religious and ideological communities" within which believers and non-believers can engage in dialogue.

It is necessary, in future, to distinguish firstly between the social partners and voluntary associations which are not in the public sector and do not have a commercial purpose and, secondly, between the churches and "religious and ideological communities". The task of the Economic and Social Committee as defined in Article 257 of the Treaty on European Union should be changed so that any confusion can be avoided.

The contribution of the churches

Religions and churches are supposed to bring added value to the European Union by developing public consciousness and hence a sense of citizenship. It is surprising that the Commission has decided to delegate this responsibility to the churches alone, given that hardly anyone goes to church any more and few people continue to lead their lives in accordance with church teachings. At the same time, it should be borne in mind that democratic states draw their legitimacy and sovereignty from their citizens. However, if, in an effort to attain true legitimacy, the State calls on the help of religion and seeks religious legitimacy, it weakens the legitimacy of the people. Europe cannot go down this road. The churches, for their part, convey a message based on transcendence, which is targeted at the faithful. Their "particular contribution" does not concern the population as a whole.

The public authorities and the European Union should not intervene in this area because they have a duty to observe religious freedom and cannot create a further distinction between the beliefs of those who believe in heaven and those who do not. However, it is good that the White Paper encourages the churches to promote dialogue between each other, to abandon proselytising in all its forms and to steer clear of the concept of religious identity, which continues to fuel so many religious conflicts.

The European institutions should not concern themselves with the "special contribution" which the churches can make to their flock. Religion and governance should be kept apart.

The contribution of "religious and ideological communities"

The "religious and ideological communities" can find their place alongside other associations representing civil society, provided that they meet the same requirements as regards representativeness. According to the criteria drawn up by the Economic and Social Committee, associations representing civil society should be set up *"on a voluntary basis ... by means of a democratic process..."* in order to reflect *"the will of the people"*. It is inconceivable that the Commission or European Parliament should establish institutional links with religious and ideological communities which do not meet the various criteria concerned.

A large number of civil society associations, including secular and humanist associations, play a responsible part in public life when it comes to key social issues. Many of these associations adopt a stance which most European citizens find satisfies their questions on the **meaning of life**, whether as regards the family, divorce, contraception, abortion, the role of

women, death, tolerance, freedom of conscience or world peace. People who do not practise religion develop beliefs which are just as important and respectable as those of "believers".

Their "contribution" therefore should not be ignored and they should be able to express their convictions on a par with religious communities.

Eliminating discrimination on philosophical and religious grounds

Discrimination is a problem affecting different social groups in a large number of Member States and candidate countries: victims can include not only women, Jews, and members of minority religions and religions which are not recognised but also those who do not have a religion and are "non-believers". Discrimination of this kind concerns education, religious teaching in school, social life, people's privacy, certain political rights, official ceremonies of a purely religious nature, and so on. It is time we realised that a large number of people do not practise a religion and are affected badly by this type of discrimination.

Good European governance must involve ensuring that legislation and customs relating to the churches and religions in the European Union do not discriminate against members of the public and especially those who do not belong to a particular religion.

Democratically elected partners

Civil society is entitled to call for the establishment of an entity with which it can communicate directly, which is responsible to the European electorate for its actions and which has the powers which any democracy confers on its elected representatives. Only democratically elected politicians are responsible to voters and can be sanctioned by them. Is it not the fundamental right in a representative democracy to seek redress through the ballot box? At EU level, parliamentary democracy consists of members of the European Parliament and the representatives appointed by them. The European Parliament has direct legitimacy and a political responsibility towards the European electorate, while the European Commission has the power to make proposals.

A structured dialogue should therefore take place between civil society and the European institutions, for which the European Parliament should have overall political responsibility.