



Association of former Members of Parliament of the member states of the Council of Europe or the European Union (FP-AP)

European colloquium in Athens Representative democracy and participatory democracy

Statement of Athens, adopted on 18 October 2008

The Association of former Members of Parliament:

1. Thanks the Greek delegation for welcoming this colloquium in Athens, a highly symbolic city and cradle of the democratic ideal.
2. Welcomes the fact that the concept of participatory democracy is gathering new momentum and is completing and strengthening that of representative democracy by offering citizens new spaces for expression adapted to the rapid changes of the information and communication society.
3. Emphasises that participatory democracy also forms the basis of the actions undertaken by parliaments to make their contributions to improving governance at the national and European levels and also globally.
4. Recalls that democracy is today faced with major challenges: globalisation and international financial capitalism; climate changes; poverty and the worsening of social inequalities leading to hunger riots in the countries of the South; pandemics; demographic changes; new threats to security due to terrorism, undependable energy sources and fragile States; as well as the need for transatlantic cooperation and the affirmation of our values. These are the challenges Europe and the world must face in the XXIst century. The most important values are democracy, the preeminence of law, freedom and peace, diversity and tolerance, gender equality, justice and solidarity.

PARTICIPATORY DEMOCRACY: A CONCEPT WITH A FUTURE

The Association considers that:

5. The concept of participatory democracy has developed in recent years as the crisis of representative democracy has become full-blown.
6. Representative democracy is however necessarily participatory in itself since it involves every citizen in the choice of his representatives and therefore in the collective choices for society. Democracy in all its forms has to be strengthened and good governance (incl. the fight against corruption), accountability and efficiency of all political institutions as well as transparency be improved.

7. The malaise of representative democracy reflects a twofold frustration. First, that of the elected representatives who feel increasingly stripped of their prerogatives owing to the predominance of governments and their experts, and also to transfers of sovereignty in the wake of the European Treaties, the growing influence on the economy of globalised multinationals escaping all control, and the predominant role of the media in conveying the political discourse.
8. The other frustration and not the lesser is that of citizens themselves. They feel that elected representatives have less and less influence which explains the high abstention rates at elections and they no longer accept the confiscation of their power which would result from a lack of any consultation in the interim between elections.
9. This gap between public opinion and elected representatives is also worrisome at European level as the citizens of the European Union are not sufficiently informed of the positions and votes of MEPs. This situation is worsened by television channels which tend to nationalise and trivialise (FMA) problems to the detriment of the European debate and to privilege the Council at the cost of the Parliament (FMA). A common information area, the indispensable prelude to the emergence of a genuine European public opinion, is therefore struggling to get established. Many MEP's are far from their voters as they often come from distant regional or national constituencies and lack local contacts.
10. Governments must step up their efforts with a view to the development at schools of an education in civics and European citizenship.
11. Reintegration of the citizen in the decision-making process, in other words the handing back of popular sovereignty between two elections, whether at the national or European level, has become a must. This also means the importance of the involvement of women in all decision-making processes and gender equality must be ensured not only in theory but also in practice.
12. A dialectic between representative democracy and participatory democracy forms the path preparing institutions to listen to and detect the needs and expectations arising in society. And it is in this context that the participatory impetus of citizens can contribute to bringing about a genuine governing democracy.
13. This situation has opened a new field for analysis on participatory democracy and on the instruments to be implemented for its roll-out. The idea of participatory democracy means a new institutional offer of participation for citizens in order to associate them in the elaboration of collective projects according to a variety of methods, not all of which have yet proved their efficacy. The participatory democracy concept still remains vague and cannot be said to be everyday practice but the political force of this idea leads to believe that it will develop over the years ahead.

OPINION-BASED DEMOCRACY AND EMOTION-BASED DEMOCRACY

The Association considers that:

14. In the new context of the multiplication of information and communication channels: media, opinion polls, blogosphere, etc..., the classical representative system can no longer, alone, channel the demands and aspirations of public opinion. A permanent opinion-based democracy is gaining ground, alongside traditional representative democracy and is tending to compete with it supported by the media power. However this opinion-based or even emotion-based democracy does not have the legitimacy conferred by universal suffrage which expresses the general will. The influence of the opinion-based democracy should not be underestimated because, following an overhyped trivial event, legislation may be amended as a matter of urgency.

15. The practice of holding opinion polls has become an essential component of opinion-based democracy. They have acquired undeniable political force by taking advantage of the fact that classical representative democracy based on the electoral contract alone no longer manages to fulfil the aspirations of modern society. Opinion polls, like all scientific techniques, can be the best and the worst of things. The specific rules of this discipline must be respected (sufficiently dense sample with respect to the universe to be covered, questions which are not taken into account in the sample of the subsets of the 'universe' to be covered: gender, age, level of education, profession, etc.....). But it must be acknowledged that the almost daily release of opinion polls is also a source of contradiction with parliamentary proceedings.
16. All these changes must now take account of the Web revolution which is creating a new interactive area where everyone can express themselves all the time and on all topics, which is not without danger for the protection of personal data. The digital revolution, in other words the convergence of data processing, of radio and television, and of telecommunications, and the new notion of collective intelligence pose fearsome problems. However, neither politicians nor economic decision-takers have yet set in place a genuine strategy to assess the consequences of this deep, uncontrolled transformation on democracy and its impact in emerging countries.
17. Democratic practice is suffering from the growing gap separating the legal institutions and the new forms of spontaneous expression that are increasing in number without any connection with the proceedings of parliamentary bodies. The fact that the expression of the plurality of opinions is taking place outside representative institutions is one of the major causes of the democratic malaise.
18. Democratic culture must therefore be spread at all levels of society : school, university, sporting life, economic and trade union life, and cultural and artistic life. Similarly, the internal democratic nature must be ensured of associations subsidised by the State or other public authorities.

THE LOCAL APPROACH: PROXIMITY DEMOCRACY

The Association emphasises that:

19. Participatory democracy takes on all its meaning for citizens at the local level, that of the city, borough or district. This 'proximity' democracy is based on dialogue between institutional partners and citizens on city-related issues or on the assessment, cost and consequences of projects impacting the environment or public health. Getting community-based expertise to emerge must be the goal of the elected representatives concerned. These participatory meetings must however avoid the triple pitfall of populism, the supremacy of experts, and the enfeeblement of the general interest in the face of specific interests. A new democratic experience or mere instrumentalisation – such is the challenge of participatory democracy at the local level.
20. In this framework of bringing the power closer to the citizens, it is necessary to grant a particular attention on the processes of political devolution with and an increasing role of regional powers..
21. The referendum and popular initiative, as they exist for instance in Switzerland, Italy, Austria, Spain and Portugal appear to be adapted instruments of direct democracy.
The Swiss model of participatory democracy has resulted from a long history that has granted it its singularity. Popular initiative and the legislative referendum are the pillars of Swiss participatory democracy which remains exemplary, even if it would be difficult for other states or even for the European Union to take up the Swiss institutions as such. As for the national referendum, there is a high risk that its aim might be diverted. Moreover, in every country holding such referendums they undergo the weight of their historic traditions.

THE EUROPEAN APPROACH: THE EUROPEAN UNION AND PARTICIPATORY DEMOCRACY

The Association recalls that:

22. If there is a recurrent topic of criticism against the European institutions, it is indeed that of the democratic deficit. European citizens too often feel that decisions are taken in Brussels by anonymous authorities, whence the need in particular to strictly apply the subsidiarity principle so as to clearly establish what is a matter for the Community level and what should be decided nationally or regionally. What is challenged is the absence of a clear image of the Union, the insufficient communication of governments on their European policy and often even the practice they adopt of condemning at the national level the application of Community directives which they themselves supported at the Council of Ministers in Brussels. The very high abstention rate at European elections is therefore no surprise.
23. It is therefore very positive that the Lisbon Treaty provides a certain number of gratifying advances in its provisions on democracy.
In the field of democracy, the progress was and remains visible. The role of the European Parliament is greater: extension of the field of application of the 'ordinary legislative procedure', which sets it up as a co-legislator, budgetary competences extended to expenditure as a whole, election of the President of the European Commission. The change is particularly visible in the European penal area. At the same time, the weight of national parliaments in the European decision-making process has been strengthened and also, indirectly, that of regional parliaments since the protocol on subsidiarity lays down that it lies with national parliaments 'to consult, where appropriate, regional parliaments with legislative powers'. Knowing that EU member states risk losing ground whereas they are winning opportunities shaping policies, above all at the international level, the subsidiarity and proportionality provisions in the Lisbon Treaty and its relevant protocols need a thorough observance and an early functioning warning system which enables national parliaments to act in time. Lastly, the charter on fundamental rights should have the same legal value as the treaties, which would contribute to making the European Union a fully-fledged entity governed by the rule of law.
24. The topic of the scrutiny of electors over the acts of the institutions and over their representatives must be developed. Civil society must strive towards full political awareness explicitly including the European dimension.
25. It should be noted in particular that the challenges raised by globalisation cannot constantly be addressed on the basis of market economy conditions and mechanisms without there being consequences for the completion of the European and global market.

The Association :

26. Regrets that in the Lisbon Treaty participatory democracy is not placed on the same plane as representative democracy. As the double legitimacy of origin in the creation of the European Union, by citizens and by States, is now limited to the single basis of States.
27. Emphasises that according to the Lisbon Treaty '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.' Alongside this citizens' participation, Lisbon opens up the way for

the participation of representative associations: '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. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.'

28. Draws attention to the fact that, while the Lisbon Treaty increases the opportunities of citizens' participation, the provisions for a 'European citizens' initiative' are not satisfactory. For such an initiative to be crowned with success it must be followed by debates and formal decisions from the Commission and the Parliament. Experiences concerning the European initiative may open the way to referendums or popular votes of a mandatory nature.
29. Considers that formal changes in the rules of the democratic game will not eliminate the democratic malaise. It is also necessary to change the contents of politics and ensure that the social balance is respected as is already the case by several European Union programmes. The European states as well as supranational, intergovernmental and non-state organisations and players are called upon to regulate the effects of globalisation by taking guidance from the social and ecological market economy principle. This economic model is based on the Millennium Declaration and its development goals, the UN Global Pact, the relevant International Labour Organization conventions, the Inter-Parliamentary Union (IPU) Universal Declaration on Democracy, international pacts and the European Charter for Fundamental Rights, the European Convention for the Safeguard of Human Rights and Fundamental Freedoms, the European Social Charter emphasising the importance of free trade unions, multilateral agreements on the environment, and the OECD guiding principles for multinational enterprises.

'THE IRISH NO: A NEW POLITICAL CONTEXT IN EUROPE'

The Association:

30. a) Takes note of the negative result of the Irish referendum on the ratification of the Lisbon Treaty.
b) Observes that this result confirms the persistent gap between the European institutions, citizens and public opinions.
c) estimates that in order to advance in European construction citizens must be involved more
d) coonsiders that the analysis of the Lisbon Treaty made by the Association of former Members of Parliament remains relevant in the present state of the Treaty ratification process.

THE PLANETARY APPROACH: GLOBALISING DEMOCRACY

The Association considers that:

31. We are probably at the end of a cycle that began in 1989 with the fall of the Berlin Wall. It was at that time that the market economy imposed itself on the whole planet alongside the development of new technologies. However, since then new major economic powers have appeared like China, India, Brazil and Russia. By its excesses, the international financial system is crossing a serious crisis and must be challenged, otherwise poverty will increase in the world and democracy will weaken or even disappear in some countries. On top of the financial crisis, a spectacular rise in the cost of raw materials is indeed having repercussions on the price of basic food commodities. Elected representatives have an obligation to take good note of the consequences of the approaches that have been adopted by major world institutions, especially support for agrifuels to the detriment of food crops of which the countries of the South have the greatest need.

32. This global crisis should lead parliaments to demand that the regulation of financial markets should be a priority of political and economic decision makers, that a new world agricultural policy should be introduced and that the new human rights – the right to food and right of access to drinking water – should be strengthened. Parliaments should also support the proposals recently made by the UN special rapporteur on the right to food so that economic and social rights are placed on a par with civil and political rights.
33. The globalisation of the economy must be accompanied by a globalisation of democracy in the spirit of the good practices guide on parliamentary democracy in the XXIst century drawn up by the Inter-Parliamentary Union (IPU). Parliaments must have the right to supervise the revisions of world governance in the pipeline. The Council of Europe Parliamentary Assembly has opened the way with the recommendations it sends the OECD and the EBRD after the presentation of their annual reports. The European Parliament and the national parliaments should have beforehand a right to review important international treaties (such as the WTO) ; a UN Parliamentary Assembly should be set in place..
34. Globalizing democracy encourages the European Union to open the door for citizens of all the European countries to participate more fully in democratic decision-making process in Europe, through the direct democracy mechanisms The EU should continue to support candidate countries, potential candidate countries or countries with European aspirations, like Ukraine, in their efforts in realization of political, economic and social reforms, strengthening human rights and the rule of law.

PROPOSALS

The Association of former Members of Parliament of the member states of the Council of Europe or the European Union proposes that:

- I. Permanent forums be set in place in which would participate citizens, associations, universities with the support of the European Parliament, national parliaments, Associations of former Members of Parliament, and Economic and social councils.
- II. The Charter of Fundamental Rights should form an arena where democratic participation and representative democracy should be exercised, including democratic control.
- III. The Council of Europe Parliamentary Assembly should organise a major political and ethical debate on the consequences of the digital revolution on the exercise of democracy, in the spirit of its 1995 Symposium on electronic democracy.
- IV. National parliaments should develop the principle of audits bringing together the representatives of civil society in the elaboration of bills and promoting the possibilities of recourse by citizens as regards the constitutionality of certain Acts, as well as access to institutional mediators at the national level and the European level.
- V. National parliaments are engaging in dialogue with a view to elaborating bills aimed at allowing citizens to fully appraise issues at the local level by being guaranteed they will be previously informed as fully and objectively as possible on public or private projects and especially likely to affect the environment or health.
- VI. The debates of the European Union Council of Ministers should be public when they concern a draft piece of legislation as has been the case at the European Parliament since its creation and at a time when the Council is considered as the second Chamber of the European Union.
- VII. The European Parliament should go deeper into the idea of putting into practice the procedure of the simultaneous referendum on a European scale in relation with Treaties or decisive

matters for the development of the European Union with the prior indispensable campaign of information to the citizen.

- VIII. A specific follow-up of the provisions of the Lisbon Treaty on participatory democracy should be ensured by the competent parliamentary bodies at the European and national level.
- IX. The strengthening of democracy within the Union should be facilitated by extending the powers of the European Parliament and of the EU Council as regards the legislative initiative over which the Commission has a monopoly; however, a really sufficient quorum should be reached.
- X. The development of the EU should be accompanied by a better presentation of its policies and greater transparency. Citizens must be regularly informed on the decisions and votes of their MPs and government representatives