

**Plan B,  
Citizens facing up to the European Union.  
Changing the European Governance<sup>1</sup>**

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## CONCLUSIONS <sup>1</sup>

We want a new wind of optimism to blow over Europe. The methods, which have helped us build the Union we know today and which is in a crisis, are no longer adapted to the current situation. But if we are ready to change our mental schemes, to dare adopting new paradigms, to abandon the TINA<sup>2</sup> scheme, which has lead us into a dead-end, the European dream is within our reach, as early as 2006.

The June 2006 Council, inspired by the Laeken declaration, should ask questions, define new milestones and set up a new agenda fostering innovation.

Let us refer to President Barroso's statement « one must transform the context, before reviewing the text ». On Sunday, 19 March 2006, President Barroso also declared that one should « extend the reflection period », considering the lack of answers to the questions put forward by the two 'NOs' to the Treaty. The Permanent Forum of the Civil Society has agreed to carry on with the reflection period, but is against an « empty period » as we have experienced since last year. The Treaty is not the only issue which the European citizens are concerned about, and it will not enable them to overcome all the challenges they have to face. We have therefore drawn up a set of proposals in a road map, which will help change the context, improve the text, create a new impetus and arouse optimism.

The institutional crisis resulting from the French and Dutch NOs obliges the elites to rethink the issue, as they are caught up in a system that they do not control any more. But it is also an opportunity to rethink the scope of the citizens' action and put the members of civil society in front of their responsibilities, even if they voted – or would have voted – for or against the Constitutional Treaty. To succeed, the first thing to do is to be willing to change one's mental scheme.

Changing one's mental scheme first means rejecting the « TINA » scheme, which is often a form of manipulation of consciousness, playing with our fears.

It also means changing our perception of the Union's institutions. An obvious mistake that is frequently made is to regard Europe as a circle with the Union's institutions in the centre or as a pyramid with the Institutions at the top. Europe is polycentric, the institutions are not at the top of an imaginary pyramid, which does not exist. We are increasingly living in a world which is not « State-centric » (like the communist system) and we must be aware of the

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<sup>1</sup> *Proposals were discussed during a one-day conference at the European Parliament on 30 March 2006, organised by the Permanent Forum of Civil Society under the patronage of Andrew Duff MEP, with the participation of representatives from the Austrian Presidency, the European Commission, the European Parliament, the European Economic and Social Committee (employers and trade unions groups) and of Civil Society. The morning debates were chaired by A. Duff and the afternoon ones by J. Quatremer, correspondent of the daily newspaper Libération. These conclusions were drawn up on the basis of the presentations and comments recorded during the sessions.*

<sup>2</sup> TINA stands for "There is no alternative".

strategic and tactical implications of this polycentrism. We do not underestimate the importance of the institutions, far from it, but to be efficient at the institutional level, we believe they should be positioned in the right place together with their links with the other players in the « European galaxy ».

Finally, changing one's mental scheme means to become empowered to change things. « *The world is threatened by a formidable conformism: an anonymous totalitarianism, an impossible paradigm where the dream of an unlimited individual enrichment would triumph* », says Jean Peyrelevade.<sup>3</sup> Wealth distribution at the national, European and global level creates such unbalance in favour of shareholders that our societies are all deeply unsettled. The increasingly violent confrontations, the deterioration of living conditions for a large majority of people seem to be on the horizon of our societies. We feel Europe is able to avoid this nightmare because it is the first worldwide economic power, but especially because it has institutions which can transcend the « Nation States » and produce laws and because Europe is able to act as « a global civil power at the service of sustainable development in the world », as Romano Prodi declared in Strasbourg in 2000.

But in an ever larger European Union, there is very little to expect from the Union's institutions as a « regulator », apart from its role as a watchdog of competition and responsible body for the health and the security of its citizens. The Commission no longer wants to play the role of regulator in the field of corporate social and environmental responsibility.

« *The Commission rather aims to encourage the development of initiatives resulting from the balance of power between market players* ». Consequently, if citizens, who are expecting a better world, want to be efficient, including in forcing the Commission to change its attitude, they must empower themselves as market players.

To be efficient, we must now accurately assess the potential and real power at our disposal both individually and collectively to make a better world emerge by using market forces. We can change the market and change Europe if every one of us changes his or her behaviour as a purchaser and as an investor, so that markets which are still only « niche » markets can become mass markets (mainstream). All the more so since, as J. de Rosnay writes, « *with internet, one is observing the emergence of an economy of the people, by the people and for the people* » (p.194)<sup>4</sup>.

The 'new' is already here: ethical investments, new forms of consumption, new forms of solidarity economy such as micro credits, fair trade, clean and energy-efficient technologies, etc. These are all « markets » which already exist and are supported by European enterprises. Banks, retail companies, and manufacturing companies can no longer afford to be absent from these markets and they fear all the « risks » linked to inactivity, especially the reputational risk. Citizens should put in some hard work in order for the economy to shift to a « new economy » generating another type of growth and competitiveness.

Changing the economic deal means bringing CEOs, the « business » ball in our game of billiards, to lobby – at last – the European institutions and political leaders, as they did in the past for the single market and the Euro, to tell them: « *Europe must be equipped differently to meet the challenges of the XXIst century and fight against the risks relating to crises such as the climate change. We need a sustainable economy with zero pollution and zero waste and*

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<sup>3</sup> Jean Peyrelevade « Le capitalisme total. » Ed Seuil, La république des idées. March 2006 .

<sup>4</sup> [Il manque une note en bas de page.](#)

*fair trade practices, we need an open society and new forms of partnership with civil society and citizen consumers and investors. We need all this in order to reduce our reputational risks and their disastrous impact on our profits and the stock exchange while opening innovative markets in Europe and throughout the world. To this end, the draft Constitutional Treaty should therefore be improved, as proposed by civil society ».*

Empower is one of the best known slogans in African and Anglo-Saxon civil society and even in the business world. It is also one of the key words of the White Paper presented by the European Commission on a European communication policy. It is by demonstrating that « a better world is possible » with the participation of every one exercising his or her political, economic and social citizenship, using his or her « double right to vote » in ballot boxes on one hand, and purchases and investments on the other hand, that the « context » can be changed.

Our « roadmap » comprises 5 major steps. At each step, there is « an added value for citizens ». Each step contributes to « changing the context ».

### **1. The Estates-General of a Networking Europe in September 2006.**

It is in relation to globalisation that the EU has appeared as a threat: the threat of impoverishment for Europeans, according to some, the threat of a lack of solidarity and justice for a better world, according to others. The European Union must review its strategy and its message. To relaunch the project, we propose to summon the Estates-General of a Networking Europe for September 2006 for a 10-month period. A new wind of optimism can then blow if the « Champions » of an economy aware of its social and environmental duties are allowed to show the way to a new economic model, if the civil society « Champions » for justice, cultural diversity, participatory democracy and solidarity are allowed to show the way to a world that produces « well-being ».

In fact, the proposals we are making, on the basis of the concept of “empowering people”, a concept also used by multinationals, are nothing revolutionary. The multinational Shell has devised scenarios up to 2025. One of these is called « *Open doors* ». It reflects the same participatory approach. Implementing an open doors scenario as a factor of growth and innovation in a knowledge-based society is actually what we propose by summoning the States-General of a Networking Europe and by proposing to transform the tasks and composition of the European Economic and Social Committee, which should be the place for negotiating, implementing and following up « pacts of progress » .

The participatory approach generates growth<sup>5</sup>, because it generates more innovation, including in terms of products for the poorest, as is the case in the pharmaceutical field or with micro credits. There is therefore a strong message we would like to address to civil society: « *Don't let the elites intimidate you in the name of growth. We have the key to get out of the economic crisis as well as the key to get out of the institutional crisis. It is our agenda that will bring a new form of growth and peace* ».

### **2. The enlargement capacity is exceeded, a new Olympic ring must now be built.**

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<sup>5</sup> With new indexes, as we have developed in the full text.

It is quite obvious that there must be a break from the headlong rush into enlargement in order to develop a new policy. We are not questioning any past enlargement. Since the first one in 1972, they have all reinforced the European construction.

But one must get rid of the fantasy of the Empire. Indeed, neither the Empire of Alexander, nor the Roman Empire, nor that of Charlemagne, nor a colonial Empire should be rebuilt. This is why we denounce the current approach to enlargement. After giving hope to more than ten states and peoples, the Union's institutions are now faced with an unsustainable situation. We propose to change the approach. In the current situation, including from a budgetary point of view, the Union's « absorption capacity » is already exceeded. Pretending not to be aware of it just bolsters the extreme right and extreme left movements. In the meantime, Europe's security requires a new alliance.

We also feel that the European Council's current approach to the energy challenge is unconvincing. We propose to find some inspiration from the experience with the Coal and Steel Community in order to develop an alliance of the 25/27 with our neighbours. This is why we propose to launch a Conference in January 2007 on the Alliance of the Three Seas<sup>6</sup> - a new Olympic ring – by 2010, with four baskets: energy and water, free and sustainable trade area, human rights, and youth as well as with tools such as budgets for the neighbouring policy.

In the face of the time bomb constituted by the current enlargement process, which could lead to a new civil war in Europe, a Three-Sea Alliance or a new Olympic ring will be an opportunity to remedy two errors:

- on the one hand, the current formula of the neighbouring policy inspired by the Europe-Empire, dealing with each neighbour « bilaterally »,
- on the other hand, the energy policy: while we are told « *don't raise the issues of fundamental rights and the role of NGOs because we must discuss about energy supplies* », we are saying « *let's put more trumps in your hands, let's put items in the discussion basket such as the free trade area, access to Community funds, human rights, and youth exchanges* ».

The Three-Sea Alliance will have a double added value, which will change the context of the debate about the Constitutional Treaty and the enlargement. It brings an answer to the paradox of the enlargement process, in its current form, i.e. both too fast to ensure integration and adherence, and too slow to respond to new emergencies in terms of security, including in the field of energy supplies. The Alliance would help establish a double safety net: a safety net in relation to new risks of war for access to resources, and a safety net in relation to the enlargement process, since the alliance would be set up as from 2010 whereas the new enlargements to be subject to referendum – in France, in particular – would take place later on.

### **3. The Interdependence Declaration - Rome, March 2007**

Europe has much to say in the context of globalisation, it is therefore essential for it to overcome its current drowsiness and recover the sense of its own construction. It is in this

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<sup>6</sup> The Mediterranean Sea, Black Sea and Caspian Sea.

context that the interdependence declaration that we are proposing takes on its full meaning. If European citizens declare: « we are all interdependent, we are jointly aware that our well-being, our freedom and fundamental rights, our way of life and our civilisation depend on what we are capable of achieving together », we give a new meaning to European construction. We can at last go beyond a process of construction driven by an enlightened technocracy to move on to a more democratic type of construction, in which citizens and European peoples are committed and have a greater sense of responsibility. We can go beyond the founding fathers' objective to establish peace in Europe, a matter which the young generations regard as settled and which is no longer a mobilising factor for building Europe together.

We propose that the draft text, issued from the States-General of a Networking Europe, should be presented during the celebrations for the 50th anniversary of the signing of the Rome Treaty on 25 March 2007. The final version of this Declaration should become the new Preamble to the Constitution – another way to change the context.

#### 4. **Convention III. Fundamental Rights as a regulator.**

We have been told the Convention method is itself out of date and one should prefer a co-decision procedure between the European Parliament and the European Council on the amendments to be made to the current draft of the Constitutional Treaty. On the contrary, we believe a new Convention would be a good thing for several reasons.

The « consensus » on the maximum practicable, as defined at the end of Convention II and the IGC<sup>7</sup>, which decided on the draft Constitutional Treaty, may and should have changed. First of all because there are lessons to be drawn from the ratification process, secondly because there are new elements. And finally, because we still have a little time left to be ready by 2009 – we should take advantage of this to make improvements in three fields.

Firstly, about what a Constitution should be. There would be no room in a real Constitution for many of the articles in part III of the Treaty. The way this part III was included in the draft Constitutional Treaty was a kind of « coup » according to many (the text bringing together the amended old treaties was imposed to Convention II with hardly any debate). We must now move from a Constitutional Treaty to a real Constitution.

Secondly, about improving the way the Union is functioning from a democratic point of view, given the gap between the elites and the peoples. Inserting a separate article on « *participatory democracy* » in the Constitutional Treaty is a step in the right direction. Unfortunately, if the label is on the box, the box itself is almost empty. As empty as the Commission Communication about its communication policy, which speaks about « empowering people » without providing any real means to do so. The Constitutional Treaty does not include any « serious » article on participatory democracy. A Convention III would be a discussion forum for the new provisions that should be *added* to the section on « participatory democracy », the only new measure currently planned being the right to petition (one million signatures). Progress must also be made in terms of « *European citizenship* ». We feel a discussion should start today about adding a European referendum/consultation system for debating on important issues such as the Constitution, establishing a public inquiry system on the use of Structural Funds, setting out new tasks for

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<sup>7</sup> Intergovernmental Conference.

the Economic and Social Committee in connection with the « pacts of progress » and also electing the European Commission President by universal suffrage.

Finally, citizens expect that the major changes to be made to a treaty intended for getting closer to citizens should be linked to very clear signals showing that the market – as the cornerstone of the treaties up to now – will be put again « at the service » of society on the basis of new « indicators » for a knowledge-based, well-being society. These indicators cannot be defined nor adopted without participation of the social partners and civil society. They are part and parcel of the new context that the Convention III should deal with.

Contrary to what the ideologists of « global capitalism » are claiming, capitalism cannot regulate itself. The Union has demonstrated that Community supranational legislation is able to impose rules, including on large international groups. Since the European Convention on human rights and fundamental freedoms was signed in 1950, the Council of Europe and the Strasbourg Court of Justice responsible for ensuring its enforcement have taken on more and more importance. The signatory States have all been led to adapt their own legislation as well as their code of conduct in relation to these fundamental human rights.

For civil society, the main accepted points resulting from the draft Constitutional Treaty are the introduction of the Charter of Fundamental Rights in the Constitution itself and the concept of participatory democracy, which must be specified and given a far more concrete form than what is currently provided for in the Constitutional Treaty.

The European Union has been built via the market, with the competition policy as its cornerstone forcing the Member States to adopt non-cooperative or even conflicting policies (fiscal dumping, etc.). As the Charter applies to both the Union and the Member States when they implement EU policies and jurisdictions (70% of our laws), it enables us to reverse the paradigms of regulation. This is the product of a long process initiated by the « Magna Carta » in England in 1215, then the « Bill of rights » in 1628, and the « Universal Declaration of Human Rights » in France in 1789. The process accelerated after the Second World War and is still going on today with in particular the « Convention of Rome » of 17 July 1998 establishing an International Criminal Court or, more recently, the adoption of a draft Convention on the protection and promotion of cultural diversity on 17 October 2005 by the United Nations General Assembly.

Universal human rights appear today as the sole paradigm that can substitute itself, at a global level, for regulation through unlimited accumulation.

Europe, because its supranational organisation goes beyond the states' structures and generates its own methods of regulation where legislation plays an essential, structuring role, has the appropriate regulatory tools, with the Charter of Fundamental Rights, the European Convention on Human Rights and Fundamental Freedoms and its two Courts of Justice (Luxembourg and Strasbourg) within the framework of which fundamental human rights are the basic reference.

Convention III should thus focus on three types of tools which, for some of them, require a number of changes to the current draft Constitutional Treaty.

A. The new tools for direct democracy to be asked for:

- (i) by 2009, a pan-European referendum (or consultation),
- (ii) by 2014, election of the European Commission President by universal suffrage,

- (iii) as from 2010, a system of public inquiry and investigation commissioners for the use of large parts of Community funds, including regional funds.
- B. The tools for a European societal contract
- (i) in 2007, a Convention III for new indicators and the Constitution in which the Charter of Fundamental Rights would become the cornerstone.
  - (ii) by 2010, a new Economic and Social Committee to follow things up.
- C. The tools for a new economy, a society of progress for all:
- (i) in 2007, an action plan for socially responsible investments and purchases based on new indicators,
  - (ii) in 2008, a European Agency for the Quality of Life in Europe and in the World in charge of innovatory policies to face the challenges of globalisation and monitor policies linked to the new indicators.

All these new initiatives change the context of the draft Constitutional Treaty, provide new tools for growth and innovation in a scheme inspired by the « open doors » scenario and constitute « accelerators of progress ». Without any step forward on participatory democracy, how can we be led to believe that the Rome Treaty II will be a step forward for citizens?

## **5. The pan-European consultation on the draft Constitution.**

If there is one lesson to be drawn from the ratification process of the draft Constitutional Treaty signed in Rome, it is... that another method must absolutely be introduced. The formula used is bad: it is too long, it does not lay emphasis on the joint and additional elements of European citizenship, it does not create a « European public area », it takes everyone hostage for the problems of each State and for national debates, and it excludes the States where ratification is the sole responsibility of parliaments from the right of exercising their European citizenship.

This is why the pan-European June 2009 consultation of all European citizens at the same time is a must, a fundamental element for changing the context and help European citizenship progress.

*I have dreamt a dream*, said Martin Luther King to the American people.

We have the means to achieve our new European dream.

Let us move forward together for a better world, creating a new balance of power via the market and at the institutional level. The time has come for new-found optimism and new growth based on participatory democracy.