

Finalized contribution of the German Association of Former MPs to the  
**Colloquy of the European Association in Athens on the theme**  
**“Representative and participatory democracy”**

*This position paper underwent the following process: The German Association set up a working group with Professor Holtz as coordinator with the task to prepare its contribution to the Colloquy in Athens (October 18). The working group met on February 6, debated the theme on the basis of relevant documents issued or adopted by the IPU, the Council of Europe and the EU as well as of reflections by our Austrian Bureau members. The deliberations, proposals and questions were resumed in a paper and sent as a first contribution to the European Association.*

*On April 23, the German Association met in Berlin in a seminar together with the Austrian Bureau member Fritz Koenig. In the light of the deliberations and proposals of this seminar, this position paper was written and represents our finalized contribution to the Colloquy in Athens. (Changes in comparison with the first contribution are in bold.)*

## **I. Challenges and opportunities**

1. Globalisation and the international financial capital; climate change; poverty and sharpening social inequalities (**see for example the recent hunger revolts**); pandemics, demographic shifts; new security threats by terrorism, insecure energy source and failing states as well as the need for transatlantic cooperation and the assertion of our values - these are the challenges facing Europe and world in the 21<sup>st</sup> century. **Democracy, freedom and peace, diversity and tolerance, justice and solidarity rank among the most important values.**

2. Europeans look at their states and in particular at the EU to address these challenges which pose problems to our democracy, too. They experience that – very often – there is no rapid reaction able to meet the challenges and that governments delimit the competences of parliaments. The “democratic malaise” –**a new poll finds only 60 per cent of the Germans have confidence in the democratic system** - constitutes real threats to the democratic process, it also represents opportunities for new forms of political representation and participation, and therefore for political legitimation.

3. Politics and parliamentarians should give adequate answers to the political and democratic malaise which Europe and its peoples are facing mainly due to (i) uncontrolled globalization, (ii) the widespread impression that “the right of everyone to take part in the management of public affairs” (“Universal Declaration on Democracy” – IPU 1997) is far from being realized in particular on the international level, (iii) the alienation between the EU actors and broad sectors of the population, (iv) the increasing interdependence between the media and politics and the “medialization of politics”.

## **II. The draft Constitutional Treaty and the Lisbon (Reform) Treaty respectively**

4. Abraham Lincoln’s definition still is striking: “Democracy is the government of the people, by the people, and for the people” (1863). The IPU, characterising democracy as und universally recognised ideal as well as a goal and as the only political system that has the capacity for self-correction, asks for individual participation in democratic processes and public life.

5. In November 2007, the Parliamentary Assembly of the Council of Europe (CoE) recommended consideration should be given to introducing elements of direct democracy such as the right to ask for a referendum or propose legislative initiative which have to be carefully designed in order to make democracy more representative and to increase the integration and learning capacities of our countries and societies. The Assembly supports the participation of NGOs in COE activities as an essential element of civil society's contribution to the transparency and accountability of democratic governance.

6. The draft Constitutional Treaty of the EU was aware of the fact that representative democracy should be complimented by elements of a participatory democracy. The (Reform) Treaty of Lisbon (December 2007) amends the current EU and EC treaties, is based on the Constitutional Treaty and will provide the Union with the framework and tools necessary to meet future challenges and to respond to citizens' demands. It provides for a more democratic and transparent Europe, with a strengthened role for the European Parliament with its MPs, elected and legitimised by the citizens of the EU member states (which forms together with the Council the bi-cameral legislature) and national parliaments, and more opportunities for citizens to have their voices heard.

7. 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 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." Besides this kind of citizens' participation Lisbon allows 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."

### III. "Pros" and "cons"

8. We may perceive three different basic concepts of democracy. They can be placed on a continuum ranging from minimalist to maximalist variants of democracy (from the purely representative democracy to the participatory or even direct democracy) and can be described by the three parts of Lincoln's definition of democracy.

9. Some "pro" arguments: Participatory democracy could give a say to all the stakeholders, enhance the citizens' interest in politics and democracy, push forward initiatives and issues neglected or not sufficiently covered by the elected representatives. "Contra": Participatory democracy is open to power-grabbing by the unelected, to media distortions, to demagogic and populist persuasions. *However, Germany practically doesn't know referendums or popular initiatives at a national level. **European Association member countries may have broader experiences.***

#### IV. Reform proposals

10. Participation of citizens is at the very heart of the idea of democracy, and citizens committed to democratic values, mindful of their civic duties and who become involved in political activity are the lifeblood of any democratic system (Council of Europe's Committee of Ministers, 2001).

11. In our view, democracy in all its forms – representative, participatory or direct – including the mixed ones has to be strengthened and good governance incl. the fight against corruption, accountability **and efficiency** of all institutions **as well as** transparency be enhanced. The representative-plus-participatory type of democracy holding a medium-ranking position seems to be an adequate answer to the democratic malaise.

12. Participatory democracy **complements and strengthens** representative democracy: decision-making remains first and foremost legitimised by the legislator, i.e. the elected MPs. It is an indispensable complement of representative democracy. However, all forms of more citizen participation including e-democracy or direct democracy, already in operation and well functioning in certain European countries, are welcomed and could be taken into consideration in other countries.

13. **Changes of the formal democratic rules alone will not overcome the “malaise”. Policy changes are needed, and the social balance must be respected as already proven by a range of EU programmes.** The European countries as well as supranational, intergovernmental and non-state organizations and actors should strive to maximize the positive effects and to minimize the negative effects of globalization by setting the framework conditions, taking as orientation an “international social and ecological market economy” based i.a. on the Millennium Declaration and its MDGs, the UN Global Compact, the pertinent ILO agreements, the IPU Universal Declaration on Democracy, the International Covenants and the European Convention on Human Rights, the European Social Charter underlying i.a. the relevance of free trade unions, multilateral environment agreements, and the OECD Guidelines for Multinational Enterprises

14. Parliaments must have a greater say in global issues; for instance: the European Parliament should have the right to review important international treaties (WTO); the already existing Parliamentary Assembly of the Council of Europe debates, reports and resolutions on the activities of the OECD and the EBRD shall be better used as parliamentary watchdogs to these institutions; a UN Parliamentary Assembly should be developed.

15. National parliaments, the European Parliament and international Parliamentary Assemblies (like Council of Europe, NATO, OSCE or Mediterranean) must fulfill their functions, better communicate their work and intentions, and be open for a better interaction with citizens. Senseless duplication of work must be avoided. They should strive to fulfill *idealiter* all the six key functions essential for powerful parliaments: Representative, legislative, financial, oversight, elective, and international.

16. We welcome that the Lisbon (Reform) Treaty strengthens the role of the European Parliament and the national parliaments. It is aware of the fact that representative democracy should be complimented by elements of a participatory democracy. Citizens' participation obviously takes place within representative democracy; but then it seems to allow another type of participation, that of representative associations. Clarification is needed; in any case these associations must have democratic structures and practice transparency.

17. In spite of the progresses the Lisbon Treaty is missing **some** elements of a system of checks and balances:

(i) **On the one hand**, EU member states risk losing ground – **deliberately**; **on the other, they are winning opportunities shaping policies, above all on an international level**. The subsidiarity and proportionality provisions in the Lisbon Treaty and its pertinent Protocol need a thorough observance and an early functioning warning system which enables national parliaments to act in time.

(ii) Neither the Parliament (peoples' chamber) nor the Council (chamber of ministers representing the member states – **this chamber should not be replaced by elected senators**) have the right to initiate laws. This must be corrected – however, a **really** sufficient quorum should be reached.

(iii) **Generally spoken, the EU needs a better outreach policy and visibility**. The citizens and the public must be regularly informed on the positions and votes taken by their MPs and government representatives (the internet makes it possible – the media should deliver this information at least on important topics).

(iv) It is an anachronism deriding democratic principles that **deliberations and votes on draft legislative acts** in the Council are **confidential**; with the entering into force of the Lisbon Treaty, the Council has – as the European Parliament has been doing it since its creation – to meet in public when it deliberates and votes on a draft legislative act.

(v) Lisbon expands the opportunities for citizen participation; however, **the provisions for the European Citizens' Initiative are not satisfactory. It should imperative that a successful initiative requires deliberations and well founded decisions both by the Commission and the Parliament. For the time being referenda or binding popular votes are not accepted; first it is necessary to gain experiences with the instrument of the Citizens' Initiative**.

18. We welcome the “Code of Good Practice on Referendums”, adopted by the Venice Commission in March 2007, as an important instrument to reinforce democracy. The Code should be endorsed by the European states and given the highest visibility and compliance with its provisions. Examples of good practice should be recommended to the European states.

19. On the one hand, we deplore simplification and dramatisation of media presentations of the issues at stake and even the replacement of political parties by setting the political agenda; on the other, restrictions imposed on independent media and sanctions inflicted on journalists raise major concern. The Council of Europe should establish a specific mechanism to monitor freedom of expression and of the media, which would follow and examine the situation in all Council of Europe member states.

20. For politics and political institutions to promote sustainable human development and safeguard the freedom and dignity of all people, democracy must widen and deepen (UNDP, Human Development Report, 2002).