

# Europe: Project and Process

Citizens, Democracy, Participation

Susana del Río Villar

## Prefaces

### European Citizenship: The Driving Force Behind Europe

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European citizenship is, without a doubt, one of the key concepts in the European construction process. It is a process that we have seen develop slowly, successfully and which has gained force exponentially from the moment it was set in motion with the approval of the Maastricht Treaty in 1992.

The creation of this concept, for which many had already fought, can be considered one of the greatest milestones in European integration. It is a concept implicit in the very origin of the European Communities because, as stated by one of Europe's founding fathers, Jean Monnet, with the European Union "no coaligamos Estados, unimos personas" ["We are not uniting states, we are uniting people"]. Today, this idea is an achievement and at the same time, a right that can be fully enjoyed by citizens of all member States of the European Union.

European citizenship has been an enormous help in toppling old divisive frontiers of both a Geographic and social nature. Even though the process has been a complex one, thanks to it, European citizens can not only circulate, reside, study or work freely in EU territory or obtain legal assistance if their rights as citizens are not respected, but we have also gained a participation process in democratic life that affects all Europeans. The rights that European citizenship gives us therefore go beyond the biggest challenges that it entails.

However, if the concept of citizenship has given us anything, it is the possibility of participating and being active in a unique and democratic process not seen before in our history. The possibility of participating and being active has in the last few decades been converted into a right and a recognised obligation for the common good.

For this to happen, we have the tools that allow us, as citizens, to not only receive detailed information immediately, but also to use this information to share it, build debates around it within the public sphere, or even use it to make decisions. The first step in order to develop European citizenship is to be cognizant of these tools that we, as Europeans, have at our disposal.

This is the aim of this book in which Dr Susana del Río rigorously analyses the project and process of the Europe of the last few years which has laid the groundwork for the development of an active and participatory European citizenship within the European context. Through the reading of this book, we will not only be able to become aware of the fundamental processes that have made it possible and the role that the different actors have played, but also, in the same way, delve into the very concept of European citizenship and in the possibilities of participation that this offers by means of very diverse channels. This knowledge is the objective proposed 22 years ago by the Fundación Academia Europea de Yuste which is sponsoring this book and which we continue deepening with publications such as this one.

Extremadura, the Spanish region in the south of Europe over which I have the honour of presiding, is perhaps exceptional in its pro-Europe consciousness. People from this region have broad and first-hand experience of what Europe has meant for Extremadura but also what Extremadura can and must mean to Europe.

We are at a crucial moment in which, if we know how to furnish ourselves with the right tools, we can maintain the European Union as a reference of freedom and democracy through civic participation.

The Fundación Academia Europea de Yuste hopes that this book will help us to deepen our knowledge of this European process and project, to continue walking steadily towards the future.

For this, I would like to thank EUCA (European University College Association), the European Platform on Access to Culture, and the European Commission through the Europe for Citizens European Programme, for their involvement which has made the publication of Dr Susana del Río's book possible and whom I would like to thank for her trust in the Fundación Academia Europea de Yuste so that the result of years of research, study and effort could be published.

## Iñigo MÉNDEZ DE VIGO

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When Susana del Río called me to ask me to write a prologue for this book, I did not have to think about it for very long. Though I still had not read it and did not know what the book was about, I did know Susana very well. In all the years that I have been devoted to European politics, I have not met a more convinced, enthusiastic, hard-working pro-European with a greater vocation for serving the European cause. If all Europeans had at least a bit of the enthusiasm that Susana irradiates, the European construction process would have been concluded a long time ago. I therefore wish to take this opportunity offered to me not only to thank her for her extremely friendly invitation but also to express my gratitude for her pro-Europe efforts all these years.

Susana's book makes reference to an aspect of the European Project that cannot be more in vogue. When the European Year of Citizens ends and the next European Elections are held, the publication of this book will be most appropriate given that it centres on democratic participation and citizenship in the European Union.

Last year coincided with the twentieth anniversary of the establishment of EU citizenship. When the Maastricht Treaty came into force in 1993, its article 2 proclaimed: “reforzar la protección de los derechos e intereses de los nacionales de sus Estados miembros, mediante la creación de una ciudadanía de la Unión” [Reinforce the protection of the rights and interests of nationals of their member States through the creation of a Union citizenship]. This concept had a double intention. On the one hand, it placed citizenship at the centre of European construction to overcome the so-called “déficit democrático” of the Union, a commonly used concept then. Though the EU overcame that deficit a long time ago, especially since the European Parliament co-legislates on equal terms with the Council, there are still those who state that Brussels draws up legislation without taking into account its citizens – an affirmation which is both false and ill-willed. On the other hand, this concept permits the entry of politics with capital letters into Europe from this moment on. Until then, the first Communities followed a path that was essentially economic. There was a lot of market, a lot of common external tariffs, a lot of customs union, but little politics... In the Treaty of Maastricht, article 6.1 does not leave room for doubt: “la Unión se basa en los

principios de libertad, democracia, respeto de los Derechos Humanos y de las Libertades Fundamentales y el Estado de Derecho, principios que son comunes a los Estados miembros”. [the Union is based on the principles of freedom, democracy, respect for the Rule of Law, principles that are common to all member States.] This article proclaims the political character of the Union and sends out a clear message to Europeans: the Union is more than a market, the Union is a political project and the citizen is within the nucleus of this project.

This idea is reinforced later at two historic moments of the European Union in which I had the honour of participating as president of the European Parliament delegation and which are broadly dealt with in two of the chapters of this book: the Convention that drafted the Charter of Fundamental Rights and the Convention that drafted the Constitutional Treaty, predecessor to the Treaty of Lisbon. The modus operandi of a Convention is to have an open and participatory forum of debate and proposals. Both conventions showed themselves to be the most appropriate system to coalesce different legitimacies and where civil society participation was a determining factor, through mechanisms of permanent contact both with social agents, as well as with NGOs and so on. For this reason, the European Convention included the Treaty of Lisbon as a temporary body with the purpose of steering the normal reform processes of the treaties.

In the European Council of Cologne in June 1999 the heads of State and of Government of the then fifteen member States agreed to draft the Charter of Fundamental Rights of the European Union. The Convention was formed in December 1999 and they spent ten months drafting a short document (3500 words in the English version), precise and legible that not only clarified the community of values that constitute the Union, but also its political character. It is quite a complete catalogue of fundamental rights that incorporate, together with traditional civil and political rights as well as the rights of European citizenship rights, social and economic rights as well. This is an indispensable requirement of the European social and political model, that form an indivisible part – along with the rights to freedom and equality – of the dignity of the person in a democratic society and inseparable from civil and political rights. It was approved in the Council of Biarritz on the 7<sup>th</sup> December 2000 and incorporated into the Treaty of Lisbon that came into effect on 1<sup>st</sup> December 2009, with the same legal status as the treaties.

With its incorporation into the treaties, the citizen is converted into the cornerstone of European construction and constitutes the best argument against the message that “Bruselas legisla sin que nadie le controle” [Brussels legislates without the control of anyone]. This is because any

legislative initiative and any decision taken by Union institutions will be done so respecting the rights and liberties that it proclaims.

This idea of greater democratisation inspired the work of the Convention that, between February 2002 and July 2003, was drafted by the Constitutional Treaty. The European Constitution fully supported placing citizens at the heart of the system. The first article of the Constitution alluded to the dual nature of the Union, whose legitimacy did not come exclusively from the States, but rather, from the citizens.

However, even though Spaniards overwhelmingly supported the Constitutional Treaty in the referendum held on 20<sup>th</sup> February 2005, it did not enjoy the same support either in France or in the Netherlands. There was a hiatus of almost two years and it was necessary to convene another intergovernmental Conference that eschewed the concept of constitution, the symbols and restricted several chapters where the Convention had achieved significant progress, among which can be included this article:

The objective was to accomplishing an agreement that was reached with the signing of the new Treaty – known as the Treaty of Lisbon – on the 13<sup>th</sup> of December 2007. Despite the reductions, the Treaty of Lisbon is substantially better than previous Treaties. It contains abundant references to citizenship and includes a better description of this concept in article 9: “La Unión respetará en todas sus actividades el principio de la igualdad de sus ciudadanos, que se beneficiarán por igual de la atención de sus instituciones, órganos y organismos. Será ciudadano de la Unión toda persona que tenga la nacionalidad de un Estado miembro. La ciudadanía de la Unión se añade a la ciudadanía nacional sin sustituirla.” [The Union will respect, in all its activities, the principle of the equality of its citizens who will benefit equally from the attention of its institutions, bodies and organisms. Every person who has the nationality of a member State will be a citizen of the Union. Citizenship of the Union is added to national citizenship without substituting it.] In other words, by virtue of this article, being Spaniards makes us Europeans and this, at the same time, allows us to enjoy the rights that come with being Spanish together with the rights that being European entail.

The Treaty of Lisbon, deepening even more this spirit of incorporating the citizens into the European project, also introduces the principle of semi-direct democracy, allowing them to participate directly in the development of the policies of the EU. Through the popular legislative initiative, in Article 11.4, one million European citizens from at least seven member States are permitted to make proposals so that the European Commission can present an initiative based on them.

In addition, articles 20 to 24 of the Treaty on the Functioning of the European Union include those rights that Europeans have for being citizens of the Union. Among others, the following are mentioned:

- Freedom of movement in the territory of member States.
- Active and passive suffrage in the elections to the European Parliament and in municipal elections of member States in which they reside.
- Receiving the protection of the diplomatic and consular authorities of any member State, in the territory of a third country in which the Member State of which they are nationals is not represented.
- The formulation of petitions to the European Parliament, appealing to the European Ombudsman, and so on.

It must be acknowledged that Europeans still encounter limitations and obstacles when exercising our rights as citizens. The European Commission receives annually more than a million appeals from citizens with regard to their rights. The reason rests upon the fact that Europe still finds itself in a process of construction. However, it is also true that the Commission is attentive to these limitations and makes an effort to overcome them by developing a report on citizenship. The first report was adopted in 2010 with a list of 25 actions to reinforce the rights of citizens and the second, in 2013, with 12 more actions.

In addition to exercising their rights, the participation of citizens in European construction is essential. It is necessary for citizens to be involved in the European project because we should not just think about what Europe can do for us. Just as Kennedy did, we need to ask ourselves what we can do for Europe. We do not lack resources at our disposal to have an influence in European politics. Here I am not just referring to the participation every five years in the European elections to elect our political representatives in Brussels. Each citizen can and must address his or her representative when he or she believes that said representative can be of assistance or to propose a particular idea that may seem interesting. This is not a chimera. As a Member of Parliament, I received many emails from private individuals on a daily basis with all kind of proposals, some more viable than others, but all received a response. Similarly, all citizens can exercise one of their European fundamental rights, which is the right to petition before the European Parliament, as a result of article 227 of the TFUE. Any citizen can present a petition to the European Parliament, individually or as part of an association with others, on any issue that falls within the ambit of European Union activity and which affects him or her directly. This petition can be a particular request, a complaint, an observation regarding the application of Community law, or a call to the European Parliament to make a proclamation on a concrete issue. Additionally, since the entering into force of the Treaty of Lisbon, European citizens have a new tool which I have already mentioned: the European Citizens Initiative. Community institutions have been criticised many times for engaging in actions that do not take into account

the citizens. In order to counteract this supposed distance, the legislative initiative has been placed within reach of the citizens. Another way to have an impact is through different types of civic associations, NGOs, businesses, commercial and professional organisations, unions, reflexion groups, and so on, registered as lobbies in the registry of European transparency. According to statics, 20,000 lobbyists frequent the corridors of the Commission, of Parliament and of the Council of Ministers. Their activity is constant and their work extremely useful to the European legislator.

Nevertheless, it is not easy to achieve civil participation when there are still so many people who can be considered uninformed regarding their rights as Europeans. The results of eurobarometers show us that only 9% of Spaniards affirm that they have a high level of knowledge regarding their rights as citizens of the EU. For this reason, in the very year in which the European elections are to take place, it seems appropriate to me to discuss Europe by means of a book on European citizenship. I have always felt that Europe needed to explain itself as, in this way, it gains a greater following. For this reason, books such as this one are so necessary. Through them, people gain an understanding of what being a citizen of the Union means, what their rights are and the opportunities that Europe has to offer. Focusing on these themes, defending them with conviction, educating is the moral obligation of those who, like Susana and I, are convinced that the European Union is the most beautiful adventure that our continent has embarked on.



## Jaume DUCH GUILLOT

*Director for Media and Spokesman  
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Doctor Susana del Río's book is unique. I am obviously not referring to the number of copies published, but the fact that the chosen topic has hardly been an object of study until now, even less so with the depth and academic rigour that characterise this book from the first page to the last.

There are many works dedicated to the constitutional reform of the European Union, especially ones focusing on the draft European Constitution and in the resulting Treaty of the European Union which we now know as the Treaty of Lisbon. Some of these – few – delve not only into the result, but also the process that made it possible. Their authors are often some of the very protagonists of these processes, members of the Convention that drew up the draft Constitution or academics and journalists that followed the work being done very closely.

On the other hand, nothing, or very little has been written on citizen participation and yet, this is a crucial aspect in order to understand the almost ten years that have passed between the convening of the Convention for the drafting of the Charter of Fundamental Rights of the European Union and the entry into force of the Treaty of Lisbon. Doctor del Río's book reviews the role played by organised civil society during these years from the first debates on fundamental rights until the participation of the Forum of civil society in debates of the second convention charged with developing a draft European Constitution. Looking back almost 15 years later, it is difficult to imagine the novelty of the process, after fifty years of government exclusivity and of their foreign affairs ministers when approving or modifying community treaties. If it was already almost revolutionary to open doors to parliamentarians from national parliaments and the European Parliament, it was even more so establishing procedures for listening to and consultation with a wide range of different citizens associations. This is a level of participation which, in the case of the second convention, helps to produce, among other concrete effects, the inclusion in the new treaty of the citizens' legislative initiative that came into force with the Treaty of Lisbon and which, after a complex regulatory development process, began to be put to use little more than a year ago. In fact, the European Parliament is currently working on the first initiatives which have passed the technical controls of the European

Commission. However, it is too soon to know which of these will finally have the desired results.

The book which the reader holds would be incomplete without its second part, even more novel than the first. Bringing together both parts in the same book is logical, yet, at the same time, it is a true commitment to the topic from a methodological point of view, in terms of the access to sources and the topicality of the themes being discussed. The logic applied is complete because focusing on the phenomenon of citizen participation in the constituent process without relating it to how it evolves later would be like leaving the story without a conclusion. However, it certainly was a bold commitment, because it meant leaving the more or less comfortable area of academic study to delve into the terrain of the almost immediate snapshot of an activity evolving at an extremely fast rate.

A result of coincidence more than anything else, the appearance of social networks, with the implications that this has for citizen participation in politics, closely coincides with the end of what can be called the European constituent decade. While they had already been in existence for a number of years, these networks are used for the first time, in a structured way for the purposes of the 2009 European elections, just a few months after its inclusion in a political campaign which contributed to Barak Obama, almost an outsider in American politics, winning the presidency of his country. With much humbler objectives, a part of the institutional campaign of the European Parliament for the 2009 European elections was developed via the internet, for the first time, achieving a certain amount of interaction between the institution and some particularly committed citizens. For the first time, a European institution was truly capable of reaching a part, – albeit a small one – of the population without having to pass through the often insurmountable filter of the communications media.

Since then, its evolution has been huge, as is the case with any realm related to the development of the internet and its utilisation by citizens. In the last part of her book, Susana del Río analyses some of the aspects pertinent to this evolution, including elements related to the elections in May of 2014, which, at the time of writing, are just 50 days away.

In five years, the rate of development has been truly spectacular, both in terms of daily and real interaction between citizens and politicians such as can be seen in the use of the internet by European institutions, with the Parliament always leading the way.

The fact that people can now have an impact on political decisions beyond the periodic participation in elections is no longer a subject of discussion. There is continuous and daily evidence of this. Within the European context, one only has to cite the decision of the European Parliament to not ratify

the international treaty on the fight against commercial piracy, known by its acronym, ACTA. Everybody is aware of the fact that during the parliamentary process, the social pressure exerted, especially via the internet, often without the participation of stable entities, was sufficient to result in a general rejection of the text negotiated by the European Commission with the support of practically all governments of the member States and which had been considered a mere formality more or less underway.

Those who for professional reasons follow the day-to-day evolution of European public opinion and who observe the dialogue between deputies and voters via online networks see with increasing frequency how the former increasingly take into account the opinions that reach them and how they feel increasingly controlled in their parliamentary tasks. Justifications which before were not asked for are now given in real time, in a dialogue process between parliamentarians and voters that can only be beneficial for European democracy.

The big difference between access and utilisation of these networks by a significant portion of society in 2009 and 2014 has logically meant a re-adaptation of communications policy by European institutions, which have in the last few years multiplied its presence in different social platforms. This has occurred parallel to, in the case of the European Parliament, the strengthening of instruments facilitating access to their daily political activities, whether through direct or delayed transmissions of all its activities such as the development of web pages that make it possible to obtain any work document or legal text at the moment of engaging in the parliamentary procedure.

These are the first signs of the innovations to come. It would be difficult to deny that new technologies will progressively modify the relationship between those who govern and those who are governed. This includes, in the case of the first group, European Union institutions so lacking in contact with a stammering European public opinion. Examples such as ACTA are just prologues to an unstoppable trend which, without a doubt, will contribute to fundamental changes in the work done by parliamentarians destined to become daily mediators between the regime and its electorate.

Now that a future convention aimed at reforming, once again, the Treaty of the European Union is being spoken of, those who decide to set in motion a process as complex and unpredictable as this one will have to take into account that this time, citizen participation can take place through channels that are easier and more immediate than those that were available during previous exercises, with results perhaps difficult to manage on the part of those who, until now, enjoyed exclusivity. The dilemma between representative democracy and participatory democracy begins to not be much of a dilemma. With its activism in social networks,

a growing part of society is finding a way of joining together both ways of managing democracy.

It will be a fantastic process, key to the necessary “co-responsibilisation” of citizens with the next stage in the development of European integration. To those who believe that the future of the European Union lies with the explicit support of the majority of its citizens, new technologies offer us tools hardly imaginable a few years ago.

I am absolutely convinced that in successive editions of this book, Doctor del Río will analyse the phenomenon with the same accuracy and intelligence with which she has been capable of evaluating the first phases of European institutions and citizens bridging the gap and where the latter have found legitimacy.

## **European Citizenship: Not Without Culture**

Frans DE RUITER

*President of the European House for Culture (Brussels)*

Kathrin DEVENTER

*Chair of the Working Group on Audience Participation of the  
European Access to Culture Platform*

Miguel Ángel MARTÍN RAMOS

*Spokesperson of the European Access to Culture Platform*

It is an honour and pleasure for us to address you with a few thoughts on the general concept of ‘Europe as – in the first place – a cultural project’, a concept which is as yet not enough present in the minds of both European leaders and European citizens. The times we are living in now badly need the awareness that diversity of cultures in the broadest sense is a quality and not a threat and also, the fact that the arts – as inherent to our cultures – bring us into contact with the unknown, or to unknown aspects of the known. The best way of starting to appreciate the arts in this capacity of unrevealing [shouldn’t this be “revealing”?] what we do not yet know is of course education in the arts and having the arts in a strong position in general education, preferably at a very early stage, such as ‘kindergarten’. Skilful and appropriate arts education at an early stage makes an imprint on children that changes their lives; they become another type of human being. It is in fact a violation of human rights not to give young children access to the miracles and mysteries of arts and culture, because in the end, without it, they will lose the ability and agility to think, to reflect, to investigate, to remain curious and inquisitive, and to critically engage with themselves and the world at large. Access to culture is therefore a great tool to develop responsible, active citizenship, and to give European citizenship the chance to develop further the unfinished concept and process of democracy. This is a concept that, in Europe, has evolved in a very different way from the rest of the World, and in a way we have to be proud of what has been achieved so far. However, we cannot be completely satisfied if culture does not play a key role in it.

If Europe aims to be the continent of the citizens, where the citizens lead its future, we really need the well-informed, critical and engaged citizen who is able to see that Europe is not Brussels, that politics is only *instrumental* and that culture: who we are, how we behave, how we celebrate the quality of diversity; is *essential*, as Barroso, the president of the European Commission, recently said. This can only be achieved by promoting access to culture for everybody.

It is time that the citizens of Europe take over, that they take responsibility, that they formulate how they see Europe's future and that they are able to enter the debate before decisions are made. This requires other types and methods of communication and representation than we have available now in the layer structure of Councils, Commission, Parliament and the bureaucratic structures under it. Not enough use is made of artists and intellectuals, academies and universities, knowledge and research outcomes.

To conclude, access and participation are constantly changing form, in particular through the Internet and through new forms of communication and collaboration among both amateurs and professionals. Urban subcultures result in a multi-disciplinary mix of traditional and new artistic forms and contents. Creators are the voice of our time and together with classical institutions they facilitate an understanding of our past and create a bridge to our future heritage. In our daily work, we value all possible ways of accessing culture, particularly by prioritising the recognition and support for **new ways of engaging citizens through cultural experiences** and planting seeds of curiosity. Analysis and demystification can help each of us build a more fulfilling long-term relationship with the social and cultural project that is Europe.

Citizens exercise their cultural rights through active participation in the shaping of Europe. We believe that it is important that this participation in culture is recognised as a fundamental right and a stepping stone to gaining political and social objectives such as creative societies, a strong educational system, flourishing cultural industries, intercultural dialogue and democracy. **Active citizenship** requires that all levels of policy-making take citizens' concerns into account: from audience participation in the cultural environment to the cultural component of citizenship. European Citizenship is right now an unfinished project since the process does not include the cultural component and real access to culture for all.

Only when all of this is made available in a comprehensive way and duly noted in the heads of our leaders, only then will there be – through this form of audience participation – a real chance for a dialogue with the citizens, in the fullness of their identities.

Let this also be the message of this book, and may you enjoy reading it.