Provisional version, as adopted by the Committee on 1 June 2010

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Democracy in Europe: crisis and perspectives

Report[1]
Political Affairs Committee
Rapporteur: Mr Andreas GROSS, Switzerland, Socialist Group

Summary

The Political Affairs Committee notes with concern that the world economic crisis has accentuated symptoms of crisis of democracy including lack of necessary regulation and political control over financial interests and disinterest in the current institutionalised procedures of democracy.

The report proposes a set of measures aimed at enhancing people's participation in the conduct of public affairs thus improving the quality of democracy and promoting the common interest. They include the elaboration of an Additional Protocol to the European Convention on Human Rights guaranteeing the right to participate in the conduct of public affairs as a human right and a fundamental political freedom.

The Committee also proposes to set up a Strasbourg Democracy Forum as an umbrella structure providing an international reference in the field of democracy and a laboratory for new ideas. The Forum should be led by a Delegate for Democracy in charge of disseminating the Council of Europe's message on democracy-related issues of major current interest.

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[1] Reference to Committee: Decision by the Bureau, Reference 3645 of 29 January 2010.

A. Draft resolution[2]

1.   The Parliamentary Assembly notes with concern that the recent world economic crisis has accentuated symptoms of crisis of democracy which have been present for some time now. In particular:

1.1.   lack of necessary regulation and co-operation at the international level to face the challenges of globalisation, as well as lack of political control over financial interests;

1.2.   highly centralised executive decision-making and global negotiation mechanisms with little parliamentary control, insufficient transparency and without opportunities for citizens' participation. This has further bred people's distrust in democratic institutions and the quality of the democracy they live in and increased their feeling of powerlessness and frustration;

1.3.   concentration of power and money, and, in some Council of Europe member states, also an excessive concentration of the media in the hands of a few. More and more politicians have become dependent on the huge fortunes or the favours of those who own the media. As inequality and the concentration of wealth increase, so does the corruption of democratic institutions;

1.4.   a disinterest in the current institutionalised procedures of democracy and a crisis in representation. Election turnouts have gone into freefall in most European countries and abstention rates reached up to 80% in some of them in the 2009 elections to the European Parliament;

1.5.   populist, extremist and identity politics, as well as nationalistic rhetoric, have been reinforced during recent years under crisis conditions in many member states;

1.6.   an almost unlimited collection of personal data by state agencies, notably the police and social security agencies, as well as by private companies, threatens personal freedom and privacy, which are pre-conditions for free participation in democratic life.

2.   The Assembly considers that the current crisis in representation requires that, apart from the traditional forms of mandate and delegation, with which less and less citizens are satisfied, the political relationship between society and the authorities must also be approached in a different manner. Thus, without putting into question representative democracy, the Assembly underlines that representation can no longer be the only expression of democracy; the latter has also to be developed beyond representation, in particular by the following means:

2.1.   more sustained forms of interaction between people and the authorities must be established, beyond the conventional representative approach, in order to include, in a carefully designed manner, direct democratic elements in the decision-making process;

2.2.   participatory democracy should be enhanced as a process in which all people, and not only nationals, are involved in the conduct of public affairs, at local, regional, national and European levels;

2.3.   democracy should be understood not just as a system or the sum of individual rights, but as a form of society which requires rules for social justice and redistribution and implies not only delegating and taking decisions, but also discussing and living together in dignity, respect and solidarity. It is work in progress which is put to the test on a daily basis;

2.4.   the renewal of politics also requires the development of a new culture of civic and political responsibility. The latter needs to be considered in terms of responsiveness and accountability, as well as transparency, on the part of those who govern.This also applies to civil society actors who participate in the political debate. As far as the accountability and transparency of political parties are concerned, the Assembly refers to the newly adopted code of good conduct in the field of political parties.

3.   The Assembly stresses that the right to participate in the conduct of public affairs, be it at local, regional, national or European levels, is a human right and a fundamental political freedom and should thus be embodied as such in the European Convention of Human Rights (ECHR).

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[2] Draft resolution adopted by the Committee on 1 June 2010.

4.   Humanising and democratising the process of globalisation is another challenge the Council of Europe is facing. Its contribution could consist in developing, along with other actors, guidelines to regulate globalisation in full respect of human rights, including women's rights and social rights, ecological imperatives and the rule of law.

5.   Stronger support should be given to transnational networks formed by citizens to address specific issues, such as environmental, social or even constitutional ones, especially in view of the advent of transnational European democracy building. In this context, the Assembly welcomes the European Citizens' Initiative (ECI) provided for by the European Union (EU) Lisbon Treaty, which gives European citizens an opportunity to present legislative proposals to the European Commission, thus constituting the first instrument of transnational and direct democracy in the EU. The Assembly expects that the EU Institutions will implement the ECI in such a manner as to enable all democratically engaged civil society groups, and not only the privileged ones, to make use of it in the common European interest.

6.   With a view to contributing to enhancing people's participation in the conduct of public affairs, improving the quality of democracy and promoting the common interest, the Assembly:

    6.1.   calls on Council of Europe member states to:

        6.1.1. establish participatory and deliberative structures, such as participatory budgeting, citizen initiated referendum processes and citizens' juries or conferences, open to all those living in a country and not only to nationals;

        6.1.2. set up, enhance and promote independent supervisory institutions, such as ombudsperson's offices and bodies dealing with access to public documents and data protection, so as to enhance the concept of political responsibility and accountability;

        6.1.3. improve citizenship education and political training by ensuring compliance with the new Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education, as well as implementing Council of Europe's programmes in the field of democratic citizenship and human rights education;

    6.2.   decides to pursue further reflection, in close consultation with the European Commission for Democracy through Law (Venice Commission), with a view to elaborating an Additional Protocol to the ECHR guaranteeing the right to participate in the conduct of public affairs as a human right and fundamental freedom. This would supplement, on the one hand, the right to vote and stand for elections, guaranteed by Protocol No. 1 to the ECHR (ratified by all but two member states of the Council of Europe) and, on the other, similar initiatives taken at local level;

    6.3. resolves to organise open public debates in the context of the drafting process of the new protocol so that this process in itself offers an opportunity for promoting public discourse and raising awareness on the need to increase citizens active participation and ensure further involvement of all people in the conduct of public affairs.

7.   The Assembly, recalling its earlier proposal in Resolution 1886 (2009) on the future of the Council of Europe in the light of its sixty years of experience and reiterating that, among the three main pillars of the Council of Europe, the Democracy pillar needs to be strengthened, further conceptualised and gain in visibility, proposes that:

    7.1.   a Strasbourg Democracy Forum be set up as an umbrella structure providing an international reference in the field of democracy and a laboratory for new ideas and proposals – including older ones which have been forgotten and need to be put back on the agenda - with a view to strengthening and restoring democracy. Such a structure could also serve as a barometer with respect to the main new challenges to democracy in Europe today, including those raised by globalisation;

    7.2.   a high-profile personality, a sort of a Delegate for Democracy, be entrusted with the task of leading and animating the Strasbourg Democracy Forum, as well as disseminating, on a permanent basis, the Council of Europe's message on democracy-related issues of major current interest.

8.   The Assembly invites the national parliaments of the Council of Europe member states to examine the present report and resolution and provide their feedback in an appropriate manner with a view to ensuring relevant follow-up in the framework of national legislation and policies.

B.   Draft recommendation[3]

1.   The Parliamentary Assembly refers to its Resolution… on democracy in Europe: crisis and perspectives in which it notes with concern that the recent world economic crisis has accentuated symptoms of crisis of democracy which have been present for some time now, including lack of rules and regulations to face the challenges of globalisation and increased citizens' disinterest in current institutionalised procedures of democracy.

2.   The Assembly considers that the ensuing crisis in representation can be overcome through an enhanced process of participatory democracy and the development of a new culture of political responsibility in terms of responsiveness and accountability, as well as transparency on the part of those who govern.

3.   Considering that the right to participate in the conduct of public affairs, be it at local, regional, national or European levels, is a human right and a fundamental political freedom, the Assembly has decided to pursue further reflection, in close consultation with the European Commission for Democracy through Law (Venice Commission), with a view to elaborating an Additional Protocol to the European Convention of Human Rights guaranteeing this right. It has also resolved to organise open public debates in the context of the drafting process of the new protocol before proposing a draft text to the Committee of Ministers, so that this process in itself offers an opportunity for promoting public discourse and raising awareness on the need to increase citizens active participation and ensure further involvement of all people in the conduct of public affairs.

4.   The Assembly, recalling its earlier proposal in the Resolution 1886 (2009) on the future of the Council of Europe in the light of its sixty years of experience and reiterating that, among the three main pillars of the Council of Europe, the Democracy pillar of the Organisation needs to be strengthened and gain in visibility, recommends the Committee of Ministers to:

> 4.1.   set up a Strasbourg Democracy Forum as an umbrella structure with a view to providing an international reference in the field of democracy and a laboratory for new ideas and proposals in the field of democracy, as well as developing synergies among relevant Council of Europe structures and activities, such as the Forum for the Future of Democracy, the biennial Assembly debates on the state of democracy, the Venice Commission, the Summer University of Democracy and the Schools of Political Studies networking;

> 4.2.   entrust to a high-profile personality, a sort of a Delegate for Democracy, the task of leading and animating the Strasbourg Democracy Forum, as well as disseminating, on a permanent basis, the Council of Europe's message on democracy-related issues of major current interest.

5.   The Assembly also invites the Committee of Ministers to contribute, along with other actors and in particular the European Union, to the elaboration of guidelines to regulate globalisation in full respect of human rights, including social rights, ecological imperatives and the rule of law.

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[3] Draft recommendation adopted by the Committee on 1 June 2010.

C.   Explanatory memorandum by Mr Gross, Rapporteur

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1.   Introduction

1.   As Rapporteur of the Political Affairs Committee for both the 2007 debate on the state of human rights and democracy in Europe and the 2008 debate on the state of democracy in Europe, I adopted a normative approach. I thought it was essential in the first place to identify and define the **normative basis** of democracies which would serve as criteria for the evaluation of the state of democracy in European countries, its main challenges and the remedies, as well as the reform perspectives which might be proposed.

2.   In my 2007 report, I thus defined the **constituent dimensions of democracy** and their relevance at the level of the individual, political organisations and governmental institutions. As democracy is an ongoing, never accomplished process, I also proposed sets of **criteria** (standards) which could be applied to different stages of democracy building – from basic to strong democracies. The establishment of these criteria enabled me to examine the achievement of standards of democracy in Council of Europe member states and thus identify shortcomings of the democratic process in our countries and on the continent as a whole. I refer all those interested to Doc. 11203, as well as Recommendation 1791 (2007) and Resolution 1547 (2007).

3.   In my 2008 report, following the decision by the Political Affairs Committee that the report should focus on one of the challenges facing democracy today, namely on **migration**, I examined the phenomenon of how democratic systems in our countries are increasingly confronted with the enormous diversity of their own societies. I argued that one of the ultimate objectives of every democratic system should be the elimination of political advantages linked to the status of citizen as compared to non-citizens. Moreover, there should be

no major differences between citizens of different origins or cultural communities in exercising their involvement in the democratic process. The essence of democracy is that all those concerned by decisions taken within a democratic process should be a part of the decision-taking process - independently of their nationality, gender, age, wealth or education. I refer all those interested to Doc. 11623, as well as Recommendation 1839 (2008) and Resolution 1617 (2008).

4.   The purpose of this year's report, which is meant to be yet another contribution in the periodic debate on the state of democracy in Europe, is to provide an **evaluation of the two previous reports** on the state of democracy in Europe and verify the relevance of the criteria on the quality of democracy developed therein, in the light of the present situation, including the veracity of the hypothesis that **democracy in Europe is in crisis**. It also aims at presenting the **perspectives of democracy** and those for the "**democratisation of democracy**" in the near and longer future. In the light of this year's evaluation, I would also like to strengthen some of the arguments developed in the previous reports and specify the reforms we need in order to overcome the crisis of democracy and regain the trust and faith of all in the process of democracy. Finally, specific proposals on what the Council of Europe can do to strengthen **participation of all in the conduct of public affairs** and thus enhance participatory democracy, as well as to reinforce and render more visible **its own role and message on democracy** are made.

2.   Main conclusions of previous debates on the state of democracy in Europe

5.   Firstly, we all agreed that it is impossible to identify a perfect model of democracy. Even if there is a general consensus on the main principles of democracy, there is no agreement for a unique and perfect way to implement them. There are too many variables, including geography, history, tradition, culture, the state of development of the country, the way in which the values and beliefs have shaped democracy and the way in which democracy has come about.

6.   We also concluded that there is no single democracy in our member states which would be spared by the **crisis of democracy**. And I repeat again in order to avoid misunderstandings: the paradox of today's democracies is that, although never ever in the past have so many people lived in democracies, never were so many people disappointed with the **quality of the democracy** they live in and experience on a daily basis. This is what I see as a crisis in our contemporary democracies calling for a better understanding and action in order to investigate all means to strengthen, develop and improve our democracies.

7.   Democracy is also a substantial promise to produce a fair distribution of life chances and opportunities **for all**. The way in which democracy is exercised at present does not allow it to deliver these promises. This is one of the main reasons why so many citizens in today's Europe turn their back on institutionalised politics, abstain from participating in elections or, by voting, express their populist, nationalistic and even xenophobic tendencies, a phenomenon we witness in the whole of Europe, whether eastern, central or western.

8.   The result of the **imbalance of power between economy and democracy** is that important decisions are increasingly taken outside parliaments and the whole democratic process.[4] On the contrary, more and more decisions are rather prompted by non democratic actors of power and decision-making. People have doubts about democracy because they feel unable to influence the political process of making decisions of utmost importance for their daily life.

9.   Furthermore, during our previous debates, we agreed that if we want to overcome the crisis of democracy, we must think about overcoming the reduction of democracy to mere representation ("it is always democracy but not only representative!") and about constituting democracy on the **transnational level,** including on the European Union level. In this latter respect, there have recently been small positive developments that are worth being noted. At the same time, with respect to enlarging representative democracy with elements of direct democracy, we have witnessed examples which can show us how to design such processes in a way that majorities can never put into question fundamental and human rights of minorities.

10.   As it is practically impossible to present an ideal model of democracy and since democracy is an ongoing process, in permanent development, we also agreed that it was even more important to elaborate **criteria for the evaluation of the state of democracy**. In particular, already in my 2007 report, I proposed

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[4] See Alain Touraine « Qu'est-ce que la démocratie ? » (What is democracy?) éditions Fayard, 1994, page 20 : « *we could no longer content ourselves with constitutional and legal guarantees whilst the economic and social life is dominated by the oligarchies which is more and more out of reach* ».

to establish **sets of criteria** which could be applied to qualify and improve **four different stages of democracy**: basic, developed, stable and strong democracies.

11.   I also proposed, for the purpose of evaluation of the quality of democracy, to establish its **five constituent dimensions.** Also three levels on which the validity of these principles is to be tested have been defined: the micro-level of the **individual citizen**, the medium-level of **social groups and political organisations**, and the macro-level of **governmental institutions and governance**. This allowed specific achievements and shortcomings of democracies in Europe to be assessed and the four stages of democracy, identified on the basis of sets of criteria, to be defined as a basis for more effective programmes and efforts to democratise our democracies.

12.   In my 2008 report, I further developed my arguments, also in the context of one of the most important challenges that our democratic systems are confronted with at present, namely a considerable increase in **migration**. Indeed, the standards and stages of democratic systems that I identified in the 2007 report were verified by practice and experience in our countries in my 2008 report. In the latter report, I proposed, in particular an improved table for the purpose of evaluating the quality of democracy in our countries by adding **two further constituent dimensions**: one on **diversity**[5] **and integration** and one on **the culture of citizenship**. This resulted in 21 fields in which the substance of the respective principles is outlined for each level, e.g. "freedom of association" and "protection of minorities" as the expression of the first principle ("Fundamental human rights") for all those acting on the medium-level, i.e. groups and organisations.[6]

13.   The 2008 debate being focused on diversity and migration as one of the challenges facing European democracy nowadays, I had the opportunity to demonstrate **to what extent migrants** who, as I showed, make up a large proportion of our societies, **may enjoy the rights which result from the requirements** (criteria) **for basic democracy** (the first among the four stages of democracy I described). The report also demonstrated that this question is also linked to the assessment of the quality of democracy in our countries as it implies **representation and participation** in a political decision-making process. And I pointed out that, since the diversification of our societies will continue along with their modernisation, if we turn a blind eye to this process, if we do not try to include the large groups of migrants and people of migrant origin in our democratic systems, we put in danger the very principle and future of democracy in our countries.

14.   Both the 2007 and 2008 reports end with a series of proposals for overcoming democratic deficits in Europe. The 2007 report lists a series of reform measures. The key aim is to **extend and enlarge rights of participation**: the participatory rights of the citizens of European states should no longer be linked to citizenship, but to length of residence, and they should be extended through forms of **participatory** democracy. The 2008 report presents possible measures to remedy the situation in countries in which a large part of the population is excluded from the democratic process, mainly: **naturalisation** and granting **political rights to non-citizens**. Finally the report went over a list of measures that can be taken so as to increase and encourage **participation of migrants in political life**.

3.   **Evaluation of our argumentation on the crisis of democracy**

   3.1.   Symptoms and causes of crisis

15.   The 2007 and 2008 reports place the "crisis of democracy in Europe" on three levels:

16.   They note first of all **citizens' increasing distance from institutions and institutionalised procedures of democracy, which is <u>not</u> to be confused with disinterest in politics**, their resignation in the face of the complexity of political issues, their diminishing trust in the integrity and competence of politicians and their doubts about the reliability and effectiveness of political decision-making processes and their real power to influence their lives.

17.   Secondly, they criticise **the politically ambivalent role of the media**, which, to boost audience figures and further their own business interests, try to set the political agenda and to suggest which persons should run as candidates for public offices - instead of critically scrutinising the performance of the several

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[5] See Alain Touraine « Qu'est-ce que la démocratie » (What is democracy ?) éditions Fayard, 1994, page 25. « *the democratic regime is the form of political life which gives most freedom to most people, which protects and recognises the largest possible diversity.* »
[6] In order to enable colleagues to make fresh use of it, I reproduced in the appendix to the present report this table from my 2008 report which may serve as a matrix for an evaluation of the state of the democratic process.

existing political parties.[7] They thus reduce political debate to a clash of personalities and simple personal conflicts. More and more modern media perceive themselves as a mere business and source of profit rather than as a service for democracy and for the common interest.[8]

18.   Thirdly, the reports point to **institutional deficits of democracy**, such as the lack of effective rights of citizen participation, the weakness of parliaments vis-à-vis the executive, unsatisfactory and insufficiently transparent financing of political parties, and governmental work that is geared to short-term electoral success and lacks long-term vision.

19.   As to the question **why** democracy in Europe is today in a critical or fragile state, the reports see the reasons in the **destabilising effects produced by modernisation and the globalisation of markets in the absence of adequate transnational constitution of political counter-powers** and emphasise in particular the increasingly dominant role played by the economy in the political decision-making process and (in the 2008 report) the **inadequate responses to the dynamics of transnational and transcontinental migration movements**. One of these aspects affects the democratic political system, while the other transforms and even destabilises its societal basis.

20.   This reflection has, since then, been further widespread by the prominent British historian Eric Hobsbawm. Referring to the increasingly dominant role played by the economy in the process of political decision-making, he wrote recently that "*the problem is precisely that the supremacy of the market is not a complement to liberal democracy, but an alternative to any form of political organisation. In practice, by denying the need to take political decisions specifically affecting the public interest or the interest of a particular group, the market gives precedence to the sum of all the choices, rational or otherwise, made by individuals in search of personal well-being. […]Participation in the market takes over from political participation, and the consumer takes over from the citizen*".[9]

21.   We are thus experiencing a process which is the opposite of the one recommended by Cornelius Castoriadis for an independent democratic society, which can only be introduced through autonomous community activity. According to Castoriadis, "*such activity presupposes a strong human focus on something other than the opportunity to buy a new colour television set. Taking this further, it presupposes that a passion for democracy and freedom, for community affairs, takes over from lack of attention, cynicism, conformity and the drive to consume*".[10]

22.   In written comments provided, upon my request, to the two reports on the state of democracy in Europe, Professor Martin Schaffner[11] introduces a further consideration which allows a clearer understanding of the connection between the above-mentioned macro-processes and the crisis of democracy. In particular, he proposes, more emphatically than the reports themselves, an analysis of the **conflict-generating dynamics** of these processes, and specifically their effects on democratic principles and procedures.[12]

23.   In these processes, economic and social inequality is increasing, e.g. in terms of the distribution of personal income and wealth or employment opportunities. Massive regional disparities are appearing. Social antagonism is increasing and political debate is becoming more sharply polarised. Lobbies (e.g. global corporations) are acquiring a dominant position. Inclusion and exclusion mechanisms are growing stronger, affecting principally the immigrant population. The democratic political system is reaching the limits of its effectiveness and threatening to lose its legitimacy. The democratic model which took shape and came to the fore in 19th century Europe is being eroded and is perceived as outdated. Its future is in question.

24.   Given these dynamics, it is necessary to place the notion of "**conflict**" firmly at the centre of our analytical approach. If the aim is to design a democratic political system for the future, it is advisable to adopt a conflict-oriented approach because, after all, democratic systems do claim to be effective mechanisms for conflict resolution. On the one hand, this helps to create an understanding of conflict in which it is viewed as a necessary element of social development and political innovation and, hence, not as having solely

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[7] A global tendency which has been underlined by an American scholar who participated by satellite video in the 5th Forum for the Future of Democracy in Kyiv in October 2009.

[8] See also the report prepared by my colleague Hendrick Daems (Belgium, ALDE) on *Extra-institutional actors in the democratic system.*

[9] Eric J. Hobsbawn, "Globalisation, Democracy, Terrorism", 2007, published by Little, Brown; see the chapter on the prospects for democracy.

[10] See Cornelius Castoriadis, "*Fait et à faire*", published in Paris by Seuil, 1997, p. 76.

[11] Prof. em. Dr. Martin Schaffner, Historisches Seminar der Universität Basel. See doc. AS/Pol/Inf(2010)04.

[12] See the analysis by Colin Crouch in "Post-Democracy", 2004.

negative connotations. It should not be forgotten that the advent of democratic statehood in Europe was the result of a long series of conflicts.[13]

25.   On the other hand, a focus on conflicts can be useful in creating **a conceptual basis for democratic political action**. It is not enough to enumerate the destabilising effects produced by modernisation and global economic growth. What is needed is detailed identification, description and analysis of **social crises and specific conflicts**, particularly at the micro-level, in local and regional contexts. It is important to know the parties to a conflict, the lines of conflict and the substance of the conflict, not least because this introduces a player-oriented perspective, which is politically relevant.

26.   The understanding that can be gained from an investigation of this kind is the prerequisite for being able to identify intervention points, develop useful strategies and take concrete initiatives. This can be seen, for example, in the current religiously motivated conflicts or the trend towards ethnicisation of conflicts.

27.   For Professor Schaffner, adding the conflict-generating dynamics as an element for better understanding the crisis of democracy leads us to a **further improvement of the proposed table for evaluating the quality of democracy.**[14] In fact, while he sees the obvious potential of the table in the fact that it is oriented towards democratic values and can be utilised for analytical purposes and democratic reforms, as well as for transnational comparisons, he considers that this framework is only partly suitable for helping to understand the crisis of democracy in Europe.

28.   Only partly suitable, i.e. only where this crisis concerns **democratic deficits** of the political system, for example where a lack of effective rights of citizen participation leads to disaffection with or hostility towards democracy. But where the above-mentioned conflicts are concerned, the table is not sufficient, because what is reflected in these conflicts is not necessarily the lack of binding force of democratic principles, but rather their **non-recognition**, in principle or in fact, **by social groups** (not confined to the immigrant population). In other words, there is a crisis of democracy in Europe which cannot be understood with the help of this framework because it finds expression in fundamental **criticism** of the democratic principles on which the framework is based. Such criticism may be voiced in debates over the meaning of "**formal democratic criteria**" or in scepticism regarding the claimed **universality of the democratic system of government.**[15] To an even greater extent, however, it is expressed implicitly in specific laws and measures through which, in many places, civil rights are curtailed and political power is centralised and concentrated in the hands of the executive.

29.   Such a broader approach also requires the inclusion of an **historical perspective**. When talking about the crisis of democracy and trying to assess the state of democracy, we cannot base our arguments solely on criteria internal to democracy, but must also reflect the historical background, i.e. try to understand the contexts in which democracy has developed in Europe from the mid-19th century to the present day.[16]

3.2.   *Recent illustrations of the crisis of democracy*

30.   In written comments provided, upon my request, to my two previous reports on the state of democracy in Europe, Prof. Theo Schiller accurately summarises the main developments since 2008 which further illustrate the symptoms of crisis of democracy nowadays.[17]

31.   The most significant event of the last two years has surely been the recent world economic crisis. Although the political consequences of the economic crisis are the subject of a separate report prepared by my colleague and good friend Emanuelis Zingeris (EPP, Lithuania), some key aspects have also to be mentioned here.

3.2.1.The recent world economic crisis

32.   The crisis revealed global mechanisms of economic crisis production and **global lack of political control, transparency and system stability**. This **lack of necessary regulation and co-operation** at the

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[13] See Chantal Mouffe, "The Democratic Paradox", 2000.
[14] See the table in Appendix.
[15] On this point, see Pierre Rosanvallon, "L'universalisme démocratique: histoire et problèmes", Esprit No 341, January 2008, pp 104-120.
[16] See, for example, the model developed by Crouch, comprising the "pre-democratic", the "democratic" and the (present) "post-democratic" phase. Crouch, *op. cit.* See also John Keane, "The life and death of democracy", London, 2009.
[17] Prof. em. Theo Schiller, Marburg, Germany. See doc. AS/Pol/Inf(2010)04.

international level has allowed the process of globalisation to become more like "**what the wild west was**" - to use the terms of Greek Prime Minister Papandreou when he addressed our Assembly last January: those who survive are those who have the power.[18] The necessity of global co-operation and regulation has only indeed partly been realised by the G-20 conferences.[19]

33.   The crisis forced immediate political action of all major states and huge financial measures to avoid the break-down of the financial system and of economies at large. This prompted:

•   highly centralised executive decision-making and global negotiation mechanisms with little parliamentary control and without opportunities for citizens' participation, in fact without any substantial mandate from earlier elections;

•   extremely large parts of state budgets being devoted to save banks and stabilise the economies leading to huge additional state debts;

•   major revision of expenditure structures, cut-backs of vital services and transfers;

•   strong restraints on future political decision-making and on opportunities of democratic consultation and participation.

34.   The unstable conditions of world economy and finance will reproduce these factors which replace political decision-making by a "coercive system mechanism". Big and global corporate interests gain strong positions of influence, whereas the democratic vote is being devalued. We are witnessing a huge concentration of power and money, and very often also a huge concentration of the media, in the hands of a few, so that our democratic institutions become vulnerable. Politicians are lobbied by the powerful, and more and more politicians become dependent on huge budgets or the favours of those who own the media if they want to be elected. The same goes for many of our other institutions that uphold the rule of law, whether it be judges or the police. They are also targets of corruption. As inequality and huge concentration of wealth increase, so does the corruption of our democratic institutions. Confronted with the consequences of globalisation and of the worst economic crisis since the 1930s, people are becoming increasingly conscious of the fact that nation states, national governments and national parliaments cannot solve these problems alone. This further increases their feeling of **powerlessness**, **fear and frustration**.[20] It also brings on **extremism** and **defeatism**. It brings on the desire to look for solutions in a populist leader who promises magic or to find scapegoats – those who are different, foreign – for our problems.

35.   When democracy is weak, solidarity or less selfish ways to solve conflicts are not opted for. Thus those who bear no responsibility for the near collapse of the financial systems and losses amounting to multibillions are those who have to bear today the biggest burden as a result of the way in which the Euro crisis and the more general economic crisis is managed by austerity-measures: in Greece nearly 30 percent of the young people are unemployed, while in Spain this percentage is over 44 %. Economist and Nobel Prize winner Joseph Stieglitz repeated recently what he had already written in the British "Guardian" on the same day that Prime Minister Papandreou addressed our Assembly: "*The austerity politics leads us to a disaster. Only by solidarity and investments Europe will really find a way out of the crisis!*".[21]

36.   Major consequences to be seen immediately are **severe erosions of democratic trust** in representative institutions, as the examples of Greece, Iceland, Ireland, Latvia and Lithuania have shown. In Hungary, this breakdown of trust began already before the world financial crisis. The consequence will be the weakening of established political parties and the danger of nationalist and violent reactions.

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[18] See the Address by Mr Papandreou to the Assembly on 26 January 2010, doc. AS (2010) CR 03.

[19] Thomas Piketty, Professor at Paris School of Economics, asks himself: "*What ideological madness led the authorities to allow whole areas of the finance industry to develop without any real controls, prudential regulation or accountability? How were we blind enough to let managers and traders get away with earning tens of millions of euros without reacting, indeed while actually glorifying them?*" See Thomas Piketty, *Il y a urgence à penser le capitalisme au XXIe siècle*, Le Monde, 29 avril 2009.

[20] See Alain Touraine « Qu'est-ce que la démocratie ? » (What is democracy ?) éditions Fayard, 1994, page 24 : « *democracy is not only a combination of institutional guarantees, a negative freedom. It is the fight of subjects in their culture and in their liberty against the overbearing logic of systems* ».

[21] See Le Monde, 23/24 May 2010, p.11: "*L'Europe a besoin de solidarité, d'empathie. Pas d'une austérité qui va faire bondir le chômage et amener la dépression.(…) C'est d'abord et avant tout le manque de solidarité qui menace la viabilité du projet européen…Oui, je prône une sorte de fédéralisme de cohésion.*"

3.2.2. Political apathy

37.   The symptom of increased disinterest of citizens in institutional affairs and procedures of democracy, that is a specific kind of political apathy which I have identified in my previous reports, has become even more evident during the last two years.

38.   The divide between citizens and politics has deepened as election turnouts went into freefall in most democratic countries.   Indeed, if elections are the main yardstick for measuring democratic representativeness, to what extent can we still speak of the democratic legitimacy of leaders for whom one-third of the potential electorate voted?

39.   An obvious example are the last elections to the European Parliament which have recorded the lowest turn-out ever, especially in the member states which have most recently joined the European Union. General turnout was 43% (down from 45.5% in 2004). Abstention reached 80.4% in Slovakia, 79% in Lithuania and 75,5% in Poland.[22]

40.   However, it should be noted that indifference is only one of several reasons for voter abstention. For most citizens, abstention is a positive political decision which, although reflected in a negative action, is not a matter of indifference.   It would thus be a serious mistake to regard abstention levels as an indicator of democratic participation.[23] As Daniel Cohn-Bendit, the leader of the Greens in the European Parliament, said recently, having in mind the general interest, which - as Jean-Jacques Rousseau had already stressed – is not necessarily the interest of the majority, it might be better for people to abstain rather than double the vote for the *Front National* or other nationalistic and aggressive parties or movements.

3.2.3. Democratic fatigue twenty years after the fall of communism and lessons to be learnt from the Hungarian case

41.   The twentieth anniversary of the fall of communism, the founding moment for democracy in Central and Eastern Europe and one of the main reasons why today more people than ever in the history of mankind live in states which are constituted as democracies, was marked by a notable lack of public fervour and a slight twinge of embarrassment in the countries concerned. A few months earlier, in June 2009, at a time when the global economic crisis was at its peak, a poll was released suggesting that almost half of all young *Hungarians* thought life under what used to be called "goulash communism" had been better than life today.[24] And a poll released in March 2009 found that a majority in what had once been *East Germany* thought that life had been better under the old German Democratic Republic (GDR).[25] In the *Czech Republic*, the term "velvet revolution" is used "with caution or even diffidence".

42.   As Jacques Rupnic points out,[26] notwithstanding such a "nostalgia"– spread among a new generation that only vaguely remembers the communist regimes – there is no actual desire in Central and Eastern Europe to return to dictatorship. But there is, unmistakeably, a "crisis of expectations", and even a sense of the "revolution betrayed" that expresses itself as disenchantment with liberal and representative democracy after two decades of experience. Democracy can no longer derive its legitimacy from 1989 and the overwhelming rejection of the old regime which had been witnessed that year.

43.   Rupnic lists recent developments in the old Warsaw Pact countries to explain the absence of "1989 triumphalism": the real-estate bubble which has burst in the *Baltic states* and the social unrest facing, in particular, *Latvia* for the first time; the "war of words and nerves" between *Hungary* and *Slovakia* over minority issues; the fact that, in the *Czech Republic,* fresh elections have been delayed due to an intense political controversy over a Constitutional Court ruling leaving in office an unelected care-taker government run by an ex-communist statistician. We can add that in *Albania* and *Moldova,* which were quoted as positive examples in the 2007 report on the state of democracy in Europe, the functioning of democratic institutions has been paralysed since last year, blocking badly needed reforms and further European integration. In both countries, although maybe for different reasons, the development of a common democratic citizenship

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[22] See also the report prepared by Mr Zingeris on the political consequences of the economic crisis.
[23] See also below.
[24] This Hungarian poll is cited in *Hospodarske Noviny* (Prague), 29 June 2009. See also Jacques Rupnic, *In Search of A New Model,* Journal of Democracy, Volume 21, Number 1, January 2010, p. 105.
[25] Julia Bonstein, « Homesick for a Dictatorship : Majority of Eastern Germans feel Life Better under Communism », 7 March 2009, at *www.spiegel.de/international/germany/0,1518,634122.00.html.*
[26] See Jacques Rupnic, op.cit., pp. 105-112.

culture and the respect for basic democratic values in no way followed the pace of implementation of the market economy.

44.   Elections may mechanically be organised in a more or less correct way,[27] but participation is declining. The right institutions are there, but after close inspection, they look like "empty shells". There is no alternative to democracy, but there is little trust in its institutions and political elites who presided over two decades of transition seem utterly exhausted. And this despite EU integration and economic growth at least across a belt of Central Europe stretching from the Baltic States to Slovenia. As Rupnic notes, from one country to the next, there is an atmosphere of burnout and exhaustion surrounding the transitions to democracy, markets, and European integration.

45.   The recent general elections in *Hungary* have confirmed this process in a country where aggressive and violent right-wing propaganda has been growing in recent years, particularly since the irresponsible discourse and behaviour of the former socialist Prime Minister.[28] The results of the elections serve as an echo to last year's poll: national/conservative forces occupy now nearly 80% of the seats in the Hungarian Parliament; a quarter of them are openly authoritarian and nationalistic. Michael Frank's comment in the *Süddeutsche Zeitung* is pertinent: "*Hungary is in this sense exemplary for the whole post-soviet space: with the market economy, only the thin spirituality of money came into the country. This does not carry you a long way. Other old and sometimes really abused values were not replaced. A democratic mindset and enthusiasm for a parliamentary democracy have not been developed. Even the biggest financial crisis was not able to bring together all strong forces to serve the common good... A fundamental vacuum of values created a space for those who preach the Nation and Folklore as the only values given by God.*" [29]

46.   Some months earlier, in a letter sent to the editor of the "*Neue Zürcher Zeitung*" as a feedback to a "sensitive" - as she calls it - essay on the political situation in Hungary by the writer György Dalos, the German reader Ilse Bindseil wrote: "*Shouldn't we say that maybe the peaceful transformation in Hungary did not turn the Hungarians into Democrats? Instead, 'national criteria' set the tone in which they explain their disaster. Shouldn't we stress that those who want democracy have to overcome nationalism as a doubtful part of the nation (Auf das Völkische am Volk verzichten)?*"[30]

47.   Several intellectuals note that, more than anything else, Hungary needs real public debates, real societal deliberations which would help citizens understand that it is not possible to overcome the biggest economic crisis since the 1930s by creating expectations requiring even more public resources at a time when the economy is not growing and unemployment is already extremely high. But, instead of public deliberation, the Hungarian society is marked by extreme polarisation, hate speech and the unwillingness of many politicians to reflect and discuss openly in a self-critical manner.[31] The writer György Dalos therefore asks for a new "Public Round Table" in Hungary, similar to the Polish Movement *Solidarnosc* 21 years ago, to overcome the "ruling atmosphere of hate and fear", which tends to deteriorate into a collective neurosis of fear and which could lead to even more right-wing extremism.[32]

48.   In trying to understand why "the democratic invention" of 1989 was so promptly pushed aside, Rupnic points to rapid and faithful imitation of Western models across Central and Eastern Europe that came about after 1989. This imitation has been generally successful, at least as far as the constitutional and institutional framework is concerned. But it involved following a model "which was already showing symptoms of fatigue and even crisis". Central and Eastern Europe thus inherited, together with the fundamentals, Western democracy's ills, including: steadily dropping rates of political participation; a huge gulf between citizens and political elites, low trust in parliamentary and state institutions, and the rise of populist and nationalist challengers to liberal democracy.

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[27] I would like to question the tendency of the international community to qualify mechanically relatively well organised elections too easily as "free and fair" even though citizens do not have a real choice out of the whole political spectrum and when still too many oligarchs instrumentalise parties and parliaments solely to obtain the immunity they need to cover their more than ambiguous business affairs.

[28] The former leader of the communist party, Ferenc Gyurcsany, became after 1989 owner of the Aluminium Industry in Hungary and thus one of the richest persons in the country. This was before he became leader of the socialist party and Prime Minister. After the 2006 elections he was quoted for having said in a party meeting: "I had to lie to the people in order to win elections".

[29] Manfred Frank*, Der Sieg der Masslosen* (The victory of those with no measure), in *Süddeutsche Zeitung,* Munich, 13 April 2010, p.4.

[30] Ilse Bindseil, Berlin: Hungary's Democracy, in *Neue Zürcher Zeitung*, 4 June 2009.

[31] Sociologist Maria Varsahelyi, quoted in the *Zeit*, the weekly paper from Hamburg, 8 April 2010.

[32] Gyérgy Dalos, also quoted in the same article of the *Zeit* of 8 April 2010, p.10.

49.   Vaklav Havel recently said that "*we fought for a different political system from the one [that] we ended up with*". The disappointments of post-revolutionary life "*could to a degree have been predicted, but [they] turned out to be much worse than anyone expected*".[33]

50.   And only a few months ago, in March 2010, talking about "Perestroika, 25 years later" Mikhail Gorbachev wrote: "*The democratic process has lost momentum; in more ways than one, it has rolled back. All major decisions are taken by the executive branch; parliament just gives formal approval. The independence of the courts has been thrown into question. We do not have a party system that would enable a real majority to win while also taking the minority opinion into account and allowing an active opposition. There is a growing feeling that the government is afraid of civil society and would like to control everything. We've been there, done that! Do we want to go back?*"[34]

51.   Görgy Dalos' appeal for a national, deliberative "Round Table" in Hungary to overcome - at least partly - the country's crisis of democracy is well-founded. In fact, one of the greatest results of a strong and healthy democracy is that it produces a learning and integrated society by communicative efforts of all conflict partners in an open public sphere - which is much larger than the space the media requires for itself. Jürgen Habermas, the German political philosopher, stated recently about the public sphere: "*Democracy is injured when the 'public sphere' is dominated by media which have an opinion monopoly, manipulated by lobbyists and driven by politicians. Democracy fails where societies blindly, without any deliberation and formulation of a common will, understand and follow progress as a movement in itself; for them, science and technology turn out to be an ideology*".[35] The French philosopher Edgar Morin stressed a similar idea, when he wrote recently about the need "*to reform the democracy*".[36]

>   *3.2.4. Many signs of a derailed democracy in Europe: the rise of extreme right-wing, xenophobic and identity politics and rhetoric*

52.   It is important not to fall into the trap of a kind of western arrogance whereby western countries are said to know exactly what democracy is and to have achieved it.[37] Populist and extremist movements, as well as identity and symbol politics and nationalistic rhetoric, have been present for some time also in Western European countries and have been strengthened during the last two years under crisis conditions. To quote some examples:

53.   In *Italy*, the aggressiveness of politicians, including those holding state office, against various groups of foreigners and refugees has become notorious. The continuing executive attacks of the Berlusconi government against judicial authorities endanger the principle of separation of powers and of the independence of the judicial system. In addition, the media system is also under strong pressure from the government. Following recent structural, personal and even programme interventions into the public channels of RAI, basic mechanisms of democratic control by free media are no longer guaranteed.

54.   The Italian political scientist Gian Enrico Rusconi tried to understand and explain the "Phenomenon Berlusconi" in three ways:[38] "*First: the democratic populism in the way Berlusconi is practising it leads to a mutation of democracy. Second: this mutation is the expression of a deeply unsatisfied civil society, full of conflicts and rather rude. Third: Berlusconi has become a real system, much more than a person. Behind him and this system you have an entire political class which defends its interests. … The Berlusconi system reveals the deep lack of orientation in the Italian society. Many societal illnesses we suffer from do not come from outside but are homemade in Italy: no sense of the citizens' role, no respect for the state, deep links, in many Italian regions and many social groups, with mafia-structures, a selfish behaviour and a latent racism…. We might speak of a deeply divided society, socially split and lost….*"

55.   In *Austria*, the extreme right-wing FPÖ could consolidate itself and even re-unite its different components. At the Presidential elections in Austria, one of the candidates came from among its ranks, but failed clearly and this made the leader of the right-wing movement say that they should abstain from references to the nazi past and move towards the centre.

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[33] See Peter S. Green and Andrea Dudikova, « Havel Laments as 'Consumer Palaces' Occupy Nation », Bloomberg News, 18 June 2009, at *www.bloomberg.com/apps/news?pid=20601088&sid=aQcul87qcNNgc.*
[34] Mikhail Gorbachev, *Perestroika, 25 years later*, International Herald Tribune 13-14 March 2010.
[35] *Die Zeit*, Hamburg, 4 June 2009.
[36] *Le Monde*, 23/24 May 2010, p.15.
[37] See Rosanvallon, *Les pays occidentaux devraient reconnaître qu'ils sont aussi des apprentis en démocratie,* op.cit.
[38] See an open editorial comment of Gian Enrico Rusconi, "Primarily a clown", in the *Süddeutsche Zeitung*, 13/14 June 2009, p. 2.

56.   In the *Netherlands,* the growing electoral support for the xenophobic and anti-islamic party led by Geert Wilders is about to seriously undermine the structure of the Dutch party system. A former Dutch Ambassador to the Council of Europe, who lives since his retirement for nearly 10 years in Switzerland, Mr Henk Wagenmakers, recently wrote in a comparative text: "*In Switzerland, the Initiative against the Minarets focused Islamophobic tendencies in one referendum; in the Netherlands, Islamophobia became an element of the general and entire political debate. (…) In view of the forthcoming elections on 9 June, the centre is eroding and falls apart. A new coalition government of not less than four parties can no longer be excluded…. A (political) explosion on the election day cannot be excluded. (…) In the Netherlands we may face a deep transformation process with consequences that we cannot just bypass or overlook*". [39]

57.   In *France*, where a "Ministry of National Identity" has for the first time been created, the recent regional elections showed a rise of the votes for the extreme right (which was in some cases decisive in the election result) in comparison to those it obtained in the 2009 Elections to the European Parliament.

58.   In *Greece*, in the 2009 national elections, a relatively new nationalist extreme right-wing party got the highest score ever, obtaining 15 seats in the 300-seat parliament.

59.   In *Switzerland,* the referendum against Islamic minarets has illustrated how shortcomings in the constitutional design of direct democracy can lead to undemocratic results. The majority of the Swiss people still understand democracy as a privilege of the Swiss citizens and not as a human right. That every human being has basic rights, which cannot be the object of the decisions of a majority, is less anchored in the Swiss political subconscious than the majority rule. Therefore, the Swiss Parliament has no right to prevent from putting to a referendum any popular initiatives which do not respect human rights, as guaranteed by the European Convention of Human Rights (ECHR); and there is no Constitutional Court with such a competence. This is one of the reasons which led to the result of the referendum of 29 November 2009 when nearly 60 % out of the 53,4 % of the Swiss voters who took part in the referendum decided to ban the construction of Minarets in a discriminatory way and without fully respecting freedom of religion.[40]

60.   For such shortcomings, it is not direct democracy as a principle to be blamed, but the Swiss way of implementing it and its design of the interface between direct democracy and human rights. In order to prevent direct democracy from turning into the "tyranny of the majority" (Tocqueville), fundamental freedoms and human rights have to be protected in a way that they cannot be put to a referendum. Many Swiss people have understood this lesson following last November's vote and a debate has now started in Switzerland on how to implement such reforms into the Federal Constitution. Democracy in general, and direct democracy in particular, loose their dignity when the majority is invited to restrict the basic freedoms and rights of a minority. There can indeed be no democracy without respect for the basic human rights of all.

3.2.5. Unlimited collection of personal data by state agencies

61.   An almost unlimited collection of personal data by state agencies represents a severe threat to personal freedom and privacy, which is an important pre-condition of free participation in democratic life.

62.   In particular, data banks of the police, but also of social security agencies (ELENA in Germany), represent such a danger. Several technologies serve as data sources:

•   telecommunication and internet contact data are saved not only on suspects but on everybody for long periods of time;

•   video surveillance in public spaces and stores has substantially expanded;

•   growing surveillance potential by internet search machines and social networks open up more opportunities for use and abuse;

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[39] Henk Wagenmakers, "Islamophobias in Switzerland and the Netherlands: Parallels and differences", published in Gross/Krebs/Schaffner/Stohler, *Von der Provokation zum Irrtum, Menschenrechte und Demokratie nach dem Minarettbauverbot,* St.Ursanne, May 2010, pp.180-188.

[40]See Alain Touraine « Qu'est-ce que la démocratie » (What is democracy ?) éditions Fayard, 1994, page 20 : « *Suspicious concerning participative democracy, worried by all the forms in the grip of central powers on individuals, is the public opinion, hostile to the calls of the people .. I question myself on the social and cultural content of democracy today* »

• private banking data are also made available for public security purposes. The SWIFT Agreement between the EU and the USA even provides uncontrolled access to American security agencies (the agreement will be revised shortly). But banking data collected by SWIFT may also be available to security agencies in European member states and on the EU level. Fortunately, the European Parliament put an end to this agreement with the USA, but some of the Council of Europe member states, which are not EU members, seem still to accept this agreement.

4.   Perspectives of democracy and new challenges

4.1. Moving towards a more participatory and deliberative form of democracy

63.   The current crisis in representation, which has recently been compounded by the economic and social crisis, means that we must approach the **political relationship between society and the authorities** in a different manner from the traditional forms of mandates and delegation, with which citizens are no longer satisfied.[41]   The limitations of the electoral system and the failings of representative democracy have bred distrust among the public, especially the young.[42] They feel powerless and frustrated in the face of political challenges.

64.   It should be noted that Montesquieu, Rousseau, Tom Paine and Ferguson believed that true democracy meant **the participation of the entire community in public affairs.**[43] However, when the liberal theory of the political constitution emerged and took hold in the late 18th century, it was based on the explicit assertion that such participation was impossible in contemporary societies and on acceptance of the state as being separate from the political community.[44]

65.   It is not simply a coincidence that the Australian/British professor and Paine-Biographer, John Keane, wrote a year ago an article in "the Guardian" under the title "*Tom Paine, we need you*".[45] Keane raised the question: "*Faced with our own deepening political recession, a new corruption fuelled by public disaffection with party politics, parliamentary fiddles and rudderless government, where can we turn for inspiration?*" And he answered: "*Considering what he contributed to visionary democratic ideals, it makes sense to remember Tom Paine, perhaps the greatest English Champion of clean, open, humble government, who died in New York City 200 years ago this week. Paine advocated in his best selling book 'The common sense', that citizens do not need kings to govern and to defend the common cause. He drew from the principle that the earth is common property the conclusion that the most vulnerable in society, especially the young and the old, ought to be guaranteed as of right their fair share of its wealth.*" Keane concluded: "*The public debate about parliamentary reform must continue and intensify, informed by the understanding that history matters.*"

66.   The Guardian's editor, Polly Toynbee, concluded from the British crisis of parliament and the loss of public confidence in the latter: "*Let the people decide to blow fresh air into politics*".[46] And even the then British Justice Minister, Michael Wills, argued for radical democratic reforms: "*The political class is in the dock and radical reform is essential. (…) Representative democracy – and so the parliament – must remain at the heart of this country's governance. (…) But people are becoming disengaged from the democratic process. Some see politics as irrelevant for their lives, others wish to become more involved, exercising power between elections as well as at them. (…) Direct democracy should have a place in our constitutional arrangements, but it can also be a recipe for passing control of our democracy to the wealthy and powerful.*"[47] Hence, another way to stress what we mentioned above with respect to Switzerland, namely that those who argue for the integration of direct democratic elements into representative democracy have to be careful to design it in a way that unintended negative effects can be avoided.

67.   Our democracies now need to be given a broader base again.   Instead of the conventional representative approach, there is a need to establish much more **permanent forms of interaction** between citizensand those who govern them.   Politicising society is not based solely on considering the proper use of

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[41] See Rosanvallon, *Les pays occidentaux devraient reconnaître qu'ils sont aussi des apprentis en démocratie, op.cit.*

[42] Loïc Blondiaux, *Les invisibles de la représentation*, Le Monde, 29 April 2009.

[43] See Alain Touraine « Qu'est-ce que la démocratie ? » (What is democracy ?) éditions Fayard, 1994, page 21, where it has even claimed : « we could not content ourselves in a democracy of deliberations, we have need of a democracy of freedom »

[44] According to Castoriadis, *"we thereby maintain a separate state, whose power we seek to limit; it is taken for granted that, save for brief exceptions, citizens are unable or unwilling to become involved in public affairs, while, at the same time, we purport to build on that basis a system which claims to involve the sovereignty of the people and calls itself democracy".* See Cornelius Castoriadis, *La cité et les lois*, Editions du Seuil, April 2008, p 218.

[45] The Guardian, 10 June 2009.

[46] The Guardian, 19 May 2009.

[47] The Guardian, 19 June 2009.

universal suffrage. **Participatory and deliberative structures** which involve citizens must be found. Representatives must be elected, but we must also constantly keep an eye on them and **hold them to account**. The idea of a political system that involves choosing a champion for four or five years must be given up. Reducing decision-making opportunities to elections alone prevents politics from functioning properly. The rate of change in society has speeded up, while parliamentary terms remain unchanged. The solution to the crisis in representation therefore lies in moving from an "intermittent democracy" to an "**ongoing or permanent democracy.**"[48]

68.   It should be noted here that **direct democracy** should not be confused with plebiscite democracy. Direct democracy, provided that it is properly regulated and well designed,[49] allows citizens to become effectively involved through referenda and popular initiatives and thus constitutes a kind of "correction" of representative democracy. In the plebiscite abuse of direct democracy, where the President, the government or the majority of the parliament may put questions to a referendum, there is a high risk of manipulation and an increase of dominance rather than a democratisation of democracy.

69.   A citizen-based direct democracy has no plebiscite elements, but, as the institutionally most developed segment of **participatory democracy**, should be perceived as an on-going communicative **process in which more and more people become involved in public affairs**. They create together "communicative power" which influences the "administrative power" and obliges the economic powers to respect the needs of poor market forces as well as ecological needs. Professor Volkmann calls this "*the heart of democratic life*".[50] Participatory democracy is therefore much more closely linked to the idea of **association**, **deliberation**, **information**, **accountability** and **transparency** on the part of those who govern. In a truly participatory and deliberative democracy, the point of view and interests of disadvantaged or vulnerable groups can also be taken into account in the decision-making process, itself based on an open public debate. If all citizens are deemed liable to pay taxes, they should all also be deemed capable of taking part in public affairs and decision-making and of holding their representatives and rulers to account!

70.   A very strong democratic infrastructure is necessary to ensure that direct democracy will not be manipulated by traditional powers, such as big business or "big money", as this is too often the case in Switzerland and California, the two places in the world where direct democracy is most practised. Elements for such an infrastructure that a "free and fair" direct democracy needs include: the proper funding of political parties and "issue-action-committees"; transparency and a fair balance in the resources available to the various actors in a referendum campaign; strong civil society organisations which must be able to participate in the public debate; a genuine curb on commercial lobbying; media which are not dependent on the market alone but are able to serve - as a pillar of democracy - the common cause, as well as public institutions which are able to offer civic education to all.[51]

71.   Sieyès said that democracy was not just achieved through institutions but by building public squares, pavements and meeting places. Democracy is a matter not only of delegating and taking decisions but also of **discussing** and living together in dignity, respect and solidarity.[52] There can be no prevarication; the democratic model remains that of **redistribution** and devising a **shared existence**. Democracy is therefore a form of **society**, which requires rules for social justice and distribution, not just a system or the sum of individual rights. It is a **work in progress,** which is put to the test on a daily basis.

72.   Democracy is indeed much more than a way to defend individual and private personal interests.[53] The idea of democracy is to work with other equal citizens on a common project, the future of our common life. For Professor Volkmann: "*People see and understand each other as equal participants and co-authors of the legal order they all have to respect. It's like a good orchestra: The common concert is more than the sum of*

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[48] See Rosanvallon, *Les pays occidentaux devraient reconnaître qu'ils sont aussi des apprentis en démocratie,* Le Monde, 6 May 2009; see also Loïc Blondiaux, op. cit.

[49] See above for details concerning the insufficient respect for basic human rights in direct democracy in Switzerland resulting from the shortcomings in the constitutional provisions governing popular initiatives.

[50] Uwe Volkmann, *Die Privatisierung der Demokratie*, in *Frankfurter Allgemeine Zeitung*, 26 February 2010.

[51] See also Helena Kennedy, *Disillusion made rage*, in the Guardian, 20 May 2009, and Michael Th. Greven, *Bildung und Demokratie – zwischen Utopie und Praxis*, in Vorgänge, Heft 4/2009, p.4-18.

[52] See Rosanvallon, *Les controverses du Progrès*, Le Monde, 30 April 2010.

[53] See Alain Touraine « Qu'est-ce que la démocratie ? » (What is democracy ?) éditions Fayard, 1994, page 28, where he had already explained : « *those who are guided by their interests do not always defend the democratic society where they live ; they often prefer to rescue their own interests by evasion or simply by the search of more efficient strategies without taking up the defence of prinicipals and of the institutions.* »

individual voices or instruments just beside each other."[54] Professor Volkmann notes the paradox that, as the traditional links between citizens (religion, class, lifestyle,) become weaker and weaker, this may raise more expectations towards the community identity of democracy which the actual democracy, as has been functioning until now, is not able to meet.

73.   The renewal of politics also requires the development of a new culture of **political responsibility**. The latter also needs to be considered in terms of responsiveness and of accountability. **Independent supervisory institutions** such as ombudsperson's offices and bodies dealing with access to public documents and data protection, as well as constitutional courts, can help to develop this concept of political responsibility, provided that their own membership and methods of operation are democratic and that they are perceived as democratic by people.[55]

74.   How can we make our democracies more participatory and more deliberative? **Participatory budgeting** and **citizens' conferences or juries** are just some examples from northern Europe, Canada and even Latin America. Such **public fora** however, must not be restricted to nationals alone. It is not only nationals but all people living in a country who should participate in the conduct of public affairs, at both local, regional and national level.

75.   Recently and in a positive development, the capacity for political participation has increased remarkably. Networks and blogs in the Internet provide growing opportunities for millions of people including for **political communication**[56] on the local and national level as well as in the transnational dimension. In addition, more concepts are being practised for developing innovations, mediating conflicts and finding compromises. This may support the extension of civil society groups and decentralised self-government. However, the opportunities to make such potential relevant in practice are threatened by the overall conditions of democracy in the world economic crisis.

76.   It is worth noting that, in *Latvia,* the Congress of the newly created centre/left-wing party, which is likely to come to power, argued recently in favour of increased participatory democracy.

4.2. Improving education in public affairs

77.   In Athenian democracy, effective citizen participation was not an abstract right but a genuine practice; it was not left to chance or the willingness of citizens. This effective participation was shaped by the whole life of the community, the whole education of citizens and **education in public affairs** (*paideia pros ta koina*).[57]

78.   In reinventing democracy today, we will also have to focus again on education in public affairs and improve citizens' civic education. Again, this must not be restricted to nationals alone. Today it is not only nationals but all people living in a country who should be educated in involvement in public affairs, at both local, regional and national levels.

4.3. Taking account of long-term concerns and tackling the short-termism and short-sightedness of democracies.[58]

79.   Democratic systems struggle to take account of **long-term concerns**. This is all the more worrying given the current economic and environmental crises, both of which require account to be taken of long-term concerns and of future generations. Our governments' economic and budgetary policies to date show that the burden of public debt has constantly been passed on to future generations. The environment has been sacrificed to economic and social imperatives.

80.   Democratic short-sightedness of this kind is probably the result of regular elections and the influence of opinion polls, which determine the behaviour of modern politicians. What can be done to correct it?

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[54] See Uwe Volkmann, *op.cit.* Volkmann reminds us that even the German Federal Constitutional Court defined democracy already 1956 as the system "in which persons define themselves their development by decisions they take together".

[55] See Rosanvallon, *Les controverses du Progrès*, op.cit., and also, *Réinventer la démocratie*, Le Monde, 29 April 2009.

[56] In this connection, it must be stressed that the Internet is only a tool in the form of a big, permanent open forum that is almost universally accessible and can therefore play a useful part in democratic life. It does not suffice to enhance participatory democracy and the latter cannot be reduced to a push-button.

[57] See Cornelius Castoriadis, *op.cit*, p 217.

[58] See Rosanvallon, *Sortir de la myopie des démocraties,* Le Monde, 8 December 2009.

81.   Personally, I am not in favour of solutions from "inside" the representative electoral system. Instead, it is by rethinking **democracy outside this representative electoral order** that we should be able to take up this challenge and reinvigorate politics. [59]

82.   Reference can be made here, for instance, to the Economic, Social and Environmental Council in France, which could play a key part in such a process. Similar bodies could be set up or strengthened in other member states.

4.4. Humanising and democratising globalisation

83.   As the Greek Prime Minister Georges Papandreou put it when addressing our Assembly a few months earlier, at a time when the scope and consequences of the economic crisis in Greece were probably not yet fully grasped by his European partners today "*the Council of Europe, along with the European Union, faces a renewed and daunting task: to **defend democracy at a time of globalisation**, and to **humanise and democratise the process of globalisation.**"*[60]

84.   In effect, today, as mentioned also above, globalisation provides a great opportunity and great wealth, but is subjected to few, if any, rules. Whether we are talking about the financial crisis, the struggle for energy resources, the threat of climate change, or poverty and inequality, what we lack at global level are the necessary rules and regulations, the necessary common understanding and values, and the necessary institutions to deal with those important challenges in a collective, just and effective way. The Copenhagen gathering of so many heads of state and government in December 2009 highlighted the lack of processes and institutions and even the will to regulate and humanise our model of growth and development in the face of the threat of climate change.

85.   If we do not meet the challenges of globalisation and face up to them in a way that strengthens human rights, the rule of law and the sense of justice and security for all, particularly for those who are weaker, we will see massive competition at the global level between the differing geopolitical interests be it over energy, water resources or whatever else, and we will also see great insecurity and fear at the societal level. So we either humanise and democratise globalisation, or globalisation will become synonymous with violence and barbarism.

86.   Today, we have separated the market and the economy from the polity in a way that allows the market, rather than our democratic institutions and our citizens, to make policy. We need to bring back politics so that our decisions in our economies are informed and regulated by the democratic will of our peoples.

87.   Let me quote the conclusion of Mr Papandreou, which I fully share: "*In this globalising world, the world needs more Europe, not less. If Europe was a peace project after the First World War and Second World War, today it is also a project in how to deal with a globalising world. We can and must become a model for a globalising society – one that provides that different nations, different cultures and different languages and traditions can partake and share in the same fundamental values and the same core practices and, in doing so, guarantee the rule of law and a democratic and humane globalisation.*

4.5. Moving towards a transnational democracy

88.   It is again outside the system based on elections that efforts must also be made to activate a kind of **transnational democracy**.[61] It is through citizen ownership that this should take shape in practice. And it is through a **public opinion** which supports more active co-operation between states and greater solidarity – rather than isolationism – that states themselves will become more receptive to such international co-operation.

89.   Progress could perhaps be achieved by supporting and networking movements formed by citizens to address specific issues. As the problems that have to be solved locally or regionally often transcend national

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[59] See also Rosanvallon, *op.cit.* Although Rosanvallon addresses the short-termism of democracies in the specific context of the fight against global warming, some of his proposals are valid in a broader context, namely: the establishment of academies of the future made up of recognised experts, philosophers and scholars and representatives of civil society; the launch of fora for the future, i.e. public fora harnessing the attention and involvement of all people and enabling them to take ownership of long-term issues.

[60] See doc. AS (2010) CR 03.

[61] Rosanvallon uses the term "world democracy" in *Sortir du désenchantement démocratique*, Le Monde 2008.

borders (e.g. environmental issues), **transnational networks** are already growing up at this level in Europe. It is therefore essential to give such initiatives stronger support, in the form of know-how and financial resources, especially with an eye to a future transnational European democracy, as the 2008 report already mentioned.[62]

90.   The mere exchange of experience between movements and groups already active at local/transnational level would be valuable in this context.

91.   Let me also note that while democracy as a mechanism for redistribution and for producing public services remains structurally national, democracy in terms of regulation and the recognition of rights does not need nation states and can be national, international or transnational.[63]

92.   In December 2009, the European Union (EU) Lisbon Treaty came into force. This is important for the future of democracy in the 27 EU member states which represent a large share of Council of Europe member states, for several reasons. The integration of the EU Charter of Fundamental Rights into the Treaty and the substantial elaboration of principles of democracy in several treaty articles will strengthen the basic norms of liberty and democracy in all member states.

93.   One special feature is the European Citizens' Initiative (ECI) which, for the first time ever in history, constitutes a transnational citizen right and gives one million European citizens from a significant number of member states an opportunity to present legislative proposals to the European Commission (Article 11.4).

94.   By supporting this new citizen right, the European Parliament followed a central principle of direct democracy: it showed its readiness to share its power with a number of citizens. Those who see this innovation as a "baby-step" should not forget that also the European Parliament has no power to initiate European law but can only propose to the Commission a revision or new European law-making.

95.   In order to prevent this new instrument being used only by those European organisations which have already a big lobby power in Brussels and enable also smaller and new civil society organisations to make use of it, the Commission and the European Parliament should implement the ECI in such a manner as to provide communicative, travel and translation resources to those who start to use the ECI in a credible way.[64]

5.   The Council of Europe's contribution

5.1.   Guaranteeing the righty to participate in the conduct of public affairs as a human right and a fundamental political freedom

96.   Article 3 of Protocol No. 1 to the European Convention of Human Rights (ECHR), ratified by all but two (Monaco and Switzerland) Council of Europe member states, guarantees **the right to vote and to be elected**.[65]

97.   However, there is no guarantee of **the right to participate in the conduct of public affairs**. In this respect, Article 3 of Protocol No. 1 falls behind Article 21 of the Universal Declaration of Human Rights. The latter, while it enshrines the right to free, fair and universal suffrage in its third paragraph, guarantees in its very first paragraph that "**Everyone has the right to take part in the government of his country**, directly or through freely chosen representatives" - the word "government" being referred to in the French version of the text as "*direction des affaires publiques*" (**conduct of public affairs**).

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[62] Doc 11203, para 148.

[63] See Alain Touraine « Qu'est-ce que la démocratie ?» (What is democracy ?) éditions Fayard, 1994, page 103, chapter on the decline of the national state in Europe.

[64] For instance, Johannes Pichler and Bruno Kaufmann, in many books and other publications for the International Law faculty of the University of Salzburg and the European Initiative and Referendum Institute have made a number of interesting and useful suggestions in this context.

[65] The five principles enshrined in this provision, as further interpreted by the Strasbourg Court, are universal, equal, free, secret and direct suffrage. These principles are also embodied in the Code of Good Practice in Electoral Matters, the reference document in this field, adopted by the Venice Commission and endorsed by the Assembly and the Committee of Ministers. As the Strasbourg case law and the Code specify, the right to universal suffrage can be subject to certain conditions, such as those related to age, nationality and residence.

98.   Also, the International Covenant of Civil and Political Rights, in its Article 25, guarantees "the right and opportunity" of every citizen "**to take part in the conduct of public affairs**, directly or through freely chosen representatives".

99.   In the context of the Council of Europe, considerable work has been done to enshrine the right of participation in the conduct of public affairs at local level.

100.   Already in 1992, the Council of Europe adopted the Convention on the participation of foreigners in public life at local level. Although it entered into force on 1997, its record of ratifications has been very poor: it has only been ratified by three member states and signed by another eight.

101.   Work was therefore engaged to prepare a new instrument to guarantee the right to participate in public affairs at local level for all, foreigners and nationals alike. This work led to the elaboration of an Additional Protocol to the European Charter of Local Self-Government on "**the right to participate in the affairs of a local authority**" which was open for signature only last year, on 16 November 2009, in Utrecht. The new protocol has already been signed by 12 member states and ratified by two (Norway and Sweden).

102.   The Utrecht protocol guarantees the right to participate in the affairs of a local authority to "everyone within the jurisdiction" of a State Party although some specific rights are reserved only to nationals. It defines this right as "the right to seek to determine or to influence the exercise of a local authority's powers and responsibilities".

103.   Interestingly enough the Preamble to the Utrecht Protocol states:

> *"Considering that the **right to participate in the conduct of public affairs is one of the democratic principles that are shared by all member states of the Council of Europe**";*

104.   The question is then raised: why not enshrine **the right to participate in the conduct of public affairs,** be it at local, at regional or at national levels as a fundamental freedom and a human right in a new Protocol to the ECHR?

105.   This would supplement, on the one hand, the right to vote and stand for elections and, on the other, previous initiatives taken at local level. Moreover, as mentioned earlier, in the globalising world we live in, many local issues become global issues. For instance, we may feel the consequences of climate change around us but it is a global issue. And most people, especially young people, tend to be much more interested in the conduct of public affairs at national or even international level than in local issues.

106.   The elaboration, within the Council of Europe, of a new legal instrument, in the form of a Protocol to the ECHR, on the right to participate in the conduct of public affairs (without restriction to the local level) would make it clear that this is a fundamental human right the scope of which goes beyond the right to vote every four or five years for members of parliament or heads of state or even to stand for elections. This would be a concrete and high profile contribution of our Organisation to promoting participative democracy throughout the continent. The drafting process in itself would offer a unique opportunity for animating the debate on the need to increase active participation and further involvement of people in the conduct of public affairs.

107.   Of course a number of questions have to be discussed in the context of such a process, namely as regards the beneficiaries and the precise scope of this right. In my view, it would not make much sense to establish today a new legal instrument on participation if it is to limit it to nationals only. Whereas in principle the right to participate in the conduct of public affairs should be granted "to everyone within the jurisdiction of a state", some specific expressions of this right may have to be reserved to nationals or residents. Also, should a person have the right to participate in the conduct of public affairs of both his/her state of origin and residence? All these are questions that need further reflection and public debate.

108.   The Venice Commission could be an excellent partner for assisting the Assembly in elaborating a draft protocol on the right to participation in public affairs. The Political Affairs Committee of the Assembly, together with the Venice Commission, could indeed organise joint hearings but also open public debates on the issue before proposing a draft text to the Committee of Ministers for consideration. Other interested parties could also be invited to take part in the reflection process on an ad hoc basis.

109.   In conclusion, I would therefore propose that the Assembly decides to pursue further reflection, in close consultation with the Venice Commission, with a view to elaborating a Protocol to the ECHR guaranteeing the right to participate in the public affairs.

5.2. Enhancing democratic citizenship education

110.   The Council of Europe has long-standing expertise in the field of **democratic citizenship**. The latter is defined as *'education, training, dissemination, information, practices and activities which aim, by equipping learners with knowledge, skills and understanding and moulding their attitudes and behaviour, to empower them to exercise and defend their democratic rights and responsibilities in society, to value diversity and to play an active part in democratic life, with a view to the promotion and protection of democracy and the rule of law".*[66]

111.   A major contribution by our Organisation is the **Charter on Education for Democratic Citizenship and Human Rights Education**, which was developed over a period of several years with wide consultations and finalised in 2010. This non-binding instrument provides a broad framework for promoting democratic citizenship in formal and vocational education and training, and the active participation of learners and parents in the governance of educational institutions. It also encourages multilateral and transfrontier activities, including the existing network of coordinators on education for democratic citizenship and human rights.

112.   Only a few weeks ago, at its Ministerial Session in Strasbourg, on 11 May 2010, the Committee of Ministers adopted a recommendation calling on member states to comply with this Charter.[67]

113.   I propose that the Assembly joins the Committee of Ministers in recommending compliance with the new Charter, which will be also used as a basis for the Council of Europe's future work in this field in the coming years.

5.3.   Setting up a Strasbourg Democracy Forum

114.   The Assembly has repeatedly stated, both in its reports and debates, that the Democracy pillar of the Organisation needs to be strengthened and gain in visibility.

115.   The other two statutory pillars of the Council of Europe, i.e. Human Rights and the Rule of Law, are firmly anchored within the European Convention of Human Rights (ECHR) and the Strasbourg Court case law and thus are also visible. The role of the Council of Europe as Europe's human rights watchdog has been widely recognised and will be further enhanced with the process of accession of the European Union to the ECHR following the entry into force of the Lisbon Treaty.

116.   But when it comes to democracy, although progressively reinforced since the 2005 Warsaw Summit, the Council of Europe's message and role are not yet visible enough. Several mechanisms and structures today exist and important activities are regularly carried out, such as: the Forum for the Future of Democracy, the Assembly's biennial debates on the state of democracy in Europe, the European Commission for Democracy through Law (Venice Commission) and the Summer University of Democracy, bringing together each year in Strasbourg young leaders participating in the Schools of Political Studies network – a civil society initiative aimed at training new generations of democratic leaders in Eastern and South Eastern Europe on key topics of European society, with an emphasis on democratic institutions and European co-operation.

117.   However, what seems to be missing is an **umbrella structure** that ensures synergies among these various structures and activities and enhanced visibility of the Council of Europe's pan-European message on democracy.

118.   In fact, the Forum for the Future of Democracy (FFD), created at the Warsaw Summit, at the instigation of the Assembly, has the advantage of bringing together all Council of Europe partners of the democratic process in its *Quadrilogue*: representatives of the Assembly, the Congress, the Committee of Ministers and the Conference of INGOs, that is representatives of elected bodies at local and national level, of governments and of civil society.

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[66] Article 2 a of the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education.
[67] See Recommendation CM/Rec(2010)7 of the Committee of Ministers to member states on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education, adopted on 11 May 2010 at its 120th Session.

119. However, the very strong influence of the host country and the limited institutional links with the Organisation's decision-making bodies result in a limited impact on the democracy related activities of the Council of Europe and very limited visibility outside the host country. It also lacks permanent high-profile direction and leadership.

120. At present, a reform of the FFD is under way, in which the Assembly actively participates as a partner of the *Quadrilogue*. The reform proposals currently on the table are to be welcomed, in particular as regards the ideas of transforming the previous "Advisory" Body to a "Steering" Body with increased responsibilities, associating external experts in the preparation of events in a Forum cycle, as well as the decision to hold a Forum session biennially rather than annually, etc.

121. The ongoing reform of the FFD will certainly improve its functioning but will not solve the above-mentioned problems of ensuring high-profile direction and leadership and increasing the Council of Europe's visibility as a major actor in the democracy field since the Forum sessions will continue to be organised in various member states.

122. On the other hand, the Summer University of Democracy, which involves the 16 Schools of Political Studies operating all over Eastern (including South Caucasus) and South Eastern Europe, and to which the City of Strasbourg is closely associated, is progressively becoming a major political event attracting increased media interest. Prominent personalities have participated in the Summer University since it started operating in 2006.

123. However, as no Schools of Political Studies operate in Western European countries, the Summer University of Democracy represents less than half of the Council of Europe membership.

124. Therefore, a possible solution to combine the advantages and avoid the inconveniences of the two existing structures, the Forum for the Future of Democracy, on the one hand, and the Summer University of Democracy, on the other, would be to join them and organise a major event on democracy in Strasbourg which could give greater prominence and visibility to the Council of Europe's message on democracy and could be called the **Strasbourg Democracy Forum**.

125. The idea of establishing a "Davos of democracy" on the basis of existing Council of Europe mechanisms and structures, as a real laboratory for ideas, thoughts and expertise, was recently launched in Mr Mignon's report on the future of the Council of Europe in the light of its sixty years of experience. However, the term "Davos of democracy" was not well received by part of the Assembly's members and of the Ministers' Deputies and this has influenced – I think – discussions on the merits. I personally do not like the idea of linking to "Davos" any future initiative in the field of democracy either, whereas I fully share Mr Mignon's proposal in its essence. I also find it important to give the Strasbourg City the opportunity to be closely associated in a major Council of Europe event on democracy so that the city which hosts our Organisation may increasingly be known not only as hosting the Human Rights Court and the European Parliament but also a House of Democracy.

126. The Strasbourg Forum would not only develop synergies among the various existing Council of Europe structures and activities in the field of democracy, but, above all, would provide a high-profile laboratory for ideas, proposals and expertise in the field of democracy, along the lines of what Mr Mignon proposed in his earlier report and the Assembly endorsed in its Resolution 1886 (2009). It could also serve as a barometer with respect to the main challenges to democracy in Europe, including those raised by globalisation, climate change, sustainable development, terrorism and violence, organised crime, migration and racism. It could thus become an **international reference** in the field of democracy.

127. Modelled on the Advisory or Steering Board of the FFD, the Strasbourg Democracy Forum could be organised as a structure which associates representatives of the *Quadrilogue* partners (Committee of Ministers, Assembly, Congress, INGO Conference) and the Venice Commission, as well as representatives of the recently created Association of the Schools of Political Studies. Participants would come from the same bodies so that participation from all Council of Europe member and observer states would be ensured.

128. To ensure the required coordination, as well as enhanced visibility, a high-profile personality, a sort of **Delegate for Democracy,** could lead and animate the Strasbourg Democracy Forum. He or she could provide continuous reactivity on democracy-related issues of major/current interest in a manner similar - but probably more modest due to financial constraints - to what the Human Rights Commissioner does in the field of human rights. It could also be envisaged that he or she chairs the Steering Board of the FFD.

129.   I believe these proposals would fit perfectly well with the Secretary General's priorities for the Organisation who wants to make the Council of Europe "the reference Organisation in Europe – and beyond – for human rights, rule of law **and democracy**".

6.   Conclusions

130.   In conclusion, the report has demonstrated that the recent world economic crisis has accentuated symptoms of crisis of democracy which have been present for some time now. In particular:

- •   lack of necessary regulation and co-operation at the international level, as well as lack of political control over financial interests, to face the challenges of globalisation;

- •   highly centralised executive decision-making and global negotiation mechanisms with little parliamentary control, insufficient transparency and without opportunities for citizens' participation. This has further bred people's distrust in democratic institutions and the quality of the democracy they live in and increased their feeling of powerlessness and frustration;

- •   concentration of power and money, and, in some Council of Europe member states, also an excessive concentration of the media in the hands of a few. More and more politicians have become dependent on the huge fortunes or the favours of those who own the media. As inequality and the concentration of wealth increase, so does the corruption of democratic institutions;

- •   a disinterest in the current institutionalised procedures of democracy and a crisis in representation. Election turnouts have gone into freefall in most European countries and abstention rates reached up to 80% in some of them in the 2009 elections to the European Parliament;

- •   populist, extremist and identity politics, as well as nationalistic rhetoric, have been reinforced during recent years under crisis conditions in many member states;

- •   an almost unlimited collection of personal data by state agencies, notably the police and social security agencies, as well as by private companies, threatens personal freedom and privacy, which is one of the pre-conditions for free participation in democratic life.

131.   Therefore, the current crisis in representation requires that, apart from the traditional forms of mandate and delegation, with which less and less citizens are satisfied, the political relationship between society and the authorities must also be approached in a different manner. Thus, without putting into question representative democracy, it should be underlined that representation can no longer be the only expression of democracy; the latter has also to be developed beyond representation, in particular by the following means:

- •   more sustained forms of interaction between people and the authorities must be established, beyond the conventional representative approach, in order to include, in a carefully designed manner, direct democratic elements in the decision-making process;

- •   participatory democracy should be enhanced as a process in which all people, and not only nationals, are involved in the conduct of public affairs, at both local, regional and national levels;

- •   democracy should be understood not just as a system or the sum of individual rights, but as a form of society which requires rules for social justice and redistribution and implies not only delegating and taking decisions, but also discussing and living together in dignity, respect and solidarity. It is work in progress which is put to the test on a daily basis;

- •   the renewal of politics also requires the development of a new culture of political responsibility. The latter needs to be considered in terms of responsiveness and accountability, as well as transparency, on the part of those who govern.

132.   The right to participate in the conduct of public affairs, be it at local, regional or national levels, is a human right and a fundamental political freedom and should thus be embodied as such in the European Convention of Human Rights (ECHR).

133.   Humanising and democratising the process of globalisation is another challenge the Council of Europe is facing. Its contribution could consist in developing, along with other actors, guidelines to regulate globalisation in full respect of human rights, including social rights, ecological imperatives and the rule of law.

134. Stronger support should be given to transnational networks formed by people to address specific issues, such as environmental, social or even constitutional ones, especially in view of the advent of transnational European democracy building. In this context, the European Citizens' Initiative (ECI) provided for by the European Union (EU) Lisbon Treaty, which gives European citizens an opportunity to present legislative proposals to the European Commission, thus constituting the first instrument of transnational and direct democracy in the EU, is to be welcomed. The EU Institutions should now implement the ECI in such a manner as to enable all democratically engaged civil society groups, and not only the privileged ones, to make use of it in the common European interest.

135. With a view to contributing to enhancing people's participation in the conduct of public affairs, improving the quality of democracy and promoting the common interest, I therefore propose that the Assembly calls on Council of Europe member states to:

•	establish participatory and deliberative structures, such as participatory budgeting, citizen initiated referendum processes and citizens' juries or conferences, open to all those living in a country and not only to nationals;

•	set up, enhance and promote independent supervisory institutions, such as ombudsperson's offices and bodies dealing with access to public documents and data protection, so as to enhance the concept of political responsibility and accountability;

•	improve citizenship education and political training by ensuring compliance with the new Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education.

136. I also propose that the Assembly pursues further reflection, in close consultation with the European Commission for Democracy through Law (Venice Commission), with a view to elaborating an Additional Protocol to the ECHR guaranteeing the right to participate in the conduct of public affairs as a human right and fundamental freedom. This would supplement, on the one hand, the right to vote and stand for elections, guaranteed by Protocol No. 1 to the ECHR (ratified by all but two member states of the Council of Europe) and, on the other, similar initiatives taken at local level.

137. Open public debates should be organised in the context of the drafting process of the new protocol so that this process in itself offers an opportunity for promoting public discourse and raising awareness on the need to increase citizens active participation and further involvement of all people in the conduct of public affairs.

138. Among the three main pillars of the Council of Europe, the Democracy pillar needs to be strengthened, further conceptualised and gain in visibility. I therefore propose that:

•	a Strasbourg Democracy Forum be set up as an umbrella structure providing an international reference in the field of democracy and a laboratory for new ideas and proposals – including older ones which have been forgotten and need to be put back on the agenda - with a view to strengthening and restoring democracy. Such a structure could also serve as a barometer with respect to the main new challenges to democracy in Europe today, including those raised by globalisation;

•	a high-profile personality, a sort of a Delegate for Democracy, be entrusted with the task of leading and animating the Strasbourg Democracy Forum, as well as disseminating, on a permanent basis, the Council of Europe's message on democracy-related issues of major current interest.

139. Finally, the Assembly should invite the national parliaments of the Council of Europe member states to examine the present report and resolution and provide their feedback in an appropriate manner with a view to ensuring relevant follow-up in the framework of national legislation and policies.

APPENDIX

Principles of democracy and their expression at three different levels

Levels / Principles	Micro-level Individual / Citizen	Medium-level Social groups / political organisations (parties, NGOs)	Macro-level System of governance, governmental institutions
1. Fundamental Human Rights	Individual rights, legal protection, freedom of speech	Freedom of association, protection of minorities	Limitation of state power, constitution based on rule of law, independent judiciary
2. Openness of the power structure	Access to political communication and political power / right to control power	Pluralism of associations / elites / independent media	Separation of power, limitation of terms of office, political competition, control of power
3. Political equality	Universal suffrage, more equal participatory rights	Equal opportunities to organisational resources and to exercise influence	Equal opportunities in the electoral systems and decision making process
4. Diversity and integration	Equality in political, economic and social rights; opportunity to develop own language, culture and traditions in full respect for human rights and democratic values; multiply opportunities for integration, and fullfil obligations in particular: learning of the host country's language	Respect for diversity, financial public support and organisational resources, involvement in the decision- making process concerning their interests	Equal opportunities for migrants and minorities in the electoral system and decision- making process. The design of polities should serve this aim
5. Transparency and rationality	Pluralism of sources of information, different opportunities for political education/competence, efficiency of individual participation	Pluralism in the media, controversial and critical public sphere, plurality of interests	Transparent decision-making procedures, competence by differentiation of responsibilities. Efficiency and procedures based on dialogue
6. Political efficiency/ capacity to act and direct society	Political interest motivation to participate, readiness to take over responsibilities, critical capacities, readiness to accept decisions	Aggregation of interests, mobilisation of political support	Majority rules, capacity to make compromises, resources to implement decisions (Rights, money etc), trust in institutions and systems
7. Culture of citizenship	Trust, sense of belonging, sense of political ownership	Recognition and support of associations, civic organisations and NGO's	Citizen participation on all levels