

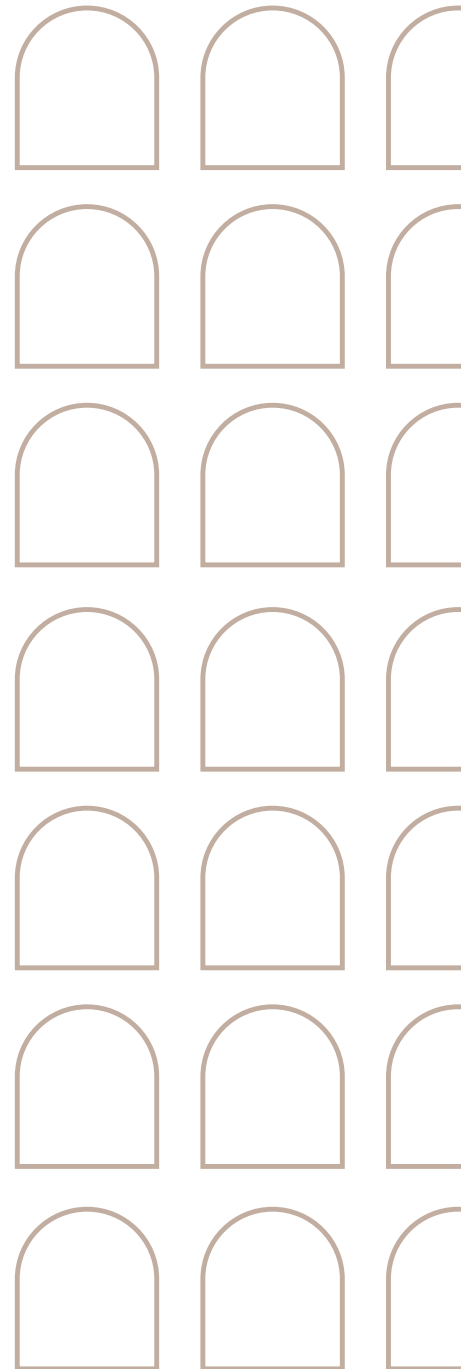
STG Policy Papers

POLICY BRIEF

WHAT'S IN AN EXPERIMENT? OPPORTUNITIES AND RISKS FOR THE CONFERENCE ON THE FUTURE OF EUROPE

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EXECUTIVE SUMMARY

This brief gathers together proposals put forward by participants in the EUI-STG transnational democracy forum with diverse areas of expertise (in academia, think tanks, policy, NGOs, journalism); and it therefore serves as a document of collective suggestions and agenda-setting for the academic year 2021-22. The forum, which was set up in the autumn of 2020 as a space for discussion on the aims, methods and long-term implications of the Conference on the Future of Europe (CoFoE), does not speak with a single voice. Nevertheless, as **'critical friends' of CoFoE**, we agree that – if accompanied by efforts to build bridges among a broad array of pan-European participatory initiatives – **the Conference could provide an opportunity for meaningful democratisation**. The forum members are also aware that this EU-led initiative carries significant risks of undermining further democratisation efforts if it is badly implemented, poorly followed-up or cynically instrumentalised. **We conceptualise CoFoE as a transnational experiment** that can provide an important learning experience for democratic reform in the EU, albeit an experiment that has real-world effects and so must be conducted responsibly.

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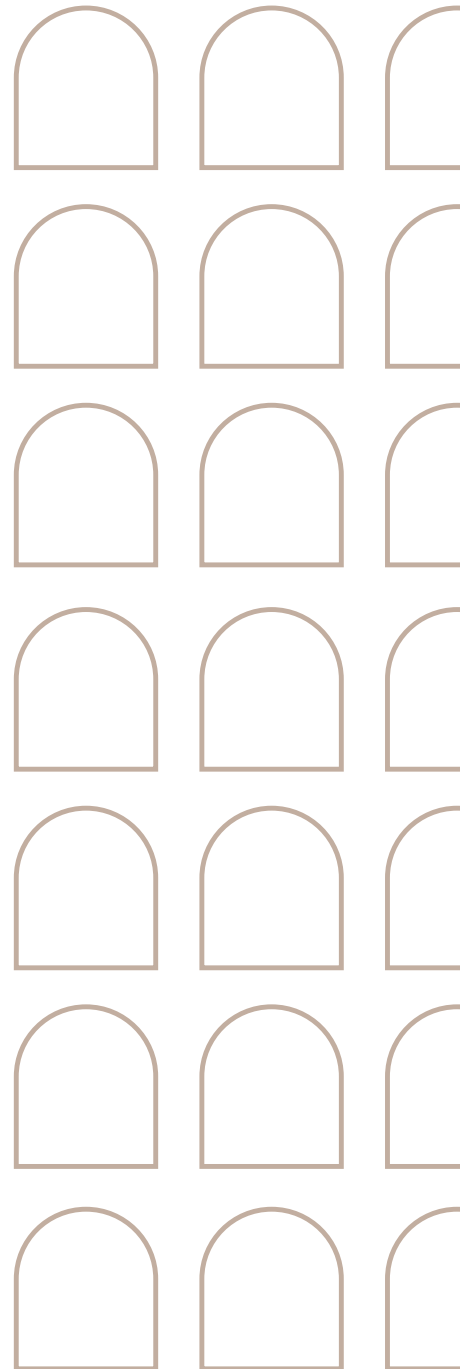
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1. TRANSNATIONAL DEMOCRACY: QUESTIONS AND CONCEPTS

Since its insertion into the Treaties over a decade ago, we have learned that **participatory democracy is not a panacea to address challenges of legitimacy facing the EU**. Based on the experience gathered thus far, within and beyond the Union, we need to ask whether and how it can make a difference. During the first phase of our forum's meetings, we identified five key cross-cutting themes to help focus our discussions on transnational democracy in Europe, within and beyond CoFoE. These themes helped us ensure that short term and long term concerns related to CoFoE were embedded within up to date academic research on transnational democracy and its dilemmas. As guiding questions, they also facilitated the evolution of the forum from a space of thematic debate into an observatory of the Conference, anchored in interdisciplinary expertise.

1.1 Organised and unorganised civil society: what is the difference, and (in what ways) does it matter for transnational democracy?

- Who is this infamous citizen as object and subject of 'engagement'? There has been a huge growth in non-formal or unorganised kinds of civil society activity in recent decades. [Eurofound surveys](#) from 2006 suggest that over 95% of Europeans participate in one way or another to civil life, and the Covid-19 pandemic has only increased this engagement. The capacity for such initiatives to influence policy nevertheless remains limited, and many institutions, including the EU institutions, fail to live up to the responsiveness that the empowering of citizens and the rising trend in civic engagement would imply. Does this mean that 'organised' civil society fares better?
- Some governments and private businesses, in particular, have sought to delegitimise civil society and reduce 'civic space', often questioning the representativeness of civil society organisations. This in spite of

the fact that Civil Society Organisations (CSOs) can reach marginalised parts of society often under-represented either by political parties and their elected officials or by 'social partners', like trade unions and business. As a result, civil society initiatives are often forced to compete with these better recognised and more entrenched social partners while at the same time undergoing a severe crisis in funding, due in part to the pandemic.

- Organised civil society also faces legal obstacles when operating across national borders. Despite the creation of European statutes for companies and corporations, there is no European association statute allowing for the creation of a single association across the EU. Nor is there a European foundation statute allowing philanthropies to donate across borders so as to support pan-EU civil society efforts. This places a natural limit on the articulation of transnational democratic initiatives across the continent, as demonstrated convincingly in a recent '[European added value assessment](#)' of a European statute for associations prepared by the European Parliament.
- To remedy these pitfalls, the EU needs to start by recognising the critical role of organised civil society at all stages of the policy process, from foresight and agenda setting to implementation and evaluation. A structured and systematic form of dialogue with civil society is overdue, and the EU should engage with CSOs, with local and regional scales of action, and those directly in contact with citizens, as well as platforms and umbrella structures. CoFoE provides opportunities for input from different scales and sizes of CSOs to be listened to and acted on.
- CSOs are crucially different from more informal and spontaneous kinds of civil society engagement in that they tend to last longer, meaning they can follow the development of policy from idea to implementation to evaluation: in the EU

where the policy process is long, this is crucially important. In addition to properly involving formal and informal civil society in all modes of governance and at all stages of the policy processes, the EU should promote greater crossover between the informal and formal spheres of civil society, by facilitating the formalisation of informal movements and their transformation into more permanent structures. CoFoE could be the start of such a process of more durable structuration, particularly if it addresses issues that are currently mobilising citizens.

- The EU should promote inclusive practices of CSOs to engage wide audiences of citizens beyond their immediate members, thereby also closing the gap between formally constituted and informal kinds of civil society. By developing a European statute for civil society organisations, the EU could promote the renewal of the legal status of associations which has remained largely unchanged in many countries for decades despite considerable evolution of society and technology, and thereby reinforce the capacity of CSOs to act in the general interest and better protect them from politically motivated delegitimation.

1.2 How can participation and representation interact most effectively?

- Different forms of participatory practices have long fed into EU policymaking in an attempt at gathering both expert and lay input, so as to legitimise EU action. Some see them as perfunctory, others as genuine improvement over national level policy making. At least, the provisions on democratic principles of the Treaty of Lisbon were the first recognition of participation as an autonomous, democratic principle on which the Union is founded. Nevertheless, it remains to be further explored how exactly the participatory logic and representative models of the relationship between representatives and constituents meet, and which preconditions must be in place to develop their much-vaunted complementarity in practice.
- Many elected officials either in government

or parliament are only interested in participatory democracy if it does not threaten their own legitimacy, including in initiating laws and regulations. Nevertheless, one way in which participatory democracy might translate into a representative dimension is through 'issue identification.' Social and political protest movements, campaigns and grassroots initiatives perform an important agenda-setting role for legislators. Recent studies such as [Citizen Participation in Democratic Europe](#) (ECPR Press, February 2021) outline this, though this aspect surely deserves more theoretical and empirical attention.

- Participation does not necessarily mean discrediting representative democracy, it can enrich it. The purpose of citizen participation is not to create unrealistic expectations about the horizon of deliberation, but to "correct the inequalities of representation." [Ireland's Constitutional Convention](#), and the youth engagement in referenda which followed, serve as important examples of such an approach; though it is worth noting that 83% of the proposals were not taken up.
- The question of how deliberative output enters conventional decision-making remains highly under-theorised, albeit being the key question when it comes to the relationship between participation and representation. While virtually all deliberative processes are advisory in nature, the question of their actual integration and legal implication for their handling has historically been left to ad hoc solutions.

1.3 Should voting stay at the core of transnational European democracy and if so, how?

- The deepening of transnational democracy, like that of national democracy, is at its core about the expansion of the franchise, e.g., aimed at a greater range of citizens voting on a larger range of objectives, representatives and issues. The EU is designed to work as a pluralist system of representation at multiple levels. Arguably representative

democracy needs to be much further developed in the EU. But alongside this, parliamentary institutions need an upgrade via participatory democracy that will remedy their blind spots and weaknesses. Here, voting will continue to remain at the democratic core in manifold ways.

- There has been much misgiving on expanding the remit of voting, to vote directly on issues rather than representatives. **'Direct democracy' is frowned upon in Brussels circles for being vulnerable to demagoguery as well as unpredictable. It does, however, provide a potential important means of tackling apathy, abstention and frustration with the EU.**
- The lessons vary. The Brexit referendum, for example, was managed in a top-down fashion, was badly designed from a constitutional point of view (based on simple majority and without proper consideration of devolved administrations and the Irish border question), and was hampered by misinformation regarding the core issue. It is a key example of the dangers that can emerge from such processes. There are, however other cases, such as the Swiss referenda model, which provide guidance on how to do the process better. The critical conditions for their success - education, information, debate, regularity - can be replicated in EU-wide referenda. For more on the important differentiation of types of direct democracy see 'An Essay Concerning Direct Voting by Citizens in the Aftermath of the Brexit Plebiscite' in [Going Digital? Citizen Participation and the Future of Direct Democracy](#) (Schwabe Verlag, 2020 p. 121-132).
- This does not imply supporting pan-European majoritarian approaches (e.g., 51% of Europeans), which would come at the expense of smaller states. We can be more creative than that. There is scope for the transnational EU democracy to organise more frequent internet-based consultations of its constituencies. These might even be binding in the form of "preferenda" or votes on a range of preferences rather than binary choices, expressed upstream of

the legislative process. The endorsement mechanism, as foreseen in the Conference's Digital Platform, is an expression of this approach.

- Such kind of voting can pertain to local or regional issues and yet be organised across the EU. [Participatory budgeting](#) is a prime example of how citizens can be mobilised. Nevertheless, in Europe - so far - engagement in such initiatives at local level remains low. **For direct democratic processes to work people, citizens and policy-makers alike, must be genuinely empowered.** See [Participatory Budgeting in Europe. Democracy and Public Governance](#) (Routledge, June 2021) for more on this issue.
- CoFoE is a key opportunity for the EU to seek to compensate the short-termism of electoral, partisan and parliamentary democracy at national level by entrenching a "[democracy with foresight](#)" or [anticipatory democracy](#) at supranational level, whereby citizens can be asked to express their preferences on alternative local uses of EU funds.

1.4 Re-scaling participation: how do we move from the local to the transnational?

- The current architecture of the EU is still bound to territorialised and state-centric understandings, which remain citizens' core political anchors but nevertheless fail to capture the increasingly mobile, de-territorialised and highly interdependent Europe of today. We therefore need to give fuller voice to existing local and trans-local networks without creating another straightforward territorial 'fix'.
- We need to consider the importance of proximity, or the 'nearness' one feels in relation to any given project of democratic participation. Countless initiatives have re-made ways of 'doing politics' between scales and across borders, 'spilling over' and 'across' the territorial containers of states, regions, localities.
- Some forms of participation are easier to re-scale than others. Protests, for example,

can cross borders easily; as the examples of Occupy, Extinction Rebellion and Black Lives Matter among others have recently demonstrated. Institutional participation, meanwhile, is more difficult to scale-up (or 'across').

- The greatest challenge is to scale-up participatory democracy to a transnational dimension, which requires articulating how such processes interact with different levels of government, all of which are in one way or another involved in CoFoE.
- The CoFoE's digital platform is an unprecedented attempt to scale-up local digital democracy platforms (in this case Decidim in Barcelona) to the transnational level. One of the many challenges in doing so is to ask how widespread the sense of ownership and participation can be at such an aggregate level.
- Citizens' engagement by the Eurocities network, to build smart cities through participation, is a promising development. But we must be careful about how we conceptualise the presumed divide between cities (and metropolises in particular) and rural or peripheral areas. These divides exist and are important, but their effects are not the same everywhere. There is a need to engage not only people but also places that are 'left out' from access to participation. The romantic proposition of the 'urban' as the solution to all of Europe's democratic (and other) ills, is, likewise, severely limiting.
- **Pro-EU voices do not enjoy a monopoly over cross-border civic organization in Europe. Exercises in transnational participation must therefore reach out to Eurosceptic citizens while, at the same time, developing procedures to protect democratic processes from being hijacked by malicious actors.** There is still a relative lack of attention given to the qualitative significance of what some would label 'bad civil society', including NGOs supported by rebellious, and self-proclaimed illiberal democracies.

1.5 The language of participation: how do we increase inclusiveness?

- We need to critically question the terminology around participation. Slogans such as "co-creation" – currently fashionable in the literature – are problematic because they presume a potentially "fully inclusive" process. This is deceptive and creates false expectations which, in turn, can lead to disengagement, particularly in the absence of other opportunities to make one's voice heard.
- The EU is often perceived as an impenetrable barrier, and the communication of its operation and policies as difficult to comprehend. **Complex, expert, technocratic, legal and even constitutional matters need to be translated into a language that conveys the relevance and importance to ordinary people, in a common vocabulary.**
- In the specific case of CoFoE, it is necessary to think beyond 'communication' and to begin instead from a serious recognition of processes of exclusion, as experienced by racialised minority groups, and others, who do not trust the process.
- A participatory language should stimulate imagination and creative capacities, and be capable of tapping into the creative and critical capacities of citizens, who come from highly different backgrounds and political cultures, and experience diverse problems. The EU is facing a dramatically complex situation of challenges at multiple levels. Only by questioning the status quo and taken-for-granted knowledge and arrangements will the EU be able to innovatively and successfully address these challenges. Citizens' variegated knowledge and perceptive insights are crucial for such an endeavour

2. THE CONFERENCE'S PARTICIPATORY INFRASTRUCTURE: CONSTRAINTS AND POTENTIAL

The CoFoE presents an innovative structure built across three main levels:

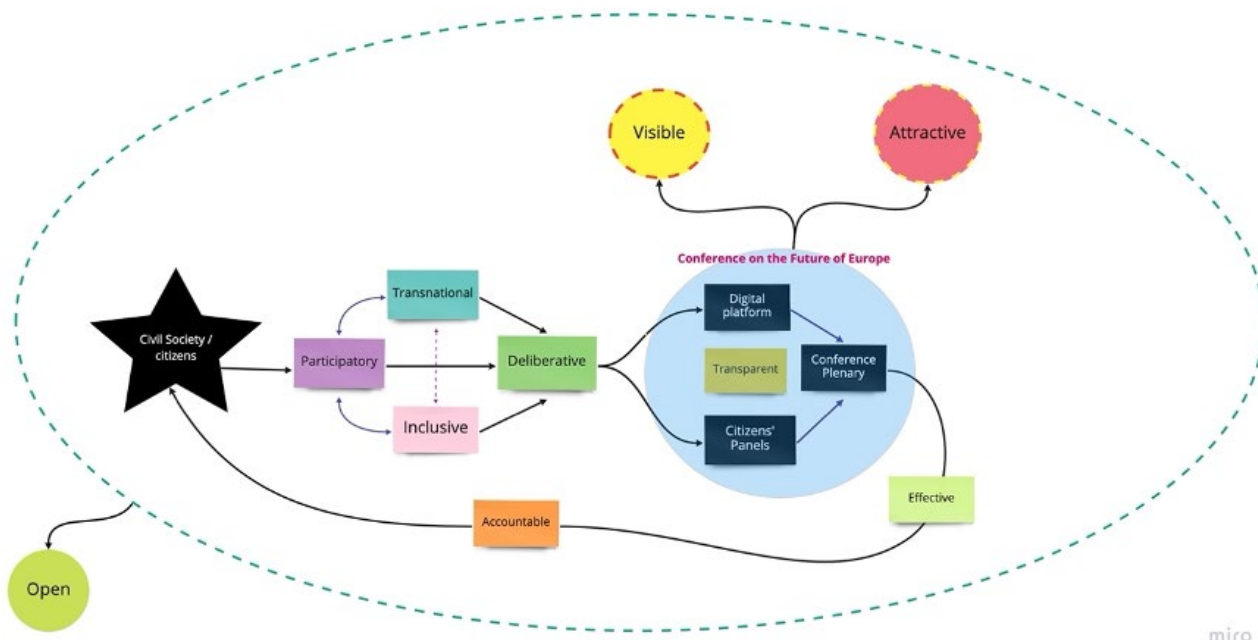
1. the [Multilingual digital platform](#), set to define the agenda of the next two levels;
2. the [European Citizens' Panels](#), entailing the participation of 800 randomly selected, demographically representative EU citizens tasked to deliberate on that agenda.
3. the 450-member Plenary, mixing institutional actors with ordinary citizens, and expected to propose a set of recommendations to the EU political level.

Most of our work so far has focused on the first two components, insofar as the Plenary remains to be established and raises endless questions given its hybrid composition. We will assess each of these components against the ten principles developed by our members.

2.1 The Multilingual digital platform

The Multilingual digital platform was designed as an interactive tool enabling citizens and other stakeholders to horizontally share, via automatic translation, their ideas on Europe's future, as well as to host and attend events. It can be seen as the "main hub" of CoFoE, fostering the production of ideas which are to be collected based on a common matrix of pre-determined yet non-exhaustive themes ("platform topics pages") and generated both online and offline (via local events, European citizens' panels and Conference plenaries).

Figure 1: a mind map of ten guiding principles for a fully democratic Conference on the Future of Europe. ©Galante/Nicolaidis



As such, the platform also acts as an overall repository of contributions and documents of the entire Conference as well as providing a dedicated, safe space for the members of the Citizens' Panels. When examined together, these features make this device a relatively new EU citizens' participation format within the European digital ecosystem.

While this platform marks a departure from the current EU digital consultative practice, which remains dominated by a top-down, managerial, non-deliberative, mono-lingual, questionnaire-based survey and static online format, it falls short of embracing a new bottom-up, co-creative, deliberative, multilingual, open, interactive and moderated consultative approach.

Should this platform's life transcend the Conference, it should be rethought based on the experience gained. Despite its horizontal vocation, the platform remains fundamentally vertical, as it remains – in its current usability – a tool of evidence-collection, and not necessarily deliberation. The absence of facilitation fails to prompt the sought-after interaction among citizens and other stakeholders present on the platform. Ultimately, in the absence of proactive support to participation, only a limited category of individuals, albeit larger than the usual suspects (contributing to public consultations), show up.

2.2 The European Citizens' Panels

The EU institutions have established four randomly selected European Citizens' Panels that seek to advance transnational participation within CoFoE (this in addition to the many other such panels held at local and national levels). The format and methodology of these panels have partly been defined, with many more issues set to be addressed and adjusted over time.

There are many [studies and lessons](#) available from past experiments and our forum will seek to ensure that these continue to be duly taken into account while recognising the practical challenges of organising across borders, and in 24 EU official languages, as well as the need to strive for uniform procedures across panels.

Nevertheless, **our members are concerned that the process has been overly top-down, and, as such, that it will be limited in scope from the offset.** We have therefore raised several proposals which, even within the already-determined structure, may make the process more open and, we believe, effective:

- **Methodological oversight:** A dedicated working group of researchers should continuously monitor ongoing deliberations and attempt to identify connections, affinities, contrasts, originality, despair and miscomprehension. Such a structure was in place for the French 'Citizens Convention for the Climate' of 2019-20 (CCC), and proved a (relatively) successful way to make the discussions more accessible to citizens with little background knowledge. The OECD lays out three criteria for success related to: a) process design (here time and issue overload are drawbacks); b) deliberative experience; c) impactfulness. We have suggested [seven further lessons that might be drawn from the French experience on our Transnational Democracy Blog](#). But we need to continue to ask whether these are not idiosyncratic criteria which assume rather than problematise the value added of such assemblies.
- **Expand the outreach to diversify input:** There is a risk that the citizens' panels become perceived as elitist, only involving a few people while others observe. To avoid this, we recommend that CoFoE take full advantage of existing public spaces that are truly public (e.g., piazzas, or local public libraries or reading rooms) to create a broader – parallel – discussion about European issues. Creating possibilities for wider public discussion and feedback in between the panel should also be seriously considered, whether through the digital platform or through promoting public debate in the media. Creating discussion of the recommendations of the panels amongst a broader public debate is an essential part of ensuring the impact and follow-up of the exercise, which needs to be thought of both as directed to decision-makers and to a wider public.

- Build a common narrative: It is vital that the citizen panellists themselves take an interest in CoFoE. To engage with this participatory experiment, it must make sense to the participants. This will require a deliberately developed, inclusive narrative to be collectively constructed from the underlying patterns of fragmented individual stories, meanings and interpretations that the participants share in response to a common framework of questions. Such a narrative might – for example – portray the CoFoE panels as a boat trip, on a vessel which hosts many different spirits and mindsets, but where the fellow travellers insist on a common dialogue, while recognising great differences but also the fact that they are on ‘this boat together.’ There is a wealth of academic literature on the value of this approach and the innovative self-reflective research software that could inform such a transnational undertaking: see, for example, [Strange Multiplicity](#) (Cambridge University Press 1995/2012), as well as [‘SenseMaker’](#) (University of Bangor, Wales).
- Future oriented: If the panels are to be genuinely about the future of Europe, in addition to ensuring a strong participation of the youngest Europeans (1/3 of the 800 panellists are under 25 years old), it would be desirable to include exercises in the methodology of the panels to reflect on the interests of future generations. Special attention will need to be paid to 16-18 year olds, who risk being under-represented.

3. THE LONG-TERM OPPORTUNITY OF COFOE

Looking ahead, we will need to critically examine what if any of CoFoE’s substantive recommendations and democratic experiments ought to be supported in the interest of broader European publics. We have already foregrounded the risk that the Conference be hijacked by groups that fail to reflect such interests. Yet there are also risks that the organisers will simply whitewash a perfunctory process. Our first task over the year will therefore be to remain vigilant against such risks, and to set clear criteria for assessing the outcome of the CoFoE.

At the same time, we will ask under what conditions and through what mechanisms these democratic innovations ought to be institutionalised. While there is no point reinventing the wheel on participatory democracy, transnational experiments at this scale are a novelty. The European Citizens’ Panels occupy by far the most original formal role in the Conference. They do not, however, exist in a bubble. We must therefore ask: what will we have learned in the attempt to implement them? And how should these kinds of democratic innovations interact with other forms of participatory democracy as practiced across Europe? European civil society is home to an increasing number of de-centralised citizens’ assemblies that are striving to develop democratic processes across borders. [As a recent LSE report put it](#) “the debate is [now] about the kind of Europe that should be constructed and it includes both traditional Europeanists and insurgent Europeanists composed of grassroots activists.” We would add here citizens that are not ‘Europeanist’ at all. The influence of these groups, and their links to various kinds of participatory processes at the local level, must be considered as part of the same effort to shape the future of the EU. The Conference, in other words, is a [chance to release “Europe’s democratic genie.”](#) With this ambition in mind, the forum aims to sustain its debates throughout and beyond the end-date of the CoFoE, and focus inter alia on the following:

3.1 From the Panels to the Plenary

- Consider the type of support and assistance needed by the citizens sitting in the Plenary, in addition to their panel. To ensure that these panellists may engage with the other Plenary members on an equal footing some supporting staff, and more broadly, capacity might indeed be needed.
- Consider an observatory role for national MPs who can act as a bridge between the European Citizens’ Panels and the Plenary (and more broadly between national and transnational participation), with a view also to building better awareness amongst national politicians of the potentials of deliberative democracy.

- Explore ways to engage with citizens around the EUI hosting of a European Citizens' Panel, including reaching out to schools, city networks, and the world of arts and festivals.

3.2 Endgame

- Monitor, identify and discuss ideas for reforms that have been posted on the digital platform (the vast majority of submissions so far consist of comments not ideas) so as to contextualise them within existing literature, policy and political discourse. Above all, we will need to be acutely aware of the selection bias of such a platform and therefore the non-representative character of proposals it contains.
- Urgently formulate and submit further ideas for reform so as to nurture the platform (in the framework of the 2nd interim report feeding into the second Plenary's meetings). The substantive themes that the forum discussed in its initial meetings, and detailed in the first section of this brief, can serve as a basis from which to begin this process.
- Better conceptualise the different forms of legitimacy and roles of members of the Conference Plenary: elected politicians, citizens panel representatives, NGOs, social partners etc.
- Anticipate ways to oversee the process whereby the recommendations of the European Citizens' Panels will be considered, discussed and possibly adopted by the executive board, subsequently discussed by each of the three EU institutions, and ultimately by EUCO, and ensure the accountability of each of these instances as they do so to a wide public.

3.3 Post Conference

- Reflect on what substantive policy areas are best amenable to participatory vs representative vs non-majoritarian decision making (e.g., climate and environment, tax, budgets etc.).
- Ask whether and how to institutionalise the European panels, starting from the

proposal that the latter should not be a one-off experiment, but form the basis for a legally-constituted (be it permanent or on-demand), instituted expression of citizen deliberation. What would it take to turn them into a permanent [European Citizens Assembly](#)? How to embed them? Would this be possible at all? Specifically:

- o How would the unique transnational nature of this exercise nevertheless draw from the multiple experiences in deliberative democracy of the last two decades? And how should it sit in a larger European civic space of organisations and initiatives?
- o What stage of EU policymaking would they be associated with? And with what prerogatives? A permanent advisory forum that would accompany EU decision-making? Or a body with a right of initiative, able to propose to the Parliament and Council? What co-existence with the Commission?
- o How would they be composed: e.g., by random procedures? Selection criteria? Periodicity? How could such an Assembly interact with European Citizens' Initiatives and petitions, two other tools of EU participation that are due to be reformed?
- o Where should it meet? Strasbourg would be a good candidate, even as a possible seat for much broader citizens' engagement. Rotation around Europe would also be desirable. These two possibilities can be combined, as has been foreseen during CoFoE.
- Reflect on the lessons from the digital platform by building on the vision of a [democratic panopticon](#) which will manage democratic interdependence in the EU all the way down, progressively promoting norms and processes that connect national democratic conversations horizontally rather than only vertically through Brussels (a crucial challenge given the lack of cross-national politics in the EU). A polycentric, networked set of platforms could serve to

hold those in positions of governance to account while fostering debates based on widespread information, including over the use of EU funds.

- Reflect more broadly on how to leverage the CoFoE – both its success and failures – to deepen European commitment towards institutionalization of pan-EU participatory processes within the EU institutional architecture. Such an imaginative leap would represent a serious challenge to authoritarianism and nationalist populism, and launch the EU into an unprecedented phase of democratization, beyond anything yet tried around the world.

For more information about the activities of the EUI-STG Transnational Democracy Forum visit [our website](#), and that of [our associated youth forum \(YEDF\)](#) which is working to ensure young people's voices in Europe are heard as part of the CoFoE. Regular updates and observations about the Conference are posted on our [transnational democracy blog](#).

The School of Transnational Governance (STG) delivers teaching and high-level training in the methods, knowledge, skills and practice of governance beyond the State. Based within the European University Institute (EUI) in Florence, the School brings the worlds of academia and policy-making together in an effort to navigate a context, both inside and outside Europe, where policy-making increasingly transcends national borders.

The School offers Executive Training Seminars for experienced professionals and a Policy Leaders Fellowship for early- and mid-career innovators. The School also hosts expert Policy Dialogues and distinguished lectures from transnational leaders (to include the STG's Leaders Beyond the State series which recorded the experiences of former European Institution presidents, and the Giorgio La Pira Lecture series which focuses on building bridges between Africa and Europe). In September 2020, the School launched its Master-of-Arts in Transnational Governance (MTnG), which will educate and train a new breed of policy leader able to navigate the unprecedented issues our world will face during the next decade and beyond.

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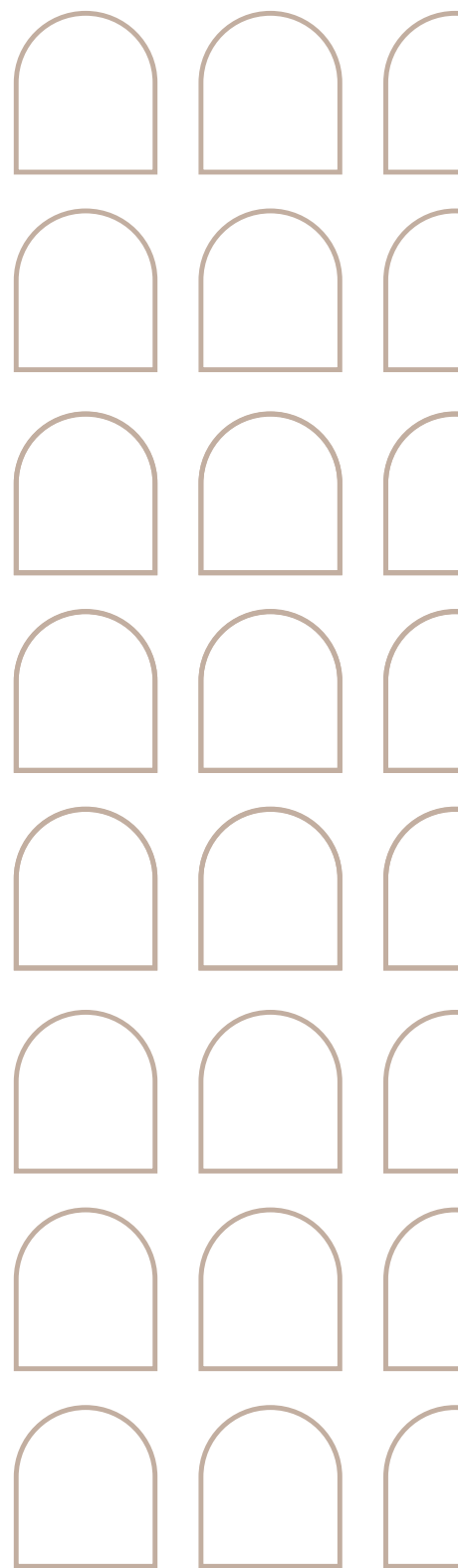
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