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Common European Values: Pillars of the European Constitution German Association - Report for the Rome Colloquy, 30 November 2002

The Association of *Former Parliamentarians of the German Bundestag and the European Parliament* organised a panel discussion and a debate on “Common European Values” (Bonn, 3 May 2002) - in the framework of the 25th anniversary of the German Association. Taking into account the results and proposals of this event as well as the deliberations developed by the General Rapporteur Paul Staes and the exchange of views we had in the Bureau and the General Assembly of the European Association I would like to submit the following report. My report is presented in such a way that the various parts may serve as elements for the declaration of the Rome Colloquy.

1. The objective of the European Association with its 12 member associations is to promote the European ideal, based on individual and political liberties, the rule of law and true democracy, and to contribute to the European unification. Under these premises the Association organised the 1st European Colloquy on the reinforcement of the parliamentary dimension of the European institutions (Strasbourg, 10th November 2000) and decided to dedicate the 2nd Colloquy to common European values as pillars of the European constitution (Rome 30th November 2002).

2. The Council of Europe and the EU are complementary instruments for the unification of Europe in a spirit of common values. Particularly in the aftermath of the September 2001 terrorist attacks in the US many speakers and policy makers have referred to the notion of “common values”. However, this remains a rather vague notion. The European Convention set up in the Laeken summit by December 2001 has the following main aims: to reconnect the EU with its citizens, to prepare the EU for enlargement, to make sure that its institutions are open, effective and democratic, and to pave the way for a constitutional treaty for Europe. Its work has to be realised in 2003.

3. The Rome Colloquy contributes to a more comprehensive notion of the common European values and to a European constitution resp. constitutional treaty which is based upon these values. Many of the values are enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe) and in the Charter of Fundamental Rights (EU). The Laeken Declaration invites the European Convention to give thought to whether the Charter of Fundamental Rights should be included in the basic treaty and to whether the European Community should accede to the European Convention on Human Rights. Now that Europe has overcome its political divisions, it would be unacceptable for our continent to be divided again, but this time in respect of human rights, when on the international stage it accepts - through international conventions and agreements - the universality of human rights.

4. The European Association believes that today the time is not ripe enough to envisage a constitution for the whole of Europe. The “Greater Europe” of the Council of Europe (the OSCE is even going beyond the geographic borders of Europe) will remain to be a federation of sovereign states, but when it comes to human rights, democracy, and the rule of law, there should be only one Europe: a community of values and of law, to which - as well as to European integration - the High Court of Justice in Luxembourg and the European Court of Human Rights in Strasbourg already contributed in a substantial way. A common European space of individual legal protection against infringements is the cement which will hold together a more unified Europe. For the time being, both, the greater Europe and the smaller one (the European Union), will coexist and should organize the cohabitation and co-operation in a better, more co-ordinated way.

5. The roots of the European values relevant for the political and societal sphere are numerous; very often these roots are hidden behind the imprecise formula of the “spiritual and moral heritage” (cf. EU Charter). After the advent of democracy (a restricted one) in ancient Greece, after the Greco-Roman and Celtic civilisations, after the development of Christianity as the basis for governmental and legal system, after the Reformation, after the Renaissance, after humanism and the Age of Reason, which put the principles of rational thought, of evidence and proof, and the social acceptance of human reason as basis for the organisation of society, this constituting the driving force behind a true modernisation, after the different political and social (r)evolutions in all Europe (incl. the US) the European continental identity can, for the very first time, make a synthesis of all these experiences, which add up to several thousands of years and which sometimes took a heavy civil toll, with a view of forming a true civil basis, equipped with a legal and judicial backbone and capable of ensuring the basic conditions that will lead to human dignity, the most noble value and central to democracy.

6. To respect and protect human dignity and the dignity of the individual shall be the duty of all state authority - from the local to the supranational level. The experiences with wars, dictatorships and national bestialities in Europe lead to an enduring commitment for all democrats: Never again war, never again dictatorship, never again nationalistic exorbitance! Konrad Adenauer, Alcide de Gasperi, and Robert Schumann belonged to those leading politicians after the 2nd World War standing for this commitment. Many of them made part of the Resistance and were deeply convinced that they should build - upon the plurality of the nation states - an (initially western) unified Europe including transboundary democratic links.

7. The European identity has to be based on European political, civil and social values - most of them are today universal values -, in which each European nation, each population and each European citizen can recognise itself. Identity and values strengthen cohesion and the sense of belonging to Europe. The values that are meant here consist of values in their broadest political, social, economic, ecological, cultural, spiritual and ethical sense - such as individual freedom, political and civil liberties, democracy, pluralism and rule of law, equality and justice, peace and human security; social and economic rights, solidarity and social justice, gender equality, freedom of entrepreneurship (market economy) with social corrections, right to development and to a decent way of life; sustainability, environmental rights, protection and rehabilitation of the natural resources, public health and consumer protection; diversity of cultures, languages and traditions, cultural rights, freedom of the arts and sciences, freedom of expression and media, protection of the cultural heritage; human dignity, freedom of religion and conscience, tolerance, protection of minors, prohibition of all

forms of discrimination, conflict settlement by peaceful means and rejection of mindless violence, abolition of the death penalty.

8. Although the demarcation line between European and world values is not always very clear, Europe as a whole distinguishes itself, because of its history and its social experiences, by a series of democratic values such as the respect for the constitutional state, the division between church and state, free elections, participation and information, integration, respect for the freedom of another person, the welfare state as heritage and obligation of Europe, freedom of association, separation of powers between the executive, legislative and judiciary, minority rights, autonomy and responsabilisation of the regions, development aid for the poorest regions. The Social Charters adopted by the European Community and by the Council of Europe are making part of the specific fabric of Europe: social cohesion and security.

9. All these values are interrelated and indivisible, reinforce each other and form a coherent whole that constitutes the very foundation of an identity at a pan-European level; they should be pillars and anchors of every European constitution. We renew our commitment to pluralist parliamentary democracy as the best system for ensuring the democratic functioning of a society and call for a value-based “European Charter of Democracy”. Democracy and the European political institutions must show greater visibility; the citizens have to be able to detect who is responsible for what in Europe. The legitimacy of parliamentarians stem mainly from the fact that they are elected in free and fair elections and thus, at least ideally, represent the interests and values of the majority of the population. Positive outcomes such as economic growth and social justice reinforce the legitimacy of democratic governments. We plead for a strong European Parliament and a strong federal parliamentary system as guarantees for value-orientated policies. An attentive European public and truly European political parties have to play an essential role in forging a closer union among the peoples of Europe and in ensuring a peaceful future.

10. A more coherent Europe is not incompatible with strong national and regional identities. If we want to prevent European policy from being inaccessible, because it operates far away, losing its identity and thus its legitimacy, it is essential that both national and regional identities are strengthened in accordance with the principles of subsidiarity.

11. The European citizen, regardless of the country, region, culture or people he or she belongs to, has to find himself both in the political identity and in the democratic procedures of openness, participation, tolerance and cooperation. Civil emancipation therefore is in this respect the most important objective to reach. It is high time to put a European civil society into place, based on civil values, structures and procedures. This means that the citizen is considered to be able to participate in the democratic decision process and to take responsibility for his or her own society. This civil society must have its place together with the existing institutional and elected powers of democracy. The civil society is not in contradiction with these powers, but fills the gaps by a more direct and permanent civil commitment to the policy. The European recognition of subsidiarity is a striking element from that. Also characteristic for this evolution is a more direct civil commitment through hearings, a transparent policy and referendums enhancing activities carried out by young people. We recognise the existence of an active civil society and its NGOs as a vital component of European society and as an important and indispensable element of pluralistic, participatory democracy; bearing in mind the respective roles of Parliaments and NGOs, both should work for the enhancement of citizens’ participation in political life.

12. At the same time, we have to deplore that many of the values are not fully respected and realised in Europe. In this respect, we highly appreciate the monitoring activities and mechanisms of the Council of Europe, the EU, the OSCE and non-governmental “watch” organisations; we encourage them to continue their valuable work irrespective of the state or institution concerned. Parliaments are the countries’ central institutions, in their capacity as primary expressions of the people’s will. Parliamentarians have a paramount commitment for the good conduct of public affairs (of the *res publica*) and therefore a particular responsibility for combating corruption in all its forms. As former parliamentarians we request the elaboration of a European Code of Conduct for Members of Parliament which could be helpful to translate European values into parliamentary reality in a better way and to strengthen confidence in democratic institutions.

13. Furthermore, we have to be careful not to push to absurd proportions the promotion of these values in order to keep a balance between the various rights and duties and to weigh the interest of all civil powers. The development of these values has also given birth to a series of anti-values such as racism, xenophobia and racial hatred, chauvinism, anti-Semitism and anti-Islamism, segregation, aggression and machismo. These phenomena are not exclusively European, even if they exist in extreme forms in different parts of Europe. In this respect, extreme-leftwing and extreme-rightwing parties can be mentioned and their kinship with past European regimes that worshipped these anti-values. That is why we appeal to the European electorates to reject parties which do not stand for democratic values”. We underline the importance of life-long formal and non-formal civic education and of the media to nurture a democratic culture throughout Europe. We call for the creation of a European School of Public Policy Leadership with the core objectives to reinforce the values and ideals of democracy into a corps of leading young scholars, managers and professionals, to develop a sense of European citizenship and of shared social and democratic responsibility in wide civil society, and to help contribute to widening awareness of international cooperation and global interdependence. We stress the necessity that the roots and causes for the emergence of “anti-values” must be tackled. So poverty and unemployment include the risk of “low intensity citizenship” (certain basic rights are not accessible for people concerned), job creation must be the priority concern of social justice and democratic security.

14. We deplore that the right to freedom of expression and information, the independence of the press and the pluralism of the media are in danger or even not respected in some European countries. The traditional separation of powers must be complemented by the media power. If the executive and/or the legislative power are strongly intertwined with mass media, democracy is at stake and is substituted by “mediocracy”. The members of the European Convention should dedicate specific attention to this problem.

15. The freedom to religion is a basic human right. However, there are fundamentalist concepts which deny i. a. political pluralism and equal rights for women, and where their adherents want to make such a concept binding the socio-political sphere (look at the sharia as an example). We denounce such attempts as an anti-thesis to democracy. On the other hand, we launch a strong plea for religious tolerance and humanism and the intercultural dialogue. In a very convincing and influential way, the German poet Lessing embodied - with *Nathan the Wise* (1779) - his arguments for toleration and a non-dogmatic view of religion in the famous parable of the three rings, taken from Boccaccio, and here narrated by Nathan, the wise Jew. The story of the three sons - representing Judaism, Christianity, and Islam - who are

potential holders of a magical ring, suggests that the absolute truth of any religious faith cannot be proven on historical grounds; it argues for a shared humanity above the accidents of race and creed.

16. Rule of law means that all values and rules are applied to all states and their citizens without discrimination and that the Judiciary is independent in interpreting and applying the law and always prepared to protect the rights of minorities against major economic and political power. The smaller European states can be sure that conflicts will not be solved by force or the threatening of force. Democracy, human rights and the rule of law should be globalised. We are convinced that both sustainable human development and democracy at all levels of human society - local, national, regional and global - are essential if peace is to endure. In particular, the European experience, the UN Declaration and Conventions on Human Rights, the Universal Declaration on Democracy of the Inter-Parliamentary Union serve as foundations for such a new world order. The International Criminal Court, a very important instrument in this respect, recently entered into force thanks to the ratification by many European and by other states; we hope that the US will join the ICC and help strengthen the globalisation of the rule of law. It is not the right of the strongest which should prevail, but the strength of the law.

17. European countries should make every effort to enhance good global governance and to replace unbridled capitalism by an international ecological and social market economy. With this concept the EU could make a difference in addressing economic globalisation because it offers a better chance than any other system to convert our basic values of freedom, solidarity and justice into reality. Such a system is based on a combination of reward for achievement and provision of social justice, of competition and solidarity, of personal responsibility and social security; it can contribute - better than the concepts of the US or the Bretton Woods Institutions - to human, sustainable development all over the world. Europe must do the utmost to ensure that globalisation becomes a positive force for all the world's people.

18. Solidarity is of high relevance for inclusiveness and survival of societies. Solidarity does not just mean to be against somewhat or someone, but to be in favour: of the impoverished and marginalised, of the victims of persecution, intolerance and globalisation, and of the future generations - on a national and European level as well as on a global level. Willy Brandt taught us: "He who wants to ban war must also ban mass poverty. Morally it makes no difference whether a human being is killed in war or is condemned to starve to death because of the indifference of others." To eradicate poverty is an ethical, political, social, and environmental imperative. In order to convince the members of the other cultures of the sincerity of European values a solidary Europe should more than today contribute to improving the economic, social and political situation in the developing countries.

19. We, former MPs, are convinced that national parliaments and the European Parliament as well as international assemblies must have the primary task of ensuring democracy, human rights, peace, good governance, social, economic and sustainable development, equality between men and women, and the predominance of the human being and the quality of life. We know that the substantial reinforcement of the parliamentary dimension of the Council of Europe, the EU, the WEU, and the OSCE will improve European parliamentary democracy, promote European integration and strengthen common European values.