Roots of the EU Tree

Value Streaming at the European Citizens' Panel on Democracy

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After its first session, the second European Citizens' Panel (ECP) of the Conference on the Future of Europe faces the risk of separating EU values from each other via locating them in different deliberation streams. Yet, promising signs of an integrated approach focusing on what needs protection to retain the existing standard and where there is room for progress and innovation are present in the momentary outcomes.

The Conference on the Future of Europe (CoFoE) – already discussed on *Verfassungsblog* by Armin von Bogdandy – is a flagship initiative in deliberative democracy and experimentation. It is coordinated by the European Parliament, the Council, and the European Commission. In their Joint Declaration they present it as 'open[ing] a new space for debate with citizens to address Europe's challenges and priorities' that will generate authoritative conclusions by 2022, including on the potential needs for a structural reform of the EU. The European Citizens' Panels (ECPs) are at the heart of the 'experimental face' of the initiative: they provide randomly selected citizens with the opportunity to articulate their visions of the EU in a structured environment with the possibility for the outcomes to be taken seriously by policymakers. The first session of the second ECP was set out to focus on 'European democracy/values, rights, rule of law, security'. Based on my observations as a 'citizen participant' at the ECP, I argue that 'value streaming' as a key characteristic of the panel organization, structure and discussion has limited this deliberative endeavor.

While the impact of the expected conclusions from the CoFoE is uncertain, the ECPs can already be seen as a success from a symbolic perspective after the first sessions in September and October 2021 (with the fourth and last meeting coming up between 15–17 October): as the European Parliament is the venue for all four meetings, citizens replace MEPs for a (very) short while and present their ideas in the Strasbourg Hemicycle.

There are, in my view, several lessons to be learned for the forthcoming sessions of the second ECP in terms of the discussion structuring, the citizen-expert interactions and inclusivity, some of which may be applicable to the other three ECPs as well. On the bright side, three moments from the second ECP where an alternative, integrated approach to EU values surfaced in a bottom-up fashion, point to the ECPs' potential to foster EU democracy.

EU values: Separate streams?

During the first session of the ECP, citizens were invited to articulate their visions of the EU in 2050 via drawing their 'EU vision trees', and then 'zoom in' on specific questions that they consider important to be debated during the subsequent sessions. Most discussions unfolded in working groups composed of around a dozen citizens. These were accompanied by a few plenary meetings introducing the session, meeting with experts who were invited to provide the 'factual basis' for the discussion topics and about the EU more generally, and a final plenary devoted to approving several main topical 'streams' to be addressed during subsequent meetings, as they emerged from the 'sum total' of the working group discussions.

Thus, the design of the sessions (and the ECPs more generally) was intended to work in a bottom-up fashion. The problem here is that democracy does not come with its exclusive pool of questions (even less so than issue areas covered in the three other ECPs such as 'climate change', 'migration' or 'economy'). All major questions on the EU's future are also questions of democracy. Moreover, if 'democracy questions' are

not to be reduced to those of elections, they are integrally related to other EU values, including human rights and the rule of law (the two other sets of EU values singled out in this ECP's title).

Citizens were not constrained to engage with particular values while formulating the topics. Yet, the limitations posed by the separation of individual values became apparent during the final plenary. Here, based on the citizens' identifications of key questions, the moderators presented the key topical areas (called 'streams') for subsequent sessions. These, in the version voted and approved by the plenary of the panel, encompassed rights and non-discrimination, protecting democracy and the rule of law, institutional reform, building European identity and strengthening citizen participation.

As noticed by some citizens, however, questions categorized under human rights could equally be discussed under democracy and vice versa. For example, the protection of human rights in the context of pandemic-induced restrictions is not merely a question of democracy, and gender equality is not merely a question of human rights. Admittedly, a more sophisticated approach, that would, for example, distinguish between the prevention of the deterioration of the standards already achieved and the advancement of higher, 'aspirational' standards would have made the structure of the discussion more challenging. However, the danger in preparing neat 'streams' that will allow the breakdown of the 200 citizens into working groups during the second and third meetings as well is that connections between the topics become less visible and the final recommendations less informed.

Value streaming in experts' involvement

Value streaming was observable at the ECP beyond the final thematic streams, namely in the involvement of experts, who participated during the second day. The morning sessions focused on democracy and the afternoon ones on human rights and security. This program already announced the following process of dividing EU values into different streams. Selected experts then visited the working groups to answer some of the citizen questions (but constrained to the subject of their expertise). This citizen-expert interaction was expected to continue during the subsequent sessions.

Experts will continue to play an essential role in supporting the deliberations in the ECPs. However, to reduce value streaming, the grouping of experts around more overarching issues (such as the recognition of what the EU is already doing, if not always to its fullest potential, versus what the EU should be doing in their area of expertise) could help generate intersectional debates. Furthermore, via openly declaring contrasting positions or informing citizens about the existence of academic debates (for example, on the need, or lack thereof, and avenues of treaty reform and the model of the European political order more broadly, or the role of EU law in domestic legal systems), experts could maximize their constructive input to this stage of ECPs. A dispute could for example be highlighted by two experts with different positions reacting on each other, or by an expert informing his audience that a debate exists and explaining the terms and significance of that debate. By the same token, such formats do not amount to an invitation to present partisan positions by illiberal actors as if they were backed by coherent scholarly thought.

Value streaming via participant exclusivity

In addition to topical separation of EU values in the ECP discussions and emerging 'streams', value streaming was manifested in its degree of exclusivity. This can be illustrated with all participating citizens at the ECP (unlike other participants carrying badges with the categories of 'staff', 'observers', 'experts' or 'media') having to meet the formal 'eligibility requirement': EU citizenship. While not specific for the second ECP, the exclusivity generated by this requirement comes across as particularly pertinent when 'democracy' is explicitly listed in the ECP's title.

In short, the CoFoE that sets out to address the *Future of Europe* is not open to all Europeans. Even if accepting the (by no means obvious) assertion that the future of the EU can be debated between EU citizens on their own, the future of *Europe as a continent* is hardly limited to EU citizens, with other Europeans standing 'on the outside' of democratic deliberations.

While there appear no easy solutions to this conundrum, one could potentially be found directly in Strasbourg. The Council of Europe brings together all Europeans—except the citizens of Belarus, whose plight clearly falls within the subject areas of this ECP. Yet, there are virtually no signs of collaboration between the Council of Europe and the EU on the Conference, even though the second ECP mirrors the mission of the former. The silence is not unlike that on the European Union's accession to the European Convention on Human Rights, a legal obligation that has not yet been fulfilled because of the intervention of the CJEU. Inviting representatives of the Council of Europe (including those of the European Court of Human Rights) to interact with the conference participants could help foster knowledge about both institutions and emphasize their common goals. Furthermore, discussing human rights as sources of legal protections in Europe via an intertwined web of mechanisms and institutions could provide very useful impulses. Ultimately, an involvement of all Europeans (not just EU citizens) is necessary for an inclusive debate on the future of Europe.

Another possible solution is specific to the five discussion 'streams' as they have been approved for the second ECP. An increased focus on non-citizens could have also been part of the formulation of these, because, currently, the streams focusing on building European identity and strengthening citizen participation do not pay attention to non-citizens, including migrants and refugees. While migration is one of the main themes of the fourth ECP, it should not be absent from the ECP addressing EU values.

As an indicator that several participating citizens noticed the gap as well, during the concluding plenary session on September 26, migration was added. However, it appeared under the 'substream' on security (with the addition not enjoying the unanimous consent of the participating citizens). Even though framed as protection not only *from* migrants and refugees but also *of* them from security threats, the symbol of migrants and refugees appearing in relation to security (at 18:30) is worrisome.

Signs of an integrated approach

The impact of the second ECP on the discussions about democracy as an overarching basis for all ECPs remain to be seen. Challenges ahead encompass the capacity to foster integrated approaches to EU values and inclusive conversations. This does not require embracing the unity of value, but it does invite discussions that avoid 'Us' (EU citizens) versus 'Them' (everyone else without EU citizenship) dynamics.

Yet, the first session of the second ECP still generated several particularly promising moments for an integrated, as opposed to streamed, understanding of EU values. One is the connection between democracy and key societal issues that were not originally anticipated to be discussed by the second ECP—notably, climate change and socio-economic development. Discussing climate change as a question of democracy, fundamental rights and the rule of law may yield refreshing perspectives and facilitate bridges with the other three ECPs, reinforcing the impact of all of them on the CoFoE plenary.

Secondly, an emphasis on connecting economic security to democracy understood as the possibility to effectively participate in public life was added as a result of the 'feedback round' to the thematic streams preceding the final plenary. This indication of a more democratic understanding of security may open the door for including security as a public good into the discussion on EU values and democracy, rather than seeing it as potentially justifying restrictions on fundamental rights that are the bedrock of democracy.

A third promising moment lies in the emphasis on education on democracy as a matter of EU values. As pointed out during one of the expert presentations, one is not born a democrat, but learns to be one. Education as a tangible life experience of the ECP participants may raise awareness to the importance of free media and open communication, fostered by independent institutions, and encourage a 'tree-like' perspective over 'clusters' or 'streams'.

The author participated at the second ECP as one of the approximately 200 randomly invited EU citizens. The

opportunity to participate, the commitment and the achievements of the organizers as well as the input from informal discussions during the ECP are gratefully acknowledged.

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