A European Foundational Assembly
Outline

Brexit has given rise to a radically new situation in Europe, calling for a radically new initiative – that of a European Foundational Assembly. This piece outlines the purpose of such an Assembly and the processes involved, focussing on the following points:
-1. What is a foundational assembly, and what makes it possible, and necessary, right now?
-2. A two-phase Foundational Assembly, first local, then European
-3. Selecting and organising local assemblies
-4. How a European Citizens' Assembly would be run
-5. Issues addressed by a Foundational Assembly
-6. The political, material, financial and human resources required for a Foundational Assembly .

1. What is a foundational assembly, and what makes it possible and necessary, right now?

The rise of Euro-scepticism across the continent, the vote for Brexit, the emergence of movements that expose the European population's growing distrust towards "mainstream political parties" and the "establishment" all reveal that although the European identity is very real, and the expectations of its citizens are alive and well, there are an increasing number of Europeans that are unsatisfied with the Europe we are currently living in.

People have stopped dreaming about Europe long ago. European institutions may keep singing the praises of the single market and the Euro, but most Europeans, confronted with the chaos of globalisation, demographic imbalances, now exacerbated by political upheavals and climate change, and faced with unprecedented migration pressures, no longer feel protected by European borders or by the EU's regulations and institutions.

The problem is that a vital step was overlooked in the construction of Europe and of European governance. Indeed governance is not merely about managing an established community brought together by a collective history, collective values and a collective outlook. The very first goal of governance is to *establish a community*, to ensure that its peoples acknowledge a common future, collective values and a sense of kinship so each individual is aware of and accountable for the impacts that his or her actions have on the community. This reciprocity and shared sense of responsibility are what has bound all cultures throughout history – they represent the very pillars of community on which our current legal systems are based. And this feeling of belonging to a community can not just be taken for granted, without rituals, without continually regenerating the spirit of "standing together". Brexit is a case in point.

A *foundational assembly i*s a collective process of reflecting on the past, present and future, discussing the values that consolidate a community, the reasons for building a future together and their way of "being-in-the-world" together. It is very different from a constituent assembly, which seeks to provide an established community with its own fundamental rules and regulations.

It would seem that the time is ripe to initiate such an foundational assembly in Europe.

There is first of all, the clear and common consensus that we need a *refoundation* of Europe. And the shock of Brexit is only going to reinforce this conviction. And this is not just a question, as it was in the recent past, of "deepening" the European Union, of taking political integration another step further, of moving towards the new transfers of sovereignty necessary to stabilise the single currency, of completing the single market. These questions will eventually be resolved and Europe

should keep chipping away at them. But rebuilding Europe has become absolutely indispensable. How can we possibly develop Europe in its current state? How can we reach out to European societies that are increasingly sceptical of the European vision itself? Rebuilding Europe involves recognising that, historically, basing European integration on the single market was only the fall-back plan, and was not at all what Europe's founding fathers had originally envisaged. The plan was only adopted as a desperate measure after the failure of the EDC (European Defence Community) in 1954. Rebuilding Europe requires comprehensively and collectively discussing how a community should be constructed: and this is the very purpose of a Foundational Assembly.

The second factor propitious to such a radical initiative is the current crisis in representative democracy. Barring a few exceptions (mostly local political figures), politicians have generally fallen into disrepute in Europe. But this doesn't mean that citizens have lost interest in political affairs. It is the way in which democracy is being carried out that is the issue, not democracy itself. Everyone is looking for answers to this crisis: some find it in the form of anti-establishment populist movements; others feel that our leaders should be randomly selected, Ancient Greek's time-honoured technique; and then there are those, of which there are still a good many, who feel that all that is needed is for political figures to rekindle dialogue with citizens in a way that mostly involves patronising them, and looking for any opportunity to rant on about how good for them Europe is.

The current political crisis requires an inversion of our current channels of communication; it is European citizens that should be conceiving and driving the process for a new Europe. But it's not enough to "give a voice to the people" and pile on the referendums as some seem to think. The latest of these – the French and Dutch referendums on the constitutional treaty and Brexit - are excellent examples of the path not to take. What sense was there in sending French and Dutch citizens hundreds of pages of European treaties in 2005, and asking them to reply with a simple yes or no? As for Brexit, it failed to offer its citizens a third option; it disregarded the fact that the British may well wish to belong to a Europe that is very different from Europe today, and that they would be more willing build this Europe than their leaders believe. The referendum resembled more a game of Russian roulette than a real democratic process. In all three cases, whereas the primary goal of a democracy is to build a common future in which everyone plays a part, referendums have provoked divisions by forcing societies to choose between "all or nothing".

The third factor favouring a Foundational Assembly is the development of various forms of "deliberative democracy" over the last twenty years. They all involve a randomly selected cross-section of citizens that get together to discuss issues and gather information until they are ready to formulate an opinion and submit proposals. Their ideas and proposals often prove to be strikingly pertinent, much to the surprise of those who are new to this kind of process. There have been many different experiments in deliberative democracy, beginning in Denmark where extremely technical issues, seemingly beyond the average citizen's comprehension, have been worked through, These experiments then spread to the rest of the world, where they are being put into practice in impressive ways. The Icelandic and Irish constitutions and the electoral system in British Colombia are excellent examples of what is required to make it work: a clear commitment from institutions and political leaders that deliberation will result in action, that the ideas and proposals that emerge out of the deliberation process will be carefully studied and considered; a robust participant selection process; questions that are as as open as possible and that don't lock citizens into issues forced on them by institutions; access to sufficient financial and human resources; an appropriate systems for identifying key points of all discussions, and processes for moving progressively towards a consensus. When all these conditions are met, and when citizens are satisfied that the deliberation process is genuine and not just "for show" - a bit of window-dressing that institutions pay no attention to - experience shows that assembly members take their responsibilities seriously, and are even enthusiastic about their role.

These are the circumstances that favour moving ambitiously towards the creation of a Foundational Assembly.

2. A Foundational Assembly in two phases

First phase – *local or regional* citizens' assemblies, made up of individuals that wish to take part in rebuilding the European project. Second phase: the merging of these local/regional assemblies, or possibly representatives of these assemblies, in a European Citizens' Assembly, which discusses the ideas and proposals of local assemblies.

Why should the first phase consist of local assemblies and not national assemblies? There are a number of reasons for this.

The first is that it is important to break away once and for all from the idea of "national interests", which only turns Europe into a marketplace of endless wheeling and dealing, haggling between so-called national interests. It is clear, if only because of the great diversity of opinions on the EU concealed within each "national opinion", that the only national interest that exists is that concocted by state institutions.

The second reason is that European cities, territories and regions represent microcosmic societies that share the same day-to-day space, where stakeholders are easily identifiable, and where Europe's winners and losers correspond to a concrete reality.

The third is that it is easier to grasp the complexity of societies and how they operate – their social, economic and ecological dimensions – at local and regional level. It is a valuable way to go beyond the compartmentalisation of policies and expertise which is characteristic both of European and national governance.

It is hard to imagine that all European cities and regions would take part in a Foundational Assembly. In order to ensure a rigorous process, there should, however, be at least thirty cities or regions spread throughout the EU involved in this ambitious process. It could also be possible for Member States and territories whose population is equivalent to that of a city or a region to hold their own local assemblies.

3. Forming and organising local assemblies

Each country and each experience in deliberative democracy has its own distinctive features and inclinations. Yet they all have three steps in common: a representative sample of the population is randomly selected according to different criteria, beginning with a substantial sample – say, around 6,000 people, to whom a letter detailing the concept, process and next steps would be sent; there is then a second random selection of those individuals who wish to take part, so as to create a panel of sixty people. It is these individuals that would participate in the local assembly.

Deliberation should be a long-term process. In the case of simple, contained issues, two or three weekends would suffice. In the case of a Foundational Assembly, we should envisage a period of at least a year (including downtime) to disseminate information requested by the assembly, along with more active deliberation time. The whole process would probably take at least three or four years in total.

Given what's at stake for Europe, these assemblies need to be popularised. The first way to do this is to use social media in order to spark debate within a wider population group, drawing on discussion forums. The other way is to do what was successfully done during the climate negotiations – ask

schools and universities to recreate the assembly process themselves, adopting the viewpoints of different social groups discussing issues that the assembly is dealing with, thus constructing their own deliberative space.

In order to reflect the diversity of situations and viewpoints, assemblies should incorporate three dimensions: geocultural (local assemblies), socio-professional, and thematic. In order to integrate the socio-professional and thematic dimensions, partway through the process there should be an opportunity for representatives of the same socio-professional group in local assemblies to discuss together, and tasks should also be divided out thematically within each local assembly, so as to deal with certain central issues in depth, while also collating the viewpoints of different local assemblies. This intermediary step will add considerable depth to the discussions of the European Citizens' Assembly, avoiding misunderstandings concerning proposals that come out together for the first time. It also avoids reproducing the kind of "clashes of interests" that occur in intergovernmental negotiations.

4. How a European Citizens' Assembly would be run

The European Citizens' Assembly is the culmination of a process. The Alliance for a Responsible, Plural and United World held a World Citizens Assembly in 2001 (http://www.alliance21.org/lille/fr/index.html), which brought together four hundred people from different socio-professional circles and from more than one hundred countries. This was a valuable experiment and inspired the idea of a European Assembly.

A European assembly would require one thousand participants, selected and delegated by local assemblies, aptly reflecting the diversity of the European community. In addition to the physical meeting, there would also be a virtual meeting, bringing together members of local assemblies that were unable to take part in each delegation. As with local assemblies, social networks will be utilised, enabling a larger section of the population to take part.

The duration of the European Citizens' Assembly will be ten days, and discussions will be based on proposals made at local and regional assemblies (first phase). There will be three types of proposals: those from local assemblies, those from various socio-professional groups and those from groups working on different topics. These proposals should be presented to the assembly in a visual form, not so much as to provide an overall summary – that is precisely the role of the European Assembly – but to get a general idea of the proposals and highlight common themes.

The Assembly will alternate between plenary sessions and smaller (20-60 people) interactive workshops, which will study the proposals from a particular angle (geocultural, socioprofessional or topic-based) so as to begin identifying key ideas. Experience shows that it is effectively in small groups that discussions are most sincere and open.

In order to ensure a legitimate process, it's important that ideas and discussions can be traced back to square one, so that information cannot be manipulated when it comes to summarising key points. This can be done using a "concept map" to reproduce step-by-step the ideas that emerged in the workshops, highlighting the different contributions made and how they are related to the key ideas. For the same reason, workshops and plenary sessions will be closed to the public, and daily summaries made for the media and social networks should not contain any references to either the identity or the affiliation of the speakers, in order to encourage openness of discussion (Chatham House Rule).

We can also imagine setting up assemblies modelled on the European Assembly, in which not only the cities and regions involved in the local assemblies could take part, but all those that are

interested in the process, including schools and universities. These assemblies could focus on the same proposals and ideas as the European Assembly, so that the same process that is taking place at the physical Assembly is also taking place online. Social networks would facilitate creating a virtual European Assembly made up of students and citizens, whose ideas can converge with those of the physical assembly. This level of interactive communication is not only a way to popularise the process but is also a way to avoid the classic syndrome that afflicts representatives whose familiarity with issues affecting Europe distances them from the rest of society.

5. Issues addressed by a Foundational Assembly

Who are we? How can we embrace our past heritage, both that which united Europe and that which once divided it? Do we wish to form a community of destiny? What role does Europe wish to play in the world and what kind of world does it want to help create? What are the common values that define the European identity, and with which we identify? What do we think of the current way in which Europe is being constructed and governed? What sort of European governance would be most effective in reconciling our rich diversity and the unity that binds us together?

These are the questions that all Europeans are currently facing, including those who think it better to return to separate sovereign states. Attempting to narrow down the scope of questions on the pretext of it being too overwhelming, making it difficult to identify a clear outlook, would distort the purpose of the Foundational Assembly and cast doubt on its value by prematurely excluding those resolutely opposed to the European Union. This is also what different experiences in deliberative democracy have taught us: agreeing on the issues to be discussed constitutes an indispensable step of the deliberative process.

Being European today means being part of a world that has become irreversibly interdependent, and which is now facing immense ecological, demographic and social challenges, not to mention challenges in governance, none of which are currently being genuinely and effectively addressed. Europe can not consider itself as an island. The great challenge of Europe's founding fathers was to draw out the nationalist poison that led us into two world wars, to reconcile its different peoples, to symbolically share that which is used to make war – coal and steel – in order to make lasting peace between the people of Europe. This was achieved, and now Europe is the victim of its own success, and all those living in the throes of dictatorships and civil wars dream of finding refuge in Europe.

But today we cannot separate the Europe that we want from the world we dream about, and to which Europe must make a contribution. Otherwise the process of shaping Europe will turn defensive, focussing on the question of how to protect the European people from the chaos and dangers of the outside world. Moreover, in a world that is in need of global governance that can rise to the challenges facing all countries, Europe serves as a reference for the rest of the world insofar that it was created by peacefully overriding sovereignty in the name of the public interest. Asking what kind of Europe we want is also asking what kind of Europe the world needs. Because, as climate change and migration pressures are spelling out, Europe cannot last in a world that is not itself going to last.

The magnitude of these questions requires a methodical approach to concerns and discussions. This approach, which will be the same for all local assemblies, will of course require fine-tuning between European institutions and those towns and regions taking an active role in holding Foundational Assemblies. But to get an idea of what would be involved, we can suggest a five-step deliberation process.

Step 1: What can and should Europe do in regards to its past? What are the major challenges the world is facing, insofar as Europe's future is concerned, and how can it contribute to addressing

these?

These two questions may seem unrelated. Yet their common thread is the need to address the past and to take stock of the present situation.

There is, moreover, a striking resemblance between the challenges that Europe is facing and those faced by the world. In both cases, the current model of development is unsustainable: although it may generate a certain degree of prosperity, it is at the cost of increasing social disparities and excessive resource use that is incompatible with the earth's limits. Again in both cases, the interdependent way in which both operate have become irreversible, and entail, in one way or another, a community of destiny – and yet the diverse cultures and histories, along with the mutual resentments handed down from the past, make it difficult to accept and embrace such a community.

The first step in the deliberation process will thus be to identify the major challenges facing both Europe and the world in the 21st century, to identify the main obstacles that we are currently facing, and identify the conditions conducive to building a sense of community both on a European scale and a global scale.

Step 2: Do Europeans share common values?

These values are both engrained in the history and culture of different peoples and, if updated, would contribute to facing up to the challenges of the time. Europe, for instance, played an instrumental role in the emergence of human rights and their advocation. In the past, discussions around "European values", particularly those rooted in common Christian culture, have been chaotic, and the Treaty of Lisbon, instead of making a short, concise introduction summarising European values, which would have had a constitutional value, included so many objectives and values as to make the whole thing overwhelming.

There is also the question of whether human rights alone can or should address the challenge of interdependence in the 21st century. Can a community that is based solely on rights exist, or does it require a balance of rights and responsibilities? These questions need to be studied through a clear lens, untarnished by taboos or politically correct censorship. The implicit censorship rampant today provides the ideal conditions for breeding populist ideas, as we have seen from the migrant crisis.

In a community, values are not merely declarative. They are operative; they are what guide individual, collective and legal choices. The Assemblies should therefore consider how to make European values operative.

Step 3: Does the free market and the current economic model meet the needs of the time?

Again, the challenges faced by Europe and those faced by the world in general are strikingly similar. The inability of the European people to agree on a common defence strategy has resulted in the EU centring itself around the single market to such an extent that it has confused it with its raison d'être. On the global stage, after the break-up of the Soviet bloc, and due to the inability of the world's affluent countries to find a way to work together in order to establish an effective management system for a planet that is only getting smaller and more fragile, the world is now being managed by the forces of globalisation, the free movement of goods, services and capital. It is highly symbolic that human beings are the only ones that are not allowed to move freely in this system.

Both situations are unsustainable. In Europe's case, the internal market, the ensuing flurry of regulations, governments being prohibited from establishing their own industrial policies, the

inability of Euroland states to manage productivity differences through competitive deflation are all major factors that have contributed an increasing percentage (or even the majority) of the European population having a negative view of the EU. Sovereignty over regulations and border control were the two pillars of Brexit. The lack of transparency in negotiations on the Transatlantic Trade and Investment Partnership (TTIP) is yet another example of how the European and the global dimension are intertwined in a culture of market fundamentalism.

Local Assemblies should also provide a place to freely and openly question the validity of our current market system in a time where so many voices are calling for a radical revision of our way of thinking and our economic models, so that we are able to transition to sustainable societies.

Step 4: European governance now and in the future

The current verdict on European governance and its future outlook are inseparable. For a long time it's been easy for national political leaders to blame "Brussels" for everything going badly in their own countries while taking credit for everything going well. Local Assemblies should make a clear analysis of what is not working and what is working in the EU governance system.

The purpose of Foundational Assemblies is not to endlessly argue about the role of European institutions; reviewing how they are run will constitute a step that will come later, once Europe is back on track. These assemblies should, however, be able to form a clear opinion on the current European governance, on the consequences of dividing Europe's exclusive competence over the internal market and its more ambiguous competence over other issues – a division of competences that it has inherited from the past. The very idea of a restrictive list of competences – the great obsession of all those that fear a Hydra lurking within the European Parliament, about to expand its grip over every aspect of their lives – should itself be reviewed. The way in which the exclusive competence of the EU over internal market rules progressively led to it dictating the rules of public utilities, innovation policies and healthcare clearly needs to be put under the microscope.
In terms of a future system of governance, the Assemblies will play an important role in articulating how the two core values of unity and diversity should be interweaved, drawing, in particular, on the concept of multi-level governance, which the Committee of the Region's White Paper has put on the drawing board – although it does not have any real operational content to date.

Step 5: What "key policies" would the European people benefit from?

This question, which will be asked at each Local Assembly, will be discussed by small topic-based groups – not so much with the purpose of getting specific answers, which is unrealistic, but at least to get a rough idea of the kind of policies needed.

The following ideas offer suggestions of possible policies:

- An education policy that would both give young people a meaningful role in the European Community and would prepare them for the great challenges of the 21st century.

- A policy outlining the transition to sustainable societies, entailing both Europe's own strategy and proposals adapted to a global scale.

- Changes to the European food industry, i.e., that relating to agriculture, food supply chains and consumption patterns, which take into account the impacts on both non-renewable resources and health.

- Europe's presence in the world, and how it manages its security and its borders.

- Land management.

- A policy that would establish solidarity-based ties.

- Tax harmonisation.

6. The political, material, financial and human resources required for a Foundational Assembly

In order to succeed, the entire process behind a Foundational Assembly, as for any deliberative process, needs a political mandate, adequate resources and a political channel. This process can be divided into four steps: Setting the process in motion; Supporting local assemblies; the European Citizens' Assembly; Formally examining proposals.

6.1. Setting the process in motion

In the political context created by Brexit, the process can only be initiated by the President of the European Council, with the clear support of other Heads of State, ideally a joint proposal from the German Chancellor and the French President.

This initiative, based on the recognition that the European Union was effectively created without the input of its peoples, should: give a brief outline of the process; officially invite European regions and territories to apply to hold Local Assemblies; commit to collectively support these applications; specify that the process will only be set in motion once there is an adequate representation of territories and regions, and this within a period of four months; commit to providing the funds necessary for the project's success, which will be factored into the EU budget; commit, ideally with the presidents of other European institutions – the European Parliament, Committee of Regions and the Economic, Social and Environmental Council – to publicly carry out an in-depth examination of the proposals from the Assembly.

6.2. Supporting local assemblies

These assemblies, as already mentioned, are long-term deliberative processes. Given the breadth of the issues being dealt with, which initially most of members of the assembly will be unfamiliar with, the first step in making the process credible is to take on citizens that are willing to commit to this adventure full time for one year. Does this sound like a pipe dream? By way of comparison, the longest jury trial in North America has just ended in Montreal: it concerned a fraud case that was particularly difficult to unravel and the fifteen jury members were paid to work on it full time for two years – for a simple fraud case! If the European Union is not ready to devote similar resources to the ideas of its citizens, which could potentially shape Europe's long-term future, it seems clear that "giving Europe back to the people" that everyone is proclaiming is so important is, in fact, all talk.

Support for Local Assemblies requires:

– *Methodological support*

The only other experience of this kind was the European Citizens' Panel on the future of rural areas in Europe, a two-phase process that illustrated the importance of adopting the same methodology for all Local Assemblies – in regards to the member selection process, organising debates and discussions, formulating key points, drafting proposals, consultations with experts, etc. Once the

methodological aspects have been decided on, each Assembly should have at least four people with proven capability in this field to oversee their implementation.

– *Creating a multilingual online resource and an information database, ensuring availability of experts, public hearings with experts*

The whole value of the deliberative process is to elicit out of each Assembly member pertinent answers to the questions that arise throughout the discussion process. Deliberative democracy hinges largely on the need for citizens themselves to progressively identify and articulate the issues at hand; these should not be imposed on them by institutions either in the form of a mission statement or in content. But it is up to these institutions to share their experience and provide as much information as they can to citizens. It is also crucial that all Assemblies are kept informed of what is going on in other Assemblies, in order to provide mutual inspiration. In order to ensure that it is not only members of the Assembly that have privileged access to the wealth of information available, and to facilitate the participation of the rest of the population, all Europeans should be able to ask questions and provide answers. In this way the whole process should represent a common good belonging to all of Europe. This is what the multilingual web site should strive to achieve.

And in the same way that a jury hears witnesses at a Crown Court, Assemblies should also be able to summon experts to be heard. Unlike debates held within Assemblies, which will be closed to the public, these public hearings should be public and posted on the web site, in order to build the collective memory of the Assembly.

And, as with other European institutions, the documents on the web site and provided to various Local Assemblies should be available in different EU languages. It is important at this stage that European institutions make a strong symbolic gesture by asking which of their officials are willing to be fully available to answer questions from Assembly members and ensure information is accessible to all.

The credibility of the process also hinges on hearings with independent experts, who generally have contradictory opinions on the most of the topics covered by Assemblies. Some of these experts should have a sceptical view of Europe, otherwise the Eurosceptics present in each Assembly (of which statistically there will be as many as there are Europhiles) will see the information provided as propaganda. In order for these hearings to be made public, professional filming and editing will also be required.

- *funds for translation and interpretation*

Each Local Assembly will be held in one language only. Communication and interaction between assemblies will however, need to be translated and interpreted, as will the proposals of different Assemblies. All European institutions could commit to allocating the Foundational Assembly 10% of their translation and interpretation budget.

- *the involvement of territories and regions where Local Assemblies will be held*

Those territories and regions that have volunteered to hold Local Assemblies could provide the material and logistic resources required for the Assembly and be responsible for the process of ensuring the entire population is able to follow debates and discussions.They could also provide support for schools that wish to reproduce the same process within their establishments.

6.3. European Citizens' Assembly

This could be held in Brussels or another country selected by the European president at the time of organising the Assembly. The financial and human resources required will go towards hosting costs, logistics, methodological support, interpretation and translation of final documents into EU languages.

6.4. Formally examining proposals

This constitutes both the final stage and the crux of the whole process, and involves two aspects: a technical assessment of the feasibility of implementing proposals from the Assembly, outlining what would be required, and a political assessment of their merit.

On both counts, deliberative democracy represents an extension of representative democracy and not its substitute,. The first step would be entrusted to the Commission and would focus on the feasibility of implementing a European project as envisaged by the European Citizens' Assembly, as well as specifying any changes required. The political validation should be reviewed by the Committee of the Regions and the EESC followed by a special session of the European Parliament and the European Council (either combined or separately).

In keeping with the idea of "giving Europe back to the people", the final step would be to hold a European referendum on this new outlook for Europe.