

Fundamental rights in Europe and Global Civil Society

Contribution of Christoph Strawe (Initiative Network Threefolding) at the Global Conference [BUILDING A NEW GLOBAL CULTURE OF SPIRIT - TOWARDS ACTIVE ENGAGEMENT FOR SOCIAL THREEFOLDING IN A TRI-POLAR WORD](#) (20th –24th June 2001, Stuttgart, Germany)

Dear Friends,

a substantial topic in many working groups this afternoon was the question about possible entry-points into a humane shaping of globalization, about starting points for action. In these discussions, again, it became clear to me, to what extent I am involved in my own sociological and political-practical work to find such entry-points. In the context of the "Institut für Soziale Gegenwartsfragen" ("Institute for Social Present-Day Questions") in Stuttgart this is our main point of research and an important topic in the advanced training seminars, which we conduct since 1991. The "Initiative Netzwerk Dreigliederung" ("Initiative Network Threefolding") [\[1\]](#), which I founded in 1989 in the time of the European upheaval (Fall of the Iron Curtain), is the attempt to stimulate co-operation amongst as many people as possible humans for the discovery and opening up of such entrances. And our conference here brings new hopes and impulses for the emergence of a world-wide network for these aims.

One such entry-point is for example a new approach to financing the social systems, which relieves these from the pressure of global competition, and which for the states, that means for the communities of citizens, would open up ways out of the widely evoked trap of globalization. Rightfully in this conference the GATS agreement has been spoken about again and again. In the latest edition of the newsletter "Dreigliederung des Sozialen Organismus" ("Threefoldness of the Social Organism") I made an attempt not only to analyze and criticize the present agreement, but to formulate constructive civil-society alternatives for the topics addressed in the agreement. [\[2\]](#) Here too the primal concern is about ways on which first steps can be taken in a right direction.

The Fight against GATS and for the Fundamental Rights in Europe belong together

Here I would like to look at Europe directly. What happens in Europe, is not only important for this continent. When Nicanor Perlas together with Michael Baumann and myself had been here in this same room for a joint seminar, it had been Nicanor's question again and again: Which role can Europe play in globalization, what is to be expected from Europe?

The development, which GATS threatens to bring, and the questions, raised by the European development at the moment, are connected in many respects. If GATS becomes reality, then that means that all sectors of social life will be subordinated to a certain neo-liberal form of economics. Culture, politics, everything will be in some way part of the commercial sphere. That is a deep threat for the possibilities of cultural creativity, for a free spiritual life, which is so important for the society.

As far as Europe is concerned, the process of its integration at the moment reaches a new qualitative level. In the next year the euro is introduced also as coined money. The extension to the East of the European Union is approaching. In this connection also the question about a legal foundation for the new Europe is being asked. A European constitution it is not only spoken of, but relevant political forces are taking strong measures in the direction that such constitution or constitutional agreement comes about.

It is clear that much depends on the contents of such a constitution or such a constitutional agreement. How much freedom for culture, what rights will the citizens have to become culturally creative? At present there are large differences between the different countries of Europe in this question. Thus e.g. Holland has a high standard of equal chances for free schools, and also in Germany such schools to certain degrees can be publicly financed. In the romanic countries this freedom within the educational system is much smaller. It is very important that the European integration secures and expands free spaces and that no low level standardization takes place.

GATS threatens that global institutions, which are not subject to a democratic check, quash democratic decisions of the states as allegedly incompatible with the liberty of trade on services. The defense and extension of democracy is also at stake in the development of Europe's rights and constitution: will civil society be granted the right to

participate in the preparations for decision making processes, as has been demanded last year by more than 400 NGOs with advisory status at the Council of Europe in Strasbourg? Will the citizens have the fundamental democratic right to take legislative initiatives and bring them to the ballot in direct democracy?

GATS threatens social solidarity and the environment. At the same time the establishment of social rights, the social obligation of the property and the openness for new, ecologically and socially sustainable forms of economy is at stake for Europe. It would be devastating for Europe, if in economy Neoliberalism would be legally fixed.

Proposition of the "Initiative Netzwerk Dreigliederung" for the Charter of Fundamental Rights in the European Union[\[3\]](#)

A first step on the way to a legal foundation for the uniting Europe beyond existing contracts has been taken the last year with the proclamation of a Charter of Fundamental Rights in the European Union. This Charter was prepared on behalf of the European Council by a convent under presidency of the former German president Roman Herzog. The convent published the respective results of its work constantly in the internet and requested civil society for participation in the debate on the Charter.

With respect to the importance of this Charter the "Initiative Netzwerk Dreigliederung" has introduced own proposition into the discussion process, which were prepared by two friends and me. The two people in question are Gerald Häfner, today again member of the German Bundestag for "Bündnis 90/Die Grünen" ("The Greens"), and the Swiss lawyer of Robert Zuegg, who in the meantime has entered the Constitutional Council of the canton of Zurich. Our suggestions we represented last year in Brussels at a hearing of the convention in April.[\[4\]](#) Also among others the "European Forum for Freedom in Education" and the "European Council of Waldorfschools" were participating in this Hearing.

With our proposition, which were published also in the well-known German professional journal "Zeitschrift für Rechtspolitik" (journal for rights or legal politics), we wanted to improve the level of the fundamental right protection in Europe and to contribute to the building of a legal framework, that would promote initiative and self-government. And we demanded that the Charter should be brought to the direct ballot of the citizens themselves. In there we tried to conceive a modern constitutional law right down to the particulars and details of legal formulation. We quite tied in with the established law: at the two

large basic ideas of the human rights on one side and the principle of subsidiarity which are already embodied in European right consciousness.

All one has to do is only to take these thoughts consistently seriously, then they become possible entry-points for advancing the social order in the direction of threefolding. Because the human rights make the individual human being the starting point and responsible carrier for shaping the social organization. They thus call for an order of the constitutional state, which guarantees and promotes non-governmental initiatives for self-management and contractual regulations in all areas, which the state does not have to regulate and administer for mandatory reasons contentwise uniformly. This corresponds at same time with the principle of subsidiarity. In this way the state puts humans of age legally into the position to unfold on the one hand the culture life and with that their individuality in free autonomy, and on the other hand to grow beyond self-independence into an ever increasing joint responsibility for nature and mankind in a world-economy based on the division of labour and naturally tending towards co-operation.

We cannot state that our initiative was so successful that formulations flowed into the text of the Charter - if one foresees of a small improvement of the education article, at which the discussions of the representatives of the free schools with convention members played a role. The mentioned Hearing had unfortunately also shown that the dialog with civil society is being looked on by politics to a large extent still as formal obligation exercise: 75 NGOs were allowed to deliver one day long their statements in 10-minutes clock-pulse.

Appeal "EU 21"

One cannot say that the originated Charter has badly fallen behind. The problem is rather that in the formulations it remains often very general. The document was then solemnly proclaimed at the EU Council summit last December in Nice. "Proclaimed" means thereby that it is not yet a real constitution with enforceable rights. Nevertheless the Charter is more than a bare declaration of intent. For instance the European Court of Justice will surely orient itself in its jurisdiction at the document. On the other hand the fact of just a bare proclamation means that the debate over fundamental rights in Europe continues. And in the next years it will connect with the debate over role, rights and obligations of the European institutions and their relation to each other and to the individual states.

Together with other parts of civil society we have to engage in this important debate, which once more is concerned about the needed subsequent improvement of the fundamental rights.

Already in October last year - still before the summit of Nice - the "Initiative Netzwerk Dreigliederung" together with a partner organization, "IG-Eurovision", has taken part in a conference in Achberg near Lindau on Constance Lake, which had been called in by the "Inter Citizens Conferences" (ICC), a network of 35 groupings within the European civil society. At this meeting an appeal was adopted with the title "Project 'EU 21' - for a European constitutional process from below". This appeal demands that the process of developing the legal bases for the uniting Europe can be crucially co-designed by civil society and that its result can be direct-democratically decided upon by the citizenry itself. We have begun to collect signatures for this appeal. Further activities will be added.

For these activities we ask for the solidarity from friends all over the world. It is very important that within the civil society scene in Europe the connection is made between the fight against the policy of the World Trade Organization and the GATS agreement in particular with the questions of the fundamental rights in Europe. Because both are intertwined. Only a Europe, which seriously takes on its own liberal, democratic and social impulses, will counter tendencies of elite globalization emanating from the WTO, and will be a partner of all forces in the world, which want to shape globalization in a truly humane way.