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**Civil society in the EU: a strong player or a fig-leaf for the
democratic deficit?**

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Introduction

The European Union (EU) is often perceived as a political system far removed or even completely detached from its citizens and the electorate. The multi-level nature of the system is thought to contribute to this situation, with national governments in the driving seat, supra- and transnational executives performing policy functions, and business elites operating behind the scenes to influence integration. Despite this, the role of civil society as an additional player in European politics and governance has become an increasingly salient issue.¹ The Treaty of Lisbon, in force since December 2009, mentions for the first time: “The institutions (of the EU) shall maintain an open, transparent and regular dialogue with representative associations and civil society.”²

This paper asks why civil society has become such an important actor and what role it plays in the European polity. The policy paper will trace the evolution of civil society as an additional player in European politics and governance; elaborate on the rationale underlying this process and, discuss the problems linked to the participation of civil society in European affairs.

Civil society in European politics and governance

Contrary to received wisdom, civil society actors already played a role -- albeit it a limited one -- in European affairs in the early years of integration. The European Economic and Social Committee (EESC) established as an advisory body together with the Communities represented “the society” in European decision making.. ETUC, the European Trade Union Confederation, was founded in 1973 as

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an umbrella for national trade union organizations. From the mid 1980s onwards, the European Commission headed by Jacques Delors vigorously fostered a social dialogue with and between economic and social partners. Furthermore, the Commission increasingly drew the corresponding organizations into decision-making and policy implementation. However, these attempts were limited to a small and specific segment of civil society representatives.

It was only in the 1990s that a broader concept of civil society as actors in European affairs began to emerge. Representatives of civil society were now formally included as participants in decision making and policy implementation in a broad range of policy areas. Civil society organizations at the European level assumed a role of policy advisors to the Commission.

For example, in 1994, the revised regulations for the Structural Funds explicitly mentioned Economic and Social Partners as relevant actors in the system of partnership at all government levels. This suggested their participation in decision-making and policy implementation. The next reform of the Structural Funds (in 2000) extended the system of partnership to selected representatives of civil society, for example environmental, women's and youth groups. Finally, in 2007, the corresponding articles of the revised regulations explicitly referred to civil society as an actor in the system of partnership.³

Civil society actors and organizations were also expected to play a major role in other policy areas. For example, the EU assistance programs for the transformation of Central and Eastern European countries earmarked significant funds for supporting the activities of such groups. Civil society actors of both the EU and neighbouring states were also conceived as central actors for implementing the Social and Cultural Chapter of the Union's Mediterranean policy. Cooperation and collaboration among these groups should facilitate the promotion of democracy and respect for human rights as well as enhance peaceful relationships with neighbouring countries.

Less visible, but no less important were the manifold attempts of the European Commission to include representatives of civil society in its advisory networks and bodies.⁴ Thus for example the EEB (European Environmental Bureau), an umbrella organization for a broad spectrum of environmental groups in Europe, was asked during the 1990s to participate in more than 30 advisory committees. Needless to say, such a major commitment far exceeded the capacities and resources of this NGO (non-governmental organization).

The Commission was well aware of the limited resources that civil society organizations had at their disposal. Therefore, it actively supported these organizations, in particular through providing financial aid, mostly in the form of commissioning studies on certain issues.⁵ It sometimes even provided logistical support for establishing umbrella organizations acting for the EU as a whole. Civil society representatives responded to these efforts and incentives by increasingly organizing themselves and launching activities at European level. Thus from the mid 1990s onwards, a host of NGOs mushroomed in Brussels, based on the coordination or association of existing groups in the member states.

Against the background of various experiences and experiments with civil society representatives, the Commission at the turn of the century went a step further. In its White Paper on European Governance, published in 2001, it assigned to civil society "a key function in the implementation of good governance by openness, participation, accountability, effectiveness and coherence."⁶

From there, it was only a small step to opening up online-consultations with citizens in a broad array of policy and issue areas. Finally, the member states could also agree to giving civil society a role in the European polity. This resulted in explicit reference to civil society first in the Draft Constitutional Treaty and finally in the Lisbon Treaty. Thus after a long evolutionary period, civil society is now acknowledged as an actor in the political system of the EU.

The rationale underlying civil society involvement in European affairs

In the scientific debate, but also in Commission and other EU-institution documents, there are two key strains of argument to explain the increased involvement of civil society actors in European affairs.⁷ The first argument refers to civil society's role in improving efficiency and effectiveness of European governance and policy-making. In this view, non-governmental groups and organizations are regarded as working nearer to the grassroots level, having specific knowledge and expertise at their disposal, being oriented to efficient and effective problem-solving, and acting as stakeholders in the respective policy areas. In addition, they are expected to also advocate general societal interests vis-à-vis business or economic interests. In summary, civil society representatives are assumed to fill the multiple gaps that become evident in multi-level policy-making, where powers and responsibilities are dispersed and coordinated action is hard to achieve.

A second argument refers to the role civil society plays in overcoming the EU's democratic deficit.⁸ In this view, representative democracy alone is not able to provide the necessary democratic legitimacy for the European polity. Therefore, civil society representatives, through participating in both decision-making and policy implementation, may provide legitimacy to European governance. Scholars conceptualize and theorize these phenomena as alternative forms of democracy, that is, associative and deliberative democracy.⁹

Fritz Scharpf has made a distinction between input legitimacy, or "governance by the people", and output legitimacy, that is, "governance for the people".¹⁰ Both roles attributed to civil society, as described above, fit with these two types of legitimacy. Whereas civil society as an actor of deliberative and associative democracy may enhance the input legitimacy of the EU, its role in governance and policy-making will increase the output legitimacy. This twofold function of civil society in the European polity may also explain why the Commission has fostered both the emergence and organization of civil society representatives at the European level and their extensive participation in governance and decision-making.

A Critique: The practice of civil society involvement in European affairs

When looking at the practice of civil society representation in the European polity, the picture is much less positive than might be presumed on the basis of the theoretical literature and the EU's official documents.

In practice, participation in European decision- and policy-making falls short of the formal and informal opportunities offered in particular by the Commission.¹¹ Civil society groups encounter a host of problems when trying to organize themselves. At the European level, it is hard to aggregate the diverging opinions as well as to coordinate the activities of organizations in a certain policy area. In addition, financial resources and capacities are sparse. At local level, it is even more difficult effectively to play a role in the many decentralized projects initiated by the Commission. Groups that are expected to participate in policy implementation often do not exist in local contexts or are unable to act accordingly.

Furthermore, national governments, as well as executives at lower levels, appear highly reluctant to involve civil society groups or NGO's in policy-making.¹² On the one hand, when such groups are activated by the Commission, governments fear indirect interference by the EU in national affairs. On the other hand, when civil society groups operate at the European level, governments fear that they will be by-passed or side-lined. Given all of these obstacles, it is hard to assume that civil society plays a major role in improving the efficiency and effectiveness of European governance and, hence, the output legitimacy of the Union.

Finally, civil society representation in European decision-making is in many cases not representative in a democratic sense.¹³ The inclusion of groups in advisory circles at the European level is selective. Weakly organized interests have particular difficulty in accessing the European arena. Even if they succeed in doing so, their views are often not taken into account. Conversely, privileged groups with abundant resources are able to dominate the scene and exercise influence on decision-making. These problems are exacerbated in the case of online consultations. Participants in such consultations can range from individuals acting alone who hardly influence European decision makers to industrialists and business associations, which, in the guise of civil society actors, may exercise influence on decision-making. In summary, civil society as it currently operates is hardly in a position to reduce the democratic deficit of the EU or to improve the input-legitimacy of the system.

In conclusion, we can state that civil society plays a major and steadily growing role in the political system of the EU. Yet, such a role should not be (mis-)interpreted as proof of either a significantly improved input legitimacy of the system nor of its growing output legitimacy. It should rather be considered as a promising start toward a future, possibly more accountable, Union.

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