Civil Society, Democratic Legitimacy and the European Union: democratic linkage and the debate on the future of the EU

Elizabeth Monaghan, BA(Hons), MA.

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Declaration

I declare that this thesis is my own work and has not been submitted for any other degree. It is based on research that was undertaken by me at the School of Politics and International Relations, University of Nottingham during the period September 2003- September 2007.

Elizabeth Monaghan
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Abstract

Recent reform agendas have emphasised a perceived need to bring the European Union (EU) institutions and the citizens of the member states and closer together, as a means of enhancing the legitimacy of EU governance. The debate on the future of the EU, the initiative which led to the signing of the constitutional treaty in October 2004, addressed the challenge of 'bringing closer' by incorporating civil society in to the treaty reform process. In this thesis I investigate the role played by transnational civil society organisations in helping to bring citizens and institutions closer together. I employ the notion of democratic linkage to describe and explain the downward-facing interactions between civil society organisations and ordinary citizens, which have sometimes been neglected, as well as their upward-facing interactions with elite decision-makers. Drawing upon data from qualitative interviews with 25 civil society organisations and six officials from various EU institutions I find serious discrepancies between the rhetoric of the EU institutions on bringing citizens closer, and the capacities and willingness of the civil society actors involved as well as the opportunities for doing so.

Acknowledgements

Contents

Chapter 1

Introduction: Bringing citizens and the EU closer together

1.1 'Bringing closer'? Assessing and addressing the gap between citizens and the EU

The notion that citizens and political institutions in the European Union (EU) need to be brought closer together has permeated reform discourses in recent years. It is based on the assumption that there is a 'gap' between citizens and EU institutions which must be minimised. This gap between the citizens of the member states and the EU institutions is nothing new, nor is it a phenomenon unique to the EU context. But it has become the driving force behind attempts to strengthen the legitimacy of EU governance. In this thesis I outline my investigation of the contribution made by civil society, in the context of the debate on the future of the EU, to bringing citizens and EU institutions closer together, in terms of strengthening democratic linkage. Drawing upon data from semi-structured

interviews with 25 civil society organisations and six officials from various EU institutions I find serious discrepancies between the rhetoric of the EU institutions on bringing citizens closer and the capacities and willingness of the civil society actors involved as well as the opportunities for doing so.

In 2001 the EU institutions launched a 'debate on the future of the EU'. This debate initiative incorporated the post-Nice process of treaty reform alongside a broader debate outside the formal framework of the Intergovernmental Conference. The outcome of the debate would be reformed governance[1] structures which would allow for a closer relationship between the EU institutions and the citizens of the member states. In addition, the actual process of discussing the EU's future was also intended to bring citizens and institutions closer together. Two components of the debate provide the context for this investigation: the Convention and Futurum. The European Council, in its Laeken declaration of December 2001, convened the Convention on the future of the EU, defining its characteristics and the questions it would address. The Convention met during 2002 and 2003 and in July 2003 presented a Draft Treaty establishing a Constitution for Europe to the European Council. Running concurrently was the Futurum initiative, managed by the European Commission. Futurum was an online repository of material relating the debates both inside and outside the Convention, and hosted online and offline discussions on the EU's future.

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[1] The political system of the European Union is often discussed in terms of 'governance' as opposed to 'government'. The term 'governance' denotes a system of non-hierarchical decision-making characterised by the participation of public and private actors (Kohler-Koch & Rittberger 2006). See also Rhodes (1996), Kohler-Koch & Eising (1999), Jachtenfuchs (2001).

One of the defining features of both the Convention and Futurum (and indeed the debate initiative in general) was an attempt to involve 'civil society' as a means of bringing the debates closer to citizens. In practice this meant that a range of – largely transnational – organisations from different sectors of civil society were involved in the Convention and Futurum debates. The exact way in which civil society was intended to bring the debate closer to citizens was not entirely clear in the reform rhetoric. In order to better understand this I conducted qualitative interviews with organisations that were involved in either or both of the debates. The data from these interviews on the organisations' perspectives on reform and linkage, and data from interviews with six Union officials who were also involved in the debates, provides much of the basis of my explanation and analysis of the contribution of civil society to democratic linkage.

The idea that citizens and institutions need to be brought closer together is rather abstract but I explore it empirically through the notion of democratic linkage, or in other words, the connections that exist between the governed and the governing (Aarts 1998). Democratic linkage occurs through various mechanisms, three of which provide the analytical framework for this research: participation, representation and communication. The concepts of participation, representation and communication describe and explain the linkage role played by civil society in the debate. They provide different, though not mutually exclusive, explanations of the ways in which civil society organisations provide linkage in the Convention and Futurum.

This investigation should be seen in the context of a broader research agenda on the legitimacy of EU governance. The relationship between the institutions of the European Union and the citizens of the member states was, for much of the history of integration, not a major concern for either the architects of integration or the academics who studied them. However, the events following the signing of the Maastricht Treaty in 1992 were viewed as evidence of a 'legitimacy crisis' suffered by the process of integration and the institutions governing it. These events also prompted the emergence of a 'normative turn' in EU studies (Bellamy & Castiglione 2003) whereby the legitimacy of EU governance became an important explanatory variable alongside the more conventional concerns of EU studies with economic interests and functional efficiency. In turn this has led to the flourishing of research into issues such as democracy (Lord 1998, Warleigh 2003, Siedentop 2001, Anderson & Eliasssen 1996), representation (Blondel, Sinnott & Svennson 1994, Schmitt & Thomassen 1999), accountability (Peterson 1997), participation (Wallace & Young 1997) and citizenship (Meehan 1993, Shaw 1998, Bellamy & Warleigh 2001).

In this introductory chapter I begin by placing my investigation in the context of political and academic debates about citizens and legitimacy in the European Union. The role of citizens within the EU political system has changed since the Treaty of Rome was signed in 1957, a change which accelerated following the ratification problems surrounding the Maastricht treaty. The net effect of such changes has been that citizens are increasingly linked to the legitimacy of the EU and its governance according to liberal democratic principles. However, measured

against such principles the legitimacy of the EU can appear to be lacking. The resultant 'legitimacy crisis' from which the EU is said to suffer has attracted a great deal of academic attention. Yet for all the normative scholarship produced, there has been far less empirical research on the EU's legitimacy crisis and the attempts to overcome it. In the latter part of the chapter I outline the methodology of my investigation which contributes to the empirical analysis of the legitimacy of EU governance. Empirical research on this issue is crucial because, as the European Council acknowledged in the Laeken declaration, the need to bring the European institutions closer to the citizens is one of the primary challenges facing the Union (European Council 2001a). It has been for many years (despite the comfort blanket provided by the 'permissive consensus') and as the troubled ratification of the constitutional treaty suggested, it is likely to remain so.

1.2   Citizens and Legitimacy in the EU

One of the defining features of the post-Nice reform discourses was the prominence of the notion of 'the citizen', notably in the rhetoric on bringing citizens and EU institutions closer together. In many ways this was a break with the past as citizens have tended not to feature heavily in discussions about the EU's future. The Maastricht ratification process is has been seen as a turning point for relations between citizens and EU institutions and the post-Maastricht era has

seen various strategies and initiatives aimed at connecting the EU institutions and the integration project more closely with citizens. During the same period of time, citizens have begun to feature more prominently in academic studies of the EU, and as a result normative issues of legitimacy and the democratic credentials of the EU are increasingly addressed. The following subsections locate my investigation in the context of a changing role for citizens, debates about the EU's legitimacy, and the normative and analytical responses to these developments.

1.2.1   The changing role of citizens in the European Union

Despite the fact that the Treaty of Rome called for an 'ever closer Union between the *peoples* of Europe' (emphasis added), citizens have not always been as central to the concerns of EU leaders as they are today. In fact, historically speaking, citizens have been, for the most part, absent from the practice of and discussions about European integration (Neunreither 1995). The European institutions were constructed independently of national populations (Duchesne & Frognier 1995). They were designed to stress administration and regulation and to minimise the visibility of political choices at stake (Wallace 1996). Indeed, the EU was for much of its history an organisation characterised by technocracy, dominated by expertise and bargaining between sectarian interests and displaying a lack of openness, transparency and political accountability (Eriksen & Fossum 2000b).

Integration rested on the basis of a popular 'permissive consensus' (Lindberg & Scheingold 1971) which legitimated integrative action through a tacit assumption that the collective outcome was superior to what could otherwise be achieved through unilateral action. It relied on the ability of elites to persuade the mass publics that European integration was 'a good thing' (Laffan 1993) rather than through ongoing active or informed participation on the part of publics. Ernst Haas (1968) characterised the process as one involving governments, key economic actors and bureaucrats, not the public at large and, more importantly, without the need for majority support. Furthermore, Jean Monnet believed that it was wrong to consult the people of Europe about the nature of an emerging community of which they had no practical knowledge or experience (Blondel, Sinnot & Svensson 1998, Featherstone 1994).

Observers often identify Maastricht as the point at which this began to change. Pascal Lamy, Delors' Chef du Cabinet, remarked after the initial Danish rejection of the Maastricht Treaty:

> Europe was built in a St Simonian way from the beginning, this was Monnet's approach. The people weren't ready to agree to integration, so you had to get on without telling them too much about what was happening. Now St Simonianism is finished. It can't work when you have to face democratic opinion.
> (quoted in Eriksen & Fossum 2000b:xii).

Lamy's comments indicate an acknowledgement that the basis upon which EU governance was hitherto justified had become unsustainable. Major economic, social and political changes in the world and in Europe in particular had eroded traditional structures of power and thus, the original bases of EU integration (Wallace 2001b: 584). European integration pushed forward at the elite level, could no longer progress without public support because citizens increasingly had the ability and the willingness to constrain, modify and even forestall the integration process (Anderson & Kaltenhaler 1996).

Maastricht is important as a symbolic turning point but its importance should not be overstated. Lack of support for and mistrust of EU institutions and structures of governance did not begin following Maastricht and was not caused (or more specifically was caused not *only*) by the Treaty on European Union. As highlighted above, there had always been a gap between the EU and the public, indeed this was built into the institutional architecture and decision-making structures of the EU from the very beginning. However only relatively recently and particularly following Maastricht has this gap been perceived as problematic, and its narrowing become a political objective of European policy-makers. Clearly therefore, Maastricht represents a break with the past in terms of the relationship between the political institutions of the EU and its citizens.

A strengthening of the relationship between EU governance structures and the citizens within the member states has motivated successive reform processes. The conclusions of the Cardiff European Council meeting in 1998 argued that 'a

sustained effort is needed by the member states and all the institutions to bring the Union closer to people by making it more open, more understandable and more relevant to daily life' (European Council 1998). Since then, rhetoric on 'bringing the EU institutions and the citizens closer together' has permeated the reform agenda of the EU. The debate on the future of the EU was largely characterised by this idea of bringing citizens and institutions closer together. The Laeken declaration, which convened the Convention on the future of the EU, outlined that the need to connect more closely with citizens was one of the biggest challenges facing the Union. Similarly, more recent attempts by the Commission to 'communicate with the citizens' (Commission 2006a) have been imbued with the idea that through communication, citizens and EU institutions can be brought closer together.

Despite the prominence of rhetoric on 'bringing closer' what this actually means in practice has not been defined by the institutions with any great precision. The institutions have arguably established a discourse on 'bringing closer' citizens and EU institutions, or in the words of Fairclough, a 'creation in language' (2000:9). Yet the promotion of this discourse in the absence of a detailed exposition of what it actually means in practice invites a comparison between the language of the institutions and their behaviour – in other words between what they say and what they do. This was compounded by the rejection of the constitutional treaty in referenda in France and The Netherlands in 2005. These referenda exposed the gap between citizens and institutions even further, leading to the suggestion that the rhetoric of the debate was just that; merely empty rhetoric.

The idea of 'bringing closer' refers not to the spatial proximity between citizens and institutions although it has been suggested that the institutional geography of the EU, or where power is physically located, itself undermines legitimacy[2]. Despite any possible link between the perceived legitimacy of institutions and their geographical proximity to citizens, the rhetoric gives no indication of a concern with geographical location in this context. Increased closeness is linked to the principle of subsidiarity, enshrined in the Treaty on European Union, which states that decisions should be taken as close as possible, i.e. at the lowest appropriate level of government, to citizens. But 'closeness' is also viewed here as a metaphor for a congruence of expectations and desires held by citizens and institutions regarding the European Union project. 'Bringing closer' in terms of reforming governance in the EU therefore refers to a process whereby these expectations and desires converge. In the absence of such convergence what exists is a 'gap' between the expectations and desires held by citizens and those held by institutions, or in shorthand, a gap simply between the citizens and institutions themselves.

There are pragmatic and normative reasons why citizens have become so important in the process of reforming the EU. The turn towards citizens as the basis of reform on the part of the EU institutions can be partly interpreted as a

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[2] An article in Newropeans magazine on 12th June 2006 argued that 'The EU needs a democratic reshuffling of its institutions' geography'. It proposed that, in order to make the EU more democratic, the EU institutions should be moved out of Brussels and closer to citizens rather than further away from them. Full text available at: http://www.newropeans-magazine.org/index.php?option=com_content&task=view&id=1174&Itemid=84

pragmatic response by policy-makers to changing circumstances, notably the fact that citizens have the ability and the willingness to affect EU governance through their role in ratifying treaties. Ensuring successful outcomes at the EU level nowadays depends on appealing to citizens. However, there also appears to be a normative dimension to the attempts to bring people and politics in the EU closer together. Democratic values are central to the EU and were reiterated on the 50th anniversary of the signature of the treaty of Rome in the 'Berlin Declaration'[3]. In this document, democracy is clearly stated as one of the justifications of the EU's political authority, and the location of legitimacy, it implies, can be found in the citizens of the EU. A strengthening of the democratic relationship between citizens and EU institutions and structures of governance therefore has been, and continues to be a major theme of legitimating EU governance.

1.2.2   Legitimating EU governance

The changing role of citizens in the EU is bound up with issues of the legitimacy of EU governance. On the one hand, institutional and academic observers have identified falling levels of popular support for EU institutions and the process of integration since Maastricht as a symptom of a legitimacy deficit or legitimacy crisis from which the Union is thought to suffer. On the other hand, the perceived need to involve citizens more in EU politics or to 'bring citizens and EU

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[3] The Berlin declaration was a joint statement was made by the presidents of the Council, Commission and Parliament (Barroso, Merkel & Poettering 2007) on 25th March 2007.

institutions closer together' that has defined recent reform agendas is an attempt by the institutions to find part of the solution to the problems of legitimacy that the EU faces. Both of these issues have proved controversial among analysts of the EU's legitimacy.

The suggestion that the EU suffers from a crisis or deficit of legitimacy is also a relatively recent development which has become widespread in the post-Maastricht era. A range of factors have been identified as symptoms of this legitimacy crisis: fluctuating levels of support for, and trust in EU institutions as reported in Eurobarometer surveys[4]; low and falling turnout for European Parliament elections[5]; problems with the ratification of EU treaties, both in referenda and using parliamentary methods; and non-, or variable compliance with EU on the part of member states to name a few. However, it has been argued that some of these symptoms may have been overstated (Føllesdal 2006: 153). Furthermore, the EU is not alone in experiencing a lack of popular support as research shows falling levels of political support across Europe and beyond (Dalton 1999), and because of the way in which EU and domestic politics are bound together, Euroscepticism and opposition to the EU indicates a more generalised 'polity-scepticism' or scepticism and opposition towards national modes of governance (Mair 2007:16).

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[4] See Jolly (2007) for an analysis of fluctuations in levels of support for and trust in EU institutions. Raw Eurobarometer data can be accessed online: http://ec.europa.eu/public_opinion/index_en.htm

[5] The European Parliament's website contains data on turnout for all elections since 1979 as well as some descriptive statistics: http://www.europarl.europa.eu/elections2004/ep-election/sites/en/results1306/turnout_ep/turnout_table.html

The extent to which the factors outlined above are constitutive of a crisis of legitimacy depends upon the appropriate legitimating basis for the EU, yet this is also contested. Beetham (1991:15-20) states that the political authority of any given system is legitimate to the extent that it meets three criteria: it is acquired and exercised according to established rules – in other words this refers to the legality of the system; the rules are justifiable according to socially accepted beliefs about the source and purpose of this authority – or normative justifiability; and the authority has the consent of the governed and the recognition of other legitimate authorities – or acts of legitimation. In other words a range of factors – rules, normative beliefs and actions or procedures – define the basis of a system's legitimacy.

Generally speaking, the rules or legality of the EU derive from the treaties and secondary legislation developed by the member states. Legitimation comes from the continued participation of the member states in the decision-making structures, and their compliance with its decisions, as well as the recognition of the EU by third parties – individual states and other intergovernmental organisations. However, the legality of the EU's political authority and the way in which it is legitimated are not entirely uncontroversial. The supremacy of EU law over national law is generally accepted but the German Constitutional Court, the French Conseil Constitutionnel and the Danish Supreme Court have not accepted the notion that EU law is supreme to the national *constitution* or that the European Court of Justice has the final or only interpretation of the limits of EU authority as defined by the EU treaties (Alter 2001). The legality of the EU's political authority

therefore has been and continues to be challenged and disputed. Furthermore, the need for the EU's political authority to be legitimated poses questions of who legitimates it, since the boundaries of the EU are fluid and change over time and across issue area. These disagreements over legality and legitimation notwithstanding, more fundamental disagreements concern the normative justifiability of the EU's political authority which in turn stem from conflicting ideas about what type of political actor the EU is or ought to be.

Analysts such as Moravcsik see the EU as an international organisation, a collection of individual states working together to achieve a common goal (1993, 1998). The normative justification for the political authority of the EU is, in this view, derived from the performance of the organisation, specifically the extent to which it guarantees outcomes that can not be secured by individual states acting alone. In this view, the democratic deficit is fatuous since democratic legitimacy derives from the decisions taken by democratically-elected national governments (Moravcsik 2002). By contrast, others have argued that the EU is a regulatory body (Majone 1997), which deals with a range of issues that are better addressed by actors with the relevant technical or scientific knowledge who are insulated from popular pressure. Here, the normative justifiability is again be seen in terms of performance – the idea being that regulation is best undertaken by independent bodies because they are better able to deliver effective outcomes. Again, claims about the existence of a democratic deficit are unfounded because of the nature of the decisions that are being taken.

Both of these models – the former an 'intergovernmental' model, the latter a 'technocratic' model – are contested, as are the normative arguments they employ for justifying the EU's political authority. An alternative model which claims that the EU can and ought to be subject to liberal democratic normative principles can be identified (Beetham & Lord 1998; Lord & Beetham 2001; Eriksen & Fossum 2000a; Eriksen 2003; Habermas 2001). In contrast to the suggestions of the intergovernmental and technocratic models, for the liberal democratic model, the normative justifiability of the EU rests upon liberal democratic principles and does not depend solely on its performance. In this view the capacity to produce beneficial outputs may be necessary but it is not sufficient to justify the authority of the EU. Furthermore, according to the liberal democratic model, political authority cannot be justified solely by indirect mediation through elected state authorities. Both the intergovernmental and technocratic models imply that there is no need for direct legitimation of EU authority by citizens either because the issues dealt with are not those with which citizens can or should concern themselves, or because legitimation is mediated through directly elected state governments. In contrast, for the liberal democratic model, the EU and its governance requires direct legitimation from the citizens of the member states, who after all are directly affected by its activities. These two dimensions of legitimacy: the need for justification based on inputs as well as outputs, and the need for direct legitimation by citizens, are crucial to the investigation and are outlined further here.

The distinction between 'output' and 'input' legitimacy is established in David Easton's model of the political system (1953) and is applied to the study of the EU's political system by Fritz Scharpf (1999). Input-oriented legitimacy refers to the extent to which political decisions are derived from the preferences of those belonging to a particular political community. It implies the existence of procedures that include the voice of citizens in decision-making. Output-oriented legitimacy refers to the extent to which political decisions promote the common preferences of this community and implies that benefits can simply be derived from the performance of European governance and are visible to the largely silent general public (Scharpf 1999: 7-13).

European Union governance has, in historical context, generally been legitimised in terms of the extent to which it has been able to produce effective outcomes. The EU political system, it has been argued, is more suited to output-oriented legitimising arguments because of its size, the lack of a collective identity, and because it is better able to derive legitimacy from 'its capacity to solve problems requiring collective solutions because they could not be solved through individual action' (Scharpf 1999: 11). Since Maastricht's aftermath there has emerged a greater interest in citizens as the basis of EU legitimacy. The Laeken declaration gave a clear indication of a desire for the direct legitimation of Union governance in its call for a debate involving all citizens, and the debate on the future of the EU which followed tried to incorporate this.

The legitimating power of liberal democracy with its focus on inputs and direct legitimation is limited, however, by the absence of a European demos (Weiler 1999). In the absence of a demos (at least a demos resembling those found within the member states), certain 'organised' citizens have become attractive partners for political actors, particularly in the Commission. Vivien Schmidt has termed this development 'government *with* the people' through consultation of organised interests (2004: 977). The extent to which such government with the people is a component of either input- or output-legitimacy is unresolved. This thesis contributes to debates on whether Union governance can be successfully legitimised in terms of inputs by investigating the potential contribution of civil society to strengthening input legitimacy alongside output legitimacy, and questions the explanatory value of the input-output dichotomy.

For most national societies, input legitimacy rests on a shared identity or belief in an essential 'sameness' (drawing on Weber's (1978: 389) concept of *gemeinsamkeitsglaube*) stemming from pre-existing commonalities in history, language, culture, ethnicity – a so-called 'thick' collective identity. Scharpf argues that given the historical, linguistic, cultural, ethnic and institutional diversity of the EU's member states, the Union is very far from having achieved such a 'thick' collective identity. Furthermore, in the absence of this thick collective identity, institutional reforms will not greatly increase the input-oriented legitimacy of decisions taken by majority rule (1999:9). Institutional reforms cannot (or at least not in the short term) provide the sense of 'we-feeling' necessary to sustain a majoritarian system of representative democracy in the EU. Making a distinction

between input- and output-legitimacy underlines the difficulties of strengthening the legitimacy of EU governance simply through institutional reform.

The legitimacy deficit from which the EU is said to suffer, occurs because when measured against the principles of identity, democracy and performance, the EU political system falls short of the ideal. There is, in other words, a 'gap' between the criteria used to justify the EU's authority and the extent to which it actually measures up to these criteria. There are deficiencies in three criteria which provide the normative validity and legitimation for political authority at the EU level which are characteristic of liberal democracy: effective performance in respect of agreed ends; democratic authorisation, accountability and representation; and agreement on the identity and boundaries of the political community. There is a certain degree of interconnectedness between these three spheres or components of legitimacy such that variation in one will have implications for the other two (Beetham & Lord 1998:30).

In this investigation I acknowledge that the extent to which liberal democratic principles provide the normative yardstick with which to measure the legitimacy of the EU remains an issue for continued discussion. The discussion is further complicated by the absence of agreement on what type of polity the EU is, as this has serious implications for normative discussions on how it ought to derive its legitimacy. The EU is often described as a *sui generis* (Schmidt 2004: 976), 'un object politique non-identifié' (Delors, cited in Schmitter 1996:1). What is clear is

that it is certainly not a nation-state, yet the nation-state often provides the frame of reference in discussions of legitimacy.

Without stating categorically that the EU indeed suffers from a crisis of legitimacy, there is undoubtedly a *perception* of a legitimacy crisis. The presumption that the EU needs to be legitimised according to liberal democratic principles has underpinned the governance and constitutional reform agendas of the institutions in the debate on the future of the EU. The purpose of this study is not to assess the magnitude of the legitimacy crisis but to observe that it has led to a change in behaviour on the part of the institutions and to look at the ways in which the institutions have attempted to respond to it. As Føllesdal points out, disagreements over what legitimacy is and different mechanisms for achieving it notwithstanding (2006:154-60), governments and EU officials have interpreted events following Maastricht to mean that the legitimacy of the EU is at stake (p153) – and furthermore have altered their behaviour accordingly. It is therefore worthwhile investigating these reactions further.

In light of the perceived legitimacy problems faced by the EU, the debate on the future of the EU and other reform agendas have attempted to address the legitimacy crisis, or the gap between citizens and EU institutions. Katz (2001) suggests that legitimation through traditional structures of representative democracy is unrealistic at the EU level. Maurer (2003) sees a way of overcoming this paradox and emphasises that parliamentarism is not the only way of bridging the gap between EU citizens and the Union. The search for an additional

democratic basis for the EU's political authority was formalised in the constitutional treaty which established the principle of participatory democracy in its own right alongside the principle of representative democracy. In the context of this search for additional legitimating mechanisms I identify the emergence of two processes which provide the subject of this investigation. On the one hand there has been an attempt to embrace deliberative decision-making processes, perhaps as a means of mitigating the tendency towards bargaining that the absence of majoritarian politics encourages. On the other hand there has been a turn towards civil society in the search for agents to assist with the attempt to establish direct ties between the institutions and the citizens of the member states. Both these processes are outlined further in subsequent sections of this chapter.

1.2.3   A normative turn in EU studies

The absence of citizens from the European integration project is mirrored by the development of an academic literature on European integration which has also tended to focus on the elite level. The empirical literature on European integration has tended to pay little attention (or at least little substantive or systematic attention) to ordinary people at all (Imig & Tarrow 2001:7, Tarrow 2004). Instead, theoretical approaches to studying the emerging European polity have tended to focus on whether the emerging polity would be a Europe of states (Hoffman 1966, Moravcsik 1998), or an elite-constructed supranational state (Haas 1968); a multi-level polity (Scharpf 1994, Marks, Hooghe & Blank 1996), a system of 'network

governance' (Kohler-Koch & Eising 1999), or 'corporate governance' (Falkner 1998).

The increased academic interest in the role of ordinary citizens and legitimacy in the European Union can be seen as part of a broader process, described by Bellamy & Castiglione as a normative 'turn' in European Union studies. It has become apparent that the integration process depends on ideals rather than just 'facts' of functional efficiency (Bellamy & Castiglione 2003:7). As Nentwich & Weale point out, the constitutional choices confronting the EU in the post-Maastricht period are 'irreducibly normative' (1998:1) since they depend upon what Beetham has termed 'normative justifiability' – the principles which justify the political authority of the EU. For example, the perceived need to rectify the democratic deficit is based upon the notion that liberal democracy is the appropriate legitimating principle for the EU's political system – a notion which, as we have seen, has not been uncontroversial.

Legitimacy issues had been addressed, albeit in a limited way, prior to Maastricht (see for example Scharpf 1988, Weiler 1991). However, in forcing decision-makers to acknowledge the role played by ordinary citizens in EU political processes, Maastricht posed normative questions about the legitimate nature of political authority in the EU that had hitherto been avoided. Because these issues could no longer be avoided by academics, explaining and understanding the EU could no longer be done only in the context of functional efficiency and national economic interests. In other words, legitimacy became a dependent variable that

academics had to address in order to be able to understand and explain processes of integration and decision-making in the EU.

The stalled ratification of the constitutional treaty may become another defining moment in the study of the EU's legitimacy. The referenda in France and The Netherlands in 2005 have been described as 'contentious collective action' which demonstrated an increased politicisation of the European integration process, and which exposed significant discrepancies between the constitutional treaty and the people's claims and expectations (Fossum & Trenz 2006), just as the Maastricht ratification process had done almost fifteen years previously. However, the importance of the French and Dutch rejections should not be overstated, or taken as an indication of overwhelming popular dissatisfaction with the constitutional treaty or the EU as a whole[6]. Furthermore, Fossum and Trenz point out that the EU is not a state, nor would the constitutional treaty have made it one. Nevertheless, in research terms the post-agreement record of the constitutional treaty makes it necessary to continue to study the relationship and interactions between the emerging EU polity and what they term its 'social constituency' i.e. organised civil society amongst others. The EU is not held together by a genuine public sphere neither can it draw on the solidarity and identity of a unified demos. It is nevertheless confronted with expectations of democratic legitimacy and with

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[6] As Taggart points out, conclusions on the implications of the referenda depend upon what 'angle' they are viewed from. From the perspective of the EU studies community the referenda results represent a roadblock on integration. Yet looked at from a domestic perspective they are an example of 'politics as usual' and, furthermore stem from two different domestic circumstances (2006: 7-8)

claims for participation, membership and belonging which need to be researched (2006:59-60).

Just as there are varying academic views on the EU's prognosis regarding its crisis of legitimacy, there are also varying views on how to cure it. Political theorists are concerned with what makes political authority in the EU right or justifiable. Indeed, the EU presents a challenge to political theorists in determining how to legitimise a system that is more than an international organisation but less than a state. However, as Beetham and Lord point out, these essentially normative concerns are increasingly appropriated by political analysts engaged in a rather different enterprise: to understand and explain the political system of the EU rather than to define or justify ideal criteria for its authority (1998:1-2). This investigation is informed by the theoretical literature but contributes to discussions of legitimacy in the European Union in a different way. My empirical analysis of the role played by civil society identifies barriers to democratic linkage and the consequent limitations for a strengthening of EU governance and as such, can in turn inform the normative debates.

The components of the normative turn in EU studies have, according to Føllesdal (2006: 151, 166) largely focused on how the European institutions are governed. Legitimacy, in this view, depends on how decisions are made, as well as what the outcome of the decision-making process is. This implies a concern with input legitimacy arguments to supplement the output arguments that sustained the 'permissive consensus'. Bellamy & Castiglione (2001:2) argue that normative

arguments are central to discussions of governance in the EU. They point out that governance discourses have tended to adopt a descriptive tone, presenting the emergence of polycentric and fragmented governance as characteristic of EU decision-making. However, simply saying that something occurs does not provide a justification for it, and governance approaches must address the issue of legitimation of new structures of governance.

At the outset of this research project the Convention had concluded its business and the IGC which subsequently agreed the constitutional treaty was about to begin. The constitutional treaty was since rejected by referenda in two member states, ratified or nearly ratified by a further 18 states, a period of reflection was called for by the European Council in June 2005 and extended in June 2006, and agreement to move towards a new reform treaty agreed by the European Council in June 2007. If the need to try and understand the relationship between the governed and governing in the EU was important in September 2003, it has certainly not decreased in importance in the interim and has arguably become even more urgent. The institutions show no signs of abandoning the examination of their relationship with the citizens (continuing calls for 'bridging the gap' between citizens and EU institutions abound) and the relationship itself shows no signs of becoming less problematic in the near future.

1.3   Towards legitimate governance: Civil Society and Democratic Linkage in the Debate on the Future of the EU

The post-Nice reform discourses outlined a role for civil society – or more specifically the organisations that populate civil society – in helping to bring citizens and EU institutions closer together. However because this discourse operated at the level of rhetoric it was vague and contained very little discussion or explanation of how this would work in practice. I argue that in order to fully understand the contribution of civil society to legitimate EU governance it is necessary to go beyond the rhetoric and look empirically at the organisations involved. In doing so this thesis also contributes to normative debates on the role of citizens and legitimacy in the EU by providing a more nuanced, empirically-informed understanding of the capacities and willingness of organisations in relation to strengthening legitimate governance and the opportunities for them to do so. In the following sections I outline the major components of my empirical investigation: civil society, debate and democratic linkage.

1.3.1   Civil society and legitimate governance

The notion of civil society has featured heavily in recent EU reform discourses and has been an important component of the institutions' attempts to enhance the

legitimacy of EU governance. This interest in civil society on the part of the EU institutions should be seen in the context of a broader tendency among politicians which is not confined to the EU setting. Throughout the 1980s and 1990s the idea of civil society was seized upon as a means of strengthening democracy[7] (for an academic overview see Foley & Edwards 1997; Young 2000; Diamond 1996). Civil society is seen as able to provide something, or play a role which formal political authorities cannot. In the EU context, the role of civil society is often invoked to indicate that the EU institutions acting alone, cannot solve the EU's legitimacy problems, as for example in the European Commission's 2001 governance white paper (Commission 2001a).

The nature of this contribution to legitimate governance has been expressed in terms of the need to 'bring citizens and EU institutions closer'. The exact way in which civil society brings citizens closer to institutions is not immediately obvious but the rhetoric of the reform discourses assumes a high degree of mutual inclusivity between citizens and civil society. Nentwich (1998) has argued that most of the 'opportunity structures' for the participation of citizens in EU politics in fact favour highly organised and transnational interests, noting that 'citizens Europe is very much about associations rather than individual citizens' (Venables 1990:22). Magnette (2003) reaches a similar conclusion in his analysis of the 2001 governance white paper. He observed that one of the main themes was the need to strengthen the relationship between citizens and the EU institutions but in fact the

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[7] Of course, the notion of civil society did not originate in the 1980s. Diamond (1996: 227) traces the theoretical origins of the concept to Alexis de Tocqueville and argues that it is 'emotionally and spiritually indebted to Jean-Jacques Rousseau for its romanticization of "the people" as a force for collective good'.

vast majority of the concrete proposals referred to the role of civil society organisations in decision-making. Similarly the Laeken declaration appears to conflate citizens and civil society, stating that, in order to involve all *citizens* in the debate on the future of the EU, a Forum for *civil society organisations* would be established. And this trend continues in the constitutional treaty, specifically Article I-47 which makes a commitment to giving 'citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action' (point 1), implying that this can be achieved through 'regular dialogue with representative associations and civil society' (point 2).

These examples reveal that the term 'civil society' as outlined by the EU institutions in the reform discourses actually refers to the organisations that populate the space between citizens and the state – what can be described more specifically as 'organised civil society'. This raises questions about the exact ways in which the institutionalised participation of these various EU-level organisations purporting to represent elements within civil society helps to bring citizens and the institutions closer together, or in other words facilitates democratic linkage. In particular it poses the question of whether these organisations are any less distant from ordinary citizens than the EU institutions themselves.

The EU institutions have a history of working with organisations of civil society except they were not in the past called 'civil society' actors. Instead they were referred to as 'organised interests' and the purpose of their involvement in EU politics was to provide expertise in the policy-making process. This could

strengthen legitimate governance by helping to make and implement effective, efficient policies which worked well on the ground, or in other words enhance output legitimacy. But in the context of the debate on the future of the EU, the rhetoric focuses on the role of civil society in bringing citizens *in* to the debates, thereby emphasising a strengthening of input as well as output legitimacy. Understanding the contribution made by these organisations to strengthening input legitimacy by bringing citizens closer requires us to ask: what exactly is the nature of their relationship with ordinary citizens?

In spite of, or perhaps even because of their assumption of a connection between citizens and civil society, the institutions have said little in relation to the concrete ways in which the organisations in question can help bring citizens and EU institutions closer together. Of course, the reform discourses are declaratory in nature, outlining ideas and principles and are therefore rather vague on exact details. One of the major problems to be faced when analysing the role of civil society is to establish meaning. Certainly, the concept of civil society has been used in the various discourses surrounding the debate on the future of the EU without sufficient clarity, as a panacea for all the democratic problems the EU faces. In the process, however, it has become increasingly difficult to identify what exactly civil society is, and the mechanisms by which it can strengthen the legitimacy of EU governance. For these reasons my analysis of civil society begins with an examination of the concept of civil society and the ways in which it has been linked to democratic legitimacy.

The methodological focus of this investigation is the activities and perspectives of civil society organisations that were involved in the Convention and Futurum. Semi-structured interviews with 25 such organisations were conducted in order to develop an understanding of how the rhetoric and theory on civil society and legitimate governance were reflected on the ground. Though treated collectively as 'civil society', the organisations involved in the Convention and Futurum initiatives contained organisations as diverse as trade unions, regional organisations, NGOs, and think-tanks. This picture of diversity was reinforced by the respondents in the semi-structured interviews, underlining the significant variation between the organisations, and bringing in to question the effectiveness of any strategy that presumed a single coherent role could be assigned to such a heterogeneous group.

1.3.2   Debate and legitimate governance

My investigation of these civil society organisations and their contribution to legitimate EU governance took place within the context of the 'debate on the future of the EU'. Although the concern with strengthening legitimate governance dates back as least as far as Maastricht and continues today, the debate on the future of the EU offers a uniquely useful context for the investigation. The treaty reform component of the debate was, unlike any previous processes of treaty reform, largely motivated by the need to address the challenge of meeting citizens' needs and expectations. Alongside this treaty reform process, and again for the

first time, was a commitment to broaden the debate in order to ensure the involvement of a much broader range of actors – including civil society – than had been involved in the past.

On the 7th March 2001 the Belgian and Swedish presidencies, along with the presidents of the Commission and EP launched 'the debate on the future of the EU' initiative with the opening of the Futurum website. In their joint statement they outlined that the Union had committed itself to a debate which should reach out further than before to all sections of society:

> On the European level it is important to establish a common place where all contributions can be collected and easily be accessible to all interested parties, the media and above all to the citizens of Europe. (Persson et al 2001)

The launch of Futurum and the debate initiative was the symbolic formalisation of the call for a 'deeper and wider debate' on the future of the EU made by the Heads of State and Government at Nice in December 2000, and reiterated in more concrete terms at Laeken in December 2001. The Treaty of Nice was finally agreed on 11th December 2000 and was signed in February 2001 after months of negotiations. The mandate of this IGC, as outlined by the Treaty of Amsterdam, was to prepare the Union for enlargement by reforming the treaty provisions on a series of institutional questions. However many of those involved and those observing felt that there was still much that needed to be done to reform the EU

and prepare it for future enlargements. Furthermore, there was a sense on the part

of those involved that the negotiations had been protracted and difficult, and had

produced an outcome that was inadequate. In an interview, one Union official that

had been involved in the drafting of both the Nice and the Constitutional treaties

described how:

> Tony Blair stood up at the end of the fourth day of the Nice European
>
> Council and said 'we can't carry on doing business like this'. So there
>
> was a real sense post-Nice and that rather bruising experience for the
>
> heads of government that there had to be a different approach in terms
>
> of treaty modification.
>
> *Union official # 3, 28.03.06, Brussels*

As though in acknowledgement of this, a 'Declaration on the Future of the Union'

was annexed to the Treaty after it had been signed in Spring 2001. It was in point 3

of this declaration that the Heads of State and Government called for 'a deeper and

wider debate about the further development of the European Union' (see Cram

2001: 595). In December 2001, almost a year after the Nice meeting, the Heads of

State and Government met again, this time in Laeken in Belgium. The purpose of

the meeting was to make more concrete and more formal the 'deeper and wider

debate' on the future of the EU. The outcome of this meeting, the so-called

'Laeken declaration' specified the content of the debate, the method it would

adopt, and convened a new IGC in 2004.

The content of the debate was defined in sixty questions which were organised into the four 'themes' that had been identified at Nice: better division and definition of competences; simplification of the instruments; more democracy, transparency and efficiency in the European Union (including specifying the role of national parliaments) and; paving the way for a Constitution for the people of Europe (clarifying the status of the Charter of Fundamental Rights). The method would be a Convention. The Convention method had been used before in drawing up the Charter of Fundamental Rights, but its application in the process of treaty reform marked a departure from the closed methods that had traditionally been used (Maurer 2003). The Convention was charged with making proposals for institutional reform though in the event it went much further than this in drawing up a draft constitutional treaty. It would include representatives of national governments and parliaments of the member and application states; and representatives of the Commission and European Parliament as well as observers, representatives of the Economic and Social Committee, the Committee of the Regions, the social partners and the European Ombudsman.

The role of the Convention was to 'consider the key issues arising for the Union's future development and…identify the various possible responses' (European Council 2001a). The outcomes would prepare the way for a new IGC, and as such, the debate initiative was part of the process leading towards treaty reform. However it was not confined to preparing for treaty reform. The Commission's governance reform agenda ran in parallel with the debate initiative, and claimed to both draw from, and feed back into it (Commission 2001a, see also Wincott 2001).

The 2001 White Paper on European Governance, although self-consciously separate from the process of treaty reform, began from similar premises and dealt with many of the same issues. It shared a concern with 'bringing citizens closer' and encouraging public involvement in debates on the future direction of the EU. The Commission's involvement in the debate initiative also operated at a practical level. Its communication on 'certain arrangements for the debate on the future of the EU' spelt out how the open debate involving all sectors of civil society would be related to the more circumscribed institutional debate leading towards treaty reform (Commission 2001b).

The debate initiative, to all intents and purposes, concluded with the signing of the constitutional treaty in October 2004. Of course, debates about the EU's future continue. The ratification process, which began in February 2005, encouraged national debates on the future of the EU which were ostensibly about, but not necessarily limited to, the constitutional treaty. These varied from one member state to another. For example in Spain discussion was limited but the electorate voted 'yes' to the treaty by a large majority, whereas in France and the Netherlands debate was widespread, but rarely about the constitutional treaty, and in the UK, debate barely got started. Following the referenda in France and the Netherlands in May and June of 2005, the European Council called for a period of reflection before deciding how to move forward, a key component of which was the need for a debate.

The debate initiative analysed here should be seen in broad terms. It incorporates a formal agenda aimed at reforming the treaties and more informal processes of reflection running alongside the treaty reform. It comprised a wide rage of institutional and non-institutional actors, from those traditionally involved in treaty reform processes – heads of state or government and their representatives – and other institutional actors from the European, national, regional and local levels, to non-state actors from civil society. It set clear goals, namely to address key questions regarding the institutional architecture of the EU (as specified in the Laeken declaration) as well as more abstract ideals, specifically the 'bringing closer together' of citizens and the EU institutions.

Recasting the treaty reform process in terms of a 'debate' and accompanying it with a broader discussion intended to involve a greater variation of participants was, I argue, an important and deliberate decision. It made a conscious effort to break with traditions of treaty reform in the EU, in tune with the suggestion that the EU had to find 'another way of doing business'. It can also be seen as an important component of both the Commission's and the European Council's rhetoric on getting closer to the citizens. Debate, by its very nature, involves multiple participants and perspectives, all equally valid. It can be seen as a more 'deliberative' approach to decision-making than previous processes of treaty reform. There is therefore an interesting theoretical dimension to the debate initiative.

The debate on the future of the EU initiative provides an interesting context for an investigation of the ways in which civil society can help enhance legitimate governance. As the previous sub-section indicated, the involvement of organisations representing various societal interests has been a feature of EU politics for many years. However these activities – and our understandings of them – have generally been confined to the policy-making process. The debate on the future of the EU provides a different context – one of constitution-making as opposed to policy-making, addressing issues of polity as opposed to policy. As such it is a new arena for the study of these organisations in the EU, and may contribute to an enhanced understanding of their role in EU politics. In addition the key statements made by the institutions in reference to the debate (namely the Nice and Laeken declarations) said very little about how exactly this debate, and civil society involvement in it, would work. Whilst the Commission moved down the ladder of abstraction with its governance white paper, this was much less specific in its proposals than previous white papers, notably Lord Cockfield's 1985 report on completing the single market (Metcalfe 2001) and its Communication on arrangements for the debate stopped short of concrete instructions for implementation. There are few explicit accounts of how debate, and the involvement of civil society in it, can help bring citizens and EU institutions closer together and thus strengthen legitimate governance.

My investigation contributes to what has thus far been a rather under-theorised issue by taking a closer look at two specific components of the debate initiative: the Convention and Futurum. These two case studies provide examples of both the

formal and informal nature of the debate initiative. The Convention was part of the formal process leading towards treaty reform, whereas Futurum was located within the broader informal debates on the EU's future. Yet in both cases, attempts were made to broaden the debates by involving civil society. The involvement of civil society in the Convention was formalised in the Laeken declaration which called for a Forum for civil society running alongside the discussions of the Convention members. For its part, Futurum encouraged civil society organisations to enter into partnerships in order to encourage a wider dissemination of the debates. Despite these provisions and the opportunities for civil society involvement, my analysis of the debates in the Convention and Futurum also reveals limitations placed upon organisations and their contribution to the debates.

1.3.3   Mechanisms of democratic linkage

This thesis transforms the questions relating to civil society and debate into an empirical investigation by drawing upon and developing the notion of democratic linkage. Linkages have been defined as 'the various types of bonds which may exist between individual citizens, social organisations, and the political system' (Aarts 1998: 227). Such linkages are regarded as crucial to democratic political systems in the absence of either direct democracy or ideal-type representative democracy. The notion – and necessity – of linkage is implicit within liberal democracy, and in liberal democratic political systems there are formal and informal 'mechanisms' at work. Easton described how linkages from

'intermediary' organisations to citizens and the political system could articulate social cleavages and thereby contribute to the stability of the system (1965: 250-7). Lawson has also explored the democratic benefits of linkage in relation to political parties (1980) but acknowledges that linkage is not always nice, and can sometimes be detrimental to democracy, for example, when it is used for self-serving purposes (2005:161).

Research on linkages has tended to focus on the actors – the intermediary associations – that provide the linkage, with political parties receiving the most empirical attention. Lawson's work on political parties has largely centred on the relationship between citizens and political institutions (Farrell, Ignazi & Römmele 2005: 17). In her classic study of parties and linkage (Lawson 1980: 13-19) she identifies several 'types' of linkage, including 'participatory linkage' whereby political parties serve as agencies in which citizens can participate in government; and 'policy-responsive linkage' whereby parties ensure that government officials are responsive to the views of voters. Kitschelt (2000, see also Kitschelt & Wilkinson 2007) has also explored the ways in which political parties could strengthen the relationship between citizens and the structures of political authority to which they were subject, identifying a range of 'mechanisms' (such as the charisma of party leaders) through which parties could facilitate this democratic linkage.

In the EU context, linkages between citizens and the political system have not, in general, been a major focus for investigation – though this has changed somewhat

since Maastricht, as the role of citizens themselves has changed. Again, those linkage studies that exist have tended to address the linkage role of political parties as a means of addressing the democratic deficit (Schmitt 2005), alongside a growing body of literature on determinants of voting behaviour, some of which addresses the role of political parties as intermediaries and agents of linkage (Thorlakson 2005; Gallagher, Laver & Mair 2006). However research on civil society organisations in the EU has been framed in terms of their contribution to policy-making. This is not necessarily separate from or different to their potential linkage role, but it does turn analytical attention away from it. My investigation of civil society organisations in the Convention and Futurum will begin to address this gap in the research by examining whether and how the linkage role is performed.

I focus on three broad mechanisms of democratic linkage: participation, representation and communication. The purpose of these mechanisms in the investigation is two-fold. On the one hand the mechanisms correspond to analytical concepts which can help explain the function of civil society vis-à-vis the governed and the governing, in this case citizens and EU institutions. As such, participation, representation and communication are general ideas, 'abstract notions, composed of various features which deliver [their] distinctive character' (Heywood 1994: 4). They can help to isolate and identify the various ways civil society organisations provide democratic linkage. On the other hand, they can be used as descriptive terms referring to the various activities employed by the organisations. Whilst they may not necessarily describe different kinds of activity,

participation, representation and communication provide different ways of looking at the same or similar activities. I outline in brief the three mechanisms of linkage explored in this investigation below.

Participation

Participation refers to the taking part of citizens in processes of decision-making. Participation can be institutionalised, for example voting for elected representatives, or can occur outside formal settings of representative democracy (see Nentwich 1998 on the various opportunities for citizen participation in the EU – formal and informal, direct and indirect). In this context participation refers to the active involvement of citizens in the debate on the future of the EU (and resembles Lawson's (1980:13) notion of 'participatory linkage'). The principle of participatory democracy was established in the constitutional treaty (I-47) as a complement to representative democracy; and was identified in the governance white paper as one of five principles of 'good governance'. It is unclear whether, and if so how this differs from established processes of consultation of interests, and further whether it can make a new contribution to legitimate governance. The notion of 'participation' was prominent in the rhetoric of the institutions during the debate on the future of the EU. This poses the question of whether civil society organisations facilitated the active participation of ordinary citizens in discussions about the future of the EU, or whether these organisations acted as a 'surrogate' or 'proxy' for citizens, participating in discussions on the behalf or, or instead of citizens. If the latter were to be the case this poses the question of whether this

contributed to linkage in terms of bringing citizens closer to the institutions, as well as bringing institutions closer to the preferences of citizens.

Representation

Civil society organisations (of the type studied here) are often said to 'represent' civil society. Furthermore, there is an established body of research on the role of such organisations in processes of 'Interest Representation' in the EU (see Mazey & Richardson 1993, Greenwood 2003). But what exactly does representation mean in this context, how does it differ from formal channels of representation (i.e. structures of representative democracy), and what are the implications of this? For civil society organisations to participate in debates on the future of the EU as a means of bringing citizens and institutions closer together, the extent to which these organisations 'represent' citizens is crucial. Although civil society organisations may be effective actors in processes of interest representation, the debate rhetoric and the focus on participation implies a different or additional form of representation whereby civil society organisations are seen to represent citizens and/or their interests in descriptive and/or symbolic terms. It becomes apparent that there are different theoretical understandings of the concept of representation which have implications for democratic linkage.

Communication

Participation and representation frame conventional understandings of the role of civil society in democracies. In addition to these traditional mechanisms of democratic linkage, it has become increasingly apparent that communication might

act as a mechanism of linkage at the EU level. The EU institutions, in particular the European Commission, have been active in promoting the role civil society organisations can play in 'communicating Europe with the citizens' based on the assumption that the gap between citizens is partly due to inadequate communication between the two. It appears that the Commission envisages a communicative role for civil society organisations involving the passing of messages back and forth from the EU institutions to citizens. The extent to which this is feasible is unclear and requires further empirical investigation. It is dependent in part on the capacities and the willingness of organisations to engage in communication activities.

The concepts of participation, representation and communication provide the analytical framework for the investigation of civil society and legitimate EU governance. Data on the activities of civil society organisations in the Convention and Futurum from the interviews is categorised, demonstrating that the same activity can be understood in up to three different ways. This inductive approach does not prejudge the nature of linkage and as a consequence leads to a more nuanced understanding of the linkage role played by civil society in the debates.

1.4 Investigating civil society, debate and democratic linkage: the structure of the thesis

To summarise, the issues raised so far can be expressed as a series of propositions:

1. The EU institutions have identified a gap between themselves and the citizens of the member states and have attempted various ways of closing this gap in order to overcome what is seen as one of the greatest challenges facing the Union.

2. This is an interesting and neglected issue for empirical investigation because it helps us to understand the nature of the EU political system and develop explanations of it. Legitimacy is hereby an explanatory variable in the study of the EU

3. Taking liberal democratic principles as the basis of EU legitimacy there are different components of the legitimacy of EU governance; performance and identity for example. The focus here is on democratic legitimacy, and attempts to strengthen it outside formal structures of representative democracy

4. The identification of 'civil society' as a means of bringing citizens and EU institutions closer together (thereby enhancing legitimacy) in this way poses a range of questions and avenues of investigation about the prospects of such a strategy

5. The notion of 'linkage' and specifically three mechanisms of achieving such linkage can help frame the investigation: participation of citizens (individual or organised) in decision-making processes; representation of

citizens and/or their interests by organised civil society; communication of organised civil society with EU institutions and citizens

6.   The 'Debate on the Future of the EU' provides the context for this investigation since the issues of legitimacy and the role of civil society loom large within it

In this context the investigation outlined here addresses the following research question:

How can we understand the contribution to democratic linkage made by organised civil society in the context of the debate on the future of the EU?

In the following discussion I outline how the observations made above regarding citizens, civil society and legitimate EU governance are translated into a 'programme of research' around which my thesis is developed[8].

The discussion in the previous sections identifies the emergence of an institutional discourse on the role played by civil society in 'bringing citizens and EU institutions closer together'. The emergence of this discourse is interesting in itself, and arguably provides scope for a 'critical discourse analysis' of the language used and the meanings therein (Fairclough 2001). Critical discourse analysis focuses on how social relations and power are constructed through the

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[8] I am informed here by Hakim's discussion of research design as the point at which the theoretical questions raised above are converted into feasible research projects that can provide answers to the questions (Hakim 2000:xi)

judicious use of language and rhetoric. Fairclough, as one of the primary proponents of critical discourse analysis, analysed the rhetoric of the New Labour government in the UK in his book 'New Labour New Language? (Fairclough 2000)'. In this study, Fairclough found that Tony Blair, and his spin doctors, used language and rhetorical devices to convey a message about a break with 'old' Labour's past, and the emergence of a new political option, the 'Third Way'. The rhetoric used by the Commission in documents such as the White Paper on Governance suggests that there is scope for a similar type of investigation, focusing on the construction of a discourse on legitimate EU governance through debate – and the role of the EU institutions as facilitators therein.

But my concern was how the debate on the future of the EU as a legitimacy-enhancing exercise, a 'creation in language' in Fairclough's terminology, corresponded to the experiences of the actors concerned; and whether the inherent assumptions about the potential linkage role of civil society organisations are grounded in an understanding of their characteristics, capacity and willingness to play this role. Simply observing or even analysing the discourses that are being constructed could not provide this insight.

In order to go beyond the rhetoric and try to understand the experiences of the actors involved in the debate initiative I turned the methodological focus towards the individual actors behind the discourses, and gathered qualitative data on these events and phenomena through semi-structured interviews. I conducted six interviews with Union officials from the European Commission, the Council and

the Economic and Social Committee (during March & April 2006). The informal and loosely structured nature of these discussions encouraged the respondents to depart from the official rhetoric on the debate but I was concerned that speaking only to the institutional actors involved was likely to provide only one part of the story. I therefore conducted an additional 25 interviews with officials from organisations that were involved in either the Futurum or Convention initiatives (between January and April 2005), or both; from which the bulk of my empirical data is drawn.

I developed two different 'interview guides' (Bryman, 2004: 321)[9]: one for use in the interviews with Union officials and one for the interviews with civil society organisations. The guides contained a list a topics that I made my way through during the interview. Although I included in the guides some examples of how to phrase questions, they were not a list of questions that I delivered in the same order to each respondent. Rather the guides were a tool that helped me to prompt or probe the respondent, allowing for flexibility as some respondents were chattier than others, but which ensured that I covered all the issues that I wanted the respondents to comment on.

A characteristic of semi-structured (and unstructured) interviews is that the role played by the interviewer can be more pronounced than is the case in highly structured interviews. In managing the prospect of 'interviewer effects' I tried to

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[9] Bryman defines an interview guide for use in semi-structured interviews as a 'structured list of issues to be addressed or questions to be answered' (2004:540).

refer to Kvale's criteria of a good interviewer (1996). I aimed to keep my contributions to a minimum but to prompt and probe where necessary. Because I was primarily concerned with gathering rich data on the perspectives of the respondents I recorded the interviews, and took minimal notes at the time. I asked each of the respondents in advance whether they would mind me doing so and offered them the opportunity to object but none of them did (the subject was not sensitive). Once recorded, the interviews had to be transcribed – however, unlike some of the literature on generating qualitative data using this method, I am not inclined to view this as a drawback of the method or approach. Rather, transcribing the interviews gave me the opportunity to get closer to the data and develop a deeper familiarity with it.

One of my main reasons for choosing semi-structured interviews as the primary method of data collection was that they allow for respondents to describe in their own words their activities, perspectives and opinions. In the case of the interviews with individuals from the various civil society organisations this generated a more personal account of the organisations' involvement in the debate on the future of the EU – rather than the organisation's 'official line' on the subject. For the Union officials, it enabled me to get beyond the rhetoric that pervaded the official communications surrounding the debate.

However, semi-structured interviewing as a method of generating qualitative data relies on accepting that the accounts provided by respondents are an accurate and honest reflection of their beliefs, activities and opinions. However, it is not always

the case that interviewees will speak truthfully about these things. Although the discussion with interviewees tended not to cover issues of a sensitive nature, there might nevertheless be incentives for respondents to provide answers that were misleading, and which would therefore undermine the validity of the data. One possible pitfall is the tendency for civil society (and institutional) actors to inflate the importance of their own role or contribution in discussions about the EU's future.

Another was the issue of 'social desirability'. Although as mentioned the subject of the discussions was not sensitive or incriminating, such is the power of the discourses on the role of citizens in democratic decision-making, that to depart from this line might be conspicuous. Whilst Monnet may have been able to get away with suggesting that consulting the people was not necessary, and that Europe should develop in an elitist manner, it would be difficult for Union officials to get away with saying this on the record today, despite the sense one gained that their jobs might be much easier, were it not for the need to be accountable and democratic.

Nevertheless, the problems associated with semi-structured interviews are, in my view, vastly outweighed by their primary benefit in relation to this investigation: they produced entirely new data: data that would not otherwise have been available. The generation of rich new data helps to make sense of the extent to which civil society organisations in the EU have the capacity and the willingness

to facilitate democratic linkage, or 'bring citizens and EU institutions closer together. In the following five chapters I pursue and develop this line of enquiry.

Chapter 2 focuses on the context of the investigation, namely the 'debate on the future of the EU' initiative, asking the questions, 'what is debate and how can it help strengthen legitimate governance?' I address these questions theoretically by drawing upon ideas about the role of debate found with democratic theory, and in particular the deliberative democracy literature. I then prepare for an investigation of how these ideas are manifested in the debate on the future of the EU by outlining the two case studies – the Convention and Futurum. I analyse the stories of the Convention and Futurum, identifying the attempts to broaden the debates as a means of making them more legitimate. I argue that presenting the treaty reform process as part of a debate on the EU's future was a self-conscious attempt by the EU institutions to confer legitimacy on the process. However the legitimating effects of debate were limited because of the ways in which the ideas and rhetoric were implemented insufficiently on the ground.

In Chapter 3 I turn attention towards civil society as the agents of democratic linkage, and crucial actors in both the case studies. Before analysing the contribution of civil society to democratic linkage, and democratic linkage I reflect on the questions 'what is civil society and how does it contribute to legitimate governance?' A theoretical analysis of some of the recent trends in civil society literature reveals two broad (and not always complementary) views, elements of which can be found in the reform discourses of the EU institutions. The

prominence of the notion of civil society in recent institutional discourses disguises a much longer relationship between EU institutions and associations, previously under the auspices of 'interest representation'. The continuity of associational activity poses the question of whether there has been a break with the past, and if the adoption of the language of 'civil society' is accompanied by a contribution to input as well as output legitimacy.

Chapters 4, 5 and 6 are framed by the concepts of participation, representation and communication respectively. They each begin with a theoretical analysis of the concept in question and the way in which it strengthens legitimacy through linkage. In brief, participation is understood as the taking part of citizens (whether individual or group citizens, elite or ordinary citizens) in processes of decision-making; representation is about the making present in decision-making processes of someone or something that is not actually present; and communication refers to the transmission of information relating to the decision-making process. Then each chapter presents and analyses the empirical data from the interviews by identifying the activities which can be understood as participation, representation or communication activities; and the perspectives of the civil society organisations and Union officials on these activities.

Finally in Chapter 7 I summarise the key findings of the preceding five chapters before returning to the questions of legitimate governance and the role of citizens that have been outlined here.

Chapter 2

The debate on the future of the EU: democratic linkage through debate?

2.1 Introduction

The notion of debate dominated the EU's post-Nice reform agenda. The Declaration on the Future of the Union (made by the European Council at their December 2000 meeting and subsequently annexed to Treaty of Nice as Declaration No. 23) was among the first to establish debate as a feature of treaty reform, highlighting the need for a 'deeper and wider debate' on the future of the EU (European Union 2001). By linking this debate to a perceived 'need to improve and monitor the democratic legitimacy' of the Union's institutions in order to bring them closer to the citizens of the Member States, it made a connection between debate and legitimate governance for the EU. The sentiments

of the European Council were echoed soon afterwards by the Commission in its 2001 White Paper on European Governance. This stated that 'democracy depends on people being able to take part in public debate', and argued that such participation should be a key principle of EU governance (Commission 2001a). Debate therefore, has been identified by the institutions as both a means towards and an end of legitimate EU governance: a procedural mechanism for democratising EU governance and an aspirational characteristic of a democratic EU.

Debate was a key feature of the process that led towards the signing of the constitutional treaty and even after the failure of France and the Netherlands to ratify this document, the idea of debate remained powerful. The Commission's response to the period of reflection called by the heads of state and government following the referenda was to launch 'Plan D for Democracy, Dialogue and Debate' which intended to 'stimulate a wider debate between the European Union's democratic institutions and citizens' (Commission 2005b). In other words, both the post-Nice process of treaty reform which produced the constitutional treaty; and the period of uncertainty following the rejection of the constitutional treaty by referenda in two member states (which the post-Nice treaty reform process had produced) were met with calls for debate. Clearly, in the view of the institutions, debate has potential problem-solving capacities vis-à-vis legitimate governance. But what exactly are these capacities?

The tendency of political actors to turn to debate as a means of addressing

complex problems extends beyond the EU context. In the UK it was noted that in the first half of 2006 the UK Parliament heard more than 100 calls for national debates on issues as diverse as 'the future of policing; road charging; pensions, hoodies; Britishness, the comprehensive spending review; council tax; a bill of rights; the health service; the cost of medicines; drug laws; nuclear weapons; nuclear waste; and smoking' (Glover 2006). Reflecting on the question, 'what is a national debate?' this article made the observation that the point at which a debate ends is unclear, as is who decides the outcome, and that ultimately, more begin than are concluded. Although this is a light-hearted critique of the propensity of politicians to speak in clichés and rely on language which lends them a cloak of moral respectability there is a serious point about the way in which debate is used to both infer and confer legitimacy. The more frequent the calls for a debate become across a range of issue areas, the more elusive it appears. The term 'debate' is used in so many contexts yet so rarely defined with any precision that it is in danger of becoming meaningless, contributing further to a gap between rhetoric and reality. It is in this context that the chapter seeks to understand the relationship between debate and legitimacy; and to investigate empirically whether the EU's debate initiative has the potential to strengthen democratically legitimate governance.

In the first part of the chapter I elaborate a theoretical explanation of how debate strengthens democratic legitimacy. I place the ubiquity of calls made by political actors for public debates on various problematic or contentious issues in the context of a 'deliberative turn' within democratic theory over the past 20 years.

The deliberative democracy literature, in particular the work of Cohen (1989), Dryzek (1990, 2000), Elster (1998), and Gutmann & Thompson (2004) assists my operationalisation of debate through an account of discursive processes in democracy; and my explanation of why debate is seen as a desirable component of EU governance in the contention that the essence of democratic legitimacy is located in deliberative processes. In the second part of the chapter I address the legitimising potential of debate empirically. I identify the 'debate on the future of the EU' (the debate initiative) as an attempt to implement of the notion of debate in the process of treaty reform. Two components of the debate initiative – the Convention on the future of the EU and Futurum – provide case studies within which I analyse whether there were opportunities for civil society organisations to provide democratic linkage through processes of participation, representation and communication.

2.2   Debate and legitimacy in democratic theory

Part of the reason why calls for debate have been so widespread is that it helps to make decision-making (seem) more legitimate, but how exactly does 'debate' contribute to legitimate EU governance? The term 'debate' appeared widely in the post-Nice reform rhetoric of the EU institutions as a means of addressing differing and complex problems yet it was rarely defined with precision. The assumption of

the institutions was that debate strengthened democratic linkage and thereby
enhanced legitimate governance but it is unclear whether and how this actually
happened. Furthermore there have been relatively few attempts made to define and
therefore explain the concept of debate in the context of the post-Nice
constitutional reform agenda (though Føllesdal (2000) and Fossum (2000) looked
at earlier reform processes from a deliberative perspective). Nevertheless,
explanations of the legitimising potential of debate can be found within democratic
theory.

The idea of debate is well established in democratic theory, even if it is a relatively
new way of thinking about the democratisation and the legitimation of governance
in the EU. According to Elster, the role of debate in democratic theory is expressed
in the idea that democratic decision-making involves discussion between free and
equal citizens (1998:1). This idea that democracy involves discussion is of course,
nothing new. Indeed, Elster claims it can be traced back as far as fifth-century
Athens[10]. More recently (though still far from contemporary) ideas about the
importance of discussion in political decision-making can be found in the work of
Burke, Rousseau, and JS Mill[11].

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[10] Elster (1998) identifies the role of debate ideas in Pericles' observation that political leaders
during this time viewed discussion as an 'indispensable preliminary to any wise action at all'
(Thucydides II.40 1972). In the Penguin translation the passage reads 'we Athenians take our
decisions on policy or submit them to proper discussions; for we do not think that there is an
incompatibility between words and deeds; the worst thing is to rush into action before the
consequences have been properly debated'. Gutmann & Thompson (2004:8) cite Aristotle (1981)
whose 'Politics' advocates a process of law-making whereby citizens would discuss their laws in
public.
[11] According to Elster, Mill was a proponent of 'government by discussion' (Considerations on
Representative Government 1993) and Burke's famous statement to the Bristol electorate also
emphasized the importance of discussion (Elster 1998:3). In The Social Contract, Rousseau felt
that individuals should engage in some form of internal reflection or deliberation on the nature of
the common good'.

It is possible to discern a renewed enthusiasm in contemporary political theory for classical ideas of discussion as a feature of democracy. Mainstream liberal democratic theories have addressed the importance of debate. Dahl (1971) for example notes that polyarchy depends upon plurality and the free exchange of ideas. The need for debate has been linked to perceived weaknesses or inadequacies of representative democracy, in reference to both the EU (Neyer 2006) and other political systems. The aggregation of preferences within structures of representative democracy is seen as unable to generate sufficient legitimacy. Instead, as Habermas has argued, decision-making requires discussion which can lead to the transformation, rather than the simple aggregation of preferences (Habermas 1984, 1987). This transformative capacity of discussion is a key distinguishing factor between explanations of legitimacy offered by representative models of democracy on the one hand, and deliberative democracy models on the other.

Debate and 'deliberative democracy'

The (re)emergence of the ideas that citizens should actively participate in discussions and decision-making, that politics involves more than self-interested competition and bargaining between actors, and that through discussion preferences can be transformed have found expression within theories of 'deliberative democracy'[12]. Young described the increasing prevalence of deliberative ideas and concepts over the previous 20 years as an 'explosion of

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[12] Bohman & Rehg (1997) attribute the first use of the term 'deliberative democracy' to Joseph Bessette (1980) in his argument against elitist interpretations of the American Constitution.

theorising about democracy as a discussion based form of practical reason' (1996: 486). But Benhabib (1996: 84) understands deliberative democratic theory to be elucidating the already implicit principles and logic of already existing democratic practices such as the significance of deliberative bodies in democracies, the rationale of parliamentary opposition, the need for a free and independent media and sphere of public opinion. Whilst the subject matter of the deliberative theory of democracy is not entirely new she argues, as a theory it illuminates some aspects of the logic of existing democratic practices better than others. This is particularly apparent in its treatment of legitimacy.

The deliberative turn is not a unified or homogenous school of thought. As Hendricks observes, 'deliberative democracy comes in many shapes and sizes' (2006: 491), and according to Dryzek, many democratic varieties 'sail under the deliberative banner' (2000: 2). By way of definition however, Gutmann and Thompson (2004: 7) offer the following, describing deliberative democracy as:

> A form of government in which free and equal citizens (and their
> representatives), justify decisions in a process in which they give one
> another reasons that are mutually acceptable and generally accessible,
> with the aim of reaching conclusions that are binding in the present on
> all citizens but open to challenge in the future.

This implies a rejection of decision-making procedures based solely on the aggregation of votes (voting) or the competition of interests (bargaining) which

can result in arbitrary or irrational outcomes, and instead the adoption of a system which includes room for debate, deliberation or 'arguing' (Elster 1998: 5-6). It also underlines why decision-making based upon debate seems so attractive at the EU level where structures of representative democracy have weaknesses, and there is a desire to move beyond intergovernmental bargaining in negotiating treaty reform.

It is possible to distinguish between 'micro' and 'macro' streams of deliberative thought based on the formality of deliberation described. The former focuses on defining the ideal conditions of a deliberative procedure, the latter emphasises informal discursive forms of deliberation which take place in the public sphere (Hendricks 2006: 486-487). This investigation of debate as a characteristic of EU treaty reform is addressed by the former. By defining an 'ideal deliberative procedure' (Cohen 1989) micro conceptions of deliberative democracy can help explain how incorporating debate into decision-making opens up opportunities for democratic linkage, and can thereby enhance democratic legitimacy.

According to Cohen, a deliberative process, or 'a debate' has four key characteristics. First, it is free in that the participants regard themselves as bound only by the results of their deliberation and suppose that they can act from the results. Second, deliberation is reasoned, with no force other than that of 'the better argument' (Habermas: 1975: 108) exercised. Third, participants are formally and substantively equal. And fourth, the ideal deliberation aims to arrive at a rational, motivated consensus. In other words, and summing up these

characteristics, the objective of the deliberative process is 'to find reasons that are persuasive to all who are committed to acting on the results of a free and reasoned assessment of alternatives by equals' (Elster 1998:74). This underlines a strong link between process and legitimacy within deliberative decision-making (Maurer 2003:172).

The account presented here is by no means an exhaustive treatment of deliberative democracy theory, but it gives an indication of the ways in which deliberative ideas can explain how debate might help to enhance legitimacy in the EU. Though the debate on the future of the EU is hardly an 'ideal deliberative procedure', it can be seen to adopt features of deliberative decision-making. If debate is conceptualised as an approximation of deliberation, it can be seen to encourage a particular way of making decisions, i.e. through reasoned argument between equal citizens. This deliberative method of making decisions can in turn create more opportunities for linkage through participation, representation and communication. It is not the intention of this thesis to investigate whether then EU has or is in the process of adopting a deliberative character. Nor is it the aim to say whether this would be desirable or not. Rather, by developing a clearer picture of what debate is, and how it can contribute to legitimate governance, the aim is to make an empirical investigation of whether the procedures of the debate on the future of the EU provide opportunities for democratic linkage between citizens and EU institutions.

2.3   Investigating debate in the EU

The 'debate on the future of the EU' or 'debate initiative' which provides the context for this investigation, was an attempt to implement the notion of debate or deliberation. In December 2000 the European Council had called for a debate on the EU's future, leading towards (but not confined to) treaty reform and the debate initiative was officially launched in March 2001. The two specific components of the debate initiative addressed here – the Convention and Futurum – are case studies within which the linkage role of civil society organisations is investigated. Case study research is a research *strategy* so to speak, as opposed to a research *method* (see Yin 1994 for a detailed account of case study research). It is suited to research such as this which calls for a detailed understanding of the political processes at work because it facilitates the collection of rich and detailed data in context (Hartley 2003: 323), indeed the context itself is part of the investigation.

The Convention and Futurum were selected as case studies within the broader debate initiative because they are clearly identifiable initiatives in their own right with definite beginnings and ends. Furthermore, what both have in common is that they included an important role for civil society organisations. However, whereas the Convention was part of the formal treaty reform process leading towards the 2004 IGC, Futurum was separate from this process in the sense that it did not feed directly in to the discussions of the Convention or the European Council meeting

that followed. In focusing on the Convention and Futurum I acknowledged that these initiatives would have an impact on the linkage role of civil society within them by creating opportunities for or constraints upon the activities of the organisations.

The 25 civil society organisations that I interviewed were involved in either or both of these initiatives. During the interviews I asked the individuals from each organisations to describe their involvement in the Convention and Futurum. Interviewees were also asked to reflect on whether the Convention and Futurum presented opportunities for and/or constraints upon their involvement. The aim of the interviews was to build a picture of the nature civil society involvement in the Convention and Futurum debates from the point of view of these key actors, giving an insight into how the rhetoric on 'bringing closer' actually played out on the ground. To supplement the perspectives of the organisations I also interviewed six Union officials (from the Commission, Council and Economic and Social Committee) who had also been involved in varying capacities in the Convention and Futurum debates. Conducting interviews within the case studies allowed for an understanding of how the context, in other words the Convention and Futurum debates, interacted with the activities of the organisations to affect their capacities and willingness to perform a linkage role.

The analytical framework of this research that is provided by the concepts of participation, representation and communication is informed by an inductive logic. This means that I explore how these concepts describe the activities of

organisations – remembering that any particular activity could be described in terms of participation *and* communication for example. And I explore how the concepts explain the nature of the linkage, for example does linkage occur through the 'making present' of citizens or their interests (representation), or through the exchange of information (communication) or both? Again, one of the strengths of the case study approach is that it lends itself this kind of inductive approach because it allows for open-ended inquiry without the need to test a particular hypothesis.

Detailed examination of these two cases provides rich data but it poses questions of generalisability. The two cases are by their very nature unusual, occurring outside the normal, everyday politics of the policy-making process. It could be argued, therefore that the data generated by the interviews and the conclusions that I draw from them are limited in understanding the activities of *all* civil society organisations and understanding organisations *outside* the context of the Convention and Futurum. However, the focus of generalisation for this kind of research is not the case itself but the underlying processes (Hartley 2003: 331), for example the presence or absence of detailed and fixed rules governing contributions to the debate, or whether or not civil society contributions are fed back in to the formal treaty reform debates.

In the following sub-sections I introduce the case studies and identify the various ways in which the debate was broadened by incorporating civil society into the discussions.

2.3.1   Case study I: The Convention on the Future of Europe

At the close of the December 2001 meeting of the European Council, hosted by the Belgian Presidency in Laeken at the edge of Brussels, the heads of state and government adopted the 'Laeken Declaration on the Future of Europe'. This document detailed the decision to establish the Convention on the future of Europe (the 'European Convention' in official shorthand, or simply 'The Convention'). It outlined the Convention's composition, its working methods and the key questions and challenges pertaining to the future of the EU that it would address. In this analysis of the Convention I draw upon interviews with six Union officials who were involved in the Convention process to develop a picture of who was involved in the Convention, how it was structured and what it sought to achieve. I focus in particular on the attempts that were made by the architects of the Convention to broaden the debates by involving civil society. Additional material is drawn from accounts of the Convention by academics, journalists and Union officials that were either directly involved in the Convention or observed its work closely (see in particular Norman 2003; Milton & Keller-Noëllet 2005).

The Convention brought together 105 representatives from the member (and applicant) states and the European Union institutions. Included in this were fifteen representatives of the member state governments, plus representatives of the (then) thirteen applicant states' governments. There were two representatives of each

member states' national parliament in addition to two from the applicant states'

parliaments, which meant that the opposition within each member state could be

included alongside the government. There were also sixteen members of the

European Parliament (MEPs) and two Commissioners. Each member could

nominate an alternate if they were unavailable. In addition to these members, the

Convention included thirteen 'observers' drawn from the Economic and Social

Committee, the Committee of the Regions, the European Ombudsman and the

social partners. The Convention was assisted by a secretariat which prepared

working documents drafted discussion papers and summarised the proceedings. A

thirteen-member praesidium led the Convention and was chaired by the former

French President Valery Giscard d'Estaing and vice-chairs the former prime

ministers of Italy and Belgium – Giuliano Amato and Jean-Luc Dehaene (these

three individuals having been appointed by the Laeken declaration). Alongside the

chair and vice-chairs, the praesidium comprised the two Commissioners, two

representatives of both the European and national parliaments, and the government

representatives of the three member states that held the presidency during the

period in which the Convention met. The praesidium's role was to draw up the

draft agendas and generally supervise the Convention's activities[13].

The Laeken declaration defined the task of the Convention as the need to consider

the key issues arising for the future development of the EU and identify possible

responses to these, in order to prepare for the 2004 IGC in as broad and open a

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[13] A detailed description of the structure of the Convention, can be found at:
http://europa.eu.int/scadplus/european_convention/introduction_en.htm

manner as possible. It stated that the debate should address the four key questions highlighted by the Declaration on the future of the Union[14], which the text of the Laeken declaration had expanded into around sixty detailed questions about reforming the Union's institutions, democratic life and working methods (Norman 2003: 20).

Between February 2002 and July 2003 the Convention met in plenary sessions twice a month in the European Parliament building in Brussels. These plenaries tended to focus on one or two specific issues in detail. Discussions were prompted in response to contributions from working groups, from Convention members (members of the Convention were able to make written contributions which were circulated to all fellow members) and from the civil society Forum. The work programme of the Convention was split into three successive phases: a listening phase, a studying phase and a drafting phase. The first phase opened the proceedings with a period of 'listening', the idea behind which was to try and gain an appreciation of what the citizens wanted from the European Union. The second phase of the Convention was described as one of 'analysis' for weighing up the proposals for reform. The third and final stage of the Convention was characterised by the drafting of articles, discussion of amendments and the seeking of compromise.

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[14] The four questions were: 'How to establish and monitor a more precise delimitation of competences between the EU and the member states, reflecting on the principle of subsidiarity; the status of the Charter of Fundamental Rights of the EU proclaimed in Nice, in accordance with the conclusions of the European Council in Cologne; A simplification of the treaties with a view to making them clearer and better understood without changing their meaning; The role of national parliaments in the European Architecture' see http://europa.eu.int/futurum

The Laeken declaration did not predetermine the outcome of the Convention's deliberations, whether this would be a single document or a list of options. However very early in the proceedings Giscard d'Estaing made it clear that he, and the Convention he chaired, would be ambitious (Milton & Keller-Noëllet 2005: 31). Indeed, in his opening speech he urged the Convention to 'achieve a broad consensus on a single proposal' which, he argued, would have more persuasive power than a list of suggestions; and coined the phrase 'constitutional treaty' in order to avoid disagreements over semantics (Giscard d'Estaing 2002). In the end a Draft Treaty establishing a Constitution for Europe was presented to the European Council on 18th July 2003[15].

The decision to convene a Convention with the intention of preparing for a new IGC had emerged gradually in the months following the Nice European Council meeting (Norman 2003: 24). The Convention method itself was not entirely new in the EU context, having been chosen by the Cologne European Council to draft the Charter of Fundamental Rights. However, establishing a Convention to prepare for treaty reform was a break with the past. The reasons for the innovation can be attributed on the one hand, to a feeling that the IGC method would be an inappropriate mechanism for drafting a constitutional document (de Witte 2001). On the other hand it can be seen as driven by practical concerns such as those of the British government after the Nice meeting that a new way of doing business was needed (Milton & Keller- Noëllet 2005). In either case, a range of innovations

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[15] The full text of the draft Constitutional Treaty as drawn up by the Convention can still be viewed online at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52003XX0718(01):EN:HTML (last accessed 03.08.07)

were made with the aim of making the debate as broad as possible: publishing Convention documents; widening participation through the civil society plenary, the Youth Convention and the civil society Forum; including formal observers; establishing working groups; assigning personal roles to the praesidium members; and encouraging national members to take the debate home[16]; each of which is addressed in turn here.

Firstly, the Convention was characterised by a degree of openness that had rarely been seen before in processes of treaty reform. Indeed, the commitment to ensuring that the discussions of the Convention would be in the public domain, was in marked contrast with the processes leading up to the Maastricht, Amsterdam and Nice treaties (Norman 2003: 23) and can be seen as a deliberate attempt to move away from 'closed-door practices of intergovernmental conferences' (Milton & Keller-Noëllet 2005: 43). The secretariat of the Convention made significant efforts to publish official documents on a dedicated Convention website, and the plenary sessions were open to the public, and transmitted, via a webcam, on the Convention website (See Appendix I for screen shots of the Convention website). There were some limitations to the openness, most notably within the praesidium which met behind closed doors, ostensibly to allow the members to express themselves freely (Milton & Keller-Noëllet 2005: 43) and thereby facilitate the effective operation of the Convention.

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[16] During an interview, one of the Union officials that had been heavily involved in the Convention outlined these six attempts that were made to try and broaden the Convention debates (Union official #2, 20.03.06, London

These measures contributed to a policy of openness through transparency, and were accompanied by a second measure to broaden the debate which encouraged a policy of openness through wider participation. Giscard d'Estaing, in his opening speech to the Convention (Giscard d'Estaing 2002), made a deliberate effort to emphasise the importance of consulting widely:

> We must embark on our task without preconceived ideas, and form our vision of the new Europe by listening constantly and closely to all our partners, governors and governees, economic and social partners, representatives of regional authorities – already present here – members of associations and civil society represented in the forum, but also those who have no other identity than that they form part of Europe… everyone must have the opportunity to be heard.

He recognised that this would involve effective and decentralised organisation and management in order to translate these ideals into practice and a number of novel initiatives followed. One of which was the plenary session of 24th-25th June 2002 which was intended to give representatives of certain sectors of civil society the opportunity to speak to the Convention members[17] about how their sector viewed the future of the Union. Also apparent during the listening phase of the Convention was a great deal of enthusiasm for involvement of young people (in particular in his opening speech Giscard had made reference to the need to pay special attention

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[17] The members of the Convention have been described variously as 'Conventionnels' and Conventioneers' but I use the term 'Convention members' for clarity.

to young people). To this end, a 'Youth Convention' was established in July 2002, the aim of which was to enable young people to formulate their own vision of the future of Europe. The Youth Convention brought together 210 young people (i.e. people aged between 18-25), all of whom were selected by the members of the Convention.

Perhaps the most visible and wide-reaching attempt to broaden participation was through the 'Forum' for civil society which the Laeken declaration had called for alongside the Convention on the basis that the debate ought to 'involve all citizens' and be 'broadly based'. Like the Convention more broadly, the Forum was charged with the task of considering the key questions concerning the future development of the European Union and identifying possible answers. It would feed into the Convention debates the perspectives of civil society on these key questions, and therefore was an important tool in broadening the debate. Unsurprisingly in the immediate aftermath of the Laeken meeting there was a great deal of enthusiasm for the Forum on the part of civil society organisations. However this was slightly curtailed when, as one of the organisations interviewed (Civil society organisation #21, 17.02.05, Brussels) explained, it became apparent that in practice the Forum actually amounted to little more than a website, the inference being that a website was a rather passive and did not really match the spirit of the Laeken declaration on the importance of involving civil society in the Convention debates.

On the website the Forum described itself as 'a structured network of organisations

representing civil society' which had two roles: to allow civil society organisations to follow the proceedings of the Convention, and to facilitate their contribution to the Convention's debates (see Appendix I for a screen shot of the Forum website). The first role was facilitated in large part by linking the Forum website to the main Convention website. Here was gathered details of the timetables of meetings; agendas of the President and Vice-Presidents; details of the forthcoming plenary sessions and summaries of what they covered; reports of the Working Groups and the Discussion Circles. These were accompanied by various documents relating to the proceedings: contributions, speeches, summary reports, and drafts of the treaty. In addition the site contained background information on the organisation and composition of the Convention, and on its praesidium and secretariat. The result was a kind of 'one-stop shop' for all information relating to the Convention process which civil society organisations could draw upon to follow and monitor the proceedings. However, because access to the Convention website was open to all, the Forum website didn't give organisations access to anything they would not have otherwise have been able to see.

The second role of the Forum was to facilitate the active participation of organisations in the process, by encouraging them to submit contributions to the debate. A series of rather complicated rules governed which organisations were permitted to make contributions to the debate, and the steps they had to take in order to do so. Firstly, only organisations – as opposed to individual citizens – were permitted to be participants. Organisations wishing to make a contribution had to belong to a pre-defined list of participants. In order to get onto this list they

had to submit to the secretariat of the Convention, a fact-sheet detailing the nature of their organisation, specifying which out of a list of 'categories' of organisation they wished to be entered in (political interests, socio-economic interests, academic interests and think tanks, or other civil society organisations. This fact sheet had to accompany their contribution, and, if the contribution was more than 3000 characters long, a 3000-character summary of the contribution. There were also rules governing what a 'substantive contribution' to the Convention had to entail. Contributions had to have been drawn up especially for the Convention; to be explicitly related to issues of the future of the European Union and the reform of the treaties; and had to address the questions raised by the Laeken declaration.

Information on the number and types of organisations that were involved in the Forum were detailed on the website. In total 265 organisations were listed under four headings: Political or Public Authority (31); Socio-Economic (23); Academic and Think Tank (26); and Other, civil society, NGOs and schools of thought (186). However, some organisations were listed more than once either under alternative language versions of their name, under different headings, or as individual organisations as well as part of umbrella organisations to which they belonged. It is unclear, therefore, exactly how many organisations were actually involved. The contributions made were also displayed on the website under the different headings. A total of 55 documents were posted by 22 Political and Public Authority organisations; eighteen documents by fifteen Socio-economic organisations; sixteen documents by thirteen Academic and Think Tank organisations; and 390 documents by 140 'Other' organisations.

The extent to which these innovations were successful in terms of either bringing in perspectives from civil society or shaping outcomes is debatable. The civil society plenary session was criticised as being an exercise in 'Brussels talking to Brussels' on the grounds that the organisations involved were close allies with a history of working with the Commission (Milton & Keller- Noëllet 2005). The independence of the organisations involved and the extent to which the session heard the genuine voice of European society was called into question by one of the interviewees. Referring to statements made by the representative of the UK parliament (see Stuart 2004) after the conclusion of the Convention's work claimed:

> [They] argued that the whole thing was a stitch-up, it was like the Soviet Union…they [claimed to] have the representative for European Youth to speak and you got somebody from a Brussels-funded organisation like the Union of European Federalists, saying that "we demand that Europe moves forward blah, blah, blah"
> *Civil society organisation # 25, 22.04.05, London*

Similarly, the Youth Convention, about which Giscard d'Estaing had been so enthusiastic, was later dismissed by him as being populated by 'Eurocrats in short trousers' after it produced a range of largely bureaucratic and unimaginative proposals (Milton & Keller-Noëllet 2005:43).

A third attempt to broaden the Convention debates was through the involvement of a number (thirteen in total) of so-called 'formal observers'. Six of the thirteen represented the Economic and Social Committee and the 'social partners' (trades unions and employers associations); a further six represented the regions of the EU; and the final observer was the European Ombudsman. The observers were permitted to attend all the discussions of the Convention, and to make suggestions but the Convention members were not obliged to take their suggestions into consideration. The role of the observers had been laid out by the Laeken declaration but their precise role was left rather vague. The secretariat of the Convention reportedly found the observers of limited use in breaking with the past since they represented a rather traditional piece of the Brussels machinery, and attempted to use the Convention as another avenue down which to pursue their goals of enhancing their formal powers under the treaties (Union official #2, 20.03.06, London).

Fourthly, there was the introduction working groups in June 2002 during the second (analysis) phase of the Convention. These groups comprised members of the Convention which would discuss in detail certain issues that did not lend themselves to plenary discussion; and draw up proposals that would be incorporated into the draft treaty. Originally ten groups were convened, focussing on issues such as subsidiarity, economic governance, and legal personality. The focus on particular issues in smaller groups opened up an opportunity for organised interests to target the discussions they were most concerned about. After pressure from Convention members and representatives from within civil society,

an eleventh group on 'Social Europe' was created.

The establishment of working groups saw the discussions in the Convention move on from the rather abstract 'visions of Europe' that had characterised the listening phase towards dealing with more concrete issues and proposals. As this occurred, so too was there a change in the way some civil society organisations approached the Convention. The Director of one large umbrella organisation explained that the focus of his organisation's activities adapted to the particular phase of the Convention's work programme:

> As the Convention process became more elaborate and went on, the debates started to get more specific, it was no longer giving just general position papers, although some organisations did that throughout, most of the organisations who were more successful responded to what was happening in the Convention, and picked up a dialogue based upon the latest drafts that came out, and specific working groups that were set up.
>
> *Civil society organisation #21, 17.02.05, Brussels*

However there was also a feeling amongst other organisations that the move to the analysis phase of the Convention and the formation of working groups served to marginalise them from the more open plenary discussions. For the Union officials, there was a degree of surprise, verbalised by one in particular in an interview, that the anticipated mobilisation of civil society around the individual working groups

never really materialised (Union official #3 28.03.06, Brussels).

A fifth attempt to broaden the debate - related to the issue of the working groups - can be seen in the personal role of each of the praesidium members. A member of the praesidium was assigned to each of the working groups and as a means of linking the discussions back to the task of drafting a single document. In addition, the members of the praesidium – including the triumvirate of Giscard d'Estaing, Dehaene and Amato – represented a range of political backgrounds and approaches and drew upon these in getting support for the Convention across the political spectrum and within the member states. All thirteen members of the praesidium were, or had once been, national politicians, and as such were (in theory) aware of the importance of linking the Convention with what was happening inside the member states.

This leads on to a sixth and crucial attempt to broaden the Convention debates by exporting them to the national level. The national government and parliamentary representatives in the Convention were encouraged to stimulate debates on the issues covered by the Convention within their member states. National debates were however, extremely asymmetrically implemented. One of the Union officials that was interviewed observed that the national debates were:

> Highly successful in Slovenia, and highly successful in Ireland because
> of the coincidence with the Nice referenda; quite successful in
> Belgium because people are serious about the European Union and

were nervous about some of the directions Giscard wanted to go…they were serious in the second half of the Convention in Poland and Spain when they saw the way the debate was going on voting weights…how much public debate did we encourage in the UK or Germany or France? Zero.

Union official #2, 20.03.06, London

In summary, these six attempts to broaden the Convention debates have been interpreted as having varying levels of success. In the aftermath of the French and Dutch referenda the perceived failure to implement debates on the Convention at the national level was reignited. The referenda results should not undermine the Convention method or the process itself but they demonstrated that the Convention method could not single-handedly solve the legitimacy problems of the EU in the absence of a transnational, genuinely public discourse on EU politics and policies (Risse & Kleine 2007:70).

2.3.2   Case study II: The Futurum initiative

As we have seen, in their Declaration on the Future of the Union (annexed to the Treaty of Nice) the heads of state and government had called for 'a deeper and wider debate about the further development of the European Union'. A debate was formally opened in March 2001 by the Belgian and Swedish Heads of Government, alongside the Presidents of the Commission and the European

Parliament, with the launch of the Futurum website. During a ceremony which marked the official opening of the debate initiative, a joint statement outlined how 'The Declaration on the future of the Union should spark a wide-ranging public debate on matters of an institutional nature, which are meaningful only if viewed in the context of a coherent and sustainable model for an enlarged Union. What is therefore needed is a far-reaching public debate on our expectations of, and wishes for, Europe' (Persson et al 2001). The Futurum website was presented as such a space. The Futurum initiative is outlined here, drawing in part upon data from interviews with institutional and civil society actors, most notably the Head of Unit for Public Debate in the Secretariat-General of the Commission who was in charge of the day-to-day running of the website.

The Futurum initiative was, to all intents and purposes, a website (see Appendix I for a screen shot of the Futurum website). The idea behind Futurum was that it would accompany the debate on the future of the EU initiative by providing a place where any material relating to the debate called for in the Nice declaration – official documents, speeches, opinions and so on – could be found. As such it was intimately linked with the Convention process, and in fact the Convention Forum website was run by the Futurum team. Yet at the same time it was more than this. The Futurum website predated the Convention by several months, and remained open and active for several months after the Convention had concluded its business. Futurum was also broader than the Convention in both scope: it was not confined to the treaty reform process; and in terms of who could get involved: it was not confined to contributions from Convention members. In these respects it

made a concrete attempt to implement the commitments made at Nice to establish a 'deeper and wide debate' involving 'all the relevant stakeholders'.

Futurum described itself as an 'interinstitutional' initiative but the website was managed by the Public Debate Unit within the Secretariat-General of the Commission, and there is little evidence of involvement from the other institutions in the day-to-day operation of the site. By taking responsibility for Futurum the Commission developed a broader role than has tended to be the case in previous processes of treaty reform. Indeed, it was able to maximise its own role in the debate initiative through a skilful degree of entrepreneurship. The Declaration on the Future of the Union had indicated a commitment to moving away from a closed system of reforming the treaties and engaging the public only at the end of the process to one which was preceded by a debate involving all section of European society. The Commission it appears, saw a window of opportunity in the commitment to involve a greater number of actors in the debate but an absence of concrete suggestions for implementing such a strategy. Following the Nice meeting the Commission made a proposal to the Council presidency for activities that would enlarge the scope of the debate based on their experiences with the earlier 'Dialogue on Europe' initiative. This was subsequently taken up and became the Futurum website (Union official #1, 11.01.05, Brussels).

The characteristics of Futurum derive in large part from this earlier 'Dialogue on Europe' website. This initiative was a web-based resource which displayed information about the process of treaty reform and the 2000 IGC leading towards

the Treaty of Nice. Adopted on 15th February 2000, and was an attempt by the Prodi Commission to counter-balance the closed nature of the IGC. On the one hand, the aim of the initiative was to 'explain why the Union must adapt its institutions to make a success of enlargement' (Prodi et al 2000). The focus here was on raising awareness among the public on what the reform involved and what was at stake. On the other hand the initiative claimed to 'promote public debate with Europe's citizens'. However the purpose of this public participation in the debate was left unclear and no explanation was made of how this would be linked to the process of treaty reform.

The Dialogue on Europe, and the Futurum initiatives should be seen in the context of the long-standing commitment on the part of the institutions since Maastricht, to get closer citizens, but also demonstrate an emerging tendency to use web technologies as a means of addressing democracy and legitimacy issues (see Cammaerts 2006). The European Union has proved to be a fertile ground for so-called 'e-democracy' initiatives due to a combination of a perceived democratic deficit and a large geographically diverse population (Wright 2005). The Commission's 1997 report 'Building the European information society for us all' made a link between web technologies and addressing the democratic deficit (Commission 1997). Using the web, it argued, could help increase transparency and openness by providing opportunities for public participation in political decision-making and by informing people about EU decision-making. The conclusion was that web technologies could 'bring government closer to all people' (1997: 67).

The possibility of using the web to raise awareness and give the public opportunities to participate in discussions about EU issues continues to inform initiatives for bringing citizens and institutions closer together and also characterised Futurum. The objectives of Futurum vis-à-vis implementing the 'deeper and wider debate' called for at Nice, were three-fold: 'to renew and publish as many documents and links as possible about the process of drafting the Constitution; provide the information tools needed to understand it; and give civil society the means to make its voice heard in a real European public forum'.

The first of these, to publish documents and links relating to the process of drafting the Constitution was intended to ensure that *all* information generated by the debate, not only that produced by the Convention but also speeches, documents and websites that touched upon the general issues regarding the debate on the future of the EU could be readily accessed by ordinary citizens alongside those emerging from the Convention. In this sense the scope of the debate within the Futurum initiative was broader than that of the Convention. One of the intended implications of the collation of information relating to the broader debate was to encourage a transnational element to the debate by displaying information about initiatives that were occurring in each member state so that citizens from other member states could have access to these. In addition, making access to all the information surrounding the debate available to the public was seen as important in contributing to making the whole process of treaty reform more open and transparent than it had been in the past (Union official #1, 11.01.05, Brussels).

Alongside simply making information available to citizens, the objectives of Futurum spelt out the need to provide the information tools necessary for people to understand the various elements of the debate and the process of treaty reform. Futurum was not intended to be solely a source of information on the Convention or the process of treaty reform, but there was an acknowledgement that citizens would need to be informed in order to take part in the debate on the future of the EU (Union official #1, 11.01.05, Brussels). Furthermore there was a recognition on the part of the Commission that an element of education was a prerequisite of a successful debate. This relates back to one of the concerns raised in the 2001 governance white paper, that 'when things go wrong "Brussels" is too easily blamed by member states for difficult decisions that they themselves have agreed to or even requested' (Commission 2001a: 7). Nevertheless, there is a tension between whether this involves taking a more proactive approach to explaining the added value of the Union, or whether it amounts to 'selling' the benefits of the Union.

The third objective, to give civil society the means to make its voice heard in a real European public forum, was implemented through a variety of mechanisms: an online discussion forum for individual citizens; a section displaying contributions from organised civil society; and a series of 'partnerships' with a range of organisations and their own online debates on the future of the EU.

The online forum open to all citizens was called 'discussion corner' and claimed to

give European citizens complete freedom to express their views on, and discuss, the future of Europe. The editorial policy of the discussion outlined how contributions were not censured in any way but were subject to a list of basic rules of politeness and respect which if contravened would prevent a message from being displayed. In practice, the Futurum team claimed that very few messages were blocked in this way and when this did occur it tended to be because they were deemed irrelevant rather than inflammatory (Union official #1, 11.01.05, Brussels). From time to time, the citizens' discussions were supplemented with an input from political actors, most notably Romano Prodi, then the President of the Commission, either introducing a discussion or responding to certain issues. This gave the impression that citizens' discussions were being heard but ultimately, ongoing interaction between citizens and politicians was largely illusory. The discussion corner was, as the Official responsible for running Futurum explained 'a place where citizens talked between themselves, it was not meant to be a place where we ourselves would provide systematic reaction, answers to questions and so forth' (Union official #1, 11.01.05, Brussels). The democratic benefits of the discussion corner were to accrue to the individuals taking part in the discussions, rather than to enhance the debate itself as the content of these debates was not fed back into the Convention debates but instead were deliberately kept separate.

In contrast, the discussion involving civil society organisations was summarised for political authorities and fed back into the Convention discussions. Also contrasting with the discussion corner, the contributions from civil society organisations were organised 'offline' in the sense that contributions were

submitted by email to the moderator and then posted under particular headings relating to different themes of the debate. The idea behind this strategy was to make available to citizens the opinions of different sectors of organised civil society on the future of the EU, alongside the official Convention discussions. The civil society discussion subsequently provided the model for the Convention Forum which, as described above, was also managed by the Futurum team.

A third mechanism for giving civil society a mechanism for making its voice heard was through the opportunity for organisations to form a 'partnership' with Futurum. This involved having a page on the organisations' own website dedicated to the debate on the future of the EU, linked to the Futurum website, and having their own logo and URL displayed on the Futurum site. The idea behind these partnerships was to facilitate the exchange of information and links on the internet to allow wider access to the debate on the future of the EU. In order to qualify as a partner of Futurum, the partner organisations had to be non-commercial organisations or networks belonging to academic, socio-economic or political spheres, or from civil society more generally, and had activities in more than two member or candidate countries. There were in total 27 Futurum partners, for the most part organisations based in Brussels, but from a variety of functional backgrounds. trades unions confederations had partnership status alongside regional development agencies, think tanks and charitable foundations.

In sum, Futurum was intended to bring all the elements of the debate together and provide a common reference point for them. As one of the Union officials

involved explained:

> Futurum was to be the place where all initiatives related to the debate
> on the future of Europe could be traced. It was not meant to be the
> place where the debate takes place because there's no such place. The
> debate was to take place all over Europe, involving as the statement
> from the Heads of State and Government indicated, educational
> circles, academic circles, socio-economic organisations, political
> circles, citizens organisations, a very wide and very developed series
> of spontaneous initiatives throughout Europe
>
> *Union official #1, 11.01.05, Brussels*

2.4   Discussion: the Convention and Futurum, deliberation and debate

The EU political system has proved to be a particularly fertile ground for the ideas
of deliberative democracy. In part this is because theories of deliberative
democracy identify possibilities for strengthening democratic legitimacy outside
formal structures of representative democracy. As a consequence, in recent years it
has been possible to discern a 'deliberative turn' in EU studies – whereby theories
of deliberative democracy have been applied to the study of the EU. In reference

to the notion of debate found within the reform discourses of the EU institutions, the deliberative democracy literature helps us to develop an understanding of what is meant by the notion of 'debate', as this is not always clear in the accounts given by the institutions. The debate on the future of the EU was a pre-decisional process which aimed to produce a consensus on the future direction and characteristics of EU politics, and enshrine this in a constitutional document.

In the context of the post-Nice process, framing reform as a 'debate' offered greater opportunities for democratic linkage (than previous structures of intergovernmental bargaining which had restricted and closed membership) largely because of the need for multiple contributors to the debate (debate needs multiple participants and multiple contributions otherwise it is not a debate). By broadening out the debate to involve more than the 'usual suspects', civil society organisations were introduced into the debates, along with their potential to act as agents of linkage. Incorporating civil society as key contributors to the debate meant that a large number of perspectives included in EU civil society were brought in and, it was hoped, brought the debate closer to citizens because of the supposed links between civil society organisations and ordinary citizens.

The deliberative democracy literature also helps to explain the prominence of the notion of 'debate' in the reform discourses due to its account of legitimacy. Most deliberative theorists agree that the legitimacy of political decisions derive from their having been the subject of deliberation among free and equal participants. The idea that the EU, through discussion, might be able to identify a consensus on

its future direction is attractive given the national differences and large numbers involved and, to return to the initial issue, in the context of decision-making structures which have produced decisions widely seen as lacking legitimacy.

Framing the post-Nice process of treaty reform as a 'debate' on the EU's future was a self-conscious attempt on the part of the institutions to break with the past in the process of reforming the EU. It can be seen as an intentional move away from previous processes of treaty reform, most notably the December 2000 Nice European Council meeting which had been arduous and had produced a treaty which was widely seen as inadequate. Yet although the notion of debate was intended to convey the message that this would be an open and free debate, in practice there were several limitations. There were difficulties associated with implementing the ideas of debate into a process which would be free and open yet which would result in achievable treaty reforms. Notably there was a trade-off between increasing participation and maintaining effectiveness which mean that the debate was subject to restrictions in order for it to produce a workable outcome.

It was not always easy to identify what was part of the debate and what was not. According to the press releases of the institutions, the debate was formally launched in March 2001 with the inauguration of the Futurum website but this can be seen as a largely symbolic event. Similarly, and perhaps because of the outcomes of the French and Dutch referenda on the constitutional treaty it is difficult to identify when the debate ended, and indeed if it has ended, or was

intended to end. Risse & Kleine (2007) have expressed concerns that the outcomes of the referenda may mean that treaty reform returns to the earlier closed system and that the unfortunate and innocent victim here is the Convention method which had a large role in producing the Constitution. Although the Convention was a long way from being a truly public forum for debate on the EU's future it would be difficult to hold it accountable for the fate of the constitutional treaty. With 'Plan D for Democracy, Dialogue and Debate' and the communication strategy it seems likely that the notion of debate will continue to define reform discourses, but that actual treaty reform might return to being the domain of intergovernmental actors.

The debate on the future of the EU provides an interesting context for the study of democratic linkage because of the way in which the importance of having citizen participation in the debates was part of the discourse. Alongside the formal treaty reform process was a broader debate to which it was hoped ordinary citizens would contribute. The exact nature of the links between the broader debate and constitutional outcomes are at times unclear, raising issue of whether the process of debating is legitimate or legitimating itself, or whether for debate to have legitimating effects it needs to be reflected in outcomes. In other words, is it the process of debate or the outcome of debate (or both) which confers legitimacy?

The Convention on the Future of the EU incorporated a range of measures which were intended to broaden the debates taking place inside the Convention, and thereby make the process of drafting treaty reform closer to citizens and, as a

consequence, more legitimate. Although it could not really be described as an ideal deliberative forum it arguably went further in broadening the discussions about the EU's future than any previous treaty reform process had done. Nevertheless, both institutional and civil society actors identified limitations with the Convention method.

The news that a 'Forum' for civil society would be part of the Convention (as outlined in the Laeken declaration) caused excitement among civil society organisations, expressed by several of those interviewed for this research. Yet there was palpable disappointment that the Forum turned out to be nothing much more than a website. That civil society expectations had been raised so high suggest further evidence for a gap between the rhetoric of the debate and the reality of the situation as it was implemented on the ground. The implementation of the Forum as a rather underwhelming online resource was in part due to the fact that Belgian civil servants had drafted the Laeken declaration (during the 2001 Belgian Presidency of the Council) but they didn't actually have to implement it. The secretariat of the Convention had the responsibility of implementing this, without any further concrete indication of what the Forum actually ought to be. In the end, the Commission presented a solution to the secretariat, along the lines of the Futurum/Dialogue on Europe model, which the secretariat-general made a rational decision to take up in order to avoid spending time and effort on this difficult task.

Tellingly, two of the Union officials that were interviewed admitted that some of

the several measures that were taken to broaden the Convention debates were done so for the primary reason of 'keeping people happy'. The secretariat of the Convention was charged with the task of implementing both the spirit of the Laeken declaration (which made much of the need to broaden the debate) and the need for an efficient debate: in the end this resulted in a trade-off between participation and effectiveness. The implications of this depend on whether the process or the outcome is viewed as most important. It seems that the institutions, particularly the Commission tried to make the case that having a debate – in other words the process – was important, but the nevertheless, most of the civil society actors were more concerned with influencing the Convention members (and thereby the constitutional treaty) than taking part in a debate.

Futurum also sought to implement the spirit of the debate through a website. Yet at times Futurum appeared to be a solution without a problem: it lacked focus; it had multiple, and sometimes not complementary roles; and even the participants were unsure what the point of it was. Furthermore, the extent to which democratic and legitimacy deficits could be overcome through web technologies was, perhaps unsurprisingly, limited. As one organisation explained:

> Whilst everybody has access to the internet I would still say this was a
> forum for experts and not for the ordinary citizens. Therefore I think
> that other means are very important as well like media campaigns or
> public events in the cities and the countryside – I think the
> Commission has realised that it needs to apply other measures than a

website

Civil society organization #6, 11.01.05, Brussels

The objective of the 'discussion corner' was to give citizens the opportunity to engage in debates with other citizens possibly from other member states. Of course, there may be democratic benefits accruing to the individuals involved but the discussion can not be said to have made the debate more democratic because the outcomes of these discussions were not fed back in to the Convention debates. The Commission's 'communication on certain arrangements for the debate on the future of the EU' (2001b) stated that it was separate from the Convention's discussions, for 'obvious reasons of democratic legitimacy', presumably to avoid a potential distortion of the debate by unelected, self-selected participants. But the distinction may also be misleading given the rhetoric on giving the public the opportunity to 'have its voice heard' – again this emphasises the different concerns of process and outcome. According to Wright (2005) the discussion corner in particular and by implication Futurum as a whole, was an exercise in post-hoc legitimation rather than democratisation: an attempt to give credibility to an unrelated process but which in fact served to undermine the legitimacy of the process because it amounted to nothing more than 'tokensim'.

One of the defining features of the Convention and Futurum was the attempts made in each to carve out a role for civil society organisations. The following chapter takes a closer look at the notion of civil society and its relationship with democratic legitimacy.

Chapter 3

Civil society, democratic linkage and legitimate governance in the European Union

3.1   Introduction

In recent years, the notion that civil society can help enhance the democratic legitimacy of EU governance has become widespread in both political and academic discourses. In the debate on the future of the EU initiative and more recently, in the Commission's communication strategy, the role of civil society has been discussed in relation to 'bringing the citizens and institutions closer together'. These discourses draw upon well established ideas in democratic theory of civil society as an 'intermediary' between the state and the citizens[18]. Civil society, it is

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[18] Kumar (1993:376-377) documents the transition in the history of the concept of civil society throughout the eighteenth century from being practically synonymous with 'political society' to a

claimed, facilitates linkage between the governed and the governing, thus strengthening the democratic relationship. This 'closer proximity' (metaphorically speaking) can in turn help mitigate the legitimacy crisis from which the EU is said to suffer, and in particular strengthen the input legitimacy of the EU.

The assumption that civil society can offer a solution to various problems of democracy and legitimacy is not confined to analyses of the EU political system. A turn towards civil society can be seen in a global context across a range of international, national and local contexts. Indeed, civil society has been described as 'the "chicken soup" of social sciences' (Post & Rosenblum 2002: 23), a cure-all for a range of democratic ills. As a consequence however, identifying meaningful and concise definitions of what civil society is and what it does can be problematic. 'Civil society' is a contested concept and as such no consensus operates over its meaning. The notion of civil society continues to spark discussion and disagreement amongst political theorists (see for example the contributions in Chambers & Kymlicka 2002) as it has done since at least the late seventeenth century (Hendricks 2006). These definitional issues are more than problems of semantics because the way civil society is conceptualised has implications for the way in which, and the extent to which it can play a legitimising role vis-à-vis EU governance.

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sphere of society distinct from the state, identifying Locke, Paine, Ferguson and Smith as the key contributors to this distinction.

In the EU context, it is possible to infer the meaning and role of civil society as perceived in the rhetoric of the institutions by looking at the ways in which the term has been used. Definitions of the term 'civil society', when given, tend to be framed in terms of the organisations involved. For example the Commission's 2001 governance white paper specifies that 'civil society includes the following: trade unions and employers' organisations ("social partners"); non-governmental organisations; professional organisations; charities; grass-roots organisations; organisations which involve citizens in local and municipal life with a particular contribution from churches and religious communities' (European Commission 2001a: 14). In other words the institutions conceptualise civil society descriptively, in terms of the organisations that comprise it. This highlights a continuity between these so-called 'civil society organisations' and what had previously been referred to as 'interest groups'.

There is a tradition of associational activity in the EU in the form of interest representation. Indeed, it has been argued that one of the defining features of the EU political system has been the empowerment of societal groups and non-governmental organisations (NGOs) (Wallace & Young 1997, Wallace 2001b) from within civil society. However, the findings of some of this research challenge the assumption that the involvement of civil society in decision-making processes contributes to legitimate governance. In particular whilst there seems to be evidence of the contribution made by these organisations to what Scharpf (1999) terms 'output' legitimacy, it appears that 'input' legitimacy may not similarly benefit and may even be harmed by the involvement of these organisations in EU

decision-making processes, primarily because the organisations themselves have been wholly or largely concerned with outputs (Greenwood 2007a). Furthermore, since the descriptive definition of civil society (i.e. what civil society *is*) offered by the institutions is rarely accompanied by a functional definition (i.e. what it *does*), it is unclear what the role of civil society, as perceived by the institutions, ought to be.

Evidently, there are many questions concerning the contribution of civil society to legitimate EU governance, and a need for greater conceptual clarity on the issue. Accordingly this chapter asks the questions: what is civil society (in the context of the reform rhetoric of the EU institutions) and how can it help enhance legitimate governance in the European Union? I start by reflecting on the concept of civil society in democratic theory, addressing the questions of what civil society is and what role it plays in democratic societies. This helps me to develop of an understanding of the concept and why it has been linked to strengthening legitimate governance in the EU.

In the second part of the chapter I turn the attention towards civil society in the EU. The study of civil society in the EU has expanded greatly in recent years, alongside a discourse on legitimate governance (Armstrong 2002, de Schutter, 2002, Smismans 2003, 2004, 2006; Curtin 2003; see also Greenwood 2007a) but I argue that it should be seen as the continuation of an older literature on associational activity in the EU. I then introduce the organisations that were

interviewed, the data from which provides the basis for my analysis in chapter 4-6 before discussing the issues that arise from this.

3.2   Civil society in democratic theory

Several authors have observed a 'renaissance' of the concept of civil society throughout the 1980s and early 1990s (Keane 1988: 1, Cohen & Arato 1992:29, Diamond 1996, Young 2000:154). However, there are multiple understandings and even misunderstandings of the concept of civil society making it important to ask the questions 'what is civil society?', and furthermore, 'how does it contribute to legitimate governance?'. It quickly becomes clear that this is not a straightforward task. Political theorists have been discussing the concept of civil society for hundreds of years; thousands according to Cohen & Arato who claim Aristotle was the first to identify the concept, using the term *politike koinonia* – political society or community (1992: 84). However, other theorists trace the origin of the modern concept of civil society to the eighteenth century (Keane 1988:1), with empirical origins in de Tocqueville's study of 'associational life' in democracy and spiritual origins in Rousseau's 'romanticisation of "the people" as a force for collective good' (Diamond 1996). Pinning down a definition of the concept that would apply to its various usages across time and issue areas therefore is difficult, let alone operationalising it in order to investigate it empirically. However, it is possible to

achieve some clarity by considering separately what civil society is, and what is does or in other words its role in democratic societies and contribution to legitimate governance.

Walzer characterises civil society as the 'source of uncoerced human association and also the set of relational networks – formed for the sake of family, faith, interest, and ideology – that fill their space' (1995: 7). However, as noted by Iris Marion Young, this definition is extremely broad and includes a great deal of what could be described more generally as 'social' (2000: 157). Consequently, though it may be all-embracing, it is rather vague. Rather than attempting to construct a sentence definition, Young argued that the idea of civil society required distinguishing and articulating terms describing social life. She combined a spatial definition of civil society with a process-oriented element so that civil society is conceptualised as a space or an arena in which activities of self-organisation occur across a range of associations and networks (2000: 160). These three elements: arena; activities; and associations can all be examined further in developing a picture of what civil society is.

Most civil society theorists would agree that as an arena, civil society lies outside of the state. As such, it is an arena of voluntary association meaning that it is neither mandated nor controlled by the state (Young 2000: 158). Some theorists have gone further, and emphasised the importance of distinguishing civil society not only from the state but also the economy (Cohen & Arato 1992, Habermas 1996, Walzer 1995), making civil society a 'Third Sector' (Young 2000: 158). In a

similar vein, Gramsci's definition differentiated civil society from the economy and the state, distinguishing between the 'civil' and 'political' societies. However, excluding the economy from civil society poses questions about the status of organisations such as trade unions, professional associations and so on. Identifying the 'location' or arena of civil society is important because it has implications for the role it plays vis-à-vis the state and citizens, and therefore the contribution it makes to legitimate governance.

Within the arena of civil society the activities that take place are characterised by self-organisation, and therefore fundamentally bottom-up. Cohen and Arato (1992) draw upon the distinction between state, economy and civil society in their elaboration of the activities in question. Drawing upon Habermas' concept of the 'lifeworld' outlined in 'The Theory of Communicative Action Volume I' as distinct from systems of the state and of the economy, Cohen and Arato argue that a defining feature of civil society is that the networks or associations that comprise it require communicative interaction for their reproduction (1992: 429). This is in contrast to the state and the economy which function primarily through systems of authorised power and finance respectively. As Young explains, 'in the associations of civil society people co-ordinate their actions by discussing and working things out, rather than by checking process or looking up the rules' (2000:159).

The issue of agency – or the associations involved – is bound up with the arena and activities of civil society. Many civil society theorists refer to the various associations and networks that comprise civil society. These associations, as we

have seen from an elaboration of arena and activities, are voluntary, arising not from state coercion but from 'the everyday lives and activities of communities of interest' (Young 2000: 158). A range of descriptive terms are employed to refer to the kinds of associations and networks involved from those which are highly organised such as interest groups, to looser formations such as social movements or issue networks. Civil society theorists have tended to avoid defining civil society in terms of these pre-existing concepts (Hendricks 2006: 488) but there is a degree of conceptual overlap.

Moving on from characterising civil society – in other words describing what it is – authors have addressed the role of civil society in a democracy – in other words what it does. Foley & Edwards (1996) describe the various roles civil society has been allocated in democratic societies. There are, they argue, two broad usages of the term 'civil society' in these contemporary debates which refer to two 'roles' that civil society plays vis-à-vis the state and society. On the one hand civil society is presented as spheres of communal and associational life, which are essential for a healthy functioning democracy, and in opposition to liberal individualism (what they term 'Civil Society I'). On the other hand civil society is viewed as a source of state opposition, a contention arising out of the literature referring directly to the anti-communist movements in Eastern and Central Europe, referring to the work of Seligman (2002), (and termed 'Civil Society II').

The first argument on the role of civil society in a democracy sees civil society as a sphere of voluntary action within which associations perform important

functions, most notably the socialisation of individuals to develop the skills and attitudes of democratic citizenship. Robert Putnam's empirical analyses of Italy (1993) and the United States (2000) are important contributions to this argument. This strand of thought owes a heavy debt to the ideas of de Tocqueville, namely his study of 'Democracy in America' (1865) in which he asserts that a strong and sustainable democracy is dependent on a robust associational life (de Tocqueville didn't actually use the term 'civil society' - instead he referred to 'associations'). According to Putnam 'de Tocqueville was right: democracy is strengthened, not weakened when it faces a vigorous civil society' (Putnam 1993: 182).

A second and related perspective argues that the role of civil society is to act as a counterweight to state power. This argument gained popularity in the 1990s owing to the emergence of anti-communist movements in central and eastern European states and these states' subsequent democratic transitions. Reflecting on these events, Diamond quotes Huntington in arguing that 'the first and most basic democratic function of civil society is to provide "the basis for the limitation of state power, hence for the control of the state by society, and hence for democratic political institutions as the most effective means of exercising that control"' (Diamond 1996: 230). Acknowledgment is made of the spiritual debt owed to Rousseau's ideas of the people as a force for collective good, rising up to assert the democratic will against an evil autocracy (1996: 227).

By distinguishing between these two broad arguments on the relationship between civil society and democratic governance Foley & Edwards (1996) identify a

paradox. The first argument invests with significance the notion that association has positive effects for democratic governance, whilst the second argument emphasises the importance of civil association as a counterweight to the state. The two different arguments, as a consequence have differing implications for legitimate EU governance. Foley & Edwards argue that a way around this paradox and towards a more nuanced understanding of civil society and its potentially legitimising effects might derive from empirical inquiry. One suggested avenue for further explanation is to attempt to go beyond sweeping terms (as discussed above, even the term 'civil society' can be too broad to be useful) which are unlikely to capture the diversity of associational life and the democratic benefits they might bring. Bearing this in mind the next part of the chapter turns the empirical attention towards understandings of civil society in the European Union.

3.3   Civil society in the European Union

Some of these ideas on the nature and role of civil society vis-à-vis democratic and legitimate governance can be detected in the institutional rhetoric surrounding the debate on the future of the EU. The identification of civil society as a component of legitimate governance has been a relatively recent phenomenon in the EU. According to Smismans (2006: 4), the term 'civil society' first appeared in the rhetoric of the EU institutions in the mid-1990s. The Economic and Social

Committee first developed a discourse on the legitimising potential of civil society in processes of governance in its paper on 'The role and contribution of civil society organisations in the building of Europe' (see Economic and Social Committee 1999). As the component of the Union's institutional architecture representing interest groups, Smismans (2003: 481-484) argues that the Committee saw an opportunity to enhance its own role, presented by the widespread perception that the Union needed to enhance its democratic credentials. The definition of civil society developed by the Committee and the discourse linking civil society to legitimate governance was subsequently adopted by the Commission and went on to inform the 2001 governance white paper.

We can observe a transition from discussing associational activity in the EU in terms of 'interest groups' to a discussion of 'civil society organisations' alongside an increasing fixation with making the EU more democratic and its institutions more legitimate (Armstrong 2002). But this switch from interest representation to civil society is not as smooth in practice as implied by the rhetoric of the institutions. The interest representation literature contains several examples of associational activity weakening, rather than enhancing legitimate governance which poses a challenge to the discourses of the institutions that link civil society and legitimate governance, and the ideas from democratic theory outlined above.

The Commission's 2001 governance white paper is supportive of civil society involvement in EU decision-making on the grounds that it facilitates wider participation, defined as a key principle of good governance. Yet this obscures

inequalities of access that characterise processes of interest representation. Grant's (1978) work on 'insider groups' and 'outsider groups' helps to explain inequalities of access between different organisations operating in the EU. Insider groups, according to Grant, are regarded as legitimate by government and consulted on a regular basis whereas outsider groups are either unable to gain recognition or else do not wish to become involved in a consultative relationship with officials or state representatives (Grant 1989: 14-15). In the EU decision-making process, organisations must command certain resources to stand a chance of gaining insider status vis-à-vis the EU institutions, including information and expertise, economic muscle, status, control over implementation, the ability to influence members, and the ability to help the overloaded Commission (Greenwood 1997: 18-20). It has been argued that Brussels is very much 'an insider's town' and those organisations without a presence there are likely to find themselves at a disadvantage in relation to those that do (Greenwood 2003b:55). This is reminiscent of Olson's (1965) famous critique of pluralist accounts on the grounds that they could not explain why not all interests organised into groups, not all groups gained access to the political process, and not all preferences were reflected in policy outcomes.

Closely related to the suggestion that the activity of civil society organisations in the policy-making process entails wider participation, is the idea that it can help bring grass-roots organisations into the political process. As Truman (1962) argued, organisations within civil society can perform the vital role of informing policy-makers of the preferences of individuals in society because they are close to these grass-roots interests. Indeed, one of the fundamental assumptions of the idea

that civil society organisations can help bring citizens and EU institutions closer together is that the organisations are close to both sides. However in the EU, the Commission has tended to favour dialogue with European-level groups rather than national groups which over time has led to the development of Europe-wide organisations, the best known including UNICE (Union of Industrial and Employers' Confederations of Europe), ETUC (European Trade Union Confederation), EEB (European Environmental Bureau). These organisations can be highly effective but the leaders rarely engage directly with members or supporters (Warleigh 2001:635, Sudbery 2003: 89) let alone ordinary citizens. Furthermore, as Greenwood (2003b: 53) points out, it is extremely rare for these organisations to admit individuals as members. For these various reasons, civil society organisations operating at the EU level tend to be rather remote from the grass roots members whose interests they are supposed to represent. Rather than an arena for grass-roots involvement therefore, interest representation in the EU is largely dominated by distant supranational-level federations.

A further means by which civil society organisations are seen to strengthen the Union's democratic credentials is by increasing transparency and openness within the policy-making process. Enhancing the transparency of the EU political system has been an important component of the attempts to bring institutions and citizens closer together. This 'transparency programme' it is argued, aims to increase public support for European integration, institutions and policies by opening them up and providing information about them for citizens (Heritier 1999). Civil society organisations could contribute to the transparency of the policy-making process,

and in doing so undermine the picture of EU policy as developed 'behind closed doors', by representing interests that are inherent in society and bringing these into the policy-making process. However, a rather different interpretation of this activity has emerged in which it 'is characterised by the multitude of heterogeneous actors, who have divergent policy styles and lobbying practices, are linked only loosely in overlapping networks, engage in shifting coalitions, and move within and across the different levels of the EC system' (Kohler-Koch 1997:51). Rather than enhance transparency it is suggested that these features contribute to the overall complexity of the EU system.

Pluralist accounts of associational activities in democratic systems are based upon the assumption of a separation between the state and civil society. The literature on the role of civil society in a democracy which arose out of the democratic transitions in central and eastern Europe for example views civil society as a free associative space independent from the state and protecting against the undue concentration of political power, providing a counterweight to power and assisting in the dispersal of this power. The extent to which civil society organisations operating within the EU system can be said to be entirely independent of the state, however, is debatable. Many of the organisations operating at the EU level, particularly NGOs, rely in part on funding from the Commission, often for large proportions of their overall budgets (The Economist 2004). There is a high degree of institutionalisation between the organisations that are regularly consulted, and the EU institutions that consult them. In the past these relationships have been largely informal, though the constitutional treaty made an attempt to formally

incorporate these structures into the constitutional order of the EU in Article 47 on participatory democracy. Some commentators have argued that certain organisations are enmeshed in complex relationships of dependency with the Commission, making it difficult to see where the institution stops and civil society starts (see Greenwood 2003b: 54). Furthermore, the intensity of the institutionalisation and dependence has led to the suggestion that the system of interest representation can be characterised as 'an imperfect oligopolistic competition, one which creates a kind of new political class and merges EU and national actors in a political process that is increasingly distant from the ordinary citizen' (Wessels 1997: 38). Rather than help bring citizens closer to the institutions, in this view the involvement of civil society organisations serves to exacerbate the distance between them.

Evidently, the notion that civil society involvement enhances legitimate governance is challenged by the findings of research on associations in the EU. It appears that civil society can actually undermine rather than strengthen legitimate governance. This might suggest a pessimistic conclusion with regards the extent to which organisations involved in the debate on the future of the EU can engender democratic linkage between citizens and EU institutions. However, a degree of caution may be necessary prior to drawing this conclusion. Much of the research on the activities of civil society organisations in the EU has been conducted through the framework of interest representation. As such, the research agenda is based upon certain epistemological assumptions which may not necessarily be suited to an analysis of civil society organisations as agents of democratic linkage.

Specifically, the focus of the research is on elite-level relationships between organisations and officials within the EU's institutional framework; the EC policy-making process; and policy outcomes, or 'system outputs'.

According to Greenwood, 'one of the most striking features of the system of interest representation is its elite nature' (2003b: 53). His research found that organisations operating at the EU level often claimed to represent interests or groups found more widely in civil society but the dialogue between civil society and EU political institutions was narrow, involving a small number of actors. The suggestion that Brussels is an 'insider's town', and the observation that policy is made in closed communities comprising institutional actors and certain stakeholders or 'usual suspects' contributes to a picture of a process that is elite-dominated. But the epistemological focus of studies of interest representation is on the interaction between policy-making elites and (usually Brussels-based) organisations, which makes the conclusion that the activity is elitist less surprising. It also poses questions about whether these findings are relevant to the analysis of their contribution to the Union's democratic life or specifically linkage between citizens and EU institutions. The notion of democratic linkage suggests that interactions occur in two different directions – 'up' to the elite institutional actors, and 'down' to the citizens. But research on processes of interest representation has tended to focus only on the interactions between organisations and elite decision-makers rather than the links or interactions between organisations and citizens in member states.

In addition to a focus on elite-level interactions, research on interest representation in the EU is located within the policy-making process, the objective being to understand how organisations attempt to exert influence and the degree to which they are successful in doing so. Analysis of policy-making in the EU has relied on 'stages' models of the policy process, heuristic devices that conceptualise the process as comprising a series of self-contained, successive stages (see John 1998). This has encouraged the development of a research agenda concerned with taking policy outcomes as evidence of successful activity at an earlier stage of the process. The objective of this research has tended to be the ways in which interest groups contribute to the development of more effective policy which will be implementable and acceptable to those on which it will be imposed rather than the 'inputs' they bring to the process in their representation of interests that occur in broader civil society. Furthermore, the policy-making process is not constitutive of the EU system as a whole. In developing an analytical model from which to view the entire EU system, Wallace has identified 'territorial' and 'affective' dimensions which co-exist alongside the 'functional' or policy-making dimension of the EU (Wallace 2001a: 1-22). In addition, since the process of policy-making is technical, complex, sector specific, and appears generally 'distant' from ordinary citizens, processes of interest representation in which civil society organisations are engaged are probably not the most appropriate aspect of their activities when investigating the extent to which they connect with citizens and improve the democratic life of the Union.

This focus on the policy-making process points to and indeed contributes to the prioritisation of outputs, as opposed to inputs, as observable evidence upon which to base conclusions. Measuring the relative influence these organisations may have in the policy-making process, which is the primary objective of the interest representation literature, has led to a focus on policy outcomes. Although it is extremely important to know which actors are influential and which interests are reflected in policy outcomes, it is arguably equally important to understand the basis upon which such outcomes stand, i.e. the inputs. Although the interest representation literature can enlighten with regards to the former, it says less about the latter and is therefore less able to demonstrate the contribution of organisations to democratic linkage.

To date, much of the research on interest groups and civil society organisations in the EU has focused on elite-level interactions between organisations and officials, the EU's functional dimension and the policy outcomes produced rather than inputs. Their outlook on how these organisations strengthen the democratic legitimacy of the Union is rather pessimistic and suggests that civil society may undermine as opposed to strengthen democratic legitimacy. However, these findings should be seen in the context of their epistemology which directs empirical attention towards outputs, elite-level interactions and the policy-making process – not inputs, 'downward-facing' interactions or arenas outside the policy-making process. They pose an interesting and important challenge to the notion (found within democratic theory and the rhetoric of the institutions) that civil society strengthens legitimate governance. But they do not engage fully with the

question of whether and to what extent organised civil society facilitates democratic linkage. Rather, the gaps in the interest representation literature strengthens the need for an empirical investigation of organised civil society in which the contribution to legitimate governance is the motivating question.

3.4   Organised civil society and the debate on the future of the EU

The aim of my empirical investigation is to understand and explain the extent to which organised civil society can promote democratic linkage in the context of the debate on the future of the EU. This involves turning the attention towards the organisations themselves, and investigating their respective capacities and willingness to perform the roles suggested by the institutional rhetoric on the debate and outlined by democratic theory.

The notion of democratic linkage implies that organisations maintain interactions in two directions: 'upwards' towards elite decision-makers, in this case the EU institutions; and 'downwards' towards citizens, in this case in the member states. Empirical research into the activities of what are now referred to as civil society organisations has tended to address only the former – the upward-facing interactions. However, to effectively understand their role in facilitating linkage it is also essential to consider their downward-facing interactions. This is a departure

from the previous research on interest representation which has tended to focus on the elite-level, or upward-facing interactions.

Addressing the 'downwards' facing interactions of civil society organisations could also provide an insight into the role of citizens in EU politics more generally. As was outlined in Chapter 1, EU institutional actors increasingly find it in their interest to appeal to and influence citizens. So far, research on the interactions between civil society organisations and citizens in the EU has been limited but there is an emerging literature based on empirical research conducted outside the EU context (primarily from the US) on the so-called 'outside lobbying' activities of groups. Outside lobbying is defined as 'attempts by interest group leaders to mobilise citizens outside the policy-making community' (Kollman 1998:1), for example by publicising policy positions or organising letter-writing campaigns or online petitions. The focus of investigation in this literature is the interactions between groups and publics as opposed to groups and political actors. In his study of outside lobbying activities undertaken by groups based in Washington DC, Kollman (1998) questions why groups use outside lobbying (as opposed to traditional 'inside' lobbying of political actors), when it works, and who benefits from it. In the context of a reform agenda where appealing to the public is a priority, this line of empirical inquiry displays significant potential in the study of groups in the EU.

Kollman's study is based on the observation that 'lobbying…is not just a game played by well-paid lawyers, ideological activists and legislators' (1998:1). Rather,

as in other aspects of political life, the outside public is increasingly involved. Kollman suggests that outside lobbying, achieves two tasks simultaneously. Firstly, it can communicate public opinion preference to policy-makers by mobilising citizens, demonstrating that the people the group represents really do care about a particular issue. This role is referred to as 'signalling' (1998:8) as the group signals its popular support to the policy-makers. In addition to this largely elite-level role, outside lobbying performs a second role of influencing public opinion by changing how citizens consider and respond to policy issues. Kollman refers to this role as 'conflict expansion' (1998:8) as it involves groups attempting to get citizens involved on their side. In terms of both of these roles, outside lobbying is related to the political salience (or the relative importance people attach to political issues) of issues in a way that public opinion polls are unable to do. Individuals are mobilised by issues they find the most salient, and interest groups have the potential to increase the salience of these issues to citizens.

The dual purposes of outside lobbying make it a particularly relevant topic for investigation in the context of the EU political system. As the previous section argued, group activity in the EU has often been presented and analysed as an elite-level activity. However, the concept of outside lobbying emphasises a public dimension of group activity. Although signalling to policy-makers that the groups' preferences are also salient for individuals in society is central, groups use outside lobbying to influence individuals as much as to demonstrate popular support to policy-makers. Kollman's research found that many group leaders believed that

their outside lobbying activities would have lasting effects on the way members of the public perceive and evaluate policy issues.

Kollman's research objective – to explore why and when interest group leaders turn towards the public – could be applied to the study of civil society organisations in the EU, and would go some way towards addressing the imbalance within the literature on EU level group activity. However, my research objectives are slightly broader than Kollman's, as ultimately, his research investigates mobilising the public as a strategy used by interest groups in order to influence policy decisions in the US Congress, and therefore is focused on outputs. In contrast, I acknowledge that influencing decisions is an objective of EU civil society organisations, but I do not make the assumption that it is the only objective of their involvement in the Convention and Futurum.

The Convention and the Futurum initiative lend themselves well to an investigation of the role of civil society within the debate on the future of the EU. In both cases there were several measures were taken to ensure the involvement of civil society organisations. The Laeken declaration called for a 'Forum' for civil society to be established alongside the Convention in order to broaden the debate beyond the official members of the Convention. This Forum took the form of a website where organisations could find information on the debates taking place, and where they could post contributions outlining their opinions on the discussions for Convention members to see. In addition, in one of the plenary sessions during the 'listening' phase of the Convention's work speakers from a range of

organisations had the opportunity to address the Convention members directly with the concerns of their sector. Futurum was another web-based initiative but unlike the Convention Forum it sought to broaden the debate beyond civil society organisations and beyond the discussions of the Convention. Like the Forum it invited civil society organisations to post documents outlining their thoughts on the draft Constitution, and the future of the EU more generally. However it also hosted an online discussion board (the 'discussion corner') to which individuals could post their comments and opinions on issues relating to the EU's future defined broadly. Finally, it encouraged civil society organisations to develop a 'partnership' by linking their own websites and online debate pages with Futurum.

To investigate the role of civil society organisations within the framework of the three mechanisms of linkage – participation, representation and communication – I draw upon data from interviews with 25 organisations that were involved in the Convention and/or Futurum. Using the information on the Convention Forum and Futurum websites I investigated the range of organisations that were involved. I was particularly interested to note that, on their websites, many of the organisations adopted similar rhetoric to that of the institutions, declaring their commitment to debating the EU's future. I sent letters and follow-up emails to 46 organisations explaining my research and the reasons for my interest in their organisation.

Of the 46 organisations approached, 31 responded and I was finally able to arrange interviews with 25 between January and April 2005. Eighteen of the organisations

were based in Brussels. Four were based in Paris and a further one based in France outside Paris. The remaining two organisations were based in London. Interviews were conducted with individuals occupying a range of positions within their respective organisation, Director, Secretary-General, Research Director, and Campaign Manager for example, and in five of the interviews there was more than one interviewee.

All of the organisations that took part in the interviews were happy to be associated with the research but some did not want their comments attributed to them personally. To avoid different systems of attributing comments, in the text, all of the comments are anonymised, but with indications given, where relevant, of the type of organisation the individual worked for. A list of all of the organisations, along with a brief description, can be found in Appendix II.

The EU institutions adopted a broad definition of civil society (in terms of the organisations involved) and both the Convention Forum and the Futurum websites employed categories to distinguish between the different types of organisations involved. These were: Political or public authority; Socio-economic; Academic and think-tank; and 'Other, civil society, NGOs and schools of thought'. This categorisation, particularly the inclusion of 'political or public authority' and 'socio-economic' organisations, was the source of controversy among some of the organisations interviewed. In particular the regional organisations (which came under the heading of 'Political or public authority') that were interviewed did not

always view themselves as 'civil society' organisations, and the trade unions viewed themselves as a special part of civil society.

The emphasis in the interviews was on encouraging the interviewees to discuss in their own words the involvement of their organisation in the two initiatives, aiming to 'gather descriptions of the life-world of the interviewee with respect to interpretation of the meaning of the described phenomena' (Kvale 1983: 174). The benefit of this was that it allowed me to develop an understanding of the experiences of the organisations as the primary agents of linkage, in their own words, rather than reported by the institutions. As such, I treat the interview data as a 'resource' (Seale 1998). The implication of this was that I had to make 'realist' (King 2003: 14) assumptions that their accounts would provide an insight into their actual experience of involvement in the Convention and Futurum, a strategy that has been criticised by social constructionist traditions (Rapley 2004) which claim that the interview data should not be seen as an insight into the interviewee's experience but instead as a construction of a perspective.

As is the custom for qualitative research interviews (King 2003: 15) I had no fixed list of questions to be asked word-for-word in the same order. Instead, the interview schedule was organised around four topics which I guided the interviewees around, and which I had informed them of in advance of the interview. These topics were the Convention and/or Futurum; the role of organised civil society in 'bringing citizens and institutions closer together'; debate as a feature of decision-making in the EU; and the role of citizens in the EU.

I did not directly ask interviewees whether they engaged in participation, representation or communication activities because of the potential for there being multiple possible interpretations of the concepts, with the prospect of one organisation describing their activities in terms of participation and another describing similar or the same activities as communication. Instead, I use the concepts of participation, representation and communication to describe the kind of activities that were reported. Sometimes the same activity can be described by more than one concept but this intentional because it provides us with more explanations of linkage.

3.5 Discussion: civil society in the EU – theory and practice

In recent years the idea of civil society has become increasingly prominent in the reform discourses of the European Union, and in particular has been linked closely with the need to enhance the democratic credentials of EU governance and bring citizens and EU institutions closer together. This can be seen as part of a broader global trend to turn towards civil society in searching for solutions to a range of problems experienced by contemporary democratic political systems. The beneficial effects of civil society are well-established in democratic theory which tends to either identify civil society as a counterweight to the state and protection

against the concentration of power or else focus on the role of civil society in socialising democratic behaviour through association. The EU's reform discourses have tended to focus upon the latter role to a greater degree than the former.

Yet identifying the exact contribution of civil society to democratically legitimate governance in the EU depends on defining what is meant by the term 'civil society'. The notion of civil society can be defined along several different dimensions which results in multiple interpretations of what civil society is and what it does, leading to some confusion. Iris Young's approach to understanding civil society was to avoid the 'one-sentence' definition approach and instead to consider the arena, activities and associations in question (2000: 157). She conceptualised civil society as a space or an arena lying outside of the state and neither controlled nor mandated by the state; in which fundamentally bottom-up activities of self-organisation occur; across a range of associations and networks arising from the everyday lives and interests of individuals.

However, a preliminary review of the nature of civil society in the EU reveals that there are incongruities between this and the ideal of civil society as outlined by democratic theory. Armstrong (2002) argues that there are significant limitations in the idea of European civil society as conceptualised by the discourses of EU institutions, which can be particularly identified in the governance white paper. He claims that the notion of civil society elaborated by the white paper and surrounding discussions is 'unduly narrow' thereby confounding the expectation that civil society will contribute to open, participatory democracy; and moreover,

that the transnational, institutionalised civil society is likely to succumb to the same legitimacy problems as the institutions themselves. Many civil society organisations operating at the EU level (including several interviewed for this research) are federations of national and/or regional civil society organisations which were formed in response to the Commission's preference for working with a single EU-wide organisation rather than multiple national organisations. An EU-level umbrella NGO told the story of their origins:

I had a meeting with a senior official of the Commission six or seven years ago and I asked him 'why is it so difficult for us as the social sector to express our views and be listened to by the Commission?' And the answer was very brief, and rude, and clear: get organised. And that's what we do. We learnt that the vast majority of new legislation, new regulations, is influenced by the thinking and the overall framework that Brussels gives to national and regional authorities. And therefore it is important that we have strong organisations here in Brussels

Civil society organisation #16, 14.01.05, Brussels

Not only does this quotation illustrate the preference of the institutions for dealing with EU-level as opposed to national level organisations, it also demonstrates the way in which the institutions have been influential in the development of EU level organisations. This suggests a blurring of the extent to which EU civil society can

be seen as comprising self-organising associations and means in the case of some organisations the extent to which they are entirely 'voluntary' is questionable.

The extent to which EU level civil society can be viewed as genuinely separate from the state is blurred further by the financial dependence of many EU civil society organisations (including most of those interviewed for this research) upon the Union budget. That the organisations the Commission in particular is so keen to incorporate into discussions about the EU's future are financed (often heavily) by the Commission, is odd. Although many democratic governments and international organisations – notably the World Bank – finance NGOs and other civil society organisations, the situation in the EU becomes a little more sinister when the organisations funded by the Commission promote messages congenial to the Commission (The Economist 2004). Furthermore, the fact that many EU civil society organisations receive, and indeed are reliant upon funding which comes from the EU institutions seriously challenges Young's characterisation of civil society as an arena independent from and neither controlled nor mandated by the state – or in this case the EU institutions.

In addition to the dependence of civil society on EU funding, the literature on interest representation in the EU has documented the dependence of the Commission upon expertise from sources external to it such as civil society organisations (see Mazey & Richardson 1993, 2001; Greenwood 2003a). This has led to the 'institutionalisation' of civil society in some policy-making areas. There is a high degree of 'embeddedness' of civil society organisations in the decision-

making process of the EU, specifically in the Economic and Social Committee, and which can also be seen in terms of the Commission's reliance on outside technical expertise. Consequently, this is further evidence that the extent to which EU-level civil society organisations act as a counterweight, as opposed to a component of state power, is questionable.

One of the striking features of the nature civil society in the EU is that this is a relatively new way of referring to a series of organisations and a type of activity that has been around for much longer. There is an established literature on the role of associations in EU governance – indeed it has been seen as one of the defining features of EU governance. In the past the associations in question were referred to as 'interest groups', yet they are now called 'civil society organisations'. The shift in terminology can be seen as a part of a discourse created by the EU institutions and motivated by the need to become, or at least appear more open, democratic, legitimate and so on.

The findings of research on interest groups in the EU highlight challenges to the assumption that civil society strengthens democracy on several grounds. It has been argued that interest groups operating within Brussels behave in a fundamentally different way to interest groups in other – usually national - systems. Greenwood (2003b) argues that public appeal campaigning tactics, which can be an important element of group activities in many democratic systems, are minimised by organised interests in Brussels. He cites the example of Greenpeace, a traditionally activist organisation, which like similar organisations has a policy

office rather than campaigning office in Brussels and whose activities are more on the side of 'building alliances and making private compromises with other policy players than their public marketing profiles might otherwise suggest' (Greenwood 2003b: 53).

Elsewhere in the literature on group activities in the EU is scepticism about the capacity and willingness of EU level groups to engage in outside lobbying-type strategies, which calls into question the validity of applying this framework to the EU example. Sudbery (2003) suggests that the activities of European level groups were unlikely to be focussed on the communication of information to supporters and the general public. As an officer from the European Environmental Bureau explained: 'while ideally it would be good to get people involved, time pressures mean that the most effective use of my time is to get on with advocacy. In the end my role is not to encourage participatory governance but to ensure the best results for the environment' (2003: 90).

In addition, Warleigh's (2001) research on citizen interest groups organised at the EU level finds these groups neither willing nor able to act as agents for political socialisation of their supporters, arguing that 'their internal governance is far too elitist to allow supporters a role in shaping policies, campaigns and strategies…moreover most NGO supporters do not actually want to undertake such a role' (2001: 635).

The discrepancies between the nature and role of civil society outlined in democratic theory, and the picture of civil society that is emerging poses questions about the implications for legitimacy. Armstrong argues that 'instead of embracing a multi-form, multi-dimensional and multi-level conception of civil society what is offered is a strictly transnational relationship between transnational structures of governance and a transnationalised organised civil society which may suffer from the same sorts of legitimacy problems as transnational governance itself (2002: 103). My empirical investigation addresses these by considering the capacity and willingness of organisations to facilitate democratic linkage. Qualitative interviews with 25 organisations that were involved in the Convention and Futurum processes help to understand the perspective of the organisations in their own words, and in turn explain the nature of civil society in the EU and the contribution it can make to legitimate governance.

The debate initiative attracted a great deal of interest from civil society organisations – quite understandably. For the first time these originations had the opportunity to get involved in debates that would lead towards treaty reform and therefore potentially influence the constitution. The organisations that were interviewed for the research fell into the four categories outlined by the Commission (and used in the Forum and the Futurum websites). It is impossible to say that these organisations were numerically representative of all the organisations operating at the EU or even the national level, partly because of the difficulties of establishing the size of this population. But they give an indication of the diversity of the organisations that were involved, some of which might not

even fit into conventional definitions of civil society – trade unions and even regional organisations were included for example.

The interviews with these organisations provide much of the empirical data upon which the investigation is based. The following three chapters outline and analyse the contribution of these civil society organisations to strengthening democratic linkage through the mechanisms of participation, representation and communication.

Chapter 4

Mechanisms of democratic linkage I: Participation

4.1　Introduction

There are several reasons for looking at the concept of participation when trying to understand and explain the linkage role played by organised civil society in the context of the debate on the future of the EU. The debate discourse is imbued with rhetoric on participation and the explicit suggestion that through participation citizens and institutions can be brought closer together. The concept of participation also forms part of the theoretical explanations for how and why debate or deliberation on the one hand and civil society on the other hand strengthen democratic legitimacy. By looking at the activities of the organisations in the debate on the future of the EU and the ways in which they characterise and justify their activities I compare the theory and the rhetoric with the situation on the ground. In this context, the purpose of this chapter is to outline the nature of the empirical investigation into the nature

of participation within the debate on the future of the EU and the role of organised civil society therein; and to detail the findings of this investigation.

The notion that participation is a desirable component of decision-making in the EU can be traced from the Nice declaration to the Laeken declaration; it dominated the Commission's 2001 governance white paper; and it was enshrined in Article I-47 of the constitutional treaty. In each case the rhetoric is informed by the notion that participation can help bring citizens and institutions closer together, or in other words, facilitate democratic linkage. But to what extent does this rhetoric on participation correspond to the actual activities of civil society organisations in the Convention and Futurum? In what ways do the participation activities of the organisations involved strengthen (or at least make attempts to strengthen) linkage, or in the language of the rhetoric, bring citizens and institutions closer?

Some guidance can be found within democratic theories which incorporate the concept of participation into explanations of ideal democratic institutions. The literatures on both deliberative democracy and civil society identify participation as a component of a 'fuller' expression of democracy in which the role of citizens in the political process is not limited to periodic voting in elections (see for example Mansbridge 1980 and Barber 1984 on 'strong' democracy; Cohen 1989; Fishkin 1991; and Bohman 1996 on participation and deliberative democracy; and Putnam 2000 and Dahl 1989). In their elaborations on the role of participation in contemporary democracies, democratic theories can demonstrate why participation has become such an

attractive notion to decision-makers in the EU and beyond. They can also contribute to an explanation of exactly how participation can contribute to legitimate governance in the EU, specifically within the case studies introduced in Chapter 2.

In investigating the nature of participation and the extent to which it facilitates democratic linkage in the debate on the future of the EU, the empirical investigation turns towards the civil society actors involved. An analysis of the organisations' understandings of participation, their objectives in pursuing activities which facilitate participation, and their perspectives on participation contributes to an explanation of their capacity and willingness to facilitate linkage through participation. Much of the data are drawn from interviews with 25 organisations that were involved in either the Convention, or the Futurum initiative or both. Before outlining the empirical findings however, this chapter outlines the notion of participation as it appears in the institutional rhetoric before engaging in a little conceptual ground-clearing in order to define the notion of participation.

4.2   Participation in the institutional rhetoric

A discourse on participation as a component of legitimate governance has emerged within the institutional rhetoric surrounding the debate on the future of the EU. Participation here refers to non-formal modes of participation in

decision-making, as opposed to participation through voting in European Parliament elections. Elements of this discourse can be found in the Nice and Laeken declarations, the Commission's 2001 governance white paper and the constitutional treaty and are outlined below. However, the discourse makes several problematic assumptions about the nature of participation, which have implications for the extent to which it facilitates linkage, and therefore its contribution to legitimate governance. Most notably, participation appears to be conceptualised as an elite activity, involving organised civil society actors, rather than individual citizens. Beyond this, very little indication is given of the intended nature of participation in the debate on the future of the EU.

The Declaration on the Future of the Union, annexed to the Treaty of Nice made the formal call for a debate proposing: 'wide-ranging discussions with all interested parties', including 'representatives of civil society' (European Union 2001: Declaration 23, point 3). From the earliest stage of the debate on the future of the EU, there was the idea that the debates should involve the participation of a range of actors, beyond the governmental actors traditionally involved in treaty reform. The Laeken declaration, issued almost one year later, built on and expanded these ideas. Its main contribution was to outline the institutional requirements for the debate on the future of the EU that had been called for by the Nice declaration. To this end it convened the Convention on the Future of Europe and specified that its members would be drawn from member and applicant state governments and parliaments; and EU institutions. In addition the decision was taken to establish a 'Forum' for civil society

which, it claimed, would 'guarantee the participation of *all* citizens' (European Council 2001, emphasis added).

In the intervening period the Commission had issued its White Paper on European Governance in which the notion of participation was again singled out. The white paper gives one of the most prominent expositions of participation in the rhetoric surrounding the debate on the future of the EU. This document, which represented the Commission's key contribution to the debate on how to bring the citizens of the member states and the EU institutions closer together, outlined five principles of 'good governance', one of which was participation[19]. According to the Commission's notion of good governance 'the quality, relevance and effectiveness of EU policies depend on ensuring *wide participation* throughout the policy chain' (2001a:10 emphasis added).

In the reform discourses, participation has been identified as part of the process of debating the EU's future, and as a characteristic of a more legitimate system of governance that was the intended outcome of the debate. Article I-47 enshrined the principle of participatory democracy in the constitutional treaty alongside the principle of representative democracy. In particular, it stipulated that via a petition of at least one million signatures, the citizens of the member states could invite the Commission to take a legislative initiative – the so-called 'citizens initiative'.

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[19] Alongside participation, the governance white paper defined openness, accountability, effectiveness and coherence as principles of good governance, the application of which would reinforce the existing commitment to the principles of proportionality and subsidiarity (European Commission 2001a: 10).

Even after the referenda on the constitutional treaty in France and the Netherlands in May and June 2005 the belief that participation was a means of addressing the problems that the Union was facing persisted. 'Plan D for Democracy, Dialogue and Debate' (the Commission's contribution to the period of reflection following the referenda) aimed to 'stimulate a wider debate' which required the active participation of citizens alongside the Union's institutions (2005b: 2). The publication of Plan D was followed shortly afterwards by the Commission's White Paper on a European Communication Policy. In a style reminiscent of the earlier governance white paper, this document pointed out that 'democracy can only flourish if citizens know what is going on, and are able to participate fully' (European Commission 2006a:2).

Naturally, the discourse on participation, operating largely at the level of rhetoric, leaves important questions unanswered. The governance white paper aroused significant interest concerning its use of the notion of participation (see Armstrong 2001), in spite of, or even because it offered little explanation of its understanding of participation. Paul Magnette (2001, 2003) analysed the notion of participation found within the white paper and pointed out that although it invoked the role of the citizen in EU governance, the concrete proposals for enhancing participation addressed only groups that were already organised and active in lobbying and trying to influence EU policy-making – in other words organised civil society. Magnette concluded on this basis that rather than creating opportunities for ordinary citizens to participate in EU governance processes, the white paper would only enhance the role of 'elite citizens' and create opportunities for more 'elite participation'.

The notion of 'elite participation' is also implicit in the Laeken declaration. Like the governance white paper, the Laeken declaration made reference to the citizens of the member states before calling for a Forum which would be open only to civil society organisations. In doing so it goes even further in making an assumption that citizens and organised civil society are interchangeable. The Forum for civil society organisations, the Laeken declaration stated, was created in order to facilitate the participation of all citizens.

In contrast, and perhaps in recognition that it was a mistake to conflate individual and ordinary citizens with civil society organisations, Article I-47 of the constitutional treaty addressed individual citizens directly (albeit a significant number of individual citizens acting together), in addition to highly organised groups of interests or citizens. Yet the requirements of the citizens' initiative were vague and referred only to the need for the one million citizens to be drawn from a 'significant number of the member states', and conceded that additional legal instruments would have to be developed in order to implement the article.

Furthermore, in the absence of detailed guidance, the citizens' initiative looked likely to become another tool used by organisations to lobby the institutions, and therefore an arena for elite participation. Shortly after the ratification process began, the Social Platform of NGOs[20] were discussing the ways in which the initiative could be exploited by member organisations or the

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[20] The 'Social Platform' is an umbrella organisation bringing together NGOs from the social, environmental, development sectors and the trade unions, and was one of the organisations that were interviewed for this research. A description of the organisation can be found in Appendix II.

Platform as a whole[21]. This resonates with Kollman's (1998) observation that it is extraordinarily rare for individual citizens to join together an engage in genuinely spontaneous political action: what is far more likely it that organised groups are behind the scenes facilitating this activism and as such, although the initiative ostensibly addresses (one million) individual citizens, in practice it empowers organised citizens.

These examples demonstrate that the rhetoric emerging from the institutions does not give a comprehensive and nuanced picture of how the mechanism of participation actually works in practice. It is at times confusing because it conflates the participation of citizens with that of organised civil society without taking into consideration the relationship between organised or 'elite' citizens and individual or 'ordinary' citizens. Furthermore, it clearly outlines a commitment to the notion of participation as a desirable component of governance at the EU level, but it is often sketchy on details. The end result is that the rhetoric tells us relatively little about how participation might help facilitate democratic linkage and thereby enhance legitimate governance. In response to these issues the following section takes a closer look at the concept of participation, drawing upon explanations from democratic theory on the relationship between participation and democracy, and using these to establish the basis of the empirical investigation.

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[21] In February 2005 the Social Platform held a conference for its members entitled: 'Ratification of the Constitutional Treaty and Developing Participatory Democracy'. One of the sessions discussed methods of 'Developing Article I-47', the consensus being that this presented a new opportunity for NGOs.

4.3   Conceptualising participation

Though the notion of participation looms large in the rhetoric surrounding the debate on the future of the EU, the nature of participation in the debate and its contribution to legitimate governance is not always made clear. Taking a closer look at the concept of participation as outlined in democratic theory provides some enlightenment on the nature of participation and the ways in which it can provide democratic linkage. Just as the notion of participation has become popular amongst political actors in the EU only relatively recently, the same can be said for the theoretical treatment of participation and its relationship with democracy. For much of the twentieth century mass participation in political decision-making was regarded as unattainable and even dangerous.

Schumpeter's influential book *Capitalism, Socialism and Democracy* (1943) argued that the so-called 'classical doctrine' of democracy which took as central the participation of people in decision-making was empirically unrealistic, and rather that the essence of democracy was to be found in 'that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of competitive struggle for the people's vote' (1943: 269), or in other words, the competition for leadership. This suspicion of participation was reinforced by the work of American behaviouralists in the 1950s, for example the finding of Berelson et al (1954) that democracy depending in part upon a degree of indifference on the part of a large proportion of the electorate. By the 1970s, however, this dominant

suspicion of participation was being challenged. Carole Pateman's book on *Participation and Democratic Theory* (1970) was motivated by the observation that the notion of participation was becoming increasingly popular during the late 1960s. Her analysis of contemporary democratic theorists (including Schumpeter) and empirical case studies led her to the conclusion that 'a viable theory of democracy…retains the notion of participation at its heart' (p111).

At its most basic, participation can be defined as the taking part of groups or individuals in political decision-making or, in the context of this thesis, in the debates about the future of the European Union. Pateman articulated an ideal of democracy as characterised by the active discussion and decision-making of citizens. As such, the participation of citizens in decision-making would allow for decisions to be based upon the genuine preferences of citizens. Input legitimacy, in this view, rests on this direct involvement of citizens.

Robert Dahl has disputed whether the ideal of the active participation of citizens in democratic decision-making is feasible in contemporary democracies, and particularly in post-national systems. In 'A Preface to Democratic Theory' (1956) Dahl argues that participation in contemporary democratic societies is confined to a number of elite groupings rather than widespread throughout society. The exception to this is voting in elections which involves much larger numbers. His limited conception of participation is elaborated in 'Polyarchy' (1971). In this work he argues that 'democracy' is an unattainable ideal, and the nearest thing we get to it in contemporary societies is polyarchy, or the rule of the many. 'The many' in this case refers not to the

citizens but to multiple elite groupings representing different communities or parts of society. Dahl maintains that the participation of organised groups rather than individual citizens does not necessarily make a system undemocratic. But it does have implications for the nature of participation. Consequently, my empirical investigation seeks to establish exactly which actors are participating in the two debate case studies.

Another way in which participation may create democratic linkage, and why it is important to study it in this context, is because as a mechanism it allows policy makers to find out about the sort of policy responses that people want. Many participatory approaches to democracy argue for a broader conceptualisation of democracy than simply the ability of citizens to vote on representatives every four or five years. Instead, a 'fuller' democracy is one that allows citizens to involve themselves more continuously (Young 1996: 485). Inglehart's (1997) comparative research on cultural, economic and political change in 43 societies demonstrated that in addition to choosing their leaders in elections every five years, citizens wanted to be able to influence them on a more continuous basis in between elections. Furthermore, the greater the number of opportunities for citizens to participate, the greater the number of opportunities for their 'genuine preferences' to be discovered by decision-makers and reflected in political decisions.

In addition to bringing the genuine preferences of citizens *in* to the decision-making process, and thereby enhancing the input legitimacy, participation can also improve what arises *out* of the decision-making process, or contribute to

more output legitimacy. Participation brings the potential for policy-makers to develop more effective policy: effective in terms of whether it can be implemented successfully and whether it will do the job it aims to. Participation in EU decision-making has been seen to contribute to what Scharpf (1999) conceptualised as 'output legitimacy' – that political outcomes will be effective because they have been influenced by the actors who have expertise in the technical policy areas, and often partial control over their implementation. Investigating the activities and objectives of the organisations gives an indication of whether the conditions for the development of effective policy are met.

Participation can play a symbolic role in legitimising democratic political systems. It enhances the democratic credentials of a political system by demonstrating that the decision-making process is open to the input of the people, or in other words, that the governed have the potential to influence the governing agenda. In turn this demonstrates that the governing are accountable to the governed. Schumpeter (1947) felt that participation in modern democratic societies served a largely protective function against the worst tyrannies of government, ensuring that - through elections - governments could be thrown out. His, however, was a largely sceptical view of participation as a component of democracy, which was limited to this sole, and largely hypothetical function. Inglehart's (1997) research, by contrast, demonstrated that citizens are often concerned with holding governments accountable (as well as influencing them) on a continuous basis in between elections. Investigating the activities performed by the organisations and the actors

involved in these activities demonstrates whether this task is being performed effectively.

Finally, participation plays an important role for the individual, allowing them to see the significance of their role in the democratic system and thus enhancing democracy on a micro level. Pateman (1970) recognised that the notion of participation had several dimensions – that it could play a role in improving the effectiveness of policy-making, but also that quite apart from its functions vis-à-vis the political system, participation played an important democratic role in the mind of the individual citizen. Having the opportunity to participate in political decision-making, and taking up such opportunities, she argued, would allow the individual to more easily see the significance of their role in a democratic political system. This is a different approach to the study of participation as a means of democratic linkage to that of Dahl because it views the outputs on the side of the individual rather than the political system.

The paragraphs above survey some of the normative claims that have been made about participation as a mechanism of democratic linkage. The following section investigates empirically the nature of participation in the Convention and Futurum debates and the role of civil society organisations therein.

4.4   Participation in the Convention and the Futurum initiative

As we have seen, the discourse on participation as a component of legitimate or 'good' governance indicates that there is a normative commitment to participation on the part of the EU institutions. At the same time important questions remain which require empirical attention: What are the opportunities for and constraints upon participation in the Convention process and the Futurum initiative? Does organised civil society have the capacity and the desire to facilitate democratic linkage through participation? Can the concept of participation explain the linkage role of organised civil society within the context of the debate initiative?

I explored these questions in the interviews that I conducted with 25 civil society organisations and six Union officials. The data presented below are drawn primarily from these qualitative interviews (the interviews are outlined in greater detail in Chapter 3). I did not ask organisations about their participation activities directly, because of the potential for differing interpretation of what it means to participate. Instead I identified within their responses examples of behaviour and attitudes on the subject of 'taking part' in the debate processes.

In addition to the interview data, official documents of the organisations such as annual reports, and the organisations' websites were consulted. To recap, all but two of the 25 organisations were EU-wide in their scope. Seventeen organisations were based in Brussels, five in Paris and two in London. The organisations belonged to all four of the categories used in the Convention Forum and Futurum initiative: Political or Public Authority (3); Socio-

economic (2); Academic and think-tank (5); and Other, civil society, NGOs and schools of thought (15). Whilst not representative of the entire population of organisations that were involved in the Convention and the Futurum initiative in a numerical sense, the organisations are illustrative of the wide range of perspectives from within civil society that were involved in the various debate initiatives. The Union officials that I interviewed were from the Commission (3), the Council Secretariat (2) and the Economic and Social Committee (1).

The aim of the interviews was to outline the nature of participation in the Convention process and Futurum initiative from the perspectives of the civil society actors involved, and the data are presented here according to a number of broad themes: participation in the Convention; participation in the Futurum initiative; reasons for engaging in participation activities; whether the activities constitute a break with the past; the question of which actors are involved; and perspectives on the Convention and Futurum initiative. In each case the findings are illustrated by direct quotations, primarily from the organisations but also from the institutional actors where relevant. In the discussion that follows I relate the empirical findings back to the three key questions of this chapter: the opportunities or constraints for participation; the capacity and willingness of the organisations to participate; and the explanatory value of the concept of participation.

Participation in the Convention

The organisations that were interviewed described their participation in terms of a range of activities in the different components of the debate initiative. These varied slightly depending on the debate in question. The Convention offered several opportunities for the participation of civil society organisations. The Forum was the apparatus put in place to manage civil society participation in the Convention debates and was intended to be the major focus of civil society participation in the Convention. It mediated civil society participation by requiring organisations to submit their contributions electronically to the website administrators and then these contributions were displayed on line. All the contributions were collated into a digest by the secretariat which was then passed to the Convention members. Eight of the organisations interviewed had registered with the Convention Forum and sent their contributions to the debate in this way. One organisation was a member of an umbrella organisation which was registered and had made contributions. In addition another organisation had individual members that were registered for the Forum. Three of these organisations described the way in which they participated in the Forum:

> I think we were quite active, it was one of the priorities of the year. We did two written contributions to the Convention. It was a process we followed very closely.
> *Civil society organisation #22, 24.02.05, Paris*

> We sent many contributions to the members of the Convention. We sent documents, we were very close to the Convention. Every two weeks we had a meeting in Brussels on the last session of the

Convention, and a discussion and wrote a paper saying 'we would like you to consider this idea or this conception in this article'. So we were really very close to the Convention, supporting some amendments, opposing others.

Civil society organisation #17, 14.01.05, Brussels

During the works of the Convention we published a lot of contributions about judicial issues, economic issues, democratic issues. It's difficult to say if these contributions had an influence on the works but I think these words have been read by politicians, by members of the Convention.

Civil society organisation #23, 24.02.05, Paris

These responses seemed to suggest very active participation on the part of the organisations, and were fairly typical of those that were involved in the Convention. However, the exact extent of the organisations' participation activities, as illustrated by the number of contributions that were sent to the Forum website, varied from one organisation to another. Some of the organisations sent only one document to the Forum but actively followed the progress of the Convention, whilst others sent several documents, each referring to different aspects of the Convention's discussions.

As one of these quotes indicates, the organisations recognised that submitting contributions to the Forum website did not necessarily mean that their voice was heard by Convention members. Alongside the Forum however were

additional measures which gave organisations more direct access to Convention members. Early in the Convention's work, during the 'listening phase' one of the plenary sessions was devoted to civil society, and allowed certain organisations to speak in brief directly to the Convention members. For practical reasons the number of organisations that were allowed to address the Convention during this plenary session was limited, and the organisations that did speak were meant to represent the various strands of civil society. Seven of the organisations that I interviewed had contributed to this plenary session, one of which summed up their activity:

> The Convention [plenary for civil society] was open to civil society but our foundation only had a few minutes to express ideas about the future of Europe so its difficult to say that there was a real influence at this point. We said certain things about the future of Europe in this [plenary] but not a lot.
>
> *Civil society organisation #23, 24.02.05, Paris*

This quotation indicates that organisations felt constrained by the amount of time available to them within the civil society plenary session which prevented them from participating effectively. By contrast, one of the Union officials had a different opinion on why civil society participation in the plenary session was not particularly effective:

> Many of them were interested in the earlier articles about the objectives of the Union, what I would say is declaratory stuff.

> Some of them it was quite clear they had their own phrase they
> wanted in, to leave their mark on the text of the Constitution on
> issues about objectives, which actually fundamentally wasn't going
> to change the way the Union functioned in the future.
>
> *Union official #3, 28.03.06, Brussels*

There was, it appeared, an element of disappointment among Union officials that the participation of certain civil society organisations did not take the debate far beyond the level of rhetoric. A similar sentiment was expressed following the Youth Convention in which individuals from two of the organisations interviewed participated[22]. Participation in the Youth Convention meant indirect participation in the 'adult' Convention (so-called in the literature of the Youth Convention!) since the conclusions of the Youth Convention were fed back to the 'adult' Convention. One of the organisations that contributed to the Youth Convention explained what their participation meant and what they felt it achieved:

> [We] had been working very hard trying to lobby the Convention.
> We had the Youth Convention which presented its results to the
> praesidium of the convention, and in the end we managed to have a
> youth article and part three of the Constitution on social rights.
>
> *Civil society organisation #5, 11.01.05, Brussels*

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[22] Members of the Youth Convention were nominated by the European Commission, European parliament or the governments of the member states. In these two cases both individuals were nominated by the European Parliament.

One of the ideas behind the Youth Convention, espoused by Giscard d'Estaing was that it was important for the Convention to listen to young people and that special attention should be paid to their views. Such special attention was also reserved for the social partners who were invited to attend the Convention as observers. As a result one of the trade union organisations interviewed was able to participate in all of the plenary sessions in addition to submitting contributions via the Forum website:

> [We were] part of the Convention, we got a place as an observer.
> So our secretary-general attended all the sessions of the Convention
> and we took part in some of the working groups. We participated in
> the discussions and we submitted a lot of contributions.
> *Civil society organisation #12, 13.01.05, Brussels*

As official observers, this organisation had direct access to the Convention members. In spite of the dedicated structures that were put in place to manage the participation of civil society, some organisations found that making their own direct contact with Convention members outside of the Forum was preferable, as these organisations explained:

> We did a huge campaign around the [Convention] but for us it was
> not about posting documents in the Forum website, it was about
> persuading Convention members through personal meetings and
> through exchanges with them that they should be pushing certain
> ideas…we were in a position of trying to meet Convention

members, trying to send them directly documents and we set up our
own mailing list very quickly to reach Convention members rather
than what we were told to do which was 'post your documents on
the Forum and we'll make sure the Convention members get it' but
we just didn't believe this.

Civil society organisation #21, 17.02.05, Brussels

We wrote to the Convention members, because we knew a lot of
them during the process of the Convention, as well to the Prime
Ministers, heads of State and Government.

Civil society organisation #20, 04.02.05, Paris

During the Convention we had two members of the board that were
at the time assistants of MEPs so they were quite active in
everything the Convention was doing, and lobbying directly
Convention members.

Civil society organisation #9, 12.01.05, Brussels

Participation in the Futurum initiative

Participation in the Convention comprised a range of strategies – both formally
sanctioned by the Convention secretariat, and informal organisation-specific
tactics. The Futurum also offered several opportunities for organisations – and
individual citizens – to participate. One novel approach was the prospect of
'partnership', outlined in Chapter 2. Eighteen of the organisations that I
interviewed were Futurum 'partners'. This, according to the official

explanation on the Futurum website, involved an exchange of information and links on the websites of the Futurum and the individual organisation. One of the organisations explained what this entailed:

> The European Commission put our opinion on the constitutional treaty on the website and in return we put their banner on our website with a little comment, and so we also tried via our website to promote the idea and make some public relations or promotion of the Futurum website with our member organisations and everybody who visits our website.
>
> *Civil society organisation #6, 11.01.05, Brussels*

However, several of the organisations that had developed such a partnership confessed to know very little about Futurum, the exact nature of their participation in the Futurum initiative or the reasons for pursuing this activity. One of the Futurum partners that was interviewed explained that the idea of having an online debate about the future of the EU was something they had been pursuing prior to the launch of the Futurum website:

> I don't think we explicitly said at some point we wanted to be partners in this. We were already dealing with the whole debate on the Convention then at that time even before the Convention was in place we had a section on future EU which started from the first speech Joschka Fischer did. We decided we wanted to do a special section for that discussion. So in a way we were way ahead of the

Commission and the Futurum website because we already looked at the different voices in the debate.

Civil society organisation #2, 07.01.05, Brussels

Others explained that, rather than the organisation itself pursuing this opportunity, they had been approached by the Public Debate Unit within the Secretariat-General of the Commission who proposed had the partnership:

The participation in the Futurum was not necessarily our own idea but rather the collaborator of the Commission asked us if we could publish our opinion and our press releases on the Futurum website. Back then they [the Commission Secretariat-General] were right opposite from our building and I said 'OK maybe we can see each other and discuss how we can collaborate', so we had two meetings with the administrator of the European Commission where she explained the aim and the concept of the Futurum website.

Civil society organisation #6, 11.01.05, Brussels

The Commission asked us to have an internet link with Futurum, the online debate. We have not had ongoing contact on Futurum, we have contact with the Directorates-General which are the most important for us and with the presidency, Mr Barroso and the cabinet.

Civil society organisation #19, 04.02.05, Paris

The overwhelming picture that emerged from the Futurum partner organisations was that this did not involve a great deal of active participation:

> We had a document we put on the Futurum website because we had our own work and debates about the future of Europe which were not connected to this, but it was nothing like an organised partnership between us and them. We are not a partner of the Futurum, we're debating on our own site on the future of Europe for more years than the Commission.
>
> *Civil society organisation #20, 04.02.05, Paris*

> Back in 2001 we sent the draft constitution we had written to the Futurum website and that was our only contribution to Futurum. [One of the organisation's officers] sent some documents, some analysis, what we did. To my knowledge these are the only things that have been sent to the Futurum.
>
> *Civil society organisation #8, 12.01.05, Brussels*

> As far as I'm aware there's never been any communication from the Commission or the people that ran the Futurum ever since then. There's not a body or group of people that they actually work with, its just organisations that when they set it up said they were interested. It's more of a signpost thing, at that time it would populate their site and also people would be redirected to our site to see what we were doing.

> *Civil society organisation #4, 07.01.05, Brussels*

> We are in contact with the Commission and we co-operate on projects. Regarding Futurum I have to say that we haven't interacted with the debate, and although we organise debates within the topic on the debate on the future of Europe, we haven't done this, not yet.

> *Civil society organisation #10, 12.01.05, Brussels*

Several of the organisations[23] were unable to comment in any great detail on their Futurum partnership because the individual interviewed had not been involved in the work on the Futurum. The problem, which is symptomatic of the sector more broadly where the nature of funding often means fixed-term contracts for staff, is that the personnel involved in the Futurum initiative had moved on from the organisation and taken with them the knowledge about the process.

Reasons for engaging in participation activities

The lack of knowledge about or enthusiasm for the Futurum initiative poses the question of why the organisations were motivated to develop a partnership with the Commission on the website in the first place. In several cases this was explained by the desire to co-operate with the Commission wherever possible. EU level civil society organisations spend a great deal of time and energy hoping to influence the Commission because, due to its right of legislative initiative in the Community pillar, influencing the Commission can lead to

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[23] Including organisations number 9, 15 and 22

influencing the policy agenda and ultimately, the decision taken by the Parliament and the Council of Ministers. In addition, the Commission manages Community spending in the medium term and EU level organisations often rely on the Union budget for a large proportion of their funding so this may also explain the organisations' desire to oblige the Commission. Furthermore, it became apparent that for many of the partnership organisations, Futurum was just one among several means of achieving the overarching goal of influencing the outcomes of the debate on the future of the EU as these comments from two partner organisations suggest:

> It wasn't a decision to focus only on the Futurum initiative, it was much broader than that. But the governance debate and the Futurum initiative were very much seen as means to influence the process towards increased and improved dialogue and a means to bring forward our views.
>
> *Civil society organisation #7, 12.01.05, Brussels*

> At some point Futurum was put up by the Commission and we said 'well it's probably good for the Commission and it links to what we've already done'.
>
> *Civil society organisation #1, 07.01.05, Brussels*

In addition to participating in the Convention and Futurum initiatives, several organisations mentioned other activities relating to the debate on the future of the EU that were pursued as a means of 'exploring all the avenues available':

We had a journalist working for us following the Convention and who published a book afterwards on what happened in the Convention.

Civil society organisation #22, 24.02.05, Paris

We tried hard to get cities to sign up to the 1000 Debates initiative[24] knowing that we can't have a more proactive role than asking our members to organise debates. However the interest and the willingness to organise debates on the constitutional treaty was not as huge as we had hoped because it is still considered as difficult and as something which citizens will not necessarily care about.

Civil society organisation #7, 12.01.05, Brussels

We did lots of activities related to the Convention and the Constitution. Specifically what we did was organise a gathering of young people in Brussels, demonstrations or activities for the Parliament for example.

Civil society organisation #9, 12.01.05, Brussels

We had people there basically watching the whole thing [the Convention]. We had a very solid network of people involved in the Convention itself, but we were all the time setting arguments

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[24] The '1000 debates' initiative was launched after the constitutional treaty was signed and aimed to encourage local and regional elected representatives to organise debates on the future of the EU and the Constitution in their town.

and analysis, so that was the kind of involvement we had, then we publicised the lot.

Civil society organisation #1, 06.01.05, Brussels

We have participated through the youth portal of the EU. This portal has a link to the Futurum website and we thought it was interesting because [we are] in the steering group of the Youth Portal, and we thought it would be interesting to have a discussion for young people on issues relevant to the Constitution or to Europe.

Civil society organisation #5, 11.01.05, Brussels

Pursuing as many avenues as possible was related to the ultimate goal of most organisations which was to influence the discussions of the Convention members and ultimately the outcomes in the constitutional treaty:

[We] decided that the process of the Convention was an absolute priority because we particularly wanted to influence the whole debate and discussion around gender equality. So we set out using every possible avenue of communication.

Civil society organisation #3, 07.01.05, Brussels

Our main activities were inside the Convention. The main objective was not to contribute to the debate but to submit and to defend our changes to the treaty.

Civil society organisation #12, 13.01.05, Brussels

The desire to influence the outcomes in a particular direction was highly apparent among the NGOs. By contrast, the think-tanks tended to have a slightly different approach, as summed up by one of the Brussels-based think-tanks:

> If something like this comes along which is related to the core of changing European decision-making and if you're a think tank committed to European affairs you don't have a lot of discussion about whether this is something for us so I mean it was a natural thing for us and the few think tanks that you have here in town, it was expected that they would participate in the debate, to present an independent view and to present policy analysis.
>
> *Civil society organisation #1, 06.01.05, Brussels*

A break with the past?

The debate on the future of the EU was presented as a new way of working, a break with the past in particular in terms of how treaty reform was prepared. Interviewees were asked whether their activities in the Convention and the Futurum initiative were a new way of working for their organisation. There was an acknowledgement on the part of the organisations that these initiatives presented new opportunities for civil society. One organisation summed this up:

> There was a sort of excess of attention [in the Convention] from the part of civil society, which is due of course to the fact that before then, this was the first time that civil society had the opportunity to say something directly, get to sit around the same table with the people who were taking the decisions.
>
> *Civil society organisation #13, 13.01.05, Brussels*

However only a minority of the organisations interviewed felt that their participation activities in the Futurum and Convention involved a new way of working. One such group, a trade union organisation that was a registered Futurum partner explained:

> The website Futurum: that was a new aspect of our work to have our opinion published on a different website, on an official website of the European institutions. And the public to which we addressed this opinion was different. We had not a single addressee like for a proposal for a directive which we address to the rapporteur at the Parliament or the European Commission. Here we addressed it to a large number of anonymous people.
>
> *Civil society organisation #6, 11.01.05, Brussels*

However for other organisations it was more often the case that participating in the debates on the future of the EU was not a major departure from what they would otherwise be doing. Again, several organisations referred to the

Convention, and particularly the Futurum initiative as additional avenues down which they could pursue their pre-defined objectives.

> Basically it's in line with what we already do, it's a narrow part of what we do because [we] are in a lot of different areas, but it certainly was one of the important things – the Youth Convention and the Constitution were very important.
>
> *Civil society organisation #5, 11.01.05, Brussels*

> We were very much involved in the Convention and this [Futurum] is just another vehicle but I suppose a lot of the material had been basically the same that we were producing for the convention process. So there was an invitation there and it was the natural thing for us to participate and we were doing it anyway so it was just another channel if you like to get our contribution out
>
> *Civil society organisation #1, 06.01.05, Brussels*

Who participates?

The notion of participation poses the question of who is *doing* the participation. The term, 'the usual suspects' was used on several occasions by different organisations to describe the participants that were most visible during the Convention debates. One of the organisations described how they encountered many of the same individuals and the same organisations during their participation in the Convention:

> There tended to be these circles of people following the
> Convention. They would meet each other and get to know each
> other, we found a lot of friends by following the work of the
> Convention, and most of the time there was a sort of conventional
> wisdom about certain topics. Most of the people had similar views
> about the big issues and most were criticising to a certain extent the
> lack of ambition at the beginning at least.
>
> *Civil society organisation #13, 13.01.05, Brussels*

In relation to the civil society plenary of June 2002, one of the interviewees recalled the phrase of one of the Convention members 'Brussels talking to Brussels' to illustrate how the representatives of civil society who spoke to the Convention were already active and well-known in policy-making circles. Similarly, as outlined in Chapter 2, the members of the Youth Convention had been described as 'Eurocrats in short trousers', a sentiment echoed by one of the organisations:

> There was this Youth Convention, it did not have the average
> European young person there. You had a stagiaire who would use
> the language that is already used by the older ones too, people who
> were very close to the [European institutions].
>
> *Civil society organisation #13, 13.01.05, Brussels*

In addition to establishing civil society partnerships and displaying the contributions of civil society organisations, Futurum hosted an online

discussion board to which individual citizens could post their views on the future of the EU. Several organisations were sceptical about the extent to which this actually resulted in the participation of ordinary citizens however as these comments indicate:

I think the whole Futurum thing and in general the whole civil society drive at the Commission level has brought in groups not individuals, but I think that was the idea. The Commission can't cope with having thousands of individuals saying what their views are.

Civil society organisation #4, 07.01.05, Brussels

When you look at the contributions they mostly come from experts from organisations where there is a certain distance between us here in Brussels and our member organisations and their individual members. And whilst everybody has access to the internet I would still say this was a forum for experts and not for ordinary citizens.

Civil society organisation #6, 11.01.05, Brussels

One organisation even doubted whether facilitating the participation of ordinary citizens was either possible or had been intended by the Commission:

I don't think the Commission even had the expectation that they were going to be engaging with citizens individually throughout the EU through something like Futurum. What they did is hope that

they would engage the groups that would encompass diverse groupings of individuals who wouldn't have any contact otherwise.

Civil society organisation #4, 07.01.05, Brussels

Perspectives on the success of the Convention and Futurum

In the interviews I asked organisations whether, in their view, the Convention and the Futurum initiative had been successful ('success' being defined broadly). The vast majority of the organisations that I interviewed had welcomed the opportunity to take part in the debate on the future in a formal sense, but took this opportunity to criticise the structures that had been put in place to facilitate civil society participation. As might be expected from some of the responses relating to the Futurum, evaluations of this initiative were generally negative:

The Futurum basically wasn't much, but the Convention is where we participated more.

Civil society organisation #5, 11.01.05, Brussels

Yes, we're on the [Futurum] website but it doesn't work very well. We did not write on this website and I don't think that our role is important in this frame.

Civil society organisation #23, 24.02.05, Paris

It's not very interactive, we did not get very much feedback from our opinion. The Futurum website was the only place where we

published it and people had the chance to look it up but we did not get feedback that referred to Futurum and we did not get into a discussion or exchange with the other organisations that published their opinions or individuals who participated or contributed so its more of a virtual forum but not really interactive.

Civil society organisation #6, 11.01.05, Brussels

Some similar sentiments were expressed about the attempts made in the Convention to facilitate the involvement of civil society:

When the Laeken conclusions came out and they said there was going to be a forum for civil society we got quite excited about that and then we got pretty dispirited when we found out it would amount to a website…It was a useful idea but it wasn't very well executed.

Civil society organisation #21, 17.02.05, Brussels

Groups like ours, we don't have the resources to devote to that elite style of politics, we wouldn't have had the resources to send people over to Brussels to try and influence a process that we didn't fundamentally trust and there was no possibility that this Constitution would take the EU in a different, decentralising direction.

Civil society organisation #25, 22.04.05, London

Furthermore, rather than facilitate the participation of civil society in the Convention, one organisation suspected that the real purpose of the Forum was to contain civil society:

> If you want a positive spin on things the Forum was quite a useful way of getting position papers out there and engaging but actually a more negative interpretation which sometimes you could feel was that it could be a way of blocking us from having direct contact with Convention members.
>
> *Civil society organisation #21, 17.02.05, Brussels*

4.5   Discussion

Having considered the empirical findings on the role of civil society organisations in the Convention and Futurum initiative within the framework of participation I now return to the questions outlined at the outset of section 4.4: What are the opportunities for and constraints upon participation in the Convention process and Futurum? Does organised civil society have the capacity and the desire to facilitate democratic linkage through participation? Can the concept of participation explain the linkage role of organised civil society within the context of the debate initiative? These questions are discussed below with reference to the prospect of democratic linkage and its contribution to the EU's input legitimacy arguments.

The institutional discourse on the debate on the future of the EU made much of the suggestion that the process would involve the participation of a wide range of actors in discussions about the EU's future. Without a doubt, the process of the debate on the future of the EU offered more opportunities for the participation of civil society actors than any previous process of EU Treaty reform had done. Both the Convention and Futurum demonstrate that by framing the reform as a 'debate', opportunities for participation were opened up. The organisations that I interviewed acknowledged these opportunities and were supportive of the idea that such opportunities for participation should be available in any future processes of treaty reform.

The participation of civil society organisations in the Convention and the Futurum debates is characterised by a degree of continuity. Few of the organisations thought that their activities in relation to the Convention were 'new' or broke significantly with their existing work programme. Instead, participating in the Convention was viewed as an additional way of lobbying politicians in a similar way to lobbying the Commission or the Parliament in the policy-making process. In this respect the structures of debate do not appear on the whole to have changed the behaviour of the organisations interviewed by making new kinds of activity more feasible or attractive.

Similarly, continuity can be observed in terms of the actors participating. Several interviewees made the observation that it seemed to be the same kind of organisations, or the 'usual suspects' involved in the various debate

activities. Because of the way in which the organisations that were interviewed were selected (i.e. on the basis of their involvement in one or more element of the debates) it is not possible to comment on whether the structure of the initiatives constrained certain types of organisation from participating. However, it does seem to be the case that the initiatives were structured in a way which encouraged the participation of transnational, as opposed to nationally-based organisations, and furthermore organisations ('elite citizens') in general as opposed to individual citizens. Several organisations recognised that the debate initiatives were geared towards certain kinds of organisations rather than individual citizens, but doubted whether the participation of ordinary citizens was ever the intention of the institutions, despite references in the Laeken declaration and the governance white paper to the involvement of 'citizens' in the debates.

Despite acknowledging the opportunities for participation in the Convention and Futurum debates these nevertheless fell below the expectations of many of the organisations. Expectations had been raised by the institutional rhetoric surrounding the debates, particularly in the Laeken declaration which promised a central role for voices from civil society in the discussions. The subsequent implementation of the Convention Forum as a 'virtual' as opposed to a 'real' forum disappointed organisations who thought that it bore little resemblance to what the Laeken declaration had proposed. Furthermore, some organisations observed clear constraints to their participation in the debates, arguing that the Forum served to marginalise civil society from the Convention's discussions rather than incorporate them into the discussions. By attempting to restrict the

activities of civil society to the Forum, it was suggested that the Convention secretariat were preventing organisations from what they saw as their right to talk directly to Convention members if the Convention members wanted to listen. The setting up of working groups to discuss key questions and prepare detailed reports was also viewed as a way of 'shutting out' civil society from the discussions that took place since there were no formal structures allowing for the participation of civil society in these groups.

The perspectives of organisations on the opportunities for participation differ between the Convention and the Futurum initiative. In part these differences can be understood by referring to Dahl's (1994) description of the trade-off between participation and effectiveness in the EU. Dahl argues that the adoption of the Maastricht Treaty created a system of governance that is effective at dealing with a range of economic, environmental, and security issues that transcend national boundaries, but at the same time it has reduced the capacity of individual citizens to exercise control over these matters. There were several attempts made to open the Convention to participation from a wide range of civil society actors. But ultimately, the pressures of drafting a document within a deadline meant that the opportunities for civil society to participate in discussions were curtailed. In contrast, in the case of the Futurum initiative, the Commission actively pursued organisations with the aim of establishing 'partnerships' with them. However, many of the organisations that established such a partnership were less than enthusiastic about this and the other participation opportunities involved in Futurum, and tended to view it as lacking focus and as an ineffective means of achieving their objectives. In the

Futurum initiative increased participation was accompanied by limited effectiveness, and in the Convention increased effectiveness resulted in less participation.

Although the ways in which the Convention and Futurum debates were structured has an impact on participation, so too does the agency of the civil society organisations. In particular, the extent to which organisations participated or facilitated participation depends firstly upon their capacity do so and secondly upon their willingness to do so. Both of these varied between different organisations though it is possible to identify several themes that emerge from the data.

All of the Brussels-based organisations that were interviewed appeared to have the capacity to participate in the Convention and Futurum debates as demonstrated by their various activities, most notably submitting contributions to online fora and making direct contact with Convention members. The capacity to engage in such activities is dependent in large part on the organisations' informational resources, amassed over years spent observing and trying to influence the EU policy process. These organisations also benefited from financial resources sufficient to allow them to maintain an active staff and permanent office in the heart of the district containing offices of the EU's institutions in Brussels, which further enhanced their capacity to participate effectively.

The organisations tended to evaluate their own participation favourably. Since the objective of such participation tended to be to influence the discussions, and thereby the outcome of the Convention some looked to the constitutional treaty for evidence of their success (though others were more aware of the difficulties of claiming to be the originators of ideas). The institutional actors however were not always convinced about the capacity of the civil society organisations to participate effectively. There was concern over the 'declaratory language' used by organisations in their contributions to the Convention plenary on civil society, and the Youth Convention's conclusions. There was a sense that some organisations were more concerned with making grand yet vague statements referring to how momentous the occasion was or to the importance of civil society in discussions on the EU's future, and relatively little of substance on what they and their members wanted from a constitutional treaty.

The willingness to participate in the Convention debates on the part of most of the organisations interviewed can be contrasted with a lack of enthusiasm on the part of organisations for participating in the Futurum debates. The responses of the organisations that had a partnership with the Commission on the Futurum website indicate an unwillingness to participate extensively in this initiative. This unwillingness appears to be partly a function of the confusion on the part of several organisations regarding the partnership's purpose and objectives, and is thereby linked to the structures of debate. In the absence of clear statements about what Futurum was supposed to achieve, and suspicion about the extent to which it helped organisations achieve their objectives, the

willingness to participate to any degree seemed to be largely motivated by the desire to maintain good relations with the Commission.

It appears, therefore, that most of the organisations have the willingness, and to a certain degree, the capability to participate in the debates on the future of the EU. However, the kind of participation observed in the Convention and in Futurum refers to a rather limited interpretation of the concept of participation. In this view, participation is the preserve of organised groups as opposed to ordinary citizens. Furthermore these organisations did little to facilitate the participation of ordinary citizens. Several organisations acknowledged that they had neither the capacity nor the willingness to facilitate the participation of the members or supporters in debates. Only a minority of organisations interviewed mentioned activities that were designed to encourage the participation of members or supporters in discussions about the EU's future. Some acknowledged that they were distant from their members. The interviews support Warleigh's (2001) research on NGOs and political socialisation, the findings of which suggested that EU-level NGOs had limited capacity to facilitate the involvement of ordinary citizens in EU politics, largely due to their lack of internal democratic structures.

Several organisations questioned whether mass participation in the Convention and Futurum debates was ever intended. The implementation of the Laeken rhetoric in the Convention and the Futurum suggests mass participation was not intended, even though the rhetoric did at times appear to conflate citizen participation with organised civil society participation. Ultimately the result is

the divergence of reality from the rhetoric. In this light, the rejection in two referenda of the constitutional treaty, which was intended to help bring citizens and EU institutions closer together, seems rather conspicuous.

A further question is whether the 'elitist' conception of participation (i.e. the participation of organisations with informational and financial resources) can still provide democratic linkage in the context of the debate on the future of the EU. Magnette (2003:7-8) argues that it can. Citizen participation is limited in all democratic societies (Barnes & Kaase 1979), and as Dahl's work on participation and effectiveness suggest, it seems to become even more limited as the size of the political community increases (see also Dahl & Tufte 1973 on *Size and Democracy*). Nevertheless, the idea of citizen participation retains great appeal at the EU level, as the incorporation of the 'citizen's initiative' into the constitutional treaty indicates. Even this had been identified by civil society organisations as an additional tool which can be used in lobbying the Commission, by mobilising large numbers of citizens via their national members. Elite, as opposed to mass participation seems likely to continue characterising attempts to bring the EU institutions and citizens closer together through the mechanism of participation.

Were the 'citizens' initiative' ever to be implemented however, there would most likely be implications for the relationships between civil society organisations and ordinary citizens. The capacity to mobilise large numbers of citizens in the member states would be necessary if organisations were to use this tool to pursue their objectives. As a result one might expect Brussels-based

organisations to develop their downward-facing interactions in order to generate the number of signatures necessary for the Commission to consider initiating a policy proposal. There are parallels here with Kollman's (1998) notion of 'signalling' whereby organisations mobilise large numbers of ordinary citizens as a means of demonstrating to decision-makers the extent of public support for their cause. In the context of increasing sensitivity to public opinion among decision-makers, the capacity of an organisation to signal their popular support might become a resource that determines whether organisations secure 'insider' status with institutions.

As a concept, participation can help describe and explain one particular aspect of the linkage role. By looking at democratic linkage in terms of participation we are directed towards the activities that comprise participation and the different actors involved – questions of who participates, and how? Addressing the question of who participates in the context of the Convention and Futurum reveals that participation largely involves elite citizens – already organised groups. The predominance of elite as opposed to mass participation does not necessarily undermine democracy nor preclude linkage. Indeed, for practical reasons participation in decision-making will necessarily be the domain of a limited number of elite actors. The avoidance of populism, the dominance of powerful economic interests and the marginalisation of minority views enhances desirability of civil society – with its connotations of inclusiveness and equality – as a proxy for mass participation. However it poses questions about the basis upon which these organisations might participate as a proxy for ordinary citizens. This can be expressed in terms of 'representation', the next

mechanism of linkage analysed in the thesis. The issue of how this participation operates turns empirical attention towards the content of the participation, namely the communicative relationships between the organisations and decision-makers on the one hand, and citizens on the other – highlighted by the mechanism of communication which is analysed in Chapter 6.

Chapter 5

Mechanisms of democratic linkage II: Representation

5.1   Introduction

The participation of organised, elite actors in the Convention and Futurum debates poses questions about the extent to which they represent EU citizens more broadly. The objective of this chapter is to investigate whether organisations have the capacity and willingness to represent citizens as well as interests, so serving as a mechanism of linkage, and whether the Convention and the Futurum initiative provide opportunities for this kind of representation. In other words, I develop a picture of how representation operates as a mechanism of linkage and how we can understand it. This in turn indicates the potential contribution of civil society, via the mechanism of representation, to enhancing the input legitimacy of the EU.

Representation has been the focus of empirical research on the formal democratic credentials of the EU (see contributions in Morgan & Steed 2003 and Schmitt & Thomassen 1999; and Smith 1999; Hix, Noury & Roland 2007). But arguably, political representation in the EU cannot and should not be understood solely in terms of elected officials within formal institutional settings. Furthermore, the peculiar institutional architecture of the EU has given rise to the suggestion that models of representation based on national political systems may not be directly applicable to the EU (Hix 2005). In light of this, 'functional representation', or the representation of individuals in terms of their certain preferences and interests by associations might play a role. Such associations are specific to certain functions or purposes and since associations can approximate the actual wills and preferences of membership it is argued that such forms of functional representation should be established alongside territorial representation (Smismans 2003: 486).

The notion of representation has not featured prominently in the rhetoric surrounding the debate on the future of the EU in the way that the notion of participation has. However it could be argued that both the Laeken declaration and the governance white paper make certain assumptions about the representativeness of civil society organisations by calling for the involvement of all citizens in debates on the EU's future but making provisions only for these organisations. There are good reasons for assuming that these organisations can and do provide linkage through the mechanism of representation. For example, the literature on interest representation in the EU has developed a picture of how organisations of

the type interviewed in this research amongst others, have contributed to EU governance. However, interest representation as a substantive activity operates in the context of developing effective policy and therefore rests on output-oriented legitimacy arguments (Scharpf 1970). In contrast, the objectives of the debate on the future of the EU, like the democratic deficit debate (Meyer 1999), has been concerned with strengthening links between the EU institutions and ordinary citizens, which also means improving the input-oriented legitimacy of the EU.

The notion of representation is multi-faceted. It can have different meanings in different contexts with differing implications for how it provides linkage. A theoretical examination of representation brings to light what Pitkin (1967) refers to as different 'views' of the concept which are right for different contexts in which the term is used. Representing interests and representing citizens correspond broadly to different views of representation. The empirical investigation examines the nature of representation in the two case studies. It considers whether the ways in which the Convention and the Futurum initiative were structured provided opportunities for or constraints upon the different kinds of representation. It also considers the capacities and willingness of civil society organisations to represent citizens and interests and how this was played out.

Before outlining the empirical findings it is important to take a closer look at the concept of representation in both empirical and theoretical terms. To this end I begin the chapter by examining current understandings of representation in the EU, and the role played by organised civil society in facilitating representation.

This involves referring back to the interest representation literature outlined in greater detail in Chapter 3. I also examine the way that the concept of representation appears in the reform rhetoric and how this ties in with these current understandings. I take a closer look at the concept of representation in the context of the major aim of the reform process: improving the legitimacy (and specifically the input legitimacy) of the EU. Following this I present the empirical findings relating to representation and highlight their significance in the discussion that follows.

5.2   Political representation in the EU

Political representation in the EU is not confined to the activities of institutional actors within formal structures of representative democracy (though in Grady's (1993) view this is 'real' representation). The representation of a variety of interests has been identified as a key feature of EU politics and policy-making ever since Ernst Haas (1968) first observed how public and private interests put pressure on member states to agree to supranational solutions to common problems. Since then a large, empirically-based literature has developed to explain the what's, how's and why's associated with the representation of interests in EU politics (key contributions include Mazey & Richardson 1993, 2006; Greenwood & Aspinwall 1998; Greenwood 2003a; Warleigh & Fairbrass 2002, and

summarising much of this literature Coen 2007). Analytically, representation outside structures of representative democracy therefore is as important as representation within these structures. Indeed, it has been argued that the study of interest representation in the EU can 'explain how public policies emerge, how they are framed and processed, why they take the character they do, and how they might contribute to our understanding of the course of European integration' (Greenwood 2003a: 1).

The study of interest representation in the EU has tended to be the study of groups organised at the EU level. Such 'interest groups' are both numerous[25] and varied. Greenwood's (2003a) comprehensive study identified the following groups as the primary ones involved in processes of EU interest representation: business interests, professional interests, labour interests, public interests and territorial interests. In recent years, such interest groups have increasingly been termed 'civil society' organisations – a change in terminology documented in Chapter 3 and highlighted by the similarity between Greenwood's definition and the Commission's 2001 governance white paper which states that: 'civil society includes the following: trade unions and employers' organisations ("social partners"); non-governmental organisations; professional associations; charities; grass-roots organisations; organisations that involve citizens in local and municipal life with a particular contribution from churches and religious communities' (2001a: 14, footnote 9). In addition to this shift in the political

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[25] The Secretariat of the European Commission speculated in a policy document in 1992 that 'at present there are thought to be approximately 3000 special interest groups of varying types in Brussels' (1992: 4). Since this was largely speculation Greenwood has since calculated that the actual figure is more likely around 1450 formally constituted EU level groups (2003a: 13).

discourses there is also an analytical shift: Greenwood himself even adopts the term 'civil society' after the initial chapter in his study of interest representation to describe the *actors formally known as* 'interest groups'.

The shift in the terminology from 'interest groups' to 'civil society organisations' poses questions about whether there has also been a shift away from processes of interest representation as the focus of these actors' activities. In other words, as 'civil society organisations' do these actors play a different role in EU politics than they did when they were referred to as 'interest groups'? If so, what implications are there, if any, for democratic linkage? Do 'civil society organisations' make a greater contribution to linkage and therefore legitimate governance than interest groups? These questions can be addressed empirically by looking at the involvement of civil society organisations in the debate on the future of the EU.

The rhetoric of the debate discourses did not invoke the notion of representation in the same way as the notion of participation was invoked (as outlined in Chapter 4). Indeed, reference to the concept of representation in the Laeken declaration mostly referred to the composition of the Convention in terms of 'representatives' of the European Parliament, Commission, and member and applicant states' governments and parliaments. Rather, the role of civil society was expressed in terms of the need to open up the debates on the future of the EU. The Laeken declaration for example linked the involvement of civil society organisations with the need for the debate to be broadly based and involving all citizens. This could be seen in the context of a widespread desire following the Nice IGC to 'do things differently'

and the development of structures such as the Convention which, it was hoped, would facilitate a more open, and ultimately more effective process of treaty reform. Taking into account the discourses of reform and the rhetoric therein one might expect a break with the past in terms of the role played by these actors.

Although the reform rhetoric did not explicitly address the concept of representation as a means of linking the EU institutions and citizens it did hint at a representation role played by civil society organisations. I have already argued that although the rhetoric of the reform agenda emphasised the importance of ensuring that citizens were involved in the debate on the EU's future, the concrete proposals were designed only to facilitate the involvement of civil society organisations. The debate discourse is interesting in this context not because of what it said (or more to the point, did not say) about representation. Instead it is interesting because it appeared to equate 'all citizens' with (organised) 'civil society', thereby making an assumption that the latter in some way represent or is representative of the former.

To what extent do the organisations identified by the institutions represent citizens? The organisations involved in the debate on the future of the EU were varied, and so too were the ways in which they claimed to, and could be seen to 'represent' their members, supporters or citizens in general. Some were representative of citizens in the sense that they mirrored the characteristics of the citizens they claimed to represent (i.e. women, young people and so on). Others represented by unifying members' interests and acting collectively on them (i.e. employees, students and so on).

The debate discourse framed the role of civil society organisations in terms of bringing citizens *in* to the debate. This is in contrast to the literature on interest representation which has tended to analyse the contribution of interest groups to the effective policy that comes *out* of the decision-making process. These different emphases point towards differing implications for the way in which representation as a mechanism of linkage might enhance legitimate governance – in terms of either 'input-oriented-' or 'output-oriented' legitimacy arguments in the words of Scharpf (1999). An exclusive focus on strengthening output legitimacy poses the question of whether citizens have been brought closer to the institutions rather than simply institutions having been brought closer to the interests of citizens. Of course, representation in terms of bringing citizens into the debate and representation in terms of contributing to effective outcomes are not necessarily two conflicting or even entirely different activities. They may more accurately be seen as two different ways of looking at how representation can provide linkage.

On closer inspection, the view of representation implicit in the interest representation literature is just one interpretation of what the concept means, what it ought to mean and what its implications are. As subsequent sections point out, different 'views' of the concept can have significantly different implications for the way representation functions vis-à-vis democratic legitimacy. Just how the mechanism of representation might have functioned in the Convention and Futurum initiatives is unclear. Certainly the existing research on interest representation and the objectives of the reform agenda contribute to a rather

confused and confusing picture of how civil society organisations might facilitate democratic linkage and thereby strengthen legitimate governance. Like the concepts of civil society, deliberation and participation, the notion of representation is a multi-faceted and even contested concept. It is frequently used in political and academic discourses without adequate consideration of what it means and what its meaning implies in different contexts. The nature of representation in the debate on the future of the EU is investigated empirically here but before this is possible greater clarity surrounding the concept of representation, and how it relates to organisations within the structures of the debate on the future of the EU is needed.

5.3   Conceptualising representation

The concept of representation, specifically political representation, is complex and has multiple meanings. At first glance it seems simple and it is used as though there was agreement on what it meant. But on closer inspection it is remarkably difficult to pin down a single, widely accepted definition. The multiple dimensions of representation mean that there are differing and sometimes conflicting ideas about what and how representatives should represent. Understanding how representation can contribute to democratic linkage therefore means understanding what the notion of representation entails. Much light has been shed on this subject

by Hannah Pitkin's (1967) classic study of *The Concept of Representation* which, although 40 years old can still help bring new insight to the study of representation in the EU.

In this book, Pitkin identifies two formalistic understandings of representation which focus on the formal requirements of representation in terms of authorisation on the one hand and accountability on the other. Hobbes and Weber defined representation in terms of the giving of 'the authority to act' from one to another, and the subsequent holding of this authority (Pitkin 1967: 38). An alternative understanding of representation is in terms of the representative being held to account for and to those who are being represented. What both of these understandings of representation have in common is that they view it in terms of formal arrangements: those that precede and initiate representation in the case of the authorisation view; or those which or follow and terminate representation in the accountability view. Studies of the nature of representation in the EU have tended to focus on such formalistic views of the concept by focussing on representation in formal European Parliament settings.

The focus in this investigation is on representation in more substantive terms – as an activity or set of activities that occur outside the formal structures of representative democracy. Pitkin recognised that representation could be understood in substantive as well as formalistic terms - in other words, in terms of the activity of representing. At its most basic substantive representation could be understood as the 'making present' of something that was not otherwise present.

She outlined two broad lines of enquiry for analysing representation as a substantive activity. The first asks who or what a representative is and the second asks what constitutes the activity of representing. The first line of enquiry sees representation as 'standing for', i.e. the representative is standing for the represented. It is all about the characteristics of the representative and their congruence with the represented. What is important is what the representative is, or looks like, rather than what it actually does (1967: 61). Pitkin argued that representation as 'standing for' could be either descriptive or symbolic. 'Descriptive standing for' refers to when the characteristics of the representative mirror those of the represented (and is often the justification behind proportional representation voting systems). The assumption is that a representative's characteristics will determine their activities and 'representativeness' is ascertained by the extent to which representatives have characteristics which are typical of those they represent. 'Symbolic standing for' is less about representatives mirroring the characteristics of the represented and more about providing a referent. In this view the inner qualities of the symbol are more important than its outward appearance.

The second line of enquiry refers to what constitutes the activity of representing. According to Pitkin, representation as 'acting for' is all about what guides the representative's actions, namely, to speak for, look after, or further a particular interest. In practical and observable terms this will involve specific types of behaviour or actions such as lobbying policy-makers, giving evidence to parliamentary committees and so on. However, normative underpinnings which

determine which kind of activities occur are multiple and can be disputed. Pitkin identifies several analogies which serve to illuminate the normative role of the representative including 'agent', 'ambassador', 'guardian', 'proxy', 'substitute' for example. Each of these analogies specifies the exact type of activity that the representative ought to be engaged in. For example, if the representative is viewed as an 'agent' of the represented, the former will be expected to engage in activities which allow the latter's preference (or interests) to be expressed. A slight contrast would be the representative as 'guardian', where the emphasis would be on the best interest of the represented which may be independent of preference.

Pitkin's disaggregation of the concept of representation into formalistic and substantive views and the further division of the substantive activity into representation as 'standing for' and representation as 'acting for' can shed light onto the way representation might operate as a mechanism of linkage in the EU. The features of interest representation as a substantive activity described by the literature demonstrate that the view of representation therein resembles what Pitkin would term 'acting for' with a stronger focus on what comprises the activity of representing. This can be illustrated by several examples. Firstly, there is the portrayal of 'representatives as experts' in the interest representation literature. The so-called 'capacity deficit' in the Commission is well-documented (see Greenwood 2003a:5) and has made the Commission dependent on what Greenwood terms 'outside input' (2003a:6) for information sources related to the drafting of policy proposals and the successful implementation of policy measures. Such technical expertise can be a factor in whether an organisation develops

'insider status' (Grant 1978) with the Commission and thereby becomes influential in a particular policy arena. Related to this is the question of the nature of the issues being discussed. The representation literature suggests that if these are technical, complex issues which require the judgement of an expert then representation as 'acting for' will be most appropriate form of representation. This is because the representative must use their expertise to make the right decision whereas those being represented cannot be expected to have the requisite expertise or understanding necessary to make the 'right', or most technically appropriate decision. In the case of interest representation vis-à-vis policy making in the EU, the representative as expert might be the correct interpretation because of the technical aspects of the policy (Mazey & Richardson 1999). Secondly, the organisations involved in processes of interest representation are appointed (and often self-appointed) rather than elected to represent a particular interest. Although individuals within the organisation may have been elected to their post, the organisation itself is not elected by the entire constituency to stand for a particular interest. Thirdly, according to Halpin (cited in Greenwood 2003a:270) the organisations involved in interest representation, and targeted in the reform rhetoric are representatives *for* a particular cause rather than *of* it. This means they do not necessarily have strong links with their constituencies, mirroring Pitkin's observation of representatives who are 'acting for' a particular interest.

The representation of interests in informal governance processes in the EU can help overcome the weaknesses in representation from which the EU is said to suffer (Smismans 2003). Transnational groups from various sectors of civil society

have been granted rights of 'functional participation' in the EU policy-making process, thereby institutionalising them and legitimising processes of 'functional representation' whereby these groups have legal rights and the authority to speak for others.

However, the move from describing associations as 'interest groups' to 'civil society organisations' in the rhetoric of the reform suggests that the representation role of civil society is not confined to functional representation or 'acting for' citizens. There are several factors which suggest the view of representation herein resembles Pitkin's view of 'standing for', either descriptively, symbolically or both. The concern in the debate on the future of the EU is not only with technical political questions to which only experts can be expected to know the answers. Instead, the debate on the future of the EU has been presented as something much wider than everyday EU policy-making. The rhetoric suggests that the institutions want to know what citizens think and want rather than what representatives of their interests might think is best for them. One of the aims of the debate, as explained by the Laeken declaration and the governance white paper is to find out what ordinary citizens want from the European Union. In order to be able to communicate what ordinary citizens want the representative must have effective links with its constituents, which representation as 'acting for' does not offer. As Pitkin points out, representation as 'standing for' has a greater capacity to perform this role. This requires representatives to have clear capacities to engage in downward-facing interactions with those they are representing, in order to effectively communicate what it is that European citizens want. In this way it

seems that a descriptive or symbolic 'standing for' the citizens would be a more appropriate way to understand the linkage role of civil society organisations.

In addition the reform rhetoric implies that the organisations involved will have concrete lines of linkage with their constituents, to such an extent that one is possible to stand for another. This is evidenced by the phrase in the Laeken declaration which outlines that in order for the debate to be 'broadly based and involve all citizens, a Forum will be opened for organisations representing civil society' (European Council 2001). In this way the rhetoric implies a symbolic 'standing for' on the part of civil society organisations for ordinary citizens. The terms 'citizen' and 'civil society' are used almost interchangeably, particularly in the governance white paper (Magnette 2003) which implies an at least implicit assumption of their symbolic interchangeability.

The reform rhetoric took a broader view of representation than we have seen in processes of interest representation. For representation – as a mechanism of democratic linkage – to strengthen input legitimacy we would expect it to resemble 'standing for' in addition to, or instead of, 'acting for'. It is useful here to return to Scharpf's distinction between input- and output-oriented legitimacy arguments. Scharpf (1999) outlines the distinction between 'input-oriented' and 'output-oriented' legitimacy, recognising the lack of the former in the European Union. Traditionally the legitimacy of the European Union rested on outputs, or specifically the extent to which the EU produced outcomes that were more beneficial than the member states could produce acting individually (Beetham &

Lord 1998: 98-114). However, the debate about the EU's so-called 'democratic deficit', and more recently the post-Nice reform agenda, has focused on how to improve input legitimacy (Meyer 1999).

Representation as a mechanism of democratic linkage can potentially strengthen either the input-or output-oriented legitimacy arguments of the EU, depending on the view of representation adopted. Representation as 'acting for' tends to improve the output-oriented legitimacy arguments of the EU. This is because 'representation' in this view is about furthering the interest that the representative is defined by, and is directed towards an outcome, for example a policy proposal. The activity of representation as acting for others must be defined in terms of what the representative does and how he does it, and its success is measured by the extent to which the interest is then reflected in the eventual outcome. This can be illustrated with a comment made by a Union official that I interviewed:

> The European Environment Bureau is very successful at lobbying the Commission, [and] as long as they're successful in lobbying the Commission and promoting their members interest, they don't care, they don't care much about the gap between the institutions and the citizens because as far as they are concerned, If [they] are successful at lobbying the Commission there is no gap.
>
> *Union official #5, 28.03.06, Brussels*

Representatives 'acting for' a particular interest can therefore contribute to output-oriented legitimacy arguments by contributing their expertise to discussions which result in more effective policy proposals.

Representation as 'standing for', by contrast, has greater potential to improve the EU's input-oriented legitimacy arguments. Representation as 'standing for' relies on a congruence of characteristics between the representative and the represented (either descriptively or symbolically). It is therefore better able to support the assumption in aspects of the reform rhetoric, of interchangeability between citizens and 'civil society' and that by involving certain civil society organisations the European public is somehow involved. An example of an attempt to create representation as 'standing for' is the Youth Convention, established by Giscard d'Estaing to help fulfil the Laeken concern with 'bringing closer' to young people. Clear attempts were made to ensure that the characteristics of the Youth Convention delegates resembled those of European youth in general (210 persons aged between 18 and 25, intending to ensure appropriate diversity in terms of sex, occupation and geographical background). However, the Convention was marred by acrimony and scandal, when the chair was found to be over the age of 25 (Norman 2003) calling into question the extent to which the delegates were actually 'standing for' those they were supposed to represent was. Johannes Voggenhuber, one of the Austrian Convention members claimed that 'it is not European Youth that has come to Brussels, but the future bureaucrats of the EU institutions' (in Norman 2003:57). This demonstrates how the capacity to

effectively 'stand for' becomes increasingly difficult the further removed an organisation is from its grass-roots.

Both views of substantive representation can contribute to bringing the EU institutions and citizens closer together, or in other words, democratic linkage and in turn improve the legitimacy of EU governance. Furthermore, representation as 'acting for' and 'standing for' are not mutually exclusive and may occur simultaneously. It is important nevertheless to make the analytical distinction between these two forms of substantive representation because it allows us to observe with greater clarity the way in which representation is functioning as a mechanism of linkage, and whether it enhances input- or output oriented legitimacy arguments. Understanding what these organisations bring into the debates requires turning empirical attention towards the relationship between the organisations and who or what they represent – their 'downward-facing' interactions.

5.4 Representation in the Convention and the Futurum initiative

Civil society organisations, in their earlier incarnation as 'interest groups', have traditionally been important agents of representation in the EU political system. Studies of interest representation have tended to focus on the contribution of the

actors to effective policy outcomes – their 'upward-facing' interactions with decision-makers – approximating a view of representation as 'acting for' or acting 'in' the interests of citizens. Yet the debate discourse outlines the role of these organisations in the context of broadening the debate to involve all citizens, thereby turning attention towards their 'downward-facing' relationship with citizens – resembling more closely a view of representation as standing for citizens in the debates.

In the empirical investigation I aimed to shed light on the following questions: How is representation enabled or constrained within the Convention and Futurum? Are civil society organisations willing to represent citizens in the debates and furthermore, are they able to do so effectively? In analytical terms, does the concept of representation shed light on the contribution made by civil society organisations in the debate initiative to enhancing legitimate governance?

As in Chapter 4, the empirical data presented here comes primarily from interviews with 25 civil society organisations that were involved in the Convention and/or Futurum. These interviews were conducted between January and April 2005 in Brussels, Paris and London. The two organisations that were based in London had a national as opposed to transnational remit, although one of them was affiliated to TEAM Europe – a Europe-wide umbrella group for EU-sceptic organisations. The remaining 23 organisations were all EU-wide in their scope, the majority based in Brussels and five in Paris. The responses from the civil society organisations are supplemented (where relevant) with responses from Union

officials. Six individuals from the EU institutions, notably the Commission, the Council and the Economic and Social Committee, who were involved in the debates were also interviewed.

The findings are presented below under the following themes: representation in the Convention and the Futurum initiatives; representation as 'downward-facing' interactions; representation as 'upward-facing' interactions; who or what is represented; perspectives on representation in the debates; and perspectives on the representation role of civil society. I illustrate my analysis with direct quotations from the organisations (and in some cases from the Union officials). The discussion that follows in section 5.5 returns to the questions outlined above on the opportunities or constraints found within the Convention and Futurum; the capacities and willingness of the organisations involved; and the explanatory value of the concept of representation.

Representation in the Convention and the Futurum initiative

Unlike with participation, organisations rarely viewed 'representation' as a particular activity or set of activities within the Convention or the Futurum initiative. Nevertheless, the role of organisations in 'making present' of something – whether an interest, opinion or preference of a citizen or group of citizens – in the Convention caused palpable excitement among organisations, as one of the think-tanks involved observed:

> [In the Convention] everyone was very excited and everyone wanted to explore his or her chance to say something on the part of the interest they were defending.
>
> *Civil society organisation #13, 13.01.05, Brussels*

Some of the other organisations also viewed their Convention-related activities in terms of the opportunity to represent their position. However, many of the organisations did not appear to see their own involvement in the debates in terms of representing something. For them the act of participating appeared to be more tangible.

The idea that civil society involvement in the Convention and Futurum was in order to make present something that wasn't there was apparent in some of the statements of the organisations nevertheless. One organisation thought that the Commission, as administrators of the Futurum website, had made a deliberate effort to target organisations that were in some way 'representative' of the range of interests found within European civil society broadly, and moreover, they had been successful in doing so:

> They [the Commission in the Futurum initiative] actually have made quite a good effort to say 'what we really want is groups that really are representative of where they're from', and I think they've done quite as good a job as they can bearing in mind now that's means they're

supposed to know who the real representative civil society organisations are in 25 member states.

Civil society organisation #4, 07.01.05, Brussels

Other organisations however, were simply unable to see their activities in the Futurum as having anything to do with representation. This was less the case for the NGO-type organisations than for think-tanks, and specifically one organisation which described itself as a 'citizen's network'. Their contribution to Futurum was to establish a partnership linking to a website which described describing their activities:

One hundred people gathered and talked about this topic [constitution for the EU] and this is what they think. Are they representative of anything? No, they're just people who came together.

Civil society organisation #8, 12.01.05, Brussels

Representation as 'downward-facing' interactions

By breaking representation down into its component parts it was easier to observe it empirically. On the one hand representation could be observed in the so-called 'downward-facing interactions' of organisations whereby they would define and outline their position through interactions with members (individual or groups), supporters or citizens in general. On the other hand another facet of representation

could be observed in 'upward-facing' interactions whereby the organisation would present their position to decision-makers.

When asked about their involvement in the Convention and Futurum several organisations mentioned the ways in which they drew up positions which would become the basis of their activities in the Convention and Futurum. The following two comments come from organisations with national and regional member organisations whom they consulted in the process of drawing up their position - on the basis of which they then lobbied the Convention members:

> We have to have a common opinion and then we try to draft an opinion which could be accepted by our affiliates, then we have our executive and steering committees when the leaders of the national centres come to Brussels then we discuss it with them, and we publish the opinion. And on the basis of this position, we lobby. We try to influence [the institutions].
> *Civil society organisation #12, 13.01.05, Brussels*

> What happens when the Commission produces a document, we go away and we ask our members to think about it themselves, then come back together and think about it together then draft a position paper. It takes time but it's the only way in which we can say 'we represent all of this wide range of groups and we can say with confidence agree that these are the key issues'. In order to do this civil society can move

quite slowly sometimes but I think that's essential if you're going to have any credibility when you say 'we speak for these groups', or 'together this is what we say'.

Civil society organisation #21, 17.02.05, Brussels

As these quotations indicate, the process of drawing up positions could be long and drawn out because of the numbers of additional actors involved. One of the organisations explained this process in detail, pointing out that their contributions in the Convention and Futurum, in addition to their activities outside the debate initiative, arose from a process which was, in their view, 'democratic':

Every policymaking document that we do has a democratic process. It is first drafted by the policy officer, then presented to the bureau, the bureau can do changes, then present it to the member organisations. We have two meetings every year and more than 90 member organisations are represented there by delegates that represent the opinion of the organisation so we're talking 90 different ways of thinking. In the end it's voted and the majority will draft the document that is presented to the political level [i.e. the position that forms the basis of lobbying activities]. So on that level the 90 member organisations are represented in a very precise way and a very democratic way and that's why I say we represent the member organisations and in that sense we represent a lot of different ways of thinking very well.

Civil society organisation #5, 11.01.05, Brussels

In the interviews, organisations were generally open and honest about the difficulties of maintaining 'downward-facing' interactions, and therefore of being able to effectively represent members or their interests at the European level. Nevertheless they clearly felt that this process bestowed the legitimacy necessary in order for them to claim that they could 'represent' their constituents as this Youth organisation explained:

> It's very difficult to get a clear picture of what your members want. In our case it's easier than for other organisations, because we don't have a national level…the thing with the other organisations is that having a national level is like if you have traffic lights. We have a network and the workload for us is huge but it means we ensure the results…we want to know what our members want so that we are able to stand for them when it comes to lobbying the institutions for the students' interests…you can't have a real representation of your aims and you cannot really lobby for people if you don't involve them.
>
> *Civil society organisation #10, 12.01.05, Brussels*

The internal connections between the centre of the organisation and its members or constituents was emphasised by a number of organisations, making the point that being able to demonstrate a large membership or group of supporters could be a useful resource for organisations:

[Our] internal network gives us direct access to these organisations, national youth councils are connected with national NGOs, from national to regional to local. And also then the international NGOs for example Red Cross, can [lead] directly into the local level. So we calculated once that we represent 20 million young people in Europe, indirectly of course, and that's more or less the power of [our organisation].

Civil society organisation #5, 11.01.05, Brussels

Representation as 'upward-facing' interactions

For many of the organisations that were interviewed, it appeared that their 'upward-facing' interactions were at the forefront of their minds when asked to describe their involvement in the debates. For these organisations, the essence of representation was the interactions they maintained with decision-makers. Representation involved lobbying institutional actors on the basis of a predefined position, and 'representation' in the context of the debate on the future of the EU largely resembled their interest representation activities.

The primary task or the primary objective of [our organisation] has really been to ensure that someone is ensuring a greater focus on urban issues, on the concerns of cities at the European level…obviously

without having a strong input or a strong basis from our membership to

build on there couldn't be any lobbying vis-à-vis the EU institutions.

Civil society organisation #7, 12.01.05, Brussels

For some organisations, it was clear that the European level was active in

consulting and approaching their members. For others however, it appeared that

they relied on their national level organisations to take on the burden of feeding

information from individual members to the EU-level centre.

An analytical distinction has been drawn here between downward-facing and

upward-facing interactions but in practice there can be a degree of overlap

between the two. Several of the organisations interviewed explained how they felt

they could not have success in one without effectively maintaining the other:

In the past of course we've mounted a number of lobbying actions to

preserve and to promote our interests and what we found became

obvious right in the beginning is that you can have very good lobbying

at the European level but if this is not relayed by the national level then

it can't succeed.

Civil society organisation #18, 03.02.05, Paris

I think without it [our membership] we could be legitimately seen as

an empty shell. I mean we, us sitting here in Brussels is not the point.

We are sort of the intelligence gatherers, the eyes and ears, it's our job

> to know what's going on, but without our membership who will
>
> actually take on the issues and work with their government and groups
>
> up here there would be no point.
>
> *Civil society organisation #3, 07.01.05, Brussels*

Several of the membership organisations explained that in their view, their

interactions with the membership – whether national or regional organisations or

individuals – enabled them to perform their lobbying activities more effectively.

Incorporating consultation with membership into their lobbying activities became

an important objective.

'Who' or 'what' organisations represent

An issue which was raised by some organisations is a theme of this investigation

that has already been discussed in other parts of the thesis, namely the

heterogeneity of civil society at the EU level. Chapter 3 discusses the discourses of

'bringing closer' and 'debate', and the language used by the various institutions

which serve to create a picture of civil society in terms of a series of organisations

active at the EU level. There is very little discussion about the differences within

organised civil society, between different types of group, across sectors or at

national and EU levels for example. Imposing a homogenous picture of civil

society can obscure variations between the different organisations that are active,

their characteristics, and in part a function of this, their capacity to help strengthen

input legitimacy. This NGO umbrella group also recognised the different bases upon which NGOs might represent certain citizens:

> If you take a network like the European Disability Forum which is one of our members, that's a network which was built up in the foundations of the network of people with disabilities working together. They created a network which tries to give a democratic voice to those people and you can look at the network and say 'this is straightforward democratically' so they can bring their concerns forward, and the reason for the network existing at the European level, one of the main reasons is to take those concerns to the European policy-makers and see if they want to listen to them or not. I think they'd be willing to be judged on the basis of people saying 'you claim to be representative of these groups, how do you do it?' and them saying, 'this is the structure we have, this is the way we can transmit from individual people with disabilities through to a political statement at the European level'.
>
> *Civil society organisation #21, 17.02.05, Brussels*

Other organisations acknowledged the problems and difficulties associated with claiming to represent citizens or interests:

It's hard to say that of course we represent them [all European youth], it would be impossible, but what we do represent are the interests the common interests of our 90 member organisations.

Civil society organisation #5, 11.01.05, Brussels

I would say that we represent a constituency within the broader population, we do not represent all European women, that would just be a ridiculous claim. But we do represent those European women who are organised in structures at national level as well and then join together. And the same you could say I guess, for the anti-poverty networks and the disability networks and the racism networks and the migrant networks and all these other groups that all exist in Brussels.

Civil society organisation #3, 07.01.05, Brussels

In general we could say that [we are] a bottom up organisation, a representative organisation…[our] goal is to represent the students of Europe and then the students of Europe through their national organisations can say whether they like the European Union or the EU institutions or not.

Civil society organisation #15, 14.01.05, Brussels

The three comments above were made by organisations characterised as 'Other, NGOs' by the Commission in the Convention Forum and Futurum. In these statements it is possible to identify a claim or belief that the views or voices of

citizens could be channelled through the organisations. These organisations had evidently engaged in a process of self-reflection, and seemed to regard themselves as having a mandate to speak for (or 'act for') certain interests. But another organisation (also in the 'Other' category) was aware of the problems with this:

> MEPs or MPs at national level are elected by thousands of people and they're the ones who can say with some degree of legitimacy, although you can argue about how effective it is, but with some degree of legitimacy 'I do speak for the people I've been given a mandate'. We can't do that, we don't do that and we should never say so. What we can do is say we speak for groups of the population who have given a mandate to people but we need to be very careful there.
>
> *Civil society organisation #21, 17.02.05, Brussels*

Another organisation explained who or what they represented, referring to several different views of representation, and demonstrating how the term is often used to mean different things without examining the meanings of various usages:

> Yes, that's what I'm elected for. I'm representing the organisation in other organisations in Youth Forum, in the International European Movement, in the European Federalists, in the World Federalist Movement. And I'm elected for that so when I go to these places I try to represent as well as I can the European interests. This organisation stands for having more Europe and in this wider sense I can be

representing all of that, when it comes to more specific issues I know

that I'm not that representative.

Civil society organisation #9, 12.01.05, Brussels

The discussion of 'who' or 'what' is represented highlights important variations between the organisations. Even though they have been referred to collectively as 'civil society organisations' there are important differences between the organisations which have implications for the nature of representation. In various cases the NGOs were representing the opinions of their member organisations on a particular proposal of the Convention. In other cases they were representing the interests of their members vis-à-vis a proposal. The former can be seen, in Pitkin's words as 'standing for' and the latter acting 'for' or 'in the interest of'.

Perspectives on representation role of civil society in the debate on the future of the EU

Some organisations addressed the issue of representation in the abstract. Rather than refer to their own claims to representativity some organisations commented on the issue of representation in terms of civil society as a whole. One of the think-tanks commented on the problems of representation faced by, and in their view, reproduced by NGOs:

The problem of these organisations is often representativity, even

within their sector. Some claim that they have a democratic system and

their organisation is representative. But some organisations are
considered as being self-selected so there is a debate even within civil
society about representativity.

Civil society organisation #22, 24.02.05, Paris

Conversely, one of the NGOs commented on the role of trade unions:

I think the issue of how civil society represents public or certain
constituencies in the public is a very important issue that we need to
pay attention to in general. The social partners - the trade unions and
the employers have a hugely central and privileged role within the
process, and I would argue again as I've just argued governments and
media fail to translate the message or the process of the EU
developments to the public so too do the social partners abysmally fail
in my view.

Civil society organisation #3, 07.01.05, Brussels

Finally, one organisation recognised that there was a link between a particular kind
of representation and the extent to which civil society could perform a linkage
role:

The key issue for me in this whole debate about what NGOs bring in
terms of policy paper democracy and bridging the gap with the
citizens, is transparency. NGOs have a responsibility to be very clear

about who they are representing and how they do that. I think, I hope

we take that seriously, because that's something that's fundamental.

Civil society organisation #21, 17.01.05, Brussels

5.5   Discussion

The empirical findings presented in section 5.4 outline the nature of representation

in the Convention and Futurum and the role of civil society organisations therein.

On the basis of these findings I now return to the questions outlined at the

beginning of the previous section: How is representation enabled or constrained

within the Convention and Futurum? Are civil society organisations willing to

represent citizens in the debates and are they able to do so effectively?

Furthermore, and in analytical terms, does the concept of representation shed light

on the contribution made by civil society organisations in the debate initiative to

enhancing legitimate governance?

Although the term 'representation' did not form part of the rhetoric of the debate,

arguably the *notion* of representation informed some of the strategies that were

developed to transform the 'deeper and broader debate' into concrete actions. The

role of civil society organisations in the debates, as outlined in both the Laeken

declaration and the 2001 governance white paper, was invoked in response to the

desire to bring citizens and EU institutions closer together. This in turn was based on an assumption made by the institutions that civil society organisations would 'make present' EU citizens in some way.

One of the strategies, which appeared to be informed by this assumption of representativity, was the Youth Convention. When Giscard d'Estaing convened the Youth Convention he did so hoping that it would be an opportunity to hear the voice of young people and their ideas about what the EU should be doing to secure its future which could then be fed into the Convention's discussions. To a certain extent the Youth Convention could also be seen as a symbolic exercise to demonstrate that a debate on the EU's future involved its future citizens. Using Pitkin's terminology, the delegates were seen to 'stand for' young people, both descriptively and symbolically. Yet one of the organisations interviewed doubted whether the delegates were representative of the average young person in the way intended, and what the consequences of this were. In their words, the Youth Convention comprised:

> People who were very close to the [EU institutions] and who would,
> not surprisingly come up with some kind of result draft declaration that
> it was very much in line with the usual, what you would expect from
> people who are very pro-European, very close to the issues using this
> Euro-speak, and so forth.
>
> *Civil society organisation #13, 13.01.05, Brussels*

The members of the Youth Convention were selected by the member states, the Commission and the European Parliament and ultimately the view of both Union officials and other civil society organisations was that they were more representative of the institution or member state that sent them than of others in their age cohort.

In a similar fashion, the civil society plenary session appeared to have been designed partly with the representation of citizens in mind. Recognising the logistical problems of trying to accommodate the hundreds of organisations that had already sent their contributions to Futurum and the Forum, the Convention secretariat tried to narrow down the number and type of organisations addressing the Convention members. In the end, the decision on which of the organisations would speak for each 'sector' of civil society was left to the organisations themselves – so that the organisations that spoke during the plenary were intended to represent their particular part or sector of civil society. From the point of view of one of the Union officials involved in the Convention, the extent to which this initiative successfully resulted in the representation of citizens and their interests was limited:

> Very few of the NGOs who intervened said 'we want the European Union to be able to do able to more in this particular policy area, at the moment the necessary powers don't exist'… they were about declaratory language and not about policies and substance.
>
> *Union official #3, 28.03.06, Brussels*

A perspective on the Youth Convention from the civil society organisations was presented by one of the organisations that had addressed the Convention during the plenary. They also felt that the plenary had been of limited usefulness but in contrast to the institutional actors, they attributed this to the structures of the debate, claiming that there was simply not enough time for them to present the voice of their members or their sector of civil society.

In the case of the Futurum initiative there were also attempts to facilitate the representation of citizens and interests. Some of the organisations that were interviewed felt that the partnership initiative was an attempt by the Commission to identify and co-opt organisations representing all the different elements of civil society – an attempt which some believed to be more successful than others:

> I think the whole Futurum thing and in general the whole civil society drive at the Commission level has brought in groups not individuals, but I think that was the idea. The Commission can't cope with having thousands of individuals saying what their views are, but they have actually made quite a good effort to say 'what we really want is groups that really are representative of where they're from.
>
> *Civil society organisation #4, 07.01.05, Brussels*

The 26 partnership organisations listed on the Futurum website therefore included NGOs, trade unions, regional organisations and think-tanks. In the interviews,

some of the organisations involved in Futurum were sceptical about the effectiveness of the Futurum initiative as a vehicle for contributing to a debate by representing their positions. Involvement in the Futurum initiative did not give organisations direct access to Convention members and involved very little interaction or active involvement at all. The absence of an audience, or 'object' constrained the effective representation of citizens or interests.

The debate discourses emphasised the role of civil society organisations in relation to bringing citizens and EU institutions closer together, and not merely to bringing certain interests closer to the institutions. Processes of interest representation in the EU have helped the EU policy-making institutions get closer to the preferences, opinions and interests of EU citizens. However representation in the debate on the future of the EU has not necessarily allowed citizens to get closer to the institutions. The notion that organised civil society (as defined by the institutions) represented EU citizens was contested by some of the actors involved in the Convention and Futurum. Several of the organisations interviewed instead argued that the organisations involved in the debates could not necessarily be equated with civil society broadly defined or ordinary citizens.

In addition to the ways in which the structures or rules of the Convention and Futurum facilitated or constrained representation, the activities of civil society organisations also affected the extent to which representation operated. As we have seen, representation as a substantive activity involves interaction on the part of civil society organisations in two directions: upwards towards decision-makers

and downwards towards members, supporters and citizens. The extent to which the organisations interviewed here were able to maintain interactions in both directions varied, as did their willingness to do so.

The most visible part of the representation process involved the presentation of a position to Convention members and other actors involved in decision-making, in other words upward-facing interactions. The responses of the organisations here (and in Chapter 4 with reference to participation) indicate that it was these interactions with decision-makers – Convention members primarily – which were viewed as crucial. In this respect, the majority of the organisations interviewed demonstrated a willingness to 'make present' the interests of their members in the Convention and Futurum.

To a certain extent this willingness was matched by the ability of organisations to perform this role. Most of the organisations that were interviewed were based in Brussels. They were intimately familiar with the EU decision-making process and experienced at dealing with the institutions. Maintaining effective upward-facing interactions tended to be something they were good at. However, the comments of Union official #3 (on page 198) suggested that the context proved challenging for the organisations. He expressed frustration with the organisations that addressed the Convention plenary because they did not present their opinions, preferences or interests of their members and instead resorted to 'declaratory' and abstract language on the future of the EU and their own role in it. This he attributed in part to the occasion and the desire of the organisations to 'put their own stamp' on the

constitutional treaty. However, if the civil society organisations did respond to the pomp and ceremony of the Convention by resorting to declaratory statements it could be argued that they were taking cues from some the Convention members themselves, not least Giscard d'Estaing who was also a user of declaratory language and was reportedly fond of reminding the members of the gravity of their task.

The downward-facing interactions of the organisations which lay behind the presentation of the position of a particular organisation in the Convention or the Forum were less visible. Here, the wide variation between the organisations interviewed became apparent. On the one hand the nature of the position they presented in the civil society plenary, Forum or Futurum debates depended on the organisation. For example, in the case of several NGOs with national or regional memberships this usually referred to the collective preference, opinion or interest of the organisation's members. For the think-tanks by contrast, their position tended to be based on research findings, analysis or the promotion of a certain idea.

The process by which the position that was presented was arrived at also varied – a consequence of the fact that such a diverse range of organisations from across civil society were involved. Some organisations were able to demonstrate often complex processes whereby the preferences, opinions or interests of the membership informed the position which was subsequently presented to the Convention members. For others this process was far more opaque. Therefore the

extent to which citizens – either as supporters or members of an organisation – were involved in the development of a position which then became the basis of what was represented to Convention members varied among the organisations interviewed.

There were evident disparities in the capacity of organisations to maintain downward-facing relationships, with implications for their capacity for representation. Organisations cited the difficulties involved in consulting their memberships or supporters when drawing up positions that would become the basis of their lobbying of Convention members. For the same reasons that many organisations did not facilitate the participation of citizens (members or supporters) in their activities and thereby the activities of the debate, organisations did not have the capacity to incorporate citizens into their representation activities.

Notwithstanding the organisational capacities of the different organisations, there is also the issue of whether the organisations were willing to perform a representation role. Again, willingness to represent citizens or their interests varies between the organisations interviewed. For some of the NGOs, representing a particular group of citizens was viewed as their central task, though this did not always guarantee that they were effective in doing so. Others did not view representation as part of their job. This attitude can be attributed in part to the way the EU level organisations have developed in response to the preference of EU institutions to deal with EU level federations rather than multiple national

organisations. The raison d'etre for such organisations is to lobby and be consulted by the EU institutions so they are necessarily upward-facing.

Dividing the process of representation into two components helps us to understand how it operates as a mechanism of linkage. Research on associations and representation in the EU has tended to focus on the upward-facing interactions of the organisation involved. What is perhaps less well-understood is the organisations' 'downward-facing' interactions – the relationships between the organisation and its members. Effectively representing members does not of course wholly depend on whether an organisation maintains 'downward' connections or draws upon these in the production of positions which are then presented to Convention members (or policy-makers more broadly). Some organisations felt that they served their members' interests better by 'getting on with the job' of lobbying policy-makers at the EU level rather than constantly asking them what they thought. Others felt that they did not need to consult regularly with members or supporters in order to be able to represent them or their interests effectively. In other words, there are different understandings of what it means 'to represent' held by the organisations and the EU institutions, which are reflected in the theoretical literature on the concept of representation.

The activities of the organisations involved in the Convention and Futurum debates appeared to resemble representation as 'acting for' more frequently than they resembled representation as 'standing for'. The former is perhaps more consistent with the organisations' conventional role in processes of interest

representation which might imply a continuation of this role rather than a break with the past. The latter, by contrast, seems to be a new way of working for many of the organisations and different to the functions that they were originally intended to perform. Nevertheless, in the context of the debates on the future of the EU it could be argued that these two forms of representation are interconnected, and that for organisations to successfully 'act for' citizens they must also 'stand for' the citizens or interests they represent.

Looking at linkage through the framework of representation requires an examination of the relationships between civil society organisations and citizens as well as the relationships between civil society and decision-makers. The interest representation literature has tended to focus on the latter of these relationships, specifically how representation affects policy outcomes. The issue of how associations contribute to input legitimacy through the process of interest representation has not been addressed as thoroughly. Furthermore, some research has cast doubt on whether interest representation contributes to input legitimacy by highlighting evidence of how associations might distort or undermine rather than strengthen the EU's democratic structures through their contribution to the policy-making process.

Representation was less easily-identifiable as a substantive activity as was the case for participation. Often, the organisations themselves didn't always view what they were doing in terms of representation, or at least not primarily in terms of representation. This underlines how analytical concepts help to isolate and

categorise different types of behaviour but in practice, the distinction becomes more blurred. Similarly, the distinction drawn here between upward-facing interactions and downward facing interactions helps to emphasise the way in which representation operates as a mechanism of democratic linkage. The interviews produced far less evidence of the downward-facing interactions of the organisations. They did however, underline that in practice the interactions cannot always be so neatly divided since they are not mutually exclusive and a particular activity might involve elements of both. Nevertheless, when the downward interactions are taken into account the concept of representation can outline quite well the interconnectedness between the different relationships.

Chapter 6

Mechanisms of democratic linkage III: Communication

6.1   Introduction

The concepts of participation and representation offer useful frameworks within which the role of civil society organisations in bringing EU institutions and citizens closer together can be studied empirically. As such they tend to focus on the traditional role of interest groups in processes of policy-making, namely enhancing popular involvement and promoting interests, opinions or preferences in decision-making. However in recent years the EU institutions, notably the Commission, have outlined a role for civil society in 'communicating Europe', the latest attempt to enhance the legitimacy of EU governance by strengthening the links between EU institutions and citizens.

'Communication' has been a key concern for the Barroso Commission since its inauguration. By 2006 a clear 'communication strategy' had emerged from the Commission, under the guidance of the Vice President of the Commission and

Commissioner for Institutional Relations and Communication Strategy Margot Wallström, which aimed to restructure the relationship between the EU institutions and citizens in the member states. The major components of this strategy are the White Paper on Communication, published in February 2006, Plan D for Democracy, Dialogue and Debate, launched in October 2005 and the Action plan to improve communicating Europe by the Commission of July 2005.

The Commission has been at pains to emphasise that the strategy represents a radically new approach to communication with citizens. There are however definite and identifiable similarities with the debate on the future of the EU in terms of both the aims of the strategy and the means by which this is to be achieved. Like the debate initiative, the communication strategy is all about enhancing the democratic legitimacy of EU governance based on the notion that if citizens knew more about the benefits of integration they would be more supportive and trustful of EU governance. One way of securing this outcome that has been identified by the strategy was to enlist the help of civil society, again much like the debate initiative had done previously.

One of the questions arising from this comparison asks what communication is and what it is not, since there appears to be overlap with what could be understood as linkage through participation and representation. The notion of political communication is useful here because it informs theoretical literature on the relationship between communication as a process, and enhanced democratic legitimacy.

I begin in this chapter by examining more closely these similarities between the debate on the future of the EU and the Commission's communication strategy. I consider whether, given these similarities, the communication strategy implies a new way of working for civil society organisations, by drawing upon the concept of political communication. The conceptual analysis allows for the operationalisation of communication before an empirical analysis of communication in the debate on the future of the EU, the findings of which are presented in section 6.4. This sheds light on the nature of communication as a mechanism of linkage and the extent to which it is facilitated by civil society organisations operating in the two case studies: the Convention and Futurum.

6.2   From debating the EU's future to 'communicating Europe'

Communication was established as one of the Barroso Commission's strategic objectives when it began its term of office in 2004, and as a policy in its own right. The communication strategy which has since emerged under the guidance of Margot Wallström can be seen largely as another attempt to strengthen the relationship between the EU institutions and citizens. It is based on the idea of a 'communication gap' which mirrors the EU's legitimacy gap. The white paper outlined how as integration has progressed the EU has been transformed but communication with citizens has not kept up the pace. Instead a gap has emerged, one feature of which is that citizens know very little about

how the EU touches their lives, resulting in a feeling of remoteness and alienation from Brussels. In addition, citizens have the impression that the channels through which they can take part in debate are limited or inaccessible. This, argues the Commission in the white paper, is exacerbated further by the absence of a European public sphere where debate can unfold. More effective communication is seen by the Commission as a way of closing this gap by strengthening the bonds between EU institutions and citizens. In other words, communication can act as a mechanism of linkage and thus can in turn enhance the legitimacy of EU governance.

The rhetoric that surrounds the communication strategy seems to imply a clear break with the past in terms of the way the EU has been communicated. It has been presented as 'a move away from monologue', whereby the Commission would simply provide information (or propaganda). This is replaced with 'genuine dialogue between the institutions and the citizens'[26]. However, rather than an entirely new development, the communication strategy should be seen in the context of several longer-term processes. A concern with communication predates the Barroso Commission, as under Prodi the Commission had begun to address the issue of how the institutions communicate with citizens[27]. More broadly, the communication strategy can be seen as the continuation of a strategy dating back to the post-Maastricht era to respond to the EU's perceived legitimacy crisis.

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[26] As explained on Margot Wallström's homepage:
http://ec.europa.eu/commission_barroso/wallstrom/index_en.htm
[27] Previous attempts at developing a communication strategy have been made: see European Commission (2001c) which called on the other institutions and, importantly, the member states to contribute to the new approach and European Commission (2002) in which the Commission outlined a new strategy for its information and communication policy.

In the Treaty on European Union, the EU leaders stated their intention to improve access to information regarding the decision-making process, an intention compounded by the difficulties in ratifying the treaty which accelerated the momentum of reform. Since Maastricht it has been increasingly recognised that levels of public ignorance about and even hostility towards the EU are considerable. With this came an acceptance in principle that informing the public about, and involving them in the process of integration was necessary. Following the report of a 'reflection group' set up to assess the information and communication policies of the EU, the Commission decided that its lack of public support was largely due to inadequate information and understanding and so endeavoured to increase the transparency of its policy making. Further integration was to be 'based on information, which means giving the facts and explaining, communication which means listening and dialogue, and transparency, which means priority to total openness in pursuing the first two objectives' (European Commission 1994).

Furthermore, there are distinct similarities between the communication strategy and the debate on the future of the EU, both of which have been attempts to bring citizens and institutions closer together, or in other words, strengthen legitimate governance. The continuity between the debate initiative and the communication strategy is embodied by Plan D. This was the Commission's response to the 'period of reflection' called for by the European Council following the 2005 referenda on the constitutional treaty in France and The Netherlands. Plan D for Democracy, Dialogue and Debate' which was published in October 2005 reflected the Commission's view that the period of

reflection should be used for a broad and intensive debate on European policies which would allow the development of a clear view of citizens' needs and expectations vis-à-vis the European Union. Plan D, it argued, would not be limited to the period of reflection but rather would run the lifetime of the Barroso Commission and beyond. This document outlined several initiatives designed to 'stimulate a wider debate between the European Union's democratic institutions and citizens' (2005b:2) which would seek to 'clarify, deepen and legitimise a new consensus on Europe and address criticisms and find solutions where expectations have not been met' (2005b:11). The reference to debate also underlined the continuity between this initiative which arose out of the rejection of the constitutional treaty, and the earlier initiative which had produced the constitutional treaty.

Plan D was followed shortly afterwards by the Commission's White Paper on a European Communication Policy. The white paper, which was published on 1st February 2006, outlined the Commission's intention to close the gap between EU institutions and citizens by moving from 'one-way communication to reinforced dialogue, from an institution-centred to a citizen-centred communication, from a Brussels-based to a more decentralised approach' (2006a:4). Two-way communication was presented as a means of strengthening the bonds between citizens and institutions, and the white paper is littered with references to citizens, establishing communication as a mechanism of linkage. Five ways in which this might be achieved are outlined, including 'defining common principles', and 'empowering citizens', and crucially 'doing the job together'. Like the governance white paper in 2001, it

called for joint action from the other EU institutions, national, regional and local authorities and civil society. However another similarity was that the communication white paper, just like the governance white paper, was also rather vague on the exact role played by civil society in this respect. It did point out that civil society had a role to play in 'raising public awareness of European issues and policy debate' and also 'encouraging people to take part in these debates' (2006a: 12). However, the extent of the concrete suggestions for ensuring this was 'targeted co-operation projects in the field of public communication' (2006a: 12-13) which gives very little away.

Further similarities can be found in the principles underpinning communication. The action plan to improve communicating Europe by the Commission (European Commission 2005a) introduced and set the parameters of the communication strategy in July 2005. It defined three strategic principles to guide the strategy which were aimed at earning people's trust: Listening, Communicating, and Connecting with Citizens by 'going local'. The principle of listening establishes that communication is 'not a one-way street'; that it is not just about informing citizens, but also about citizens expressing their opinions so the Commission can understand. The intention is that the voice of citizens can have a direct bearing on EU policy formulation and output. In this way it resembles the principle of participation outlined in the governance white paper which also focused on popular involvement in decision-making.

The second strategic principle, which refers to communication, states that EU policies and their impact on people's everyday lives must be communicated

and advocated in a way that people can understand. This can be seen as a subtle advancement from the debate strategy which also emphasised the importance of giving citizens and civil society the informational tools necessary for them to participate in debates. However, the inclusion of the suggestion that EU policies should be advocated implies a more active 'selling' of the EU than was apparent in the rhetoric of the debate initiative.

The third and final strategic principle, 'going local', means that communication activities should be related to particular national and local concerns, and delivered in a language that people can understand. This also seems to take a step further than the debate initiative in recognising that listening and communication cannot take place only at the transnational level.

In short there are many similarities between the communication strategy and the debate initiative. This poses questions about whether communication is a genuinely new way of working for civil society organisations in the EU, or whether it is simply a new and convenient term for same kind of activities, with the same objectives. It is important to understand what communication as a mechanism of linkage involves, and thereby understand how it works. In the following section I take a closer look at the concept of political communication(s) which can help us to understand how communication can link citizens and institutions, and the role civil society plays in this.

6.3   Communication and legitimacy and the role of civil society

Communication, as the previous section demonstrates, has been identified by the Commission as a mechanism of linkage which can strengthen the democratic relationship between EU institutions and citizens, and thereby enhance the legitimacy of the EU and its governance structures. The rhetoric of the communication strategy states that effective communication can close the gap between citizens and the EU institutions. But much like that of the debate initiative, it gives little away on exactly how effective communication leads to legitimate governance, and the precise role played by civil society in promoting it. However, the concept of political communication, as elaborated in the theoretical literature on the public sphere, public opinion, agenda-building and agenda-setting, censorship and propaganda can help explain the relationship between communication and democracy, and help identify the actors involved.

As McNair (2003:3) points out, the notion of political communication has been difficult to define with a great deal of precision because of the multiple potential interpretations of both components of the term. Pippa Norris defined political communications as 'an interactive process concerning the transmission of information among politicians, the news media, and the public' (2001: 127). However missing from Norris' original definition is an acknowledgement of the role played in political communications by actors other than politicians, the media and citizens, notably civil society. McNair adopts a broader definition which sees political communication as 'all forms of

communication undertaken by politicians and *other political actors* for the purpose of achieving specific objectives' (2003:4 emphasis added).

Theories of political communication see a causal connection between the communication of political information (often in the news media) and civic engagement – specifically knowledge and understanding of political issues, and political participation – both formal and informal. There are therefore, normative and practical reasons why communication is crucial in democratic political systems, and in turn why communication has been so attractive to the Commission in its quest for greater legitimacy. Habermas outlines the notion of the 'public sphere' to describe and explain the development of public opinion (1962/1989). The public sphere is a realm that is separate from the state but in which political issues can be raised and discussed. According to this view, access to the public sphere is crucial for the development of public opinion and as such, this public domain is a key feature of freedom of expression which is a feature of contemporary democracy (Schlesinger & Kevin 2000). A real public sphere has various components which can be understood as 'functions' performed by communication in democratic political systems (McNair 2003:21-22) some of which are outlined below.

One of the functions of communication in democratic societies, and of a public sphere in facilitating this is to inform citizens about political issues which affect them indeed which are an intrinsic part of their lives. In his article 'On Legitimacy and Deliberation', Bernard Manin (1987) argues that deliberative processes impart information. New information is imparted because no single

individual can anticipate and foresee all the variety of perspectives through which matters of ethics and politics would be perceived by different individuals; and because no single individual can possess all the information deemed relevant to a certain decision affecting all. Deliberation, therefore argues Benhabib (1996) is a procedure for being informed. In a democratic system it is normatively desirable for citizens to be informed about political issues, but the potentially beneficial effects of simply informing citizens are limited.

A second and related function is to educate citizens about the meaning or significance of such issues. Education involves a transformation in the recipient of the information. In his analysis of the trade offs between effectiveness and participation in supranational governance, Dahl (1994) underlined the importance of communication by linking strong democracy with an informed and educated citizenry. Democracy, as a system of rule by the people, makes it more likely that people will get what they want or what they think is best. But their knowing what is best depends on their becoming enlightened about political issues which affect their lives and which they have a degree of control over (1994: 29-30). Consequently, measures such as education, public deliberation, political communication which lead to a more informed citizenry, he argued, were to be valued. Dahl condemns the tendency (at least in the past) to avoid public deliberation on EU issues, for fear that it might arouse hostility from citizens who are too ill-informed to understand the advantages of supranational governance. A more stable long-term solution, he argued would be to encourage public deliberation which, according to

deliberative democracy theorists, may help develop a consensus on EU issues. Dahl would, presumably be supportive at least of the principles of the communication strategy.

The information and education roles played by communication in the public sphere can be beneficial to the individual citizens themselves as well as the political system (Habermas recognised both types of benefits resulting from the public sphere), and sometimes these benefits overlap. Dahl implies that informed citizens are more likely to make informed choices at election time; choices which, presumably, lead to a more optimal outcome because they are based on rational judgments rather than ignorance. A further benefit for the political system of informed and educated citizens is that it allows policy-makers to find out what citizens want from government, in a much more detailed and ongoing way than periodic general elections which only give the merest hint of preference, presuming that communication is two-way, i.e. political elites are both talking and listening to people. In addition, and particularly relevant at the EU level, is the suggestion that education positively correlates with public support. Inglehart's research on 'Cognitive Mobilization and European Identity' (1970) found that cognitive mobilisation (whereby individuals develop the skills necessary to relate to a distant political community) was dependent in part on levels of education. Processes of cognitive mobilisation would lead to an increased awareness of the European Union and, alongside the 'internalisation of values' (whereby citizens accept these values and make them their own) would result in increased support for and commitment to the EU among citizens. The current and previous

communication strategies have tended to be based on the assumption that support for the decision-making institutions of the EU and their outputs is higher among citizens with a greater awareness of the EU.

A third function of the public sphere, as outlined by McNair, is that it provides a space for political discourse in which processes of communication allow for the formation of public opinion. Habermas' original conception of the public sphere was one which was bounded at the national level, posing the question of whether there can be a supranational European public sphere generating a European public opinion. Schlesinger & Kevin (2000:206) have investigated whether processes of EU integration have contributed to the development of European spaces in which communicative processes can take place. They suggest that a sphere of discussion is emerging at the level of political economic elites, but that this can hardly be called a 'public' sphere. There are parallels here with the notion of 'elite participation' outlined in Chapter 4, with the consequent implications for whether this can be seen to be bringing ordinary citizens closer to the EU institutions and governance processes. Furthermore, and with implications for the communication strategy, they argue that emergence of a genuinely European, genuinely public sphere is hampered by the tendency of the institutions to adopt a top-down approach to communication rather than to establish two-way dialogue.

A further reason why processes of communication found within the public sphere are important is because of the transparency regarding the activities of political authorities that they encourage. Such visibility in turn facilitates

accountability. When political elites explain why certain decisions are taken, lines of accountability between governments and citizens are improved.

Finally, processes of communication within a public sphere can endorse certain political viewpoints, playing what McNair describes as an 'advocacy' or 'persuasion' role (2003:22). The debate which then ensues can have transformative effects where the force of the better argument determines outcomes, rather than strategic bargaining or functional adaptation (Eriksen & Fossum 2000b:3).

The extent to which communicative processes within the public sphere perform the functions outlined by McNair depends, according to Habermas, upon communication being comprehensible to citizens and truthful (truthful in so far as it recognises the genuine and sincere intentions of the speakers). Habermas' conception of the public sphere was an ideal which is not actually realised in any national, let along European setting. It is fairly clear that the situation in the EU falls short of this ideal, but this appears to be what the current communication strategy seeks to address.

The role identified for civil society by the Commission in the communication strategy resonates with these functions and the suggestion is that the communication role played by civil society will help strengthen the democratic relationship between EU institutions and citizens. This poses the question of whether, and if so, how civil society actors engaged in communication strengthen democratic linkage while at the same time pursuing their objectives

of influencing decision-making. Civil society organisations may use political communications to influence the media, public opinion, and ultimately elite decision-makers and the decisions they make. Finally, the role of organisations as communicators might have additional legitimating consequences, for example greater trust on the part of the citizens in the content of the communication, than if policy-makers are the communicators.

In taking a closer look at the concept of political communication I have underlined some of the reasons why EU decision-makers have often framed attempts at strengthening legitimate governance as communication exercises. However a number of issues are raised regarding how communication operates as a mechanism of linkage in practice, and the specific role played by civil society in this regard. The empirical investigation of the role played by civil society organisations in the Convention and Futurum, which is outlined in the following section, can throw light on some of these issues.

6.4 Communication in the Convention and the Futurum initiative

The notion of communication has, as we have seen, framed recent discourses on the contribution of civil society to legitimate EU governance. The Commission's communication strategy, for example, outlines the role played by civil society organisations in 'communicating Europe with the citizens'. The literature on political communication in democracies helps explain the ways in

which processes of communication can provide democratic linkage between citizens and EU institutions, and the role played by intermediary civil society organisations in these communicative relationships. The aim of this thesis has been to investigate empirically the ways in which civil society - acting in the context of the debate initiative – can enhance the legitimacy of EU governance. This chapter outlines and assesses the empirical findings within the framework of communication, in order to shed light on three key questions: what are the opportunities for and the constraints upon communication in the Convention and Futurum? Do the organisations involved have the capacity and the willingness to create linkage by engaging in communication? What is the explanatory value of the concept of communication vis-à-vis the linkage role played by civil society in the context of the debate initiative?

The empirical data on communication as a mechanism of democratic linkage are drawn largely from the 25 in-depth interviews with officers from civil society organisations conducted between January and April 2005. Chapter 3 outlines in depth the nature of the interviews and the organisations involved but to recap briefly, NGOs, think-tanks, trade unions and regional associations were interviewed. Many were Brussels-based federations of national member organisations. Some were Brussels-based but with no national-level membership. Yet others were based at the national level but dealt with EU-related issues. Though not representative of the breadth and depth of civil society in a numerical sense, between them they reflected a wide range of perspectives and voices found within civil society.

In addition to the interviews with civil society organisations, a further six interviews were conducted with Union officials that had been involved in the debate initiative. These actors were drawn from the Commission, the Council (Secretariat) and the Economic and Social Committee. At the time of the interviews (March 2006) two of the Commission representatives were involved in the launch of the communication strategy and consequently brought a perspective on continued attempts at bringing citizens and institutions closer together through debate and the role of civil society organisations.

The interviewees were asked to describe their involvement in the Convention and Futurum initiatives. This produced (self-reported) data on the kind of activities in which they organisations engaged, the objectives of the organisations and their perspectives on whether it had been successful or not. They were asked whether they thought the debate initiative had given them greater scope to act, to get involved, or whether they felt constrained by the requirements of the different initiatives. They were also asked to reflect on the role of civil society in helping to make EU governance more legitimate, and specifically their own organisation's contribution to this. The empirical findings are summarised below and key points are illustrated by direct quotations from the interviews in order to present the perspective of the organisation in their own words as far as possible. They are presented thematically under several headings: Communication in the Convention and Futurum; Reasons for communicating downwards; Perspectives on civil society and 'Communicating Europe with citizens'; and Perspectives on two-

way communication in the debate on the future of the EU. In the discussion that follows I relate the findings back to the three questions outlined above.

Communication in the Convention and Futurum

Many, if not all of the activities in which the organisations were engaged in the Convention and Futurum involved the transmission of information in one way or another. However, in order to identify the exact *nature* of communication in this context it is possible to distinguish between different 'audiences' or 'addressees' of the communication activities. Communication activities could be 'upward-facing' in which case the audience would tend to be Convention members or other elite decision-makers. Alternatively activities could be 'downward-facing' in which case the audiences might be members (either groups or individuals), supporters or citizens as a whole.

In terms of downward-facing communication activities, the most widely-used activity involving the transmission of information was the awareness-raising campaign. Several of the organisations described such campaigns relating to the Convention process, the constitutional treaty itself, or the ratification process, which involved preparing information for members – both individuals and groups. One of the trade union organisations explained their awareness-raising role in relation to their membership structures:

> We have to inform our members about what happens here in the European Union. We do it via our structure; that means the national centres. We have to socialise them about European issues and we

have to intervene in public debates as we do on the constitution for instance.

Civil society organisation #12, 13.01.05, Brussels

The publication of the draft Constitution by the Convention provided an impetus for some of the organisations to develop awareness-raising campaigns for their members. One of the NGOs that was interviewed was involved in an umbrella group for civil society organisations that had launched a campaign to encourage civil society organisations to engage with the debate on the future of the EU[28]. This organisation described the information asymmetries they felt were apparent between the officers of the organisation based in Brussels and the national officers and individual members which provided motivation for their involvement in the campaign:

Part of our mission as civil society actors here in Brussels was to provide as much connection and as much information to the national constituencies as we possibly could because what we became aware of was we actually had an awful lot of detailed information but we felt our own constituencies, our members at the national level didn't really have this let alone the wider audience and people not even in NGOs at the national level…the Act4Europe campaign was of civil society aiming to communicate Europe to civil society if you like, I mean it's one thing the

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[28] Act4Europe is a campaign of the EU Civil Society Contact Group which brings together organisations from eight sectors of civil society – including environment, development, human rights, and social sectors. The campaign was launched to encourage member organisations at the EU, national and regional levels to engage in the debate on the Future of Europe. See the campaign website: http://www.act4europe.org

institutions trying to communicate Europe, effectively or not as

they do, but we felt we needed to communicate what's happening

at the EU level to civil society as well.

Civil society organisation #3, 07.01.05, Brussels

Information campaigns on the constitutional treaty referred to aspects of the

treaty in general, or specific accounts of how the implementation of different

parts of the treaty would affect the organisation, its members and supporters, or

citizens broadly. All of the different types of organisation; whether think-tank,

NGO, public authority or socio-economic organisation; claimed to use

awareness-raising campaigns (though not every single organisation interviewed

used them). Several organisations with national (or regional or local) member

organisations, particularly NGOs even suggested that this form of

communication with members was one of their foremost activities. However,

the prevailing feeling about such campaigns among the organisations seemed

to be that they were hard work and fraught with difficulties. A range of

problems were identified by different organisations. One of the regional

organisations explained how they had hoped to encourage their member

organisations to organise debates with citizens on issues relating to the debate

on the future of the EU, but that these had not been as successful as hoped:

The interest and the willingness to organise debates on the

constitutional treaty [on the part of members] was not as huge as

we had hoped because it is still considered as difficult and as

something which citizens will not necessarily attend or care about.

> *Civil society organisation #7, 12.01.05, Brussels*

Other organisations also found that getting members, supporters and the public in general interested in the issues was one of the biggest challenges facing awareness-raising initiatives and activities. For one of the NGOs, the difficulties were of communicating often complex issues to members:

> [The process of raising awareness on the Constitution was difficult] because we could not translate these issues into direct concrete terms…it is not an issue that has caused a lot of discussion [with members] because the level of debate is high, it's very political.
> *Civil society organisation #18, 03.02.05, Paris*

And for others, raising awareness on the debate on the future of the EU or more specifically the constitutional treaty was not central to the organisation's core concerns:

> [The debate on the future of the EU] not a key interest to members, it's something we would be happy to look back at now and again but it wasn't something we'd be devoting a lot of resources to…I think it's also quite important it's there in a publicly accessible way so at least some people will happen upon it even if they're not deliberately looking for it. I think that's probably the best we can hope for. I don't know if that's what the Commission aimed for [in the case of Futurum] but it's probably the most realistic.

Civil society organisation #4, 07.01.05, Brussels

Furthermore, awareness-raising campaigns on the constitutional treaty were not completely uncontroversial. One nationally-based organisation believed that there were issues of neutrality concerning the content of the information being communicated:

> Awareness-raising, as we call it propaganda. I don't necessarily see why that term has negative connotations; it's important people are honest about what they do. I don't think there's anything like objective public information, obviously there are degrees of truth and there is some propaganda which is outright distortions of empirical reality. But clearly what we or our opponents will put out will be selective.
>
> *Civil society organisation #25, 22.04.05, London*

As these quotations indicate, the organisations perceived significant difficulties associated with awareness-raising which appear to have implications for the prospects of establishing genuine two-way dialogue.

Although the majority of the organisations' activities could in one way or another be seen to involve communication, the focus here has been on communication downwards. Activities characterised as involving two-way downward-facing communication could also be seen in terms of representation: as the previous chapter highlighted, several of the organisations engaged in

consultations with members in the process of drawing up of positions which were then presented to Convention members and Commission officials. Viewed in this way there is an overlap between the mechanisms of representation and communication. There may also be an overlap between the mechanisms of communication and participation. So far the focus has been on the activities which involve the exchange of information between the organisation and their members or supporters, in other words in a downward direction. However, information could also flow horizontally between organisations and upwards to the institutions. In this way, many of the participation activities outlined in Chapter 4 can be seen as having communicative characteristics.

Reasons for communicating downwards

The difficulties associated with awareness-raising campaigns pose the question of why the organisations that were interviewed bothered with them. However when I asked organisations about the reasons behind their involvement in the Convention and Futurum it became clear that the perceived need to inform members or citizens about certain issues could in many cases be related back to the objective of influencing decision-making as this quotation from an NGO illustrates:

> We think that if we are not aware of what's happening around us
> we cannot say that we are part of the future of Europe we want to
> build. We can make the difference only if we are informed and we

> also develop our own ideas by discussing it with other students. We are not linked to any political party but it doesn't mean that we don't discuss political things like the Constitution…also the reason why we debate [is that] we want to know what our members want so that we are able to stand for them when it comes to lobbying the institutions.
>
> *Civil society organisation #10, 12.01.05, Brussels*

Here, awareness-raising was linked to the process of drawing up a position on which to lobby the institutions – and in this way resembles activities characterised as involving 'representation' in the previous chapter. For this organisation, two-way communication with members was viewed as crucial to developing a position which could then be used to influence the institutions – thereby linking communicating with members, and effective lobbying. There are similarities here with Kollman's (1998) research which found that interest groups often engaged in 'outside lobbying' (i.e. the lobbying of citizens as opposed to elite political actors) as a means of influencing decision-makers. Campaigns designed to raise awareness on a particular issue among members or supporters allowed interest groups to 'signal' to decision-makers the large amount of public support for a particular issue which in turn made their own lobbying more persuasive. One of the strengths of this organisation was being able to signal to the Convention members and the Commission that their position arose from, and therefore had the support of, their members.

For another NGO, communication with members was also linked to lobbying the institutions, but in this case the emphasis was on explaining the importance of the EU level to members as well as influencing decision-making:

> We have launched a number of information campaigns to our members to explain the future of blind and partially sighted citizens lies in Europe because 60% of legislation that we have comes from Europe. We have a lobby on a number of directives with specific relevance to our group of people and we've managed to secure good results and through these achievements we're starting to convince our people that it is through Brussels, through the EU that we can further their case.
>
> *Civil society organisation #18, 03.02.05, Paris*

Some of the organisations that were interviewed were not necessarily concerned with influencing decision-making in line with the interests of their members. For some of the think-tanks, downward-facing communication was motivated by a desire to improve the quality of communication on EU-related issues as the following two quotations from think-tanks operating in two different national contexts illustrate:

> We're non-partisan, we haven't got an agenda. Our main aim is to inform people and encourage and stimulate debate around issues of citizenship. We want to arm people with information in order to make more informed choices.

Civil society organisation #24, 22.04.05, London

It is our goal, our objective not to defend particular interests but to draw the limits, the frame of the public debate…one of our main objectives is information. There is a lack of information about Europe in France and [our] function is to inform French citizens about Europe, about European issues and the means to achieve this goal is an electronic newsletter. Each week we send to a lot of people, 10,000 people a newsletter containing a lot of European information.

Civil society organisation #23, 24.02.05, Paris

Others considered the reasons for engaging in downward-facing communication activities in a broader sense. The normative desirability of having an informed EU citizenry was apparent to one of the NGOs, an EU-level Youth federation that identified a link between public support for the EU and awareness of EU-related issues on the part of citizens:

I believe that if Europe is to work it will be thanks to people knowing what Europe is about. I think you can not like it but at least you know what you're criticising. People don't like Europe because they don't know what it is about and I understand that because it's very difficult to understand and because the institutions are not clear.

Civil society organisation #9, 12.01.05, Brussels

Perspectives on civil society and 'communicating Europe with citizens'

Although all of the organisations that were interviewed maintained some form of communication with their members (or supporters or citizens in general), opinions were mixed on whether civil society played a 'role' in communicating with citizens. This think-tank reflected the views of several others in that it was sympathetic to the idea that civil society might play a role in 'communicating Europe', but that this could certainly not be the only strategy:

> Relying on civil society to reach out to wider audiences and use the people who are actually committed to European integration I think is a very good policy, but not only relying on that.
>
> *Civil society organisation #22, 24.02.05, Paris*

One of the regional organisations highlighted that playing a communication role was, for civil society, only one amongst several roles it played vis-à-vis citizens, and in this case, was not the most important role:

> [We] work in three ways. The two dominant ones are the policy work and project work. And the third is awareness-raising and working directly with the citizens.
>
> *Civil society organisation #7, 12.01.05, Brussels*

Another regional organisation was in a similar position: whilst it was not hostile to the notion that civil society should be engaged in communication activities, it explained that such activities were certainly not a priority:

> We do not have a communication policy directly with the population, we are interested in the media when they take into account our positions in our negotiations with the Council, the Parliament, the Commission…Our member regions are more directly involved with the discussions directly with their citizens about what they are doing in participating in such an organisation…when we have possibilities to have wider communication about such a thing we do it of course.
>
> *Civil society organisation #19, 04.02.05, Paris*

One organisation explained that, as a think–tank, they were different to other civil society organisations in that their audience was only political elites or decision-makers. They felt that rather than communicate with citizens, instead their role was to be a bridge between academic and policy-makers:

> Mass education is not our vocation, it's not our role. We try to be part of the process of explaining to people but in different ways, whether we publish papers that are readable by people other than experts or organising small events with potential multiplier effects. We don't have the capacity to go and mobilise huge audiences, but other organisations can.

Civil society organisation #22, 24.02.05, Paris

One of the Union officials appeared to recognise the differences within civil society from one type of organisation to another. She explained that the kind of organisations that they envisaged getting involved in activities aimed at communicating Europe with the citizens would be different to those organisations that took part in the Convention debates:

> I think in the Convention it was organisations like Greenpeace, because they were very active defending ideas about the environment. For this next exercise which will be to debate with the citizens, it will probably be more organisations dealing with experts but not defending ideas or a political point of view – two totally different kinds of organisation.
>
> *Union official #4, 28.03.06, Brussels*

Interestingly, the view from the institutions was that organisations like NGOs were perhaps less suitable and less likely to engage in communication activities than think-tanks for example.

Variations in the capacities and the willingness of organisations to engage in downward-facing communication activities between the different types of organisations were apparent as these quotations indicate. Several organisations suggested that, ideally they would like to engage in communication with members, citizens and so on. In reality however they felt unable to do so for

financial reasons. This NGO made a direct link between downward-facing communication activities and funding:

In order for the EU to say "we want civil society to be involved" the main question for youth organisations is that they need to be funded…that is in direct relation to communication…the EU now has a new approach to communication…but there is still a big effort to be made in the area of supporting organisations because they in the end are the multipliers, they can transmit the message that the EU wants so hard to pass to young people, organised young people but that in the end will transmit that message to normal young people.

Civil society organisation #5, 11.01.05, Brussels

This particular organisation explained that they were heavily dependent on the Commission for funding. They estimated that around 80% of their budget came from EU funds. Other organisations were also critically aware of the financial implications of playing a communication role:

It's expensive in all meanings of the word, it costs energy, time, it is difficult to bring people together. It's not easy, therefore we ask the Commission to provide funding for organisations like [ours] because at this stage we are obliged to jump from project to project…the Commission wants us to play a stronger role and at

the same time we are not offered the conditions to make this possible.

Civil society organisation #16, 14.01.05, Brussels

The important responsibility for the Commission is that it must then provide the means which is still not always the case. Obviously there is always a financial aspect to things. If it comes to more proactive activities there will always be the question "who pays for it?" Cities have great budget difficulties and as an intermediary you can only spend so much on promoting Commission initiatives.

Civil society organisation #7, 11.01.05, Brussels

The second quotation indicates that, from the point of view of the organisations, 'communicating Europe with citizens' was a job for the institutions. One of the trade union organisations that was interviewed shared the view that whilst civil society might play a role, the institutions themselves played an even more crucial role in raising awareness of EU issues among citizens.

I think it's the job of the Commission to elaborate a communication strategy [on the constitutional treaty] and to do something in favour. The answer from Mrs Wallström was "we're not doing propaganda", that I find very strange because they do a lot of, let's call it propaganda or information on the services directive. They

> have the means, they have the finances and they don't do much on
> the Constitution. What can the small civil society organisations in
> Europe do? To take one of the biggest, the social NGO platform,
> they have 20 people. The Commission has 20,000.
>
> *Civil society organisation #12, 13.01.05, Brussels*

The view from the Commission, presented by the Union officials that were interviewed for the research, was quite different. Two of the three Commission actors that were interviewed were eager to make the point (without being prompted) that communicating with citizens – in the context of either Plan D or the debate on the future of the EU – should not be viewed as the Commission trying to spread 'propaganda':

> Debate is to be able to hear the voice of everybody, and for
> everybody to be able to say what they think: 'I like the EU, I hate
> the EU, I am euro-sceptic'. If we were telling people 'you have to
> love the EU', this is not a debate, its propaganda. We don't want
> that we just want everybody to be able to express their voices. Yes
> or no, no problem we just want to know if they are in favour of
> Europe or they are against Europe that's all.
>
> *Union official #4, 28.03.06, Brussels*

By contrast, another Union official, from the Economic and Social Committee, recognised that a communication role for civil society organisations might be problematic:

Most civil society organisations think they have been created to promote the interests of their members in a particular field. And they have a very straightforward approach to their activities. But when you come to two-way communication its very difficult for them to commit themselves because they are not prepared for that – they don't have the structure, they don't have the resources…I've heard comments from European civil society organisations saying "there's nothing we can do about the constitutional treaty, yes we're in favour but at the national level people don't know the ins and outs of the institutions, the treaties" and so on.

Union official #5, 28.03.06, Brussels

In comments from both the civil society organisations and the Union officials there was evidence of tension between the view that civil society organisations should communicate with their members (or supporters or citizens in general) on the one hand, and on the other hand the notion that 'communicating Europe' was a job for the institutions, notably the Commission.

Perspectives on two-way communication in the debate on the Future of the EU

Several organisations commented on communication activities in the context of the debate on the future of the EU. Some organisations thought that the

Convention and Futurum initiatives were not ambitious enough in communicating to citizens, as these comments from two organisations indicate:

> I think the passive communication [around the Convention] of being transparent, having the website, having documents ready, having open meetings which work like plenary sessions for everyone, all this is good. But the proactive side that you want, the reaching out, getting people who don't have the slightest interest in it, getting them involved and getting them interested is very difficult.
>
> *Civil society organisation #13, 13.01.05, Brussels*

> Maybe with a look into the future and the ratification process I think the Commission has realised that, at least in some countries, there needs to be promotion or campaign to reach a high level of support and I think that there the Commission will apply other measures than a website.
>
> *Civil society organisation #6, 11.01.05, Brussels*

According to these organisations, the first comment from a think-tank, the second from a trade union, the tools of the Convention and Futurum were not sufficient to guarantee effective two-way communication involving civil society organisations with citizens and EU institutions. By contrast, other organisations felt that the debate initiative was too ambitious in trying to bring citizens into the debate:

I think that was one of the weaknesses of the ambitions of this discussion on the constitution that the Commission thought it could involve citizens in general to the debate. Citizens are not really interested in how the institutions work, I mean they don't care if there is a President of the Council or if the Council works with these rotating presidencies. What they care about is what comes out as a result for their life. I think it is quite a bit wishful thinking of the Commission at the time that it would be possible to involve citizens, [though] of course they have involved with these partnerships certain sectors of citizenship.

Civil society organisation #2, 07.01.05, Brussels

In this view, to aim for two-way communication with citizens was too ambitious and unrealistic. As other organisations had observed there was a sense that citizens simply would not be interested in the issues with which the communication activities aimed to address.

Finally, one of the organisations reflected on the role of communication more broadly. Although communicating with citizens was generally accepted to be a useful and worthwhile activity, this organisation recognised that communication did not always generate support from the public and lead to strengthened legitimacy in the ways envisaged by the EU institutions:

It is certainly true that more awareness, more public debate doesn't necessarily mean that there would be more public support [for the EU institutions and integration]. This is the assumption of most people, for example it makes sense to the Commission – but the situation in Denmark is rather the opposite.

Civil society organisation #13, 13.01.05, Brussels

6.5   Discussion

I return now to the three questions outlined at the beginning of section 6.4: what are the opportunities for and the constraints upon communication in the Convention and Futurum? Do the organisations involved have the capacity and the willingness to create linkage by engaging in communication? What is the explanatory value of the concept of communication vis-à-vis the linkage role played by civil society in the context of the debate initiative? As section 6.2 outlined, the Commission's 2006 communication strategy was motivated by many of the same concerns that motivated the debate on the future of the EU. The empirical investigation of civil society organisations involved in the Futurum and Convention debates highlights several issues relevant to the communication strategy which are also discussed below.

The responses of the civil society organisations in the interviews highlight that the way in which the debate initiative was organised had implications for the

nature of communication in the Convention and Futurum. By adopting a broad definition of civil society, the Laeken declaration and governance white paper could not take into account the differences between organisations which affected their capacity and willingness to engage in communication activities. Furthermore, the reform discourses were naturally vague on details, leaving scope for different interpretations on the part of the different actors of what communication involved. Finally, the presence or absence of EU funding for civil society organisations had implications for communication activities and their contribution to legitimate governance.

The notion of civil society, as conceptualised in both the Laeken declaration and the governance white paper is significant and has implications for the way in which communication operates as a process and an activity in the debates. In the debate discourses, the type of organisations included in 'civil society' is defined in broad terms. This can be seen as part of the effort to make the debate inclusive and to involve as wide a range of participants as possible. However, by adopting a broad definition there is very little acknowledgement of the many and significant differences that exist between the organisations that belong to civil society. In turn these differences have implications for the capacity of organisations to engage in (particularly downward-facing) communication activities, and for their willingness to do so. For example, the Futurum initiative required all organisations wishing to become 'partners' to devote a page on their own websites to the debate on the future of the EU and link this page to the Futurum website so that individual members could access Futurum via their organisation's website. Although one of the regional

organisations thought this could be a useful way of communicating with citizens who happened to be using their website, some of the NGOs doubted whether the content of the websites would be interesting to or used by their members.

The communication strategy, like the debate initiative, tends to address 'civil society' as a whole as though it were an homogenous entity. However in 'Plan D', the Commission acknowledged the relevance of 'going local', or mobilising local and national in addition to EU-level organisations. This implies an understanding of the unique capacities of civil society organisations operating at a national or local, rather than a Brussels level in communicating with citizens.

The Laeken declaration set out the parameters of the Convention debates and the Futurum initiative was defined in part by the Commission's communication on 'Certain arrangements for the debate on the future of the EU' (European Commission 2001b). By its very nature, the Laeken declaration was vague and did not go into details of the exact 'role' that civil society organisations would play. It made reference to a 'Forum' for civil society but gave no indication of what form this would take. The precise role played by civil society therefore became a matter of interpretation on the part of the secretariat of the Convention which had the responsibility for transforming the spirit of Laeken into concrete results, and the organisations themselves. Although the Commission's document on arrangements for the debate went into more detail there was still a sense of confusion among the organisations that were

interviewed about how communication between civil society organisations, the Commission and ordinary citizens could be facilitated through Futurum.

The communication strategy has been accused of lacking focus (Sain ley Berry 2005). For example, Plan D called for a debate, but the uncertainty that surrounded the future of the constitutional treaty meant that it was not entirely clear what exactly should be debated. The communication white paper made much of the need to listen to citizens, but it is unclear what citizens will actually be saying, or whether they will be saying anything at all. Furthermore, the white paper is based on the assumption that it is not the EU *per se* that people have a problem with, but rather the way it has been communicated. However this rests upon an assumption that as people develop a greater understanding of the EU they will become more supportive and trustful of it, despite some empirical evidence to the contrary[29].

The comments made by the organisations interviewed highlights that the issue of funding might in part govern the extent to which organisations engage in downward-facing communication activities. Most of the organisations that were interviewed were in receipt of funding from the Union budget, and several argued that if there were going to engage in activities designed to 'communicate Europe with citizens' they ought to be funded for doing so. One of the organisations that did not receive funding from the Union budget claimed that the availability of Union funding for groups resulted in numerous

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[29] The 'cognitive mobilisation' thesis claims that public support for integration is positively correlated with knowledge about the EU and integration (Inglehart 1970). However, Gabel's (1998) research called into question the extent to which this still holds in the EU, citing factors such as lack of empirical evidence to support the thesis, potential intervening variables such as education or date of accession, and the superiority of other explanations. See also McLaren (2002)

civil society organisations based in Brussels motivated by the prospect of financial gain. Arguably this is a largely unjustified picture of a mercenary Brussels-based civil society but it does pose the question of whether Union funds ought to support communication activities and if so whether such funding is compatible with strengthening legitimacy. If civil society organisations are being enlisted precisely because they are independent from the institutions, their receipt of Union funds to engage in projects aimed at increasing awareness of the value-added of the EU might undermine this. The flip-side of this, which was pointed out by several organisations in receipt of financial support from the Union budget, is that if the institutions are placing part of the responsibility for implementing the proposals with civil society they must match this with resources.

There results a paradoxical situation in which the effectiveness of organisations' participation, representation and communication roles might be compromised by the fact that they receive funding from the EU budget. Messages coming from civil society organisations might be undermined if they are seen to be influenced by the fact that the organisation receives funding from the EU budget. However if the organisation is not communicating the official 'message' of the EU it calls into question the appropriateness of it being in receipt of public funds to promote its own interest. Clearly the issue is complex but understanding civil society involves understanding the financial situation of the organisations that are targeted by the debate and communication reforms. Understanding this would allow the Union to develop

a more realistic and informed approach to funding driven by the needs and requirements of the recipients as well as by the institutions' protocol.

Issues of funding are not fully resolved in the communication strategy. There is no suggestion that the Commission expects civil society organisations to promote the value added of the EU without any financial assistance. Rather, Plan D makes provision for funding for organisations that will organise debates with members of the public. However, there is the issue of whether the requirements of the co-financing principle[30] would preclude organisations with the potential to engage in communication activities from receiving funding. Ultimately co-financing means that larger organisations with alternate sources of funding, or staff time that can be devoted to the project, and organisations which are able to conduct their activities in multiple member states, will be the most likely to be successful in their applications. Whether these organisations are the ones who will have the connection with 'ordinary citizens' that are necessary for facilitating their participation in debates, and whether this is compatible with the need to connect by 'going local' which is one of the 'strategic principles' outlined in the 2005 action plan (2005a:3-4) are other questions.

The rules that governed the debate on the future of the EU evidently had implications for the nature of communication within the Convention and

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[30] The co-financing principle states that the Union does not finance projects up to 100% (only projects taking place outside the EU have the possibility to be financed in full). A call for proposals related to Plan D stipulated that Union funds must account for no more than 70% of the total project costs. The remaining 30% had to be secured from elsewhere (and could include working hours devoted to the project) because 'community contributions are meant to facilitate the implementation of a project which could not otherwise be implemented easily without the support of the European Union' (European Commission 2006b:2).

Futurum initiative, but so too did the characteristics of the organisations involved – specifically the extent to which they were capable of engaging in communication activities, and their willingness to do so. Different organisations had differing ideas about what their own role and the role of civil society in communicating with citizens was and ought to be. Furthermore, there were differences in the internal characteristics of the organisations which made some organisations better able to communicate with citizens than others. However, it also became apparent that both the capacities and the willingness of organisations to communicate could be transformed over time.

The comments made by the organisations exposed differences in opinions about the role of civil society in communication activities. Several of the NGOs thought that awareness-raising campaigns were crucial to their work. One NGO believed that trade unions ought to do more to communicate with citizens as their membership structures gave them access to large numbers of citizens. One of the think-tanks thought it was important for them to raise awareness of EU issues among citizens whilst for another this was not a priority at all. Differing opinions on the role of civil society in communicating with citizens corresponded to differences in the extent to which organisations were willing to engage in communication activities. Overall there appeared to be consensus on the normative desirability of communicating with citizens about the future of the EU was desirable, but not on the role of civil society therein.

The capacity of the organisations that were interviewed to engage in communication activities also varied. To a certain extent the varying capacities were related to the type of organisation. For example, the NGOs were mostly Brussels-based federations of national organisations and therefore had potential downward-facing linkages through their membership structures (even if they were not always utilised). By contrast, the think-tanks did not always have individual or even group members and so their downward-facing interactions were not always as easily identifiable.

As discussed above both the capacity and the willingness of organisations to engage in communication activities were related to issues of funding. The discussion of funding in turn highlights the potential for a transformation in the capacities and the willingness of organisations to engage in communication activities. A call for projects to receive funding under the Commission's Plan D resulted in a successful bid for one of the think-tanks interviewed in this research. The organisation in question had, during the interviews, explained how they were not in a position to organise events with citizens, instead using multipliers such as the media, and how they preferred to direct their communication activities upwards towards decision-makers. They did however acknowledge that the extent to which they might play a communication role could change, and indeed already had done as a result of new technologies and working methods:

> If there hadn't been the internet perhaps this organisation would
> have remained networking and influencing decision-makers. But

the internet obviously reaches out to a much wider public so that gives you another mission and that mission is also to think about saying and presenting things in a simple way so that not only a decision-maker but everyone who comes to the website can actually read a study that we do.

Civil society organisation #22, 24.02.05, Paris

Investigating linkage within the framework of communication has turned empirical and analytical attention towards several important issues. Organisations seemed to view communication activities in terms of a role they were assigned by the institutions, notably the Commission. This turned attention towards issues of funding, with implications for a discussion of legitimacy.

The normative arguments relating to communication and legitimacy suggest that for communication to enhance legitimacy the audience and addressees ought to be the citizens. The empirical investigation found that 'the citizens' could comprise a range of actors. They could include national members of European-level organisations, and in turn their individual members; it could also include supporters of the organisation with a more informal relationship to the organisation itself. Beyond this, European and/or national publics might comprise the citizens. The audience for much of the communication activities taking place within the debate on the future of the EU was various subsets of the citizens via 'downward-facing' processes of communication. Audiences of other organisations or political elites appeared to be far less predominant.

The analysis of the concept of political communication, in addition to the empirical findings, demonstrates the overlap between communication on the one hand, and participation and representation on the other. Many activities otherwise defined as involving representation or participation can also be seen in terms of their communicative characteristics, which poses the question of whether communication as a concept is too broad to be useful.

Communication could be seen as a new framework for looking at the activities of civil society organisations vis-à-vis citizens – which reflects a more democratic, input-oriented, two-way relationship. Furthermore, though there may be similar features or significant overlap, the extent to which an activity is 'communication', 'representation' or 'participation' may depend on what the actors involved define it as.

Chapter 7

Civil Society and democratic linkage in the debate on the future of the EU: Implications for the democratic legitimacy of EU governance

7.1   Introduction

The motivation for this investigation came from the rhetoric on 'bringing citizens and EU institutions closer together' which was a defining feature of the debate on the future of the EU. The perceived need for citizens and institutions to be brought closer does not literally mean increasing the proximity between citizens and institutions – although it is related to the principle of subsidiarity (whereby decisions are taken at the lowest appropriate level of government). Rather, the 'distance' between citizens and EU institutions is understood here as a weakness or absence of democratic linkage. The need to strengthen linkages between citizens and EU institutions in turn enhances the legitimacy of EU governance.

In the aftermath of the Maastricht ratification process, academic and political commentators alike described a 'legitimacy crisis' from which the EU was said to suffer. Successive reforms since the Maastricht treaty sought to address this crisis of legitimacy, and the post-Nice process of reform was one of the most explicit and visible. The reform was couched in a broader initiative focused on the notion of having a 'debate on the future of the EU'.

Of course, the EU is not the only political system in the world to be facing (or to have ever faced) a crisis of legitimacy. The weakness of linkages between the governing and the governed has been a cause for concern for democratic political systems globally. In this respect my investigation has explored a problem with broader relevance beyond the EU context. Nevertheless, there are distinctive elements to the EU's legitimacy crisis. Compared with national political systems there is a 'double distance' between EU institutions and citizens. The absence of an EU-wide demos has made connecting with citizens problematic (see Chryssochoou 1997, Weiler 1999). Furthermore, the weakness of representative democracy structures compared with national political systems hinders traditional modes of linkage between citizens and political institutions.

In addition, the ways in which the EU institutions have attempted to address the perceived legitimacy problems by strengthening democratic linkage are interesting and bear further scrutiny. As we have seen, the rhetoric is heavy with references to the importance of involving civil society in the debates about

the EU's future. But paying attention only to the rhetoric does not enhance our understanding of legitimacy in the EU. The objective here has been to take a closer look at some of the ways in which legitimacy issues have been addressed through the mechanisms of participation, representation and communication.

In the following sections I summarise the findings of the chapters on debate; civil society; participation; representation and communication. In each case I consider the implications of these findings for the input-oriented and output-oriented legitimacy of EU governance. Finally, I reflect on some of the normative implications of this empirical research and draw some concluding remarks on the contribution of this investigation to understandings of civil society and legitimate EU governance.

7.2   Debate, democratic linkage and legitimacy

In this investigation a distinction has been made between the notion of 'debate' as an idea or set of ideas on the one hand and the partial implementation of these ideas in the 'debate on the future of the EU' initiative on the other. The idea of debate is logically consistent with key components of the deliberative democracy literature – this views discussion (in other words 'deliberation' or 'debate') as a key component of democratic decision-making. Indeed, theories of deliberative democracy have been employed here to help understand and

explain why the notion of debate was so prominent in the reform discourses and the ways in which debate could strengthen legitimate governance.

One of the legitimating features of debate, as highlighted by the deliberative democracy literature, is that by nature, it involves multiple participants. The reform discourses made much of the need for a debate involving all the interested parties, as though to break with previous cases of treaty reform which, by tradition, have involved a relatively small and closed group of actors. By framing the reform agenda as a debate the institutions could be seen to be opening the discussion about the EU's future to a much broader range of participants than had been the case in the past, and signalled that discussing the future direction and nature of EU politics and integration was a matter for all EU citizens, not only political elites.

Another important aspect of the deliberative literature in this context is its treatment of legitimacy. Although the literature is far from unified, most deliberative theorists agree that political decisions are legitimate to the extent that they are the outcome of free, reasoned discussion (or deliberation). The idea that, by having a debate on the EU's future, a consensus could be reached on the future direction and nature of integration, and that this consensus could be invested with the legitimacy of having been arrived at through an open process of discussion, was arguably very tempting for the institutions

For these reasons, 'debate' is an attractive notion for politicians both in terms of seeking to address difficult questions and as a way of being seen to get

citizens involved. Since the December 2000 Nice Intergovernmental Conference the notion of debate permeated the EU's reform agenda. The aftermath of the Nice IGC, notably the suggestion that the EU needed to find a new way of doing things can be seen as providing a window of opportunity for modes of decision based upon or at least preceded by debate. The Laeken declaration cemented this commitment to debate and institutionalised it in the Convention on the Future of the EU – an approximation of a deliberative forum. In addition the 2001 governance white paper stated the belief of the Commission that democracy depends on being able to take part in debate.

However, there was some evidence of a discrepancy between the reform rhetoric on the importance of having a 'public debate' and how the institutional arrangements were made on the ground. Several of the civil society organisations that were interviewed expressed their disappointment that the measures put in place to facilitate their involvement in the debate amounted to little more than a website. There was a sense, expressed by one organisation, that the Forum had a marginalising effect, taking them away rather than bringing them closer to the Convention members. The institutional actors, for their part, were frustrated that the contributions of some of the civil society organisations to the debate – notably in the civil society plenary session of the Convention – lacked substance and told the Convention members nothing new.

The source of some of the discrepancies can be seen in the way the ideas were translated into concrete actions. The Laeken declaration which called for civil society involvement, was written by the Belgian Presidency – in other words

Belgian civil servants - during the latter half of 2001. However the task of implementing the declaration fell to the secretariat of the Convention with no guidance from the individuals that had drafted the document on how to interpret the often vague and imprecise proposals. In this context, the institutional actors involved in the Convention and Futurum initiatives described the trade-offs between participation and efficiency they were faced with when designing the tools that would facilitate civil society involvement in discussions. Furthermore, the Union officials admitted that some of the measures taken to broaden the Convention debates were put into place for the primary reason of 'keeping people happy'. Another consequence was that the lack of clear guidance afforded the Commission a degree of autonomy in designing tools of the Convention Forum and Futurum, and acted as an entrepreneur in carving out a role for itself in this respect.

Despite the problems experienced as a result of trying to implement the notion of debate into effective institutional structures, it was the sense of most of the Union officials and civil society actors that were interviewed, that the process of drafting the constitutional treaty was preferable to previous treaty-drafting processes. Most of the organisations acknowledged that there had been an improvement in the opportunities open to them for getting involved in the reform process. In addition, Union officials agreed that it was a good thing for civil society to be involved in discussions about the EU's future, and agreed that citizens and EU institutions ought to be brought closer together, though it is fairly inconceivable that they might openly disagree with this.

In parallel to the development of debate in political discourses, an academic discourse on deliberation has emerged over two decades. It has been argued that in recent years, the study of the EU has taken a 'deliberative turn'. In the EU context, deliberative democracy can be seen as an idea whose time has come, and offers a useful explanatory framework for understanding the popularity of the notion of debate within EU treaty reform discourses. This analysis of the notion of debate and its legitimating potential, and the examination of some of the deliberative ideas found within the debate initiative can be seen as a contribution to this study agenda. One of the latest developments in this agenda appears to be a hope on the part of some academics (Risse & Kleine 2007) that the outcomes of the 2005 referenda in France and The Netherlands do not lead to a backlash against the Convention method and deliberative processes more generally as means of making decisions.

Despite the ratification problems surrounding the constitutional treaty, 'debate' has proved to be a resilient concept and this makes a more significant conclusion about debate than the outcomes of the French and Dutch referenda. The response of the Commission to the referenda was to propose 'Plan D for Democracy, Dialogue and Debate' – based on the assumption that in the midst of uncertainty about the EU's future it is important for the institutions to find out what citizens think about and want from the EU, all of which sounds very familiar. Debate therefore continues to define attempts on the part of the institutions to connect with citizens. Furthermore, it seems unlikely that future

processes of treaty reform would return to the closed intergovernmental process of Nice. Instead, debates about the EU's future look likely to continue.

7.3   Civil society, democratic linkage and legitimacy

The involvement of civil society organisations in the debate initiative was characterised simultaneously by both continuity and change. Change can be seen in the widespread tendency to refer to the role of 'civil society' which has been a relatively recent development at the EU level (in the context of the broader integration process). Furthermore, the involvement of organisations which are seen to make up civil society at the EU level in constitutional (i.e. treaty reform) processes as opposed to policy-making processes represents change. However, there is a degree of continuity in terms of the similarities with existing processes of interest representation and in terms of the perspectives of the organisations involved on their own role in the debates compared with their other ('non-debate') activities. In the context of such continuity and change the perspectives of the organisations themselves highlight discrepancies between the role for civil society in linking citizens and EU institutions as outlined in the rhetoric and the capacities and willingness of individual organisations to play such a role. The absence of clarity in the rhetoric on what exactly this role should be is only partly overcome by this investigation and important questions remain.

Stating the important role played by civil society in helping to bring citizens and EU institutions closer together is a relatively recent phenomena. In this sense there has been a change, a break with the past even, in the terminology used to describe the actors involved and the processes they are meant to be involved in. In the past, associations were generally referred to as 'organised interests' or 'interest groups' and the processes in which they were involved were those of 'interest representation'. Since around 2001, reference to the same associations in official documents has tended to use the term 'civil society' or 'civil society organisations'. Smismans (2006) documents this change in terminology from interest groups, to special interests to civil society which, he points out, was pushed by the Economic and Social Committee. The Committee saw an opportunity enhance its own role in the context of an increasing concern with legitimate governance, re-naming 'interest groups' (with all their connotations of special or privileged interests) as 'civil society organisations' (a term more consistent with democracy and openness). The use of the term 'civil society' was subsequently adopted by the Commission and incorporated into the 2001 governance white paper, which secured the prominence of the term in the reform discourse of the institutions and the link with legitimate governance.

In academic terms, a parallel shift in terminology has occurred, highlighted by Greenwood's 2003 book 'Interest Representation in the EU', an updated version his 1997 work 'Representing interests in the EU'. In the second chapter of the 2003 work Greenwood begins to refer to the different organised interests collectively as 'civil society', whereas this phrase was not used in the earlier

volume, despite the fact that he is looking at the same 'interests' or 'organisations'. In the 2007 edition, there is an even more explicit emphasis on the contribution of these organisations to democratic legitimacy.

This change in terminology should be seen as a deliberate attempt to establish a role for these organisations in strengthening the democratic legitimacy of the EU – in terms of inputs as well as outputs. The review of the interest representation literature in Chapter 3 found that there is increasing empirical evidence, at national and EU level, which suggests that processes of 'interest representation' may undermine rather than enhance democracy. By contrast, the language of 'civil society' implies an open, bottom-up, democratic process.

Nevertheless there's nothing particularly new about the involvement of these so-called civil society organisations in processes of EU decision-making. In the case of the organisations interviewed however there appeared to be rather more continuity than change – in many ways there was simply a continuation of processes of interest representation. For most of the organisations interviewed getting involved in the debate initiative tended not to involve anything different to what they would otherwise be doing. Although there were some new structures, specifically the websites, contributions to these were often supplemented by more 'tried and tested' methods – namely going directly to individual decision-makers. So there was a great deal of similarity with processes of interest representation in terms of the activities used. Furthermore, the objectives of the organisations were broadly similar – namely, to influence decision-making or in other words, outcomes. As one of the trade unions put it;

they were not interested in taking part in a debate, they wanted to influence the Convention members. Other organisations were more sympathetic to the notion of debating for debate's sake, but were nevertheless still focused on influencing outcomes.

There was a degree of change rather than continuity in terms of the arena within which these organisations were involved. In the context of interest representation in the EU, the involvement of these organisations had tended to be limited to the policy-making process. However, the Laeken declaration formalised the involvement of civil society organisations in processes of treaty reform and constitution-making. For most of the organisations interviewed this was the first time they had been involved in a constitution-making as opposed to a policy-making arena. Some of the organisations acknowledged the 'newness' of their situation. The main difference reported by the organisations was that the issues under discussion tended to be broader than those that the organisations would otherwise tend to work around.

Other organisations claimed that their involvement in the debates was not hugely different to their everyday policy work. However one institutional actor suggested that because the nature of the issues was more 'high-level' than the organisations were used to it made their contributions less useful. He claimed that in the civil society plenary session of the Convention the spokespeople of the organisations tended to speak in declaratory language, making vague statements about the future of Europe rather than concrete suggestions of what should be discussed. Organisations acknowledged that this tended to be the

way at the start but claimed that as the debates progressed they got involved in more detail and in this way there were more similarities with policy-making process.

All of the organisations interviewed had been involved in EU politics before their involvement in the debate initiative. Indeed, it would be interesting to investigate whether opening up access to the debate initiative encouraged organisations with no prior record of engagement with the EU institutions to get involved. Furthermore, in the interviews most of the organisations thought that their involvement in the debate initiatives did not differ in a significant sense from their non-debate related interactions with EU institutions and many compared their activities in the Convention and Futurum initiatives with previous initiatives or other policy areas.

The qualitative interviews with civil society organisations and Union officials highlighted some differing perspectives about the role played by these organisations in the debate initiative. It also exposed discrepancies between what the rhetoric infers about the contribution of civil society to legitimate governance (bringing closer) and the self-reported capacity and willingness of civil society organisations to perform this role. In particular it provides evidence that the internal structures of many organisations that are active at the EU level are inadequate for maintaining interactions 'downwards' with citizens – whether individual members, supporters or the public in general. There was also evidence of an absence of willingness to improve downward-facing structures or interactions with citizens. For most of the organisations their

priority was to engage with elite actors – Commissioners, MEPs and so on – that is precisely why they are based in Brussels.

However there was some evidence to suggest the possibility of a transformation in the capacities and the willingness of organisations to focus on their downward-facing relationships. One of the think-tanks when interviewed claimed not to have the capacity to engage with citizens, instead addressing their message at the media as 'multipliers'. Yet the same organisation was subsequently awarded funding under the Commission's Plan D programme to organise debates with members of the public. This example suggests that there is potential for effective downward-facing relationships on the part of civil society organisations to become a pre-requisite for whether an organisation gains 'insider status' with the Commission. Because the majority of the organisations are motivated largely by the prospect of gaining access to the Commission, if the Commission made access dependent on organising debates with citizens, perhaps more organisations would organise debates.

Nevertheless, whether the general tendency towards not maintaining downward-facing interactions fatally compromises the capacity of organisations to perform a linkage role and undermines the extent to which they can enhance input-oriented legitimacy is unclear. The representation of interests found within society as a whole during agenda-setting or decision-shaping stages can be seen as bringing in genuine preferences of citizens. This also raises the question of whether the distinction between input and output legitimacy which can be made so clearly in an analytical sense, is actually so

apparent in practice. Even so, whether strengthened input legitimacy is necessary in order for citizens and institutions to be brought closer together is another question. It is clear that civil society organisations cannot solve the EU's legitimacy problems single-handedly. They can however make a contribution and perhaps this contribution will tend to contribute more to output rather than input legitimacy.

Assessing the contribution made by civil society actors to strengthening legitimate governance in the EU through linkage has been made difficult by confusion over what their role is or should be according to the rhetoric of the institutions. Of course, the discourses of the Laeken declaration and even the white paper on governance were all about establishing principles rather than hammering out details. However, because much of the discussion on the contribution of civil society to legitimate governance in the EU still rests on a number of highly contested concepts there is a danger of the importance of civil society organisations being confined to the rhetoric rather than implemented in a feasible and appropriate manner. Nevertheless, an analysis guided by these concepts goes some way in identifying what is a feasible and appropriate role for civil society in contributing to democratic legitimacy in the EU.

7.4   Investigating democratic linkage

The notion of democratic linkage has guided this investigation of the contribution made by civil society organisations to legitimate governance in the EU. As outlined in the introductory chapter, the theme of democratic linkage has characterised recent reform agendas – namely, in their call for the citizens and EU institutions to be brought closer together. 'Bringing closer' can be seen as a euphemism for strengthening the bonds, or the linkages between institutions (the governing) and citizens (the governed).

In this investigation the focus has been on democratic linkage outside these formal representative democracy structures. Civil society can be seen as an arena within which the linkages between citizens and political institutions can be strengthened, and the organisations that populate this space can play a role in facilitating linkage. The reform discourses suggest that the EU institutions subscribe to the view that civil society organisations act as agents of democratic linkage, or in the words of one Union official:

> Civil society organisations are a key actor, they are a link between
> the EU institutions and the citizens because all the citizens are part
> of organisations, everybody has got the social security for example.
> So at least we are sure to inform the citizens if we touch the
> organisations
>
> *Union official #4, 28.03.06, Brussels*

The intention here has not been to measure how closely citizens and EU institutions are linked but instead to investigate the *ways* in which they are

linked or brought closer together. This has been done by considering various 'mechanisms' of linkage. Three mechanisms of linkage have been identified here which correspond to roles played by civil society in democratic political systems – they are not an exhaustive list of the roles played by civil society, but instead are three different ways of looking at the role of civil society in democracies. These three mechanisms of linkage are concepts which can help explain the contribution of civil society organisations to enhancing legitimate governance in the EU and help guide the empirical analysis of the role of these organisations in the debate initiative.

The concepts of participation, representation and communication help describe and explain different ways in which linkage may occur and have been vital in moving from questions about the rhetoric on 'bringing closer' to studying empirically how this actually works. Characteristically, the rhetoric on 'bringing EU citizens and institutions closer together' didn't expand on the precise ways in which such greater proximity would be achieved. But operationalising linkage as participation, representation and communication makes it more concrete. Participation refers to the taking part of individual citizens and groups in the debates; Representation is about the 'making present' of citizens and/or their interests by organised civil society in the debates; Communication is the sending of messages by organised civil society to EU institutions and citizens.

As concepts, participation, representation and communication help to explain how citizens and EU institutions may be brought closer together, with

reference to principles of normative democratic theory. Empirically they help characterise and categorise aspects of civil society's role vis-à-vis citizens and the EU institutions. They emphasise that 'linkage' as performed by civil society organisations in the context of the debate initiative involves various activities each with different objectives. They highlight variations in the capacities and the willingness of the different organisations to provide linkage. And they expose the different opportunities for and constraints upon the behaviour of organisations by the rules and requirements of the debate initiative. It is important to remember that participation, representation and communication may overlap in both a conceptual and an empirical sense.

In the following subsections I review the findings of Chapters 4-6. I also return to the initial question on how linkage through participation, representation and communication might improve the input legitimacy, and the output legitimacy of EU governance: here the empirical investigation found strengths and limitations.

7.4.1   Participation

Participation facilitates democratic linkage by involving citizens in decision-making processes and in doing so can enhance both input and output legitimacy. In the view of the institutions, participation means bringing multiple perspectives into the discussions on the future of the EU, and indeed being seen to do so. For the organisations interviewed, participation was

viewed as an opportunity for them to lobby decision-makers. Whilst these are not necessarily conflicting aims, they have differing implications for whether participation strengthens input or output legitimacy arguments.

The Convention and Futurum offered opportunities for participation to a greater degree than previous processes of treaty reform had, and the organisations interviewed were understandably very supportive of this. Information on the contributions to the respective websites indicates that a significant number and range of organisations were involved in both the Convention and the Futurum discussions. Web technologies thus allowed a wide range of preferences to be brought into the discussions and a tool for managing them in a way that didn't undermine the efficient functioning of the Convention debates. In this way, a wide variety of perspectives from throughout civil society were fed into the formal discussions on the EU's future and the drafting of the constitutional treaty. Input legitimacy can therefore be seen to have been strengthened by the participation of multiple organisations in the discussions preceding treaty reform. However in the view of the organisations interviewed, the reliance on web technologies did not provide an opportunity for the kind of direct participation through face-to-face contact with decision-makers.

Participation in the Convention and Futurum was the domain of organisations rather than individual citizens. Furthermore, in very few cases did the participation of the organisation filter down to the members or supporters of the organisation, or the public in general. Only a handful of the organisations

that were interviewed outlined ways in which they attempted to facilitate the participation of citizens in their activities with respect to the debate initiative. As intermediary organisations the civil society actors interviewed for this research had strong connections 'upwards' to decision-makers – the institutional actors. However their connections 'downwards' to citizens were often weak. Several of the organisations interviewed were 'umbrella' or federal organisations and were therefore removed from individual members (where these even existed) or supporters by several 'levels' (national, regional and so on). Therefore the extent to which the organisations involved in the debates were imbued with the characteristics that would enable them to act as proxies for citizens on the whole, as suggested by the theoretical treatment of civil society, is questionable. There were, therefore limitations in the extent to which participation strengthened input-oriented legitimacy arguments.

Nevertheless the research highlights that output legitimacy could be strengthened as a result of the participation of civil society organisations. By participating, organisations hoped to influence the outcomes of the discussions, resulting in a constitutional treaty that would be beneficial to ordinary citizens even though they hadn't actively participated themselves. Some of the interviewees were aware of the problems associated with claiming credit for this or that particular article in the constitutional treaty but there was a sense that a better document was created as a result of their participation in the debates than would have been done without their participation. Indeed the ultimate *raison d'etre* of many of the organisations interviewed was to influence the outcomes of the debates – a subtle difference in emphasis from

bringing a contribution *in* to the discussions to securing something *out* of the discussions.

The concept of participation invites reflection on the actors involved in the debates – or in other words who is doing the participation. This in turn has implications for whether participation contributes to a strengthening of input-oriented and/or output-oriented legitimacy arguments. Again, the trade-off between participation and efficiency outlined by Dahl is heavily apparent. The commitment to the participation of 'the citizen' in the rhetoric was translated into the participation of civil society organisations in implementation, with citizenship framed in terms of 'organised' (or 'elite') as opposed to 'individual' citizens. Whilst the rhetoric made much of opening the debate to all citizens, in fact only a minority of elite citizens actually took part. Furthermore their contributions were confined to a limited number of outlets – the Forum, the civil society plenary and so on, presumably to avoid civil society interests undermining the efficient functioning of the Convention. Elite as opposed to mass participation need not necessarily undermine input legitimacy, but in practise it shifts the emphasis of the contribution of civil society from what they bring in to the debate to how they affect what comes out of it.

7.4.2   Representation

Linkage occurs through representation as a result of the voice, interests, preferences and so on of the people being 'made present' in some way in the

decision-making process. Although the reform discourses make little explicit mention of the representation role played by civil society, there is an implicit assumption that the civil society organisations involved in the debate initiative in some way represent the citizens of the member states more broadly. There was significant variation between the organisations interviewed in terms of their claims of representativity and whilst some had a clear idea of who or what they represented and how, others had clearly taken this for granted.

As in the case of participation, input legitimacy was well-served by the breadth of interests that were represented in the Convention and Futurum discussions. The contribution of a large number and range of civil society organisations to the discussions protected against the dominance of economic interests, and the monopolisation of the agenda by governmental actors. It also sent a powerful message about the number and range of interests potentially affected by the constitutional treaty. However the breadth of organisations involved also provided a challenge for input-oriented legitimacy. The basis upon which organisations could claim to represent or 'make present' citizens, or more often certain interests, in the discussions varied immensely. Some of the organisations interviewed were better equipped to represent citizens – whether members, supporters or the public in general – than others because of the interaction between the European and national or regional levels. But all of the organisations had equal access to the debates.

This raises the question of what was being represented, being 'made present' in the debates preceding the decision-making process. The absence of formal

authorisation which provides the legitimation in structures of representative democracy is certainly a challenge for the extent to which organised civil society can contribute to input legitimacy. If the participation of civil society organisations in the discussions is as a proxy for citizen participation it is important to examine the nature of the relationship between the two. The trade unions had the strongest claim to represent certain citizens whereas some of the NGOs could claim to represent the interests of a certain group of citizens (women, students, female lawyers for example). Despite a movement away from the language of 'interest groups' and towards 'civil society' to imply greater inclusion, the notion of interest representation describes with greater clarity the processes taking place – it is certain interests, rather than the citizens to which they belong, that are being represented.

Taking the concept of representation in isolation encourages reflection on what it means to 'represent' rather than to take for granted that organisations involved in the Convention and Futurum represented citizens or civil society. Whilst the notion of representation does not feature heavily in the rhetoric surrounding the debate on the EU's future, as the notion of participation does, there appears to be an inherent assumption that EU civil society as envisaged by the institutions 'represents' EU citizens – whether this is descriptively by bringing women, young people and so on into discussions, or whether it is more in terms of defending interests that citizens may hold.

Research on processes of interest representation in the EU has contributed to an understanding of the relationships between intermediary organisations and

institutional actors. It has also contributed to an understanding of the EU policy-making process in general. This investigation, motivated by the perceived need for these organisations to assist in bringing citizens closer to the EU decision-making process has turned attention towards the relationship between the organisations and ordinary citizens.

7.4.3   Communication

By passing messages between citizens and institutional actors organised civil society could strengthen input legitimacy by facilitating two-way communication. A focus on the importance of communication has been a key theme of more recent attempts by the EU institutions, particularly the Commission, to restructure their relationship with citizens. As such, the notion of communication did not feature heavily in the rhetoric of the debate on the future of the EU. Nevertheless, it provides an interesting framework within which to understand the role of civil society organisations in bringing citizens and EU institutions closer together.

Understanding the role of organised civil society in terms of communicating messages from citizens to the institutions as part of a process of discussion preceding decision-making may allow for the preferences of citizens to be taken into account in a looser, more informal fashion than the notions of participation and representation might imply. Communicating messages in the other direction from institutional actors to citizens might help strengthen

accountability and enhance the understanding of how decision-making at the EU level affects citizens.

The empirical investigation presented here calls into question the willingness of organisations to engage in communication with citizens. Several organisations expressed their reluctance to inform or educate citizens about EU issues. However the subsequent release of funding for organisations that organise debates with members of the public under the Commission's 'Plan D' initiative saw civil society organisations making proposals to the Commission for organising debates with the public. This suggests that the capacity and willingness of organisations to perform a communication role may not be entirely fixed. When funding became available to engage in downward-facing communication activities, one of the organisations that was interviewed found it within their capacity to organise debates with citizens, something they had previously claimed to be unable to do. The capacity and willingness of organisations to play a communication role therefore appears to be determined in part by the structured context, and opportunities, specifically the funding, available.

The distinction between input and output legitimacy is not as clear in the case of communication as a mechanism of linkage as it is for participation and representation. Furthermore, in operationalising the concept it becomes clear that there is an element of overlap with the concepts of participation and representation but it could also prove to be a useful way of understanding the relationship between the governed and governing in the EU.

7.5 Civil society organisations and the debate initiative: normative implications

The aim of this investigation has been to contribute to an explanation and enhanced understanding of the EU political system, rather than to define or justify ideal criteria for its authority. However, the analysis has at times touched upon issues that are 'irreducibly normative' (Nentwich & Weale 1998:1). I conclude therefore, by identifying some normative implications of this empirical research: the explanatory value of the concepts of input and output legitimacy; the de-legitimsing effects of the Commission's 'empty rhetoric'; the uncritical adoption by academic accounts of the notion of 'civil society'; and more effective strategies for legitimising EU governance.

The concepts of debate and civil society, participation, representation and communication have provided the backbone of this thesis. They have helped to structure the investigation and have guided the analysis of the data that has been generated. However, like most concepts in political science, they are contested. There are no firm, universally agreed definitions of these concepts but they have been operationalised for the purposes of this investigation. A problem that arises is that the definitions arrived at will never be perfect and will always result in disagreement and a gap between the ideal-type and empirical reality.

Drawing upon the concepts of participation, representation and communication has allowed me to isolate the different aspects or faces of democratic linkage, and the role of civil society organisations as agents of democratic linkage. Arguably, this has allowed a deeper and more nuanced understanding of the processes taking place. But it is important to acknowledge that though analytically distinct, the three are overlapping and interconnected. In practice, representation is part of participation – and vice versa. Communication involves elements of both participation and representation.

Another analytical concept that I have relied upon heavily is the distinction between input and output dimensions of legitimacy. This distinction, made by Easton and applied extensively to the European Union by Scharpf, is a useful analytical tool in helping to understand the bases and dynamics of democratic legitimacy within EU governance. However, the separation between input legitimacy and output legitimacy was not always apparent when trying to assess the contribution of organisations. On the one hand, their involvement in discussions about the EU's future could be seen in terms of strengthening input legitimacy through the bringing in of perspectives found within society. On the other hand, as the priority of the organisations tended to be the influencing outcomes their contribution could be better understood in terms of output legitimacy. Furthermore, discussions with civil society actors revealed that it was not a distinction they always recognised – since inputs and outputs were viewed as two parts of the same thing. Therefore the picture of input and output legitimacy looks different when viewed from the point of view of the

organisations themselves, calling into question the usefulness of an analytical tool that has been taken for granted.

A second normative implication highlighted by this research is the discrepancy between institutional rhetoric and empirical 'reality'. The rhetoric of the debate initiative was not intended to engage in the details of exactly how citizens and institutions would be brought closer together – rhetoric by its very nature is all about defining principles rather than hammering out details. However this investigation has been all about seeing how the rhetoric resembles what we can observe empirically on the ground and the empirical findings presented here suggest that the rhetoric of the EU institutions on 'bringing citizens and EU institutions closer together' was not reflected in concrete changes on the ground. To this extent it could be argued that the debate initiative was not successful in strengthening democratic linkage.

However, the consequences of this divergence between the rhetoric of the debate and the actual experience of it could be more problematic than a simple missed opportunity. If the rhetoric says one thing about how debate and civil society actors can help bring citizens and institutions closer together, but the structures and the agency do not actually do this there is the problem of the rhetoric being simply that – empty. The result is that the EU institutions become known as purveyors of empty and meaningless rhetoric; and the Convention and Futurum initiatives look more like attempts to manufacture consensus on the constitutional treaty through the illusion of public debate rather than an attempt to enhance involvement in or democratic control over

discussions about the EU's future. Ultimately it serves to undermine legitimacy rather than enhance it.

The identification of 'civil society' as a partner in the reform exercise was an important part of the institutions' rhetoric. As outlined earlier, the term 'civil society' was introduced into the vocabulary of the EU institutions in the late 1990s and has been used continuously and extensively use ever since. References to civil society were particularly prevalent in the debate initiative and subsequently in the Commission's Communication Strategy. Although the terminology was new to EU decision-making processes, the organisations to which it referred were not. Rather, the organisations that fell under the heading of civil society – trade unions, think-tanks, NGOs and so on – had a much longer history of working with the EU institutions, most notably the Commission. The deployment of the term 'civil society' therefore, was in effect, a new way of talking about a pre-existing phenomenon.

The emergence of the term 'civil society' in the institution's rhetoric on democratic reform has been accompanied by a shift in the academic literature away from discussion of 'interests' and 'interest representation' towards discussion of civil society organisations, and their contribution to legitimate governance[31]. But the empirical research presented in this thesis finds little change in the behaviour or self-understandings of the so-called 'civil society' organisations that were involved in the debate initiative (and for none of these

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[31] This is exemplified by the change in terminology between Greenwood's 1997 volume on *Representing interests in the EU*, and his subsequent 2003 volume on *Interest Representation in the EU*, and its updated second edition, published in 2007 (Greenwood 1997, 2003a, 2007b).

organisations was the debate initiative their first encounter with the EU decision-making process). The primary motivation behind involvement in the debate initiative for the overwhelming majority of the organisations that I interviewed remained the prospect of influencing outcomes. Therefore, whilst the institution's rhetoric on the debate initiative itself and the organisations involved in it suggested a break with the past, this was not supported by the accounts provided by the organisations themselves. This poses questions of why the institutions have changed the way they talk about these actors, and moreover, why the change in terminology has been taken up so readily by academic observers.

The change in terminology on the part of the institutions, particularly the Commission, can be seen as part of the construction of the discourse on the 'bringing closer together' of citizens and EU institutions. The term 'civil society organisation' is more consistent with the language of 'citizens', and 'publics' than the term 'interest groups' which is reminiscent of 'special' or 'privileged' interests. There has, therefore, been an attempt to move away from language that implies a closed or clientelistic approach to a more open, democratic and accessible one.

Yet if the move towards the term 'civil society' was a deliberate strategy on the part of the institutions to convey a particular message, academic accounts that have adopted the term may have been too hasty and have generally done so without questioning whether it is appropriate. Civil society, as outlined in democratic theory, plays two important roles in the consolidation of political

democracy: one the one hand it contributes to the political socialisation of citizens, and on the other hand it acts as a counterweight to state power. The investigation of some of the organisations described as 'civil society, that were involved in the debate initiative suggests that they had neither the capacity nor even the willingness to play these democratic roles and therefore to refer to them as organisations of civil society is inaccurate and even misleading. In adopting the change in terminology of the institutions uncritically, academe is contributing to the perpetuation of the discourse, and more fundamentally, a misunderstanding of the nature and potential role of these organisations in the EU decision-making process.

To conclude, it is clear that civil society organisations have not and cannot single-handedly make EU governance more legitimate. This is not to say that EU governance cannot benefit from deliberation or the involvement of organised civil society. The empirical analysis demonstrates that there is potential for civil society organisations to act as agents for democratic linkage and in particular there is further support here for the suggestion that they contribute to output legitimacy. Where input legitimacy has not automatically been strengthened by the involvement of civil society organisations this may be because the mechanisms of linkage are more complex than anticipated and the means (i.e. rules of the debates) are sometimes inadequate and inappropriate, and the actors don't have the capacity or willingness. Nevertheless in the absence of a demos, civil society is likely to remain of crucial importance in the attempts made by the EU institutions to 'get closer' to citizens.

Appendix I

Screen shots of Convention and Futurum websites

The report of the High-Level Group on the Information Society on 'Europe and the Global Information Society (the so-called Bangemann report) set the agenda for using new ICT technologies in EU governance (Bangemann 1994). This report discussed the use of ICT with regards more efficient and effective governance, but more recently attention at the EU level has turned to the potential of ICT in enhancing democratic governance, so-called 'e-democracy' initiatives.

The debate on the future of the EU can be seen as adopting such e-democracy initiatives alongside more traditional methods of discussion leading towards treaty reform. Web technologies were employed in two major ways to enhance democracy (Riley 2001): as a means towards greater openness on the one hand, and to facilitate the involvement of a broader range of actors in the debates on the other.

Following the European Council meeting of June 2007, many of the websites related to the debate on the future of the EU were taken down and replaced with a

generic page on 'Institutional Reform of the European Union'. Some of the

websites mentioned in this thesis are therefore displayed here for reference.

Figure 1: The Convention website

The panels on the left show the various materials that were available from the website – from information on the composition of the Convention to details of meetings and speeches made.
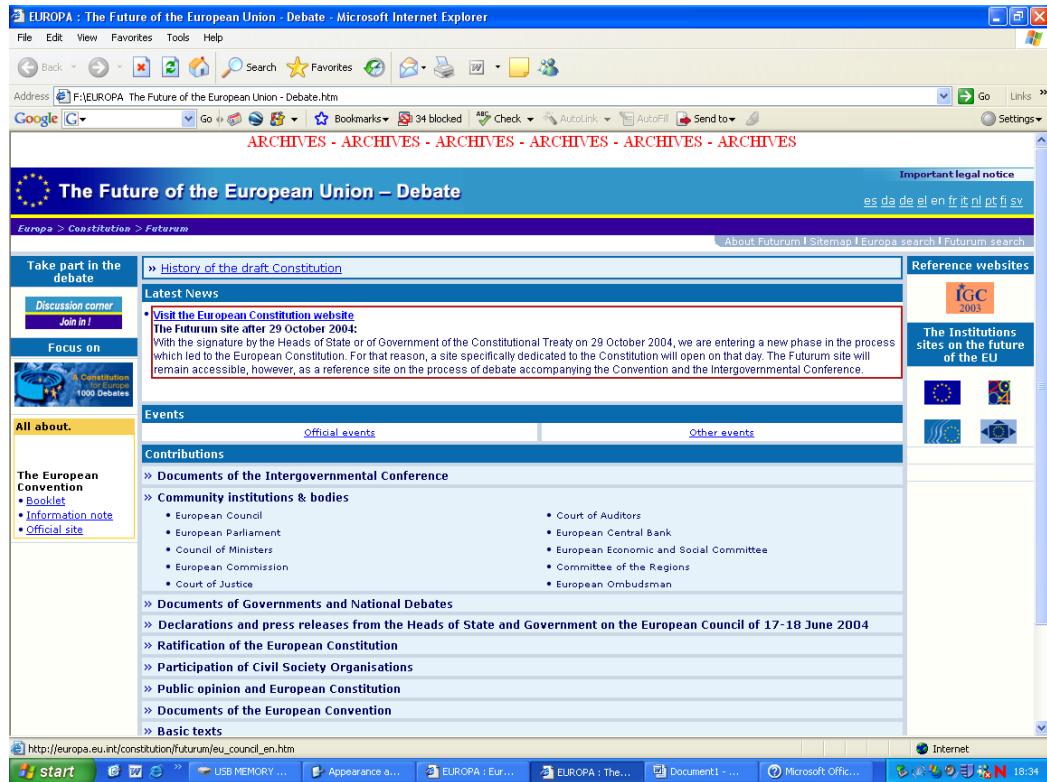
Figure 2: The Convention Forum website
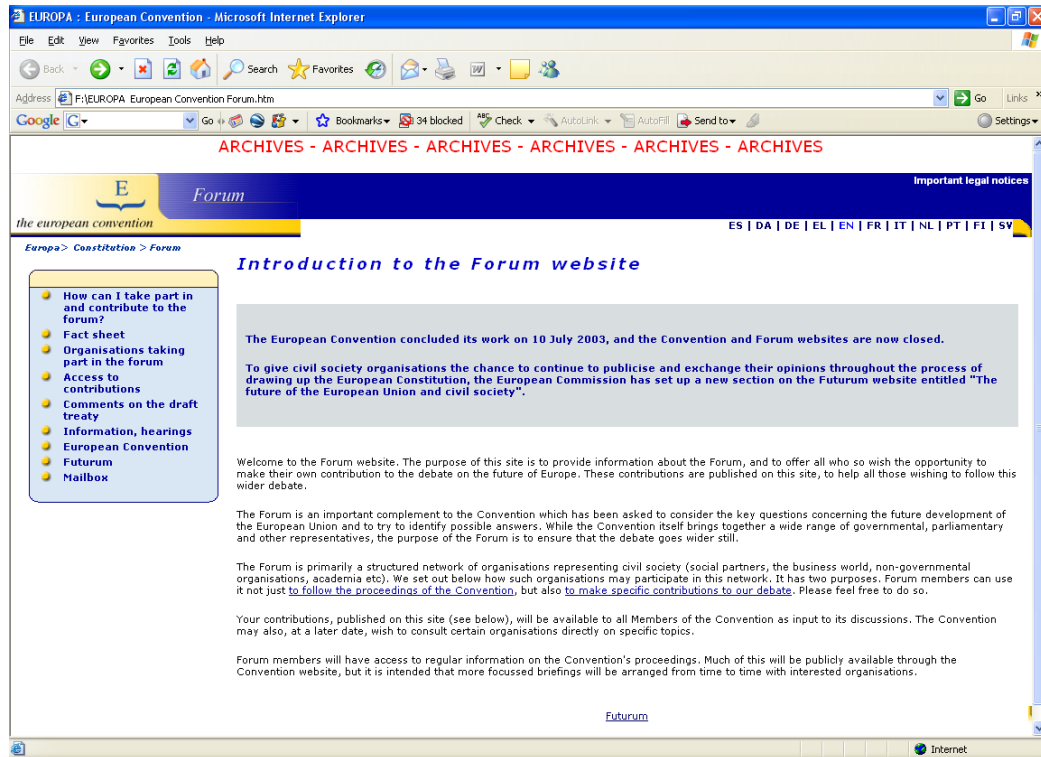
This screen shot shows the entrance page to the Forum website. Via the panel on the left, organisations were able to post contributions and read the contributions of other organisations.

Figure 3: The Youth Convention website

A page on the Convention website was dedicated to the Youth Convention, with materials specific to the Youth Convention available from the links on the right hand side of the page.

Figure 4: The Futurum website

The Futurum website included links to the Convention materials as well as information specific to the member states, public opinion, and the IGC. In the list towards the bottom of the page there was also a link referring to the 'participation of civil society organisations'. This led to the pages for Futurum partners and an offline discussion where the contributions of organizations could be viewed. The 'discussion corner' link towards the top left-hand side of the page linked to an online discussion forum where anybody could post comments on various issues related to the future of the EU.

Appendix II

Organisations and individuals interviewed

Much of the data upon which my conclusions are based is drawn from 25 qualitative interviews with civil society organisations that were involved in the Convention and/or Futurum. All of those individuals interviewed were happy to have their organisation associated with the research, but some did not want their comments attributed to them personally. To avoid different systems of attributing comments, all of the comments in the text are anonymised, but with indications given, where relevant, of the type of organisation the individual worked for. Here I outline all of the organisations that were interviewed for the research for reference: giving details of the type of organisation (using the categorisation employed by the Commission in the Forum and Futurum websites), the nature of the organisations' involvement in the debates, the job title of the individual interviewed, and a brief description of the organisation. The information here is drawn from the websites of the organisations and so the URLs of the organisations' own websites are also included.

AEGEE

Other, civil society, NGOs and schools of thought

Futurum partnership organisation, registered in Convention Forum

Individual interviewed: President

AEGEE is an acronym of 'association des états généraux des étudiants de l'Europe', and referred to as 'European Students' Forum' in English. It is one of the biggest interdisciplinary student associations in Europe, and is represented in 241 academic cities, 42 countries and by 15,000 students. It aims to promote a unified Europe without prejudices; to strive for creating an open and tolerant society; and to foster democracy, human rights, cross-border co-operation, mobility and a European dimension in education. AEGEE's activities are co-ordinated by the European level Head Office (based in Brussels), specifically a nine-member 'Comité Directeur' composed of students on sabbatical. There is no national administration, and the 241 individual local organisations report directly to the European level. AEGEE's activities include organising conferences and seminars as well as exchange trips and training courses.

http://www.karl.aegee.org

CEPS

Academic and think-tank

Contributed to Convention's civil society plenary session

Individual interviewed: Researchers (Interview conducted with two members of the organisation)

CEPS (The Centre for European Policy Studies) was founded in 1983 as an independent policy research institute dedicated to producing sound policy research leading to constructive solutions to the challenges facing Europe today. Its goals include providing a forum for discussion among all stakeholders in the European policy process; carrying out policy research; and

disseminating research findings. It has a research staff of around 30 (some of whom are academic staff and doctoral candidates at institutions across Europe), in addition to an administrative staff.

http://www.ceps.be

CESI

Socio-economic

Futurum partnership organisation

Individual interviewed: Press and Information Officer

The Confédération Européenne des Syndicats Indépendants (European Confederation of Independent Trade Unions) is a European trade union organisation, encompassing Trade Unions from the member states and other European states, and was founded in 1990. It includes as members national individual and umbrella Trade Unions, European umbrella Trade Unions and European Trade Unions. It claims to fight for a strong, independent civil service and efficient institutions serving the citizen.

http://www.cesi.org

CRPM/CPMR

Political or public authority

Contributed to Convention's civil society plenary session, Futurum partnership organisation, registered in Convention Forum.

Individual interviewed: Secretary-General

The Conférence des Régions Périphériques Maritimes/Conference of Peripheral Maritime Regions of Europe is an organisation bringing together

150 regions located on Europe's shorelines. It aims to promote a more balanced and polycentric development model for European territory (cohesion) and a greater involvement of sub-state players in defining and applying EU policies (convention/governance). The organisation is headed by a President who is elected from the member regions, and run by a secretariat-general based in Rennes, France.

http://www.crpm.org

Democracy Movement

Other, civil society, NGOs and schools of thought

Registered with TEAM Europe, in turn registered in Convention Forum

Individual interviewed: Campaign Manager

At the time of the interviews, Democracy Movement was a member of TEAM Europe (The European Alliance of EU-Critical Movements). It is a UK-based non-party campaign which aims to protect liberal democracy in the UK and across Europe and believes that this is fundamentally undermined by the single currency and the creation of an EU constitution which will result in all major decisions being taken at the EU centre by undemocratic institutions.

http://www.democracymovement.org.uk/

EASPD

Other, civil society, NGOs and schools of thought

Registered in Convention Forum

Individual interviewed: Secretary-General

The European Association of Service Providers for Persons with Disabilities promotes the affairs of social firms and their umbrella associations, representing around 8000 members which provide services to approximately 40 million people with a disability across Europe. The main objective of EASPD is to promote the equalisation of opportunities for people with disabilities through effective and high quality service systems. The work of the organisation is co-ordinated by a secretariat-general based at the headquarters in Brussels in addition to a Board, Exective Committee and President elected from within and by the members.

http://www.easpd.eu

European Citizens' Network (ECN)

Other, civil society, NGOs and schools of thought

Futurum partnership organisation

Individual interviewed: President

A now defunct network arising out of a Convention of Young European Citizens held July 2001. This brought together 71 young Europeans from the member states and applicant states, all non-experts, with the aim of producing a European Constitution. Participants felt that the representative democratic system had to be reformed and that citizens of Europe should have a voice and be able to influence the creation of Europe. The Constitution document that the conference produced was sent to Futurum but little other activity ever took place.

Website no longer available

EPC (European Policy Centre)

Academic and think-tank

Futurum partnership organisation, contributed to Convention's civil society plenary session

Individual interviewed: Chief Executive

The EPC is an independent, not-for-profit think tank. It is committed to making European integration work and works at the 'cutting-edge' of European policy-making providing its members and the wider public with rapid high quality information and analysis on the EU policy agenda. The EPC aims to promote a balanced dialogue between the different constituencies of its membership, spanning all aspects of economic and social life. Members of the EPC include companies, professional and business associations, trade unions, local and regional authorities and NGOs. Its work is co-ordinated by a Management Team alongside Analysts and Advisors.

http://www.epc.eu/

ESIB (now ESU The European Students' Union)

Other, civil society, NGOs and schools of thought

Futurum partnership organisation

Individuals interviewed: Secretary-General and Communications Officer

The European Students' Union was known by the acronym ESIB at the time of the interview (an acronym that was ditched in May 2007). It is the umbrella organisation of 47 national unions of students from 36 countries and through these members represents 10 million students. The aim of the ESU is to represent and promote the educational, social, economic and cultural interests

of students at a European level towards all relevant bodies and particularly the EU, the Council of Europe and UNESCO. A Brussels-based Secretariat co-ordinates the work of the Executive Committee, a six-member board elected from among the membership.

http://www.esib.org/

ETUC

Socio-economic

Futurum partnership organisation, formal Convention Observers

Individual interviewed: Advisor

ETUC was established in 1973 to promote the interests of working people in Europe and to represent them to the European institutions. ETUC has membership in 81 National Trade Union Confederations from 36 countries as well as 12 European industry federations making a total of 60 million members. It is recognised by the EU institutions (as well as the Council of Europe and EFTA) as the only representative cross-sectoral Trade Union organisation at the European level.

http://www.etuc.org/

EurActiv

Other, civil society, NGOs and schools of thought

Futurum partnership organisation

Individual interviewed: Editor-in-Chief

EurActiv is an online media portal giving up to date news on European affairs. It had a mini-site devoted to the debate on the future of the EU at the

commencement of Futurum initiative and was approached by Commission to link to Futurum site – thereby becoming a Futurum partner organisation.

http://www.euractiv.com/en/HomePage

Eurocities

Political or public authority

Futurum partnership organisation, registered in Convention Forum

Individual interviewed: Governance Project Manager

Eurocities is a transnational network of major cities from across Europe. It brings together the local governments of around 130 cities in 30 countries, providing a platform for its members to share knowledge and ideas, exchange experiences, analyse common problems and develop solutions through Forums, Working Groups, activities and events. It acknowledges that whilst having different cultural, socio-economic and political realities, Europe's cities share common challenges and solutions. A staff of around 30 work in the Brussels office which is responsible for supporting the Forums and Working Groups, for preparing meetings and conferences and providing information to members.

http://www.eurocities.org/main.php

Europe 2020

Other, civil society, NGOs and schools of thought

Futurum partnership organisation

Individual interviewed: Director

Europe 2020 describes itself as a 'website dedicated to political anticipation'. It aims to promote research on European issues and to circulate the findings of

this research widely. It supports initiatives for the democratisation of Europe and the invention of a common external policy. It is run by a team of co-ordinators and researchers. Two of Europe 2020's 'fields of intervention' are Information (elements for a public debate in Europe) and Debate (articulation between citizens, experts and institutions).

http://www.europe2020.org/

European Blind Union

Other, civil society, NGOs and schools of thought

Registered in Convention Forum

Individual interviewed: Director

The European Blind Union is a non-governmental, non profit-making European organisation which was founded in 1984. It is the only organisation representing the interests of blind and partially sighted people in Europe. EBU aims to protect and promote the interest of blind and partially sighted people in Europe. EBU currently has 44 member countries each with its own delegation. The central office, based in Paris, is responsible for communication within EBU and information to the general public.

http://www.euroblind.org/fichiersGB/summ.htm

European Womens' Lobby

Other, civil society, NGOs and schools of thought

Contributed to Convention's civil society plenary session

Individual interviewed: Director

The European Womens' Lobby (EWL) is the largest co-ordinating body of national and non-governmental women's organisations in the EU, with over 4000 member associations in the 25 member states. The EWL's goal is to achieve equality between women and men in Europe and to serve as a link between political decision-makers and women's organisations at the EU level. The membership comprises 'national co-ordinations' and European organisations. The full membership meets once a year and elects a Board of Administration which takes key decisions. It is assisted by a Secretariat based in Brussels which co-ordinates and oversees the work programme of the organisation.

http://www.womenlobby.org/

European Women Lawyers' Association

Other, civil society, NGOs and schools of thought

Futurum partnership organisation

Individual interviewed: Director

EWLA is a non-profit making international non-governmental organisation having philanthropic, scientific and pedagogical aims. It brings together women lawyers from across the EU and aims to improve understanding of European legislation with reference to equality, in particular to women, and its effects. It comprises a Board, elected from the membership, and working groups on a range of issues.

http://www.ewla.org/

Friends of Europe

Academic and think-tank

Futurum partnership organisation

Individual interviewed: Secretary-General

A Brussels-based think tank without national or political bias that promotes discussion, research and new thinking on European policy issues. It explains that its goal since 1999 has been to stimulate new thinking on the future of Europe and widen the debate by making it more controversial and lively, by covering a large spectrum of issues, by promoting the use of media technologies and by encouraging media involvement. The president of Friends of Europe is Etienne Davignon but the work of the organisation is co-ordinated by a Brussels based team.

http://www.friendsofeurope.org/

Institute for Citizenship

Other, civil society, NGOs and schools of thought

Futurum partnership organisation

Individual interviewed: European Projects Officer

A UK-based independent charitable trust which aims to promote informed, active citizenship and greater participation in democracy and society through a combination of community projects, research, education and discussion and debate.

http://www.citizen.org.uk/index.html

JEF Europe (Young European Federalists)

Other, civil society, NGOs and schools of thought

Contributed to Convention's civil society plenary session, registered in Convention Forum

Individual interviewed: Secretary-General

The Young European Federalists (Jeunes Européens Fédéralistes) is a supranational political movement active in most European countries. As the youth movement of the Union of European Federalists, it is an autonomous youth organisation with no political affiliations or commitments. JEF claims to work for increased international democracy and to implement the principle of federalism. It runs seminars, training days and demonstrations across Europe. It comprises an Executive Bureau made up of several elected representatives (drawn from the organisation's membership), a number of individual national sections, and a Secretary-General based in Brussels who is responsible for the day-to-day running of the organisation.

http://www.jef-europe.net/

Notre Europe

Academic and think-tank

Futurum partnership organisation

Individual interviewed: Secretary-General

Notre Europe is a think tank based in Paris dedicated to European unity. As a research and policy group created 5th July 1996 it has the objective to study, research and educate about Europe, its history and its future prospects. The steering committee is charged with making recommendations to develop the idea and spirit of European integration in public opinion. Notre Europe wishes to contribute to the creation of a European public space. It has a number of

'presidents' including Jacques Delors, and Pascal Lamy, and an administrative and management team.

http://www.notre-europe.eu/en/

Permanent Forum of European Civil Society

Other, civil society, NGOs and schools of thought

Futurum partnership organisation, registered in Convention Forum

Individual interviewed: Events organiser

The Forum was created in 1995 by the Conference of the presidents of the national councils of the International European Movement at its meeting in Bonn. It describes itself as a meeting and debating place of the associative world, whose objectives are: an active European citizenship; a new form of governance enhancing synergies between the European institutions and civil society; a European representative, participative and equal democracy in full respect of the principle of subsidiarity.

http://www.europe-maintenant.org/forume/

Robert Schuman Foundation

Academic and think-tank

Futurum partnership organisation, contributed to Convention's civil society plenary session

Individual interviewed: Research Director

The Robert Schuman Foundation was founded in 1991 as a centre for research on the European Union and gives itself the task of maintaining the spirit and inspiration of one of the founding fathers of Europe, namely Robert Schuman,

and of promoting European values. It carries out its work programme through a publications programme and the organisation of events such as conferences and round tables. Based in Paris, the staff carry out the day-today running of the organisation assisted by a board of directors and scientific council.

http://www.robert-schuman.eu/

Scotland Europa

Political or public authority

Futurum partnership organisation

Individual interviewed: EU Policy Executive

Scotland Europa is a partnership of public, private and voluntary bodies that have combined to provide a central point of contact for Scotland in Europe. With offices in both Glasgow and Brussels it aims to promote Scotland's interests to the key institutions of the EU and have direct links to the regions of Europe. It also provides specialised information and services to its members which include business, local government, and education interests.

http://www.scotlandeuropa.com/

Social Platform

Other, civil society, NGOs and schools of thought

Contributed to Convention's civil society plenary session

Individual interviewed: Director

The Platform of European Social NGOs (short name Social Platform) is an alliance of representative European federations and networks of non-governmental organisations active in the social sector. Established in 1995 it

brings together around 40 organisations representing the interest of a wide range of civil society. The Social Platform channels the concerns of European citizens who have come together in these organisations throughout the Union on issues of common interest. The work of the Platform is conducted by the team, based in Brussels, and overseen by the Director. In addition it has a management committee, composed of individual from member organisations elected by the members.

http://www.socialplatform.org/

Youth Forum

Other, civil society, NGOs and schools of thought

Futurum partnership organisation

Individual interviewed: Press Officer

The European Youth Forum is an international organisation established by national youth councils and international non-governmental youth organisations to represent the interests of young people from all over Europe. It is the youth platform in Europe representing youth organisations in international institutions. It serves to channel the flow of information and opinions between young people and decision-makers. It has a presidency, elected by the members, as well as a secretariat which is based in Brussels and organises the work programme.

http://www.youthforum.org/en/

In addition to these organisations I also interviewed six individuals from the EU institutions, all of who had worked on issues relating to the Convention and/or Futurum. These individuals were:

Mr Josep Coll I Carbo

Directorate General Communication, European Commission

Mr Patrick Fève

Head of Unit: Relations with civil society organizations and constitutional affairs, European Economic and Social Committee

Lord Kerr of Kinlochard

Secretary-General of the European Convention

Mr Gerard Legris

Head of Unit, Public debate and the future of Europe debate, European Commission

Mr Guy Milton

In-house historian/drafter, Convention secretariat-general

Ms Ariane Moret

Directorate General Communication, European Commission

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