EU Public Policies and the Participation of Organized Civil Society

Carlo Ruzza
Università di Trento
Introduction

Even a cursory examination of websites or other information materials produced by EU institutions will emphasise the importance of civil society. This is no surprise as ‘civil society’ emerges in a variety of shapes everywhere as almost a new ideology. One finds generally positive references to civil society in all Member State, in the electoral programmes of all types of parties, in political communication and policy documents of different sorts. However, as our analysis will show, at the EU level calls for involving civil society appear with particular frequency. One needs to ask why have references to civil society multiplied in EU parlance.

This paper examines the reasons for the recent attention to the role of organised civil society in EU governance. It argues that it is explained by the flexibility of the concept of civil society, its adaptability to address a number of related topical problems, and therefore the fact that it can be utilised by different constituencies. In particular, it stresses that the Union face overwhelming problems of political legitimacy which have resulted from the acceleration of a constitutionalising strategy adopted by political elites.
Civil society can help addressing some of these problems. But it can do so in different and even incompatible ways. It will be argued that the specific manner in which civil society should be involved in EU policy making is then contested and depends upon different visions of the European project which can vary across different actors and normative positions. At present, a stronger involvement of civil society is advocated for a variety of reasons and to civil society are attributed a variety of functions. This paper seeks to classify and systematize them by considering some of the different contexts in which the construct of civil society has been utilised and identifying common elements. A typology of the ways civil society can be involved will be developed and utilised to examine both EU documents on the role of civil society and views of the functions of civil society in a sample of policy documents. This analysis is also supplemented by a series of about sixty in depth interviews with institutional and civil society actors from a variety of EU backgrounds conducted in 2002-2004.

After a brief historical review of the dynamics that have made very salient both the role of civil society and legitimacy concerns, I will focus on documentary analysis. In the concluding section, I will contextually assess strategies to better integrate civil society in the EU decision making process.

The process of European construction is a complex and long-term project which for most of the post war years has been characterised by an integrationist agenda pursued through a variety of means with a stop and go pace and unanticipated outcomes. It is a process that scholars have described as typically relying on a permissive consensus and benign neglect by European publics. When the basis of this neglect have been called in question, notably during and after the Maastricht ratification process, the political discourse of many of its elite proponents has shifted to include new political terms – on of which is the concept of civil society. However, as for all new concepts, its precise meaning and applicability is still somewhat undefined. The emphasis on civil society has then played a fundamental but ambiguous role in recent years. Calls for deeper involvement of civil society in government can be equated to an ideology, and identified in the discourse of a range of political and administrative actors, in the discourse emerging in a range of institutions and organizations and in a number of policy areas. For instance, it emerges in the recent debates which have accompanied the publication of the Commission’s ‘White Paper on Governance’ and the EU Constitutional Treaty. A deeper involvement of civil society has been frequently advocated to address concerns with the legitimacy of the European system of governance. Thus it is with specific relation to this issue that the role of civil society will be examined.
The integrationist agenda pursued by European elites throughout the post-war period amounted to a multifaceted constitutionalising project which has been increasingly characterised by an overarching problem of political legitimacy. One can trace the impact of the emerging legitimacy discourse in a number of arenas. In recent years the debate on the involvement of civil society has to a large extent been oriented by this debate. This is because of several reasons. At a general level, civil society can provide alternative forms of legitimacy that can be seen as a substitute for the type of legitimacy which in Member States is provided by representative government and which many observers think that it is not sufficiently present at EU level.

**European Construction, governance and civil society**

The EU as a form of defensive regional integration resulted from ideals of peace and prosperity in Europe, and more recently grew as a reaction to the loss of sovereignty engendered by economic globalisation and to the historical events that have accelerated the reduction of centrality of EU states on the world stage. However, the transformation of deep rooted national identities necessary to accommodate the progression of integration could not be taken for granted. As the relevant literature points out, the process of European construction started and remained a relatively unproblematic elite project for most of the post-war years. Civil society was from the beginning included but only in the form of economic interest groups, and in the expectations of neo-functionalists they were supposed to spearhead calls for common policies across an ever increasing number of fields. But political legitimacy was not a concern and neither was the inclusion in the European framework of other sectors of civil society. In continental Europe concerns for political legitimacy did not appear prominently in public opinion until the debate over the ratification of the Maastricht treaty transferred European integration issues to the media arena. In the span of a few years, support for integration declined throughout the Union and ambivalence about the ultimate goals of the project put supranational institutions on a defensive footing. Within European publics, Euro scepticism mounted and took a variety of forms (Tiersky 2001). This spurred both a search for solutions among political elites and also political parties’ attempts to obtain advantages by realigning their political discourse.

As several observers have pointed out, eurosceptic attitudes have been in part generated by governments which have blamed Europe for difficult policy problems which they had exported at supranational level to take them off the domestic arena. The supranational arena has increasingly constituted a needed domain to respond in a coherent fashion to issues that could not be solved at Member State level, such as coordinated responses to globalisation. It has allowed unpopular but
necessary policies that would have been too controversial at domestic level. But the continuation of this approach is now in doubt. Yet it is increasingly needed as a response to advancing globalisation requires a better coordination of European economies.

European integration has over the years produced a set of incoherent policies in need of systematization. The process of enlargement has further undermined the ability of the EU to respond to emerging challenges as an institutional machinery developed for a much smaller Europe is now visibly strained. It is in this context that one has to frame the recent attempt to streamline and systematize the European project. At least to a still relevant part of the elites of funding Member States, Europe clearly needs an institutional overhaul. To many this also suggests that it requires a stronger political and social counterpart to its economic policies, and that the needed institutional renewal has to be addressed by some kind of constitutionalisation process in which a new clarified and integrated system of rules emerges. It is in response to this need that one can read many policy initiatives and attempts at institutional change as a gradual and diffused process of constitutionalisation, which has accelerated in recent years.

The concept of ‘constitutionalisation’ indicates a few related processes. In the EU context ‘constitutionalisation’ often refer to the transformation of the EU away from a role akin to that of an international organization and towards a constitutional legal order (Craig 2001). In the history of the EU ‘constitutionalisation’ then also refer to a diffused and long lasting process in which various European elites have exerted their efforts over time. In this sense the recent Constitutional Treaty is only the last episode of a related set of initiatives, which as Show among others argues does not represent a break with the history of constitutionalism in the EU (Shaw 2005). It is a process that has seen the active involvement of several actors, notably the Court of Justice who has interpreted the founding Treaties in constitutional terms (Szyszczak 1995), and key events which have significantly contributed to the process of constitutionalisation such as ICGs (Shaw 2000), and the debate which developed in connection with the preparation of the White Paper on Governance. Clearly, with so many actors involved over an extended period, different visions have come forth of what should be an ideal constitutional structure for the EU.

In the vision of a blueprints for Europe, organised civil society has represented a crucial tool from the beginning. It was not necessarily connected to legitimacy issues. Rather, it came to be employed in support of the typical problems that emerged at specific points in time. And, as Smismans points out, over the years its institutional framing was shaped by the evolving styles of institution building (Smismans 2004). In recent years calls have multiplied for a stronger input of civil society but increasingly the legitimacy issue has come to the fore (Greenwood 1997) and also
has grown the actual contribution of civil society to decision making processes. The role of civil society has expanded and current definitions include a growing number of public interest groups, churches, promotional groups and social movements – some authors also include economic groups while others keep them distinct (Cohen and Arato 1999). A multifarious definition of civil society is similarly utilised by EU institutions.

Given the breadth of the concept, calls have been made for stricter criteria to evaluate OCS contributions (such as whether different kinds of associations operate with criteria of transparency, representation, and internal democracy) and new methods of including them in decision making such as the open method of coordination (OMC) which marks a fundamental shift in the EU philosophy of policy-making, and has appropriately received sustained attention (Armstrong 2003). Thus the entire topic of civil society has acquired relevance and visibility in popular discourse and is now firmly connected to issues of legitimacy and with attempts to salvage the European project by injecting it with alternative sources of legitimacy. Before identifying and examining them, it is useful to consider civil society functions as they are formulated in current legislation and in a sample of policy documents.

**Conceptions of civil society in EU documents**

All the EU institutions have extensively debated the role of civil society. A concern for civil society is centrally expressed by the ESC whose institutional role is defined in relation to functional representation (see for instance: ESC 1999; ESC 2000; ESC 2001) and more recently by the COR. However, in terms of relevance, it is worth noting that civil society has grown rapidly in the thinking of the Commission and the Parliament.

The Commission carries out external consultations in the development of almost all policy areas and has reflected on its relationship with NGOs and other civil society organizations in a number of documents. Commission documents on relations with civil society have been proposed to the NGO and lobbying sector for consultation. Several formal and informal reactions have accordingly been registered, including position papers by OCS co-ordinating bodies (see for instance: Crook 2000; Social-Platform 2000). Thus there is an evolving body of reflections by EU institutions and civil society organizations on reciprocal expectations and on the modalities of access to consultative activities.

The political values and the political socialisation of Parliamentarians and Senior Commission Officials vary according to what model of Europe they favour and therefore what role
they are prepared to attribute to OCS. However, in general they tend to be supra-nationalists and to believe that Europe should be more than a common market, therefore implicitly recognising a role for EU OCS (Hooghe 1997) and participating in a constitutionalised vision of the EU in which the associational sector plays a relevant role.

Consultation of civil society takes place in the context of broad consultative activities which include other EU institutions and national bodies. Consultation is generally guided by pluralist principles, which are frequently reiterated. For instance a Commission website states:

In its consultation policy the Commission applies the principle of openness. Everybody must be able to provide the Commission with input. Therefore, there is no general registration or accreditation system for interest groups. The Commission does not want to limit its consultations to a certain number of pre-screened or accredited organisations.4

Consultation takes place in the context of preparing Green and White Papers, consultation reports and communications. There are several fora for consultation such as advisory committees, expert groups and ad-hoc consultation structures. And there are informal consultation events such as during occasional meetings with civil society representatives and exchanges of documents. Consultation through the Internet is also increasingly frequent as reflected for instance in the ‘Interactive Policy-Making Initiative’ and a website that organizes public consultations5.

The Commission has utilised the Internet to start, and then stimulate, the growth of a public register of groups. In January 1997 a first version was published which comprised more than 600 non-profit organisations working at EU level and covering approximately 100 branches of activity. An electronic version was launched in 1999 which included over 800 organisations. Since 2000 the service has been automated and expanded, and in 2005 the service known as CONECCS included over 700 civil society organisations, and over 200 NGOs6. Since 2005 rules for inclusion had been tightened to ensure a broader European base, openness, transparency and better ability to provide an input to the Commission. The information is provided on a voluntary basis. The Commission also intends that the directory provides a means to promote awareness and therefore increase consultation of the less well known types of organisations.

Funds to support EU level civil society are available from various sources. They come from specific budget lines (see for instance: Commission 2005) but also some Member States generously contribute to EU level associations (Ruzza 2004). Thus there are a large number of budget lines, some have even been questioned in view of the legal uncertainty of several areas of funding, which first came to light in 1998 (Bates 1998). Yet, there is much reluctance to restrict the Commission’s
involvement in a set of small grants related to policy areas of uncertain legal bases. Several officials believe in the substantive importance of areas such as for instance support for minority languages, whose legal base is not apparent, and are aware of the strategic advantages of the Commission’s involvement in the sector of public interest associations.\textsuperscript{7}

In legal terms, a duty to consult is established in the Treaties, and ideal consulting principles have been codified as a duty to strive for wide participation, openness, accountability, effectiveness and coherence (Commission 2002).\textsuperscript{8} Consultation of organised civil society is sometimes referred to as ‘civic dialogue’ and is intended to complement the structure of social dialogue (which involves trade unions and employers). Consultation of civil society is only mandatory at the stage of policy formulation.

Attempts to enhance the involvement of civil society are frequently conceptualised in institutional documents as directly connected to a reform of governance structures. Calls for a deeper and clearer involvement of civil society are for instance reiterated in the ‘White Paper on Governance’ (Commission 2001) for whose preparation a special group considered ways to better incorporate views from civil society (Commission, Preston et al. 2001), and the ‘Better Lawmaking’ initiative which is periodically reviewed to assess progress also in terms of the involvement of civil society.

Although, in principle, the Commission does not distinguish between different kinds of organizations according to their purpose or sponsors, it realises that an essential reform of its governance system would include the creation of a more balanced playfield whereby the overwhelmingly dominant resources available to business organizations could be compensated by grants and access structures specifically provided for public interest associations. A more inclusive EU – particularly with reference to public pressure groups - is in effect what EU institutional documents have emphasised for several years. Its attainment is hindered by the disparity of resources between business and state-supported groups (such as regional offices and local councils) and public pressure groups. And allocation of resources and space to public pressure groups is slowed down by a dominant EU-level neo-liberal ethos, which limits redistributive state interventions and requires extensive financial reporting. This for instance hinders smaller and less professionalized NGOs. However, in recent years a compensatory factor is the mounting attention to a more accurate representation of all civil society components and a growing concern for openness and transparency of the entire EU system of governance.

A recent development can be considered as an example of a developing trend of connecting civil society with democratic governance: the EU Constitutional Treaty\textsuperscript{9} and specifically Title VI of
part one of the Constitution (Articles I-45 to I-52 but see also III-390) which focuses on the ‘democratic life’ of the EU, and particularly Article I-47\textsuperscript{10}. It includes articles on representative democracy, participatory democracy, transparency and the role of the social partners and the churches. These articles directly or indirectly point to a stronger involvement of associational life as a possible remedy against the host of problems collectively discussed as the ‘democratic deficit.’

Thus, if we conceive the process of constitutionalisation in a broad and extended sense (even regardless of the ultimate fate of the Constitutional Treaty), it is clear that the role of organised civil society and specifically of citizens’ associations has significantly grown and is in several ways connected to a widely advocated process of democratization of the EU (see Craig 2001). At the same time legal modifications of the framing of civil society keep occurring. In the Constitutional Treaty the principle of participatory democracy is defined in broader and different terms from before, which continue the recent trend of reversing the tendency to privilege the inclusion of EU level organizations. It also clarifies unresolved issues. It is reasserted that the foundation of democratic governance is in the principle of representative democracy located it in the Council and the Parliament, thus ruling out interpretations that tend to set the basis for forms of associational democracy in which OCS has a direct decision-making role (Cohen, Rogers et al. 1995; Hirst and Khilnani 1996).

However, the formalization of the emphasis on participatory democracy is important. Also important is the re-definition of consultation of civil society. Instead of significantly altering the Brussels-based institutions that articulate functional representation – the ESC and European civil society networks - with article I-47 the Constitutional Treaty introduces the right of citizen’s initiative whereby a million EU citizens can petition the Commission to take a legislative initiative – a function attributed and traditionally vigorously protected by the Commission. Also important is the reassertion of the principle of proximity (to which the COR makes frequent mention) which sets the stage for a stronger role of civil society organizations at local level (see Article I 46 and I 49). Nevertheless, the existing structure of EU civil society consultation is not reduced, which therefore continues to exert a significant role.

This brief summary of the framework in which civil society operates in Brussels and its contribution to the EU governance system has to be interpreted in the light of the actual interplay between actors with very different values, resources and interests. Briefly, one can conceptualise the EU organizational field in which relations occur as guided by the different concerns of political actors, business organizations, civil servants, and public interest organizations. In order to do this, it
is useful to first focus on the few central functions which define the role of civil society for different actors.

**Civil society - a content analysis of EU policy documents**

Views of civil society which are articulated in institutional documents cannot be assumed to coincide with how the role of civil society is actually viewed in specific policy areas. The presence of different ideologies, traditions of consultations, and structural constraints on different policy areas make it necessary an investigation of the role of civil society in specific areas. Strategies to exert influence, types of involvement of civil society and mutual expectations of EU and OCS actors are likely to differ according to variables such as the type of legal base, structure of policy networks, interests mobilised, etc. To examine the use of the construct of civil society, I conducted an analysis of a sample of sources in which it is utilised. The gradual and diffused process of constitutionalisation previously described consists both of statements of principle, such as those reflected in the EU documents that set standards for consultation, but it also consists of the discursive practices that accompany policy-making activities. Through a text analysis of EU documents it is then possible to see how institutions conceptualise OCS, their specific expectations and emphases. I will also examine how this process is echoed in civil society organizations by comparing a sample of documents from both EU institutions and civil society groups operating in different policy areas.

In concentrating on the functions envisioned for civil society, I considered three types of public interest groups that seek to exert influence in Brussels: environmental groups, groups active in social policy and specifically anti-racism, and groups interested to minority nationalism. Clearly, these groups only represent a very limited sector of civil society. However, they are crucial advocate of the issues at stake – the democratization of the EU, governance and the expansion of the role of civil society organizations. While the inclusion of business organization is relatively uncontroversial at the EU level and dates back to the beginning of the process of European construction, the inclusions of public interest organizations is more problematic. Although they rank high in public opinion they tend to be marginalised in the policy process. In particular, the organizations selected for analysis are connected to popular social movements, which are positively regarded by public opinion but because of their limited resources find it difficult to exert a role at EU level (Ruzza 2002). My sample consist of Brussels-based organizations that are on the one hand connected to social movements such as the environmental, anti-racist and minority-languages protection movements. On the other hand they are sufficiently organised and institutionalised to
constitute broad advocacy coalitions able to include a wide range of supporters. They then perform all the main functions of public interest associations, which range from policy research, to advocacy, to aggregation of interests in EU wide networks and to political action in Member State and the media. The political category of the social movement, which at the national level is typically defined in terms of political protest, takes on a broader all-encompassing roles once transferred in the international arena (Marks and McAdam 1996; Ruzza 2004).

To comparatively assess similarities and differences of policy discourse between OCS and their institutional ambits of reference, a content analysis of policy documents was utilised, and specifically a type of content analysis known as ‘frame analysis’\textsuperscript{11}. This methodology consist in the identification and classification of recurrent concepts in policy documents. In practice the analysis was performed with the help of a small team of six researchers and only focused on the last 10 years. Here only the aggregate difference between OCS and institutions will be considered.\textsuperscript{12} Briefly, a first reading of the materials identifies and lists the main themes appearing in a set of texts. The occurrence of these categories is then counted by a team of analysts. This gives a more exact assessment of their prominence and allows a characterization and comparison between different types of documents.

As of particular relevance was the comparison between the discourse of public interest associations and the discourse of institutional actors, a set of documents representative of the main organizations of each type active in environmental, regional and anti-racist policy was selected for analysis. The document sources utilised for the EU field included web presentation pages of relevant institutions,\textsuperscript{13} Commission’s programmatic action plans, and institutional evaluations of action plans.\textsuperscript{14} For OCS the primary materials consisted of reactions to EU action plans by EU networks as well as large OCS organizations established in Brussels, and submissions to the European Convention on the Future of the European Union, programmatic documents, and web presentation pages of these organizations. A balanced number of similar sources were considered in each sector.\textsuperscript{15}

The selected texts constitute a sample which indicates the issues which are of concern to many policy makers and activists, agenda-setting efforts and preferred policy solutions.\textsuperscript{16} The team of coders read the texts using paragraphs as the unit of analysis.\textsuperscript{17} a total of 134 documents were coded.\textsuperscript{18} The findings consist in the identification of the dominant frames by type of organization. After a general report on the dominant frames, I will focus on one of the frames identified: the frame named ‘importance of civil society’ which refer to the reasons why civil society is considered important by OCS organizations and by EU institutions.
Overall one first notes that EU actors and OCS tend to discuss the same topics as they engage in a dialogue at a distance on specific proposals and evaluations. Thus, policy documents of both institutional and civil society actors most frequently focus on issues of implementation as this is the overarching concern of all actors. About 20 percent of all paragraphs coded were about implementation issues, without relevant differences between OCS and EU actors. Secondly, both types of actors focused about equally on how to improve knowledge on issues pertaining to their respective policy areas (13.5%). Thirdly, they discussed how to diffuse their areas of concern in other policy sectors (13%).

Then, at the fourth place and with equal frequency they discussed concerns with civil society, which therefore constitutes an important area of reflection in both EU and OCS documents.\textsuperscript{19} This is notable if one considers that the number of topics identified was obviously large – over two dozens - with a few topics attracting a lot of attention, and then the number of references decreasing sharply.

Predictably, attention to civil society is not equally distributed as are other topics of attention: civil society organizations are much more concerned with their contribution to the EU than vice versa (19.6 % versus 8.1%). But the same range of concerns appear in the documents of both types of actors.

**Conceptions of civil society in environmental, anti-discriminatory and regional policy**

A few examples from the documents examined will clarify how civil society is conceptualised. A frequent concern of both OCS and EU actors is with the \textit{effectiveness} of EU policies. Thus, for instance, in the mission statement of the EU-level environmental network ‘European Environmental Bureau’ (EEB) one reads:

\begin{quote}
Co-ordinated actions by EEB members and existing and potential allies can bring positive change, a change of direction in EU policies towards sustainability. ... As a result, the mission of the EEB is to become an effective instrument in visibly improving EU’s environmental policies and realising sustainable development by effectively integrating environmental objectives in horizontal and sectoral policies of the EU.
\end{quote}

A similar results-oriented approach consists in emphasising the role of OCS in fostering the \textit{horizontal diffusion} of policies. Thus anti-racist organizations attempt to diffuse anti-discriminatory
concerns throughout all common policies; the same do environmentalists as shown in this example taken from the web presentation of WWF

Major policy areas where the European Union has strong powers - for instance, agriculture, fisheries and regional development - will be decisive in whether the environment is protected. Influencing these other policies that make up over four-fifths of the EU's annual budget is a crucial challenge for WWF.

In these texts, OCS legitimises its presence in terms of help in achieving policy results – this concern can be described as \textit{results-oriented}. Considered in the light of the relation between the crisis of legitimacy of EU governance, this focus on results can be classified as amounting to an attempt to pursue \textit{output legitimacy}.

A different function for OCS, which is emphasised by both OCS and EU actors is a direct connection with \textit{citizens' participation}, which is exemplified by a website presentation of Frends of the Earth-Europe.

\textit{FoEE aims to raise public awareness, enhance the participation of people and environmental citizens' organisations in political processes, and influence political decision-makers, especially at the European level.}

Several excerpts similar to this one stress participation specifically at local level, emphasising a role of civil society as a \textit{link between different levels of governance}. OCS is often linked to attempts to engender desired values at the grassroot level. In this excerpt from the Commission 1998\textit{Anti-Racism Action Plan}, the praise of OCS is motivated by its function of \textit{bringing at local level the EU vision} – in this case of a racism-free society.

\textit{Non-governmental organisations have long been instrumental in carrying forward the fight against racism. They play a crucial role in both stimulating action at a grassroots level, and in ensuring that the problem of racism remains on the political agenda. The Commission supports the Migrants' Forum in its broad role of providing representation at European level for immigrant and ethnic minority organisations.}

Another concern that OCS stresses and that Commission documents also identify is the necessity of \textit{counterbalancing economic interests}, and also advancing a process of \textit{EU democratization}. Both concerns are reflected in this excerpt from a EEB document – a response to
the Commission’s 6th Environmental Action Plan. Also exemplified in this excerpt is a fundamentally different view of the role of the state that for many OCS groups is dissimilar from the ‘minimal state’ approach prevalent in the institutional realm.

The Commission is determined to work closely with stakeholders in coming to decisions on policies. In principle the EEB supports this. However, it wants the Commission to realise that stakeholders in society have different strengths, and that in particular multinationals, federations of business and industry, banks, etc. have much more possibilities for dominance over decisions and implementation than organisations that work for the common good. As this inequity is structural, the EEB is not in favour of a withdrawing state, it sees the state as having an important role in steering society and bringing balance between stakeholders. This is also a matter of democratisation, as citizens organisations usually can count with more confidence with the public than governments or business. The EEB wants the Decision to include concrete commitments to address the structural inequity between stakeholders.

As previously noted the principles of accountability, but also of representativity are frequently reasserted in EU documents and emerge in the interaction between institutions and OCS, often with recommendations for improvement. It is then not only a construct emphasised by the EU domain to discipline OCS. In the following example from a letter of five environmental groups to the Commission after the Gothenburg summit, the principle of accountability is introduced and institutions are found in need of help from OCS.

An important contribution to achieve sustainable development can come from civil society, its organisations and individual citizens. They need to be given the opportunity … to create a culture of accountability to citizens, to ensure that citizens can hold businesses, governments and other institutions accountable for sustainable development in a democratic manner.

To sum up this section, both EU and OCS concur in stressing the importance of improving implementation of policies, improving policy knowledge with the help of OCS, emphasising the importance of horizontal diffusion of policies and the general importance of civil society. Both kind of actors stress the information-providing, monitoring and ideational role of OCS, its contribution to policy deliberation, its connections with marginalised sectors of the EU population and its ability to represent them. They also stress the communication potential of civil society and therefore its media impact, and its implications for the legitimation of policies in the public sphere. They reiterate the counterbalancing business dominance.
In addition, a contextual reading of the excerpts (and a separate quantitative analysis of the same data - see Ruzza 2006) shows that OCS shares the views of Institutions, but it differs in demanding greater accessibility. It also criticises the Commission for insufficient attention and for being pro-business biased, and it advocates a stronger state.

**Discussion**

These findings show that overall the three movement advocacy coalitions express policy discourse which is both compatible with the dominant neo-liberal policy discourse of European institutions but which stresses some factors and underplays others. This then suggests a constructive role of EU organised civil society and specifically of its institutionalised social movement component. In particular, the ‘neoliberal values’ of European institutions are criticized and a more interventionist role of the state is advocated to redress what they perceive as a discrimination of peripheral locations and racial minorities into strengthened regulations against the neglect of the environment that they see as a consequence of a purely market-oriented approach.

In general terms, on the basis of these findings it can be argued that there are dominant and converging elements that allow one to define a EU model of civil society involvement from which there are some deviations. This model is characterized by an overarching emphasis on participation which is actualized mainly in terms of a consultative role and an information-providing role. To a lesser extent there is evidence of a desire to include OCS in debates on the merits of proposing legislation in a dialogical role inspired by models of deliberative democracy. There is little evidence of a desire to include or requests to be included in autonomous unencumbered decision-making. In addition, an EU model of civil society also includes an emphasis on its role in connecting different levels of governance and in relating to other non-state actors in horizontal governance structures.

Deviations from this model include the perspective of several OCS associations which emphasize a stronger state as guarantor of their inclusion in deliberative fora, and as guarantor of their role of providing representation of weaker social constituencies, and as provider of resources. Similarly, deviations from this model, but in the opposite direction, are expressed by institutional actors who dissent from any interventionist agenda to redress the imbalance between private and public associations, and occasionally from institutional actors (mainly in non-social-policy roles) who dissent from any perspective that promotes the inclusion of non-state actors in policy-making.

This EU model of civil society and its functions constitutes a set of rules and practices which are part of an articulated ‘constitutionalising’ project in which an input from organized civil
society is sought to shore up the European project in several connected ways. The features of this project, that is the different functions attributed to civil society by OCS and EU institutions, can now be aggregated and presented in a typology.

**A typology of conceptualizations of civil society**

The most frequent role attributed to civil society is as a support in guaranteeing the high quality of European common policies. Thus, first, OCS can replace or increment the insufficient legitimacy which was traditionally rooted in principles of representative government with ‘output legitimacy’ (Scharpf 1999). This in turn means utilising civil society to address policy-makers’ information deficit, their need to aggregate interests, to formulate efficient and accepted policies (Greenwood 1997), to monitor outcomes, help with implementation, their need to approach policy crises in a concerted manner, to enrich decision making with new policy ideas and to spur collective processes of policy learning. All these needs can benefit from a direct input of civil society, as is acknowledged by EU Institutions. And these aims justify the inclusion of a broad range of civil society organizations, which range from business organizations, to churches, NGOs, public interest groups and the many activities they perform – sometimes the same organizations taking on different roles such as research institutes, advocacy organizations and fundraising.

Secondly, connected to this approach is the realisation that a deeper involvement of civil society is simply necessary because in some respects states are no longer the main locus of political authority. Due to the impact of globalization, control over a growing range of issues increasingly eludes the state and is associated with civil society (Dryzek 2000: 5). It is for this reason that the involvement of civil society is essential in monitoring functions that the state cannot afford, in ensuring compliance through non-state sanctions, in fostering the transposition of legislation through sectoral pressure on policy makers in Member States.

Thirdly, a different function of civil society relates to the fact that increasingly ‘democracy’ comes to be conceptualised in terms of deliberation. As Dryzek argues, the essence of democracy is now widely held to be deliberation rather than interest aggregation, constitutional rights or self governance (Dryzek 2000). In this sense a project of democratization of the EU together with a continuation of European construction and a connected project of increasing its legitimacy takes the form of integration through deliberation. This means seeking to create a demos-equivalent outside of the framework of nation states (Eriksen and Fossum 2000), even while acknowledging and attempting to overcome the difficulties of this approach (Brunkhorst 2003). This approach is
particularly relevant at EU level as at that level civil society as a differentiated sphere of the *demos*, can provide an intermediating civic sphere to connect European societies to transnational governance (Armstrong 2001).

Fourthly, another approach involves attempts at building a demos through the shaping of the European public sphere (see for instance Eriksen and Fossum 2001) or other influences of OCS, such as the supposedly beneficial impact of associationism on the formation of social captall and the democratic attitudes of the population.

To sum up, civil society can be utilised by a range of actors to pursue different types of goals. These can then be clustered in five types: civil society can be utilised by EU Institutions:

- To address concerns with output legitimacy
- To address the globalization-driven re-location of ambits of power to civil society
- To construct the ‘European citizen’.
- To construct a European public sphere
- To increase the political legitimacy of the EU.

These approaches to civil society constitute idealtypes. They are clearly interconnected, but for analytical purposes it is useful to consider them separately. In the rest of this paper, I will expand and elaborate the implications of their use within the EU system of governance. They will be conceptualised as resources that different actors employ according to their perceived political goals and opportunities, the policy areas in which they operate, and the specific problems that they face at different points in time.

**Output legitimacy**

The Commission welcomes the role of NGOs in a number of contexts and assesses their performance with reference to a set of criteria which often relate to OCS contribution to improve the policy process. As previously mentioned, it stresses OCS information-gathering abilities, monitoring transposition and feed-back on policy implementation throughout different levels of governance. Among this list of virtues attributed to civil society, output-democracy issues are the ones that stand out more frequently in EU documents, that is, civil society is generally praised for its potential contribution to the improvement of EU policies. This emphasis has been interpreted as an attempt to replace the legitimacy based in elected government with output legitimacy based in good policies (Scharpf 1999).
In enlisting civil society to improve performance, institutional actors declare their readiness to increase inclusion and support, but express a concern with current NGO performance when assessed through the institutionally sanctioned criteria of participation, openness, accountability, effectiveness and coherence. This raise important issues of cooptation and institutionalisation for the civil society sector. While some NGOs are ready to trade access and funds for cooperation with institutional objectives, others are more reluctant. For instance, Greenpeace refuses to accept Commission funds, whilst EU umbrella groups are fully dependent on them.

In effect, the EU straddles the line between including NGOs as competent allies and including them as critical voices that contribute to a democratization of the system. A choice between the two models is problematic and politically controversial. It is also associated to different views of European governance. It touches upon the divide between cooptation and confrontation, but also between a pluralist approach and a neo-corporatist one, whereby political control of civil society remains more attainable.

**Responding to globalization-driven re-location of power**

Much of the EU structure has been created to respond to the fact that policy needs to be conducted beyond the state. This is clear in all the policy areas examined. In the environmental field, for instance, the Europeanization of environmental policy resulted from concerns with issues such as trans-border pollution, prevention of competitive lowering of environmental standards, and the necessity to spread and coordinate cross-nationally environmental policy across territorial levels and policy sectors, such as agricultural, energy or tourism policy (Ruzza 2000). If EU policy is already policy beyond the state, it is also increasingly becoming policy conducted through agreements among non state actors.

Examples of attempts to promote self-regulation of non-state actors include the emphasis on the open method of coordination, which has emerged in recent years as a philosophy, a key set of proposals and a field of sustained academic attention (De la Porte and Pochet 2002; Radaelli 2002; Armstrong 2003; Chalmers and Lodge 2003).

‘Doing less and doing it better’ is a concept often heard in Brussels these days. Right and left have different visions of the EU, but they often concur in criticising EU performance and in seeing its functions as overstretched. A relatively small bureaucracy, which increasingly feels under attack, is often more than willing to enlist external help. This is to improve the quality of policies – output legitimacy – but also because the idea is currently discredited that in complex societies it is
the proper role of the state to regulate an increasing number of sectors. This motivates the important aggregating role accorded to business lobbies (Greenwood and Aspinwall 1998). In hollowed out states, public authorities often lack the means and the will to regulate society and prefer to leave difficult tasks of interest intermediation to composite policy networks, and with them to the organized civil society sector. Similar processes are taking place at EU level. In areas of social policy a similar role is given to public interest organizations.

**Constructing the ‘European citizen’**

The Commission seems to advocate an interventionist role on the part of public authorities in fostering embryonic forms of civil society. For instance, a key document reads

“It should not be assumed that less-advantaged stakeholders are already in existence as relatively easily identifiable entities, and organised to a greater or lesser extent. It may be the case that, as an issue arises, important stakeholders are not at all organised, and may not be at all well-informed about the potential impact of them. Redressing material and cognitive imbalances may therefore, first and foremost, involve public actors in assisting the emergence of stakeholders as organised entities in order that they may make a meaningful contribution to the policy process.”

Here one can identify a kind of social engineering, whereby if civil society is absent it could, and maybe should, be created. On the other hand, and particularly in recent times, when state interventionist approaches are seen as unjustified interventionism, many institutional actors dissent from this approach.

In this respect, one can also identify an institutional desire to further a process of European democratization that goes beyond the European political systems and sees civil society as an independent factor in the democratization of everyday life. It is in this perspective that the concept of ‘social accountability’ comes to play a role. Civil society would then become a component of a process of societal constitutionalism (Sciulli 1992), that is of democratization of public life, that EU institutions could support with funds and political space. This articulates the social scientific view that a rich associational life promotes social capital and results in good governance by instilling needed qualities of altruism, collaboration and respect of democratic rules. It also reveals a state-like preoccupation with citizens’ values, which could be construed as a further indication of a constitutionalising role of the EU.
Creating a public sphere

A connected but distinct aspect is the creation of a EU public sphere and therefore a European demos. The Commission and OCS emphasise their contribution to European integration through their contribution to the creation of a European public sphere (Commission 2000a), thus linking satisfaction with the EU policy performance with moves to promote the construction of a European demos.

This democratizing concern is not restricted to Member States. The Commission welcomes the democratising impact of NGOs in Europe, but also in the developing world, and for this reason it also funds development NGOs, and values their contribution to projects’ management, particularly their abilities in monitoring and evaluating projects financed by the EU. In this concern for a broader democratizing role, one can identify the continuing concern for the general attainment of fundamental rights – another marker of a constitutionalising intent (Weiler 1995).

In interviews one notes that while the first dynamic does not necessarily result in stronger European identities, the second is specifically and frequently articulated in strategic pro-European terms.

Civil society, governance and legitimacy

These conflicting and cross-cutting expectations in the institutional and NGO fields cannot be easily generalised. The positive attributes of involving civil society will naturally vary according to the different value orientations, and the specific context of different institutions. For instance, within the Commission, DGs have always had clearly different ideologies and tend to operate differently in their consultation procedures (Michelmann 1978). Thus, the specific role of civil society actors can only be elucidated by reconsidering them with reference to empirical case studies (Ruzza 2004; Smismans 2004). Nonetheless, the political legitimacy of the European project is the overarching concern that brings together different views of what the contribution of civil society should be. It is a concern that emerges both in EU-wide documents and in actual interviews with civil servants and political actors - a concern with legitimacy. Thus, concerns for the quality of the policy output, for delegating to civil society some functions that the EU does not accomplish satisfactorily, with creating a European demos, and for stimulating citizens’ participation have all in common an ultimate desire with salvaging the European project by injecting it with new forms of political legitimacy.
**Tensions in EU models of civil society**

With the above-mentioned five-fold model of civil society functions, it is now possible to reflect on internal tensions and strains in the role that OCS and EU institutions envisioned for civil society at EU level.

**Ambiguities on accountability and representativity**

Representativity is emphasised by several EU institutions, not only the Commission. For instance, the ESC stresses that a “basic precondition and legitimising basis for participation is adequate representativity of those speaking for organised civil society” and that “when consulting civil society organisations, the European institutions should check how representative these bodies are” (ESC 2001). However, there is also ambiguity in the institutional discourse. If the dominant view emphasises representativity, there is also an awareness that good policy advice is in principle a different issue from representativity. For instance the Commission recognises that “representativity, though an important criterion, should not be the only determining factor for membership of an advisory committee, or to take part in dialogue with the Commission. Other factors, such as their track record and ability to contribute substantial policy inputs to the discussion are equally important” (Commission 2000a). In other words, good policy ideas are not necessarily representative ones – and the Commission recognises and acknowledges this fact. Thus, considerations of output legitimacy can conflict with considerations of political legitimacy.

In any event, the NGO community it is not agreed what constitutes evidence of representativity, and whether only representative organisations should be consulted (ESC 2000).
Some OCS actors point out that increasingly civil society expresses fluidity in the type of formations that represent its values and opinions. New organisations often emerge quickly with strong popular support and dissolve or change into different organisations in a short time. Therefore an insistence on calculating memberships would exclude an important part of civil society.

There is also an acknowledgment of the difficulties that OCS encounters in developing good ideas without appropriate resources. The extent of involvement with state authorities is however problematic, as a high level of support might induce excessive compliance. For this reason, there is a debate in political theory between authors who recommend the sponsoring of representative organizations – for instance Schmitter suggests at EU level a voucher system in which citizens select among a list of OCS groups which ones to support – and there are theorists such as Dryzek who believe that the state should limit itself to protect OCS autonomy (Dryzek 2000: 107-121; Schmitter 2000).

Also there is a conflict between seeing the role of ICS as a negotiating or a deliberating one. If it is a negotiating role and the representation is oriented by a binding mandate and relies of structures of internal democracy, the allocated period of 8 weeks for consultation is clearly insufficient.

And even in the NGO community, there is much ambivalence on whether to participate in policy making or exert a role of critical conscience, possibly threatening protest and using other social movement tactics. The current emphasis on participation in state institutions is seen by some OCS actors as masking continuing centralization and merely legitimizing vested interests (Cooke and Kothari 2001).

The same ambiguity that emerged with representativity also emerges with accountability. A first important issue is accountability to whom. Here the Commission distinguishes different forms of accountability that may well be at odds: political and social accountability. For instance, one of the teams involved in the preparation of the WPG argues that “in addition to the traditional forms of accountability, public administrations are accountable towards society as a whole” (Commission, Preston et al. 2001). Here, as the EU public administrator, the Commission seems to imply an acceptance of a responsibility to European society, which is different and presumably broader than accountability to elected representatives and institutions. Through civil society it seems to be attempting to bring the EU presence down the levels of governance in a direct relation with EU citizens.

However, in the same document – the Report of Working Group "Consultation And Participation Of Civil Society for the White Paper on Governance - accountability is ultimately
subordinated to the mechanisms of representative democracy, which implies an output-legitimacy function for civil society and conception of relations with organised civil society in which they are seen as mainly channels of information in the policy making process\textsuperscript{23}. The document reads:

It is nevertheless apparent that the decision-making process in the EU is first and foremost legitimised by the legislator, i.e. the elected representatives of the European people ... However, consultation, if carried out properly, can provide valuable expertise laying the ground for - technically - sound decisions. In particular, consultation helps reconcile the views and concerns of different actors throughout the policy-cycle (i.e. in policy-shaping, implementation and evaluation), thereby obtaining wide support and social acceptance for decisions.

The Commission in frequently emphasising accountability but also ‘The need to respect diversity and heterogeneity of the NGO community’, and ‘The need to take account of the autonomy and independence of NGOs’ assumes that the two concepts can be combined (Commission 2000a). But in many ways the two categories are different and not easily reconciled.

\textbf{Civil society, pluralism and neo-corporatism}

The EU has often been conceptualised as largely a pluralist system with neocorporatist pockets is sectors such as agriculture. While pluralism remains the stated standard for including civil society, the Commission has traditionally favoured European networks of public interest associations, both in granting access and in funding. It has often encouraged, if not directly created and sponsored, umbrella groups based in Brussels (which some informants argue that effectively discriminates against NGOs from member states). Observers have seen this approach as amounting to a strategy to increase the scope of common policies \textsuperscript{1}. In interviews, Commission officials justify this approach by noting that coherence in consultation is best achieved if organizations are represented at EU level (for speed of response, global perspective, understanding of the EU policy process, etc.).

Some NGOs see this EU-centred approach as practically equivalent to a system of accreditation without the formal guarantees of such a system, and they advocate a broader consultation process. Recently the Commission has sought to dispel the view that ‘Brussels is talking to Brussels’ and it is also for this reason that broader consultations of Member-State based organizations have been encouraged as well as a more proactive input from the public at large. Thus, in the choice of inclusion the attempt to dispel the negative image of an inward-looking EU governance system has played a deciding role. In this contrast between criteria for preference in consultation lies another ambiguity. It is debatable to what extent practical considerations of
effectiveness, time and resources – that is, of output legitimacy - should override attempts to reach out directly in Member States and their civil societies.

However, internet technology might in this respect redefine the situation. Several interviewees from civil society organizations have emphasised the role of the Internet and the new initiatives previously mentioned, which have facilitated the work of NGOs first by making information previously restricted to policy-making bodies widely accessible, and secondly by lowering the cost of participation in the policy process. The European Parliament also allows petitions through the Internet by both individual citizens and associations.

For this reason, smaller NGOs find that a stable presence in Brussels is increasingly less important and cost-effective since they are now able to acquire relevant information on funding and contribute position papers directly from Member States. A similar development – but for different reasons – has also been reported in the business lobbying sector. As growing importance is increasingly attributed to EU lobbying, large firms prefer to conduct it from headquarters rather than decentralising it in Brussels based offices or using functional representatives (Greenwood 1997).

**OCS and its conflicts**

Doubts on the present functioning and proper role of OCS are also present in the EU-level NGO community. NGOs are not fully satisfied with their relations with EU institutions. In particular, the policy process is seen as too unpredictable and fragmented to give NGOs the possibility of performing their role appropriately – however conceptualised. In particular, the ad hoc forms of inclusion of non-governmental actors and the haphazard quality of consultation are singled out for criticism. The Commission is aware of these criticisms, as evidenced by the report of the WPG working group on civil society (Commission, Preston et al. 2001), which notices that on the basis of the team’s consultation it emerged that

All the representatives of civil society stressed the need for the Commission to adopt a more systematic and coherent approach to consultation. They felt that existing formalised or structured consultation procedures should be made more transparent.

However, if there is general agreement in the OCS community to increase the frequency and relevance of consultation of OCS, it is less settled how this should be done. Opinions range from advocating an article in the Treaty giving a legal basis to dialogue with associations, activating an accreditation system, to open consultation to smaller NGOs which, it is argued, would better represent emerging sensibilities and ideas in society (Commission, Preston et al. 2001).
Doubts in the NGOs community concerns the selection of NGOs to be included in consultation. One view is that the Commission should reverse its inclusive approach and move toward some kind of accreditation system, similar to the one operating in several international organisations whereby inclusion is conditional upon recognition by other NGOs and or evidence of size of representation. This approach is however rejected by several NGOs, which see it as potentially institutionalising a system that would marginalise smaller NGOs in favour of large and established organisations. This approach could defeat the purpose of including NGOs as sources of alternative policy solutions, of lesser-utilised expertise and of unpopular but innovative and useful approaches. For smaller NGOs, the principle of inclusion should be that all relevant voices on a specific policy area are heard, regardless of claims of representativity. However, this view appears of difficult acceptance by a Commission which frequently faces accusations of lack of representativity itself. Rather than being streamline according to clear criteria, overall the consultation process remains a fairly unorganized and even haphazard phenomenon. For a perception of increased efficiency to come about, the Commission would have to be more selective in its choice of which organisations to consult.

To sum up this section, there is much ambivalence on the working of the present consultation framework and we might be seeing the beginning of the unravelling of a Brussels-based consultation system and the replacement of a broad consultation system largely organizationally-based with a more mixed system in which organized and non-organized actors interact with policy makers in a variety of fora and through a range of technologies. The exercise of political authority might then be acquiring new characteristics of decentralised steering conducted jointly by social and political institutions, which is performed in cooperation by networked centres of power which criss-cross territorial levels and include multifarious types of organisations (Kohler-Kock 2000). This diffused networked structure, is the element emphasised by several key EU documents through the invariably positive use of the concept of ‘governance’ and the inclusion of actors from civil society (on 'governance' as an ideology see DellaSala 2001).

Nonetheless, the involvement of OCS and its role in European governance remain attractive. OCS involvement constitutes an opportunity for EU elites because it allows the claim that an unachievable concept of democracy fully based on representative mechanisms can be replaced by the inclusion in the policy process of a set of independent and conflicting voices (Majone 1996: 286), which at times come to be constructed as a functional equivalent of a European demos and other times as a tool in the transformation of representative government into a government of expertise.
**Conclusions: OCS as a EU constitutionalizing factor**

This paper has documented the various ways in which organised civil society has been recruited in the project of European construction. In concluding, one notes that so much is expected of civil society that without a further institutional clarification of its role it will be difficult to overcome the stalemate resulting from the conflicting functions which different actors advocate. There is a tension between representativity and innovative policy ideas, a tension and lack of clarity in the contrast between institutional and social accountability, a tension between good output performance and consultation at all levels of governance, including the fragmented and unstructured local level. There is a tension between a representative role and a deliberative one. There is a tension between internal democracy and speed of decision making. There are different views on the amount of institutionalization to be supported. There are worries that a publicly funded civil society could become too compliant to be innovative, worries that an independent but weak civil society might just legitimize the strategies of economic vested interests.

However, if one looks at civil society as a structured field, it can be argued that whilst different types of organizations might stand uneasily on just one side of the tensions identified, the field as a whole has enough balance to make it useful in all the several functions identified. Thus institutions should protect the internal difference of civil society rather than prescribe universal attributes.

Although they compete, different types of organizations constitute an integrated ecology of associations (Ruzza 1996; Warren 2001). As Warren (2001) notices in some circumstances they balance each other and provide different democratic goods to governance structures. For instance, business associations might provide useful technical knowledge and information on the preferences of an important sector of society; they might effectively guarantee internal democracy as there are no exit barriers that stimulate internal consensus and push out dissenters as identity oriented groups might do (Warren 2001). But their ability to represent society might be limited. This limitation could then be counterbalanced by the inclusion of public pressure groups. And it would be the task of decision-makers to ensure that a good mix of organizations are represented. Any such mix would at a minimum include a balance of vested interests and public pressure groups, but also of churches, trade unions, advocacy groups and social movements, which is why EU institutions should continue to take an inclusive approach.
References


Notes

1 It can refer to the preparation of a ‘Constitution’ and can indicate a constitutive, stable, superior law, which is justiciable, but also refers to an entrenched, common ideology, with contestable features. Connected to this, ‘Constitutionalism’ can relate to issues of legitimacy and applicability of a constitution; it can refer to an inquiry as to whether a legal system possesses the characteristics of a constitution and movement towards their attainment. It can refer to the juridical shifts post 1945 when state institutions were established that derive their authority from a written constitution. More broadly, it can refer to the institutional embedding of important principles such as accountability of government, mainstreaming of human rights, precepts of good governance, or to the extent to which norms applying to the relation between citizens and the state apply among private citizens (i.e. societal application of the Convention on Human Rights).

2 For instance a key recent Commission document states that, although problematic, the concept of civil society can nevertheless be used as shorthand to refer to a range of organisations which include: the labour-market players (i.e. trade unions and employers federations – the “social partners”); organisations representing social and economic players, which are not social partners in the strict sense of the term (for instance, consumer organisations); NGOs (non-governmental organisations), which bring people together in a common cause, such as environmental organisations, human rights organisations, charitable organisations, educational and training organisations, etc.; CBOs (community-based organisations), i.e. organisations set up within society at grassroots level which pursue member-oriented objectives, e.g. youth organisations, family associations and all organisations through which citizens participate in local and municipal life; and religious communities Commission (2000). “Towards a reinforced culture of consultation and dialogue - General principles and minimum standards for consultation of interested parties by the Commission.” COM(2002) 704 final.


4 http://europa.eu.int/comm/civil_society/apgen_en.htm
5 http://europa.eu.int/yourvoice/consultations/index_en.htm
6 see: http://europa.eu.int/comm/civil_society/coneccs/index.htm
7 In this case, EBLUL a minority-languages European network was closed for lack of a proper legal base.
8 This document also provides guidelines for consultation activities, which emphasise that the content of consultation needs to be clear; that relevant parties have an opportunity to be heard; that the scope of consultation is broad, that there are access points easily reachable such as the website.
Your Voice in Europe’, and that participants are given sufficient time for responses (eight weeks for open consultation); and that feedback is provided.


10 Article I-47: The principle of participatory democracy

   1. The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.

   2. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.

   • Article I-50: Transparency of the proceedings of Union institutions, bodies, offices and agencies

      1. In order to promote good governance and ensure the participation of civil society, the Union institutions, bodies, offices and agencies shall conduct their work as openly as possible.

   • Article III-390: The members of the Economic and Social Committee shall be appointed for five years. Their term of office shall be renewable.

   • The Council shall act after consulting the Commission. It may obtain the opinion of European bodies which are representative of the various economic and social sectors and of civil society to which the Union's activities are of concern.


13 These consisted of Directorate General web pages presenting the specific policy remit (DG Environment, DG Region, DG Employment and Social Affairs – Section on Anti-racism); agencies and consultative institutions (environmental agency, COR, European Monitoring Centre); the European Parliament (web pages describing the thematic areas).

14 For institutions recent action plans in the various fields and the main reactions by the institutions were considered. In the field of environment the last two action plans were examined (fifth and sixth AP), one in anti-racism (first AP) and programmatic documents in regional policy. reaction to APs by the parliament in the form of resolutions, other resolutions indirectly connected to APs, and the opinions of all consultative bodies on the action plans were also considered.

15 For the Environmental sector were considered: European Environmental Bureau (EEB), Climate Network, WWF Europe, Greenpeace Europe, Birdlife, Friends of the Earth Europe, International Friends of Nature, Transport and Environment. For the Regionalist sector: European Bureau for Lesser Used Languages (EBLUL), Association of European Regions (AER), Association of European Border Regions (AEBR), Council of European Municipalities and Regions (CEMR), Congress of Local and Regional Authorities (CLRAE). Also considered were associations of regions and a sample of regional offices from the type of regions examined in the text – regions with prominent ethno-nationalist advocacy coalitions. Sardinia, Veneto, Catalunya, Pays Basque.
For the Anti-racist sector, documents produced by European Network Against Racism (ENAR),
Starting Line Group and Migration Policy Group were classified.

All classified documents and database files are available on the web, at the address:
www.soc.unitn.it/users/carlo.ruzza

A paragraph was classified into one or more of the frames previously identified when it matched a
central defining statement. Thus, when two or three frames were present in a text two or three
occurrences were counted. A total of about 1,000 paragraphs per sector were coded
(Environmental=1000, Regionalist= 998, Anti-Racist= 1074). They thus constitute our unit of
analysis.

Documents analysed were organized as follows: Anti-racism: 44, Regionalism: 43
Environmentalism: 47. In addition to the frames identified other variables were coded. These are:
policy sectors, type of actor (the various OCS organizations or institutions), type of document, and
year of selected texts. These variables are not utilised in this analysis but are considered in Ruzza 2004.

Results are articulated by type of actor and policy sector in Table 1

<table>
<thead>
<tr>
<th>Frames Identified</th>
<th>Total %</th>
<th>EU %</th>
<th>OCS %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implementation</td>
<td>20,1</td>
<td>22,5</td>
<td>17,7</td>
</tr>
<tr>
<td>To improve Knowledge</td>
<td>13,5</td>
<td>16,4</td>
<td>10,6</td>
</tr>
<tr>
<td>Horizontal Diffusion</td>
<td>12,8</td>
<td>16,0</td>
<td>9,6</td>
</tr>
<tr>
<td>Importance of civil society</td>
<td>13,0</td>
<td>8,1</td>
<td>19,6</td>
</tr>
</tbody>
</table>

Table 1 – Common codes identified in all policy sectors

For instance a Commission documents states: European public policy research organisations can
provide ideas and reflections to feed the debate at European level. They can also provide a link
between the European institutions and the citizens, and should therefore be supported Commission

The ESC also stresses that “representativity must be qualitative as well as quantitative . . .
meaning that representatives are able to participate effectively and constructively in the opinion-
forming and decision-making process through the provision of appropriate organisational structures
and expertise” ESC (2001). Opinion Of The Economic And Social Committee on "Organised Civil
Society and European Governance: The Committee's Contribution to the Drafting of The White
Paper". Brussels, Ces 535/2001 Fr-De/Mev/Jkb/Ym Sub-Committee On Governance.

a reinforced culture of consultation and dialogue - General principles and minimum standards for

The document reads: “It is nevertheless apparent that the decision-making process in the EU is
first and foremost legitimised by the legislator, i.e. the elected representativites of the European
people . . . However, consultation, if carried out properly, can provide valuable expertise laying the
ground for - technically - sound decisions. In particular, consultation helps reconcile the views and
concerns of different actors throughout the policy-cycle (i.e. in policy-shaping, implementation and evaluation), thereby obtaining wide support and social acceptance for decisions.”

25 See http://www.europarl.eu.int/petition/help_en.htm