Assessing the Contribution of Participation to Legitimacy

Citizens and civil dialogue: participation or representation?

As has been previously stated, organisations expect more systematic and uniform consultation practices across Commission services, in particular in the opening up of possibilities in DGs that so far have been rather difficult to access for civil society organisations, as well as the establishment of structured dialogue with more reluctant institutions, such as the European Parliament and the Council. Furthermore, Article 11.2 seems to recognise the demand by civil society organisations for recognition and mandates horizontal or political dialogue with top level officials over the general orientation of Commission policies rather than concrete policy decisions.

1. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.\(^1\)

However, civil dialogue’s recognition hardly addresses the issue that this tool remains distant from grassroots civil society. Civil dialogue is certainly a valuable tool from a democratic point of view, in particular when comparing it with traditional lobby strategies (Smismans 2004; Fazi and Smith 2006). The role of the representation of interests in the public space can be grasped with the idea of functional participation in governance as defined by Stijn Smismans (2004,40–41) via a clear distinction between informal lobbying and structured relations. It has a bigger normative assumption than interest groups’ participation (Friedrich 2011), as it aims to deal with how participation may complement representative democracy.
Interviews have tended to confirm organisations’ weak relations with their members. In this sense four civil society interviewees endorsed the EEB’s statement that associating EU level groups does not grant consensus from national members (Ruzza 2011, 461). Officials and members of the Convention share this impression with a critical note:

But we must be realistic and therefore rather low profile in the way we define relations with civil society, because we may give the impression that we associate all citizens, and that’s a utopia that we will never achieve. (Interview 1, with Jean-Luc Dehaene)

This illustrates one of the large gaps of European civil society which is the insufficient link that they establish with their members at the national level, in particular on what I call horizontal questions. After all what was in the Treaty? What we will do with the European project and what direction and what path it will take. So it was purely a horizontal civil dialogue, that is, outside the traditional scope of civil society organisations from a sector point of view, it was about social questions, not about the environment, there was no trade, no development, no matter what, or culture, on which, I would say, European structures can rarely take a step without consulting their members. However for national organisations, because there is also a part of responsibility of national organisations, you know, these issues, ‘the meaning of the European project, we’re paid to sell I mean, to lobby on issues of family, culture, education and so on, but we’re not paid to discuss the meaning of the European project, we leave that to our European structures.’ (Interview 20, with an official of the EESC)

Up to 12 interviewees pointed out civil society organisations’ difficulties in getting involved beyond their own field of competence into what the interviewee from the EESC quoted above calls horizontal debates and in particular political or ideological issues.

We prefer to think of ourselves like constructive activists not engaging on discussions on the big concepts like socialism or liberalism. We prefer to think like this, this and this is useful for our members. (Interview 3, with a representative of the Social Platform)

The only exception to this is the PFCS, which wished to contribute a more horizontal approach. This may have been one of the decisive factors why many CSOs felt that they were not concerned by the national ratification debates.