"Civil Society" in European Institutional Discourses

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During the last decade, and particularly in the last few years, the concepts of 'civil dialogue' and 'civil society' have found places in the discourses of the European institutions. The role of civil society organisations in 'international governance structures' has already been noted, specifically in the context of the United Nations (UN) system where non-governmental organisations (NGOs) play an important role in developmental policy. At the end of the 1990s, social protests at various world summits also brought the emergence of a transnational movement, with the potential to both contest current international governance structures and to provide collaboration for their reform, into the spotlight.

At the European level, the debates on the 'democratic deficit' and the legitimacy problems of the European system have paid little attention to the role of intermediary organisations. Both the political and academic debates have focused on issues of territorial representation, the division of powers, and guaranteeing individual (citizen) rights. Contrary to the academic literature on the development of a global civil society,[1] and despite an extensive descriptive literature on interest group activity at the European Union (EU) level,[2] a normative link between the role of intermediary organisations and legitimate European governance has not been made until recently.[3] The aim of this paper is neither to develop a normative plea for the role of civil society at the European level nor to analyse whether the conditions for the emergence of a European civil society have been realised. Rather this paper examines how the European institutions themselves have recently developed a discourse on civil society and civil dialogue. Two institutions above all have made reference to these concepts, namely the European Commission and the European Economic and Social Committee (ESC). In this paper, I analyse how and under which conditions this discourse emerged in the Commission (1) and in the ESC (2), and why it emerged in these institutions in particular (3). I conclude that, while both institutions have been quite successful in 'selling' their civil society discourse, the possibility

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[1] For example, see D. Archibugi, D. Held and M. Koehler (1998); L. M. Salamon *et al.* (1999); A. M. Florini (2000).
[2] Andersen and Eliassen (1998) describe the literature on EU-lobbying as 'Empirical Richness, Theoretical Poverty'. Their survey covers approximately 300 contributions from more than 10 countries from 1988 to 1998.
[3] See the recent publications of K. A. Armstrong (2001) and O. De Schutter (2001).

appears much more modest, that the discourse will lead to real changes and more legitimate European governance, as claimed (4).

1. The European Commission: from 'civil dialogue' to 'civil society'

1.1. 'Civil dialogue' and the supportive role of NGOs in social policy

The concept of civil dialogue emerged in European discourse in the mid 1990s to refer to a need for strengthened interaction between the European institutions and NGOs, mainly within the social and welfare sector. Declaration 23 annexed to the Maastricht Treaty had already stated: "the Conference stressed the importance, in pursuing the objectives of Article 117 of the Treaty establishing the European Community [i.e. the social policy objectives], of co-operation between the latter and charitable associations and foundations as institutions responsible for welfare establishments and services." The Declaration was mainly the result of the successful lobby of German welfare associations that feared European integration would threaten their status acquired at the national level.[4] It was not, however, the outcome of a real incentive on the part of the European institutions to strengthen dialogue with the 'third sector'. In 1989 a unit for Social Economy was established within the Directorate General (DG) XXIII, which was equally responsible for small and medium-sized enterprises (SMEs) and tourism. However, the third sector was considered a low policy priority, and the interest of DG XXIII in mutual societies, co-operatives and associations only extended to the specific features of the sector in relation to economic integration,[5] rather than to the establishment of a strong dialogue with these organisations.

It was only in 1996 that the concept of civil dialogue was coined, not by DG XXIII, but by DG V, the Directorate General responsible for social policy. DG V has had a long experience supporting social dialogue with the social partners (i.e. management and labour associations), through different processes of consultation and concertation, as well as through the encouragement of their bipartite dialogue. While this social dialogue was given a constitutional basis with the adoption of the Social Agreement added to the Maastricht Treaty (and enshrined in the Treaty of Amsterdam), the dialogue with other associations in the

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[4] J.Kendall and H.K. Anheier (1999), p. 295.

[5] Thus attempts were made to draft a European Association Statute which would facilitate the involvement of third sector organisations active in different countries of the EU. The European Parliament (EP) had requested such a Statute as early as 1986 in a Resolution on 'non-profit making associations in the European Communities', OJ C 99/205 (13 March 1987). See also the Commission's multi-annual programme for co-operatives, mutual societies, associations and foundations, COM (91) 273 final, 5 March 1992. Yet, the attempts for such a Statute failed because of disagreement among both the Member States and the organisations themselves. See p. 6, 141, (1995).

social policy arena lacked institutionalisation. Yet, in dealing with issues such as gender, youth, social exclusion, disability and racism, DG V intervened in policy sectors, in which co-operatives, mutual societies and (charitable) associations (other than the social partners) played an important role. The consultation and involvement of these organisations in the drafting and implementation of initiatives in these policy fields increased in importance as these social issues became prominent agenda items in the 1990s. At the same time, the Commission found itself in a defensive position, particularly in relation to social policy, because its previous regulatory intervention had generated Member State hostility. In the context of a more general policy shift from regulatory to persuasive intervention,[6] exemplified in the Green and White Papers on Social Policy published in 1993 and 1994,[7] the Commissioner for social policy, Padraig Flynn, found in the civil dialogue an issue DG V could focus on without being seen as too intrusive in the Member States' social policy prerogatives.[8] Moreover, through the involvement of these third sector actors, DG V hoped to build a supportive network favourable to European social policy intervention in the longer run.[9]

In its attempt to strengthen civil dialogue, DG V found an ally in the European Parliament's Committee of Social and Employment Affairs, which was supportive of more European social policy action in general. As a common initiative, a first European Social Policy Forum was held in March 1996, bringing together over 1000 participants mainly from NGOs in the social sphere. The Forum, to be held every two years, is seen as "the launch of a new policy objective: the building over time of a strong civil dialogue at European level to take its place alongside the policy dialogue with the national authorities and the social dialogue with the social partners."[10] The Forum is organised as a broad consultation on the general direction of European social policy.[11] Its aim is above all to reach the NGO world,[12] though there are also

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[6] See W. Streeck (1996); H. Cullen and E. Cambell (1998); and T. Hervey (1998).

[7] Commission (1993), "European Social Policy: Options for the Union. Green Paper." Commission (1994), "European Social Policy - The Way Forward for the union: A White Paper."

[8] J. Kendall and H.K. Anheier (1999), p. 294.

[9] Padraig Flynn: 'I assure you that, because it is central to our success in meeting our objectives - the role of the social NGOs will be central to our efforts… The development and the application of strong and progressive social policy in the Union demands the engagement of the whole of civil society.' See "Summary Report of the European Social Policy Forum," 24-26 June 1998, published by the European Foundation for the Improvement of Living and Working Conditions and DG V, p. 49.

[10] Commission, "Communication on Promoting the role of voluntary organisations and foundations in Europe," 6 June 1997, COM(97) 241 final, indent 9.7.

[11] The 1998 European Social Policy Forum, for instance, discussed three main themes, namely: employment, the future of social protection, and participation and citizenship in Europe. See "Summary Report of the European Social Policy Forum," 24-26 June 1998, published by the European Foundation for the Improvement of Living and Working Conditions and DG V.

[12] Among the 1300 participants at the 1998 Forum, for instance, one could find the Finnish Red Cross, the Panhellenic Federation of Parents and Guardians of Disabled People, the Netherlands Platform Older People for Europe and the Swedish Save the Children. Moreover, some delegates came from central and eastern Europe, such as the Women's Alliance for Development in Sofia, and from south-eastern Europe, such as the Pancyprian Welfare Council.

representatives of the social partners, the Member States, regional and local authorities and research institutes.

During the preparation of the first Social Policy Forum, 25 European and international confederations of third sector associations formed the Platform of European Social NGOs to act as a permanent framework for co-operation and interaction with the European institutions. The Platform soon became the privileged partner of the Commission, to be consulted when a policy issue involved third sector interests.

Both the 1996 Social Policy Forum and the Platform, supported by DG V and the European Parliament (EP), tried to get civil dialogue on the agenda of the 1996 Intergovernmental Conference (IGC) leading to the Amsterdam Treaty. Yet, the outcome was only a new Declaration (No. 38) annexed to the Treaty, recognising "the important contribution made by voluntary service activities to developing social solidarity," and stating that "the Community will encourage the European dimension of voluntary organisations with particular emphasis on the exchange of information and experiences as well as on the participation of the young and the elderly in voluntary work."

In the time leading up to the Amsterdam Treaty, the Commission also presented a Communication on "Promoting the role of voluntary organisations and foundations in Europe,"[13] drafted by both DG V and DG XXIII. Voluntary organisations – to be distinguished from the two other sectors making up the social economy, namely co-operatives and mutual societies – were defined as characterised by the following elements:

a) they have some degree of formal or institutional existence;

b) they are non-profit-distributing;

c) they are independent, in particular, of government and other public authorities;

d) they are managed in a "disinterested" manner, i.e. those who manage them ought not to do so for personal gain;

e) they must be active to some degree in the public arena and their activity must be aimed, at least in part, at contributing to the public good.

Furthermore, foundations are "bodies with their own source of funds which they spend according to their own judgement on projects or activities of public benefit. They are entirely independent of government or other public authorities and are run by independent management boards or trustees."

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[13] COM (97) 241 final, 6 June 1997.

Trade unions and employers' organisations, religious congregations and political parties are explicitly excluded from the scope of the Communication.

The Communication describes in general terms the importance of voluntary organisations. They are not only "to provide the seed bed or 'gene pool' from which future social and other policies may eventually grow but also the political, social and intellectual climate in which change comes to be seen as desirable on a wider scale." Moreover, it argues that "voluntary organisations and foundations foster a sense of solidarity and of citizenship, and provide the essential underpinnings of our democracy. In the light of the challenges now facing the European Community, and indeed in the different countries of East and Central Europe, these functions have never been more vital."

The Communication mainly provides a survey of the voluntary sector in the Member States and presents the problems and challenges the sector is facing. Although the Communication also suggests planning a European year of voluntary organisations, creating a European-wide collection of information on the sector, and establishing easier access to sources of finance, it does not provide a strong common framework for the further institutionalisation of civil dialogue at the European level. Stephen Hughes, a Member of the European Parliament (MEP) and president of the Committee of Social Affairs in the EP, even argues that the Communication "has very little to say about civil dialogue;"[14] i.e. it is mainly a descriptive account of the situation of the voluntary organisations (within Member States) rather than a proposal for strengthened institutional contacts. He also notes that the Communication "found little political support within the Commission."[15]

In the Commission the issue remained confined to several DGs which had already developed their own consultation practices. Although civil dialogue was placed on the agenda of the Secretariat-General, due to the fact that it had to co-ordinate DG V and DG XXIII in drafting the Communication, it has not been particularly pro-active in pushing the issue beyond established practices. Moreover, the Communication also provoked little reaction from the other European institutions,[16] and *national* politicians, civil servants and third sector organisations.[17]

As a result, until 1998 the discourse on civil dialogue remained confined to certain DGs of the Commission, principally DG V and DG XXIII, and to certain European Parliamentarians, who paid attention to the third sector. The concept was and still is used to point to the need for a strengthened dialogue between the

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[14] "Summary Report European Social Policy Forum," 1998, p. 50.
[15] Ibid., p. 50.
[16] With the exception of the ESC; see below.

European institutions, particularly the Commission, and NGOs in the social policy field, to complement to the existing social dialogue with the social partners. Although it is recognised that voluntary organisations play an important role in our democracies, their role as a key factor in the legitimisation of European governance has not yet been formulated. The focus remains on the role of social NGOs as a legitimating support for further European social policy-making, rather than for European governance more generally.

1.2. 'Civil society' as a means of administrative reform and legitimisation

By the end of the 1990s, the discourse on the role of NGOs and intermediary organisations broadened, both in terms of the variety of policy actors making recourse to it and in terms of its content. On the one hand, several events brought the role of NGOs at the international and European levels more to the fore; on the other hand, the legitimacy crisis of the European institutions, and in particular of the Commission, led to the discovery of civil society as a basis for administrative reform and as a source of legitimisation.

On 12 May 1998, the European Court of Justice issued its ruling in a case (C-106/96) brought by the United Kingdom (UK) (supported by Germany, Denmark and the Council) against the Commission (supported by the EP). The UK sought the annulment of the Commission's decision to fund 86 European projects seeking to overcome social exclusion. The Court annulled the decision in question - but stated that the annulment would not affect the validity of payments made - thus indicating that any expenditure relating to Union action required both a budget entry and a legal basis. The latter was lacking in this case.

As a result of the ruling, the Commission launched a review of a number of budget headings without a clear legal basis and decided to suspend their implementation temporarily. This caused serious problems for many (European) NGOs; not only do they get project funding from the EU, many of them also depend on EU funding to keep their organisational structure alive.[18]

The funding crisis motivated the social NGOs to join forces, specifically under the co-ordination of the Platform of European Social NGOs.[19] Moreover, an alliance was made with the development NGOs and human rights NGOs. The crisis brought the NGO sector to the attention of MEPs, Council representatives, national governments and parts of the Commission that had previously neglected its role.

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[17] J. Kendall and H.K. Anheier (1999), p. 295.

[18] Among the budget headings suspended were: 'co-operation with charitable associations', 'co-operation with NGOs and associations formed by the socially-excluded and the elderly', 'measures in the social economy sector', 'community contribution toward schemes concerning developing countries carried out by NGOs', and 'subsidies for certain activities of organisations pursuing human rights objectives'.

By the end of the year, most budget lines were unblocked. Yet, the financial position of the NGOs remained uncertain in the longer run, given the absence of a strong legal basis. The Platform, therefore, linked the funding crisis to a request for a solid institutionalisation of civil dialogue. This included a Treaty basis and a list of accredited NGOs to be compiled by the Commission, on the basis of which it would structure its consultation.[20]

The funding crisis took place at a moment when NGO activity and social movements caught the attention of the media with the massive and 'heated' manifestations during the summits of the world leaders: first at the global trade and WTO summits (in Seattle, Sidney, and Davos), and subsequently also at the European summits (in Nice and Goteborg). These protests contested the legitimacy of international decision-making structures. The international organisations and political leaders had to confront the question of whether they would establish or strengthen a dialogue with the better organised parts of the protest movement (i.e. the NGOs), or whether they would isolate themselves in militarised meetings, risking violent outbursts of social protest.

At the level of the European Commission, from the end of 1998 onwards, the DG responsible for trade started organising *ad hoc* meetings with NGOs. What began as a "PR [public relations] effort to explain to the worried people that there was nothing to worry about"[21] gradually became a more structured dialogue, including not only general meetings, but also sectoral meetings on specific subjects.[22]

However, the Commission's reaction to the increased demand for the institutionalisation of civil dialogue goes beyond the DG Trade. In 2000, the Commission published a Discussion Paper "The Commission and non-governmental organisations: building a stronger partnership."[23] In order to stress that the Paper's aim was to express the intentions of the Commission as a whole – cross-cutting the different DGs – it was formally presented by Commission President Prodi and Vice-President Kinnock. It finds its place within the context of "a far-reaching process of administrative reform" of the European Commission. This reform process was established by Prodi and Kinnock in response to problems of fraud and the legitimacy crisis, which hurt the preceding Santer Commission. In the 2000 Discussion Paper, the increased visibility of the

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[19] For how the funding crisis helped overcome differences among NGOs, see R. Geyer (2001), p. 484.

[20] The list, so it was argued, could also be recognised by the European Parliament and other EU Institutions. See Platform of European Social NGOs, "Political Recommendations on Civil Dialogue with NGOs at European Level," 14 October 1999.

[21] R. Goehring (forthcoming).

[22] For an overview of the current status of the civil society dialogue in trade, see http://www.europa.eu.int/comm/trade/csc/dcs_proc.htm. The dialogue is built around an easy access procedure via the internet where issue groups can register for participation in the meetings.

[23] COM (2000) 11 final, 18 January 2000.

NGO sector – due to the EU funding crisis and other global events – meets with the Commission's desire to improve its reputation.

The Discussion Paper defines NGOs using the same characteristics as used to define 'voluntary organisations' in the 1997 Communication.[24] Yet, while the 1997 Communication mainly concentrated on the situation of NGOs in the social policy field, the Discussion Paper aims at addressing the relationships between the Commission and NGOs in all policy sectors. In fact, although the discourse on civil dialogue emerged primarily from the social policy sphere, the Commission has also established important NGO contacts in sectors such as development policy and human rights, and environmental and consumer policy. The Paper gives an overview of the existing *ad hoc* structures, through which the Commission consults NGOs or to which it makes recourse to ensure that information on the EU reaches a wide audience. In addition, the Paper describes the ways in which NGOs are involved in implementing Community projects or in co-operation programmes with non-member countries.

More than in previous documents, the Commission stresses the valuable NGO contribution to the development of legitimate European governance. In its 1997 Communication, for instance, the Commission only sets out in general terms "the importance of voluntary organisations". In the Discussion Paper, on the contrary, it specifies five considerations for the rationale behind the co-operation between the Commission and NGOs:

1) "Belonging to an association provides an opportunity for citizens to participate actively in new ways other than or in addition to involvement in political parties or trade unions. Increasingly NGOs are recognised as a significant component of civil society and as providing valuable support for a democratic system of government." Although "the decision making process in the EU is first and foremost legitimised by the elected representatives of the European people, NGOs can make a contribution fostering a more participatory democracy both within the European Union and beyond" (in particular in the enlargement states and developing countries, with which the EU deals).

2) NGOs have the ability to reach the poorest and most disadvantaged, and to provide a voice for those not sufficiently heard through other channels.

3) NGOs provide the EU with expert input.

4) NGOs can manage, monitor and evaluate projects financed by the EU.

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[24] A footnote states that the list of characteristics "is inspired by the list of common features of voluntary organisations proposed by the Commission in its Communication of June 1997." The wording is slightly different. The most apparent

5) They contribute to European integration. By encouraging national NGOs to work together, the European NGO networks make an important contribution to the formation of a European public opinion.

As a result of the funding crisis the Commission also pays attention to budgetary issues, acknowledging that the current funding of NGOs (directly or via projects) on basis of A-budget lines (administrative appropriations) and B-budget lines (operating appropriations) lacked any kind of co-ordination and common criteria. The elimination of the distinction between A- and B-budget lines is proposed. Yet, this proposal risks moving the issue of NGO-funding into a much broader debate on budgetary procedures, the outcome of which would be very uncertain, given that a change would hurt existing institutional positions.

As well, the proposals to improve dialogue and consultation with NGOs will not immediately transform current practice. The Commission wishes to "develop a framework of principles" that "should lead to a set of recommendations identifying best practice in consultation, which would be addressed to all Commission departments." How can the Commission ensure that NGOs get information in sufficient time to consult their members? How should NGOs be selected for inclusion in the various consultation processes? How can more transparency be guaranteed? Should there be a Treaty basis for civil dialogue? The Discussion Paper asks questions, rather than suggesting answers. One concrete measure is put forward: a list of the committees and working groups involved in formal and structured consultation procedures, and the NGO belonging to them, will be compiled and incorporated into a special EUROPA website on NGOs. Yet, the Commission also specifies that it rejects an official consultative status: "the Commission has always wanted to maintain a dialogue which is as open as possible without having to enforce an accreditation system."

The relation between the involvement of civil society and the legitimacy of EU governance is further stressed by the Commission in its White Paper on European Governance.[25] The starting point of the Paper is overtly the legitimacy problem of the European institutional framework[26] and its "goal is to open up policy-making to make it more inclusive and accountable." The dialogue with civil society holds an important place in the Paper.

Between the issuing of the 2000 Discussion Paper and the 2001 White Paper, civil society organisations had developed an important activity on the drafting of the Charter of Fundamental Rights of the EU. The

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difference is that the Discussion Paper mentions explicitly that an NGO should be 'voluntary', an element which apparently did not need explicit mentioning when defining 'voluntary organisations'.

[25] COM (2001) 428 final, 25 July 2001.

Charter was drafted by the Convention, composed of representatives from national governments and parliaments, the European Parliament and the European Commission. Although civil society organisations had no formal role in the Convention, their consultation in 'hearings', and their informal influence via e-mail contributions and contacts with Convention members contributed to the Charter being seen as representative of the common European values.[27]

The European Commission did not fail to notice the 'legitimacy capital' of such a civil dialogue. In its White Paper on European Governance - under the title of "better involvement" - it deals with "involving civil society," after handling the concept of "reaching out to citizens through regional and local democracy." The discourse on civil society is broader than in previous papers, where the emphasis was on NGOs; it "does not only include NGOs but also trade unions and employers' 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."[28]

Yet, the White Paper's definition of civil society is not free from ambiguity. Under the title of "involvement of civil society", the Paper equally mentions that "European political parties are an important factor in European integration and contribute to European awareness and voicing the concerns of citizens," and even that "the involvement of national parliaments and their specialised European affairs committees … could also be encouraged." Moreover, referring to the existence of nearly 700 *ad hoc* consultation bodies, it is not clear to what extent the Commission would also include profit-seeking organisations,[29] scientific experts and representatives from national administrations into its definition of civil society. There is a tension between, on the one hand, the Commission's tendency to define civil society so broadly that all sorts of participatory and consultative fora could be considered as sources of legitimacy and, on the other hand, its proposals to institutionalise contacts with civil society, which seem primarily focused on the NGO sector and are actually a copy of what was proposed in the 2000 Discussion Paper on the Commission's relationship with the non-governmental organisations. Thus the Commission repeats its intention to produce an overview of existing consultative structures and of consulted NGOs in order to increase transparency. In the mean time, a database of European NGOs, called 'CONECCS', has been set up on the EUROPA server, on the web page of the Secretariat-General of the Commission. Like in the 2000 Discussion Paper

[26] "Despite its achievements, many Europeans feel alienated from the Union's work…"

[27] For 'the Convention as a successful example of dialogue with civil society', see F. Deloche-Gaudez (2001), although she also mentions that "European citizens did not take part in this exercise in any great numbers."

[28] For 'a more precise definition of organised civil society' the White Paper refers to the Opinion of the ESC on 'The role and contribution of civil society organisations in the building of Europe', OJ C329, 17 November 1999, p. 30. See below.

[29] Thus, under the title of 'involvement of civil society' the White Paper mentions 'business test panels' as an example of existing consultation mechanisms.

the aim is subsequently to formulate a code of conduct that sets minimum standards for consultation: what to consult on, when, with whom and how. While the Commission argues, on the one hand, that no strict binding rules for consultation should be imposed on the policy-makers, it introduces, on the other hand, more strongly the idea that civil society organisations should respect certain criteria of 'representativity' in order to be involved in policy-making. This is especially stressed in the call for the more "extensive partnership arrangements", the features of which remain, however, unclear.

One can conclude that since 1998 the Commission's discourse has changed twofold. First, the discourse on civil dialogue, which until then had mainly been used within the context of social policy (in parallel to an already well developed social dialogue), has been broadened to include the interactions of NGOs with the Commission in all possible policy sectors. In the general context of the legitimacy crisis of international institutions (brought to the public's attention by civil society organisations), and in reply to the legitimacy crisis of the European Institutions and of the Commission in particular, the discourse on civil society has become part of the Commission's project for administrative reform, as well as its attempt to legitimate itself and its functions.

Second, in its recourse to the civil society discourse as source of legitimacy, the Commission has used an ever-broader concept of civil society, particularly since the White Paper. It is not entirely clear whether the contacts with this civil society – the civil dialogue – are supposed to include all forms of interaction between EU institutions and intermediary actors. On the one hand, the Commission does not always resist the temptation to use civil society as a legitimating discourse for all its existing interactions, including those with all sorts of private lobby actors. On the website of the Secretariat-General of the Commission, for instance, the issue of "the European Commission and civil society" does not only include the 2000 Discussion Paper on relations with NGOs, but also the Commission Communication of 1992 dealing with "An open and structured dialogue between the Commission and special interest groups," [30] i.e. lobby groups. On the other hand, the definition of civil society organisations provided in the White Paper does not explicitly include private organisations (individual firms, associations of firms, consultants), and the proposed criteria for the institutionalisation of civil society involvement (such as accountability, openness and 'representativeness') do not seem to fit such actors.

2. The ESC and the concept of 'civil society organisations'

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[30] (OJ C63 of 5 March 1993).

The ESC was created by the Treaty of Rome as a body with advisory power in a wide range of policy areas dealt with at the European level. It is composed of 222 members from national socio-economic organisations, which are divided into three Groups: (I) employers organisations; (II) trade unions; and (III) 'various interests', including in particular social economy organisations, consumer and environmental organisations, agricultural organisations, and organisations representing SMEs, the liberal professions and crafts. The ESC could thus be considered as an institutional expression of the organisations making up civil society. Yet, only recently, the ESC has started to define itself in these terms.

Despite being the only body enshrined in the Treaty to represent associations, the ESC has been faced with ever-stronger competition for its advisory role from other (*ad hoc*) consultative fora and direct lobbying activities. The strengthening of the social dialogue – entirely independently from the ESC – and the creation of the Committee of the Regions in the Maastricht Treaty incited even Commission President Delors to warn the ESC that it risked marginalisation.[31] The ESC responded to this difficult situation with different initiatives, such as the creation of a Single Market Observatory, i.e. a section of the Committee – composed of ESC members and backed by a division of the ESC Secretariat – issuing ESC Opinions on the state of implementation of single market legislation, often based on hearings with market actors. But the main commitment of the subsequent presidents of the ESC was declared the 'Citizens' Europe' initiative. By organising some (badly focused and often top-down) hearings, and by formulating the (assumed) aspirations of the European citizens in very broad terms, the ESC attempted to reinforce its role. This attempt was met with scarce success.[32] Moreover, by focusing on "its relationship with the citizen", the ESC had difficulties positioning itself vis-à-vis the European Parliament.

A decisive change in approach occurred in 1998, when the ESC got both a new Secretary General and a new President. As a former collaborator of Commission President Delors and official of DG V, the new Secretary General, Patrick Venturini, acknowledged the ESC's difficult situation but – convinced of the importance of the involvement of socio-economic actors in European policy-making – he also believed that the ESC could still play a role, if it could better position itself. In the same year, Beatrice Rangoni Machiavelli was elected President of the ESC, following a rotation system, which, every two years, assigns the presidency of the ESC to one of its three Groups.

Rangoni Machiavelli is a member of Group III (various interests), which is more open to a discourse on civil society, broadened participation, and citizenship than the social partners in the two other Groups, who

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[31] Speech presented to the ESC in the June 1993 plenary session.
[32] For a more detailed analysis of these attempts, see S. Smismans (1999).

have better established positions in social dialogue traditions. In her opening speech she noted that "the ESC can and must become the *forum of civil society*, thus contributing fundamentally to bringing the European Union closer to its citizens and giving practical meaning to EU citizenship."[33] Taking up the presidency of the ESC, Rangoni Machiavelli is replaced in her former function of president of Group III by Anne-Marie Sigmund, who will play a very active role in the Committee's new approach to civil society.

In this new constellation, the idea of 'civil society' and the role of 'civil society organisations' have become central to the discourse with which the ESC attempts to reshape its role. The focus is no longer on 'the citizen' but on 'the organised citizen', namely the intermediary organisations making up civil society.

In January 1999 the ESC adopted its Own-initiative Opinion[34] on "The role and contribution of civil society organisations in the building of Europe." This served as a starting point for the ESC's 'First Convention of Civil Society organised at European level,' a conference in October of the same year, which brought together some 300 representatives from civil society organisations to discuss their involvement in European policy-making (below referred to as 'the First Civil Society Convention).

Before the Commission explicitly dealt with the issue in its White Paper, the ESC's Own-initiative Opinion clearly linked the concept of civil society to the legitimacy problem of the European integration project. The aim of the 1999 Opinion was precisely to analyse the relevance of the concept of civil society in this debate.

With a surprising theoretical awareness, the Opinion retraces the concept of civil society from Aristotle through Hegel, Marx, Tocqueville, Durkheim, and Weber to current liberal, communitarian and discursive democracy approaches. A set of 'components of the concept' is presented, resulting as much from debate in the ESC than from the afore-mentioned literature. Among them are: pluralism and autonomy, as well as education, responsibility and subsidiarity.

Civil society is broadly defined as "a collective term for all types of social action, by individuals or groups that do not emanate from the state and are not run by it." Civil society organisations are defined as "the sum of all organisational structures whose members have objectives and responsibilities that are of general interest and who also act as mediators between the public authorities and citizens." They include:

- the social partners;

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[33] ESC Plenary Session of 15 October 1998.

[34] ESC Opinions can result from obligatory consultation (Commission, Council or EP are obliged to consult the ESC according to the Treaty), from optional consultation (Commission, Council or EP can consult the ESC whenever they consider it appropriate) or from the Committee's own initiative.

- organisations representing social and economic players that are not social partners in the strict sense of the term;

- NGOs that bring people together for a common cause, such as environmental organisations, charitable organisations, etc.;

- community-based organisations (CBOs), i.e. organisations set up within a society at the grassroots level to pursue member-oriented objectives (e.g. youth organisations); and

- religious communities.

At the First Civil Society Convention, debate emerged on whether it made sense to distinguish between NGOs and CBOs, and whether religious communities could be considered civil society organisations. Most questions, however, concerned the ambiguous group identified as 'the organisations representing social and economic players that are not social partners in the strict sense of the term.' Can and should one, for instance, dinstinguish between a sectoral employers' organisation and an organisation defending the business interests of some big firms within a particular sector?[35] If the concept of 'civil society organisations' is supposed to include private economic actors, doesn't this appear at odds with the definition of civil society organisations as 'organisational structures whose members have objectives and responsibilities that are of general interest'?

Arguing that "strengthening non-parliamentary democratic structures is a way of giving substance and meaning to the concept of a Citizens' Europe," the ESC's 1999 Opinion takes into account the measures taken by the Commission to improve civil dialogue. It regrets, however, that the Commission had until then omitted any reference to the Committee in its civil dialogue initiatives. This complaint seems somehow belated, since in its older Opinions on the third sector, the ESC also failed to define a particular role for itself within the civil dialogue. Thus in its Own-initiative Opinion on charitable associations[36] and in its Opinion discussing the 1997 Commission Communication on voluntary organisations,[37] the ESC focused on the position and problems of these organisations within the internal market and on the Commission's relationship with them, without identifying its own representative role vis-à-vis these organisations.

In its 1999 Opinion on "The role and contribution of civil society organisations in the building of Europe," the Committee defines its role as guaranteeing "the implementation of the participatory model of civil society; [enabling] civil society to participate in the decision-making process; and [helping] reduce a certain

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[35] "Concise Report of the First Convention of the civil society organised at European level," held on 15-16 October 1999.

[36] "ESC Opinion on Co-operation with charitable associations as economic and social partners in the field of social welfare," OJ C073, 9 March 1998, p.0092.

'democratic deficit' and so [underpinning] the legitimacy of democratic decision-making processes." Making reference to the difficult definition of the 'demos' concept within the EU, the Committee argues that "the democratic process at European level – even more so than at the national level – must provide a range of participatory structures in which all citizens, with their different identities and in accordance with their different identity criteria, can be represented, and which reflect the heterogeneous nature of the European identity."[38] Enshrined in the Treaty, with a consultative role and composed of representatives of intermediary organisations, the Committee can act as a representation of the people's way of identifying with civil society organisations, and provide a complement to the legitimacy offered by the EP representing the citizens' national (territorial) identity.

Since the ESC sees an important role for itself as a representative forum of civil society organisations, the Committee could hardly accept to limit the concept of civil dialogue to the structures of interaction between NGOs and the Commission. The issue emerged previously at the First Civil Society Convention where many NGOs and Commission representatives used the concept in this more restrictive sense, whereas ESC members argued the concept of civil dialogue should refer to the dialogue between (all) the European institutions and all civil society organisations, including in particular *also* the social partners.[39] This argument is repeated three times in the ESC's Opinion on the Commission Discussion Paper "The Commission and NGOs: building a stronger partnership."[40] The Opinion further argues that "the civil dialogue should not take the place of or compete with the social dialogue, which has its own exclusive, clearly-defined participants and remits." Moreover, it also specifies that civil dialogue is not only a dialogue between civil society organisations and Community institutions, but also a dialogue between the representatives of organised civil society themselves.

The ESC does not consider itself as having the monopoly over civil dialogue. Yet, due to its institutional status (enshrined in the Treaty) and its membership (including both social partners and NGOs), it argues that it is the right forum in which to further broaden civil dialogue.[41] In order to play this role, it proposes to strengthen dialogue with those civil society organisations not currently represented on the Committee.

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[37] "ESC Opinion on Voluntary Organisations and Foundations in Europe," OJ C095, 30 March 1998, p.0099.

[38] For a more academic version of the argument, see S. Smismans (1999), pp.569-574.

[39] "Concise Report of the First Convention of the civil society organised at European level," held on 15-16 October 1999.

[40] "The form of consultation referred to by the Commission [i.e. its relations with NGOs] can and should take place within the framework of the civil dialogue, but does not represent the civil dialogue as such, which must be defined more widely from both the institutional and civil society angles." See "ESC Opinion on the Commission discussion paper 'The Commission and non-governmental organisations: building a stronger partnership'," OJ C 268/67, 19 September 2000.

[41] See, in particular, "ESC Opinion on The role and contribution of civil society organisations in the building of Europe," 22 September 1999, points 10 and 12.

Given that the ESC has no control over its own composition, this aim is strived for via the organisation of events within the Committee, as well as 'hearings' outside the Committee, which would give more people the opportunity to participate in opinion-forming and goal-setting.

In its Opinion on the 2000 Commission Discussion Paper on NGOs, the ESC considers the possibility of establishing a civil dialogue observatory within its structure, to serve as a forum for discussion and interaction. European NGOs, in particular, would be involved in the work of this observatory. The tasks of such an observatory could include: formulating proposals for the implementation of joint initiatives between the Committee and NGOS; monitoring the development of civil society organisations and civil dialogue at European level; drawing-up criteria for assessing the representativeness of NGOs; and discussing the feasibility of establishing a system of accreditation for NGOs at European level.

The ESC also stresses the role it seeks to play in the institution-building process in the enlargement countries, through its contacts with and support for civil society organisations in the candidate countries. Finally, in its proposals to the 2000 IGC[42] the ESC also defines its role as a meeting point for civil dialogue that should be established *between* the civil society organisations.

The ESC wanted the 2000 IGC to recognise that the Committee "is more than just an institutional framework for consulting the economic and social operators;" it is "also a bridge between Europe and the diverse and complex world of civil society organisations."[43] Its aim is not to push aside its consultative role as a representative forum for the socio-economic categories, nor is it to become the spokesman for all NGOs, nor be the body through which NGOs must deal with the EU institutions.[44] Rather, as a body recognised in the Treaty as representing various civil society organisations, the ESC seeks a role – complementary to its advisory role – as the catalyst initiating public discourse on civil dialogue. The Committee sees its role as providing the framework, the feedback, and the practical support for civil society organisations at the European level and in the enlargement countries. The Nice Treaty has partially responded to the ESC's intention to play this role. The Treaty article defining the ESC's composition now

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[42] "ESC Opinion on The 2000 Intergovernmental Conference - The Role of the European Economic and Social Committee," 1 March 2000.

[43] "ESC Opinion on The 2000 Intergovernmental Conference - The Role of the European Economic and Social Committee," 1 March 2000, point 2. Also: "Although its mandate is primarily to issue opinions, the Committee has gradually diversified its activities with the aim of helping to ensure effective involvement of organised civil society in opinion-forming and decision-making, and promoting a Europe that is closer to its citizens," see "ESC Opinion on the Organised civil society and European governance: the Committee's contribution to the White Paper,' 25-26 April 2001, point 4.1.1.

[44] 'ESC Opinion on the Commission discussion paper 'the Commission and non-governmental organisations: building a stronger partnership',' point 6.3.

states that "the Committee shall consist of representatives of the various economic and social components of *organised civil society…*"

3. If the cap fits, let him wear it

Both the Commission and the ESC use the discourse on civil society and civil dialogue as an element of legitimisation for their activities and institutional position. The discourse introduces elements of 'participatory democracy', defined as the possibility for those concerned by the decision to participate in the decision-making process. These elements of 'participatory democracy' are said to complement 'representative democracy', which resides in the electoral mandate of the parliament.[45] Due to these aspects of participatory democracy, the Commission and the ESC, both non-elected bodies, are less dependent on the Parliament as a source of legitimisation. Not surprisingly, the European Parliament seems not to be very attracted by the discourse on civil dialogue and civil society. In its comments on the Commission's White Paper on European governance, the EP stressed that "the involvement of both the European and national parliaments constitutes the basis for a European system with democratic legitimacy," and that "organised civil society…, whilst important, are (sic) inevitably sectoral and cannot be regarded as having its own democratic legitimacy." [46]

Yet, the EP itself has well developed contacts with civil society organisations. The EP is, for instance, seen as very receptive to demands of the NGO sector.[47] However, these contacts are not defined as participatory structures providing legitimacy.[48] They are but sources of information to the parliamentarians whose democratic legitimacy resides in their electoral mandate. This electoral mandate also allows parliamentarians the broad discretion to consult who they want.

The EP has always opted to allow parliamentarians fairly unrestricted liberty in their interactions with socio-economic and civil society actors, imposing only a minimal set of standards to ensure 'smart' and 'clean' lobbying practices.[49] In its comments on the White Paper, the EP agreed with the Commission and the

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[45] The idea of 'participatory democracy' is traditionally linked to direct forms of citizen participation. (e.g. C. Pateman, 1970; and B. Barber, 1984). On the contrary, as used in the European civil society debate, it refers to another form of indirect participation, i.e. another form of participation via representation, namely via representatives of associations.

[46] 'EP Resolution on the Commission White Paper on European governance,' A5-0399/2001, points 8 and 11a.

[47] See for instance, with regard to environmental and consumer associations, J. Greenwood (1997) p. 191 and 203.

[48] Through its contacts with civil society organisations the EP has acted as an advocate for 'European citizenship' although not for 'European civil society' or 'civil dialogue'. See for instance, J. Vogel (1999).

[49] See B. Kohler-Koch (1997) and T. Schaber (1998). For the EP, the issue of lobbying became above all linked to the financial status of parliamentarians, namely the need for each parliamentarian to declare remunerated activities and any gifts or payments received in connection with their mandate, whereas the Commission linked the question of lobbying much more with the issue of transparency of its work.

ESC that an interinstitutional agreement on democratic consultation should be concluded, committing all three institutions to common consultation standards and practices. Yet, it also stressed that "it should not be allowed to add a further level of bureaucracy, for instance, in the form of 'accredited organisations' or 'organisations with partnership agreements.'"[50]

The Committee of the Regions (COR) also remains particularly silent on the issues of civil society and civil dialogue. Composed of representatives from regional and local authorities, it prefers to make use of a discourse on subsidiarity, 'proximity' and 'closeness to the people',[51] rather than stressing the role of intermediary organisations. In fact, local and regional authorities often have well established relations with intermediary organisations, since they are the most natural direct interlocutors for grass roots organisations. The COR is also perfectly aware of this fact and uses it as legitimisation for its proper role. However, the COR avoids to recognise the 'democratic credentials' of intermediary organisations, stessing the unique role of territorially elected representatives in democracy.

It is worth noting in this context that the Commission's White Paper on European Governance pays attention to both "reaching out to citizens through regional and local democracy" and "involving civil society", but treats them separately. The discourse of the Commission and the ESC on civil society and civil dialogue does not fully take into account the multi-level policy nature of the EU. Since both have developed the discourse in defence of their own institutional positions, the conceptualisation of civil dialogue and civil society has above all been linked to the Community method of governance. In particular, it has been connected to the drafting process of new (legislative) Community measures, where the Commission acts as the central policy entrepreneur and the ESC has its Treaty based advisory competence. In contrast, the interaction with intermediary organisations in policy implementation or in the 'open method of co-ordination', where both Commission and ESC play a less important or minor role, appears to have largely escaped the civil society discourse. Yet, in its recent comment on the White Paper, the ESC acknowledged that the open method of co-ordination "opens up interesting possibilities in terms of increasing the involvement of civil society organisations" and suggested to monitor civil dialogue at that level.

4. A successful discourse? About discourse and reality

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[50] "EP Resolution on the Commission White Paper on European governance," A5-0399/2001, point 11e.

Whether a discourse is successful or not is difficult to measure. Simplified, one could analyse the success of a discourse on two different levels. First, one can look at the extent to which a discourse expands, i.e. to what extent it is taken over by other actors. Second, a discourse is generally aimed at certain objectives, at causing change in reality. One can look at whether these objectives have been reached.

The discourse on European civil society and civil dialogue seems successful when measured by the ease with which it expands. Civil society has become a popular tune at the European level. The ESC, in particular, seems to have been able to 'sell' its civil society discourse. Thus, the more restrictive concept of civil dialogue, limited to NGOs (within the social sector), is bypassed by a broader conception referring to the relations of the European institutions with all civil society organisations. The discourse of the ESC has clearly influenced the debate on the White Paper. Both the Paper itself and the working group on 'consultation and participation of civil society' set up by the Commission[52] explicitly use the definition of civil society provided by the ESC, and acknowledge the particular role the Committee should play in civil dialogue.

Therefore, the discourse of the ESC is also partially successful in reaching one of its objectives (maybe its main objective), namely defining and promoting a new role for the Committee within the European institutional set-up. As ESC President Göke Frerichs, elected in November 2000, stated in his inaugural speech: the Committee needs an external "corporate identity": "the ESC should…press ahead…with the process of promoting an internal awareness of the distinctive nature of the Committee;[53] this process must be backed up by a corresponding process of external promotion of the distinctive character in order to enable us shortly to reach a conclusive agreement on the Committee's role…"

Through the civil society discourse the ESC has to a certain extent been able to internally redefine its own role (which has led to changed working methods, other Rules of Procedure and different policy priorities) and to convince the main European institutions of its central role in civil dialogue. Similar to the Commission – which not only recognises the ESC's role in its White Paper, but also in a new interintstitutional agreement between the two institutions – the EP defines the Committee as "an important mouthpiece for civil society" and even argues that an "early consultation of the ESC by the Commission

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[51] For example, "COR Resolution on The outcome of the 2000 Intergovernmental Conference and the discussion on the future of the European Union," 4 April 2001, CdR 430/2000 fin; and "COR Report on Proximity," 6 November 2001, CdR 436/2000.

[52] In the drafting process of the White Paper, the Commission set up several working groups to deal with a specific 'governance issue'. The working groups were composed of representatives from the different Commission departments and interacted with representatives of stakeholder organisations and with academics.

can be seen as a way of increasing participatory democracy at Union level." Rather than having civil dialogue via a proliferation of committees and groups of experts within the Commission, the EP opts for strengthening the position of the ESC, given its independence from the Commission.[54] Finally, one should not forget that the Member States recognised, with the Nice Treaty, the civil society character of the ESC.

However, even though the ESC's discourse may have had some success in redefining the Committee's role and in placing the Committee back into the European institutional set-up, it does not imply that one can take for granted the Committee's claims to provide, as "forum of civil society," a "fundamental contribution in bringing the European Union closer to its citizens." I have defined the ESC elsewhere[55] as a "functional assembly", i.e. rather than constituting a democratically representative body *per se*, its task is to facilitate and promote technical and sectoral integration. Its initial aim was not to become a representative forum of associative life in Europe. It gathers the main socio-occupational groups, mostly from industrial production, and in particular from those sectors where Community action was foreseen, in order to profit from their expertise and to facilitate implementation of Community measures. Even if the Nice Treaty comes into force, the ESC's nomination procedure, its composition and advisory power will change little. Therefore, the Committee is likely to remain above all the expression of the main socio-occupational groups and not entirely adapted to the complexity of civil society organisations in contemporary European society. The organisation of hearings, the creation of a civil society observatory and the attention paid to civil society in Eastern Europe may only partially compensate for this. Moreover, if the ultimate aim of the ESC's discourse is to bring 'Europe' closer to its citizens, one should also question the relation between the ESC members, their organisations and their affiliates. The ESC may well be able to ventilate the concerns, experiences and demands of certain civil society organisations in the European debate (in addition to other channels that may be at their disposition), but it does not follow that the ESC can ensure that European issues are debated at the grass roots level. This is not a criticism of the role of the ESC or of its efforts to broaden dialogue with civil society organisations, but it means that claims about reducing the EU's democratic deficit by increasing participatory structures should be made with some modesty.

Comparable remarks can be made with regard to the Commission's civil society discourse. Obviously, the institutional position of the Commission acts as a megaphone for each discourse it develops with some

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[53] I have argued elsewhere that the ESC should primarily focus on its representative nature in order to strengthen its advisory role, see S. Smismans and L. Mechi (2000).

[54] 'EP Resolution on the Commission White Paper on European governance,' A5-0399/2001, point 11 c and d.

insistence. Yet, the success of the discourse in terms of expansion may paradoxically go against its potential to change reality. By using an ever-broader definition of civil society, the discourse can be used by more and more policy actors (both within and outside the Commission). Yet, by moving away from a precise definition of the concept, the discourse tends not to accomplish its objectives.

As long as the concept of civil dialogue was used to plead for stronger NGO involvement in the social sector – in addition to the social partners – the objectives of the discourse were clear, even if only defended by a smaller group of policy actors. When the Commission adopted the ESC's definition of civil society organisations, which included the social partners, the 'strategy' of the Commission became more confusing.

For the ESC, it makes sense to use definitions of civil society and civil dialogue that include the social partners, because it allows the Committee to defend its institutional position. For the Commission, however, civil society discourse has a clear aim, if used to stress the importance of NGO involvement, complementary to an already existing social dialogue. It becomes more confusing when social partners and NGOs are placed together in the melting pot of civil society. If the Commission subsequently refers with the concept of civil society also to scientific and national experts, and all sorts of advisory committees, including those where private interest groups are represented, it becomes a vague masking concept attempting to legitimate the Commission's position and its current consultation practices.

If, on the contrary, the civil society discourse is precisely aimed at structuring the Commission's interactions with all sorts of intermediary organisations and private actors, in order to make European governance more legitimate, more inclusive and 'closer to the citizen', the Commission will have to deal with four particular problems.

First, theories on civil society[56] stress the importance of intermediary organisations, but generally do not provide criteria on how the state or public authority should structure its interaction with them. Rather, they stress the independence of civil society vis-à-vis the state.

Second, the Commission seems to assume that increased involvement of intermediary organisations will strengthen the legitimacy of the EU, especially since such associations – and particularly those organised at European level – are supportive of European integration. This assumption was already present in the original use of the concept of civil dialogue by the Commission's Directorate-General for Social Policy, which was based on the idea that organisations in the social sector would support a strengthened European social policy. Yet, associations from countries with high social standards may well prefer protecting their

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[55] S. Smismans (2000).
[56] For example, J.L. Cohen and A. Arato (1992); R.D. Putnam (1993); and M. Walzer (1995).

own standards instead of getting common but lower European standards.   It is useful here to remember that Declaration 23 added to the Maastricht Treaty, which deals with charitable associations, resulted from the lobbying of German welfare organisations. They were motivated by a fear that European integration would threaten their national status, rather than by a desire for more social policy at the European level. More generally, even if associations organised at the European level have a direct organisational interest in European activities, this does not imply that they will be supportive of the policy measures proposed by the European institutions.

Third, the Commission also appears to assume that the involvement of associations will "provide a voice for those not sufficiently heard through other channels" and it would even allow the European institutions 'to reach the poorest'. Strengthened dialogue with associations would make the European integration process more inclusive. However, while the 'excluded' or 'weakest' have great difficulties organising at the national level, their organisation at the European level appears even more problematic.

Finally, while civil dialogue is intended to provide bottom-up inclusion of those excluded, it is also supposed to lead to a top-down initiated broad debate on European issues. If one should question the extent to which ESC members are able to return to the roots of their organisations, the same question should also be posed to the associations organised at European level, which are the primary focus of the European Commission's civil dialogue. When organisations have been established at the European level, the distance between the representatives in Brussels and their home roots often appears difficult to bridge. It has been argued that the internal governance procedures of the European associations are not sufficiently democratic so as to make them key actors in the socialisation process necessary for the democratisation of the EU.[57]

References

Andersen, Svein S. and Eliassen, Kjell A. (1998), "EU lobbying – Towards Political Segmentation in the European Union?" in Paul-H. Claeys, Corrine Gobin, Isabelle Smets and Pascaline Winand (eds), Lobbying, Pluralism and European Integration, European Interuniversity Press, Brussels, pp.167-182.

Archibugi, Daniele; Held, David and Koehler, Martin (eds) (1998), Re-imagining political community: studies in cosmopolitan democracy, Polity Press, Cambridge.

Armstrong, Kenneth A. (2001), "Civil Society and the White Paper – Bridging or Jumping the Gaps?" Jean Monnet Working Papers No.6/01, Symposium: The Commission White Paper on Governance.

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[57] A. Warleigh (2001).

Barber, Benjamin (1984), <u>Strong Democracy. Participatory Politics for a New Age</u>, Universitiy of California Press, Berkeley.

Cohen, Jean L. and Arato, Andrew (1992), <u>Civil Society and Political Theory</u>, MIT Press, Cambridge.

Cullen, Holly and Campbell, Elinor (1998), "The future of social policy-making in the European Union," in Paul Craig and Carol Harlow (eds), <u>Lawmaking in the European Union, Kluwer Law International</u>, London, pp.262-284.

Deloche-Gaudez, Florence (2001), "The Convention on a Charter of Fundamental Rights: A Method for the Future?" Notre Europe Research and Policy Paper No.15.

De Schutter, Olivier (2001), "Europe in search of its civil society," in Erik Oddvar Eriksen, John Erik Fossum and Agustin José Menéndez (eds), <u>The Chartering of Europe. The Charter of Fundamental Rights in Context</u>, ARENA Report No.8/2001, Oslo.

Florini, Ann M. (ed) (2000), <u>The Third Force: The Rise of Transnational Civil Society</u>, Japan Center for International Exchange, Tokyo.

Geyer, Robert (2001), "Can European Union (EU) Social NGOs Co-operate to Promote EU Social Policy?" <u>Journal of Social Policy</u>, Vol.30, No.3, pp.477-493.

Goehring, Rebekka (forthcoming), "Interest representation and civil society formation," in Alex Warleigh and Jenny Fairbrass (eds), <u>Integrating Interests in the European Union: The New Politics of Persuasion, Advocacy and Influence</u>.

Greenwoord, Justin (1997), <u>Representing Interests in the European Union</u>, Macmillan, London.

Hervey, Tamara (1998), <u>European Social Law and Policy</u>, Longman, London.

Kendall, Jeremy and Anheier, Helmut K. (1999), "The third sector and the European Union policy process: an initial evaluation," <u>Journal of European Public Policy</u>, Vol.6, No.2, pp.283-307.

Kohler-Koch, Beate (1997), "Organized Interests in the EC and the European Parliament," <u>European Integration online Papers (EIoP),</u> Vol.1, No.9; http://eiop.or.at/eiop/texte/1997-009a.htm

Pateman, C. (1970), <u>Participation and Democratic Theory</u>, Cambridge University Press, Cambridge.

Putnam, Robert D. (1993), <u>Making Democracy Work: Civic Traditions in Modern Italy</u>, Princeton University Press, Princeton.

Salomon, Lester M. *et al.* (1999), <u>Global Civil Society : Dimensions of the Non-profit Sector</u>, John Hopkins Center for Civil Society, Baltimore, M.D.

Schaber, Thomas (1998), "The Regulation of Lobbying at the European Parliament: the Quest for Transparency," in Paul-H.Clayes, Corinne Gobin, Isabelle Smets, and Pascaline Winand (eds), Lobbying, Pluralism and European Integration, European Interuniversity Press, Brussels, pp.208-221.

Smismans, Stijn (1999), "An Economic and Social Committee for the Citizen, or a Citizen for the Economic and Social Committee?" European Public Law, Vol.5, No.4, pp.557-582.

Smismans, Stijn (2000), "The European Economic and Social Committee: towards deliberative democracy via a functional assembly," European Integration online Papers (EIoP), Vol.4, No.12; http://eiop.or.at/eiop/texte/2000-012a.htm

Smismans, Stijn and Mechi, Lorenzo (2000), "The ESC in the Year 2000," study realised for the European Economic and Social Committee on the role and future of that Committee. Published on the ESC website http://www.esc.eu.int/pages/en/home.htm

Streeck, Wolfgang (1996), "Neo-voluntarism: A New European Social Policy Regime," in Gary Marks, Fritz W. Scharpf, Philippe C. Schmitter and Wolfgang Streeck, Governance in the European Union, Sage, London, pp.64-94.

Vogel, Jean (1999), "Le Parlement européen face à l'émergence d'une société civile européenne," in Pascal Delwit, Jean-Michel De Waele and Paul Magnette (eds), A quoi sert le Parlement européen?, Editions Complexe, Bruxelles, pp.199-219.

Walzer, Michael (ed.) (1995), Toward a global civil society, Berghahn Books, Oxford.

Warleigh, Alex (2001), "'Europeanizing' Civil Society: NGOs as Agents of Political Socialization," Journal of Common Market Studies, Vol. 39, No. 4, pp.619-639.

6, Perri (1995), "The voluntary and non-profit sectors in continental Europe," in Justin Davis Smith, Colin Rochester and Rodney Hedley (eds), An Introduction to the Voluntary Sector, Routledge, London, pp.128-158.