

## Civil Society Organizations' Contribution To Democratic Governance In European Union

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**Abstract:** This paper tries to focus/put emphasis on what are Civil Society Organizations are and gives an outline of categories of such Organizations in Europe, it briefly looks at Governance and Democratic Governance concepts. It will then after focus on the major roles of Civil Society Organizations in European democratic Governance drawing other examples also from other countries where possible and try to bring out scholarly arguments on the negative impacts of civil society organizations. The paper ends with conclusions and analysis of SC participation through EU's multilevel governance. Much of my discussion and commentaries shall be depicted and based on information and ideas put forward by the following scholars; Paul Magnette 2003, European Governance and Civic participation, Dawid Friedrich 2007/08, Actual and Potential Contribution of Civil Society Organizations to Democratic Governance in Europe, EU Governance White Paper 2001, Rollin F. Tusalem 2007, the role of Civil Society in the Third and Fourth-Wave Democracies and other scholars not limited to the above.

**Key words:** civil society, democracy, governance, european union

### 1. Concept of Civil Society

The term civil society has been perceived by different scholars to be associated by any organized group of people independent from the state and partly self sustaining. The question of civil society organizations being non-profit making to my understanding is still debatable due to the fact that according to some scholars even business entities and trade unions can be categorized as civil society organizations or associations. This can be depicted from Antonio Gramsci's perception of civil society as a "private" realm that includes unions which renders civil society organizations not to only be limited to nonprofit making. In reference to other scholars, Rollin considers any grouping that assumes representation of collective interests can be claimed as part of civil society, or civil society may be defined as the totality of civic engagements citizens commit to join in the polity (Anheir, 2004; Cohen and Arato, 1992; Walzer, 1991), at other times, the concept of civil society is conflated with that of social capital, as in the work of Michael Edwards (2004) and Edwards' conceptual definition of civil society includes civic engagements that promote an associational life, a good society, and a public sphere in which ideas and ideologies can be discussed and debated<sup>1</sup>. Therefore, one can only conclude that civil society has no clear definition but only stems from civic engagement and participation in public affairs.

Kenneth Newton (1997) categorized civil society into norms, networks, and

resources, an approach carried on in more recent research, as when Gibson (2001) looked at the impact of the density of social networks (a proxy for civil society) on facilitating citizen support for democracy in Russia (see Rollin F. Tusalem 2007: 364). Larry Diamond (1999) has responded by offering a parsimonious definition of civil society as it relates to democratic politics (see Rollin F. Tusalem 2007: 364). For Diamond (1999: 221), civil society is "The realm of organized social life that is open, voluntary, self-generating, at least partially self-supporting, autonomous from the state, and that is bound by a legal order or a set of shared collective rules (see Rollin F. Tusalem 2007: 364)." His conclusion is that in this definition, civil society is composed of social actors who recognize the primacy of state authority and the rule of law, permitting Diamond to exclude groups that are formed with the goal of destabilizing the state and according to him Linz and Stepan (1996) have adopted this definition in their work as well. Therefore in reference to the all the above definitions and scholarly understanding of civil society, one can conclude that civil society being a wide concept it has been widely looked at and is not only limited to promoting civil liberties but also promoting rule of law, good governance, equality and social welfare of citizens and tries to bridge the gap between the highly ranked government officials that is bureaucrats and politicians and citizens to ensure that there is efficiency and effectiveness in all forms of service delivery.

Civics Civil Society Index 2006 however defines civil society as the arena, outside of the family, the state and the market where people associate to advance common interests According to it, the term 'arena' is used

<sup>1</sup> Rollin F. Tusalem 2007, A Boon or a Bane? The Role of Civil Society in Third- and Fourth-Wave Democracies, International Political Science Review Vol.28, No. 3 (Jun., 2007), pp. 361-386, Sage Publications, Ltd: 363

to describe the particular space in a society where people come together to debate, discuss, associate and seek to influence broader society<sup>2</sup>. Another key feature is the acknowledgement of the 'fuzziness' of the boundaries between the spheres of civil society, the state, the market and family, since, in practice, many forms of collective citizen action are difficult to categorize into a specific sphere.

Civil society organizations have a wide range of functions and roles from the political theory point of view. Such functions include; protection which was put forward by John Locke and it covers Organizations and associations like NGOs and Trade or labor unions, Intermediation that was suggested by Montesquieu meaning they intermediate between individual citizens and the state, Socialization that was put forward by Toqueville, Integration by Putnam and communication role of Civil Society Organizations by Habermass Arato/Cohen. Therefore the roles and functions of civil society organizations are wide and not limited to one or two functions.

However, it is also important to note that scholars have tried to put forward four types of conceptualizing civil societies and these also in the real sense determine their roles and functions. Such types are; space or what a civil society is, function or what does a civil society do, interaction that is to whom or how does it work and organizations and network meaning who are the actors in such organizations or civil society.

It has also been argued that societies that have a strong civil society may have a

<sup>2</sup> Civicus Civil Society Index Team 2006, Civicus civil society index: preliminary findings phase 2003-

2005, Civicus: World Alliance for Citizen Participation [www.civicus.org](http://www.civicus.org): Pg 8-9

tendency to experience higher levels of political representation, enabling collective groups to resist unpopular state policies and apply pressure on state institutions when they find they have erred (see Rollin F. Tusalem 2007: 362). In doing so, it is clearly justifiable that civil society organizations play a very big role in shaping policies in any state or country. It has argued by Rollin that civil society groups can provide better social services than the state is capable of, and sometimes can even have a more efficient way of mitigating social exigencies. However, however, Warren cautions that as associational groups may sometimes champion antidemocratic sentiments and in fact conform to the Madisonian pronouncement that associations elicit factional splits and promote societal cleavages (see Rollin F. Tusalem 2007:362).

## 2. Civil society Participation concept

It is also however important to give a brief explanation of participation before we conceptualize on civil society organizations' contributions through participation in the EU's democratic governance. Participation has been defined as all social activities that refer to the engaging and partaking in some form of activity with other people, thus including participation in cultural, religious or social activities (Dawid Friedrich 2007:5). According to Friedrich, Political participation aims at establishing, contributing to, influencing of or hindering decisions and/or implementation of public affairs. Building from Kaufman's perception of Participation, Friedrich identifies Participation as a communicative action which 'involves preliminary deliberation (conversations, debate, and discussion), where the deliberation and the

decision-making are based on the principle of equality so that every participant's concern has, at least formally, and equal weight. In democratic theory exists the basic agreement that some form of people's participation in politics is indispensable for any form of democracy and Participation can take place at all levels of authority where concerns of common interest are dealt with, i.e. the local, national, regional and global level, and it is possible at all stages of the policy cycle (Dawid Friedrich 2007:5).

### 2.1. Civil society participation in EU's Governance

However, it is important to note that in the EU; most if not all civil society organizations are consulted and involved in the policy-making arrangements based on some benchmarks. For example, consultation on Transparency Register by EU, the following benchmarks were laid and the following categories of organizations were considered as a way of involving participation of civil society in policy making;

Target groups were; Organizations, authorities and individuals registered in the Transparency Register (consultancies, law firms, freelance consultants, in-house representatives, professional groups, NGOs, think tanks, research organizations, academic institutions, organizations representing churches and religious communities, organizations representing local, regional and municipal authorities, other public or mixed public-private entities). Organizations and individuals acting as independent persons involved in the development and implementation of EU policies, and nonregistered in the Transparency Register (consultancies,

law firms, freelance consultants, in-house representatives, professional groups, NGOs, think tanks, research organizations, academic institutions, organizations representing churches and religious communities, organizations representing local, regional and municipal authorities, other public or mixed public-private entities)<sup>3</sup>. This also gives an overview of which kind of civil society Organizations exist in Europe like any other continent or country. This was done for purposes of inclusion in policy making through dialog and consultations on issues that concern the commission, with its major objective of the consultation being to receive the views of stakeholders or people concerned by the topic of the consultation and potentially to publish them on the Internet, under the responsibility of the Head of the Unit Gérard Legris, Secretariat General, acting as the Controller<sup>4</sup>.

According to Magnette, Governance refers to the patterns of decision-making taking place in a larger set of institutions, with a broader range of actors and processes<sup>5</sup>. Critically looking at the above definition, one can therefore conclude that Governance only can exist or can be considered to be existing only when there are institutions being run

<sup>3</sup> European Union, Civil Society, Consultation on the Transparency Register, [http://ec.europa.eu/transparency/civil\\_society/consultation/transparency\\_register\\_en.htm](http://ec.europa.eu/transparency/civil_society/consultation/transparency_register_en.htm)

<sup>4</sup> European Union, Specific Privacy Statement Public consultation on the „Transparency Register“ referred as „consultation“ in the text, [http://ec.europa.eu/transparency/civil\\_society/consultation/docs/spec\\_privacy\\_stat\\_en.pdf](http://ec.europa.eu/transparency/civil_society/consultation/docs/spec_privacy_stat_en.pdf)

<sup>5</sup> Paul Magnette 2003, European Governance and Civic Participation: Beyond Elitist Citizenship, Political studies Vol 51, 1-17, Pg 1

by a broader range of actors ranging from civil society, politicians and bureaucrats and also processes being taken to make things work out in the right way. And according to Magnette, this is one of the reasons as to why the concept has found a favorable ground in non-state polities such as the European Union. In democratic governance, it has been analyzed by Friedrich that States have lost their monopoly as the sole associations that enable citizens to realize personal as well as political autonomy, but the new decision-making loci above the nation-state have not yet become, some would even argue should never become, such associations with comparable abilities of closure<sup>6</sup>. This has been due to the expansion of civil society groups which in one way or the other try to control the state.

Referring to Marks, Scharpf, Schmitter, Streeck 1996, Magnette looks at the concept of governance as being originally thought by those who introduced it in the academic, and then in the political sphere, as a way out of this sterilizing dichotomy<sup>7</sup>. According to him, their reasoning was based on two core arguments that is; as the EU is not and is not likely to become a federal state, but is already more than an international regime and that most EU policies are regulatory rather than redistributive policies. And this looks at the EU as being more of regulating that distributing resources and services delivery. And referring to the EU White Paper, Yet people also expect the Union to take the lead in

seizing the opportunities of globalization for economic and human development, and in responding to environmental challenges, unemployment, concerns over food safety, crime and regional conflicts. They expect the Union to act as visibly as national governments<sup>8</sup>.

Therefore as people expect much from the EU, there are still many gaps in meeting the needs therefore the cause for civil society involvement through policy consultations. In regard to the EU social policy however, Robert Geyer 1996 have argued that according to intergovernmentalists it has never been a very social policy innovations has never been an important issue in the EU policy development and major agreements between the dominant actors for the large scale development of EU social policy have never developed. He argues that when some social policy development has occurred, it has been in shadow of other developments. The goes ahead to argue that if they occur, it will be more of an accident than a choice (see Robert Geyer 1996:7).

Improving its governance is one of the strategies recently suggested to face this major limit of European integration. In academia, as well as in the institutional sphere, improved European governance is now often presented as a means to curb a democratic deficit which, apparently, does not seem to be solvable through classic institutional devices (see Paul Magnette, 2003:1). Therefore, the academia and the institutional sphere are being the reliable sources on matters to do with democratic deficits in the EU. This justifies the fact that there is high level of civil society involvement in planning and

<sup>6</sup> Dawid Friedrich 2007, Old wine in new bottles? The actual and potential contribution of civil society

Organization to democratic governance in Europe, RECON Online Working Paper 2007/08: 2

<sup>7</sup> Ibidem Pg 3

<sup>8</sup> Commission of the European Communities, European Governance White Paper Brussels, 2001:3

policy making to implement the main democratic agenda of involvement and openness. Paul emphasizes the fact that participation is one of the keywords in the White Paper on European Governance and it is supported to enhance both the efficiency and the legitimacy of EU governance.

In reference to the White Paper on EU Governance, Magnette puts it that If European governance followed 'a less top-down approach' (p. 4) and made the policy-making 'more inclusive and accountable' (p. 8), the White paper argues, this should enhance 'the quality, relevance and effectiveness of EU policies', and 'create more confidence in the end-result and in the institutions which deliver policies' (p. 10). In other words, efficiency and legitimacy do not simply derive from the output dispensed by the system, as argued by an important segment of the literature (Scharpf, 1998), they also depend 'on involvement and participation' (p. 11)<sup>9</sup>. Therefore the only important basis for promotion of democratic governance in the EU is by taking the approach set by the White Paper that is the down-up approach instead of the common top-down approach in decision making to ensure that there is fully participation of all stake holders from European grass-root level. This can to my own analysis not only create a state of inclusion but also owning of the system by Europeans. This will eventually lead to a diversity of social changes and feeling of the EU positive impact in European communities.

The European Union looks at the principles of good governance as openness, participation, accountability, effectiveness and

coherence<sup>10</sup> and wants to have them implemented through a collective effort with the civil society organizations with in Europe. This is one of the greatest actions being taken in involving civil society organizations in shaping and modeling governance in the EU. The White Paper still emphasizes the fact that democracy depends on people being able to take part in public debates and to do this they must have access to reliable information on European issues and to be able to scrutinize the policy process in its various stages<sup>11</sup>. To me this is number one achievement that has been so far made to ensure that the existence of civil societies is justified. Not only looking at Europe, even in many African Countries civil society organizations take part in monitoring government programmes and policy formulation stages though the level of policy formulation participation is not high like it may be in Europe.

Dawid Friedrich also argues that Political science literature often claims that the participation of civil society organizations increases the democratic quality of policymaking in international governance arrangements. However, to him, it remains unclear under what conditions such a democratic value can be achieved and how the empirical reality of this participation relates to the alleged democracy-enhancing quality<sup>12</sup>. He tries also to critically look at the current developments in the white paper of involving civil society in European Governance and

<sup>9</sup> Paul Magnette 2003, European Governance and Civic Participation: Beyond Elitist Citizenship, Political studies Vol 51, 1-17, Pg 4

<sup>10</sup> Commission of the European Communities, European Governance White Paper Brussels, 2001: 10

<sup>11</sup> Ibidem Pg: 11

<sup>12</sup> Dawid Friedrich 2007, Old wine in new Bottles? The actual and Potential Contribution of Civil society Organisations to democratic Governance in Europe, RECON Online Working Paper 2007/08: 3

concludes that by such developments the EU might move towards a more democratic participatory regime of policy-making. This makes the institution of civil society organizations very strong and influential in policy matters within the EU.

Referring to a number of scholars like Anheir, 2004; A.-M and Clark, 1995; J. Clark, 1995; Hilhorst, 2003, Rollin argues that the effects of civil society are positive, an argument often defended by reference to the work of NGOs in promoting development, labor solidarity, democratic accountability, and post-materialist causes in the developing world<sup>13</sup>. This is in relation to the European consultations on matters affecting the EU governance and social accountability and inclusiveness in decision making processes among others. The justification for the performance and relevance of civil society organizations in EU therefore is through their participation and involvement in planning and implementation of the EU programmes. Rollin as well looks at NGOs being able to monitor the transparency, efficacy of legislation and that they can expose to the public the intensity or form of client-patron relations, prebendalism, cronyism, and nepotism in governance at the local or national levels (see Rollin F. Tusalem 2007: 364).

According to Friedrich, the participation of civil societies the participation of civil society organizations enhances only under certain circumstances the democratic quality of European policy-making<sup>14</sup>. This is one

of the arguments Dawid tries to put forward in reference to European governance and involvement of civil society organizations in decision-making processes. He tries to look at the role played by such non-state actors in the overall democratization and policy making processes and argues that their impact can only be felt under certain circumstances. Referring to McGrew 1997, he argues that the thus understood nation state is not any longer the solitary agent of policy making but shared with international agencies. However, one can argue here that at times policy making have been influenced negatively by such international agencies in one way or the other. Putting it in the context of the EU, non-state actors in different EU states do influence decisions met at the EU level and one may conclude that they are influences positively and have led to democratic transitions.

## 2.2. Civil society Participation challenges with in the EU

It is however important to note that; however much NGOs and other civil society organizations play a very big role in governance and policy making programmes within the EU, there are some aspects where there is believed to be less participation ranging from the influence factor in decision making to the voice they have in decision making their aims and level of participation in making such decisions.

According to Magnette, in spite of these ambitious objectives, the concrete reforms suggested by the white paper focus on a limited conception of participation; it will probably remain the monopoly of already organized groups, while ordinary citizens will not be encouraged to become more active.

<sup>13</sup> Rollin F. Tusalem 2007, A Boon or a Bane? The Role of Civil Society in Third- and Fourth-Wave Democracies, *International Political Science Review* Vol.28, No. 3 (Jun., 2007), pp. 361-386, Sage Publications, Ltd: Pg 364

<sup>14</sup> Dawid Friedrich 2007: Pg 1



True, such an elitist conception of citizenship constitutes an important contribution to the democratization of the European Union: actions undertaken by mobilized minorities can benefit the whole citizenry, and strengthen both administrative and political accountability<sup>15</sup>. Critically looking at this, the whole question has been; are the grass-root people involved in decision making at the EU level? If only organized groups can influence decisions will then a common citizen benefit? Or will such decisions still favor such organized groups? These can be questions of thought and for example looking at the level at which such civil society groups tend to be opportunistic like trade unions and other business oriented sectors then it is believed that any form of participation in that very line according to Magnette will then not benefit a common man in Europe who is not part of such groups. It should however also be noted that according to the European Governance white paper, democracy depends on people being able to take part in public debates and to do that they must have access to all reliable information on EU issues and be able to scrutinize the policy process at its different levels. However the question remains; to what extent shall they influence the policy decisions and which kind of information shall they access?

Paul Magnette 2003 continues to argue that; the major difference between the EU and national democracies, in this respect, is the fact that the apathetic category is much larger at the supranational level. Eurobarometer polls frequently show that a significant number of European citizens do not

feel informed about European issues and do not understand its political system; furthermore, turnout in European elections is much lower than in national elections (Hix, 1999)<sup>16</sup>. This goes ahead to back up the above statement and tries to bring out the fact that however much some civil society organizations may participate, they represent a very small percentage of the European Population hence people are not or may not still be informed of any developments in the EU. This is also based on the fact that like neo-corporatist Commissions have always consulted organized interests when it prepares its decisions (see Paul Magnette 2003: 6).

The concept of participation promoted by the white paper is limited, moreover, to nondecision. Though the report argues several times that participation should be encouraged 'throughout the policy chain', concrete proposals actually focus on the consultative, pre-decision stage (see Paul Magnette 2003: 6). This means that even though civil society organizations do take part in policy-making processes, they tend to influence less on which decisions that shall be finally met by the EU executives. Therefore, their ideas can either be buried or taken up depending on what the decision makers decide to do. The concrete decision making reserved to the elected bodies (the Council and European Parliament) can be either favor or disfavor in relation to the contributions of civil society organizations.

Paul Magnette 2003 poses a big worrying question whether these innovations help to correct the present elitist nature of European citizenship? According to him, it should first be recalled that the fact that active citizenship is limited to a very small part

<sup>15</sup> Paul Magnette 2003, European Governance and Civic Participation: Beyond Elitist Citizenship, Political studies Vol 51, 1-17, Pg 5

<sup>16</sup> Ibidem 5



of the citizenry a set of civic groups, lobbies, associations and Brussels-based European umbrella organizations does not mean that the system is not democratic<sup>17</sup>. The whole argument therefore is based on the fact that however much there is some form of participation, but it's to a very small group of people and only the elites influence policies and decisions met by the EU hence it being a Brussels-based thing.

It is important to note that, alongside efforts put by civil society organizations in the EU Political, policy making and democratic governance participation, there are some contours as identified by Dawid Friedrich<sup>18</sup>. According to him, EU has made some efforts to improve the opportunities for participation by enhancing transparency and access to information and extending consultative practices "examples; transparency initiative, legislation on the access to documents and e-governance mechanism such as CONECCS (Consultation, the European Commission and Civil Society) and IPM (Interactive Policy Making). However, some doubts remain on the interest of the EU, even of the European Commission, to establish a coherent model of participation which is conducive to democracy. According to Friedrich, the existing participatory structures and practices in the EU favor above all well-organized, strong civil society organizations with high capabilities centers on the instrumental rather than the normative dimension of participation. And it is as well believed that such a regulated model of European participatory governance would not be able to solve all the democratic problems of the EU, nor of the participation

<sup>17</sup> Paul Magnette 2003, European Governance and Civic Participation: Beyond Elitist Citizenship, Political studies Vol 51, 1-17, Pg 7

<sup>18</sup> Dawid Friedrich 2007:19-21

of collective actors. European Union model is overly unrealistic and would bring about insurmountable burden of bureaucracy<sup>19</sup>.

### 3. Conclusion

In nutshell, in an effort to improve participatory and democratic governance in the EU, one can say more emphasis is needed on ground level based activities to ensure Europeans' realization of the importance and justification for EU's existence. It can be observed that EU's policy makings processes are basically elite oriented and the few who have much interest in Political agenda and are less on grass-root level. This has led to a big doubt among Europeans if the EU can deliver efficiently and effectively to people's expectations irrespective of the efforts being put in.

Therefore, any realization of impact and improvement should be out of an effort put in proper, systematic and well defined inclusion of all stakeholders in policy identification, formulation, implementation and evaluation. It should be noted without doubt that in any service provision/delivery situation, service recipients who we can call customers in a business language are the strongest and very influential stakeholders. Any form of management in that has no link to a service recipient and that is not adopted and owned by them, is likely to fail. Therefore, as already stated above, if the EU is to ensure that its efforts and contributions to Europeans are recognized, respected and admired, it has to ensure that not only civil society but also individual Local European citizens are involved in policy identification and management/implementation. This can be done through grass-root mobilization that can be done by either the civil society or even EU itself.

<sup>19</sup> Ibid:19-21

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