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**The principle of participatory democracy in the new Europe : a critical analysis
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At a European Council meeting in Thessaloniki on June 20, 2003, Valéry Giscard d'Estaing, President of the Convention on the Future of Europe, submitted to European Union leaders the draft Treaty establishing a constitution for Europe. Members of the Convention had adopted the draft by « a broad consensus »¹ at their June 13 last plenary session. European heads of state and governments are supposed to ratify the Constitution at an Intergovernmental Conference in 2004.

American policy-makers must be clear that they will soon be confronted with a new reality, challenging NATO and bilateral relations between the US and its traditional allies, and that the thrust of EU reform will mean a total change in geopolitical perspectives, not only because of the institutional consolidation of the European project, but also because of its content and identity, where new values and new forms of governance, such as NGO participation, coexist with traditional constitutional democracy.

The draft constitution includes "participatory democracy" as one of the principles for the democratic life of the Union. This paper analyzes the processes that lead to this inclusion, its rationale and practical implications, and provides an overview of the European Commission's relationship with NGOs as the clearest illustration of what participatory democracy means: the EU's reliance on NGOs for "Europeanizing" civil society, for making policy and implementing EU projects, the Commission's funding of NGOs, the power and influence wielded to informal processes, the self-organizing of NGOs in powerful consortia, the influence of UN global social norms on the new Europe and the leadership of the left, all of which raise serious concerns for the future of Europe and Atlantic relations, if European governments will let the movement go forward.

Participatory democracy as a remedy to the *democratic deficit* of the European Union

European citizens' lack of participation in the EU public debate, their disillusionment and lack of ownership of the European project have been increasingly manifest over recent years. In its White Paper on European Governance - a document which has inspired EU reform since it was issued in July 2001² - the Commission refers to people's increasing "distrust" in institutions, a widespread image of the Union as "remote and at the same time too intrusive", the need to "connect Europe with its citizens"³.

While people's alienation from politics is not just a European problem, the specific nature of Europe's *democratic deficit* relates, to a large extent, to the constructivist nature of the EU project. As Kenneth A. Armstrong remarks: "For much of the history of European integration, the concrete achievements have been the product of transnational technocratic decision-making among elite political actors, with the attempt to deliver concrete achievements

¹ Valéry Giscard d'Estaing. Oral Report presented to the European Council in Thessaloniki, 20 June 2003. SN 173/03.

² A White Paper is a policy document mostly used by the Commission. The White Paper has changed the culture of the Commission and spread a new spirit, explicitly favorable to "participatory democracy".

³ White Paper, *Ib.*, p. 3.

conceptually and spatially divorced from issues of democracy and legitimacy.”⁴ Upon his nomination in 1999, EC President Romano Prodi decided to actively address the problem and seek ways to generate “a sense of belonging to Europe”⁵. He made of “good governance” - an expression which, for the EU as for the UN, means “bottom-up” participation through public partnerships with “civil society”, NGOs and business - one of the main priorities of his mandate.

The Commission emphasized the need for a stronger interaction with “civil society” and a “reinforced culture of consultation and dialogue”⁶. Participatory democracy entails “opening up the policy-making process to get more people and organisations involved in shaping and delivering EU policy.”⁷ The Union had to become “less top-down” and *complement* its policy tools “more effectively with non-legislative instruments”⁸. Incidentally, the verb “complement” reveals a movement allowing the *parallel* development of informal processes next to regular, formal democratic policy and decision-making. Informality would find its justification in the need to Europeanize civil society.

The Union sees NGOs as key actors in participatory democracy. The EU partnership with NGOs has, “over the last two decades... expanded on all fronts”.⁹ President Prodi decided to further strengthen the partnership as part of his strategy to reform the institutions and give them greater “accountability” and “legitimacy”. NGOs would act as intermediaries between the EU and the European citizen, as “facilitators of a broad policy dialogue”¹⁰. They would be “agents of political socialization”¹¹, “potential catalysts of change”¹² in the process of europeanizing civil society.

In a document entitled “The Commission and Non-Governmental Organisations: Building a Stronger Partnership”, President Prodi and Vice President Kinnock explain the rationale for the cooperation. It pursues five goals:

- 1.- to foster participatory democracy within the European Union *and beyond*.
- 2.- to *represent* the views of specific groups of citizens to the European Institutions, especially those of minorities and special interests groups.
- 3.- to contribute to policy making.
- 4.- to contribute to “managing, monitoring and evaluating projects financed by the EU”. This role would be “vital”¹³.
- 5.- to contribute to European integration: the « European NGO networks are making an important contribution to the formation of a ‘European public opinion’ usually seen as a prerequisite to the establishment of a true European political entity. »¹⁴

⁴ Armstrong, Kenneth A. March 2002. Rediscovering civil Society: the European Union and the white paper on governance. In European Law Journal. Blackwell Publishing. p. 103.

⁵ White Paper, *Ib.*, p. 11.

⁶ *Ib.*, p. 16.

⁷ *Ib.*, p. 3.

⁸ *Ib.*, p. 4.

⁹ “The Commission and Non-Governmental Organisations: Building a Stronger Partnership”. Commission discussion paper presented by President Prodi and Vice-President Kinnock. 2000, p. 2.

¹⁰ European Commission. December 2002. Communication from the Commission towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission. COM(2002) 704 final, p. 5.

¹¹ Warleigh, Alex. November 2001. “Europeanizing” civil society: NGOs as Agents of Political Stabilization. In Journal of Common Market Studies, Vol. 39, No. 4, p. 619.

¹² *Ib.*, p. 622.

¹³ “The Commission and Non-Governmental Organisations: Building a Stronger Partnership”, *Ib.*, p. 5.

The first four objectives directly link the EU with the UN global agenda of the 1990s, whereby NGO partnership has become a standard, even "transcending" - a term often used in UN vocabulary - traditional representative democracy. In unequivocal terms, the EU takes leadership in promoting participatory democracy as a global value and principle of good and global governance. The EU partnership with NGOs rests on several assumptions that could and should be challenged: that NGOs are representative, that they have expertise, that they are ideologically neutral, that inclusion of minorities - whatever they be - is necessarily consensual in Europe. The EU seems to overlook the fact that NGOs have special interests and agendas that can be divisive. The fifth goal is specifically European: the EU instrumentalizes NGOs to build and strengthen a sense of European citizenship, now lacking¹⁵.

Should NGOs play the role of EU democratic enhancement, they would have to demonstrate that they are themselves democratically governed, representative of their members, and that their members genuinely participate in internal decision-making. The representativeness of Brussels-based NGOs, however, has been questioned: "Although NGOs can score highly on their ability to influence EU policy and are developing higher profiles as political campaigners, their internal governance is far too elitist to allow supporters a role in shaping policies, campaigns and strategies, even at one remove. Moreover, and more disconcertingly, it appears clear that most NGO supporters do not actually want to undertake such a role."¹⁶ In addition, the task of making of their own members EU citizens is out of balance with the sectoral service most of them perform. The combination of the EU's increasing reliance on NGOs and their lack of representativeness does not bode well for the democratic future of the Union.

Insofar as it is orchestrated by the Commission and not spontaneously emanating from the people, Prodi's strategy is not bottom-up but top-down, artificial and constructivist. Participatory democracy, as the Commission conceived it, is likely to have a dual effect. First, it will serve the bureaucrats who initiated its promotion more than the people themselves, because they remain outsiders in this exercise. Second, it will result in the further empowerment of the NGOs that already regularly interact with the Commission and which the Commission generally deems to be "representative associations". Participatory democracy would then be reduced to the EU interaction with a few powerful Brussels-based NGOs, just as "civil society" is in practice often reduced to mean those Brussels-based actors who participate and are consulted, and among which NGOs often prove to be the most proactive. Participatory democracy would then not be representative and would even undermine democracy.

The principle of participatory democracy in the EU draft constitution

At the Laeken Summit on December 14 and 15, 2001, the European Council mandated a convention of 108 representatives from national parliaments and governments, the European Parliament and the Commission, to draw up a blueprint for a "constitution of the peoples of Europe", and proposals in three areas: bringing citizens closer to the European project and the Union's institutions; organizing politics in an enlarged Union; and developing the Union into

¹⁴ *Ib.*, p. 5.

¹⁵ See Alex Warleigh, "Europeanizing" civil society: NGOs as Agents of Political Stabilization in *Journal of Common Market Studies*, November 2001, Vol. 39, No. 4, pp. 619-39.

¹⁶ *Ib.*, p. 635.

a model in the new world order¹⁷. The inclusion of the principle of participatory democracy in the draft constitution responds to the first of these concerns.

The idea of the Council was to make people participate in a debate on the future of Europe, to involve more actors, including NGOs, to bridge the gap between Europe and its citizens. The Convention, just as the UN global conferences of the 1990s, is a consensual process (no majority vote), in which NGOs and civil society organizations can exert their influence through direct contacts with the members, submitting position papers and proposals for amendments. The Union created an informal mechanism, called the « Forum », to widely open the Convention process to the contributions of civil society.

The draft treaty states that the democratic life of the Union rests on three principles:

- the principle of democratic equality (Title VI, article I-44);
- the principle of representative democracy (I-45);
- and the principle of participatory democracy (I-46).

The two first principles appear self-evident. The equality of citizens belongs to the nature of constitutional democracy - although equality in Europe may serve a radically egalitarian, socialist interpretation. The principle of representative democracy, in the particular case of the EU - a supranational entity - means that European citizens are directly represented in the EU Parliament by those they elect (MEPs), and that member States are represented in the European Council and in the Council of Ministers by their governments, "themselves accountable to national parliaments, elected by their citizens". The article also refers to the role of political parties, and to each citizen's right to participate in the democratic life of the Union. The principle of representative democracy therefore integrates citizens' participation, as is traditionally the case in constitutional democracy, particularly in the United States, where democracy is more participatory than anywhere else in the world.

Why, then, did the drafters of the EU constitution deem it necessary to add a "principle of participatory democracy" next to the first two? This *juxtaposition* breaks with democratic tradition, separates participation from representation, and opens a course for the future of Europe that is not totally uncharted, given the lessons to be learned from similar developments at the United Nations since the end of the cold war. The new principle enrols the EU in global governance (as the UN means it) as both process and contents. It may lead many Europeans where they would not have chosen to go.

Article 46 reads as follows:

- 1.- "The Union Institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views on all areas of Union action.
- 2.- The Union Institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.
- 3.- The Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent.
- 4.- No less than one million citizens coming from a significant number of Member States may invite the Commission to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing this

¹⁷ See Preface of draft constitution.

Constitution. A European law shall determine the provisions for the specific procedures and conditions required for such a citizens' initiative.”

A look at the amendments that members of the convention submitted for this article suggests different interpretations of participation, but many reflect the views of Brussels-based NGO consortia, which would have wanted the new principle to "*guarantee an open, transparent, structured and regular dialogue with organized civil society in every stage of decision-making process*" (amendment of Henrik Hololei) or to enshrine participatory democracy as a "*complement*" of representative democracy (amendment of Van Lancker). While the draft does not go that far, it does allow and encourages informality in EU-NGO interaction by formalizing, so to speak, informal processes. Participatory democracy is, both implicitly and explicitly, a formal-informal process.

What is disturbing about the principle of participatory democracy as it now stands in the draft constitution is that its relationship with the principle of representative democracy is not clear: they run in parallel. While the draft ensures that *citizens'* participation takes place *within* representative democracy, it seems to allow *another type* of participation, that of *representative associations* - whatever the Commission arbitrarily interprets this to mean, to develop *outside*, or in parallel with, representative democracy. Representative associations belong to another type of representation than representative democracy, because they are not elected. In spite of the conceptual vagueness of participatory democracy, the practical interaction of NGOs and “civil society” with the EU, unlike perhaps that of individual citizens and individual enterprises, is amazingly effective. We note, incidentally, that the term "NGO" may not be used in a legal document, because it is not a legal term.

It is not clear whether and how representative democracy will control the influence of participatory democracy on policy and decision-making, and how participation will interfere with the normal representative process. The juxtaposition of representation and participation, their lack of integration, their unclarified coexistence are unhealthy and could lead to a fundamental distortion of democracy, acting by stealth, social engineering and manipulation by special interest groups. They reveal the Union’s ambiguous stand vis-à-vis the role of governments, that of citizens and of NGOs, and the EU’s deep malaise concerning the nature of constitutional democracy and the meaning of democratic representation, precisely at the time when it is drafting its constitution. For better or for worse, if governments do not change the drafting of "the democratic life of the Union" in the constitution, a vaguely defined participatory democracy will shape European identity. As things now stand, participatory democracy is open to power-grabbing by the unelected.

Recent EU policy documents have stressed that participatory democracy is not a *substitute* for representative democracy¹⁸: decision-making remains "first and foremost legitimised by the legislator, i.e. the elected representatives of the European people"; consultation processes run by the Commission can “never be a substitute for political mediation”¹⁹. Participatory democracy is presented as a *complement* of representative democracy, a complement that

¹⁸ See “The Commission and Non-Governmental Organisations”, *Ib.*, p. 7: « Dialogue between the European Commission and NGO is an important complement to the institutional process of policy-shaping. The specific value of these consultations derive from the Commission’s right of initiative. Timely consultation with all stakeholders at an early stage of policy-shaping is increasingly part of the Commission’s practice of consulting widely, in particular before proposing legislation, to improve policy-design and to increase efficacy. »

¹⁹ Report of Working Group “Consultation and Participation of Civil Society” (Group 2a) by L. Pavan-Woolfe and M. Kröger, June 2001, p. 7.

would nevertheless be indispensable and that somehow follows its own course outside of representative democracy. While the EU promotes participatory democracy to make the Union more accountable, it does not address the unaccountability of informal processes, favored by participatory democracy.

Absence of clear definitions : conceptual vagueness of the new approach

In sharp contrast with the Commission's adamant will to enhance participatory democracy, the key terms of the new approach, such as "good governance", "representative associations", "civil society", "civil society organisations", "non-governmental organisations", and, more recently²⁰, "non-state actors" lack a clear definition. Equally unclear are the distinctions between these different groups. There is a lot of confusion, for instance, on whether "civil society" and "civil society organization" include the individual business enterprise. The inclusion of business in civil society, taken for granted by Americans, is not at all clear in the EU debate, because for ideological reasons the market values conflict with the EU social agenda. When NGOs use the expression "civil society", they often refer to themselves and clearly exclude business from the definition.

A Commission document states that « There is no commonly accepted – let alone legal – definition of the term 'civil society organization' »²¹. The EU includes in its definition the « social partners » - that is, trade unions and employers federations -, organisations representing social and economic players such as consumers organisations, NGOs, CBOs (community-based organisations) and religious communities. For the EU, the term "has the benefit of being inclusive and demonstrates that the concept of these organisations is deeply rooted in the democratic traditions of the Member States of the Union. »²² What it seems to exclude, however, is the individual citizen, the individual business enterprise, the individual church. CSOs consider themselves and would be representative of civil society, mediators between the citizen and the Union, and the EU does not challenge this view but rather underlines "the importance it attaches to input from representative European organizations".²³ The assumption that CSOs and NGOs are representative leads to the other assumption that their participation in policy-making is legitimate and democratic. Hence their representativeness – a myth that urgently needs debunking – would legitimize participatory democracy.

Likewise, "NGO" is a vague political term, which the EU would describe as organizations that "bring people together in a common cause, such as environmental organisations, human rights organisations, consumer associations, charitable organisations, educational and training organisations etc."²⁴ Because "NGO" is not a legal term, the constitutional treaty speaks of "representative associations and civil society", not of "NGOs". To say the least, the absence of clear and legal definitions for the key actors of participatory democracy and their inclusive and vague character question the very legitimacy of the new system.

²⁰ See "Communication from the Commission to the Council, the European Parliament and the Economic and Social Committee, Participation of Non-State Actors in the EC Development Policy". November 2002.

²¹ Communication from the Commission towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission. COM(2002) 704 final, December 11, 2002, p.6.

²² *Ib.*, p. 6.

²³ *Ib.*, p. 11. Some EU officials would nonetheless recognize that this form of "representation" raises serious questions.

²⁴ Report of Working Group, *Ib.*, pp. 9-10.

EU reliance on external *expertise* for policy-making

Let us now describe the EU-NGO interaction, starting with policy-making. The Treaties of the European Union identify wide consultation as a “duty” of the Commission. The goal is to ensure that “proposals put to the legislature are sound”²⁵. Consultation has been a long EU practice, and it is now gaining momentum. The Commission wants to “boost confidence in the way expert advice influences policy decisions.”²⁶ A majority of the some 7,000 EC bureaucrats come from a legal, economic or political science background and have no technical expertise in many of the areas where the EU has either exclusive or shared competence. Giving NGOs a “voice, not a vote”²⁷, which is the EU stand vis-à-vis NGOs, may go much further than it sounds, often translating in actual policy-making.

The Commission’s heavy reliance on external « expertise » – whether real or fake – challenges the democratic nature of the Union’s policy-making. Scientism and enlightened despotism tend to replace common European values and democratic legitimacy as the ethic of the Union. As stated above, the technocratic character of the Union is largely responsible for its democratic deficit.

The EU uses expertise from two sources, which compete for power: the Union’s own, independent advisory bodies on the one hand, i.e. the Committee of the Regions (regional and local bodies) and the Economic and Social Committee²⁸, and civil society organizations, including NGOs, on the other. The Economic and Social Committee, which formally represents the social partners at the EU institutions, has pursued the ambition to be the gate-keeper for civil society at large. NGOs, however, do not want to be framed, put in the same box as the social partners, and operate through a filter. They want to maintain their independence and direct relationship with the Commission and other EU institutions, and EU bureaucrats by now have well-established relations with preferential NGO partners. While consultation with the EU’s advisory bodies is formalized, consultation with NGOs is often informal.

Each of the over twenty departments at the Commission (called “Directorates General”, or DGs, in EU jargon) has its own personality. Some DGs have organized an open, structured dialogue, such as regular meetings between the Commissioner and NGO platforms. Trade Commissioner Pascal Lamy, a socialist, organizes for instance a dialogue with NGOs about every two months. NGOs say about him that he has the “best practices”. Other DGs have a long practice of regular informal consultation, or combine formal and informal consultation. This would be the case of DG Development, which has traditionally had a close relationship with NGOs, perhaps because many officials in this DG have worked in NGOs before coming to the Commission. The DGs that interact most with NGOs and “civil society” include DG Employment, DG Trade, DG Environment, DG Development, DG External Relations, DG Regio, and Humanitarian assistance. A great number of NGOs and NGO platforms interact with several DGs to increase their leverage on EU policy and contribute to its “coherence”.

As part of Romano Prodi’s good governance reform, the Commission undertook to streamline the consultation process, reduce the number of existing fora for consultation (roughly seven

²⁵ Communication from the Commission Towards a Reinforced Culture of Consultation and Dialogue, *Ib.*, p. 4.

²⁶ European Governance – A White Paper, *Ib.*, p.5.

²⁷ Communication from the Commission, *Ib.*, p. 5.

²⁸ In an attempt to prove its usefulness and to be institutionally strengthened, the ECOSOC recently conducted a survey in which it proved that about two thirds of its recommendations were adopted by the Commission.

hundred), clarify the way consultations are run, address the lack of transparency about whom the Commission listens to, respond to NGOs' pressure to have their role more recognized - in brief, to put the EU relationship with NGOs "on a new footing."²⁹ This procedural reform is still underway. One concrete result it has so far produced is the creation of a data base on the Internet³⁰, called CONECCS, posting both formal and structured consultative bodies and a directory of non-profit making civil society organisations. Since there is no formal accreditation process at the EU, which has opted for an « open-door policy » to allegedly favor maximum civil society participation and avoid giving the impression that "Brussels is only talking to Brussels"³¹, the list represents only those organizations interacting with the EU that, on a voluntary basis, decided to submit their name. CONECCS hardly makes consultation more transparent.

Other aspects of the reform include the obligation for the DGs to publish on the net the documents they use in formal consultation processes, and the publication, in November 2002, of minimal standards determining that consultation should be participatory, inclusive, open, accountable, transparent and coherent. Early consultation must be made possible, and NGOs must have enough time to express their views - at least eight weeks. As for NGOs, they are *invited* - not obliged - "to supply the commission with information about their objectives, membership structure, sources of financing and the way in which they involve their members in the decision-making process."³²

Reform notwithstanding, informal consulting remains the way the EU works, as most NGOs influential at the EU will admit. The opacity of the system is almost legendary. Tracing real NGO impact on policy and decision-making is almost impossible. In all DGs, EU bureaucrats have developed preferential working relations with certain NGOs, because they deem them competent, aligned with EU policy³³, widely « representative », or merely for personal reasons. Nobody will know it. Informal consultation leaves no written traces. There is a huge discrepancy between the language about transparency, accountability, openness, even-handedness, and the practice of informality and its opacity. The Commission considers preferential relations to be not only understandable but legitimate : if only for bureaucratic reasons, it is not technically possible for the Commission to deal with numerous NGOs. The Commission must pick and choose.

NGO funding : NGOs as implementing agents of EU policies

The EU has no staff to implement its policies. Just as bureaucrats rely on external expertise for policy-making, so do they also entirely depend from external actors for implementation: « EU funding through grants gives the Community a flexible instrument to support implementation of its various policy objectives. »³⁴ Naturally, many of the policy-making partners will end up also being the implementing actors, since they know the policy and were consulted by the EU because of their grassroots experience in the first place.

²⁹ The Commission and Non-Governmental Organisations, *Ib.*, p. 2.

³⁰ See europa.eu.int/comm/civil_society/coneccc/index_en.htm

³¹ *Ib.*, p. 12.

³² Report of Working Group, *Ib.*, p. 16.

³³ This is for instance the case of the IPPF, which exerts decisive influence in many areas of EU policy, in particular in the health section of DG development. The ideological character of some NGOs is not taken into account, insofar as it agrees with EU policy. The controversial Cairo conference, for instance, *is* DG Development's policy and EU officials are there to enact it. Therefore NGOs that go against the line have no chance of getting funded nor listened to.

³⁴ The Commission and Non-Governmental Organisations, *Ib.*, p. 16.

When a DG has a budget to carry out a project, it puts out a “call for tender” on the Internet, inviting all non-state actors (NGOs, enterprises, experts, local councils, any association that proves to have ownership of EU programs) to submit their proposal. These actors then compete for the contract. More and more, NGO proposals are submitted in partnership with a variety of actors. EU staff, assisted by external consultants, select the proposals. Experience suggests that the impartiality of the selection process is uncertain. Not only do ideological factors come into consideration, but the number of proposals has significantly increased in recent years, making it very difficult for the selection team to go through them seriously. Calls for tender are generally broad³⁵ and leave room for manoeuvring, but the goal is always to implement EU policy.

Most NGOs are funded by the EU to implement projects designed by the EU. They are “implementing NGOs”, as Development Commissioner Poul Nielson informally calls them, much to the dislike of NGOs themselves that prefer their policy-making role to be valued and publicly recognized. Only a few budgetary lines among hundreds, are dedicated to projects designed by NGOs themselves. The main one is B7-6000, called “co-financing”, with a budget of 200 million euros per year³⁶. Even these projects will only be accepted if they are in line with EU policy: “you are not supposed to bite the hand that is feeding you” is what NGOs against the line will hear.

It was estimated in 1999 that the Commission allocated over one billion euros a year to NGOs, but there is no detailed breakdown of that figure, neither at the budget unit nor even at the level of each DG. The major part is allocated in the field of external relations for development co-operation, human rights, democracy programs and humanitarian aid (on average 400 million euros). Other important allocations are in the social (approximately 70 million), educational (approximately 50 million) and environment sectors. The figure of one billion does not take into account EU money given to NGOs through member states³⁷, nor does it seem to take into account money given to NGOs within projects that are carried out in partnership with several actors. It is therefore impossible to even get a rough figure of the total money the EU grants to NGOs. An average annual grant ranges from 100.000 to 200.000 euros, but a few big NGOs, whose work is deemed particularly useful to the Commission, can get very big amounts. The International Planned Parenthood Federation (IPPF), for instance, got ten million euros – an exceptionally high grant - from the Union through the European Development Fund.

Following the uncovering of several cases of nepotism and corruption under the Santer Presidency (1995-1999), the Prodi Presidency decided to rationalize budgetary lines, streamline the number of projects to be handled by the commission, simplify procedures, establish system-wide coherence, involve external experts in the selection of grant beneficiaries, provide more open information on funding, decentralize and deconcentrate,

³⁵ An example of a broad call for proposals from Budget Line B7-6312 is “Aid programme for population policies and reproductive health care”, with 5 million euros available to implement it.

³⁶ Co-financing means that the Union provides the greater part of the budget and the NGOs must find the rest, but the project comes from NGOs. In this line, funds are granted to European or candidate countries NGOs specialized in development cooperation and to developing countries NGOs working in partnership with European NGOs. NGOs complain that there is now a different interpretation of co-financing in the direction of NGO implementing EU projects.

³⁷ 30 to 35 % of the total EU budget is managed directly by member-states or by the regions. NGOs may receive very large grants from these so-called “structural funds”, especially from the social funds.

increase “the minimum size of projects financed on community funds”, encourage NGOs “to form consortia for the presentation and implementation of projects.”³⁸ The rationalization process, still underway, reinforced the EU preference for bigger budgets, hence for bigger NGOs, and the preference to work with NGOs that already have a well-established relationship with the Commission. Smaller NGOs complain that the reform made it harder for them to get heard and funded.

A “Vademecum on Overall Grant Management” came out in 1999. In 2000, it became mandatory for each DG of the Commission to publish on the Internet both their “calls for tender” and the list of projects they already funded with the beneficiaries of the grants. But the Internet site of the Commission is a real maze. A Brussels-based NGO, “Euro Citizen Action Service” (ECAS) produces an annual “Guide to European Union funding for NGOs”. The guide is significantly entitled “Your Way Through the Labyrinth”. In 2001, the office of Europeaid was created to better manage external aid³⁹. In December 2002, the Commission adopted regulation No 2342/2002 “laying down detailed rules for the implementation of Council Regulation No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities”. In spite of these reforms, the structures of the budget remain extremely complicated. There are still hundreds of budgetary lines, and each of them has its own set of rules. Each of the Commission's DGs has its own way of doing things and its own accounting systems.

The NGO consortia

Let us now take a look at the NGOs that most interact with the European Union. In the last decade, NGOs have organized themselves in consortia headquartered in Brussels. Consortia thematically group the most powerful and influential NGOs and NGO federations working in the field. In many instances, these NGOs are just the European branches of international NGOs.

The main consortia active in Brussels are the following:

-the *Green 8*, or *G 8* - grouping eight of Europe’s largest environmental NGOs with a total membership of over twenty million : Greenpeace Europe, WWF European Policy Unit, Birdlife International, Friends of the Earth, Climate Network Europe, European Environmental Bureau, European Federation for Transport and Environment, International Friends of Nature. The Green 8 was founded in 1990, at the request of the Commission, after the arrival of Greenpeace and WWF in Brussels in the late 1980s. The purpose of the Green 8 is to green EU policies and treaties. It was successful, inter alia, in integrating sustainable development in the Amsterdam treaty (article 2) and in the draft EU constitution, greening the structural funds since the 1998 reform and in fisheries policy reform.

-the *European Public Health Alliance* (EPHA) - with ninety member organizations, thirty-one of which being European networks with millions of members including associations of doctors, nurses, health advocates, and alternative medicine organizations. EPHA was created in 1993 to raise the profile of public health at the EU and increase the EU competency in public health, in reaction to the 1992 single market act where health was ignored.

³⁸ The Commission and Non-Governmental Organisations, *Ib.*, p. 19.

³⁹ Europeaid was founded in 2001 to deal with budgetary issues separately from the policy-making aspects addressed in DG Development and DG External Relations. Europeaid takes care of implementation, tendering procedures, contracts, selection of NGOs. The fundamental axis of Europeaid is poverty reduction in the least developed countries, health and education, capacity-building (ownership of aid), environment, gender, children, food security, human rights.

-*the Social Platform* - a platform of thirty-eight European social NGO federations (such as Autism Europe, the International Lesbian and Gay Association, ATD Fourth World, International Planned Parenthood Federation, the European Confederation of Workers' Co-operatives, Social Co-operatives and Participative Enterprises, the International Council on Social Welfare and the European Public Health Alliance), themselves counting 1,700 NGOs working in the field of social exclusion and minorities. The Social Platform was established in 1995 at the initiative of DG Employment to influence EU « social » policy.

-*the European Youth Forum* with ninety-three member organizations, the result of the merge, in 1996, of national youth organizations, international youth organizations, and the European Youth Forum. The purpose of the Forum is to ensure « youth participation » in EU policy and decision-making.

-*CONCORD* - a consortium of eighteen national platforms and seventeen networks of over 1,200 relief and development NGOs. It started operating in January 2003. CONCORD replaces the CLONG, a liaison committee that was opened exclusively to national platforms. ActionAid, Eurostep, Caritas, Save the Children, Voice, Solidar or the International Planned Parenthood Federation are examples of NGO networks. They themselves include big NGOs such as the Red Cross, Care or Oxfam.

- In the field of human rights, there is no consortium per se, but a “contact group” gathering the three biggest human rights NGOs lobbying in Brussels, Amnesty, Human Rights Watch and the International Human Rights Federation. The group represents a first attempt to institutionalize a regular exchange of ideas between NGOs and the European institutions.

Consortia and the European Commission mutually reinforce each other. In several cases, consortia were started at the explicit request of a Commission DG - the EU relying on NGOs for “expertise”. Most consortia are largely financed by the Commission: 95 percent of the Social Platform's budget, 75 percent of CONCORD's budget (almost a Million euros for 2003); funding of all members of the Green 8, except for Greenpeace. The European Youth Forum gets two million euros annually from DG Education. Human rights NGOs, which tend to be more critical of EU policies, are the only exception and get their funding from other sources. Consortia facilitate the work of EU bureaucrats. Consortia present their position paper as the “consensus of their constituency”, the view not only of that consortium's members, but of its members' members, hence of millions of European citizens: by consulting a consortium, the Commission can claim to have « consulted » a substantial amount of European citizens. On issues that concern all consortia, such as the Convention, they work together and form groups such as “Act4europe” and the “civil society contact group”, which gives them even more weight. Directly or indirectly, consortia lobby for EU institutional strengthening. They generally enthusiastically support the progressive shift of competencies from national governments to the European Union, especially in their own field, because, as an official EU document puts it, "civil society increasingly sees Europe as offering a good platform to change policy orientations and society."⁴⁰ The Commission interaction with consortia best illustrates what the principle of participatory democracy means and entails for the EU.

The role that consortia play to help their members deal with EU institutions for funding or advocacy is becoming almost unavoidable. The institutions are so intricate and so often in a state of flux that real experience is needed to deal with them. Even officials joke that by the time you have understood how the system worked, it is already outdated. Consortia monitor EU policies on a day-to-day basis. They have the contacts and the know how. Belonging to a

⁴⁰ Communication from the Commission towards a reinforced culture of consultation and dialogue, *Ib.*, p. 6.

consortium becomes almost a must for an NGO that wants to get either heard or funded by the EU. This is, of course, a problem for an NGO that is not ideologically aligned with the views of the consortium it would thematically belong to. Consortia operate on the assumption that they are neutral, and that issues are not longer ideological but only practical – a myth that still needs debunking.

Practical reality differs from the image consortia have of themselves and try to convey. Are consortia as democratically representative as they claim to be? Do the NGO federations that belong to consortia dialogue with and consult their own members? Do consortia consult and work with their members? It is useful for us to visualize a consortium's decision-making process. When drafting a position paper, it first assumes the preexistence of an implicit consensus among its members. It then builds consensus on the views of the « experts » who contributed to the draft. Consensus-building is often an impoverishing exercise, harmonizing all viewpoints, jeopardizing democratic pluralism, destroying diversity, not tolerating opposition. NGO consortia in Brussels play a harmonizing role between the great variety of actors they network with: their own members, other consortia, Southern NGOs⁴¹. While according to their statutes, consortia are formally obliged to consult their members, they cannot oblige them to participate and as it is, small NGOs have little interest in what is going on in Brussels. In practice also, consortia must react rapidly to EU policy, not leaving enough time for proper consultation. This situation gives consortia staff members - often just a handful of people based in Brussels, a lot of leeway in decision-making and disproportionate power and influence.

Last but not least, consortia belong to a quietly emerging powerful alliance, seeking to give the European Union a leadership role in the global left and bringing together several grass-roots movements - including the NGO movement, the anti-globalization movement, the anti-American movement, the pacifist movement - and the International Socialist, European Socialists, some US democrats, and the UN. In spite of the ideological convergence between the EU, the UN and NGOs, it stands to reason that multisided conflictual relations and a struggle for power are bound to develop between these actors. In the maelstrom of institutional reform at the EU and at the UN, anything could happen.

Europe leading the global left?

Above partisan differences, the strengthening of the EU institutions and Europe's greater visibility in the world were the most consensual objectives of reform among the 108 members of the Convention who drafted the constitution. The trends that have determined EU policy-making in the last ten years reveal that Europe seeks to position itself as a global leader in sustainable development and its values, participatory democracy, the « social market », corporate social responsibility and global governance. The strategy that binds this agenda with institutional strengthening is not unrelated to European antiamericanism. It also directly connects the European project with the UN global consensus of the 1990s⁴². Among those pushing for this vision are the Brussels-based NGOs, exerting their influence through the EU institutions and, particularly but not exclusively, through the social democratic political forces in Europe. In the same line, Poul Nyrup Rasmussen, the former Prime Minister of Denmark,

⁴¹ The rapprochement between Northern and Southern NGOs is a very recent change, due to a change in mentalities, a shift from a colonial mentality to capacity-building mentality, true partnerships, and projects elaborated together.

⁴² For an analysis of the global consensus, see Marguerite A. Peeters "Hijacking Democracy – The Power Shift to the Unelected".

submitted in May 2003 a report on “Europe and a New Global Order”⁴³ to the Party of the European Socialists.

Although the current text of the constitution is not a final act, evidence abounds of the Union’s allegiance to the UN global consensus. The EU Charter of Fundamental Rights, declared at the Nice European Summit in December 2000 and integrated in the draft EU constitution, had already demonstrated the effort to construct a European identity by using a “globally-oriented human rights discourse”⁴⁴.

Among the Union’s objectives as stated in Article I-3, is that of working for “a Europe of sustainable development based on *balanced* economic growth, a *social market* economy, highly competitive and aiming at full employment and social progress, and with a high level of protection and improvement of the quality of the environment”. Further, the Union « shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between men and women, solidarity between generations and protection of children’s rights. » Another EU objective consists in contributing to “the sustainable development of the earth... as well as to the strict observance and development of international law, including respect for the principles of the United Nations Charter”⁴⁵. These formulations result from amendments successfully submitted by the WWF and other green NGOs through several friendly members of the Convention⁴⁶, and by the working group on « social Europe », which included several socialist members.

Under the leadership of Poul Nyrup Rasmussen, a group of leading European socialist thinkers from Socialist International, the Party of European Socialists and its Parliamentary Group in the European Parliament have engaged in an initiative that is supposed to rally around a common globalist vision not only the political forces of social democracy, but also NGOs, trade unions, academia, the antiglobalization movement and “progressive businesses”. Rasmussen’s initiative has a name: the Global Progressive Forum. An explicit objective of the initiative is to start investigating common ground with leading US democrats. Rasmussen argues that “one single political force, be it as internationally widespread as social democracy is, cannot on its own put in practice a significant reform of current policies and governance structures at global level. What is needed is a set of global progressive alliances for change.”⁴⁷

Rasmussen’s report lays down his platform and agenda: strengthening Europe in the world, promoting sustainable development, building a global legal order, ensuring « wider security »,

⁴³ See Poul Nyrup Rasmussen, *Europe and a New Global Order, Bridging the Global Divides. A Report for the Party of European Socialists*. May 2003.

⁴⁴ See Marika Lech, *European Identity in International Society – A Constructivist Analysis of the EU Charter of Fundamental Rights in Constitutionalism Web-Papers*, ConWEB No.2/2003, p. 1. <http://les1.man.ac.uk/conweb/>

⁴⁵ The strengthening of the UN has recently appeared in several EU policy documents as an objective of the Union. The White Paper on European Governance, for instance, which came out in July 2001 and continues to influence the spirit of EU reform, made the EU’s pro UN stand quite plain: “the Union should aim to boost the effectiveness and enforcement powers of international institutions.” (p. 5).

⁴⁶ The real input of NGOs in the convention process cannot be measured, but it is likely to have been very important in certain areas like the environment, development, social concerns, and values. Members of the Convention, lacking time and expertise, took what came. NGO consortia dynamically forged good relations with friendly members of the Convention and of the Praesidium and submitting to them their amendments, either collectively or individually. National organizations lobbied national members at home.

⁴⁷ Poul Nyrup Rasmussen, press conference in Brussels on “A New Role for Europe”, 29 April 2003. See www.socialistgroup.org/gpes/

developing « global democracy », enhancing the role of Europe in reforming global governance and empowering the UN⁴⁸. The “Global Progressive Forum”, which was preceded by a first meeting in Copenhagen in October 2002 on “Social Democracy in a globalized world”, will be held in Brussels on November 27 and 28 of this year.

The new strategy is to appear not as “anti-” globalization, but as “progressive”. The idea is to have Europe, at the request of the global left, quietly start showing leadership and prepare the ground for more favorable times, when a democrat administration in the US would make it possible to “change things” on a global level, in particular through the strengthening of the UN, that the left has perseveringly been advocating for, especially since the end of the Cold War. For the European Socialist Party, this would be the new Europe’s role.

According to an adviser to the Parliamentary Group of the European Socialist Party and an active participant in the new initiative, a convergence of factors conducted to the Global Progressive Forum initiative.

The first factor is the *rapprochement* between NGOs and the social democratic parties in Europe, especially in countries where public opinion is more concerned about globalization, such as France, Belgium and Great Britain. While NGOs do not need the Socialist party to operationalize their agendas, they are becoming aware that they will be more effective and will overcome certain obstacles only if they work with the political class. The Socialist Party, very strong in Europe, is the only one that can carry their claims forward : the communist party is too small and far left, and the green party is largely discredited. Big NGOs have already developed good working relationships with the Socialist Party at the EU. Leftist parties in Europe have themselves opened up to NGOs in various ways, such as integrating their members and cooperating with them. After the second world war, the women’s movement, the peace movement and trade unions influenced the socialist party in Europe. Now, with globalization and civil society much more structured, the socialist party has recognized the need to open itself to NGOs, in a global strategy for a new world order.

The second factor is the *rapprochement* between the anti globalization movement, which rejects any formal status, is not engaged in a dialogue but is just “against”, and leftist NGOs, which do have a legal status and political influence. For the first time last January, Porto Alegre opened itself to NGOs, and most big NGOs were there. Lula’s extreme left labor party and radical organizations such as ATTAC in France started realizing that they could not continue on their own if they wanted to have an impact, that they had to shift from an internal debate to political action and needed political go-betweens. NGOs and Brussels-based NGO consortia in particular may start acting as intermediaries between Porto Alegre and European social democrats. They seem willing to play that role.

Third, the Global Progressive Forum is conceived to be a global meeting place between Porto Alegre and the Davos World Economic Forum. Under the pressure of the global left, the language at Davos has changed this year and has become more “politically correct”, but the left wants more – it wants real changes in the boardroom decisions and believes it will obtain

⁴⁸ Rasmussen recommends the following : « the creation of a World Environment Organisation, the inclusion of the Bretton Woods institutions in the UN system and the creation of a Human Development Council (or Economic and Social Security Council) alongside a reformed (Human) Security Council”. He affirms that “ultimately, true democratic legitimacy will be achieved only by creating a UN Parliamentary Assembly,” and adds that the EU should “propose a World Convention on Governance as part of a roadmap to global reform.” (Europe and a New Global Order, p. 117).

them through through a patient consensus-building effort between itself and willing businesses.

A final and paramount goal of the Forum is to try and better structure the dialogue between European Socialists and some leading American democrats. This partnership, to be prudently constructed, and perceived as very fragile at this stage, would be decisive to make global policies move forward. An informal meeting will take place in the autumn. The European socialists leaders working on the Global Progressive Forum initiative want a close and regular dialogue with democrats, to recreate a partnership with the US, but a progressive one. The goal of the partnership would be to build a “new world order”, in which Europe would have an essential role to play. While the institutional or intergovernmental logic does not allow Europe to take on its progressive leadership, the Global Progressive Forum is supposed to do exactly that. Socialists want stronger central powers for the EU. They seem to care more about ensuring EU institutional strengthening in the convention than about pressing for their policies: strong institutions will enable them to implement their global vision.

To conclude, the processes of Europeanizing civil society and building the European institutions have allowed themselves to get entangled with a new global consensus itself hijacked by the global left and international NGOs. The EU kills two birds with one stone: it makes Europe by making the quiet revolution that the UN has made since the end of the cold war.

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