

# Transnational Democracy in the European Union: Confronting the Democratic Deficit

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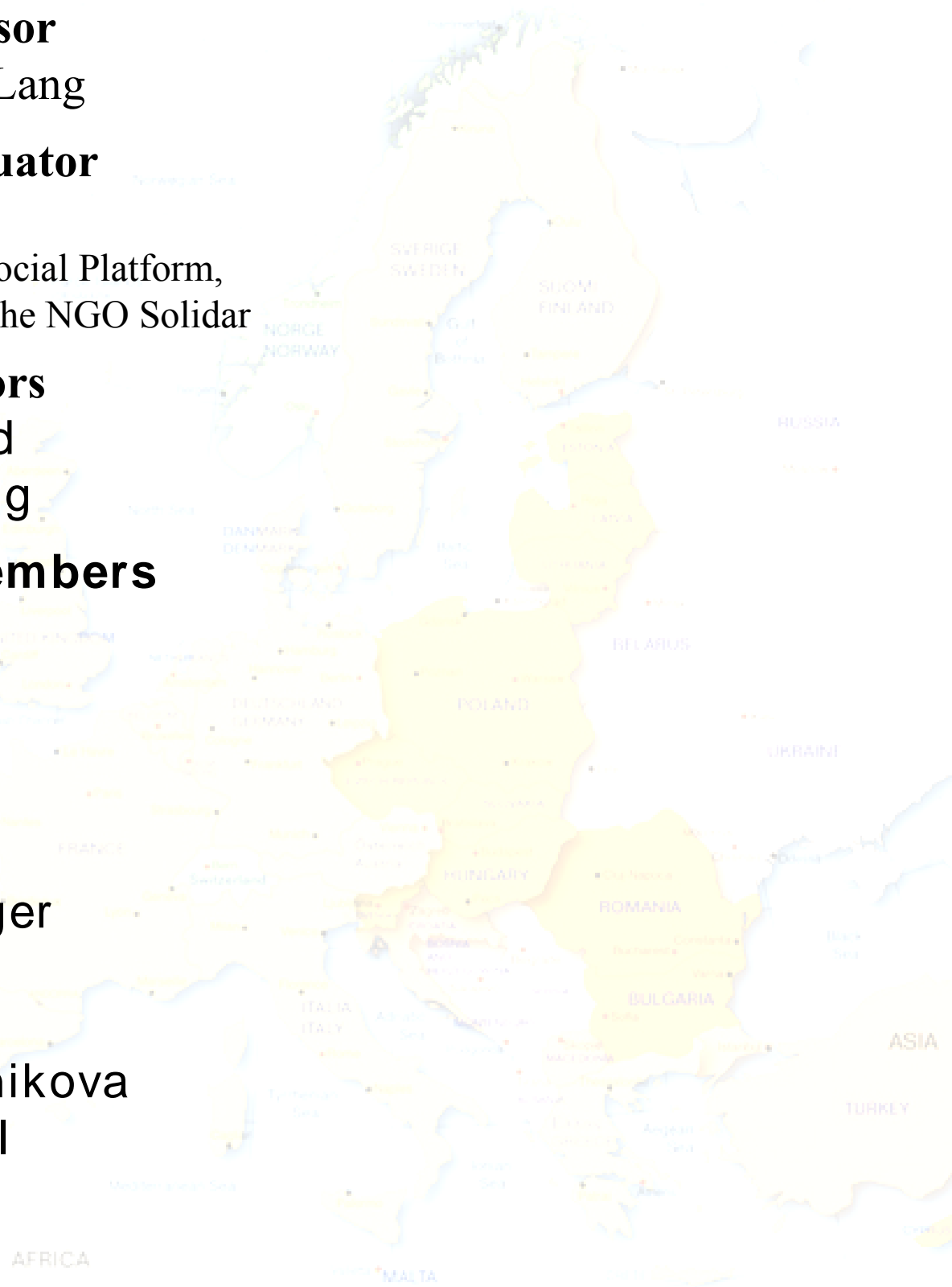
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## **Executive Summary**

**By Samuel Garfield & Kaitlyn Sweeting**

The European Union serves as the transnational governing body for 27 nations and their citizens. Its significance on the world stage as well as within its Member States as a policymaker, legislator, and leader of world affairs is expansive. As such, the EU should strive to reach its fullest potential as a democratic institution, taking all actions necessary to promote and protect democracy. This is especially vital today, as the EU is currently facing a democratic deficit.

Our report explores the democratic deficit within the EU as it is revealed in four primary policy areas;

### 1. Institutions

- a. Overall institutions are performing better than the public perceives them to be in terms of transparency, but there is still room for improvement. A particular area of improvement is posting information on the internet in a way that is accessible to citizens.
- b. Expanding the power of the Parliament and the number and type of officials who are elected will be increasingly important

### 2. Civil Society

- a. While the EU has taken great strides to reach out to civil society, it must continue to improve its methods of outreach. Ways of doing this include standardizing guidelines for consultation across all major EU institutions and reforming the makeup of EU civil society umbrella groups to represent public and private interests equally.

- b. Civil society itself has not yet "Europeanized," and the European Union should do all it can to promote a Europeanized civil society that transcends national boundaries.

### 3. Public Sphere

- a. The European public sphere is underdeveloped and highly fragmented along national and linguistic lines; the EU could be doing a great deal more to combat this, such as funding and promoting public broadcasting (which tends to address European issues more frequently) and improving its own new media programs.

### 4. European Citizenship and Identity

- a. Citizen participation in elections and other forms of political engagement is extremely low, inhibiting government officials from representing constituents and minimizing citizens' knowledge of the EU and its functions. Opportunities for citizen engagement should therefore be increased and made more accessible, in order to make citizens more aware of their protections under the EU as well as the many ways it serves to benefit their daily lives.
- b. Minority groups are also severely underrepresented and mistreated within the EU, demonstrating that prejudice is still a major force in Europe.

Many challenges must be addressed within these four realms of European governance in order for the European Union to eliminate its democratic deficit. Four prominent themes, however, emerged as central components that should take precedence in the EU's efforts to diminish its democratic deficit. The EU should prioritize addressing

its citizens' lack of knowledge of the EU. Utilizing mass media campaigns and education to provide accessible, easily understood information about the EU, its functioning, and its policy perspectives are excellent means for accomplishing this. We also encourage the EU to focus largely on increasing its transparency by improving media relations and the accessibility of its policymakers, institutions, important documents, and so forth in order to better equip citizens to participate in political engagement. The EU should prioritize the establishment of a well-developed civil society as well in order to "Europeanize" the political realms within nations. Lastly, the establishment of a European identity that unites citizens of the EU and connects them to this transnational governing body that currently feels very distant and removed will be central.

In accordance with these themes, we recommend:

- Taking incremental steps towards popular election of the Commission
- Expanding the budgetary and legislative capacities of the European Parliament
- Ensuring 20% of broadcasting time is reserved for European programming
- Establishing "Europe Week"
- Increasing language translation capability of EU new media programs
- Fostering the growth of "European" civil society
- Creating standardized guidelines for lobbying and a mandatory register for interest groups
- Encouraging EU civil society umbrella organizations to increase outreach to their constituencies
- Using targeted media campaigns to educate citizens about the European Ombudsman and Citizens' Initiative

- Creating a European civic education curriculum
- Supporting access to social welfare as a fundamental right as outlined in the Charter of Fundamental Rights
- Ensuring timely implementation of anti-discrimination legislation in Member States

# **Report Introduction: Pursuing Transnational Democracy in the EU**

**By Samuel Garfield and Kaitlyn Sweeting**

## **The Expansion of the European Union**

On December 1, 2009, the ratification of the Lisbon Treaty expanded the role, power, and functioning of the European Union. Its passage may be seen as only the most recent development in a long and sustained period of expansion for the EU. Since its establishment in the 1950s, the EU has grown from an economic and political alliance of six western European nations to a 27 member, transnational governing body that has managed its own currency—the Euro—since 2002 and has established itself as a world leader for environmental and peacekeeping efforts.

Despite drastically increasing its membership and influence over the last half-century, the EU faced a major setback in 2005. France and the Netherlands refused to ratify the proposed European Constitution, spurring a two-year, “period of reflection.” The Constitution—the outcome of years of work amongst integrationist European leaders—was seen as the key to formalizing the EU’s status as a supra- and trans-national governing body. In 2007, progress towards this goal resumed as the development of a Reform Treaty commenced at the Intergovernmental Conference in Lisbon. The result was the Lisbon Treaty, which aims to establish a more democratic and efficient EU and improve its relationship with the European people. Although Ireland’s refusal to ratify the Treaty in June 2008 slowed the process of implementing the Lisbon Treaty, on December 1, 2009 it was ratified by all 27 members of the EU and thereafter entered force as a legally binding treaty.

As it has grown in importance the European Union has also received growing amounts of criticism for its lack of democracy. The Lisbon Treaty attempted to address a number of these issues—especially ones pertaining to the institutional functioning of the governing organs of the EU, including a lack of transparency and accountability and a lack of power on the part of the

one elected EU body, the European Parliament—and other issues still remain unaddressed—such as the lack of a European *demos*, fragmentation of European polities along national and linguistic lines, and the failure of civil society to effectively bridge the gap between European citizens and the European Union’s governing organs. As the EU grows in power and size how these issues will be addressed remains an open question. The purpose of this report is to examine the prospects for addressing the most important of these issues and making recommendations as to how the EU may best tackle them.

### **Is the EU a Governmental Institution?**

One of the first issues this report must address is the role of the EU. Many critics who assert that the EU is sufficiently democratic do so on the grounds that it is not a governmental body, but an inter-governmental treaty organization. For example, scholars such as Andrew Moravcsik argue in “defense” of the democratic deficit because the EU’s role is not to govern but to mediate intergovernmental relations amongst its Member States.<sup>1</sup>

We argue that this interpretation of the EU is patently false. These arguments are based on the EU’s importance and power, which are often underappreciated though empirically undeniable. Among its 27 members, EU decisions influence an estimated 70% of policy. Moreover, it has developed hegemonic power over many significant policy areas within its member states, including competition policy, monetary policy, and consumer rights and protection, and exerts tremendous and growing influence in a number of other policy areas, such as agricultural policy, foreign policy, and—especially through the European Court of Justice—criminal law. The EU is clearly not simply an intergovernmental organization that serves the instrumental interests of its members; it is a governmental body in its own right. This has been

especially true since the introduction of qualified majority voting in EU organs through the Maastricht Treaty; with the inception of Qualified Majority Voting the EU has not only wielded policy *influence*, but also the power to mandate cooperation, at least publicly, from member states on policies with which they do not agree, so long as a qualified majority of Member States support them. The question, therefore, is not whether the EU is a powerful governmental body, but how democratic of a body it is.

### **Defining Democracy in a Transnational Context**

To evaluate the level of democracy of the EU, we must first establish what we mean by ‘democracy’. We outline a set of criteria that capture the large range of features, phenomena, and institutions that are often qualified as democratic or contributing to democracy.

A question that might be raised at this point is what kind of democracy we advocate for the European Union; for example, democracy may be ‘deliberative’ or ‘participatory,’ ‘representative’ or ‘direct.’ Instead of addressing these concepts as separate critical theories of democracy—that is to say, theory as to what constitutes the single essential basis for democracy—we address them as *dimensions* of democracy, each of which entails methods and practices which are either essential to or highly beneficial for democracy. Our definition of democracy addresses four of these dimensions: the representative, pluralist/associational, deliberative, and participative dimensions of democracy.

We define the **representative dimension of democracy** as democratic practices that seek to formally represent citizens’ views and interests in the policymaking process through the election of representatives to policymaking bodies.

We define the **associational dimension of democracy** as democratic practices whereby a diverse array of groups form and act to lobby policymakers to consider the interests and views of a specific class of people with respect to a specific policy option or policy area. These groups are most often civil society groups such as NGOs, labor unions, lobby groups, and grassroots movements.

We define the **deliberative dimension of democracy** as those democratic practices which promote rational-critical debate about issues of public concern in the public sphere (see the introduction to the Public Sphere section of this report for a more definition of this concept).

We define the **participatory dimension of democracy** as processes which provide individual citizens the opportunity to directly provide input on policy decisions, including deliberative polls, internet consultation, and citizen initiative programs.

One significant feature of our definition is that it is highly substantivist; unlike many definitions of democracy which focus only on the representative dimension, we adopt a definition which encompasses all four of the above dimensions of democracy. Our definition is based on Robert Dahl's concept of polyarchy, which he outlines in his 1989 book *Democracy and its Critics*. We modify Dahl's definition, however, to account for the fact that democracy in the EU is *transnational* in nature and not *national*, as Dahl assumed when he created his definition. We modify it by altering two of Dahl's criteria and adding one of our own. The criteria are as such, with modifications in bold:

1. **Significant** control over governmental decisions about policy is **institutionally** vested in elected officials **and there are mechanisms for holding these officials accountable to the electorate for their decisions**

2. Elected officials are chosen and peacefully removed in relatively frequent, fair, and free elections in which coercion is quite limited
3. Citizens have an effectively enforced right to freedom of expression, particularly political expression, including criticism of officials, conduct of the government, the prevailing political, economic, and social system, and the dominant ideology
4. Those governed have access to alternative sources of information, **particularly information on the operations and function of government**, that is not monopolized by one source **or national perspective**
5. **The benefits of democratic belonging, ie. citizenship, are extended as equally as possible to as large a majority of those governed as possible and non-citizens are still protected by a minimum regime of rights**
6. Citizens have an effectively-enforced right to form and join autonomous associations, including political associations, such as political parties and interest groups, that attempt to influence the government by competing in elections and by other peaceful means
7. Practically all adults have the right to vote in these elections
8. Most adults also have the right to run for the public offices for which candidates run in these elections<sup>2</sup>

### **Is There a Democratic Deficit in the EU?**

A knowledgeable observer is likely to believe that the EU does not meet the standards of democracy according to these criteria or within these four dimensions. However, the nature of the EU's failure is framed in a variety of ways. The main ways of framing the lack of democracy in the EU are reflected in the most common terms used to describe it: "democratic challenge,"

“legitimacy crisis,” and “democratic deficit.” This task force report will adopt the lattermost framing for the following reasons:

1. The concept of a “legitimacy crisis” focuses on *legitimacy* instead of *democracy*. The implication is that the EU is sufficiently democratic, though the citizens whom it governs are not sufficiently *aware of* this. As is outlined below, according to the definition of democracy we have adopted, the EU is not sufficiently democratic. The legitimacy crisis is both an outcome and a cause of this lack of democracy; not the problem in and of itself.
2. The term “democratic challenge” frames the underdevelopment of democracy in the EU as a problem of *implementation*. It conveys the idea that the EU, in its current form, possesses all it requires to be sufficiently democratic but is frustrated and challenged by external forces; it displaces the responsibility for addressing the underdevelopment of democracy in the EU from the EU itself.
3. The term “democratic deficit” frames the underdevelopment of democracy in the EU as an *existential* problem. It conveys that, in its current form, the EU lacks a sufficient level of democracy and must be altered significantly to fulfill the criteria for democracy. This framing properly emphasizes the extent of the change within the EU itself that will be required for the development of transnational democracy in the EU.

### **How this Report Will Address the Democratic Deficit**

One of the most useful aspects of framing the underdevelopment of EU democracy in terms of a democratic deficit is that it makes the problems facing the EU easy to identify: we use the eight criteria and four dimensions of democracy outlined above to explore areas of deficit,

and then propose policy solutions for eliminating that deficit. Using this approach, we examine four key policy areas where the democratic deficit may be identified and address each of these in a separate section of our report. The four sections concern the governing organs of the EU, civil society within the EU, the development of an EU public sphere, and finally, EU citizenship and identity. Each policy area reflects one or more of the four prominent dimensions of democracy outlined previously and addresses several of the characteristics of transnational democracy that we have defined as essential to democracy's existence.

The first section of our report examines the relationship between the democratic deficit in the EU's main governing organs, namely, the Commission, the European Council and Council of Ministers, and the European Parliament. This policy area primarily pertains to the representative dimension of democracy in the EU and the first two criteria for democracy outlined in our definition of transnational democracy, as these bodies are intended to work on behalf of and according to the will of the citizens of Europe. We argue that, while EU institutions have become markedly more representative of European citizens, there is room for improvement.

Transparency, legitimacy, over-complexity, underrepresentation, minimal political diversity, and inadequate election structures are significant issues that must be dealt with by the institutions of the EU if it is to address the democratic deficit. Specific issues we will explore are accountability mechanisms, political parties, and a reconfiguration of elections.

The second section of this report will focus on European civil society. Civil society is the foundation for establishing associational democracy, and is crucial to the establishment of a robust set of associations for articulating and aggregating citizens' interests to the officials elected to represent them in government. Civil society is a crucial mean for citizens to exercise their rights of expression and to access information, serves as a useful force for rationalizing

public debate and interest expression, and is an important source of political socialization. As such, our report will have three chapters: One exploring the need to “Europeanize” civil society, a second exploring policies for balancing public and private lobbying interests, and a third concerning the promotion of grassroots and bottom-up civil society in the EU.

The third section of this report will focus on the EU public sphere, the realm of deliberative democratic practice. As the space where public debate occurs, information is shared, and citizens exercise their right to freedom of expression, the public sphere is crucial to the realization of our third and fourth criteria of transnational democracy. We will examine the current state and prospective future of the European public sphere in chapters that cover its development through the European mass media, internet and communications technology, and European public events.

The final section of our report will address European citizenship and identity. Citizenship and identity chiefly pertain to the participatory dimension of democracy and the last three criteria of democracy outlined above. Citizenship and identity are pivotal to the EU as a legitimate governing body, as a strong relationship between citizens and government is perhaps the most important feature of a democracy. A strong sense of identity within the EU increases the likelihood that citizens will provide input on policy decisions through voting, referenda, and similar means. This section includes four chapters, each on a different topic integral to this policy area: the institution of EU citizenship, education and the socialization of EU citizens, citizenship initiatives, and marginalized groups in the EU.

### **Policy Recommendations**

Each chapter of our report includes an assessment of the policy options available for addressing the democratic deficit within the given policy area. Costs and benefits of the relevant

options are examined, and recommendations for appropriate actions are provided.

Implementation of the recommendations is intended to be relatively immediate unless otherwise specified, though some options, such as electing the Commission President, are framed as long-term goals not implementable any time in the foreseeable future.

### **The Importance of the Lisbon Treaty**

While many elements of the Lisbon Treaty are yet to be implemented and its ultimate impact is unclear at this point, its passage provides the potential for a deepening of democracy in the EU. Not only does the treaty mandate the implementation of measures designed to improve democracy in many of the EU's governing organs, it has also put the European Union into flux as organizations and individuals adjust to the new changes. The effectiveness of many programs will hinge on how they form in the next several months—and for some, such as the Citizens' Initiative program, which stopped accepting public consultation as to how it should function at the end of January, 2010, the time may have already passed—and thus now will be an important time for the EU to act to ensure that democracy expands under the new Treaty.

The Lisbon Treaty also reveals, however, fundamental failures in the attempt to democratize the European Union: it was created, after all, to implement many of the changes proposed in the Constitution through a treaty process in order to avoid the more democratic tests of legitimacy, such as referenda, that scuttled the Constitution in 2005. It was drafted in secret and was intentionally cryptic and difficult to read, serving as an expression of the wills of elite EU bureaucrats instead of its citizens.<sup>3</sup> The passage of the Lisbon Treaty itself demonstrates that the European Union still does not live up to the ideal of a democracy—even a developing, transnational democracy.

**ENDNOTES**

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<sup>1</sup> Andrew Moravcsik, "In Defense of the 'Democratic Deficit': reassessing the Legitimacy of the European Union", in *Journal of Common Market Studies*, 40.4 2002, 603-34.

<sup>2</sup> Robert Dahl, *Democracy and its Critics*, (New Haven: Yale University Press, 1988)14.

<sup>3</sup> Jens-Peter Bonde, "From EU Constitution to Lisbon Treaty" (Foundation for EU Democracy and the EU Democrats in cooperation with Group for Independence and Democracy in the European Parliament Feb 2010).

# **Section 1:**

## **Institutions of the European Union**

## **Section Introduction: Institutions of the European Union**

**By Samuel Holden Garfield & Kaitlyn Sweeting**

There are three primary institutions at the heart of the EU: the Commission, the Council, and the European Parliament. The Council has historically been a single institution, with the Lisbon Treaty it is now comprised of two separate institutions; the European Council and the Council of the European Union. Because the two institutions are so closely related, we discuss them in a single chapter. Together these three ensure that the EU not only fulfills its role as a powerful government serving 27 Member States but as a democratic representative of the citizens of those states as well. Not only are these institutions central to the EU, but they are clear targets for reform: reforming an institution is often more straightforward and easier than ‘making’ citizens, fostering public debate, or encouraging the development of civil society. Thus these institutions are an important area of focus when considering how to address the democratic deficit.

The Commission, Council and European Parliament have specific responsibilities and functions for the European Union. Each institution, therefore, has a unique role in facilitating democracy and a different relationship with the democratic deficit.

The Commission serves as the executive power of the EU by representing the Union externally, promoting the general interests of the EU, mediating internal affairs, and developing and proposing policies and legislation.<sup>1</sup> As such, the Commission can facilitate democracy by ensuring that citizens are well-informed about its proceedings by maintaining transparency and a relationship with the media. The Commission is not elected, however, which hinders its ability to directly represent European citizens.

## Section Introduction: Institutions of the European Union

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The Council of the European Union is intended to provide a link between Member States and the EU and works to ensure that each Member State is adequately represented in Union policies and decisions. While the Lisbon Treaty has done much to improve the Council's democratic functioning, there are still areas of concern.

The European Parliament acts as the legislative center of the European Union. The EP exercises great influence over the EU budget and acts as a supervisor of the Council and the Commission. This is the only Union institution that is directly elected by European citizens. The Parliament is therefore central to the democratic nature of the Union, as elections provide a primary means of facilitating representative democracy.

We address each of these institutions in its own chapter. Each institution faces several challenges in addressing the democratic deficit. Some of the most important challenges include;

1. **The Commission:** addressing the public perception that the Commission is insular and inaccessible, as well as moving to have the Commission President elected.
2. **The Council of Europe and European Council:** preventing tension between newly instated Council presidency and other institutions and engaging the Council in civil society.
3. **The Parliament:** increasing legislative powers and promoting transnational party politics within the EU.

### ENDNOTES

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<sup>1</sup> Neill Nugent, The Government and Politics of the European Union, (Durham, NC: Duke University Press, 2006) 166.

# Chapter 1: The European Commission

By Zachary L. Russell

## **INTRODUCTION**

### **ISSUE**

The European Commission has served an essential governing role in the European Community since its inception as the ‘High Authority’ in 1951. As the primary drafter of legislation, official face of the EU in the international community and mediator of budgetary affairs, the Commission acts essentially as an executive power within the EU government.<sup>1</sup> Nonetheless, unlike Parliament, its members are not popularly elected and it is decidedly integrationist in its approach and composition. Its public relations and transparency, while improving, are still insufficient. Overcoming the democratic deficit in the European Union will require the Commission to address its own democratic shortcomings, most specifically in light of the Treaty of Lisbon.

### **BACKGROUND**

As the only institution democratically elected by the European people, the European Parliament is the focal point of much of the Treaty of Lisbon. The Parliament is granted co-decision with the Council in 40 new areas.<sup>2</sup> The Council will also “exercise budgetary functions and political control,” previously held in the Commission.<sup>3</sup> The Treaty introduces a Vice President of the Commission, currently Catherine Ashton, who also acts as High Representative for Foreign Affairs and Security Policies.<sup>4</sup> The Commission President is now more reflective of European citizen political sentiments in the “direct link” made “between the election of the Commission President” and the political make up of the European Parliament.<sup>5</sup> The Commission will become more accessible to the European public through the Citizen’s Initiative, giving one

million European Union citizens the opportunity to petition the Commission directly, whereas before opinions would go through Parliament.<sup>6</sup>

In its legislative content, the Treaty centralizes power. With rotating members in the Council, making for more ambitious presidential agendas during their brief tenure, the power of the European Council relative to the Commission will diminish.<sup>7</sup> Bonde points to a litany of Treaty details that centralize power within the EU, including the change that the EU budget may expand beyond the 1.27% of aggregate GNP without voter approval.

With the Treaty of Lisbon, the Commission acquires more executive power in its ability to “put its own decisions into effect,” and will have the judicial capacity “to impose fines for infringements of EU rules.”<sup>8</sup> We will outline the inconsistencies between the supposed democratic nature of the Treaty and the Union and the lack of governmental accountability to European citizens within the Commission. Options and recommendations will follow from these respective challenges and issues.

## **CHALLENGES**

### **Challenge 1: Media and Public Perception of the Commission**

#### **ISSUE**

The European public remains largely ignorant and suspicious of the Commission. We assert that, while not perfect, the Commission warrants the perception of legitimacy and that the legitimacy crisis currently faced by the Commission exacerbates the democratic deficit. It does so by discouraging participation and preventing the public from holding the Commission accountable for its successes.

# Chapter 1: The European Commission

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## BACKGROUND

Despite accusations of being insufficiently transparent, the Commission is quite transparent to the EU public. On any given weekday a Commission representative receives the media in the Commission's media room. The media can ask the official any question they wish, and will get an on-record response, televised live.<sup>10</sup> The media are also likely to receive multiple views on an issue, breaking with the Commission's spirit of unity as Commission officials "find themselves briefing against each other" to argue a certain point or policy.<sup>11</sup> Traditionally, the Commission has had a rather cozy relationship with journalists and the media, though this has been changing since the rise of investigative journalism marked by the Santer scandal and resignation.<sup>12</sup>

On the other hand, the Commission is highly aware of how it is presented by the media and attempts to control that perception. Although the media has daily access to the Commission at noon, the media are barred from entering meetings of the College of Commissioners.<sup>13</sup> The Commission is also cognizant of how its publications may influence public perception of EU governance; naturally, many publications released to the press are highly controlled.<sup>14</sup>

The Commission is also criticized for how it presents itself and interacts with the European citizen. It is often viewed as being over-staffed, over-paid and unwieldy, with offices in Brussels that are uninviting and imposing.<sup>15</sup> According to Eurobarometer's recent estimate, the Commission is the least trusted institution in the EU.<sup>16</sup> As with many institutions in the EU, the Commission needs to demystify and clarify its role in the EU, its policy successes, and its operations and to improve its accessibility to the European public. In its White Paper on improving EU governance and bridging the democratic deficit from 2001 the Commission often

seemed more concerned with defending its role in the EU than addressing any of its own failures, although it did acknowledge that having upwards of 700 ad hoc committees makes it somewhat difficult to follow.<sup>17</sup> If the Commission wants to overcome the democratic deficit, it will have to do a public relations overhaul.

### **OPTIONS**

There are a variety of options for addressing the lack of trust between citizens and the Commission. The Commission could open up all of its proceedings, including the meetings of the College of Commissioners to the media and simultaneously allow for less stringent reviews of Commission publications. Not permitting media into meetings of the College of Commissioners seems a grave affront to the importance of independent media and government accountability and a democracy. Having TV cameras rolling in college meetings would likely abate accusations of the Commission being a reclusive and insular leviathan.

While this sounds ideal it overlooks the reality of an institution attempting to facilitate the smooth integration and collaboration of 27 nation-states representing close to 500 million people. If the media were present, commissioners might be reluctant to suggest ideas that may be to the detriment of one member state, but in the interest of the Union.<sup>18</sup> Representatives occasionally need to be shielded from the scrutiny of their constituents, otherwise compromise is discouraged, and democracy is rendered impotent. Nonetheless, the Commission could make itself more inviting and clear to the public by being explicit about what it does, both in the media and in future publications.

## **Challenge 2: Transparency and Publications**

### **ISSUE**

Another issue related to governmental transparency is the extent to which the Commission's proceedings and legislation are accessible to the public at large, and not simply the media or EU experts. The availability of government documents and proceedings is a key component of participatory and deliberative democracy; they serve as a crucial means for the public to gain information as to what the government is doing and how, and thus are crucial to the public's ability to hold the government accountable for its decisions. This is an area in which the Commission falls short.

### **BACKGROUND**

In 2001 a freedom of information initiative was passed, allowing citizens to request any document held by EU institutions.<sup>19</sup> These documents ideally are handed over “unless there is an overriding interest not to disclose, such as defense” or if the secrecy of an ongoing investigation is jeopardized.<sup>20</sup> If the Commission declines, the citizen can appeal to the Court of Justice to review the case.<sup>21</sup> Supposedly, every Commission legislation and proceeding needs to be available to the public in this manner.<sup>22</sup>

Although it seems the Commission is making a sincere effort to make its legislation and documents more accessible and transparent to the public, 66% of the inquiries lodged to the European ombudsman in 2008 regarded the Commission, and 36% of the complaints pertained to the refusal to disclose documents.<sup>24</sup> In a study published in the *European Law Journal* on the number of proceedings and documents made available to the public online through the Register of Comitology—the main repository for publicly available government documents in the EU—

the results are contrary to the Commission's claims of openness. Relying on data from 2005, well after the freedom of information initiative began in 2001, the researchers found that although there were 946 committee meetings during the year, only "616 agendas were actually available online," accounting for 65.1% of the total agendas.<sup>25</sup> In publishing summary records, the researchers "counted only 641," 67.8% of the total; of 135 committees that did publish summary records (63 committees published none), the researchers deemed 61 of these to be poor, meaning their records merely mentioned that certain topics were discussed, failing to elucidate the content of those discussions.<sup>26</sup> Thus, the study concludes that although the "general public can find out reasonably well to what extent the committees agree with Commission proposals," there is little transparency in determining what was actually discussed.<sup>27</sup>

### **OPTIONS**

There are obvious inconsistencies between what a government says and what it does. This is to be expected with any large modern governing institution, no matter how democratic. Nonetheless, the Commission could do more to live up to its goal of openness. The Commission could make every single one of its documents available to the public, regardless of their sensitivity. Although this would be the most transparent option, it would be too rash—investigations and operations necessitating secrecy may be jeopardized.

Thus, as the ombudsman argues, the Commission could be more lenient in determining "public access to documents, 'in order to give the widest possible access to citizens and other stakeholders,'" while not jeopardizing investigations.<sup>28</sup> This could entail the appointment of an EU-wide regulatory oversight body with access to all Commission documents. Should the body determine that a document has been unreasonably withheld, it would report to the ECJ who

## Chapter 1: The European Commission

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could then take disciplinary action against those responsible. This would ease the current litigation workload of the Court with regard to transparency and the Commission, and would streamline oversight of Commission proceedings. However, there is the risk that adding yet another regulatory body could render the process of publishing and requesting documents more confusing—this could even decrease the Commission’s transparency if it took advantage of the confusion in order to hide documents from the public. This could perhaps be mitigated, however, by our next option.

Finally, the Commission could take internal measures to be more diligent in making Committee meetings and notes available online. Of course, publishing all meetings, notes and proceedings would be excessive; too much time and energy would be devoted to publicizing documents of little or no import to the average EU citizen. However, identifying what general policy areas and documents would likely interest EU citizens and then specifically making those readily accessible online could serve as a way to maximize both efficiency and transparency at the same time. For more sensitive documents, an independent oversight committee could evaluate the need (or lack thereof) for secrecy.

### **Challenge 3: Civil Society Consultation**

#### **ISSUE**

Civil society plays a valuable role in contributing to and shaping European policy and legislation. Civil society consultation is an important element to both participatory and associational democracy. As the Commission extends its hand to civil society actors, it will have to establish and follow standards for consultation and cooperation.

### BACKGROUND

With regards to transparency, the Commission trumpets the successes of its consultation and impact assessment programs with civil society and other actors. Impact assessments are mandatory for certain legislation and used to determine how it will affect the Union economically, socially, or politically.<sup>29</sup> In determining impact assessment, the Commission brings in stakeholders and consults both internal and external experts.<sup>30</sup> The directorate generals are also required to give “a public call for an expression of interest,” when deliberating over policy or legislation.<sup>31</sup> Recently, the Commission has established a set of minimum standards guidelines for consultation in order to create a more streamlined consultative process.<sup>32</sup> Under the ‘Better Regulation’ initiative (or BR), the Commission has aimed to “cut red tape,” and “strike the right balance between costs and benefits of regulation so that productivity” increases; in the case of the Commission, BR also refers to the Commission’s standards for consultation with civil society.<sup>33</sup> On the surface, it seems the Commission has reliable standards in place to appropriately account for civil society in determining the effects and implications of its proceedings and actions.

However, the Commission’s consultation standards have been criticized for not being sufficiently scrutinized internally. Complaints have been levied regarding the legal consequences when the Commission breaches the principles of BR consultation standards and what the legally enforceable rights *are* for private parties.<sup>35</sup> There have also been calls for more involvement of civil society in central policy areas, such as determining the budget.<sup>36</sup>

### OPTIONS

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Making consultation procedures legally binding and tightening oversight of BR in the Commission would make the Commission's interaction with civil society more formally democratic. On the other hand, the Commission is reluctant to create legally binding standards fearing that "such an over-legalistic approach would be incompatible with the need for timely delivery of policy."<sup>37</sup> Thus, one option would be to keep consultation standards under BR as they are, which is to say, not legally binding.

Although it is a reasonable argument, the Commission should be cognizant of its perceived dismissal of democratic litigation in favor of government efficiency. Indeed, to make sure that the BR agenda does not turn "into a Trojan horse within its own walls," it would behoove the Commission to embrace more stringent regulation.<sup>38</sup> Again, this could be composed of an independent oversight committee, reporting directly to the President of the Commission to ensure BR is followed in the consultation process. Ultimately, BR and consultative standards may have to be legally binding to ensure that civil society consultation is performed in the public interest.

While allowing civil society a greater role in determining the budget sounds like a reasonable option, it assumes that civil society actors are in fact accurate representatives of all those whom the budget affects. Rather, interest groups lobbying the Commission are dominated by business and economic organizations and some civil society concerns are severely underrepresented (see this report's section on civil society). Civil society should be engaged in governing Europe but incorporating civil society into budget decisions would likely be problematic and irresponsible considering its current structure in the EU.

## **Challenge 4: Election of Commissioners**

### **ISSUE**

As European integration continues, the relative power of the Commission, an unelected body, has strengthened. Many argue that the Commission should be elected like the European Parliament considering its central role in the functioning of the EU. The issue of whether the Commission should be elected and how relates to representative democracy and our criterion that major public officials be elected to office in frequent and fair elections.

### **BACKGROUND**

The Treaty of Lisbon in many ways entrenched power within the Commission.<sup>39</sup> Although the Parliament has been granted more influence over the Commission in the extension of co-decision-making power and the alignment of the President to the predominant political party in Parliament, the Commission is still not elected, as would be ideal according to our definition of democracy, and “is subject to little direct or even indirect public accountability.”<sup>40</sup> There are fortunately, however, a number of options for making the Commission more democratically accountable to its constituents, although all will be politically and logistically daunting to implement.

### **OPTIONS**

The short term options include making the Commission more effective and strengthening the role of Parliament. Currently, the Commissioner must decide who he will appoint to each portfolio based on only one representative from each member state; it would be much more desirable to have a few candidates from each member state, as suggested by Commission Presidents Barroso and Prodi.<sup>41</sup> This would provide a larger pool of potential Commissioners

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and allow the Commissioner greater freedom to replace members of the Commission as needed. Until the Commission is democratically elected, at the very least it should be more effective.

The other short-term option would be to allow Parliament to pass a vote of disapproval for individual commissioners. Currently, Parliament can only dismiss the entire Commission, as with Santer's in 1999, or express strong disapproval and threaten complete dismissal thereby coercing change, as occurred with the reshuffling of Barroso's cabinets.<sup>42</sup>

A long-term option is a federalist model in which the European Parliament elects the President, who can then select his College, which would then, ideally, present themselves individually before Parliament for approval or disapproval.<sup>43</sup> A yet more ambitious long-term option would be to implement EU-wide elections for the Commission President. The President of the European Commission could be elected "by all eligible voters for a limited number of terms," who can subsequently "appoint his or her own Commissioners."<sup>44</sup> Ideally, this election would be competitive and would encompass a range of political viewpoints on the European level. Maintaining the integrationist spirit of the Commission, national identity would be secondary to political identification and citizens in each country would have one vote for a European candidate running under a European political party. Contrary to current Parliamentary elections, the general election for the President would occur on the same day across Europe.

Should citizens remain apathetic or unenthusiastic about political participation, EU governance will continue to face the problem of increasing power with little democratic validation. Therefore, implementing democratic elections of Commission seats would be partially contingent on increased voter turnout. Due to the magnitude and sensitivity of

implementing such elections, these options could be adopted sequentially, and if one passes, the next option considered.

## **RECOMMENDATIONS**

- The White Paper on Governance should be replaced with a more candid, readable, and less excusatory report; this should serve as a template for future documents published by the Commission.
- Create regulatory bodies to overview cases of requested documents that have been withheld.
- Create independent committee(s) to determine proceedings and legislation of most interest to the public. This committee or committees would compile that material and make it more readily available on the internet.
- Consultation standards should be regulated by an independent oversight committee; Implementation of these standards may have to become legally binding.
- The Commission should continue to consult civil society while exercising caution in engaging interest groups in all decisions, particularly those related to budgetary matters.
- The Commission President should be able to select from a variety of candidates from each country to fill his portfolios.
- Extend parliamentary power to disapprove of individual commissioners.
- The EU should take incremental steps towards popular elections of Commission, contingent on higher citizen participation in elections.

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- Given the highly complex logistics and politics concomitant with governing 27 nation-states, these policies should be addressed on a trial-and-error basis.

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# Chapter 2:

## The Council of the European Union and the European Council

By Alisa Tonge and Zachary L. Russell

### **INTRODUCTION**

#### **ISSUE**

The European Council and Council of the European Union bridge the supranational governing structures of the EU and the national governments of Member States. The European Council (henceforth referred to as “the EC”) determines the political direction and priorities of the Union. The Council of the European Union (which we will refer to as “the Council”) acts as a legislative body by passing and amending the laws of the EU in coordination with the European Parliament. In accomplishing these responsibilities, the EC and the Council are intended to represent the national interests of Member States.<sup>1</sup>

The actual functioning of these institutions, however, does not meet these ideal standards. We will explore three main reasons for the inadequacy within the EC and the Council. First, the recent implementation of a fixed presidency within the EC risks increased tension between the EC and the presidents of the other Union institutions, as some of their responsibilities overlap.<sup>2</sup> This is detrimental to the democratic functioning of the EU in that conflict among institutions can hinder the government’s effectiveness in implementing policy and diminish citizens’ confidence in the EU’s ability as a governing body. Second, although the EC is gaining prominence in the process of EU integration, its collaborations with civil society are minimal in comparison to those of its fellow institutions. Associational and participatory democracy depend on this type of citizen engagement, making it essential for the EC and the Council to prioritize their relationships with civil society. Finally, the similar names of the EC and the Council cause confusion among citizens, minimizing the likelihood that they will engage with the

institutions as well as their ability to hold the EC and the Council accountable, both of which are central components of democracy.

## **BACKGROUND**

The formation of the EC began in 1974 as informal summit meetings held by Heads of Member States.<sup>3</sup> With time, these gatherings gained authority within the EU and evolved into formal meetings for influencing the general objectives of EU discussions and policies. In 1992 the Maastricht Treaty formally defined the functions of the EC,<sup>4</sup> and the Lisbon Treaty established it as a separate institution of the EU.

The EC is comprised of Member States' presidents and prime ministers, and participants meet twice every six months in Brussels.<sup>5</sup> It ultimately acts as an overarching institution that coordinates the policies of the entire EU.

The newly ratified Lisbon Treaty transformed the previously shared presidency of the EC and the Council by establishing an elected president of the EC within an extended term of two and a half years<sup>6</sup>. The EC president is elected by members of the EC through the Qualified Majority Voting system.<sup>7</sup> This position, according to Article 15 (6) of the Treaty on the European Union, ensures continuity in the work of the EC and facilitates its correlations with other institutions.<sup>8</sup> The president is also expected to drive forward the objectives of the EC.<sup>9</sup>

The Council, conversely, was established by the Treaty of Rome in 1957.<sup>10</sup> Its role has expanded to include many policy areas, although the Council is especially concerned with foreign policy<sup>11</sup>. Ministers of the Council are selected by national parliaments and represent the Member States in committees that address specific issues pertinent to the EU.<sup>12</sup> The Permanent Representatives Committee (COREPER)

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coordinates and assigns the work of the Council.<sup>13</sup> In contrast to the European Parliament, which is a purely transnational legislative institution, the Council represents the legislative interests of Member States.<sup>14</sup>

Voting procedures of the Council were revised by the Lisbon Treaty, which expanded the use of the Qualified Voting system and instituted transparency requirements.<sup>15</sup> In the past, public documents were occasionally published and Council meetings sometimes open to the public. Under amendments of the Lisbon Treaty, however, all legislative documents and proceedings are required to be published and available to the public and committee meetings of the Council must be accessible by the public.<sup>16</sup> These reforms largely address the democratic challenges the Council has faced in the past by increasing transparency and legitimacy. The implementation of these new regulations, however, remains to be seen.<sup>17</sup>

The Lisbon Treaty transformed the EC and the Council and in many ways addresses the democratic deficit. Potential holes in the democratic functioning of these two institutions, however, remain and must not be overlooked.

### **CHALLENGES**

#### **Challenge 1: Minimizing Conflicts with the New EC President**

##### **ISSUE**

The newly reformed presidency within the EC is intended to generate continuity in the objectives of the EU within the EC as well as between the Union institutions. In order to fulfill this responsibility, the president must cooperate amiably with the presidents of the Commission, Parliament, and Council.

## **BACKGROUND**

The implementation of the EC presidency was largely compelled by increasing complaints over the rotating presidency of the Council and two components of this position in particular. First, the lack of an election for determination of the president caused conflicts of interests.<sup>18</sup> As such, the president of the EC is elected by members of the EC and therefore must uphold the interests of the majority in order to protect his chances of reelection. Secondly, as the influence of the EC and its authority within the EU increase, the necessity of a high-level representative within the institution became evident. There are many more Member States today than when the EC first came into existence, necessitating a coordinator to provide oversight and direction.<sup>19</sup> Moreover, the short terms of the Council presidency limit the potential for the facilitation of substantial policy impact by the president, a problem that was also alleviated through the establishment of the EC presidency. In accordance to these needs, Article 15 (6) of the Lisbon Treaty bestowed the assignment of coordinator and international affairs representative onto the EC president.<sup>20</sup>

While there is extensive evidence for the need of a presidency within the EC, this position threatens to spark tension and conflict among the Union institutions. The EC presidency overlaps with that of the president of the Commission as well as the High Representative, and if the EC president seeks to reduce the role of the latter two officials, conflict will undoubtedly ensue.<sup>21</sup> President Barroso implied this sentiment on October 7th when he declared that “the European Commission will not accept the idea that the President of European Council is the President of Europe.”<sup>22</sup> Perhaps most significantly, the roles of each president are not clearly defined, allowing presidents to on the one hand

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unintentionally overstep their powers or on the other hand utilize this ambiguity to embrace control to which they are not entitled.

### **OPTIONS**

One possible resolution to the overlap of the presidencies is to more clearly define the roles of the President of the EC, the High Representative, and the President of the EU, especially in terms of foreign relations. This would prevent competition among presidents for recognition and dominance over Union matters. The problem with this is that it diminishes room for flexibility. At this point it is expected that presidents will set precedents for the future expectations of their roles, and if the positions are detailed by the Treaty, practical uses of sharing the roles of international representation between the presidents may be overlooked.

Another option is to simply allow time for the president of the EC to gain respect and recognition in the EU community and among the institutions. This would strengthen position's coordinating abilities among the institutions as it would allow the EC presidency to earn respect from the other institutions as well as constituents. This option, however, does not guarantee the elimination of the tensions with the presidents of the Commission, Parliament, or Council. This approach would also leave the role, responsibilities, and powers of the office vaguely defined, thereby perpetuating citizens' confusion and unfamiliarity with the EC and the roles of its officials.

## **CHALLENGE 2: Civil Society and the European Council**

### **ISSUE**

As the European Council becomes more prominent in the process of European integration, it should also share the responsibilities of its fellow institutions in collaborating with civil society. Civil society not only could provide valuable insight in addressing the concerns of the EC, but it is also imperative in establishing goodwill between the institution and the citizens it represents.

### **BACKGROUND**

As the general political compass of the Union, the European Council's recognition as an official EU body is long overdue. In addition to establishing the European Council as a permanent governing body, the Lisbon Treaty also expanded its operational jurisdiction into "police and justice planning, foreign policy and constitutional matters."

The Lisbon Treaty's strengthening of the European Council is further exemplified in the creation of a new High Representative for the Union in Foreign Affairs and Security Policy, as well as the more permanent EC presidency previously discussed.<sup>23</sup>

Nonetheless, interaction and collaboration with civil society seems to be lacking in the European Council. Despite the EU's overall progress in consulting with civil society actors, the European Council is behind. This is to be expected given it only recently has been recognized as an official institution. Even in the most recent meetings of the EC in December of 2009, meeting notes made little or no reference to a presence of or consultation with civil society actors. During a meeting in Brussels on October 29<sup>th</sup> and 30<sup>th</sup>, 2009, topics discussed included institutional issues, climate change, the

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economic and financial situation, immigration, and external relations.<sup>24</sup> In another European Council meeting on December 11<sup>th</sup>, 2009, the only gesture remotely close to acknowledging civil society was lauding the Commission's attempts to expand citizen participation with the Citizen's Initiative.<sup>25</sup> A clear disconnect between the EC and civil society exists and is exacerbating the democratic deficit within the EU.

### **OPTIONS**

The most obvious way to involve civil society in European Council deliberations would be to have civil society actors present and participating at meetings in Brussels. This would give civil society actors a high-profile opportunity to influence proceedings and overall EU policy and direction. However, choosing which civil society groups and actors would be allowed at EC meetings would inevitably leave out deserving groups, and could result in bureaucratic inefficiencies and controversy. Accurately representing 500 million people over the course of 2 days in one chamber is simply infeasible.

The EC could also adopt more expansive and standardized measures for consulting with civil society groups outside and prior to meetings, perhaps using the Commission's system as a stepping-stone. In working with civil society groups, the European Council could more actively give credence and account for civil society positions in meeting notes. Ideally this would draw attention to the participatory role such groups play in policy formulation and considerations at the highest level of EU governance.

### **CHALLENGE 3: Confusing Institution Names**

#### **ISSUE**

European citizens should be able to easily access basic information regarding the responsibilities and general purposes of the Union institutions if they are expected to understand and interact with them. The similar names of the European Council and the Council of the European Union lead to confusion and impair constituents' abilities to understand the workings of these two entities and the EU in its entirety. Consequently, citizens are unable to actively hold the officials within the EC and the Council accountable and democracy within the Union suffers.

#### **BACKGROUND**

The Council was originally referred to as the Council of Ministers of the European Communities. Under the Maastricht Treaty, it was renamed the EU Council of Ministers.<sup>26</sup> Soon thereafter, it became the Council of the European Union. The European Council, conversely, has maintained the same name since its informal creation in 1974.

The Council and the EC have worked closely together throughout their existences, though the EC served to oversee the workings of the Council.<sup>27</sup> Their close relationship has caused the institutions to essentially be considered a combined institution. The formal designation of the EC as a separate institution by the Lisbon Treaty, therefore, creates confusion for those trying to clarify the roles and responsibilities of each.

Scholarly articles and politicians often confuse the two institutions or fail to specify which council they are referencing. For example, the US State Department spokesman P.J. Crowley confused influence of the Lisbon Treaty on the EC and the

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Council in his explanation for why Obama would not attend the annual EU-US summit in May.<sup>28</sup> Mongolia's President Tsakhia Elbegdorj was also confused by the names of the EC and the Council, as he was unsure of which council president he held a meeting with.<sup>29</sup> This clearly discredits the EU on a global scale as a capable, significance governing body as it creates an unorganized and dysfunctional appearance.<sup>30</sup> Moreover, if intellectuals and politicians are unable to distinguish or adequately clarify the institutions, consistent misunderstandings and frustrations can be expected from European citizens.

### **OPTIONS**

The most obvious alternative to the current situation is to change the name of one of the institutions. The EC is the superior institution; therefore, the Council of the EU would be the most practical to reform. This option would clearly distinguish the two institutions and minimize the chance that people would intend to refer to one and name the other. There are, however, obvious difficulties in doing so. This switch could in reality cause further confusion because the Council's name holds historical significance. Furthermore, gaining support for amending the Lisbon Treaty and then implementing the change may prove difficult.

A second option is for the EU to leave the names of the EC and the Council as they are in the hope that the formal separation of the two institutions will alleviate confusion in itself. This option is clearly less complicated and time consuming than the first option, although it runs the risk that confusion will persist.

## **POLICY RECOMMENDATIONS**

- Clearly formalize and define the specific responsibilities of the President of the European Commission, the High Representative, and the President of the European Council.
- Implement consultation standards for civil society actors in the European Council and present the input in proceeding meetings and publications.
- Distinguish clearly between the Council of the EU and the European Council by altering the name of the Council of the EU. The new title should exclude the word ‘council.’

## Chapter 2: The European Council and the Council of the European Union

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<sup>29</sup> Doug Bandow, Europe Doesn't Matter, The National Interest Online, 10 February 2010, 3 March 2010, < <http://www.nationalinterest.org/PrinterFriendly.aspx?id=22866>>.

<sup>30</sup> Bandow, Europe Doesn't Matter

# **Chapter 3**

## **The European Parliament**

**By Anastasia Plotnikova**

## Chapter 3: The European Parliament

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### **Introduction**

#### **ISSUE**

Although the European Parliament is the only institutional body elected directly by the people of Europe, its functions remain relatively unknown except amongst a small group of experts.<sup>1</sup> According to Eurobarometer reports, the assessment of knowledge of European citizens regarding the EP is relatively low. Measured on a 10 point scale, citizens on average gave themselves a 3.7 when asked how much knowledge they possessed on the EP's role within the European Union and only a 3.3 in regard to knowledge of the role of MEPs.<sup>2</sup> Its complexity and limited legislative power create a common perception of the EP as an illegitimate, unaccountable and corrupt "Brussels institution."<sup>3</sup> The fact that the general public views the Parliament in this way suggests "a fundamental problem in the representation chain from voters' choices in EP elections, via party behavior in the EP, to policy outcomes from the EU."<sup>4</sup> It is essential for control over governmental decisions in a democracy to be institutionally vested in elected officials through a system that citizens view as legitimate and fully understand. Until the EU establishes this, the democratic deficit will persist.

#### **BACKGROUND**

The European Parliament is the only directly-elected supranational institution of the European Union and it is comprised of 736 Members electable by all eligible voters in the 27 Member States. Members of the European Parliament (MEPs) serve as representatives for renewable five year terms.<sup>5</sup> Seats within the Parliament are divided proportionately according to the population of each member state. Germany, for example, has 99 seats while Malta has six.<sup>6</sup> Members of the European Parliament divide their time between their constituencies, the administrative headquarters in Luxembourg, parliamentary committee meetings in Brussels, and

plenary sittings in the parliamentary chamber in Strasbourg. Decisions regarding policy in areas such as environmental protection, consumer rights, equal opportunities, transport, and the free movement of workers, capital, services, and goods are addressed within the EP.

The wide range of activities covered in the EP illustrates its importance in influencing the daily lives of citizens within the EU. The EP has three main roles: that of legislator, that of supervisor over the Commission and the Council (it can veto the government's nominee for Commission President) and, and that of a budgetary actor with the power to amend lines in the EU Budget.<sup>7</sup> It lacks several of the powers that generally associated with a legislature, such as raising revenues or introducing new laws, and it has only a limited ability to hold the Commission accountable for its decisions.<sup>8</sup> European citizens' interest in European Parliament elections has been decreasing since 1979 even though the powers of the EP have been steadily increasing.<sup>9</sup> The Maastricht Treaty of 1992 introduced the co-decision procedure in which the EP would serve as a co-legislature alongside the Council in 15 areas. The co-decision process is the system used for EU law making, and ultimately requires that the European Council and Parliament both agree on all proposed legislation before they can pass.<sup>10</sup> If the two institutions cannot agree, legislation is placed before a conciliation committee that consists of an equal number of representatives from both the Parliament and the Council.<sup>11</sup> The committee then reaches an agreement and sends the text back to the Parliament and Council so that they can adopt it as law.<sup>12</sup> Despite this increase of EP power, turnout rates for elections dropped from 63% in 1979 to 56.8% in 1994.<sup>13</sup>

The Amsterdam and Nice Treaties further expanded the co-legislative power of the EP by allowing Parliament to veto the government's choice for Commission President. In addition they gave the Council less influence on MEPs by introducing qualified-majority voting in the Council

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for electing the Commission President and the Commission as a whole, which increased the power of the EP to influence the make-up of the Commission.<sup>14</sup> Even with this increase in power, the level of participation in EP elections continued to drop, lowering to 49.4% in 1999 and 45.7% in 2004.<sup>15</sup> These drops in turnout rate can be associated with two main problems; the public discourse that MEPs are overpaid and underworked and the reality that MEPs vote according to national preferences and generally aim to further state rather than European interests.<sup>16</sup>

### **CHALLENGES**

#### **Challenge 1: Extensive MEP Travel Obligations**

##### **ISSUE**

The image of the Parliament among European citizens is that of a traveling circus, where debates are often neglected, procedures and rules are unbearably complicated, and MEPs “fiddle their expenses” or spend money given to them by the EU on unnecessary expenditures.<sup>17</sup>

Constantly traveling between two main cities for Parliamentary meetings forces MEPs to make choices about how to best allocate their time, which often means not participating in all Parliamentary votes.<sup>18</sup> Additionally, this constant travels diverts time away from actual parliamentary proceedings, creating a negative perception of MEPs and delegitimizing the institution in the minds of EU citizens.

##### **BACKGROUND**

In an average month, an MEP has a week of committee meetings in Brussels, one week of plenary sittings debating and voting on legislation and resolutions in Strasbourg, another week of party meetings in Brussels, and one week in his home country addressing the concerns of

constituents and local political business.<sup>19</sup> This practice of shuttling back and forth is financially costly, separates MEPs from each other at times and their constituents at others, and is impractical for an efficiently functioning governing body. European citizens recognize this, and therefore distrust the EP and disassociate themselves from its processes.

According to Lousewies van der Laan, a former member of the European Parliament, “every month more than 3,000 people travel needlessly back and forth between Strasbourg, Brussels, and Luxembourg, at a cost of nearly 1 million euro per month.”<sup>20</sup> Travel expenses to Strasbourg incur a total cost of 169 million euro per year.<sup>21</sup> In 2008, expenditure relating to MEPs in the European Parliament amounted to 304 million euro, representing 22% of Parliament’s total budget. This included travel expenses, allowances, and pay for personal assistants.<sup>22</sup> Members also carried out 13,530 for attendance at sessions in Strasbourg and Brussels, 19,569 for committee meetings in Brussels, and 5,689 journeys for meetings in political groups in Brussels. Not only do members waste time and money traveling to and from cities, but the total expenditure relating to the maintenance of the various building structures utilized by the EP was 191 million euro, representing 14% of the total EP budget.<sup>23</sup>

With these statistics, it is no wonder that many MEPs and European citizens consider these travel expenses a waste of taxpayers’ money and MEPs’ time. Furthermore, both the Council and Commission are based in Brussels, and the European Parliament’s task is to exercise democratic control over both these institutions. This is almost impossible to do when they are so far away from the epicenter of all major political decisions.

MEPs have to travel to or from Brussels and Strasbourg, and flight and train times usually constrain them to Mondays and Fridays. Consequentially, turn-out rates for votes on these days are lower than votes scheduled on Tuesdays, Wednesdays, and Thursdays. In

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response, EP leadership often “tries to organize all the important votes in the middle of the week,” which dissuades MEPs from participating in legislation discussions on Mondays and Fridays.<sup>24</sup> Legislation passed without the presence of a majority of the MEPs clearly does not accurately reflect all parliamentarians and their constituents’ concerns.

### OPTIONS

The first policy option would be to eliminate the need for MEPs to travel between Strasbourg and Brussels by establishing a single location in Brussels, which is close to the Commission as well as the Council. This would benefit the EU by cutting travel expenses and enabling MEPs to allot more time to discussing and voting on policy and legislation. However, Strasbourg has a historical significance as the official location of the European Parliament. It is the symbol of post-war Franco-German conciliation and was selected as the primary site for Parliamentary meetings in 1952 because of its close proximity to the European Coal and Steel community organizations.<sup>25</sup> Eliminating Strasbourg as the EP’s official location may be close to impossible, as several initiatives to do so have already been vetoed by the French. The only way to eliminate plenary sessions in Strasbourg is to reform the Amsterdam Treaty, which requires MEPs to meet 12 times a year in Strasbourg.<sup>26</sup> This can only happen with a unanimous vote from all member states of the EU. This option is only feasible as a long-term goal.

Another option is to lower the number of days that each MEP is required to spend in Strasbourg, thereby eliminating costs associated with travel and allowing more time for Parliamentary proceedings in Brussels. Efficiency of parliamentary proceedings would increase through this option, as more MEPs would be regularly present and the entire work week—Monday and Friday included—could be utilized equally for discussion. However, this option would not alleviate the negative image many citizens have of corrupt MEPs traveling between

cities and misallocating their time and financial resources. Legitimization of the EP in the eyes of constituents, therefore, may not be addressed by this option.

A third option would be for the EP to leave things as they are, and for MEPs to continue traveling back and forth between institutions in order to keep Strasbourg and its history alive. The cost of this has been thoroughly explored above; it would not solve the inefficiencies associated with travel or receive positive feedback from citizens, but it would be politically cost-free and would likely not elicit resistance from France or any other Member States.

### **Challenge 2: Promoting Transnational Party Politics**

#### **ISSUE**

European citizens feel that MEPs tend to focus on national preferences and state interests when voting on issues within the Parliament instead of encouraging European integration and transnational politics. What few citizens realize, however, is that MEPs are members of national parties *and* European party groups.<sup>27</sup> The dominant public perception of EU politics is that countries are in constant conflict with one another. For example, they see France opposing further reductions in agricultural spending and Denmark demanding higher environmental standards.<sup>28</sup> Such assessments are based on disputes within the European Council; politics in the EP primarily concern left-right disagreements and not necessarily territorial divisions.<sup>29</sup> Constituents' misconceptions of the workings of the EP and its transnational platforms can be attributed to a predisposition among citizens to view the EP negatively. Consequently, they fail to realize the benefits the EP brings to the EU and Europe as a whole, as well as the importance of the MEPs who represent them in the European Parliament.

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### BACKGROUND

While the Council serves as a mean to represent interests on a national level, the EP focuses on representing transnational party groups. The EP consists of 7 main political “families,” including the Group of the European People’s Party (EPP), Alliance of Liberals and Democrats for Europe (ALDE), The Green-European Free Alliance Group (G/EFA), Europe United Left/Nordic Green left (GUE,NGL), Group of the Progressive Alliance of Socialists and Democrats in the EP (S&D), the European Conservatives and Reformists Group (ECR), and The Europe of Freedom and Democracy Group (EFD).<sup>30</sup> National parties decide which European party group each individual MEP will be a part of, which committee positions parliamentary offices their MEPs will look for, and which MEP receives each position.<sup>31</sup>

National parties from numerous member states organize themselves into a handful of European parties according to congruence of political platforms. Although many national parties enter into the same political group in the EP, the public does not recognize that this party affiliation is based on policy congruence and not simply national ties.<sup>32</sup> Coherence is maintained within EP party groups by making decisions based on majority rule.<sup>33</sup> However, parties often change their preferences in various policy areas, and as the EP gains power and party groups become increasingly cohesive,<sup>34</sup> MEPs face pressure to vote according to their party group’s preferences regardless of their national party’s stance.

MEPs vote along EP group party lines more often than national allegiances, and the frequency of such decisions is increasing.<sup>35</sup> Hix’s analysis of roll-call votes from the 1999-2004 Parliament found that only 10.3% of MEPs went against their EP party group’s instructions to vote with their national party preferences.<sup>36</sup> Hix, Noury, and Roland conclude that MEPs align themselves most closely with left-right leanings and the traditional party families of domestic

European politics, enabling the EP to counterbalance the national-interest based politics in the European Council.<sup>37</sup> Nevertheless, constituents perceive national affiliations as significantly impacting MEPs' policy decisions.

MEPs frequently complain that citizens' misconceptions are a consequence of low amounts of media coverage of the EP's activities and functions.<sup>38</sup> Journalists cover the activities of the EU institutions, but because of the complicated legislative process of the EP, they tend to focus on the Commissions initiatives and their final adoption by the Council, skipping the Parliament's role in the decision-making process all together. Moreover, most journalists do not have the time or financial resources to travel to Strasbourg for the EP's monthly meetings.<sup>39</sup> The EP is therefore missing out on an important opportunity to represent itself to the European people and inform them of its actions.

### **OPTIONS**

The failure of the public to fully understand the role and operations of the EP may be associated with the lack of media coverage of this particular institution. In the short run, the European Parliament may benefit from enhancing its public profile. This can be accomplished by improving its media relations and reaching out to the public. This would benefit the MEPs as well as citizens by allowing constituents to see and evaluate the institution's importance and their MEP's role in the transnational party group system. However, as of now the spokesman for Parliament is not allowed to represent the views of any one party group, including that of the majority party, which may inhibit how much information he is able to give to media to explain to the public. Moreover, improving media relations will require extensive time and resources, which are already limited by due to MEPs' traveling schedules.

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Another option would be for political parties themselves to reach out to the media and express to the public the political disagreements that take place within the EP. This would demonstrate the presence of transnational parties within the EU and the large influence these parties exert on outcomes of Parliamentary debates.<sup>40</sup> Political groups are free to express their partisan views but the spokesman for Parliament is not, so this option would allow for increased transparency as well as recognition among citizens that factions in the EP are generally aligned according to left-right leanings. Encouraging political parties to communicate their positions would permit additional public scrutiny and enable citizens to hold MEPs accountable for their voting decisions. However, increasing media relations through political parties would also take away from the already-limited time Parliamentarians have to work, because time would need to be allocated for interviews and media events.

Another way to potentially bridge the gap between national and transnational parties is to encourage a yearly public debate—perhaps on Europe Day—in which MEPs come together with their national parliaments in a public forum. This would show the public that although national and EP parties are similar and work together, they serve the public's interests in different ways. Gathering all MEPs and national parliamentarians together on one single day across multiple countries may be difficult, as resources are limited, and capturing citizens' attention would present a challenge for the EP. However, this policy option would provide an important opportunity for constituents to question and meet their representatives at both a national and supranational level.

### **Challenge 3: Fostering the EP's Legislative Powers**

#### **ISSUE**

Not only do citizens lack a proper understanding of the functions of the EP, but as Noury explains, the “role of the elected European Parliament as a source of direct legitimization is underdeveloped.”<sup>41</sup> Many believe that an increase in the role of the EP as a legislative and budgetary power would lessen the democratic deficit and increase the legitimacy of the European Union as a whole. We agree, and argue that if the European Union is to confront the democratic deficit, one of the most important ways it may do so is to increase the European Parliament's power in comparison to that of the Commission and Council.

#### **BACKGROUND**

The EP was established in 1952, and its power has been increasing since its formation. The Single European act in 1987 established the co-operation procedure giving Parliament the right of conditional agenda-setting, the Maastricht Treaty of 1993 introduced the co-decision procedure, the Amsterdam Treaty of 1999 reformed the co-decision procedure to make the system more bicameral, and in 2003 the Nice Treaty lowered the threshold for electing the Commission President.<sup>42</sup>

The European Parliament was assumed to be the institution that would benefit most under the proposed European Union Constitutional Treaty.<sup>43</sup> If it had been signed, ratified, and implemented, the Constitution would have established the ‘Ordinary Legislative Procedure (OLP), or the co-decision procedure, extending the legislative powers of the EP to any area related to “freedom, security, and justice.”<sup>44</sup> Although the constitution was never ratified, the Lisbon Treaty did extend the powers of the Parliament and instituted the OLP, expanding the co-

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decision power of Parliament to join the Council in decisions regarding agriculture, fisheries, transport and structural funds.<sup>45</sup>

In addition, the Treaty made the European Parliament a co-legislator for almost all European laws, and under the new budgetary procedure it is given full equality with the Council in terms of approving the annual budget. The EP must also agree on the multi-annual financial framework, an important protocol for disbursement of the EU budget, before it is approved.<sup>46</sup>

The Treaty also capped the number of MEPs at 750 plus the president, divided between member states on a proportional basis, with a minimum of six and a maximum of 96 MEPs per member state. According to Dougan, this new system of allocating MEPS offers greater flexibility compared to the previous one, which required formal amendment of the Treaty itself for changes to the allocation of MEPs.<sup>47</sup>

Despite changes established through the Lisbon Treaty, the EP's budgetary powers are still lower than a conventional legislature. The Parliament lacks the ability to determine where EU spending comes from or how the EU raises its income. Revenue to finance the EU comes from four main sources; agricultural levies, customs duties, value added tax (VAT), and Gross National Income (GNI).<sup>48</sup> However, the GNI has come under criticism from the Parliament because it is an inter-governmental transfer of funds—each state donates a percentage of its GNI to the EU's budget—rather than a revenue instrument belonging to the EU. In other words, the EU must depend on member states for funding instead of being able to develop the EP budget on its own according to its constituents' interests.<sup>49</sup> As of now, the government determines how the EU raises its revenues and votes by unanimity in the Council to pass the legislation, a system that is lacking in accountability.<sup>50</sup>

Beyond budgetary decisions, the European Parliament can exert some influence on the initiation of a legislative proposal; Article 192 of the TEC provides: “*The European Parliament may ... request the Commission to submit any appropriate proposal on matters on which it considers that a Community act is required for the purpose of implementing this Treaty.*”<sup>51</sup> This means that Parliament can request that legislation made by the Commission be elaborated upon and explained, even though it rarely does so. Parliament may also come up with their “own initiative” reports which call on the Commission to take action on particular matters, commonly requesting new legislative proposals from the Commission. However, this small role as a legislator does not give the EP any real power to initiate or control legislation, as would a conventional parliament

### **OPTIONS**

One option is for the whole of the EU budget to fall under the control of the European Parliament. This would clarify how the budget is formed, who exactly determines the budget, and provides a mean of accountability to the constituents. Ultimately, delegating control of the budget to the EP would increase the legitimacy of the Union as a governing body. However, this option would require a serious restructuring of the Parliament by necessitating an “office of management and budget” or a similar entity to oversee the treatment of the budget.

Along with responsibility over the expenditure decisions of the European budget, the EP should also have the power to determine where the revenues for those expenditures come from. An EU tax, replacing national contributions such as the GNI, is an option for achieving this and would clearly elucidate where the funds for the Union’s expenses are generated. This would benefit the EP by increasing public awareness of how EU funds are raised. Taxation would also

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increase Europeans' interest in and sense of attachment to the EU by providing a highly visible and important avenue through which the EU directly affects their lives.

The first two options would be very difficult to implement, as reflected in the failure of the Constitution, which would have placed most budgetary control in the hands of the Parliament. An EU national tax could also face strong objections from European citizens and national governments who are uncomfortable with the EU asserting power in a policy area traditionally dominated by nation-states.

As of now, the EP is able to either approve or reject the Council's nominee for Commission President.<sup>52</sup> However, increasing the Parliament's power to elect the Commission President by an EP majority vote would deepen democracy for the entire EU. Moreover, advocates of this option argue that it would increase voter turnout at European elections if the officials they elected not only held positions in the Parliament but had direct control over the election of the President of the Commission.<sup>53</sup> However, this would take away the power of individual commissioners to appoint who they feel is best suited to be in charge of the commission. If commissioners do not respect or approve of the Commission President, then the dynamic between members of the institution could negatively impact the outcome of legislation and fuel tension.

Another option is to grant Parliament the ability to dismiss individual commissioners. As of now, the Parliament can fire the whole Commission, a tool that is a drastic measure and therefore rarely used.<sup>54</sup> However, if European citizens knew that the Parliament maintained viable leverage over each commissioner, interest in the Parliament and legitimacy of the Commission would likely increase. This option may, however, fuel tensions between

Commissioners and MEPs as well as create inconsistency and logistical difficulties within the Commission, as Commissioners' terms would become irregular.

Constituents may not want MEPs to elect the Commission President when they themselves don't have faith in the EP or its members. Therefore, another option would be to hold Europe-wide elections for Commission President. This may prove to be inefficient, because voter turnout rates for European Parliament elections are lower than ever before and have steadily decreased over the years. If the only elected institution of the EU is not able to attract a high percentage of citizen participation, elections for the Commission President may not be able to do so either.

Another option for increasing the role of the EP as a legislator is to enable the Parliament to initiate legislation. In most established democracies, national parliaments have the right to initiate legislation; for example, in the United States this right is legally reserved by Congress. It is important for Parliaments to have this power because it "allows them to put new issues on the agenda and turn them into law—if necessary against the will of the executive. It thus provides a strong symbol to citizens that, in the end, elected representatives have the final say."<sup>55</sup> However, the Commission would undoubtedly see this as an imbalance of power.

### **POLICY RECOMMENDATIONS**

- The EP should do everything in its power to move towards eliminating its 12 annual plenary meetings in Strasbourg and create a single seat for the European Parliament in Brussels.
- Improve media relations between the EP and the general public so that Parliament's procedures, opinions, and voting preferences can be better scrutinized and discussed by

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the public. This can be achieved by making MEPs more available to journalists and pitching stories to European media more frequently and in ways that emphasize the drama of party politics in the institution.

- Increase the EP's budgetary powers, including giving the EP the power to
- Move to allocate the right to initiate legislation to the EP.

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<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*

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<sup>55</sup> Lousewies van der Laan.

# **Section 2:**

## **Civil Society in the European Union**

## Section Introduction: Civil Society in the European Union

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### **Section Introduction: Civil Society**

**By Samuel Garfield & Kaitlyn Sweeting**

In their efforts to draw greater citizen input and participation, European Union institutions have made a commitment to help build a European civil society as well as to include civil society actors in a consultative role on relevant issues. The EU has adopted a broad definition of organized civil society that includes essentially all non-state actor groups such as labor-market players, non-profit organizations, community-based organizations, and social movement.<sup>i</sup>

The establishment of a well-functioning civil society throughout Europe will play a significant role in addressing the democratic deficit within the EU.

Civil society fosters all four dimensions we have defined as central to democracy, but is particularly essential to associative democracy.

Civil society is comprised of many diverse interest groups that provide citizens with a variety of opportunities to participate in European governance and disperse power from the political elites.

Civil society can also contribute to European democracy by addressing it in three primary ways. First, civil society's emphasis on organized protest and surveys solicited by the EU itself promote the right to freedom of expression.

Civil society can also make sources of information regarding EU operations that are not filtered through a national lens available to citizens. Lastly, civil society can enable citizens to join autonomous associations that influence governing bodies directly, whether through protest or formal consultation.

## Section Introduction: Civil Society in the European Union

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Civil society is divided into two main spheres: social groups and civic groups. Social groups represent narrow business and economic interests and are funded through the enterprises that they represent. Civic groups, conversely, represent non-economic interests and include nongovernmental organizations (NGOs) and community-based organizations.

Involvement of civil society in EU affairs dates back to the Treaty of Rome in 1957, which established the European Economic and Social Committee. The EESC was instituted to involve economic and social groups in establishing a common market. Its role was reinforced by the Single European Act (1986), Maastricht Treaty (1992), the Amsterdam Treaty (1997), and the Treaty of Nice (2000).<sup>ii</sup> In 2001, civil society was cemented as a possible way to combat the democratic deficit in the EU by the White Paper on Governance. The White Paper committed the EU to consulting and incorporating civil society in policy making decisions.<sup>iii</sup> Most recently, Article 11 of the Lisbon Treaty committed all institutions to “open, transparent, and regular dialogue with representative associations and civil society.” It also committed the Commission to broad consultation with all concerned parties.<sup>iv</sup>

Despite the expansion of civil society’s role in the EU and the acknowledgement of its centrality to addressing the democratic deficit, the task of strengthening European civil society is daunting. As such, we have explored three major policy areas as they relate to the establishment of a European civil society;

1. **“Europeanizing” Civil Society.** Civil society within the EU is fragmented along national lines. In order for civil society to adequately bridge the gap

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between society and the EU, civil society should operate with a European scope.

2. **Balancing private and public interest group representation.** Currently the structures for consulting with and lobbying the EU greatly favor private and commercial interests. If the EU is to fully represent civil society, a greater balance between the two must be established.
3. **Strengthening grassroots civil society.** Though grassroots organizations and social movements may be the most directly representative of the interests of their members they are rarely directly consulted by the EU. For the sake of efficiency the EU often consults umbrella organizations, which often treat grassroots groups and their members as little more than sources of funding. Ideally, the EU should find ways to encourage a strong grassroots and consult it more effectively.

### ENDNOTES

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<sup>i</sup> European Union, European Commission, “Consultation Standards” Europa, 22 Feb. 2010 <[http://ec.europa.eu/civil\\_society/consultation\\_standards/index\\_en.htm#\\_Toc46744741](http://ec.europa.eu/civil_society/consultation_standards/index_en.htm#_Toc46744741)>.

<sup>ii</sup> European Union, EESC, “How the European Economic and Social Committee works” Europa, 22 Feb. 2010 <[http://www.eesc.europa.eu/organisation/how/index\\_en.asp](http://www.eesc.europa.eu/organisation/how/index_en.asp)>.

<sup>iii</sup> European Union, European Commission, European Governance: A White Paper (Brussels: 2001) 16.

<sup>iv</sup> “Consolidated Version of the Treaty on European Union,” Official Journal of the European Union 51.C115 (2008): 21.

# **Chapter 4:**

# **“Europeanizing” Civil Society**

By Brent Waller

## **INTRODUCTION**

### **ISSUE**

In its efforts to draw greater citizen input and participation, the European Union has made a commitment to help build a European civil society and to consult civil society on relevant issues. If organized civil society is to play an active role in making the EU more democratic it must be “Europeanized” so that it reaches across borders and works effectively at multiple levels, including the level of the EU. The degree of Europeanization is measured by the extent to which groups reach across national or regional boundaries and exert influence directly at the EU level. The aim of this chapter is to investigate challenges of Europeanizing civil society and strategies for creating a more Europeanized civil society.

Civil society has many layers and forms, but the focus of this chapter will be on transnationally-operating non-governmental organizations (NGOs). NGOs often share common interests and goals (such as environmental concerns, human rights, etc) and, most importantly, have significant potential to reach across national and regional boundaries. While not guaranteed, NGOs have potential to bridge the gap between citizens and EU institutions by balancing real citizen interests with a level of organization high enough to effectively reach EU institutions. At the same time they can foster civic engagement and bring regional or national expertise to the EU.

In regards to strengthening democracy and overcoming the democratic deficit in the European Union, NGOs organized and acting at the European level are beneficial in three primary ways. First, a developed NGO sector representing wide public interest at the European level can help to counter the strong influence of social groups. Second, the

## Chapter 4: “Europeanizing” Civil Society

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option for citizens to participate and provide input through membership in groups working at the European level gives EU citizens another method of influencing EU policy if they confront blockages on the level of their national government. Third, participation in common causes that are seen as supranational can develop a greater sense of European identity and cross-border solidarity around important issues and ideals. In fulfilling these roles a European civil society can strengthen democracy and help overcome the democratic deficit as defined in this report.

### **BACKGROUND**

The problem of over-representation of private economic interests versus social movements and non-profit organizations has been widely recognized both by authors writing on the topic and the EU itself.<sup>1</sup> This issue is one that in part arises because historically the Union was based around economic integration. While the EU has now grown far beyond economic integration, social groups are firmly planted in Brussels and civic groups have not caught up. The imbalance between the two sectors arises not just from uneven access to funds, but differing levels of social connections and access points.<sup>2</sup> Here the idea of social capital as beneficial social networks and associations comes into play;<sup>3</sup> different types of groups have access to different social networks and thus different levels of social capital. Social groups with greater social capital may be capable of exerting more informal influence outside of the consultation process even as reform brings more transparency and accountability.<sup>4</sup> A strong network of organizations working together at the European level has the potential to help amass collective social capital and work together in achieving frequent and meaningful input to EU institutional processes. While not necessarily countering the need for subsidization or accreditation, this can begin to

balance the input of social groups representing economic interests with NGOs representing the welfare of the public or a group.

European-level civil society can also represent citizens' concerns in a manner that is unfiltered by their national government. Organizations that represent interests common throughout Europe have the option of exerting influence at the national level with the hope of influencing EU policy via national representatives. However, in addition to national level action, they can adopt a multi-level approach and seek to directly influence the EU as new policies are created and decisions made. It may be difficult for organizations that have existed for a long time and work primarily at the national level to take European-level action alone, but they can benefit from aligning themselves with a European-level organization in order to obtain representation at the EU. This sort of direct interaction with the international governing body eliminates the filter of the nation-state and connects concerned and active citizens more directly to the EU with the organization as the sole mediator.<sup>5</sup> It is thus beneficial and efficient in moving citizen interest toward the EU, as well as bringing information back to members through an alternative channel to that which is filtered through a national lens. This is especially important since NGOs often represent groups that do not have a strong voice or political clout and are underrepresented via more traditional political means.

The issue of identity is addressed thoroughly in the last section of this report, but deserves mention here; while it is not directly related to supranational NGO action and coordination, benefit from Europeanization is also accrued in the form of a greater sense of European identity. Coming together and recognizing common interests through participation in transnational organizations has the potential to bring people together both

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physically through protest and public forums, but also in spirit through belief in a common cause or ideology that transcends national boundaries. Thus a Europeanized civil society is a valuable tool for bringing citizens into what J.H.H. Weiler describes as “a supranational civic, value-driven demos.”<sup>6</sup>

While these arguments for Europeanized civil society clearly demonstrate its merits, there have also been concerns raised about the potential drawbacks and problems of a European civil society. Particularly important in the context of addressing the democratic deficit is the critique that an attempt to create a strong supranational civil society with the ability to interface effectively with the EU could simply replicate the current weaknesses of representation and citizen voice rather than fix them. Kenneth Armstrong argues that the civil society solution may end up “jumping rather than bridging the gap between society and transnational structures of governance... [if] a transnationalised civil society suffers from the same sort of democratic deficit as transnational governance itself.”<sup>7</sup> This fear is well founded and has been voiced by others as well, including Alex Warleigh, the scholar and former Chief of Staff to the Chair of the European Parliament Committee on the Environment, Consumer Protection and Public Health, who concluded in a 2001 study that NGOs were oftentimes lacking democratic internal structure and not sufficiently representative of citizens.<sup>8</sup>

These concerns have been taken into consideration in both reviewing the progress of Europeanization and in developing recommendations furthering the involvement of organized civil society at the European level. It is important to avoid replicating institutionalized governance structures and potential colonization by these structures; the EU is responsible for taking action to avoid this by creating and maintaining an effective

framework for interaction that does not require fundamental shifts towards either of these ends and instead promotes a healthy, citizen-driven European civil society. This area of concern is more directly addressed under Challenge 3 of this chapter.

## **CHALLENGES**

### **Challenge 1: European-Level Organizing and Action**

#### **ISSUE**

The emergence of the EU as an ever more influential and powerful organization has led organizations to concentrate their efforts and struggles for their causes on Brussels.<sup>9</sup> As NGOs seek to act at the European level, they must organize at this level as well, a prospect that can be difficult. This can take three forms, all of which represent a certain level of action and organizing at the European level. These are not mutually exclusive, but some are likely to be more desirable or feasible than others. The third and most desirable option is currently largely unrealized. Given the scope of European organizations it is difficult to fully grasp entirely the degree to which organizations have taken these strategies.

#### **BACKGROUND**

Access to Brussels can happen through three different strategies as described below and outlined in *Table 1*.

<b>Level of organizing</b>	<b>Difficulties</b>	<b>Benefits</b>
<b>Regional/National</b>	Limited knowledge of EU access points, low social capital in Brussels, representation may not be seen as very “European”	Keeps NGO close to its roots and support-base, action is not dependent on coalition
<b>European coalition/umbrella</b>	Can become hierarchical and make supporters distant from	Networks can efficiently share information and social capital,

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<b>organization</b>	action at the European level, may be too costly	potential for cooperative action with broad member support
<b>European organization</b>	Must be issue or concern that is “European,” cultural and language barriers, hard to organize from bottom up	Consolidated and direct representation of a broad range of European citizens, sense of solidarity

*Table 1: Different levels of organizing for EU-level action by NGOs*

The regional/national level of Europeanization is minimal and does not require either new organizations or significant changes to the internal structures of current organizations. This form instead sees a shift of existing regional and national organizations from having a focus based solely on national government to one including the EU. This means a significant change in the lobbying structure and requires new connections and strategies, but it does not necessitate a fundamental change in the nature of the organizations beyond creating a new target audience. Organizations would remain regional in nature, and presumably continue to try to influence national and regional level politics as well as interact directly with European level politics, thereby adopting a multi-tiered strategy. This is a minimalist approach, as it does not include any shift towards cooperation with other organizations

The second manner of Europeanization involves regional or national organizations joining a larger coalition or umbrella organization that acts on the European level and attempts to influence policy through direct lobbying and consultation. The difference between coalition and umbrella organization is minimal enough to group them together. They are used here more or less interchangeably, though in this chapter umbrella organization refers to a structure in which one organization consists of different member organizations, while in a coalition in general, power may be less centralized. This strategy has been the tendency of organizations in many sectors.<sup>10</sup> It is practical because organizations can benefit from being represented and aided by large existing bodies and

the coalition benefits from greater power and legitimacy as they acquire more support.

These large organizations are generally not limited to national and regional actors, but also include powerful global NGOs.

The broadest alliance of interests is the EU Civil Society Contact Group, which brings together eight sectors of civil society, each represented by a European Platform, with the goal of increasing cooperation and effectiveness.<sup>11</sup> The Civil Society Contact Group (CSCG) is itself made up of coalitions of sector-specific organizations, for example the Green 10, which is made up of the ten major organizations in the environmental sector.<sup>12</sup> Europeanization has become more extensive in large part thanks to initiatives such as the CSCG, which has grown from four member sectors to eight in the eight years since its founding. Its member organizations have also grown during this time (the Green 10 was only the Green8 in 2002).<sup>13</sup> A potential problem is that it emphasizes member organizations representing a range of social issue platforms, but not necessarily each member state.<sup>14</sup> This means that representation may become lopsided, especially if member states join the Union but their respective civil society spheres do not become part of the CSCG.

A final form of Europeanized civil society is NGOs that reach across national boundaries and represent directly a large number of European citizens in a variety of countries without intermediary organizations. Some coalitions are beginning to bridge the gap between alliance or organizations and European NGO. For example, EURODIS defines itself as an “alliance of patient organizations and individuals” and thus consists of both organizations and citizen as members.<sup>15</sup> The EURODIS website is also highly accessible to many Europeans as it is offered in six different languages, a much greater

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variety than in the common English or French choice.<sup>16</sup> The diversity of languages in the EU is one of the greatest problems when discussing this type of organization and makes it difficult for one NGO to communicate to members in many countries.

Ideally, citizens with common concerns would join or create Europeanized organizations according to the third option—Europe-wide organizations that addressed their concerns and would bring them before the appropriate body backed by heavy grassroots support. This is not a likely form of organizing in the near future due to a number of challenges, among which the language barrier and lack of a common European identity rank highly. As seen in the membership of the Green 10, those organizations that are pan-European are often in fact regional branches of global organizations that were not necessarily started out of collective European concern (e.g. Greenpeace, WWF European Policy Office, International Friends of Nature).<sup>17</sup> Though technically European, such organizations are also part of larger NGOs that represent global interests and not those of Europe per se.

### **OPTIONS**

The regional-level organizing approach is not ideal and carries considerable disadvantages in that it requires organizations to fend for themselves on the EU stage and compete with larger interests in the form of both NGOs and social groups. A shift from national to international political action could be a difficult transition, as organizations have already accumulated social capital at the national level and face adjustment costs in shifting to or including the supranational level. There is little dispute that significant resources are needed in order to engage in a multi-level approach and weaker movements are most dependent on external resources from the political sphere in order to effectively

mobilize challenges.<sup>18</sup> In addition, organizations that are regionally based and acting on their own may represent an issue that is not European and better-heard at the national level (though this is not to say that local causes or issues should not be heard at the EU level when pertinent). Finally, if the majority of organizations employed this strategy, the sheer number of potential consultations would make it difficult, if not impossible, for EU institutions to hear all interests. Consistent input would most likely be achieved only by the largest organizations.

This is not to say that the doors of Brussels have to be closed to consultation with NGOs that seek to bridge the gap alone, but they can be encouraged to take advantage of the benefits of joining at least a weak coalition. Consultation for NGOs who are currently still working solo can be encouraged in the short term and those who wish to consult could be made aware of possibilities to join a European-level coalition. A balanced input between Internet and more formal consultation, as discussed in the next challenge, can help keep the EU open to these organizations

The coalition option is the most viable in the immediate future since it has already been implemented to an extent and holds considerable potential to empower organizations by uniting them. It can increase the lobbying potential and legitimacy on the part of the coalition through wider, more diverse support and pooled social capital that can be shared among organizations. NGOs themselves can benefit from being represented and aided by large existing bodies. Cross-border cooperation throughout diverse member states should be encouraged when possible. The EU could establish means to connect NGOs with existing coalitions and funding coalitions that demonstrate active outreach and growth.

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They can also reward existing alliances by coming into dialogue with them on how to improve the interface between the EU and organizations.

On the downside, a structure that is too hierarchical can result in lower-level organization members being quite distant from the top-level umbrella organization. This is the trade-off for the potential of more political clout and legitimacy in the consultation process through such a coalition. This can also be prevented to a degree through organizational structures that focus on horizontal coordination and cooperation versus more indirect representation of subsidiary organizations by a single body. An organization that is more horizontal than vertical would be preferred, avoiding umbrella organizations whose members are umbrella organizations themselves. This keeps the institutionalized layers between citizens and the body that is working at the European level to a minimum.

In connecting NGOs with coalitions, outreach to regional level groups could be coordinated through a board with one member representing each country. Their mission would be to connect organizations from their own country to other organizations and the proper EU input channels. Board members could collectively reach out to candidate countries as they prepare for accession so that balanced representation is maintained across Union member states and across different platforms. This board could also hear any complaints from organizations in their country that believe they are not being fairly acknowledged. Ideally, the board would be made up of people who have had experience working in civil society themselves. These members could be selected at the start of each presidency and be approved by the Civil Society Contact Group.

The third option of European organizations is difficult to implement, but can take the form of a long-term goal. The benefit of this type of organization is that it represents

members more directly while also achieving credibility through to their diverse base, similar to coalitions. This benefit could be less ideal in reality if the institutional structure needed to sustain a trans-European organization simply replicated the structure of an umbrella organization consisting of national member organizations. However, in this case the organization would be no worse off than it was as an umbrella organization, and members may benefit from a greater sense of European identity and solidarity through membership. European organizations should be encouraged and may emerge in the future as a result of trans-national grassroots movements or the merging of current organizations. These organizations are most likely to emerge from a coalition of national-level organizations if they are already fairly homogenous in goals and slowly move towards a structure where they are essentially a single organization.

The EU itself could create European-level organizations to speed up the process, but this sort of origin at the top is more likely to jump the citizen-institution gap than bridge it. Alternatively, the EU can encourage their creation by offering resources such as web domains and translation tools. These could be made available to both existing coalitions that wish to reach a broader range of citizens directly and to emerging transnational movements that wish to organize at the European level. This would help overcome some of the challenges of transnational level organizing and perhaps see vastly European organizations emerge more quickly. While this type of NGO may appear to be the purest form of Europeanization in organized civil society, this does not mean it is the best option and effectively structured organizations composed of member NGOs should not be in any way discounted.

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Organizations that are global but maintain strong European branches have a role to play in blazing the path for the emergence of new organizations and they can step forward to work towards creating a strong European identity within the branch. These organizations possess more power and resources because they are so big. However, it is important to assess the degree of European participation when considering their weight and not allow total worldwide membership to make these groups appear more representative than they actually are in European affairs.

### **Challenge 2: Establishing Accessible and Balanced Consultation**

#### **ISSUE**

The consultation process between organizations and EU institutional bodies could benefit from improvement in order to offer accessible and balanced options for input. The commitment to consider the opinions and expertise of NGOs can bring society into the processes of the EU, but only if this commitment is more than just show and actually creates meaningful dialogue. The EU has increasingly promoted the Internet as a tool for facilitating dialogue with civil society, but this approach can be problematic.<sup>19</sup> The challenge here is to create an environment where diverse groups can consult with EU bodies and know that their concerns are listened to and taken into account in policy making. It is obvious that the preferences of hundreds or even thousands of diverse groups cannot all be met, but an atmosphere of transparency and accessibility can help civil society organizations feel that they are being listened to when appropriate.

## BACKGROUND

The 2001 White Paper on Governance declared the need for a “reinforced culture of consultation and dialogue” with civil society that would take place at all institutional levels and particularly in the Parliament.<sup>20</sup> Though civil society had been acting at the European level and attempting to influence policy decisions before this time, the White Paper marked the start of an official commitment to including consultation with civil society as a strategy for strengthening democracy and legitimacy.<sup>21</sup> However, the broad definition of civil society as defined by the EU has given rise to concern over who is actually included in the decision process, with criticism expressed that online consultation exists only to appease dissenters.<sup>22</sup> It is problematic if a sort of filtering occurs where the included interests are those whose ideologies are most compatible with the desires of the EU simply for the sake of avoiding contention in more formal negotiations.

In consulting civil society, a balance is required between coming to reasonable agreement in an acceptable amount of time and allowing interested parties to express themselves and feel they have input options. This has led to the use of the Internet as a forum promoted by policy makers in which dialogue takes place, as exemplified during the Constitution drafting process and outlined in more detail in the Public Sphere section of this report.<sup>23</sup> While the Internet is a valuable tool, it can be criticized as a primary mode of interaction between EU organizations. Input on issues through the Internet fails to effectively foster interactive participation and simply provides access to the policy processes. It is valuable for both the submission of contributions and the review of official documents, but at this level input is informal and distant from formal negotiations where outcomes are actually determined.<sup>24</sup>

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Currently, online consultation is available through the “Your Voice in Europe” portion of the Europa website, where one can find a list of open consultations regarding policy. The “Consultations” tab is next to a “Discussions” tab where citizens can participate in online fora or comment on the blogs of Commission leaders. Each challenge then has its own page with information and consultation guide with questions. While there are different links for citizens, registered organizations, and non-registered organizations, all three links prompt an email submission, sometimes generating a subject line that specifies which of the three is responsible for the consultation.<sup>25</sup> This gives the impression that online consultation serves more as a forum for citizen deliberation than an opportunity for individuals to increase their consultative weight within organizations. Consultation guides themselves include an overview of the issue and questions directly addressing certain aspects of the policy, such as “Do you consider that 0.2% of the total population of each Member State is an appropriate threshold?” in the Citizen’s Initiative guide. These questions are often followed with an invitation to offer alternative proposals.<sup>26</sup> This format highlights points of contention and directs discussion towards key issues within the policy. Some consultation guides also suggest the possibility of the Commission inviting some contributors to a public hearing.<sup>27</sup>

A second issue within consultation is transparency in the input process, which is essential for ensuring that the relationship between the EU and civil society is open and that all parties are accountable. The Commission began to address this issue by launching a register of interest representatives in the spring of 2008.<sup>28</sup> The register is an important, if currently flawed, step in addressing transparency and will be specifically addressed in the

next chapter. This chapter will only touch on transparency in a limited manner as it relates to the actual input process and outcome.

## **OPTIONS**

Striking a balance between fair consultation with a variety of types of interests and still creating policy in a timely manner is a difficult prospect that is bound to sacrifice some participation for the sake of efficiency. The option of maintaining interaction with the majority of organizations online is one manner of including a broad variety of groups. This is beneficial in that can be less costly than arranging public hearings or inviting one-on-one consultations in person. It also allows for anyone with a computer and Internet access to give input, meaning even less-funded NGOs can submit suggestions. However, this method also keeps civil society at a safe distance and permits the EU institutions to filter out less agreeable groups in deciding who should attend public hearings. This level of online input could quickly become solely a token level of interaction that boosts claims of democratic participation without actually including organized civil society in the formal decision making processes to a meaningful degree.

The alternative at the other extreme is accepting input entirely through face-to-face forums and could be incredibly beneficial, since it would take place in an interactive setting with organizations in direct conversation with policy makers. This would preferably happen in public rather than behind closed doors. However, a method of consultation through direct personal interaction and public hearings for all parties is highly implausible, even if ideal. Inclusion of all interested parties would be impossible and attempts would quickly become a logistical nightmare, preventing timely policy creation. It would also end

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up excluding access from organizations without the means to physically send representative to Brussels.

A third option is a combination of input through the Internet and face-to-face consultation. This option is close to ideal, but only if it includes a variety of interests and sectors in both types of consultation. If the most highly organized and professionalized groups gain access to formal consultation in-person, many NGOs will likely be left with Internet input as their only option while business interest representatives receive more formal attention. The online option can also be enhanced to include at least limited feedback to registered organizations on their input, acknowledging that it has been considered. Transparency is important no matter the consultation venue, so inclusion of information on what input was included and why in specific policies should be published and made available to all. Public hearings are beneficial in that they are transparent and the proceedings can be published without issue. While invitation to public hearings could still stem from input submitted online, invitations should not be filtered based on level of agreement with the policy and thus leaving out dissenters. Instead invitations could be based on representativeness of groups and their stake in the policy issue in question.

This sort of transparency could extend to the online realm if input data itself were made available. Since many consultation guides ask for feedback through a series of yes or no questions, the responses to these questions could be compiled and publicly offered in an easy to understand manner of charts or percentage break-downs. The EU should also ask the organizations publish their own input on their websites or through other means so that members know more accurately what input the organization is providing. This is already provided voluntarily in some cases; for example by AGE, which made its response to the

Citizen's Initiative consultation available under its website's latest news.<sup>29</sup> Similar action on the part of all organizations would help show their willingness to stay transparent on their side. Flexible and inclusive modes of input combined with transparency are essential to assuring that consultation with civil society is contributing to the furthering of democracy and participation.

### **Challenge 3: Keeping NGOs Independent and Representative**

#### **ISSUE**

A final point that needs consideration beyond the above challenges is the extent to which organizations have been colonized or significantly restructured by the EU and to what extent they are representative of citizens' interests. Here we consider colonization the compromise of a NGO's independence from the government while it retains its perceived status as a civil society organization. Funding remains a problematic area and a potential field in which the EU could be seen as seeking to colonize civil society simply by being an important source of income.

#### **BACKGROUND**

A total of about one billion Euros (one percent of the total EU budget) goes towards organizations and almost all NGOs acting at the European level receive funding from the EU.<sup>30</sup> Organizations like the European Social Platform and the European Network Against Racism can receive up to 90 percent of their funding in this manner.<sup>31</sup> The granting of funds directly to NGOs can be problematic in that it reinforces the dominance of a few already-large groups and leaves behind regionally diverse, smaller organizations. It is also highly bureaucratic, though this has been recognized and considerations made for

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a simpler process for smaller NGOs.<sup>32</sup> Funding by the EU not only decreases reliance on members and supporters, but also can make organizations view them as more of a hassle than benefit, since they are not the primary money-bringers. More broadly, organizational structures of civil society have reformed to match the access structure of the EU, though this needs to also be addressed through changes in the input process.<sup>33</sup>

This criticism is consistent with findings on the problematic bureaucratization and member disconnect in NGOs, which poses a threat to Europeanization of citizen interests. One study of European organizations found that most organizations ranked poorly in interacting with and informing supporters and that many supporters did not in fact desire a participatory role. These problems were only amplified when action was at the European level.<sup>34</sup> While active citizen participation in supported groups is not always necessary, it is important that members are at least properly represented and aware of how their donations are used. These issues legitimize the fear that civil society is jumping rather than bridging the gap between the EU and European societies and recreating unrepresentative, institutionalized structures that simply mimic those of the EU.<sup>35</sup> The numerous criticisms of civil society and its potential to organize and effectively represent interests at the European level are well founded and should not be ignored.

### **OPTIONS**

These discontents and problematic elements of civil society as a democratizing agent are not sufficient reason to broadly question civil society participation as part of the drive for better democratic representation. Rather they demand more thorough critical research and evaluation both at the academic level and by the EU. Civil society has a

strong role to play and potential to prove a major asset in lessening the democratic deficit, but would benefit from some policy changes and additions at the EU institutional level.

One option would be eliminating funding altogether and forcing organizations to rely solely on member support in hopes that this would encourage increased interaction. However, this risks setting NGOs even further behind social groups, which are concerned with rent seeking above representing issues of general public interest. Alternatively, funding could be capped based on member support and donation, with additional funds available to those groups that involve supporters more actively and keep them well-informed of activities. However, this is also problematic because it would even further disadvantage organizations whose members are unable to donate large amounts while overfunding more elite interest organizations that are already well-funded.

A more balanced option could involve the creation of a set of criteria for funding that would determine how much is allotted a given organization. The criteria could include level of funding from supporters (with higher levels receiving less priority), the total number of supporters, outreach and transparency, the presence of similar organizations, and the relevance of the cause to European-level issues. Funding should not be conditional in any manner that encourages groups to avoid dissent or support the EU's position on Designated funds for outreach could help organizations become more self-sufficient through greater member support while also assuring that organizations maintain a connection with society as they become funded. Funding could also be made more readily available to smaller and less structured organizations.

The EU cannot force citizens and even current supporters of NGOs to become more involved and invested their organizations' actions, but they can encourage participation

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and publicize the role that organizations are playing in policy creation. Transparency standards such as those discussed under the previous challenge can also help assure that NGOs playing a major consultative role actively inform their members of their position and activities. An increase in transparency and publicity surrounding consultation may even encourage people to become more active in civil society by demonstrating its effectiveness as an option for participation at the European level.

### **POLICY RECOMMENDATIONS**

- Create a board with a representative from each member state that works with existing structures, such as the EU Civil Society Contact Group, focusing on outreach to organizations in sectors and countries that are not represented at the European level.
  - Those from countries with no European-level representation in a given interest field would work to bring national and regional level NGOs up to the EU level and connect them with the resources to join an existing alliance, form a new one, or consult with EU institutions alone.
  - Those from countries that are already represented in all sectors at the European level would concentrate on keeping NGOs communicating down to the citizen level and fostering member and staff dialogue across sectors and nations.

This board could also make funding recommendations that would be considered outside of any official criteria test.

- Provide technical expertise and resources such as software to translate organization websites and make them more accessible and informative to individuals and smaller organizations. This would be initially administered and coordinated through a

dedicated office, but could be taken over by the Civil Society Contact Group if later deemed appropriate.

- Balance representation and types of input through a combination of online submissions and public hearings. Public hearing invitations should stem from Internet submissions, but not filter dissenting organizations and instead invite based on representativeness.
- Publish a summary of response data for yes/no questions for each policy consultation guide and encourage organizations to make public their own consultation responses.
- Establish criteria for funding that ensure organizations are not abandoning their support base and becoming inaccessible institutions once the EU funds them. These criteria could include level of funding from already received from supporters, the total number of supporters, outreach and transparency, the presence of similar organizations, and the relevance of the cause to European-level issues.
- Designate some funding, where deemed appropriate, strictly for use in outreach and strengthening citizen participation.
- Establish a less bureaucratic funding application process allowing smaller organizations to obtain resources to organize and provide input at the European level.

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### ENDNOTES

<sup>1</sup> Sabine Saurugger, "Interest Groups and Democracy in the European Union," West European Politics 31. 6 (2008): 1283-1284.

<sup>2</sup> *Ibid.*

<sup>3</sup> David Halpern, Social Capital (Cambridge, UK: Polity Press, 2005) 2.

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<sup>5</sup> Patrizia Nanz and Jens Steffek, "Assessing the Democratic Quality of Deliberation in International Governance: Criteria and Research Strategies," Acta Politica 40.3 (2005): 369.

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<sup>17</sup> Green 10.

<sup>18</sup> Emily Gray and Paul Statham, "Becoming European? The Transformation of the British Pro-migrant Sector in Response to Europeanization," Journal of Common Market Studies 43.4 (2005): 880.

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<sup>22</sup> *Ibid.* 238.

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# Chapter 5: Balancing Civic and Social Interest Representation

By Jiadai Dong

## **INTRODUCTION**

### **ISSUE**

Since the “participatory turn” of the 1990s, the European Union has investigated ways to mitigate its democratic deficit through organized civil society. Indeed, this turn to civil society testifies to the limitations of parliamentary democracy and the need to incorporate alternative mechanisms of legitimation into EU governance.<sup>1</sup>

Advocates of greater interest group participation and involvement in the European Union institutions argue that the benefits are two-fold: first, interest group participation supports the *participatory and associative dimensions* of democracy because they represent the interests of the people and their right to organize; second, they improve the organization and efficiency of such representation.<sup>2</sup> However, scores of empirical case studies suggest the opposite—that the “elite characteristics” of these actors, particularly social groups representing private economic interests, ultimately compromise their ability to augment democratic legitimacy.<sup>3</sup> In the face of this apparent contradiction, can the social interest-group sector of organized civil society provide a viable solution to the EU democratic deficit?

The EU institutionally over-represents narrow economic interests, and in doing so neglects civic actors that work for the general public interest. Although these economic actors serve as an important source of legitimacy because they work for the public at large by representing specific interests, the EU should represent a balanced and diverse range of groups—both social and civic—in order to work towards ideals of associative democracy and of good governance.

### BACKGROUND

The term ‘civil society’ is generally applied to both social and civic organizations. While the distinction between the two can be ill-defined in practice, we define “social groups” (also referred to as “economic actors”) as those which represent narrow economic interests, including unions, trade associations, and businesses. “Civic groups” more broadly represent public interest and can take the form of non-governmental organizations (NGOs) and community-based organizations (CBOs). It may be conceptually helpful to consider the often opaque and complex interaction of organized civil society with EU policy-making through these three general categories, assigned according to varying levels of institutionalization of civil society groups:<sup>4</sup>

1. Fully institutionalized representation through the European Economic and Social Committee (EESC);
2. Semi-institutionalized social dialogue that gives the social partners the opportunity to participate in decision-making processes; and
3. The least institutionalized lobbying of interests (also the most common method of influencing EU decision-making)

The interaction between civil society and public institutions operating at different levels is “critical to the functioning of the European Union as a system.”<sup>5</sup> This chapter seeks to examine the institutionalization of organized civil society in the EU on all three levels, with a particular focus on evaluating the effectiveness of the EESC, the most institutionalized manifestation of organized civil society, and EU lobbying, the least institutionalized but no less significant.

## **CHALLENGES**

### **Challenge 1: Addressing the Shortcomings of the EESC**

#### **ISSUE**

The EESC is the institutionally recognized forum for engaging civil society in the EU. As it is currently structured, economic interests have a higher proportion of representation and consultation than do civic interests. While economic interests are an important component in civil society, the under-representation of civic groups and overrepresentation of economic groups threatens associational democracy in the European Union by unduly emphasizing the views of one sector of civil society over another.

#### **BACKGROUND**

The EU has recently commenced efforts to better incorporate civil society into its governance processes and structures. As such, the European Economic and Social Committee is promoted as the sole institutionalized source for collaboration and dialogue with civil society at the European level. Created by the Treaty of Rome in 1957, the European Economic and Social Committee (EESC) asserts its role as “organized civil society’s European-level institutional forum for consultation, representation and information, and where it can express its views.”<sup>6</sup> The EESC has seen its role expand over the years under both the Nice and Lisbon Treaties and would have seen its influence increase under the proposed European Constitution. The EESC contains three groups, which include:

1. Representatives of public and private-sector employers organizations (111 members)
2. Over 80 trade unions and other such employees organizations (124 members)
3. Various other interests, including farmers' organizations, small businesses, the crafts sector, the professions, cooperatives and non-profit associations, consumer

## Chapter 5: Balancing Civic and Social Interest

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organizations, environmental organizations, associations representing the family, persons with disabilities, the scientific and academic community and non-governmental organizations (109 members)<sup>7</sup>

Organized thus, the EESC considers itself “an institutional expression of the organizations making up civil society.”<sup>8</sup> To carry out its missions of advising the Commission, Council, and the European Parliament and to strengthen the role of organized civil society, the EESC pursues its consultative role via three methods of issuing opinions:<sup>9</sup>

1. Opinions in response to a referral from the Commission, the Council or the European Parliament;
2. Own-initiative opinions, which enable it to express its views on any matter it thinks fit;
3. Exploratory opinions in which, at the request of the European Commission, the European Parliament or even Union presidencies, it is instructed to reflect and make suggestions on a given subject, suggestions which may later lead to a proposal from the Commission.

The EESC claims to foster the idea of a ‘Citizen’s Europe’ by strengthening non-parliamentary democratic structures and providing a range of participatory structures in which all citizens can be represented.<sup>10</sup> While the EESC does not “consider itself as having a monopoly over civil dialogue,” it emphasizes that because of its, “institutional status (enshrined in the Treaty) and its membership (including both social and civic groups)...it is the right forum in which to further broaden civil dialogue.”<sup>11</sup>

The EESC’s operating procedures and structure jeopardize its goal of serving as a legitimate representative of civil society. As previously mentioned, two of the three groups of the EESC are comprised of economic actors that represent narrowly-defined interests and who, at best, represent the public good only indirectly *through* their private interests. These groups have

a total of 235 members. The remaining third—the only group of the EESC containing civic actors—has only 109 members. Moreover, these 109 members do not exclusively represent civic organizations—rather, they include a plethora of social interests as well. We can see from these membership numbers that the EESC overwhelmingly represents the social sector of organized civil society. This fact refutes the notion that “involvement and representation of associations would make the European integration process more inclusive and would ‘provide a voice for those not sufficiently heard through other channels.’”<sup>12</sup>

As it currently stands, the EESC risks strapping “civil society into an institutional straitjacket, such as that harnessing already represented functional (largely private) interests such as social partners and professional associations.”<sup>13</sup> Studies have demonstrated the difficulty for marginalized groups—the ‘excluded’ and the ‘weakest’—to organize efficiently at the local and national levels, let alone at the European level. Indeed grassroots, bottom-up organizations and movements located at the margins of civil society constitute one of the weakest voices in the EU polity at this point and are essentially absent from representation in the EESC.

Another key problem area with EESC processes is that, during its interactions with the European Commission, the EESC generally gives its opinion after, rather than before, proposals have been submitted to the European legislature. In other words, the EESC does not currently participate in the pre-drafting phase of the EU legislative process, but “delivers its opinion on the Commission’s proposals *ex post facto*.” To remedy this inadequacy, the Commission has signed a protocol with the EESC stating that the Commission would invite the EESC to issue exploratory opinions on issues of particular interest (see the EESC’s third method of issuing opinion listed above). This protocol allows the EESC to play a consultative role at a much earlier

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stage in the legislative decision-making process. While this is certainly a step in the right direction, at the present there is still very little opportunity for the EESC to approach the Commission with independently-initiated legislative proposals in policy areas of its own choosing and without invitation or solicitation from the European Commission. The EESC clearly faces severe restrictions in its ability to engage knowledge drawn from consultations with organized society with potential legislation.

Furthermore, the organizations that provide information to the European Commission via the EESC consultation process do not possess a clear right to receive a reasoned response to its suggestions. As the process exists at the present, those participating in civil dialogue are not entitled to receive official feedback. The commission is “simply not required to disclose the extent to which comments [made by civil society representatives] shaped the relevant EU policy.”<sup>14</sup> Consequently, consultation participants have little knowledge of whether their suggestions had any affect whatsoever on the final policy proposal. With its current representation of narrow interest as well as limited agency and transparency, how then can the EESC be reformed to better democratize the European Union through civil society?

### **OPTIONS**

Ideally the EESC would take precautions to ensure that its representation of organized civil society is not entirely shaped by social interest groups. To achieve this goal, one option would be to enlarge the membership of Group III (representing civic interest) to match the sum of Group I and II’s membership. In this way, the representation of the civic sector of organized civil society would at least numerically equal the representation of the social sector. Although this option would address the imbalance between civic and social representation in the EESC on

its most superficial level, it would nevertheless give greater weight to the voice of civic interests. This option would be both immediately implementable and relatively low-cost.

Another option would be to endow the EESC with more agency regarding its ability to initiate exploratory opinions without solicitation or referrals from the European Commission. The EESC would better voice the aggregate concerns of organized civil society if it were given the capacity to actively seek areas that need to be formally addressed by EU legislation. While the EESC already issues some own-initiative opinions, this option eliminates the concern that the EESC's influence is limited because this process takes place after, rather than before, legislation is introduced in the Commission. That is, the EESC currently holds no direct influence over the EU legislative process during the pre-drafting phase.

Lobbying provides an alternative means for civil society actors to bring important issues to the attention of the EU legislative body. As the most institutionalized EU body for engaging with organized society, the EESC should, however, officially recognize the importance of acknowledging and considering the opinions of civil society actors through institutionalized and regulated channels of its own. This option enables the EESC to do so. By vesting more power in the EESC to initiate its own policy proposals during the pre-drafting stage of the legislative process, the EU would ultimately maximize the impact of the EESC's opinions and contributions to EU decision-making. This option would also, however, entail several drawbacks: First, unless the structure of the EESC is made more representative of civil society, the drafting of policy would run the risk of being hijacked by commercial interests, simply turning the EESC into a hyper-powered commercial lobbying organization. Second, unless the process for EESC consultation in the pre-drafting phase operated according to a strict protocol the EESC could

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pump out too many policy proposals, making the Commission's business more difficult to attend to.

A third option would be to implement guidelines requiring the European Commission to give feedback through the EESC to civil society groups regarding the extent of their influence on EU policy-making. While the sheer number of participants would make it reasonably difficult to expect the European Commission to respond to every single participating organization with which it consults, though this could be mitigated somewhat by having the Commission provide general feedback to the appropriate EESC group to which individual organizations belong. This option would allow participating civil society interests to gauge the success of their consultative input, as well as increase the transparency of the EESC as well as the Commission. Moreover, the feedback process would affirm the value of contributions from civil society actors to the legislative process, thereby encouraging participation and improving the perception of the EU's legitimacy and democratic processes among individual civil society actors.

### **Challenge 2: The EU Lobbying Structure**

#### **ISSUE**

In the context of organized civil society, the current lobbying process—the least-institutionalized interaction between the EU and organized civil society—also contributes to the democratic deficit. The greatest challenge facing the EU in its dealings with various lobby groups is the current paucity of regulation and transparency, which currently fail to prevent particular groups from receiving privileged access.<sup>15</sup> The issue at hand, therefore, is how to best

regulate the lobbying process at the EU level in order to ensure transparency as well as equal and full access for the public.

### **BACKGROUND**

The relationship between EU institutions and lobby groups acting at the European level is one of reciprocity. EU institutions “seek information, interest groups seek influence.”<sup>16</sup> The most effective lobby organizations are those that produce valuable information and provide consultation to EU institutions. This exchange has made the European Commission, the institution that initiates and drafts EU legislation, the primary arena for consultation with lobby groups.<sup>17</sup> After all, it is during the early stages of preparing legislative measures that ideas and information extracted from outside sources is most influential. Lobby groups have expansive potential during this phase to tilt legislative decision-making in their favor. The European public, therefore, has the right to know who these lobbyists are, what their objectives are, how they are funded, and the nature of their relationship with the EU’s institutions. This would enable EU citizens to exercise their right to hold political leaders accountable and “scrutinize how EU decisions are made, the influences behind them, and how taxpayers’ money is allocated.”<sup>18</sup> Until this information is made available, the lack of institutional guidelines for lobbying constitutes a question of legitimacy and a deficit for the democratic nature within the Commission.

Given this lobbying process, it is especially important to distinguish between the motivations of social and civic actors. The European Commission interacts with 1500 interest groups, whose total commercial activities generate an estimated annual turnover of 60 to 90 million Euros. A study conducted by Daniela Obradovic and Jose Vizcaino of the NewGov Project claims that two-thirds of these groups represent business interests while one-fifth is

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concerned with civic interest. The remainder represents professions, trade unions, and public sector organizations at the national and regional levels.<sup>19</sup> The EU Commission itself states that more than eighty percent of associations belong to professional employers or trade organizations.<sup>20</sup> According to many NGOs in representing civic interests, there is simply “no level playing field in lobbying because the corporate sector is able to invest more financial resources.”<sup>21</sup> This reinforces a situation in which “groups possessing financial and social resources are privileged whereas small associations, be they civic or small business groups are not heard in the consultation process.”<sup>22</sup> Once again, only certain sectors of organized civil society are able to impact the policy-making process.

The EU Commission is in the beginning stages of creating an accreditation system of the organizations with which it consults and has yet to implement a fully compulsory register. The earliest form of Commission lobbying guidelines were the 1992 voluntary and self-regulatory code of conduct, whose standards are not very stringent.<sup>23</sup> In 1993, a directory of non-profit organizations was created, again on a voluntary basis. By early 1997, more than 600 non-profit organizations had joined this database, which became available electronically in 2001 under the name CONECCS (Consultation, the European Commission and Civil Society). The CONECCS directory was originally intended to match each of the Commission’s Directorate Generals (DGs) to the relevant civil society partners for policy proposal discussion. In reality, however, it was comprised of voluntary members and served only as a source of information, not a method of accreditation.<sup>24</sup>

At the time of its conception, CONECCS only included the non-profit sector of civil society and excluded the profit-making lobbying organizations such as consultancies, legal

advisors, public relations, and other private firms. The EU Commission had great difficulty in determining who should or should not be included in the directory, because it lacked an applicable definition of civil society actors. Finally, the European Economic and Social Committee produced a definition of civil society that incorporated profit-making business interests into the CONECCS database. This definition still stands today. By incorporating both social and civic actors, CONECCS became the platform for providing information on Commission frameworks through which the civil society organizations are consulted in a formal and structured way.<sup>25</sup> The database performed three important functions:<sup>26</sup>

1. It testified to the EU Commission's commitment to establishing greater transparency in its decision-making process
2. It increased the list of potential consultation partners
3. It enabled the Commission to identify the appropriate mix of consultation partners who can offer the necessary geographical/sectoral/target group coverage

In December 2005, the EU Commission decided to introduce more formal regulation of lobbying by launching the European Transparency Initiative (ETI). This was accompanied by the publication of a Green Paper in 2006. In this ETI Green Paper, the EU Commission proposed a new paradigm for lobbying activities, including the creation of the following:<sup>27</sup>

1. A voluntary registration system with incentives for lobbyists to register. The incentives would include automatic alerts of consultations on issues of known interest to the stakeholders.
2. A common code of conduct for all lobbyists, or at least minimum requirement.
3. A system of monitoring, including sanctions to be applied in the event of incorrect registration and/or breach of the code of conduct.

Based on the components of the ETI Green Paper, the Commission officially launched a new public register for lobby groups on June 23<sup>rd</sup>, 2008. Terminating the preexisting CONECCS

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database, this new EU register for ‘interest representatives’ (rather than lobbyists) requests that lobbyists as well as interest groups who take part in influencing decisions made by EU institutions enroll in the public register.<sup>28</sup> Groups that refrain from doing so will, by default, be considered not to meet the criterion of ‘representativeness’ when the EU Commission assesses their contributions in the consultative process. This Commission lobby register is an early experiment toward achieving the EU’s ultimate goal of establishing a single register common to all EU institutions—Commission, Parliament, and Council alike—which currently possess very different lobbying guidelines.

In addition to making the signing of an official code of conduct mandatory, the new lobby register requires each of its member organizations to indicate their objectives and missions, as well as any policy areas of particular interest. Furthermore, registrants must disclose information regarding their financial activities, including sources of funding. The precise details of these requirements vary between the three main categories of lobby groups as follows:

- **Professional consultancies and law firms:** lobbyists in this category must disclose total revenue related to lobbying the EU institutions, by placing their clients in boxes representing either absolute amounts (denoted by brackets of €50,000) or percentage amounts (brackets of 10%).
- **Corporate ‘in-house’ lobbyists and trade associations:** lobbyists in this category must estimate all expenditures related to the direct lobbying of all the EU institutions

- **NGOs and think-tanks:** lobbyists in this category must publish a comprehensive budget governing their organization and indicate their main sources of funding, including public monies (European, national, or sub-national).<sup>29</sup>

The differences in depth of the register's financial disclosure requirements between sectors of organized civil society render them inherently unequal, raising concern about the democratic nature of the register. Not only do the rules for financial disclosure weak, they are also skewed to favor industry lobbyists. For-profit lobby groups are asked to submit only approximate figures regarding their lobbying-related expenditures. In contrast, public interest organization must provide total budgetary figures. For the public, this discrepancy implies that financial information regarding different types of lobbyists would not be easily comparable. For the lobbyists, this implies unequal advantages and likely biased treatment and interpretation of their financial information. This fatal flaw was identified in a letter sent from the EU Civil Society Contact Group to José Barroso, President of the European Commission, on 28 May 2008. Voicing great concern over the lack of comparable financial information, the letter urged the Commission to ensure that:<sup>30</sup>

- Commercial as well as public interest representatives disclose their total budget and the (estimation of) lobbying budget (in ranges of €10,000).
- Commercial as well as public interest representatives indicate public and private income sources

The letter continues to point out another significant flaw in the draft register—that it is “limited to organizations and does not request the registration of individual lobbyists working for them.”<sup>31</sup> This implies that the register would not publically disclose information such as the

## Chapter 5: Balancing Civic and Social Interest

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number of lobbyists working at the EU level, nor who these lobbyists work for. This is certainly not congruous with the EU's pledge to ensure standards of the greatest possible transparency.

### **OPTIONS**

One option would be to make the lobby register compulsory rather than voluntary for all lobby groups. A voluntary register will never comprehensively cover all interest representatives at the EU level, nor will it allow policy-makers or the public at large to identify and evaluate the strengths of the most important driving forces behind a particular area of lobbying. With this, information regarding lobbyists' activities, the mandatory register would be enlarged to serve as the source for lobbying information across all three EU institutions.

A second option would be to not only make the registration of lobby organizations mandatory, but the registration of individual lobbyists as well. This would increase the exposure of scandals and corruption and reveal information concerning possible conflicts of interest, as well as minimize confusion over the actual number of individuals actively lobbying at the EU level. This option would not be especially costly financially, but it would certainly encourage more caution on the part of both individual and organized lobbyists to make sure that their activities and operations were ethically sound.

Finally, to address the problems with financial disclosure requirements of the lobby registry, an option would be to require social and civic groups alike to provide comparable financial data that is easily interpretable for the general public. In this way, the EU public could view and compare the financial resources of lobbyists as well as the driving forces behind their activities. This option would thus address the concerns echoed by the EU Civil Society Contact Group in their letter to the President of the European Commission. Additionally, this option

would greatly equalize the playing field between social and civic actors by subjecting them to the same set of rules. This would contribute to a more balanced representation of the various sectors of organized civil society.

## **POLICY RECOMMENDATIONS**

- The EESC should enlarge the membership of its Group III (representing civic interest) to equal the sum of Group I and II's membership (both representing economic and social interests).
- The EU should vest more power in the EESC to initiate its own policy proposals during the early, pre-drafting stage of the legislative process, independent of particular consultation requests from the European Commission.
- The EU should implement guidelines for the European Commission to give feedback to the corresponding organized civil society groups on certain policies, regarding the extent of their influence on EU policy-making.
- The EU Commission should make membership to the new Lobby Register compulsory in order to lobby the Commission.
- The EU should augment the scope of the draft register to include individual lobbyists in addition to lobby organizations.
- As a long-term goal, the role of the Lobby Register in EU institutions should be enlarged. The Register should serve as the primary source of lobby information for not only the EU Commission, but also the Parliament and the Council as well.

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- The requirements regarding the disclosure of budget and funding should be uniform across all interest group categories, whether for- or non-profit. To ensure the greatest transparency in lobbyist funding, the respective financial information of both social and civic actors must be provided in comparable forms.
  - Social lobby groups as well as civic lobby groups should be required to disclose their total budget and the (estimation of) lobby budget (in ranges of 10,000 Euro).
  - Social and civic interest representatives should be required to indicate both public and private income sources.

## ENDNOTES

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<sup>2</sup> Sabine Saurugger, “Interest Groups and Democracy in the European Union,” West European Politics 31.6 (2008): 1276.

<sup>3</sup> *Ibid.* 1276.

<sup>4</sup> Mateja Rek, “Organized Civil Society in the Multi-level system of European Governance,” Social Capital and Governance (2007): 160.

<sup>5</sup> Obradovic and Vizcaino, 86.

<sup>6</sup> “The EESC: A bridge between Europe and organized civil society,” European Economic and Social Committee (2007): 7.

<sup>7</sup> “Various Interest Group (III) – Presentation,” *The EESC: A bridge between Europe and organized civil society*, European Economic and Social Committee 2010. Online. Internet. 24 February 2010. Available HTTP: [http://www.eesc.europa.eu/groups/3/index\\_en.asp](http://www.eesc.europa.eu/groups/3/index_en.asp)

<sup>8</sup> Stijns Smismans, “European Civil Society: Shaped by Discourses and Institutional Interests,” European Law Journal 9.4 (2003): 481.

<sup>9</sup> “The EESC,” 9.

<sup>10</sup> Smismans, 483.

<sup>11</sup> *Ibid.* 483.

<sup>12</sup> *Ibid.* 491.

<sup>13</sup> Deirdre Curtin, “Private Interest Representation or Civil Society Deliberation? A Contemporary Dilemma for European Union Governance,” Social and Legal Studies 12.1 (2003): 57.

<sup>14</sup> Obradovic and Vizcaino, 86.

<sup>15</sup> *Ibid.* 2.

<sup>16</sup> *Ibid.* 162.

<sup>17</sup> *Ibid.* 163.

<sup>18</sup> Sarka Laboutkova, “EU Institutions and interest groups: the potential for conflict?” Czech Grant Agency 402 (2008): 2.

<sup>19</sup> Obradovic and Vizcaino, 70.

<sup>20</sup> Sabine Saurugger, “Democratic ‘Misfit’? Conceptions of Civil Society Participation in France and the European Union,” Political Studies 55 (2007): 394.

<sup>21</sup> Laboutkova, 1.

<sup>22</sup> Saurugger, “Democratic ‘Misfit’,” 393.

<sup>23</sup> Obradovic and Vizcaino, 86.

<sup>24</sup> Laboutkova, 4.

<sup>25</sup> *Ibid.* 5.

<sup>26</sup> *Ibid.* 5.

<sup>27</sup> *Ibid.* 7.

<sup>28</sup> Daniela Obradovic, “Feasibility of establishing a common register for lobbyists in the European Union,” NEWGOV Policy Brief 31 (2008): 1.

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<sup>29</sup> Laboutkova, 6.

<sup>30</sup> EU Civil Society Contact Group, “Letter to the President of the European Commission—Register for Interest Representatives,” Act4europe 28 May 2008.

<sup>31</sup> *Ibid.*

# **Chapter 6:**

## **Enhancing Grassroots Participation in European Politics**

**By Sean Brannen, Brent Waller, Jiadai Dong, and Annie  
Atherton**

### **INTRODUCTION**

#### **ISSUE**

Community-level citizen organizations operate at the grassroots level of civil society. Except for individual citizen participation, grassroots organizing is the form of political participation closest to the individual EU citizen. For this reason, incorporating grassroots-level organizing is an important component of the EU's attempt to bring itself "as close to the citizens as possible."<sup>1</sup>

#### **BACKGROUND**

The gap between Brussels and grassroots civil society is large. As discussed in the fourth chapter of this report, there is a concern about the representativeness of large, transnational civil society groups. These groups can become removed from their constituencies as they become more bureaucratized and seek to act at the European-level. On the contrary, grassroots civil society is by definition rooted in popular support and is thus a more participatory and representative form of organizing. In addition, lower-level civil society can be important in building a deliberative sphere that reaches down to ordinary citizens and engages them in European-level debates.

Engaging with grassroots civil society is more difficult than engaging with its more organized and institutionalized counterpart. The EU itself is somewhat limited in how it can engage with lower-level civil society, but it can still approach it in two ways. First, the EU can reach out to grassroots civil society, attempting to engage it and pull it into the European sphere through top-down initiatives. The EU may do so by helping organizations foster debate and enhance their members' knowledge through deliberative outreach events,

as well as by working to encourage European civil society umbrella organizations to connect with their supporters and grassroots groups.

The second approach to fostering grassroots participation is by increasing the venues through which grassroots civil society can act and express citizen concerns. This should be possible without requiring a change in the internal structure of grassroots organizations, so as to keep them from becoming institutionalized and disconnected from their strong citizen support base. The third challenge section of this chapter examines the idea of bottom-up initiatives by looking at the ways in which protest can be better harnessed and adapted in order to influence the EU. Both outreach by European-level actors and encouragement of bottom-up organizing are crucial to incorporating the voice of grassroots civil society and strengthening democracy in the EU.

## **CHALLENGES**

### **Challenge 1: Countering Excessive “NGOization”**

#### **ISSUE**

While social movements at the individual, grassroots-level constitute an important sector of organized civil society, their voices are often not sufficiently heard at the EU decision-making level. As exemplified by the women’s activist movements at the EU level, the current process of EU governance, while strengthening the influence and agency of select grassroots groups, actually marginalizes others. As a result, many grassroots organizations are discouraged from mobilizing their base and organizing in the public sphere.

#### **BACKGROUND**

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Women's NGOs are excellent examples of grassroots organizations that have achieved concrete successes in influencing policy and decisions at the EU level. Indeed, the EU governance structure is widely heralded as one of the most equal and progressive governments in the world regarding gender. These successes can be attributed to the efficient mobilization of the 'velvet triangle,' which is comprised of EU-level "femocrats" (female politicians), feminist academics and experts, and women's movement activists.<sup>2</sup> This 'velvet triangle' operates as a routinized flow of communication and interaction between both institutional and civil society actors that establish opportunities for "deliberation, for more inclusive decision-making, and for strategic alliances."<sup>3</sup> This concept involves a more fluid, less inflexible exercise of power among both institutional and non-institutional feminist actors, the majority of whom generally distrust opaque corporatist political processes.

Women's groups such as those in the velvet triangle interact with the governance system of the European Union through four main channels:

1. Receiving funding through various EU programs
2. Working in a policy network that attempts to influence EU policy
3. Linking into EU decision-making via their national representatives to a transnational women's network, such as the European Women's Lobby (EWL), an umbrella organization for European women's NGOs with headquarters in Brussels
4. Utilizing their European parliamentary representative or other EU openings in order to influence national policy<sup>4</sup>

While the velvet triangle model of collective action has certainly achieved triumphs in policy negotiations and has given voice to the marginalized issues and groups, it has done so primarily in institutional settings. That is, the most successful modes of advocacy have proved to be those best aligned with the internal processes and structures of EU institutions.

The political opportunity structure that the EU offers tends to favor those groups Sabine Lang calls the “NGOized” civil society actors.<sup>5</sup> Lang argues that the process of NGOization is characterized by the transition from a more fluid movement towards organized advocacy, from non-professional to professionalized lobbying activity, and from unpaid to paid work.<sup>6</sup> In this way, a variety of social movement actors are rewarded for moving away from public modes of advocacy in favor of a mode of advocacy that better aligns with the institutional structure of the EU. If grassroots organizations want to influence national or transnational decision-making, it is often to their advantage to formally represent specific interests and become legitimized spokespeople for networks or for groups.

In the women’s activism arena, the current advocacy processes sharply contrast those of the second wave feminist movements in the 1970s, which promoted an “antibureaucratic mode of advocacy that valued informality, spontaneity, low degrees of horizontal and vertical differentiation.”<sup>7</sup> Rather, the EU governance structure presently advantage actors characterized by “organization, formal process, and division of labor between horizontal and vertical units.”<sup>8</sup> While they are central to the advancement of gender equality, velvet triangles function within institutionalized elite publics rather than within the arenas of everyday women’s lives. As a result, velvet triangles work very little

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towards generating broad awareness and support for their issues. Put simply, velvet triangle advocacy does not depend on public involvement or the voicing of public opinions. Thus, despite their successes at achieving concrete policy objectives, velvet triangles still reinforce the perception that EU consultation with civil society lacks democratic input and citizen voice. However, it is clear that institutional modes of advocacy, such the velvet-triangle, will continue to gather momentum. After all, the incentives to participate in velvet triangle governance far exceed those offered by public advocacy contexts—though these incentives are not without cost. How then, can velvet triangle members as well as other grassroots organization actors better mobilize public awareness and support even as they inevitably transition towards greater institutional advocacy?

The drawbacks of relying solely on institutional modes of advocacy indicate the need for alternative venues for public mobilization. As yet the most prominent attempt to build a European feminist movement that allied grassroots organizations and institutionalized women's NGOs was launched in 2006. Called the European Feminist Forum (EFF), it was founded to address the problem that "feminists in Europe are not acting as a movement to effect necessary changes."<sup>9</sup> The primary goal of the EFF was to "re-politicize the feminist movement in Europe" by "establishing ongoing dialogue, culminating in a face-to-face meeting, by building new alliances and networks and specifically fostering more East-West communication."<sup>10</sup> The EFF also utilized affinity groups as well as a "traveling circus" to promote valuable contact between EFF activists and local projects across Europe. Despite such progress, the EFF had to cancel its main event in 2008—ultimately, the entire project came to an end due to financial difficulties.

The dire lack of funds for the development of public advocacy testifies to the difficulty in the search for new modes of movement building.

## **OPTIONS**

One option would be to allow the current structure trends towards NGOization and the movement away from public advocacy to persist. While this option would continue to achieve tangible policy objectives within the institutional context, it will also fail to build movement and regenerate public support. Consequently, it will diminish civil society's capacity for advocating for marginalized constituencies and issues as well as hinder public non-elite participation in politics.

Another option would be to create more incentives for grassroots organizations to engage in public advocacy. This would ideally lessen the divergence between velvet triangle-type advocacy insiders and outsider NGOs. This option highlights the need for all grassroots organizations to shift their conceptual thinking away from simply fundraising to better agenda setting and movement building.<sup>11</sup> If a mandatory register for EU lobbying and interest groups is created, it could be used to measure the "representativeness" of civil society consultant groups based on how democratic their internal governance structures are. This measure could be used to determine how highly organizations' consultation input is valued as well as how much funding they are eligible to receive from the EU. This option has few costs associated with it, though it depends on the creation of a mandatory consultation and lobby group register.

A third option is for the EU to begin grassroots consultations for policies and policy areas which are particularly subject to domination by isolated elites, such as women's rights. Grassroots consultations could take a form similar to deliberative polls or

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grassroots consultations in countries like Rwanda, where groups of individuals are selected from community groups, brought together, and consulted in small focus groups about policy issues. These consultations could also take the form of internet correspondence with grassroots groups described in the next challenge section. While this policy would potentially be helpful, it raises the question of how to decide which policies warrant grassroots consultations. If vested elite interests could block the use of grassroots consultations for issues that would threaten their dominance, this policy could have no effect on decision-making.

### **Challenge 2: Representing and Involving Citizens Using the Internet**

#### **ISSUE**

Though a large variety of NGOs exists throughout the EU, these organizations do not necessarily represent or interact with citizens on a meaningful level. This section will focus on some of the umbrella organizations in the EU's Civil Society Contact Group and analyze the extent to which online media for these NGOs enables citizen interaction and representation.

#### **BACKGROUND**

The effort to 'Europeanize' civil society is a critical step towards decreasing the democratic deficit. Yet 'Europeanization' requires that actors serve as agents of political socialization in the context of EU policy-making—a role that many of the EU's NGOs have not adequately fulfilled. Political socialization refers to the ability of citizens to learn to adapt to political systems, and membership in groups is a crucial component of this

process.<sup>12</sup> Thus, NGOs can significantly contribute to civil society if they guide individuals towards acting as politically-minded citizens.

A common issue among NGO sites is that they overwhelmingly prioritize informational content over participation-oriented content. Informational content only offers facts about an organizations and descriptions of its goals and projects, but does not invite users to participate in any way. Among those types of content that do involve some sort of interactive quality, most tend to be more passive forms of interaction, such as subscribing to a newsletter, making donations, or applying for membership. More active forms of participation would include blogging or posting comments on a discussion forum.<sup>13</sup>

The European Women’s Lobby (EWL) is the largest umbrella organization of women’s associations in the EU. It is a member of the Civil Society Contact Group, meaning that it has close connections with EU officials and that the EU consults the group in policymaking where gender issues are involved. On the EWL website, users seeking to participate are advised to pursue the following four options: sign up to receive lobbying calls, apply to become a member of EWL, “keep informed” by signing up to receive newsletters and other publications, or make a donation to EWL.<sup>14</sup> None of these options are particularly active, especially the suggestion to simply stay “informed” or receive lobbying calls.

A study of women’s NGOs and the EU found that of four major European women’s networks, including the EWL, none enabled users to participate in blogs or online fora, but all featured more passive and informational content. These are comparatively low-cost means of outreach, and yet they are generally are under-utilized.

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The other three organizations were Women in Development Europe (WIDE), Women Against Violence in Europe (WAVE), and KARAT, a coalition of Eastern and Central European women's groups.<sup>15</sup>

Culture Action Europe is another umbrella organization within the Civil Society Contact Group. It includes ninety members representing over 10,000 organizations involved in arts and culture. While the organization offers a members-only, online community tool that provides the possibility for online networking and policy consultation, idea exchanges, and debating of issues, there is no such feature for non-members.<sup>16</sup> In fact, the only aim of its website seems to be to provide information and encourage readers to join the organization. As it can be assumed that many people will view the site who are not members, websites have the power to address a wide range of interested and potentially active feminists across Europe. When sites address only the issue of membership, however, they do not engage the many viewers who may be involved in the issue but do not wish to be directly involved in a given organization.

### **OPTIONS**

The EU could choose not to revise its websites or reform its policies for citizen input in NGOs, based on the assumption that such input will not significantly contribute to a European civil society and that the current modes of operation are sufficient. This would require no further effort or funding on the part of the EU, but would also add no new possibilities for citizen input and participation.

Alternatively, the EU could require websites representing members of the Civil Society Contact Group to include either blogs that allow users to post commentary, or discussion fora for relevant topics. This would increase possibilities for both members and

non-members of organizations to actively contribute to a European civil society. It would, however, require that these websites devote a portion of their time to maintaining these new features and ensuring that they work towards the goal of citizen outreach. This may require hiring professional webpage designers or experts in public outreach.

Though the EU could not require all of the smaller organizations represented by the Civil Society Contact Group to follow suit, it could actively encourage them to do so, perhaps even by offering incentives in the form of funding or other benefits. This could cost the EU a portion of its funding, but also might increase the level of NGOs citizen outreach in general. If it chooses this option, the EU can then establish a system in which citizen input gathered from smaller web pages is collected and transferred to the eight umbrella organizations, so that they may use this information in advising the EU, and post select citizens' comments on their own web pages.

### **Challenge 3: Encouraging a Healthy Protest Culture**

#### **ISSUE**

While protest is a common and comparatively popular form of political participation in Europe, it can face difficulties in reaching the EU institutions. Many actors, such as environmental activists, workers, and migrant groups have increasingly directed protest at the EU, but there is still little effective input from the grassroots level.<sup>17</sup> Since this form of collective action already exists and is becoming more prominent in relation to European-level issues, it would be beneficial for the EU to recognize protest and promote it as a tool for participation. Protest has potential to be harnessed as a form of

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organic, grassroots political expression alternative to more institutionalized civil society groups and participation venues such as voting.

### **BACKGROUND**

Protesting is a less organized and more informal element of civil society which attempts to influence EU politics. It is a direct, immediate, and urgent expression of discontent with the status quo or the way things are headed on the part of one or more groups of people. Strikes, petitions, marches and boycotts can have economic impacts and cause social unrest, requiring immediate attention by the targeted parties. Collective action largely emerges as a result of direct interaction at the community level in reactive response to issues.<sup>18</sup> The required level of direct citizen action makes protest desirable as an avenue for participation because it is visibly representative of those participating. This is something that large organizations cannot generally claim, due to the disconnect between organizations and their members that was discussed in chapters four and five of this report.

Conversely, this characteristic makes this form of reactive collective action more difficult to control or predict, and it has the potential to become violent or undemocratic.<sup>19</sup> This is the downside of relying on spontaneous and reactive expression of collective voice versus more institutionalized means. This volatility is, however, one of the keys to protests' effectiveness, particularly when protest cuts across national borders and mobilizes interested groups across the EU. This was demonstrated, for example, in 2009 when European farmers from diverse countries mounted protests in response to the price collapse caused by the economic crisis, as the Commission was forced to respond.<sup>20</sup> This is just one example indicating presence and possibility of successful, multi-national protest.

Multi-national protest can take three different forms corresponding to different situations: cooperative transnationalism against a shared adversary, competitive transnationalism between competing actors, and collective protests aimed at a supranational body.<sup>21</sup> The first and third are of most interest in this discussion, as both are important forms of political participation. Cooperative transnational collective action brings citizens from diverse countries together against an issue seen as negative and in doing so increases solidarity and associational identity. This form of protest may not be aimed at the EU itself, but is still important because it fosters European identity through the presence of a shared adversary. Collective protests aimed at the EU are the most important in increasing democracy because they are a direct avenue for forcefully voicing opinions through participation.

Interestingly, European protests generally feature less violence against people and property than national protests, using instead more peaceful methods of demonstration. While professional groups organized 82.1% of protests targeting the EU between 1984 and 1997, the number organized by non-professional interests doubled between 1993 and 1997.<sup>22</sup> Even when protests are organized by bureaucratized groups instead of conventional grassroots community organizations, such as professional interest organizations, they still require the direct participation of the citizen support base in order to have any effect or legitimacy and thus remain connected to the grassroots level.

In addition to gathering-style protests such as strikes and marches, petitions are another form of collective action. Petitions seek to express political views without creating a physical disturbance or requiring the simultaneous physical presence of all those in protest. This is the most widely used form of protest activity in Europe, and its use is also

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most evenly distributed across the continent.<sup>23</sup> Petition is also beneficial in that it represents the will of an easily determinable number of people as shown by the number of signatures, something that can be harder to estimate or judge in forms of physical protest that leave no lasting documentation. Petitions can move easily across national boundaries, especially with the proliferation of the Internet as a means of petition signing. A simple Google search for “petition” returns an extensive array of sites hosting free petitions as well as various pages created for individual petitions. One host of free petitions, PetitionOnline, claims to have collected over 85 million signatures and features categories of petitions ranging from politics to entertainment.<sup>24</sup> With this sort of access, one can become a proponent of numerous causes without ever leaving the sofa or even lifting a pen. Of course, these Internet petitions also face issues regarding falsified information and perhaps over-ease of signing and are therefore still problematic. Currently, the EU Parliament accepts petitions via Internet, but is not capable of receiving large-scale petitions online and only accepts petitions from individuals.<sup>25</sup>

### **OPTIONS**

The EU has the option of discouraging protest and focusing solely on proactive but institutionalized civil society or it can create a place for protest and encourage forms of participation and political expression that effectively represent grassroots civil society. Given that protest is a common feature of societies throughout Europe and is already being used in a limited manner at the European level, the second is the most practical and politically legitimate option. This also keeps open an important venue for grassroots movements and organizations to be heard. If the EU decides to take this route, it must

decide how to best incorporate collective action, as manifested in both physical protest and petitions, into its governance structures.

In order to do this the EU could seek to encourage physical protest in the form of marches, demonstrations, and boycotts, but it seems there is little to be done that could accomplish this, given protests' reactive nature. However, there may be a few options that would increase the likelihood of European protest when a suitable situation arises. The EU can start by officially recognizing these forms of collective action as valid methods of political expression and input from civil society, thereby validating them and perhaps making people more apt to participate. The EU could also facilitate the spread of information about collective action activity across Europe by making the date and location of planned protest events available in one location on the internet. While this would increase awareness, it may also be avoided by protest groups that wish to remain totally independent and are wary of this sort of action on the part of the EU. More effective might be links on EU sites that allow citizens to search for local grassroots organizations and events by region. This would be similar to links featured on the website of American President Barack Obama.<sup>26</sup> The advantage to this approach is that interested citizens could become connected with grassroots organizations and receive protest information directly from them without the EU being seen as institutionalizing protest.

The prevalence of petitions as a form of protest in Europe and their ability to measure exact participation while crossing borders makes them an important tool for opening the EU to grassroots actors. The new Citizen's Initiative, which is addressed in depth elsewhere in this report, was a step towards formalizing a legislative petition process. Another significant option is for the EU to set a precedent that Citizen's Initiatives

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are taken seriously and acted upon in a timely manner so that they are seen as a valid venue of collective action and pursued when appropriate by civil society actors.

In addition to the Citizens' Initiative, the EU could benefit from a dedicated petition-hosting site that would allow the creation of petitions and gathering of signatures online. These petitions could address issues that did not merit a Citizens' Initiative, but that people still wished to be heard in the EU institutions. They could also become an option for starting a Citizens' Initiative later if deemed accurate and secure. The site could allow petitioning of the Commission, the Council, or Parliament, streamlining the petition process by making all current petitions available in one place and easily accessible to the public. It would also be an upgrade from sites such as that of the Parliament, which already hosts petitions but do not have the capabilities of accepting large-scale petitions electronically.

The downside to widely accessible online petitions is that they are easier for politicians to ignore, because they can easily accumulate so many signatures and signatures are easy to falsify. Before considering hosting important legislative petitions online, it would be important to ensure that the software and general format used could effectively protect against falsification through verifying identity and citizenship status. In the meantime, an EU sponsored petition site could still function as an unofficial barometer of citizen concerns, without requiring policy engagement on every petition that gathers a large number of signatures. The simple presence of such a site, ideally connected to the Commission's Your Voice page, could draw potential petitioners into conversation and debate with other citizens and EU officials through some of the site's deliberative features, such as discussion boards and blogs. The merits of this sort of deliberation are discussed

more in depth in chapter 8 of this report. The site could also provide information on how to start and submit a traditional, non-electronic petition that would be more likely to draw consideration from policy-makers.

## **POLICY RECOMMENDATIONS**

- If a mandatory registry is established for all EU consultant and lobbyist civil society groups is established, require that information about internal governance structures be included in the register and used to determine the representativeness of groups. Those groups with the highest level of representativeness should be eligible to receive 50% more funding than those with a very low score.
- Increase capacity for user participation on the web pages for organizations in the Civil Society Contact Group. This could include blogs with commentary features and/or discussion fora.
- Encourage similar venues for participation, such as blogs and fora, for the smaller organizations represented by the eight Civil Society Contact Group umbrella organizations.
- Establish a structure of processes in which citizens' feedback from smaller organizations' web sites (in various forms such as comments or discussion fora) are communicated to umbrella organizations, and when appropriate, featured on umbrella websites.
- Create a webpage inspired by Barack Obama's, which directs citizens to grassroots and community organizations in their area.

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- Demonstrate a commitment to address Citizens' Initiatives in a timely fashion and in a manner that genuinely addresses the issue.
- Create a consolidated webpage to host informal petitions and encourage deliberation.
- Develop more secure online petition methods that ensure truthfulness of identity and make this form of petition more legitimate.

**ENDNOTES**

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- <sup>1</sup> Europa, "Subsidiarity," Europa glossary, 22 Feb 2010 <[http://europa.eu/scadplus/glossary/subsidiarity\\_en.htm](http://europa.eu/scadplus/glossary/subsidiarity_en.htm)>.
- <sup>2</sup> Sabine Lang, "Voice in the Velvet Triangle: The European Union and Women's NGOs," (2010) 1.
- <sup>3</sup> *Ibid.* 1.
- <sup>4</sup> *Ibid.* 6.
- <sup>5</sup> *Ibid.* 2.
- <sup>6</sup> *Ibid.* 2.
- <sup>7</sup> *Ibid.* 7.
- <sup>8</sup> *Ibid.* 7.
- <sup>9</sup> *Ibid.* 24.
- <sup>10</sup> *Ibid.* 24.
- <sup>11</sup> *Ibid.* 28.
- <sup>12</sup> Alex Warleigh, "'Europeanizing' Civil Society: NGOs as Agents of Political Socialization." *Journal of Common Market Studies* (2001): 619-39.
- <sup>13</sup> Sabine Lang, "Voice in the Velvet Triangle: The European Union and Women's NGOs," pages 23-24.
- <sup>14</sup> "European Women's Lobby," 2 Mar. 2010, <<http://www.womenlobby.org/site/hp.asp?langue=EN>>.
- <sup>15</sup> Lang 23-24.
- <sup>16</sup> "Culture Action Europe: The European Forum for the Arts and Heritage," 2 Mar. 2010, <<http://www.cultureactioneurope.org/>>.
- <sup>17</sup> Sabine Sauruger, "Democratic 'Misfit'? Conceptions of Civil Society Participation in France and the European Union," Political Studies 55.2 (2007): 396
- <sup>18</sup> Richard Balme and Didier Chabanet, European Governance and Democracy: Power and Protest in the EU. (Lanham, MD: Rowman & Littlefield, 2008) 30.
- <sup>19</sup> *Ibid.*
- <sup>20</sup> AFP, "Farm protests grip Europe as prices slump," AFP 4 Feb. 2009. 2 March 2010. <<http://www.google.com/hostednews/afp/article/ALeqM5jE4FEZ3qp4P0qtpsUoT5ZiGiMfAw>>.
- <sup>21</sup> Balme and Chabanet 83.
- <sup>22</sup> *Ibid.* 84.
- <sup>23</sup> *Ibid.* 62.
- <sup>24</sup> "PetitionOnline," 2 March 2010 <<http://www.petitiononline.com/>>.
- <sup>25</sup> European Parliament, "Submitting a Petition," Parliament, 2 March 2010 <<https://www.secure.europarl.europa.eu/parliament/public/petition/secured/submit.do?language=EN>>.
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# **Section 3:**

## **The European Public Sphere**

## **Section Introduction: The European Public Sphere**

**By Samuel Garfield and Kaitlyn Sweeting**

The public sphere has become an increasingly important focus of democratic theorists, policymakers, and policy analysts. We adopt an understanding of the public sphere as a crucial part of a modern functioning democratic society that has two related meanings: First, it refers to public discussion among members of a group about their common concerns. Second, it refers to the activities of the state which define that community and the space in which it deliberates.

In modern societies, these discussions and state activities centrally revolve around media, which facilitate (*mediate*) communication between large numbers of people, disseminate information, and provide the public with informed analyses of politics and current events. As such the public sphere is essential to three of our criteria of democracy:

1. According to our third and fourth criteria, a democracy provides its citizens with access to alternative sources of information and the right to freedom of expression. The public sphere is where information is disseminated and debated, and where a citizen's right to freedom of expression is exercised.
2. Our definition of democracy also stipulates that a democracy must provide mechanisms through which the public may hold officials accountable for their decisions. The public sphere provides the space where information about the performance and policies of officials are reported, debated, and judged.

Yet the formation of a European public sphere is slow in the making. Not only are European media highly fragmented and primarily oriented towards national audiences,

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but aggregated citizen interests are largely voiced through national lenses as well.

Moreover, debates about European issues most often happen far removed from citizens in the confines of Brussels governance contexts.

We identify three key components (and three related key policy areas) where efforts may be concentrated to foster the growth of the European public sphere, each of which is addressed in its own chapter:

1. Traditional mass media, such as television, radio, and newspapers. Mass media are the traditional means by which a public sphere is established. Within the EU, however, mass media are particularly fragmented along national lines and fail to frame or discuss issues through a European rather than a national lens.

2. Internet and communications technology. Information and communications technologies (new media) serve as a new mean to foster a public sphere. The EU has made efforts to utilize new media for this purpose. However, attempts have been thwarted by a lack of citizen interest, inadequate implementation, and other challenges.

3. Public events, such as Europe Day and the European Culture Capital program. Public events have also traditionally been used as an avenue for public engagement and debate. Many such events exist throughout Europe, though the EU has failed to take advantage of the opportunities they present.

In outlining these three key policy areas we outline potential policies for the EU to adopt in order to foster a healthy, European public sphere.



# **Chapter 7:**

## **Mass Media and the European Public Sphere**

**By Jacquelyn M. Allen**

## **INTRODUCTION**

### **ISSUE**

As Europe attempts to become a unified global player, it still lacks a unified European public sphere or transnational forum for deliberation and information dissemination. European culture can at best be described as “a fragmented reality, but in reality a non-existing live culture- at least outside European Football Championships and European Song Contests.”<sup>1</sup> Traditional mass media conglomerates hold the power to facilitate the institution of such a sphere, but the fragmentation of media across the EU hinders this process. This overarching challenge is twofold and will therefore be examined in terms of each of its two major components: first, the high level of fragmentation due to varied ownership; secondly, the strong national influences that inhibit the Europeanization of media.

A broad social movement that brings the political strength to reform and ultimately democratize European media needs to occur if a genuinely Europeanized public sphere is to develop.<sup>2</sup> In establishing such a public sphere, the EU would develop a realm within which deliberative democracy could flourish and help minimize the democratic deficit.

### **BACKGROUND**

Mass media have extraordinary power in influencing the knowledge and imaginations of European citizens. Traditional mass media—newspaper, radio and television—have long delivered news and information to citizens across Europe. Media enable communication between EU institutions and citizens, allowing for public opinion formation and thus “the possibility of political society.”<sup>3</sup>

Traditional media outlets serve two purposes in the context of the EU democratic deficit: they can provide a forum for debate linking national publics to the EU political structure, and

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they can assess the relevance of and convey information about various issues according to national or regional norms, values, and interests.<sup>4</sup> Thus, traditional media contribute to making representative structures more informationally dense and to democratizing participation and deliberation. Specifically, media outlets have the ability to ensure that citizens receive information and opinions from multiple perspectives beyond national governments and their corresponding interests.

Mass media have a responsibility to provide information about European affairs to their viewers, as over 60% of European citizens name television news and 40% name daily newspapers as their primary sources of information.<sup>5</sup> Therefore, particularly within a European context, mass media conglomerates are highly influential. Traditional mass media create an institutional infrastructure that enables the organization of general interests nationally as well as across state borders. The absence of a well-functioning mass media system leaves the most effective channel for coordinating the European public with the governing institutions nonexistent.<sup>6</sup> Conversely, an effective media system has the potential to facilitate, encourage and reinforce integration and, ultimately, the development of a European public sphere.

Some scholars have argued that a European public sphere already exists due to common news coverage across the continent the substantial “degree of European political communication to be found in the quality press of” EU Member States.”<sup>7</sup> Regardless of whether or not the European public sphere exists, however, we argue that it is still underdeveloped and that, ideally, it would be stronger, more inclusive, and less marginal compared to the debates occurring in national European public spheres. The main policy challenges in the area of mass media communication which must be addressed in order to do so are the high level of

commercialization in European media systems and the extreme fragmentation of European media across national and linguistic boundaries.

## **CHALLENGES**

### **Challenge 1: A Highly Commercialized Media**

#### **ISSUE**

The European media landscape has become “ever more complex as the media system has developed and has gained growing and increasingly independent economic importance.”<sup>8</sup>

Consequently, European media landscape is commercialized to a large degree. The commercialization of media tends to promote the publication and discussion of private rather than public interests, and is, according to some theorists of deliberative democracy, one of the biggest reasons for the erosion of the public sphere.<sup>9</sup>

There has recently been a structural shift from an emphasis on public service broadcasting (PSB) in Europe towards a media environment in which public and private broadcasting outlets compete.<sup>10</sup> Commercial media portray the EU in much more negative and sensationalist terms than public media, making public media essential to ensuring that European citizens have diverse sources of information free from the influence of national governments and perspectives and thereby addressing the democratic deficit.<sup>1112</sup> In this section we will look into the differences between public and commercial media and explore why a high level of commercialization is problematic for the creation of a public sphere.

#### **BACKGROUND**

Robert McChesney and other scholars argue that public media are far more conducive to community building than commercial media, and that the general assumption that media must be

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privatized is false.<sup>13</sup> We agree on this point. PSB has an essential role to play in creating a European public sphere; it is “indispensable in helping resolve the cultural dilemmas and meeting the cultural needs of today and tomorrow.”<sup>14</sup> In a 2003 study, public broadcasting news programs and broadsheet newspapers were found to cover the “EU more and in longer articles or lengthier television news items than their commercial and more sensationalist counterparts.”<sup>15</sup> PSB provides news that establishes a cultural commons for Europe as well as upholds and strengthens national and cultural identities. In this way, PSB is potentially useful for integration and creating a European public sphere that accommodates all of Europe’s various national identities and perspectives.

On the other hand, the market drives private mass media and commercial broadcasting. This has positive and negative implications for Europe. The market is often considered the oldest vehicle for ensuring the social accountability of the media.<sup>16</sup> However, concentration and monopolization within markets are significant disadvantages of market-driven media.<sup>17</sup> Profit seeking media tend to exploit nationalist sentiments in a sensational manner in order to improve profits. They also favor low-cost production, minimizing foreign For-profit media also tend to invest in the development of new media technology and use their competitive advantage to exert greater influence over media markets than public media.<sup>18</sup>

The significance of the balance—or lack thereof—of private and public media lies in the power media outlets have to equip citizens to create and engage in a European public sphere. As transnational integration occurs, “a strong and secure sense of identity on the part of peoples involved in this project is required.”<sup>19</sup> This can only be accomplished if citizens demand a truthful, informative media, whether public or private, and if media act responsibly or are responsibly regulated.<sup>20</sup>

In 1986, the Code of Bordeaux created an international standard for the professional conduct of journalists. It validated journalism as an important public service for carrying out the media's social responsibilities.<sup>21</sup> The roles of journalists and broadcasters have evolved in recent years, ultimately enhancing the relationship between media and the facilitation of a public sphere. As media become more commercialized and the role of governments is decreased, journalists have "become the 'guardians' of the quality of media output."<sup>22</sup> Privatization of the media has led journalists to provide news audiences want, as opposed to the, "public service ethos in the past [that placed] a greater emphasis on 'educating' and 'informing.'"<sup>23</sup> The consequences for the European public sphere and democracy, therefore, are clear.

The EU has transitioned into a prominently market-driven media system based on deregulation and pluralism.<sup>24</sup> However, the process and extent of regulation of media since has varied significantly between countries.<sup>25</sup> Likewise, PSB has declined with the increased liberalization of media in the 1980s. This is unfortunate since PSB has been shown to devote more time to news about the EU. In a 2003 study, public broadcasting news programs and broadsheet newspapers were found to cover the "EU more and in longer articles or lengthier television news items than their commercial and more sensationalist counterparts."<sup>26</sup>

Legislative action taken by the EU has attempted to liberalize media in order to homogenize regulations, but differences in the degree to which private media companies internalize and oblige by regulations persist. This can be attributed to the reality that "commercial broadcasters [are] more likely to be free from state control."<sup>27</sup> A fully commercialized media is not ideal for the European Union if it seeks to promote the development of a European public sphere. Various options for addressing this issue are explored below.

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### OPTIONS

One option is for the EU to strengthen the influence of public broadcasting on either the European or national level. The EU can accomplish this by increasing funding for either transnational or national PSB. Providing funds to Europe-wide PSB would benefit European citizens by increasing the quality and quantity of PSB content available, although doing so would place an additional financial burden on the Union. This option also presents a logistical issue as to how to create content that equally addresses all major language and cultural groups in the Union. Facilitating PSB at the national level, however, would potentially enhance national fragmentation. The discussion in Challenge 3 brings to light why this is detrimental to the facilitation of a European public sphere.

Another option is for the EU to extend media policy, which is typically aimed at PSB, to include commercial media. This can be accomplished by implementing legislation ensuring balanced news coverage from both private and commercial media. For instance, the European Union might provide financial or resource-based incentives for newspapers to regularly include a page that focuses solely on European affairs. Perhaps the content of the page could even be provided by the EU or an associated body, which would minimize the financial costs of implementing such a measure. This would benefit the public sphere by establishing news coverage common to all Europeans that is widely available. Unfortunately, implementation of this option would be extremely time consuming and costly and could potentially allow the EU excessive influence on private media, simply rendering media excessively friendly to the EU instead of excessively critical.

A third option is for the EU to dedicate more resources to educating journalists about the EU. Providing journalists with the opportunity to attend classes about European affairs would

increase the likelihood that journalists would understand the issues facing the EU and present them to European citizens in an impartial manner. Again, this option would be financially burdensome and extremely time consuming for journalists, as hours would be taken from preparing news stories and spent in educational courses. Journals would likely be skeptical of these educational materials and assume that, since they were produced by the EU, they were biased. In this case, the resources spent on education would go to waste.

## **Challenge 2: Europeanizing Mass Media**

### **ISSUE**

There are two primary issues that contribute to the challenge of national fragmentation: control by nation states over media policy and a lack of interest in transnational news among European citizens. Television and newspapers are the most important sources of political information for Europeans, making the utilization of these media crucial for fostering the public sphere and promoting European identity.<sup>28</sup> However, there are significant challenges to doing so, including linguistic boundaries, cultural heterogeneity, and the fact that media systems are strongly bound to national audiences.<sup>29</sup> These disintegrative forces in European media have been one of the greatest factors preventing the development of a unified European public sphere. Confronting them is thus crucial for any attempt to foster a European public sphere.

### **BACKGROUND**

National influence over media content and policies is a primary aspect of this challenge. European media often adopt a “national angle, even if several of the included contributions give broader perspectives and make comparisons with the other.”<sup>30</sup> This is particularly true when the attitude of the national majority differs from the regional norm. News programs commonly

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evaluate issues from a national perspective and fail to outline the significance of an issue to the EU as a whole. This tendency towards the representation of national perspectives in mass media is likely due to the historical importance of mass media to the establishment of national communities.<sup>31</sup>

This fragmentation of media coverage along national lines is perhaps the single most important factor inhibiting the development of a unified European public sphere. Instead of encouraging rational-critical debate about issues of European significance, it encourages citizens to consider only their nation's perceived interest when debating and evaluating proposed policies. Not only does this inhibit the development of a sense of solidarity between EU citizens, it discourages international dialogue and democratic consensus building.

The EU's 1984 Green Paper, *Establishment of the Common Market for Broadcasting, Especially by Satellite and Cable*, stated the need to create a single European market for broadcasting and favored minimal regulation.<sup>32</sup> This initiative was widely known as Television without Borders, although its official title became The Television without Frontiers Directive (TVWF) in 1989. TVWF imposed strict restrictions for broadcasting and looked to promote endogenously produced programs as an effort to encourage greater unity between EU states and a single broadcasting market. TVWF seeks to protect PSB through its emphasis on information, culture and education rather than commercial entertainment that is imported from outside the EU. It does so through its regulatory powers to limit advertising, limit gratuitous violence and pornography, and ensure that at least 10% of broadcast time is reserved for European works created by independent producers.

In 1997, the TVWF was updated to address challenges of digital televised services, tele-shopping, and regulations on advertising and sponsorship.<sup>33</sup> TVWF was updated again in 2005 to

account for changes in media technology since 1989. It was adapted to “create a new, level playing field in Europe for emerging audiovisual media services.”<sup>34</sup> The Audiovisual Media Services Directive has now replaced TVWF. This initiative creates more flexibility to produce digital content that can be made freely available to consumers through advertising. Through these initiatives, media policy has ultimately shifted from the domain of the Member States into the realm of the EU.<sup>35</sup>

The European Court of Justice (ECJ) has also played a role in transnationalizing media regulations. More than 50 decisions by the ECJ regarding the media market have strongly influenced the nature of media control.<sup>36</sup> These decisions have had implications for news organizations in terms of their “allocation of resources, strategic placement of correspondents and editorial staff, and choices for constructing news stories.”<sup>37</sup>

Initiatives and policies regarding media regulation are clearly extensive; the degree to which they are enforced, however, varies according to ownership. Cross-media ownership is forcing policymakers to adjust policies to adhere to national circumstances.<sup>38</sup>

National fragmentation of the media is also enhanced by the lack of public interest in European news. European news provided on the Internet, in newspapers, and on television receives little focus from citizens in comparison to coverage of national issues.<sup>39</sup> As stated by a German journalist, “the EU only finds adequate attention in the newsroom in ‘exception cases.’”<sup>40</sup> This is due in part to the fact that in most EU Member States, “the loyalty to the national channels is still very high.”<sup>41</sup>

One body designed to promote Europeanization of mass media is the European Broadcasting Union (EBU). The EBU is an association of national broadcasters who promote cooperation and facilitate the exchange of audiovisual content in an attempt to ensure that the

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importance of PSB is taken into consideration by decision-makers.<sup>42</sup> The EBU's ability to organize and promote international program exchanges is, however, significantly limited.<sup>43</sup> Many hoped that the implementation of pan-European television channels, companies and broadcasting satellites would foster cultural and political integration.<sup>44</sup> However, the EBU's early attempts to launch European channels failed because of a lack of interest among European citizens.

### OPTIONS

It is within the power of the EU to transnationalize public debate and influence the “framing issues with regard to national or transnational scopes.”<sup>45</sup> National media can act to help construct a European public sphere if they emphasize existing transnational linkages or positively portray them. They can also constrain the development of Europeanization by constraining public debate within national perspectives.<sup>46</sup> We now outline policy options the EU may pursue in the interest of using its power to ensure the former occurs instead of the latter.

The first option is for the EU to establish its own public TV channel that airs news regarding Europe and programs that reflect the unity and diversity of the Union. Popular sports events, cultural events such as Eurovision, and EU-produced sitcoms would be aired on the channel. This would have the benefit of potentially serving as a single, well-recognized public media network which matches the popularity experienced by many national European television networks like the United Kingdom's BBC. However, this option would be costly and logistically difficult to implement: it would be costly to produce or translate content in all or even most major European languages, and without taking this step the network would only reach a fraction of the EU's population.

Another option would be an initiative to produce and run EU-wide programs on commercial channels. Rather than dedicating a single channel to EU news, these programs could be played on popular national networks already familiar to citizens. However, it would be difficult for the EU to ensure that that this content was adopted and broadcast by national media. Those media most likely to broadcast EU-produced content would be those already optimistic about integration, thus potentially deepening the divide between more and less skeptical nations' media systems.

A third option is for the EU to establish a transnational debate forum. Debates would take place every month on various topics, and national media outlets would provide coverage of the debates. Coverage would be translated into the necessary languages. This option faces the drawback as the previous option, though it is likely to cost less. However, the potential benefit of this option would likely also be lower as the format of a formal policy debate is unlikely to interest many Europeans besides those already interested in the EU.

The EBU could also begin requiring that 20% of broadcasting time on public as well as private networks is allotted to European programs. This would clearly focus media on common transnational affairs and increase European integration, ultimately supporting the public sphere.<sup>47</sup> Gaining support from national governments for this initiative and convincing them to enforce it may present a significant challenge to the EU. If the EU were to pursue this policy it would have to take the form of a long-term policy goal until the EU was able to develop the regulatory power to implement it.

Lastly, the EU could organize national newspaper issue swaps. In order to increase ties between member states, newspapers could trade stories. The problem with this option is disinterest among citizens in issues concerning other states or the EU at large.

### **POLICY RECOMMENDATIONS**

- Increase funding for PSB programming with EU-related and European-produced content through a fund established by the EU.
- Implement continuing education programs to educate journalists about the European Union and current affairs in Europe.
- The EBU should raise the portion of broadcasting time reserved for European programs to 20%.
- Require commercial television stations to run EU-wide programs.
- Create media fora for newspaper and other media to meet and participate in debates about EU current affairs. Encourage media to participate in these fora.

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# **Chapter 8:**

## **New Media and the European Public Sphere**

**By Annie Atherton**

## Chapter 8: New Media and the European Public Sphere

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### **INTRODUCTION**

#### **ISSUE**

In recent years, the European Union has begun to utilize new forms of media made possible by the internet, often referred to as information and communication technologies, or ICTs. Expanding beyond the traditional media of television, radio, and newspapers, ICTs have enabled mediated communication to become an interactive process, to reach wider audiences at lower costs, and to facilitate dialogue between citizens across Europe. The internet's interactive quality and ability to offer equal access to information, as it is free at many public libraries, are particularly important in fostering a public sphere. With these unique features, the internet holds the potential to foster deliberative democracy, wherein free and open discourse occurs among a public of rational, informed individuals focused on issues of mutual concern.<sup>1</sup>

Through its official webpage "Europa," an amalgamation of over 150 sites, the EU has provided access to a range of resources, and expanded its media to include such features as audiovisual content, political blogs, and open debates. However, increasing media does not necessarily generate a more vibrant European public sphere, and due to a number of factors related to both format and content, many of the EU's media pages are fairly ineffective in encouraging Europeanized discourse. Still, the EU's new media have made some marked progress. If new media follows the guidelines of deliberative democracy, it will have the power to cultivate a public sphere that is active, diverse, and plays a decisive role in the European political process.

This section of our report focuses primarily on the role of ICTs in fostering the public sphere. Moreover, we will examine ICTs' ability to give citizens an opportunity to

hold political officials accountable, which we have identified as an important element of our first criterion of democracy.

## **BACKGROUND**

This part of our report will analyze some of the EU's most prominent forms of new media and evaluate how successful each has been in fostering a European public sphere. These media include public debates, public consultations, video pages created by the European Commission and the Parliament, and lastly, EU officials' blogs. We have chosen these areas of new media because they relate directly to the goal of fostering a public sphere, they are featured by the EU on its homepage as primary venues for citizen engagement, and they are not merely educational but also interactive. The criteria for evaluation will focus on how well the information provided by each site portrays critical, Europeanized issues, and the extent to which they engage citizens in rational-critical debate (both by attracting viewers and facilitating online participation). In analyzing these forms of EU new media, we have identified four major challenges to encouraging a public sphere: increasing popularity of websites, ensuring that these websites encourage democratic discourse, using the websites to facilitate rational-critical debate, and providing more language translations.

This report focuses on several main EU ICT initiatives and programs:

1. *Debate Europe*

In 2008, the European Commission began funding various civil society projects under the initiative "Debate Europe," which was intended to foster debate at a European level. One project of "Debate Europe" is an online discussion forum in which moderators propose different European issues to be discussed by citizens.

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The debates are organized under eight different topics, including “European elections,” “Climate change and energy,” and “Financial crisis and development.” Under each heading are more specific subtopics.<sup>2</sup>

### 2. *Public Consultations*

From a link on the Europa website titled “Have your say on EU policies,” citizens can access public consultations on various aspects of EU activities. The consultations invite citizens to read documents provided about different EU-related issues and offer their opinions, which are formally compiled and made available to viewers.<sup>3</sup>

### 3. *EU Tube*

In June of 2007, the European Commission launched EU Tube as its official account on the website YouTube.com. Through this account, the EU regularly uploads brief videos regarding European issues, usually focusing on news, but occasionally including promotions of European causes. The videos are organized into fifteen different “playlists,” each focusing on a different issue, such as agriculture, foreign affairs, business, environment, science and technology, or travel.<sup>4</sup>

### 4. *Europarl TV*

Similar to the Commission, the European Parliament launched its own official webcasting site, Europarl TV, on September 17, 2008. The site is divided into four sections: “Your Parliament,” which features speeches, debates, interviews, and public fora on European issues, “Your Voice,” in which citizens are chosen at random to ask questions that Parliament answers, “Young Europe,” a collection of

educational videos targeted towards youth, and “Parliament Live,” which shows conferences and meetings of Parliament. The channel is funded by Parliament, but managed by two private contractors. Content is produced by the communications agency, Mostra, while the technical platform is managed by the broadcasting and communications company Twofour.<sup>5</sup>

#### 5. *EU Blogs*

In the past decade, a number of EU commissioners have begun writing blogs to keep citizens updated on their political activity. The blogs are generally updated several times per month, include a brief profile of the commissioner, and focus on the EU’s involvement in current events. Although blogs might appear only marginally relevant to improving the democratic deficit because they only engage a small percentage of the EU population, their value lies in that they provide some of the most direct connections between citizens and EU officials and can therefore be used as a means for officials to explain the EU’s perspective in various policy decisions and for citizens to hold officials accountable.

## **CHALLENGES**

### **Challenge 1: Lack of Popularity of EU New Media Programs**

#### **ISSUE**

While ITCs clearly provide an excellent outlet for linking the EU to citizens, informing them about issues facing Europe, and providing opportunities for them to participate in political deliberation and discussion, these benefits are only meaningful if citizens choose to utilize ICTs. One of the greatest challenges facing EU new media is its

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simple lack of popularity, as evidenced by low viewing rates and lack of participation on interactive sites.

### **BACKGROUND**

Though the EU produces a very high volume of new media content, it does not correlate to high viewing rates. For most of EU Tube's videos, the number of views never reaches beyond the tens of thousands, with many videos receiving less than ten thousand views even months after being posted. Though Parliament has declined to disclose data about the popularity and frequency of views for Europarl TV, a journalist for *The Daily Telegraph* reported in June, 2009 that the site was expected to only attract between 900 and 1200 viewers per day.<sup>6</sup> This rate, if valid, constitutes about 0.002 percent of the EU's population. Moreover, the article claims that the site will cost more than 32 million pounds over four years, or 53,000 pounds for every hour of broadcasting.<sup>7</sup> For such an expense, it seems clear that the EU is not reaching a sufficient number of viewers.

Other forms of new media have drawn low participation as well. Of the twelve Public Consultations that have been completed in 2010, over half received no responses.<sup>8</sup> Half of the topics on Debate Europe have received less than 2,000 posts.<sup>9</sup> Blogs are perhaps the least popular sites, with even the most successful receiving only 3.3 million views over a period of five years.<sup>10</sup>

The popularity of content within EU sites is fairly uneven, with some features attracting significantly more attention than others. On EU Tube, the "playlist" with the most videos reaching hundreds of thousands of views is the list titled "Culture, education, and youth," which features many videos related to cinema. This fact is not surprising

when it is considered that YouTube.com is a site heavily used by younger populations. A 2007 study showed that those aged 18-34 used YouTube most often, with significantly less users older than thirty-five.<sup>11</sup> The fact that content targeted towards young people is markedly more popular may be evidence that the EU sites are generally viewed by a limited age demographic.

The design and organization of the sites is varied, though some show minimal effort towards attracting and engaging viewers. The design of the “Public Consultations” website, for instance, is a plain white background with no graphics accompanying any of the text. The titles of consultations, which are significant in that they draw interest from readers so they are compelled to explore the comprehensive reports for which they are links, are very brief and do not explain the topics.<sup>12</sup> Other sites, such as Europarl TV, have more elaborate designs, graphics, and stylized text. While different styles work better for different types of websites, design is always an important element of new media and is likely a contributing factor to the low popularity of EU sites.

Without attracting a fairly large viewer base, even the most informative EU sites will not contribute significantly to a European public sphere. Ideally, a substantial portion of citizens from a variety of EU countries will view the sites often enough to inspire discourse on the sites’ content. Though the sites cannot hope to appeal to everyone in the EU, they can certainly reach more viewers than they currently do.

## **OPTIONS**

The EU could choose to maintain its new media as they are, accepting that most of its sites are only several years old and might gain popularity over time. This option

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will not cost the EU any more time or funding than it already devotes to its websites, but will likely continue to draw a low number of viewers.

Alternatively, the EU could explore new strategies for improving its ICT programs. To improve the interest level of videos, EU Tube and Europarl TV could hire consultants in media and film. These services will require substantial funding, however, and as Europarl TV is already managed by two private contractors, it may be inefficient to hire even more private consultants.

Another option would be for the EU to consolidate its resources towards less content that is higher quality. For instance, the EU could merge EU Tube and Europarl TV, recognizing that their content is fairly similar. Since young adults are the demographic most likely to use both sites, it would more efficient to channel this viewer base towards one, highly-funded website. If the Commission and Parliament hope to convey distinct images of themselves, though, this option will force them to represent themselves under one image. Video sites could also improve content by allocating funding towards fewer videos, focusing on making these selected videos as attractive, engaging, and relevant as possible. This would limit the scope of topics featured on the sites, but would focus attention on the videos that are showcased.

Similarly, the resources of the Commission might be better allocated if only a few commissioners keep blogs, updating them frequently, promoting them through other internet sites, and responding to readers' comments. To do so, Commissioners might consider working in teams to make a few blogs very effective, rather than all attempting to maintain their own blogs. Unfortunately, this might detract from the individuality of each Commissioner and perhaps some of the blogs' current appeal.

Because it has received such low participation, the EU might consider discontinuing its Open Consultations page. Alternatively, consultations could be improved by targeting them towards more specific venues than the general Europa webpage. A consultation categorized as “Research-Nanotechnology,” for instance, could be sent through emails to scientific research institutions. This might contribute to “expert publics,” however, or provide information to institutions that are already informed on such specific issues.

If the EU is strongly committed to leaving these consultations available to the public, then it could re-design the site with more attractive text and graphics, and a focus on catching viewers’ interest, inspiring responses, and making it very clear to viewers why an issue is relevant without requiring them to read a lengthy report. To ensure quality design, the EU could seek assistance from a consultant or web design intern, which will require some funding but will likely increase popularity.

## **Challenge 2: Offering Substantive Content**

### **ISSUE**

New media only holds the potential to foster a public sphere if it encourages citizens to inform themselves about matters important to the whole of society and take a strong interest in these matters. As the EU stands today, its citizens are unconcerned with transnational affairs and public engagement with politics is minimal. While increasing popularity of ICTs should be a major priority for the EU, these efforts will be worthless unless discourse of serious European issues is also encouraged.

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### BACKGROUND

Some of the EU's new media content has gained popularity without contributing to a strong public sphere. In the first month of its opening, EU Tube produced the video "Film Lovers Will Love This!" featuring clips from European films of eighteen different couples engaging in sexual acts, some heterosexual, some homosexual,<sup>13</sup> with the aim of celebrating European cinema. The video received over 3.3 million views in the first three weeks after it was posted, and has since been viewed nearly 8 million times. Very few EU Tube videos reach even one million views. But the video was merely a promotion, and did not present an actual issue or problem with multiple viewpoints to discuss. As one journalist noted, the drier the content, the fewer views a video receives.<sup>14</sup> If the EU relies on popular entertainment, shock-value, and a lack of educational substance to draw viewers, it is failing to promote a serious public discourse.

Another inherent challenge with media that is sponsored and managed by the EU is that it tends to present issues only from the EU's perspective. As a result, content can appear less controversial than it would if other views were included. Blogs, in particular, have a tendency to appear one-sided, as they are framed as venues for officials to share their views. To some extent, EU media sites resemble news sources in that they provide information on current events. Yet unlike traditional news, they do not necessarily strive to provide all sides of every issue. Even if EU media is not exclusively one-sided, viewers may approach the sites with skepticism simply because they are not traditional news sources but rather websites sponsored by an institution. Thus, guaranteeing that its sites provide more than one view is a particularly important and difficult challenge for the EU. Public spheres emerge in the process in which people debate controversial issues in

the public, and the more contentious European politics becomes, the more we should observe truly European public debate.<sup>15</sup>

## **OPTIONS**

To increase popularity while ensuring that its content is still rational and democratic, the EU could combine references to popular culture with more serious issues. This may risk undermining issues, however. For instance, it would appear inappropriate to combine a video about sex in film with a video about a natural disaster.

To increase viewer interest without resorting to the entertainment industry, the EU could seek to highlight more controversial issues, as opposed to more neutral or one-sided topics. EU Tube and Europarl TV could post videos that acknowledge and explain the opposing viewpoints of the various parties in European Parliament on a particularly controversial issue. A video that clearly outlines EU issues while *also* reviewing the shortcomings of the EU's approach would not weaken the EU's image. Such omissions would show citizens that the institution is willing to acknowledge others' views and explain the logic of its own views to others. It would also highlight the diversity of opinion within the EU—likely even including those MEPs who are fundamentally opposed to the EU's existence—and highlight the political drama of party politics at the supranational level.

Officials could also use blogs as a venue to discuss issues of controversy. There is potential risk that showing the most popular opposing sides of an issue would cause viewers to see issues from national perspectives. If the EU explicitly discusses these national views while also including a Europeanized view, however, individuals may come to see the biases in their own perspectives.

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The main drawback to this approach is it is difficult to implement: it is much easier to convince European politicians to *try* or to *claim* to accurately represent the opposing viewpoints on an issue than it is to force them to actually do so. Thus implementation would likely be piecemeal at best.

### **Challenge 3: Encouraging Democratic Debate**

#### **ISSUE**

Several EU websites invite viewers to post comments or participate in online discussions. These features can be unique venues for citizen communication. They do not, however, guarantee that participants engage in rational-critical debate. Online discussions can be excellent facets for the establishment of a public sphere and should therefore not be overlooked by the EU as significant means for communication among citizens.

The most enthusiastic proponents of online discussion fora have called them “virtual agoras,” in reference to the public spaces of meeting and debate in Ancient Greece. Critics of online fora, however, warn that internet debate can actually undermine the deliberation process and work to increase polarization of opinion rather than foster consensus. In reality, fora neither inherently create nor destroy deliberative democracy, but can *encourage* rational-critical debate with proper organization and design.<sup>16</sup> Therefore, the EU should focus on improving the design of its debate and commentary fora through careful study and trial-and-error procedures.

## BACKGROUND

There are a number of methodologies the EU could use to study forum design, but one that is especially useful is a strategy employed by Anthony Wilhelm in his analysis of AOL's Washington Connection forum and Usenet.<sup>17</sup> Wilhelm's study sought to determine the degree to which these fora exemplified signs of democratic deliberation. He used standard content analysis methods, establishing a set of eight content categories in which to classify the posts he analyzed. The categories were based on the idea that deliberation must include three components: political messages of substance exchanged at length; the opportunity both to reflect on these messages and debate them further; and messages processed interactively with opinions tested against rival arguments.<sup>18</sup>

Scott Wright and John Street repeated Wilhelm's methodology in a study on Futurum, one of the EU's main online discussion fora.<sup>19</sup> In comparison to Wilhelm's findings, Street and Wright found that Futurum held a high rate of the types of posts which indicated that participants were interacting with one another in a deliberative manner.<sup>20</sup> Furthermore, the study showed 75.6 percent of the messages on Futurum to be "valid," meaning they showed some kind of grounding for their position.<sup>21</sup> Futurum's relatively high level of deliberation can be partially attributed to the following factors of design used by the forum:

- ◆ pre-moderation, meaning that messages must be first approved by a moderator, helping to produce a respectful atmosphere that is relevant to the topic;
- ◆ a threaded system of messages, which likely encourages replies;
- ◆ a clear institutional context (the EU) and supposed link to policymaking, which can encourage respondents to take debate seriously;

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- ◆ software that allowed multilingual discussion.<sup>22</sup>

The results of the Futurum study are highly informative to the EU in its effort to create democratic fora. “Debate Europe” features many qualities similar to Futurum, such as software that enables multilingual debate, institutional context, a threaded system of messages, and pre-moderation.

EU Tube provides its own form of debate by allowing viewers to post comments on the channel or individual videos. On January 31, 2010, the channel had received 43,196 comments.<sup>23</sup> While the number of comments on EU Tube might seem to show avid citizen participation, the conversations are not indicative of a strong public sphere. In a twenty-four hour period from January 28 to January 29, 2010, sixty-nine comments were posted in the section for “Channel Comments,” but these were written by only twelve different users, some of which posted up to seventeen comments on their own.<sup>24</sup> Moreover, the content of posts was often derogatory, including profanities and insults targeted towards the EU, various countries, and other subscribers.

On the EU Tube homepage, Europa has written that while it encourages “free speech and open debate,” comments containing xenophobic or hate speech, predatory behavior, threats or harassment will be deleted and eventually lead to a permanent ban from posting on the channel.<sup>25</sup> This warning is fitting with the deliberative model of rational-critical debate, and thus should remain on the EU Tube site. However, it does not appear that comments are carefully censored, since many posts seem to border on violating the supposed rules. As shown in the Wilhelm study, fora are not especially effective when moderators allow comments related to personal attacks or inappropriate

profanities. Also, unlike the comments on Debate Europe, EU Tube's comments do not follow any specific topic, which is another factor that inhibits rational debate.

Similar to debate fora, about half of the officials' blogs offer "commentary" features, which can be a valuable tool in encouraging communication. Margot Wallstrom, Commissioner of Institutional Relations and Communications, has been the most effective in inspiring participation with comments. Of the last fifteen blogs she posted, readers left an average of twenty-seven comments.<sup>26</sup> Nearly all other commissioners whose blogs were archived averaged less than ten comments each for the same number of posts. Wallstrom also devoted some posts solely to responding to readers' comments. In a post titled "Replies" on December 3, 2009, she listed responses to comments in bullet-point format, which itself received thirty-three comments.<sup>27</sup> Clearly, the "comments" feature on Wallstrom's blog created a reciprocal relationship between blogger and readers.

Allowing commentary also provides a means to gauge which topics most interest readers. Commissioner for Development Andris Piebalgs, who received an average of nine comments for each of his past fifteen posts, received sixty-three comments on a post about the EU removing wasteful lighting from the European market.<sup>28</sup> Though many of the comments to Piebalgs' post disagreed with this policy, they nonetheless exhibited more interest than they had for his other subjects. The fact that many commentators disagreed with Piebalgs, however, further exemplifies the benefit of comments as tools for citizens to hold officials accountable. In these responses, citizens could voice their frustration over the issue of lighting.

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Should a commissioner actually respond to a reader's specific comment, it is likely to be the most direct communication that will ever occur between that commissioner and that citizen. A similar interaction is also possible through email, but responding to blog comments serves a double function, as it speaks to the individual who posted the comment *and* shares this conversation with the whole of the EU community.

### **OPTIONS**

The EU could attempt to improve all of its existing debate fora by following the guidelines of the Wilhelm study. The commentary feature on EU Tube would need to be more heavily censored, and perhaps managed by a moderator who proposes specific topics. This would increase the likelihood that discussions are democratic and serious. However, doing this would risk EU Tube comments becoming another version of Debate Europe, dividing viewers among the two sites without any particular benefit for doing so.

Another option would be for the EU to require commissioners to enable commentary on their blogs, and to respond to comments frequently. This would show citizens that officials are making a genuine effort to communicate. However, this would require Commissioners to devote much more time to their blogs than they currently do, and most likely only impact a very small percentage of citizens.

If Commissioners work in teams, as referenced as an option under Challenge 1, they would have more time to respond to readers' comments, although this may detract from the appeal of commissioners' blogs and undermine the individuality of commissioners.

Alternatively, the EU could combine the benefits of officials' blogs with those of online debates if officials occasionally participate in fora such as "Debate Europe" that

utilize effective design. Commissioners or other officials could propose a subtopic, explain their point of view, and respond actively to participants' comments. Or, there could be special debate fora established with limited time periods in which EU officials were participants. As shown by Wilhelm's study, debate fora tend to be more democratic when framed in a clear institutional context and linked to policy making. Including officials in debates would strengthen the institutional element for participants. It would also combine the viewer base reading the blogs with the viewers participating in debates, concentrating viewers into one discussion. Participating in debates would take time away from Commissioner's work, but the time they are already spending posting their own blogs could be redirected towards the debates. Such a project would also require sufficient efforts in terms of advertising and promotion the debates, which would necessitate funding and resources.

#### **Challenge 4: Limited Availability of Language Translations**

##### **ISSUE**

A final challenge for EU new media is a lack of language translations within EU ICT programs. Much of the EU's media has followed the global trend of prioritizing English above other languages, but a substantial portion of the EU population is still not proficient in English and therefore cannot read or participate in many of the EU's ICT programs.

##### **BACKGROUND**

While content on Europarl TV and Debate Europe is available in all twenty-two official EU languages, a fair amount of the EU's new media is not. EU Tube videos are only available in English, German, or French. All of the Commissioner's blogs are

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written only in English, with the exception of three that occasionally include entries in French or Czech. The Public Consultations homepage can be translated into many different languages, but all of the consultation descriptions are in English, meaning that non-English speakers could still not participate.

Providing more translations increases the number of European citizens that have access to EU ICTs. A 2006 survey of EU citizens showed that only 38% of respondents felt they understood English enough to have a conversation, while 44% reported not knowing any language other than their mother tongue.<sup>29</sup> In this same survey, the Commission stated that the three core aims of its multilingualism policy are to encourage language learning, to promote a healthy multilingual economy, and to give all EU citizens access to the Union's legislation, procedures and information in their own language. If the EU is indeed committed to the promotion of multilingualism and universal access to information, it must make an effort to extend this principle to each of its media sources, including EU Tube and Commissioner's blogs.

The language survey makes clear that by providing translations in very few languages, ICTs automatically exclude many potential viewers. Though translations in all twenty-two languages would be ideal, even providing subtitles in two or three more popular languages would reach more readers.

### **OPTIONS**

In order to provide more translations, the EU could hire assistants with the sole task of translating blogs, comments, and videos; this, however, would be quite costly.

To minimize costs, the EU could commission interns, such as high-achieving college students. It is likely that students would fulfill this role as part of an unpaid

internship, thus sparing the EU much additional cost. As further incentive, there could be programs that provide such students with credit towards their respective degrees.

Students might be less reliable than paid assistants, but with sufficient incentive and supervision, efficiency and quality of work could be encouraged.

Alternatively, the blogs could utilize the software on Debate Europe that automatically translates text. Computer-generated translations would not require managing more workers, but they are more likely to misconstrue meaning as they do not take into account cultural language differences or informal ways of speaking.

## **POLICY RECOMMENDATIONS**

- Produce less content and allocate more resources to improving the quality of remaining content. To do so, the Commission and Parliament should merge Europarl TV and EU Tube and publish less videos overall. The Commission should write blogs in teams and focus on ensuring the quality of these blogs by closely tracking the number of views and comments, and responding to comments whenever possible.
- Fund special online debate fora in which a different EU official participates each month. These will be open to the public and similar in format to the current forum, Debate Europe. The debates will close after one month, when a new debate is opened. Because many commissioners already publish blogs, they would be good candidates for participating in the debates. It would be ideal if some MEPs also participate, as citizens may be interested to learn more about the

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candidates that they have elected. Officials will propose topics and then respond to comments several times throughout the month, or whenever they see fit.

- The Commission should fully revise the Open Consultations page, with more attractive graphics and text, and clearer titles and subtitles. To ensure quality design, it should seek assistance from consultants or interns.
- Increase the amount of language translations in all EU new media by commissioning interns through translation colleges. The next best option would be to use software that automatically translates script.

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# **Chapter 9: Public Events in the European Union**

**By Jacob C. Barr**

## Chapter 9: Public Events in the European Union

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### **Introduction**

#### **ISSUE**

Public events are widely available across Europe and accurately reflect the European peoples' desire to freely express themselves, network with one another, and enjoy leisure activities according to their preferences and convenience. Because public events are so widespread throughout Europe and involve so much of the population they can hardly be called undemocratic. Public events are then potentially an excellent vehicle through which to engage EU citizens and create a more tightly knit pan-European community. The question addressed in this chapter will be how the European Parliament and the European Commission may use the existing public events to strengthen their sense of community, and how they might initiate new public events to help foster a sense of EU identity and participatory culture.

#### **BACKGROUND**

Public events have the ability to simultaneously bring people together and unify them with shared interests and activities, but they can also create the opportunity for conflict. Europeans attending public events may be compared to individuals at a large family reunion where people come together from a range of social classes, education levels, age groups, and places, all bringing with them their own opinions and prejudices and often sharing only a common last name. Some dread family reunions because they know they will inevitably encounter someone with whom they disagree with, or whose habits they find offensive. In the EU, the common last name that all people share, by analogy, is that they are European. The EU has served a major facilitative role in hosting and supporting these European-wide reunions to foster a sense of community where so many disintegrative factors exist.

In order for people to come into conflict, they must first be brought together; thus, hosting public events inherently means taking a risk. The EU has taken many such risks and succeeded in establishing several genres of public events which take place regularly across the continent and are useful in promoting a more educated and participatory European culture. This chapter will divide public events into two broad categories in order to analyze the advantages and the problematic features of the events as well as offer recommendations to make each mentioned public event more effective in terms of both furthering EU integration and serving its citizenry.

The first category of public events is the arts. The eighteenth century German philosopher Immanuel Kant described art as “a kind of representation that is purposive in itself and, though without an end, nevertheless promotes the cultivation of the mental powers for sociable communication.”<sup>1</sup> Most important for the concept of fostering further EU integration is the idea that by its very nature, art cultivates social communication. If the art in question accomplishes at least that, it can be considered to have contributed to EU integration. This chapter discusses controversial art in the European Union and the popular Eurovision song contest.

The second category to be analyzed is that of public cultural and historical events across Europe. European-wide public conferences, workshops, parades and holidays play an important role in promoting unity, understanding and correcting misunderstandings within the EU, and providing an aspect of social life in which public opinions can be better formed.<sup>2</sup> This chapter discusses Europe Day and other civic holidays as well as the European Capital of Culture program.

### **CHALLENGES**

#### **Challenge 1: The Role of Controversial Art in the EU**

##### **ISSUE**

Freedom of expression is essential to foster a healthy public sphere in which all issues may be discussed and public opinions may be formed. Artwork provides an exceptional mean for citizens to express themselves and reflect their opinions and attitudes to their fellow Europeans. Limitations of satirical art, however, have minimized the ability of artists within the EU to utilize their work for breaking down barriers separating citizens and establishing a common European identity. What Cerny did in Brussels had never been done before, and it prompted the discussion of stereotypes which had never been publicly acknowledged - this is a new and important development in the public sphere and should be encouraged.

##### **BACKGROUND**

One of the most controversial artistic figures in contemporary Europe is David Cerny, a Czech sculptor who makes notably transgressive and offensive art. During the previous Czech EU Presidency, Cerny's contribution to Brussels did not resonate well with most European Bureaucrats. The Czech artist and sculptor displayed a 256 square meter piece called "Entropa" in the Justus Lipsius Building, headquarters of the Council of the European Union, in Brussels which portrayed the 27 European Union Member States using their most offensive stereotypes.<sup>3</sup>

It is customary for EU presidents to contribute a piece of art to the Justus Lipsius Building during their term in office as a symbol of goodwill and conformity to tradition. These examples of art are intended to showcase the acting country's creativity. For example, former EU

president before the Czech presidency, Nicholas Sarkozy, contributed a giant balloon sporting the French national colors.<sup>4</sup> After the Czech EU presidency term expired Sweden assumed the presidency in July 2009 and proceeded to decorate the Justus Lipsius Building with traditional and modern forms of furniture. The goal of Sweden's artistic contribution to the European Council was forward and quite pertinent to the public sphere, as reflected in the statement that, "The starting point for Sweden's creations in the Council building is to bring a personal voice to the public space and to create an environment that is both public and private, where the focus is on genuine meetings between people"<sup>5</sup>. This contribution demonstrates one example of how art can be used to foster the public sphere and public deliberation in meaningful ways.

Cerny's artistic contribution to the EU engaged the European public sphere in discourse and debate, particularly concerning conventional stereotypes, that prior to his exhibition had not appeared in public. Although Cerny's art was met with strong opposition and offended most of Europe, it attempted to do so equally, and stimulated a rare public interest in the EU which should be seen as a positive integrative step.<sup>6</sup>

Two of the most controversial segments of the piece were Bulgaria's and Germany's stereotypical symbolic representations. Germany was represented by a mass of autobahn highways overlapping each other, offering the vague resemblance to a swastika. Germans sighed at being depicted by motorways in the form of a swastika but went on to praise the freedom of expression of art and the introspective self-criticism employed.<sup>7</sup> Bulgaria was represented as a country entirely comprised of Turkish-style toilets. As a result, the Czech ambassador to Turkey was summoned by the Turkish government to give an answer to the offense and the government

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demanded that their piece to the exhibit be covered. Ironically it was veiled in a double-sided black curtain, evocative of an Islamic *burqa*.<sup>8</sup>

“Freedom of expression is a founding principle of democracy” the Czech Deputy Prime Minister Aleksandr Vondra remarked at the launch of the *Entropa* art work in Brussel.<sup>9</sup> Five months later, after much criticism and complaints from European public officials and heads of state, the exhibit was removed from Brussels and put on display in Prague.<sup>10</sup> In a response to the public discontent, Cerny defended his work, saying that his piece balanced on the verge of would-be controversial attacks on national character and a typical decoration of official public space.<sup>11</sup>

National stereotypes will inevitably continue to exist throughout Europe just as they always have and act as a barrier to deepening EU integration. By exposing them in a ridiculous manner, however, it is possible to discuss and discredit them. The role of satire in Cerny’s piece is tactful and effective. It reveals the absurd nature of national stereotypes and therefore should be encouraged, given of course equal representation of those being mocked.

Publicly sponsored events featuring controversial artwork to which all citizens have access can be a very effective tool for a government to engage its citizens and spark interest in its mission, as proved by Cerny’s example. The idea that through art Europe might be able to “laugh at itself”<sup>12</sup> and celebrate its *unity* in its *diversity* was not fully realized through Cerny’s piece, but it was a significant step in the right direction for Europeans to be able to openly and freely discuss social problems, which is the main function of the public sphere.

Currently, Spain holds the rotating EU presidency and has decided to stay clear of controversial art forms and has decorated the Justus Lipsuis Building with a flowing LED light

strip which brightly projects politicians, technicians, staff and visitors who enter the Council's building from the main street entrance<sup>13</sup>. The artwork is called Travesias, which means "voyage" or "crossing," and is intended to represent the EU's transformation in the past few years according to Daniel Canogar, the designing artist.<sup>14</sup> Provided with this interpretation, some may wonder why the light strip appears to trace the pattern of a rollercoaster, complete with a loop-the-loop in the center.<sup>15</sup> Perhaps it is Mr. Canogar's subtle way of telling Europe to lighten-up.

### **OPTIONS**

One option concerning critical and satirical art in the public sphere is to publicly support it. To publicly support this kind of art, the Commission could increase funding for grant opportunities for independent artists. A positive aspect of supporting artwork which challenges national stereotypes and inspires public debate is that it would lend the supporting institution a more mature and secure image, one that is capable of constructive self-criticism. Another positive aspect of this option is the exploration of the aesthetics of creative public art which avoids traditional and immutable forms of public monuments such as statues. A negative aspect of this option could be the public undermining of the institutions if the art were too critical.

An inverse option would be to discourage critical public debate concerning EU institutions and controversial forms of art. The advantage of this option from a purely state viewpoint is that the institutions will be able to cultivate a single vision of how and what topics should be discussed. A disadvantage of this option is that an artist wishing to express critical or satirical views of particular institutions or the EU as a whole may perceive limits on his rights to freely express himself.

### **Challenge 2: Eurovision and Bloc Voting Trends**

#### **ISSUE**

Another example of controversial forms of art in European public events is the much-acclaimed Eurovision song contest. The program is often dismissed by disaffected Western Europeans as kitsch;<sup>16</sup> as over the last sixty years Eurovision has spread across the continent so far that the “European” Broadcasting Area now includes countries not conventionally considered European, such as Israel and Morocco.<sup>17</sup> However, the program’s relatively long television history and increasing popularity amongst emerging European economies makes it one of the most watched non-sporting events in the world. It should therefore be recognized as considerably politically significant and ultimately an important instrument for fostering a European public sphere.

#### **BACKGROUND**

Just six years before the inauguration of the first Eurovision song contest in 1950, the European Broadcast Union (EBU) was established to network 23 different radio and television networks across Europe and the Mediterranean.<sup>18</sup> Only because of this union was it possible for millions of European citizens to watch the same television program simultaneously, engaging in one of the first public events on the continent of such scale.

From the very beginning Eurovision was intended to bridge the gap between cultures, languages, technologies and political systems through the universal language of music and song. The original idea and defining feature of the program was to broadcast the event live and engage as much of the public as possible in a single instance. In 1993, this concept of inclusion expanded to include countries from the former Soviet Union, which, with the exception of

Former Yugoslavia, had not been offered the opportunity to participate. The EBU decided in 1997 that it should engage public opinion more directly and invented the telephone voting system.<sup>19</sup>

The contest has been used as a political tool and brings to light European issues such as national identity, protest and polity and democratic participation. Most recently, for example, the Eurovision song contest was held in Moscow, Russia. This was widely seen by commentators and political analysts as an opportunity to promote a positive view of Russia in the international community after public condemnation over its recent war with Georgia, unrest in Chechnya, and the deaths of notable Kremlin critics.<sup>20</sup> As the Former United Kingdom Ambassador to Estonia succinctly put it “the contest engages with more people across Europe than an election to the European Parliament”.<sup>21</sup> Indeed the contest boasts nearly 300 million viewers worldwide.<sup>22</sup>

Eurovision appeals to European citizens much more than a European Union parliamentary election in part because it embodies the lively cultural life of Europe and not the stagnant and tedious politics of Europe. Popular culture naturally encompasses the views and ideals most strongly represented and accepted in a society and since Eurovision engages with popular culture it in some ways more accurately represents and fully engages its viewers.<sup>23</sup>

During the last fifteen years, Eurovision has become increasingly important in to establishing a Europe-wide public sphere. The introduction of Eastern European states to Eurovision after the fall of Communism, however, quickly changed the dynamics of the contest so that what is known as Bloc-voting, the idea that former Communist states regionally vote for one another regardless of the performance, prevails.<sup>24</sup> This has resulted in much criticism from Western European countries, which have not performed highly (with the most recent exception

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of Norway) or won the contest in the past nine years despite the fact that the program is largely funded by these wealthier nations.<sup>25</sup>

### **OPTIONS**

In order to avoid deepening Western European skepticism and the collapse of a very important integrating force across the continent, one option would be for the EU to allocate a portion of its budget to finance the Eurovision song contest in its entirety. This would not only ensure Western European participation, but also give the EU a powerful tool with which to refine its international image and have more direct engagement with its citizenry. A negative aspect of this option is the high cost associated with buying the Eurovision broadcasting rights from the EBU.

A second option would be for the EU to not interfere in the way Eurovision is managed and allow the voting patterns to continue. The positive aspect of this option is that it is most representative of the voters' wishes and it does not cost the EU money, time or effort. The negative aspect of this option is that an accurate portrayal of creative art, independent of national or regional sentiments, is not achieved or recognized.

### **Challenge 3: Reconciling Days of Celebration**

#### **ISSUE**

Europe Day is the only supranational holiday shared by all Member States, and it is one of the more important symbols of the Union. The Member States, however, cannot agree on which day the holiday should be celebrated, creating confusion and disunity. While Europe Day

holds the potential to serve as a foundational building block for the establishment of a public sphere, this failure diminishes its potential to minimize the democratic deficit in this way.

### **BACKGROUND**

Europe Day is a holiday officially recognized and established by the EU. Europe Day commemorates the creation of the European Steel and Coal Community, originally intended to promote peace between France and Germany, under the direction of former French Foreign Minister, Robert Schuman.<sup>26</sup> During the Milan Summit of EU leaders in 1985, the delegates decided to honor Mr. Schuman's efforts to further international peace and prosperity by declaring May 9<sup>th</sup>, the day on which Schuman laid "the first concrete foundation of a European Federation" calling it Schuman Day. It wasn't until 2008, however, that the EU formally recognized the May 9<sup>th</sup> holiday.<sup>27</sup>

Ambiguously, another holiday by the name of "Europe Day" is celebrated four days earlier on May 5<sup>th</sup> and is officially recognized by the Council of Europe (CoE). The CoE commemorates this day as its founding day and is held by some in higher regard than aforementioned May 9<sup>th</sup> holiday because of the CoE's role in defending human rights and rule of law.

This state of affairs is further complicated by Victory Day (V-E Day), which is celebrated in Western Europe on May 8<sup>th</sup> and commemorates the defeat of Nazi Germany in World War II. Countries such as the United Kingdom, Germany, the Czech Republic, Slovakia, France, Denmark, and Norway honor it as a national public holiday. The holiday is intended to foster unity among Europeans; however, for the past 25 years Europe has not been able to agree on which day it should be celebrated.

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While all of these holidays serve as potentially important dates for the celebration of the European Union and individuals' senses of European identity, they compete for Europeans' attention and fail to represent the unity of Europe. If the EU is to create a holiday that matches the symbolic importance of national holidays, this state of affairs should be changed.

### **OPTIONS**

An option that the EU might consider is to establish a rotating Europe Day, similar to how Easter rotates each year. The date of the holiday could be determined by a two year cycle and be celebrated the first year on the Sunday before the first of April and the second year on the Sunday after the first of April. A potential negative aspect of this option is that Europeans could lose track of when Europe Day is occurring and simply fail to celebrate it.

A second option could be for the EU to officially recognize "Europe Week" from May 5<sup>th</sup> until May 12<sup>th</sup> and host festivities across the continent in celebration of the EU. This option could incorporate all commonly disputed dates and provide a definite designated period of festivities. A negative aspect of this option would be the high costs attached to continuously hosting large events for seven days.

### **Challenge 4: The Capital of European Culture Program**

#### **ISSUE**

One of the challenges of the EU has been to combine all the various cultures, regional and national, across Europe into an integrated framework. The use of culture as an instrument to achieve wider social and economic goals is nowhere more apparent than in cities.<sup>28</sup> This is epitomized by the European Capital of Culture program operated by the EU since 1985. Today,

European culture is in danger of losing its authenticity, its connection to the people it is supposed to represent, and becoming little more than a tourist attraction. This will be harmful to the establishment of a European public sphere, as citizens must acknowledge some degree of commonality if they are to interact politically with one another.

### **BACKGROUND**

The European Commission decided in 1985 to introduce the European City of Culture (ECOC) program in order to promote oneness, awareness and appreciation of all European cultures throughout the Union.<sup>29</sup> Ever since Athens was chosen in 1985, each successive year the program has become more popular and has received more media attention.<sup>30</sup> The ECOC program is funded in part by the European Commission and in part by the host country; the EU donates the relatively small amount of 1.5 million Euros per Capital per year and the rest of the costs are expected to be invested by the host country.<sup>31</sup>

Cities that wish to be chosen as the year's ECOC must prepare a schedule of cultural events, which are evaluated on the specific criteria that events must reflect a European character and they must engage the local inhabitants of the region. The program provides the featured region with a unique opportunity to showcase all their culture has to offer in the broader European context. The European Commission states that "over the years, this event has evolved without losing sight of its primary objective: to highlight the richness and diversity of European cultures and the features they share, promote greater mutual acquaintance between European citizens, *foster a feeling* of European citizenship" (emphasis added).<sup>32</sup>

One of the conditions for a city to be chosen as Cultural Capital of Europe is that it must clearly state in its application how the nomination will benefit the selected region not only in the

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short-term but in the long-term. There is an abundance of evidence that shows a short-term increase in tourists, consumer spending and investment, but there is no conclusive evidence of long-term benefits from the program.<sup>33</sup> Initially the ECOC was designed as an ‘extended summer festival’ but today it has turned into a year-long opportunity for economic and artistic development. While the length and scope of the program has dramatically increased, the lasting benefits have not increased proportionally. As the developed world shifted from production-based economies to consumer-based economies, cities have realized an increasing necessity of promoting their image to attract investment and service sector industries. Because of this, events such as the ECOC have been seen as decisive tools in capturing high-spending cultural tourists and generating revenue in lieu of real goods. As one of the mainstays of the European economy,<sup>34</sup> the development of cultural tourism cannot be overemphasized.

One of the challenges the ECOC program must address is how to market less commonly known European Capitals of Culture and make them realistic and sustainable tourist destinations which continue to be of interest after the year of fame that results because of the program. This would encourage growth in the public sphere because the ECOC program stimulates the creation of art and its public display, thereby encouraging constructive discourse and debate and dialogue as seen with David Cerny’s example. The Culture Capital itself does not necessarily lead to a long-term increase in the number of visitors and can actually have an overall negative effect on the region once the festivities have ended.<sup>35</sup>

### **OPTIONS**

If the EU is to ensure the long-term success of the program, it will be necessary to incorporate a total cultural strategy and not just preparations for the region’s tenure as the

Culture Capital. One option is to establish a rotating series of events that would convey the image of something “always happening” in the city or region. A potential negative aspect of this option is that the cities’ inhabitants may feel as if they are putting on a constant show, become disenchanted with the program and disdain fabricated cultural industries which profit from a false sense of identity. Another potential side effect would be that the local economy may become too dependent on the tourist industry. A culture capital cannot just function as an entrepôt, or warehouse of the arts. It must be a place where art is actually produced as well as sold and consumed.<sup>36</sup>

A different option would be to use the 1.5 million Euro grant from the EC to invest in cultural museums and preexisting traditional local cultural industries such as art galleries, hand-made craftwork, delicatessens, textiles, bakeries and the like. This would stimulate more lasting growth in the local economy as well as maintain a creative atmosphere, which is essential to the public sphere. The grant money could also be used to lobby tourist agencies to permanently include these lesser-known Capitals of Culture into their itineraries, in doing so ensuring a more steady flow of visitors. The beneficiaries of the grant money would not purely be a product of the one year event, but would capitalize on the opportunity to subsidize their businesses in a competitive market. The potential negative aspect of this option is that the more moderate and less extravagant approach to hosting the year’s Cultural Capital would not generate enough interest to attract any foreign investment.

### **POLICY RECOMMENDATIONS**

- The EC should support controversial and satirical artwork that is capable of criticizing EU institutions, policies and officials by increasing funding for grant opportunities for independent artists.
- Devote a portion of the EU budget to fully finance the Eurovision song contest.
- The EU should come to terms with the CoE and Western Europe's V-E Day official holidays and officially recognize "Europe Week" from May 5<sup>th</sup> until May 12<sup>th</sup>.
- The EC should encourage a more sustainable approach to distributing ECOG grant funds by investing in local preexisting traditional culture industries.

## ENDNOTES

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# **Section 4:**

## **Citizenship and Identity in the European Union**

### Section Introduction: Citizenship and Identity

**By Samuel Garfield & Kaitlyn Sweeting**

Without citizenship, the legal mechanism for recognizing who qualifies as a member of “the people” represented by a given state, representative democracy would be unable to function. This is the significance of this section to our eighth criteria of democracy, which stipulates that the rights of citizenship must be granted as equally and widely as possible—in an ideal transnational democracy, the right to participate must be distributed as widely as possible. Furthermore, the right to participate must be based, ideally, on respect for universal human rights and thus, even those who are not citizens must be protected with a minimum regime of rights. Without strong identification—in Europe, thus far almost exclusively along nationalist lines—as a member of “the people,” citizens are unlikely to understand *how* to participate in the democratic process, or to find democratic participation meaningful.

One of the most crucial challenges faced by the European Union, if it wishes to realize its potential for fostering transnational democracy, will be to ‘make’ transnational citizens who identify as Europeans out of the 500 million nationals of the 27 Member States which it governs. The EU has taken steps in this direction, but the process has been contentious because there are many ingrained pro-national as well as anti-European interests. Since at least the fall of the Soviet Union, when national movements toppled Communist governments peacefully throughout Eastern and Central Europe, national identity has served as the chief site of identity and one of the major determinants of citizenship in practically *all* of Europe; in most regions of Europe this has been the case for much longer. As such, the development of a European supranational identity has seemed, to some, a threat to the very *existence* of many Member States. However, even citizenship and identity at a national level is a relatively new concept and in the same way

that a Member State does not represent a homogeneous nation,<sup>1</sup> the EU navigates a number of languages, histories, ethnicities, and religions.

The European Union is well situated to function as the site of a supranational civic identity based on European values and the rights and obligations of belonging to the European Union.<sup>2</sup> We advocate for such a conception of European citizenship and belonging. This conception of identity must not necessarily conflict with national citizenship or regional identity but would be based on the increasing relevance of the European Union in citizens' personal lives.<sup>3</sup>

With the passage of the Lisbon Treaty, the European Union took a particularly important step towards the establishment of this type of identity. A Charter of human rights and the rights of European citizens was proclaimed and signed in Nice and was subsequently included in the Treaty for establishing a Constitution for Europe (TCE). After the Constitutional process failed in 2005, the Charter was incorporated into in the Treaty of Lisbon. The passing of the Lisbon Treaty and its entering into force in December 2009 made the Charter of Fundamental Rights of equal value to treaties and therefore, binding. The Charter draws together all the rights into a single text for the first time<sup>4</sup> and contains six types, dignity, freedoms, equality, solidarity, citizens' rights, and justice. These include classical civil and political rights such as right to life and right to a fair trial as well as social rights, including right to preventative health care and fair and just working conditions.

The Lisbon Treaty thus presents a significant opportunity for the enhancement of European identity and the deepening of democratic citizenship across Europe. There are, however, a number of challenges faced by the EU in its goal of accomplishing this process. We identify four main challenge areas and outline them below in separate chapters. They are:

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1. **Strengthening European citizenship.** The expansion of European citizenship rights may serve as a means for fostering a European identity; however, movements to do so may leave many member states and their citizens feeling threatened by the expansion of European power into policy arenas traditionally reserved to nation-states.
2. **Education of European citizens.** Education is another policy area traditionally dominated by nation-states; the EU may seek to expand its influence into this policy area, though this process will likely be slow-going and present logistical challenges as well as political opposition from Member State governments.
3. **Improving avenues of citizen input into the policy process.** Direct citizen participation is one of the most important ways of fostering a sense of political efficacy and a feeling of belonging to a democratic community. We analyze how three main avenues of participation—voting, the European Ombudsman, and the newly created Citizens' Initiative contribute to participatory democracy in the European Union.
4. **The status of marginalized groups.** As stated in our definition of democracy, an ideal democracy should provide the benefits of citizenship as equally as possible and ensure that even non-citizens are protected by a minimum regime of rights. We analyze how the EU may ensure that rights are extended equally to marginalized groups of citizens, such as women, and that the human rights of non-citizen migrant groups may be ensured.

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<sup>2</sup> Michael Bruter, Citizens of Europe? : the emergence of a mass European identity (Houndmills Basingstoke Hampshire; New York: Palgrave Macmillan, 2005) (103)

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# **Chapter 10:**

## **Strengthening European Union Citizenship**

**By Anna Y. Lee**

## **INTRODUCTION**

### **ISSUE**

The disconnect between EU citizens and the EU's governing institutions has been a major contributing factor to the EU democratic deficit. Therefore, strengthening Union citizenship and thereby fostering a European identity will play a central role in addressing the deficit. European citizenship bridges the gap between citizens and the Union through citizens' application of the rights guaranteed to them by the EU in their daily lives.

According to Panebianco, the *Europeanness* this would create is pivotal, because it “indirectly increase[s] the public support for the EU”<sup>1</sup> and prompts more participation in politics and direct involvement in EU decision-making processes. These are significant components of the representative and participatory dimensions of democracy and European citizenship, therefore, is a significant avenue for addressing the democratic deficit in the EU.

### **BACKGROUND**

European Union citizenship—particularly as manifested in visual markers such as EU Passports, EU embassies, and the EU flag—has gained remarkable prominence over the years as a symbolic as well as material resource for fostering a European identity. Since its creation through the Maastricht Treaty, Union citizenship has expanded to encompass a substantial set of political and social rights; although Union rights provided in the Maastricht Treaty were few, they have been continually expanded through subsequent legislation and the European Court of Justice.<sup>2</sup> Moreover, the creation of the European Union Charter of Fundamental Rights in 2000 clarified the rights provided to EU citizens and served as the authoritative text for reference in EU court rulings.

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Although the Charter is cited as a “secondary legal authority,” the democratic and transparent nature of the process through which the document was drafted has given the Charter a high level of legitimacy and influence.<sup>3</sup> The ECJ has therefore taken to using the Charter as a means for new interpretations of EU law in court case rulings. These rulings have paved the way for turning Union citizenship into a supranational concept not only in name but in substance.

The citizenship rights guaranteed by the Maastricht Treaty and backed by the Charter of Fundamental Rights vary from basic human rights to a host of subsidiary rights.<sup>4</sup> Among these are the freedom to travel and reside in any member state, the right to vote in municipal elections as well as elections of the European Parliament, and the right to have consular protection by other member states in non-EU countries.<sup>5</sup> These rights are outlined in their entirety under Chapter V of the Charter, which also expands them to apply across national borders to all member states. For example, the Charter substantiates the freedom of travel by guaranteeing social rights such as the right to social security and social assistance, the right to family, and the right to health care for all Union citizens.

The establishment of these rights of Union citizenship, however, does not guarantee that citizens will embrace a European identity; the entitlement to EU rights alone will not necessarily make an individual feel European. Individuals must also develop feelings of belonging to the EU,<sup>6</sup> making visual symbols such as EU passports, the EU flag, and EU embassies that establish a sense of EU solidarity essential.

Much has clearly been accomplished in working towards the establishment of a EU citizenship that fosters a European identity among citizens. In the last 40 years,

however, progress has stalled significantly. This is arguably due to the emphasis on top-down processes.<sup>7</sup> The facilitation of an EU identity through bottom-up processes that “involve education, socialization, political conflict, and social interaction”<sup>8</sup> is severely lacking. These cannot be overlooked, as they bring individual citizens closer to Union institutions as well.

## **CHALLENGES**

### **Challenge 1: The Importance of National Identity**

#### **ISSUE**

The most pressing challenge confronting the development of European citizenship is the continued salience of national identity in the EU. While national loyalties among citizens are strong in many member states, attachments to political institutions, for the most part, do not extend to the Union level. This failure to expand citizens’ loyalties beyond state borders is hindering the establishment of a European identity and ultimately enhancing the democratic deficit.

#### **BACKGROUND**

Some Eurosceptics contend that national and supranational identities are simply incompatible because individuals’ attachments to their home states are too strong.<sup>9</sup> Concerns have also been raised that Union citizenship will lead to the homogenization of culture because, supporters of this theory argue, matters of identity are a zero-sum game. For instance, a qualitative study done in Denmark revealed sentiments among Danes that Danish cultural identity would be threatened and homogenized.<sup>10</sup> We contend, however,

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that national and supranational identities are not mutually exclusive, as described in the introduction to the citizenship and identity-focused section of this report.<sup>11</sup>

In a volume edited by Richard Robyn, seven qualitative studies were conducted in seven different countries. The motive for these studies was to capture the more complex opinions of citizens that are missed by sweeping general polls such as the *Eurobarometer*. Although we cannot dismiss the importance of the *Eurobarometer*, small-scale studies such as this provide invaluable insight into the diverse identities of individual citizens. Robyn's volume of edited studies covers Danish, German, French, Italian, Dutch, Northern Irish, and Swedish views of the EU and exposed varying levels of nationalism, supranational sentiment, and/or support for EU institutions across those seven.<sup>12</sup> The variation in findings, at the very least, revealed the considerable difficulty in finding individuals who fit the definition of a "classic nationalist"—individuals who identified along national lines to the exclusion of other forms of identity.<sup>13</sup>

Robyn's study, along with a number of others, shows that Europeans are likely to be increasingly receptive to the idea of embracing European identity. The most recent *Eurobarometer* conducted in fall 2009, reflects this sentiment with general support for EU institutions. 53% of Europeans believed that membership in the European Union was a good thing, and 57% of Europeans believe they have profited from membership.<sup>14</sup> Also, when asked how optimistic Europeans were of EU's future, 66% answered that they were optimistic of the future of the EU. Evidence of a relatively large portion of individuals who support the European Union bodes well for the potential of creating stronger attachments to the EU through citizenship in the future.

It is important to recognize, however, that evidence reflecting the continued strength of sentiments of national belonging as well as competition between these and supranational attachments have been revealed also. *Eurobarometer 91*, conducted in 2004, showed that 44% of Europeans identified themselves solely with national groups. Only 43% recognized within themselves a national identity coupled with a secondary European identity.<sup>15</sup> The *Eurobarometer's* wording of the question that determined these statistics, however, pointed citizens towards the mutual exclusivity of national and supranational identities, as it forced participants to choose which identity takes precedence in their lives.<sup>16</sup>

Despite framings by Eurosceptics, the *Eurobarometer*, and other involved actors, the EU itself emphasizes a concept of European identity that is compatible with national identity and not a replacement. It is clearly written in the Treaty of Lisbon that Union citizenship is intended supplemental to national citizenship. Furthermore, the European Union claims to value multiculturalism and to see diversity as a fundamental right. Chapter II, Article 22 of the Charter of Fundamental Rights states explicitly, "The Union shall respect cultural, religious and linguistic diversity." Despite such declarations, citizens remain hesitant to embrace their rights guaranteed through European citizenship and adopt a transnational identity.

## **OPTIONS**

One option is for the EU to launch a public relations campaign that communicates the EU's dedication to diversity and multiculturalism. This would alleviate fears that EU integration and unification threatens cultural diversity. A successful public relations campaign would nurture a common European identity by emphasizing the rights and

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values common to Europeans and a *respect for* rather than *diminishment of* diversity throughout Europe. Important points of focus could be specific sections of the Charter of Fundamental Rights, such as Article 22, that highlight multicultural values.

Unfortunately, this option may be excessively costly and time consuming. It would also be difficult to implement a uniform campaign throughout all member-states, as the media systems and resource available vary greatly across borders.

Another option would be for the EU to utilize the communication outlets already at their disposal, such as newspapers, television, and the Internet, to relay messages of EU multicultural values outlined in the Charter to citizens. Such outlets could include television commercials that visually represent Charter values and seek to represent multiculturalism in ways that would allay fears of homogenization. Again, this would minimize fears of homogenization, and utilizing existing media would limit the financial and time costs of initiating an entirely new program.

### **Challenge 2: Expanding Social Rights Available to EU Citizens**

#### **ISSUE**

The protection of social rights by the EU has added significance and substance to Union citizenship, ultimately increasing citizens' dependence on the EU and strengthening their ties to institutions at the transnational level. The expansion of social welfare rights on the part of the EU could be used to significantly increase the importance of EU citizenship to individuals and foster a sense of European identity. However, while the EU has mandated that certain social rights be ensured to all EU citizens throughout the Union, some Member States have resisted implementing this policy.

## BACKGROUND

Union citizenship has gained an increasingly influential role in defining the rights granted by member states since its inception with the Maastricht Treaty. Considerable subsidiary rights have been introduced, primarily through the European Court of Justice, in order to ensure the maintenance of original, basic rights. For instance, citizens' freedom of movement has necessitated the right to reside in any state and receive fair and equal treatment under the law. Moreover, a general right to social welfare has been instated, enabling citizens to "bring earned social benefits" with them from state to state and claim the same social benefits as their host state provides to national citizens.<sup>17</sup> The *Sala Case*, is such an example; a European citizen was able to claim social benefits in a host member state on the grounds that she was a Union citizen lawfully residing within that state.<sup>18</sup>

The expansion of EU citizenship rights has proven highly valuable to European citizens. Welfare entitlements provided by the Union through citizenship rights include health care, education, and pensions<sup>19</sup>. Furthermore, with the current economic crisis and worries of job loss and unemployment, Europeans see unemployment as one of the most important issues to address.<sup>20</sup> A *Eurobarometer* poll conducted in the fall 2009 conveyed that over half of the European population (61%) saw the EU as competent in protecting the economic interests of its society in the global economy.<sup>21</sup> Social welfare rights such as these are acknowledged by scholars as strong identity-generating sources.<sup>22</sup>

These increases in the rights provided to Union citizens by the EU are forcing member states to provide protection and resources to citizens who are from other EU states. In the words of Marlene Wind, "Nation states thus no longer define who are the

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legitimate participants in their national political societies, or who can reside in their territory; at least not regarding EU nationals”<sup>23</sup> Moreover, discrepancies over the violation of Union citizen rights can be appealed on the transnational level at the European Court of Justice, which has demonstrated a commitment to upholding citizen rights (Wind, 252).<sup>24</sup> This is a revolutionary process whereby an individual can transcend national boundaries and directly interact with EU institutions when their rights have been violated, making the EU an important source of protection as well as increasing the importance of Union rights and their ability to link individual citizens with the EU institutions.

While the advancements in Union citizenship clearly benefit European citizens greatly, EU citizenship was established as a supplement to, not replacement for, nation-state citizenship.<sup>25</sup> As it was originally implemented, Union citizenship left the control of social resource distribution largely in the hands of member states. As such, national domestic laws vary greatly and the implementation of Union citizen rights is extremely uneven throughout the EU. Furthermore, member state governments are resistant to the expansion of social benefits to non-nationals and their efforts at resistance are often successful because citizens are often unable to “mobilize sufficient pressure to push through their interests.”<sup>26</sup>

In addition, flaws in the Open Method of Coordination allow member-states to create social policies that conflict with Union citizen rights. Established in the Lisbon Treaty as one of the main instruments for increasing EU growth and employment, the open method is a voluntary process used to coordinate policy across the EU’s Member

States.<sup>27</sup> Member States create National Action Plans or NAPs that aim to carry out common objectives and indicators set by the Council and the Commission.<sup>28</sup>

However, there are many problems with the open method that undermine the purpose of improving social welfare rights for Union citizens including the obvious exclusion of the European Parliament and the ECJ in the processes of the OMC.<sup>29</sup> National Action Plans are non-binding and are solely up to the member-states to implement.<sup>30</sup> In addition, member-states can develop social policies for carrying out common objectives without oversight by EU institutions. This can conflict with social rights that have been added through ECJ rulings. It is difficult for the EU to intervene through “hard-law” sanctions when the content of national plans violate social rights since the member-states are established as the main actors of the open method process.<sup>31</sup> Such clashes between social policies, developed through the open method, and established Union citizen social rights is illustrated through the *Mangold Case*.

To follow the OMC common objective for promoting flexible labor markets, Germany set out legislation that allowed fixed-term employment contracts to be terminated early for employees over the age of 52.<sup>32</sup> The European Court of Justice found this legislation to violate Directive 2000/78 which prohibits age discrimination.<sup>33</sup> Member-state policies that violate Union citizen social rights undermine the mission of the European Union to protect Unions citizens, jeopardizing future public support and possibly exacerbating the democratic deficit.

Despite its efforts to provide substantial, significant citizenship rights to all citizens, the European Union is therefore undermined by its failure to establish these protections uniformly throughout the Union. This ultimately jeopardizes future public

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support of transnational citizenship, the legitimacy of the Union, and ultimately the EU's mission to minimize the democratic deficit through the establishment of a European identity.

### **OPTIONS**

The first option is for the EU and member states to work together to solve matters of friction in social welfare. The EU would urge member-states to abide by Regulation 1408/71—a coordinated social security policy that provides workers assuming employment in another Member State to bring earned social benefits.<sup>34</sup> The EU would also encourage member states to cooperate and abide by Residence Directive 2004/38/EC, which allows any European citizen to take residence in another EU member state without a residence permit. With this directive, after 5 years of residency a citizen has full access to all welfare benefits including social welfare from the host country.<sup>35</sup> This option would avoid overt conflict and allow more flexibility than more coercive methods. A way to implement this would be through the Open Method of Coordination. In doing so, the EU would protect access to social services for all citizens with the help of all levels of government, a responsibility that Eurodiaconia, an organization partnered with the European Commission, stresses as essential.<sup>36</sup>

Unfortunately, this results in the inability to guarantee cooperation. The Open Method of Coordination relies on “soft power” and if many Member States are highly opposed to implementing this policy then there may be a low rate of implementation amongst Member States.

A third option would be to encourage more nationals to take advantage of their rights as a Union citizen. The EU could do so by implementing advocacy campaigns

regarding citizens' rights or making the ECJ more accessible to citizens for the purpose of litigating against Member States in violation of Union law. The former would increase the number of EU citizens relying on EU law to receive social benefits and the latter would provide more coercive methods of ensuring Member State compliance. In 2008, "roughly 9 million EU citizens [were] residents in a state other than that of their national citizenship"<sup>37</sup> This illustrates the small percentage of the EU population that is taking advantage of the freedom to move and reside anywhere in the Union and demonstrates that there is a great deal of room for improvement using this policy.

This policy would likely draw criticism and resistance from many member states, however, which fear "social welfare shopping" by migrants who seek to come to their countries simply to access welfare. In some Member States, such as the United Kingdom, fears of migrants from poorer EU countries have already created a great deal of resistance to EU policy. This policy would also potentially punish Member States who conform to EU law by straddling them with much higher social welfare administration costs.

This negative outcome could be mitigated by the final option: helping Member States struggling to uphold social welfare rights with EU structural funds. The European Social Fund (ESF) is currently aimed at reducing unemployment by investing in economic development.<sup>38</sup> While in this economic climate such a focus is necessary and important, social protection during these volatile times is just as necessary. Therefore, a portion of ESF funds would be relocated to support more social welfare programs in member-states that are under financial strain. Such funds would be provided only if member-states were approved through the necessary bureaucratic procedures of this fund. While clearly addressing the social welfare needs of member states, this option would

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take resources away from other programs unless the EU raised a greater amount of funds from Member States, both of which are likely to be politically unpopular.

### **Policy Recommendations**

- Sponsor public relations campaigns that utilize all relevant media outlets to raise awareness about the Charter of Fundamental Rights. The EU should focus on Article 22, which values diversity as a fundamental right. The campaign should stress that the European Union is built on common values of human rights and multicultural diversity.
- Urge member-states to continue to abide by Regulation 1408/71 and Residence Directive 2004/38/EC. The EU should also facilitate the creation of social policies with member-states in accordance with these directives.
- Move to include the European Parliament and the ECJ in the processes of the Open Method of Coordination for oversight to ensure that member-states do not create social policies that conflict with EU social legislation.
- Encourage the utilization of the Open of Method of Cooperation for Social Cohesion and work towards supporting the protection of social welfare as a fundamental right.
- Relocate a larger portion of ESF funds towards social welfare programs in member-states who are in need of assistance.

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<sup>5</sup> *Ibid.* 165.

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<sup>8</sup> Fligstein 126

<sup>9</sup> Richard Robyn, ed. *The Changing Faces of European Identity* (Oxon: Routledge, 2005) 2.

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<sup>11</sup> Panebianco 28.

<sup>12</sup> Robyn 11.

<sup>13</sup> *Ibid.* 12.

<sup>14</sup> European Commission, "Public Opinion in the European Union," *Eurobarometer* 72, Dec 2009:30.

<sup>15</sup> Fligstein, 141

<sup>16</sup> *Ibid.* 141

<sup>17</sup> Wind 248

<sup>18</sup> Marlene Wind, "Post-national Citizenship in Europe: The EU as a 'Welfare Rights Generator'?" *The Columbia Journal of European Law* 2009: 257.

<sup>19</sup> Maas 265.

<sup>20</sup> *Eurobarometer* 72 9.

<sup>21</sup> *Ibid.* 72 17.

<sup>22</sup> Chris Hilson, "Legitimacy and rights in the EU: Questions of Identity," *Journal of European Public Policy* 2007:539.

<sup>23</sup> Wind 263.

<sup>24</sup> *Ibid.* 252.

<sup>25</sup> Dimitry Kochenov, "Ius Tractum of Many Faces: European Citizenship and the Difficult Relationship Between Status and Rights" *The Columbia Journal of European Law* 2009: 171.

<sup>26</sup> Maas 278.

<sup>27</sup> Vassilis Hatzopoulos, "Why the Open Method of Coordination is Bad for You" *The European Law Journal* 2007: 311-312.

<sup>28</sup> Hatzopoulos 312.

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<sup>29</sup> *Ibid.* 312

<sup>30</sup> *Ibid.* 312

<sup>31</sup> *Ibid.* 323

<sup>32</sup> *Ibid.* 335.

<sup>33</sup> *Ibid.* 335.

<sup>34</sup> Wind 248.

<sup>35</sup> *Ibid.* 247.

<sup>36</sup> “Letter to SPC Active Inclusion 2008 19 06” (Eurodiaconia, 2008).

<sup>37</sup> Maas 276.

<sup>38</sup> European Commission, “What is the ESF,” *The European Social Fund* 24 Feb. 2010 < [http://ec.europa.eu/employment\\_social/esf/discover/esf\\_en.htm](http://ec.europa.eu/employment_social/esf/discover/esf_en.htm)>.

# Chapter 11: Citizen Education

By Jacquelyn E. Ganger

## Chapter 11: Citizen Education

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### **INTRODUCTION**

#### **ISSUE**

The European Union (EU) has great impact on the lives of individual European citizens. Even so, many feel they are disconnected from the EU as a governing body. A large segment of the population is unaware of even the general functions of the EU. These citizens lack knowledge of the rights the EU provides and their responsibilities as citizens as they are outlined in the EU Charter. A voter making informed decisions is the only means by which election results can accurately reflect the will of the citizenry. Moreover, the lack of an informed public minimizes citizens' recognition of the EU's significance in their lives and the benefits derived from their EU membership.

An even graver consequence of this “knowledge deficit,” however, is that it hinders the formation of an EU identity. Citizens with a knowledge deficit lack the motivation and ability to become active participants in EU initiatives and programs that foster a European identity. The failure of the EU to utilize education as a tool for fostering a European identity has minimized the potential for all four of the dimensions we deemed essential to democracy—participation, deliberation, association, and representation—to exist, thereby exacerbating the democratic deficit.

#### **CHAPTER BACKGROUND**

Educational initiatives have been used as a means of fostering identity and socializing effective citizens since the rise of the modern nation-state and mass schooling. For the past 50 years, European institutions have utilized education as a tool to promote a greater understanding of European integration.<sup>1</sup> The work of Avril Keating provides

insight into the evolution of European educational policies. Keating traces the change from an “ethnocentric ‘national’ model” of citizenship to a “post-national model.”

In the past, a citizen of the nation-state was one who shared the same social membership. The goal was the creation of “national citizens.”<sup>2</sup> National education systems—and formal education in particular—have played a key role in nation-building, as states attempted to utilize an ethnocentric model of education to “create the civic identity and national consciousness which would bind each to the state and reconcile each to the other.”<sup>3</sup> In contrast, the post-national model of citizenship education separates citizenship from states’ boundaries and socio-cultural identities, aiming to create a European, rather than national, community in which citizens are bound by their shared civic values, educational skills, and futures.<sup>4</sup> This is intended to allow for a socio-cultural diversity that the national model cannot achieve. Despite efforts to move education systems throughout the EU to more post-national structures, achieving a European mindset or identification as a citizen of the EU remains elusive.

In a 2004 Eurobarometer survey, citizens were asked to rate their knowledge of the EU on a 10 point scale, with 10 representing great knowledge. Six percent of respondents admitted that they knew nothing at all about the EU. Seventy percent of respondents gave themselves failing scores (5 or less). Only seven percent gave themselves scores of 8 or higher.<sup>5 6</sup>

The survey also revealed differences in knowledge based on nationality. In descending order, Austrians, Germans, Greeks, Danes, and the Dutch felt they knew the most, while Belgians, the Irish, Spaniards, Britons, and Portuguese felt that they knew the least.<sup>7</sup> This lack of knowledge of the EU has had a major impact on EU initiatives, as it

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is seen as the primary cause for the rejection of the Lisbon Treaty by the Irish electorate.<sup>8</sup> According to the 2008 Millward Brown IMS survey, 42% of those questioned cited their reason for voting “no” as their “lack of knowledge/information/understanding.” In addition, 42% cited their main reason for abstaining as a “lack of understanding/knowledge.” According to the research group, 46% is far in excess of any other voluntary or circumstantial reason given for not voting.<sup>9</sup> The Millward Brown IMS study is evidence that a knowledge deficit can affect the outcome of EU elections.

### **CHALLENGES**

#### **Challenge 1: Enhancing Citizenship Education**

##### **ISSUE**

Post-national education holds the power to address the lack of citizenship knowledge within the EU and diminish barriers posed by national borders, but the EU has, at this point in time, failed to utilize the potential of education to address these concerns. The main reason for this is that nation-states have exercised and continue to exercise a particularly large degree of control over educational policy, and guard this policy area from intervention by foreign sources. The EU, if it is to realize the benefits of post-national citizenship education, must find ways to increase its influence over national educational policy.

##### **BACKGROUND**

Implementing the post-national model of citizenship in education systems poses significant challenges. The traditional concept of national citizenship is threatened, because in the new model the citizen is decoupled from the nation.<sup>10</sup> Nation-states have

already shown resistance to post-national citizenship. We conceive of this new style of citizenship education policy as an attempt to simultaneously promote knowledge while maintaining a cohesive community of democratic states.<sup>11</sup>

Heiko Walkenhorst explores the potential for constructing a European identity given a nationally protected educational system.<sup>12</sup> He promotes the establishment of an identity through “input-legitimizing mechanisms of political education in order to maintain and re-invent social acceptance and active citizenship” at the EU level.<sup>13</sup> Unfortunately, the EU has no such “input-legitimizing” powers. Its powers over education matters are limited to advocacy and vocational training. To date, the EU’s efforts to promote a curriculum that instills a European identity have been largely unsuccessful. Nations are reluctant to give up control of educational policies since education is the chief means by which a national identity is formed. Yet, “the construction of a European identity will depend on the national education systems.”<sup>14</sup>

## **OPTIONS**

The first option is for the EU to utilize its power to advocate. More specifically, the Commission could call for a summit of educators, selected by the ministries of Education, from all member nations. This summit would enable educators to produce a “module” of information on the goals, objectives, and function of the EU. The module could be integrated into already-existing curricula and modified to reflect cognitive abilities as students progressed through primary and secondary grades.

This option is beneficial in that it necessitates cooperation, compromise, and communication between educators from all EU Member States. This increases commonalities and unity among all European students that are significant to the

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establishment of a European identity. Moreover, national education systems will be assured that the curriculum reflects the work of their educators and will therefore have a stake in its successful implementation.

Although a summit of educators would increase the likelihood for educators to implement Europe-wide civic education, doing so would require extensive financial resources and time. Also, there is no assurance that educators will arrive at a consensus or be willing to make the compromises necessary for the module's creation. Were this to occur, the time, transportation and other resources put into this effort would effectively be wasted and the event would serve as a symbol of disunity in the EU. Similarly, if the module were not used by the Member State, the effort expended would have been fruitless.

Another option to enhance European education is for the Commission to more effectively use the media as a tool. The media already plays an important role in informing young people about their rights and responsibilities as European citizens. According to the 2007 Eurobarometer Youth Survey, 88% of respondents indicated that they have received EU-related information through the media.<sup>15</sup> The EU could encourage educators to direct students to educational media resources; the Internet in particular could serve as a tool for promoting life-long active citizenship if educators begin introducing students to EU websites early in their schooling and present students opportunities to familiarize themselves with online EU resources. It would be very difficult, however, for the Commission to regulate implementation of this option and determine its effectiveness. Advocacy would probably vary widely between schools and Member States as well.

The EU could also benefit from the production of an educational television series of short programs targeted at elementary school students promoting Europeanization. This option would imitate the 1980's television series in the United States called "Schoolhouse Rock." The EU could use television as an educational vehicle that would combine both entertainment and education. Like "Schoolhouse Rock," the EU television series could be disseminated to schools so educators could incorporate the show into the classroom, thereby captivating students and enabling the program to reach a broad audience. Producing the show would be financially costly, and a production team would have to be hired in order to ensure professionalism and quality and other professionals hired to translate, overdub, and alter the content of the program in order to be culturally appropriate for use in each of the 27 different Member States. This option runs the risk that despite the effort required, schools may choose not to utilize the program as a resource.

A third option would be creating a "European Student Week" that coincides with Europe Day, the official EU holiday on the 9<sup>th</sup> of May when peoples of the Union engage in activities that bring Europe closer to its citizens and to bring citizens closer to one another.<sup>16</sup> It acts as a symbolic way to facilitate active citizenship and EU cohesion. Introducing "European Student Week" and specifically targeting students would hold the potential to promote EU knowledge, values, citizenship and understanding. It would be a time in which all schools throughout Europe would be encouraged to focus on EU-related topics, engage in EU-related activities, and celebrate the diversity within the EU. Again, convincing all Member States to participate in such a program may be difficult, and it

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would be difficult for the EU to establish uniformity among schools in different Member States.

Another option to enhance EU citizen education is to have district Members of the European Parliament (MEPs) go to schools and give talks about the EU and related topics. Twenty-nine percent of young people stated that participating in debates with policy makers is the most important political action to ensure that their voice is heard.<sup>17</sup> Student contact with MEPs would be meaningful for students, educationally informative, and make students feel that their voices are heard. The District MEPs, however would need to be allotted time away from their regular work activities to make school visits, and travel and time expenses would be relatively high.

### **Challenge 2: Establishing Educational Compatibility**

#### **ISSUE**

Recent European policy documents emphasize common educational competences as a means of cultivating the “ideal citizen.” The Council of Europe and the EU have outlined these competences to include skills such as critical thinking and the ability to participate and communicate.<sup>18</sup> They maintain that these competences should be promoted throughout all European educational systems, as EU citizenship relies on shared educational competences as a base for citizenship.<sup>19</sup>

A 1992 study concluded that better-educated people are more likely to establish a European identity than lesser educated people.<sup>20</sup> Unfortunately, access to high-quality education is not equally available to all Europeans. Inequalities in education pose great

challenges to the establishment of European citizenship, and addressing this is central to minimizing the democratic deficit.

## **BACKGROUND**

EU documents repeatedly link Union citizenship to education. The “Memorandum on Lifelong Learning” clearly illustrates this point.<sup>21</sup> Here the Commission argued that “both employability and active citizenship are dependent upon having adequate and up-to-date knowledge and skills to take part in and make a contribution to the economic and social life.”<sup>22</sup> The EU clearly recognizes education’s centrality in creating a European identity, but its influence remains largely limited to higher education.

Higher education enjoys more autonomy than elementary and secondary schooling, which has allowed for a stronger European dimension of education in colleges and universities throughout Europe.<sup>23</sup> The Bologna Process is an example of a step toward EU educational enhancement and compatibility. The Bologna Process is not an initiative of the EU, although it does involve EU states and “observer” countries. It was launched in 1999 in an effort to support the continued improvement of university education and to make education systems more compatible and standardized across Member States. Bi-annual meetings are held in rotating cities for Ministers to meet and measure progress and set priorities for action.<sup>24</sup> From the first declaration until the present, progress toward established goals has progressed unabated.

Three priorities have been pursued by the Bologna Process. These include the introduction of the three-cycle system (baccalaureate, master’s and doctoral programs), quality assurance, and the recognition of qualifications, courses, credits and grading

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across EU boundaries. The intention is for the Bologna Process to “rais[e] the visibility of European higher education and [boost] confidence in institutions and programmes within Europe and worldwide.”<sup>25</sup>

The process also increases border mobility, as compatibility of schools across Member States encourages more students to study abroad. Students will want more information about the quality of higher education in different countries in order to make informed study choices.<sup>26</sup> By increasing educational quality and compatibility in higher education, the Bologna Process increases the range of schools students select for foreign study.

The Bologna Process is ultimately fostering a European identity among university students by minimizing educational disparities between Member States. Students in elementary and secondary schools, unfortunately, do not benefit from such programs. Control over primary and secondary sectors of education continues to fall under the jurisdiction of Member States. Younger students, therefore, are missing out on the opportunity to gain an appreciation for and connection to students living in other Member States.

An example of the limited extent of educational standardization in elementary and secondary schools is the information provided in students’ textbooks. Perhaps more than any other subject matter, nationalist history has traditionally been used as a tool to foster and reinforce national identity. An important piece in the creation of a unified EU educational system would be to identify and eliminate purely nationalistic elements from history textbooks. The EU has recognized this, and for the past 50 years the Council of Europe has supported regular meetings of experts from across Europe to explore teaching

methods for history classes.<sup>27</sup> Participants found that history textbooks of every country were dominated by nationalist histories.<sup>28</sup> The study groups concluded that history textbooks should present more than one perspective on events to better reflect the diversity of historical viewpoints.

## **OPTIONS**

The first option is for the EU to establish legislation raising standards of education throughout the Union. Curricula regarding European affairs, citizenship rights, and so forth would be required in all Member State schools. This option would ensure that culture, socioeconomic class, national affiliations, and other factors that affect education would not determine the quality of schooling provided to a student. It would be very costly, however, to equip Member States struggling to provide quality education to their citizens with the training and resources necessary to accomplish this option. Moreover, Member States would have to be willing to give up the control they currently exercise over their education systems. This appears to be unlikely to occur any time in the foreseeable future. As such this can only realistically take the form of a long-term goal.

This could be implemented through a series of work-groups. The first groups would occur at the district level within each state. From there, educators would meet at the national level, working to achieve consensus on educational standards in core subjects such as reading, writing, and arithmetic. Finally, a symposium including representatives from all states would take place for each representative to present the results of his or her national work-groups. Since disagreements are bound to occur among such a diverse assemblage, moderators would need to be trained in the skills of consensus building,

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conflict resolution and group dynamics. Recognized experts would be available to the educators as a resource for the most current pedagogical research.

The ultimate goal of the symposium would be more than a report; it would be a user-friendly manual. The manual would delineate attainable goals for each grade level. Clear and practical strategies would be offered with benchmarks to gauge progress. Built into this manual would be flexibility for individual educators to adapt their approach to the unique needs of their community. Educators would be provided with clear expectations and requirements, as well as means for achieving these higher standards. Representatives would have to be willing, however, to devote time and energy to the project, and extensive time and energy would again be required to carry out the various conferences.

To increase educational quality and compatibility, the EU also has the option to fund projects to revise textbooks. In doing so, the EU would lessen the strictly national focus in many textbooks. The first priority of this option would be to identify areas of conflicting perspectives of history between Member States and provide students with either a neutral position or information about each stance. Information gaps would also be identified in the new textbooks. The ultimate goal would be to create accurate mental maps of history among students, thereby enhancing unity and minimizing hostilities between Member States.<sup>29</sup> This option would be extremely demanding of time, and educators would have to dedicate time to researching, collaborating, and writing the new textbooks. Funds would also have to be allotted for printing and distributing the textbooks.

### **Challenge 3: Educational Mobility**

#### **ISSUE**

Citizen mobility across has the potential to facilitate the formation of a transnational European identity as individuals have the chance to interact with citizens of other Member States as well as gain understandings of diverse cultures, traditions, and societies. As previously referenced, university students frequently participate in educational programs outside their homelands, but these opportunities are not often available to other citizens. By excluding a large portion of its citizens from mobility programs, the EU is failing to utilize an important mechanism for fostering a EU identity. The ultimate consequence of this is the propagation of both citizens' misconceptions of other Member States and their reluctance to extend their identities beyond national loyalties

#### **BACKGROUND**

The formation of the EU allowed for a more simplified process for the crossing of national borders. According to the 2007 Eurobarometer Youth survey, 90% of respondents indicated that the EU meant the freedom to travel, study and work anywhere in the EU.<sup>30</sup> The EU has already taken important measures to facilitate cross-border mobility. Many of these successful measures, however, are only available to university students.

Erasmus Mundus is an EU-sponsored program that was established in 1987 and promotes academic excellence, intercultural understanding and people-to-people contact. The Erasmus Mundus program is an example of the EU's commitment to promoting quality in postsecondary education, although it is aimed towards highly talented students

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and teachers. Its aim is to gain three million participants in student mobility programs.<sup>31</sup>

A remarkable two million students have participated since the program's inception in 1987. Around 90% of European universities take part in Erasmus—more than 4,000 higher education institutions in 31 countries—and even more are waiting to join.<sup>32</sup>

According to the European Commissioner for Education, Training, Culture and Youth, Ján Figel, the Erasmus program “will reinforce the role of European higher education as a world reference. The Erasmus Mundus II alumni are ambassadors of openness and intercultural dialogue, citizens of a more cooperative world.”<sup>33</sup> The success of the Erasmus Mundus program compelled the EU to adopt the Erasmus Mundus II (2009-2013). The new phase of the program extends its scope to the doctoral level and gives increased financial support to European students.<sup>34</sup>

Another program that has successfully promoted mobility among students is European Youth Media Days. European Youth Media Days began in 1997 and involved forty European university students. It was hosted by the European Parliament and organized by the European Youth Press. In the most recent session, students were given the opportunity to contribute to five workshops in which they produced various media projects. These projects focused on EU relevant topics such as climate change, immigration, the Lisbon treaty and the online presence of European institutions. Throughout the three-day event, participants had access to the Press Room of the European Parliament in Brussels. This experience gave the participants an idea of what it would be like to work as a European press correspondent. On the second day of the event the participants met Professor Jerzy Buzek, the new President of the European Parliament. The events of the 2009 Youth Media Days have been compiled in a

production titled, "New Media. All interactive-All public," and is accessible on the Internet.<sup>35</sup>

Recognizing the lack of student mobility of students of high school age, the European Parliament financed the Comenius Individual Pupil Mobility Pilot that took place from 2006 to 2008. The Pilot was intended to assist policy makers in the design of practical implementation of educational mobility programs. The main obstacle to pupil mobility was found to be educational incompatibility. Varying levels of knowledge and language proficiency were found to be major obstacles to integration of foreign individuals into "host" schools.<sup>36</sup> As such, emphasis on the preparation and orientation and mentoring and support of the students, families, and schools were vital.<sup>37</sup>

The study also found many benefits of mobility programs for younger students. Students returning from an exchange abroad generally improved academically in comparison to before their programs and to their peers. In addition, intercultural understanding was a catalyst in the process of learning a language and exchange students became leaders in promoting respect for cultural diversity and tolerance. After the exchange, students often sought new intercultural experiences as well as civil and political commitments.<sup>38</sup>

Still, programs aimed towards elementary and secondary school students are minimal and those for adults nearly nonexistent. The challenge then, is how to extend the benefits of these programs to a larger portion of the population.

## **OPTIONS**

One option to enhance student mobility is for the EU to extend the Erasmus program to high school students. Erasmus selects only the most talented postsecondary

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students, so the EU could also expand the eligible participant pool. More specifically, participants could be drawn from all economic levels and differing levels of academic strength. An emphasis on a comprehensive selection process and capitalizing on a spectrum of student strengths (i.e. high academic achievement, strong community involvement, leadership skills), could allow for a broader range of participants while still retaining fair, merit-based selection. This would address the failure of the benefits of Erasmus to reach large portions of European citizens and spread the benefits of mobility programs. It would also increase the capacity for cooperation between students, teachers, and schools of different cultures and nations. It would promote dialogue and understanding of different people and different cultures as well as increase the visibility of an EU educational program and serve as a symbol of EU values and goals. The short-term cost of the current Erasmus program is in excess of €440million, however, and expanding it would undoubtedly add financial demands.<sup>39</sup> Additional costs to student mobility program are visa issues, complexities of transferring grades, non-acceptance of youth mobility by national school systems, and a general lack of funding.<sup>40</sup>

Another option to enhance mobility is to implement an Erasmus-like program for citizens in the work force or who are retired. Broadening the scope of mobility programs would enable citizens who are no longer enrolled in an educational institution to share in their benefits. Such programs could be run through community centers and paired with volunteer activities. Again, financial costs would be extensive. Moreover, many older citizens are extremely busy with work, families, communities, and other responsibilities, so participation rates may be low.

Given the success of Youth Media Days, a third option for the Commission and Parliament is to sponsor a “Youth Media Days II” targeting students of high school age, and modeled after the original Youth Media Days. Such a program would be a critical mechanism for facilitating inter-European student-to-student contact. The Youth Media Days II would select around forty students from across the EU to partake in the program to Brussels. These students could take part in workshops on EU-related topics, meet EU political leaders, and create a media presentation.

Youth Media Days II’s media presentation would be available on the Internet on European Student Week. Educators would show the student-created media presentations throughout Europe, and the videos would serve as a platform for class discussion. Students would be encouraged to interact with the EU website by giving their responses and their perspective based on class discussion. Ideally Youth Media Days would be a focus point for European Student Week.

Youth Media Days II would capitalize on physical mobility as well as virtual mobility. Media, especially “new media” such as the Internet, are useful for overcoming the financial limitations inherent in physical travel for economically disadvantaged students, and for the EU’s limited budget. Connecting people virtually is a cost effective means by which to foster inter-cultural understanding, dialogue and an EU identity.

Implementation of this option would be hindered by the reality that students would probably have to raise funds to participate in the program unless the financial burden was assumed by the Union itself. Educators would also need to be recruited to lead the program and facilitate activities.

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### **Policy Recommendations**

- The European Parliament should make an official call for a summit of educators from every nation to develop a module that presents information on the goals and objectives of the EU citizenship education.
- Introduce a European Student Week.
- Create a cartoon series to teach elementary school children about the EU and how it functions.
- Encourage District MEPs to give talks at schools during European Student Week. We expect that this will increase the importance and excitement surrounding European Student Week.
- Create a Youth Media Days II.
- Encourage teachers to incorporate the EU website and the product of Youth Media Days II into their curriculum.
- Create a manual with established educational benchmarks to be incorporated into each national education system.
- Provide more funding for current efforts toward history textbook revision throughout the EU.
- Open up the Erasmus Program to students of high school age.
- Sponsor a community center exchange program to target citizens who are in the work force or who have retired. We regard this recommendation as a long-term goal, and to be less pressing than, for example, the establishment of a high school version of the Erasmus program. Youth are the future of the EU. For this reason we recommend focusing first on programs that target a younger demographic.

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- <sup>20</sup> *Ibid.* 21
- <sup>21</sup> Keating 146.
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<sup>37</sup> Comenius Individual Pupil Mobility Pilot 11.

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# **Chapter 12:**

## **Improving Avenues for Direct Citizen Participation**

**By Nathan Sooter**

## Chapter 12: Improving Avenues for Direct Citizen Participation

### **INTRODUCTION**

#### **ISSUE**

As a massive transnational governing body, the European Union has found it particularly difficult to implement citizen participation programs and initiatives. We have explored three main structures for participation, including voting in European Parliament elections, complaints to the European Ombudsman, and the new Citizens' Initiative of the Lisbon Treaty. Participation from European citizens has not been at a high enough level to allow these institutions to properly perform their tasks. These institutions are critical to the democratic functioning of the European Union, especially in terms of participatory and representative democracy, and the EU has a responsibility to encourage more participation by its citizens in the political system.

#### **BACKGROUND**

These three means of citizen participation—voting, the Ombudsman and the Citizens' Initiative—are included in this section because they offer particularly direct ways for single individuals to provide meaningful input in to EU policymaking processes. Citizens have the ability to individually engage any of these opportunities, and they are more formal than other options available, such as SpeakUp Europe.

Our definition of democracy states that citizens must have the freedom of political expression, the freedom to criticize officials and influence the government by peaceful means, and the right to vote. Voting, contacting the Ombudsman and the Citizens' Initiative are each designed to fulfill these criteria of democracy. In the end, these input methods are only as effective as European citizens allow. If there is little citizen engagement through voting, complaints, or Citizen Initiatives, then the democratic deficit

will persist in this policy area. By and large there is a participation gap in these programs—citizens do not participate in them as often as is required for them to function properly. It is the responsibility of the EU to encourage citizen participation in all three of these structures. The recently instituted Citizens’ Initiative is a major step in the right direction, but room remains for vast increases in citizen participation through all three of these outlets.

The European Commission itself has stated that it wishes to encourage citizen participation. In 2001, the Commission published a White Paper on European Governance that states citizen political participation is one of the five major principles of good governance. It also declared a desire to “connect Europe with its citizens...for more effective and relevant policies.”<sup>1</sup> In its analysis of European political participation, the White Paper suggests that the problem lies in the excessive intricacy of the European Union system that makes it hard to understand for the typical European citizen and thereby discourages political participation. The solution the White Paper suggests is to “communicate more actively with the general public on European issues.”<sup>2</sup> We address this suggestion in our final policy recommendations below.

## **CHALLENGES**

### **Challenge 1: Improving Voter Turnout**

#### **ISSUE**

Voter participation in European Parliament elections has consistently remained far below the turnouts for national elections. Direct voting is a key component of democracy according to our definition. The European Union has a responsibility to encourage its citizens to vote more consistently in EP elections.

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### BACKGROUND

A primary opportunity for European Union citizens to participate in politics is direct voting for members of the European Parliament and in national elections. The participation level in European Union Parliament elections is far below the average national participation level. Voter turnout has fallen to 43% in the most recent elections, compared to 62% in 1979. Slovakia and Poland had the lowest turnouts in 2004, at 17% and 21% respectively.<sup>3</sup> In comparison, voter turnout in national elections in 2008 was 68.5%.<sup>4</sup> This disparity of 25.5% between turnout in national and EU elections illustrates the need for the EU to take proactive measures to increase voter participation.

According to our definition of democracy, public officials must be chosen to represent the public interest through frequent and fair elections. However, when turnout is low, such as in EU parliamentary elections, this negatively affects the legitimacy and representativeness of elections.

As mentioned in the introduction, the White Paper on European Governance suggests that if the EU could communicate better with citizens and make understanding the political system less difficult, voter turnout and participation would increase. However, the wording in the report is vague and it offers very few concrete solutions for dealing with the gap in communication between the EU and its citizens; those that it does offer do not deal with the individual citizen, but rather with organized groups.<sup>5</sup>

While we do not discount the value of groups with regards to political participation, there is little evidence that this policy will significantly increase voter turnout. Those citizens already driven to seek out political organizations that foster participation are likely to be encouraged to vote by group-oriented initiatives such as

those suggested by the White Paper. Citizens that are already disengaged are not directly addressed by these policies, and as such other policies that target them should be pursued as well.

The EU assumes that more information will cause more people to participate in EU elections. This assumption, however, has proven false. The White Paper was published nearly ten years ago, and since that time, voter participation in EU elections has deteriorated. The steps the EU has taken so far have not closed that gap—rather, the gap continues to widen.

As stated above, it is possible that the EU is failing to close the voter turnout gap because it is seeking to encourage *already active citizens* to participate more, rather than focusing on citizens who are not currently participating in any other form of EU politics.<sup>6</sup> As voter turnout decreases, the number of non-mobilized citizens grows, leaving more citizens unreached by current attempts to encourage political participation. The democratic deficit increases with every person who decides to not show up at the polls for elections. Reversing the trend of decreasing voter turnout would be of undeniable benefit to EU democracy.

## **OPTIONS**

One option, compulsory voting, is left out of the discussion in this section. This topic has already been debated in depth in the context of the European Union. This options section will focus, instead, on less widely-debated topics. These options are supplementary to current debates, and could be included in order to help the EU have a more well-rounded approach to increasing voter turnout.

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The European Union has several options available to increase voter turnout in future elections. None of the options are perfect, nor is one option enough to solve the voter turnout problem overall. However, a combination of various policies may have a significant impact on the disparity between turnout for national versus EU elections.

One choice is for the EU to conduct a mass media campaign that advertises the importance of voting for the average European citizen. Mass media could be used to stress the importance and relevance of the EU and its policies to all nearly 500 million citizens of the Union. The media used could be a mix of television, radio, newspaper and internet advertisements. Whatever mix of media the EU chose, diversity would be important, as some studies have suggested that a dependency solely on television advertising decreases voter turnout. People become over-dependent on television and stop reading newspapers or listening to the radio for political information, which has a direct correlation to lower voter turnout.<sup>7</sup>

While television ads alone might decrease voter turnout, there is reason to believe that a balanced approach that emphasizes certain age groups, economic classes, geography and more would be advantageous. In the United States in 2004, an ad campaign that targeted voters from the ages of 18-21 that was called Rock the Vote “produced statistically significant increases in voter turnout.”<sup>8</sup> Less demographically-targeted television campaigns did not see these significant results, lending credence to the effectiveness of targeted ads.<sup>9</sup> Beyond targeted television campaigns, studies have demonstrated significant statistical gains in voter turnout with daily exposure to newspapers and a possible connection between radio news exposure and voting.<sup>10</sup>

This option is important as it addresses the concern of the White Paper about a lack of communication between the EU and the average citizen. By reaching out through targeted advertising in television, newspapers, radio and internet, the European Union may begin to clarify its functions. The downside, of course, is that this sort of campaign could be quite expensive, especially if the advertising is not done efficiently.

Another policy option for the EU is increasing participation through conducting mass phone calls. In the United States, it is common to receive an automated phone call from your local candidate reminding you to vote on the correct day. In fact, “political campaigns have grown increasingly reliant on mass marketing techniques [such as mass calling] to mobilize voters” in the United States.<sup>11</sup> However, a study from 2005 suggested that mobilizing voters through phone calls was ineffective. There was no significant change in voter turnout in locations where phone calls were made.<sup>12</sup> Previous studies that suggested that phone canvassing would affect voter turnout were “based on very small samples” which led to statistical inaccuracies.<sup>13</sup> The study then suggests that the problem does not lie in phone calls being ineffective, but rather that “mechanically delivered phone scripts are ineffective.”<sup>14</sup>

While it is true that automated calling seems to have no effect on voter turnout, there is evidence that when phone banks have been staffed with either volunteers or paid staff who make the calls, there was a significant increase in voter turnout<sup>1516</sup> Therefore, the EU could see a significant increase in voter turnout if they implemented these types of phone banks throughout the Union before an election. In places where phone calling might not be as effective, the EU could conduct focus groups or *Eurobarometer* polls to ascertain which type of communication method would be influential.

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One downside of this argument is that phone calls may not be as effective within the European Union as they are in other regions, such as the United States, because phone solicitation is viewed as more intrusive in the EU.

Another policy option is for the EU to mandate that elections occur during weekends, rather than weekdays. While many of the EU countries hold elections on weekends, several countries—including Denmark, Ireland, the Netherlands and the UK—hold elections on workdays.<sup>17</sup> Data suggests that when polling is held on weekends, there is higher voter turnout. This option may receive quite a bit of pushback from EU states that have already established days for elections, making this option risky politically and tough to implement. However, it would likely have a particularly positive impact on voter turnout.

### **Challenge 2: Promoting Participation *via* the EU Ombudsman**

#### **ISSUE**

The European Ombudsman is an institution that depends heavily on citizen input to function properly. Under our definition of democracy, it is significant because it allows citizens to directly criticize officials and influence the government by peaceful means. If the office of the European Ombudsman is to function as intended, the EU must encourage more citizen participation than currently exists.

#### **BACKGROUND**

The office of the European Ombudsman was established by the Treaty of Maastricht in 1992.<sup>18</sup> This position within the European Union was first described in 1979, and today is an integral part of citizen input to the European Union regarding

maladministration.<sup>19</sup> Since its formation, the Ombudsman has overcome the skepticism surrounding its role in the EU government and now serves as an important force for transparency and accountability.<sup>20</sup>

Today, the European Ombudsman, P. Nikiforos Diamandouror, describes his job as investigating “complaints about maladministration in the institutions and bodies of the European Union”.<sup>21</sup> The Ombudsman is elected by the European Parliament, and Nikiforos has held the position since 2003. The Ombudsman does not investigate complaints relating to “national, regional or local authorities in the Member States, even when the complaints are about EU matters”, as these should be filed with the appropriate agencies within the Member State.<sup>22</sup> Examples of valid complaints to the Ombudsman are those concerning administrative irregularities, unfairness, discrimination and abuse of power.<sup>23</sup>

Any individual citizen of the EU or resident within a Member State is eligible to lodge a complaint via mail, fax or email to the Ombudsman, making this one of the prime ways in which a citizen can give input to the EU government. In fact, each year the Ombudsman receives between 3400-3800 complaints.<sup>24</sup>

Even though this institution has now been established for nearly two decades, there are two issues with citizen participation and the European Ombudsman which exacerbate the democratic deficit. According to our definition of democracy there must be mechanisms through which government officials are held accountable, criticized, or praised for their decisions. The European Ombudsman is in a position to help fulfill these requirements, but can do so only if citizens are actively engaging this input opportunity. That is, even if there was an opportunity to enforce accountability and

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encourage criticism, a lack of participation by European citizens would result in a contribution to the democratic deficit. The EU is responsible to encourage consistent and correct usage of the European Ombudsman by its citizens. In fact, there are two different pieces of evidence of this lack of participation, lying within both the number and types of complaints received by the Ombudsman.

Strikingly, there are some countries that produce very few complaints overall, and others generate minimal complaints per capita. For example, the Ombudsman office has received only “75 complaints from Lithuania over the past four years, which accounts for less than 0.5% of all complaints” during that time.<sup>25</sup> While these numbers are small partly because Lithuania has few citizens in comparison to other countries, it is one of many that also produce far fewer complaints per capita than its relative size would suggest.

Twelve countries produce fewer complaints than would be expected considering the size of their populations, including Sweden, France, Italy, Slovakia, Romania and the UK. At the bottom of the list is Lithuania, which has 0.7% of the European population, and yet only produced 0.3% of the total complaints.<sup>26</sup> This suggests that Europeans are not taking advantage of the opportunity for engagement with the EU that the Ombudsman presents. If this is the case, the EU suffers, as a result, from less accountability than it would otherwise have.

An alternate explanation to this is simply that the citizens living in these countries are more satisfied with the conduct of the EU. This argument is disproven, however, by the results of the most recent Eurobarometer poll. In that poll, citizens were asked to say if they tended to trust the EP and the Commission, and those countries with very low

submission rates to the Ombudsman also had low rates of trust of the EU. The average percent of the overall European population which said it trusts the EP and Commission were 48% and 44% respectively. Only 25% polled from the UK, on the other hand, trust the EP. In France, trust of the EP and Commission is 44% and 39%, significantly below the European average.<sup>27</sup> Those countries which express high levels of dissatisfaction with the EU submit disproportionately low numbers of complaints to the Ombudsman. Clearly, the lack of submissions to the Ombudsman is not due to overall satisfaction with the European government.

There is also evidence that the European Ombudsman is not able to fully play its role in the government because EU citizens do not understand the position of the Ombudsman in relation to other institutions. This is evidenced by the number of complaints which the Ombudsman has to redirect or reject solely on grounds that they are petitioning the wrong office. In 2008, for example, in 70% of the cases examined by the Ombudsman, “advice was given or the case was transferred.”<sup>28</sup> Of these transferred cases, 55% went to either a national or regional ombudsman or to the European Parliament Committee on Petitions. Complaints were also transferred to various national institutions and bodies and the European Commission.<sup>29</sup> Much of the confusion for citizens was separating which complaints should be directed to local or national ombudsmen and institutions and which dealt with supranational, EU-wide issues that are dealt with by the Ombudsman.<sup>30</sup>

It is important to note that this problem also leads to a lessening of accountability. The Ombudsman is only able to influence the EU according the complaints he receives. Given that many citizens are dissatisfied or do not trust the EU government, the lack of

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proper submissions is not due to satisfaction with how the EU is operating. He cannot effect change without receiving valid complaints from citizens, and since most complaints received lie outside the mandate of the Ombudsman, his oversight powers go unused. This, coupled with the smaller number of submissions than would be expected by some Member States, directly leads to a lowering of EU government accountability.

### **OPTIONS**

The first challenge is the lack of participation in complaints to the Ombudsman in 12 of the EU countries. Surprisingly, many of these countries are not new entries to the European Union, but rather established countries such as Italy, France, the Netherlands and the UK. The second challenge is that there seems to be little understanding regarding the role of the European Ombudsman with relation to other national and supranational institutions. In many ways these two topics are intertwined, as a lack of education about the opportunity to lodge complaints through the Ombudsman affect both topics.

In order to tackle both problems at once in a cost-effective manner, the European Ombudsman could launch a campaign in Europe to educate citizens about the role of an ombudsman and the difference between the various local, national, regional and European ombudsmen. Because the European Ombudsman already has to redirect many complaints to other ombudsmen, he already has consistent contact with his localized counterparts. These local ombudsmen can work with Nikiforos to disseminate information through a marketing firm to the EU public. Marketing could be accomplished through newspaper, radio and television advertisements that can help citizens determine where to send their complaint. Much of this information is available on the internet, but clearly it is not reaching the public at this point.

This strategy of a media campaign could also affect the lack of participation within 12 of the 27 EU countries. Part of the advertisement should suggest participation with the Ombudsman by anyone and everyone in the European Union. This advertising will bring a better awareness of the role of the European Ombudsman within the EU government, encouraging participation by the average citizen. Again, the local ombudsmen can be used as bases of operation to begin educating citizens about their opportunities not only to complain to local authorities, but to the European Union as well.

A possible drawback of this strategy is that there is a chance the advertising will be ineffective or too expensive and difficult to implement. This is where the local ombudsmen could be critical. They could provide information to the marketing firm in order to help them judge the best method to educate citizens regarding ombudsmen. This would help ensure information was received by local populations in their own languages and more effectively than if the EU ran the entire operation.

Another option, as simple as it seems, is to do nothing. That is, energy can be focused on clarifying the roles of EU institutions, rather than clarifying the role of the Ombudsman. Much of the confusion, as cited above, is due to the confusing and little-understood nature of the EU according to citizens. As the functioning of institutions becomes clearer to citizens, then the opportunities to petition the Ombudsman will be clarified as well. The European Union has already taken efforts to increase the transparency and reduce public confusion about its operations. As these efforts come to fruition, there will likely be an increase in petitions to the Ombudsman and a decrease in incorrect submissions. If a major problem is misunderstanding, then efforts already underway by the EU should have a positive effect on the Ombudsman. However, this

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option runs the risk that the significance of the Ombudsman will be overlooked, and misconceptions will persist.

### **Challenge 3: Improving the Citizens' Initiative Program**

#### **ISSUE**

The Lisbon Treaty established a new avenue for citizen participation within the European Union; the Citizens' Initiative. The program is so new that many of its details have yet to be decided upon. The goal for the EU, therefore, is to make sure that the structures of the Citizens' Initiative are organized to encourage participation by EU citizens. If effectively implemented, the Citizens' Initiative could provide another route for EU citizens to directly influence the government through peaceful means.

#### **BACKGROUND**

The passage of the Lisbon Treaty in 2009 created a new forum for citizen participation in the European Union political system. In short, the Treaty states that "not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the commission" to address any situation under which a "legal act of the Union is required for the purpose of implementing the Treaties".<sup>31</sup> Within the Green Paper on a Citizens' Initiative, the EU has given basic information, along with various discussion questions, designed to spark debate among citizens and generate responses to the Commission. These questions include asking citizens to define what a "significant number of Member States" means, how many people should sign from a single country in order for it to count toward the number of significant states on the petition, and who is eligible to sign the initiative.<sup>32</sup> The Commission, which finished

accepting recommendations on January 31, 2010, will take them in to account when finalizing the Citizens' Initiative process.

Citizen initiative programs are nothing new within democracies. In the United States several states have active citizen initiative ballot systems. Proposition 13 in the 1970s "ignited the modern initiative boom" in California, and has played a hand in transforming the citizens there in to "a fourth and new branch of government."<sup>33</sup> The initiative process has "accelerated over time" in California, while "national trends echo the patterns in California, with the number of initiatives increasing decade-by-decade since the 1970s."<sup>34</sup> Within Europe, ten countries have used some form of citizen's initiative to propose legislation including Switzerland and Sweden.<sup>35</sup>

The initiative process is just beginning in the EU, which means that the challenge lies in making sure that the Citizens' Initiative is implemented in such a way that it contributes to decreasing the democratic deficit. The Citizens' Initiative has the potential to deepen participatory democracy in the EU and provide a new avenue for the representation of citizens' interests and for increasing accountability in EU institutions.

Unfortunately, one of the challenges an effective Citizens' Initiative system must overcome is the power of special interests attempting to use the initiative system to pursue private interests rather than public interests. Clearly the opportunity exists for special interests to use the initiative system to their advantage, with only a certain number of signatures on a petition standing between them and their ideal legislation. Therefore, for any EU Citizens' Initiative system to successfully decrease the democratic deficit, there must be preventative measures put in place now to reduce the risk of special interest groups hijacking the process.

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### **OPTIONS**

The first option is for the European Union to attempt to focus on increasing the amount of people who submit Citizens' Initiatives. In order for the Citizens' Initiative to be effective, there must be participation from EU citizens. In order for the EU to guarantee that there is a response to this new citizen input opportunity, the EU can make submitting petitions as easy as possible. By keeping the standards for the number of people and states required to sign a petition low, the Commission would receive more input from the Citizens Initiative. If fewer people from fewer member states were required to vote, there would be more submissions of petitions which otherwise would not been approved. Other options discussed in the green paper which could result in more petition submissions includes a lower minimum age, a longer time limit for collection of signatures, and a less stringent examination of initiatives by the Commission.

This option, however, may not be viable. First of all, given that the major challenge for initiative programs is their hijacking by special interest groups, making the petition process as accessible as possible may only allow private interests more control. This would provide even more incentive for these groups to inundate the system with petitions that may not represent the public interest. Secondly, the EU may be inundated with an overwhelming amount of petitions. The Commission will not be able to review petitions properly if the standards are so low that it receives thousands of petitions yearly. Finally, in other countries with citizen initiatives, an uptick in the number of petitions received is not dependent on the requirements, but rather on external factors such as

stalled legislative efforts, conflicts between business and special interest organizations, and officeholders using initiative systems to get around the legislature.<sup>36</sup>

Another option is for the EU to take specific steps to lessen the impact of special interest groups. This includes keeping stringent requirements for the number of states and minimum age, tough examination of initiatives by the Commission, and, on top of these measures, an emphasis on transparency for initiative organizers. Two possible requirements include submitting the names of all companies or organizations sponsoring an initiative and the public release of names of all who have donated to the initiative. Any measures which help the public awareness of what special interest groups may have their hands on a specific initiative will provide a barrier to these groups hijacking the legislation.

Finally, the EU could take advantage of its recent experience with deliberative fora, such as Speak Up Europe and Tomorrow's Europe, to organize forums to discuss possible initiatives. Public discourse will provide another check against special interest groups who attempt to pass initiatives in the easiest manner possible. The debate regarding initiatives, as well, could ensure that they are representative of European citizens as a whole. Europe already has the structure for this established, as was described earlier in this paper. Speak Up Europe and Tomorrow's Europe are two models of deliberative fora that the Commission can use to allow more public discourse regarding initiatives. In order to employ this option, however, the EU would be required to convince deliberative fora to organize and facilitate the discussions, and doing so may pose an obstacle to implementation.

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### RECOMMENDATIONS

- Adopt a policy of targeted mass media advertisement of EU political issues encouraging voter turnout.
- Implement an EU-wide campaign using phone banks, newspapers, radio and the internet to encourage citizens to vote in an upcoming election.
- Place elections over a two-day span from Sunday to Monday. Under this regime turnout would increase in many countries while nations which prefer to vote on a weekday will still be able to do so.<sup>37</sup>
- The European Ombudsman should launch a campaign in Europe to educate citizens about the role of an ombudsman and the difference between the various local, national, regional and European ombudsmen. The focus for these campaigns should be in the twelve countries that are underperforming in Ombudsman submissions. Given the large populations in these countries, a media campaign can reach many people in a quick manner, potentially changing the perception of the Ombudsman.
- Create stringent requirements for the number of signatures, minimum age and number of states represented for a citizens' initiative to qualify for consideration in the Commission. Emphasize review by the Commission and focus on the transparency of the initiative process.
- Create deliberative fora to discuss possible citizen initiatives. The recent experience of the EU with Tomorrow's Europe and Speak Up Europe provides the opportunity to use these fora to discuss initiatives. This discourse would be

designed to provide initiatives which represent a greater proportion of Europeans,  
and again is a safeguard against special interest groups.

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## ENDNOTES

<sup>1</sup> European Union, Commission of the European Communities, European Governance: A White Paper (Brussels: 2001) 3.

<sup>2</sup> *Ibid.* 11

<sup>3</sup> European Union, “2009 Euro Elections – turning the tide against apathy.” European Parliament Dec. 2010. Online. Internet. 1 Feb. 2010. Available HTTP: [http://www.europarl.europa.eu/news/public/story\\_page/008-43313-336-12-49-901-20081201STO43289-2008-01-12-2008/default\\_en.htm](http://www.europarl.europa.eu/news/public/story_page/008-43313-336-12-49-901-20081201STO43289-2008-01-12-2008/default_en.htm)

<sup>4</sup> European Union, “Voter turnout in national and EU parliamentary elections; National elections”. Eurostat 2009. Online. Internet. 2 Feb. 2010. Available HTTP: <http://epp.eurostat.ec.europa.eu/tgm/refreshTableAction.do?tab=table&plugin=0&pcode=tsdgo310&language=en>

<sup>5</sup> Paul Magonette, “European Governance and Civic Participation: Beyond Elitist Citizenship?” Political Studies 17 Jan. 2003: 4.

<sup>6</sup> *Ibid.* 5

<sup>7</sup> Matthew Gentzkow, “Television and Voter Turnout” Quarterly Journal of Economics 2006: 932.

<sup>8</sup> Donald Green, Alan Gerber, “Get out the vote: how to increase voter turnout,” (Washington, D.C.: 2008) 131.

<sup>9</sup> *Ibid.* 131

<sup>10</sup> *Ibid.* 134

<sup>11</sup> Alan Gerber, Donald Green, “Do Phone Calls increase voter turnout? An update” Annals of the American Academy of Political and Social Science Sep. 2005: 142.

<sup>12</sup> *Ibid.* 143

<sup>13</sup> *Ibid.* 151

<sup>14</sup> *Ibid.* 152

<sup>15</sup> Donald Green, Alan Gerber, “Do Phone Calls Increase Voter Turnout? An Update,” Annals of the American Academy of Political and Social Science Sep. 2005: 152.

<sup>16</sup> *Ibid.* 152

<sup>17</sup> Mikko Mattila, “Why bother? Determinants of turnout in the European elections” Electoral Studies Sep. 2003: 455.

<sup>18</sup> Paul Magonette, “Between parliamentary control and the rule of law: the political role of the Ombudsman in the European Union” Journal of European Public Policy 2003: 680.

<sup>19</sup> *Ibid.* 690

<sup>20</sup> *Ibid.* 690

<sup>21</sup> The European Ombudsman homepage. 2010. Available HTTP: <http://www.ombudsman.europa.eu/home.faces>

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*

<sup>24</sup> European Union, “Lithuanians file few complaints over EU institutions,” Baltic News Service 3 Oct. 2008.

<sup>25</sup> European Union, “Lithuanians file few complaints over EU institutions,” Baltic News Service 3 Oct. 2008.

<sup>26</sup> European Union, European Ombudsman, 2008 Annual Report The European Ombudsman (Luxembourg: 2008) 39.

<sup>27</sup> European Union, Eurobarometer 72 Public Opinion in the European Union – First Results (Belgium: 2009) 29.

<sup>28</sup> *Ibid.* 66

<sup>29</sup> *Ibid.* 67

<sup>30</sup> *Ibid.* 66

<sup>31</sup> European Union, Commission of the European Communities, Green Paper on a European Citizens’ Initiative (Brussels: 2009) 3.

<sup>32</sup> *Ibid.* 5-6

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<sup>33</sup> John Matsusaka, "Initiatives: Slouching Toward Respectability?" Election Law Journal 2009: 55.

<sup>34</sup> *Ibid.* 55

<sup>35</sup> *Ibid.* 56

<sup>36</sup> Center for Government Studies, Democracy by Initiative: Shaping California's Fourth Branch of Government (Los Angeles: 2008) 65-66.

<sup>37</sup> Mikko Mattila, "Why bother? Determinants of turnout in the European elections" Electoral Studies Sep. 2003: 467.

# Chapter 13: Minorities and Marginalized Groups in the EU

By Meleah L. Paull

## **INTRODUCTION**

### **ISSUE**

Our definition of democracy states that, “the benefits of democratic belonging, i.e. citizenship, are equally extended to a large majority of those governed and those who are not citizens are still protected by a minimum regime of rights.” Arguably, marginalized groups across Europe do not have adequate protection under the current regime. To retain and enhance its authority, the EU must promote something intangible: the idea of European identity that accounts for historical and cultural diversity of nation-states and also includes other forms of identity that are often ignored. Gender, ethnic, religious, and other identifications must be encompassed in a European identity for it to represent all European citizens. Inequality threatens the social fabric of communities and enhancing human rights is an opportunity for the EU to gain performance legitimacy “inasmuch that the issue of human rights is closely bound to the question of identity.”<sup>1</sup> Enhancement of common human rights will promote identification of all citizens with the EU.

### **BACKGROUND**

On the international stage, the European Union is an advocate for human rights and progressive values. In many ways, formal protection of minorities and marginalized groups is high compared to international standards. However, the spirit of the law is still not always practiced and has not been applied equally across Member States or within societies. The existence of inequalities between and within Member States show that discrimination is still a powerful force in the EU. On the topic of minorities, the EU asserts that “racism and xenophobia...are incompatible with the values that the European Union is based upon.”<sup>2</sup>

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Treatment of marginalized groups is then a lens through which to measure how well these common values are upheld by the EU.

The discussion of multiculturalism sometimes suggests that culture is a closed entity. This thinking displays a blindness to the relationships of power in which cultures are embedded.<sup>3</sup> Advocacy of theoretical pluralism without context can obscure interaction between groups and provoke real divisions. In the EU and around the world, opportunities and protection are more difficult to procure for minorities, and to deny this fact precludes action or progress. To illustrate these differences in power, we will examine four main marginalized groups. This is not a comprehensive account of minority and marginalized groups in the European Union, rather an exploration of four of the main dimensions of difference along which the benefits of citizenship and legal protection are unequally distributed. First, we consider gender and the under-representation of women in the European Parliament. Second, we consider ethnicity and the economic and social exclusion of the Roma minority throughout Europe. Third, we consider religion by exploring attitudes towards Muslims in Europe. Fourth, we consider the policies and treatment of legal and illegal immigrants, placing particular emphasis on the lack of fully enforced immigrant rights.

When the Lisbon Treaty recently entered into force, the Charter of Fundamental Rights of the European Union gained legal value equal to that of the Treaties. This greatly enhances the EU's ability and responsibility to enforce the mandates of the Charter. While the words of the Charter may be open to some interpretation, its overall message is clear: "everyone is equal under the law."<sup>4</sup> This legal equality and civic citizenship is essential to EU democracy. With this tool, the EU can more completely provide its key aims: peace, prosperity, and freedom to all of its 498 million citizens.<sup>5</sup>

We propose to strengthen the idea of a complementary supranational identity driven by human rights that does not displace national identity but makes the European Union a transnational advocate against discrimination. With human rights as its basis, citizens of the European Union can form a transnational civic identity based on these institutionalized and contextually applied values, perceptions of freedom, rights and obligations.<sup>6</sup>

### **CHALLENGES**

#### **Challenge 1: Promoting Gender Equality in the European Parliament**

##### **ISSUE**

A parliament that looks more like society in terms of demographics often thinks more like the people it is representing as well.<sup>7</sup> We believe that this opinion congruence enhances representative democracy, as it leads to more inclusion of citizen concerns and a higher level of legitimacy and relevance. The 50/50 Campaign, explained below, makes the argument that, “the under-representation of women in EU decision-making bodies contributes to the lack of democratic legitimacy of the European Union.”<sup>8</sup> We agree that the inclusion of women in political decision-making is integral to democracy and that the representation of women in the European Parliament needs to continue to improve.

##### **BACKGROUND**

Over time, the European Union has become more representative of the general population.<sup>9</sup> On a global scale, the European Parliament is above average in its representation of women. From 1979 to 2004, the percentage of women in the European Parliament rose from 16.1% to 30.5%.<sup>10</sup> Internationally, women only account for 18.7% of parliamentary representatives.<sup>11</sup> EU institutions are receptive to the women’s rights cause and the European

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Women's Lobby (EWL) is a powerful force with regular official access to decision-making processes.<sup>12</sup> However, the EWL's 2009 Gender Audit Report found that most political parties did not consider equality between women and men as a key priority for the 2009 EU elections, "despite the strong competence of the European Union in that area."<sup>13</sup>

In light of the lack of advocacy for women's rights, the EWL established the 50/50 campaign to promote gender parity in the 2009 European Parliament elections.<sup>14</sup> Their key message was, "No Modern European Democracy Without Gender Equality." As Diane Wallis, an MEP from the UK said, "the EU can only expect respect and trust if all its institutions look and feel representative of those they seek to serve."<sup>15</sup> The 2009 elections brought progress, and women now comprise 35 percent of the Members of the European Parliament.

However, the percentage of women politicians does not yet match the proportion of women in society. In some instances, such as for Malta, all MEPs are men.<sup>16</sup> Stronger efforts yet must be made to promote gender equality throughout the EU in its entirety.

### **OPTIONS**

The European Union could assume that the march of history will eventually lead to political representation parity and not do anything new for gender relations. Gender representation laws could be left to Member States, and in many cases, this would still achieve some progress. The EU could continue to support the EWL and thereby its 200 member organizations. This would be simple and cost-neutral. However, change under this approach would likely not come as quickly and would perpetuate a disparity not only between men and women but also between percentages of women represented by Member States with differing gender laws.

Another option the EU could take is adopting a more active role in contributing to gender parity and equal representation. The EU could introduce legislation for the implementation of a quota system. The quota system would require European Parliament party lists to include a certain percentage of women. Furthermore, these women candidates would be listed in alternating slots as men, known as a zipper system, so that the list is consistently weighted. Quota systems through political party lists have worked to raise the representation of women to near parity, with women accounting for 47 percent of parliament in Sweden.<sup>17</sup>

Some countries, especially those without high levels of women represented in their national structures, would be resistant to this legislation. Opponents may argue that politicians should be elected by merit, not by gender. This might be counteracted through a public relations campaign to emphasize how this step would contribute to democracy and represent citizens better. Changing how political party lists are made may also be a disruption to the functioning of politics. By introducing the quota system in increments, this disruption may be reduced. Starting with 25 percent mandatory inclusion of women, this percentage could increase by five or ten percent each election, depending upon feasibility of implementation, up to 40 percent. All existing national laws or party policies with higher representation mandates would be maintained to avoid regression. Legislation could be drafted in a gender-neutral way by stating that no gender can comprise more than 60% of candidates on a party list. By keeping political focus on the issue, the EU can foster national cohesion and cooperation on this issue and make entry to politics more accessible to women.

Even in the cases where the EU does not have competence to pass laws directly bearing on national policy, the power of suggestion still exists and is a viable option for the EU. No country wants a reputation as a sexist state and when the European Council recommended in

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1996 that women and men have equitable participation in posts of responsibility, reluctant countries such as Belgium, France, and Italy passed legislation making it easier for women to gain access to such posts.<sup>18</sup>

### **Challenge 2: Ethnic Discrimination in the EU**

#### **ISSUE**

The Roma people and other ethnic minorities in Europe often amount to second-class citizens; the Roma, for example, are less protected from crime and more constricted in their ability to travel or gain employment. Subsequently, they utilize “weapons of the weak;” covert actions such as informal economic activity, petty crime, and maximizing welfare claims.<sup>19</sup> This is a financial burden that also produces conflict between Roma and their majority population neighbors, threatening security and economic productivity within the EU. By protecting Roma people and other minorities from discrimination, respecting their culture and traditions, and integrating them into their local communities, the European Union could substantially extend democracy to this marginalized group and deepen its own ethical and democratic authority.

#### **BACKGROUND**

The Roma people are an ethnic minority that arrived in Europe from India in the late Middle Ages. Although they mainly settled in the Balkans, the Roma people can be found throughout Europe. While popularly known for being nomadic craftsmen and musicians, the Roma have now primarily settled on the fringes of majority population centers. Throughout their history, the Roma have alternatively been forbidden from settling and then at times forced to assimilate with local populations in attempts to destroy their identity.<sup>20</sup> During World War II, the Roma people were targeted by Hitler’s campaign for ethnic purity and were mass murdered in concentration camps along with other perceived racial inferiors. Communist countries in Central

and Eastern Europe, conversely, poured money into literacy and employment programs for the Roma from the 1950s to the 1980s. However, the hatred and resentment lingered and after the collapse of Communism, the Roma once again became a scapegoat for the problems of society.<sup>21</sup>

The European Union has attempted to reconcile this situation by funding Roma political activism and development programs for impoverished regions. While the EU can be commended for the efforts it has taken so far, the results have not always lived up to its intentions. Pressure from the European Union concerning social inclusion and minority representation appears to have filtered down to the municipal level. However, this usually is reflected in “token actions in search of local funding.”<sup>22</sup> In 2008, the EU commissioned an extensive survey that interviewed 23,500 immigrants and ethnic minorities as well as 5,000 majority population members. This survey is the most current and comprehensive source of basic information about marginalized groups in Europe.<sup>23</sup> The European Minority and Discrimination Survey (EU-MIDIS) found that Roma people are still the most discriminated group in Europe.

In the Czech Republic, for example, 39 percent of Roma respondents stated that they had been victims of in-person crime, assault, threat, and serious harassment in the past year.<sup>24</sup> International NGOs also report that the Czech Republic has the highest rate of racially motivated murders.<sup>25</sup> While violent crime may not be commonplace overall, it is still alarmingly high. Of respondents in the EU-MIDIS, those who had been victims of assault and threat or serious harassment did not report the discrimination half of the time. For 72 percent of Roma respondents, the reason they did not report the crime was because they were not confident the police would be able to do anything. With the help of family and friends, 42 percent of Roma dealt with the problem themselves.<sup>26</sup> This widespread perception of police inadequacy and

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subsequent vigilante justice undermines the government of both the Member State and the European Union as providers of security and legitimate governance.

In the arena of employment the Roma are also discriminated against. The Charter of Fundamental Rights calls for the right to engage in work and the right to social and housing assistance.<sup>27</sup> As the economy continues to globalize, marginalized groups are losing more and more access to the highly skilled and well-paid jobs of the future. As in any attempt at development, there exists a vicious cycle of exclusion that perpetuates a structural inequality between peoples. Roma respondents consistently experienced discrimination at work or in looking for work. The Roma are isolated in their home countries and other Member States do not want them to migrate to their country. The Roma people's lack of education makes them particularly vulnerable to economic shocks.<sup>28</sup>

The Charter of Fundamental Rights includes not only what many national constitutions might consider "fundamental" rights, but social rights as well, making the right to work a potential outlet for the EU to protect minorities. European citizens have benefited greatly from economic integration. Smaller and poorer countries especially have power as a bloc that they could not achieve otherwise. The transfer of goods and the movement of skilled workers have benefited from the porous nature of national boundaries and extension of workers' rights throughout Europe. However, 80 million people in the EU still live in poverty.<sup>29</sup> In a special 2009 Eurobarometer report, it is stated that, "solidarity is one of the guiding principles of the European Union, meaning that all citizens should be able to share the benefits of prosperous times, while also sharing the burden of times of difficulty."<sup>30</sup>

The Roma people present a unique opportunity and a challenge to the EU because they are present, in varying numbers, in every Member State of the European Union. They are used as

our primary example, therefore, because they are historically the most discriminated-against and widespread group in Europe. There are, however, a large number of minority ethnic groups which merit attention, such as Turkish immigrants in Germany, North Africans in France, and the Walloons in Belgium to name only a few. At the most fundamental level, the Union was born out of a conflict based on ethnic hatred and has a duty to ensure such discrimination does not go unchallenged.<sup>31</sup> While legislation that protects minorities would ideally be suited to the particularities of circumstances, human rights for marginalized groups are based on the principle of equal citizenship and are, in that way, universal.

### **OPTIONS**

One option is for the EU to provide services to support minority groups. In responding to the EU-MIDIS survey, between 59 and 94 percent of all respondent groups said that they did not know of any organization offering support and advice to people who have been discriminated against.<sup>32</sup> Funding could be increased to provide and publicize services for those who experience discrimination—programs providing legal assistance would be especially helpful. Funding from the EU for more services to advise those discriminated against would require more revenue or a cut in services somewhere else which may be unpopular; however, to the discriminated groups or individuals, this may provide a direct and relevant link to the EU.

Another option is for the EU to act to enforce more stringent human rights laws. Discrimination could be targeted by strengthening antidiscrimination legislation and enforcing it more vigorously at the EU level. The Racial Equality and Employment Equality Directives were included in the Treaty of Amsterdam in 2000.<sup>33</sup> These included legal protections against discrimination and appropriate bodies to issue complaints to. The Commission sent formal requests to 14 Member States, followed by reasoned opinions to 11 Member States, and finally

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four Member States were referred to the European Court of Justice (ECJ) before full transposition was accomplished. Final legal transposition of the Directives was completed at the national level in 2006.<sup>34</sup> However, national laws relating to these Directives have still not reached full implementation. In cases where Member States have not established national Equality Bodies as required, the Commission would initiate infringement proceedings. In the face of resistance to implementation at the national level, Member States would be reminded that they are a party to the Treaty voluntarily. Success stories from other Member State Equality Bodies may encourage recalcitrant members while financial penalties of non-compliance will likely produce real action.

### **Challenge 3: Protecting the Rights of Muslims in Europe**

#### **ISSUE**

The EU is experiencing a dramatic demographic shift due to the low birthrate of white Europeans and the influx of third country nationals. In 2006, the EU's conservative estimate of official and unofficial sources puts the population of Muslims in the EU around 13 million people.<sup>35</sup> While this has implications for the cultural heritage of Europe in the future, more worrying is the tension between existing Muslim and non-Muslim groups. The perceptions of Islam in the face of international terrorism and everyday negotiations between cultural differences necessitate action on the part of the EU. Many Muslims are long-time European citizens and a EU identity must be capable of encompassing religious plurality.

#### **BACKGROUND**

While France and Switzerland have recently received the most media coverage for laws directed at Islam, the tension between Muslims and non-Muslims is evident throughout Europe.

Although Switzerland is not a member of the EU, it is surrounded by EU neighbors. The Swiss decision to ban the building of new minarets demonstrates how Islam is seen as threatening the nation's cultural integrity.<sup>36</sup> In France, proposed legislation about forbidding the face to be covered is directed at outlawing the *hijab* and has renewed debate about the balance between religious freedom and cultural conformity.<sup>37</sup> These actions do not, "address the issues of either building permits for minarets or the rights of women, but rather they attack the very visibility of the Muslim presence in Europe itself."<sup>38</sup> As a matter of identity, the EU must find a way to reconcile cultural differences while upholding the rights that are the foundation of liberal democracy.

Many countries were willing to allow Sikh, Jewish, or other religious groups to wear distinguishing clothing. However, the reaction to Muslim coverings has been extremely severe. Headscarves are allowed in most countries in any circumstance, but the sense of destabilizing cultural homogeneity is widely used not only by radical right parties but also by mainstream politicians and activist groups. While laws may be drafted to appear as though they are secular and neutral, they are often created with the intention to outlaw a visible manifestation of Islam.<sup>39</sup> The growing presence of Islam stretched the limits of what majority populations thought was tolerable and now are experiencing a backlash.<sup>40</sup> The concern about headscarves is only one element of the debate, but it has grown to represent one of Islam's most public and controversial elements.<sup>41</sup>

Most Member States have a Christian history and a secular tradition. Religion is considered a private affair, and some governments seek to limit religion in the public sphere. These limitations, however, cannot conflict with an individual's right to practice his religion. As Europe-wide legislation limiting headscarves or face coverings are proposed, Member States

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consider these rights and conform to EU law.<sup>42</sup> The desire for religious homogeneity and maintenance of a secular tradition seeks a balance with citizens' right to religious practices. When these practices do not harm the rights of others, they are legal and protected.<sup>43</sup> Failure extending these rights to all religious groups would sacrifice the democratic concept of equal citizenship.

### OPTIONS

One option for overcoming the lack of knowledge and understanding of minority cultures among European citizens is to include cultural education within a new EU civics class. Although some politicians and citizens have suggested restricting immigration, the EU already has large groups of un-integrated Muslims in Member States. New Muslim immigrants are not the only source of friction. Second or third generation European youth, "feel disenfranchised in a society that does not fully accept them and appear to turn to Islam as a badge of identity."<sup>44</sup> Discrimination against Muslims is highest in the 16 to 24 year old age group.<sup>45</sup> More than anything, the fear and tension between non-Muslims and Muslims is largely characterized by different socio-economic circumstances, immigration status, and misunderstanding.

The benefits of EU civic education have already been outlined in this report's section on education and socialization and could include segments on diversity within the curriculum. While this could be adapted to include any minority or marginalized group, it may be particularly helpful for explaining Islam to the majority. Basic materials and curriculum guidelines would be provided by the EU. Starting in elementary school with units on how different religions celebrate holidays and the history of major religions, the curriculum could become more advanced to include debates on the role of religion in society and in government. Schools could also celebrate diversity days during which food and performances of different cultures could be shared.

Teachers could receive advice and training from a few traveling diversity spokespeople from EU institutions or more frequently engage in webinars. This would demystify religious differences and with an emphasis on commonalities, could improve the possibility of cohesive identity.

By celebrating diversity, the EU could distance itself from perceptions of a solely Christian community. This may receive criticism from those who argue that the EU should retain its current Christian majority identity. Furthermore, atheists and other non-practicing citizens may feel left out of the religious discussion by appearing to make it a debate of Christian or non-Christian entities. However, the EU may try to reconcile these concerns by focusing on an inclusive history of European religion that emphasizes past traditions of Christianity followed by a trend toward secular democracy and now as an evolving entity of many faiths.

### **Challenge 4: Protecting the Rights of Immigrants**

#### **ISSUE**

Similar but more varied than the issues presented by Muslims in Europe, immigrants change the demographic make-up of the EU. They bring new cultures as well as new labor market competition. Although most experts agree that immigrants are necessary to European economies in light of low resident birthrate,<sup>46</sup> resentment of newcomers can be high, especially in economically depressed areas. Furthermore, exploitation of these workers, both legal and illegal ones, remains an aspect of the EU's democratic deficit. When non-citizens are not guaranteed a basic regime of rights, the democracy of the EU is in question.

While skilled workers are recruited legally, the European economies also rely on exploitation of cheap illegal immigrants. The deliberate practice in some countries, such as France, of leaving a fraction of the existing illegal workers without deporting them<sup>47</sup> because

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they are integral to the functioning of the economy presents a challenge to democracy. While authorized workers have some protection under the law, our definition of democracy also includes rights for illegal immigrants, although at a more basic level. This perpetual state of illegality is not democratic because it is an intentional attempt to deprive workers of their rights.<sup>48</sup> This contradicts the principle that even non-citizens are guaranteed a basic regime of rights.

### **BACKGROUND**

Legal immigrants also face significant incursions on their rights. Riots in Rosarno, Italy displayed a violent division between immigrants and citizens. Human rights groups commenting on the situation of immigrants in the area say that many immigrants come to the country with legal offers of work. The groups contend that once they arrive, the immigrants are forced to accept wages below the minimum wage and that the agricultural outfits are often linked to organized crime.<sup>49</sup> This contradicts the Charter of Fundamental Rights' claim that "nationals of third countries who are authorized to work in the territories of the Member States are entitled to working conditions equivalent to those of citizens of the Union."<sup>50</sup> In this case, the violation is even more egregious when the immigrants are legal and expect protection from the law. While immigrant workers are essential to the European economies, the resident communities are resentful of their existence and labor competition. In the EU-MIDIS survey, North Africans in Italy posted the highest perceptions of discrimination based on ethnic or immigrant origin as widespread in the country, at 94%.<sup>51</sup> The EU needs to protect the human rights of immigrants while national myths struggle with the growing pains of an increasingly diverse Member State.

### **OPTIONS**

One option that some citizens support would be to strictly limit immigration. This would arguably appeal to those who think immigration leads to the decay of national values and places social welfare burdens on the state. However, this would likely have severe economic consequences, as Europe's population is aging and birth rates are declining. Third country national immigration is essential to sustaining the European economy and labor force.<sup>52</sup>

While allowing Member States to set some limitations on immigration and to deport illegal immigrants, the European Union as a whole also has the option to uphold the human rights of all people, citizens and non-citizens alike. While being held in detention centers for deportation, the illegal immigrants may be provided with the basics of human dignity as provided for in the Charter of Fundamental Rights.<sup>53</sup> Some EU leaders have suggested "requiring immigrants to make a declaration in which they pledge to respect national laws and the EU charter of fundamental rights."<sup>54</sup> With this, immigrants could be given a copy of the Charter of Fundamental Rights so that they know their rights and obligations. The EU could make copies available in official languages and in a number of non-official languages that are spoken by large numbers of immigrants.

The EU could also more aggressively work to deport illegal workers and encourage governments to make fines for employers caught using illegal labor larger. Business sectors that rely on illegal workers may lobby against this policy. However, this may be popular with the general public because it would help reduce the number of illegal immigrants. The EU could also establish an anonymous tip line to report illegal working conditions imposed by employers. The tip line could be run by the Employment, Social Affairs and Equal Opportunities office of the European Commission. Legitimate complaints could then be forwarded to the European Court of Justice. As a result of such tips, employers may be sanctioned and the jobs they provided cease

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to exist. Illegal immigrants found working would be deported, which may make some employees reluctant to report to the tip line. However, in the case of legal migrants, the EU could find suitable replacement work if they lose authorized work.

### **POLICY RECOMMENDATIONS**

- Create a quota system for European Parliament party lists that progressively decreases the maximum proportion of any one gender allowed to be represented in the European Parliament over time up and lists candidates in alternating gender.
- The Commission should initiate infringement proceedings against Member States that have not established national Equality Bodies to bring them into compliance with the Racial and Employment Equality Directives.
- Create curriculum guidelines, provide materials and train teachers to include diversity units within EU civic curricula.
- Provide copies of the Charter of Fundamental Rights to immigrants and set-up a tip line for reporting illegal working conditions.

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# Report Conclusion

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## **Report Conclusion**

**By Samuel Garfield & Kaitlyn Sweeting**

The European Union is arguably the most significant transnational governing body in today's world. As a democratic institution serving 27 Member States, the EU has a responsibility to use its influence as an international actor positively as well as to represent each the citizens and governments of its Member States. The ability of the EU to overcome the democratic deficit we have identified is therefore essential.

The four primary policy areas we have explored—institutions, civil society, the public sphere, and European citizenship and identity—brought to light a number of changes that we feel the EU should implement if it is to diminish the democratic deficit. As evidenced by the fact that many of our policy recommendations extend into the long-run, we do not expect that overcoming the democratic deficit in the EU will be a simple or quickly-accomplished task. It will require commitment, effort, and future projects like this report to re-assess the EU's direction and policies. However, with determination and dedication we strongly feel that addressing the democratic deficit is entirely within the grasp of the EU. As such, we have determined the following modifications as pivotal to the EU's future as a transnational, democratic governing body.

The EU should prioritize increasing European citizens' knowledge of its responsibilities, structure, and policy positions. European citizens are currently disconnected from the EU and view it as highly inefficient and unrepresentative. The EU cannot foster participation or deliberation among its citizens if it does not address this knowledge deficit. In order to address the knowledge deficit it must engage the media

and act to educate its citizens more adequately about its importance to their daily lives. . . Traditional mass media as well as new media are the chief means through which information reaches individuals in modern societies. Thus many of our recommendations deal with public relations campaigns and the use of ICT applications to spread knowledge about the EU and its programs. The development of media fluency and communications skills will be one of the most crucial elements of a successful campaign to address the democratic deficit in the EU. The importance of this area of competence cannot be stressed enough.

Like media communications, education also serves as an important avenue for reaching citizens and should be treated as such. Civic education curricula within compulsory as well as higher education should be incorporated into schools, and programs should be implemented to provide additional opportunities for citizens of all ages to expand their knowledge of the EU. While the EU currently lacks control over public education, the EU should do all in its power to advocate for the inclusion of EU-related civic curricula in public schools across its 27 Member States.

The need for transparency is also a central component of the democratic deficit that the EU should address. In addition to their lack of knowledge of the EU, citizens are wary of the governing body because they lack easy access to sufficient unbiased information concerning its functions. Many Europeans feel the Union institutions—namely the Commission, Council, and Parliament—are too secretive in their procedures and that the EU does not make sufficient efforts to inform and interact with its constituents. This issue should be dealt with primarily through improved media relations and the increased accessibility of political officials. Important documents must be made

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more accessible as well. Though the EU has begun placing many documents online, it has made a practice of making *too* much information available on user-unfriendly websites and databases; the result is not transparency, but an overwhelming deluge of information. EU institutions should work with media conglomerates to present comprehensive, accurate information to citizens. Moreover, media should provide citizens with objective, critical accounts of the EU, which the EU can encourage through regulatory policies. In addition to media relations, transparency of the EU can be increased directly through policymakers, as they hold the capability to make themselves, documents, meetings, policy decisions, and the like more accessible to citizens.

A third focal point of any EU project to address the democratic deficit should be the EU's relationship with civil society. Of all the chapters in this report, half discussed this issue—particularly in the first two sections. Though the European Union has made significant moves over recent decades to incorporate civil society in policy-making processes, there remain a plethora of areas for improvement from the need to enforce standards for consultation to the failure of the EU to promote a “Europeanized” civil society that operates across national and regional divisions. The EU should pursue policy options that will help to ensure that a strong “Europeanized” civil society emerges and that there are adequate venues for it to engage with EU governing organs. This will mean not only implementing the numerous policies outlined in this report to this end, but also addressing the problem in areas that public policy can only barely reach: European leaders should promote a culture of openness in Brussels free from the elitism and insularity; bureaucrats and technocrats should be encouraged to talk not only to other bureaucrats and technocrats, but to community members and leaders affected by their

decisions; and the leaders of civil society groups should be encouraged to govern their groups as democratically as possible and encourage active participation on the part of their constituents.

Finally, a fourth enduring theme throughout this report has been the importance of identity. Not only is identity an important element of the democratic deficit in its own right, but it contributes to and is contributed to by many other phenomena. For instance, the lack of feelings of European-ness make EU citizens less willing to come together to debate public affairs in a European public sphere and the staggered election schedule for MEPs across the 27 Member States discourages the development of a European civic identity amongst Europeans. The question of identity presents a vicious cycle of illegitimacy and a lack of participation. Citizens do not feel connected to the governing structure and thus do not participate in it; when they do not participate policy outcomes are perceived to have little or no legitimacy, making citizens feel even less connected. Breaking this cycle will likely be a watershed event for the development of democracy in the EU, and probably require particularly aggressive policies to overcome. Not only will the policies recommended in our report's section on citizenship and identity be important, but so will policies in various other areas: the development of a civil society which promotes legitimate participation and engages citizens, the institution of popular Commission President elections which would allow Europeans the opportunity to consider and rally around charismatic European leaders, and the creation of a European public sphere where Europeans may publicly express their sentiments of European belonging. The challenge of creating a strong European identity will likely require a sustained effort across a wide array of policy areas.

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Considering these challenges, the prospects for the future of transnational democracy in the EU may seem dire. However, we are optimistic. While the European Union suffers from a large number of inadequacies, as outlined in this report, we recognize that it is arguably the most successful attempt ever at establishing transnational democracy. This is the case due to the hard work of countless men and women who, since the 1950s, have gradually, but steadily, labored to create, expand, deepen, and democratize a transnational governing organization. If the EU is an imperfect transnational democracy today, it is not for lack of trying, and this should serve as a great source of hope and inspiration for the future of transnational democracy. Every day the European Union operates is an experiment in transnational democracy; no other organization or group of states so large has even attempted what the EU has succeeded in doing: unifying under a single transnational governance structure and working to democratize that structure. Thus, while progress is slow, this may be because the path is untrodden, not because the traveler is slow. Considering the progress the EU has made thus far, with the help of self-reflective projects such as this report, the progress it will make towards perfecting its experiment in transnational democracy over the next six decades of its life may be extraordinary.

## **RECOMMENDATIONS:**

### **Institutions:**

- The White Paper on Governance should be replaced with a more candid, readable, and less excusatory report; this should serve as a template for future documents published by the Commission.
- Create regulatory bodies to overview cases of requested documents that have been withheld.
- Create independent committee(s) to determine proceedings and legislation of most interest to the public. This committee or committees would compile that material and make it more readily available on the internet.
- Consultation standards should be regulated by an independent oversight committee; Implementation of these standards may have to become legally binding.
- The Commission should continue to consult civil society while exercising caution in engaging interest groups in all decisions, particularly those related to budgetary matters.
- The Commission President should be able to select from a variety of candidates from each country to fill his portfolios.
- Extend parliamentary power to disapprove of individual commissioners.
- The EU should take incremental steps towards popular elections of Commission, contingent on higher citizen participation in elections.
- Given the highly complex logistics and politics concomitant with governing 27 nation-states, these policies should be addressed on a trial-and-error basis.
- Clearly formalize and define the specific responsibilities of the President of the European Commission, the High Representative, and the President of the European Council.

- Implement consultation standards for civil society actors in the European Council and present the input in proceeding meetings and publications.
- Distinguish clearly between the Council of the EU and the European Council by altering the name of the Council of the EU. The new title should exclude the word ‘council.’
- The EP should do everything in its power to move towards eliminating its 12 annual plenary meetings in Strasbourg and create a single seat for the European Parliament in Brussels.
- Increase media relations between the EP and the general public in order to construct a more transparent Parliament where procedures, opinions, and voting preferences can be better scrutinized and discussed by the public. This can be achieved by making MEPs more available to journalists and pitching stories more frequently and in ways that emphasize the drama of party politics in the institution.
- Increase the power of the EP’s budgetary role, including the right to determine ways in which to raise revenue for the EU as a whole.
- Allocate the right to initiate legislation to the EP.

**Civil Society:**

- Create a board with a representative from each member state that works with existing structures, such as the EU Civil Society Contact Group, focusing on outreach to organizations in sectors and countries that are not represented at the European level.
  - Those from countries with no European-level representation in a given interest field would work to bring national and regional level NGOs up to the EU level and connect them with the resources to join an existing alliance, form a new one, or consult with EU institutions alone.

- Those from countries that are already represented in all sectors at the European level would concentrate on keeping NGOs communicating down to the citizen level and fostering member and staff dialogue across sectors and nations.

This board could also make funding recommendations that would be considered outside of any official criteria test.

- Provide technical expertise and resources such as software to translate organization websites and make them more accessible and informative to individuals and smaller organizations. This would be initially administered and coordinated through a dedicated office, but could be taken over by the Civil Society Contact Group if later deemed appropriate.
- Balance representation and types of input through a combination of online submissions and public hearings. Public hearing invitations should stem from Internet submissions, but not filter dissenting organizations and instead invite based on representativeness.
- Publish a summary of response data for yes/no questions for each policy consultation guide and encourage organizations to make public their own consultation responses.
- Establish criteria for funding that ensure organizations are not abandoning their support base and becoming inaccessible institutions once the EU funds them. These criteria could include level of funding from already received from supporters, the total number of supporters, outreach and transparency, the presence of similar organizations, and the relevance of the cause to European-level issues.
- Designate some funding, where deemed appropriate, strictly for use in outreach and strengthening citizen participation.

- Establish a less bureaucratic funding application process allowing smaller organizations to obtain resources to organize and provide input at the European level.
- The EESC should enlarge the membership of its Group III (representing civic interest) to equal the sum of Group I and II's membership (both representing economic and social interests).
- The EU should vest more power in the EESC to initiate its own policy proposals during the early, pre-drafting stage of the legislative process, independent of particular consultation requests from the European Commission.
- The EU should implement guidelines for the European Commission to give feedback to the corresponding organized civil society groups on certain policies, regarding the extent of their influence on EU policy-making.
- The EU Commission should make membership to the new Lobby Register compulsory in order to lobby the Commission.
- The EU should augment the scope of the draft register to include individual lobbyists in addition to lobby organizations.
- As a long-term goal, the role of the Lobby Register in EU institutions should be enlarged. The Register should serve as the primary source of lobby information for not only the EU Commission, but also the Parliament and the Council as well.
- The requirements regarding the disclosure of budget and funding should be uniform across all interest group categories, whether for- or non-profit. To ensure the greatest transparency in lobbyist funding, the respective financial information of both social and civic actors must be provided in comparable forms.

- Social lobby groups as well as civic lobby groups should be required to disclose their total budget and the (estimation of) lobby budget (in ranges of 10,000 Euro).
- Social and civic interest representatives should be required to indicate both public and private income sources.
- If a mandatory registry is established for all EU consultant and lobbyist civil society groups is established, require that information about internal governance structures be included in the register and used to determine the representativeness of groups. Those groups with the highest level of representativeness should be eligible to receive 50% more funding than those with a very low score.
- Increase capacity for user participation on the web pages for organizations in the Civil Society Contact Group. This could include blogs with commentary features and/or discussion fora.
- Encourage similar venues for participation, such as blogs and fora, for the smaller organizations represented by the eight Civil Society Contact Group umbrella organizations.
- Establish a structure of processes in which citizens' feedback from smaller organizations' web sites (in various forms such as comments or discussion fora) are communicated to umbrella organizations, and when appropriate, featured on umbrella websites.
- Create a webpage inspired by Barack Obama's, which directs citizens to grassroots and community organizations in their area.
- Demonstrate a commitment to address Citizens' Initiatives in a timely fashion and in a manner that genuinely addresses the issue.
- Create a consolidated webpage to host informal petitions and encourage deliberation.

- Develop more secure online petition methods that ensure truthfulness of identity and make this form of petition more legitimate.

**Public Sphere:**

- Increase funding for PSB programming with EU-related and European-produced content through a fund established by the EU.
- Implement continuing education programs to educate journalists about the European Union and current affairs in Europe.
- The EBU should raise the portion of broadcasting time reserved for European programs to 20%.
- Require commercial television stations to run EU-wide programs.
- Create media fora for newspaper and other media to meet and participate in debates about EU current affairs. Encourage media to participate in these fora.
- Produce less content and allocate more resources to improving the quality of remaining content. To do so, the Commission and Parliament should merge Europarl TV and EU Tube and publish less videos overall. The Commission should write blogs in teams and focus on ensuring the quality of these blogs by closely tracking the number of views and comments, and responding to comments whenever possible.
- Fund special online debate fora in which a different EU official participates each month. These will be open to the public and similar in format to the current forum, Debate Europe. The debates will close after one month, when a new debate is opened. Because many commissioners already publish blogs, they would be good candidates for participating in the debates. It would be ideal if some MEPs also participate, as citizens may be interested to learn more about the candidates that they have elected. Officials

will propose topics, and then respond to comments several times throughout the month, or whenever they see fit.

- The Commission should fully revise the Open Consultations page, with more attractive graphics and text, and clearer titles and subtitles. To ensure quality design, it should seek assistance from consultants or interns.
- Increase the amount of language translations in all EU new media by commissioning interns through translation colleges. The next best option would be to use software that automatically translates script.
- The EC should support controversial and satirical artwork that is capable of criticizing EU institutions, policies and officials by increasing funding for grant opportunities for independent artists.
- Devote a portion of the EU budget to fully finance the Eurovision song contest.
- The EU should come to terms with the CoE and Western Europe's V-E Day official holidays and officially recognize "Europe Week" from May 5<sup>th</sup> until May 12<sup>th</sup>.
- The EC should encourage a more sustainable approach to distributing ECOC grant funds by investing in local preexisting traditional culture industries.

### **European Citizenship and Identity**

- Sponsor public relations campaigns that utilize all relevant media outlets to raise awareness about the Charter of Fundamental Rights. The EU should focus on Article 22, which values diversity as a fundamental right. The campaign should stress that the European Union is built on common values of human rights and multicultural diversity.

- Urge member-states to continue to abide by Regulation 1408/71 and Residence Directive 2004/38/EC. The EU should also facilitate the creation of social policies with member-states in accordance with these directives.
- Move to include the European Parliament and the ECJ in the processes of the Open Method of Coordination for oversight to ensure that member-states do not create social policies that conflict with EU social legislation.
- Encourage the utilization of the Open of Method of Cooperation for Social Cohesion and work towards supporting the protection of social welfare as a fundamental right.
- Relocate a larger portion of ESF funds towards social welfare programs in member-states who are in need of assistance.
- The European Parliament should make an official call for a summit of educators from every nation to develop a module that presents information on the goals and objectives of the EU citizenship education.
- Introduce a European Student Week.
- Create a cartoon series to teach elementary school children about the EU and how it functions.
- Encourage District MEPs to give talks at schools during European Student Week. We expect that this will increase the importance and excitement surrounding European Student Week.
- Create a Youth Media Days II.
- Encourage teachers to incorporate the EU website and the product of Youth Media Days II into their curriculum.

- Create a manual with established educational benchmarks to be incorporated into each national education system.
- Provide more funding for current efforts toward history textbook revision throughout the EU.
- Open up the Erasmus Program to students of high school age.
- Sponsor a community center exchange program to target citizens who are in the work force or who have retired. We regard this recommendation as a long-term goal, and to be less pressing than, for example, the establishment of a high school version of the Erasmus program. Youth are the future of the EU. For this reason we recommend focusing first on programs that target a younger demographic.
- Adopt a policy of targeted mass media advertisement of EU political issues encouraging voter turnout.
- Implement an EU-wide campaign using phone banks, newspapers, radio and the internet to encourage citizens to vote in an upcoming election.
- Place elections over a two-day span from Sunday to Monday. Under this regime turnout would increase in many countries while nations which prefer to vote on a weekday will still be able to do so.<sup>i</sup>
- The European Ombudsman should launch a campaign in Europe to educate citizens about the role of an ombudsman and the difference between the various local, national, regional and European ombudsmen. The focus for these campaigns should be in the twelve countries that are underperforming in Ombudsman submissions. Given the large populations in these countries, a media campaign can reach many people in a quick manner, potentially changing the perception of the Ombudsman.

- Create stringent requirements for the number of signatures, minimum age and number of states represented for a citizens' initiative to qualify for consideration in the Commission. Emphasize review by the Commission and focus on the transparency of the initiative process.
- Create deliberative fora to discuss possible citizen initiatives. The recent experience of the EU with Tomorrow's Europe and Speak Up Europe provides the opportunity to use these fora to discuss initiatives. This discourse would be designed to provide initiatives which represent a greater proportion of Europeans, and again is a safeguard against special interest groups.
- Create a quota system for European Parliament party lists that progressively decreases the maximum proportion of any one gender allowed to be represented in the European Parliament over time up and lists candidates in alternating gender.
- The Commission should initiate infringement proceedings against Member States that have not established national Equality Bodies to bring them into compliance with the Racial and Employment Equality Directives.
- Create curriculum guidelines, provide materials and train teachers to include diversity units within EU civic curricula.
- Provide copies of the Charter of Fundamental Rights to immigrants and set-up a tip line for reporting illegal working conditions.

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<sup>i</sup> Mikko Mattila, "Why bother? Determinants of turnout in the European elections" Electoral Studies Sep. 2003: 467.

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