Is Civil Society heard in Brussels?

Interest representation and the role of civil society in EU decision-making

Adrian Beresford Taylor

European Essay No.4

A Definition of Federalism

Federalism is defined as 'a system of government in which central and regional authorities are linked in an interdependent political relationship, in which powers and functions are distributed to achieve a substantial degree of autonomy and integrity in the regional units. In theory, a federal system seeks to maintain a balance such that neither level of government becomes sufficiently dominant to dictate the decision of the other, unlike in a unitary system, in which the central authorities hold primacy to the extent even of redesigning or abolishing regional and local units of government at will.'
(New Fontana Dictionary of Modern Thought)

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THE FEDERAL TRUST

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Introduction

'Power corrupts', wrote Lord Acton. Even those less pessimistic about human nature might still concede that power is tempting and that power attracts. The exercise of power in Brussels has attracted over the last few decades a very large number of individuals and organisations who wish to be or who need to be close to power.

They range from the growing army of journalists - the press corps in Brussels is now more numerous than in Washington - through myriad trade associations to a host of non-government organisations both pressing their points of view on the EU Institutions and reporting back to their members the length and breadth of Europe.

These representatives of civil society are much neglected in both academic and popular descriptions of how the European Union works. Important though the Parliament, the Council and the Commission may be in the decision-taking process, the role of representatives of European civil society in the preparation and the making of decisions is all too often underestimated and overlooked.

Some Treaty articles and subsequent legislation require formal consultation of interested parties. Both the Economic and Social Committee and the Committee of the Regions find their raison d'être in consultation of this sort. But informal consultation with potentially interested parties goes much wider and deeper than

this. The Commission in particular is active in seeking information and opinions well before drafting legislation. And from whom better can the Commission canvass opinions than from those who have made their presence known to its servants professionally and socially in the capital of the new Europe? Representations made by those potentially affected by legislation or by the operation of the EU budget are made more easily and more frequently by those who live and work cheek by jowl with the parliamentarians, diplomats and officials in the same city.

All this raises serious questions about access, privilege, legitimacy, openness, transparency and standards of ethical behaviour in European public life. This essay touches on them all, arguing that there are both strengths and weaknesses in the present situation where business interests, citizens' concerns and media coverage seem often out of sync. How far positive developments can be encouraged or orchestrated by the Institutions themselves, how far the corporate sector takes the lead, how far grass-roots activists call the tune remains an open question, but there can be no doubt on reading this essay that the Brussels scene in respect of the representation of civil society is in a state of creative upheaval.

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About the Author

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The Issue

The gradual emergence of the European institutions as important forces for political, social and economic change has been one of the most marked features of political life in all European Union[1] countries since the mid-1980s. But whose interests are actually being promoted in the European integration process? Who is actually able to have their voice heard, and so to help set the agenda?

These questions are particularly relevant, given the oft-repeated fact that there is a 'democratic deficit' in the EU institutions. It is indeed true that the same mechanisms of democratic control do not exist on the EU level as do on the national level. On the one hand this pans out in a debate about the role of the Council of Ministers (is it an Upper House of a bicameral system or is it an intergovernmental Executive organ?) and indeed of all the institutions (e.g. is the Commission a Government in waiting or the secretariat for the Council of Ministers?). This institutional debate is well known, and the opposing solutions well rehearsed.

However, there is another angle to the 'democratic deficit': to what extent is democracy in the fuller sense possible at all on the EU level without the existence of a corresponding European civil society?

After all, in democratic societies, any major policy initiative is thoroughly discussed in the media, and generally stimulates a debate in political parties, trade unions, business associations and other non-governmental fora. It is through this debate – and the consequent capacity for groups to voice their support or opposition, that each democratic society can ensure participation of all elements of civil society in the decision-making process. To what extent can such a debate emerge on a European level, given that so many of the major political, economic and social changes are now initiated on the EU level? To what extent does the perceived lack of a European media, or of a broader European civil society mean that the agenda can be hijacked by particular interest groups which are close to power, or even by the EU institutions themselves?

These are crucial questions as some critics suggest that:
•   multi-national corporations control the EU's agenda, as business is the only element of society which has been able to organise efficiently at the EU level, and hence that Europe has been hijacked by the interests of big business;
•   the lack of a European civil society is a structural feature dictated by different languages and cultures, and cannot be achieved without (undesirable) cultural harmonisation, and hence that transnational democracy can only ever be a façade.

This essay suggests that, while there may have been some historical validity in this line of thinking, a European civil society is emerging, and making its voice heard. However, unlike in traditional nation building, this European civil society is not articulated through

centralised media or established civil society institutions, but rather it is emerging through networked contacts and issue-based activism. Indeed, civil society is increasingly organising itself in member states, and at the wider international level in this way also. This has important implications for the decision making process and for the broader European political project.

Civil Society in the Member States

There is no single definition of what 'civil society' is, or of how it plays a role in influencing policy debate. Nevertheless, it is possible to outline the outer limits, and to suggest why elements of civil society are considered necessary in the effective functioning of democratic forces in the member states.

At its very broadest, civil society can embrace anything which is not a governmental institution. Most definitions of civil society would include trade unions, churches, and non-governmental organisations (which may be anything from neighbourhood watch committees, through educational charities to Amnesty International). The inclusion of business or employers' organisations and of political parties (as distinct from the members of a party in parliament or government) is more controversial, but often accepted. Anybody capable of having something to say on government policy could, therefore, be conceivably part of civil society.

When the government of a member state presents an important policy proposal, it is likely that it will affect

one or other segment of society. Some EU member states (e.g. Benelux) have more 'corporatist' models, where important social actors have an important institutionalised role in policy making, and are given a formal platform from which to speak to the government. This consensual method of policy making tends to privilege traditional social actors - trade unions, and employers' organisations, or established churches. Similarly, where political parties are strongly anchored in social organisations at every level, they theoretically act to articulate the concerns of these segments of society, aggregating interests as they go, in order to find a balanced approach. In more 'pluralist' member states (e.g. UK), each and every actor has the opportunity to intervene, but the Government is unlikely to give them a formal platform from which to do so[2] . Political parties are treated more like groups to be lobbied, rather than to be worked on from within.

Such traditional models are, however, already under substantial attack. In all member states the appropriately named 'media' increasingly stands between government and civil society. The media provide the transmission belt by which the message of a new policy is transmitted not just to the various civil society actors, but also to the citizen directly, thus 'disintermediating' the traditional actors. This has even led to a further phenomenon in our democracies, that of government by opinion poll. The capacity of organised elements of civil society to have an impact upon the policy maker increasingly depends upon their capacity to draw media attention to themselves and hence to have an impact on the opinion polls. As a

result, governments of all hues and from all cultural backgrounds are now making policy communication (media spin) a top priority - a tendency most pronounced in those countries which have a pluralist rather than corporatist culture.

On the positive side, one could argue that in this 'mediatised' model of society, the 'disorganised citizen' (i.e. one who is not an active member of any form of civil society association) is increasingly in the driving seat, as it is their views that are sought in the opinion polls. On the negative side, the question of independence of the media becomes a critical problem, and increasingly criticism can be heard that politicians, desperate to ensure re-election, have become opinion followers rather than leaders. Indeed, 'control freakery' to prevent any dissonant (and possibly creative) opinions from being heard, could also be seen as a by-product of this evolution.

An analysis of what is missing on the EU level

On the EU level, an immediate feature that strikes every observer is the total lack of a 'European' media. The lack of a common language is a barrier - indeed, increasingly so, even in countries such as Belgium where the Flemish/French speaking divide seems to grow[3] - let alone in an EU where there are eleven official languages and many more vernaculars.

Without a common political culture, and a common means of articulating policies to the people,

understanding the importance of any particular policy initiative is bound to be confused at best. Each national media inevitably picks up on those European policies which are perceived as having most impact on their member state, especially if the incidence is negative. Furthermore, the sources interviewed and quoted are often those that come from the member state concerned - they are, after all, the best known at home, and speak the language. And yet, as one polyglot friend once stated after a meeting of the European Council 'having seen the TV reports sent out in four different languages, I had the impression that they were talking about four totally different meetings'. The confusion over what the various institutions actually do just reinforces public opinion in the view that 'Brussels' is out of reach and beyond control.

Hence, without this common intermediary vector, it is rapidly affirmed that no European civil society exists. Indeed, unless everybody learns a common language, there is no hope of such a society emerging.

Some critics would even go further and suggest that this absence of a civil society feedback or control mechanism has let the EU run away. Ironically, the same critics often quote two totally opposed tendencies to justify their affirmations.

On the one hand, they suggest that because of the absence of control, the Brussels 'eurocracy' has careered out of control. Precisely because Brussels (all institutions thrown in pell-mell together) is not subject to

elections, the bureaucrats do not have to care about public opinion, with all the abuses that can follow from this. Certainly it is the case that Commission officials used to pride themselves on their ability to think of long-term interests, and not to have to take decisions with only short-term (electoral) paybacks. Unfortunately this may have been perceived by outsiders as arrogance.

On the other hand, critics often also claim that business has hijacked the European project. A selective look at history can endorse this view. The major success stories of the recent past - the Single Market followed by Economic and Monetary Union - are undeniably projects which are business friendly, and indeed which were able to be pushed through sometimes reluctant national governments because of business backing. The downside of this is precisely that if business in general, and more specifically multinational corporations, are the only organisations capable of having their voice heard in Brussels, there is a serious risk of other parts of civil society having their interests squeezed out. Such concerns are loudly voiced in the debate on the Commission's initiatives to liberalise public services by bringing in cross-border competition (for instance in telecommunications and now in the energy and transport sectors). Given the tendency of certain member states to 'put the blame on Brussels' for these initiatives, there is not surprisingly a sense in some milieu that Brussels has been 'bought', and acts regardless of the citizens' interest.

The attempt to build a civil society

When first founded, the European Union's predecessor organisations did not have to worry too much about civil society. In fact, they managed to build it into the system in a way which was remarkably similar to the way that civil society acted in the founding six member states. Indeed, the Treaty of Rome even created an institution for trade union and employer representation, the Economic and Social Committee (ECOSOC). Given that these - along with the churches and political parties - were, at that time, the only major 'corps constitués' in the six member states, civil society was in a sense 'covered', especially as at least four of the member states handled their own relations with civil society in a very structured, almost institutionalised, manner. Even the advent of other groups in society was provided for with the growth of a third group in the ECOSOC which came to represent any organisation from local authorities through to consumer groups.

Indeed, even outside of these formal structures, other groups started to emerge. Right from the beginning, the agricultural communities had a strong voice established in part through the Comité des Organisations Professionnelles Agricoles/Comité Général de la Coopération Agricole dans la Communauté Européene (COPA). More interestingly still, in 1962, the emergence of consumer rights led to the setting up of the Bureau Européen des Union de Consommateurs (BEUC), which the Commission rapidly integrated into a number of consultative committees and which it even

designated as the consumers representative on the Comité européeen pour la Normalisation (CEN) and its electro-technical brother CENELEC.

Then the other institutional expression of society - elected representatives in a parliament - came on the scene. A directly elected parliament was seen as the main means of handling the democratic legitimacy issue, a means to give the citizen a say on policy, as the other institutional form of civil society representation was no longer enough, given the breadth of issues now covered by the EU. It was even hoped that the advent of European elections would be precisely the type of event that would start to generate a European civil society, by providing a focal point for discussions in all member states on EU policies. Likewise Parliament has spurred the birth of European parties, which are supposed to be means to evolve a political consciousness[4] .

Ever since then, as other new actors gained in importance, there has been a constant effort to co-opt them into the institutional fold, be it by:
• financially sponsoring the establishment of a European Environment Bureau to represent the environmental concerns (and to act thus as a counter-force to business lobbies);
• establishing liaison committees, which advise NGOs how to interact with the institutions, such as for development NGOs;
• sponsoring social dialogue (industry-trade unions) at a European level;
• member states agreeing to create a new

institution, the Committee of the Regions (COR) as a means to keep their own lower levels of government 'in the information loop'[5].

Simultaneously, as Brussels increasingly became perceived as the locus where key policy decisions were being taken, more and more interest groups have set up shop. Everything from starch producers to bird lovers, chemical industries to the Red Cross, and car makers to cycling associations are represented. According to the European Institute for Public Affairs & Lobbying, there were 4,000 interest groups employing 10,000 people active in Brussels in 1996, and at that time they projected that this figure would reach 9,000 interest groups employing 25,000 people by the turn of the century[6]. Indeed, these interest groups are also bound into the institutions through a myriad of semi-institutionalised consultative committees, procedures and hearings, which give them numerous formal chances to present their opinions.

Furthermore, an even more recent step has been to support the emergence of a European media. Be it by granting limited funds to the 'Euronews' channel, or by establishing 'Europe by Satellite' (which provides images of EU events to TV companies) the EU institutions have sought to foster the beginnings of an EU audiovisual media, through which common debate can be generated.

So how is it that some people can still claim that civil society's voice is not heard? With all this machinery in place, surely it has an impact?

For those who favour integration, there is evidence that the EU has reached a certain political maturity. For this group, even the recent crisis which led to the resignation of the Santer Commission was positive proof that the 'institutionalisation' of civil society was working well. For it was the summum of this incarnation, the European Parliament, which played the key role in bringing down the Commission.

Unfortunately however, for those who dislike the EU, there is evidence to the contrary. After all, who actually drives the European Parliament? Is it really the citizens, given the abysmally low turnout in the elections? In addition, what influence do the ECOSOC and Committee of the Regions actually have? Since when have they really been able to change anything of substance?

Furthermore, the legitimacy of the various European representative groups is doubtful. For instance, take the largest of all: the European Trades Union Congress (ETUC). According to its web site[7] 'As of October 1998, the ETUC had in membership, 65 National Trade Union Confederations from 28 countries and 14 Industry Federations with a total of 59 million members.' One would think from these figures that EU policy makers would be quaking in their boots when they meet ETUC representatives. But strangely, they do not seem to be. Why? Because of the nature of the ETUC: as a federation of national union groupings, it can only take decisions following extensive internal consultations. In other words, on any given policy initiative, the national trade union congresses (which are already themselves

federations of trade unions) have to decide on a position, which then has to be agreed upon by all at the European level. A slow, plodding process, in which the 59 million members on the shop floor are never involved and which generally leads to a lowest common denominator declaration: somewhat like the caricature of the EU itself at its worst.

And it is certainly not just the fault of the ETUC - indeed, in many ways, the ETUC is among the best of the bunch. Employers represented in the UNICE or any other sector group, be it industry, workers, or even NGO interests suffer the same fate when working towards consensus through some form of federation.

The problem is that at a time of major social change and ever-faster communications with electronic media there are still limits on the European civil society as it has emerged in its institutionalised form. Institutions mean slow procedures, and that guarantees a big distance or 'power gap' between even the active citizen on the ground and those representing them through federations of federations in the EU. Even the attempts at European media seem insufficient in this respect, given the resistance of language barriers and relative lack of success of Euronews.

So can Parliament be seen as a ray of hope? That begs the question as to how much is it really in contact with civil society and citizens - and how much MEPs are beholden to the national parties who guarantee their place on the list at election time.

Maastricht: Civil Society hammers down the door

For many, the first time that 'public opinion' irrupted into the mindset of Brussels was with the 'No' vote of Denmark on the Maastricht Treaty. Previously, the entire European integration process was driven by elites. To start with, it was the baby of a few visionary political leaders. Then it became the favourite child of economic leaders. But as of Maastricht, with all the directness and irreverence of a teenager, civil society hammered down the door of European decision-making, and leaders were forced to recognise that civil society could no longer simply be channelled off into institutionalised mechanisms.

Beyond the simple fact of voting 'No', what happened in Denmark was surprising for two reasons. Firstly, it was totally against the recommendations of the vast majority of the Danish political elite. The Folketing had already overwhelmingly approved the Maastricht Treaty, and all the major political parties were campaigning for a 'Yes'. The opponents in the 'June Movement' were a ragbag of figures, lacking the institutional power of the pro-Europeans. And yet, despite all of that, the nay-sayers had won. A first realisation of the power of 'a bunch of citizens'.

But secondly, and even more interestingly, the powder trail did not stop with Denmark. Naturally the debate that was provoked was stronger in those parts of the EU that were more sceptical, but many observers were surprised at the depth of anti-European sentiment that

was revealed in France, and the extreme narrowness of the 'Yes' vote there for Maastricht. Although pro-Europeans rarely recognise it as such, the 'No' vote in Denmark was, perhaps, ironically the birth of the first truly pan-European debate! Of course, this debate was articulated differently in each national press, depending also on the degree of overt hostility to Europe, but it was clearly a wave that spread across different member states.

It is perhaps not to be wondered that a change of Treaty was the first point of crystallisation of something new. After all, Treaty changes are not just like a policy initiative in one particular area. They are a fundamental choice of what type of society you wish to live in. And that choice is not just limited to 'more Europe' or 'less Europe'. For instance to include or exclude public services from the purview of competition policy, to determine that price stability will be more important than employment in currency management, to decide that justice and home affairs matters can be drawn up 'in camera' without either parliamentary oversight or Court of Justice control; all such matters are fundamental social choices, not minor tinkering.

And Maastricht left its traces. Not only did the European political elite make a series of declarations about being ever closer to the citizens and more transparent, but civil society actors also started drawing the lessons. Hence with the approach of a further Treaty change, a number of initiatives saw the light of day. The European Movement for instance founded the 'Permanent Forum of Civil Society'[8], a

platform of NGOs that presented a common list of demands. Initially this focused on the Amsterdam Treaty process, and subsequently has moved on to look at many other issues, most recently the EU's stance on the World Trade Organisation's New (Seattle) Round.

But the Permanent Forum was not the only initiative. The EP, in an effort to bolster its own importance in the otherwise purely inter-governmental process of Treaty reform, decided to hold two major public hearings where civil society representatives were invited to speak. Over 400 organisations took part, with interests varying from those struggling for children's protection in Ireland and Sweden to young federalists from Italy and France, through the Evangelical Church of Germany, and the lift manufacturers association! Parliament clearly realised that it could gain in stature and importance if it could be seen to harness the power of civil society, if it could go to governments saying that it - unlike the governments themselves - had listened to what civil society actors had to say.

Towards networked action

In many cases for the first time, organisations with similar goals discovered face to face through these hearings that they had similar interests with other organisations from other member states. One result of this was the birth of the 'European Inter-Citizens Conferences'[9] (ICC). The ICC, unlike the Permanent Forum, did not have the objective of presenting a common front. Rather it was conceived as a network of organisations which would encourage Europeans from all parts of the continent to meet and exchange views,

and thus to build up the transnational perspectives of what is happening in a way that is not possible when viewing things purely through national media. In other words, to get people who are interested in similar subjects to talk across borders.

Other interesting phenomena can also be identified. For instance, in late 1995, Royal Dutch/Shell announced its intention to tow the Brent Spar oil rig from its drilling location, and then to dump it in deep sea. Greenpeace took up the cause and occupied the oil rig, pulling a maximum of publicity on television screens around the globe. For a while, the struggle looked hopeless. And then suddenly Shell buckled and yielded. Why? Because on one given day, motorists in the German state of Bavaria decided that they were going to boycott Shell filling stations in protest at the Brent Spar plans; the result was one of the fastest major collapses in market share ever. So citizens in one part of Europe, a part that is not even adjacent to the North Sea, were able to cause a multinational to yield in the face of one highly organised NGO.

Then again, just as negotiators were fighting out the details of the Amsterdam Treaty, and arguing if there should - or should not - be an employment chapter in the Treaty, Renault decided to shut its factory in Vilvoorde, Belgium. Whatever the rights or wrongs of the case, it was perceived that one reason Renault had done this was to take advantage of fiscal incentives offered to build up another plant in Spain. The outcry was widespread, and gave birth to a new phenomenon - a pan-European strike by workers of the same company. The issue hit the headlines, and not just in

Belgium, but across the EU. Subsequently, Chancellor Kohl stated that it was the 'Vilvoorde issue' that convinced him that there should be an employment chapter in the Amsterdam Treaty, leading Germany - a fierce critic of the proposal - to do a complete U-turn. The employment chapter is now firmly in the Treaty.

And again, in the run-up to the last European elections, environmental and consumer groups stirred-up incredible amounts of publicity in the national press in each member state as to the risks and dangers of genetically modified organisms. Without the benefit of a centralised campaign, each piled on the pressure for a rejection of the draft legislation before the European Parliament. And lo and behold, the legislation was rejected.

With all these cases we can see the emergence of non-institutionalised networked action. Precisely because of the slowness of the institutional structures, those frustrated by their lack of voice have started finding a way to go around them. In each case, some form of emergent network, either the same organisation spread across different countries (Greenpeace), or 'sister' organisations already in contact through the European institutionalised process (Renault trades unions), or simply temporary coalitions of different groups, some big and some small (environmental and consumer groups), came together to exert pressure. Their combined impact was substantial, and drew enough media attention in all parts of Europe (and beyond) to carry the day, at least symbolically in terms of public opinion, if not always in substance. Vilvoorde remained shut.

But what does this mean? Possibly that power is shifting from the big 'representative' bodies to the smaller, niftier bodies that are able to bring an explosive amount of energy to bear on a very focused issue at a given moment; the kind of energy that causes it to figure on media radar screens, and to have a catalytic effect on public opinion across Europe and beyond.

Civil society - promoted by business?

The irony, may perhaps now be that business is waking up to this new picture and may even see an interest in supporting civil society networking. Be they driven by enlightened self-interest or by the desire to find what Cold War ideology described as 'useful idiots', there is a clear paradigm shift taking place in lobbying in Brussels today.

Of course issue based lobbying, where professionals are sent in to try to get the text of a directive changed, or passed or rejected, still exists. But increasingly professional public affairs companies are coming to recognise that the moment the pen has hit the paper and that a directive (or any form of policy initiative) is being drafted, *it is already too late to change much*.

Hence a substantial shift 'up-stream'. The aim is to frame the state of mind of the policy deciders, to expose them to industry's understanding of an issue, and also to win over the other stake-holders who are likely to be involved in lobbying on a question, before any policy decision is taken. The move is increasingly blurring the boundaries between public relations and

public communication, making lobbying only the most extreme form of a wider communications policy. And in that communications policy, the important civil society actors have to be brought in as partners rather than treated as enemies - otherwise, the likelihood that the regulator will listen is substantially decreased.

Indeed, in this respect industry and regulators were really quite taken aback by the degree of mobilisation and hostility to the Multilateral Agreement on Investment (MAI), which was under negotiation in the OECD a couple of years ago, and which in the end had to be dropped as a result of countries who feared the fall-out from negative publicity.

The MAI phenomenon also highlights two other interesting features. The first is that the frame of reference for this new, emergent civil society does not in any way correspond directly to any international organisation: networks happen at every level, be it one day on the EU level for GMOs or the OECD the next day, in the same way as the Brent Spar operation was not just aimed at EU citizens. Just as Europe's borders are becoming fuzzy with the limits of enlargement unknown, a similar phenomenon covering a much wider space across mainly developed countries is taking place.

Secondly, the MAI phenomenon was significant also because it underlined the emergence of a new medium - e-mail. The author was certainly not alone in being bombarded with e-mails inciting petitions and demonstrations against the MAI. And the petitions were always accompanied by short editorials, explaining (just as a good newspaper used to) the issues at stake and

what the proposals could mean in practice. Industry's views were totally absent in these tracts, whereas they were very much present in the 'centralised and official' media. And unlike the official media, these e-mails generally came from people that were known and trusted by the receiver. Suddenly, through e-mail, a massive self-organising system was possible. Certainly not one that covered the whole citizenry, rather only the better off citizenry with money for a computer[10]. But then, civil society activism (as against passive support or occasional participation) was never really an affair of the masses, even in an earlier age and in the member states.

Even more recently, the pictures of rioting in Seattle complete with the 'world-wide citizens movement against globalisation' (sic) have again brought home to many in Europe that if constantly ignored, some elements of civil society will react strongly to what they perceive as exclusion. The greater the degree of exclusion of civil society, the more violent the reaction, and the less the involvement of moderate elements of society. This is likely again to spur both companies and institutions to come to grips with these new emergent forms, precisely to remove the monopoly of the radicals who otherwise set the agenda.

Other equivalent manifestations are emerging like mushrooms after a rainstorm. Commissioners (Emma Bonino and Marcelino Oreja to name just two) went on-line to answer citizens' questions well before Tony Blair and Bill Clinton got in on the act. Numerous web-based services are now increasingly designed with civil society actors in mind, such as Euractiv[11], and Grande

Place Europe[12] , and the Commission itself has become one of the largest information sites in the world with its Europa server[13] . Similarly there are entire movements built upon the predicate of networked democracy, such as Prometheus[14] .

What is to be done?

So what does this mean for the policy maker?

Firstly, what is happening on the European level is just an exaggeration of what will increasingly happen on the member state level. On the EU level it is clear just how slow-moving our institutionalised civil society is - but in reality on the national level things are barely much better. Increasingly NGO campaigns, even if driven by relatively few people without any great degree of representativeness, can set the agenda if they can focus enough energy to draw media attention. It is hence no coincidence that the 'marche blanche' took place in Belgium: it was a spontaneous outpouring of national grief stimulated by intense media attention on institutional failure to stop a paedophile ring. Indeed, the formal civil society outlets were totally overwhelmed by this; these institutionalised forms, notably the political parties, were seen as part of the problem, not the solution. Likewise the unemployed and 'sans-papiers' movements were able to generate spontaneous support by taking over strategic spots in France.

But secondly, media fragmentation may now be a secular trend. Already gone are the days when all news came from one or two public broadcasters, and hence

any nation was guaranteed the same version of events. The emergence of commercial channels, and then also narrowcasters (those focusing on only one type of programme such as CNN on news), and increasingly of local TV stations and of website newscasting are offering more and more potential perspectives on issues. The EU also has contributed to this, both by promoting liberalisation, and by financing pan-European media.

However, if the internet revolution is completed, this is likely to bring the internet into each person's television set, and allow individuals to see programmes on demand. In other words, no longer to wait and see what the TV company has to offer, but actively to go and search for one's favourite football match, soap opera or theatre piece. Whilst this will not mean the elimination of broadcast (any more than TV meant the death of radio), it will fragment further the worldview of public opinion: *the media will no longer be the only feedback mechanism between policy maker and civil society, even on the national level*.

And so how should the European institutions act? Viewed from this perspective, the EU institutions are suddenly not at the disadvantage, but rather at the cutting edge. They are suffering first what all others will ultimately have to face. If the EU institutions are able to seize the opportunity, then they will have a competitive advantage, not the traditional national administrations, parliaments and governments.

They should encourage the networks, at every level. They should bring together every element of civil

society across Europe, simply let people who share common interests get to know their opposite numbers in other countries. And at the same time, they should actively go out and seek the opinion of these networks on concrete issues which are of concern. The Parliament could usefully hold more hearings and not just in Brussels.

Indeed, ultimately the information flow should be inverted: the needs of the citizen are not determined by Brussels and then 'communicated' to the broader community, but rather the outside networks communicate in to the decision-taking centre. And this should be pursued, even if the messages are often very critical and completely opposed to existing official policy[15], given the longer-term benefits of dynamising European civil society. In this way, the Commission and Parliament may be able to generate the popular drive they need to overcome member state resistance[16].

Furthermore, the institutions should encourage this networking to go further still, to cover other countries which do not even have a vocation to join: already there are initiatives in this direction, such as the Trans Atlantic Information Exchange Service[17]. After all, European civil society will only realise how much it has in common when it is confronted with the values of others in the world, who think and act differently.

The risks? There are indeed many. As pointed out, the networked activists do not have to be numerous to have an impact. There is indeed a risk of a lurch away from broader democracy in this case; but to counter that, there is a need for representative democracy to be even

more deeply anchored - and that means that the on-going institutional democratisation of the EU should be accelerated rather than slowed, making the EP a genuine co-decider and the Commission responsible to the electorate.

Likewise there is no reason to throw over-board the already established and institutionalised representation of civil society. The advent of the new does not mean the rubbishing of the old. ECOSOC has started deliberately adapting to the new reality and even the front of its brochures advertise it as 'A Bridge between Europe and Civil Society'. Likewise it was the motor for organising a meeting of European and Latin American civil societies to accompany the EU-Mercosur summit in June 1999. From such official platforms, a number of private initiatives are bound to emerge, and hence should be encouraged.

Conclusion

The EU's 'top-down' attempts to create the fora for civil society to interact has stimulated a wide range of activity. Parliamentary elections, the Economic and Social Committee, Committee of the Regions and various consultative fora have all acted to start public debates on Europe, have forced political parties to take stances and have focused the attention of some single-issue pressure groups. However, the key relay that acts to stir up a broader public debate - a common media - is still lacking.

It is nevertheless wrong to assume that there is no European civil society, and still less that none can

emerge from the bottom-up. All in all, the EU is going through a paradigm shift that is being felt by the European institutions first, but which is exactly the same phenomenon everywhere. The shift is a slow one, where the traditionally institutionalised civil society actors are slowly being outflanked by faster, networked actors. Legitimacy is emerging not from the number of members, but from the ability to produce pertinent ideas and a clever means to attract media attention - or increasingly to use alternative media to spread the message.

Some people mistakenly identify the cause of this shift in one particular technical means: the internet. This is false. The change is fundamentally the way that information is transmitted and processed. For information processing is the heart of decision-making. The Commission will only take action if its antenna start warning that one of its priorities (e.g. the unity of the single market) is threatened. Information supply, both direct to the Commission and indirectly through all other actors is essential here. Likewise the EU institutions are increasingly realising that it is not just the adoption of legislation that is important, but the way in which it is implemented. That being the case, the feedback of information on application of policy is ever more important and again increasingly comes from civil society actors on the ground[18] .

Bearing this in mind, industry is more and more aware that it may be to its advantage to encourage the emergence of civil society actors, and to make them allies, rather than to ignore them. Indeed it is probably to their benefit to encourage the emergence of those

forces even if they are critical, lest their most radical opponents make use of the vacuum they would create by neglect.

The whole issue of legitimacy is nevertheless posed in a new light. On the one hand, policy makers and corporations are increasingly realising that the emergence of this networked, often issue-based, civil society is something that does not respect frontiers, not even those of the European Union. Hence decisions such as ratification of treaties like Maastricht, or the launching of a WTO New Round, which used to be conducted behind closed doors and out of the public eye, are now matters of public interest. On the other hand, it risks opening the door to the dictat of a minority, if small groups without wider legitimacy manage to hijack the political agenda. Hence, more than ever before, democratic legitimacy becomes a central point for European institutions: in order to maintain their role and to prosper they must be demonstrably more democratic than the forces that are lobbying them.

Interestingly, however, what could be seen as Europe's negative could be its biggest plus. The fact that civil society is not highly channelled in the EU, and not fed from a central media source, opens the door to new forms of civil society articulation. This gives the EU the chance to lead the way - if it accepts that those who it will be encouraging may very often be critical of its policies and attitudes. At a time of paradigm shift, the risks are high, but so are the rewards. And in this case it is the EU which is leading the way and not the member states.

[1] Out of deliberate choice for simplicity, no distinction is made between the European Union and European Community (or even previous manifestations, notably the European Economic Community) in this text. The EU is hence used to cover all pillars of activity of the institutions, past and present.

[2] See for instance the inability of various governments from the mid-70s to turn the National Economic Development Committee into a meaningful forum for dialogue on economic policy.

[3] Not forgetting 60,000 mother tongue German speakers.

[4] Since the Treaty of Maastricht, this is even recognised as important in the Treaties themselves.

[5] Regions and towns were previously only represented as part of the 'others' group in the Economic and Social Committee.

[6] Valérie Kanza-Druart, 'Lobbying: technique d'influence ou stratégie de communication?', mémoire de fin de cycle, november 1996, MMA, Ecole de Commerce Solvay, Université Libre de Bruxelles.

[7] www.ETUC.org

[8] www.eurplace.org/orga/forumsoc

[9] The name was a deliberate 'clin d'oeil' at the official 'InterGovernmental Conference' which is the official title of the forum used to negotiate changes of the EU Treaties.

[10] The author knows of no scientific study of the use and role of e-mail in this context, but would be interested to hear of any.

[11] www.euractiv.com

[12] www.eurplace.org

[13] www.europa.eu.int

[14] www.prom.org

[15] As was already clear when the Commission held a meeting with Civil Society in preparation of the Seattle WTO meeting.

[16] For instance, the establishment of the first ERASMUS programmes back in the mid-80's owed a lot to extensive lobbying carried out by the students movement AEGEE, with these students even going to see heads of government and of state such as Mitterrand.

[17] www.tiesweb.org

[18] Anecdotally, UK groups have taken the lead in writing to the Commission to complain about breaches in application of environmental decisions.

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