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THESIS:

Civil Society Representation in the European Union:

Environmental and youth interests' representation in the drafting process of the European Constitution

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CONTENTS

The contemporary debate on the European Union's lack of legitimacy in the presence of the so-called democratic deficit has brought civil society back in the limelight, renewing academic and political discussions. This time the intention is to evaluate the potential of organised civil society in the context of the European Union's multi-level polity, different stages of policy making, and different modes of governance (Smismans 2006). One of the roles commonly attributed to civil society is that of intermediating between citizens and European institutions, and thus politicizing the former and legitimizing the latter. In this sense, the issue of the legitimization of EU governance through the participation of an active civil society, whether analytically or normatively discussed, is tightly linked to the degree and the quality of representation of civil society organizations. In other words, it is argued that in order to act as intermediaries and have a potential of legitimizing the European Union, civil society organizations have to be legitimate themselves, i.e they have to be representative in some sense. The main purpose of this thesis is to evaluate the "represenativity" of civil society organizations and to draw conclusions on their dynamics as legitimizing agents. The theoretical framework set first will serve as a point of reference for the empirical assessment of the "representativity" of the environmental and youth organizations that participated in the drafting process of the European Constitution.

The first part is intended to discuss theoretically important features of civil society representation, concerning the links of organizations with citizens (quality and degree of participation, authorization, accountability etc), their internal organization and level of involvement in governance. This analysis will illuminate the potential of different types of representation (consultancies, associations etc) to enhance democratic legitimization of European governance (Warleigh 2006).

Beginning with the definition of civil society, a first difficulty arises: there is not an undisputed definition of the concept of civil society; instead, the term largely varies across time and space. Enlightenment serves as a point of reference since it was then that the prevailing Aristotelian notion of civil society (synonymous to political community), was redefined. A connection between the civil and the political dimension of society emerged. The turning point though was Hegel's definition, which separated civil society from political society (the State). In modern times this dualism expanded further to underline civil society's autonomy not only from the State but from the market as well. Further distinctions are available, depending on whether the emphasis is placed to the associational life and community shared values (communitarians) or to the functions delegated to voluntary organizations. Moreover, in the literature some stress the notion of independence of civil society, while others focus on the intermediating functions of organized civil society. These traditions have influenced, in differing degrees, the way European Community conceptualizes civil society.

Although the European Union project was linked from the beginning with the activity of interest organizations that favoured the idea, it was not until 1996 that the need of "civil dialogue" (other than social dialogue) was formally recognized, giving birth to the European Economic and Social Committee. The "far-reaching process of administrative reform", initiated by Prodi, led to the White Paper on European Governance, which saw civil society as a promising solution to the Union's legitimacy crisis and the democratic deficit.

In the absence of a commonly accepted definition I will adopt, for the purposes of the present thesis, the notion of civil society as envisaged by the European Economic and Social Committee and the White Paper on Governance.

According to EESC the term civil society is 'a collective term for all types of social action, by individuals or groups that do not emanate from the state and are not run by it'. Pluralism, autonomy, solidarity, public awareness, participation, education, responsibility, and solidarity, are recognised as integral components of the concept of civil society. More precisely, civil society organisations are defined as 'the sum of all organisational structures whose members have objectives and responsibilities that are of general interest and who also act as mediators between the public authorities and citizens'. (EESC 2001) Under this quite broad definition fall: the well known "social partners" (trade unions and employers' organizations), organisations representing other social and economic players, nongovernmental organizations of "common cause" that may vary from environmental to charities etc, community-based grass-root organizations (such as youth organizations), religious communities that bring into action citizens in the local and municipal level.

In brief, the European Community, acknowledging democracy as a dynamic process through which (endogenous) public interest is being transformed (Curtin 2002) it promotes a pluralistic notion of civil society, emphasizing the deliberative character of participation.

One should note that a clear distinction between public and private interests is hard to be made since the Governance in the EU level "is increasingly characterised by complex interactions between public and private actors and by a blurring of the public and private sphere. This", as Smismans (2006) claims, "may be a democratic time bomb as it challenges traditional ideas of democratic accountability, but may also provide a potential to deepen democracy through participatory procedures" (Smismans 2006, p. 3). Another distinction though, that of civil society-state-market is still present. However, this mainly serves for definition and comprehension

purposes, since the role that European Community attributes to civil society is intermediary and consultantive: the attempt is to approximate –in a bottom up sense- rather than separate these three spheres. "Minding the gap" between citizens and European institutions, the Community seeks to ease the democratic deficit and gain in legitimacy, through "representation of collective interests" and civic politicization.

Although the intention of the European Community is to be inclusive in its consultations with civil society, certain criteria have been applied in order to evaluate the importance of each group's possible contribution. In this vein, "representativeness" is a definitive benchmark for attributing to an organization the right to participate in policymaking (Bignami 2003). The Commission and the ESC define both quantitative and qualitative criteria that form the profile of a representative organization. Thus, the limited membership of an organization is not always a sufficient condition to exclude it from participation processes, as not "representative", since there might co-exist other qualitative characteristics that reveal that a specific group may be more representative than numbers or statistics suggest.

According to the Commission and the EESC such characteristics might be: the ability to provide expertise; 'representing general concerns that tally with the interests of European society'; having authority to represent and act at European level; permanent existence at Community level; independence from outside bodies etc. These criteria may be interpreted as 'functional' -in the sense of expertise and implementation-, or as 'democratic representative' –aiming at policymaking-, and it is not yet clear which one of these interpretations will prevail in the European context (Smismans 2006)

For the purposes of this thesis, "representativeness" will be examined in two levels. The first, the "bottom level", consists of the structure of civil society organizations, namely the nature of membership participation, the internal organization, the internal relations etc. The emphasis at this

level is on how the relationship between participation, authorization, accountability (among others) and representation is established. This determines whether the groups are organized effectively and democratically and thus the potential of civil society as a whole to facilitate the democratic legitimization of the European Union. The second level is on the way "up": ability of civil organizations to establish the link between citizens and governance. Here, the mechanisms that each group chooses to ascend the bottom-up path is highly important.

In the second part I attempt to cross examine the above theoretical approach with specific data tracing the activity of civil society. Drawing information mainly from the websites of organizations, and the official European Community's website, I focus on the participation of organized civil society in the process of drafting the European Constitution. This choice is based on the following points:

First, the European Constitution project is meant to be the most important recent attempt to boost the political legitimization of the EU. Second, its drafting process represents a unique opportunity for formal, codified and publicly presented civil society participation. Third, the participation of civil society organizations in this process is an attempt to scrutinize and exert influence at supranational level during negotiations of higher order rules, not only at the level of decision making. Thomassen and Schmitt (1999) have argued convincingly that the democratic and legitimacy deficit in the European Union is tightly linked with the absence of control and influence of the procedures that precede the decision making processes at supranational level, which is due to the loss of power of national parliaments to scrutinize the negotiations (Single European Act).

The European Union's online forums were open to different organizations concerning environmental and consumer protection, anti-racism, regionalism, gender policy etc. Features such as internal and external links and organization are both more explicit in the constitutional process than in any other form of informal civil participation, and utterly interesting for the examination of the contribution of civil organizations to European Union legitimization, irrespectively of the outcome of the drafting

process. In fact, it is difficult to trace the exact contribution of civil society organizations to the final text of the Constitution, since various players and institutional actors have interacted at different levels. Thus I focus on the contribution of organized civil society in terms of input legitimacy. After all, as Habermas pointed out, "for a long time, it was possible for the European project to earn legitimacy thanks to its results. However, in times of global economic change, conflicts of distribution are around the corner in the complex Europe of 25 member states, this type of results-based legitimacy is no longer enough." I thus focus on the process of involvement of civil society in the European Constitution project, rather than on the results.

PART I : **Civil society and the concept of representation**

During the last decade and in most western democracies there has been strong empirical evidence of a significant and constant drop of citizens' trust in political parties, political institutions and state actors. It is argued that this decline is the outcome of a multiple crisis of politics, of representation and of the party system (Ruzza 2004). This climate of citizens mistrusting the politicians and political parties and discrediting the processes of societal representation, transcends the boundaries of the Member States to pervade the European Union in total. The convoluted European institutional context, which consists of both purely intergovernmental and supranational institutions, complicates the decision making process and obscures the distinction between actions and outcomes. The practices of scrutiny, political influence and accountability are obstructed in a Union of "multiple vertical level and various horizontal political environments" (Greenwood 1998). Hence, the credibility gap between citizens and political actors is widened. This questions the legitimacy of the European political actors and further adds to the crisis of the European system of political representation.

Still, in this same context, a growing interest of citizens in "theme-related information and theme-related activity as an alternative form of political engagement" (Curtin 2002) has been identified. The civil society sector has gradually expanded both at national and at the European level, introducing a new -alternative- mode of public participation: proactive citizens assert a more energetic participation in fields of their interest. The change in distribution of power between the Member States and the European institutions has triggered the expansion of interest group lobbying at various levels within the European Union, which becomes "a fascinating example of collaboration of diverge range of actors of different structural power" (Young 1991, in Cram 1998).

Lately, academic discussions have centred on the activity of these non-institutional actors, evaluating their role in addressing the so called democratic and legitimacy deficit of European

Union. Recent literature examines the contribution of organized civil society in dealing with the prevailing bureaucracy and lack of information that harms the efficiency of the institutions in charge of the European policies and obscures the decision making processes. The role for the more specialized issue oriented organizations "emerges as a kind of well informed 'early-warning' mechanism helping to stimulate and focus public deliberations on related areas" (Curtin 2002). More importantly, there have been attempts to assess the potential of these organizations to formulate a sense of European identity and a sense of European community.

In this vein, the Commission has included civil participation in its "five principles of good governance" (openness, accountability, effectiveness, coherence and participation) (White Paper on Governance). Civil society discourse is expected to enhance legitimacy in the following ways:

a) by knowledge and expertise

b) by good management of the policy chain, enabling the Commission to satisfy the needs and respond to the interests of European citizens, "creating brand loyalty"

c) by contributing to European institutions' accountability and

d) by expanding the Commission's policymaking competences to various social policy matters of great public interest (Bignami 2003, Smismans 2006) : the Commission can either retain or transfer public authority to organizations and consult or supervise them, respectively.

Although the Commission has been the most vigorous institutional promoter of governance by civil society (Smismans 2003), financing several organizations, the European institution that most readily consults civil society organizations has long been the European Parliament. The EP attracts a wide range of lobbyists and has regular and fruitful collaborations with representatives of civil society organizations concerned with environmental, social, cultural and other issues of European and national importance. By contrast, the most powerful of the EU institutions, the Council of the European Union, is the least accessible to organized civil society; any speaking right is hardly anything more than consultation by grace and favour (Beger 2004).

Overall, in consulting civil society organizations European institutions have a bias in favor of pluralism. A large set of actors and interest groups - beyond social partners - is consulted, although there is no legal right of participation: an organization's influence depends to its "representativeness" (Bignami 2003), and in the absence of this quality the access to European institutions will be likely denied[1]. According to the European Social Committee (ESC 2001) a critical precondition and legitimising basis for participation is adequate representativity of those speaking on behalf of organised civil society. When consulting civil society organisations, the European institutions should ensure that these bodies are representative in a sufficient degree. However, the Commission recognises that effective and fine policy ideas are not by definition representative ones and that "considerations of output legitimacy can conflict with considerations of political legitimacy" (Ruzza 2003). It is acknowledged (Commission 2000a) that representativity, though a criterion of great magnitude, should not be the only determining factor for membership of an advisory committee, for taking part in dialogue with the Commission.

Even so, it is important thus to analyze the concept of representation and the distinct elements that make an organization representative. As Hanna Pitkin (1967) claims, representation is a rather multipart concept since "what makes it representation is not any single action by one participant, but the overall structure and functioning of the system, the patterns emerging from multiple activities of many people". It may also be claimed that representation is socially constructed in the sense that it might be viewed as the outcome of a dialectic process of "discourses of legitimacy, power holders and power challengers, new and old forms of wealth and status" (Bignami 2003). Not surprisingly though, there is no commonly agreed upon normative theory of representation, and thus no undisputed criteria of quality (Thomassen and Schmitt 1999). Still, as Brown suggests, if we abstract from historical models of representation, which have privileged some elements of

[1] Bignami 2003, Magnette 2003: In this sense, it is argued that the Commission reveals a deep ambivalence on the question of pluralism or corporatism: it does not wish to create bureaucratic hurdles to the access of civil society organizations in consultation process, but it always consults organized and "representative" organized interests

representation over others[2], we can identify five distinct elements: authorization, accountability, expertise, participation and resemblance (Brown 2006, p. 2)

For the purposes of this thesis, I will first discuss these five qualities, taking the view that the representativeness of civil society organizations depends on the combination of authorization, accountability, expertise, participation and resemblance. It should be noted that the analysis is based on the separate examination of these qualities only for comprehension purposes, and does not suggest that all the five elements must be present in every organization simultaneously and at the same degree, nor does it imply that these qualities do not interact. Subsequently, I will focus on "the way up", that is, on how the various organizations make their voice heard, cooperate with each other, compete with other interests, etc.

authorization

Civil society's contribution to European governance, and more specifically its potential to act as a catalyst in legitimizing "a decentralized, networked exercise of political authority" (Ruzza 2004), is linked to the degree and quality of civil society organizations. This issue includes two difficult, though critical, questions. First, to what extent civil society organizations are authorized to represent European's society "best interests" and second, to what extent they are authorized to speak for their members.

The answer to the first question is usually given indirectly, say by using the argument that civil society organizations provide expertise and represent non humans or European future generations. Still, it must be recognized that at the kernel of the question whether organized civil society is authorized to speak for the European society, lies a thorny problem, which is difficult to resole

[2] for a further analysis see Brown (2006)

analytically or empirically: organized civil society is expected to be authorized by a "European society" which hardly exists in the first place (Phillips 1998). Or even worse, organized civil society is expected to be authorized by what it is expected to create: a sense of European community / European People. If we depart from the concept of European society and turn to that of European peoples, the correspondence between a European people authorizing and a European civil society is obviously lost, and we are left with the intricate undertaking of aggregating national public interests. Of course, there are cases of public interest organizations whose field of activity goes beyond the national boundaries and is tightly connected with pan-European or international social movements (e.g. the case of European Women's Lobby) (Ruzza 2004).

The second question refers to the issue of members attributing authority to civil society organizations. In the absence of elections, which ideally function both to authorize representatives and to hold them accountable, one is obliged to turn to alternative forms of organized civil society authorization. According to many democratic theories of representation, the "second best" to direct public authorization is indirect public authorization of members of advisory boards "through appointment by elected officials or their surrogates" (Brown 2006). However, the organizational and operational dynamics of most organizations permits such an indirect link only to the upper organizational structure (annual Assemblies elect the Board which elects the Director), leaving the link with the grassroots base rather opaque.

Civil society organizations thus turn to alternative sources of authorization; first, they often attempt to present their membership base as a vote of confidence for the activities they undertake. However, this is an oversimplifying approach that cannot substitute any form of democratically organized / run elections. Second, the argument that they represent "society's best interests" is disqualified by empirical evidence (Smismans 2006) that shows that they might as well represent particular interests and be unable to establish a link between citizens and the state. Finally, organizations assert pubic authorization by claiming expertise. In fact this is proved to be an

important point of reference for tracing some kind of authorization and thus for defending the "representativity" of organized civil society organizations (see separate section).

accountability

"no plausible theory of representation can afford to discount questions of accountability: representatives who are in no way accountable, are not representative at all" (Phillips 1998)

The case of organized civil society accountability is a complex issue because of the large number of internally differentiated organizations (both at the European and national level), which interact with multiple actors to whom these organizations may be in several ways accountable. Still, in the light of significant shifts in understandings of governance and in power relations, and in the presence of the democratic deficit and the legitimacy challenges of EU (Naidoo 2003), the answer to the question "Who guards the guardians?" acquires vital importance. It is essential to look thoroughly both at the different concepts of accountability that apply to these organizations, and at the mechanisms used to deepen the quality and degree of accountability.

Accountability, in the sense of holding someone accountable and giving account, can be understood in several ways under the following terms (Kaldor 2003, Brown 2006, Fox 2000): a) internal "vs." external accountability, functional "vs." strategic accountability, procedural "vs." political/moral accountability, b) horizontal "vs." vertical accountability c) upward "vs." downward accountability. These pairs are in many cases mutually interdependent (Fox 2000). In brief, the above terms denote the following:

1a) **Internal – functional – procedural** accountability. These terms refer to the internal management practices and the responsibility for resources spent. More specifically, they refer to the

self motivated efforts of internal management structures (board, executive committees, and directors, to whom the staff reports) to act in accordance to the organizational mission and values of the organization in order to attain agreed goals. In this vein, the representatives are concerned with actual requirements such as accounting for spent resources and recording immediate activities and accomplishments (Naidoo 2003). Most civil society actors have some degree of procedural accountability, which depends "on the social composition of the group, forms of funding and the type of organization" (Kaldor 2003)

1b) **External – strategic – moral – political** accountability. These terms describe the accountability of civil society organizations towards the people they were established to aid, towards the beneficiaries, and towards the donors (Brown 2006). More specifically, they refer to the extent to which civil society actors remain loyal to their original goal and meet established values (such as: compliance to the rule of law, loyalty to impartiality and independence, respect of declaration of human rights). They also refer to the ability of organizations to give consistent account to the donors for the resources spent, and to measure the long term impact of an organization's activity (Kaldor 2003).

The balance between these two types of accountability varies for each organization.

In the era of electronic media and internet extensive information, which spreads available information on organization structure, goals and activities (Curtin 2002), the concepts of horizontal and vertical accountability gain a new analytical interest.

2a) **Horizontal** Accountability refers to the relationship between the various civil society actors, who "see themselves as part of a public process rather than part of a competitive culture (as is the case within the business community)" (Naidoo 2003). Scientific knowledge and overlapping interests, provide incentives for co-ordination and reciprocal monitoring, and thus mutual accountability.

Horizontal accountability adds to reciprocal understanding and encourages transparent dialogue between social actors. It even permits sanctions within any given coalition between NGOs, for example,

2b) **Vertical** accountability is considered as an element of strategic importance for efficient, transparent and legitimate democratic governance. It refers to the relationships between the citizen and civil society, the state, and the global community. In the context of organized civil society, vertical accountability could be discussed in terms of: 3a) **Upward** accountability. Civil society organizations are held accountable by external actors such as funders, donors, governments for the resources spent or for their loyalty and efficiency in obtaining particular targets. 3b) **Downward** accountability. It refers to the accountability of organizations to constituents such as community groups, activists, or other beneficiaries of their activity (Kaldor 2003).

Civil society organizations that seek to establish accountability in the ways outlined above make use of mechanisms based on the principles of transparency, independence, efficiency and credibility. Naidoo (2003) offers a comprehensive analysis of the most important such mechanisms. First of all, the members of their governing boards are often individuals -external to the organizations- who monitor the activity and ensure the compliance of the organization to the targets and principles it has declared to serve. The role of the boards is supported by "consultative and participatory mechanisms" that allow for the significant involvement of various constituencies in project planning and evaluation of activities. Moreover, civil society organizations have self regulation mechanisms (codes of ethics / codes of conduct) and high standards for transparent disclosure and public reporting (reports, evaluations, budgets), in order to receive evaluations on their activities and obtain credibility about their achievements. After all, if the advocacy efforts of civil society organizations are judged ineffective, they are bound to lose their credibility and public support ("perform or perish"). Yet, it is highly debated that self-regulation suffers from "non-enforceability" (Naidoo 2003).

Overall there are a number of factors (field and scale of activity, number and competences of people involved) that influence the type, quality and degree of accountability of each organization. Local associations with limited membership and staff are more easily monitored by the local communities, whereas international organizations, with multiple stakeholders and co-operators have more complex and varied structure and activity, and thus it is more difficult to hold them accountable. Another important distinction is that between membership organizations, who seek to represent the interest of their members, and "non-membership based" NGOs or service organizations that are committed to broader goals. As Fox (2000) argues the relations between actors are qualitatively different and thus require for a differentiated analysis in terms of vertical and horizontal accountability.

Even so, it can be argued that most civil society organizations are accountable in at least one of the ways outlined above. In fact it has been supported (Fox 2000) that even if they "lack precisely-defined constituencies" or even if the processes are not clearly institutionalized, civil society organizations overcome these inherent weaknesses by building alternative channels of accountability. The main ones are that of mutual accountability (sets the "rules of the game" for all the participants), and that of public access to data and evidence (reveals the distance between set standards and actual practices). In this vein, organized civil society can play a significant role to political accountability through its influence on political cultures, by altering and moulding the expectations of citizens vis a vis the political agents.

expertise

From the European Commission's point of view, expertise and scientific information dissemination are two of the main reasons for supporting and sustaining the involvement of organized civil society

in the European governance. In fact, an accepted wisdom has been formed which indicates that, in order to deal with problems of asymmetry and lack of information, the EU has to "trade" voice and influence for information (Greenwood 1998). It has even been argued that if decisions of EU "consistently ignore expert consensus on relevant matters, their instrumental effectiveness is likely to suffer sooner or later" (Brown 2006). It is worth mentioning that in many cases research programmes of civil society organizations' scientific partners are more substantiated than the opinion of European science specialists (Warleigh 2000).

From their part, civil society organizations are "no longer satisfied with a single lobbying role" (Curtin 2002) and seek to be consulted systematically and regularly in their field of expertise. Hence, the relationship between civil society organizations and European institutions has been modified qualitatively, since a more tight interdependence between the two actors has been established in the name of "exchanging information", and the one-sided lobbying has given way to the consultative role of organized civil society through an open dialogue.

Nonetheless, some analytical reservations have been expressed. Expertise is considered by the Commission as a "qualitative criterion" of representativity in the sense that civil society organizations "represent many more than the membership of their associations suggests." (Smismans 2003). However, as Smismans accurately notes, such an approach might limit other important features of civil society dynamics as legitimizing agents :

> "may be more akin to a conceptualisation of civil society as functional representation (aiming at expertise and implementation) rather than civil society as functional participation (aiming at a broadened representative basis for policymaking)" (Smismans 2003, 492)

Yet, other scholars are optimist about the ability of epistemic communities to "foster the expertise element of democratic representation by making itself more democratic" (Brown 2006) and their ability "to turn science into politics or to seek to prevent science from entering the political arena"

(Haas 1992, in Greenwood 1997). Specifically, it is argued that civil society organizations contribute significantly in advancing the expertise element of representation in the European institutions, by enriching the store of technical expertise and moral arguments available for public deliberation and decision-making (Brown 2006). Most importantly though, a two level dialogue is established between a) citizens and experts b) experts and policy makers: civil society organizations democratise expertise and function as a link that approximates citizens to policy makers and transfers to authorities - in a bottom up sense- the public concerns , for example on the use of technology and its implications for society and future generations.

resemblance

The discussion on whether organized civil society is representative is closely connected to the question whether the representatives of such organizations have any resemblance with the society and their grassroots members. The analysis so far has provided arguments that doubt the possibility that civil society organizations – in the absence of a totally inclusive membership- could mirror, or be descriptive of / "stand for" particular social groups (Pitkin (1967) the society. However, descriptive representation itself is an inherently problematic analytical tool in affirming resemblance, since it suffers from unwarranted assumptions. It conceives representation as a demographic similarity between representatives and constituents: the point of reference is the identity of the representative (who is identified with a particular social group) and not his / her preferences. It is falsely suggested that representatives are only capable of representing the interests of *their* social groups, and that participants have given (exogenous) preferences and fixed interests that cannot be transformed through information or experience, but rather remain static within a particular social category (Brown 2006)[3]. As Phillips claims, these are clearly –and dangerously- erroneous

[3] Brown (2006) also states other unwarranted generalizations such as the homogeneity of people participating in a social group, and that any person belong only to one (not multiple) statistical categories.

assumptions of a notion of resemblance that can never be "the basis for an alternative system of representation" (Phillips 1998, p.157).

To answer the question of whether civil society representatives can be thought of as "acting for" (Pitkin 1967) their constituents we have to discover whether "the represented accept the *reasons* they (the representatives) have" for choosing specific actions over others. However this is a rather opaque issue that cannot be easily measured or estimated, since at the grassroots level the main option most members have, and make use of, is that of entering or exiting, beginning/continuing or terminating their subscriptions, without stating specific reasons. Still, it has been proposed that civil society organizations, demonstrating a strength of commitment to a particular package of reforms and values (Phillips 1998), represent not the interests of their constituents but their "social perspectives", and shared experiences (Brown 2006).

participation

Democratic theories have long tended to consider participation as inherently antithetical to the concept of representation (Brown 2006). However, these approaches tend to ignore the represented, as actors who can monitor, advise and communicate with their representatives. In addition, there are several arguments for understanding participation "as integral part of representation" [4] In fact, both the Commission and the civil society actors share the view that organized civil society has a potential of boosting a sense of citizenship and providing a channel for its expression at the various levels of European governance (Curtin 2002). In the White Paper of Governance the involvement of civil society is not only evaluated in terms of "production of good policies" but also in terms of contributing in efficient and legitimate, less top down and more inclusive governance. Nonetheless, the conception of citizenship acknowledged by the Commission

[4] Brown (2006)

is a rather limited one. Magnette (2001) has argued that in the absence of a legal right to participation, the choice of consultative groups lies in the hands of European institutions, which set the criteria for participation.

In the interior of civil organizations there have been attempts to strengthen both the degree and the quality of participation, with the intention of alerting public opinion to contemporary issues and of gaining in legitimacy as interlocutors in the European dialogue. More specifically, there has been an attempt to move from reactive to proactive membership (Webster 1997). Citizens are invited to make use of new technologies in order to participate in online conversations on various topics, to address their concerns, or even to co-sign letters of complaint sent to elected representatives in different levels of governance. More radically, NGOs such as Greenpeace have launched new forms of activism such as cyberactivism, or "one minute activism" (Greenpeace website). Membership, donations and financial support remain important ways of participation (vital for the budgets of many organizations), and in fact, the large size of the budgets of public interest groups are due to donations and fundings (Greenwood 1998). However, there is an attempt to create a culture of active citizens, who can also "have pivotal roles to play in ensuring the more widespread dissemination and filtering of information with the aim of assuring more concrete possibilities for political participation in the deliberative process itself" (Curtin 2002)

Nonetheless, some claim that participation is rather limited in the European Union. First, it is argued that numbers are misleading, since some organizations tend to exaggerate membership (Greenwood 1997) and it is quite often to have overlapping of membership, partly due to overlapping of organizations interests. Second, participation still remains an activity that might have a substantial opportunity cost for a great proportion of society, and thus is inherently elitist and non inclusive to those that have limited time, limited financial resources, or limited access to new technologies. To put it more generally, as Magnette claims, participation requires "cognitive and motivational resources" (Magnette 2006, p. 17).

Still, it can be argued -in a Kantian sense- that "all citizens benefit from the activity of more active ones" since the benefits spill over the society as a whole: a growing and active participation of citizens in governance through the organized civil society shapes prevailing conceptions of participation itself and increases public interest in policy, while "lay knowledge" endows with perspectives either ignored by or inaccessible to those who approach matters from within a specific institutional framework (Brown 2006).

PART II **Case study: Civil society organizations representing environmental and youth interests in the drafting process of the European Constitution**

The following part of this thesis is intended to cross examine and corroborate the findings of the above analysis through a close observation of the involvement of civil society organizations in the drafting process of the European Constitution. "Futurum", the formal online forum organized by the European institutions, will serve as a point of reference for the consideration of the strategies and contributions of civil society organizations. The analysis will not be aiming at tracing the precise influence of the contributions made or at evaluating their results, since 'specific degrees of influence over policy decisions and non-decisions are largely incalculable.' (Greenwood 1997 : 216)

Futurum is "the interinstitutional portal site relating to the future of the European Union in general and the process of drafting the European Constitution in particular". The creation of Futurum is one of the first attempts of European institutions to establish a formal, transparent, and easily accessible dialogue with civil society organizations. According to the White Paper on Governance (COM (1.3.2000) 200), the Commission committed itself to provide better information about its consultation process by launching a database that would include the formal and structured consultative bodies, in which civil society organizations participate. The database for "Consultation, the European Commission and Civil Society" (CONECCS) offers a record of the Commission's authorized interlocutors, say civil society organizations satisfying the criteria set by the Economic and Social Committee (OJ C 329, 17.11.1999). Futurum, although intended to be more open to individuals and to a broad range of organizations than those classified in CONECCS, still it stipulates some pivotal criteria for participation to the discussion of the European Convention in particular (Inauguration of Futurum, 07.03.2001). Namely :

• the Forum is made up of European and national organisations which have sent in a substantive contribution for the attention of members of the Convention, putting across their point of view and their ideas on questions relating to the future of the European Union. These organizations must fall in the following categories : political interests, socio-economic interests, academic interests and think-tanks, other civil society organisations, NGOs, schools of thought etc.

• Only organisations can be participants. Individuals who wish to take part in, and contribute to, the debate are encouraged to do so via the wide range of civil society organisations which are authorised to participate in the debate, and via the various political, socio-professional, academic and other such organisations.

Civil society organisations can also contribute to the debate through a partnership. Additional prerequisites are stated as follows:

• Publications must be regular and related to the debate.

• A specific page on the organisation's Internet site must be devoted entirely to the debate on the future of Europe. All the documents produced by the organisation will thus be available.

• The organisation must install the link or the icon of the Futurum site on the page devoted to the debate so as to provide a two-way connection between the two sites.

In all, Futurum, as a permanent gateway of reciprocal and interactive exchange of information, is intended to give civil society the opportunity to make its voice heard in "a real European public forum". In this vein, its ultimate all inviting target, as set by European officials, is to "bring the European Union closer to its citizens and reduce the perception of a democratic deficit which some observers say is characteristic of the European Union's institutional system".

The participation of civil society organizations in the forum dedicated to the drafting process of the Constitution was not at all negligible. In fact, the various contributions show a rather intense

involvement that deserves consideration. In general, contributions either have the form of general comments on the drafting process, the Constitution as such and its importance, or they constitute specific objections and proposals concerning particular Articles. Quite often, some organizations that share the same interests participate by co-authorship of texts, which they publish and sign jointly.

The study of the participation of civil society organizations in this official forum would be facilitated if the some 450 contributions were listed by subject and by group of organizations (depending on their field of activity). Following the above categorization, one would have to list at least 15 categories, namely :

- Agriculture and rural development
- Animal Rights
- Athletics
- Disarmament
- Churches & religious communities
- Culture
- Development
- Economic Affairs
- European Integration / Future of Europe
- Environment
- Family Affairs
- Health
- Human Rights
- Regional Policy
- Social Affairs

The above groups differ in the number, the variety and the regularity of contributions. For example, "Health", "Athletics" or "Family Affairs" have hardly more that two or three organizations with limited participation. The group "Culture" consists of a dozen of French (primarily) and German organizations that underline the importance of linguistic diversity. Thus the issue of safeguarding the "lesser used" languages and minority cultures monopolizes this category.

For the purposes of a well-founded and valid analysis, I will exclude from the scope of this study the categories that are limited in number of contributions / participating organizations. Although it may be claimed that they have contributed in the creation of an environment of participation and exchange of information, they are *ex ante* highly improbable to fulfil any of the criteria of "representation" as set in the previous chapters. Hence, I shall focus on the categories of Environment and Youth Organizations contributing on the future of Europe. These two groups have a deep resonance in Europe and share some characteristics, which are typical of the organizations that participated in the above mentioned categories.

In brief, they are inter-nationally present for a considerable time period, they are more or less connected to social movements, seeking to benefit wider society, and they claim independence from vested interests, which is seen as a prerequisite for asserting credibility and ability to confer legitimacy (Ruzza 2004). Although they are often disparate regarding their structure, legal basis, and relations with the elected representatives of different levels of European governance, overall they typify the participation of civil society organizations, and thus are most germane to the purposes of this thesis.

1. Environmental Civil Society Organizations

Environmentalism is associated with the "new social movements" that emerged after 1968, concerned with issues related to peace, human rights, women, environment, among others (Kaldor 2003). It has been one of the most successful and active movements in Europe, attracting the public interest during the last decades. The issues that fall in this category vary from the protection of biodiversity to the managing of toxic wastes, and from agriculture to climate matters. The key characteristic of these problems is their inter-regional and inter-temporal nature, which necessitates international and cross-sector coordinated solutions. In fact, a number of actors (industries, consumers, government, regional authorities, and environmentalists) compete with each other both at low and high politics level. As Greenwood states "Environmental issues are far from being a simple contest between green citizens on the one hand and firms reluctant to meet the costs of compliance of environmental regulation on the other." (Greenwood 1997, 183)

From the point of view of European Union, environmental policy is an important prerequisite for the sound development of the Community and the consolidation of the Single Market, since it is often closely intertwined with issues of competition and trade (Leeferink et al, 1993 in Greenwood 1997). Moreover, civil society organizations are seen as creditable interlocutors, providing valuable information, output legitimacy (Scharpf 1999 in Ruzza 2003), and assistance in formulation of efficient and accepted policies (Greenwood 1997) . In fact, the so-called "second pillar" of the European Convention relates to public participation in environmental decision making (White Paper on Governance, Group 2a, "Consultation and Participation of Civil Society).

In this vein, the Commission and Parliament have financed the Offices of several environmental civil society organizations in Brussels. The creation of European Environmental Bureau in 1974 signalled the deep proliferation of the environmental movement that reached its peak at the end of eighties, when most of the organizations now comprising the so-called Group of Eight, established offices in Brussels. The common purposes shared, as well as the greater influence of collective

rather than individual- lobbying in shaping policy outcomes, favoured the coordination of their activities and the establishment of a long term and multi-level collaboration. The participation of the Group of Eight in the constitutional process is neither the first nor the sole example: environmental NGOs have jointly participated in the revision process of the Fifth Environmental Action Programme and that of the Maastricht Treaty (Webster 1997, p.184). The expanding "G8" participated as "Group of Ten" in the drafting process of the Constitution, contributing numerous texts signed jointly by the G10 members.

G10 is an informal association of environmental NGOs at EU level and consists of the following organizations: Bridlife International, CFE Bankwatch Network, Climate Action Network (Europe), European Environmental Bureau, European Federation for Transport and Environment, European Public Health Alliance Environmental Network (EEN), Friends of Earth Europe, Greenpeace European Unit, International Friends of Nature, and WWF European Policy Office. What follows is a summary of the main characteristics of the core G10 members, consisting of a descriptive outline of the members' profile (organization, transparency, degree of institutionalization, membership, practices, orientation etc), that will serve as point of departure. Both their crucial similarities and dissimilarities are made explicit.

The **European Environmental Bureau** is a Federation of Environmental Citizens Organization, with permanent representation in Brussels since 1974. Actually this is the only Office EEB runs worldwide; EEB is organized in a federated structure of 142 environmental organizations found in almost every European country. Its membership base varies in regional, social and economic terms (Webster 1997 : 179). EEB's internal structure consists of the secretariat, eleven staff members, a scientific advisor and program-campaign coordinators. Representatives of national conferences, one for each country, participate at the General Assembly, held in an annual basis. Their main preoccupation is to make EEB "an effective instrument in visibly improving EU's environmental policies, to realise sustainable development by effectively integrating environmental objectives in horizontal and sectoral policies of the EU, and to ensure compliance with effective strategies to

realise these objectives" (EEB, website). For these purposes, EEB runs 12 specialised Working Groups, which produce position papers, organize seminars, and lobby / contact with European Institutions, the OECD and the UN Commission on Sustainable Development. EEB is "financially mainly dependant on funding from the European Commission (up to 50%) and from government grants" (Bonnor 2006). In brief, EEB is renowned as a main interlocutor of European Institutions across the environmental issues, and has institutionalized its presence across a range of advisory committee structures (Greenwood 1997). EEB declares loyalty to the principles of transparency and public participation.

The European Unit of Greenpeace International established an Office in Brussels in 1988. Structurally different from single peaked EEB, Greenpeace European Unit is enlisted to the Greenpeace International organization. Consequently, there is an intense coordination with the Headquarters in Amsterdam and the other Units of Greenpeace, regarding the overall profile, resources, strategies and objectives. Greenpeace enhances more than any other organization the participation of its members in direct action campaigns, activism, and lately, cyber-activism. Such practices were also applied in order to exert influence during the drafting process. Apart from being known as one of the most aggressive and most guarded in providing information about itself (Greenwood 1997) among G10, it is also renowned for its strict adherence to political and economic independence. Greenpeace "does not seek or accept" funding from governments, corporations or political parties, or any other source that could "compromise its aims and objectives, its independency and integrity" (Greenpeace website). Instead, it relies on donations of some 2.8 million supporters, or foundations. Greenpeace's internal structure is assumed to be inspired by the principle of transparency, democratic values and internationalism. The Board is "usually elected by a voting membership of volunteers and activists". Each Board appoints a representative (Trustee) who participates in an annual Assembly, responsible for the budget and the election of the Board Stichting Council, which in its turn elects the Executive Director.

The **World Wide Fund for Nature (WWF)**, is one of the "world's largest and best established conservation organization, and has something of an establishment image" (Greenwood 1997). WWF established its Office in Brussels in 1989. WWF sources of funding are donations, foundations, and the European Commission Although the European Unit of WWF is financially dependent form the WWF International, it is more autonomous and self-managed, than the respective European Unit of Greenpeace. WWF Offices fall under two categories 1) those that can raise funds and carry out work automomously, and 2) those that must work under the direction of one of the independent WWF offices. Autonomous Offices are found in 14 member states. The Boards of National Organizations elect the majority of the 20 members in the Board of Trustees, who are responsible, based on their knowledge and expertise, for conduct, administration and representation of WWF (majority 'Y), and for electing the President. WWF is committed to scientific research, advising local and national governments on environmental policy, promoting environmental education, and raising awareness of environmental issues (WWF website). WWF has been vigorously present, through lobbying and information dissemination, when issues of agriculture or rural development are at stake (Webster 1997). Notably, it has favoured the –under conditions (see WWF website) - cooperation with business (Campaigning and lobbying, Conservation Partnerships, Product Licensing, Membership based relations, Media Associations, etc). During the constitutional drafting process WWF was greatly energetic in terms of disseminating information, publications, lobbying, and co-authorship of G10 brochures.

Friends of the Earth Europe is a branch of FoE International, which established an Office in Brussels in 1986. It is financed by 32% by EU and DG Environment. Although it is related to FoEI, FoEE's dominant actors are the independent European member organizations, whose consensus is stipulated in the decision making process (Webster 1997). FoEE boasts about being one of "the largest grassroots environmental networks in Europe, campaigning for sustainable solutions to benefit the planet, people and our common future" (FoEE website). In more than 30 European countries local activist groups and national organisations disseminate information, lobby and organize campaigns. One of their main preoccupations is biotechnology and transport. In short, it is

orientated in increasing public participation and democratic decision making, in other words in enhancing European accountability and transparency.

Climate Network Europe Climate (CAN-Europe) is a non-profit organisation operating as a coordination office in Brussels since 1989. It comprises of environmental groups in Western Europe (working on climate change issues). CAN-Europe ensures that their voice will be heard in the multiple levels of European governance, and that it will enter an open dialogue with the other CAN focal points worldwide. The energy market, energy supply, green electricity and the Kyoto Protocol are in the kernel of CAN-Europe interests. Its statement of income, which is supported by the European Commission and several European governments, is available and easily accessible through its website.

Birdlife International - Europe is a growing organization, which consists of more than 40 European conservation organizations. Since 1992 is concentrated on lobbying activities, building awareness and campaigns, based on a common European programme mainly for birdlife and fisheries preservation (Webster 1997). Birdilife Europe is also financed by the European Commission.

European Federation for Transport and Environment (T&E), created in 1989, has some 40 member organisations, covering 20 countries (General environmental organisations, Environmental transport associations, etc). Its 9 Board members coordinate the campaigns and publications maintaining tight contacts with decision makers at national levels (T&E website). Meanwhile the secretariat in Brussels works closely in various ways together with the European institutions (which contribute major funds).

CFE Bankwatch Network is an international non-governmental organisation (NGO) with 20 member organisations from 10 European countries, focusing mainly on energy, transport, EU enlargement and public participation. It is run by 11 national coordinators, 5 project coordinators, 5

management staff. "Members of the CEE Bankwatch Network attend the annual meetings of the IFIs and are engaged in an ongoing critical dialogue with their staff and Executive Directors at national, regional and international levels" (CBE Bankwatch Network, website). It is financed, among others, by European Commission.

Friends of Nature International (Headquarters in Vienna since 1985), is the umbrella organisation of the national Friends of Nature federations, which total 600,000 members (3,500 groups) organized in 39 full fledged offices. Financially supported by the Commission, it participates in cross-border projects, environmental campaigns across Europe focusing on environmentally and socially sound tourism, sustainable regional development and active environmental education. It is inspired by the principles of democracy and solidarity in both economy and society.

European Public Health Alliance Environmental Network (EEN), represents 100 non governmental, non profit organizations. Seven (7) staff members coordinate the pan-European or international networks on health issues (campaigns, consultation meetings, seminars) and represent them in the EU institutions. The General Assembly convenes once a year to discuss the board policy. An Executive Committee (elected every 2 years) oversees the work of the organization.

2. Youth organizations

As set in the Laeken Declaration, the Convention on the Future of Europe faced the challenge of bringing Europe closer to its young citizens. From their part, youth organizations participated vigorously in the drafting process of the European Constitution. Their contributions in Futurum, more than welcomed by the European Commission, were only part of their active involvement, which also took the forms of co-signature of open letters addressed to the European institutions, influence of political parties during the "reflection period" on the future of the Constitutional Treaty, and participation in the Youth Convention on the Future of Europe. The Youth Convention, which was organized jointly by the Youth Convention Presidium and the European Youth Forum and took place the 20th and 21st of May 2003, was hailed by the European Commission. In fact, the European the official European website "Europa" has installed a special link of the site devoted to the process and the conclusions of the Youth Convention.

The conclusions of the Youth Convention of 2003 summarize the vision of Europe that youth organizations share, and their assessment of "the draft Constitutional Treaty in the light of the proposals and demands made by young people in the European and national Youth Conventions." (Youth convention website). The youth organizations that contributed in Futurum were among the 40 participants of the Youth Convention who were organized in Working Groups "on Missions and Visions for the European Union", "on Democracy and Participation", and "on Europe in a globalized world". Thus, the document submitted in Futurum -co-authored and co-signed by LYMEC, YEPP, ECOSY, JEF and AEGEE- was consistent with the conclusions of the Youth Convention. It called for democratic and transparent decision making system, at the heart of which the European Parliament should be placed, as an impetus for legitimacy.

In general, youth organizations invite their members, in most cases young people from 15 to 35 years old, to voice their opinion through multiple and innovative ways (e.g summer schools, seminars, online polls, online chats etc). More than any other type of civil society organizations,

they try to make use of the new technology and internet services in order to alert young people on the importance of a European Constitution and bring them together irrespectively of their background or nationality. They often share the same fields of interest, which vary from political and social to environmental ones. Yet, youth organizations are dissimilar in important ways. A certain number of youth organizations are tightly linked to their "mother-parties" in the European Parliament, and cooperate with respective European or national political partners (see LYMEC, YEEP, ECOSY, JEF). Other organizations have bonds with social movements (e.g. environmentalism, see Federation of the Young European Greens (FEYG)), or with social partners (see European Trade Union Confederation Youth (ETUC Youth)). Finally, there are examples of youth organizations that declare independence from political parties (see AEGEE).

Before comparing the features of these organizations that reveal how representative they are, it would be useful to present, in brief, the main distinct characteristics of some of the most active youth organizations:

Youth of the European People's Party (YEPP). YEPP, founded in 1997, shares the basic values and principles of European People's Party (EPP), the former European Union Christian Democrats (EUCD), and the European Democrat Union (EDU) and therefore claims the status of youth organization of these organizations. Like LYMEC, YEPP recognizes a "mother party" in European Parliament (here the EEP) with which it has strong bonds. YEPP consists of more than 50 national, party-political youth organizations, linked to Centre-Right, Christian Democratic or Popular Parties, and claims to organize more than 1 million youngsters in 35 countries. The main preoccupation of this organization is "to maintain good contacts within our political family, provide ground or training, discussion and cooperation and prepare younger generation to lead tomorrow's Europe." By organizing forums, seminars and regular conferences (every 2 or 3 months) all over Europe, YEPP tries to uphold its principles and policies in the EU political arena through an informed and educated membership base. YEPP has responded to the request of a bottom-up approach by offering online questionnaires and by organizing online polls in order to trace the preferences and concerns of

young people on issues concerning the European Constitution, the Future and the institutional structure of the European Union.

European Liberal Youth (LYMEC). LYMEC was founded in 1976 in The Hague. It is a "pan-European youth organization seeking to promote liberal values throughout the EU and particularly through and as the youth organization of the European Liberal Democrat and Reform Party (ELDR) and its parliamentary group in the European Parliament (ALDE, Alliance of Liberals and Democrats for Europe)." It involves 210,000 members from 72 organizations in 40 countries, who share the same ideal, which is "the creation of a liberal and federal enlarged Europe." Although it has about 58 member organizations in EU countries, LYMEC puts a special emphasis on its Individual Member Section, in an attempt to bring together and unite young people under liberal ideals. For this purpose, not only does it organize annual Leaders Meetings, but it also realizes seminars, symposia, courses, publications and group travels. In other words, the key element is the individual membership base, which LYMEC tries to educate and induce to active citizenship and public responsibility. The young people participating in the various clubs, working groups and online discussions organized by LYMEC have easy access (through LYMEC website) to the mechanisms, activity, and aims to which this organization is committed, since all the above are explicitly stated in the Manifesto and the Statutes. Talking of technology, LYMEC incites its members to elect their delegates to the Congress via an original way, say online elections. Ultimately, a well informed, educated and proactive base is expected to serve the dissemination of liberal ideals.

Young European Federalists (JEF). JEF is an organization of 25,000 members in 35 countries (27 european), of people sharing a vision of a "united and federal Europe based on the values of peace, democracy and the rule of law". Apart from membership fees and financial resources from its online shop, JEF receives financial support from the European Commission and the Council of Europe. These resources serve to organize international meetings, publishing online newspapers and collaborating in various projects with movements, such as the European Movement

International. One of the main preoccupations of JEF is to campaign for a European Constitution. As stated by its President "the heads of national governments must not bury the European Constitution". In this frame of mind, JEF organizes local (throughout Europe) and pan-European campaigns and has already scheduled meetings in 2006 (Vienna and Paris). Moreover, it has attempted to provide a comprehensive site ("Constitutional-Convention.net") which would give to young people the information and opportunity to participate on the debate on European Constitution. Through this site run by JEF working groups, online chats, international youth meetings are realized, focusing on evaluating the work of the Convention of the Future of Europe.

European Community Organization of Socialist Youth (ECOSY). ECOSY was founded in 1992 in the Hague and brings together some 60 Socialist youth movements of the European Union, Central and East Europe and of the Mediterranean countries. It is the youth organization of the Party of European Socialists (PES), cooperates closely with the International Union of Socialist Youth (IUSY) and is a member of the European Youth Forum. ECOSY's main objectives, as stated in its official website are: to promote and support the values of democratic socialism and to promote European citizenship and the emergence of a common identity in order to achieve mutual understanding. The main activities that ECOSY undertakes are the organization of campaigns, seminars and online forums, and the publication of open letters and newsletters.

Association des Etats Gı nı raux des Etudiants d'Europe (AEGEE). AEGEE (1985) is a non-profit organization, independent from political parties and one of the largest interdisciplinary student associations in Europe (15.000 students in 241 academic cities, 40 countries in Europe). A key characteristic of this organization is that it does not involve any national level or national administration, but rather it focuses on the European and local levels. The main fields of action are cultural exchange, active citizenship, education, peace and stability. More specifically it aims at "fostering democracy, human rights, tolerance, cross-boarder co-operation, mobility and European dimension in education". AEGEE seeks to become a platform and network for young Europeans to discuss the future of Europe, and thus organizes action days, case study trips, summer universities,

seminars and trainings, supporting and thematic working groups. The financial resources of AEGEE come from membership fees, income and assets, subventions, reimbursement of expenses and profits from events.

European Trade Union Confederation Youth (ETUC Youth). ETUC Youth is the branch of European Trade Union Confederation which is concerned with issues of trade union culture among young people. ETUC Youth activities underline the importance to ensure a better future for young Europeans in areas such as human rights, employment, poverty and social exclusion, gender equality, education and training, combating racism and xenophobia, mobility, healthcare, social security and parity democracy. In its contribution to the Convention of Europe, where it calls for institutional reform, we read "ETUC Youth believes that the overall objective must be to achieve a European Union built upon peace, democracy, solidarity, fundamental rights, social justice, full employment and quality jobs, social and territorial cohesion, welfare and a European social model. European integration consequently cannot be confined to the single market and the single currency; it must be completed by economic governance, a real social union and evolve towards a political union based on democratic and effective institutions and the full recognition of civil and social rights for all." (ETUC website).

Federation of the Young European Greens (FYEG). FYEG was founded in 1988 in Belgium. Its purpose is to bring together young environmental groups from Europe, under the common cause of promoting a greener Europe. It receives International and National funds, while the Council of Europe and the European Commission among its main contributors. FYEG events (meetings, seminars, study sessions, summer camps) are organized and run jointly by its member organizations and more specifically by young volunteer activists from across Europe. One of the most important mechanisms for FYEG is the dissemination of information. In this vein, FYEG publishes its views and informs for its activities through a newsletter, and at the same time attends seminars and meeting organized by the European institutions and the European Youth Forum, where information and views are exchanged.

The characteristics outlined above serve as a point of departure in discussing the representative and legitimizing force of environmental and youth organizations. The purpose here is to evaluate in a comparative way these features under the light of the theory discussed in the first part of this thesis, an thus, to draw valid conclusions on the possibility the degree (if any) and quality of "authorization, accountability, participation, resemblance, expertise" that the environmental and youth organizations exhibit, to bridge the democratic deficit gap.

authorization

The first, and long debated, issue that calls for consideration is that of civil society organizations' authorization in representing in various instances their members and the society as a whole. As far as the environmental organizations are concerned, hardly any one of those participating in G10 can be regarded authorised. They lack both the direct public authority, and the indirect public authority, that of elected officials (Ruzza 2004). The organisational and operational dynamics of these organizations do not permit but a rather indirect member link, which in cases like that of Greenpeace is considered quite opaque (Webster 1997). Although annual Assemblies usually exist and are responsible for electing and monitoring the Directors and Managers, this link in the upper organizational structure is not credible for affirming that an NGO is authorised, in the absence of an adequate link with the grassroots base. In fact, unanimous agreement of the members is not always stipulated.

Youth organizations search to increase the quality and degree of authorization in a bottom up sense, say by focusing on ways that members may elect their representatives in Congress and upper bodies, and on channels that may transfer the voice, the ideas and concerns from the grassroots level to the decision making bodies. In this frame of mind, most youth organizations have organized regular local, national, and pan-European meetings or working groups which reach conclusions that are in some sense binding or imperative for the Bodies in the upper structure.

which are by definition responsible for implementing the policies and undertaking the activities the Congress has voted for after taking into account the documents released by the various working groups. After all, in some cases the members of the Congress are elected via online elections by the membership base (LYMEC website). These elections, although dissimilar to national or European elections in obvious ways, are assumed to contribute to the creation of a culture of transparency and inclusive democracy and to offer some (if any) hint of authorization to youth organizations.

It may be claimed that the act of laymen or youngsters to participate (either through elections or by financial contributions) is by itself a form of vote of confidence for each NGO and the activities it undertakes. However, the electoral procedures in youth organizations cannot stand for or substitute the weight of democratically organized elections, and thus cannot yield direct authorization. In what concerns environmental NGOs any attempt to establish a notion of authority on an alleged protection and promotion of "society's best interests" is profoundly problematic. In fact, "even such associations might present particular interests rather than the general interest" (Smismans 2006).

r e s e m b l a n c e

The discussion on the authority of environmental and youth organizations is closely connected to the question whether the representatives of such organizations bear any resemblance with the society and their grassroots members, and how these members participate and make their voice heard. In a general sense youth organizations are descriptively representative as they mirror the characteristics of young people. However, this is not the case for environmental groups. Of course, it has already been shown that civil society organizations cannot mirror, "stand for" (Pitkin 1967), a given social group and its interests, to the extent that the membership of these organizations, although facilitated by the new technologies (e.g cyberactivism, online chats, online polls), is not totally inclusive. In practice, there are constraints, such as time or money, on both directions (be

represented and become a representative). Afterall it has also been shown that descriptive representation itself is an inherently problematic analytical tool.

But are environmental and youth organizations representative in a symbolic sense, bearing a symbolic resemblance to their members? Can they be thought of as "acting for" (Hanna Pitkin 1967) the people participating? To answer this question we have to discover whether "the represented accept the *reasons* they (the representatives) have" for choosing specific actions over others. However symbolic resemblance is a rather opaque issue that cannot be easily measured or estimated, since at the grassroots level the main option most members have, and make use of, is that of entering or exiting, beginning/continuing or terminating their subscriptions. We do not have the voice of the majority of membership heard. Thus, all we can do is to record trends about the popularity of an organization, which gives us only hints about a) the reasons that members have in choosing to support or quit an organization b) whether among these reasons is the evaluation of the work the representatives do and c) how well informed they are about the activity of the organization. Undoubtedly, most civil society organizations have put serious efforts in organizing forums and in exchanging views with their members. The drafting process of the Constitution and the participation in Futurum has enhanced, by large, these efforts. It is worth to see how participation in these organizations has developed in the recent years.

participation

During the last decade there has been an attempt to move from reactive to proactive membership (Webster 1997). Greenpeace has been leading this trend among environmental organizations, by introducing new concepts of activism that make use of new technologies (cyberactivism, a "one minute activism") (Greenpeace website). Other similar options are these of buying "online" products, or adopting an animal, and thus contributing indirectly in the safeguarding of endangered species, for instance (WWF, website). Moreover, members and non members are invited to join

online conversations for various topics, and to address any questions they might have considering the organization. People are also incited to co-sign letters of complaint sent to elected representatives in different levels of governance. In the case of the Constitution, there was an intense information and opinion exchange both at the official European forum and through organizations' websites; open letters were co-signed; Greenpeace sent activists to the European Parliament, to protest against the inclusion of the 1957 Euroatom Treaty in the new Constitution (Greenpeace, website). In other words, although NGOs welcome donations and membership, they try to induce a more active participation, which may even take the form of voluntary work, activism, or partnership.

Youth organizations are even more active in this field. They have put serious efforts in encouraging participation, whether that of individual members or that of member organizations. Through their websites and the events they organize (campaigns, group travels, seminars, meetings, conferences) they try to increase mobility at the grassroots level. In fact, youth organizations do not hesitate to use original mechanisms such as online questionnaires, online polls and online chats, to facilitate the expression of youngsters' ideas and concerns. Through all the above mentioned procedures youth organizations try to promote participation in two important ways: First, they try to expand their membership base by spreading their ideas in ways that appeal to young people and make participation easier (e.g. reduction of the opportunity cost of participation -linked to the constraints of time and money spent-). Second, they try to induce their members to a proactive participation, not only by disseminating information through websites and newsletters, but most importantly by educating young people and bringing them together in real time or space. In other words they attempt to enrich the concept and practices of participation, and ultimately to create a real sense of European identity to young people, who will no longer "passively consume events organized for them by adults." (FYEG). Judged by their intentions, youth organizations seem to blow a "youthful wind" (Youth convention website) in Europe and to contribute new ideas in participation.

Yet, when it comes down to evaluating the results of these initiatives, certain reservations arise. It is true that difficulties such as that of young people not being able to afford the membership fee or the cost of a group travel are frequently dealt at a case by case base by many youth organizations that undertake the expenses. However there are examples that cast doubts on the effectiveness of innovative online methods of participation applied by many youth organizations. A clear illustration of the gap between intentions and outcomes is the case of online polls, which are intended to encourage and trace the opinion of young people. YEPP has organized polls where various issues are debated. For a total of 30 polls uploaded on the website, the number of votes submitted online does not exceed 60 on average and 200 at best - for the most popular issues (the Future of Europe, the European Constitution among the top 5). This is a rather disappointing number for an organization of 1 million youngsters. In fact, this number may even suggest that barely did the members of the Congress participate.

Moreover, facilitated as it might have recently become thanks to new technologies, participation still remains an activity that might yield a substantial opportunity cost for a great proportion of society. In addition, two other parameters (exaggeration and overlapping of membership) that must been taken into account when considering membership and participation. Overall, although in some cases membership is impressive in absolute numbers (FoEE, WWF, Greenpeace), as a portion of the European population it remains limited.

expertise

Expertise is a quality that is typically absent from youth organizations, and yet it is a key feature of environmental organizations. Expertise is viewed, both by the environmental NGOs and by the European Institutions, as a last refuge for asserting "representativity" to the former and in legitimizing it as a precious interlocutor for the latter. Based on their expertise the G8 request "opportunities throughout the Convention process to contribute to the widest possible debate about

the EU's role in ensuring a more environmentally, socially and economically equitable and just development model for European and global citizens" (G8 Contribution to the Convention on the Future of Europe, Futurum).

Undoubtedly, the information disseminated by the environmental NGOs based on scientific research programmes run by scientific partners, in some cases it is proved to be more substantiated than the opinion of European science specialists (Warleigh, 2000). "Such epistemic knowledge communities have the ability to turn science into politics or to seek to prevent science from entering the political arena" (Haas, 1992, in Greenwood 1997) Still, some reservations are expressed about the ability of some organizations to make the best use of the expertise available to them. Greenwood cites the example of EEB whose expert groups do not meet regularly, say once a year at best. By contrast, the Science Unit Labs of Greenpeace are well known for working relentlessly to provide proof and information on environmental issues, which may be valuable for the Commission and the Parliament in shaping the environmental policy. In fact, expertise is stipulated by the Commission as a "qualitative criterion" of representativity for environmental NGOs who seem to "represent many more than the membership of their associations suggests." (Smismans 2003)

Talking of expertise, environmental NGOs claim scientific proficiency in other fields as well, such as in representing the interests of future generations, or protecting animal rights (Birdlife website). This discussion, which is intertwined with moral and applied ethics issues, goes beyond the purposes of this thesis. However, it seems plausible that if there were to be a representative of such interests, environmental NGOs have the expertise to insist on their right to voice their opinion.

accountability

It is largely debated that NGOs cannot be held accountable for their activities in the absence of precisely defined constituencies, which renders the notion of accountability relational, or endogenous to the principles of each NGO. However there have been serious arguments (Fox 2002) that "civil society actors can be held accountable, even if the processes are not clearly institutionalized". In particular, environmental NGOs can be hold publicly accountable to universal ideals (eg democracy, transparency, social awareness, religious faiths), their goals, their leaders, financiers or co-operators. I will follow the distinction of horizontal and vertical accountability in order to analyse thoroughly the concept under discussion.

The notion of expertise is pivotal in obtaining the so called **horizontal** accountability between environmental NGOs. Scientific knowledge as well as the above mentioned overlapping interests provides incentives for co-ordination and reciprocal monitoring. Apart from the Green 10, and EEB, the ALTER EU is another (institutionalized) form of cooperation, which aims at "lobbying disclosure in Brussels". Conferences, newsletters, publications, and campaigns are additional forms of joint activity, aiming at sharing knowledge and experiences. The drafting process of the European Convention is an example of fields where environmental NGOs chose to pursuit collectively their targets, either by participating in the Futurum, either by lobbying in Brussels. These efforts, usually based in an unwritten agreement, expand horizontal accountability, even when symptoms of "classic incoherence inherent in federated, peak umbrella organizations" occur. (Greenwood (1997) on EEB).

Youth organizations are even more readily held accountable for their choices and the outcomes of their activities through a variety of mechanisms and practices of participation, exchange of information and communication. More specifically, there are many instances that increase horizontal accountability at local, international or European level. Youth organizations are notably active in participating in meetings organized by EU institutions, or seminars organized jointly by

organizations. This multilevel interaction at regular base is a distinctive characteristic of youth organizations which stems from their preference to exchange ideas in practice and gain knowledge by evaluating actions and practices. In addition there are various forms of formal cooperation (e.g. Youth Contact Group, European Youth Forum).

Nevertheless, the decision to join an alliance is not taken at the same level in each NGO. In some cases the Secretariat has the final say, after having consulted its members, whereas in other cases the Secretariat is authorized to make this decision alone (Webster 1997). In any case the staff is more or less hold accountable for its decisions. At the end of the day, it is a matter of how **vertical** accountability works in the interior of each environmental NGO.

In terms of vertical accountability, youth and environmental organizations promote both downward and upward accountability. They declare that their actions are consistent with their true commitment to human and social ideals and bind themselves with strong self regulation mechanisms (codes of ethics and codes of conduct) and high standards for transparent disclosure and public reporting (evaluations, budgets). The public statement of recent initiatives and achievements is a main strategy for establishing a monitoring device of organizations' activities. This applies both in holding the staff accountable vis a vis the main financiers (for example European Commission or National Governments) of each organization (upward accountability) and vis a vis its members (downward accountability).

Through their websites, organizations usually provide access to the ways they expand and distribute their income. Since many Offices and Secretariats accept considerable funding (EEB by 50 %, FoEE by 32%) from European Institutions, and from National Governments or political parties, they are held accountable for the effectiveness of their strategies "the distance between goals and practices" (Fox 2000) . Through publications and lobbying they try to present thoroughly their achievements, the ways they have accomplished the goals set. Sometimes the supervision of institutionalised and elected actors is quite close, as is the case of youth organizations linked to

political parties and social partners, and of WWF which is subject to the supervision of the Swiss Federal Department of the Interior (Duke of Edinburgh as its president (Greenwood 1997). This is sometimes translated as compromise. For example, Greenpeace boasts for its alleged integrity and independence, based on not being financially dependent, and thus accountable, to institutions.

The issue of downward accountability is of vital importance for civil society organizations for reasons of credibility and maintenance / expansion of their membership base. Most of them through their campaigns, the organization of public events and the publication, either collectively – either separately, of newsletters, attempt to render their activities transparent to their membership basis. The provision of thorough information and news from multiple sources (organizations' websites, European Commission, etc) enables members to hold accountable the representatives for their activities. In fact, representatives occupy a key-position in the process of giving accountability and holding an organization accountable. For this reason, G8 explicitly states in its contribution in the drafting process of the Constitution that "The Economic and Social Committee does not represent civil society and we oppose attributing such a role to it (...) For our part, we prefer to devote our energies to attempting to inform and influence the decisionmaking institutions rather than to engage with a government-appointed, consensus-based advisory body."

On the way up

In order to have the full picture of how civil society organizations represent interests and evaluate their legitimizing force, we have to explore their ability to articulate any "good policy ideas" and the mechanisms they choose in their attempt to "politicize issues" (Greenwood 1997).

On their "way up" civil society organizations have to choose between two roads. Both are more or less effective depending on the circumstances and the issues at stake. On the one hand they can lobby individually and campaign separately. Many of them (e.g WWF, European Environmental

Bureau etc) have access to the Commission via advisory committees and working groups (Webster 1997). Moreover, the European Parliament is readily open to civil dialogue searching to expand its field of competence. This "give and take" is facilitated by the fact that most Brussels Offices and Secretaries can respond quickly, since "they are not membership Offices and do not have to be overly concerned with platform building" (Greenwood, 1997). Alternatively, individual campaigns may take more aggressive forms, such as boycotts and activism. Still, the lobbying activity is a distinctive characteristic mainly of environmental NGOs. Youth organizations, although they also have Secretariats in Brussels that establish links with the European institutions, in most cases they make their presence felt in the political arena through their strong and permanent bonds with political "mother" parties or social movements.

On the other hand, environmental and youth organizations may choose collective action. As Olson (1971) has shown this choice is easier for a limited number of participants, since they are more readily organized than groups consisting of many members. In fact, this is the case of most non governmental-non profit organizations representing public interests (see Part II). Youth organizations have frequently shown preference in activities such as joint seminars, campaigns conferences and symposia, that come up with co authored documents and proposals addressed to the European institutions. Quite often environmental NGOs prefer to lobby and campaign collectively, either under the umbrella of an organization like European Environmental Bureau or European Youth Forum, or as G10. These organizations face an ethos dominating in European institutions which favours business lobbying, but cannot compete with business on resource grounds and on their ability to exert continued decisive influence over an issue during the entire passage life of a directive. (Greenwood 1997). Thus, co authorship of press releases, joint publications and campaigns are sometimes an effective way of offsetting the powerful influence of industrial lobbies (Ruzza 2004).

An additional advantage is that these cooperative structures function as cost saving devices, since the collective pursuit of overlapping interests can save valuable resources. Moreover, by

internalizing positive externalities such as information, knowledge, expertise and past campaign experiences, they learn how to articulate more effectively their requirements. Still, these collective structures are not binding and are flexible enough to permit individual action at a specific level of governance, where needed (Webster 1997). However, it is true that the possibility of influencing the joint message emitted and thus the policy outcome is a strong incentive for participating in collective action (Olson 1971).

Concluding remarks

The theoretical analysis as outlined in Part I along with the study of the key features of environmental and youth civil society organizations illustrates that the degree and quality of "representativity" varies along the concepts of accountability, authorization, resemblance, participation, and expertise. Environmental organizations are more representative in some senses (expertise, accountability), and less in others (authorization, participation). Youth organizations, although not representative in terms of expertise, can claim accountability (horizontal and vertical), authorization, and they have also taken steps forward in educating young people and mobilizing their members to spread the culture of proactive participation. In brief, the progress of civil society organizations in time shows that during the last decades they have contributed in deepening the collective self-understanding of Europeans through civic education and respect for the principle of civic equality, and by making the civil participation less elitist. As Magnette notes "it's important not to underestimate the internally generated drive toward accountability on behalf of many in civil society. These years of experience have resulted in a sector that is simultaneously more grounded in the work of grassroots volunteers and activists, and less driven by a loose civil society elite".(Magnette 2003, p. 147)

It may also be argued that civil organizations can promote EU accountability even without necessarily being *formally* accountable to their base. Fox (2000, p. 12-13) states the example of Mexican and Brazilian movements *for* democracy and accountability that had pro-accountability impact on the state, although they lacked formal internal democracy. Hence, although organized civil society is not totally representative in all the five senses, in most cases the mixture of accountability, authorization, participation, resemblance and expertise make up a considerable legitimizing dynamic.

This finding is acknowledged by the European Institutions. According to the Commission, representativity (in its fivefold definition) should not be the only determining factor for membership

of an advisory committee, or to take part in dialogue with the Commission (Commission 2000a). Civil society organizations that lack representativity, in absolute terms, but exhibit a mixture of the above mentioned qualities, or even some of them, are welcome to take part in dialogue with the Commission or the European Parliament. The Commission explicitly states that if a civil society organization can "contribute substantial policy inputs to the discussion", it will be given a fair hearing. After all, as Ruzza (2003) notes, "good policy ideas are not necessarily representative ones (..). Thus, considerations of output legitimacy can conflict with considerations of political legitimacy".

After all, it can be argued that in a model of mixed governance, like the European one, several principles of legitimacy may coexist. Yet, this raises the question of how such a system can handle any contradictions between these different principles. Magnette (2003, p.153) argues that even though "conflicts cannot be completely avoided, the Union has a number of mechanisms at its disposal for maximising complementarities between legitimating principles and minimising tensions between them. Yet that conflict need not be dysfunctional or normatively undesirable." The challenge of incorporating in the European political environment different forms of representative and direct democracy and different notions of legitimacy looks like a "political Feng Shui – the ancient art of placing things in balanced relationships to one another."(Fox 2000)

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