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**If participation does not do the job, will
accountability make a difference?**

**The potential of Civil Society Organizations
in democratizing the EU**

WP 2011-05

Bielefeld University



St. Petersburg State University



**Centre for German and
European Studies (CGES)**



CGES Working Papers series includes publications prepared within different activities of the Center for German and European Studies both in St. Petersburg and in Germany: The CGES supports educational programmes, research and scientific dialogues. In accordance with the CGES mission, the Working Papers are dedicated to the interdisciplinary studies of different aspects of German and European societies.

The paper is partly based on the presentation made by the author during the International Conference “Civil Society and NGOs in Europe and Russia: Responding to New Challenges and Opportunities”. The Conference was organized by the CGES in November 2010.

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Abstract

After an era of highflying expectations concerning the democratic potential of civil society, critical voices are now predominant: Empirical research documents that the involvement of Civil Society Organizations (CSO) in EU governance does neither ensure equal nor effective representation of stakeholders. To make matters worse, even when CSO have a strong voice in the process of consultations their impact on policy-making may be low. The first part of the paper gives, in a nutshell, our empirical findings on civil society in the EU and the effects of CSO involvement in EU policy-making. It is based on an in-depth investigation of the consultations of the European Commission, the participation of stakeholders in EU governance, and the organization and activities of EU-level CSO.¹ The second part of the paper is more theoretical in nature. It argues that the concentration on participation is leading us astray because it neglects the conditions that make for the responsiveness of decision-makers. Not participation but accountability is the key mechanism to exert public control on EU governance. The core argument is that only when EU actors will have to explain and justify their conduct and are exposed to consequences they will heed citizens' concerns. CSO may take different roles in such accountability relations: They may be actors or facilitators of accountability; they may constitute the forum to which account is to be rendered, pass judgement and exert sanctions or they may trigger judicial, administrative or political accountability relations. The crucial question is if CSO engagement is effective in terms of "putting matters right" and democratic in terms of reaching down to citizens.

¹ The research findings have been published in German in two books (Hüller 2010b; Kohler-Koch and Quittkat 2011) and in English in a number of articles. For further reference see the project publications list: http://www.mzes.uni-mannheim.de/sprache.php?oben=titel_e.html&links=n_projekte_e.php&inhalt=projekte/pro_zeig_e.php?Recno=113

Introduction

The White Paper on European Governance (Commission 2001) propagated the involvement of civil society to bring EU policy-making closer to the people and thus to make it more democratic. The idea of the democratic empowerment of civil society was also well received in the negotiations on the European Constitutional Treaty. The draft Treaty proclaimed two constitutional principles: the “principle of representative democracy” and next to it the “principle of participatory democracy”. The Constitutional Treaty failed and in the course of re-negotiation the headlines of the single articles have been dropped so that in the Treaty of Lisbon there is no longer an explicit reference to the Principle of Participatory Democracy. However, the article has been retained with the exact wording as before and still advocates an open and regular dialogue with civil society. (Art. 11) But what does it mean that EU institutions should engage in a dialogue and who is representing civil society in the EU? The Treaty gives no further explanation and the discussions in the Constitutional Convention did not really contribute to a clarification. Oral and written statements signal that it was a marginal though contested issue and no efforts were made to reach a consensual definition. Thus, despite the constitutional upgrading, it is not at all clear what is meant by “civil society”. The term is as ambiguous in the political debate as it is in the academic discourse. If we want to assess the democratic potential of civil society involvement in EU affairs, we have first to clarify what we are talking about.

Civil society in EU governance: Whom are we talking about?

The idea of civil society has been with us for centuries. It has a long tradition in political theory and philosophy and it has always been a key element in normative theories of democracy. Just as these theories differ, so does the image of civil society. Consequently it is not astonishing that civil society has been attributed quite divergent roles in the promotion of democracy. While there is an abundant literature and an established consensus that images of civil

society diverge with varieties in the concept of society and democracy (Cohen and Arato 1992)², there is little awareness that images of civil society also vary with political context conditions (Jobert and Kohler-Koch 2008). This is particularly relevant in the case of the EU. From the very beginning and still today, scholars and political practitioners disagree how best to define “the nature of the beast”. In relation to the potential role of civil society three distinct conceptions stand out: For some the EU is a multi-level system with strong democratically legitimate sub-systems, for others it is a *system sui generis* which is based on the cooperation of multiple public and private actors in trans-national governance and for others it is a polity in the making which is about to develop a social constituency of its own (Kohler-Koch 2010a, 2011a). These conceptual differences link in a distinct way with the heterogeneous conceptions of civil society stemming from different theoretical strands of democracy. As a survey among experts has shown (Kohler-Koch and Quittkat 2009) the pluralist image of civil society which is in line with the concept of liberal democracy fits both with the multi-level and the transnational governance conception of the EU. Civil society is composed of a vast array of different organizations which represent stakeholder interests. Their common characteristic is that they are voluntary associations, that they are not-for-profit and that they are not under state control. Civil society comes as “organized civil society” and the purpose of the organization does not make a difference: Advocacy groups engaged in human rights or in environmental protection fit into that category just as well as patient groups, trade unions, and business associations. This broad definition is very much in line with the mainstream EU terminology. Proponents of deliberative democracy, associational democracy and a communitarian understanding of democracy have quite a different understanding of civil society. In their conception civil society is distinct from organized interests. Civil society is rooted in society and furthers citizens’ participation. As far as it is organized, movements and spontaneous emergent associations are at the core and link the grass-roots to the public sphere. A common denominator is that only those associations

² For an in depth discussion of the link between normative theories of democracy and conceptions of civil society which enlightened our empirical research see Hüller 2010b.

qualify as representing civil society which are citizens organizations or norms and value based cause groups. These characteristics of civil society fit best with the image of the EU as an emergent polity which will be build on an EU-wide trans-national social constituency. The multi-level system and trans-national governance image of the EU is at odds with such a conception of civil society. Consequently, those who adhere to the above mentioned understanding of democracy are not ready to qualify any of the EU-level associations, even not those that represent citizens' interests, as "civil society". This view is strongly supported by many local civil society groups. They argue that civil society can only bring democratic added value when it is in direct interaction with citizens which is prohibited by the long lines of delegation in a multi-level system and the complexity and lack of transparency in the transnational governance arrangements.

When we move from the world of academia to the political world of associations, normative aspirations derived from concepts of democracy and visions of the EU play an important role. All associations active at EU level are concerned with questions of legitimacy. The normative interpretation of their mission is constitutive for their self-understanding and it supports their claim to be a legitimate partner in policy deliberations. All interest groups champion the idea of a pluralist representation of stakeholder interests. Business, trade and professional associations, and with some reservations also the trade unions, readily accepted the idea that they be part of civil society. This was not to the liking of the associations which make up the Civil Society Contact Group (CSCG). They maintained that only they represent civil society as they give voice to the general interests of citizens, stand for the pursuit of the public good (such as social justice, environmental sustainability) and the defence of universal rights and values (such as civic liberties, human rights). Just because they do not lobby for selfish economic interests they see themselves in a morally superior position and accordingly ask for a privileged treatment.

The kaleidoscope of meanings makes it imperative to start an empirical research with an explicit and unambiguous definition of civil society. The selection of a

definition cannot be made at random but has to consider which conception of civil society fits best with the research question. As our research aim was to test the promise that the involvement of civil society would further the democratic quality of the EU, we first had to decide what we mean by “furthering the democratic quality of the EU”. The issue is not EU democracy but the democratization of the existing system of EU governance. Thus we could draw on criteria which are undisputed in most normative theories of democracy. Theorists of liberal democracy put emphasise on equal representation, effective participation and political accountability.³ From this perspective, democratization is achieved when civil society involvement expands the range of interests that gain access to EU governance and widens the plurality of views, when civil society input has a notable impact on EU policy formulation and when it increases the responsiveness of EU institutions. Theorists of deliberative democracy argue “(...) that it is the public use of reason and democratic procedures that confer legitimacy upon laws and policies (...)” (Eriksen 2009: 14). Accordingly, whenever civil society involvement induces EU institutions to publicly justify their policy preferences and when conflict of interests are sorted out by arguing in an open process of deliberation this may be taken as an indication for an improvement in the democratic quality of the EU.

Given that all these criteria focus on action and interaction in the political sphere and address the relative political weight of different groups of society, it follows that the empirical analysis has to focus on “organised civil society” and will include the whole range of CSO, that is all different kinds of voluntary, not-for-profit and non-state associations active at the EU level.⁴

³ See Robert Dahl’s widely cited criteria of democratic participation (Dahl 1998)

⁴ For the sake of avoiding misunderstandings, I use the established terminology: CSO includes all different kinds of associations whereas the term NGO is reserved for “public interest groups”.

Participatory governance in the EU: Does it hold its promises?⁵

Since the turn of the century EU institutions have propagated a new approach to EU governance. The involvement of organised civil society has been praised as furthering better legislation and as an improvement in democratic legitimacy. The active participation of CSO is highly valued for many reasons: CSO are expected to bring citizens closer to the Union, to give the stakeholders' view, to command specific knowledge, to stimulate deliberation by questioning established wisdom and to enforce efficiency by monitoring and evaluating executive behaviour. The Commission (2001: 3) has vigorously advocated participation claiming that "opening up the policy-making process to get more people and organisations involved in shaping and delivering EU policy (...) promotes greater openness, accountability and responsibility for all those involved". This view was widely endorsed by civil society actors. The "participatory turn" (Saurugger 2008) is manifest in principle and in practice. The EU has pledged to adhere to the principle of participation, openness, transparency and accountability.

The Commission has pushed the principle of participatory governance more than any other institution and has done so with the strong support of CSO. Following the White Paper on European Governance, the Commission has reorganised its dealings with non-governmental actors in a way that paved the ground for easy access and higher levels of involvement. Step by step it developed a "participatory consultation regime" (Kohler-Koch and Finke 2007) which offers favourable context conditions for civil society organizations to raise their voice and to have access to the EU policy-making process. Thus, CSO participation has become a central element in EU governance (Greenwood 2007).

In order to judge the effect of this new governance approach, it is not sufficient to look at political declarations and administrative rules. Rather, we have to investigate how they are applied in practice. On further examination it becomes quite evident that the readiness of EU-institutions to engage with CSO differs

⁵ A more extensive account is given in Kohler-Koch 2008 and in Kohler-Koch 2011b.

substantially. Here our own findings are in line with the assessment of the CSO: Their experience is that the European Parliament (EP) and the Directorates General (DG) of the Commission are most of the time very open while the Council is far more reluctant to engage with civil society. The image of a closed institution, “untouched by the concept of dialogue” (quote from Fazi and Smith 2006: 35) has however changed in recent years while the Court of Justice is still regarded as being more or less out of reach.

Irrespective of these institutional differences the EU stands out as a relatively open, transparent and participatory system of governance. The majority of CSO share this view. They deplore the complexity of the system which is caused by the multi-level system of decision-making and the multiple arenas of negotiations but they find it more open and accessible than many member states’ administrations. However, it has to be kept in mind that civil society participation is – with the exception of the social dialogue – restricted to consultations and that it is mainly focussed on the Commission. The constraints are apparent: The rule of the game is that civil society has a voice but not a vote, and the Commission is eager to avoid formal commitments because it would weaken its position when it would have to negotiate with the European Parliament and the Council with tied hands.

When trying to assess the democratic value of the EU model of participatory governance, we at first use the normative benchmarks of liberal democracy: equal representation, effective participation and political accountability. The EU has lowered the threshold of access, it provides interested parties with more than enough information, and it even has actively supported the formation of EU-wide associations. As a consequence, civil society involvement in EU affairs has increased. But did it also enhance the democratic quality of EU governance in terms of redressing biased representation and making EU institutions more responsive to stakeholders’ concerns?

Despite noteworthy efforts to become more open, inclusive and participatory, equal representation has not been achieved. Even the new instrument of online

consultations which makes access easy and less costly does not erase asymmetries: Market-related organisations such as business and professional associations are more active than general interest organisations. Even more pronounced is the distortion in territorial representation: CSO residing in countries in the North-Western tier of Europe are over-represented as compared to CSO from Southern and Eastern countries.

Such statistical findings have to be taken with a grain of salt. The presence in numbers is a proxy and not a reliable indicator for democratic participation. The relevant criterion ought to be what Robert A. Dahl (1998) called “effective participation”: having impact on output. Here participatory governance is faced with a dilemma: Instruments well suited for broad public participation such as online-consultations with multiple-choice questionnaires give participants hardly any influence on substance. Civil society groups rebuffed this kind of “ticking exercise” and even blamed it to cause “consultation fatigue”. More effective are online-consultations that allow for well argued comments. It takes time and expert knowledge to deliver and, consequently, the performance of CSO varies with available resources and these are not distributed evenly.

Thus, the good news is that the Commission succeeded in widening participation by lowering the threshold of access; it has increased transparency and has lent support to the representation of weak interests. In principle, the Commission and CSO have reached an agreement that feed-back mechanisms ought to be improved. But little has been done to put it into practice. All things considered, it is fair to say that the present regime of participatory governance still does not live up to the normative standards of liberal democracy.

The picture looks different though not brighter when looked at from the perspective of deliberative democracy. The academic discourse on deliberative democracy is very present in the political debate concerning EU-civil society relations. The benefits of deliberation are widely acknowledged and the involvement of civil society organisations is expected to stimulate the public discourse and to enhance the quality of decisions. The empirical evidence we

gained from our research is, however, sobering. Instruments of participatory engineering aiming at directly involving citizens, such as “citizens’ forums” or “Café debates”, reach only small groups and at best raise awareness for European issues in pro-European elite circles (Hüller 2010a). Consultation instruments that attract most responses such as online consultations provide no space for deliberation (Hüller 2010b). The same is true for the usual fora where several hundred participants meet for a one day event. The minimum requirements for deliberation (namely continuity and regular meetings; settings that allow for direct, preferably face to face communication; time to exchange arguments) are rarely met. Only few CSO actors enjoy the kind of continuous working relations with EU institutions, above all with the Commission, which allow for a process of deliberation. Those are the Brussels based network and umbrella organisations who regularly participate in meetings to discuss a wider range of Community matters, who sit in advisory committees and who are accepted consultation partners on selected issues. They are the nucleus of an emergent trans-European CSO community which has, however, the disadvantage that it is Brussels centred and has not the potential to engage a larger public.

A major shortcoming of EU participatory governance is indeed the weak link from Brussels down to the grass roots. In particular the NGO are faced with a dilemma. They claim to represent citizens but the overwhelming majority of citizens are unwilling to get organised on political grounds (Van Deth 2008) and the multi-level EU system makes for long and knotty ways of communication (Kohler-Koch and Buth 2009). Most EU level NGO are federations of federations and for the sake of greater political impact they have gathered in sector specific platforms and networks. This has added an additional level to the long chain of interest representation. The benefit is that NGO themselves take care of interest aggregation and do not leave it to the discretion of the Commission. The flip side of the coin is the growing distance to members at the grass roots. To bridge the gap, EU associations increasingly use modern management and communication technologies to address their constituency directly. But electronic dissemination

of information and campaigning do contribute little to active political participation and are detrimental to a deliberative political discourse. Some federations have institutionalised mechanisms for delegation and mandating which assure valid representation but further a streamlining of policy preferences and often generate middle of the road positions.⁶

Thus, there are many reasons why NGO do not function as transmission belts linking citizens to the EU in a way that meets democratic standards. The multi-level structure and high level aggregation of interests make the representation of citizens' preferences difficult and limits their capacity for active participation. Organisational properties of the Brussels based NGO such as career patterns, the dependence on EU funding, communication patterns emanating from proximity, etc. tend to support the formation of a self-referential European NGO community which has the best intention of working in the interest of citizens but gives citizens little say in its work (Kohler-Koch and Buth 2011).

To sum up: Civil society participation has not been very successful in furthering the democratization of the EU. One of the major deficiencies is the lack of accountability. So far CSO are not in a position to call EU institutions to account. It is plausible to assume that EU institutions would be more responsive to CSO input if they were accountable. But does the EU system allow for an accountability relation between EU institutions and CSO? Are CSO a legitimate actor to exert accountability? And in which ways could CSO strengthen accountability in EU governance?

⁶ For a detailed study of this effect in the European Women's Lobby association see Strid 2009.

CSO as actors and facilitators of EU accountability⁷

The principle of accountability is acknowledged in key EU documents. CSO have regularly insisted that above all the Commission should be subject to CSO accountability because it is an un-elected body with limited parliamentary control. Furthermore, CSO are particularly keen on Commission accountability in public consultations. In the meantime, the Commission has pledged to provide feedback and give reasons why it has responded to stakeholder input in one way or another. A synthesis report following consultations is now common though not universal practice. Many stepping stones to accountability are in place: The legal obligation of transparency, the requirement to submit impact assessments on major policy initiatives, the pledge to provide road maps to better track the consultation and decision making process, and last, not least the above mentioned feedback procedures.

But do all these procedural innovations institutionalise accountability in EU-society relations? And above all, do they contribute to effective and democratic participation? And what is the appropriate role of organised civil society? It is noteworthy that in the present debate accountability refers only to the relation between CSO and the Commission. To provide an answer we will, first, clarify the concept of accountability and the different modes of accountability and, secondly, present different role models which enable CSO to enact accountability under the given institutional constraints of the EU system.

In the most general term one can say that accountability is a mechanism “to put matters right” (Harlow and Rawlings 2007: 546). The idea is that accountability will enforce effective participation because the obligation of a decision-maker to explain and justify his conduct and the likelihood that he has to face consequences will keep him in line with the preferences of the represented.⁸ Democratic accountability is a more demanding concept because it does not only require that accountability mechanisms have an impact on those who exert public

⁷ The following paragraphs draw extensively on Kohler-Koch 2010b.

⁸ According to Bovens (2007: 450) “Accountability is a *relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences*” (italics in the original).

authority but it requires that it relates back to the citizens and that they have an equal chance to have a say in it. Consequently, CSO can only claim to further democratic accountability when they contribute to bring citizens in. They can do so as an *actor* or as a *facilitator* in an accountability relation. As an *actor* they have to prove that they enjoy democratic legitimacy, as a *facilitator* they have to engage democratically legitimate actors.

When CSO constitute the forum to which account is to be rendered we may call it “*social accountability*” as suggested by Marc Bovens (2007: 457). This social accountability may be a one-level relationship linking EU institutions to CSO or it may be a two-level relationship which combines the accountability of EU institutions with the accountability of CSO towards their own membership or constituency. A different accountability relationship is established when CSO act as facilitator. Marc Bovens (2007: 454-455) called it *political accountability*. Again, we have two different models depending on whether or not CSO activate political representatives such as political parties, parliaments or national governments or enable citizens directly to exert control. In both accountability models the essential difference is who constitutes the ultimate accountability forum.

Tab. 1: The role of CSO in EU accountability

| | <i>Roles of CSO</i> | |
|---|---------------------------------|--|
| | <i>Actor</i> | <i>Facilitator</i> |
| <i>Types of accountability relations</i> | EU level social accountability | Elite based political accountability |
| | Two-level social accountability | Grass roots based political accountability |

Social accountability

Social accountability attributes CSOs a central role in EU accountability. CSOs are the actors who oblige EU institutions to explain and justify their conduct; they question the appropriateness of policy proposals; they pass judgements and as far as they can they impose sanctions. In normative terms it makes a difference whether social accountability is restricted to the Brussels arena or if it is a two-level mechanism.

EU level social accountability

This mode of social accountability establishes a direct and explicit accountability relation between those who decide and implement public policy and CSOs. CSOs take advantage of their close relationship with decision-makers; accountability is not so much an ex post facto mechanism but embedded in a process of ongoing consultations and dialogue. The idea is that accountability and participation go hand in hand (Grant and Keohane 2005). Exacting accountability from within is expected to stimulate deliberation and mutual learning and thus to provide both input and output legitimacy. The World Bank has more explicitly than the EU propagated a concept of social accountability that induces democratic responsiveness by building on “state-civil society synergy” (Malena et al. 2004: 13). However, such synergies may end in capture or collusion. European CSOs attach high importance to close collaboration with EU institutions because it gives access to inside information and makes sure that CSOs will be on spot when the EU is open to advice. But in interviews CSO representatives confirm that they are well aware of the trade-off between acting as a “trustworthy partner” and an “opposition force stirring controversies”. Most agree that exerting accountability needs a certain degree of detachment from those who have to render account.

Apart from the social aspects CSOs are in a weak position to exert accountability because their demands have no legal basis, they are not regarded as legitimate accountability actors and because they have no adequate public forum. No EU-institution is obliged to render account to CSOs. Accountability is not a legal obligation but rather a political commitment. EU institutions are on record that

they are committed to the principle of accountability, but they do not necessarily regard CSO as legitimate actors to whom they ought to be accountable. The European Parliament is accountable to the electorate and has made it quite clear that CSO are in no position to ask Parliament to give account⁹, and the Council insists on the responsibility of member governments to their national constituencies. The Commission has written the principle of accountability into the White Paper on European Governance but left it open to whom it ought to be accountable. The willingness to submit to CSO accountability is at the discretion of the individual Directorates General and exercised in various ways and to various degrees. The reservation against any formalization of accountability to civil society has institutional reasons. The Commission is engaged in a “principle-agent relation” not with civil society but with the Council and the European Parliament.

Another important handicap is that there is no arena for rendering account. The feedback mechanism is linked to the consultation process and so it is issue specific and makes for a compartmentalisation of any accountability relation. Furthermore, some consultation instruments such as the widely used online-consultations are accountability adverse (Quittkat 2011). The “structured dialogues” which have been established in some policy fields and are supposed to be extended with the implementation of the Civil Dialogue¹⁰ have a potential of providing an accountability forum.

To conclude: Accountability is accepted as a political and not a legal obligation; it is strictly linked to the consultation process; it is restricted to feedback and reason giving without conceding CSO the *right* to ask questions, to pass a judgement and to impose consequences.

⁹ European Parliament report on the Commission White Paper on European Governance (COM(2001)428 - C5-0454/2001 - 2001/2181(COS)) point 11(b).

¹⁰ Though the Civil Dialogue has been institutionalised in the Lisbon Treaty, it has not yet been formalised and still in 2011 only some General Directorates of the Commission entertain a formal “Civil Society Dialogue”.

Two-level social accountability

Even if CSO would be in a stronger position to exert accountability on EU institutions, would this make EU governance more democratic? There are two necessary conditions, namely systemic representativeness and organizational representativeness: First, the plurality of CSO active in Brussels would have to be a fair representation of the divergent preferences of the European public and all different kinds of CSO would have to have an equal chance to put EU institutions under pressure to give account. As already stated above, our empirical research confirmed that this condition is not met. Secondly, only when CSO are accountable to their members they are legitimate accountability actors.

All European CSO assert their commitment to accountability. The *sine qua non* prerequisite is a well functioning communication between the European level organisation and member organisations at all levels down to the individual members at the grass-roots. An easy flow of information and communication is difficult to achieve because of the multi-level structure of European organisations. These structural impediments affect some CSO more than others. Not only size but the complexity of the organisations and the degree of organisational consolidation make a difference. Streamlined hierarchical organisations combining the principle of territorial and functional representation in a systematic way are mostly found among market and labour related associations. NGO, especially the encompassing NGO confederations stand out as being far more complex. Part of the explanation is that the European Platforms, which are the main interlocutors of the EU institutions, are still in the process of consolidating their organisational structures.

CSO have developed a number of instruments to disseminate information such as newsletters, annual reports and open channels for communication such as annual conferences, thematic oriented workshops, regular visits and above all interactive web sites. The question, however, is whether this information reaches member organisations at lower levels and the grass roots members. Empirical research gives a sobering picture. When we take national CSO reporting on EU

related activities as indicator of awareness, the level of information is very low. Even on salient issues we find few reports on what is done in Brussels in order to serve the interests of members. In a comparative perspective striking variations between countries and type of organisations are discernible. More information is provided by German and British associations than by French and Italian associations and this difference cuts cross all types of CSO. When comparing economic and professional associations, trade unions and general interest groups, market-related actors have been found to provide more information than the latter (Altides 2011). Apart from distinct national associational cultures, the different availability of resources combined with a difference in organisational capacity partly explains these variations. Market related actors have a long history of dealing with the EU and their predominantly hierarchical structure makes communication across levels easier. Furthermore, it is also quite evident that those who have a specific interest and have existential economic or professional stakes are more attentive than those with a diffuse interest.

Assuming that information would be wide spread and controversial issues were in the open would this boost up CSO accountability and would it deserve the quality label “democratic”? In the case of member organisations, agents are obliged to render account and with exit and voice members can definitely impose consequences. But what if European CSO have only a restricted membership? We lack systematic empirical data, but from comparative investigations we may conclude that EU organisations are far from being inclusive. Bozzini (2007: 14) found in her cross-sectoral and cross-national comparison that on average far less than half of all national associations are members of an EU umbrella organisation. And how can advocacy groups be accountable which have no members and are mainly funded by the EU so that neither exit nor voice will work?

Political accountability

Political accountability sees CSO as facilitators that draw the attention of other actors to the poor performance or even wrong-doings of authorities. Their role is

to provide additional information, to raise awareness, to disclose alternative policy options, to bring out controversial issues and raise opposition to specific policy options so that other actors will be motivated to enforce accountability. It is the most common perception of CSO as political watchdogs and whistleblowers. CSO may target their activities primarily at political actors such as the European Parliament, national parliaments, political parties and governments on national or sub-national levels. Or they may address the general public. In both cases they call on a third party to put pressure on EU institutions to explain, justify and eventually modify, amend or cancel their actions.

Elite based political accountability

Political actors must have an interest on their own to take up what CSO lay at their doorstep. Thus it is crucial that in recent years the European Parliament and the European political parties have become more assertive than before in playing the game of politics. Nowadays, the EP is quite eager to assert its role as accountability actor and does not hesitate to get engaged in a power struggle with the Commission (Bouwen 2006). The higher the salience of an issue and the potential media interest, the more is it likely that the EP is taking up the issue and becomes a valued partner for CSO. Though CSO primarily address their “natural” allies, the environmentalists the Green parties, trade unions and the Social Platform the European Socialists, Business Europe the European People’s Party, the Human Rights Network the Liberals, etc., all CSO aim at mobilising a broad coalition to have an impact. They are eager to engage Parliament and party groups not just on the EU but also on the national level.

It could be argued that for elite based political accountability the role of CSO as information providers is less relevant than their role as activator of publicity and controversy. Members of parliament can easily get firsthand knowledge and should have the proficiency to evaluate the information so that they can hold EU decision makers to account. However, based on the findings of Steffek and Ferreti (2009: 56) one can argue that participatory governance has put CSO in an advantage. Institutionalised participation in highly technical European

Agencies provides NGO with insight so that they can “act as transmitters and translators of highly specialised information (...). They may also provide the (...) audience with critical counter-expertise to challenge IOs and governments.”

Unfortunately, we lack systematic empirical research for a sound assessment of CSO as facilitators of political accountability. Selected cases illustrate favourable conditions which help CSO to assert their role: Most relevant are trustful and continuous working relations between a CSO and a faction in the EP, an issue that is highly salient and is likely to attract public interest and resonates well with media interest.

Whenever CSO manage to exert accountability by engaging the European Parliament or national Parliaments, the democratic quality of their engagement is beyond doubt.

Grass roots based accountability

Accountability that involves directly the general public deserves the highest mark of democratic legitimacy. Grass roots based accountability, however, is difficult to achieve. It is not sufficient to make information available, rather citizens have to become aware of and sensitive to an issue and to the options entailed. Only when a controversy gains publicity, citizens will form a judgement and translate it into political behaviour. CSO can do what citizens cannot do themselves: regularly monitor the daily policy process in Brussels and watch if decision-makers deviate from the declared preferences of the public. CSO will spot controversial issues, bring them to the attention of the people and advocate in favour of one position or the other. Citizens have to rely on intermediaries such as CSO and the media if they want to hold political authorities to account.

CSO active in Brussels would all agree that it is their mission to raise the awareness not just of their members but also of the wider public. Above all EU NGO are on record that communicating with their constituencies and the public at large ranks high on their agenda. But empirical research on European NGO confirms what we know from national and sub-national NGO: Though they

employ the full range of the action repertoire (Bozzini 2007; Kriesi et al 2007), their first preference is to have contacts to decision-makers, to provide expertise and to participate in consultations. They also make use of a wide set of strategies to target the public and media campaigns are regarded a most effective form of action, but many NGO have experienced that despite all efforts the media are not very responsive. All CSO are keen to communicate their position to the media when the issue under discussion is both highly salient and controversial. But resonance in the press is limited and except for a few cases it is difficult to tell whether CSO have served as transmission belts for spreading the news or not (Altides 2011).

If CSO manage to serve as issue specific transmission belts and bring critical choices to the attention of citizens, the question with regard to accountability is: What will happen next? Public protest is a demanding strategy of exacting accountability since it has high thresholds for participation. Elections have very low thresholds for participation but are a rather indiscriminate instrument to sanction decision-makers. Only if the salience of a single policy issue is strong enough to make a difference or if it adds up to other disappointments, electoral preferences may shift. Even then democratic accountability may fail. Two reasons are often mentioned: one is that EP elections are second-order elections and, as a result, electoral choice is influenced by national experience; the other argument is the weak position of the EP. The first hypothesis has been challenged by Rohrschneider and Clark (2008: 137) who found strong support that EU performance matters and voters to a considerable extend evaluate EU-level factors. This gives hope for the future as the EP is increasingly exerting its power to gain control over policy output.

It seems as if the positive image of civil society as a political actor forcing decision-makers “to put matters right” is resulting from a methodological research bias. Scholars have concentrated on the role of CSO in extraordinary events such as the fight against the “Bolkestein directive”¹¹, but have not looked in a

¹¹ The issue was the liberalisation of services, see Della Porta 2009.

systematic way at less spectacular though still important instances of EU accountability.

Conclusion

The message of this paper is that a sound assessment of CSO in EU accountability needs an analytical approach that differentiates between distinct types of accountability relations and different roles attributed to CSO. Accountability relations vary depending on who is considered to be the legitimate actor to hold EU-institutions to account. CSO can take different functional roles; they may be actors or facilitators of accountability. Accordingly, we have suggested four models of accountability – EU level and two-level social accountability, elite based and grass roots based political accountability. When examining how the four models fit reality we find that context conditions for exacting accountability have improved over the last years. The principle of accountability is widely acknowledged and information on substance and procedures of EU decision-making is provided. CSO are determined to make the Commission render account. Only more recently, in response to the demands of EU-institutions, they are concerned with their own accountability in relation to their members and constituencies. CSO are active in engaging other political actors and also strive for directly mobilizing citizens. Empirical evidence, however, suggests that CSO engage in all these activities in order to gain influence and push their specific preferences in the policy-making process. It is hardly ever a purposeful strategy to strengthen democratic accountability.

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