



**THE CIVIL SOCIETY
ORGANISED AT
EUROPEAN LEVEL**

*Proceedings of the First Convention
Brussels, 15 and 16 October 1999*

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FOREWORD

In the major debate on civil society currently taking place in Europe, an attempt has been made to define “organised civil society” as the representation of more or less formalised groups and associations, voluntarily based and legally regulated, which provide a bridge between the expression of the will of the people on specific issues and those that represent them.

There has been an increase, in all EU Member States, of associations pursuing all kinds of ends. Some 170 years ago, in his well-known study, *Democracy in America*, Alexis de Tocqueville maintained that the strength and legitimacy of American democracy lay in the numerous associations which emerged and developed, thanks to the determination of individuals from the most diverse sectors and working for the most varied of ends. For de Tocqueville, there is nothing that the will of man cannot achieve when acting freely through the collective power of the citizenry. An association founded on a clear idea can count on its members, committing them to the realisation of a goal which it has chosen, uniting their efforts, despite their occasional disagreements, and guiding them towards this goal.

The Economic and Social Committee rightly considers that it voices the needs of civil society as it includes representatives of the “intermediary bodies” to which European citizens belong: trade unions and employers’ organisations, sectoral associations, trade organisations, craft associations, cooperatives and non-profit associations, the professions, consumers, environmentalists, family organisations, and socially-oriented Non-Governmental Organisations. They are the sustaining pillars of civil society as they provide a mouthpiece for ordinary citizens and for their needs and aspirations. This does not mean a selfish and corporatist defence of special interests; rather, their action is spurred by the fact that such a link between legitimate interests, rights and duties is the very foundation of a universal democracy based on the civic and community awareness of the citizen. Civil society cannot exist without freedom; it can only be the free association, around positive values, of responsible men and women who are equal in liberty.

In convening the first conference of civil society organisations at European level, on 15 and 16 October 1999, we sought to launch an open and responsible discussion with all the bodies and associations which represent the European coordinating bodies and platforms for civil society, i.e. for citizens who meet and join forces in pursuit of a common goal.

We firmly believe that European integration cannot be achieved without the active, responsible participation of Europe’s citizens. We are therefore alarmed by the “democratic disenchantment” of the EU public who are increasingly sceptical about the workings of political parties and politicians. Suffice it to mention the low turn-out at the European Parliament elections in June 1999. Hence the need to reinforce democratic structures outside the political and parliamentary sphere, with a view to bringing Europe closer to its citizens. This is particularly necessary because economic and political globalisation means that decisions are being taken further and further away from the persons affected by them. In

such circumstances, associations - thanks to their closeness to the grassroots - provide a vital means of safeguarding democracy and preserving the cultural diversity which is a defining asset of the EU.

European society has changed and diversified dramatically, gaining in dynamism and vitality and demanding to be represented in the Union's decision-making process. In a fully realised democracy, decision-making must involve the whole of civil society. The ESC is the institutional channel for this, positioned as it is at the interface between social dialogue and civil dialogue.

The ESC also has an important role to play in the EU's external relations. It is committed to discussions with the civil society organisations of third countries, as part of EU external relations (Euro-Med, Mercosur, ACP, central and eastern European countries). At present, it is particularly active in dialogue with the countries seeking EU accession.

The European social model is based on a number of tenets which form the common heritage of the peoples of Europe. They include: political democracy and the safeguarding of human rights; social justice in a free society; and the involvement of citizens in the decision-making process. The EU promotes and upholds these principles both within and beyond its borders, not in order to impose its model but simply because they represent the basis for the legitimate exercise of power.

These values also underpin the plan to draw up an EU charter of fundamental rights which should guarantee a Europe based on political, social and participatory democracy for all, and which should provide a constitutional foundation for EU citizenship. Responsible action by civil society organisations can help bridge the gap between the public and the institutions, by means of grassroots dialogue. This interactive approach should be the starting point for drafting the charter which should be at the heart of the reform of the Treaties, to be discussed at the Intergovernmental Conference.

Our heartfelt thanks go to all those who have helped to ensure the success of this initiative, and to the speakers who lent our conference prestige and credibility: representatives of the EU institutions, the two sides of industry, trade associations, NGOs, academics, the media, and representatives of civil society organisations in third countries.

Finally, a special thank-you to Jacques Delors for having mapped out a course for our discussions.

The present publication seeks to provide an accurate reflection of the debates held on 15 and 16 October 1999 at the first conference of civil society organised at European level. Other conferences will undoubtedly follow, but we hope and trust that this one will be a milestone in the Economic and Social Committee's commitment to a people's Europe.

Beatrice RANGONI MACHIAVELLI

PROGRAMME OF THE CONVENTION

Friday 15 October

9 a.m. to 1 p.m.

Opening plenary session

9 a.m. Opening of the Convention by **Ms Beatrice RANGONI MACHIAVELLI**, President of the Economic and Social Committee

Statement by **Ms Sinikka MÖNKÄRE**, Minister for Labour of the Republic of Finland, on behalf of the Presidency-in-office of the Council of the European Union

9.15 a.m. Statement by **Ms Loyola de PALACIO**, Vice-President of the European Commission

9.30 a.m. Introductory address by **Mr Jacques DELORS**, former President of the European Commission (1985-1995)

10 a.m. **Round table on the theme: “The participation of civil society organisations: towards more effective European governance”**

CHAIRMAN: **Mr Roger BRIESCH**, President of the ESC Workers’ Group

SPEAKERS: **Mr Miklós BARABAS**, Director of the European House (Budapest)

Mr Philippe HERZOG, Professor of Economics, Paris X (Nanterre) University, former Member of the European Parliament

Mr Allan LARSSON, Director-General, DG for Employment and Social Affairs, European Commission

Ms Eleonora MASINI, Professor of Social Forecasting, Gregorian University (Rome)

Mr Jacob SÖDERMAN, European Ombudsman

11.15 a.m. CHAIRMAN: **Mr Kenneth WALKER**, Member of the ESC Employers’ Group and Chairman of the Sub-Committee on the Role and contribution of civil society organisations in the building of Europe

Presentation of the Committee’s Opinion on “*The role and contribution of civil society organisations in the building of Europe*” by **Ms Anne-Marie SIGMUND**, rapporteur and President of the ESC Various Interests Group

11.30 a.m. Continuation of the round table - Discussion

12.15 p.m. **Statements by representatives from European civil society organisations:**

Mr Emilio GABAGLIO, General Secretary, European Trade Union Confederation (ETUC)

Mr Dirk HUDIG, General Secretary, Union of Industrial and Employers' Confederations of Europe (UNICE)

Mr Roger BURNEL, Former President of the ESC Various Interests Group

Mr Pier Virgilio DASTOLI, Spokesman for the Permanent Forum of Civil Society

2.30 to 6 p.m. **Simultaneous Workshops on the general topic
"Towards a participatory European society"**

Workshop 1:

The contribution of civil society organisations to social integration and cohesion and to promoting employment

CHAIRMAN: **Mr Klaus SCHMITZ**, President of the ESC Section for the Single Market, Production and Consumption

RAPPORTEUR: **Mr Giampiero ALHADEFF**, General Secretary of SOLIDAR, President of the Platform of European Social NGOs

Workshop 2:

How can civil society organisations contribute more to the development of participatory citizenship?

CHAIRMAN: **Mr Dario MENGOZZI**, Vice-President of the ESC Various Interests Group

RAPPORTEUR: **Mr Dirk JARRÉ**, former Chairman of the International Council for Social Welfare

Workshop 3:

The contribution of civil society organisations to growth and competitiveness

CHAIRMAN: **Mr Kenneth WALKER**, Member of the ESC Bureau

RAPPORTEUR: **Mr Bruce BALLANTINE**, Special Adviser, European Policy Centre

Saturday 16 October

9 a.m. to 12.30 p.m.

Closing plenary session

9 a.m. CHAIRMAN: **Mr Josly PIETTE**, Vice-President of the ESC

Presentation of the results of the three workshops by their respective rapporteurs

General discussion

11.15 a.m. Closing session chaired by **Ms Beatrice RANGONI MACHIAVELLI**

STATEMENTS BY: **Mr Carlo MEINTZ**, Vice-President of the Committee of the Regions

Ms Miet SMET, Member of the European Parliament on behalf of **Ms Nicole FONTAINE**, President

12 a.m. Conclusions of the First Convention of the civil society organised at European level, presented by **Ms Beatrice RANGONI MACHIAVELLI**

12.30 p.m. END OF THE CONVENTION

OPINION
of the
ECONOMIC AND SOCIAL COMMITTEE
on

*The role and contribution of civil society organisations
in the building of Europe*

At its plenary session on 28 January 1999 the Economic and Social Committee decided, under Rule 23(3) of its Rules of Procedure, to draw up an own-initiative opinion on:

The role and contribution of civil society organisations in the building of Europe.

In accordance with Rules 11(4) and 19(1) of its Rules of Procedure the Committee set up a subcommittee to prepare its work on this subject.

The subcommittee adopted its draft opinion on 30 August 1999. The rapporteur was **Mrs Sigmund**.

At its 366th plenary session (meeting of 22 September 1999) the Economic and Social Committee adopted the following opinion by 116 votes to 2, with 13 abstentions:

1. Introduction

On the initiative of its president, **Mrs Rangoni Machiavelli**, the ESC will hold a conference in October this year to discuss the role and contribution of civil society organisations in the building of Europe. Specific proposals are to be drawn up by three working groups. The topic chosen is a logical follow-up to the approach developed by the Committee in its 1992 opinion on a Citizens' Europe¹. The conference is not therefore intended to be a "one-off" event, but a prelude to the Committee's programme for the next few years.

The present ESC opinion has been prepared by a subcommittee so that the event can be facilitated through appropriate preparatory work. The subcommittee members did not see it as their role to propose ready-made solutions; rather they have tried to organise the subject matter, identify the key players and define the institutional framework for concrete proposals. The final part of the report contains specific proposals that could serve as a basis for discussion in the conference's working groups.

2. General comments

People at the end of the 20th century are experiencing far-reaching changes which affect not just the substance but also the structure of their lives.

The end of 19th century saw the creation in Europe of social laws which would lead in the 20th century to the welfare state. Their importance for peace, political freedom, economic performance and social cohesion is unquestionable. But there is also a need to respond to new challenges, such as globalisation, though many questions as to the form and content of these changes remain unanswered.

A reform debate is of course also taking place at European Community level. The evolution of objectives between the time of the founding treaties and the Amsterdam Treaty necessitates structural reforms that should be set in train without delay.

¹ OJ C 313 of 30.11.92, p. 34

It should not be forgotten that the driving force behind European integration was not the economic dimension alone, but the desire to safeguard peace, which is indeed the first thing mentioned in the preamble to the ECSC Treaty (safeguarding world peace; contribution which an organised and vital Europe can make to civilisation; helping to raise the standard of living).

Accordingly, the remit of the European Union has since expanded to embrace not just the original, purely economic, spheres but also the environment, health and consumer protection, as well as education, social policy and employment.

All this illustrates that European integration should be seen not as a single event, but as a process that is not only subject to change but also capable of responding to change. This is how we should interpret the preamble to the Maastricht Treaty, in which the European Union is not defined for all time, but the process is deliberately left open by referring to “an ever closer Union”.

The European Union must currently address such sensitive and sometimes very emotionally charged issues as enlargement, common foreign and security policy and a whole host of institutional matters. At the same time it faces low confidence among its citizens, who accuse it of inefficiency, point to democratic deficits and call for greater responsiveness to grassroots opinion. European integration needs the commitment and support of ordinary people more urgently than ever before, and at present it does not seem to have enough of either.

It is precisely in connection with this issue of (inadequate) responsiveness to grassroots opinion that the notion of “civil society” is constantly being mentioned. This concept is cited and invoked in the most diverse contexts, and its relevance is not always obvious. It is almost as if “civil society” has become a vogue expression that is often used without any clear indication of what the speaker really means. Experience has shown that a discussion is only fruitful if agreement is first reached on the basic premises. The subcommittee therefore felt it was essential first to describe the historical background and development of civil society, and then, using scientific theories, to provide a definition of the concept² that actually reflects political reality.

3. Historical overview

The concept of civil society in Western political thought has undergone differing interpretations throughout its history. It is important to transcend these now by providing an all-embracing definition.

Until the Enlightenment, civil society denoted a particular form of political organisation, namely one that was subject to the rule of law. For Aristotle, the *koinonia politiké* was a dimension of society that encompassed and prevailed over all other dimensions. Cicero talked about a *societas civilis*. This political definition of civil society still applied in the

² See points 6.1 and 7.1

Middle Ages, although it took on the new connotation of the antithesis to religious community. The term was thus secularised. It is interesting to note that according to this interpretation, “civil society” and “state” are virtually synonymous. Thus *good citizenship* is the moral value associated with civil society, which in the Roman tradition means members of civil society fulfilling their duties as citizens.

From about 1750 onwards the expression came to mean almost the opposite. Civil society was no longer bound up with the notion of the state, but increasingly represented a counterweight to the state. This was because the emerging bourgeoisie with its liberal world view appropriated the concept to denote a social sphere separate from the political sphere, comprising the market and people’s private lives. The associated moral and social ethic was no longer “good citizenship” but “good breeding”, i.e. good manners and impeccable social conduct.

It was this liberal approach that Ferguson had in mind when he sang the praises of civil society. It was precisely this apolitical interpretation that disturbed 19th century philosophers such as Hegel and Marx, who attacked it for being biased and one-sided. They identified civil society largely with the bourgeois individualistic world view and the formalised regulation of relationships through civil law.

Liberalism and socialism crossed swords over the concept of civil society, now defined as the antithesis of the political sphere: liberalism saw civil society as the stronghold of individual freedom and contractual relations, socialism saw it as the expression of oppression and the class divide.

Since the 19th century, however, a number of political and social thinkers have been trying to transcend this clash between an “ancient-medieval” and a “modern-bourgeois” version of civil society, and, within the latter, between the liberal and socialist versions.

A new interpretation of modern civil society, inspired by Tocqueville, Durkheim and Weber, is emerging, based on four principles:

- *Civil society is typified by more or less formalised institutions*: this institutional network forms an autonomous social sphere that is distinct from both the state and from family and domestic life in the strict sense. These institutions have many functions (not just economic, but also religious, cultural, social, etc.) and are crucial to social integration;
- *Individuals are free to choose whether to belong to civil society institutions*: they are never forced to join any of the associations, businesses or groups which make up civil society, either through a political commitment or supposedly “natural” allegiance to a particular group;
- *The framework of civil society is the rule of law*: the democratic principles of respect for private life, freedom of expression and freedom of association provide the normative framework of civil society. Although civil society is independent of the state, it is certainly not an area outside the law;

- *Civil society is the place where collective goals are set and citizens are represented:* civil society organisations play an important role as “intermediaries” between the individual and the state. The democratic process could not take place without their mediatory role.
- Civil society introduces the dimension of subsidiarity, a concept derived from Christian doctrine, which opens up the possibility of establishing levels of authority which are independent of the state but recognised by it.

4. Civil society: the common denominator for democratic movements in Europe

Social changes in Europe have helped to provoke a broad international debate over the past few years, in theory and in practice, about the term “civil society”. Remarkably, citizens’ groups and movements from western and eastern Europe are addressing the matter together, despite their very different histories. This has become a much-debated subject in the search for a social model that offers a middle way between unbridled individualism and the trend towards total authoritarian collectivism.

Whereas in western Europe and the United States the main question was how ordinary people could rebuild a sense of solidarity and so strengthen the social ties which a community needs, the initial concern in central and eastern Europe was to dismantle the central government control inherited from the Communist system.

The difficulties currently besetting both western and eastern European countries are not purely economic, social and financial. They are mostly related to internal changes in the way civil society is organised, and to the limits of state action in a complex society.

The countries of central and eastern Europe had not succeeded, and in certain cases have still not completely succeeded, either in building confidence in the new institutions or in creating the necessary structures for the existence of a strong civil society. This situation is particularly relevant for the European Union in the context of enlargement. The ESC, too, has launched a large number of initiatives to support this reconstruction process in the CEEC, and these activities have a high priority in its current work programme.

5.1 An attempt to define civil society

There is no hard and fast definition of civil society. Because the term is so closely associated with specific historical developments in individual societies and so normative, it can be defined only loosely, as a society that embraces democracy. 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. What is particular to the concept of civil society is its dynamic nature, the fact that it denotes both situation and action. The participatory model of civil society also provides an opportunity to strengthen confidence in the democratic system so that a more favourable climate for reform and innovation can develop.

5.2 Some components in the concept of civil society

The development of civil society is a cultural process, and “**culture**”³ therefore determines the definition of civil society and has a bearing on all the concepts listed below. If we take the very broad definition of culture as a code of values that apply to the members of a society, then culture also shapes the areas in which civil society operates.

- **Pluralism:** In a pluralist society every member of the community determines his or her contribution, and the community tries to improve the conditions of co-existence. This applies not only to the substance but also to the form of action taken; thus civil society also links diverse social groups through the way in which ideas are exchanged and social contacts established, thus lending some stability to their communication efforts. What is remarkable is that this public discourse is not purely factual, but that the parties involved also exchange value judgements. However, this co-ordination of different views and perspectives does not happen automatically, but requires a constant will to achieve consensus. In a pluralist society, all individuals recognise each other as having equal rights and engage with each other in a public debate. All this takes place on the basis of **tolerance** and **free will**. An example is the democratic culture of the multiparty political system.
- **Autonomy:** Ordinary people determine the pattern of their social actions themselves. These must take place, however, within a state that has been fashioned by its citizens, a state that provides the framework for society to function through basic rights anchored in a constitution. But autonomy also requires independent institutions that protect non-material values - such as education, religion and culture - that guarantee human dignity, a basic right of which the state is not the sole guarantor.
- **Solidarity:** Civil society is underpinned by a “culture of solidarity”, which manifests itself in a willingness to place limits on one’s own interests and take on obligations as the prerequisite for acting in the common interest. People’s actions are determined by their own lives (culture, upbringing, education, experience) and they benefit from their interaction with others.
- **Public awareness:** Civil society establishes a climate of communication and so creates a social context of “political awareness”. This political awareness is characterised by very grassroots-oriented patterns of communication. The **information society** has become very relevant to such awareness. Even if, as a kind of “non-organised civil society”, the information society is still to a certain extent an elite community, it is likely to provoke radical changes, not only in the shape of civil society but also in the way it operates.
- **Participation:** in a flourishing democracy there are two ways in which citizens can be politically represented or active:

³ In broad terms culture can be said to define the past and presently prevailing system of values and needs (material or not material); culture determines the hierarchy of values and needs as well as the ‘means’ by which values are served and needs are satisfied or met.

i) through a range of political institutions at different levels: citizens participate mainly by taking part in election debates and subsequent ballots;

ii) through the action of interest groups and citizens' initiatives: people belong to groups that build up expert and grassroots knowledge of the social issues in question. These bodies also participate in public information and communication processes, so helping to create a general perception of the common good. The term "civil society" implies this type of participation.

- **Education** is a fundamental element of civil society. The basic values of human society are communicated through education. Those involved in education establish the principles according to which civil society develops. On no account therefore should education policy be the sole preserve of the state.
- **Responsibility**: civil society is not just the place where individual rights are exercised: these rights are accompanied by obligations in the common interest. In fulfilling these obligations, members of civil society must be accountable to the other members. This is why civil society is the ideal context for practising a particular type of "good citizenship", because it is a community of interests.
- **Subsidiarity**: The grassroots level plays a primary role in this political and social system; higher authorities only come into play when lower levels cannot cope. In the context of civil society, subsidiarity must also be understood as an external factor, i.e. as a recommendation that citizens themselves should be left to deal with matters that concern them.

5.3 Civil society in the current debate

The theoretical discussion is broadly based on three approaches:

- The **liberal tradition** sees the citizen as an economic, rational element of society defined primarily in terms of his or her rights and duties. Citizens organise themselves in interest groups and ensure that the state guarantees universally valid, individual freedoms. Civil society is realised through the broadest possible application of individual rights. The focus is on applying liberal principles.
- According to the **theory of communitarianism**, citizens are members of a community established on the basis of values they themselves have defined. People must adapt their behaviour to the objectives of the community, which for its part must act as a system of links between individual and state.
- The third theoretical approach is **discursive democracy**, which lies somewhere between the liberal and communitarianist positions; this theory is based on the concepts

of communication and interaction: civil society creates a “political awareness” in which democratic debate not only generates opinions, but also establishes standards, so that the information process also becomes a decision-making process through which civil society agrees on common values. These values - for example in the sphere of justice or protection of minorities - must then be implemented by the democratic institutions (the state).

6. State, market and civil society

There is no doubt that the social state based on the rule of law has enhanced the development of political freedom, economic strength and social cohesion. The typical dual model of former political and economic theories, which revolved around the two poles of “state” and “market”, more or less ignored all relationships outside that context, relationships that most closely reflect human and social reality.

The concept of civil society is thus very important as the third component of the state system. Whereas the “statist society” model sees the citizen first and foremost as a citizen of the state (in relationships determined by the state), the “market society” model sees the citizen as a market player. The citizen as a member of civil society (*homo civicus*) mediates between the two, by embodying all three aspects (*homo politicus*, *homo economicus* and *homo civicus*).

7. Civil society organisations

Civil society organisations can be defined in abstract terms 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*. Their effectiveness is crucially dependent on the extent to which their players are prepared to help achieve consensus through public and democratic debate and to accept the outcome of a democratic policy-making process.

Civil society organisations can also be viewed dynamically as a locus of collective learning. In complex societies, which cannot be run on a centralised basis, problems can only be resolved with active grassroots participation. Various forms of social experimentation and forums for pluralist discussion are a prerequisite for an “intelligent” democracy that can generate an ongoing process of social learning. In this sense, civil society is a “school for democracy”.

This also applies by analogy to the Community sphere, where the role of the nation state is also relativised by the process of European integration and people increasingly sense that the nation state’s traditional claims to sovereignty no longer reflect social reality. Employment and environmental problems and issues of welfare and social justice can no longer be dealt with exclusively at national level.

8. Players in civil society organisations

Civil society organisations include:

- the so-called labour-market players, i.e. the social partners;
- organisations representing social and economic players, which are not social partners in the strict sense of the term;
- NGOs (non-governmental organisations) which bring people together in a common cause, such as environmental organisations, human rights organisations, consumer associations, charitable organisations, educational and training organisations, etc.;
- CBOs (community-based organisations, i.e. organisations set up within society at grassroots level which pursue member-oriented objectives), e.g. youth organisations, family associations and all organisations through which citizens participate in local and municipal life;
- religious communities.

9. The role of civil society organisations at Community level - the civil dialogue

In the context of European integration, civil society organisations have also been set up at Community level, though their make-up and representativeness vary. These organisations range from ad-hoc lobby groups to highly organised associations, all claiming representation and co-decision rights for their particular area of interest. However, only those with a certain basic organisational machinery and which are qualitatively and quantitatively representative of their particular sector can be expected to make a positive contribution to European integration.

One common feature of these civil society organisations at European level is the intermediary role they which they have taken over from the national level. The European social partners are a case in point, having employed their communication strategies in a Community-level institutionalised negotiation process. This social dialogue is essentially a decision-making process based on consensus; since the coming into force of the Amsterdam Treaty, the parties in this process act on a quasi-constitutional basis. The importance of social dialogue in core areas of social policy, especially labour relations, is undisputed. Of particular interest, however, is the fact that it serves as a model for applying a form of communication intrinsic to civil society, in which dialogue is a constantly developing, goal-oriented process. The social partners have thus set standards for a new type of political culture which should embrace areas outside the social dialogue.

There have already been numerous efforts to set up structures for democratic discourse alongside the social dialogue at European level. In the Commission, Directorate-General V

plays a key role in promoting civil dialogue at a practical level. It initiated the first European Social Policy Forum, held in March 1996, where the concept of “civil dialogue” was introduced. In its Communication “Promoting the role of voluntary organisations and foundations in Europe”⁴, the Commission took up this suggestion and set as a political objective “the building over time of a strong civil dialogue at European level to take its place alongside the policy dialogue with the national authorities and the social dialogue with the social partners”. In its opinion on this Communication⁵, the Committee discussed the question further, observing that: “By organising themselves, citizens provide themselves with a more effective means of impressing their views on different society-related issues on political decision-makers. Strengthening non-parliamentary democratic structures is a way of giving substance and meaning to the concept of a Citizens’ Europe.”

Civil dialogue is set to become the communication forum for Community-level civil society organisations. However, it would be wrong to see it as providing an alternative to, or as competing with, the social dialogue. Rather, civil dialogue should be considered a necessary complement to the social dialogue, in which the social partners - depending on the areas to be dealt with - will participate just as all the other relevant players in civil society. It is in Europe’s interest to improve and develop all structures which allow its citizens to participate in the common project of European integration.

A political awareness must be developed in Europe that provides transparency and requires cooperation. In modern societies it is the mass media above all that create such political awareness, but the media tend not to be very interested in European issues. Reports are generally limited to topical matters and allusions to incompetence which are intended to boost sales. So it is hardly surprising that people’s distrust of “Brussels”, which they equate with aloof bureaucracy and opaque decision-making structures, has grown. “Out of touch with ordinary people” and “democratic deficit” have become catchwords associated with Europe.

Civil society organisations at European level therefore have the important task of contributing to a public and democratic discourse. Through its remit as a forum for civil society organisations, the Committee can ensure contact with grassroots concerns and contribute to the democratic policy-making process. Its members speak directly for civil society organisations, and together they represent that network of interactions, the “real world”, that forms the necessary basis for action in a civil society.

In this connection the Committee regrets that both the communication “Promoting the role of voluntary organisations and foundations in Europe” and the report on the Second European Social Policy Forum 1998 mention only the Commission and the European Parliament as forums for civil dialogue, omitting any reference to the Committee.

4 COM(97) 241 final

5 OJ C No 95 of 30/3/1998, p. 99

10.1 The Economic and Social Committee as the representative of civil society organisations

By setting up the Economic and Social Committee, the Rome Treaties gave sectoral interest groups access to the European decision-making process and made the Committee the representative of civil society organisations at Community level. Hence, the Committee can trace its special role as the representative of civil society organisations back to both its institutional status and remit, as well as its membership. It should therefore set a clear course for the further development of civil dialogue at the conference in October.

10.2 Committee members

Under Article 257 of the EC Treaty, the Committee comprises “representatives of the various categories of economic and social activity, in particular, representatives of producers, farmers, carriers, workers, dealers, craftsmen, professional occupations and representatives of the general public”. This purely indicative list is deliberately left open, as best befits the evolving nature of civil society organisations.

It is not clear whether current membership of the Committee really reflects social changes that have taken place over the past 40 years.

Committee members are generally nominated by national organisations, but they are not bound to follow those organisations’ instructions. In other words, they are independent. But members naturally reflect in their work the reasons for which they were nominated. In this way they represent the pluralist interests of civil society organisations. In addition, the Committee’s members must respect their duty to serve the common interest: “The members of the Committee may not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the general interest of the Community.” (third paragraph of Article 258 of the EC Treaty). This means that political decision-making in the Committee is not the automatic outcome of competition between interest groups, and its way of working more or less reflects the modus operandi of civil society organisations. The particular process for drafting opinions in the Committee (study group - section - plenary session) is also consistent with the principle of consensus, which is the basis for negotiated action in civil society. Thus any lack of diversity in the membership of the Committee is partly offset by the rules governing the exercise of their activities and the form of the decision-making process.

The Committee’s legitimacy as the representative body of civil society organisations derives not only from its status as an institution of the European Community, but also from the existence of its three Groups. The Committee incorporated this right to form groups from the Council’s nomination guidelines of 1958 into its Rules of Procedures, in the first place presumably to simplify its work. But the intention was also to make clear that the Committee was a forum not for national delegations but for European organisations with similar interests. Thus the Committee also sees itself as speaking on behalf of civil society organisations.

10.3 Role of the Committee as a Community institution

The Committee's role as a consultative body is best summed up in terms of its relationship with other bodies, particularly the European Parliament: the Committee guarantees the implementation of the participatory model of civil society; it enables civil society to participate in the decision-making process; and it helps reduce a certain "democratic deficit" and so underpins the legitimacy of democratic decision-making processes.

Democracy manifests itself through the will of the people, which is expressed through majority decision-making. For the minority to accept the will of the majority, there must be a degree of agreement between them: they must have a common identity. This is not usually a problem at national level, where (in a broad interpretation of the "demos" concept) this identity is defined by a common nationality (or residence in a particular area), and a common culture, language and set of values.

However, when it comes to democratic policy-making at European level, additional identity criteria are required to create a European identity. If European Union citizenship is defined simply as the sum of all national citizenships, then a "European" must be the sum (or synthesis) of several national identity criteria, which all derive from a common tradition and the values of democracy and human rights.

This means, however, that the democratic process at European level - even more so than at national level - must provide a range of participatory structures in which all citizens, with their different identities and in accordance with their different identity criteria, can be represented and which reflect the heterogeneous nature of the European identity.

The European Parliament is elected by Europe's citizens in their capacity as national citizens (residing in a particular Member State), i.e. exercising their democratic rights as part of their national (territorial) identity.

But people's identity is also defined by membership of interest groups in the diverse shape of civil society organisations. These identity criteria, relating to people's role in civil society organisations, are not covered by representation in the EP. It is precisely these identity criteria, however, which are taken into account by the Committee as the representative of civil society organisations; this enables the Committee to promote democratisation at the European level, and to show Parliament that it provides genuine added value in the democratic European decision-making process. The Committee cannot compete with Parliament, in power terms alone, but it complements Parliament's legitimacy in a way that makes sense.

11. Measures to support the role of the Committee

Cooperation with the Commission: The Committee currently maintains close working contacts with the Commission which both sides feel to be satisfactory. Contact should

nevertheless be established with individual Commissioners so as to ensure that the Commission requests an opinion from the Committee at an earlier stage in its decision-making process. Particularly in matters concerning its interest groups, the Committee should be consulted as early as possible so that it can decide to draft an own-initiative opinion if it wishes.

Cooperation with the Council: Each Presidency generally lays down certain programme priorities. The Committee should build on the already effective cooperation during the preparatory phases and organise accompanying measures during each Presidency (own-initiative opinions, hearings and local events, and joint initiatives with the presidency-in-office).

Cooperation with the European Parliament: The Treaty of Amsterdam empowers the Parliament (or its committees) to ask the Committee for opinions. The interinstitutional working group on ESC-EP relations has a key role to play here, with far-reaching political implications. If solid foundations can be laid for future cooperation, people's current feeling of remoteness from the European institutions could perhaps be reduced, and citizens could be reminded, through their representative organisations, of their responsibility for Europe and motivated to become involved.

Cooperation with the Committee of the Regions: local and regional representation of interests in the COR does not conflict with sectoral representation in the Economic and Social Committee; on the contrary, in many cases it is complementary. Mutual benefits could be won here too. A first step in this direction was taken by the Bureau this July, when a liaison group with the COR was set up to monitor the follow-up to a Committee opinion on "Exploitation of children and sex tourism"⁶ and implement with the COR one of the proposals in this opinion, the setting-up of a European network of child-friendly cities.

The Committee should do more to encourage such practical forms of cooperation.

12. Creating a "civil society" action plan in the Committee

The Committee is the right forum in which to further broaden civil dialogue, and it should therefore make appropriate arrangements as soon as possible for this dialogue also to be conducted with those civil society organisations that are not currently represented in the Committee. This would be a crucial contribution to developing the model of participatory democracy.

The Committee is the institution in which civil society organisations meet. It is therefore proposed that an appropriate "civil society" organisational structure be set up to introduce initiatives in the following spheres, under an action plan to be implemented in the near future:

6 OJ C No 284 of 14/9/1998, p. 92

- events within the Committee, as well as hearings outside the Committee, which could give more people the opportunity to participate. The possibilities this would provide for opinion-forming and goal-setting through dialogue could represent a valuable contribution to the development of civil dialogue;
- interinstitutional contacts could also be consolidated and developed within this framework, with round tables of outside experts preparing joint opinions;
- there is also considerable scope to make more use of contributions from experts, which are often of high quality. Working up these contributions - where they address civil society issues - into press or scientific reports would not only further the knowledge of Committee members but could also be of interest to the wider public.

The ESC is the forum for development of a European identity: as already mentioned, European identity has many levels and comprises different criteria, first among which is the acceptance of a common code of values based on respect for human dignity and human rights.

- The German Presidency of the Council launched an initiative to draft a Charter of Basic Rights. At the Cologne summit, the German Minister for Justice noted that establishing a common code of values is of such fundamental importance for Europe's citizens that the highest possible degree of democratic legitimisation is desirable.
- As the representative of civil society organisations, the Committee can make a decisive contribution to this democratic legitimisation. It will prepare an own-initiative opinion on the subject, and will also give its views during the committee procedure for drawing up a list of basic rights, which will be determined in more detail under the Finnish Presidency.
- Even in the preparatory stages the Committee can ensure that as many as possible of the relevant players from civil society organisations are involved, by organising its own consultation procedures and hearings.

The Committee is the bridgehead of civil society organisations in the context of EU enlargement:

- In the run-up to enlargement, the Committee's involvement in helping to set up civil society structures in those countries that do not yet have them, or in which they are not yet complete, cannot be overstated. As well as legal, economic, social and political action, integrating new members into the Community requires comparable structures, in order to actually implement the shared value system referred to above.

- The Committee has already done a lot of work to facilitate the setting-up in the candidate countries of bodies similar to the Committee, or to the national economic and social councils: it is working in joint consultative committees with those authorities in the applicant countries that are responsible for setting up these bodies. It is organising exchange programmes and in certain cases is also providing assistance with technical and administrative matters. With the help of the relevant sections and other administrative departments concerned, more positive steps could be taken in this direction through the action plan proposed in point 12.2.

13. Summary

New types of political entity - and the European Union in the post-Amsterdam period is such an entity - call for new ideas. In times of change, the so-called paradigm shift that characterises our present era, there is a need for visionary ideas and joint efforts to implement them. For Europe in particular this period preceding a possible enlargement poses a major challenge: to establish a common European identity based on a common value system, in addition to achieving major socio-economic goals.

The Committee has the opportunity to support this process of development and contribute to European integration as envisaged in the Maastricht and Amsterdam Treaties.

Brussels, 22 September 1999.

The President
of the
Economic and Social Committee

Beatrice Rangoni Machiavelli

The Secretary-General
of the
Economic and Social Committee

Patrick Venturini

N.B.: Appendix overleaf.

APPENDIX
to the
OPINION
of the Economic and Social Committee
(in accordance with Rule 47(3) of the Rules of Procedure)

The following amendment was rejected but received more than 25% of the votes cast:

Amendment proposed by **Mr Nyberg**

Point 12.1

Insert the following after the 2nd sentence:

“ The various activities occasioned by this broader dialogue should also help to boost participation for non-ESC members from organisations currently represented in the Committee.”

Reason

In addition to the problem of organisations for which the ESC is currently unable to find room, we have trouble spreading the message of what the Committee actually does even within our own organisations. Moreover, some of the expertise within our organisations remains untapped in the ESC's regular activity. It should be possible to harness this expertise in various internal or external arrangements, thus making the people involved more aware of our work.

Voting

For:	27
Against:	40
Abstentions:	11

**CONCISE REPORT
OF THE DEBATES OF THE CONVENTION**

Introduction

On 15 and 16 October 1999 the European Economic and Social Committee held *the First convention of the civil society organised at European level*. It brought together some 300 participants, representing the different economic and social categories : employers, workers, farmers, SMEs, the liberal professions, consumer and environmental protection organisations, family associations, socially-oriented NGOs, minority and charitable organisations. The Convention was also attended by numerous representatives of the European institutions, national economic and social councils and socio-economic organisations from countries and regions outside the EU, in particular the applicant countries.

This report will look at the four main questions addressed at the Convention :

- How can civil society and civil society organisations be defined ?
- What is the role of civil society and civil society organisations in democracy; and more precisely, how can civil society organisations contribute to a more participatory Europe ?
- How do civil society organisations contribute to employment, sustainable economic growth, social cohesion, education and training and social integration ?
- How can the Economic and Social Committee (ESC) ensure its role as representative forum of civil society organisations ?

One of the starting points in the debate has been the ESC's opinion on the *Role and contribution of civil society organisations in the construction of Europe*, adopted on 22 September 1999. This document will be referred to as "the ESC's civil society opinion".

The concept of civil society

Civil society, from the Greek city state to the digital society

"Civil society has become a fashionable concept" argued an NGO representative at the Convention. However, it is often not clear what people mean by it. A variety of interpretations are given to the concept and different translations also show differences in interpretation according to the language. The first task of a convention on "civil society organised at European level" is thus to clarify what civil society means.

The ESC's civil society opinion and several contributions to the convention showed that civil society **was not invented in the twentieth century** and has roots even in antiquity where it meant the political-civil dimension of society that encompassed and prevailed over all other dimensions. In the Middle Ages, civil society became virtually synonymous with a secularised state as opposed to a religious Community. From about 1750 onwards the

expression came to mean almost the opposite, namely a counterweight to the State. Very different political thinkers and philosophers, such as Ferguson, Hegel, Marx, Toqueville, Dürkheim and Weber (to quote only a few), have given very different definitions of civil society. However, mostly they typified civil society as “more or less formalised institutions which form an autonomous social sphere that is distinct from the State”.

Generally they have a “dualistic vision” of society, namely State versus civil society. Such a conception has also been proposed by some participants at the Convention. Thus one participant defined NGOs as “all organisations that are not emanating from the State.” They can be inspired by economic values, or social values, or be concerned with consumer interests or with the labour market”.

Such a dualistic vision was very important in Eastern and Central Europe where civil society functioned as a counterweight to the State-controlled bureaucracy, economy and society.⁷ The intervention at the Convention by a representative of Solidarnosc, Mr Józef Niemec, was very instructive in this context. In Poland, trade unions and the church played an important role against communist oppression. However, after the breakdown of the communist regime, civil society had to adapt to the new situation. Civil society is no longer a homogeneous force of opposition to the State, but has to take into account a new reality: the market.

In modern “Western” society, civil society is not an opposition to the State but has an intermediary function between the State, the market and citizens, and is concerned with, as the ESC’s civil society opinion puts it, “how ordinary people could rebuild a sense of solidarity and so strengthen the social ties which a community’s needs”. Contemporary political thinkers and philosophers, such as Habermas, Gramsci, Cohen and Arato, therefore develop not a dualistic vision of society (State versus civil society) but make a distinction between the State, the market and civil society. As Habermas says, the central medium of civil society is not “administrative power” (the State) or “money” (economy) but “communicative power”. Through this communicative power, civil society is pivotal to social integration and political participation. Civil society prevents the citizen being reduced to a “dependent of the State” or to a “market player”. As the ESC’s opinion puts it, “the citizen as a member of civil society (*homo civicus*) mediates between the citizen as market player (*homo economicus*) and the citizen in its relationships determined by the State (*homo politicus*)”.

The development of civil society : a cultural process

Given this dynamic nature of civil society, the best way to define the concept is by indicating the particular features of civil society. The ESC’s opinion on civil society has put forward several **features of civil society** which were discussed at the Convention.

Civil society is based on **pluralism and autonomy**. *Pluralism* means that all individuals recognise each other as having equal rights and engage with each other in a public debate.

⁷ See, for instance, the political thinking of Vaclav Havel.

Autonomy means above all that ordinary people determine the pattern of their social actions themselves. However, autonomy also concerns civil society as a whole. The State should not enclose civil society. Neither should civil society be subject to the rules of the market.

Contrary to the hierarchic structure of the State and contrary to the economic parameters of the market, the guiding principles of civil society are **subsidiarity, responsibility and solidarity**. *Subsidiarity* means that the higher authorities only come into play when lower levels cannot cope, not only territorially but also functionally. The lower level has priority, stressing the importance of the grassroots level in the political and social system. This also assumes that people take up *responsibility*. Only when people take up their role in society can subsidiarity work. Civil society is based on the idea that people can exercise their individual rights and that these rights are accompanied by obligations in the common interest. Therefore one of the principles of civil society is *solidarity*, i.e. the willingness to place limits on one's own interests and take on obligations as the prerequisite for acting in the common interest.

Civil society leads to **political awareness and democratic participation**. It establishes a climate of communication. Grassroots-oriented patterns of communication lead to political awareness, which in turn contributes to democratic participation. Participation occurs through voting in elections or referenda, but also through citizens action in associations and interest groups.

To ensure all these features **education** becomes an intrinsic part of civil society. Indeed, civil society could also be defined as a "process". As Mr Jacques Delors put it in his speech to the Convention : "civil society is on the move". Civil society changes because it is part of a **cultural process**, i.e. it is shaped by the code of values prevailing in society.

However, Mr Delors also stressed that civil society - defined as "more or less formalised institutions to which individuals may freely decide to belong, operating within a framework of the rule of law, and a place where collective goals are set and citizens are represented" - should be attentive to take all societal changes correctly into account. Our society has been described as heading towards a "post-industrial society" or to a "digital society". Mr Delors brought to the attention several parameters of **societal change** : (i) the improvement in women's standing, for instance, which has changed society drastically in the last fifty years, (ii) the increasingly fragile nature of the conventional family unit, (iii) the sea-change in religious behaviour and feeling of belonging, (iv) the radical changes to the employment market due to, especially, the technological revolution, the decline in trade union numbers, the differing situations of company employees, the increase of "atypical jobs", (v) the particular social construct of the European town, and (vi) the growth of associative activity.

Several participants at the Convention equally stressed these elements of societal change, and added others such as the problem of an ageing population which will endanger our social welfare system, or the multicultural character of our society (and even how the latter could be a solution to the first, as Ms Suzanne Monkasa, Secretary-General of the Migrants Forum of the European Union mentioned).

Faced with this changed and changing society, Mr Dirk Jarré, former chairman of the International Council for Social Welfare, formulates the central questions as follows :

Where can we find the balance between the State, economic power and civil society ? Who has to do what ? Who should produce work or social services ? Who has to guarantee security and social protection ? Who has to provide education and training ? The State, for instance, should not use NGOs as an instrument to carry out tasks that it no longer wants to supply itself, as M. Radim Burkon, of the Civil Society Development Foundation in the Czech Republic, confirmed is too much the case in Central and Eastern Europe. Neither should NGOs be considered as normal economic enterprises and be submitted to the same juridical and financial rules as private market actors.

Civil society organisations

Civil society could thus be defined as a social sphere which is relatively independent from the State and which cannot be reduced to the rules of the market. It is based on such principles as autonomy, pluralism, subsidiarity, solidarity and responsibility. It is a communicative sphere in which public awareness can develop, which in turn leads to democratic participation. To communicate and to act with solidarity one needs a group of people (one cannot be communicative or show solidarity on one's own). Civil society is therefore composed of **civil society organisations**. They are defined in the ESC's opinion 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."

Civil society organisations are so essential to civil society that in some languages there is no clear distinction between both. Ms Miet Smet, Member of the European Parliament, mentioned that in Dutch "civil society" is translated by "maatschappelijk middenveld", which means "social mid-field". The term "mid-field" is borrowed from the world of football where it does not simply refer to a certain part of the football-ground but to the actors, the football-players, who have to occupy that place in the field. Equally "maatschappelijk middenveld" immediately refers to the intermediary function of the actors, i.e. the civil society organisations. And as Ms Smet put it : "a team cannot score without a properly organised mid-field : this also applies to society".

To make a distinction between civil society on the one hand and its organisations on the other hand, the latter are sometimes referred to with the concept of "organised civil society".

Players in civil society organisations

The Convention held an intensive debate on which group can be defined as a civil society organisation.

This debate often focused on the question how *the concept “NGO” (non-governmental organisation)* should be defined. Very different definitions have been proposed. As already mentioned, one of the participants defined NGOs in very broad terms as “all organisations that are not emanating from the State. They can be inspired by economic values, or social values, or be concerned with consumer interests or with the labour market.” Other participants defined an NGO in more restrictive terms putting forward several criteria with which an organisation should comply to be considered as an NGO. Mr Giampiero Alhadef, Secretary-General of SOLIDAR and President of the Platform of European Social NGOs proposed four criteria to define an NGO : (i) it is not for profit, (ii) it is overwhelmingly based on human rights, (iii) it is a focal point for mobilising solidarity, and (iv) it has a function of both service provider and advocate. Such organisations can be self-help groups or community based organisations, but they can also have highly developed bureaucracies.

Mr Herman Icking, Secretary-general of Caritas Europa, provided four other criteria. First, an organisation needs representativeness, i.e. the organisation needs to have members. Second, authenticity, i.e. the organisation needs clear objectives and values. Third, the organisation needs to be operational, i.e. should not only produce ideas, but should also be active in the field. Fourth, economic independence, i.e. the organisation should not depend on the State for more than 50% of its resources.

The latter criterion has been criticised by a representative of an organisation for the homeless. Some organisations receive more than 50% state financing. This does not exclude that these organisations provide services in the general interest and act as intermediary bodies without being an integral part of the hierarchical State structure. The concept of NGO is actually a “negative concept”. It gives a definition in terms of negation, namely “not being governmental”. Paradoxically, an organisation providing social services might be considered as not being an NGO because it gets too much State funding, whereas a private undertaking that does not take into account the general interest could be defined as NGO for the sole reason that it does not get any State funding. The representative of homeless therefore proposes the use of a more positive concept such as “social sector organisation”.

The ESC’s civil society opinion also gives a definition of an NGO, namely those organisations which bring people together in a common cause, such as environmental organisations, human rights organisations, consumer associations, charitable organisations, educational and training organisations, etc. Such NGOs have been distinguished from CBOs (community-based organisations), i.e. organisations set up within society at grassroots level which pursue member-oriented objectives, e.g. youth organisations, family associations and all organisations through which citizens participate in local and municipal life. However, several participants at the Convention have criticised this distinction. Though some organisations are very locally based while others have a global focus, the distinction has been considered artificial. On the one hand, organisations with a global focus have a grassroots basis as well. On the other hand, locally active organisations such as youth or family associations try also to set up regional, national or European structures to defend

their cause. Grassroots activities and the provision of services go hand in hand with the advocacy role at a higher political level.

One thing is clear, though. Nobody at the Convention contested that both “NGOs” and “CBOs”, as defined in the ESC’s opinion, can be considered as being civil society organisations. More discussion emerged on the other types of organisations indicated in the opinion as constituting civil society organisations. According to the opinion, civil society organisations include :

- the so-called labour-market players, i.e. the social partners;
- the organisations representing social and economic players, which are not social partners in the strict sense of the term;
- NGOs;
- CBOs;
- religious communities.

Only two participants at the Convention spoke about the question of religious communities. They believed that serious discussion on civil society should take into account the impact of churches and therefore regretted that the Convention did not pay more attention to it. It remained unclear whether churches or religious communities should be defined as “civil society organisations”. One of the participants stressed the importance of the separation of the State from the Church. In that sense churches or religious communities should be situated in a social sphere outside the State and could be considered as part of civil society. However, the same participant also mentioned the role of religious beliefs in political and military conflicts such as Northern Ireland, Kosovo or Israel. This raises questions on the “communicative power” of religious communities and their respect for such civil society features as pluralism, autonomy and democratic participation.

Most debate concerned social partners and “organisations representing social and economic players, which are not social partners in the strict sense of the term.”

Several participants argued that “business” cannot be considered as part of civil society. However, it remained unclear what was precisely meant by “business”. Does business mean a private economic undertaking ? A private enterprise is a market actor, and if one accepts that the State, the market and civil society respond to different rules, it is difficult to define an enterprise as part of civil society. Or does business mean the employers’ organisations, the organisations representing SMEs, the organisations representing the bank sector, etc ? Such organisations are intermediate between market and state and could therefore be considered as part of civil society.

Nevertheless, some participants argued more generally that social partners (both employers’ organisations and trade unions) are not part of civil society. Mr Emilio Gabaglio, General Secretary of the European Trade Union Confederation, argued on the contrary that the organised trade union movement is probably the biggest NGO in Europe.

Social dialogue and civil dialogue

The debate on “whether an organisation is or is not part of civil society” has mostly been linked with the distinction between “social dialogue” and “civil dialogue”. Social dialogue refers both to the bipartite dialogue between employers’ organisations and trade unions, and to the dialogue of these social partners with public authority. Social dialogue is well established both at national and European level. Civil dialogue has mostly been used to indicate the dialogue between public authority and (other) NGOs. Both at national and European level, civil dialogue is less well-established, in legal terms, than social dialogue.

Mr Gabaglio indicated how both social and civil dialogue have now become quite well-established concepts to refer to these two different realities. However, the terms have maybe been badly chosen. For instance, social dialogue is not uniquely “social” since dialogue with NGOs could also concern social issues. A better reference point to define dialogue between social partners would be the core of this dialogue, namely the industrial relations process. For its part, civil dialogue is not uniquely “civil”. The dialogue between social partners could have been called “civil dialogue” since it concerns equally civil society organisations.

If one makes a sharp distinction between the question of “whether an organisation is or is not a civil society organisation” and the question of “organising the dialogue between public authority and these organisations”, it becomes clear that the different opinions expressed at the Convention diverge less than they might appear at first sight.

Most participants seem to agree on the following points :

- both social partners and NGOs are civil society organisations. Even the NGOs that prefer the social partners to be out of civil dialogue do not deny, in general, that social partners can communicate with public authorities. They recognise that social partners are intermediary bodies and thus part of civil society;
- most social partners and representatives of NGOs recognised that “social dialogue” and “civil dialogue” cannot be identical. The particular features of industrial relations necessitate a particular “social dialogue”. The NGOs confirmed that it is not a question of becoming a sort of third social partner;
- most social partners and representatives of NGOs confirmed the need to strengthen dialogue between public authority and the NGOs. Whereas “social dialogue” is well established, “civil dialogue” is lagging behind.

On the contrary, there is no clear consensus on how “civil dialogue” should be strengthened. To answer that question requires, first of all, that the ambiguity in that actual use of the concept “civil dialogue” be eliminated. The European Commission has used this concept to stress the specific dialogue with the NGOs. According to Ms Loyola de Palacio, vice-president of the Commission, such a dialogue is “a necessary supplement to the social dialogue

between the social partners”. Mr Allan Larsson, Director General for Employment and Social Affairs of the Commission, said it is “complementary to the social dialogue”. In practice, this does not mean that at certain “civil dialogue” initiatives of the Commission, such as the Social Policy Forum, the social partners have been excluded. The ESC’s civil society opinion, as also explained at the Convention by Ms Anne-Marie Sigmund, the rapporteur, and Mr Roger Briesch, President of the ESC Workers Group, is more explicit on this point. It says that it would be wrong to see civil dialogue as providing an alternative to, or as competing with, the social dialogue. “Rather, civil dialogue should be considered as a necessary complement to the social dialogue, in which the social partners - depending on the areas to be dealt with - will participate just as all the other relevant players in civil society.”

On the way in which the dialogue is structured, there seems to be agreement on the following aspects :

- the dialogue with the social partners needed due to the particular features of industrial relations is called “social dialogue”;
- in some fora there will be a dialogue between public authority and NGOs where social partners are neither concerned nor involved. Some NGO representatives have stressed especially the need to strengthen these fora, and would also prefer to limit the concept of “civil dialogue” to these structures;
- throughout the Convention (as will be shown later in this report), it has been repeatedly stressed that there is also a need for fora in which social partners and NGOs can meet, and in which they are represented together. The concept of “civil dialogue”, as proposed in the ESC’s opinion, concerns both these common fora and the specific dialogue with NGOs. In fact, it applies to the dialogue with all civil society organisations.

Representativeness of civil society organisations

One of the most debated issues in defining civil society organisations was the question of **representativeness**.

Several participants mentioned the difficulty of assessing whether civil society organisations are representative or not. The question is especially important if one wants to institutionalise the dialogue between civil society organisations and the European institutions. The representatives of the European social partners, such as Mr Emiglio Gabaglio from ETUC and Mr Dirk Hudig from UNICE, mentioned how the representativeness of social partners has been built up through a long history. There is a need for the other civil society organisations to develop voluntary mechanisms to define their representativeness.

The unclear nature of a variety of civil society organisations was even described by several participants as a “nebula”. However, a representative of the European Women’s Lobby,

Ms Denise Fuchs, replied that it would not be correct always to associate NGOs with the concept of a “nebula” in contrast to political parties and social partners. In fact there is a significant number of NGOs organised at European level which work in a transparent and efficient way and which are well-known by the European institutions.

Moreover and according to several participants, the question of representativeness is not only a problem in the context of civil dialogue. A representative of the liberal professions, for instance, explained how his organisation is part of the social dialogue in France, although the European organisation representing liberal professions, CEPLIS, is not part of the European social dialogue. It was also pointed out that certain business categories are represented and others not. Equally, the declining membership of trade unions was mentioned, as well as the fact that trade unions are not represented at all in certain sectors of the economy (which, unfortunately, leads also to the non-respect of labour laws, as a representative of the Polish trade union Solidarnosc testified).

Another participant at the Convention made a distinction between two types of civil society organisations. On the one hand, there are organisations which are characterised by their size, seniority, recognition and relational framework. They are the more static part of civil society. On the other hand, there are organisations which are distinguished by their speed, suppleness, transparency and capacity. They are the more flexible and new part of civil society which does not necessarily comply with the criterion of representativeness in numerical terms. Moreover, civil society tends to be characterised increasingly by its ‘fluidity’ since young people readily switch from one organisation to another.

Most participants at the Convention agreed that civil society organisations need not be massive organisations in order to be representative. Representativeness is not necessarily based on numerical aspects, and legitimacy springs from various qualitative capacities of civil society organisations. As one participant said, legitimacy does not only follow from representativeness but can also be based on expertise. He warned that “if we focus too much on representativeness, we might suffocate the lively forces of civil society. With the idea of representativeness we find ourselves in the 19th century representational democracy by Parliament and not in the participative democracy of today.” Also Mr Tony Venables, Director of Europe-Citizen-Action-Service (ECAS), warned about categorising civil society too much. Civil society can also mean individuals opening up secret documents to a broader public via the internet, or organising unstructured meetings preparing public protest during of the WTO summit. This very dynamic part of civil society cannot be captured by definitions and by the question of representativeness.

In her closing statement, the ESC President, Ms Rangoni Machiavelli, concluded that representativeness of civil society organisations must be boosted in qualitative rather than quantitative terms, reflecting as accurately as possible a highly complex and ever-changing European society.

Civil society, a nebula or an icon ?

The Convention's debate on the concept of civil society was broad and intensive. Nevertheless, there seemed to be agreement on several issues.

First, "civil society" can be defined as a social sphere which is independent from the State and which goes beyond the rules of the market. It is based on such principles as autonomy, pluralism, subsidiarity, solidarity and responsibility. It is a communicative sphere in which political awareness can develop, which in turn leads to democratic participation.

Second, civil society depends on civil society organisations which ensure the intermediary function between the State, the market and the citizens. There was a broad agreement in defining NGOs, CBOs (as far as they should be distinguished from the former) and social partners at large as civil society organisations.

Third, most participants recognised the necessity of the specific dialogue for the social partners (the social dialogue) and agreed that the dialogue between the European institutions and NGOs (the civil dialogue) should be strengthened. On the one hand some participants stated that there is a need for fora in which only NGOs are represented. On the other hand, many participants at the Convention stressed also the need for common fora in which both NGOs and social partners are represented.

By the end of the Convention, it was no longer felt appropriate still to describe civil society as a "nebula". In fact, the description given by Mr Herman Icking of Caritas Europa might have been more to the point in comparing the concept of civil society with "a sort of religious icon behind which we all can walk". The people who are walking behind an icon might be very diverse but they believe in a number of values represented by the icon : so do those groups that are walking behind the icon of civil society.

The democratic function of civil society organisations

The role of civil society in our complex modern democracy

One could argue that civil society has **three main functions** in an effective democracy.

First, civil society **provides the public debate** needed to make representative democracy work. It is within civil society that public awareness emerges which is needed for democratic political action. Civil society organisations make a vital contribution to the public debate.

Second, as many participants at the Convention stated, civil society can also function as a sort of "**warning light**" that switches on when representative democracy does not adequately respond to citizens' demands. The direct election of political representatives is no guarantee that those representatives are automatically aware of all citizens' demands.

Civil society organisations have an important role in bringing societal demands to the attention of political representatives. They also have a role in pointing out malfunctioning of State services and State bureaucracy.

Third, due to increased political emancipation and to the complexity of the tasks attributed to the modern State (which both resulted in a certain crisis of traditional representative democracy), people want to be involved more directly in political decision-making. **Participatory democracy** is based on the idea that those concerned by a certain aspect of political regulation are consulted prior to the decision-taking. Only via civil society organisations can such a participatory democracy be realised.

The Convention has clarified how civil society ensures these functions.

Participants at the Convention repeatedly stressed the grassroots character of civil society. Often civil society organisations act at a very local level. They are a gate to the bottom-up approach to decision-making. Generally civil society organisations have a double function: **advocacy and service provision**. They provide services in the fields of health, social welfare, education, vocational training, legal and administrative assistance, etc. Through this service provision, civil society organisations are in touch with the problems and demands at the basis of society. They can reflect these demands in their advocacy role vis-à-vis political decision-makers. Service provision and advocacy are closely linked. In a comparable way, social partners are in touch with the problems at work-place level and at the level of the daily practice of economic life.

The way in which the NGOs lobbied on the Amsterdam Treaty has been given as an example on how advocacy and service provision are linked to each other. The NGOs have been successful in their lobbying for texts on public services, combating discrimination and combating poverty, precisely because their arguments were based on daily experience.

The second strength of civil society is its **communicative power**. As described above, civil society is a communicative sphere based on the principle of pluralism. Civil society organisations play a very important role in this communication. They provide arguments and values for the public debate, often in an unstructured way.

The democratic function of civil society is also in the organisation of public protest, sometimes by loosely structured groups. Though such small groups cannot claim strong representation they can point the finger to certain problems such as the undemocratic nature of international and economic institutions.

Through civil society organisations, people become familiar with values such as dialogue and civic debate. As the ESC's opinion formulates it, dialogue as "a constantly developing, goal-oriented process" is "a form of communication intrinsic to civil society". Civil society is therefore a "school for democracy". More literally, some civil society organisations provide specific training in democratic values and procedures. Such initiatives are

particularly important within Eastern and Central Europe. Both Ms Magda Vasaryova, representative of the Slovak Society for Foreign Policy, and Mr Józef Niemec, of Solidarnosc in Poland, explained the efforts their organisations have made in this context. Ms Monkasa, representative of the Migrants Forum, added how civil society organisations concerned with migrants provide information to migrants so that they can take up the rights they often ignore and become more participatory in decision-making in their new country.

Several participants pointed out the possibilities offered by internet. Internet is a strong communicative tool which is already used intensively by civil society organisations. It is not only a tool for dialogue and exchange of information between civil society organisations, but it also provides opportunities to increase transparency of public authority and might even create forms of direct democracy in which civil society organisations will have to play a guiding role.

Finally, civil society organisations can ensure their democratic functions due to their **expertise**. This expertise is, once again, linked with the grassroots experience of civil society organisations. This experience and expertise is the basis for good discussions in public debate and for the controlling function on representative democracy. However, first and foremost, this expertise opens the way to more direct involvement in the decision-making procedures, and thus to more participatory democracy.

How civil society responds to the “crisis of politics”

Mr Jacques Delors, Former President of the European Commission, highlighted the current feeling of **democratic disenchantment** “which will bring us emphatically back to the need for civil society organisations”.

He presented different elements of what could be called the **“crisis of politics”**. This is firstly a crisis of meaning. While intellectuals announced the death of God in the sixties, followed by the death of ideology, now there is a danger of economics perpetrating a kind of “hold-up” on politics. A second feature is society that has become emotional under the influence of the media. The result is the tyranny of the short-term looming over us in which politics is driven by “one-day-events” and in which politicians tend to spend, as Ms Smet said, more time in TV-shows than in the parliamentary assembly. The third element is the emergence of a “democracy of opinions” in which opinion polls claim to present the general interest. A fourth element of confusion are the doubts regarding the European social model which might be guilty of getting the balance wrong between collective responsibility and individual responsibility. The final element is the difficulty the nation-state experiences in staying in control, when it is pulled in separate directions globally and locally.

The Convention made clear **how civil society responds to the crisis of politics**. Civil society brings to the fore values such as environmental and consumer protection, social protection, non-discrimination, cultural values, etc. Consequently, an important part of the population, and especially the younger generations, who distance themselves from the

political class, identify with civil society organisations. Younger generations are aware of collective problems, but they no longer trust politicians to do anything about them. So, they attempt to commit themselves via civil society organisations when they have the commitment and the time to try and resolve some of the problems which arise.

In contrast to the emotional and “opinion-poll” character of politics, several participants at the Convention stressed that civil society can develop a long term vision whereas both political and economic decision-makers tend to take short-term decisions.

Based on subsidiarity and solidarity, civil society also offers a response to the imbalance between individual and collective responsibility that might result from our State-dependent social model.

Finally, the State tries to find a balance between nationalism and globalisation or Europeanisation, and at a point when politicians face difficulties in presenting a “global message” to the citizen, the civil society organisations are often inspired by the idea “act locally, think globally”. As Ms Eleonora Masini, Professor of Social Forecasting, noted at the Convention, civil society today is sometimes identified with “global consciousness”. Another participant talked about civil society as “a vector of the internationalisation of politics”.

The crisis of politics, referred to above, is not only due to profound changes in society such as the crisis of meaning, the dominance of economics, the emotionalisation, the “fast-food culture” and the imbalance between collective and individual responsibility.

It concerns also more directly the idea of *representative democracy*. Mr Dirk Jarré, former Chairman of the International Council for Social Welfare, put it as follows : representative democracy is based on majority decisions. Majority decisions can be taken with the approval of 51% of the voting population, but what about the opinion of the other 49% ? There is an increased dissatisfaction with representative democracy not reflecting the variety of opinions in society. Therefore, the need is felt for more participatory democracy in which civil society organisations can also give voice to cultural, political, juridical and economic minorities, i.e. the other 49% that might be ignored by majority decisions.

Another participant also made clear that in our complex parliamentary democracies the executive is increasingly strengthened to the detriment of the parliament. The executive provides detailed, technical and extensive regulation whereas the parliament often can only intervene on issues of strong political debate. Due to the often technical nature of policy issues and due to the features of party politics, it is difficult for the parliament to exercise thorough control of the executive. The alternative might be to involve the civil society organisations more directly in the decision-making process of the executive.

Finally, the way in which representative democracy has functioned has created a feeling of **political disenchantment**. Party politics have reduced the influence of the voters to the minimum and cases of political corruption have increased people’s distrust of the political

class. Participatory democracy is a way to reconcile people's awareness of collective problems and social commitment with political decision-making.

However, Mr Radim Burkon, of the Czech Republic Civil Society Development Foundation, argued that politicians resist seeing civil society organisations as vehicles of expression of the political will, and prefer tracing this political will back to their own four-yearly election.

Finally, participatory democracy via civil society organisations also responds to the inefficiencies and limits of the classical administration. Mr Jean De Munck, researcher at the Catholic University of Louvain, clarified how the classical administration tends to be based on "delocating problems", "sectorialisation" and "hierarchical bureaucratisation". It "delocates problems" by generalising them, by presenting them in an abstract way independent from the concrete context. Classical administration is also based on "sectorialisation", i.e. social problems and policy-issues are segmented in separate sectors with their own administration and own actors. This lack of global vision is unproductive in resolving complex realities. The administration is also characterised by a strong hierarchical structure which leads to time-consuming bureaucratic practices. Involving civil society organisations at the administrative level might resolve some of the shortcomings of the current administration. Civil society organisations bring in their expertise on problems in the concrete contexts and thus avoid "delocating" the problems. "Sectorialisation" can be avoided by consulting a broad variety of civil society organisations, and not only the particular interests of a sector. Finally, civil society organisations can offer via subsidiarity an alternative to the "bureaucratic State monster".

Participatory democracy is not a substitute for representative democracy, but it is a complement to it, to overcome the limits of both representative democracy and classical administration.

Mr Sandro Calvani, representative of the United Nations Office for Drug Control and Crime Prevention, added that civil society is essential in combating what can be called "uncivil society", i.e. illegal trafficking (arms and drug), trafficking in children and adults, etc. Democracy might be endangered by uncivil society, and uncivil society cannot be eliminated only with law and order. Only the State and civil society working together can successfully combat uncivil society.

However, there is no guarantee that civil society organisations will automatically ensure their democratic function. Several participants at the Convention stressed the need for **transparency, legitimacy, accountability and representativeness** of the civil society organisations themselves. However, one should avoid interpreting those principles too rigidly. "Representativeness", for instance, should not simply be assessed on the basis of numbers. Ms Denise Fuchs, representative of the European Women's Lobby, brought to the attention another aspect of "representativeness". Though women are largely active in civil society organisations, they remain under-represented in the leading and representative functions of these organisations. Civil society organisations are lively forces in society which should

adapt to changing needs and situations. It is therefore also crucial for civil society organisations to be conscious of the need for autonomy versus the advantages of institutional attachment.

Civil society organisations and EU democracy

Civil society Organised at European level

Ms Beatrice Rangoni Machiavelli, President of the European Economic and Social Committee, mentioned how she had been asked by the press why the Convention concerned civil society **“organised at European level”**.

First, there is an important number of civil society organisations, such as the social partners or consumer and environmental groups, which have set up specific structures (often under the form of federations) to intermediate with the European institutions. They are directly organised and present at European level.

Second, though not “organised at European level” in the strict sense, there are many national, regional, local or even global organisations which are concerned by the European integration process. The Convention itself, bringing together the variety of such organisations, might be seen as a sign of this concern. Across national frontiers these organisations often have common concerns. In their daily practice these organisations also face European regulation. They are civil society organisations that act within a European context. It is therefore also important that direct contacts are established between them and the European institutions, an objective that the ESC tries to achieve.

Together all these organisations have a membership of 250 million Europeans, of an EU population of 370 million. Looking at associative movements alone (excluding mutual societies and cooperatives) almost 100,000,000 people are involved.

The European democratic deficit and the role of civil society organisations

Ms Sinikka Mönkäre, Minister for Labour of the Republic of Finland, noted that initially citizens were not the centre of attention of the European Communities. Community action was almost exclusively limited to economic questions, whereas problems concerning human rights and citizens tended to be dealt with by the Council of Europe. However, the integration process has been stepped up, and the European Union is now involved in sensitive issues such as justice, foreign policy and security, and economic and monetary policy. Moreover, it has more and more direct impact on the everyday life of EU citizens. Every day the European Union takes decisions in spheres that citizens consider to be of fundamental importance. As Mr Larsson, Director general for Employment and Social Affairs of the European Commission, stated : the agenda shared by civil society and the Commission encompasses all the areas of concern that touch the daily lives of Europe’s citizens. That the EU is now concerned with a broad range of citizens’ issues does not

make it by definition legitimate in the eyes of the European citizens. In fact, Ms Mönkäre also pointed out the fear that transferring decision-making powers to EU institutions would undermine democracy and reduce citizens' scope for action. The low participation rate in the last European Parliament elections is, once again, a sign of how problematic ordinary people evaluate the EU's legitimacy. The European Union finds itself in a paradoxical situation; now that it is concerned with more and more issues of direct concern to citizens, people's distrust of the European integration process is surprisingly high. European Institutions are equated with aloof bureaucracy and opaque decision-making structures. "Out of touch with ordinary people" and "democratic deficit" have become catchwords associated with European integration.

One has to recognise that it is a major challenge to organise supra-national institutions, such as the European institutions, in a democratic way. It is relatively easy to organise a little village democratically. But how to organise a community of 370 million citizens who do not even speak a common language? Given these specific features of the European Union, civil society organisations have a particularly important role to play in enhancing European democracy. The contribution of civil society organisations to "public awareness", "warning light function" and "participatory democracy" appear even more important than at the national level.

Both the ESC's opinion and participants at the Convention have mentioned that there is a lack of political awareness on European issues. Media reports are generally limited to topical matters and allusions to incompetence which are intended to boost sales.

Moreover, the different European languages make the exchange of information and a real European debate very difficult. European civil society organisations have therefore the very important task of contributing not only to a public and democratic discourse, but also to overcoming the linguistic barriers. Within the national democracies, it might be enough for an individual to switch on the television to get informed on national politics. However, to be informed on European issues, an individual faces more difficulties. Several participants at the Convention gave examples of the initiatives their organisation took to inform citizens on these European issues. A Swedish representative also made clear that there can be a link between civil society organisations, public awareness and direct democracy. His organisation, the European Federation of Adult Education, organised a wide range of activities to prepare people for the referendum on the Swedish participation to EMU.

Political awareness on European issues can only emerge if the European institutions are transparent. According to Mrs Mönkäre a citizens' Europe should guarantee not just the right to information (relating to the action of public authorities) but also the right and the opportunity to understand what is happening at Community level. It is not enough to put all documents on the internet if people do not find their way in this information. Civil society organisations should assist citizens to find their way in the labyrinth.

As at the national level, civil society organisations at the European level play the role of “warning light” if European institutions do not function properly or do not take adequately into account citizens’ demands.

Mr Jacob Söderman, the European Ombudsman, informed the participants at the Convention that civil society organisations can use the right to complain to the European ombudsman about maladministration of Community institutions and bodies. He explained that civil society organisations have played a role in making European decision-making more transparent. Civil society organisations should also inform citizens that they can use this right to complain to the ombudsman or to petition the European Parliament on problems of principle.

Participatory democracy tends to become even more important at European level than at national level. The ESC’s opinion and Ms Anne-Marie Sigmund in her contribution at the Convention explain why. The European identity, it is said, is a heterogeneous one. This makes democratic decision-making within the European Union difficult. At the national level, majority decision-making is usually not a problem since people have a common nationality, culture, language and set of values. Such majority decision-making is more difficult at European level where such a common nationality, culture and language do not exist. Therefore, to ensure a democratic process at European level, one must provide a range of participatory structures in which all citizens, with their different identities and in accordance with their different identity criteria, can be represented and which reflect the heterogeneous nature of European identity. People’s identity is also defined by membership of interest groups in the diverse shape of civil society organisations. Therefore fora are needed in which citizens can express themselves as members of civil society organisations.

One participant at the Convention asked whether it is not time to rethink the dominance of territorial representation. He suggested that participation of civil society organisations could be institutionalised in a kind of second chamber in addition to territorial representation.

Institutionalising the intermediary role of civil society organisations

The Convention voiced the need for a certain institutionalisation of the intermediary role of civil society organisations. At European level intermediation between the social partners and the European institutions is well established in the social dialogue, which is even enshrined in the EU Treaty. Moreover, since the Cologne Summit in June 1999, the social partners are involved also in macro-economic dialogue.

The relation between the European institutions and the NGOs is less strongly institutionalised. The consultation of NGOs often takes place on an *ad hoc* basis.

The NGOs themselves have adjusted to consultation at the European level. Mr Giampiero Alhadeff, General Secretary of SOLIDAR and President of the Platform of European Social NGOs, explained how the picture of the NGOs at the European level has changed recently. The NGOs in the social sector have joined their forces in a European Platform. A comparable

initiative had already been taken for NGOs in the Development field, and very recently environmental NGOs ('the Green 8') and human rights NGOs also decided to set up such a structure. Moreover these four networks have now also made the first informal steps towards common action, which has already resulted in the invitation by the European Commission to participate in a special forum for NGOs at the Seattle World Trade Summit.

However, it is not enough that the NGOs adapt to the European institutions. The European institutions should also adapt to the variety of civil society organisations. They should show stronger commitment to involve NGOs, and this at various levels. There was a widespread agreement at the Convention to ask for a Treaty basis for civil dialogue, though there were no precise proposals on the content of such a Treaty basis.

Several speakers also stressed the need for interaction between social and civil dialogue. As Mr Philippe Herzog, former Member of the European Parliament, put it : separating them too much means weakening them both to the detriment of society. In fact, social partners and other civil society organisations do not completely ignore each other. Many participants at the Convention mentioned examples of collaboration at the local level, though such collaboration is not always simple. The example was given of a trade union in the wood sector and an environmental organisation trying to collaborate on issues of sustainable development.

Also at European level there is an increasing tendency towards collaboration between NGOs and social partners. For instance, the Platform of European Social NGOs and the European Trade Union Congress (ETUC) issued a joint declaration to the informal Summit at Tampere, in November 1999, on "integrating fundamental rights into the treaties" and there are continuing working groups between the ETUC, the Platform, and human rights NGOs. It should also be noted that some European organisations, such as SOLIDAR, represent both national trade unions and NGOs.

This interplay between social partners and NGOs should also be reflected in the institutionalisation of the dialogue with the European institutions. Social partners and NGOs are often concerned with the same complex realities. If all fora for social and civil dialogue are rigidly separated, valuable opportunities for exchange of information are lost.

Dialogue with civil society organisations should go beyond the daily policy-making of the European Union. Civil society organisations should also be involved in fundamental and constitutional questions of European integration. Therefore such questions should not simply be dealt with via the traditional method of an Intergovernmental Conference. Decisions on a Charter of fundamental rights, for instance, should be based on a broad discussion within and with civil society. Organisations in several Member States have already brought the issue of European fundamental rights into the public debate. They should also be involved in the drafting process of a Charter or list of rights in the Treaty.

The Convention expressed the concern that two further elements should be taken into account when institutionalising the intermediary function of civil society organisations.

- the first element is the multi-level character of the European construction. European decision-making depends not only on European institutions but also on the national, the regional and the local level. Civil society organisations are active at these various levels. Involving civil society organisations in European decision-making is not only a question of listening to European associations present in Brussels. It concerns the relation between public authorities and local, regional, national and European civil society organisations in both the formulation and implementation of European policies. Several participants at the Convention stressed the importance of subsidiarity, which should function in the full sense of the word, i.e. to give priority to the lower territorial level and to associative action instead of hierarchical bureaucracy;
- the second element is the dialectic relation between institutionalisation and autonomy. One has to beware of institutionalising civil society too much. Imposing strong criteria to establish the dialogue with civil society organisations might lead to rigid organisations which do not respond to changes in society.

A representative of the European Liaison Committee of Services of General Interests (CEDAG) asked more profoundly who has to organise civil society. Civil society itself or the political institutions ? This question might also be inherent in the concept “organised civil society”.

The contribution of civil society organisations to employment, sustainable economic growth, social integration, education and training and social cohesion

Employment

Civil society organisations themselves employ people. 7% of the labour market is employed by NGOs, and this share is growing. 700.000 people have a job in the charitable sector (not identical to the NGOs sector). However, economic competition endangers employment in the charitable sector. A participant stressed the need therefore for a good trade union representation within this sector. Civil society organisations also play an important role in European employment strategy, though the European institutions have often ignored their particular contribution.

Within the context of the Territorial Employment Pacts there is a strong collaboration between local territorial authorities and civil society organisations.

Within the context of the employment guidelines, many participants mentioned that the NGOs have not been taken into account. Mr Hugues Feltesse, Director General of UNIOPSS and Member of the “Carrefour européen pour une Europe civique et sociale”, in France, described on the basis of the four pillars of the employment guidelines how associations contribute to employment.

- first, **employability** : all elements that make people feel guilty about their unemployment should be banned. There is also an important mistrust of employers towards the most vulnerable groups of the population in the labour market, such as people who have been sick for a long period of time or who have been in prison. Associations contribute to the employability of these persons by employing them in projects that are co-financed by the State. Associations also have a networking function. They set up partnerships between civil society and enterprises in order to recruit the most vulnerable of the unemployed;
- second, **entrepreneurship** : associations (with the help of foundations and certain banks) support unemployed people in setting up their own business. Moreover, associations are themselves a motor in providing jobs in fields such as environment, the social sector, the elderly, children, ...;
- third, **adaptability** : using flexible work contracts should not impact upon social protection. This risk is particularly high in the social sector where the creation of a second-class labour market should be avoided;
- fourth, **equal opportunities** : whereas the European effort for equal opportunities for women is considerable, the associations ask for more attention to be given to the disabled who are not taken into account in the guidelines.

Given this important contribution of associations to employment, their role should be recognised within the guidelines, and they should be involved in the drafting of the guidelines. This involvement could possibly be realised via the Economic and Social Committee. As Ms Mönkäre said, the consultation of the Economic and Social Committee on the employment guidelines is a way of taking account of the citizen's views and to improve transparency in the sphere of employment.

Sustainable economic growth

Civil society affects growth in a direct way by the activities of civil society organisations. According to research by John Hopkins University, 6% of the GDP of the nine major countries in the world is realised by associations. Moreover, they create 5% of all the paid jobs. Between 1980 and 1990 the third sector was even good for 10% of the new created jobs. Civil society organisations contribute to growth by assisting with the delivery of public services (education, health, social services, ...) in a complementary way to State action. They have also a leading role in local economic development. Moreover, civil society organisations can be expected to contribute increasingly to growth especially since the service sector (together with the new information technology) is the most potential source for job creation.

The criticism has been made that the added value of civil society organisations cannot be adequately measured in economic terms. The very important work of volunteers, for instance, does not often appear in traditional economic parameters. More profoundly, such traditional economic parameters as "economic growth" have been criticised for neglecting

everything except economic values. Economic growth can also have negative consequences, such as environmental pollution. One could also ask how growth is distributed among the population. It is precisely in these issues that civil society organisations equally play a role. Civil society organisations are important to ensure that economic growth is sustainable. They influence the environment in which the economy operates, business ethics, moral standards and the legal framework in which economic activity takes place. For instance, they can make clear that employing a handicapped person needs not be a factor that impedes competitiveness. Civil society organisations help to reconcile (i) the conflicts between multiple objectives, such as growth, environmental protection, social protection and consumer health and safety, and (ii) the views of different stakeholders (shareholders, managers, employees, consumers and environmentalists, etc).

As one participant noted, in this way organised civil society also contributes to competitiveness. Competitiveness should not only be measured in terms of the direct advantage for individual enterprises but should also take account of the economy as a whole on the long term.

Several levels of interplay are possible between the private and the third sector. First, the skills needed within the private and the third sector are often the same, for instance motivation and planning capability. Therefore, being active in the third sector is often a good step towards integration into the private sector. Second, concrete partnerships are possible. Sometimes private companies directly perform charitable work. Partnerships can also emerge within the context of the European structural funds, where the private sector, the third sector and public authorities are all involved. Third, private companies can help civil society organisations by providing management techniques, direct financial support or technical know-how, especially where information technology becomes important.

Another participant concluded that both sides realise the benefits of co-operating. On the one hand, economic activity and growth is the basis for wealth. On the other hand, a more stable and richer society helps companies. When people are better off, they buy more.

Social integration

NGOs are aware that social assistance is not an aim in itself, and that the ultimate objective is that people would be reintegrated into the economic process and would be able to have a decent life autonomously. Measures to combat unemployment are therefore also measures to combat social exclusion. However, social exclusion is not only a question of material needs. Social exclusion also means affective, educative and cultural exclusion. Social exclusion can equally result from discrimination based on prejudice because of race, ethnic origin, disability, sexual orientation, age or gender.

Civil society organisations contribute to social integration in various ways :

- first, civil society organisations combat various types of discrimination which might be at the origin of social exclusion. Many NGOs have been set up to combat discrimination. Trade unions combat racial discrimination at the workplace;

- second, NGOs provide proximity services which contribute to the regeneration of depressed areas and the integration of socially and economically excluded individuals and groups;
- third, they integrate the most vulnerable within the working force of their organisations;
- fourth, civil society organisations provide specific training services for marginalised groups or groups in danger of social exclusion. In Spain, for instance, due to sustained action by civil society organisations, training programmes have been established and 5000 jobs created for the disabled over a period of 18 months;
- fifth, the NGOs can publish reports on poverty if the State fails to face up to its responsibility in this area.

The Convention agreed that charitable organisations play an important role in combating poverty. Yet, charity cannot replace legislation. A legislative (perhaps European) framework is needed.

Education and training

As made clear above, education and training are vital tools in combating unemployment and social exclusion. The contribution of civil society in education and training was emphasized by a large number of participants.

NGOs and trade unions provide training for unemployed people and for groups of the population which experience particular difficulties in finding employment. But their role in training and education goes beyond the issue of social integration and increasing employability. The cultural values at the basis of education stem from civil society. Therefore education and training cannot be the sole responsibility of the State. There was a wide agreement at the Convention that systems of education and training should be reformed to involve civil society as a whole, namely families, schools, managers, workers, public authorities and all organisations and bodies concerned. Only in that way can education and training adapt to the practical needs of society.

A participant at the Convention also called for attention to be paid to the need for training in SMEs and the role civil society organisations could play here. Large companies often have the opportunity to offer training to their employees. SMEs often lack the financial resources to do so. Since technology and changing knowledge needs are becoming ever more important, SMEs are facing the risk that large companies will take away (through higher wages) the best qualified people and those most in demand. Recognition (in financial as well as other terms) of the role of civil society organisations in training could be a possible way of responding to the needs of qualified personnel in SMEs.

Social cohesion

Social cohesion results from various factors such as sustainable economic growth, combating unemployment and social exclusion, and providing education and training. As explained above, civil society organisations make a key contribution in these different fields.

However, the organisations present at the Convention also stressed the role of the State and of the European institutions to ensure social cohesion. They repeated that the European Union must go beyond a single market and must strengthen its social dimension. It has also been argued that the autonomous contribution of civil society should not be used as an excuse for lowering legislative standards.

Even at a time when a common social policy is still mainly a co-ordination of national policies, concrete proposals were made to step up the social dimension of the European Union. Mr Herzog, former Member of the European Parliament, proposed what he called an “agenda obligation”, i.e. that the European Union should formulate every year three or four important objectives in social policy. These objectives should be defined very precisely and be brought into public debate. Then civil society could play its role as controller of politically made promises. Another participant argued for an interplay between clear European standards and the role of civil society. In order to improve (social) services within a Member State and in order to overcome deadlock in implementing reforms, comparative data on levels of performance within the different Member States would be very useful. Civil society pushing for reform can then refer to comparative data on other countries. Clearly defined concrete parameters, such as the Maastricht criteria, for instance on education, training, health and social assistance could stimulate Member States to raise their standards. Pushed by civil society organisations and public opinion such positive competition could, in turn, enhance the social dimension of the European Union.

Finally, it has been mentioned that European social policy is at present largely built on exchange of information and best practices. Civil society organisations have a broad experience in these areas. Thus, it would be useful for the European Union to take this experience into account.

The Economic and Social Committee as a forum for civil society organisations

The Convention was organised to discuss the role and contribution of civil society organisations in the building of Europe. In addition it was a reflective exercise of the Economic and Social Committee to assess its role as representative of these organisations within the European institutional framework. Many participants at the Convention gave their views on how they see the role of the Committee.

The dialogue with civil society organisations involves all European institutions

Several participants at the Convention stressed that “making the European Union more democratic” is not only a question of reconsidering the role of the European Economic and Social Committee. Also the other European institutions should be more responsive to the needs and demands of civil society. Representatives of the Commission, the European Parliament and the Committee of the Regions described at the Convention the efforts made by their institutions to strengthen the dialogue with civil society organisations.

Mr Larsson, Director General for Employment and Social Affairs of the European Commission, described the relations of the Commission with civil society organisations via the well-established social dialogue and initiatives, such as the two-yearly European Social Forum. He also mentioned the intention of Ms Anna Diamantopoulou, Member of the Commission responsible for Employment and Social Affairs, to base the next Social Action Programme on a wide consultation with civil society organisations. Ms Loyola de Palacio, Vice-President of the European Commission, declared that the Commission services were currently engaged in far-reaching discussion on how to manage and improve relations with NGOs.

Ms Miet Smet, Member of the European Parliament, described how the Parliament was in touch with civil society via intergroups and the organisation of hearings by the Parliamentary committees and the political groups. Ms Smet also mentioned several initiatives, such as the establishment, in 1997, of a special budget line to promote and encourage cooperation with charitable and voluntary associations and foundations, and the European Parliament’s calls in favour of civil dialogue, which cannot be confined to the Social Policy Forum. Another example is the decision made by the Parliament’s Committee for Employment and Social Affairs to hold twice yearly discussions with the Platform of European Social NGOs.

However, Mr Herzog, former Member of the European Parliament, remarked that the Parliament has to re-evaluate its relations with civil society organisations. For the moment it has no strategy on this issue. Moreover the European Parliament tends to believe that it is the role of its Members to represent the general interest.

Mr Carlo Meintz, Vice-President of the Committee of the Regions, mentioned that the representatives of local and regional authorities who make up the COR are natural discussion partners of civil society. Consequently COR members often speak also on behalf of civil society.

Though civil dialogue with all the European institutions should be strengthened, it became clear at the Convention that the Economic and Social Committee, due to its composition and institutional status, has a particular role to play as a forum for civil society organisations.

The added value of the Economic and Social Committee as a representative forum of civil society organisations

The ESC's civil society opinion explains why democracy at European level is so difficult to achieve. European citizens have no common language, and despite many shared values there are important differences between national cultures. Within such a context, people might find it difficult to identify with decisions that are taken "far away in Brussels". The inefficiencies of representative democracy are amplified at the European level. Due to the size of the European Union and to the variety of cultures people often feel themselves in a minority position. To ensure that citizens are more involved in European decision-making there is **a need for various levels of participation based on different identity criteria**. People should not be represented only as "European citizens" within the European Parliament, or as "national citizens" via the Council. They should, for instance, also be identified and represented as members of a region or as members of a civil society organisation. This identity is not covered by representation in the European Parliament. It is precisely to represent the European citizens as members of civil society organisations that the European Economic and Social Committee was created in 1957. The Committee is the sole European institution for which there is provision in the Treaties to represent civil society organisations. Through its 222 members, mostly chosen from national civil society organisations, it brings grassroots problems to bear on European decision-making.

Several participants at the Convention shed light on those features of the Economic and Social Committee which would enable it to play a more significant role **as a forum for dialogue with civil society**.

- first, due to the status of its members, the Committee represents more than the particular interests of those categories which are represented within it. Through their experience and expertise, members naturally reflect in their work the pluralistic interests of civil society organisations. Moreover, although they are representatives of the organisation to which they belong, they "may not be bound by any mandatory instruction", and, "they shall be completely independent in the performance of their duties, in the general interest of the Community" (third paragraph of Article 258 of the EU Treaty). This means that political decision-making in the Committee is not the automatic outcome of competition between interest groups but tends to be based on the principle of consensus which is the basis for negotiated action in civil society. The Committee's working procedures and methods are also consistent with this approach and partly reflect the modus operandi of civil society organisations. As Mr Herzog put it, the Economic and Social Committee is the place where the different actors of organised civil society think together, beyond their particular interests, and thus contribute to the formulation of the general interest;
- second, Mr Herzog reminded the Convention that the Committee is the only institution, at European level, where social partners and other civil society organisations are represented together. And, as several participants at the Convention stressed, social dialogue and civil dialogue cannot always be conducted completely separately, since they complement each other;

- third, the Committee offers a “global approach” instead of “sectorialising problems”. Several participants mentioned the tendency of civil dialogue to be structured in a sectoral way. It was said, for example, that the Commission tends to consult social NGOs on only some issues of social policy. Yet, for these organisations it is also important that they can present their views on other policies that are of direct concern to them, such as macro-economic issues. A similar complaint was put forward by the environmental organisations which tend to be consulted only on environmental issues in the most narrow sense. The Committee offers a good alternative to such a “sectorialisation”. Through the Committee and since it is consulted in very different policy areas and can formulate own-initiative opinions, civil society organisations have an opportunity to make their views known on a wide range of issues;
- fourth, it was argued that the Committee can provide added value to the normal vision of the future of Europe. Mr De Munck, researcher at the Catholic University of Louvain, explained that for too long the idea of Europe had been based on two elements; the construction of an internal market on the one hand and the protection of human rights and the rule of law on the other hand. As was stated repeatedly at the Convention, the Committee goes beyond this vision of Europe. It has always stressed social and cultural values and has paved the way to the identification of shared common European values. The Committee itself is the expression of a particular feature of the European identity, namely the way in which civil society organisations are involved in political decision-making and implementation;
- fifth, the Committee has already proved that it has a particularly important contribution to make to enlargement and to developing and strengthening civil society in third countries and in the applicant countries in particular. Ms de Palacio argued that “the Committee’s initiatives in this area ... are on the right path, and that enlargement will succeed partly as a result of these initiatives”.

As well as acknowledging the Committee’s key strengths as a representative forum for dialogue with civil society, the Convention also expressed the need for the Committee to adapt to the ongoing changing character of civil society and, in particular, to try and involve more organisations than those represented within it at present.

How the ESC should adapt to contemporary civil society

Does the ESC need to change its composition ?

Since the creation of the Economic and Social Committee, civil society has changed drastically, as was clearly highlighted by Mr Delors. The Committee has adjusted to some changes in society but has not kept up with the diversification of civil society organisations. As Mr De Munck noted, the Committee is composed of socio-economic interests on which the welfare state has been built. However, today questions concerning, for example, social and cultural inclusion or the environment become increasingly important. Beyond the

traditional tasks of the welfare state, society is concerned about integration at the level of the family, at the local level, concerning the environment, etc. According to Mr De Munck, to carry out such new tasks, a purely socio-economic representation becomes dysfunctional.

Several participants at the Convention stressed that the composition of the Committee should be reviewed. To the suggestion that the Committee's Various Interests Group should adapt more to the changing nature of civil society, several representatives of NGOs argued that this was not the key issue. Their concern is the composition of the Committee as a whole : better account should be taken of NGOs.

Mr Roger Burnel, Former President of the Various Interests Group, made clear that it was not within the competence of the Committee to change its composition since its members are proposed by the Member States and nominated by the Council. Consequently, an NGO representative suggested that the Committee should call on the Member States to propose more candidates from NGOs.

In order to influence the nomination procedure at national level, NGOs should be better organised at that level, given the limited number of representatives per Member State.

Mr Herzog proposed changing the nomination procedures to enable European civil society organisations to be involved. The debate did not make clear whether the European organisations should only be involved in the nomination procedures or whether they should themselves be represented in the Committee, in addition to representatives of national organisations. It was stressed also that, in light of the subsidiarity principle, the Committee should continue mainly to be composed of members nominated at the national level.

Thus, there was no consensus on how the Committee could adapt its composition to a changing European society. In the opinion of several participants, it should be left to the Committee to make proposals. But, as Ms Lone Johnsen, President of the European Environment Bureau, put it, "the Committee has to make itself an attractive institutional partner, through its working programme, composition and dialogue. If we feel that we can make our voice heard through it, we will focus increasingly our attention on the Committee".

Another NGO representative reminded the Convention that the prospect of enlargement and the forthcoming Intergovernmental Conference presented two opportunities to question the actual composition of the Committee and to adapt it to societal change.

Practical proposals to enlarge the dialogue with civil society organisations

Even if the Economic and Social Committee were to change its composition, the number of its members would still remain too limited to represent all civil society organisations directly (especially in the light of enlargement). There was a large consensus at the Convention that the Committee should strengthen its relations with civil society organisations that are not represented within it.

Several practical proposals were put forward :

- the practice of hearings could be enhanced. Such hearings should be organised both at the Committee's Headquarters and in the Member States;
- civil society organisations concerned with sectoral or specific issues could be involved (possibly via hearings) in the preparation of the Committee opinions;
- regular meetings with civil society organisations could be organised in order to establish common programmes and initiatives;
- civil society organisations could be asked to provide studies on issues in which they have a particular experience;
- they could be involved in the follow-up and evaluation of European policies;
- better use could be made of outside experts who assist members in the preparation of opinions. Special efforts should be made to involve, as experts, people of organisations not represented in the Committee.

There was no clear consensus as to whether this broadened consultation should involve European or national and local civil society organisations. A participant pleaded for a structured dialogue with the networks established at the European level. Such regular dialogue could, for instance, be established through twice-yearly meetings to discuss mutual agendas, common actions and ways of extending mutual support and collaboration.

But, as one participant stressed, one of the added values of the Committee is the diversity of opinion it represents. This is due to the fact that it is composed of representatives of national organisations. Therefore, the same criteria should preside over the broadening of the consultation process to try and get as close as possible to the problems on the field, i.e. as they are experienced by grassroots organisations. Also in the light of subsidiarity, one should take account of the local, regional and national levels.

It was mentioned that to develop and strengthen its relations with civil society organisations, the Committee should take into account the concept of "network". This does not only mean that in today's communicative civil society the internet has become a central issue, but also that civil society organisations form a network of contacts in which horizontal relations and autonomy are important principles. These networks contrast with the traditional hierarchical structure of State bureaucracies.

Short term action of the ESC in support of civil society

The Convention did not only make proposals on how the Economic and Social Committee could change its composition and functioning. It also suggested ways in which the

Committee could take action in support of civil society :

- the Committee could call for a Treaty article on civil dialogue at the forthcoming Intergovernmental Conference;
- many participants asked for Treaty recognition of the right of association at European level. They also called for a European statute of association in order to avoid complex procedures, pointless expense and to facilitate co-operation between associations. Mr Delors added that this would encourage associations to take on more responsibility, notably vis-à-vis the European Commission, which gives them a lot of support;
- the suggestion was made that the Committee should make an assessment of the negative consequences of European competition rules on the provision of public services by civil society organisations. Consequently, the Commission could well be asked to provide exceptions to these rules;
- Ms Miet Smet suggested that NGOs and the ESC could push the Commission to propose a legal basis for the funding of NGOs. The suggestion was also made that the Commission and Council should be encouraged to strengthen the financial position of NGOs under the Structural Funds and under the Growth and Employment Initiative;
- the Committee could endorse the call by most of the participants at the Convention for the European Charter of Fundamental Rights to have a binding effect or to be integrated in the Treaty. Mr Emilio Gabaglio, recalled the very important role the Committee had played in the drafting process of the Community Charter of the Fundamental Social Rights of Workers. It could once more take up a leading role in the drafting of the new Charter. This could be an alternative to the traditional diplomatic Intergovernmental Conference in which civil society organisations remain side players. The Committee could also guide the drafting process beyond the “classical” issue of human and social rights;
- Some participants have also suggested that the Committee could be the appropriate forum to discuss the criteria of representativeness and legitimacy of civil society organisations.

There was a wide consensus on the important role the Economic and Social Committee plays vis-à-vis third countries, and in particular vis-à-vis the applicant countries. First, the Committee should build up a dialogue with civil society organisations outside the European Union not to impose its model, but to contribute to developing and strengthening participative democracy. Second, and in the light of enlargement, it should strengthen co-operation with civil society organisations in the applicant countries. Third, the Committee should push the Commission and Council to view the enlargement process not only in economic terms, but also to take into account environmental protection, consumer protection, public health, equal opportunities, etc.

Future relations with the other European institutions

A strengthened dialogue between the Economic and Social Committee and civil society organisations is likely to influence the relations of the Committee with the other European institutions.

Ms Loyola de Palacio, Vice-President of the Commission, declared at the Convention: “the Committee sees itself as the appropriate institutional framework for responding to the expectations of civil society organisations. If the Convention agrees, I am prepared to speak up within the Commission in support of the Committee playing a more significant role as a forum for dialogue with civil society. It would then be up to the Economic and Social Committee to decide how to respond to the other European institutions (Parliament, Council and Commission) in order to identify the needs of civil society organisations”.

Ms Beatrice Rangoni Machiavelli, President of the Committee, replied in her concluding speech: “Looking back over the debates of the last two days, the statements made in our full sessions, the outcome of the workshops, and seeing so many of you here, I am convinced we can reply to Ms de Palacio in the affirmative”.

Echoing the view of Mr Jacques Delors who stated his belief that **“the task of making European integration a joint and participatory undertaking for those who want that is a daunting one”**, Ms Rangoni Machiavelli, in her closing address to the participants at the Convention, concluded :

“ Without you, without your participation and your contribution, this First Convention of civil society organisations would not have happened. By the same token, we face a common challenge, and we must set out on the path ahead together. We know the road is strewn with obstacles and difficulties, but we are also aware of the scale and ambition of our goal - to work with the other European institutions, especially the European Parliament, to create a citizens’ Europe based on freedom, responsibility, security, participation and solidarity”.

OPENING PLENARY SESSION

OPENING STATEMENT

by Ms Beatrice RANGONI MACHIAVELLI,
President of the European Economic and Social Committee

I should like to welcome

Ms Mönkäre, Finnish Minister for Labour on behalf of the Presidency-in-office of the Council of the European Union,

Ms de Palacio, Vice-President of the European Commission responsible for relations with the institutions, and

President Jacques Delors

who will give the introductory addresses at this first Convention of European civil society.

I should also like to welcome all our guests here today.

Exactly one year ago in this same room, I was elected as president of the European Economic and Social Committee. In presenting my programme, I stated that:

“We are sure that European integration cannot be achieved without the active, responsible participation of Europe’s citizens. We are sure that the Economic and Social Committee can and must become the forum of civil society organisations at European level.”

For us, civil society comprises all those organisations, associations and other bodies in which citizens play an active part in pursuit of general economic, social or civic interests. Civil society is thus a participatory society; it is not static, but is dynamic and is constantly developing. Hence, ours is the first “organised” civil society.

The Economic and Social Committee is an integral part of the EU’s institutional system, and it rightly considers that it voices the needs of civil society as it includes representatives of the “intermediary bodies” to which European citizens belong: trade unions and employers’ organisations (ETUC, UNICE, COPA, UEAPME, etc.), sectoral associations, trade organisations, craft associations, cooperatives and non-profit associations, the professions, consumers, environmentalists, family organisations, and socially-oriented NGOs. They are the sustaining pillars of civil society as they provide a mouthpiece for ordinary citizens and for their needs and aspirations. This does not mean a selfish and corporatist defence of special interests; rather, their action is spurred by the fact that such a link between legitimate interests, rights and duties is the very foundation of a universal democracy based on the civic and community awareness of the citizen.

Civil society cannot exist without freedom; it can only be the free association, around positive values, of responsible men and women who are equal in liberty.

I should like to warmly thank all those who have worked so hard to prepare and organise this Convention. I also thank all those who have honoured us with their presence, lending prestige and authority to the occasion. Time constraints mean that I cannot name them all individually, so may I just mention those who have helped throughout the organisation of this convention: the presidents of the European and other Economic and Social Councils; the European ombudsman, Mr Söderman; the Commission's Director-General for Social Affairs, Mr Larsson; the representatives of economic and socio-occupational organisations; the Secretary-General of the ETUC, Mr Gabaglio; the Secretary-General of UNICE, Mr Hudig; the President of UEAPME, Mr Bonetti; and the spokesman of the Civil Society Forum, Mr Dastoli. Finally, I should like to give special thanks to Jacques Delors, and to explain why his involvement is so important for us.

In November 1988, the Commission President and the Commissioner for Social Affairs sent a letter to the Economic and Social Committee asking it to undertake a general appraisal of the possible components of a Community charter of basic social rights. François Staedelin - whom many of us still remember warmly - was appointed rapporteur. In February 1989 the opinion on basic Community social rights was approved (co-rapporteur: Mr Vassilaras). In 1992, a subcommittee was entrusted with the task of drawing up a report and subsequently an own-initiative opinion on a Citizens' Europe, for which I acted as rapporteur. In 1993 we held a conference on this subject, where the proceedings were introduced by the Commission President, Jacques Delors.

So now you understand why we could not have done without him. Today's Convention of civil society represents the follow-up to, and development of, the commitment and the various initiatives which the Committee has taken over the last few years, focusing on the citizens' Europe and EU citizenship as a guarantee of basic social rights.

It is worth stressing here that there are many social players who want to make their voices heard in the decision-making process which, in a fully developed democracy, must involve the whole of civil society. To that end we also think it is important that the Commission speaks of a civil dialogue to be set up alongside the social dialogue. Moreover, in our view it is also necessary in the context of the civil dialogue to try to consult the largest possible number of representative European bodies and associations operating in the socio-economic and occupational spheres.

In the round table which will follow Mr Delors' address, in our discussion of Ms Sigmund's opinion, in the other statements during the morning, and in the debates that will take place in the three afternoon workshops, we wish to encourage the representatives of civil society to discuss with us the key issues and most pressing problems facing European society.

The convention will also provide an opportunity to clarify the role which the Economic and Social Committee can play as an institutional channel in the decision-making process for the development of a more open, more participatory and thus more democratic

society. In doing this, the Committee proposes to help bring the Union closer to its citizens and to give tangible form to European citizenship with the recognition and upholding of civil, economic and social rights.

We have a weighty ambition: to provide a significant and expert contribution with a view to extending the frontiers of democracy in Europe. Thank you.

SPEECH

**by Ms Sinikka MÖNKÄRE,
Minister for Labour of the Republic of Finland,
on behalf of the Presidency-in-office of the Council of the European Union**

Towards a citizens' Europe

Ladies and gentlemen,

I am pleased to open this First convention of the civil society organised at European level.

1. A citizens' Europe

Since its beginnings, the European Union has progressively strengthened cooperation and integration. Initially, citizens were not the centre of attention: this was the post-war period, when Community action was limited almost exclusively to economic questions. Problems concerning human rights and citizens tended to be dealt with by the Council of Europe.

The situation has changed since then: integration has been stepped up in the sphere of justice, foreign policy and security, as well as in economic and monetary policy. Decisions have a more direct impact on the daily life of EU citizens, who consider the main challenges for the future to be strengthening security, creating a healthy employment market with the goal of full employment, and guaranteeing a safe supply of food, goods, services and capital on Community markets. There also seems to be a shared interest in defending and maintaining the intrinsic cultural characteristics of our Community environment. These characteristics are very important for Europe in the context of future enlargement.

Every day decisions are taken at Community level in spheres that citizens consider to be of basic importance. Experience has shown the concerns of citizens across Europe to be surprisingly similar. According to studies, these concerns are essentially violence, disease, unemployment, exclusion and poverty, drugs and environmental problems - all issues to which the Council, Commission, Parliament and Committees are seeking joint solutions.

With respect to the questions that I face as Employment Minister, the main challenges of the Presidency are related to deciding on the employment guidelines for 2000. Since the Amsterdam Treaty came into force the ESC has played a significant institutional role in current employment initiatives. The Council for its part should consult the ESC on the employment guidelines for 2000. Such a step would improve transparency in the sphere of employment. The Committee's involvement would also make it possible to take account of citizen's views during the preparatory work. Organisations representing the social partners will have the opportunity to give their opinion on the question at the meeting of the Standing Committee on Employment planned for 11 November.

The agenda of the Finnish Presidency also includes starting work on a Charter of Basic Human Rights for the European Union. The conclusions of the European Council in

Cologne state that basic rights in force in the Union should be listed in a charter in order to give them more prominence.

I am aware that the ESC also considers basic rights to be very important, and our work will also take your position on this matter into account. The practical details of consultation will be considered by the body responsible for this task (which is currently being set up). There is no doubt that the Committee will make a valuable contribution to this process by expressing citizens' views on the subject.

The Amsterdam Treaty has increased the scope for action of organisations representing the social partners at European level to take action and so increased their responsibility in the process of preparing legislation relating to employment and social questions. Through mutual agreements these organisations have now complemented European legislation on employment legislation. I hope that organisations active at European level will maintain their ability to conclude such agreements, whose legitimacy largely depends on extending their scope.

2. Citizens' Europe and the principle of transparency

Ladies and gentlemen,

People's feelings about the EU have fluctuated. It was feared that transferring decision-making powers to Brussels would undermine democracy and reduce citizens' scope for action. In certain cases, Europhobic reactions have been seen.

It was possible to evaluate EU legitimacy, i.e. what the EU means to ordinary people, at the last European Parliament elections, where the participation rate was unfortunately quite low in many countries.

What does this passivity mean? Does it reflect an inability to produce and pass on information that directly concerns Europe's citizens? Are there obstacles to citizens' participation or to implementing solutions to these problems?

It is essential that people be able to live their lives *on the basis of* information; this is a fundamental individual right. It is impossible to defend your rights if you do not know what they are. By the same token, it is impossible to take action if you do not know what decisions will be taken and what means of action exist.

In the Nordic countries democracy also means providing people with the most comprehensive possible access to information relating to the action of public authorities. The Finnish-Swedish law of 1776 on freedom of the press already introduced the principle of access to information on government affairs. This was the century of the Enlightenment in Europe.

Transparency is essential if citizens are to have access to information. If the authorities are expected on their own initiative to make information available to people - to circulate

publications and enable citizens to find out about government projects and decisions through IT networks - then the concept of transparency is even wider: citizens must also be able to understand the decision-making process. In other words, a citizens' Europe should guarantee not just the right to information but also the right and the opportunity to understand what is happening at Community level.

3. Practical involvement of citizens

Only democratic states may join the EU, and one criterion for democracy is participation of citizens. Given this fact, how can we promote the objective of decision-taking at Community level being based on open dialogue with citizens and on real grassroots participation?

Considerable progress has already been made thanks to measures taken at national level. The way in which national policy is framed is of crucial importance. We might consider setting up a system in which NGOs were consulted in framing policies that are subsequently presented to national parliaments.

At Community level, we can improve transparency of the decision-making process and of action taken at different levels by employing procedures at the preparatory stage that enable citizens and the organisations that represent them to know at which level they can participate. Here it is essential that certain basic measures be taken, such as simply drawing up an agenda accessible via an IT network that contains links to the proposals presented.

Participation also means that people have certain powers and assume certain responsibilities. A citizens' Europe is not possible unless citizens have the courage to express their views on the problems they face and on the different solutions proposed. Civil society organisations have a fundamental role to play here. They must actively raise public awareness about participation and action. Europe is already committed to improving transparency. I expect the social partners, environmental and consumer organisations, and other organisations that are active at European level, to show resourcefulness and to connect citizens with decision-making at EU level.

I wish you all a fruitful day's work.

SPEECH

**by Ms Loyola DE PALACIO,
Vice-President of the European Commission**

Ladies and Gentlemen,

Firstly, I should like to congratulate the President of the Economic and Social Committee on her initiative of organising this First Convention. I agreed to take part with pleasure, as I share the initiative's aims and agree with the means by which it is proposed to achieve them.

This timely initiative demonstrates the Committee's willingness to respond to the demands of civil society and to be of even greater service to it. This is made abundantly clear in its opinion on "the role and contribution of civil society organisations in the building of Europe" which will, in my opinion, provide the expected results.

My purpose in attending is to salute the courage demonstrated by the ESC in proposing a discussion which, in the final analysis, will be examining how its role can be expanded, and in launching an in-depth review of its tasks and structure.

We are currently caught up in a maelstrom of ideas, aspirations and fears, as always happens in the wake of major events: there is no reason to suppose that this is not the case today. European integration is by its very nature an open-ended process, which cannot but reflect changes in society. It is my view that the opinion underpinning the work of the Convention provides the tools with which to interpret these changes accurately and suggest practical solutions. I trust that all the hard intellectual work of analysis and proposal which has gone into preparing the Convention will bear practical fruit.

Within the Community, civil society finds an outlet in the civil dialogue, which is a kind of necessary supplement to the social dialogue between the social partners. Encouraging civil dialogue is a practical aim to which the Commission is a committed contributor.

The Commission which, like the other institutions, wants the European Union to be a venture close to its citizens, will support initiatives designed to provide a deeper analysis of this changing society, especially those most closely reflecting the aspirations and trends at work in society. The Commission will contribute to the Committee's work and support it in giving voice to the expectations of civil society organisations.

The Commission has always maintained close contacts with civil society representatives. Indeed, such cooperation is largely necessary to the Commission in shaping and implementing its policies, if it really wants to meet citizens' demands and expectations. The Commission intends to step up this cooperation. In this connection, I am pleased to announce that all the Commission services in contact with non-governmental

organisations are currently engaged in a far-reaching discussion on how to manage and improve relations between the two sides. It is planned that the Commission will adopt a communication on this issue in December. The communication will be forwarded to the other European institutions for their views. We are anxious to receive your observations and comments. It goes without saying that the Commission is particularly interested in hearing the ESC's suggestions and approaches concerning this question.

For its part, the Committee could work to extend the grassroots debate thanks to the initiative of its members as both individuals and representatives of specific currents of opinion and interests, working, of course, in the more structured framework of a forum for civil society organisations.

Speaking personally, I am convinced that the Committee is capable of implementing the measures needed to help create a broad current of opinion, through initiatives which place the emphasis on autonomy, solidarity and responsibility. This is clearly shown by the openness the Committee has always displayed towards the applicant countries.

This is an area of work of which many are still insufficiently aware - and which, for this very reason, deserves to be highlighted. By this I mean the setting-up of joint consultative committees which firstly, encourage the creation and growth of different types of associations, which are the basic building blocks of civil society, and secondly, foster dialogue and cooperation between the economic and social interest groups of the applicant countries, by giving structure to civil society.

For all these countries, particularly those where the State for decades stifled any form of free initiative - and since, as the President said, civil society can only exist in an atmosphere of freedom - real democracy does not consist solely of the right to elect genuine political representatives: it also means men and women shouldering their social responsibilities. I believe that the Committee's initiatives in this area, with regard to the applicant countries, are on the right path, and that enlargement will succeed partly as a result of these initiatives.

Before finishing, I should like to stress my interest in the outcome of this Convention.

Among the important points made in Ms Sigmund's opinion, I would draw particular attention to the view that the ESC sees itself as the appropriate institutional framework for responding to the expectations of civil society organisations.

If the Convention agrees, I am prepared to speak up within the Commission in support of the Committee playing a more significant role as a forum for dialogue with civil society. It would then be up to the ESC to decide how to respond to the other European institutions (Parliament, Council and Commission) in order to identify the needs of civil society organisations. Further means of achieving these aims will have to be defined.

Ladies and gentlemen, I should like to draw my brief contribution to a close by expressing my deep gratitude to Ms Rangoni Machiavelli for her invitation, providing me with an opportunity to respond to her outstanding initiative. I wish every success to the initiative, and to the work of each of you here. In any case, an introductory address by President Delors already guarantees success!

I would like to stress one essential element, which is quality. Quality is as important as quantity. To quote Salvador de Madariaga, Europe should be not only an alliance between states, but above all a broad human family.

Thank you

INTRODUCTORY ADDRESS

**by Mr Jacques DELORS,
former President of the European Commission (1985-1995)**

Ladies and Gentlemen,

This initiative by the Economic and Social Committee and its president, who has put so much personal commitment and determination into it, must be hailed: not just as a matter of courtesy, but because the concept of civil society has made great progress since its inception.

Some economic and social councils attempt to gain a wider public hearing by claiming they are the representatives of civil society: others - and I will return to this later - speak more specifically of civil society organisations. Lengthy perorations have been pronounced on the subject of civil society, and we could have great fun seeing how some have borne aloft the banner of civil society as their entry to politics, just to behave like other politicians once they are in. But civil society was not born yesterday and what counts is that - even if this might seem a rather brutal way of putting it - we are today living through a period of democratic disenchantment even though - and here lies the paradox - democracy vanquished totalitarianism half a century ago. Who would not rejoice at this?

The Vice-President of the European Commission mentioned enlargement, for the very good reason that these countries are attempting to rebuild civil society, now they are rid of unbearable state tutelage. Civil society has been the subject of much thought over many centuries. As the Economic and Social Committee's own-initiative opinion so rightly says, it crops up at the time of the Enlightenment, as the idea of the individual was gaining currency. Certain authors, however, were already voicing fears. I do not intend to overload you with quotations, but Adam Ferguson, for example, writing in the 18th century, argued that civil society, with all its inherent liberating power, seemed to make individuals so isolated from each other as to lose any awareness of belonging to a wider entity. And the tension between the necessary and vital expression of the individual, freed from the constraints of the period, and the need for these same individuals to be represented, to be able to voice their views at all levels, has continued ever since.

As I mentioned earlier, civil society and civil society organisations should not be confused. For this reason, I shall begin by attempting to grasp how civil society has evolved before coming back to civil society organisations, which were so outstandingly defined in Ms Sigmund's opinion. This opinion provides a crystal-clear basis to work from: civil society is typified by more or less formalised institutions to which individuals may freely decide to belong, operating within a framework of the rule of law, and is the place where collective goals are set and citizens are represented.

I. Civil society at the heart of change

Let us then look at how civil society has evolved, because I believe that all those who bear political, socio-economic or other responsibilities must not think that society simply responds to their acts. Society builds itself. Consequently, it must be constantly kept under observation, in order to see the problems created not only by its growth, but also by how its aspirations and needs are met in practice. The next step is to face up to this crisis of politics - or, to put it a little more mildly, democratic disenchantment, bringing us emphatically back to the need for civil society organisations.

Civil society is on the move. It lies at the heart of the current changes. To advance faster, we have struck out from the familiar shores of the industrial society and the framework of the nation-state. We are out in midstream, headed towards what some describe as the post-industrial society, others the digital society. We are also heading towards globalisation - although I am convinced that this will not do away with the nation-state. So, we are in midstream, and we must try to understand what is happening, first of all, in society. I want to look at a number of parameters - rather commonplace ones, for which I apologise - which although important, tend to be overlooked when discussing civil society organisations.

The first, which requires no comment, is the major phenomenon of the last fifty years: the improvement in women's standing. With all its consequences, not only in philosophical terms, but also in terms of how society is organised and of the needs it generates.

Secondly, the increasingly fragile nature of the conventional family unit. And the transformation in family relationships. If I mention this, it is not to launch into a general explanation of these new family relationships, or even of single-parent families. The point is to put a question to you: who nowadays represents families as a whole and in their full diversity? Who represents them, who can give voice to their aspirations?

The third parameter, similarly unoriginal: the sea-change in religious behaviour in the wake of the secularisation of political institutions over the last two centuries. Belief, participation, the feeling of belonging: all are on the move, but not in one direction only. I mean not only sects, not only the decline in religious practice, but also a kind of quest beyond dwindling religious attendance, a search for meaning which emerges in various ways.

The fourth parameter, which comes closest to the concerns of the organisations represented in the Economic and Social Committee, is represented by the radical changes to the employment market as a result, in particular, of the technological revolution. What type of representation will there be in the future, as the number of trade union numbers unarguably declines, what form of social dialogue, what different levels of negotiation? Are we, as some claim, moving towards an employment market where each individual will be his own boss, negotiating a work contract with the business owner? Will we witness the disappearance of collective forms of representation, knowing as we do that we have left the Taylorist society behind us, stepping forward into a universe where workers will become more independent?

Workers are now expected not only to perform their tasks, but to supervise them too, and professionals are already beginning to appear on the global market who act in some ways independently of company constraints, and are in demand on the employment market. The differing situations of company employees, who have to adapt but still have work contracts and locate the added value of their efforts within the company structure, and all those others who are subject to the flexibility of the labour market must be a major issue for debate among socio-occupational bodies, employers' organisations and trade unions if they wish to continue legitimately claiming that they can express the aspirations and needs of those concerned. In the final analysis, it is the entire European model in its various forms of consultation and negotiation, which is in question. I am not saying that it is bound to vanish but it is in question and we cannot carry on as if nothing was happening and ignore it. Those who are thrown one way and another by the labour market do not share the same needs or safeguards as those who are sought-after professionals on the world market.

The fifth parameter in this evolving situation is the European town. This has been much discussed in our dialogue with our friends in eastern and central Europe over recent years. Beyond the differences created by the harsh historical imperatives which subjected these countries to communism, the cities and towns of Europe has remained - even there - an essential element in European civilisation and a common point shared by all, a form of expression of our civilisation and of our identity. Trading towns, cities of culture, towns displaying all the signs of the new forms of social exclusion, the city as a social arena or otherwise. The town, the lynch-pin of spatial planning. Will the Internet destroy the sociability which towns facilitate? Who represents towns and cities? Who speaks for them today? Mayors and city leaders, of course, but who takes account of these elements in the policies which are defined at our level. By this I mean spatial planning policy, but also social exclusion and many other aspects too.

The sixth and last parameter is the growth of associative activity. In our discussions with our friends from central and eastern Europe, we can see that this too is an issue for them: how to reinvent civil society actors. Of course, they are creative, they have their own traditions, but we do need to help them. It has been calculated that associations, mutual societies and cooperatives together have a membership of 250 million Europeans, of an EU population of 370 million. Looking at associative movements alone - I shall distinguish between associations, mutual societies and cooperatives later - almost 100 million people are involved. What is more, in comparison with the associative movements of 30 years ago, young people readily switch from one to another. They do not stay long in any one association. As citizens, they are trying to find the best way to express themselves. This emerged clearly by an investigation into the lack of interest in politics among young people, carried out by Tony Blair in Britain. These younger generations are aware of collective problems, but they no longer trust politicians to do anything about them. So, they attempt to commit themselves when they have the commitment and the time to resolve some of the problems which arise. It is not a question of unawareness or indifference, but a kind of distancing, for a number of reasons, from the political class, and a knowledge of the problems which must be resolved: it is what you do in a close-at-hand democracy. Moreover, these associations have already

accomplished a large amount of work. My personal feeling, borne out by more careful and better qualified observers than myself, is that together with the Economic and Social Committee, associations lobbied hard for the Amsterdam Treaty. As a result, the Treaty contains texts on public services, on combating discrimination and even on combating poverty - although it is the poor relation of our activities - which owe much to the work of associations and the Economic and Social Committee.

I believe these are some pointers to understanding society to which I will return shortly, in connection with civil society organisations. We must feel the pulse of this society, we must try to understand it. Of course we are looking at this problem in the context of a crisis of politics.

II. Politics in crisis

This is firstly a crisis of meaning. You will remember how our thinkers, followed by the media, announced the death of God in the sixties, followed by the death of ideology - these latter managing to kill themselves off unaided. Now, people feel an emptiness: if this emptiness is not filled, there is a danger of - please excuse the expression - economics perpetrating a kind of hold-up on politics. Surveying the political scene, economics account for 70 to 80% of the issues and it is axiomatic among many politicians that if you don't have a good grasp of economic questions, you can forget about becoming prime minister. But politics is more than economic management. If economics comes to dominate politics, then where is the transcendental, synthesising role of politics?

A second feature which I feel to be of great importance: society has become emotional, under the influence - it has to be said - of the media. We see events in real time, and we tend to adopt the fast-food approach to them: quickly prepared, quickly eaten, quickly digested and quickly forgotten. The tyranny of the short-term looms over us: bereft of memory or heritage, without the traditions borne by your organisations, we cannot invent a future. The emotional society is probably one of the greatest dangers currently facing the consolidation of democracy.

The third element, which is really a kind of counterpart to the second, is the emergence of a democracy of opinions. An intellectual once said that the 19th century was the century of parliaments, the 20th is the century of the masses and the 21st will be the century of public opinion. But the emergence of a democracy of opinion raises serious questions. What is the future for our parliaments? They pass laws, hold debates, but what influence do they have on a political leader faced with an opinion poll? The question needs to be asked, and not only in France, where our republican monarchy scarcely interests itself in parliament: I am speaking in more general terms. Secondly, what will become of the social ombudsmen that you are, as leaders of employers' organisations, trade unions, farm associations? What can they do? Will they operate in response to opinion polls? As you know all too well, opinion polls are partly dictated by "hidden persuading". If you ask people "do you like porno films", they will say "no", of course. Would you like to work less? They will reply "yes" -

a great help in understanding exactly what society wants and how it works. In other words, without ignoring polls, we must know how to reflect citizens' needs and aspirations. And that is the duty of civil society organisations.

A fourth reason for crisis or confusion: the slowing impetus of social and economic models which previously worked, especially in Europe. These are models which the central and eastern European countries are attempting to build, at least in part, to replace the old subservient official unions, the lack of private businesses, etc. This slowing down firstly raises a philosophical question. Are our models, what I like to call the European social model, guilty only of getting the balance wrong between collective responsibility and individual responsibility? Are we not all tending too much to become State creditors? Where does individual responsibility fit into all this? This clearly concerns you too. Just as the expression of exaggerated individualism could be transformed with a sharper sense of individual responsibility. Let's take an example. Our young people will all have to face up to changes in their working lives. Everyone says so. Jobs change, businesses change. Faced with these occupational hazards, should the welfare state tell people "we'll look after it", or should individuals be effectively armed to cope with these ups and downs through an educational system based on equality of opportunity? All the efforts currently being made to try to reintegrate young people into society are based on the concept that they bear a responsibility to find their place on the employment market. And it is not just the fault of the state, the family or anything else if they cannot do so.

This raises the problem of a new balance between the global market, the open market and the institutions. By institutions I mean the state, the central banks and also the organisations which some of you represent. Lastly, it raises the problem of funding - which is what started us thinking - tied in with demography, lengthening life expectancy, a lower birth-rate, weaker economic activity on account of unemployment and with technological progress, all of which are making health policy ever more expensive.

Lastly, the final element contributing to the political confusion: the difficulty the nation-state experiences in keeping its bearings, pulled in separate global and local directions. Adding this to the democracy of opinions, the work before us becomes clear. Many of you "think globally": even I do sometimes. I try to explain what is happening in my country, in one sector of activity, in terms of the global shift, globalisation, the global financial market and so on. There is no point getting angry about it, it is happening. But the man and woman in the street "think locally". They are baffled by this global world which they cannot control. So, reconciling the local and the global is a vital element in restoring politics to its former position of prestige and efficacy. From a broader point of view, however, and since we are in Europe, we might ask whether the European Union is not the ideal intermediary between the nation-states, which are losing their means of exercising influence, and the "global" aspect. In other words, I am sure the history books will, in a few year's time, be looking at the European Union from two different angles. One will of course be the European Union according to the Treaty, according to the founding fathers of Europe, as a desire to establish peace and create a political Europe, a political project: the other will be the European Union

as an example of a regional organisation which is helping to find its bearings in the never-ending inch-by-inch progress of globalisation: as such, it is already being imitated by Mercosur and in the future, I am convinced, by the ASEAN countries, which have understood the limits of simple informal consultation between their members, and who are considering how to create formal institutions.

III. The need for civil society organisations

These seem to me to be factors that call not just for political discussion but also for action and discussion by civil society organisations. These organisations, as I have said, and as Mrs Sigmund has clearly indicated, are not entirely free of the representation of what are sometimes corporatist interests. Civil society organisations must not give in to the temptation of saying they represent the general interest. They may identify the general interest in their discussions. But that is quite a different thing. As for the associative interests that flourish around the European Commission, it would be dangerous for those involved to become too much a part of the system; to believe they alone have the right to represent society. Associative interests move just as society moves, and care must therefore be taken not to ensconce privileged lobby groups while ignoring everything that emerges from society as it evolves. But I think that more than ever we are counting on the representatives of civil society organisations to have their finger on the pulse of society. And as I have said, not just through polls.

My rather wry comment about the risk of associative interests becoming part of the system - which I trust will not be taken amiss - was simply a way of politely saying that this poses serious problems of representativeness. Political representativeness is achieved through elections, trade union representativeness through number of members, representatives elected to different authorities, but for other organisations things are a lot more complicated. Thus as new ideas can emerge outside of traditional contexts, a solution has to be found. I have noted that in its opinion the ESC proposes that a body be set up to liaise with those not represented on the Committee rather than waste its time discussing whether to create a fourth group. I would like this interactive formula to be open and not linked only to associations and groups that are already represented.

The second area where civil society organisations are necessary is the traditional need for mediation. This need is all the more essential in a democracy of opinions where political actors may be daunted by the gulf between them and ordinary people. Or they may be daunted when asked on television: "What are you going to do about such and such a catastrophe?" There is not even the option of asking for a breathing space. The answer has to be immediate. And it is impossible to give an immediate answer. There has to be time to think. Thus mediation by civil society can help to improve the governance of society.

The third justification for civil society organisations is the need for expertise, given the increasing complexity of problems, the enigmas of science, the obsession with zero risk, exacerbated by the emotional society. Somebody who smokes 30 cigarettes a day will

demand zero risk in some other area of activity, forgetting that the risk they run is an individual concern. There is no such thing as zero risk.. Life is an adventure, and everybody has to take responsibility for their own actions. This is not a reason not to try and understand the complexities of dioxins, mad cow disease, GMOs, etc., since these are certainly serious problems. I remember that in less complex times, in the 1970s and at the beginning of the 1980s, the Economic and Social Committee played a crucial role in creating the internal market. The ESC's opinions, on technical rules, on standards and harmonisation, were excellent opinions which were a valuable complement to the Commission's work.

We might ask whether today civil society organisations close to the Economic and Social Committee could give us some clues here. There is much talk of doping in sport. Obviously people are looking for scapegoats. The favourite scapegoat is the cyclist, the last of the proletarian sportsmen. But nobody has ever asked scientists what a cyclist or a football player needs in terms of food and supplements in order to recuperate and practise a very demanding sport, and at what point they start to cheat or put their own health on the line. I see nothing happening on this question, but it seems to me that there should be a place where it can be raised. Not that politics should depend on science. The Chernobyl disaster happened while I was Commission President. A group of scientists met. Unfortunately some of the 12 representatives were more concerned about the interests of their own country than about scientific matters. So I have no illusions. But I still believe that civil society organisations must shoulder their responsibilities in this area to inform the general public and to allay certain pointless fears. If we distance ourselves from these issues we can clearly see how many mistakes have been made and stupid remarks made.

The fourth need of civil society is to seek a new synthesis between the market and contracts. The market is open, but as everyone knows it has its limits, it is short-sighted, it does not consider long-term interests in respect of collective assets, it does not express needs, it does not direct activities as well as we would wish. We therefore need a minimum number of ground rules. I would rather not use the word "regulation", which might annoy some, but we do at least need ground rules. Which implies concertation and negotiation. And basically the Economic and Social Committee is well placed to propose these new ground rules.

Finally, my fifth and last point, to justify this need for civil society organisations, is the contribution to better functioning of the European Union. Mrs Sigmund's opinion is very clear on this question, though it is somewhat hard. The European Union faces a lack of confidence among its citizens, who accuse it of being inefficient, point to democratic deficits and demand to be more involved in decision-making. So how can we help to improve matters? Of course institutions must adapt, responsibilities must be clarified, subsidiarity must be better applied in both directions and not used as an excuse. A charter seems to be needed, as the Commission's Vice-President reminded us, which will be the responsibility of a task force. This German initiative, taken up by the Finnish Presidency, will be referred to a preparatory body, but it brings us back to the golden rule for striving

to achieve improved functioning of the EU: listen, listen, listen to what society says, interpret what it has said clearly and then when responsibility has been assumed, also by civil society organisations, inform, inform, inform.

I believe that the task of making European integration a joint and participatory undertaking for those who want that is a daunting one. To achieve this, we need European statutes for your organisations. I know that it is extremely difficult for cooperatives, as there is a huge difference between the big cooperatives like Crédit Agricole and Rabo Bank and the small cooperatives. I know that it is very difficult for mutual societies, because here we are looking at the question of “Europeanising” social security systems, and we have not reached this stage yet. But there should at the very least be a European statute of association in order to avoid complex procedures, pointless expense and to make associations take on more responsibility, notably vis-à-vis the European Commission, which gives them a lot of support.

It seems to me that these things are what justify civil society organisations. The Economic and Social Committee has decided to be the new pioneer of European democracy, with all the risks that this involves. In order to play this role, civil society organisations must, if they want to succeed, be constantly in touch with civil society in the widest sense of the term. This is why I started my speech by some thoughts on the changes in civil society.

ROUND TABLE

on the theme:

***“The participation of civil society organisations:
towards more effective European governance”***

SPEECH

by Mr Miklós BARABAS,
Director of the European House, Budapest (Hungary)

I would like to interpret my presence on this panel as a sign of openness, and as a sign of support, for all those important changes which have already taken place and which, in some cases, are not yet completed in Central and Eastern Europe.

The concept and definition of civil society laid down before us is an attempt to define the Committee's understanding of civil society. At the same time it is clear from the opinions presented that there are very diverse approaches. It is natural that the social partners, the so-called NGOs, local community representatives and even religious communities are likely to provide different interpretations. In Central and Eastern Europe there is also an ongoing discussion on the definition of civil society. That is why I am happy that the Economic and Social Committee has also taken up this issue and is trying to provide a definition which, at this stage, is obviously not final and allows for a flexible interpretation. But I think a commonly shared value in defining civil society is its role in building the common Europe of our future. It is an issue which should be elaborated upon in more detail.

I come from a region and from a country where there has been a rebirth and re-emergence of civil society, which has now become a strong social, political and even economic factor. In Hungary 1.2 percent of GDP is produced by the nonprofit sector. Hungary has 10 million inhabitants and approximately 60,000 registered associations and foundations with around 50,000 full-time employees. This perhaps gives an indication of how rapid the development has been since 1989.

At the same time, I am very happy that there is also wide discussion on civil society issues in Western Europe in general and in the European Union in particular. Many of the changes in Central and Eastern Europe are also influencing the debate on civil society within the European Union.

In connection with civil society there are three key words to remember :

One is **participation**, which has already been mentioned by previous speakers. From our point of view I would like to emphasise that, as a result of the substantial changes in Central and Eastern Europe, we have succeeded in creating a stable political infrastructure. At the same time, a kind of disillusionment or apathy in society can be experienced as a result of a growing distance between policy makers and ordinary citizens. In this respect we, as representatives of civil society organisations, have a special responsibility to strengthen democratic culture and make participation an integral part of everyday life.

Another keyword is **partnership**. We experience continuous movement from the government to "the governed". From 1989 the "old" state disappeared and was replaced by

a “new” state. What should the citizens’ relationship be to this new state, with its conflicts and contradictions? This question cannot be addressed without the active involvement of civil society.

My last point is **enlargement and the common European identity**. These are two notions which go hand in hand in our region. There is very strong support for accession to the European Union in applicant countries. Although there is much hope, there are a lot of false and exaggerated expectations. I think that a certain element of fear also exists in our societies regarding change. On the other hand we are already part of Europe and, through projects and initiatives like the Europe-Citizens-Action-Service (ECAS), the Vienna Platform and the Permanent Forum of Civil Society - take part in a number of programmes, which are also responding to the growing needs of co-operation.

In conclusion I would like to emphasise that it is important that public opinion in EU countries should not consider enlargement a potential danger or threat but, rather, a natural evolution of all those developments and achievements which have taken place and are taking place on the European continent. After all, Europe is diverse, pluralistic and multicultural. In this regard Central and Eastern Europe can bring its traditions, experience and the ability to handle new challenges into this process.

I hope we can make a meaningful contribution to a developing Europe where everybody can feel at home.

Thank you very much.

SPEECH

by Mr Philippe HERZOG,
Professor of Economics, University of Paris X (Nanterre),
former Member of the European Parliament

Introduction

1. People are becoming aware of the issue of participation by organised civil society at European level.

After the creation of European associations for the two sides of industry in the 1970s, the European “social dialogue” was brought into being in the 1980s and 1990s. Its place is recognised in the Treaty of Amsterdam. There began an original method of social conventions, and a civil dialogue began to emerge. In the European Parliament, I wrote a report on the participation of citizens and the active forces in society in the European institutional system. This report, which contained a number of proposals, was adopted in a resolution of December 1996. Now, even the Council has just decided to launch a macroeconomic dialogue...

2. In order to move forward, the quality of this participation must be evaluated, put into its historical perspective and extended.

In addition to its traditional functions, civil society organisations are involved in making choices of general interest.

Historically, their two main paths for doing this have been: social struggles on the one hand and their links with political representatives on the other. Other ways have been tried. Some have been highly questionable, as in the corporatist states, but others have shown great promise.

Some useful references here are:

Tocqueville, who believed that association is the basis of viable democracy.

Owen, who created companies made up of associated producers.

De Gaulle, who dreamed of a society based on associations.

The German concept of Mitbestimmung, which sets an example of shared management.

And more recently the concept of a “society of partners” is emerging, even if its implementation is highly uncertain.

3. To think “Europe” is to think “European society”

The growth in information, education and terms of reference means new responsibilities. But those wishing to become involved in the enterprise still have to overcome major difficulties, as well as a feeling of political impotence.

The active forces in civil society will have to take on new duties: social negotiation, consultation and co-operation, management of solidarity...

4. The barriers are economic, political and cultural ...

Ms Thatcher declared: "there is no such thing as society". The market claims to be self-regulating. Political representatives often consider themselves self-sufficient. The protest culture is very widespread...

And yet the involvement of civil society is destined for very significant developments.

* * *

In the European Union, this could seek two objectives, in my opinion:

- first, it could help set up new social models that would go hand in hand with a control of the economic system, with a view to sustainable development;
- second, it could help bring about the emergence of European citizenship through involvement and solidarity, and invent democracy by participation.

I. New social models and controlled development of the European economy

Can the efficiency of the European economy rest only on the single market, the euro, and the co-ordination of national policies? I do not think so. This economy suffers from structural disabilities, it is not under control.

The multinational corporation and the European market do not make social choices concerning such matters as work, social welfare, common assets and participation. Therefore, the social question becomes the sole responsibility of the protective national states, which use the tools they have mainly to provide social courses of treatment for unemployment. The start being made towards the co-ordination of employment policies at European level has to be welcomed, but for the moment it is still only a catalogue of national policies laid side by side and accompanied by principles and machinery that are a closed book for the general public as well as for the action groups in society. There is work to be done on a new European social model.

Neither has any work been done on the collective conditions for growth in Europe (failure of the Delors White Paper). Company ownership and control is exercised by international financial shareholders whose profitability demands are excessive and who do not fulfil their duties regarding social cohesion and sustainable development. Moreover, firms are using internationalisation to free themselves from the old relationship with a nation-state that supervises the collective conditions for growth. And the very concepts of industrial policy and a public service network are still a waste land at European institution level.

Europe is tempted to model itself on an American-style shareowning democracy. But in the United States the public service and the business world join forces, while Europe still refuses to become a political union and a power.

The involvement of civil society organisations cannot solve these problems, but it is already helping to draw attention to them, and it can certainly help solve them.

Strengthening the European social dialogue is essential. In the group and sectoral committees that the Commission's Directorate-General for Employment and Social Affairs wants to see set up, this dialogue should develop upstream and cover economic strategies. The trade unions want it, the employers are against it. Let us think of Renault-Vilvorde, of Michelin: the European group committees have not been brought in in time or are still to be set up; there is no dialogue at industry level, and so no possibility of negotiating industrial choices. Contrary to what the report of the Gyldenhamar mission says, European political forces have to act to establish participation, to become a spokesman for social action and a partner for restructuring. Otherwise the effects on Union cohesion will be explosive.

Beyond the work and the legal failures, **the social and civil movement should seize the issue of a European company identity.** The ownership of European companies, their rights and duties, the sharing of responsibilities are subjects for concern; they should become subjects of general interest. Share ownership by employees is an opportunity that must be seized in order to redefine the powers of management, but at the individual level, it can just as easily mobilise the ordinary foot soldier to support a shareowning democracy. It must therefore be organised collectively, be motivated by goals other than just getting rich and be accompanied by the participation of employees in management. There are powerful cultural obstacles to these choices. Are the trade unions ready for such a change? They will still have to have powerful information and assessment tools.

Civil society organisations are an expression of the need for industrial policies and public service networks at Community level. There can be no question of state programmes, and anyway there is no supranational state. Inevitably, these policies will be based on a dialogue and a partnership between public institutions and companies, each one contributing to the general interest. Many company bosses are against such a thing, others want it. But current competition policy is a barrier, each state is still absorbed in defending its champions and its services, and the Council has ruled out the Delorist proposals of the White Paper or anything along the same lines. There must therefore be a specific political line where sectors such as the banks, the arms industry, the creation and information industries action are considered of strategic interest for sustainable development and the power of Europe; and where infrastructure and service networks such as transport, energy, and telecommunications are considered as public assets.

There is no dialogue on financing today. The social forces in society are kept away and are not consulted on questions concerning the formation of a European financial market, or tax harmonisation... The Structural Funds are managed at national level. This situation cannot

go on. Not only should organised social groups have the power to evaluate and be consulted, they must also develop a capacity to co-administer European funds on the ground.

The arousal of a European civil conscience and the involvement of civil society organisations must ultimately lead to greater intergovernmental co-ordination.

Procedures should be unified, because the multiplication of segmented bureaucratic procedures makes everything opaque and inconsistent. All this should also lead to a binding political agenda - i.e. two or three objectives which the states and the Union would commit themselves to achieving each year as a burning obligation. Let us dream a little. We could work to establish solidarity for a full employment of human capacities throughout Europe. For that, the Union would borrow the method of the Single Act which was used only yesterday to manufacture the single market: a horizon of eight years, majority decision-making. The problem of Europe is not only high unemployment, but also the very low employment rate of the population, the lack of skill upgrading throughout life... in short, a glaring under-employment of human capacities. The Union should therefore set itself ambitious objectives: it should make training a constant new dimension of work; it should create the right for adult workers to upgrade their skills (which, among other things, is absolutely essential to any lengthening of people's active working life); it should create a right to safe mobility, i.e. guaranteed training and re-employment in the event of job loss or change of job; it should spread research findings and the logic of this plan among SMEs and on the ground.

Now, let's talk about methods.

I should like here to take up again some ideas that I have had the opportunity of submitting on many occasions to the European Parliament, the European Economic and Social Committee, the French Economic and Social Council, the University of Louvain and the Forward Studies Unit of the Commission. The idea of democracy by participation seems better to me than that of management by participation, of delegation to agencies, or even judges, or of the "proceduralisation" of the law. It is not in opposition to these methods, it can be complementary to them. But it only gets civil society involved in the development of the general interest, in the exercise of political citizenship. The thing is to involve the forces in organised civil society in the discussions preceding choices of general interest, in evaluating their impact, in consultation and co-regulation, in co-determination and co-administration.

What is missing most here is an ascending and interacting European dialogue, by which people can involve themselves in the life of the Community in all places in their life and work. With this in mind, I have recommended creating a right of expression. In order that each citizen can put this right into effect, civil society organisations and institutions would have explicit duties to provide information and take initiatives.

The Commission is thinking about using local agencies in order to decentralise European policy. One could also think about regional missions where civil society

organisations would work in partnership with the political institutions for everything which concerns the citizens' access to Europe.

The European social partners now have a power of negotiation, and any conventions they may draw up have the force of law. But they are rare, and the legislator's responsibility must therefore also be established. It should be called for by active social forces that already have an advisory power a priori. At present, the Commission uses those that it consults - experts, lobbies - as instruments, and makes particular use of the expertise of companies. Otherwise, does it really listen to the opinions and the recommendations of independent bodies? I think that the role of the active forces in society and of the ESC as co-regulators should be recognised in the preparatory stages of the decision. In plain language, they should be empowered to evaluate and initiate, and not just react to the plans of the Commission.

At the same time, **the dialogue between institution and actors should not be organised in a segmented way** : interactivity between the various actors is highly desirable.

The information and assessment facilities available to the organised actors of civil society are manifestly insufficient : the expertise of the Commission has to be transferred to civil society and elected representatives.

I have proposed that **the European social partners could discuss the policies of the Union with the representatives of the political institutions** at annual conferences. France put forward this question in Cologne: on 8 November 1999 the first macroeconomic dialogue took place. A joint decision-building capability should grow up gradually. The two sides of industry should be provided with independent forward studies and co-ordination centres for this purpose.

II. European citizenship and democracy through participation

I want a political Union. But like Dominique Wolton, I have seen the limits of volunteerism and especially the need for a mental revolution if such a Union is to emerge. Today people identify with their nation and their state. Globalisation and Europe are both opening up and dividing societies, and the general feeling of insecurity often leads to retrenchment.

European citizenship is a cultural challenge. But on the policy side, the very idea of a European cultural project is rejected. The first step in citizenship is wanting to participate. But participation is not possible unless civil society organisations play their part. With the support of information technology, a transnational public opinion can be formed and a European education promoted.

The key to this is to help everyone to rise above the sterile opposition of two cultures: the nation state and the supranational power. Building Europe means bringing nations closer together and making peoples citizens of a federation.

Civil organisations and trade unions have implemented legal strategies for European action based on fundamental rights.

Developing these universal human rights means mobilising a force that can stand up to any state and attacking the international dimensions of modern insecurity. But national legal systems remain identity-centred and fragmented. If unification of the law was a value yesterday, it is no longer the case today. The nations and their states resist.

But how effective can the law be if there is no control of the economic system? The strategy of developing fundamental rights will remain bogged down in thrashing out legal procedures if the civil dialogue remains separated from the social dialogue and the duties of political representation.

What is needed, therefore, is an institutional strategy. The political institutions must be opened up in order to remove the barriers to participation.

A general change in the way the Union is governed would be possible. It suffers from two structural defects in particular: first, it is not yet designed to explore the opinions of societies; and second, it assesses the impact of its choices hardly at all, or very badly. These two defects could be dealt with through organised civil society getting involved upstream at the discussion stage and downstream at the evaluation and feedback stage.

At Community level, each institution has to get moving. The Council is the least open. Public discussions must be organised upstream from the Council's decisions, so as to make the Council respect an agenda and be more open. The Commission uses the methods of management through participation. One must start to make it share its power of initiative and evaluation with civil society organisations. If its function as a political mediator between the nation-states is beefed up - which is inevitable with enlargement - it will have to work even more closely with civil society organisations on the ground.

European elected politicians have to be brought closer to the grass roots, and Parliament must reassess its methods for keeping in touch. These are too weak because they are too dependent on the parties, and especially on the Commission. Parliament has to seek partnerships with the actors of the emerging European civil society. In this area it has not yet really grasped the importance of developing co-operation with the ESC and the COR and the social and civil partners. Hence the proposals in my report of 1996.

Obviously, the question of how to represent the active forces in civil society has to be answered. But it cannot be solved without examining the problems of the crisis facing representative democracy at a political level.

There is conflict over what makes up civil society. The NGOs sometimes claim it is them, and them alone. The representatives of business, on the other hand, claim they are its foundation.

A broad definition must be adopted and a co-operation culture developed. Especially because of the historical problems we have to deal with: new social models, shared control of the economic system, a dynamic participation democracy.

Similarly, there should be a re-think on the roles and relations of the social movement and the political movement.

Social representation is subject to criteria: ability to mobilise, mutual recognition. It **will have to be put to the test if necessary through an election or referendum.**

The ESC is a tool. The political and social actors must face up to their responsibilities if it is to develop. If it is allowed to fall into disuse, a permanent tool for dialogue will be lost forever.

Its role is not the same as that of the two sides of industry; their focus is negotiation.

Face-to-face meetings between organisations and the Commission are dangerous. There must be places where people can meet each other and work things out in complete freedom.

The ESC is a place where civil society organisations think about their unity and how they can contribute to society as a whole over and above their segmented interests. With this in mind, improvements could be made in the ESC's composition, by using national and European criteria for selecting its members, and in its capacity to initiate (it should not be bogged down by its role as an issuer of opinions).

SPEECH

by Mr Allan LARSSON,
Director General of the Directorate General for Employment
and Social Affairs of the European Commission

Mr. Chairman, ladies and gentlemen,

I am delighted to take part in this first ECOSOC Convention on civil society at European level. I want to focus on some key areas where the Commission and the EU - and civil society itself - can contribute to more effective European governance.

First, the size of the task. As the Committee's Opinion on "The role and contribution of civil society organisations in the building of Europe" makes clear, the European Union "faces low confidence among its citizens". Citizens, it tells us, "accuse the EU of inefficiency, point to democratic deficits and call for greater responsiveness to grassroots opinion".

The low participation of voters in the recent European elections underlines the problem. It is a matter of fact that the Commission and the EU has been through a deep crisis. It is also a matter of fact that we are responding to this crisis in a serious way. We can see the light at the end of the tunnel, in terms of demonstrating political determination to address our problems, and in terms of developing the operational methods to do so.

1. Reform of the Commission

The new Commission is introducing a reform programme that will have a strong impact on how we work, how we relate to the world we serve, and how we centre the concerns of citizens in our activity. The aim of this programme is to rebuild confidence in the EU, by performing better, and communicating better the Commission's role in improving the EU's performance.

The four touchstones which President Prodi Vice President Kinnock have identified to underpin this programme are:

- **efficiency** - to get the best value from our human and financial resources in meeting our responsibilities;
- **accountability**- to enable and demand the best from our staff and our managers, in pursuit of our objectives, in terms of the organisation itself, and in terms of our principal stakeholders;
- **service** - to achieve excellence in focusing our activity clearly on the needs and concerns of all those we are here to serve;
- and internal and external **transparency**: internally, so that the organisation communicates well at all levels, is open to new ideas, new approaches and constructive criticism; and externally, so that the organisation is fully and easily open to public scrutiny, as the rule rather than the exception

All this adds up to a strengthening of the Commission's **independence**. This independence is at the core of our ability to serve the interests of all Europeans, evenly and objectively. The evidence of this determination to put the Commission's house in order - to serve the interests of the whole Union - are twofold.

First there is the reorganisation which Vice-President Kinnock announced two weeks ago. This reorganisation, and its reshuffle of the highest levels of our services, is the biggest organisational change the Commission has ever experienced in forty years.

The second step in this modernisation process concerns Vice-President Kinnock's intention to present a package of further reforms, which are intended to improve the Commission's administrative structure, next February.

2. The shared employment and social agenda

My second point is on the issues that connect the responsibilities of civil society with the work of the Commission. The agenda we share encompasses all the areas of concern that touch the daily lives of Europe's citizens. I want to comment on some of the key areas of European policy that connect most closely with the constituencies represented here.

- The first is the new employment package, now going through the Council process, towards Helsinki. This strategy is essential to: tackle unemployment effectively; create more and better jobs; and to meet our broader social policy objectives. The four pillars of the strategy: employability, entrepreneurship, adaptability and equality of opportunity, must all be addressed fully, if we are to meet these objectives.
- The second concerns resource support to the employment strategy, through the structural funds in general - which will now be a much more active instrument of our employment objectives - and through the EQUAL Community Initiative in particular, which the Commission agreed two days ago.
- The third is the Commission's new Social Protection Communication, and its four objectives for reform of social protection: to make work pay and to provide secure income; to improve our pension systems; to promote social inclusion; and to ensure high quality, sustainable health care. The Social Affairs Council will examine our proposal on this next week.
- My fourth point is on anti-discrimination and Article 13. Madame Diamantopoulou announced to the European Parliament on Wednesday her intention to exploit this new potential to fight discrimination, and her intention to take on board the consultations we have had with many of you in working out how to implement the new article 13.

- My fifth point is on the support the Amsterdam Treaty offers to promoting social inclusion, in the labour market, and in broader society. The Commissioner intends to present, as soon as possible, proposals which make full use of this new scope to help Member States address better barriers to participation in economic, social and institutional life in the Union, that confront a significant proportion of our people.
- My sixth point is on the next steps for social policy at European level. Madame Diamantopoulou made two things clear in the European Parliament on Wednesday: her intention to begin preparations for the next Social Action Programme as soon as possible; and her intention to make this preparation as inclusive as possible. To this end, she will soon invite the Parliament, Ecosoc, the Committee of the Regions, the Social Partners and the NGOs, as well as the Member States, to work with us in shaping this process.
- My final point is on enlargement. It is only with good employment performance, and strong social standards, that citizens of the applicant countries will see the benefits of joining the Union. It is only by helping them to reach these standards that citizens of the present EU will see that enlargement is about mutual benefit, not lowering sights, or standards. Getting this right is a task for the applicant countries. The job of the Commission, and of many others, not least the social partners, is to support these efforts fully.

I want to add two things, on all the work I have just described.

First, this work shows that we are making real progress on many areas of common interest, not least in applying the new Treaty provisions to employment and social policy objectives, and that we are strengthening the principle of common European concern that these issues demand.

Secondly, none of these matters of concern to citizens can be addressed effectively without strong, open partnership, engaging all those who connect policy to people and action on the ground.

3. The need for partnership

I want to turn now to partnership. Partnership with the social partners and partnership with civil society are the roots which feed and build European economic and social progress. They are the roots from which public policy draws its credibility, its relevance and its effectiveness. For all these reasons, partnership and dialogue must be an integral part of the policy process, in terms of design and implementation, at European level, as well as at local, national levels.

I want to relate this imperative of partnership and dialogue to the respective - and I believe mutual - responsibilities and interests of the social dialogue and the civil dialogue.

(i)The social dialogue

The social dialogue is a key, treaty-based element of the economic and social policy process at European level. At European level - as at national and sectoral level - it is a central part of the process of modernising working life in the EU. We have seen real improvements for working people from this process, not least in the first three collective agreements the social partners have made at European level.

We can also see, now, how the social dialogue is broadening its scope: with the role the social partners will play in the new macro-economic dialogue; with the new tasks and responsibilities that the European Employment strategy has placed upon the shoulders of the social partners; and with the part they are playing in developing applicant countries' capacity and expertise, in the preparations for enlargement.

We continue to work with the social partners to enhance this dialogue, because there is much more for them to do, on the adaptability pillar of the employment strategy, on life long learning, and on the modernisation of the organisation of work.

(ii) the civil dialogue

We must also reach a wider set of constituencies and interests. That demands that we connect well with broader civil society. We are, of course, building these connections without a Treaty basis, for now, at least. That means three things, for the representatives of civil society and for the European institutions you work with, over the next period.

First, that we recognise fully the importance of the role of NGOs and civil society organisations in the real world, the real world of Europe's safety net: of rights and access; of social protection and welfare, as policy advocates and as service providers.

Secondly, that we recognise the progress we have made together, to create the structures and agenda by which partnership on common issues can flourish, over the next period.

The European Social Forum process of the past few years has helped us to build understanding, capacity and common ground. It has helped us to develop the notion and role of European civil society. It has helped us to develop dialogue and cooperation, not least on social inclusion. I believe there is more work to do to get the best from this strong basis for partnership, and I am sure this meeting will help to work these matters through.

The third thing concerns the route to a treaty basis to build partnership further. That, primarily, is a task for civil society and its representatives.

It is already clear that President Prodi is pushing for a wider agenda for the forthcoming IGC, one which centres on citizens and their concerns. We expect a strong push from you on these issues. I can assure you that the Commissioner will be as supportive as possible of your ambitions in this matter.

The task for you, then, is to build the momentum for the civil dialogue to take its place in the institutional landscape.

You must do this in a way that European citizens can see is clearly focused on their basic concerns. And you need to do this in a way that is complementary to the social dialogue - as you share common roots, of interest and objectives. The joint declaration of the Platform of Social NGOs and the ETUC, to today's Informal Summit at Tampere on "integrating fundamental rights into the treaties" is important. It is a clear indication that this cooperation is developing.

4. Conclusion

These are my brief comments for the meeting. I offer them as food for debate, both here and in the coming months.

I am pleased that ECOSOC joins the Commission in recognising the importance of civil society, for citizens, and for the health of the institutions that are here to serve our citizens.

I want to assure you all that the Commission is committed to relating clearly and openly to citizens' concerns - and to their social partner and civil society interlocutors - on all the policy issues I have sketched out here today.

And I want to finish by underlining the Commission's belief that the key to making this work lies:

- in the opening up of the debate - among the representatives of civil society, among the European institutions - that meeting like this one signify;
- and in the response that we are all now making to the clear democratic signal that Europe's citizens gave us in the Spring.

Thank you for your attention.

SPEECH

**by Mrs Eleonora BARBIERI MASINI,
Professor of Social Forecasting,
Faculty of Social Sciences, Gregorian University, Rome (Italy)**

1. Defining civil society

Civil society is certainly difficult to define especially as it is developing in a continuously changing and dynamic environment. It has been described by many authors as a hazy “nebula”.

The definition of civil society given in the ESC opinion prepared for the Convention, and especially the indication of organized civil society, is very interesting. It is obviously very difficult to portray as Europe is a dynamic social environment, as indeed the whole world is.

The definition of organized civil society has to be seen against an awareness that European citizenship has changed since the European Community’s foundation in terms of age, gender representation and cultural differences due to migrations. At the same time the understanding and practice of democracy is challenged in its meaning and in the actual operation of democratic representation.

2. Civil society and the future

On the basis of the analysis of many academics as well as operators of civil society and of some of the wide range of empirical research, I shall attempt the difficult task at looking at civil society in its future possible developments. For this I will mainly use a “prospective” approach, well known in the European Community environment, which means:

- looking at the past for interpretation;
- looking at the present for identifying trends and seeds of change and, at the same time,
- looking at the future in alternative terms.

In this approach, the human and social choice in the present, set against the different alternative futures that may develop, is important.

Civil Society is without doubt an “ensemble” of different and differently organized groups that operate in all spheres of human activity whether economic, social, political, cultural and environmental (how much they can be thus classified is another matter as interrelations are always present). Two specific characteristics can be noted :

- the general aim of such groups (that differ from group to group) of basically aiming to improve the situation of the people they represent;
- they do not emanate from the State (although they may be supported by it in later stages).

For many civil society is a global consciousness which is emerging all over the world around specific concerns, such as human rights or the respect of human dignity, and is hence the development of a global moral ideal⁸.

For others, and this is very interesting, civil society is the carrier of aspirations, needs and demands not dealt with either by social institutions (family, school, State, trade unions, ...) which are failing them, or even by market forces. Civil society operates at an everyday level even if, in its goals, it may have a long term basis.

Through civil society, citizens demonstrate their capacity of innovation (social, economic, political) which is not easily channelled at the institutional level. At the same time, by their innovative behaviour citizens show their growing awareness of the dynamic nature of society and its uncertainty in decision making, as well as its vulnerability in relation to rapid change. The globalization process at its different levels (economic, technological, social, political and finally cultural) intensifies such awareness.

Other analysts of civil society, as Pierpaolo Donati, a sociologist at Bologna University and an expert in the field⁹, see in the emergence of civil society the expression of a need for social relationships which go beyond the need for the exchange of goods and services (to which the market responds), or the need for political regulation (by the State), which expresses the requirement of relationships at a deeper level. The need is for a “symmetrical” relationship which is certainly not present in that of citizens within markets mainly defined by competition, and as such asymmetric, or with the State and its institutions where relationships have also become asymmetrical even in democratic societies.

Civil society demonstrates the need by citizens for mediation between the individual and its interests and between the individual and the State in its regulatory role. The market which is usually seen as being able to act as a mediator does not seem to fulfill this function.. In so doing, civil society can be seen as an intermediate level between the “micro” level (individual, family) and the “macro” level (the State and public institutions) of society. Expressed in this way, the so called third sector is part of civil society: it is voluntary and incarnates the subsidiarity as well as the solidarity and responsibility principles (all mentioned in the ESC opinion prepared for the Convention).

It is worth emphasizing that the third sector has changed in recent years from a role of “advocacy” and “pressure group activity”, especially at European level, to a role more related to everyday life (education, health, support of the elderly, the handicapped, migrants and refugees). Due to this change in role, the third sector - as part of the civil society - grows itself and tends to stabilize itself at the social intermediate level and thus assumes a mediation role between the individual, his interests and the State, as well as favouring human and social relations.

8 Papisca, Antonio, Il contributo della società civile alla riforma dell'ONU, in: Lotti, Flavio e Giandomenico, Nicola (ed.) "L'ONU dei popoli: progetti, idee e movimenti per riformare e democratizzare le Nazioni Unite", Edizioni Gruppo Abele, Torino 1996.

9 Donati, Pierpaolo, Sociologia del terzo settore, La Nuova Italia Scientifica, Roma, 1996. See also : Donati, Pierpaolo (ed.), L'etica civile alla fine del XX secolo, Arnoldo Mondadori Editore, Milano, 1997.

Civil society thus fills the spaces left by the unanswered needs of the citizens. Nevertheless groups which are part of civil society often do not find the channels to reach the institutions at either the local, national or international level, because of the asymmetry of relationships mentioned above.

3. The possible alternative prospects of Civil Society

- a) A first possible future is that the richness of ideas and the innovative capacity (social, economic and political) of civil societies manage to forge links with the institutions which are thus strengthened, more creative and capable of translating change (at the European level, the Economic and Social Committee is a very good actor in this area). In this scenario, the mediation role is central and conducive to “social dialogue”, to a “new social contract”, or even to a “European social model” where symmetrical relationships are present and (if I may say so) lead to the emergence of new forms of democracy which are the final goal of such a process. In this view one could speak of an “organized civil society” as proposed in the ESC opinion.
- b) In a second scenario civil society (non-organized) is left on its own to respond to citizens’ needs as facing social and economic instability and vulnerability. This situation may lead to social conflicts (which we already partly know and have experienced in Europe). Civil society would in some way keep its freedom.

As the globalization process gains strength so does the awareness of citizens that they need to overcome the uncertainty and vulnerability through their own means, outside or even against the State and the market. This scenario may be very dangerous.

Conclusions

The development of the first scenario is based on the need for change that is expressed by civil society sometimes in an invisible way. It has to be fostered by for instance :

1. listening to the needs and aspirations expressed by civil society which is much more dynamic and sensitive to social changes than the established institutions;
2. encouraging contacts and dialogue within and with civil society;
3. allowing and fostering communication in positive terms on the role of civil society within public institutions;
4. encouraging (organized) representation.

It is a long-term process but it has to start. If it is not initiated it may also be disastrous for the role of Europe in the future as it would be difficult to speak of citizens’ rights and of a citizens’ Europe.

SPEECH

**by Mr Jacob SÖDERMAN,
European Ombudsman**

Thank you Mr Chairman.

I am very grateful to be here and have the possibility of meeting you, the true representatives of Europe's citizens. The office of European ombudsman was set up by the Maastricht Treaty as a part of European citizenship. I will make a few remarks on how this citizenship has worked and what possibility organisations might have of using the Maastricht Treaty's provisions on citizenship to achieve better results for citizens. As you remember, European citizens were given a few constitutional rights in the Maastricht Treaty, the most important of which was freedom of movement, which already existed but which was slightly enlarged. Other rights were political rights - the right to stand in municipal and parliamentary elections anywhere in the Union - and two constitutional rights to challenge administrations: the right to petition the European Parliament and the right to complain to the European ombudsman if you have difficulties or wish to report maladministration in EU institutions and bodies, together with the right to diplomatic protection outside the Union.

How has this worked? I think these rights are rights that do not work if nobody uses them. They work fairly well and are developed if people do use them and take part in them. If you look at the right to petition the European Parliament - you have the right to petition the European Parliament regarding any obstacle or grievance you have about European Union activities on whatever level that might be. On a national, regional or European level this can be used to address problems of principle that you find are conflicting with citizens' rights anywhere in Europe. This right is fairly little used - I think it is about 1,000 petitions a year. That is because in the old days people believed that the European Parliament was relatively insignificant. The political crisis with the Commission has changed this. The decision to petition could be taken by many organisations regarding problems that they have within the Union to try to find a solution.

As far as the right to complain to the Ombudsman is concerned, the Spanish proposal was that the European Ombudsman should deal with Community problems wherever they occurred in the Union. The Member States, meanwhile, did not want to have extra supervision, so the Ombudsman has the limited task of dealing with maladministration in Community institutions and bodies, i.e. to help people with their problems with the European Commission. I have already received about 5,000 complaints in four years from citizens, and we have managed to help many of them. I try to secure all the rights to which they are entitled in relation to administrations.

However, I must say that about 70% of the complaints are outside my mandate since they relate to maladministration at national level. But we have forged very close links within the Community as a whole, with all other ombudsmen and all petition committees

throughout the Union, so we can tell citizens which is the right body for their complaint when they contact us. This is good news for us, and of course helps them with their grievances. I think there is a big problem with freedom of movement for ordinary people - when they actually move to another Member State to work, to study or just to live, they sometimes face problems which are totally unnecessary and which have to be addressed. I hope that these institutions at a national level will help them more directly than they have done up to now.

It has been my experience, first and foremost, that the Community institutions and bodies have responded to me much better than anyone could expect. I used to say that they try to show that they are much better than the general feeling about them is in Europe, and I take the view that this is a good thing. I think they have in many cases tried to solve the issues rapidly. But the overriding grievance remains the lack of openness, the lack of transparency. People speak a lot about transparency and there is always something to be done about it, but this is in fact what the citizen really believes. Nobody can understand an administration if the administration is not open - so that they know what it is being done and why. I think in this field there is a lot to be done before citizens can be satisfied with the Union, although we do take the view that there have been areas of progress in the Maastricht Treaty in this connection.

We have had contacts with European organisations in three ways. Firstly, we have the organisations that complain. We have had a lot of organisations that complain about questions of openness. They want to see documents, and we have brought about the development - especially in the Council of Ministers - of more openness. In fact, the Council has responded by giving out more information and more documents. Then we have many environmental organisations that complain to us about environmental problems in the Member States about which they have complained to the Commission. I feel that the Commission has not given them any help. Their petitions thus concern the slow and selective manner in which the Commission treats their complaints. This has led to a situation where the Commission has opened up its procedures and tried to make them more understandable for the citizen. But I feel there is still a lot to be done. We welcome good complaints because this is the only way of making progress and to try and address the problems that people have.

Secondly, I have contacts with organisations in the Member States which discuss European problems, provide information and represent citizens. Of course, these organisations are vital if you want to have European questions tackled in the Member States. I have very much enjoyed many discussions about that and I am very happy if these organisations spread information to citizens about the right to petition and the right to complain.

Thirdly, we have many charitable organisations which are ready to help citizens. The official complaint machinery - including the Ombudsman - can of course help people to assert their rights but can seldom help people with practical problems. Meanwhile, we

have a huge human rights problem within the Union that concerns, for instance, foreigners without official papers, and people in extremely difficult situations. I am happy to say that in most Member States there are actually people who help these individuals and we have managed to assist them in doing precisely that.

Mr Chairman, I would like to conclude on that point. In any case, if you have grievances please bring them to my attention. You can also complain to, or petition, the European Parliament. Furthermore, you can complain to the Commission because complaints are in fact also both politically and constitutionally the way to make changes for the better.

SPEECH

**by Ms Anne-Marie SIGMUND,
President of the Various Interests Group
of the European Economic and Social Committee**

It is a pleasure to present the Committee opinion, for which I was rapporteur, **on the role and contribution of civil society organisations in building Europe**. This opinion was drawn up in preparation for our convention. I will not go into all the details, but I will confine myself to a few major points.

My presentation is divided into four sections. Firstly a historical overview, secondly a description of the players of civil society, thirdly the criteria and principles determining their actions and fourthly how to strengthen the machinery and processes used by civil society organisations for their public actions.

The European Economic and Social Committee President, Beatrice Rangoni Machiavelli, acting with a great sense of responsibility, selected the theme of this First convention of the civil society organised at European level. This was the right action at the right moment. At the present difficult juncture, the general public has less and less confidence in the European Union and feels excluded from decision-making. Terms such as democratic deficit, opaqueness and remoteness from grassroots opinion have become commonplace.

It is precisely at this time that European integration needs the commitment and support of Europeans.

The frequent references to civil society and its role are understandable against this background, even though the relationship is not always clear.

This makes a fundamental debate about the composition, tasks and scope of civil society all the more important.

The next Intergovernmental Conference faces the major challenge of making structural proposals in the framework of the pending institutional reform. The aim is to guarantee more democratic participation and transparency, i.e. greater closeness to the grassroots, in the European opinion-forming process. Only consistent progress in this direction can promote the emergence of a European identity, the prerequisite for collective action by European civil society. I shall return later to the question of the European identity.

The Committee is ready to take on additional responsibility as part of the discussion on reform. It is aware of its role as an institutional forum for civil society organisations. On the basis of an action programme, the Committee will discuss and develop the internal structures which will enable it to fulfil its task as spokesman for the civil society organisations of Europe. In this way the Committee will contribute to the development of the civil dialogue. We would like to work with you at this convention to establish a basis for this action plan.

Civil society was not invented in the twentieth century. It is rooted in antiquity, being described by Aristotle as a political dimension and by Cicero as *societas civilis*.

In the nineteenth century, Toqueville, Durkheim and Weber provided the inspiration for a definition of the modern civil society, which already included the concepts of:

- Social networking;
- Voluntary work;
- Collective opinion-forming; and
- Subsidiarity.

The concept of civil society was redefined in Eastern Europe in the years before the historical events of 1989. While Western Europe and the United States focused on how citizens could develop a collective sense of community and social links, Central and Eastern Europe concentrated on dismantling the state monopoly of power inherited from communism.

This extremely short historical overview shows that the special feature of civil society is that it is a changing concept embracing both static and active elements. Consequently, civil society cannot be defined once and for all. It can merely be described in terms of certain features.

The development of civil society is a cultural process in the widest sense. **Culture** is a basic factor in civil society and is linked to all other characteristic features.

In my view, **public awareness** is a fundamental feature, alongside **plurality** and **autonomy**. The members of civil society communicate and thus create a “political constituency” with grassroots communication channels, another characteristic feature. Opinion-forming starts at the lowest level and builds up its rules as this level is expanded.

Characteristic of civil society is the principle of **subsidiarity** and the preference given to the lowest level. This principle comes from Christian ethics and is enshrined in the Maastricht Treaty as a principle of Community law.

Subsidiarity without **solidarity** is inconceivable in the civil society. Like every community ruled by democratic law, civil society has developed a sort of “solidarity culture”. The members of civil society know that rights are always linked with duties and act in awareness of their responsibility to society. Management and labour have long practised this form of public discussion at national and Community level, thus setting standards for a specific form of political culture incorporating another concept typical of civil society, namely **responsibility**.

Etzioni rightly describes civil society as “responsibility society”.

Last of all, I refer to **participation** as a characteristic of civil society. The citizen can play two roles in a democracy. He can give up his rights, i.e. limit himself to voting in elections. Or he can participate directly through interest groups and citizens' initiatives in the public communication process, as happens in civil society. I will return later to this question of participation, since participation in its second, active form is a very basic engine of identification.

In this context, it has to be asked **who belongs to civil society organisations**. At an abstract level, the term covers all organisational structures whose members serve the public interest through a process of discussion and understanding and function as mediators between the public authorities and the citizen. In the light of the history of civil society and its basic features and practices, these organisations are:

- Employers' associations and trade unions;
- Representative social and economic organisations which do not belong to the first category in the strict sense;
- Non-governmental organisations in which people pursue shared goals, for instance charities, human rights, consumers and environment organisations;
- Community-based organisations, that is to say grassroots organisations which defend the interests of their members, for instance youth, family, school and education organisations, plus all the associations through which people can participate in local activities;
- Religious communities.

Civil society has developed at European level - with varying levels of organisation - as part of the integration process. Common to all organisations is the role they play as mediators, a role taken over from the national level. Examples are employers' associations and trade unions, which have incorporated their national communication strategies in a negotiation and decision-making procedure at Community level.

This procedure, **the social dialogue**, has now been enshrined in the Union Treaty.

In addition, there are many moves towards democratic discussion alongside the social dialogue. This **civil dialogue** is predestined to be the communication vehicle of civil society at Community level. By its very nature the civil dialogue is not a rival of the social dialogue but an adjunct in which employers' associations and trade unions will participate, depending on the matter at issue, alongside all other relevant players of civil society. Civil dialogue is particularly important because of the difficulty of creating political awareness at European level.

We welcome the steps taken by the Commission to launch an - initially informal - civil dialogue. But it would be a serious misinterpretation of the democratic discussion process

of civil society if the representatives of civil society were to consider the Commission as a partner in the civil dialogue. The Commission, which proposes European laws, can enable, promote and expand the civil dialogue but it cannot be a party. It has the same role in civil dialogue as in the social dialogue, namely to enable and support discussion without participating itself.

The Rome Treaties have made the Committee the representative of economic and social groups. It is thus the institutional forum for civil society and faces the major challenge involved in taking over its civil dialogue role of creating new communication structures and giving civil dialogue its due importance in the institutional machinery of the Community.

As already mentioned, culture determines the framework for action by civil society organisations. The minimalist definition sees culture as a system of guidance, embracing values of relevance to members of a society. These shared values are a basic requirement for a European identity, which must be a moral identity based on the values of democracy and fundamental rights. As a democratic identity, this European identity is necessarily open and dynamic. It is often called into question on the basis of concepts such as “democracy”, “democratic deficit” and “legitimacy”(or their absence).

Democracy expresses itself through the collective will, as established by majority decisions. If the minority is to accept the will of the majority, there must be some measure of unity between minority and majority, i.e. they must have a shared identity. This is generally not a problem at national level, where this identity is defined through the “demos” concept (i.e. the people in the broadest sense). Europeans, however, act as the sum of all nationalities. The “European identity” is thus an aggregate of various identity criteria. A determining factor for European identity is a hierarchy of shared values accepted by Europeans, not a list of rights and duties imposed on them from above. Hence the special importance of the procedure for the future European charter of fundamental rights. But in addition to the legal consequences, this charter can only be of political relevance to European identity if the representatives of civil society organisations are involved from the outset. Here, too, the Economic and Social Committee will be able to demonstrate its necessary function as a bridge between Community bodies and civil society organisations.

In my introduction, I said that the European Union was losing touch with the people. Habermas says that the gap between being affected and being involved is widening. An increasing number of measures decided at supranational level is affecting more and more people in more and more areas of life. As already mentioned, democratic opinion-forming must meet various criteria if there is to be a European identity. This also means that democracy at European level must offer various participation tracks covering the various identity criteria.

What does this mean for the Economic and Social Committee's relations with the European Parliament? According to the Union Treaty, the European Parliament comprises representatives of the peoples of the Member States. MEPs are elected by the citizens of the Member States. This means that the European Parliament covers the territorial identity criterion. But the citizens of Europe also have identity criteria stemming from their function in civil society. And these functional criteria are covered by the Economic and Social Committee. Greater integration of the Committee in the democratic opinion-forming and decision-making process helps to cater for an important aspect of the democratic deficit and thus the problem of a lack of legitimacy. The work of the Economic and Social Committee thus provides genuine "added value".

The citizens of Europe are in search of a new social contract which is based on the Rousseau concept of self-determination and does not look on the sovereignty of the people as the transfer of power from top to bottom. It is obvious that civil society organisations have a key role in this "Europe project". The representatives of civil society organisations, and the Economic and Social Committee as their legitimate representative, have the opportunity but also the duty to influence this development. The present conference and the joint work of the three working parties are intended to be a first concrete step in this direction.

**STATEMENTS BY REPRESENTATIVES FROM
EUROPEAN CIVIL SOCIETY ORGANISATIONS**

SPEECH

**by Emilio GABAGLIO,
Secretary-General of the European Trade Union Confederation (ETUC)**

Thank you,

Let me begin by congratulating the Economic and Social Committee and its president, Beatrice Rangoni Machiavelli, on holding this first convention of civil society organisations. It demonstrates the vitality, openness and awareness of the Economic and Social Committee, qualities that should not go unmentioned.

Firstly, it shows an openness and awareness with regard to the fundamental issue facing Europe today: how to move beyond a Europe founded on a single market and single currency, to a genuine, socially-based, people's Europe. Secondly, it demonstrates an awareness of the changes affecting European society, changes that have been gathering pace for a number of years now. The fact is that the main organised social, economic and professional interest groups have been joined by a multitude of other civil society interest groups expressing new demands and a new desire to participate.

As the trade union movements of individual countries and the European Trade Union Confederation are unquestionably part of this civil society, we have always taken an interest in the widening field of associations expressing the desire of the public to participate and make a difference. I would just mention that the organised trade union movement is currently possibly Europe's largest non-governmental organisation, as difficulties apart, at least a third of the work force is represented directly by trade unions. In addition, many other workers support union action and negotiation, proving the consensus that the trade union movement continues to hold in the working world in the broadest sense, not only among active workers but also among pensioners, young people and the unemployed. That explains our fundamental interest in seeing the role of civil society organisations grow at European level.

My second point relates to the so-called civil dialogue and its connection with the social dialogue which Ms Sigmund referred to when she presented the Committee opinion. The establishment of the social dialogue at European level required a significant commitment, not just from Jacques Delors with his far-sighted initiative, but also from the organised groups on both sides of industry.

The label "social dialogue" does not perhaps do justice to the exact meaning of the concept it describes and can give rise to confusion. In essence, social dialogue means giving industrial relations a European dimension. The European social model, as manifested in individual countries, is the framework within which economic and social interests become organised, forging links that spawn systems for industrial relations. The existence of an integrated economic area, and still more that of a single currency, demand that those industrial relations systems be projected onto a transnational European backdrop.

If this is what we mean by the social dialogue, it is clear that the actors in that dialogue and process are the trades unions and the employers' organisations that represent the interests of workers on the one hand and the economy on the other, without wishing to make too academic a distinction.

In view of this very real process that has gained ground both in practice and through the Treaties, it should not be forgotten that the Treaty obliges the Commission to promote the social dialogue. Recently, a debate has opened up on how to supplement that dialogue - as the Committee opinion states - with a broader civil dialogue. I feel that a clearer definition would not have gone amiss, but, in any case, the term has become a reality, at least in our discussions.

So what does it mean?

It is about recognising and enhancing the role of organised public participation and intervention by means of new associations and their European networks. These organisations focus variously on social issues, human rights, the environment, women's rights and many other subjects, and have developed Europe-wide associations.

The European Trade Union Confederation welcomes these new forms of civil society organisation onto the European scene with open arms, and believes that they too should be given a part to play in partnership with the European institutions, within their specific spheres. If this is what we want to call "civil dialogue", so be it. What is important is that this new reality be given full recognition.

My third point is to ask where the Economic and Social Committee comes into all this. The question is whether this civil dialogue, or new form of participation, ends where the Economic and Social Committee begins. I am not so sure. The Economic and Social Committee already reflects these interests through its Group III. My personal opinion is that the civil dialogue would have everything to gain if Group III gave a clearer and more visible reflection of the new set of interests, just as Group I mirrors organised economic interests and Group II represents the interests of the world of work. The Economic and Social Committee has a role to play here as a facilitator.

I hope that the presence of the word "first" in the convention's title means that it will not be a one-off, but that others will follow. I would encourage the Economic and Social Committee to set itself up as a regular forum for meeting and assessing and looking further into this new reality.

There are other problems however: it has taken the social partners a long time to make themselves truly representative. The civil society organisations would do well to set up voluntary mechanisms, possibly within the sphere of the Committee, to determine who they represent and how. Once again the Treaty is to be revised, and there is to be another intergovernmental conference. In my view, the Committee should help the civil society organisations as a whole to think about ways of raising their profile in the Treaty.

My fourth point is that today's convention coincides with the European Council meeting in Tampere. Several of the items on the agenda there are of great concern to the public, especially the charter of fundamental rights referred to rightly by Ms Sigmund in her report. In my opinion, the position of civil society organisations will never develop until the fundamental, civil and social rights of the public are given greater recognition, not least at European level.

From this angle, the two issues are closely linked and I think that the Economic and Social Committee should also play a key role here. As we were reminded this morning, the Committee has long-standing experience in the field and takes significant credit for prompting the Strasbourg Charter of the Fundamental Social Rights of Workers. As you will be aware, we, the trade unionists, together with the platform of social NGOs - the civil society organisations working in the social field - launched our own appeal just yesterday for these rights to be better structured and also enhanced through a clear Treaty commitment.

I would like to take this opportunity to state that we will not be satisfied with just a charter of rights, however solemnly proclaimed. The time has come to anchor these fundamental rights clearly in the Treaty.

My fifth and final comment regards enlargement. I was extremely pleased to see that the Committee had invited social and civil groups representing the applicant countries, and other third countries with whom the EU has links, to the Convention. Enlargement is an historic decision whose true impact has possibly still to be gauged. Perhaps the term "enlargement" should be replaced by "unification": Europe reconciled now that the stark divisions of the post-war period are no more. But, to put it plainly, this historic process will not work if it is left in the hands of governments and diplomats alone. It will succeed, however, if the civil society organisations of the applicant countries and the countries of the Union play a full part.

I therefore welcome those participants and call on the Committee to use the instruments it already has to further and broaden a strong and direct link with the social and civil organisations of the countries who will soon, we hope, be full members of the Union.

Thank you.

SPEECH

by Mr Dirk HUDIG,
Secretary-General of the Union of Industrial and
Employers' Confederations of Europe (UNICE)

Thank you Mr Chairman.

It gives me great pleasure to participate in today's debate on the role of civil society and the Economic and Social Committee.

When discussing the roles of the actors in civil society, the question of representativeness is very important and cannot really be disassociated from two other major elements which are accountability and legitimacy. When we talk about roles in our democracy we ought to bear these central concepts in mind.

UNICE represents 16 million enterprises in 31 countries; also many of the Eastern European countries are already associated with UNICE. It is very important to study the characteristics of such an organisation. In our case, we have various criteria for membership: our objective must be voluntary organisations, and we do not accept groups that are political or formed by compulsion or law. They must be representative of their countries and they must be transparent. These are very important criteria to bear in mind to gain an understanding of civil society organisations and their various relationships. What is our role? The goal is to create the framework conditions necessary for enterprises to flourish in Europe and thus create wealth and jobs. This might sound obvious, but it is not all that obvious because there are many parts of our economies which are in fact failing to do precisely that. Take unemployment, for example. To a large extent unemployment is policy-induced. The wrong policies produce bad social results. For instance, if you pay people enough not to work, don't be surprised if they don't work! Or if you give people sufficient encouragement to retire at an early age, don't be surprised when they retire at an early age. Thus a lot of our work as a group trying to representing socio-economic enterprise is to bring to the attention of the politicians and the various administrations ways of improving the system.

Yesterday Unice organised a very important conference about SMEs. Small businesses account for more than 90% of all enterprises in Europe and as such they are the norm rather than the exception. The conference identified six major areas where improvements are necessary. One is less red tape and the burdens on businesses, especially on new start-ups. The second is innovation - the need to have an environment in which people can invent and grow. This touches on education: the creativity of our people needs to be developed and translated into wealth. The third area is e-commerce and the very important opportunities there are for small businesses. E-commerce can help them break free from the various local or national niches and have direct communication access to the world. In this connection, it is important that this new area should not be stifled by over-regulation. The fourth is access to capital and the current malfunctioning of the internal capital market. It still doesn't work;

there is no proper internal market for financial services. The last area was flexibility of labour and the flexibility of other markets - not only the labour market but of inputs of essential services such as energy, transport and telecommunications. These are the kinds of issues which interest many of our members and also many other sectors of civil society.

But who is actually going to negotiate these conditions? There are different interests which have to be brought together, and a number of people have mentioned the question of our democratic deficit. It is easily said but it is more difficult to actually tackle the problem. For a group representing industry the democratic deficit translates itself into situations where those directly concerned are not heard or consulted. This means that the people whose livelihood is directly affected do not have say in the process.

How does this situation arise? Winston Churchill once described democracy as the least worst system. That does not, however, mean that it cannot be improved. Many of the points made by Mrs. Sigmund are extremely important and should be reflected on and especially the aspect of subsidiarity in the governance of Europe. The European-level dimension is a confederation of cultural identities, and to understand what we do at a European level we need to understand what we do at a national, local and even a personal level. One of the levels that is being recognised as being increasingly important is the city level, because many of the decisions that have an impact on citizens affect the majority of people who live in towns. Towns provide the schools, the infrastructure, the quality of the environment and many of the other essential characteristics which make life livable and affect the quality of life. Our system allows voters to pass on responsibilities up the organisational chain. We ask our representatives to look after our interests. Often the powers delegated by the electorate to a political party do not translate into realising the wishes of the voters. In many political parties the people who are actually chosen to be our representatives are not the people we have chosen - it is the people the party has chosen. Consequently, we may be dealing with a "party-ocracy" rather than a democracy. There are various different ways of better understanding the subsidiarity chain - take, for instance the Arcadian ideal of direct democracy which is perhaps only really practised at a civil level in Switzerland. In that country people actually get together and vote with their hands. Are you for more taxes? And lo and behold which country in Europe has the lowest taxes - it is Switzerland. We can have direct democracy through new forms of communication and I believe it would be worthwhile to reflect in this group - which brings together so many interested parties - on how can we actually make democracy more direct by using the Internet.

I would like just to say something about rights and obligations. It is popular to make big declarations about rights. But the rights of some are usually the obligations of others. In our society we must look very carefully when we create new rights: who are the people who are going to bear the responsibilities? We must understand that rights come with a price. We should thus refrain from making big declarations that are either worthless or can even be destructive. There are many examples where legislation has created rights which actually have had negative effects. For instance, the rights of tenants versus the rights of landowners in the UK, the tenants' rights were extended to such an extent that the market for tenancy

simply disappeared because the rights were excessive. In the end the net result was that tenants did not have much to choose from. If you look at the rights of employees in Spain - where dismissal was virtually impossible - this led to the widespread creation of a grey market in which the only jobs available were on a fixed-term contract basis because employees' rights had become excessive. All good ideas thus have to be in proportion, because every good idea when it is taken to an extreme becomes dysfunctional. The same is also true of business, so when people say that we need shareholder value, you risk short-termism when it is exaggerated, i.e. when people do not invest in the future because the money has to be there for the shareholder today. I would therefore think that one of the values of the Economic and Social Committee is to study this question of proportionality. Are rights and obligations really in balance? Here is the value of the three groups of the ESC, to bring this question to the fore. This is especially necessary when we deal with really difficult matters such as legislation at European. The desire to over-complicate things often leads to such heavy obligations that the people to whom the legislation applies are unable to fulfil the obligations put on them. The legislative burden is not only to be seen on an item by item basis, but also the cumulative burden, which bear down especially heavily on SMEs.

That brings us back to the theme of SMEs and their obligations. They have to deal with a vast burden of rules and regulations. To have a healthy society - and to have a dynamic evolving society - these questions should not just be taken for granted. Democracy is a tremendous benefit we all have, but we need to discuss how it works and operates. All of us ought to be actively involved as citizens to improve our own situation and our own welfare. The Economic and Social Committee is one of the places in the European context where this debate is properly conducted and where we can discuss the continuous renewal of our institutional systems.

SPEECH

**by Mr Roger BURNEL,
Member of the Economic and Social Committee,
former President of the Various Interests Group**

Ladies and Gentlemen,

The President, Anne-Marie Sigmund, asked me yesterday to fill in for Ms Tiemann who is unable to be with us today. This is why my name appears in the programme handed out to you.

I will keep my speech brief for two reasons:

- the inaugural speeches have been fairly long and have already provided enough food for thought for our discussions;
- it is important to leave our guests as much discussion time as possible.

I will therefore be brief and only address three points. I wish to make:

- some preliminary remarks on the Economic and Social Committee;
- some comments on its various activities;
- finally, against this background I wish to say a few words on the general theme of the convention.

I. Thirty or so countries throughout the world have an economic and social council or committee, based on the participation of socio-economic players, defined in a fairly broad sense. Here I limit my usage of the term to “companies” as the producers of goods and services, but it is employed elsewhere as a broader socio-economic concept.

The company, as a producer of goods or services, depends upon five types of “actor”, with different, complementary, even conflicting obligations, responsibilities and interests:

- investors, who might be entrepreneurs themselves, shareholders, and public or private organisations;
- entrepreneurs, who may be individual investors themselves, or employees of the company;
- employees, who contribute their labour;
- suppliers, in the broad sense of the term;
- clients, who are the *raison d'être* of the company.

Human beings are not only producers of goods and services. To take just a few examples, nowadays they are also “consumers and users”, they are parents, they may be unemployed or handicapped, and one day they will retire. As a consequence they have both individual and collective interests which need to be protected, rights which need to be defended and

promoted, and responsibilities which need to be assumed. They must be able to do this in an environment with the right conditions which provides opportunities for all. Indeed, the entrepreneur, the investor and the salaried employee are also, for example, consumers and parents ...; equally, the reverse is true.

Realism and the truth require that the diversity of interests which exists is recognised and that a balance is struck between rights and responsibilities. For example, the protection of the environment is of great importance to all human beings and responsibility for it is collective. To neglect it is to undermine a fundamental aspect of humanity.

We live in a world with enormous pockets of poverty and exclusion. This exclusion is not only material in nature, it is also emotional, educational, social and cultural. The fight for social integration concerns us all. Very briefly, I would say that in a society which clamours for progress and justice, we need to integrate these anachronisms into our reflections and decisions. Where people are likely to need assistance on a permanent basis, the head of the drowning person must first be held out of water. However the real, long-lasting solution to poverty and exclusion has to be political. More specifically, there is a need for clear policies and the integration of exclusion into all economic, social and cultural policies. Vincent de Paul was right in asking whether in heaven the pauper was not justified in reproaching those who had given him alms. Charity will probably always be necessary; nevertheless, this does not excuse the political problems for which we are all responsible.

Equality of opportunity is often touted. I regret to say that this amounts to posturing. It is equality of rights which need to be guaranteed, advocated and secured: the right of everyone to work, the right to health care, the right to education, training and information, the right to housing, the right to have children and raise them in dignity, the right to participate in running the town where you live in the broad sense of the term

Equality of rights is not the same thing as egalitarianism. What it means is the opportunity for everyone to have recourse to the values of justice and solidarity which are the basis of a humane society and of democracy. We must fight for lifelong human rights, and respect for one's memory once we are deceased.

I regret that "culture" in the sense of an individual and collective value and right is not included in the title of the Economic and Social Committee. However, the Committee is concerned with culture through its opinions on training, information, television, books, and the rights of intellectual workers and of artists. Culture extends beyond this. It is a social reference point and a cohesive force in society, it is part of who we are and influences our relationships with other people. It prolongs the imprint of history. It is not possible to speak of one "European culture", even if our different cultures are based on common values. In contrast, the diversity of our cultures is a heritage to be shared in constructing a European Union with a human dimension, which is not just limited to basic socio-economic activities and interests. Purely material wealth, necessary though it is, will never be sufficient to leave a permanent, day-to-day human mark on the European Union.

More than fifteen years ago I was delighted when François Ceyrac, the president of the ESC, Roger Louet, his secretary-general, and Kate Strobel, president of Group III at the time, succeeded, at my humble suggestion, in changing the title of the social questions section to the Section for Social, Family, Educational and Cultural Affairs.

Some would say that the term “social” is, in itself, sufficiently far-reaching. I would respond that there are always advantages to be gained from precision. That which goes without saying is even better when said. Human beings need signs and symbols and you will understand from what I have said that I would like us to go further and, by a concern for accuracy, to include culture in the title of our committee.

II. My second set of observations relates to the group of various interests.

The remit of Groups I and II is clear, and, therefore, easy to explain and justify. This is not the case for Group III: aren't farmers and craftsmen also entrepreneurs? Aren't cooperatives and mutual funds also companies? Aren't associations also employers of a sometimes considerable workforce? Aren't the organisations and members of Group III in very close contact with workers?

In fact, Group III brings together very diverse activities falling into more than one category.

To the representatives of farmers, craftsmen, the professions, and intellectual workers must be added those of consumers, environmentalists, families I am aware that I have omitted some. Not long ago a former colleague said teasingly that in Group III you find those who have nowhere else to go. Did he mean it in jest or in a fit of pique? Either way, it is not true ...

Some have not hesitated to say that Group III was a back-up sometimes for one, and sometimes for the other of the first two groups. In spite of his affiliation, each member is free to decide how he votes. He acts in accordance with his conscience, on behalf of those who have given him a mandate to represent their interests. Giving somebody a mandate amounts to trusting their judgement.

When members are entrusted with a given policy, they take responsibility for how they have voted, bearing in mind how the debates, and amendments in particular, have unfolded.

The Economic and Social Committee issues opinions on policy. Policies must be coherent, in other words structured round a guiding idea, and based on ethical principles. Simply grouping together emotionally motivated, individually adopted, fragmented positions might constitute a catalogue, but never a policy.

Among us today in this room, although not represented in the ESC, are some representatives of associations which are indispensable for a subtle understanding of the population as a whole and a balanced representation of the diversity of its interests. I am thinking in particular of associations which act on behalf of the excluded, which seek to provide these

people and families with the chance to express themselves and defend their interests. This is how we will provide autonomy to all citizens and improve our democratic credentials.

The ESC does not have the power to change its membership. Its members are chosen by Member States, who are then appointed by a decision of the Council of Ministers.

Even if they do not have a seat on the ESC, the Committee maintains contacts with associations and groups which are close to economic and social realities.

Whenever possible, Group III tries to choose experts outside of the bodies which are entitled to appoint ESC members. This is a commendable practice, and these experts make an effective contribution to our study groups and thereby to our work.

It is possible that one day, in order to keep up with a changing reality, changes must be made to the Economic and Social Committee. It will, however, always be necessary to ensure that it remains a political assembly, that it retains its independence, but above all that the conditions exist for it to function effectively without the risk of fragmentation.

At many times and in different places I have been pleased to hear positive comments on the work of the Committee. It is, however, a shame that the general public knows little of its work, even though the ESC speaks universally on behalf of ordinary citizens at the grass roots level... It also speaks for those who have been deprived by circumstance and injustice of the right to express themselves. Speaking on behalf of others is important in itself, but it is even better to give them the possibility to express themselves directly, and this is our aim!

III. The Economic and Social Committee is, therefore, particularly well-placed to represent “civil society” and to promote its interests.

For me, the term civil society conjures up very clearly the notion of citizenship, coupled with a sense of civic-mindedness at every age and in every context.

Being civic-minded is not limited to simply depositing a voting slip in a ballot box. We remain citizens our entire lives and at every moment: at work, as parents, as tax payers and as consumers ... Nobody can take a break from their civic duties without running the risk of opening the door to xenophobia and racism. When we have a duty to speak out, whatever the cost, there are only lies, damned lies and silence in its place.

In fact we all have civic responsibilities. If civic-mindedness can be taught, it is learnt above all through trial and error: the importance of family life and school is obvious, however parents must still be able to fully assume their role, while teachers must be allowed to carry out their duties in the interest of the children who have been entrusted to them.

Even if it is not the place of the ESC to lecture on morality, it has an obligation in its opinions - which it always respects - to refer to the ethical values upon which all human societies should be based.

SPEECH

by **Mr Virgilio DASTOLI**,
Spokesman for the Permanent Forum of Civil Society

Mr Chairman,
Ladies and Gentlemen,

Like the other speakers I should like first of all to congratulate the Economic and Social Committee, and in particular its president, Ms Beatrice Rangoni Machiavelli, on the initiative it has taken in organising this first convention. I myself also hope that this will not be a one-off event and that there will be other opportunities to continue this type of dialogue. The initiative is, moreover, consistent with the Committee's actions since it follows in the wake of other initiatives it has taken on citizenship and fundamental rights, which the Permanent Forum of Civil Society has always followed closely and will continue to do so.

Like **Emilio Gabaglio**, I should like to make a number of comments which I feel would be useful for our discussions. Some of these are criticisms, but criticism is also necessary for genuine dialogue.

I fully agree with the series of comments and analyses put forward this morning by **Jacques Delors**. European society today is faced with at least five basic problems.

The first is rooted in the fact that inequalities, far from shrinking, are not only growing, but to a great extent are now moving beyond the economic and social framework in which they have hitherto been prevalent and spreading to other areas of society: there are of course inequalities vis-à-vis the information society, but more generally there are inequalities between those who know how to take action and are able to do so and those who do not know how to or are unable to do so. The first question is therefore to know who can take action to ensure that this trend towards inequality does not become irreversible, and in what way.

The second problem is related to the fading pre-eminence of politics over economics. The financial markets are today firmly placed at the fore-front of the world stage and, if I may mix my metaphors, they now occupy the driver's seat. The second question therefore consists of how politics, i.e. democracy, can regain pre-eminence.

A third problem, which Jacques Delors also mentioned this morning, lies in the risk that democracy is also being weakened by the development of tele-democracy, which is a semblance of democracy related in particular to the use of new technologies and excessive reliance on opinion polls. Do you, for example, remember one leader of an EU Member State who announced at the end of the elections in which he had been defeated that the electoral results were false because the opinion polls had shown that he would be the winner!

The fourth problem is linked to the matter of insecurity. I refer here not only to a lack of external security and to the insecurity usually referred to which makes people intolerant of

others, i.e. insecurity born of the multi-ethnic nature of our society and the need to integrate immigrants from third countries. I also mean other forms of insecurity about such things as food, the environment and even identity.

The fifth problem relates to full employment. This means giving every adult person the opportunity to contribute to the wealth of a town, region, country or the whole world.

Of course, other problems could also be raised. The fact remains that our political societies, particularly the nation states, are not yet capable of introducing the solutions which would mean we could resolve at least the five problems I have referred to above. The fact is that it is the financial markets which decide and the business world takes its own decisions and acts in line with the deadlines laid down by these very same markets; they think in terms of only a few weeks if not a few days. For its part, the political world generally acts in line with a timetable set by electoral deadlines.

All this means that only civil society organisations as a whole can contribute to solving these problems and to this end put together proposals based on a longer term vision.

Emilio Gabaglio welcomed, as I do, the emergence alongside the trade unions of new social protagonists linked to the various movements set up in the 70s and before that the women's movements, peace movements and Third World movements. Nowadays, to use the expression coined by the French sociologist Alain Touraine, we are witnessing a "return of the protagonist". This return is becoming apparent throughout civil society organisations, as Jacques Delors pointed out. I should like to mention here four major networks operating at European level: the platform of social NGOs, environmental organisations, consumer rights' organisations and organisations promoting development; to this list we could also add cultural and women's organisations, consumer organisations and lastly, religious and philosophical organisations. The Permanent Forum of Civil Society does not itself represent civil society organisations from a sectoral viewpoint. We provide an informal - though not exclusive - forum for civil society organisations to discuss their specific agenda.

For the last four or five years, the Forum has been working on the specific and rather broad topic of citizenship, particularly citizenship at European Union level.

If I may, I should like now to turn to a number of points of criticism.

The Forum supports the approach adopted by the Committee in **Ms Sigmund's** opinion on the triangular definition of society: there is the state, i.e. the public authorities, the market and civil society organisations. However, this definition is in contradiction with point 8 of the same opinion, which states that the business world is part of civil society. The Forum does not share this view. In fact, if we exclude the business world from the market, what remains of this point on the triangle?

The Forum believes that the credibility of the Economic and Social Committee would be enhanced and the value of its action shown to better advantage if it aimed to provide a forum for dialogue between the market on the one hand and civil society organisations on the other, without necessarily wishing to view itself either now or in the foreseeable future as the forum for all civil society organisations. On this issue, I second some of the remarks made by Emilio Gabaglio.

The role of the Economic and Social Committee, which would also be its source of strength, would thus be to provide a forum for developing dialogue between the market and civil society organisations.

My last point relates to the Charter of Fundamental Rights and the reform of the European Union, particularly in the run up to the Intergovernmental Conference early next year. The Forum has been highly troubled by the conclusions of the Cologne European Council on the matter of the charter. These conclusions are highly confused, not only from a legal but also from a political point of view. There is in fact a considerable risk that the “body” - that is the expression used in the Cologne conclusions - of approximately 60 people which is to draft this charter might produce something which does not match the expectations and needs of European society as a whole. It might well be that instead of a genuine charter of fundamental rights, a simple solemn declaration might be adopted when the work of this body has been completed.

For this reason, the work on the Charter of Fundamental Rights and on the reform of the European Union must not only be linked but must also be closely integrated. Indeed, it is not possible to accept the drafting of a charter unless it ultimately becomes an integral part of the Treaties’ reform. From this point of view we can only support fully the conclusions of the congress of the European Trade Union Confederation held in Helsinki, which strongly underlined the need, as pointed out by Commissioner Michel Barnier himself, for a European Union constitution and a constitutional pact for Europe, of which fundamental rights would be an integral part.

It is inconceivable - and this will be the last point that I make - that purely diplomatic negotiations would suffice to achieve this end. In order to do this we must move from diplomacy to democracy and introduce a culture of democracy through participation into the reform of the European Union. There is, of course, representative democracy, but there is also democracy through participation. It is true that democracy through participation is not easy to structure and ideas still have to develop further before it is achieved. However, progress has been made which, in particular, demonstrates that the European Commission has become more open-minded. The Forum thus welcomed the initiative taken by Commissioner Pascal Lamy, inviting non-governmental organisations to attend and participate in discussions on the Millennium Round. This is a highly positive example which should provide an incentive to find the resources and a location for civil society organisations, not only to be heard on a matter of such importance as the European Union’s reform, but also as Jacques Delors said, to be able to play a mediating and synthesising role in relation to the vision we should have

of the new Europe. This is necessary and must be made possible; I feel that in the months and years ahead civil society organisations as a whole could play a role in developing an image and vision of Europe which matches the requirements of its people.

Thank you for your attention.

SIMULTANEOUS WORKSHOPS
on the general topic
"Towards a participatory European society"

Workshop 1

The contribution of civil society organisations to social integration and cohesion and to promoting employment

Background Note

1. Those involved in civil society are in the front line of the campaign to promote employment and combat social and economic exclusion. These players include employers' associations and trade unions - working both inside and outside their particular company or sector; non-governmental organisations (NGOs); non-profit-making associations; and foundations (including those set up by businesses)¹⁰.

Civil society organisations contribute to promoting employment, integration and social cohesion by establishing the economic and social framework, particularly through collective agreements between labour and management, and by implementing specific social projects (principle of subsidiarity/partnership with public authorities).

2. Collective bargaining is a long-standing tradition in EU Member States. The employers' associations and trade unions are aware of the importance of collective bargaining for creating and maintaining employment and for social cohesion within society. There are more and more collective agreements designed to explicitly meet these objectives. These include agreements on basic and further training, employment for young people and those who have problems finding work, plans to promote women's interests, and innovative ways of structuring work and working time, including reducing working hours (solidarity agreements).
3. Civil society organisations are of the utmost importance in developing, promoting and implementing specific projects to promote employment, integration and social cohesion as a complement to the activities of the public authorities. These projects could, for example, take the form of local initiatives to promote employment and further the training and the integration of young people into society and the labour market; help get the long-term unemployed - often adults - back into work, in some cases by helping them set up micro-businesses, etc. Many projects are supported by the European Social Fund.
4. Civil society organisations play an important role in society, in that they work at "grassroots" level and are therefore in tune with the needs of citizens. They contribute - for example in companies and hard-hit urban and rural areas - to

¹⁰ Recent data, compiled by Johns Hopkins University (1998 international comparative survey) and Civicus, illustrate the importance of the work of all civil society organisations and those who work for them, many of them on a voluntary basis

regenerating the social fabric and thus strengthening social and economic cohesion. Their work also helps to overcome all forms of discrimination. These organisations, especially in the important sector of promoting employment and combating exclusion, therefore occupy a central place in participatory democracy and citizenship, which in themselves are forces for social and economic integration.

Questions for the Convention

- (a) How can better interaction be ensured, in respect of policies and programmes for promoting employment and combating exclusion, between the work of the authorities (including those at Community level) and that of their partners in civil society organisations? To what extent should the Employment Policy Guidelines be supplemented?
- (b) How and under what conditions, could these partners be recognised - if not included - to a greater extent in the framing of these policies and “programmes”? What has been the experience with the European Social Fund?
- (c) What can be done to ensure that the work and initiatives of civil society organisations in this area go beyond filling in the gaps and/or remedying the shortcomings of the authorities? At the same time, how can the contribution made by these organisations be sufficiently enhanced in the early stages, so that their work is not limited to “fixing” things that have gone wrong at a later stage? Which types of cooperation and exchange of experience should be encouraged?
- (d) Should administrative, legislative and tax mechanisms and provisions (including those at Community level) be improved - and if so, which ones? - in order to strengthen the role played by civil society organisations in promoting employment and combating exclusion?
- (e) To what extent should and can the Economic and Social Committee serve as a point of reference and forum, and also as a mediator for civil society organisations in dealings with the EU institutions?

Concise Report of the speeches

Mr Giampiero ALHADEFF (Secretary-General of SOLIDAR, President of the Platform of European Social NGOs) noted how civil society and NGOs have become a topical issue generally as well as within the European institutions. While this is all very gratifying, one should not forget the need to underpin the civil dialogue in the Treaty.

Mr. Alhadeff made a clear distinction between social dialogue (for the social partners) and civil dialogue (for the NGOs). Social dialogue has been enshrined into the Treaty and, at the last Cologne Summit, the social partners strengthened their role in macro-economic issues. For civil dialogue, on the contrary, one has still to start from scratch.

Therefore it is important to avoid making a “minestrone”, i.e. bringing everything together under the banner of civil dialogue, and to define clearly what NGOs are. Though some are self-help groups, others community based organisations, and still others highly developed bureaucracies, one could distinguish four criteria defining an NGO : (i) they are not for profit; (ii) they are overwhelmingly based on human rights; (iii) they are a focal point for mobilising solidarity and (iv) they have a function of both service provider and advocate. Providing services and advocating go hand in hand. Good advocacy is based on grassroots contacts via the provision of services.

NGOs play an important role in combating social exclusion and unemployment. NGOs employ 7% of the labour market, and this share is growing. Moreover, NGOs make a particular contribution to including disabled and ethnic minorities within the labour market.

The picture of NGOs at European level has changed recently. The NGOs in the social sector have joined their forces into a European Platform for NGOs in the social sector. A comparable initiative had already been taken by NGOs in the development field, and very recently also environmental NGOs (‘the Green 8’) and human rights NGOs decided to set up such a structure. Moreover these four networks have now also made the first informal steps for common action, which has already resulted in the invitation by the European Commission to participate in a special forum for NGOs at the Seattle World Trade Summit. The same collaboration could also become a strong alliance in the battle for a European Charter of fundamental rights, and for a Treaty basis for civil dialogue.

Mr. Alhadeff also pointed to these two issues as examples of areas where the Economic and Social Committee could support the NGOs in the short run. In the long run, he wondered how the Committee perceives its role of representing NGOs, beyond the civil society Convention.

Ms Etta CARIGNANI (Secretary-General of the World Association of Women Entrepreneurs -FCEM) representing 40.000 women employers world-wide, underlined the particular role of SMEs in creating employment. She also stressed how a SME can be

a factor of social independence for women. However, SMEs are under-represented through the employers' organisations, and that is where her association tries to play a role. Inter alia, the FCEM provides training for potential female managers and the self-employed. More broadly, through training, civil society can act as "a school for citizenship", e.g. a social cooperative gives birth both to a social service and to professional expertise.

Mr Józef NIEMEC (Vice President of the National Commission of Solidarnosc, Poland) gave a picture of civil society in Poland. After the break-down of the communist regime, civil society originated to a great extent from the trade union Solidarnosc. Political parties and associations were created by people who were (formerly) active in Solidarnosc; and this process is still going on. Today one may assume that half of the Polish associations emanate from this trade union.

Whereas the role of Solidarnosc in the political process is well known in Western Europe, few are aware of the contribution of the trade union to social cohesion and employment. Solidarnosc has undertaken concrete social projects for the unemployed, often in collaboration with local public authorities. It also provides training in matters of both economy and democracy. Yet, there is need for more structured co-operation. There is plenty of action at a decentralised level, but it is often ignored or not taken seriously.

There remains also an important problem of representativeness. In a large number of enterprises, such as SMEs and supermarkets, there is no trade union representation, which leads to the non-respect of labour laws.

Finally, Mr Niemeć stressed that the enlargement of the European Union can only be achieved with the involvement of civil society, both of the Member States of the European Union and of the accession countries.

Mr Antonio DORNELAS (Adviser for Labour and Social Affairs to the President of the Republic of Portugal) wondered whether the Portuguese experience with social and civil dialogue could be a lesson for the European Union. Not only for the Central and Eastern European countries is democracy a recent experience. Even for some EU Member States democracy is not a very old tradition. When, 25 years ago, Portugal made its way to democracy, "corporatism" and any special relation between the State and interest groups was seen very negatively. Yet, on the eve of joining the European Community, Portugal created a permanent council for social concertation in which the government, the two largest trade unions and the three biggest employers confederations were represented (but not smaller social partners, or NGOs).

Initially merely a consultative body, the Council became increasingly involved in negotiating macro-economic policy and finally gained the right to sign tripartite agreements. However, its legitimacy remained questioned (especially since these agreements bypass legislative procedures). More recently, other civil society organisations joined the Council (liberal professions, consumer and environmental organisations, social NGOs and

organisations with a religious character). Nevertheless, whereas these organisations, through their representation in the Plenary Sessions, have a consultative role, only the social partners can sign binding agreements via a special “Commission for social concertation” within the Council.

At the level of policy shaping, therefore, there remains a strong difference between social partners and other civil society organisations. On the contrary, at the implementation level, “social dialogue” and “civil dialogue” can be considered as having the same status (due to, among other things, a “pact for social action” signed between the government and the associations).

Mr. Herman ICKING (Secretary-general of Caritas Europa) noted the vague definition of the concept of “civil society”, which also differs between different languages. Despite these differences, the concept serves as a sort of “religious icon” behind which everybody can walk.

Four criteria can be taken into consideration to assess a civil society organisation. First, representativeness, i.e. the organisation needs to have members. Second, authenticity, i.e. it needs to have clear values and objectives. Third, the organisation needs to be operational, i.e. not only producing ideas, but also being active in the field. Fourth, economic independence, i.e. the organisation should not depend on the State for more than 50% of its resources.

Charitable organisations play an important role in combating poverty. Yet, charity cannot replace legislation. Good (perhaps European) legislation should be the starting point. Unfortunately, European social legislation does not seem to have been at the forefront in the last five years.

The charitable sector is also an important provider of employment (employing 700.000 people). Mr Icking stressed, however, that economic competition should not have a negative impact on employment in the charitable sector. Therefore, this sector needs good trade union representation.

Finally, charitable organisations can also play a role in integrating the unemployed, and especially the young unemployed, into the labour market, by providing training, recruiting the most vulnerable within their organisation and by publishing reports on poverty if the State fails to face up its responsibility in this area.

Mr Hans-Werner MÜLLER (Secretary-General of the European Association of Craft and Small and Medium-size Enterprises - UEAPME) explained why it is so important for his association to be part of the social dialogue at European level. It is “the key to the real dialogue”, the basis for macro-economic dialogue and the creation of employment, and as a forum for negotiation it is “the legislator of the new century”. Being part of the social dialogue is, for the UEAPME, to give this dialogue an extra dimension because of the special nature of small and medium enterprises. One example of this is the particular social climate SMEs enjoy because social relations are much more direct.

According to Mr Müller, the Economic and Social Committee is both a platform and a source of initiative.

Mr Jan CREMERS (Secretary Général of the European Federation of Building and Wooworkers - EFBW) looked at the relation between a sectoral organisation, like the EFBW, and other civil society actors. The trade union of wood workers could meet with environmental NGOs to discuss, for example, issues concerning sustainable growth, although the relationship is not always easy (as the Canadian experience shows). However, within the European context a collaborative attitude seems possible. The EFBW also tries to sign ethical codes with large companies.

In the field of social cohesion and employment at the international level, the trade union played an important role in the field of social housing at the Habitat conference. Since the mid 1980's the trade union has also developed important initiatives for the young unemployed and groups which experience particular difficulties in getting jobs. The contribution of the social partners on this point could be further increased.

Mr Hugues FELTESSE (Director General of UNIOPSS and Member of the "Carrefour européen pour une Europe civique et sociale", CAFECES, France) stated that the associations came to understand that social assistance is not an aim in itself, and that the real objective is to reintegrate people into the economic process so they can live a decent life independently. The European employment guidelines are therefore an extremely useful tool. Unfortunately they completely ignore the role of associations.

Consequently, Mr Feltesse underlined the role associations could play within the four pillars of the employment guidelines. First, employability : all elements that make people feeling guilty about their unemployment should be banned. There is also an important mistrust of employers towards the most vulnerable groups on the labour market, such as people who have been sick for a long period of time or who have been in prison. Associations contribute to the employability of these persons by employing them in projects that are co-financed by the State. Associations also have a networking function. They set up partnerships between civil society and enterprises in order to recruit the most vulnerable of the unemployed.

Second, entrepreneurship : associations (with the help of foundations and certain banks) support unemployed people in setting up their own business. Moreover, associations are themselves a motor in providing jobs in fields such as environment, the social sector, the elderly, children, etc.

Third, adaptability : using flexible work contracts should not impact negatively on social protection. This risk is particularly high in the social sector, and where the creation of a second-class labour market should be avoided.

Fourth, equal opportunities : whereas the European effort for equal opportunities for women is considerable, the associations ask for more attention to be given to the disabled who are not taken into account in the guidelines.

Mr. Feltesse concluded that the associations should be involved in the decision-making process of the European employment strategy.

Conclusions of the Workshop

1. Civil society is composed by a complex matrix of collaborations, alliances and links between Social Partners (Trade unions and employers' organisations) and non-governmental organisations (NGOs). This collaboration is a fact of everyday life which involves short term and long term campaigns and practical work. It is a collaboration which takes place at the local, national and European level and exists in terms of issues to do with the environment, trade, development, social welfare and human rights. Some relations between some NGOs and social partners, like for example that between the ETUC and the Platform of European Social NGOs, are relatively deep alliances involving a great deal of trust and shared concerns such as for the EU Bill of Rights.

The collaboration between NGOs and trade unions appears strong at local, national and European level. It is also strong between NGOs and employers at local and increasingly national level. However some improvement could take place at the European level.

2. It is also true that trade unions and employers, as well as NGOs, are involved in or participate in the provision of services to combat social exclusion or the discrimination caused by prejudice because of race, ethnic origin, disability, of sexual orientation, age or gender. They are also key in the delivery of training, particularly in service training and the training of marginalised groups. However there are differences in how the various organisations of civil society approach or deliver their work.
3. There is a strong link between service delivery and nearness to the grassroots problem and effective advocacy and lobbying. The lobbying which resulted in the inclusion of Article 13 in the Amsterdam Treaty arose out of the direct experience of people involved in organisations directly dealing with racism, sexism, homophobia or organisations of people with disabilities or those dealing with the aged or the young. Successful lobbying arises out of experience and is often channelled by NGOs and succeeds because alliances are created with trade union and employers organisations.
4. It follows that trade unions, employers, various interests and NGOs are part of organised civil society. Nevertheless they have their own important differences and we should be careful not to oversimplify. Trade unions and employers' organisations are specifically mentioned in relation to the social dialogue in the Treaty of the Union. Further to this, the social partners are now parties to the macro-economic dialogue set up by the Cologne Summit. NGOs, on the other hand, have yet to have the civil dialogue between themselves and the Institutions of the Union given a legal base in the Treaty. The Workshop heard fascinating examples

about the situation in Poland and about how in Ireland NGOs are seen as social partners and included in the social dialogue. Portugal too, is interesting in that it includes NGOs in social concertation - via the Economic and Social Council - but a useful line is drawn between topics which can lead to tripartite agreements between employers, trade unions and the government and discussion on larger social or macro-economic issues. In Portugal, like elsewhere, the debate continues about where to draw the line between the political and the consultative process.

5. We turn next to the role of the Economic and Social Committee, a brief that goes back to the Treaty of Rome. In the present climate of massive changes taking place in the Union, heralded by the challenge of enlargement and the forthcoming Inter-Governmental Conference, the Committee itself is likely to be part of the debate. The view of one delegate from Group II is that this is an opportune time to reconsider, - and perhaps reconfigure - the composition of the Groups. Should not the Committee adapt to a changing world? How can it improve the representativity of Group III? Are some Members of Group III not really better placed in Group I? These and other questions were posed.

More radically, an ATD Fourth World delegate suggested enlarging Group III to include a dozen or so European representatives of some of the most marginalised groups, such as those living in poverty, or experiencing discrimination. This could open the door to a collaboration with the Platform of European Social NGOs, the Liaison Committee of Development NGOs, the Green 8, human rights and consumer NGOs. It could also lend itself to collaboration with specific regional networks of NGOs concentrating, for example, on the Mediterranean or on the accession countries.

The Rapporteur wonders if this would not lead to representation at the European level by employers and trade union organisations. And if so would this not be a positive step?

6. The question remains of how to strengthen collaboration between the Economic and Social Committee and European civil society in the present. The two current priorities of the Social NGOs (Treaty Article underpinning the Civil Dialogue; and the EU Bill of Rights) may provide a good base for collaboration. The ESC could support the call of NGOs for a Treaty Article on Civil Dialogue and could also invite the European NGOs to present evidence to ESC hearings on important issues such as the EU Bill of Rights or the Employment Guidelines and for the ESC to include NGOs not represented in the Committee in the drafting of opinions.
7. Civil Dialogue is not a snapshot frozen in time. The ESC should be congratulated on this initiative, but the challenge now is to maintain a regular dialogue between the ESC and European level NGO co-ordinations. One first step could be to establish twice-yearly meetings to look at mutual agendas, plan common actions and discuss ways of extending mutual support and collaboration.

Workshop 2

How can civil society organisations contribute more to the development of participatory citizenship?

Background Note

1. Economic and social rights are central to the development of our society, and the building of Europe in particular. The Amsterdam Treaty stresses that: “The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law”. At stake are not only the fundamental social rights of workers, already defined in the Community charter adopted by the Strasbourg European Council in 1989, but also the individual rights of men and women with regard to discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Also at stake are the rights of European citizens with regard to protection of health and of the environment, with a view to preserving the future for the rising generations.
2. For several years civil society organisations - in many cases well before the political authorities got involved - have done exemplary work in standing up for, and implementing, these civic rights. These organisations have frequently been responsible for new legislative, regulatory and administrative mechanisms and provisions. They have been, and continue to be, the frontline campaigners for the protection of the environment; the defence of the legitimate interests of consumers; the promotion of access to health care and to housing; and the dissemination of, and access to, culture and cultural assets; the fight against racism and xenophobia; solidarity with the peoples of developing countries; and the promotion of genuine equal opportunities, to name just a few examples.
3. The numerous measures and initiatives taken by these organisations, are extremely diverse, are carried out at grass-roots level, and are aimed directly at citizens. In their fight against exclusion and discrimination, these organisations stress the need to take greater account of the interests of citizens in their various roles (as consumers, inhabitants, civic persons, etc.). In this way, they are taking specific steps to ensure the acknowledgement of - and support for - the rights of men and women, including civil and civic rights.
4. This objective is not easy to achieve. There are a thousand reasons for curbing, or even opposing support for these rights, since they can, at some point, clash with other interests. In some cases a difficult choice needs to be made, and a delicate balance struck between collective and individual interests. This objective has to be secured, however, if the European Union is to be built in conjunction with its citizens and not without them. It is an objective to be pursued both by each member state and by the Union itself.

Questions

- (a) What are the criteria defining European citizenship?
- (b) What role can minorities play?
- (c) Which forms of participation guarantee the most satisfactory level of proximity to citizens?
- (d) How can the scope of civil society organisations be extended?

Concise Report of the speeches

Mr Dirk JARRE (former Chairman of the International Council for Social Welfare) reflected on the difficult balance between the State, economic power and civil society. In this changing society, there is a strong need to consider seriously who has to do what. Who should produce work or services, who has to guarantee security and social protection? The State has to take responsibility, when appropriate, and should not, for example, delegate all its tasks to the economic world. Neither should the State take over the role of civil society or economic society. The problem is that rights and obligations are not clearly defined. The State should administer both civil society and economic society.

Mr Jarré described civil society organisations as a “barometer” of society. Majority decisions can be taken with the approval by 51% of the (participating) people, but what about the opinion of the other 49%? Civil society organisations give voice to cultural, political, juridical and economic minorities. The role of civil society is therefore complementary to representative democracy. Moreover, civil society is a vector of the internationalisation of politics.

Yet, the State should not use NGOs as an instrument to realise tasks it no longer wants to perform itself. Neither should NGOs be considered as normal economic enterprises. There is a need for a favourable environment for NGOs, both juridically and financially. One also has to tackle the problem of legitimacy of civil society organisations. As was said with some irony, non-governmental organisations are sometimes rather non-governable organisations.

At European level, the European Commission might favour and finance the participation of civil society, but it cannot actually represent civil society. Civil society organisations need different channels to express themselves. The Economic and Social Committee has an essential role to play here, but, like the Commission, it cannot have sole responsibility for voicing the needs of civil society at European level. The European Union has several instruments to express the needs of civil society, but it should use them effectively and give them more power.

Mr Tony VENABLES (Director, Europe-Citizen-Action-Service, ECAS) warned against categorising civil society too much. Civil society means not only the organisations present at the Convention, but it can also mean individuals and unstructured organisations putting secret documents on the internet, or organising meeting on the occasion of the WTO summit. This very dynamic part of civil society cannot be captured by definitions and by the question of representativeness. These groups may not claim strong representativeness but they have an important function in pointing the finger to certain problems such as the undemocratic nature of international and economic institutions. All attempts to categorise civil society might miss the right target. Civil society is there. It is not civil society that needs modernisation but institutions such as the Economic and Social Committee which should be adapted to change.

While we can only encourage civil society to develop and listen to it, more concrete help can be given to developing a framework in the area of citizenship. Nobody would seriously believe that European citizenship as enshrined in the Treaty could be a genuine basis for active citizenship. The Treaty provisions are about rights that are triggered when crossing borders, and not about rights of participation in European policy-making. Consequently, European citizenship concerns only 5,5 million out of 370 million Europeans. Moreover, 50,5 million third country nationals are excluded. The Economic and Social Committee could play a role in bringing this problem to the fore, for instance, by organising a forum on this issue. One should note, though, that attempting to tackle the question of citizenship only by formulating another Charter would change very little as long as it is not enforceable.

Mr Venables concluded that we were still a long way from a European civil society. This would be for our children and grand-children. It will come if our work, such as this Convention, is underpinned by a genuine sense of common citizenship. It is not civil society that organises citizenship, but citizenship which enables civil society to get organized.

Mr Sandro CALVANI (Representative to the European Institutions of the United Nations Office for Drug Control and Crime prevention) regretted that the United Nations Organisation had for a long time only been a forum for governments which was not open to civil society. Yet, times have changed, and it is now well aware that only civil society makes the “global village” liveable.

Civil society also has a very important role in combating what can be called “uncivil society”. By this is meant those non-democratic organisations that are engaged in illegal activities, such as illegal trafficking (8% of world traffic), cyber crime, money laundering, trafficking in children and adults (500,000 persons in Europe), ... The response to uncivil society cannot only be “law and order”. State intervention alone cannot resolve the problem of uncivil society. Only with the help of civil society can the problem be tackled. In Italy, for example, the fight against the mafia could not be won by the judges alone. It is only when civil society said that it was enough that the fight against uncivil society became successful.

Mr Jean DE MUNCK (researcher at the Centre for Legal Philosophy - Catholic University of Louvain, Belgium) emphasised the limitations of viewing the future of Europe on the basis of, on the one hand, an expansion of the market and, on the other hand, human rights and the rule of law, i.e. the strengthening of the classical concept of democracy and parliamentary government and a further proliferation of juridical norms. This way of thinking is supported by parts of the Commission and of the Member States. However, one cannot build Europe on money. Neither can it be based only on the recognition of rights. Against this vision, the Economic and Social Committee represents another tradition of viewing the future of Europe. It is based on another concept of democracy that is built on the idea that people and groups of people have the capacity to enter into democracy.

As such, to grant rights is not enough. To exercise these rights and to be able to intervene in political deliberation, people need resources in terms of knowledge, expertise, experience,

organisation, etc. It is on that basis that, in 1957, the Economic and Social Committee was created, and it functions as a complement to parliamentary democracy which is insufficient to represent the socio-economic interests. Furthermore, the situation is different today and one should take a step further. To grant rights and provide resources is not enough: people should be given the capacity to act, and this does not depend upon rights or resources. It seems that the Committee could take up this challenge.

However, the Committee, as advocate of a different vision of the future of Europe and of another vision of democracy, also has its limits. These limits stem from its history and from the fact that it is rooted in the welfare state.

The first issue concerns its composition. Quite naturally, the socio-economic sector is predominantly present within the Committee : the welfare state has been built on these socio-economic interests. Today, society is concerned with new issues such as the environment, human rights, culture and social inclusion which go beyond the traditional tasks of the welfare state. To tackle these questions, a purely socio-economic and sectorial representation is not enough.

The second issue also concerns the sectorial approach which currently, and to a large extent, presides over the working of national and EU administration. But this sectorial division of public administration is no longer functional since many new problems are of a trans-sectorial nature.

Classical administration also “delocalizes” problems by “generalizing” them, i.e. it abstracts the problem from its local context. Yet, many of the new tasks require experience and knowledge of the local environment. For example, to integrate the young unemployed into the labour market, knowledge of the particular features of the local context they live in is also required.

Thus, the deficit in representation is not only related to the question of which group, category or organisation is or is not represented, i.e. political representation. It is also linked to the capacity of decision-makers to act in full knowledge and awareness of all the aspects of a problem. Such a representation requires that decision-makers consult those groups that may not be representative, in the strictly political sense of the word, but have particular knowledge of the practical problems at the local level and are able to formulate these problems in the public sphere.

The Economic and Social Committee is at a turning point in its history. On the one hand, it is tied by its heritage, namely the way in which problems are represented in the traditional way of the welfare state, as described above. On the other hand, and due precisely to the fact that it is embedded in the welfare state, the Committee is an asset in order to safeguard the main constituents of that welfare state and ultimately of a European

identity. The European identity has never been simply the combination of market economy and human rights. One of the main features of European identity is the collective action of citizens, workers and employers, which first helped to build up the welfare state.

Mr Radim BURKON (Civil Society Development Foundation, Czech Republic) recalled that democracy is facing serious challenges. People see politicians as being corrupt, party membership is declining and people show a lack of interest in politics. The citizen's alternative to "sitting back and watching" is to become a responsible citizen via the setting up of associations. Associations can follow up certain issues on a more continuous and consistent basis, whereas politicians are tied by electoral deadlines. They are not bound by party bureaucracies, and internally they are often more democratic since they are less hierarchically structured than political parties. Yet, the need for transparency and accountability also remains a valid question for associations.

In Central and Eastern Europe there is a tendency to consider civil society organisations merely as service providers to fill the gaps left by the State. Politicians do not want to consider civil society organisations as a vehicle for the expression of the political will of the citizens. However, civil society organisations have an important advocacy role. They are a school of democracy and they can put forward alternative plans or proposals, for example, in the field of urban planning, social welfare, health care or legal reform.

Mr Frederic PASCAL (Vice-Président of FONDA (France), membre of the Comité des Sages author of the Report "For a Europe of civic and social rights") put emphasis on the Charter of Fundamental Rights. The Comité des Sages pushed for the drawing up of a Charter on the basis of a broad discussion with and within civil society, and not via the traditional method of an intergovernmental conference. Yet, the Council did not retain that proposal and opted for the traditional method of an Intergovernmental Conference. Nevertheless, it has to be considered as an "enlarged IGC" giving voice also to the national parliaments, the European Parliament, the Economic and Social Committee and the Committee of the Regions.

Mr Pascal also shed light on the French experience of a "crossroad" of associations bringing the issue of European fundamental rights into public debate. Comparable initiatives have been taken in other Member States. He added that the Committee was the place where all these initiatives should be brought together in order to give voice to civil society.

Civil society has a very important role as voice for the most vulnerable, for example those who are unemployed but who also have a right to a decent life, such as the right to a minimum access to public services. The only way to give concrete expression to such rights is via the advocating role of civil society.

Conclusions of the Workshop

Discussion in Workshop 2 highlighted the following major issues:

1. The Economic and Social Committee should actively promote the right of association at European level and thus the European recognition of the legal personality of civil society organisations.
2. It is crucial for civil society organisations to be conscious of their need for autonomy versus the advantages of institutional attachment. European institutions should fully respect their concerns and choices in this question.
3. European Union institutions should fully realise civil society's potential for identification of new problems, risks and challenges in an ever changing society.
4. In view of the enlargement of the European Union, a structured dialogue between European Union institutions with civil society in candidate countries on terms of accession is indispensable and should be actively promoted by the Economic and Social Committee.
5. As to the involvement of citizens in Union policy development, a twin-track approach is highly recommended: through territorial representation (local, regional, national and European) and issues-oriented approach (such as, inter alia, social, civil, cultural, environmental). A good example of this is the "European Network of Child-Friendly Cities" proposed by the Economic and Social Committee and the Committee of the Regions.
6. As European society has profoundly changed over the past decades, together with the European project, the Economic and Social Committee needs to adjust to new societal and institutional requirements to become an attractive institutional partner for contemporary civil society organisations.
7. It has been noted that the actual representative, governing and consultative institutions are conditioned by a traditional standard democracy concept. Civil society participation or involvement in future oriented political debates may contribute significantly to identifying alternative reform-oriented concepts in order better to tackle problems and challenges of today and tomorrow.
8. It has to be clearly recognised that also on the European level a citizen should not only be the object but at the same time the subject of democracy. Consequently, European institutions need to actively and forcefully invest in efficient procedures of dialogue and concertation.

9. A key element of co-operation between civil society organisations and the European institutions and their partnership is to clarify the issue of who plays which role in the organisation of civil society at the European level and to identify how and on which level input into the political process can and should be made.
10. It has been stated that there is an urgent need that European civil society organisations and the European institutions start a process, based on mutual confidence, on the question of representativity and legitimacy on aspects of the organisations concerned. In this dialogue partners need to be aware of the fact that representativity is not necessarily based on numerical aspects, and legitimacy springs from various qualitative capacities of these organisations. The Economic and Social Committee can play a key role in this process.
11. European societies differ in a great variety of cultural and societal realities. However, they share basic and important common values. To clearly identify this common, ethical heritage is an important contribution in the further development of the European project.
12. European institutions as well as organised civil society have to be acutely aware of the risks of “un-civil society organisations” which can threaten security, one of the major concerns of the citizen. Consequently, civil society organisations should cultivate the highest degree possible of transparency in their structures and activities.
13. For the further development of the European project, market features and formal human rights are indispensable. However, a progressive European participatory model provides added value through the development of collective engagement of citizens in issues of general societal interest transcending national frontiers.
14. Citizens’ rights must be enshrined in the European Treaties and thus be made legally enforceable at Union level as elements of European citizenship. But Europe should also identify, through an intense dialogue with the European citizen, the need for new kinds of citizens rights in addition to “classical” human rights. The Economic and Social Committee should reflect on the conditions sine qua non for their practical application, such as, inter alia, transparency , information, education, legal advice, clarity and simplicity of procedures.

Participants of Workshop 2 expect the Economic and Social Committee, as convenor of the First Convention of the civil society at European level, to put the above-mentioned issues high on their agenda for further discussion and action in partnership with civil society. The other European Union institutions should be encouraged to join in a forward-looking dialogue on these matters.

Participants noted with regret that the recently-launched process of drafting the Charter of fundamental rights will provide for neither an in-depth debate with citizens, nor a re-shaped dialogue between civil society organisations and political circles.

As a result, they also regretted the missed opportunity to encourage the emergence of genuinely active citizenship, and felt it was crucial that the different elements of civil society submit proposals to the authors of the Charter, so that it could closely reflect the new rights and duties of European citizens, such as respect for future generations, sustainable development, the right to a minimum income, bioethics and flexible working hours.

The Economic and Social Committee could act in this area as a forum for debating the proposals put forward by civil society organisations.

Workshop 3

The contribution of civil society organisations to growth and competitiveness

Background Note

1. The economic importance of civil society organisations, and hence their contribution to growth and to economic and social cohesion, cannot be denied. The most recent available figures (comparative study carried out by Johns Hopkins University, "The Emerging Sector Revisited" (1998), which covered 22 countries (including nine EU Member States) speak for themselves: the non-profit-making sector in the 22 target countries constituted an "industry" generating 4.7% of GDP (5.7% if one includes voluntary associations), employing the equivalent of 19 million full-time staff; this "industry" accounted for 4.9% of all jobs, 9.4% of jobs in the service sector and nearly 30% of jobs in the public sector. If this non-profit-making sector were to be considered an economy, it would be ranked eighth in the world, ahead of Brazil, Canada and Spain. Finally, it should be pointed out that these data relate solely to the organised non-profit-making sector, and exclude religious congregations, and structures (often "foundations") set up by companies; in particular they do not cover the activities of employers' associations and trade unions. It also excludes most mutual societies who compete in the market alongside public and private companies, on a profit-seeking basis (for distribution to their members).
2. It would indeed be a mistake to limit civil society organisations to non-profit-making and voluntary associations alone - even though these are central to the growth of this movement. A number of issues have led employers' associations and trade unions, as well as companies themselves, to become involved in "civil society" concerns. These issues include the major changes taking place in the labour market; the greater flexibility of this market; the increasing overlap between people's professional, social and personal lives; societal concerns such as environmental conservation, consumers' rights; campaigns against racism and xenophobia; and lastly, ageism - especially in a society where people are living longer - or disability. One result of their involvement in this area has been the setting up by many companies of "foundations" or "European networks". Another is the increasing importance attached to civil society concerns by trade union organisations, above and beyond their usual work of defending the direct interests of their members.
3. The increasing importance of civil society organisations - their growing vitality, their abundance of initiatives, their multiple and varied forms of expression - should be considered as a counterbalance to "traditional" political activity and, more generally, to the structures and organs of representative democracy (with its "executive" and "legislative" arms) with regard to the complex societal challenges

facing society. To some extent, the dual phenomenon of globalisation (trade in goods and services) and social fragmentation (the flight from the land, “problem” inner-city areas, etc.), combined with the emergence of a process of exclusion have undermined political society. The growth of civil society organisations, and the increasing importance attached to them, can be seen in some ways as an expression of people’s confusion when confronted with the problems and ambiguities of traditional political activity. Civil society organisations help repair the social fabric to some extent, by asserting the need - thanks to the commitment of the volunteers who work for them - for a “participatory citizenship”.

Questions for the Convention

- (a) What links should be established between “representative democracy” and “participatory democracy”, and what can be done to prevent the growth of the civil society movement at the expense of “political” society and its constituent bodies? How can “political” and “civic” activity be reconciled at grassroots level, and synergy between the two sectors improved?
- (b) How can the role and representativeness of organised civil society bodies be strengthened, for example the economic and social committees which exist in some Member States (including those at regional and local level); and what can be done to help set such structures up, in those Member States which do not already have them?
- (c) What can be done to encourage the greater involvement of the corporate sector in the non-profit making and voluntary sector?

Concise Report of the speeches

Mr Bruce BALLANTINE (special adviser at the European Policy Centre, United Kingdom) asked why one should address the question of the contribution of civil society to growth and competitiveness. The answer was straightforward : without growth and competitiveness one cannot create wealth, jobs and redistributive welfare. Therefore, business should be defined as a vital part of civil society.

Civil society affects growth in several ways. First, civil society influences the environment in which the economy operates. So it can influence business ethics. Second, and more immediately, civil society contributes to economic growth via the activities of civil society organisations. According to research by John Hopkins University, 6% of the GDP of the nine major countries in the world is realised by associations. Moreover, they create 5% of all paid jobs. Between 1980 and 1990 the third sector even provided 10% of the newly created jobs. Civil society organisations contribute to growth by assisting with the delivery of public services (education, health, social service) in a complementary way to State action. They also play a leading role in local economic development. Many third sector associations have a very important role in regenerating depressed areas and reintegrating the socially excluded, especially by the provision of local services.

However, to encourage more people to participate in civil society organisations, there is a need, in some countries, to overcome legal difficulties in setting up associations. Also the financing of civil society organisations could be improved. Private companies could play a role in that field. Equally, they could provide management techniques and training to support civil society organisations.

Mrs Regina PRUNZEL (Director, European Centre of public enterprises - CEEP) did not wish to discuss the contribution of public enterprises to growth and competitiveness, but to concentrate on a particular group of the population, the disabled. To employ handicapped people is still seen by many as an impediment to company competitiveness. Research has shown that this is not the case, and the objective should be to integrate them fully into society. The disabled should be recognised by their personal capabilities and they should not be isolated in a particular sector but integrated into the normal economic environment. The European social partners, together with the Commission, have published a guide with examples of good practice to integrate the disabled into normal economic activity.

Mrs Fiona HAMILTON (Adviser, Union of Industrial and Employers' Confederations of Europe - UNICE) pointed out the relationship between enterprises and civil society. On the one hand, enterprises have a huge responsibility towards society, especially customers, employees and shareholders. Enterprises take on their responsibility by contributing to economic growth, wealth and job creation.

On the other hand, civil society organisations play an increasing role in the economy. New information technology, for example, creates new opportunities for civil society to become involved. The growing third sector is potentially another important source for job creation. In the third sector, civil society organisations were often active before the private sector became involved. However, according to a research carried out by UNICE, the potential to create jobs in the service sector is 40% lower in Europe than in the United States, due to high taxes, high wage costs and complex regulations.

Several levels of interplay are possible between the private and the third sector. First, the skills needed within the private and the third sector are often the same, such as management skills. Therefore, being active or employed in the third sector is often a good step towards integration into the private sector. Second, there are concrete possibilities for partnership. In some cases, private companies do charitable work directly. Partnerships can also emerge within the context of the European structural funds, where the private sector, the third sector and public authorities are all involved. Third, private companies can help civil society organisations by providing management techniques, by direct financial support, or by providing technical know-how, especially where information technology is important.

Mrs Hamilton concluded that both sides realise the benefits of co-operating. On the one hand, economic activity and growth is the basis for wealth. On the other hand, a more stable and richer society helps companies : when people are better off, they buy more.

Mr Juan José FRASCHINI CHALAR (Economic and Social Consultative Forum of Mercosur) first pointed to the fact that the European Economic and Social Committee has been a model for the creation and working of the Consultative Forum, the Committee equivalent counterpart within the context of Mercosur. Moreover, a strong co-operation has been established between the two institutions.

Then, Mr Fraschini Chalar gave particular attention to the question of training and economic growth. Training has an added value in terms of production process, employment and working relations. Without training it is impossible to benefit from new economic opportunities and to reduce unemployment. Training also increases the quality of employment and therefore the quality of life of workers.

The ESC's opinion on the role and contribution of civil society organisations in building Europe has defined education as an essential feature of civil society. This should be an invitation to rethink educational systems. Education should adapt to practical needs, thus increasing employability. In 1987, at an international meeting of Economic and Social Councils, it was recommended that systems of education and training should be reformed to involve civil society as a whole, namely families, schools, managers, workers, public authorities and all organisations and bodies concerned. The State cannot have sole responsibility for education and training. Civil society should be involved because the principles and cultural values at the basis of education stem from civil society.

Sir Jim STEVENSON (Civic Trust, United Kingdom) explained the role and functioning of the Civic Trust. The Civic Trust is a specific British institution, set up in 1956 with the aim of improving life in cities, towns and villages. The national Civic Trust represents 900 local civic societies involving 330,000 individuals. These individuals pay a fee to have a say in local matters and to provide their knowledge and expertise on a voluntary basis for the benefit of local development. The financing of the Civic Trust is based on these subscriptions, on private contributions (by enterprises that cultivate a “social image”), and, to a certain extent, State subsidies for specific projects.

The local civic societies are involved in and consulted on a broad range of local issues. The Civic Trust administers grants for environmental projects, undertakes research, provides training. Via its “Civic Trust Award Scheme” it is active in designing new building, roads infrastructures, etc. The Civic Trust has introduced “heritage open days”.

He saw the Civic Trust as an example of a lively civil society, and regretted that this seems to exist only in Britain. Therefore, exchange of information and best practices could be useful at the European level.

Conclusions of the Workshop

A. General comments

1. Improved competitiveness and faster growth are important for wealth creation, employment generation and welfare distribution.
2. Organised civil society has a major role to play in improving competitiveness and growth because:
 - it helps to reconcile the conflicts between multiple objectives (growth, environmental protection, social protection and consumer health and safety);
 - it helps to reconcile the views of the different stakeholders (shareholders, managers, employees, consumers and environmentalists);
 - it helps society to adapt to pressures for constant change as a result of new technologies and increasing globalisation, and
 - it helps to fill the gaps in welfare delivery mechanisms that governments cannot satisfy.
3. Organised civil society can contribute directly and indirectly to improving competitiveness and increasing growth.

The direct contributions include:

- assistance with the delivery of public services such as education, health and social services;
- assistance with local economic development;
- the regeneration of depressed areas and the integration of socially and economically excluded individuals and groups, and
- the provision of proximity services.

Much of the work of organised civil society is done outside the national accounts by “volunteers”. This is particularly the case where organisations act as a focus for those with a common interest in areas such as environmental conservation, health and consumer protection, social policy and education.

However, the indirect contributions of organised civil society are equally important because such organisations influence the attitudes that affect competitiveness and growth. These include the attitudes of society to work (the “work ethic”) and to entrepreneurship and its response to business failure. (“Life is an adventure and cannot be risk-free” - J. Delors 1999). The possibility of failure is implicit in entrepreneurial activity. Organised civil society also influences attitudes towards disability, race, gender and ageism.

Moreover, organised civil society has a major influence on the legal and regulatory framework within which the economy operates and influences the ethical standards of business operates.

4. Organised civil society requires a better legal framework, additional management support and access to best practices from other parts of the economy.
5. Organised civil society must recognise that it has responsibilities as well as rights. It must seek to be as legitimate as possible, by being representative and accountable. Organised civil society must also seek to represent all civil society.
6. One of the key contributions of organised civil society is in the education and training fields, particularly of those members of society who are “excluded”. It can also help to improve employability by encouraging and supporting continuous training.
7. Civil society cannot be successful unless it has a voice. At the moment it lacks a forum in which that voice can be heard. The ESC could fill this gap since it is the only European institution in which the Third Sector is directly represented.

B. Questions for the convention

The workshop considered that:

- a) the principal way in which “political” and “civic” activity can be reconciled is by involving organised civil society in the decision-making process. Political decision-makers should expound, consult, listen, decide and then explain the reasons for their decision;

the voice of organised civil society should be heard not only on topics of special interest to such organisations but also on “horizontal” issues which influence the operations of organised civil society;

“sectoral” bodies should contain representatives of organised civil society nominated by civil society organisations, and

all the EU institutions should develop a strategy for working with organised civil society.

- b) there was no single model for strengthening the role and representativeness of organised civil society bodies because of different national cultural differences. Participants drew attention to the successful experiences of Germany and Sweden, which do not have economic and social councils. Participants also drew attention to the successful regional bodies created in the Mediterranean (Magreb) and in South America (Mercosur);

however, accession countries should be made aware of the benefits from economic and social councils. They should also be supported in their development, where appropriate.

- c) The principal requirement for greater involvement by the corporate sector in the Third Sector is through greater awareness, particularly among SMEs but also among organised civil society. Role models and best practices should also be shared between organisations which are not yet involved in this two-way process.

CLOSING PLENARY SESSION

SPEECH

**by Mr Carlo MEINTZ,
Vice-President of the Committee of the Regions**

Madam President,
Ladies and Gentlemen,

Perhaps you would allow me to make two preliminary comments:

First of all, I should like to pass on Mr Dammeyer's apologies for not being here today. Unavoidable political duties have made it impossible for him to attend this Convention in person.

Secondly, I should like to pass on to you, Madam President, the Committee of the Regions' warmest congratulations for having the imagination and courage to organise this Convention. We are particularly pleased that you invited the Committee of the Regions.

We have accepted your invitation with great enthusiasm, all the more so as we feel for a number of reasons that we are directly concerned by this ESC initiative which is part of a strategy of dialogue with civil society and which promotes interinstitutional cooperation:

- 1) The representatives of local and regional authorities who make up the Committee of the Regions are the natural discussion partners of civil society. This is why they feel that they have an important role to play as a channel of communication in the European bodies. It is often on behalf of civil society that the representatives of the local and regional authorities within the COR speak out on those Community policies on which their opinion is sought.
- 2) As a result of their duties, the members of the COR are affiliated to the European and national associations of local and regional authorities, and in this capacity work within their countries for a more participative society in the European Union.
- 3) In March 1998 the COR adopted an opinion on the Role of voluntary organisations - a contribution to a European society, in which it highlighted the importance of dialogue and active cooperation with voluntary organisations and foundations. The members of the Committee are particularly eager to encourage the European Union to give weight to local and regional aspects in its dialogue with the voluntary sector. They also urge that the independence of the voluntary sector be maintained in working with the public authorities and they ask the Community bodies to show flexibility in taking account of the specific situation and conditions of the voluntary sector. The COR is also pleased at the positive climate of cooperation between the voluntary sector and politicians in most Member States.

Voluntary organisations are in fact regularly consulted as experts or competent bodies, and they often bring a fresh approach and new perspective to discussions.

- 4) As a political body the COR encapsulates values, principles and convictions, and it considers proximity and subsidiarity to be the two pillars on which Community action should be based. Since it was set up the COR has never ceased to urge that these two principles be applied in the interests of greater European integration. In the COR's view these two principles presuppose the renewal of the dialogue with the citizen and the redefinition of relations between the various tiers of authority with a view to establishing a more democratic system of government in Europe.

At a time when the European Union is facing major challenges, the COR, in addition to its role in providing opinions, has set itself three political objectives which are at the heart of the European debate, and it calls on the civil society organisations to lend their weight to the campaign.

1) The establishment of a real European citizenship

The COR, whose aim is to represent the socio-economic and cultural interests of citizens as expressed in the specific context of the regions and municipalities, is particularly well placed to help promote the concept of European citizenship. With this in mind, the COR especially stresses the need for decentralisation.

The COR believes that European citizenship must play a basic role as the key strategy for instilling in the population at large a sense of belonging to the European Union. Here the representatives of civil society and their organisations have a major communication role to play.

Over the next few years the Committee of the Regions intends to focus attention on the successive stages in the development of European citizenship, with particular reference to the implications at local level. In so doing, it will be necessary to strengthen bonds with the networks of associations which represent the regions and municipalities at national and European level.

In a recent opinion on European citizenship the COR stressed the great importance of youth exchange and training programmes for European citizenship, as well as the need to impart European values, rights, duties and political integration objectives through largescale information campaigns, specifically targeted at Europe's young people.

Similarly, the COR considers that regional and local partnerships make a major contribution to intra-Community cohesion, by fostering a trans-frontier mentality. The Sarre-Lor-Lux region is a case in point.

The role of the COR is also to make citizens more aware of the importance of local and regional democracy and to encourage them to play an active part. The COR has noticed that voluntary organisations play a major role in promoting local democracy and are at the same time a reflection of open and representative democracy.

It is not by chance that the right for all citizens of the European Community to vote and stand in local elections was one of the first practical measures provided for in the Maastricht Treaty with a view to building a European citizenship. Local democracy is one of the cornerstones of European citizenship.

The decision of the Cologne Summit last June to incorporate all the fundamental rights embodied in the Union in a Charter aiming to give them greater visibility was wholeheartedly supported by the COR. The COR is currently drawing up an opinion on this subject, in which it unequivocally states that the Charter of Fundamental Rights is one of the pillars of European citizenship.

The decision to set up a conference of representatives of the Member States and EU institutions, and to consult representatives of the ESC and COR, as well as representatives of civil society, is another initiative which was warmly welcomed by the COR. The COR is eager to contribute to the drafting of the Charter of Fundamental Rights and to play an active part in intra-Community debates over the months ahead.

In this light, the COR greatly values its special relationship with the ESC and the European Parliament.

2) The drafting of a European constitution

At its next plenary session the COR will discuss the drafting of a European constitution. In this context, the COR will call on the Member States to initiate a democratic process in which citizens and their elected representatives are actively involved.

The members of the COR want to invite all citizens, their representative organisations and politicians at local, regional, national and European level to join in this major democratic initiative.

Since its creation the COR has advocated reinforcement of the democratic process in Europe. By tirelessly reiterating that the main political objective of the principle of subsidiarity is to promote decision-making at the level closest to the citizen, the COR has always worked for the exercise of citizens' sovereignty. It feels that citizens must assert their right to decide how the Union should be governed. In this context, the COR strongly advocates a division of powers which respects the principle of subsidiarity and the need for proximity in governance.

3) Optimising democracy in the enlargement process

As part of its contribution to the enlargement process, the COR has sought to develop structured dialogue with the representatives of the local and regional authorities of the applicant countries. The specific contact group has been set up and, over the last two years, has held joint meetings with the local and regional authorities of the six “first wave” countries. The Committee has established a system for exchanges of information with local and regional elected representatives, who also have the task of relaying to civil society organisations the information they need to form a clearer idea of what accession to the European Union will entail for them.

These conferences have focused attention on the major role that the local and regional authorities of the applicant countries have to play in the promoting of democracy and in the implementation of EU legislation. The COR therefore intends over the next few months to highlight the inadequacies of the information currently provided to civil society and the local and regional authorities on the ongoing negotiations between the national governments and the European Union. The COR lays great store by the participation of civil society in the enlargement process; in this regard it feels that programmes to promote local democracy should be extended to cover the applicant countries. Similarly, the COR is in favour of regular exchanges between voluntary organisations in the applicant countries and in the present Member States in order to promote the democratic process in the former.

In this connection, I am happy to be able to pass on the COR’s warmest regards to the representatives of civil society from the applicant countries and to those of other non-EU countries attending this first Convention.

Conclusion

In conclusion, I should like to stress that the COR views the creation of a citizens’ Europe as more than just a utopian dream. This conviction is based on the everyday experience of the local and regional elected representatives who constitute a vital link between civil society and the European level. The absence of proper communication and dialogue with public opinion and civil society have so far been the main failures of the European venture. Today, on the eve of the major changes which future developments in the European Union will bring in their wake, it is time to convince Europeans of the value of this objective. Together we have to do our utmost to rectify this shortcoming.

The rapporteur of workshop 2 ended his statement by saying that the other EU institutions had to be encouraged to join in a forward-looking dialogue on these questions.

On behalf of the COR, which supports the voluntary sector’s desire for a clearer role as official partners in the dialogue with the European institutions, I can assure you today of the COR’s active participation.

SPEECH

**by Ms Miet SMET,
Member of the European Parliament,
on behalf of Ms Nicole FONTAINE, President**

Madam President,
Ladies and Gentlemen,

I wish to thank the Economic and Social Committee for inviting me to speak and to wish you every success with the convention.

It is certainly no easy task to bring together so many policy makers and representatives of civil society organised at European level.

In the final analysis we have here an amalgam of associations, foundations, federations, etc., who flesh out civil society and thus help to bridge the gap between the citizen and the State. With an eye to the future the Committee quite properly does not confine itself to social dialogue between the traditional players, the unions and employers, but also focuses on civil dialogue with NGOs.

The Committee is thus enabling organised civil society to contribute to the unification of Europe.

The unification of Europe goes beyond a mere union of Member States; it involves a Community of citizens, men and women, young people and old people, farmers, the self-employed, disabled people, migrants, consumers, etc... Taken together, these represent a mass of people who do not act as individuals, but develop their intrinsic qualities, above all, within organisations.

The Economic and Social Committee is in an excellent position to give these groups and people the opportunity to consider their role and duties within and in regard to the European Union.

Madam President,
Ladies and Gentlemen,

It will come as no surprise to you that the European Parliament (EP) wishes to take part in the debate on the meaning of organised civil society for the European Union.

On numerous occasions the EP has listened to civil society and issued opinions on this area. That is the correct approach.

Because the EP, despite its inadequate powers and resources, consists of representatives of the people.

Members of the European Parliament have significant budgetary and legislative powers and the right to supervise the Commission's activities.

And we represent the populations at large, not only individuals, but also organised citizens. Obviously therefore the EP seeks to involve civil society in its own activities.

That is also correct.

You need only think of the scores of “intergroups” which hold regular meetings on topics ranging from beer to taxation, from animal rights to discussions on world trade.

We also hold dozens of hearings organised by both the Parliamentary Committees and the political groups.

In short, we hold meeting after meeting with representatives of civil society.

Apart from the intergroups and the hearings held during the last term of office, the EP expressed forthright views on organised civil society.

- Firstly, in 1997 the Parliament, in addition to the existing budget lines for civil society, established a special budget line to promote and encourage co-operation with charitable and voluntary associations and foundations. A total of EUR 9m was earmarked for pilot projects over a three-year period. This budget line will unfortunately lapse after the year 2000 for want of a proper legal basis. The ball is now in the Commission’s court.
- Secondly the EP tried to involve civil society in both the structural funds and the growth and employment initiative. This did not work out fully because the relevant amendments were rejected. But our efforts were partially successful, since the Commission agreed to consider the NGOs for consultation and funding, in addition to the social partners and the local and regional authorities.
- Thirdly, in 1998 the EP explicitly stated its interest in the Commission Communication on the role of associations and foundations in Europe. The hearing with the Platform of European Social NGOs on social dialogue provided a wealth of conclusions and suggestions. The Resolution itself specifically highlighted two issues; firstly it called for a sectoral dialogue between the European institutions and the NGOs; secondly it encouraged the NGOs to work for adequate representation in order to remedy shortcomings and avoid overlapping.
- Finally, the Parliament’s Committee for Employment and Social Affairs drafted a report on the development of civil dialogue with the social NGOs (Ghilardotti). The conclusions and amendments were all ready. But the time pressure in the run-up to the elections made it impossible to debate this matter at a plenary session. It is not yet quite clear whether the report will be dealt with later on or not. It is, however, clear that the co-ordinators of the various political groups within the Committee for employment and social affairs will stage twice-yearly discussions with the Platform of European Social NGOs. The first round will be in the spring during discussion on the budget. The second round will take place in the autumn during the debate on the Commission’s annual programme.

In addition to the four initiatives Parliament has twice called on the Commission to submit a proposal extending the civil dialogue, firstly on 18 November 1998 in connection with the social action programme 1998-2000, secondly on 16 December 1998 in connection with the Commission's 1999 Work Programme. Civil dialogue cannot be confined to the Forum for Social Policy. Parliament was subsequently represented in discussions by the former Chairman of the Committee for Employment and Social Affairs (Hughes).

The EP thus takes the concerns of the NGOs seriously, as witnessed by its attitude to a number of issues of importance to civil society.

- Firstly, Declaration 263 appended to the Maastricht Treaty on charitable organisations and associations and Declaration 38 appended to the Amsterdam Treaty on voluntary organisations. Both of these Declarations address the interests of such cooperative associations.
- Secondly, Article 13 on non-discrimination and Article 137 on social exclusion. Both Articles provide the legal basis for policy measures to meet the objectives of the social NGOs.
- Thirdly, the 1996 (Pintsalgo) Report of the Committee of Wise Men on civil and social rights and the 1999 (Simitis) Report of the Group of Experts on fundamental rights. The first report calls for civil society to come under the Treaty and the second one calls for the incorporation of fundamental rights into the Treaty.
- Finally, the European Forum for Social Policy and the Platform of European Social NGOs. In 1998 the Commission drafted a guide to subsidies *inter alia* for the benefit of the social NGOs. The idea of a cartography for social NGOs dates back to 1997.

Madam President,
Ladies and Gentlemen,

So far I have focused on what has been done. What remains to be done should not be underestimated. I shall confine myself to four major points:

- Firstly, fundamental social rights. The European Council decided firstly that there was a need to draw up a Charter of Fundamental Rights and secondly that a meeting had to be held to draw up this Charter. In this context I would refer to the European Social Charter of 1961 and the 1989 Community Charter of Fundamental Social Rights for Workers. The preparatory meeting will involve MEPs, national parliamentarians and Commission and Government representatives. Representatives from the Court of Justice, the Committee of the Regions, and the Economic and Social Committee will also provide advice. Experts and delegates from civil society will be consulted. The European Council did not comment on the fact that the Charter had to be incorporated into the Treaty, but the value of fundamental rights which are not enshrined in the Treaty is debatable.

- Secondly, enlargement. The accession conditions and negotiations correctly focus specifically on the economic aspect, i.e. the internal market and free movement of goods, services, capital and labour, the Euro and EMU, agricultural policy and competition policy. The social dimension, including environmental protection, consumer protection, public health, education, development co-operation, etc. and the democratic framework are liable to be pushed into the background. We must take steps to underpin the social and ecological balance in Central and Eastern European countries. And we must ensure support for civil society in the CEECs.
- Thirdly, the IGC. The IGC should be structured so as to remedy the absurdities and the shortcomings of the Amsterdam Treaty, in particular the dilution of the unanimity rule, weighted voting at Council level and the structure of the Commission. The EP is clearly in favour of a maximalist approach rather than a minimalist one. The EP has, however, yet to adopt a Resolution on this area. And it is also clear that the IGC cannot be dealt with separately from enlargement. The existing Community set-up cannot cope with 28 members and a population of half a billion. The role of the NGOs in the EU must also be addressed. We must consider whether the charitable organisations, foundations and voluntary movements referred to in the Declarations should come under the Treaty as they stand, firstly to give them access to Community funds, and secondly for the purposes of consultation.
- Finally, European social policy. The campaign against poverty and precarious social conditions should, in European terms, not be confined to employment and social exclusion but should include social security issues. The European Union has concentrated to date on measures for workers, and on basic rights, recommendations, communications and reports on social security. A chapter on employment and an article on social exclusion have been incorporated into the Treaty; now is surely the time for social security to be included in the EU political priorities.

Madam President,
Ladies and gentlemen,

I would like to conclude by pointing out that in Dutch we translate “civil society” as “middenveld” (midfield), a term borrowed from the world of football. Now, I am no expert on football but I know that a team cannot score without a properly organised midfield. This also applies to society. If civil society is to make its mark in the European Union, it is not enough for the EU institutions to launch a civil dialogue. The partners must also be ready to get organised and to invest in civil dialogue.

In this context, I repeat the call contained in the EP’s resolution of 2 July 1998. And to stay with our football analogy, I am now kicking the ball back to the NGOs. If you regularly feed us accurate passes from the social “midfield”, we will try to outwit the Council goalkeeper and the Commission’s backs.

CLOSING STATEMENT

**by Ms Beatrice RANGONI MACHIAVELLI,
President of the European Economic and Social Committee**

First of all, I should like to thank you again for accepting our invitation and attending this First Convention of ours - but mostly of yours, since the theme is civil society organisations.

I offer you my apologies for coming to these conclusions without having had the chance to prepare a thorough and balanced synthesis of our proceedings, as I had intended. Human limitations are to blame.

Given the short time available, I shall only mention the points and aspects which seemed to me most worthy of attention.

Members of the press have asked me "*but why 'organised at European level'?*" The answer is easy: large numbers of consumers' associations, for instance, are active at national level. Most of them, however, are associated with the BEUC, which is in touch with the European institutions, informing them of consumers' views on all relevant subjects, so that they can be taken into account in final decisions. The same applies to farmers with COPA, ecologists with the EEB, trade unions with the ETUC, employers with UNICE, SMEs with UEAPME and the professions with CEPLIS; social NGOs also have their European platform - and the list is far from exhausted.

We are aware of being pioneers, with all the risks which that entails, and we want to look at ourselves critically, at our failure to involve civil society organisations sufficiently, despite our best intentions. A qualitative leap forward can now be made because, as Jacques Delors has said, the Committee is already able to play an interactive role vis-à-vis those elements of civil society which are not yet represented within it. He also advised us not to waste time wondering whether to set up a fourth group; in his view the Committee, with its experience and expertise in so many areas, can act as a reference point for civil society organisations.

President Delors also emphasised the importance of the challenge the Committee has set itself in seeking a way forward for European society, enabling civil society to assert itself and participative democracy to be strengthened by means of a new social contract.

We are grateful to the Vice-President of the European Commission, Ms Loyola de Palacio for her flattering and constructive words on the Committee. Above all, however, she has sent us a message, pointing out, in connection with Ms Sigmund's opinion, that "*the Economic and Social Committee sees itself as the appropriate institutional framework for responding to the expectations of civil society organisations. If the Convention agrees, I am prepared to speak up within the Commission in support of the Committee playing a more significant role as a forum for dialogue with civil society*". She went on to say that "*it would then be up to the Economic and Social Committee to decide how to respond to the other European*

institutions (Parliament, Council and Commission) in order to identify the needs of civil society organisations". The Committee could then become the catalyst for civil dialogue, supplementing social dialogue.

Looking back over the debates of the last two days, the statements made in our full sessions, the outcome of the workshops, and seeing so many of you here - even though it is Saturday - I am convinced we can reply to Vice-President de Palacio in the affirmative.

The Committee is ready to shoulder its responsibilities not only as a forum for dialogue with civil society organisations, but also as an institutional intermediary on behalf of the legitimate aspirations of European citizens, as voiced through the organisations representing them.

Practical proposals

An initial step might be to hold regular meetings with civil society organisations in order to review the implementation of programmes of common interest, to take joint initiatives and to discuss how to collaborate fruitfully.

We want to hear what you have to say in the debate on the guidelines for employment, and we are ready to meet with the NGOs and civil society associations of the applicant countries of central and eastern Europe and of all the other countries with which the EU maintains external relations.

We consider it our duty to build up a dialogue with the civil society organisations of those countries, not in order to impose our model, but simply because they represent the basis for the legitimate exercise of power or, more specifically, for:

- political democracy and the safeguarding of human rights;
- social justice in a free society;
- the involvement of citizens in the decision-making process.

This is where the project of a charter of fundamental EU rights comes in. Yesterday morning Ms Mönkäre, speaking on behalf of the Presidency-in-office, stated that there was no doubt that the Economic and Social Committee would make a valuable contribution to the process which was launched in Cologne and confirmed only hours ago in Tampere. That process also concerns the preparation of a "charter" which should guarantee citizens a Europe based on political, social and participative democracy. Civil society organisations can bind the European institutions to the general public, by means of grassroots dialogue. This interactive approach should be the starting point for drafting the charter of fundamental rights: a charter which should be at the heart of the institutional reform to be undertaken by the next IGC (in late 2000), and provide a constitutional foundation for European citizenship.

Since there are no rights without duties, no freedom without responsibility, we also have demands to make of civil society. First of all, a qualitative leap forward in promoting a culture of participation, something which we too must achieve. Next, the representativeness of civil society organisations must be boosted in qualitative rather than quantitative terms, reflecting as accurately as possible a highly complex and ever-changing European society. All this must be combined with an acceptance of responsibilities and of transparency, as many speakers have argued. Lastly, since there is no democracy without legitimacy, or legitimacy without consensus, we call on you to make a commitment to help lead European citizens to a clearer understanding of the importance of the European venture.

Without you, without your participation and your contribution, this First Convention on civil society organisations would not have happened. By the same token, we face a common challenge, and we must set out on the path ahead together. We know the road is strewn with obstacles and difficulties, but we are also aware of the scale and ambition of our goal - to work with the other European institutions, especially the European Parliament, to create a citizens' Europe based on freedom, responsibility, security, participation and solidarity.

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