



European Economic and Social Committee

SEMINAR

Organised civil society in the candidate countries and the future of Europe

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Round table 3

Participatory democracy and the role of the EESC

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"Economic and Social Council and civil society"

In a world where no institution is immune to change and crisis, the concept of civil society is arousing increasing interest, although it is seldom given a clear definition.

The Economic and Social Council, which represents a key swathe of civil society organisations, made its contribution to the debate in its statement published in 2000 entitled "*On the institutional representation of civil society*".

Taking the key points of this document as a starting point, I will begin by exploring in more detail the term "civil society" and the role it plays in the political arena, and then go on to describe the role played by the Economic and Social Council within the institutions of the French Republic.

I) CIVIL SOCIETY, A COMPLEX CONCEPT, SET TO PLAY AN EVER-GREATER ROLE IN THE POLITICAL ARENA

A) The concept of "civil society" encompasses diverse aspects

1) A three-step analysis of the term

- a) The linguistic root of the term reflects its wealth and complexity:
 - the word "society" refers to the concept of a group, a community, and the interaction between individuals associated by common interest;

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- the Latin word "civis" gives the adjective "civic", referring again to the public domain, as well as "civil", denoting the private domain of citizens, separate from the State.
- b) The term "civil society" is commonly understood to mean:
- **the totality of citizens** , in their various professional and social groupings that come together in a range of **organisations** to express their **will to participate**;
 - working together to attain objectives in the economic, social, cultural, educational, sport, humanitarian, civil or other spheres;
 - **not directly a part of the political and State set-up.**
- c) The term covers a plethora of groups, including in particular:
- the social partners and other organisations representing social and economic interest groups (social economy, liberal professions etc.);
 - associations set up to champion major causes, local causes, religious and philosophical bodies, often grouped together in federations.

2) Organised civil society

- a) This covers all bodies **set up on a voluntary basis** to express a common will to **form a group** united by their values or interests and to **organise themselves or act in accordance with a common objective.**
- b) This differs from **public opinion**, as it implies **initiative, commitment and responsibility** on the part of the individuals and groups constituting civil society.
- c) It implies a degree of **continuity**, unlike more **spontaneous and informal movements**, which often arise at a given moment to stimulate opinion by grouping together individuals associated by a common set of interests or to voice protest.

These groups are an **intrinsic** part of civil society but, since by their very nature they lack a legal structure, they do not always last. Some are gradually absorbed into the realm of organised civil society, others are not, but their work fuels the debates held in the institutions that represent them (hearings, meetings).

B) Civil society and the State: long thought of in France as irreconcilable opponents

1) A certain degree of **tension** has always existed between the State and civil society

- a) This is natural, since civil society is often manifested in **opposition** and as something of a **counterweight to the politico-administrative apparatus**, which constitutes another form of social representation through its institutions.
- b) In addition, the background in **France** is that:
 - the State played an instrumental role in the way the nation was organised and its development;
 - in the centralised model inherited from the French Revolution, the State is the guarantor of national sovereignty and solely responsible for defining the general interest;
 - the legitimacy and right of intermediary bodies to exist was denied under the Le Chapelier law and pressure groups were criticised for fragmenting the general interest.

2) However, this traditional approach has since been widely criticised.

- a) In line with the Anglo-Saxon approach, there is now broad agreement on all sides with the remarks made by political analyst P. Rosanvallon: no one has a monopoly on the public interest, it is no one's personal property.
- b) This is also echoed in the ongoing debates on:
 - **subsidiarity**, which paves the way for autonomous or devolved powers from the State to tackle the problems faced by citizens at grass roots level;
 - the **respective roles**, in defining social standards, of (i) **the law** and (ii) **contractual negotiations** by autonomous social partners.

3) This subject is also soliciting increasing interest at European level.

- in 1999, the EESC highlighted the importance of civil society in forming a European model of participatory democracy designed to "strengthen non-parliamentary democratic structures" and to promote the participation of socio-occupational and civil organisations in designing and implementing European policies;
- the Treaty of Nice (2001), which came into force on 1 March 2003, confirmed the role of the EESC to represent and voice the views of organised civil society in Member States;
- clarification of the methods for consulting civil society is underway in the current debate on reforming EU governance, which the EESC is involved in;

- a recent opinion of the French ESC called for work on civil dialogue to be extended and completed and for membership of the EESC various interests group to be reviewed.

C) civil society, complementing political structures to enrich democracy

1) Specifically

- a) The aim of political representation is to bring together conflicting interests, rank and **integrate** them in order to define the general interest, which can then serve as the basis of a legitimate political decision (in political science, this is known as the "**aggregative**" function).
- b) Conversely, socio-occupational representation:
 - does not necessarily attempt to synthesise conflicting interests, but rather to **take them on board in their diversity**;
 - provides a forum within the institutions of organised civil society, such as the French ESC, where conflicting interests can meet, express their views, address the issue and reach consensus.

2) The four roles of civil society organisations in democracy (vis-à-vis public authorities)

- a) Representation: providing that civil society is sufficiently represented, it can **raise the awareness of political bodies** and public opinion regarding the various **forces at large in society**, in a more exhaustive and accurate manner than **opinion polls**, which often reflect unstable and fickle opinions.
- b) To **monitor, anticipate** and **inform** in order to **promote public expectations**, often neglected by political and administrative authorities, by participating in ever-more levels of representation in order to further **permeate** democratic life.
- c) **Expertise**: in an increasingly complex and technical society, the skills and experience of these **grass roots** actors can prove valuable in **framing decisions** and **evaluating** policy.
- d) **Interface and collective education**: to act as an interface between citizens and economic and social actors and to provide useful information to political authorities:
 - by helping political and administrative authorities avoid the common risk of isolation;
 - by fostering understanding of decisions through public opinion;
 - by building bridges between social groups to prevent and resolve conflict.

Civil society can also play a part in helping democracy to take root, especially in countries with new or fragile forms of democracy:

- by promoting pluralism through the diversity of its members;
- by helping to train social groups, encouraging them to define their aspirations, finalise projects, hold meetings and develop associations;
- by promoting practical understanding of democratic values through specifically democratic methods of organising the internal structure of member associations.

3) These roles do not diminish in any way the role and legitimacy of political bodies:

- the parliament loses none of the legitimacy it gains from election;
- the State remains responsible for passing laws and in particular sets the guidelines for the activities of associations, protecting freedom and pluralism;
- it also fully retains the right to have the last say on a matter, even if it does not have the exclusive right to have the first say.

II) THE ECONOMIC AND SOCIAL COUNCIL, AN INSTITUTIONAL TOOL FOR CIVIL SOCIETY ORGANISATIONS TO MAKE A TANGIBLE CONTRIBUTION TO FORMING PUBLIC DECISIONS

The idea of institutional representation of civil society is not self-evident, since part of its value lies in its fluid, multi-faceted and spontaneous nature.

Nonetheless, it is clear that social movements must:

- be able to participate effectively in the decision-making process;
- by working together, avoid the risk of a simple clash of corporate interests.

The consultative role of institutions representing civil society in forming decisions must be further developed as it is a way of boosting the effectiveness and acceptance of such decisions.

A) The ESC: an independent institution representing the major civil society organisations

1) The **ESC's history** largely explains its status and role in French society

a) The ESC's origins lie in:

- a current of ideas which became popular in the mid-19th century and promoted organised representation of economic and social forces;
 - trade union demands following the first world war.
- b) **Its foundation texts** emphasise the **successive tasks assigned to the ESC** by the political sphere with regard to the development of society and the State:
- economic expertise: the National Economic Council which was set up by decree in 1925, at a time when such expertise barely existed;
 - settling social conflicts: the National Economic Council was granted this power under the law of 1936;
 - representing economic and social forces in a developing State: the 1946 Constitution, followed by that of 1958, created the ESC in its present form.

However, the Council has never been, as such, a place of redress, mediation or negotiation.

- c) The status of third constitutional assembly confirms the legislative and executive independence of the institution.

2) It is made up of representatives of the major civil society organisations:

- a) From the outset, the State made the **fundamental decision to include** representatives of **employers and employees**, but also of **other components** of civil society (e.g. families).
- b) Its structure, set out in an organic law, is as follows:
- 231 members, divided into 18 representation groups for a mandate of 5 years, representing numerous intermediary bodies of civil society: trade union organisations, employers' organisations, chambers of commerce, professional associations, organisations representing agriculture, crafts, trade, liberal professions, cooperatives and mutual societies, families, associations, etc.;
 - there are also 72 section members appointed for 2 years. These do not vote in plenary sessions, but act as experts to the sections.

3) The way in which ESC members are appointed promotes its independence from the political sphere and its close links with civil society organisations:

- a) 163 members out of 231 (i.e. three quarters) are appointed by socio-occupational organisations
 - 69 by trade union organisations representing public and private sector employees;
 - 65 by professional organisations representing private industrial companies, trade, crafts and agriculture, as well as the liberal professions;
 - 19 by cooperatives and mutual societies;
 - 10 by family associations.
- b) 68 further members are appointed by the government, including:
 - 17 proposed by competent consultative organisations for representatives of public enterprises (10), associations (5), French expatriates (2);
 - 9 following consultation with professional organisations that best represent the overseas territories;
 - 2 to represent savings and housing;
 - 40 people qualified in economic, social, scientific or cultural fields, appointed by decree in the Council of Ministers, which allows the government to appoint experts or organisations to the ESC which are not represented elsewhere (representatives of the CNRPA (retired persons), ATD Fourth World, Secours Populaire, etc.).

B) A constitutional assembly linking politics and civil society

1) A consultative assembly, given a three-fold mission by the Constitution

- a) A consultative assembly with general competence: a distinguishing feature of the EESC:
 - specialised councils, such as higher councils;
 - expert administrative bodies, such as the Commission for the National Plan, which work with the government and ministers.
- b) An institution given a three-fold mission by the Constitution:
 - to advise the government and help to draw up economic and social policy;
 - to help to inform parliamentary assemblies;

- to encourage collaboration between socio-occupational groups, whose interests, while differing at the outset, draw closer with the drafting of general interest proposals.

2) Referral methods which allow it to provide further information in the short term and a vision for the medium-term

a) Own-initiative

- the ESC **can take up** any issue falling into its competence on its own initiative. This power is **essential to its independence** ;
- it has to periodically publish **a report on the economic situation**

b) Government referral

- the government can submit to the ESC any economic and social matter or text (draft law or decree), if need be under a one month urgency procedure;
- it has to consult the ESC on the Plan and draft laws concerning public expenditure.

3) Relations with authorities, the media and other institutions

- a) After adoption, opinions, reports and studies are submitted to the Prime Minister, and a press conference is held.

The government is thus informed of the positions of socio-occupational organisations on the broad issues of economic and social policy. The texts submitted include the opinion adopted by the majority of the assembly as well as the declarations of each group expressing their approval and/or their differences.

- b) The ESC's opinion is forwarded to the Parliament's two assemblies, where the rapporteur can speak in the committee or the assembly.
- c) The ESC also has relations with the 29 overseas and mainland Regional ESCs, the EESC and with the sixty or so ESCs and similar institutions in the world.

C) Different bodies govern the operation of the ESC

1) Governing bodies: the Bureau and the President

- a) The President

The President, aided by two quaestors and a Secretary General, administers the ESC. The President is elected by the ESC Plenary Assembly, and directs its work. He convenes meetings of the Bureau, chairs its meetings and determines the agenda, as well as convening the plenary assemblies.

b) The Bureau

The Bureau is the executive body and is elected by the ESC Plenary Assembly for a period of two and a half years.

It is made up of the President and 18 members (one for each representation group), and allocates referrals among the different sections.

2) Working bodies

a) The plenary assembly

The 231 ESC members meet twice a month to vote on opinions on the basis of reports presented by the sections.

The Bureau draws up the agenda.

The ministers are informed of the opinions which concern them. They attend the Plenary Assembly and take part in the general debate.

b) The nine permanent sections

- these prepare studies and draft opinions, generally backed up by a report;
- they deal with a variety of issues: social affairs, work, finance, general economic problems/the state of the economy, regional economies and land use, standard of living, external relations, production, research and technology, agriculture and food;
- there is also a special Commission for the National Plan.

Debates are held in camera. This encourages a rapprochement of interests and the search for consensus by avoiding any playing to the gallery.

c) The ESC can also appoint other internal working bodies

Thus the Bureau set up the delegation on women's rights in 2000 and the delegation for the European Union in 2001.

3) An assembly open to the outside world, contributing to the democratic debate

a) Initial working stages

- the sections can examine experts in the areas discussed;
- they can also travel to meet grass-roots players.

b) Widely available work

- opinions and reports are presented at a press conference, generally the day before the plenary session;
- ESC considerations and proposals are intended primarily for the government, but are available to all citizens. Adopted opinions and reports are published in the Official Journal and are available on the Internet;
- the overview which emerges from this process is conveyed to the various civil society organisations and can help to make civil society flourish.

CONCLUSION

Thus the ESC is an institutional link between civil society and the political system, a place where the representatives of the major economic and social interest groups can express their differing views on an equal footing and help to guide political decision-making through the positions they take and the consensus they arrive at.

Democracy signifies the sovereignty of the people. Citizens exercise their sovereignty by electing representatives. However, society is not just an electorate faced with a choice between political parties at election time; citizens also have other faces.

There are many ways for an individual or a collective to take the floor, form opinions, show their agreement or disagreement, commit themselves, become involved in public life. An alert citizenry, actively involved in civic affairs, can only contribute to the legitimacy of political decisions.

Thus the participation of civil society in shaping public decisions strengthens democracy. This can be a real local democracy because citizens contribute towards it. Social democracy and political democracy together form a participatory democracy in which real sovereignty is exercised by the people.