

How to establish
an effective **dialogue**
between the **EU** and
civil society organisations



socialplatform



introduction. According to the first European Quality of Life Survey by Eurofound, 95% of Europeans participate in voluntary or informal organisations, or both¹. At a time when an increasing number of citizens are disengaging from formal political processes and feel distant from European politics (from a 63% turnout in 1979, the European Parliament was elected with only 43% of voters in 2009), these civil society organisations (CSOs) are a clear asset in ensuring that people are active in shaping their society.

The value of CSOs was recognised by the European Union in its renewed Lisbon Treaty under article 11², which considers participatory democracy as a fundamental democratic principle of the EU and proposes ways to organise dialogue with “representative associations and civil society”. While participatory democracy is about empowering individuals to engage in public debate in all aspects connected to their lives, civil dialogue is a concrete tool to strengthen the relationship between public decision makers and CSOs³, complementary to “social dialogue”⁴.

In the social field, CSOs were set up to fight for social justice, either by providing services for people in need (e.g. shelters or food banks), or by organising and channeling the voices of those that are often forgotten. Society is diverse, and some people are genuinely less heard than others, among them (but not limited to) women, people living with disabilities, gays and lesbians, migrants, children, young and older people and people living in poverty. These groups usually have less access to decision makers than well-resourced lobbies.

seven recommendations for European decision makers

- 1.** Establish an Inter-Institutional Agreement for civil dialogue at EU level
- 2.** Adopt practical guidelines for civil dialogue
- 3.** Establish a European Statute for European civil society organisations
- 4.** Establish cross-sectoral minimum standards for the Commission on funding for civil society organisations
- 5.** Establish clear responsibilities and leadership regarding civil society and civil dialogue, within each Directorate-General and in the college of commissioners
- 6.** Reform the European Economic and Social Committee
- 7.** Create a public and user-friendly database of European civil society organisations

CSOs do not currently take part in a structured dialogue like trade unions and employers organisations do (“social dialogue”). And yet, it is these groups who are directly affected by European decisions. To be better heard at EU level, grassroots associations have assembled into national coalitions or platforms, that then come together at European level in transnational networks like Social Platform.

Which infrastructures are necessary today to make this dialogue effective? How can people, via their associations, make their voices heard?

In the past decade, there have been only a handful of initiatives from the Commission on these issues⁵. In 2009 though, Members of the European Parliament gave a clear sign that initiatives should be drawn up by the Commission, when they adopted by an overwhelming majority the “Grabowska report” on civil dialogue.

In 2007, Social Platform – the largest coalition of social CSOs at EU level – underwent a two-year process to make concrete recommendations on how article 11 of the Lisbon Treaty could best be implemented. As part of this process, it organised in December 2009 a conference with 140 social activists from 24 European countries to further elaborate and discuss recommendations to EU decision makers and to themselves.

Consequently, this paper is divided into two parts: recommendations to decision makers to implement an effective dialogue with civil society networks, and recommendations to civil society organisations to be transparent and reliable partners.

seven recommendations for pan-European networks of civil society organisations active in the social sector

- 1.** Commit to transparency and good governance
- 2.** Promote diversity, inclusiveness and gender equality within the organisation’s structure and its policy activities
- 3.** Determine representativity criteria of social civil society actors
- 4.** Strengthen cooperation with the national level regarding European policy making
- 5.** Support national civil society organisations in their advocacy work
- 6.** Commit to ethical fundraising strategies
- 7.** Commit to be socially and environmentally responsible

1. Establish an Inter-Institutional Agreement for civil dialogue at EU level

Why?

- The Lisbon Treaty provides a legal basis for civil dialogue, and recognises it as distinct from “social dialogue” or lobbying practices . It also directs the responsibility for civil dialogue to all EU institutions (not just the Commission).
- The European Parliament has called for an Inter-Institutional Agreement that would ensure a systematic, coordinated and coherent dialogue between EU institutions and CSOs⁷.

How?

1. Consult with CSOs and draw up the Agreement.
2. Establish clearly the differences and complementarities between civil dialogue and “social dialogue”.
3. Base the Inter-Institutional Agreement on the EU Charter of Fundamental Rights and the values of the EU stated in the Lisbon Treaty.
4. Establish procedures and mechanisms to discuss and engage with CSOs for all EU institutions, including appropriate staffing and budgets.
5. Establish provisions that would make principles⁸ for an effective civil dialogue at EU level a reality (particularly as an obligation for transparency, responsiveness and feedback). This means considering how all CSOs can take part – not only European networks.
6. Ensure that any restriction to openness and dialogue is proportional and justified.
7. In the Inter-Institutional Agreement, include guidelines on how to organise the dialogue without being too formalised and restrictive.



2. Adopt practical guidelines for civil dialogue

Why?

- CSO networks often have members located in multiple member states. To make a meaningful input based on their grass-roots expertise, these organisations must be given sufficient time to consult with their membership and to structure their thinking internally.
- If CSOs do not know how and when to give input to a given process, or how their views will be taken on board, they will be reluctant to engage with European decision makers, which in turn harms the effectiveness of the process in the long-term.

How?

For all decision makers:

1. Establish civil dialogue as a permanent, regular and evolving process, involving clear objectives and appropriate actors.
2. Identify the target social groups that will be most affected by each policy. Proactively seek their engagement.
3. Establish a timeline and framework for dialogue, and identify possible outcomes.
4. Revise the minimum standards for consultation to expand their duration to 16 weeks.
5. Respect the freedom of association and of organisations to accept or decline to participate.

For the European Commission specifically:

1. Before the Commission decides on a 'community act' (e.g. policy recommendation, programme or directive), organise a structured dialogue with CSOs that have a stake in the issue, within a given time frame (e.g. three to six months) so they can make recommendations.
2. Ensure that this dialogue is included in the annual work programme of the Commission, with appropriate budget and staff.

For the European Parliament specifically:

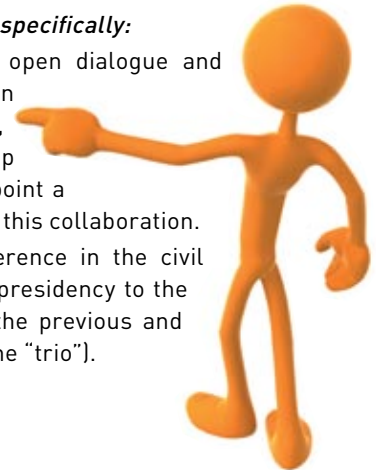
1. Ensure that relevant CSOs are informed in advance whenever a Committee drafts a report on a given issue, so they can submit their views in time to be considered for the draft.
2. In the "rule of procedures", include mechanisms for each committee to structure dialogue with civil society.
3. Establish clear rules on transparency and the representativity of civil society delegates in public hearings organised by Committees.

For the Council of the EU specifically:

1. In the Secretariat, appoint a permanent representative in charge of relations with civil society.
2. Develop – in cooperation with European networks – a strategy to engage CSOs with the Council.
3. Develop – in cooperation with European networks – means to improve access to information on Council activities and make it more transparent (e.g. a web portal, e-mail alerts, civil servants responsible for relations with CSOs in each configuration)

For the Presidencies of the EU specifically:

1. Develop a strategy for an open dialogue and collaboration with European CSOs in the preparation, implementation and follow-up of each presidency, and appoint a high-level official to develop this collaboration.
2. Ensure continuity and coherence in the civil dialogue process from one presidency to the next, by coordinating with the previous and forthcoming presidencies (the "trio").



3. Establish a European Statute for European civil society organisations

Why?

- There is currently no official 'European status' for European civil society actors; today, the only option for European CSOs to be legally recognised is to be registered nationally.
- The right to join in or to create an association at European level is a major element towards European citizenship. Such a statute would therefore encourage European citizenship in practice.
- Such a statute could cut red tape and simplify cross-border exchanges, for example by requiring new associations with activities across member states to register only once, without having to deal with different national statutes and legal obligations. It would favour transnational cooperation between active citizens.
- Such a statute would increase the transparency and improve the governance of CSOs, by obliging them to adhere to strict rules, particularly on funding and democratic governance.

How?

1. Consult with European CSOs regarding the statute itself, as well as the preliminary phases such as impact assessment and feasibility study.
2. Define the target (i.e. European CSOs) and scope of the statute with civil society actors themselves.
3. Together with civil society actors, assess the needs of CSOs and the challenges they face.
4. However, ensure that the Statute for European networks of CSOs does not hinder progress towards establishing a European Statute for Associations (the goal of the former is not to replace the latter, but instead to give recognition to European CSOs specifically).



4. Establish cross-sectoral minimum standards for the Commission on funding for civil society organisations

Why?

- In the Commission, funding for civil society is spread across several Directorates-General (DGs) with different rules and formats: either for projects at European or national level, for research activities, for civil dialogue, or for supporting CSOs. This makes it difficult for CSOs to understand the different standards that are applied to access funds.
- Civil society in Europe is active on several fronts – civil dialogue being only one of many – and each requires a different type of financial support, such as funding for dialogue itself, funding for local/cross-border projects, funding for research activities, funding for public services delivery and public investment in CSOs. This complex landscape can make it difficult for CSOs to understand the different standards applied to access funds.
- Due to delays arising from administrative burdens and strict co-funding requirements, it has become increasingly difficult, if not impossible, for European and national CSOs to apply for European funding. Funds are mainly awarded to private consultancy companies and/or public authorities that have the capacity to manage larger scale projects.
- To ensure a genuine democratic process, people facing exclusion and discrimination should also be able to participate in decision-making. Public investment in organisations that structure the voices of and support people in need, is therefore necessary.

How?

1. Consult and draft the minimum standards with an advisory group of civil society leaders.
2. Apply these standards to all DGs and programmes of the Commission.
3. Establish as a guiding principle the independence of the organisation: in no case should funding from an EU programme threaten the independence of associations and freedom of association.
4. Develop on-going mechanisms (e.g. an advisory group) to engage CSOs in defining criteria for the allocation of funding and in developing the financial regulations.
5. Establish a separate budget line to fund civil dialogue procedures. Ensure that it is kept separate from funding for CSOs, projects and research activities.
6. To ensure the transparency and publicity of funding systems, establish a dedicated website that lists available funding for CSOs.
7. For funding supporting CSOs, include provisions for funding on a mid- or long-term basis, covering operating costs (not only project costs) while respecting the independence of the organisation.
8. In consultation with CSOs, take initiatives to cut the 'red tape' for such organisations that are financed for projects, research, civil dialogue or for structural support, and include them as targets of the EU action programme for reducing administrative burdens in the EU.



5. Establish clear responsibilities and leadership regarding civil society and civil dialogue, within each Directorate-General and in the college of commissioners

Why?

- Political leadership within the college of commissioners on civil dialogue would ensure that the task of improving dialogue with active citizens receives the visibility and priority within the Commission that it deserves.
- At the same time, all DGs are responsible for holding dialogue with CSOs. A commissioner portfolio dedicated to civil dialogue and civil society empowerment should not result in channeling civil dialogue through a single commissioner, which would naturally limit its effectiveness.

How?

1. In the next college of commissioners, dedicate a president or vice-president of the Commission portfolio to promote and give visibility to civil dialogue and civil society development in the EU.
2. Dedicate appropriate staffing and budget to this issue.
3. In each DG, establish a civil society entry point/unit in charge of mainstreaming civil dialogue throughout the activities of that DG.
4. In each DG, establish mechanisms to hold dialogue with and support civil society, in line with recommendation 2 of this section.
5. Create a “task force” between DGs on civil society participation to increase coherence of approaches and raise awareness on practices used by each DG.



6. Reform the European Economic and Social Committee

Why?

- The Treaty of Nice states that “the EESC shall consist of representatives of the various economic and social components of organised civil society”. The core groups of the EESC represent employers and employees, and already have a specific process to input in decision making thanks to the formally recognised “social dialogue”. At the same time, civil society at EU level does not have a space to debate and exchange views.
- Representatives of the EESC are appointed by member states, and not by their constituencies, which contradicts basic democratic principles.

How?

1. When reforming the EESC, negotiate with member states to ensure that CSOs are better represented in group III of the EESC.
2. Ensure that member states appoint representatives of CSOs based on the suggestions of and in collaboration with national organisations (platforms, networks, etc.)
3. Regularly involve thematic European platforms and networks to contribute to the work of the EESC.



7. Create a public and user-friendly database of European civil society organisations

Why?

- As reported in the European Parliament resolution⁹ on civil dialogue, it is often difficult for decision makers to identify who civil society actors actually are. Indeed, some industries have also tried to set up their own 'civil society organisations', which further obscures the civil society landscape.

Consequently, in the civil dialogue process decision makers run the risk of speaking to the wrong party when looking for expertise on a given issue. This can distort the process as referred to in the Lisbon Treaty.

How?

1. Use the criteria defined by civil society itself to define European CSOs.
2. Establish a user-friendly, transparent and public database, in the form of a dedicated website, to be used by EU institutions and the public.



Footnotes

- (1) European Foundation for the Improvement of Living and Working Conditions, First European Quality of Life Survey: Participation in civil society, 2006
- (2) See full Article in the Toolbox section
- (3) See definitions in the Toolbox section
- (4) Articles 138-139 of the EC Treaty
- (5) The Commission's 'Plan D' initiative on communication (2005), its minimum standards for consultation (2002), a White Paper on governance (2001) and a Commission discussion paper on partnership with CSOs (2000).
- (6) See full Article in the Toolbox section
- (7) European Parliament report on developing civil dialogue under the Lisbon Treaty (January 13, 2009)
- (8) See "Checklist for effective civil dialogue" in the Toolbox section
- (9) European Parliament report on developing civil dialogue under the Lisbon Treaty (January 13, 2009)

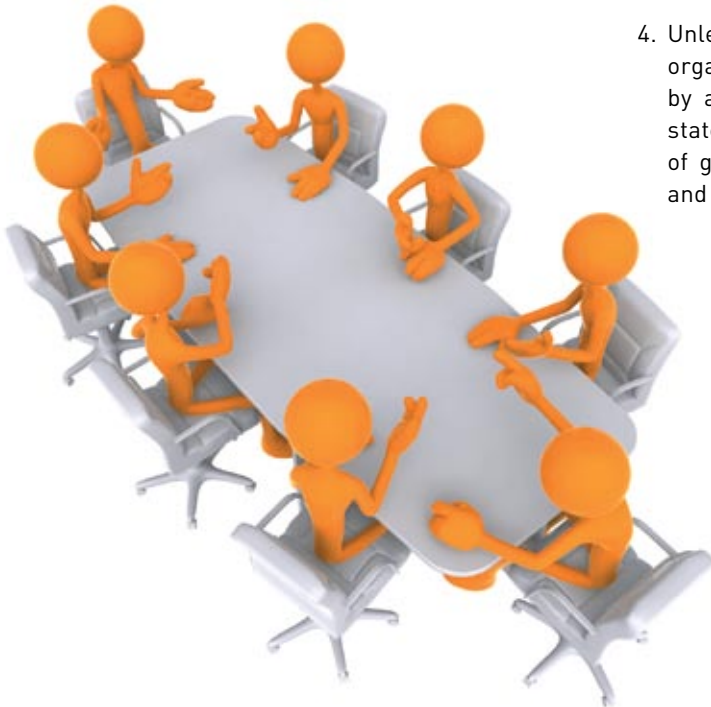
1. Commit to transparency and good governance

Why?

- Because of their role in society and decision-making, CSOs must apply strict transparency standards to ensure they are fully accountable to both their members and society at large for their actions and achievements.
- As CSOs often use public money to develop programmes and provide services, they should show how this money is spent.

How?

1. Apply transparency and good governance standards to internal structures, relations with members, activities, mission, projects, sources of funding and expenditures.
2. Establish an audit system to monitor the implementation of the above standards.
3. Agree on ways (e.g. clear written procedures) to address potential conflicts of interest within the Board and within the membership.
4. Unless it is explicitly not applicable to the organisation, establish as a guiding principle (e.g. by amending statutes, internal rules or mission statement) that the organisation will be independent of governments, EU institutions, political parties and the business sector.



2. Promote diversity, inclusiveness and gender equality within the organisation's structure and its policy activities

Why?

- Social CSOs must put into practice what they are advocating, within the constraints and specificities they face (i.e. limited resources and a specific constituency)
- The most excluded people are those that haven't yet been reached, and are outside any social networks. Therefore, social CSOs must seek to go beyond their remit and pro-actively allow for people that are not yet part of a social network, or not yet visible, to be included.

How?

1. Unless it's explicitly not applicable to the organisation and justified, work towards a better gender balance within the statutory bodies of the organisation and the staff.
2. Commit to promote and strengthen the geographical representation of *all* regions of Europe in the committees/working groups and statutory bodies (e.g. management committee, general assembly) of European CSOs.
3. Unless it's explicitly not applicable to the organisation and justified, establish policies to promote diversity within the staff and the statutory bodies of the organisation.
4. Establish policies and strategies to actively seek engagement of the most excluded in society.
5. Engage in this debate with member organisations to further disseminate good practice.



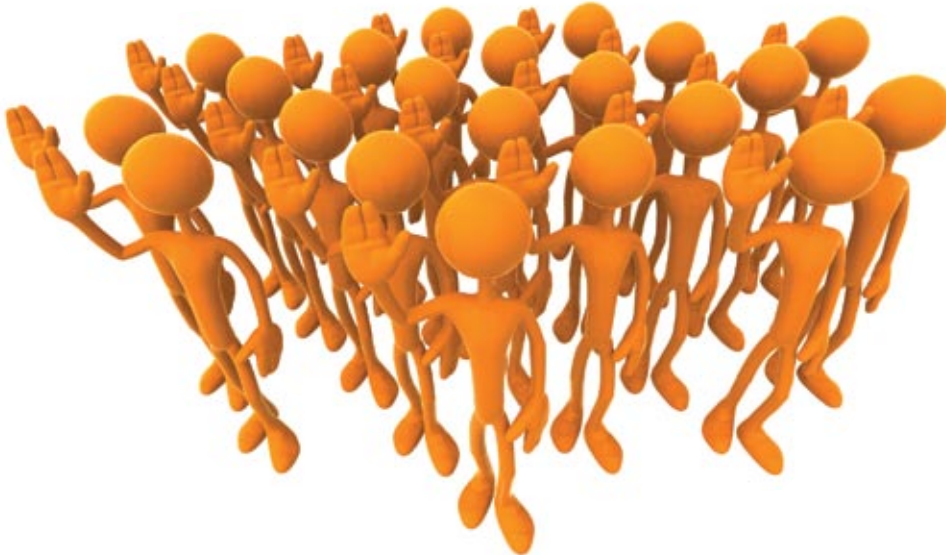
3. Determine representativity criteria of social civil society actors

Why?

- As reported in the European Parliament resolution¹⁰ on civil dialogue, it is often difficult for decision makers to identify who civil society actors actually are.
- For a constructive civil dialogue to happen, it is important to determine precisely who or what the organisation represents (e.g. themes or members). This needs to be clarified by actors themselves.
- Representativity arises also from the active involvement and participation of member organisations and/or individual members.

How?

1. Within the framework of the EU Civil Society Contact Group¹¹ define what representativity means and the criteria to assess it¹².
2. Participate with EU decision makers to create a database of European CSOs, as outlined in this document (recommendation 7 for European decision makers).
3. Develop a communication strategy to better explain why civil society work is important, and the role of civil society actors to improve the understanding of civil society, with tools such as FAQs, briefings and training sessions.



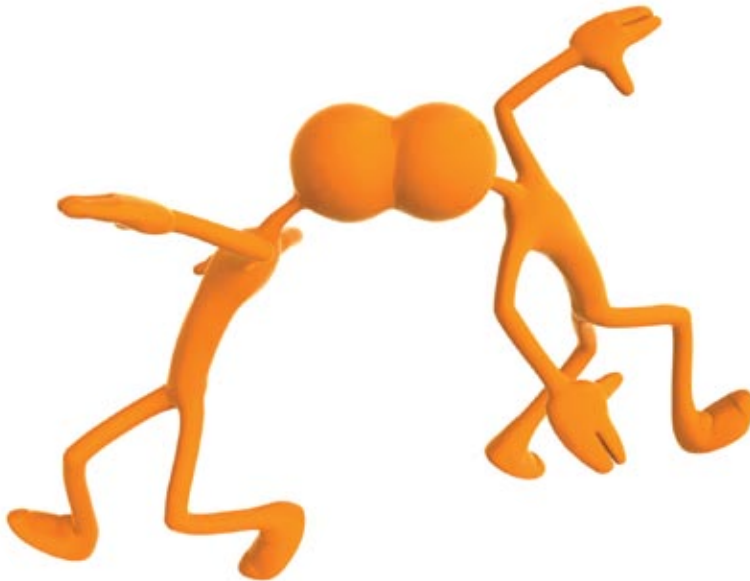
4. Strengthen cooperation with the national level regarding European policy making

Why?

- Debates on European policy making at national level are not yet sufficiently developed, including within CSOs. People feel that Europe is still far away from their world. This is clearly a key concern for European CSOs.
- A shared approach could support national organisations to reach local ones and enhance debate on European issues at a grassroots level.

How?

1. Establish a clear strategy to strengthen links with national, regional and/or local members, for example by developing mechanisms to try to overcome the language problem.
2. Facilitate the presence and involvement of member organisations at European level.
3. Empower member organisations to make effective use of European tools (e.g. the Open Method of Coordination, structural funds) at national, regional and local levels, via training sessions and peer-to-peer learning.



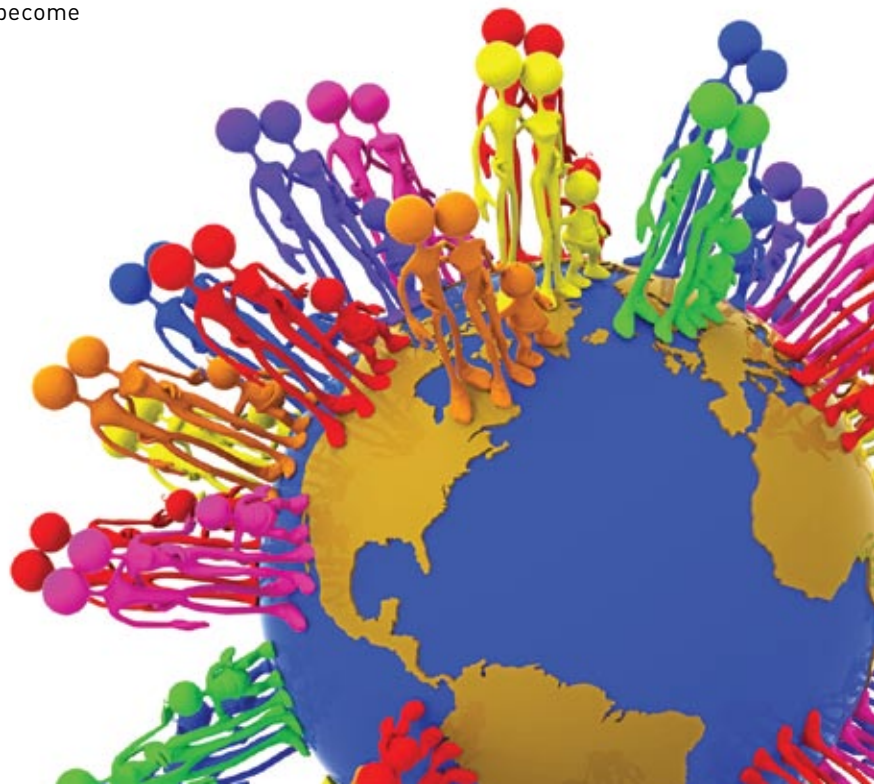
5. Support national civil society organisations in their advocacy work

Why?

- The strength of European organisations depends on the strength of their members. If these organisations are not recognised and valued at national level, it is likely that their involvement at EU level will be diminished.
- Advocacy depends on whether the organisation can find funding for this task on top of its daily activities, and find appropriate legislative and political support. Very often, this is still missing.
- There is therefore a role for European networks to empower national organisations not yet equipped with the relevant policy framework to become efficient watchdogs at national level.

How?

1. Facilitate the transfer of expertise and knowledge from one national organisation to another (at the national level).
2. Facilitate and strengthen lobbying of member organisations at EU and national levels.



6. Commit to ethical fundraising strategies

Why?

- CSOs at EU level have a societal role, channelling voices, acting as a watchdog, creating social capital and supporting the creation of a genuine European democratic public sphere. They therefore need to ensure that their funders in no way hinder their independence or contradict the values they promote.

How?

1. Establish clear principles for fundraising in cooperation with environmental, human rights and health CSOs.
2. Check that corporate funders (including their parent companies) respect human rights and labour law.



7. Commit to be socially and environmentally responsible

Why?

- Social CSOs at EU level campaign for a more sustainable development that respects social and human rights and fights against climate change. Since all have a role to play, they should put into action what they advocate for, within the constraints of the organisations.

How?

1. Ensure that both employment and internships are of quality.
2. Monitor and review energy efficiency within the office.
3. Reduce travel and use environmentally-friendly methods of communication and transport when possible.
4. Create a debate with member organisations on how sustainable development can be brought into the development of the organisation, and share good/bad practices.



Footnotes

- (10) European Parliament report on developing civil dialogue under the Lisbon Treaty (January 13, 2009)
- (11) The EU Civil Society Contact Group (www.act4europe.org) brings together eight large rights and value-based NGO sectors: culture, environment, education, development, human rights, public health, social and women.
- (12) Social Platform has already defined strict representativity criteria for organisations to join it as a member. The follow excerpt from our statutes could be used as a reference when defining such criteria:
- “The network or federation must be composed of organisations (not individuals) in at least the absolute majority of the EU Member States. The network or federation must be established as a not-for-profit and non-governmental organisation in one of the EU Member States. The majority of the organisation’s membership must themselves be legally established, not-for-profit and non-governmental. The network or federation must be active in the social sector, working to promote the general interest and contributing to social cohesion. The network or federation must demonstrate its representativity and that it is structured and managed in a democratic way, it is run by an elected body, whose decisions and membership must not be subject to approval by any extraneous body.”*
- (13) Eurobarometer Study 71, European Commission, September 2009

Definitions

Participatory democracy is a societal model that seeks to extend the sphere of participation and people's power to take decisions for themselves beyond traditional policymaking. Its primary objective is to engage all people in the fabric of society, and ultimately promote social cohesion, solidarity and social justice, creating a better quality of life for everyone.

Participatory democracy is complementary to representative democracy and does not replace it. In a democracy, elections are the primary institution for active political participation.

Civil dialogue is a tool of participatory democracy. It defines the relationship between public decision makers and organised civil society. Its ultimate objective is to reach decisions that are closer to the general interest and that improve decision-making. To achieve this, civil dialogue aims to put forward the views and needs of organised civil society, particularly the voice of those excluded from 'official' political arena.

The CSO involvement scale:

Civil society organisations can use the scale below as a tool to assess the quality of their relationships with decision makers.



Developed by Social Platform and Professor Jonathan Zeitlin

- 1** Exclusion
- 0** Indifference
- 1** One-way dissemination of information: Public authorities provide information
- 2** Consultation: Public authorities tell civil society what happens, and ask for feedback. A two-way information channel
- 3** Dialogue: Both public authorities and civil society are able to set the agenda, and public authorities may respond to the concerns advanced by civil society
- 4** Participation: More than just consultation, ideas put forward by civil society are incorporated into policy design, documents, and programs
- 5** Partnership: The final stage; a strong term denoting that civil society is taken in as a partner, and plays a real role in: co-decision, co-design, co-production, and possibly co-administration

Except for exclusion and indifference, the other steps can be legitimate depending on the circumstances: partnerships are not always desirable, especially for civil society that see their primary role as protesting.

This scale of involvement can/should take place at all stages of the policy cycle: agenda setting, policy definition/decision-making, implementation, evaluation and reformulation.

Checklist for effective civil dialogue

While participatory democracy and democratic infrastructures are the overarching framework, a meaningful civil dialogue requires the following elements:

a. Accountability and responsiveness

Civil dialogue procedures must be accountable to all those involved. This requires proper feedback structures for all participants. The participants are entitled to know what happens with the input they provide.

b. The political will and openness to make a difference

The purpose of civil dialogue is to improve decision making. In this respect, there must be an access to decision making arenas, and an openness and commitment of public authorities to share power and ultimately to take into account the results of civil dialogue in their decisions. The results of a proper civil dialogue must be enforceable. Consulting civil society when the decision is already taken ultimately backfires on public institutions as it can cast shadows on their openness.

c. Transparency and clarity

For an effective civil dialogue to occur, information and documents must be publicly accessible and both parties should be as transparent as possible. In addition, both the expected outcome and the scope for change should be made clear to participants, so that they can choose not to participate if it is estimated that they would not reach their ultimate goal by participating in a given process.

d. Equality and inclusiveness

Not all people are equal and have equal resources to participate, and the same goes for organisations. For a participatory process to be democratic, the disengaged and the voiceless must be actively empowered and

receive specific attention. This also means adapting the means and methods of dialogue to all groups (including disabled, immigrants and children)

e. Sustainability and structures

Civil dialogue is not a one-off and should be a regular and on-going process. Participants must be given time to structure their thinking internally and to consult with their membership. In order to be effective, such a process requires appropriate human and financial resources. Civil dialogue procedures must also be clear and time-bound, with identified and agreed outcomes and targets. In other words, the process needs to be adequately planned ahead by the partners.

f. A recognition of the role of CSOs

The role of civil society as partners in civil dialogue needs to be formally recognised, protected and supported, through a variety of policy measures such as funding schemes, statutes or laws.

g. An on-going process, with involvement at all stages of decision-making

A policy process does not end when a recommendation becomes law. The implementation of such a provision is equally important. Civil society is an important player in implementing policy measures and monitoring its effectiveness. Organised civil society must be included at all stages of decision making: agenda setting, policy definition/decision-making, implementation, evaluation, and reformulation.

Article 11 of the Treaty of the European Union, as modified by the Treaty of Lisbon

1. The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union act.
2. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.
3. The European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent.
4. Not less than one million citizens who are national of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties."

SOCIAL PLATFORM MEMBERS



This Common Position was adopted by the Steering Group of Social Platform on June 11, 2009.

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Social Platform is the largest civil society alliance fighting for social justice and participatory democracy in Europe. Consisting of 42 pan-European networks of NGOs, Social Platform campaigns to ensure that EU policies are developed in partnership with the people they affect, respecting fundamental rights, promoting solidarity and improving lives.

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