THE ROLE OF NGOs IN EUROPEAN GOVERNANCE

Lecturer PhD. student Ciprian UNGUREANU " tefan cel Mare" University of Suceava, Romania <u>ciprianu@seap.usv.ro</u> Lecturer PhD student Nicoleta IONESCU FLOREA " tefan cel Mare" University of Suceava, Romania <u>dumitritai@seap.usv.ro</u> Lecturer PhD. student Gabriela NEGRU " tefan cel Mare" University of Suceava, Romania <u>gabrielan@seap.usv.ro</u>

Abstract:

The partnership between the European Commission and non-governmental organisations from various fields has significantly improved in the past few years. Diversity best defines the NGO sector, as it features organisations with a wide variety of objectives. Therefore, the strengthening of the relationship between these organisations and the European Commission could help achieve those objectives and benefit both parties. Thus, in order to do that, discussions must never cease, as these negotiations complete the institutional process of drafting European policies.

Keywords: NGO, European Commission, programme management, government, resources.

JEL Classifiaction: L31

INTRODUCTION

Over the last two decades, the partnership between the European Commission and NGOs has expanded on all fronts. This intensification has covered a range of issues, from policy dialogue and policy delivery, to project and programme management, both within the EU and in its partner countries. It results from a number of interwoven factors, related both to changes and developments within the EU institutions themselves, as well as to developments within the NGO Community. As the European Commission has acquired additional responsibilities in a number of new policy areas, this has been matched by an ever-increasing number of NGOs operating within and outside Europe and a widening in the scope of their work. This trend can be seen in the increasing number of national NGOs creating or joining European associations and networks often based in Brussels. With the enlargement of the EU on the not too distant horizon, and the increased public scrutiny of EU affairs, there is no reason to believe that this process will slow down, rather the contrary(1). Although the Commission's current practice clearly proves its willingness to maintain and strengthen its partnership with NGOs, the structures and procedures involved have not kept up with this. The Commission has therefore contributed substantially to matching the support of the members of the European public given to NGOs and thus highlighting the continued importance of high levels of public support for the role of NGOs. However, the complexity of EC policies as well as the growing number of regulations and funding sources (budget lines) coupled with recent financial security problems have created a great deal of uncertainty for NGOs about co-operation with the Commission. Both the Commission and the NGOs wish to put the relationship on a new footing.

1. THE ROLE OF NGOS IN EUROPEAN ADMINISTRATIVE SYSTEM

The context to this initiative is recognition on the NGO side that many policy areas are now being decided at European level as well as the increase in funding available to NGOs from the European Union. A new Commission committed to change and reform, means the time is right for a new initiative(2).

The Commission has recently launched a far-reaching process of administrative reform which includes among its aims a more service-oriented behaviour and an improvement in the management culture of the Institution. A greater effort will be made to increase transparency and accountability to principal interlocutors as well as improving efficiency for instance by speeding up payments to all beneficiaries. The purpose of this paper is two-fold. First of all, it aims to give an overview of the existing relationships between the Commission and NGOs including some current problems. Secondly, it aims to suggest possible ways to develop these relationships by considering the measures needed to improve and strengthen the existing relationship between the Commission and the NGOs(3).

The NGO-sector has often been described as extremely diverse, heterogeneous and populated by organisations with hugely varied goals, structure and motivations. It is therefore not an easy task to find a common definition of the term "non-governmental organisation". It cannot be based on a legal definition given the wide variations in laws relating to NGO activities, according to which an NGO may have, for instance, the legal status of a charity, non-profit association or a foundation(4). The term "NGO" can nevertheless be used as shorthand to refer to a range of organisations that normally share the following characteristic: NGOs are not created to generate personal profit. Although they may have paid employees and engage in revenue-generating activities they do not distribute profits or surpluses to members or management; NGOs are voluntary. This means that they are formed voluntarily and that there is usually an element of voluntary participation in the organisation; NGOs are distinguished from informal or ad hoc groups by having some degree of formal or institutional existence. Usually, NGOs have formal statutes or other governing document setting out their mission, objectives and scope. They are accountable to their members and donors; Operational NGOs contribute to the delivery of services (such as in the field of welfare), whereas the primary aim of advocacy NGOs is to influence the policies of public authorities and public opinion in general. In a broader sense, trade unions and business or professional organisations might also be considered to be non-governmental organizations(5). The present document, however, deals primarily with organisations active in the so-called "Third Sector", i.e. in the nongovernmental and non-economic field. Nevertheless it goes without saying that the approach to consultation processes proposed in this document should be used as a model for other categories of organisations, in so far as these consultations do not take place under a specific framework.

Increasingly NGOs are recognised as a significant component of civil society and as providing valuable support for a democratic system of government. Governments and international organisations are taking more notice of them and involving them in the policy- and decision-making process. This is of particular relevance in the context of enlargement(6). According to the so-called Copenhagen criteria, membership in the EU requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. NGOs can make an important contribution to the development of democracy and civil society in the candidate countries. Developing and consolidating democracy is also the Community's general policy objective in its co-operation with developing countries and goes therefore far beyond the enlargement process. Partnerships with local NGOs in developing countries are particularly significant in this regard. The role of NGOs in representing the views to the European Institutions of specific groups of citizens (such as people with disabilities, ethnic minorities) or on specific issues (such as the environment, animal welfare, world trade). In particular, many NGOs have an ability to reach the poorest and most disadvantaged and to provide a voice for those not sufficiently heard through other channels. In the European context, NGOs perform this role not only in relation to the Commission, but also the European Parliament, the Economic and Social Committee, the Committee of the Regions and the Council. Their involvement in policy shaping and policy implementation helps to win public acceptance for the EU. In some cases, they can act as a balance to the activities and opinions of other interests in society(7).

2. THE RELATIONSHIP BETWEEN COMMISSION AND NGOS

The specific expertise that NGOs can contribute to policy discussions. Through their links at local, regional, national and European level, NGOs can provide expert input for EU policymaking. In particular, they can provide feedback on the success or otherwise of specific policies thereby contributing to the Commission's task of defining and implementing policies by fully taking into account its overall public policy responsibility. The specific expertise that NGOs can contribute to managing, monitoring and evaluating projects financed by the EU(8). The contribution of NGOs is particularly important in tackling social exclusion and discrimination, protecting the natural environment, and the provision of humanitarian and development aid. The expertise and dedication of NGO staff and their willingness to work under difficult operational conditions mean that NGOs are vital partners for the Commission both within the EU and beyond. By encouraging national NGOs to work together to achieve common goals, the European NGO networks are making an important contribution to the formation of a "European public opinion" usually seen as a prerequisite to the establishment of a true European political entity. At the same time this also contributes to promoting European integration in a practical way and often at grassroots level. Moreover, the ability of European NGO associations and networks to channel and focus the views of the various national NGOs is very useful for the Commission. Therefore, strengthening the relationship between the Commission and NGOs can help both parties to be more successful in achieving their respective goals. At the same time, the Commission will need to recognise and support the development and independence of the NGO sector. The various aspects of the Commission's current relationship with NGOs can be summarized as follows:

 \checkmark Fostering the development of civil dialogue and civil society at the European level and the strengthening of civil society as an objective in co-operation programmes with nonmember countries;

 \checkmark NGOs as information relays. European NGOs and their networks and national members, can serve as additional channels for the Commission to ensure that information on the European Union and EU policies reaches a wide audience of people concerned by and affected by its policies;

 \checkmark Funding of NGO-led activities, within the Community and abroad, which are coherent with and contribute to the implementation of EC policies. These programmes are characterized by a high degree of NGO ownership of the actions financed;

NGOs as actors implementing Community programmes and projects, in particular in the field of non-member countries co-operation. In these cases, NGOs have been chosen as partners because of their specificity coupled with their expertise and technical capacity. The following problems are listed here as examples of areas where co-operation between the Commission and NGOs could usefully be improved(9).

Co-operation with NGOs is organised by policy areas (environment, social affairs, humanitarian and development aid, trade etc) implying considerable differences in the relationship between NGOs and the Commission from one sector to another with regard to access to information, the way dialogue and consultation is organised and the availability of core-funding. While recognising the specificity of different sectors, most NGOs feel that there should be a greater effort at a coherent Commission-wide approach.

There is a lack of sufficient information for NGOs in particular on funding and financial procedures. Better guidance on application procedures and more comprehensible application forms would be much appreciated. The NGO sector is a dynamic one which is constantly evolving. Commission departments often find it difficult to follow this evolution. In particular they lack adequate information on the various NGOs with which they come into contact. Internal Commission procedures are often complex. Although the NGOs have on the whole welcomed the Commission's Vade-mecum on Grant Management as providing clear rules, they are concerned that emphasis on financial rigor will place an increasing burden on NGOs applying for funding(10).

As part of its overall policy on transparency, the Commission should provide better information for NGOs and improve communication with them as a means of building a true partnership. Some of the consequences of the current situation are considerable delays in handling applications, ill-adapted procedures particularly for dealing with small projects and a breakdown in confidence. Whilst for its part the Commission recognises that it must improve and strengthen its relationship with NGOs, the NGOs themselves must also recognise their own responsibilities in making that relationship work. Each side should be able to acknowledge and take into account the priorities and realities of the other. This does not, of course, exclude frank discussions or even differences of opinion.

In the area of policy dialogue, the Commission has to discharge its inter-institutional responsibilities in this area, as well as offering, within these boundaries, dialogue and consultation to the NGOs as representatives of civil society. The NGO Community must recognise and take into account this formal institutional set-up. Other obligations might relate to representativity, proper communication of information to member organisations and respecting the confidentiality of Community information where required. Regarding funding, the NGOs must accept, for example, that there will always be a legitimate need for the Commission to impose certain conditions and controls to safeguard community funds. NGOs have a duty to demonstrate that they have the expertise, management systems and internal quality control systems appropriate to the work they are undertaking in behalf of the Commission. Dialogue and consultation between NGOs and the Commission have to be seen in the framework of the democratic decision-making process of the European institutions. Many European institutions, and in particular the European Parliament, the Economic and Social Committee, and the Committee of the Regions have a strong tradition of close contacts with NGOs. The specific value of these consultations derives notably from the Commission's right of initiative. Timely consultation with all stakeholders at an early stage of policy-shaping is increasingly part of the Commission's practice of consulting widely, in particular before proposing legislation, to improve policy design and to increase efficacy. It should be noted that in June 1998, the European Community signed the UN/ECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, the so-called "Aarhus Convention". By signing the Convention, the European Community demonstrated its commitment at international level to increased transparency and openness as well as to ensuring adequate consultation of the public in the process of shaping EC environmental policy. Ratification by the EC of the The Environment Directorate General also organises a twiceyearly "EU and Candidate Countries NGO Dialogue on Accession". A good example of the value of a horizontal approach was the seminar which was hosted by the Commission in November 1998 to present the Vade-mecum on grant management to some 200 representatives of Brussels-based NGOs. Representatives of four NGO "families" (environment, social affairs, development aid and human rights) participated actively in the seminar. Representatives of the same four NGO "families" are in regular contact with the Grant Management Network on the implementation of the Vade-mecum. The steering group sees the current informal co-operation as useful and wishes it to continue. Where there is a political/formal commitment to consult an NGO or grouping of NGOs on a particular issue, during the decision-making process. Also, where NGOs participate as members or observers in advisory groups / consultative committees with defined procedures. It is important for NGOs and groupings of NGOs to be democratic and transparent as regards their membership and claims to representativeness (11). In this context, the European Commission encourages organisations to work together in common associations and networks at the European level since such organisations considerably facilitate the efficiency of the consultation process. However, for the consultation process to take place via such associations and networks, these organisations need to ensure that their structures are representative, in particular regarding their roots in the different Member States of the European Union.

The Commission adheres to the principle of open government, and therefore feels it necessary to establish a number of clear guiding principles to ensure that systematic and regular consultations with NGOs are also meaningful, efficient and conducted in a transparent manner. In order to be mutually beneficial, dialogue and consultations require first and foremost proper planning and a high level of commitment by all participants throughout the process. The Commission therefore wishes to develop a framework of principles for creating a more structured dialogue with NGOs. This process should lead to a set of recommendations identifying best practice in consultation, which would be addressed to all Commission departments. The following issues could be considered in this context, though they remain open to further debate with the Commission's NGO partners, whose own views on the best ways to improve the dialogue with the Commission will be important: how best to define the scope and nature of the dialogue or consultation and to ensuring adequate publicity; how to provide adequate background information in good time so that NGOs can consult their own members properly (thereby helping to ensure the quality and representativeness of the NGO input), and in a language and style accessible to the NGO audience; how best to bring the opinions voiced by the NGOs to the attention of the relevant Commission department/officials and to ensure, where possible, that NGOs receive appropriate feedback on how their contributions and opinions have affected the eventual policy decision, thereby making the relationship a real dialogue; what are the most appropriate means (the Internet, (e-mail) mailing lists and newsletters) to give wide publicity to the whole consultation process; how to set jointly the agenda of any consultation process. The need for adequate Commission resources (staff) in order to provide the necessary assistance in the organisation, running and the follow-up of any dialogue consultation procedure, whether eliciting NGO views on a Green Paper or a Discussion Paper, or the organisation of meetings; How best to select the NGOs to be included in the various consultation processes In some sectors the Commission's should have its own objective and pre-established criteria and reasons for selecting the NGOs for the purpose of dialogue or consultation procedures. These could include the following:

- Their structure and membership.
- The transparency of their organisation and the way they work.
- Previous participation in committees and working groups.
- Their track record as regards competence to advise in a specific field.

- Their capacity to work as a catalyst for exchange of information and opinions between the Commission and the citizens. It should be borne in mind that selection by the Commission of its interlocutors according to such criteria may not be feasible or appropriate in each area of Commission's activities. Self selection by the NGO Community, through the appointment of representatives and the setting up of networks or platforms can be a useful alternative. In practice greater transparency means providing more information on how the Commission selects and has selected its partners for regular consultation, what consultative groups exist, their composition and some details about the NGOs participating. Where it is the NGO community that nominates interlocutors for dialogue with the Commission, the NGO associations and networks should provide information on the criteria and reasons for selecting these NGOs.

CONCLUSIONS

The Commission recognises the need to establish a more coherent approach to its relations with NGOs by maintaining and building on existing "good practice" in different sectors. **The European Un**ion has a supranational governance structure, which means it is able to make decisions without the unanimous agreement of national governments. To address the criticism concerning its democratic deficit, the different EU institutions have included NGOs in the policy making process. With their expertise and representative member base, NGOs can provide valuable input and help legitimize the decision-making process within the EU. NGOs have played an important role in developing European policy. Since the early 1990's, they have built coalitions with national and regional governments, industry, other interest groups and members of the European parliament as well as the European Commission. Lobbying generally favors big NGOs with enough resources to provide robust facts and scientifically based evidence in their advocacy work.

ENDNOTES:

(1) Porter, Gareth. 2000. Global Environmental Politics. Boulder, CO: Westview Press.

(2) European Commission (1993), An Open and Structured Dialogue between the Commission and Special Interest Groups, Brussels.

(3) Doyle M. – Sambanis N. (2000), International Peacebuilding: A Theoretical and Quantitative Analysis, in "The American Political Science Review"

(4) European Commission (2000), The Commission and the non-governmental organizations: building a stronger partnership

(5) European Council (2008), Presidency Report on ESDP, 10415/08, 16 June 2006. Wallace H. – Wallace W. (1996), Policy-making in the European Union, Oxford, Oxford Univ. Press.

(6) Nichols, Philip. 1996. "Extension of Standing in World Trade Organization Disputes to Nongovernment Parties." University of Pennsylvania Journal of International Economic Law

(7) Bulmer S. J, (1983), Domestic Politics and European Community Policy-Making, in "Journal of Common Market Studies"

(8) Attinà Fulvio (2007), The European Security Partnership: a comparative analysis, in Foradori P., Rosa P., and Scartezzini R., eds. (2007), Managing multi-level foreign policy. The EU in international affairs, Lanham, Lexington Books.

(9) European Council (2008), Presidency Report on ESDP, 10415/08, 16 June 2006. Wallace H. – Wallace W. (1996), Policy-making in the European Union, Oxford, Oxford Univ. Press.

(10) European Commission (2001), Towards a reinforced culture of consultation and dialogue - General principles and minimum standards for consultation of interested parties by the Commission, Brussels

(11) Wallace H. – Wallace W. (1996), Policy-making in the European Union, Oxford, Oxford Univ. Press.

BIBLIOGRAPHY

- 1. Attinà Fulvio (2007), *The European Security Partnership: a comparative analysis*, in Foradori P., Rosa P., and Scartezzini R., eds. (2007), *Managing multi-level foreign policy*. *The EU in international affairs*, Lanham, Lexington Books
- 2. Bulmer S. J, (1983), *Domestic Politics and European Community Policy-Making*, in "Journal of Common Market Studies"
- 3. Doyle M. Sambanis N. (2000), *International Peacebuilding: A Theoretical and Quantitative Analysis*, in "The American Political Science Review"
- 4. European Commission (1993), An Open and Structured Dialogue between the Commission and Special Interest Groups, Brussels.
- 5. European Commission (2001), *Towards a reinforced culture of consultation and dialogue* - *General principles and minimum standards for consultation of interested parties by the Commission*, Brussels
- 6. European Commission (2000), *The Commission and the non-governmental organizations: building a stronger partnership*
- 7. European Commission (2001), *White Paper on European Governance*, Bruxelles, COM (2001) 428 def., 5.8.2001.
- 8. European Council (2008), Presidency Report on ESDP, 10415/08, 16 June 2006.
- 9. Wallace H. Wallace W. (1996), *Policy-making in the European Union*, Oxford, Oxford Univ. Press.