

Moblization and Deliberation. EU for the Citizens?

Written by Óscar García Agustín

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ÓSCAR GARCÍA AGUSTÍN, MAR 10 2014

As a response to the 'democratic deficit', the European Union (EU) has tried to introduce new mechanisms to foster the inclusion of the voices of citizens and avoid the critique of an EU in hands of experts or lobbyists. Deliberation appears in this context as a valuable tool to increase the participation of citizens and give legitimacy to the European project. After a first deliberative wave in which deliberation became part of the institutional design in order to strengthen the inclusion of organized civil society, a second wave is inaugurated with the approval of the European Citizens' Initiative to open up the possibility for citizens to contribute to agenda setting. From a deliberative democratic perspective, I will assess both deliberative waves and their contribution to and potential for a democratic and transnational European sphere.

Principles of Deliberation

Deliberative democracy is usually considered as complementary to representative democracy; it is not necessarily a rejection of representative democracy but it points to reductive understandings of democracy as a matter solely of voting or relying on the decisions made by experts. Deliberation must include both public discussion and public reasoning (Cohen, 1996) in order to include citizens in the configuration of the common good. Decision-making must be expanded by the creation of institutional places and the consideration of non-institutional places, where informal opinions are generated. In the context of the EU, deliberative democracy is more than a necessity to combat the democratic deficit, since representative democracy is not as well defined as in the nation-states. Citizens feel excluded from a bureaucratic and complex institutional design in which the influence of lobbyists is more feasible, but, nevertheless, the EU presents a new and attractive space of participation and deliberation beyond national boundaries.

My conception of deliberation is defined by the existence of three principles: plurality, inclusion and contestation. Plurality means the diversity of actors that is a prerequisite to initiate deliberation (there is a need of including plurality of groups) but also a prerequisite to avoid a closure that ends in homogenization and reduction of different opinions. I relate inclusion with the institutional effort to create platforms for the participation of the plurality of actors whilst contestation (Dryzek, 2006) refers to the capacity of producing and maintaining discourses that question the hegemonic discourse. I apply these principles to the recent deliberative development in the EU.

First Deliberative Wave: Inclusion through Institutions

The first wave of deliberation is officially initiated when the European Commission (2001: 3) in the *White Paper for European Governance* calls for adapting the EU institutions and proposes "opening up the policy-making process to get more people and organisations involved in shaping and delivering EU policy." It reflects an attempt to avoid being perceived as intrusive and to overcome people's lack of confidence. All in all, it should help to connect EU with citizens at the national and European levels. The involvement of civil society becomes an essential goal and participation is considered as one of the principles of good governance. The basis for this first phase of deliberation reflects a win-win situation: the Commission acquires legitimacy from the inclusion of civil society whereas the latter sees the possibility of gaining influence and using the EU as a new space of political opportunity. It also entails an inherent risk, since the EC is not only supportive of deliberation but also has a tendency to control the process of deliberation and the preference for organized civil society as interlocutor, prioritizing especially the more established

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groups at the EU level as natural partners.

Through the institutional design the EU experiments with forms of deliberation consisting in facilitating the participation of civil society and its inclusion in the deliberative processes. Providing sites of deliberation, particularly across the EU space, would be enough to solve the lack of participation. One of the tools for transnational deliberation, valued very positively by James Bohman (2004), is the 'Open Method of Coordination' as multi-level deliberation which allows people to introduce new issues based on their locally rooted knowledge. This can modify some of the outcomes produced by other deliberative bodies. However the deliberative potential to question the dominant discourse is very limited since political conflicts and alternatives remain excluded from the respective committees and governance arrangements (Kröger, 2009).

A second deliberative experiment is the Citizens' conferences, which enhance participatory governance (Abels, 2009). These transnational forums for fostering dialogue consisting of a limited number of citizens can be argued to increase participation of ordinary citizens and overcome their disaffection. The scope of participation is quite restricted as is the capacity of agenda-setting, which is in hands of the Commission, and the influence on policy making. Altogether this means that Citizens' conferences become mere consultative means.

Finally, new deliberative bodies within the European design have also been created to increase civil society participation combining the national and European levels. As an example, the European Integration Forum presents a consultative space for the Commission and institutionalizes European and national civil society in a new mechanism to promote different points of view on integration policies. However, the Commission assumes the role of agenda-setter and makes sure that the discussion is maintained within the framework fixed by the Lisbon Treaty thereby reducing the possibilities of civil society to challenge it.

In sum, this first wave of deliberation is characterized by the improvement of international design and assumption of new forms of governance to foster transnational deliberation. Nevertheless, the introduction of deliberative channels is far from diminishing the democratic (and even the deliberative) deficit, since the Commission controls the process closely and is the only agenda setter. The impact on policy making is quite reduced and citizens are rarely included since it is mostly organized civil society that participates in these processes. The inclusion of citizens is not achieved by these deliberative means. It is actually paradoxical that the main deliberation process involving citizens was the discussion related to the European Constitution, which was rejected after the referendums in 2005 in France and in the Netherlands. It is indeed quite significant that citizens' mobilization was contrary to the position defended by the European institutions. The deliberative turn started by the Commission and the changes introduced after the rejection of the European Constitution cannot remedy the lack of citizens' participation in a satisfactory way. The importance of mobilization has been overlooked. An attempt at combining mobilization and deliberation can be glimpsed with the beginning of a second wave of deliberation, which put into practice the European Citizens' Initiative.

Second Deliberative Wave: Contestation through Mobilization

The European Citizens' Initiative (ECI) is a new attempt lead by the Commission to foster citizens' participation. Apparently, some constraints are common to the inclusion-through-institutions approach to deliberation since proposals must be presented within areas where the Commission has the power to propose legislation and especially since the ECI is an invitation to propose legislation to the EC. The former can be perceived as a way of controlling the European agenda and the latter limits the scope or the influence of the ECI in legislation. Looking at the brief experience of the ECI, the possibility of introducing issues that are contrary to official EU policies has been shown, although the Commission will control the adaption to the Treaty framework, and, although there is no case to assess so far, it is expected that its influence on policy making will be strongly mitigated.

The first experiences show that the requisites (i.e., at least one million signatures from at least seven out of the 28 member states) are hard to comply with and have only been fulfilled so far by three of the campaigns: the 'Right2Water', proposing the provision of water and sanitation as essential public services for all citizens; 'One of us', which advocates for advancing the protection of human life from conception; and the 'Stop Vivisection' against animal experimentation that claims to have collected more than 1.300.000 signatures but is still pending validation.

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The problems that the campaigns face are multiple but I want to stress that there is a dual lack of awareness: of the ECI itself, since the idea of the ECI is not extended among the EU population yet, and of the issues, some of them being more discussed in some national arenas than in others. This results in different quorums by countries for the gathering of signatures. Furthermore, there are some practical inconveniences in the one-year procedure, the (online or paper-based) collection of signatures, fundraising, and capacity of organization. However, these factors do not blur the most remarkable novelty, i.e., the possibility for citizens to initiate the processes of deliberation, not exclusively related to following the channels of the EU institutions, and becoming agenda-setters.

From the deliberative perspective, the ECI offers the possibility of generating discourses of contestation in the European sphere that move between the EU institutions and other formal spaces. Despite the possibility of being rejected or adapted to the institutional framework, the ECI entails the potential of questioning the dominant discourse of the EU in different degrees and mobilizing social forces that support such alternatives. The mentioned successful case of the Right2Water exemplified how citizens foster a discourse on the commons (and not on natural resources as commodities) opposed to the current tendency of privatization of water services and more generally, by declaring water as a human right, as opposed to the market-oriented approach to public services sustained by the EU. The ECI places the space of the deliberation in the EU institutions where the activists who promoted the ECI (and not actors previously selected by the Commission) can present their arguments in a public hearing. The ECI Right2Water participated in a hearing on February 17 2014 in the European Parliament, attempting to influence the Commission's agenda but also taking distance from the Troika policies and the prioritization of corporate interests over those of the citizens.

The failed case of the ECI for an Unconditional Basic Income, reaching a total of 285.000 signatures, also shows the importance of the ECI as a deliberative means to strengthen plurality of opinions by the articulation of a discourse of contestation which opposes to the dominant discourse, particularly the EU policies on labor market and the rights of the workers (and non-workers). Although the ECI did not reach their goal, it shows how a new intertwined dynamic between national and European spheres can be opened up. The recently launched national initiatives in Spain and Portugal for Basic Income, presented after the ECI, reveal the potential of including citizens' issues on the public agenda in order to counteract domestic or European policies. Through the ECI it is expected that national initiatives and local mobilization will become European but also that the European mobilization and deliberation will contribute to discuss these issues further in the national spheres.

The ECI has some potentialities and some limitations but the biggest inconvenience could be the lack of impact of the successful ECIs on policy making. This could lead to demotivation and increase the mistrust felt by citizens towards EU mechanisms for participation. Likewise, the non-institutionalization and marginalization of discourses of contestation would be contrary to deliberative democracy as a mean for creating common spaces for plurality. If the potential of the ECI is not used by the citizens first and by the EU institutions, especially the Commission, later, the second wave of deliberation would not contribute to the development of a more inclusive and participatory Europe.

Deliberation with Mobilization

As mentioned, the first wave of deliberation shows the insufficient approach to deliberation by inclusion into the institutional design. It is a progress that civil society becomes involved in European policy making but the margins defined and controlled by the Commission, in the decision-making and in the agenda setting, reduce the democratic effect considerably as well as the inclusion of only organized civil society that holds the primary access to the European sphere. The second wave reflects a positive openness to citizens by the implementation of the ECI, as a new attempt by the Commission to eliminate its legitimacy deficit (Glogowski & Maurer, 2013).

However, the ECI does not ensure a more participatory EU per se. Deliberation must take place within the European institutions but also in other forums where civil society can articulate discourses of contestation and consider the ECI as a means, among others, to establish new alliances across countries and strengthen their role as agenda setters. Forums, such as the established European Social Forum or the emergent Agora 99 and Alter Summit or other informal spaces, should generate alternative discourses by deliberation, which consider the ECI as a possibility for changing EU policies. In doing so, deliberation would acquire meaning based on multi-level mobilization of civil

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society. Otherwise, excluding the discourse of contestation from the EU institutions would cause the appearance of mobilizations against the EU because of its interference with domestic policies or because of its politics of austerity.

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