

**Bart Cammaerts**

## eConvention on the future of Europe: civil society and the use of the Internet in European decision-making processes

**Article (Accepted version)  
(Refereed)**

**Original citation:**

Cammaerts, Bart (2006) eConvention on the future of Europe: civil society and the use of the Internet in European decision-making processes. *Journal of European Integration*, 28 (3). pp. 225-245.

DOI: [10.1080/07036330600744431](https://doi.org/10.1080/07036330600744431)

© 2006 [Taylor & Francis](#)

This version available at: <http://eprints.lse.ac.uk/3073/>

Available in LSE Research Online: February 2008

LSE has developed LSE Research Online so that users may access research output of the School. Copyright © and Moral Rights for the papers on this site are retained by the individual authors and/or other copyright owners. Users may download and/or print one copy of any article(s) in LSE Research Online to facilitate their private study or for non-commercial research. You may not engage in further distribution of the material or use it for any profit-making activities or any commercial gain. You may freely distribute the URL (<http://eprints.lse.ac.uk>) of the LSE Research Online website.

This document is the author's final manuscript accepted version of the journal article, incorporating any revisions agreed during the peer review process. Some differences between this version and the published version may remain. You are advised to consult the publisher's version if you wish to cite from it.

## The eConvention on the Future of Europe: Assessing the participation of civil society and the use of the Internet in European decision-making processes

Bart Cammaerts

**Abstract:** This article aims to critically assess claims that the Internet could facilitate participation of civil society organisations in (European) policy-making processes. The notion of participation is a very contested notion, strongly interlinked with power and the ability to change outcomes. While deliberation and consultation are put forward as ways to counter the crisis of representative democracy, they at the same time raise numerous questions. Civil society is a similarly contested notion, which prompts academics, as well as policy makers, to delineate the different spheres of influence. Thus, civil society cannot be conceived as a single actor. It is comprised of very distinct organisations, employing different strategies to achieve different goals. By analysing the results of an indicative survey of civil society organisations active within the Convention on the Future of Europe, this article evaluates the constraining and enabling factors of this innovative policy-making approach from a civil society perspective, and assesses the potential of the Internet to facilitate the process and addresses the issue of intra-movement tensions and differences.

**Keywords:** Convention on the Future of Europe, civil society, participation, deliberation, Internet, Realism vs. Utopia

**Short Bio:** Dr Bart Cammaerts (b.cammaerts@lse.ac.uk) is a political scientist and media researcher lecturing at the department of media and communication at the London School of Economics & Political Science, UK. This article was the result of a Marie Curie Fellowship granted under the European Community Programme *"Improving Human Research Potential and Socio-Economic Knowledge"*. He also chairs the Communication & Democracy Section of ECCR (ECCREA).

**Contact-address:** Houghton Street, London WC2A 2AE, England UK, tel: 44-(0)20/795-566-49

**Wordcount:** Text + Notes + References (Abstract & Bio not included) = 8386 words

*Forthcoming in: Journal for European Integration (2006)*

# The eConvention on the Future of Europe: Assessing the participation of civil society and the use of the Internet in European decision making processes

*We have a tendency to sketch the world theoretically as a series of oppositions; reality is more dialectic, a compound of forces which, while they may not always sit comfortably together, often coexist productively in a tension that is the essence of viable democracy.*  
(Barber 1984: xv)

## 1. Introduction

Near the end of the 1990s the concept of civic dialogue emerged within European political discourse, as a reaction to criticisms of a democratic deficit within the European—mainly economic—project (European Commission 1997). The many protests in recent years directed towards international organisations, including the European Union (EU), as well as the decreasing voter turn-out during elections<sup>1</sup>, and discourses referring to a democratic deficit, prompted the European political elite to adopt a more participatory stance in order to strengthen their democratic legitimacy. A manifestation of this was a discussion paper called *'The Commission and non-governmental organisations: building a stronger partnership'* (European Commission 2000). In the subsequent White Paper on European Governance a *"reinforced culture of consultation and dialogue"* was promoted (European Commission 2001, 16). Consultation and dialogue does, however, prompt questions as to who to consult and how to organise dialogue. It also questions dominant democratic theories based on voting representatives, who—at least theoretically—defend and represent our interests within the formal democratic process.

As to the question of who to consult, elitist theories remind us that within each democratic political model—seeking to come to an equitable decision—a balance needs to be struck between participation and consultation on the one hand, and efficiency on the other (Dahl 1997, 395). Populism needs to be avoided and minorities, as well as minority views should be protected and not excluded. The need for such balances explains (partly) why the notion of 'civil society' and social movements—as an intermediary (loose) structure between citizens and policy—has made a quite remarkable comeback in recent years, both in policy circles and in the academic literature (Keane 1988; Cohen & Arato 1994; Florini 2000; UN 2004). The focus has thus shifted from a more individualist level of 'the citizen' to that of 'the organised citizen', more tuned to solidarity and advocacy to voice or represent in another sense the citizen interests.

With regard to the question of how to organise consultation, we can observe that the Internet is increasingly pushed by policy makers as a means to facilitate dialogue between political elites on the one hand and citizens and civil society organisations representing citizens concerns and interests on the other. The case of the Convention on the Future of Europe, which was given the task to develop a Constitution for European citizens, is a good example of this. In the Laeken declaration the European Heads of State explicitly asked the Commission to develop a *'Forum for organisations representing civil society'*, whose contributions would *'serve as input to the debate'* (European Council, 2001).

At the basis of these developments is clearly a profound crisis of the dominant representative democratic model, both at a national and European level, which explains this renewed focus on more participatory democratic models (Barber 1984; Held 1987). Relevant in this regard is a recent shift from a narrow focus on direct democracy and referenda as ways to make democracy more participatory, towards greater transparency, accountability, deliberation and access for (organised) citizens to the decision- and policy-making processes (Lodge 1996, 188). It is, however, evident that many tensions and constraints still exist between the dominant democratic system of representation and the emerging participatory models.

Comment [CL1]: Held not in refs list

This article primarily aims to assess the practical implementation of these participatory discourses<sup>2</sup>, the constraints, as well as the opportunities this brings about. The results of a survey of civil society participants in view of the Convention on the Future of Europe give an indication of how civil society actors evaluated this exercise, and will also allow us to critically assess the facilitating role of the Internet in it. Other questions in the survey relate to the degree of participation and relative impact of civil society on the process. Lastly, civil society is not a single actor. The diversity of voices, strands and opinions it encompasses is both a strength and a weakness. How to reconcile this diversity is also examined here.

First, it is important to clarify some key concepts that structure the debate concerning participatory democracy and the involvement of civil society in policy processes.

## 2. Civil Society Participation, Deliberation and the Internet

In order to assess the participation of civil society in the European Convention, heavily contested notions such as civil society, participation and their relationships to the notion of representativeness and the representative democratic system need to be clarified and defined.

### *Civil Society and Representation*

Civil society is very much an essentially contested notion. Kumar (2000) argues that two main positions can be identified, a maximalist and a minimalist conceptualisation of civil society. The former relying on the work of Hegel and Marx and considering the market to be part of civil society; the latter taking a Gramscian stance and defining civil society as a non-profit sphere with relative autonomy from state and market spheres. Although this article adopts the latter view of civil society, because of its analytical clarity (Cohen & Arato 1994, ix), reality is often much messier. What about political parties, for example? Should the labour unions be considered to be part of civil society? What does this imply for the position of organisations that represent the interests of business?

International or regional organisations generally adopt very broad definitions of civil society, thereby allowing a broad range of organisations to be consulted and maximising the potential for legitimisation. This acts to weaken civil society as different interests clash, rendering it impossible to develop a consensual strategy and discourse. During the preparatory stages of the recent UN World Summit on the Information Society (WSIS), for example, organisations representing corporations and local authorities were included in the civil society caucus, which resulted in conflation and confusion (Cammaerts & Carpentier 2005; Padovani 2004). In the

Laeken Declaration civil society is also defined in a very broad way, including *'the social partners, the business world, non-governmental organisations, academia, etc.'* (European Council, 2001). This also demonstrates that adopting a specific definition of civil society is political in itself.

As Cohen & Arato (1994) argue extensively in their book *Civil Society and Political Theory*, there is clearly a case to be made for limiting the scope of civil society to Non-Governmental Organisations (NGOs), social movements, labour unions, and voluntary organisations—those organisations that are somehow positioned between the state and the market. At times overlapping with and interacting with the state and/or market, but at other times in tension and conflict *vis-à-vis* these more powerful spheres of influence.

This overlapping can also be problematic. Civil society organisations that adopt a reformist strategy to social change always run the risk of co-optation. This is especially true of transnational and European level organisations, as they often become dependent on funding from international organisations (Charlemagne 2004; Mulugetta 2002). But a more revolutionary strategy of attacking the system can lead to marginalisation and fragmentation. Questions regarding the representativeness of such views can also act to discredit radical views and ideas.

Representation is not only an issue for revolutionary movements or organisations, but also affects reformist organisations, especially transnational ones. Due to their greater resources, both financial and human, and especially due to their expertise in lobbying and engaging with policy-makers, professional NGOs tend quite naturally to dominate civil society action within international settings. Brown & Fox (2000) observed this in their study of transnational civil society coalitions:

*Transnational coalitions are sometimes initiated by grassroots movements seeking to pursue their goals through international linkages. ... But it is more common for grassroots constituencies to be poorly organized and unaware of the interests they share with potential international allies. ... Transnational coalitions often struggle to represent local concerns; even when grassroots participants are present, they often have difficulty influencing coalition organization and decision-making.*

While 'who do you represent?' is a legitimate question, it must not be abused in order to stifle criticism or to reduce consultation to window-dressing. This would achieve the opposite of the initial goal of involving 'organised citizens' in policy-making processes, and result in disengagement and more frustration. Involving civil society organisations in these processes will of course always produce some discontent, as it is not possible to satisfy everyone; but if the discourse of participation is to be taken seriously, discontent and frustration must be minimised. To achieve this, new definitions of representation, that go beyond the borders of political legitimacy through popular voting and take account of the diverse nature of civil society, and especially its coalition-building capacities, need to be agreed (Greenwood & Halpin 2005).

Besides this, the diversity of political strategies and kinds of organisations within civil society can also be seen as a strength (Mouffe 1999). Movements for social change usually adopt either a pragmatic and step-by-step approach to social change, or have a more ethical—somewhat utopian—disposition towards change, or a more elusive combination of both. All positions have their merits, as well as their downsides, but need to work in conjunction to keep further changes on the agenda and keep the agenda moving forward. While the realist position focuses on first debating the

goals, the utopian position directly questions the structures, and demands, usually with less success, change at that level. The two positions also reflect an old divide within progressive thinking, namely between reformists and revolutionaries, and also in part refers to the divide in political thinking between consensus and conflict (Haugaard 2002).

### *Participation, Deliberation and Representation*

It is often very unclear what is precisely meant by the participatory discourses adopted by international and/or regional organisations. In her book *Participation and Democratic Theory*, Carole Pateman (1970, 70-71) distinguishes between partial and full participation, whereby the latter is defined as "*a process where each individual member of a decision-making body has equal power to determine the outcome of decisions*", and the former as "*a process in which two or more parties influence each other in the making of decisions but the final power to decide rests with one party only*". As the extent of 'full' participation is linked to the degree of influence an actor has to change or affect outcomes, participation also refers to the equal distribution of power amongst the different actors within the participatory process.

A distinction can be made between different degrees of participation: real, genuine or full participation as opposed to partial (Pateman 1970, 70), pseudo (Verba 1961, 220-221) or manipulative participation (Strauss 1998, 18). In making this distinction these authors acknowledge and highlight the subtle differences between enabling an actor to potentially influence, but not to decide matters—as Pateman conveys in her partial participation, and giving the impression or feeling that the actor can influence, and participate, without actually delivering—as Verba and Strauss imply in their respective notions.

The emphasis on participation in public and political discourse is not new, think of the normative notion of active citizenship and the explicit, even moral, duty to participate in Jeffersonian and later Jacksonian US-democratic theory, or even in the—albeit flawed—direct democracy of ancient Greece. Some elitist theories, however, have reduced participation and citizenship to the act of voting, thereby disconnecting the citizen from actual power and decision-making (Schumpeter 1976). The crisis of representative democracy at a national, and even worse at a European or international level, has to a large degree prompted the re-surfacing of such notions as participation—having your say. This then gets translated into notions such as multi-stakeholder governance, and consultation of civil society and business in public discourse and decision making. However, this does not mean that the tension between an elitist disposition towards democracy, limiting the influence of citizens and a participatory disposition, aiming to increase citizens involvement, has suddenly evaporated.

Sure, many governments and international institutions are claiming that their decision-making processes are becoming more transparent, in a bid to obtain maximum support and thus legitimacy to counterbalance the decline in voter turnout, the rise of populist and post-fascist parties and the numerous major demonstrations against EU institutions and international organisations. As Héritier (1997, 180) points out in her research on democratic legitimisation one of the main driving forces for involving civil society actors in decision-making processes (at least at a European level) is to increase the legitimacy of policies and to ensure that they receive the broad support of citizens: "*[The objective of] active involvement of*

*associations in drafting European policy and implementation ... is to avoid conflicts by forming a broad consensus prior to embarking upon legislation and to sustain legislation once it is in place". But are these claims justified?*

As Pateman already implied, participation is a notion that is intrinsically related to power. White (1994, 17) also refers to this when he states that *"it appears that power and control are pivotal sub concepts which contribute to both understanding the diversity of expectations and anticipated out-comes of people's participation."* However, power gets often 'black boxed' in the participatory discourses of international organisations and their efforts to 'involve' civil society in their decision making processes (Cammaerts & Carpentier, 2005). Power is clearly unequally distributed between those who have and those who have not, between those who know and those who do not know, and between those who enforce and those who resist. Some goals are ranked above others and some actors, institutions or individuals are privileged above others (Haugaard 1997). In policy processes beyond the nation state, State-representatives still have the final say and a lot of wheeling and dealing goes on behind the scenes. In this sense, the theoretical normative position of equal distribution of power has never existed, and it is questionable whether this utopian non-place will ever be reached.

A possible way out of this is to look at such policy processes in terms of the *dialectics of control* as conceptualised by Giddens (1984, 15), whereby power is seen as both productive, in allowing resistance and dissident voices within the political debate, and restrictive, accounting for both structural constraints and agency strategies.

Contrary to the more pessimistic elitist theorists, such as Schumpeter, the notion of deliberation and debate in the public sphere serves as a crucial element of this 'broad consensus' based on rational argumentation (Benhabib 1996). What is problematic here is that structural, and also cultural, conflicts and tensions within particular debates tend to be ignored or disproportionately marginalised in favour of a consensus or compromise (Mouffe 1999). Compromise and consensus building are in a sense one of the cornerstones of a mature democracy and rationality, likewise, is essential to a sensible debate and dialogue; but politics and democracy, indeed social change, is also about passions, clashes of interest, and conflict, as the public debates preceding the referenda in France and the Netherlands clearly showed.

The 'ideal-speech situation' required for ideal deliberative circumstances, such as rational debate, the argument is more important than the status of whom voices it, informed citizens, broad participation, ability to change your views, etc. seem as such reasonable and important values to strive for, but blatantly untenable or even utopian when confronted with the empirical political reality in Western democracies and beyond.

Deliberation and participation are clearly contested notions and it therefore remains important for local councils, governments, international organisations to clearly define what participation in policy processes entails, what 'power' participants get to influence outcomes and how civic engagements in policy processes by (organised) citizens relates to the representative political system. If not, wrong expectations might grow by which often results in even more frustration and disengagement.

### *Use of the Internet in terms of policy-making processes*

Despite the growing role of the Internet as facilitators for interaction and exchange of ideas between formal actors and civil society actors, and among civil society actors through networking and development of a common language, the importance of these technologies for the overall (formal) process must not be exaggerated.

As pointed out above, a clear distinction should be made between giving civil society actors and citizens 'access' to the process on the one hand, and giving them rights 'to participate' in the process on the other. The Internet clearly plays a more important role in terms of access to the process, in enabling contributions to be submitted and official documents to be consulted. In addition, the Internet is playing an increasingly important role in enabling networking, understood here as strategic collaborative arrangements within civil society. As shown elsewhere (Cammaerts 2004), the Internet is proving to be more important at this informal level than in the formal political process, where power, formal rules and face-to-face negotiations (between states) often determine outcomes.

Internet will therefore not save or fix democracy; they are facilitating technologies only, and as such will not lead to more or better democracy at a national nor EU-level. The Internet should be regarded as an additional tool at the disposal of activists, governments and international organisations, an opportunity-structure, potentially enabling and facilitating both formal and informal political processes. But none of this is pre-ordained. Previous research has shown that communication technologies have the potential to strengthen the public sphere, make policy processes more open and transparent, and help to mobilise and foster networking between civil society actors and the organisation of civil society organisations themselves, but will not necessarily do so (Dahlgren 2000; Cammaerts 2005). In this regard the Internet is no different from any other media in that empowerment depends on the ways in which they are used and the ends to which they are put. The empowerment does not reside in the technology itself, as many techno-utopians would have us believe. It is politics, conflicting interests and power relations that define and determine the final outcome of a political process. The effect the Internet has on the transnationalisation of civil society and the potentialities that reside in the interactive features of that elusive medium should however not be underestimated. As Callahan (1999) states *"Just as advances in communications technology have allowed global commerce to be conducted at a rising tempo, so, too, have they facilitated the growing transnational exchange of ideas and organizing tactics, creating a new sense of community among non-governmental organizations spread across the planet."*

A balance and some perspective is required. The Internet certainly offers great potential and advantages, but also many constraints, and the importance of face-to-face communication and interaction, in terms of trust and influence, cannot be ignored (Brown & Fox 2000; Diani 2001).



### 3. The Convention on the Future of Europe

#### *Context*

The task of the Convention on the Future of Europe was *“to consider the key issues arising for the Union's future development and try to identify the various possible responses”* (European Council 2001). The aim was to simplify and re-organise the existing treaties, possibly leading to a draft constitutional text for the EU. Valérie Giscard D'Estaing was appointed Chair, and the former Belgian Prime Minister Jean-Luc Dehaene, and former Italian Prime Minister Giuliano Amato were appointed co-vice chairs. Other official members of the Convention were representatives of various European national political bodies, including the European parliament, several state governments and the Commission. The Economic and Social Committee was also represented, as was the Committee of the Regions. The accession countries had some involvement in the process, but had no real power to block a consensus.

Knowledge of the process within Europe was/is generally quite poor. A Europe-wide poll on the Convention showed that more than 60% of EU citizens had no idea what the Convention was about (Eurobarometer 2003).

On the involvement of civil society, the Laeken Declaration on the Future of Europe, which was at the basis of the Convention, stated that an online forum would be setup:

*In order for the debate to be broadly based and involve all citizens, a Forum will be opened for organisations representing civil society (the social partners, the business world, non-governmental organisations, academia, etc.). It will take the form of a structured network of organisations receiving regular information on the Convention's proceedings. Their contributions will serve as input into the debate. Such organisations may be heard or consulted on specific topics in accordance with arrangements to be established by the Praesidium.* (European Council 2001)

This quote also shows that the Heads of State of the member states adopted a very broad definition of civil society, which included business actors. It also shows that the European Heads of State took great care over the choice of words. The notion of participation, for example, does not appear in the declaration. However, the European Commission is more straightforward in stressing that *“the full participation of civil society and other interested parties in the preparation of policy has a real impact on the quality and effectiveness of policy”* (European Commission 2005: 11 – emphasis added).

In accordance with the guidelines of the European Council, the Convention Praesidium setup a special Web site called Futurum, which hosted the forum and provided civil society actors the opportunity to submit written contributions and citizens to debate issues. In addition to developing the Futurum Web site, Vice-Chairman Jean-Luc Dehaene was given the task of facilitating interaction between civil society and the Convention. On the 24th and 25th June 2002 Dehaene chaired a plenary session of the Convention devoted to civil society<sup>4</sup>. To prepare for this session, and also to structure civil society involvement into specific sectors, eight civil society contact groups were established. They met in separate meetings between 10th and 18th June 2002 (cf. Table 1). Thus, once again what constituted civil society was interpreted in a very broad way. Regional and local authorities, although closer to the citizen than EU authorities, are in effect 'state' institutions and can

Comment [CL2]: you haven't established what the Futurum website is – you need an explanation

hardly be considered to be part of civil society, at least from a Gramscian perspective.

**Table 1:** Civil Society Contact Groups and number of participants

	#Participants	#Org
Social Sector	105	74
Environment Sector	20	14
Academia & Think Tanks	65	43
Citizens & Institutions	94	66
Regions & Local Authorities	187	156
Human Rights Sector	94	64
Development Sector	42	29
Culture Sector	71	53
<b>Total:</b>	<b>678</b>	<b>499</b>

Source: European Convention Secretariat (2002b).

It should be noted that the Convention did not limit its consultation to the online realm, and produced a number of documents summarising the different civil society positions that emerged from both the offline meetings, and the online forum (European Convention Secretariat 2002-a,b&c). Taken in isolation this does not mean much; in terms of the decision-making process making an input does not automatically produce an impact, or even lead to serious debate. The results of our survey provide a more detailed view of how civil society actors experienced this consultation, and whether they felt they had contributed.<sup>3</sup>

### *Survey-Results*

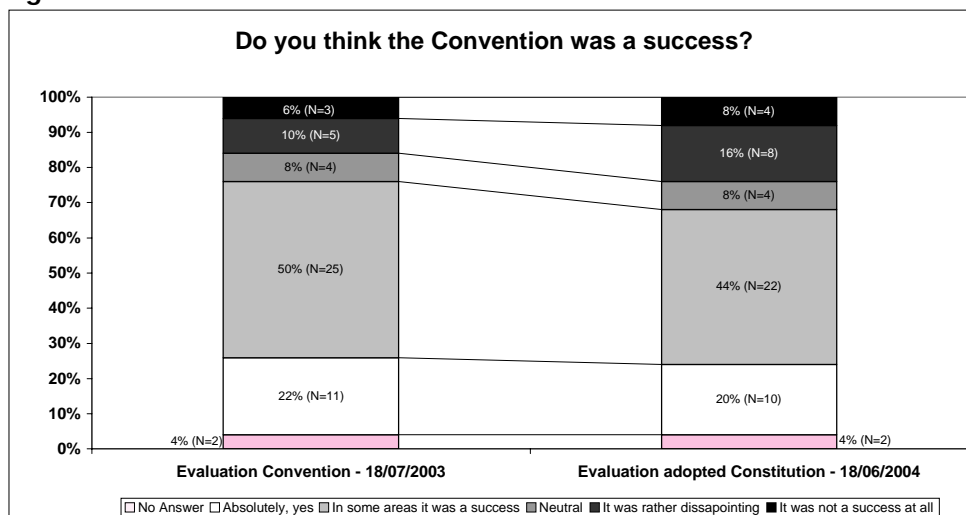
The questionnaire was sent to most of the civil society organisations that participated in the Futurum forum<sup>5</sup>. 384 of a total of 401 civil society organisations were contacted, 13% (N=50) of which responded. The gender balance was 50% female and 50% male. Respondents were allowed to elaborate on certain questions, and thus some qualitative insights were gained. Due to the low response-rate, which is typical of organisations, and the self-selection of respondents, the results are not statistically representative, but rather are indicative of the views of the civil society participants active in the Convention process. The respondents' assessment of the process and its outcomes, and the enabling and constraining features of Internet in this process, are analysed.

### *Assessment of outcomes and consultation of civil society*

When asked whether they felt that the issues they wanted to address had been taken up by the Convention, only 22% (N=11) of respondents answered 'Not at all'; 40% were more positive and replied 'Many issues have been taken up' (N=16) or 'Very much so' (N=4). The remaining 38% (N=19) of respondents felt that only 'a few issues had been taken up'. This indicates the relative polarisation of the assessment. As will be shown later, having been able to voice concerns, and receiving the impression that those concerns were taken into account, often influences how the process is perceived and evaluated.

The draft constitution, the outcome of the Convention, was evaluated fairly positively by most respondents (see Figure 2). About 72% (N=36) of respondents thought the Convention was a success in this regard, at least in some areas. Only 16% (N=8) of respondents felt the Convention was rather disappointing or not a success based on the final document.

Figure 1:



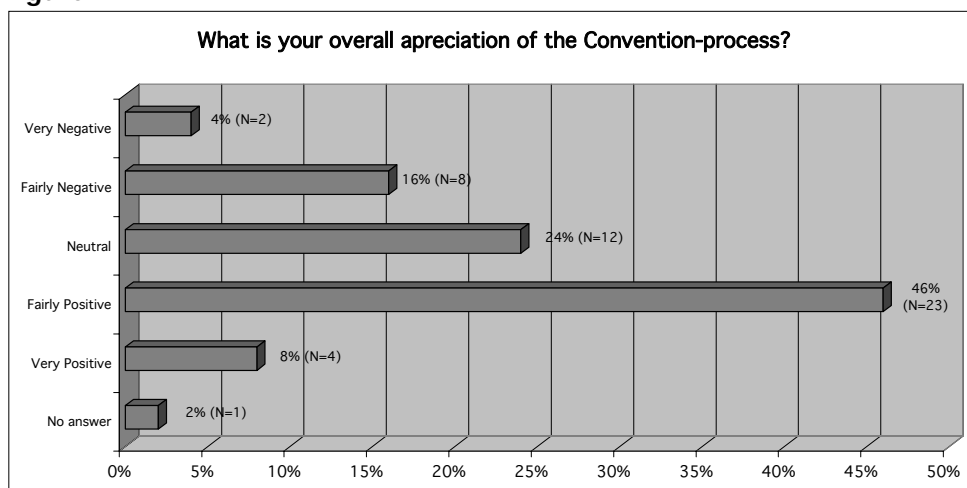
Source: own survey results

The draft constitution adopted by the Heads of State at the June 2004 Intergovernmental Conference (IGC) in Brussels received a less positive evaluation. About 10% of respondents changed their evaluation as a result of the compromises made and the 'wheeling and dealing' that the Members States engaged in prior to reaching agreement on a constitutional treaty.

This is reflected in some of the remarks respondents made to substantiate their assessment: *"Unfortunately, the IGC reopened the text and changed some aspects. The power struggles in the Council have shown that an open, transparent and representative process like the Convention is much more appropriate for drafting EU treaties"* (R-45, f). However, most respondents acknowledged that the IGC had not made any fundamental changes to the draft constitution presented by the Convention. Many felt that this was precisely the success of the Convention: because the Convention was able to present a document that would receive broad support it was almost impossible for the Heads of State to make any radical changes to it. Some respondents referred to this aspect: *'The content was largely fixed by the convention, which is also a measure of its success'* (R-12, m - translation by the author).

Another question related to respondents' appreciation of the consultation process (cf. Figure 3). Again the results were mixed. While 20% (N=10) of respondents were fairly to very negative about the process, 54% (N=27) experienced it as fairly to very positive. Compared with the assessment of the outcomes a larger number of respondents (24% - N=12) were neutral. Despite a small majority of optimistic views about the convention process, and the involvement of their organisation in that process, many were not convinced by it or evaluated it negatively.

**Figure 2:**



Source: own survey

As already mentioned, there is a clear relationship between a feeling that the issues an organisation wanted to have addressed were not taken up, and a negative assessment of the process. Only one respondent out of 11 gave a 'fairly positive' evaluation, despite the fact that certain issues had not been considered. All other discontented respondents (N=10) perceived the process as 'neutral', or 'fairly-' to 'very negative'.

This is reflected in the comments respondents wrote. On the one hand, there are comments such as: *"It isn't worthwhile to consult when the views of participants are not taken into account ... That is not democracy..."* (R-13, m – translation by the author), *"they ask you to send studies, which are not used"* (R-29, m – translation by the author), *"We have been totally ignored and that has disappointed us greatly"* (R-4, m – translation by the author) or *"we have transferred the result of our reflections, but we think they have not served"* (R-11, m –translation by the author). Negative comments relating to content and not being able to achieve the organisations' aims align with a negative assessment of the process as a whole. On the other hand, there were some positive feelings as these comments indicate: *"We think the Convention-formula has assured a maximum productivity in political terms"* (R-30, m – translation by the author), *"The process opened new frontiers for our organisation, which, after all, works on a European level with members in many EU (and other) countries"* (R-27, f) or *"[The Convention] constituted the first recognition by the communitarian institutional system that it is incapable of reflecting about the future on its own"* (R-20, f - translation by the author).

Alongside these two opposing views a third position can be identified of a rather mixed view of the consultation process. While acknowledging some positive aspects, these respondents were not blind to the (structural) constraints, and also voiced critical concerns. These rather more balanced views are often better argued and substantiated than the negative views exemplified above as can be seen from the two comments below:

*"It is without doubt that the Convention did a lot to develop the awareness of large segments of the civil society of the importance of the European integration. But, in terms of influence, the result was pretty limited on the work of the Convention"* (R-49, f)

*"The convention has not entered into dialogue enough with civil society. But, regarding our own organisation, it is clear that the Convention has provided a burst for its dynamism"* (R-32, m - translation by the author)

Evaluation of the Convention process from a civil society perspective, is thus a combination of optimism, in some cases even enthusiasm, a limited, but nevertheless real, impact on some issues, and fierce criticisms *vis-à-vis* the inclusiveness, lack of any real dialogue, and the treatment of minority positions. However, from a pragmatic point of view, politics is always about compromise and striking a balance, and as one respondent stated: *'It was a compromise, and as always, a compromise means that you did not get it all.'* (R-46, m).

In many ways, these nuanced responses confirm the analysis of Pollak & Slominski (2004) that the convention-model is not perfect, but is much more representative and inclusive than an IGC.

#### *Internet-use and the Convention-process*

As the Laeken-declaration decreed, the Internet played a central role in the strategy to include the views and opinions of civil society actors and to stimulate debate regarding the Convention, Europe, and its future.

The Futurum-site served three main purposes. Firstly, it provided a central point, for citizens, politicians, civil society actors and business actors alike, to gather information about the EU, the Convention process and its outcomes. Secondly, allowed the contributions of civil society actors, and other stakeholders, to the Convention, to be posted on the site. Thirdly, it constituted a space for debate, since an interactive forum was set up.

Many respondents were very positive about the first function of the website and related it to the notion of transparency: *"The transparency of proceedings and the availability of the conventionals/materials were of greater impact than any attempts to involve NGOs in the proceedings themselves."* (R-39, m) or *"A useful tool of transparency and communicating our position"* (R-16, f).

With regard to being able to communicate their views and positions, assessments differed widely . Almost 150 civil society organisations sent a contribution which was posted on the Futurum site. Some even posted contributions during the Convention process. In our survey, 80% of responding organisations had contributed to the process by submitting one or more documents to the Futurum website (cf. Table 2).

**Table 2:** Number of documents submitted to the Futurum-Forum by survey-respondents

	N	%
>Two	14	28%
Two	10	20%
One	17	34%
Zero	9	18%

Total:	50	100%
--------	----	------

Source: own survey results

In relation to the Futurum site itself opinion was quite sharply divided. Some respondents made comparisons with previous policy experiences and concluded that huge improvements had been made. One respondent even referred to the participatory potentials of the Internet: *"A first step towards a participatory democracy in Europe. The forum has proven its importance as citizens could express their views regarding the future of Europe. It was an information source for us, and a means to enable civil society to engage and participate democratically."* (R-22, m – translation by the author). Another respondent voiced her general satisfaction with the use of the Internet as a 'modern' means to involve and participate: *"A fine and modern approach, good to feel involved and to be listened to."* (R-48, f). However, not all respondents were so positive about the use of the Internet in democratic processes. One respondent voiced her concerns over access: *"It was a huge improvement compared to the past but not everyone has access to the Internet specially among the elderly and people facing social exclusion."* (R-2, f). Others were even more critical or cynical about its use seeing it merely as a sop to potential dissenters: *"Disappointing - it seemed a way of pacifying organisations by posting their contributions on the Internet, and leaving it to more or less that."* (R-9, m) or *"Essentially futile, a purely cosmetic exercise"* (R-20, f – translation by the author).

Some observers also criticised the website for not being very user friendly for the occasional visitor; for providing an overload of documents and contributions, and being difficult to navigate and make sense of. Shaw (2003, 11), for example, claims that:

*"[The Futurum website] was quickly turned into a tool which would be useful only to those staying very close to the Convention debate. The positive side of the website lies in that very same mass of material which is impenetrable to the casual visitor, but which can in fact reveal to those who have followed the process from the beginning much of the complexity and richness of the constitution-building process, and the different elements of which it is composed."*

This view was shared by some of the respondents; *"It was difficult to find the right place for contributions, and it was difficult without disproportionate use of time to see what other organisations were saying"* (R-7, f).

Regarding the debating function, the Futurum website could be considered to be a success (cf. Table 3). Some of the forums were used extensively by citizens, to discuss the issues and to engage with the work of the Convention.

**Table 3:** Topics for debates on the Futurum-site and number of postings

Topics	#	Last Posting
The Future of Europe: general debate	4420	30/06/2003
Debate 'Future of the European Union' - the Convention (2)	2500	18/07/2002
Debate on the Future of Europe - the Laeken Declaration	2308	19/06/2003
Debate 'Future of the European Union' - the Convention (3)	1888	13/11/2002
Draft Constitution drawn up by the Convention	1725	12/01/2004
Debate 'Future of the European Union' - the Convention (1)	1651	16/10/2002
Young people and the future of Europe	1135	08/12/2003
Debate on the Future of Europe - Guest Nicole Fontaine	1048	03/12/2001

Results of the European Summit on the Constitution	862	29/03/2004
Results of the European Summit on the Constitution	853	29/10/2004
Results of the European Summit on the Constitution	809	21/06/2004
Debate on the Future of Europe - Guest Louis Michel	760	14/01/2002
Debate on the Future of Europe - Guest Michel Barnier	614	07/01/2002
Youth Discussion - Does Europe need a Constitution?	471	26/05/2004
Convention-Preliminary Draft Constitutional Treaty	451	19/12/2002
Debate on the Future of Europe (1)	447	08/11/2001
'Penelope' - Feasibility study	371	08/12/2003
Improvements to the Futurum Site and the Forum	370	29/10/2004
Current topic: the institutional architecture of the Union	349	18/06/2003
The place of young people in the Future Constitution	246	29/10/2004
Debate on the Future of Europe (3)	241	07/11/2001
Debate on the Future of Europe (4)	233	08/11/2001
White Paper on Governance in the EU	216	30/04/2002
Debate on the Future of Europe (2)	185	08/11/2001
Youth Discussion – the Union's values	118	21/12/2004
Guests : the Members of the Convention	109	17/06/2003
The Debate on the Future of Europe (5)	75	19/04/2004
Draft Constitution: The democratic life of the Union	73	18/11/2003
Reply to Messrs Giscard d'Estaing, Dehaene and Amato	45	12/12/2003
<b>Total:</b>	<b>24573</b>	

Source: Futurum-site, <http://europa.eu.int/comm/coreservices/forum/index.cfm?forum=Futurum&fuseaction=debate.home&archive=1>

In general terms the Futurum-site received a fairly positive evaluation, although many respondents were critical about the Internet being used as part of a formal consultation process in an attempt to democratise that process. The implication was that the Internet is essentially a means to inform, to communicate, to debate, but that power, politics, influence and decision-making take place in the real world. One respondent referred explicitly to this when she related to the limits of Internet use in a democratic political process:

*The Forum has demonstrated the limits of the use of Internet. We experienced that more influence can be achieved through personal contacts with members of the Convention or the secretariat. The "conventionals" were overburdened by papers circulating within the Convention, a time consuming job for the most active of them. (R-49, f)*

This shows the importance of face-to-face contact in lobbying activities. Respondents also felt that offline interactions were still important in terms of networking and activism. As Table 4 shows, more than 65% of respondents believe that the Internet is equal in importance to face-to-face meetings regarding civil society networking, coalition building and activism.

**Table 4:** how important is Internet in terms of networking and activism?

	<b>N</b>	<b>%</b>
It is essential, everything is done through the Internet	10	20%
The Internet is very important, but so are face2face meetings	33	66%
The face2face is much more important then the Internet	7	14%
Everything is done through face2face contacts	0	0%

Source: own survey results

Although clearly not perfect, and carrying many constraints in terms of use within a formal setting, it was apparent that the Internet has in a very short time become the main communication tool in the strategies of civil society organisations. A large majority of responding organisations have broadband access (82% - N=41), and most others have dial-up, only one respondent had to visit a cyber café in order to access the Internet. That an organisation needs a website as part of its communication strategy and to advertise itself is also widespread. Almost all responding organisations (92% - N=46) have a website. Most organisations (72% - N=36) add new information and documents to their Web sites on a fairly regular basis (cf. Table 5). Of those with a Web site, some 33% (N=15) include interactive features, which in a few cases are used extensively, but in the majority of cases are not exploited to any great extent.

**Table 5:** Does your website provide public access to documents and publications and how frequently are these updated?

	N	%
Everyday	7	14%
Once a week	14	28%
Once a Month	15	30%
Sporadically	8	16%
Never	6	12%

Source: own survey results

It was not a surprise to find that all respondents used e-mail on a daily basis. E-mail has become an important means and catalyst of interaction within and between civil society organisations, and between civil society organisations and other actors, including citizens and the state. This pervasiveness of e-mail communication was reflected in the popularity of mailing lists. 88% (N=44) of respondents used mailing lists for a variety of reasons the most frequent being:

- Exchange of information (98% - N=43);
- Communication with members/constituencies (91% - N=40);
- Internal organisation (75% - N=33);
- Mobilisation for offline protests, events, activities (66%, N=29);
- Networking with other organisations (57% - N=25)

Mobilisation for online direct action seems less effective, with only 12% (N=12) of respondents who manage mailing lists using them for that purpose.

However, the growing importance of the Internet must not be allowed to substantiate the uncritical celebratory claims that are often made. Issues of access remain problematic, even for civil society organisations (O'Donnell 2003). Also, as was shown by some of the comments, the resources and capabilities needed to navigate, process and analyse the myriad of information and documents is a major constraint for many. Finally, the face-to-face dimension is still very important in lobbying activities, and in building trust and good social relationships amongst activists.

## 5. Conclusions



The low return rate of the survey and the self-selection of respondents mean these results cannot be considered to be representative of the whole of civil society. Nevertheless, they provide a balanced assessment of the process.

When complemented with other empirical data, it becomes clear that the involvement of civil society in the constitution-making process of the Convention was far from 'full' participation, as defined by Pateman. One might even consider the equal distribution of power in the decision-making processes as a utopian dream. The Convention-process could at best be considered as something between pseudo- and partial participation—a symbolic gesture towards the inclusion of civil society voices and alternative discourses within the public and political debate. This is nevertheless important, and although not all the actors were convinced there was any real impact of civil society on the formal process, it did increase attention and foster debate within civil society. The involvement and engagement of civil society made the process much more transparent, giving civil society the opportunity to act as a watchdog. This, in combination with representation from all political layers, has undeniably given the final document or draft constitution more legitimacy, limiting the scope for the Heads of State to drastically modify it.

Although considerable efforts were made in terms of networking and coalition building among civil society organisations, it should not be forgotten that 'civil society' is a very disparate and fragmented sphere. The real decision power lies with the political representatives of national parliaments, governments and the European institutions. Some realism must be accepted about the impact and significance of civil society in a formal policy context.

In the Laeken Declaration the online realm was given prominence in the strategy to involve citizens and civil society representatives in the Convention process. The Internet has proven to be useful to provide the actors involved with access to the process and accompanying documentation. It played an important role in making the process more transparent and more accessible to citizens and civil society actors. The latter were able to post contributions on the site, and both parties could discuss and debate the work of the Convention in what became a much-used interactive forum.

However, although the Futurum site was generally fairly positively evaluated, many constraints were also identified. While access to the Internet and the capabilities to find the relevant information and process seem relatively high among civil society organisations, this is clearly not the case for the general population and certainly not for disadvantaged groups in Europe, as pointed out by one of the respondents. The lack of user-friendliness of the website, especially for occasional visitors who were confronted with a huge number of contributions, views and documentation, was also mentioned. The most important constraint, however, was the perceived—as well as real—gap between the online realm and the offline decision-making process. If the use of the Internet is to become really participatory (even) more effort should be made to embed the online process within a democratic set of values and principles and to link this with the offline realities of negotiation and 'conducting' politics. Otherwise, online forums and online spaces will remain mere 'window-dressing', or a 'cosmetic exercise', as one respondent put it. This introduces the danger that (even more) citizens and certain parts of civil society become frustrated causing them to disengage, thereby achieving the opposite of what was intended. One respondent referred to this in stating that:

*"We have the feeling that the forum has allowed everyone to express him or herself, but those in charge of editing the constitution chose not to listen. This type of situation can only generate immense deception."* (R-13, m - translation by the author)

Some of these negative and critical comments should be seen in the context of a link between frustration regarding the issues an organisation wanted to be addressed, and a negative perception of the process as a whole. This could be identified from analysis of the (qualitative) results. The respondent quoted immediately above, for example, belongs to an organisation trying to abolish bull fighting and, more generally, defending animal rights, issues that were largely ignored by the Convention. Other organisations campaigning for animal rights were equally negative about the process and Euro-sceptic voices also felt understandably very frustrated, claiming that the opinions of the public had been disregarded. It would be unfair, however, to evaluate a whole process as being undemocratic, as one respondent did, merely because (part of) your specific agenda was not met. Thus, the comments most useful in analysing the Convention process were those that were critical but constructive, i.e. a combination of positive and negative, about its enabling, as well as its constraining, features.

The observed polarisation of realists on the one hand, who accepted the need for compromise, and utopians on the other, who adopted a purist ethical stance questioning the process and its democratic nature, tells us many things. While the former are often accused of co-option by the European political system, they are at times able to strongly influence the decision making process. The latter, on the other hand, are often marginalised and seen as being full of dissenters, but they keep the debate over social change and democratic reform alive. The dialectic relationship between these two positions and its triangulated critical, but constructive, position, drives the processes of social change forward in modern day Western societies. As Barber suggests, this tension and the pacification of it is the essence of a viable democracy.

There is, however, a serious problem in terms of the deliberative processes. Mouffe argues convincingly that deliberative processes tend to be elitist and tend to favour consensus and in doing so eliminate dissent and tensions. Although the convention-process was one of the most inclusive treaty-writing efforts ever conducted in an EU-context, the No-votes in France and the Netherlands starkly show the disconnection between the economic, social and political elites, and large parts of the population. It seems that more is needed to persuade those citizens of the usefulness of a largely perceived economic, liberalising European project than a fancy Web site where people can chat and discuss, and where civil society can provide input to the debate. In a sense it could be argued that the Convention was also skewed towards pro-European civil society organisations and discourses—the large majority (Charlemagne 2004). The criticisms of Euro-sceptics, and strong statements about the lack of a strong social chapter or the exclusion of dissident opinions, were largely ignored in the bid for a compromise. The results of the referenda thus also point to a disconnectedness in large parts of civil society with a broader constituency and public opinion in different national contexts.

**Notes:**

<sup>1</sup> During the June 2004 European Elections on average only 46% of European citizens eligible to vote did so; for more detailed figures see URL: [http://www.elections2004.eu.int/ep-election/sites/en/results1306/turnout\\_ep/index.html](http://www.elections2004.eu.int/ep-election/sites/en/results1306/turnout_ep/index.html)

<sup>2</sup> For more on the history of the notion of civil society in European Discourses, see: Smismans (2002/2005).

<sup>3</sup> For a more in-depth critical analysis of the issues and content of the convention outcome and the constitution is referred to other contributions (Hughes & Grevi 2003; Civil Society Contact Group 2003; Shaw 2003; Crum 2004).

<sup>4</sup> For verbatim reports of these plenary meetings see:  
[http://www.europarl.eu.int/europe2004/textes/verbatim\\_020624.htm](http://www.europarl.eu.int/europe2004/textes/verbatim_020624.htm) and  
[http://www.europarl.eu.int/europe2004/textes/verbatim\\_020625.htm](http://www.europarl.eu.int/europe2004/textes/verbatim_020625.htm)

<sup>5</sup> Based on our minimalist definition of civil society, business actors, as well as local authorities have been filtered out.

## References:

- Barber, B. (1984) *Strong Democracy: Participatory Politics for a New Age* – 4<sup>th</sup> edition, Berkeley & Los Angeles CA: University of California Press
- Benhabib, S. (1996) 'Toward a Deliberative Model of Democratic Legitimacy,' in S. Benhabib (Ed.) *Democracy and Difference*, pp. 67-94, Princeton NJ: Princeton University Press.
- Brown, D.L & Fox, J. (2000) 'Transnational Civil Society Coalitions and the World Bank: Lessons From Project and Policy Influence Campaigns', *IDRC-Reports*, 16(1): <http://www.jsi.com/idr/web%20reports/html/16-1.html> (last accessed 08/02/2005)
- Callahan, D. (1999) 'What is "global civil society"?', *Civets Journal for Civil Society* 3(1): <http://www.cheatingculture.com/whatisglobal.htm> (last accessed 08/02/2005)
- Cammaerts, B. (2004) 'Civil Society 'Participation' in Multi-Stakeholder Processes: Does it really make a difference?', paper presented at IAMCR conference, 'Communication and Democracy: Perspectives for a New World', Porto Alegre, Brasil, 25-30/07.
- Cammaerts, B. (2005) 'ICT-Usage among Transnational Social Movements in the Networked Society - to organise, to mobilise and to debate', in Silverstone, R. (Ed.) *Media, Technology and Everyday Life in Europe: From Information to Communication*, pp. 53-72. Aldershot: Ashgate.
- Cammaerts, B. & Carpentier, N. (2005) 'The Unbearable Lightness of Full Participation in a Global Context: WSIS and Civil Society participation, in J. Servaes & N. Carpentier (Eds.) *Towards a Sustainable Information Society: Beyond WSIS*, pp. 17-49. Bristol: Intellect.
- Charlemagne, (2004) 'A Rigged Dialogue with Society: How independent are the civil-society organisations beloved by the European Commission?', in *The Economist* 21/11.
- Civil Society Contact Group, (2003) 'Benchmarking the Convention: the NGO members of the Civil Society Contact Group assess the outcome of the European Convention', 17/06, see URL: <http://www.act4europe.org/>
- Cohen, J.L. & Arato, A. (1994) *Civil Society and Political Theory* (New ed.): Boston MA: MIT-Press.
- Crum, B. (2004) 'Politics and Power in the European Convention', *Politics*, 24(1): 1-11.
- Dahl, R. (1997) *Toward Democracy—A Journey, Reflections 1940-1997*, Berkeley, CA: Institute for Governmental Studies Press.
- Dahlgren, P. (2000) 'The Internet and the democratization of civic culture', *Political Communication*, 17(4): 335-340.
- Davis, K. (1991) 'Critical Sociology and Gender Relations', in K. Davis, M. Leijenaar & J. Oldersma (Eds.) *The Gender of Power*, pp. 65-86, London: Sage.
- Diani, M. (2001), 'Social Movement Networks: virtual and real', in: F. Webster: (Ed.) *Culture and politics in the information age, a new politics?*, pp. 117-128, London: Routledge.
- Eurobarometer: (2003) FLASH EB N°142/2 «Convention on the Future of Europe », EOS Gallup Europe, november (EuroStat2\_convention\_en.pdf).
- European Commission, (2005) Commission Work Programme for 2005, COM(2005) 15, January 26<sup>th</sup>, Brussels.

- European Commission, (2001) 'White Paper on European Governance', 25<sup>th</sup> of July, COM (2001) 428 final, Brussels.
- European Commission (2000) 'The Commission and non-governmental organisations: building a stronger partnership', 18<sup>th</sup> of January, COM (2000) 11 final, Brussels.
- European Commission (1997) 'Promoting the role of voluntary organisations and foundations in Europe', 6<sup>th</sup> of June, COM (97) 241 final, Brussels.
- European Convention Secretariat, (2002a) Digest of Contributions to the Forum, CONV 112/2, June 17<sup>th</sup>, Brussels.
- European Convention Secretariat, (2002b) Contact Groups (Civil Society), 19<sup>th</sup> of June, CONV 120/2, Brussels.
- European Convention Secretariat, (2002c) 'Note on the Plenary Session', 4<sup>th</sup> of July, CONV 167/02, Brussels.
- European Council, (2001) 'Laeken Declaration on the Future of the European Union', 15<sup>th</sup> of December, Brussels.
- Florini, A. M. (Ed.) (2000) *The Third Force: The Rise of Transnational Civil Society*. Washington, DC: Carnegie Endowment for International Peace.
- Giddens, A. (1984) *The Constitution of Society*, London: Polity Press.
- Greenwood, J. & Halpin, D. (2005) 'The public governance of interest groups in the European Union: Does regulating groups for 'representativeness' strengthen legitimacy?', paper presented at 3<sup>rd</sup> General Conference of ECPR, Budapest, 8-10<sup>th</sup> of September.
- Haugaard, M. (1997) *The Constitution of Power*, Manchester: Manchester University Press.
- Held, D. (1987) *Models of Democracy*. Cambridge: Polity press.
- Héritier, A. (1997) 'Policymaking by Subterfuge: interest accomodation, innovation and substitute democratic legitimation in Europe – perspectives from distinctive policy areas', *Journal of European Public Policy* 4(2): 171-189.
- Hughes, K. & Grevi, G. (2003) 'The Convention endgame: beyond bad bargains?', *OpenDemocracy*, 06/06, see URL: <http://www.opendemocracy.net/>
- Keane, J. (Ed.) (1988) *Civil Society and the State*. London: Verso.
- Kleinwächter, W. (2004) 'WSIS: a New Diplomacy? Multi Stakeholder Approach and Bottom-up Policy in Global ICT Governance', evaluation paper.
- Kumar, K. (2000) 'On Civil Society. A further note on civil society'. *European Journal of Sociology*, 41: 167-180.
- Lodge, J. (1996) The European Parliament, in S. Andersen & K. Eliassen (Eds.) *The European Union: How Democratic Is It?*, pp.187-214. London: Sage.
- Mouffe, C. (1999) 'Deliberative Democracy or Agonistic Pluralism?' *Social Research*, 66(3): 745-757.
- Mulugetta, Y. (2002) Transnational Civil Society Movements in Globalisation: Resistance and Co-option. In: Towards a New Political Economy of Development: Globalisation and Governance, July. Sheffield. URL: <http://www.shef.ac.uk/~perc/dev/papers/>
- O'Donnell, S. (2003) Civil Society Organizations and an inclusive Information Society in Europe, in B. Cammaerts, et al. (Eds.) *Beyond the Digital Divide: reducing exclusions, Fostering Inclusion*, pp. 77-96, Brussels: VUBpress.
- Padovani, C. (2004) 'Three Questions About WSIS: A Civil Society Perspective from Within' *Journal of Information Technologies and International Development* , 1(3/4): 123-125
- Pateman, C. (1970) *Participation and Democratic Theory*. Cambridge: Cambridge University Press.
- Pollak, J. and Slominski, P., (2004) 'The Representative Quality of EU Treaty Reform: a comparison between the IGC and the Convention', *Journal of European Integration*, 26(3): 201– 226.
- Raboy, M. (2004) 'The World Summit on the Information Society and its Legacy for Global Governance', *Gazette* 66(3-4): 225-232.
- Schumpeter, J.A. (1976) *Capitalism, Socialism and Democracy* - 5<sup>th</sup> Edition, London: Allen and Unwin.

- Shaw, J. (2003) 'What's in a Convention? Process and substance in the project of European constitution-building', Working-paper, Vienna: Institut für Höhere Studien (IHS).
- Smismans, S. (2002) 'Civil Society' in European Institutional Discourses', paper presented to the ECPR Joint sessions, Workshop 7, Torino, 22nd-27th of March.
- Strauss, G. (1998) 'An overview', in F. Heller, E. Pusic, G. Strauss & B. Wilpert (Eds.) *Organizational Participation: Myth and Reality*, pp. 8-39. New York: Oxford University Press.
- UN (2004) 'Report of the Secretary-General in response to the report of the Panel of Eminent Persons on United Nations-Civil Society Relations', 04-50726(E), New York: UN.
- Verba, S. (1961) *Small groups and political behaviour*. Princeton NJ: Princeton University Press.
- White, S. (1994) *Participatory communication: working for change and development*. Beverly Hills CA: Sage.