

Why participatory governance offers a realistic route to addressing the EU's legitimacy crisis

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24/02/2015

How can EU decision-making be brought closer to Europe's citizens? Based on a case study of the 'REACH' regulation governing the production and use of chemical substances, [Karl-Oskar Lindgren](#) writes on the potential for a participatory governance approach to increase the EU's legitimacy by enhancing the capacity for stakeholders and civil society actors to play an active role in decisions. He argues that while participatory governance alone cannot solve the EU's current legitimacy crisis, it nevertheless offers a realistic option for increasing the responsiveness of EU decision-making to the demands of citizens.



The EU is often accused of suffering from a democratic deficit, and there has been a long search for ways to remedy this situation. Acknowledging the weakness of traditional representative channels in the EU, and the difficult road ahead before any form of 'parliamentarisation' could be accomplished, many observers have recently shifted their attention to the direct involvement of civil society in the European political system. Letting stakeholders and civil society take an active part in policy-making is considered by many to offer a promising complement to more traditional forms of democracy. In EU circles this strategy is known as the *participatory governance* approach.

Participatory governance in the EU

The European Commission has been a leading proponent of this participatory turn, and in the last decade it has introduced a range of instruments for improved consultation and dialogue with civil-society representatives, including ad hoc and online consultations, public hearings, and institutionalised consultations in advisory committees and business test panels.

According to the Commission, introducing these new forums for interest-group participation and deliberation at the EU level will help create a more democratic and effective Union. However, critics of the participatory governance approach warn that strengthening the interest-based channel within the Union will mainly serve to give further advantages to already privileged groups. The danger here is that, as E.E Schattschneider famously [noted](#) half a century ago in his critique of interest-group pluralism, 'the flaw in the pluralist heaven is that the heavenly chorus sings with a strong upper class accent'.

In a [book](#) focused on participatory governance in the EU, written together with a colleague of mine, I have subjected these opposing claims to empirical examination. More precisely, we focused on the large overhaul of the Union's chemicals policy, in which the so-called [REACH system](#) was introduced. An important reason for focusing on this particular policy process was that it has been described as a 'blue print for participatory law-making'.

Taken together, the results presented in the book paint a rather positive picture of the governance experiment conducted in the REACH case. Overall, the REACH process proved to be reasonably open and inclusive, and most of the relevant actors had at least some opportunity to make their voice heard and to influence the outcome. Moreover, contrary to the fears expressed by critics of the participatory governance approach, we found no dramatic inequality among actors in the distribution of influence or in access to information. Based on these results we argued that critics of the Commission's new governance strategy may have downplayed the potential contribution to democratic representation of stakeholder participation and deliberation, and exaggerated the risks entailed in a closer involvement of organised civil society in EU decision-making.

Admittedly, it is unlikely that the participatory-governance model will provide all interest groups with equal chances

of making their voice heard and of influencing political outcomes. Dismissing the model on these grounds, however, is to commit the Nirvana fallacy: comparing an existing reality with an unobtainable ideal. The fact that political power is always, to some extent, unequally distributed is one of the few general laws of social science. The relevant question, therefore, is not whether participatory governance provides a complete level playing field between different groups and interests, but whether the bias in favour of resource-rich actors is sufficiently great as to nullify the democratic benefits associated with stakeholder participation and deliberation.

This does not mean, however, that we see participatory governance as a panacea for the legitimacy problems of the Union. We do not. Most importantly, it is a problem that the new governance arrangements typically include no formal mechanisms

for holding policy-makers accountable. It remains the case, then, that those wielding power can only be held accountable through the traditional representative channels of the Union: that is, the Council and the Parliament. Moreover, the introduction of the new arrangements may have the effect of diffusing responsibility for policy – with stakeholders and interest groups engaging more deeply in policy-making, even as European citizens lack any formal way to hold them to account. The danger of diffused responsibility is that it may tempt decision-makers to play a blame-and-shame game, wherein they try to evade responsibility for policy mistakes by blaming others.

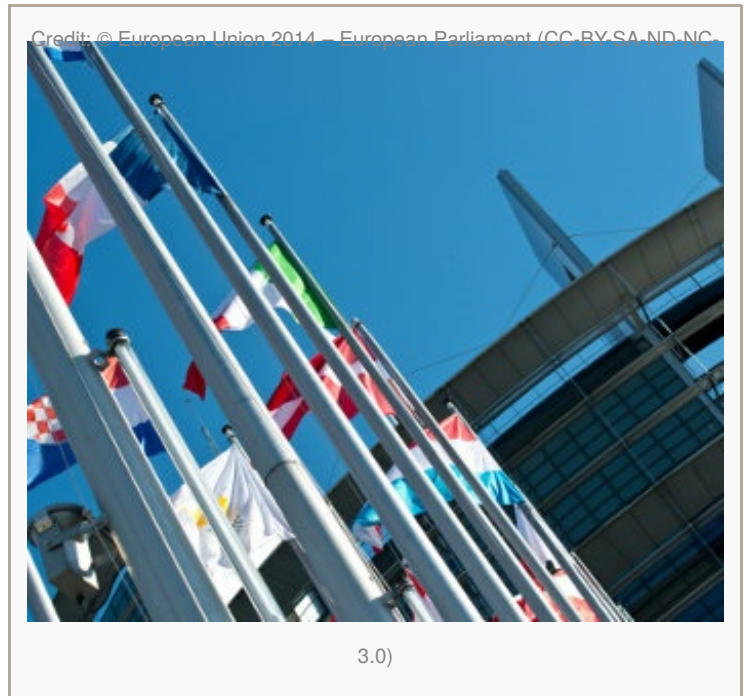
It should also be acknowledged that strengthening the interest-based channel within the EU could have detrimental effects on the functioning of the territorial and electoral channels of representation within the Union. For instance, a greater reliance on participatory and deliberative arrangements could have the effect over the long run of undermining already existing aspects of representative democracy in the Union. Fewer people will be expected, perhaps, to engage in political parties and representative institutions when they have other organisations at their disposal.

If citizens are engaged more and more in single-issue movements and special-interest organisations, we risk a situation in which it will be hard to find people who are willing to take responsibility for weighing different interests against one another. In the end, someone has to take responsibility for the totality of policies pursued – not just the constituent parts thereof. This is a major challenge for democracy, in the EU and elsewhere. The danger, then, is that the existing embryo of representative democracy in the Union may be put at a disadvantage when participatory and deliberative arrangements are on the rise.

However, as long as the participatory-governance model is used with care, it can provide – as the case of REACH shows – an important means for helping connect the Union more closely to its citizens. Participatory governance may not be a complete solution to the EU's legitimacy crisis, but proper use of it can help reduce the breadth and depth of this crisis. In our view, the ongoing attempts to involve stakeholders and interest groups in EU decision-making offer a promising way forward. The main alternative would be to institute a more closed and secretive decision-making process unresponsive to the demands of European citizens – which is surely not an approach likely to enhance the legitimacy of the Union.

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Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor



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