

**Statement of the Working Group on European Development Policy
on the Document of the European Commission
“European Governance – White Paper”**

Bonn, 14th February 2002

I Preliminary notes

The Association of German Development NGOs, reg. Ass. (VENRO), explicitly welcomes the European Commission’s initiative to reassess established European structures of governance with a view to redesigning relations with the other European institutions and improving the relationship with civil society.

The White Paper’s analysis sets out from the trust of the citizens in Europe and their closeness to Europe having gone lost in spite of the democratic legitimisation of the European institutions. The aim of this process is to restore both. To this end, the process of political decision-making is to be opened up in order to involve more people and organisations in the design and implementation of EU policies.

Irrespective of this positive approach, we would like to discuss some aspects that we regard as critical and that refer on the one hand to the document’s general tenor and on the other to concrete passages of the text. In this context, it has to be borne in mind that VENRO has read and interpreted the document from a development-policy angle in spite of the area of development policy being given only little treatment in the text. However, also with a view to the current Cotonou Process, development policy is crucially influenced by the processes described in the paper on hand and by how the Commission relates to and treats civil society.

II General critical points

- The discussion paper addresses a circle comprising both government (e.g. local communities and regional administrations) and civil society actors. However, in the paper itself, only insufficient consideration is given to the differences in responsibilities, options for action, degrees of effectiveness, legitimisation, resources, etc.
- The text is based on a very heterogeneous definition of civil society that also includes unions and management. In this context, terms such as non-governmental organisations, civil society, networks, etc. are not applied coherently. Concepts are not used consistently (non-governmental organisations instead of civil society, for instance, etc.).
- The organisations of civil society are harnessed as mere tools and defined by reducing them, for example, to a role as an early-warning system or a mobilising instrument. Civil society is not regarded as a political partner.
- All in all, clear instructions as to how the relationship between the various levels of players could be redesigned and how an intensification of the dialogue with civil society could be reached in concrete terms are missing. (Owing to the restriction of access to the European Parliament as a result of the events of September 11th, options for information and dialogue with members of the European Parliament have been perceptibly reduced.)
- In some text passages, the non-governmental organisations are advised to reassess their basis of democratic legitimisation and a need for qualification is identified. We regard the issue of legitimisation as justified as far as all players are concerned. In this context, we would like to refer to the core statement of Laeken:

„The first question is thus how we can increase the democratic legitimacy and transparency of the present institutions, a question which is valid for the three institutions“¹

Here, it has to be borne in mind that civil society protagonists justify themselves in a fundamentally different way from government players. It is precisely through their proximity to the citizen that they are constantly controlled. Financing and reputation are crucially determinant factors.

- Generally, the role of the European Parliament ought to be enhanced in the framework of restructuring processes in order to ensure greater democratic control and closer proximity to the citizen. However, the White Paper gives the impression that the significance and the power of the European Commission ought to be maintained and even raised. It should also retain the right of initiative. A genuine enhancement of the scope for action and control on the part of the European Parliament is not reflected.

¹ Laeken Declaration, 15.12.2001

III Critical points on concrete passages of the text

Recommendations for change

Better integration of all players and greater openness

Under this item, the European Commission offers that partnership agreements be reached in which it commits itself to additional consultation. In return, the organisations consulted are to attach more importance to the principles of openness and being representative. However, VENRO has gained the impression that reference is being made subliminally to the legitimisation debate in this context. Basically, of course, VENRO subscribes to these principles. What is crucial is how “being representative” is understood. In this context, the question seems justified as to how much “representation” there is in the assessment of the activities of public administrations.

For consultations, the establishment, for example, of a “civil society forum” would be conceivable.

Better policy, better rules, better results

In this chapter, reference is made to the European Union’s intention to set up guidelines for the acquisition and use of expert knowledge. VENRO stresses that in many cases, non-governmental organisations such as the members of VENRO and the NGO networks already have expert data banks at their disposal and ought to be consulted as experts themselves.

Global governance

The Commission intends to intensify dialogue with government and non-governmental players in non-member countries. VENRO would like to point out that integrating the non-governmental organisations based here as civil society partners in the North is essential, for example

- in enhancing capacities of non-governmental players in the South and securing their political position,
- in campaigning for their cases in the North and
- in gaining access to the grassroots level.

Reorienting the institutions

Under this title, reference is made to the European Commission’s submitting proposals to the next conference of governments aimed at returning the responsibility for the implementation of policies to the hands of the Commission. What rationale is this formulation based on?

Principles of good governance

In this chapter, openness, participation, responsibility, effectiveness and coherence are referred to as principles of good governance. Only coherence is mentioned as one of the three super-ordinate principles of European governance, i.e. coherence, complementarity and co-ordination. Subsidiarity is sub-ordinate and is not treated as a principle in its own right.

Under the principle of responsibility, it is stated that the EU institutions have to explain to the citizens what they are doing in Europe and have to assume responsibility for their activities. But in our opinion, it is impacts on non-member countries that also have to be taken into particular consideration. The European institutions have to assume responsibility world-wide for what they are doing. This also applies to the role of the EU in the multi-lateral committees.

Regarding the principle of coherence, the White Paper notes that an annual coherence report is called for in the coherence resolution made by the Council of Ministers. So far, this demand has not been met. Against this background, it is incomprehensible why indicators are first of all to be developed in chapter III, under the title “overall coherence of policies”, with which areas in which coherence is required are then to be identified. As a super-ordinate principle the demand for which and application of which requires no identification coherence is undisputed both on the government and non-governmental side.

Recommendations for a change Integrating civil society

Basically, VENRO welcomes the Commission’s intention to contribute to networking civil society, but it cautions that the setting up of an online databank on the organisations of civil society cannot be carried out without their being significantly integrated (involvement in designing the TOR), especially since networking and documentation has already been established in many areas. In addition, criteria ought to be agreed upon regarding the volume of the data and the way they are recorded.

VENRO regards civil society’s observing principles of good governance such as responsibility and openness as going without saying.

VENRO agrees that participation refers to a more effective formulation of policies on the basis of early consultation and experience gained in the past. But in what context should the preceding sentence – “Participation does not mean institutionalising protest” – be seen?

VENRO welcomes the intention to enhance the culture of consultation and dialogue. To this end, a code of conduct with minimum standards is to be drawn up. But here too, civil society has to be integrated into the defining processes since the direct implications for the influence of civil society are at stake. So far, this has not happened, nor does it seem to be planned, for the minimum standards for consultation were already supposed to have been decided by the Commission by the end of 2001. This raises the question as to whether these standards have already been decided on without consulting civil society.

The Commission intends to have developed a systematic and more proactive concept for dealing with particularly important networks by the end of 2002. This prompts the question as to who these so-called key networks are, who defines them and according to which criteria they are chosen.

The EU’s contribution to global governance

Here, VENRO stresses that multilateral negotiations and institutions cannot be aimed solely at working towards the effectiveness and legitimacy of global regulation or “enhancing the effectiveness and assertiveness of multilateral organisations”. In VENRO’s opinion, the EU has

to urge that overarching goals (such as human rights, combating poverty, sustainable development) are complied with.

The institutionalised participation of civil society in such topics has just been established in the Cotonou Agreement governing the relations between the EU and the ACP countries and ought to be reflected in this paper.

Reorienting the policy fields and institutions

We regard enhancing the status of the European Parliament as an important way of compensating for the EU's democracy deficit. Parliamentary control of how funds are used must not be undermined.

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VENRO, *the Association of German Development Non Governmental Organisations (NGOs)*, is the umbrella organisation of independent and church related NGOs working in the fields of development cooperation, emergency assistance, development education, and advocacy. Currently, the Association has about 100 member organisations.