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THE ALTER-EU MOVEMENT AND EUROPEAN GOVERNANCE

Richard Balme - Didier Chabanet¹

The recent obstacles to European integration have relaunched a debate that makes ethics and transparency core parts of the European agenda. This hints at the possibility of a more demanding regulation of lobbyists and, in broader terms, of all parties involved in the European Governance. The dynamics currently at work testify to growing receptiveness of EU officials to the claims of the Alter-EU movement; to the power struggles between representation models; and to the existence of more or less open, virtuous and/or citizen-controlled conceptions of public action that reflect differentiated national traditions and practices.

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In Europe the alterglobalist movement was born and developed outside EU institutions. Its capacity for challenge via the media and popular mobilisation is in marked contrast with the scepticism and even outright rejection of these institutions by a growing section of the population, and highlights the trend to significant dualisation of the European public arena. The maturation of this protest movement, now capable of exercising real influence, and the increasing receptiveness of European spheres to their criticism are giving rise to a profoundly new configuration and the possibility of an integrated political debate. What is interesting here is that the transparency of European institutions and the regulation of lobbying are simultaneously the cause of the emergence of a new alter-EU movement, which has contributed significantly to the construction of the European Commission's agenda.

The Alter-EU movement – the Alliance for Lobbying Transparency and Ethics Regulation – has gradually been taking shape since late 2004, its main weapon being denunciation of collusion between business and European decision-making circles. Now presenting as a credible interlocutor, it brings together the traditional alterglobalist actors – ATTAC for example – with Eurogroups generally representing civic or social interests that see themselves as maltreated by the current EU style of governance, and journalists' associations, notably the European Federation of Journalists, concerned about the influence of pressure groups on the media. Determination to counter the atmosphere of Euroscepticism represents a window of opportunity for the Alter-EU movement, whose leaders regularly meet with high-ranking Commission staff. Its influence depends less on its financial and logistical resources, or even the size of its membership, than on overall alter-European protest power and, consequently, the more or less conciliatory attitude taken towards it by the European institutions. Despite this favourable context, however, its political existence lacks stability and remains relatively fragile.

Largely designed as an information network, Alter-EU makes enormous use of the Internet to put an extremely precise and well-documented case grounded in research and often couched in humorous or satirical terms. Its way of working is systematised enough to suggest a strategic positioning especially well adapted to its chosen vector

and likely to catch the eye of net surfers and a broad audience.¹ Its aim is to solicit the attention of a public with no specialist knowledge of European issues, while setting itself apart from the jargon and hermetic style usually employed by EU institutions. Just as social movements with little political or institutional backing specialise in spectacular activities, Alter-EU has opted for a distinctly original style of action and argument, with humour and ridicule as its favourite weapons. Basically it advocates a binding system of regulation applicable to all special interest categories; exceptions would be made, however, for unstructured groups with limited resources – no office in Brussels, for example – for which the demand for a declaration of activity and/or transparency obligations would involve administrative costs too heavy to bear.

Since late 2004 Alter-EU has set up a precise programme which is closely drawn on by the Commission for its thinking on lobbying regulation and the transparency of European institutions. The most striking proposals bear on establishment of an independent public body with the powers needed to act as a public guardian of lobbying transparency and ethics; for lobbyists, a mandatory system of electronic registration and reporting to ensure transparency in EU decision-making (including the names of their clients); Rules of Conduct for Lobbyists and EU Officials, notably including a revolving door system imposing a period of transition before any move from the private sector to posts of responsibility within the Commission and vice versa; and an obligatory Declaration of Personal Financial Interest. Furthermore, immediate family members of a covered official should be prohibited from lobbying for compensation the agency on which the covered official serves; lobbyists and their clients should be prohibited from offering gifts with a value of more than 150 euros – they must declare all reimbursement to an official; for each policy proposal the European Commission should publish a list of organizations it has consulted on this proposal.² This impressive list of measures also deserves attention in that it represents the background to the European Transparency Initiative,

¹ For instance *Lobby Planet: Brussels – the EU Quarter* follows the Lonely Planet guidebook model, providing a very comprehensive set of indications on the geography of the main interest groups in Brussels and using their cartography to stress their nearness to European institutions. There is also an annual "Worst EU Lobby Award" for a group using tactics regarded as especially unacceptable.

² Alter-EU, *Recommendations on Lobbying Transparency and Ethics in the European Union*, January 13, 2006, 5 p.

officially launched in March 2005 by the Vice-President of the European Commission and Commissioner for Administrative Affairs, Audit and Anti-Fraud.

Initially scheduled for late 2005, the Green Paper *European Transparency Initiative* did not appear until 3 May 2006, the delay resulting from the extreme difficulty of defining a framework for the resultant public consultation.¹ Even so, this new stage marks a significant advance: firstly because the issue under consideration has never been set so directly at the core of the European political agenda; and secondly because the Commission itself acknowledges having "launched a review of its overall approach to transparency", with an explicit emphasis on "the need for a more structured framework for the activities of interest representatives."²

Partisans of strict regulation will doubtless be disappointed to find that in the final document compulsory registration for interest groups has once again been postponed – even though it had been seriously suggested by top Commission officials – and they may see this as a retrograde step: "A tighter system of self-regulation would appear more appropriate. However, after a certain period, a review should be conducted to examine whether self-regulation has worked. If not, consideration could be given to a system of compulsory measures – a compulsory code of conduct plus compulsory registration."³ Those of a pessimistic – or realistic – bent might point out that this was exactly the Commission's line in 1992. And they will not be well pleased to see the issue of the recycling of senior European functionaries in the business world totally ignored.

Even so, the Commission's proposals are not entirely without weight. With its plan for a web-based voluntary system with incentives to register for all lobbyists who wish to be consulted on EU initiatives, the Commission is aiming at making public the activities of all interest groups – think tanks, companies specialising in European affairs, legal consultancies, employer organisations, etc. – that do not appear in the CONNECS databank and currently operate for the most part in secret. The effectiveness of the rules of transparency is also slated for improvement, with plans for an independent authority in

¹ Green Paper, *European Transparency Initiative*, 17 p.

² *Ibid.*, p. 3.

³ *Ibid.*, p. 10.

charge of monitoring the system and imposing sanctions in cases of misleading registration and/or violation of a code of professional ethics ultimately applicable to all lobbyists. Such a system would provide the general public with a fairly comprehensive information tool, one enabling a better understanding of the rationale of representation of European interests and at least partial clarification of the EU decision-making process.

Where the regulation of interest groups is concerned, the Parliament and the Commission have historically adopted largely contradictory, competing lines of conduct, the former laboriously putting together a compulsory system of registration and the latter – in favour of self-regulation – settling for incentive measures. More than just the status of pressure groups, what is ultimately at stake here is the model of political representation and the conception of European society currently under construction. The influence of the English-speaking – and even more so the Scandinavian – countries appears to be a growing factor in the orienting of the EU's political agenda and standards, and this suggests the possibility of a more rigorous system for the not too distant future, one that would enhance the legibility of the European decision-making system and the role of its various stakeholders. At the same time the rapprochement between some of the demands of the alter-European movement – notably in the fields of ethics and transparency – and the political policies laid down by EU institutions is opening up a critical period for the future: a period that will provide vital indications of Europe's capacity to meet the aspirations of those calling for a more virtuous democracy.