



Lobbying the EU – and rocking the boat

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Participative Democracy Beyond Borders? Civil Society Engagement – a Comparative Perspective

Conference organized within the framework of CONNEX, a Network of Excellence on “Efficient and Democratic Governance in a Multi-Level Europe”. Session on “Civil Society engagement in international and European governance: Cooperation and Resources of Civil Society Organizations”

Brussels, 15th May 2007

1. Introduction

FoEE is engaged across the European Union. We cooperate with many civil society organizations. As an example, we work very closely with CEE Bankwatch with which we monitor the impact of EU funds being spent in Member States in Eastern Europe. We are also member of the EU Civil Society Contact Group.

Civil society and NGOs have a key role in holding European governments, public institutions and corporates accountable. They carry out research and lobby work, they raise public awareness and give people a forum to express their views, and they develop solutions. FoEE is also a member of the Green10, the largest network of European environmental organisations.

2. The Green 10

Together we coordinate joint responses and recommendations to EU decision makers. Membership of the Green 10 alone is more than 20 million people. The Green 10 organisations are: Birdlife International, CEE Bankwatch Network, Climate Action Network Europe (CAN-E), European Environment Bureau (EEB, Transport and Environment (T&E), Health and Environment Alliance (HEAL), FoEE, Greenpeace International, Friends of Nature (IFN), WWF European Policy Office (WWF-EPO).

We work with the EU law-making institutions - the European Commission, the European Parliament and the Council of Ministers - to ensure that the environment is placed at the heart of policymaking. This includes working with our member organisations in the Member States to facilitate their input into the EU decision-making process.

While campaigning at EU level, the Green 10

- encourage the full implementation of EU environmental laws and policies in the Member States;
- lobby for new environmental proposals, as appropriate;
- work with the EU institutions to ensure that policies under consideration are as environmentally effective as possible;
- and promote EU environmental leadership in the global political arena.

In terms of public awareness raising, the Green 10

- inform their members and the wider public of environmental developments at EU level, and encourage them to make their voice heard;
- give a voice to thousands of locally-based associations, which would otherwise have no access to EU decision-makers;

- and contribute to the strengthening of civil society across Europe, through training in advocacy skills, policy analysis and the EU decision-making process.

How do we work?

The Green 10 tries to observe as democratic a process of decision-making as possible, taking into account the views of member organisations, their staff, boards and members. We reflect the views of millions of European citizens and thousands of local associations at EU level. The strength of the Green 10 NGOs is in our networks.

European environmental NGOs regularly send information to their members and supporters. This is vital to ensure these groups are fully informed of developments at EU level, so that they can contribute effectively to the EU decision-making process.

As well as working individually with EU institutions on key policy areas, we also coordinate joint responses and recommendations to EU decision-makers on issues of interest to all NGOs. Examples:

- The Constitutional Treaty: NGOs successfully lobbied the European Convention to retain existing Treaty commitments to sustainable development, environmental protection and the integration of environmental concerns into each EU policy area. We also supported an increase in the power of the European Parliament in several areas of work.
- The EU's Sustainable Development Strategy: The Green 10 works to ensure the attainment of the objectives of the Sustainable Development Strategy agreed by the Gothenburg European Council in 2001. We closely monitor progress on the individual commitments, and have prepared joint input to the EU institutions for the review of the Strategy.
- European elections: We produced a joint "manifesto" outlining key recommendations for action by MEPs in the European Parliament 2004-2009. We worked with member organisations to promote these recommendations with MEP candidates and political parties at national level.
- Greening the EU Budget: The EU's annual budget procedure presents an opportunity for Green 10 NGOs to lobby for a shift in funds away from environmentally damaging measures to those budget lines that deliver public goods and environmental benefits. Green 10 NGOs have been active in seeking to reform the Structural Funds, the Common Agricultural Policy and the Common Fisheries Policy.

3. Trends in the EU

I am observing a trend of professionalisation among some NGOs, especially in the fields of political communications.

At FoEE we have embarked in early 2006 on a organisational development plan to professionalise our work on different levels:

- We increased staff capacity for management and support functions including accounting, administration, secretariat, fundraising, strategic planning and communications. We hired a Communications Officer in May 2007 and a fundraiser in January 2007. and we will set up a Strategic Management Team (SMT) this summer.
- We started implementing a staff training and development programme in conjunction with new role development descriptions and a new appraisal system

Our aim is to

- have greater political impact as support and management functions are taken on by sufficient horizontal staff;
- retain experienced staff and hire new talent;
- and increase staff performance and knowledge.

At the EU level, we lobby institutions, but we also rock the boat.

FoEE also supports the organisational capacity building of European FoE member groups. Our objective for 2006-2007 is develop the capacity of the FoE groups in Spain, France, Malta and Croatia. Activities include training seminars on management, media, communications, fundraising, software and volunteering; as well as

meetings on Effective Organisational Structures, Governance and Democracy, Leadership and Managing Change, Membership Development, Strategic and Operational Planning. This programme builds upon the success of the previous two year programme focused on groups on central and eastern Europe.

We believe that the better FoEE is in capacity building, in campaign work and in communications, the more visible we become. Strong visibility in the public sphere means more influence on EU decision-makers.

Regarding cooperation across civil society organizations, well, this is a routine element in Brussels. The degree of cooperation among NGOs active at the EU level is high and occurs almost on a daily level – in comparison to the ones active at the international level. The reasons:

- The EU system is much more open and inclusive than any other regional and international system
- Civil society has hardly any influence on the rather autocratic Arab League, the African Union or ASEAN

Civil society organising itself as “political entrepreneurs” and “advocacy coalitions” are effective in their engagement with EU institutions as organizations with a strong bottom-up, or grassroots membership. Each NGO or group has a special role in lobby and campaign work. In the case of the Green10 in Brussels, each of the organisations has a different way of campaigning on environmental issues, and all their efforts have the same goal. In some cases, the ten green NGOs lobby together.

There is, however, a marked difference in the choice of campaign strategies across different types of organisations. FoEE and Greenpeace, for example, carry out peaceful demonstrations during public campaigns while lobbying and developing policy work. FoEE is more grassroots than Greenpeace. The European Environmental Bureau focuses on policy work. WWF cooperates with corporates.

Most EU institutions welcome the input of civil society. They have also accepted the legitimacy of civil society organizations because of their broad membership base – in the case of the Green10 about 20 million people.

Fact is that NGOs play a crucial role in shaping government and EU policies, and in keeping democracy alive.

But in the EU capital, Brussels, NGOs face a number of hurdles in their work: Hurdles for civic society and barriers to democracy.

- The balance of power between business representatives and NGOs in Brussels is extremely tilted – in favor of corporates.
- When it comes to communicating content, NGOs are fighting against companies that can afford to air TV commercials and plaster print and web-based media with misleading messages.
- Some companies have crossed an ethically-loaded line and finance an NGO with the misleading name Green Facts.
- Business interests use “Corporate Social Responsibility” (CSR) as a hollow and cynical tool for public relations – and the EU is supporting this.
- The EU proposal on CSR focuses mainly on improving the competitiveness of the industry; it does not seriously tackle the negative impacts of business on the environment and society.
- Business lobbies have privileged access to information and often meet EU officials behind closed doors, as NGOs are too often excluded from discussions between business and officials on planned EU legislation.
- The EU Commission has published a Green Paper on a European Transparency Initiative (ETI) that does not include mandatory registration for all lobbyists nor a requirement for information to be made public about the issues, clients and lobby budgets involved. The incentive for signing on voluntarily, as proposed by the Commission, is insignificant and indirectly rewards bad lobbyists

4. Business vs. NGOs in Brussels

The balance of power between business representatives and NGOs in Brussels is extremely tilted. An estimated 15,000 lobbyists work in Brussels, of which around two thirds represent business interests. And the business lobby has enormous resources at its disposal. Take the European Chemical Industry Council (CEFIC), the lobby group of the European chemical industry. In 2006, its 150 employees and annual budget of 40 million Euros enabled it to significantly weaken the EU chemicals directive REACH. As a comparison, not more than 15 people work in Brussels on REACH at CEFIC's main opponents WWF, Greenpeace, FoEE, EEB Bureau and HEAL.

When it comes to communicating content, the European NGOs are fighting against companies that can afford to air TV commercials and plaster print and web-based media with misleading messages, systematically distracting from the problems they are causing (BP: "Beyond Petroleum"; ExxonMobil: "Driving for efficiency"; Chevron: "Human energy"). The online information portal EurActiv.com is, for example, sponsored by Shell, Total, ExxonMobil and Dupont, among others. The strong presence of sectors like oil and chemicals trying to polish up and green-wash their image with massive PR-measures is striking.

In one case of disinformation, CEFIC placed an advertisement in the October 19th, 2006 edition of the European Voice, distorting facts about the planned mandatory substitution of dangerous chemicals when alternatives are available. The ad included a picture of a sick African child with cynical arguments promoting the use of the highly toxic insecticide DDT – even though pesticides like DDT do not actually fall within the scope of REACH, and safer alternatives to DDT like mosquito nets are available.

Some companies have even crossed an ethically-loaded line: An group with the misleading name *Green Facts* was founded with financial support from the chemicals company Solvay. Later, other companies and associations such as Total, Ferrari, CEFIC and the 'European Crop Protection Association' (the association of GM crop companies like Monsanto and pesticide producers like Bayer and BASF) joined the league of sponsors.

Green Facts assures that its only aim is to make complicated scientific and consensus-orientated reports on health and environment accessible to non-experts – i.e. Eurocrats and media representatives. But *Green Facts* systematically blurs the line between NGO and business by publishing supposedly non-biased reports on the positive benefits of GM-food and nuclear power. When quoted in the media, most readers assume *Green Facts* is an NGO like any other because hardly anyone would check on its website to find out more about its backers. Surely greenfacts.com would be a more appropriate web address than greenfacts.org?

Another tool used by corporates, especially by the biggest polluters, is "Corporate Social Responsibility" (CSR). CSR is often communicated via sustainability reports that include activities corporates would implement anyhow to cut costs (like saving energy in oil drilling and industrial operations) or because they have to (paying for the relocation of a community living above a gas field). CSR is, unfortunately, in most cases a hollow public relations activity. Surprisingly enough, corporate managers and PR agencies believe that people buy it.

In a regular PR event, the business network for corporate social responsibility "CSR Europe" gives awards to companies which have implemented the best CSR solutions. In 2006, an environmental award was given to the French oil corporation TOTAL – a perfect example of hollow corporate PR at its most cynical, because TOTAL has been regularly exposed for its poor record on environment protection. It is one of the companies taken to court in 2005 in Nigeria for gas flaring, and it is currently involved in an oil extraction project in Canada causing huge emissions of climate-damaging carbon dioxide (CO₂).

In addition, TOTAL is indirectly funding the Burmese regime responsible for violations of human rights, by investing massively in the country. In 2005, under the threat of a court case, TOTAL had to pay five million Euros in compensation to people who were forced to work at a TOTAL pipeline in Birma.

"CSR Europe" in June 2006 also gave the international accounting firm KPMG an award in "business partnership", despite the fact that KPMG faced a scandal in the US in 2005 for having set up tax shelters for some of its clients. Hypocritical award ceremonies of this kind only prove that too many managers still refuse to accept the meaning of credible corporate social responsibility. They are too often using CSR to white-wash their image, while at the same time refusing to address the real issues of environmental, social and human rights protection.

The EU Commission is, unfortunately, not a big help on this issue. In March 2006, it set up an alliance with corporates to promote CSR – but only on a cosmetic level. The EU proposal on CSR, drafted by Industry and Enterprise Commissioner Günter Verheugen, was geared solely towards improving the competitiveness of the industry and did not seriously tackle the negative impacts of business on the environment and society.

The Commission does not even intend to check if the companies fulfill the promises they make in projects that would qualify for the alliance.

FoEE has nothing against boosting the competitiveness of Europe's business. On the contrary, in fact. But we would love it if Mr. Verheugen would push the industry, for example, into long-term investments in clean energy technologies and non-toxic chemicals. This would create sustainable jobs and strengthen Europe's competitiveness worldwide.

We recommend that the EU-Business alliance:

- ensures accountability and liability of companies to their stakeholders
- includes social and environmental reporting requirements
- includes social and environmental duties for directors of companies
- uses public policy measures such as public procurement and public subsidies to stimulate responsible behavior
- implements international standards and principles
- involves stakeholders from the early stages of CSR strategy development
- ensures independent monitoring/verification

The EU must lead to ensure that European companies live up to the highest expectations wherever they operate in the world. This would stimulate the implementation of global high standards. Companies must be held accountable – not only to their shareholders but also to the public.

5. EU lobby non-transparency

If civil society and NGOs are to play their democratic role in Europe, then they need information and fair access to decision-makers. For this to take place, the EU has to significantly increase its transparency. Business lobbies are regularly granted privileged access to information and are invited to meetings behind closed doors. NGOs should not be excluded from discussions between business and Eurocrats on planned EU legislation. Furthermore, all lobbyists in Brussels should have to comply with strict ethical rules.

The EU Commissioner for Administrative Affairs, Audit and Anti-Fraud, Siim Kallas, attempted to tackle that problem and in May 2006 published a green paper on a European Transparency Initiative (ETI). Meanwhile, research by Friends of the Earth Europe, published in the report, "Transparency in EU decision making: reality or myth?", revealed a worrying lack of transparency in several key areas of EU policymaking. These problems would not be solved by Kallas' proposed ETI.

Major shortcomings are:

- Existing codes of conduct for lobbyists do not require transparency about who is lobbying for whom and how much money is involved.
- Compliance mechanisms for existing codes are ineffective: the codes are essentially voluntary, there are no independent and external complaint panels and sanctions are weak.
- Rules regarding 'revolving doors' - staff moving from the Commission directly into lobbying and vice versa - are inadequate. There is no "cooling-off" period upon leaving the Commission and rules on employment prior to working in the Commission are completely absent.
- The Commission's standards for equal consultation of all stakeholders are non-binding and aren't implemented properly.

The Commission only has vague guidelines on conflicts of interest. One recent example is that of a high ranking official of the Commission who was dealing with the Commission's antitrust case against Microsoft. The EU is claiming more than half a billion Euros from Microsoft. Now, the same official is going to work for a consultancy that boasts Microsoft as one of its major clients. How is the Commission going to prevent inside information about the Commission's strategy ending up on the computer screen of Microsoft's Bill Gates?

We recommend the following:

- Mandatory registration for all lobbyists, with a requirement for information to be made public about the issues, clients and lobby budgets involved. This is not at all unrealistic as such a system exists already in the US and Canada, and lobbyists objecting this system in Brussels are complying with it in Washington.
- A code of ethics extending to all registered lobbyists. This must contain specific examples of prohibited behaviour. For example, it should be banned for lobbying companies to employ a former employee of the EU institutions who was handling the same dossier in the previous three years.
- An extended code of conduct for EU officials that prevents 'revolving doors' issues.
- An independent public body to investigate alleged breaches of lobbying transparency. The mandate of the European Ombudsman could be extended for that purpose.

Transparency and strict, obligatory rules for lobbyists are the basis for a democratic Europe. The current system puts NGOs at a disadvantage because information is disclosed selectively and deals are made behind closed doors. This policy of secrecy weakens democracy and increases public distrust of the EU.

6. The Challenge for NGOs

Campaigning and lobbying on a European scale and in the EU capital, Brussels, is a daily challenge for NGOs. Fortunately, creative and exciting campaigning does not have to be expensive. NGOs do not have to organize expensive dinners in luxury hotels in order to lure Eurocrats and journalists. NGOs do not need to pay fortunes for TV commercials and print advertisements.

We need far fewer resources than our political opponents to exert pressure and ignite public debates. We do it by consistently asking sharp and poignant questions, by developing scientific solutions and by mobilising millions of members and volunteers. We stage protests, create emotional pictures and expose scandals. We gain strength by working in coalition with other NGOs.

We do not try to buy credibility. Our arguments are aired and printed for free because both media and the public rate our integrity highly.

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Links

- Friends of the Earth Europe, www.foeeurope.org
- The Green 10, <http://www.green10.org/>
- CEE Bankwatch, <http://www.bankwatch.org/>
- Civil, Society Contact Group, <http://www.act4europe.org/code/en/hp.asp>
- European Chemical Industry Council, www.cefic.be
- The front group Green Facts, www.greenfacts.org
- Sustainability reports of Shell, http://www.shell.com/static/envandsoc-en/downloads/about_this_site/shell_sustainability_report_2005.pdf and BP, http://www.bp.com/liveassets/bp_internet/globalbp/STAGING/global_assets/downloads/S/bp_sustainability_report_2.pdf
- Total and CSR, <http://www.total.com/en/corporate-social-responsibility/>

More Info:

- On Lobby Transparency in the EU: www.alter-eu.org, www.lobbycontrol.de and http://ec.europa.eu/commission_barroso/kallas/transparency_de.htm
- On Corporate Social Responsibility (CSR): (2) Final report of the Multi-stakeholders Forum, website of the Commission: http://forum.europa.eu.int/irc/empl/csr_eu_multi_stakeholder_forum/info/data/en/CSR%20Forum%20final%20report.pdf
- On access to information: <http://ec.europa.eu/environment/aarhus/>, www.aarhus-konvention.de and, in German, <http://netzwerk-recherche.de/docs/IFG.pdf>
- On Total and KPMG: <http://www.corpwatch.org/article.php?id=13557>, <http://www.burmanet.org/news/2005/12/01/irrawaddy-why-total-agrees-to-compensation-in-forced-labor-suit-jean-francois-lassalle/#more-272>, <http://www.climatelaw.org/media/gas.flaring/report/>, <http://www.corpwatch.org/article.php?id=12585> and <http://www.washtimes.com/business/20031116-111226-6058r.htm>
- On the Microsoft case: http://in.today.reuters.com/news/newsArticle.aspx?type=technologyNews&storyID=2006-10-03T194226Z_01_NOOTR_RTRJONC_0_India-270514-1.xml&archived=False