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THE ROLE OF THIRD SECTOR NETWORKS IN THE EUROPEAN SOCIAL POLICY

The involvement of the Third Sector at the European policy making has significantly increased in the last decade. The evolution of that involvement has followed the extension of EU competences in all areas of live directly affecting the lives of all EU citizens.

The adoption, in 1996, and the subsequent ratification of the Amsterdam Treaty gave an important legal basis to the European Union and gave consequently to the European Commission the legal initiative in the area of non-discrimination for vulnerable groups. The article 13 of the Amsterdam treaty foresees that the Council of the EU may take action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. This was the beginning of strong directives that protect against discrimination specific vulnerable groups such as women and racial minorities (2000/43), this protection affects several areas of life, such as access to goods and services, or education and health for racial minorities. One important piece of legislation as well is the employment directive (2000/78) that covers the rest of groups from article 13 from discrimination in the area of employment. This unbalanced protection between the different grounds will be hopefully brought to and end when the European Commission will present, by the beginning of July this year, a social package including specific legislation for people with disabilities and other specific legislation for other remaining groups such as elder people, youth and people with different sexual orientation.

It is nevertheless important to recall that other articles of the Treaty have been used to develop legislation in order to introduce specific needs of vulnerable groups (such as disabled peo-

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ple) in the wider scope of the EU action, for example: art 95 (internal market); art 251 (in ICT); art 45 (public procurement); or art 161 (cohesion policy).

The European Union has develop action also in other areas where it is not fully competent, in areas such as education, employment, social protection, pensions, health and long term heath. The new policy instruments used were called new modes of governance, and the most important examples are the European Employment Strategy and the Open Method of Coordination in the areas mentioned before. This soft approach is based on the believe that the states can coordinate their policies in those areas, that they can exchange their best practices and that they can issue recommendations to improve the areas where member states are lagging behind. This soft approach is based on an open system of discussion, less based on a hierarchical approach from a top down Commission legislation, and it offers the opportunity to the Third Sector to participate in that debate and use politically the process of decision making.

As a conclusion from the previous paragraphs we should say that the challenges for the Third Sector in Europe have also increased in the last decade. The number of new legislation in the area of non discrimination, the mainstreaming of social issues in areas where the social dimension did not exist before and the new modes of governance in areas where the Union has limited competencies, have increased the need of capacity and efficiency of the civil society. They require civil society to be more active, more organised, more unified and more technically prepared for policy discussions. In the case of civil society representing specific groups, the principle of being representative, meaning that there is a communication between national organisations and the European organisations and that there is internal democracy, is a fundamental condition to create a solid dialogue between civil society and policy makers.

Already in 2001 the European Commission presented the white paper on European governance. The new governace is a vision that is gaining momentum all over the world but especially in Europe where modern democracies should include the participation of civil society during the entire policy making process. Therefore the participation of the Third Sector has become a mark of quality in modern democracy policy making. It is a matter of fact that the participation of the target groups during the policy making makes the public decisions more effective and legitimate.

The challenge of the new governance is that either is not implemented at all in some areas of policy making or it is incorrectly applied (since it is not understood by the policy makers). At European level there is still a need to train policy makers to understand the participation of civil society as a way to ensure better regulation.

Under these circumstances the Third Sector at European level has the role of participating in a complex policy making and ensuring the mainstreaming of the objectives of civil society in all areas of life. The challenge to mainstreaming also affects civil society organsiations since it means that they should move out from just focussing on social policies and look at other policies such as internal market, cohesion policy, transport, etc... that have a direct impact on vulnerable citizens.

This is important because the EU has a direct impact on daily lives of citizens in Europe. As an example we can take the directive on buses and coaches (2001/85), this directive obliges to all urban buses to be accessible for disabled passengers; or the regulation on air transport for people with reduced mobility (1107/2006), obliging all public air carriers and airports to provide assistance and forbidding the deny of entrance for disabled passengers and; the regulation on Structural Funds (1083/2006), do you know that all money that is coming from the EU to your country should be spent following the principles of non discrimination and accessibility for disabled people? so no more inaccessible infrastructures can be financed in Europe with EU money.

Moreover the role of civil society is important, at the European Union level, since the EU institutions receive many competences from the member states and they do not usually have all the democratic mechanisms to control the policy making. Mechanisms that usually exist at national level and they are unable to execute that control once the policy competence is given to the EU.

In this context the European social movements have been able to articulate organisations at EU level to be more effective as a watchdog and in the agenda setting at EU level. As we have said, modern democracy also requires equality in the representation of interests during the policy making and therefore requires support to representative civil society. This is also a challenge to civil society since it has to be more effective and it has to be representative. At EU level many organisations of Civil society receives support but especially organisations representing article 13 vulnerable groups: People with disabilities, Women, Ethnic minorities, Youth, Elder people and people with a different sexual orientation. The European programme providing support for civil society at EU level is called "Progress" and civil society much welcomed this development as a way to ensure better involvement of all interested groups in the policy making.

"Progress" programme provides financing of organisations and projects related to civil society. This is a major achievement since "Progress" transforms a formal right of participation into a real right giving capacity to civil society.

There are still dangers on the "Progress" programme that should be avoided in the future such as and excessive administrative burden and an aim of the European Commission to condition the internal agenda setting of the European civil society.

Participating at the EU policy making requires big capacity since the pressure has to be put closer to all institutions participating at the European policy making (European Parliament, European Commission and Council of the EU) Depending on the policy procedure to be used and the competences of the institution, organisations should concentrate their efforts in different ways. There are other political bodies such as the European Economic and Social Committee or the Committee of the Regions, with whom civil society should also cooperate in order to raise awareness on the different objectives regarding social concerns.

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The European Disability Forum also cooperates with other informal bodies such as the parliamentary disability intergroup, and informal group of MEPs that put disability among their priorities of action. This group has been extremely useful for EDF in the lobbying campaigns and the defence of the interests of people with disabilities in all policies of the European Union.

All the developments mentioned before had recognition in the last signed Treaty of Lisbon ("functioning of the European Union"). The new Treaty integrates several good issues: The participatory democracy; the integration of a reference to the Charter of Fundamental Rights (except for Poland and UK); change of paradigm in the objectives of the Union, placing social objectives at the heart of the Union and; allowing the citizens to have a legislative initiative. If the Treaty enters into force in January 2009, there will be a new set of legal instruments that should be used by the civil society in Europe. The European Union would be able to legislate in many areas affecting lives of vulnerable groups. These will represent new challenges for civil society, this will mean also that the EU should increase its democratic control over its own policy making in participation with civil society and other institutions and bodies such as the European parliament, the ECOSOC and the Committee of Regions. The success of an inclusive European Union is today closer than ever was in the past, the civil society should continue fighting anyhow in many fronts, such as the creation of European awareness on the issues related to non discrimination. Civil society should continue working on the creation of a truly European society, that will claim better regulation and institutions at EU level.