

A Voice, Not a Vote

Evaluation of the Civil Society Dialogue at DG Trade

Final report

Client: European Commission, Directorate General for Trade

ECORYS Nederland BV

Anneke Slob
Floor Smakman

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ECORYS Nederland BV
P.O. Box 4175
3006 AD Rotterdam
Watermanweg 44
3067 GG Rotterdam
The Netherlands

T +31 (0)10 453 88 00
F +31 (0)10 453 07 68
E netherlands@ecorys.com
W www.ecorys.com
Registration no. 24316726

ECORYS Macro & Sector Policies
T +31 (0)31 (0)10 453 87 53
F +31 (0)10 452 36 60

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Preface

The practice of consultation of civil society actors in EU policy making has by now become a common feature of the EU democracy. However, this has not always been the case and even today there is no Commission wide approach to consultation processes.

DG Trade was one of the forerunners in establishing a structured dialogue with civil society: In 1998 it launched the Civil Society Dialogue (CSD). With few examples to build on, the process has been a work in progress with unique features and a broad base of participants. Now in its 8th year of operation, the Commission decided to commission an evaluation of the process, to assess its relevance, effectiveness and efficiency. The outcomes of this evaluation will be used to improve where possible the CSD, but might also serve as benchmark for a Commission wide approach from which other DGs may learn lessons.

The evaluation was conducted by a team of consultants from ECORYS Netherlands between February and October 2006, and based on dossier studies, in-depth interviews, two online questionnaires and participatory observations of meetings. This document contains the results of the evaluation, including recommendations for the further development of the CSD.

The evaluation team would like to thank Ms. Manuela Geleng, Ms. Anne Simon and Mr. Rupert Schlegelmilch of DG Trade Unit G3 for their assistance with the organisation and implementation of the evaluation.

The team is grateful for the contributions of all interviewed participants, DG Trade officials, and officials from DG Development, DG Fisheries & Maritime Affairs, DG SANCO and DG Agriculture, without whom this evaluation could not have taken place.

In addition the team would like to thank the representatives/participants from the WTO, WB, Sweden and DG SANCO for their contributions, and the Civil Society Contact Group and College of Europe for making available the reports from their respective projects, which were closely related to the current project.

Finally we would like to thank the organisations and individuals who provided comments and suggestions to the draft final report. These have been taken up in this final version.

Rotterdam,
November 20, 2006

List of Abbreviations

CSD	Civil Society Dialogue
CSO	Civil Society Organisation
DDA	Doha Development Agenda
DG Agriculture	Directorate General for Agriculture
DG Development	Directorate General for Development
DG SANCO	Directorate General for Health and Consumer Protection
DG Trade	Directorate General for Trade
EC	European Commission
EP	European Parliament
EU	European Union
MAI	Multilateral Agreement on Investments
MEP	Member of the European Parliament
NGO	Non-Governmental Organisation
NMS	New Member State(s)
WB	World Bank
WTO	World Trade Organisation

Executive Summary

I Background

DG Trade's Civil Society Dialogue

DG Trade has been one of the fore-runners in the set-up of a Civil Society Dialogue (1998) as well as in the evaluation of such a dialogue.

The dialogue, that is subject of this evaluation, was officially launched in 1998. Prior to this moment, DG Trade consulted Civil Society Organisations (CSO's) on an informal, bilateral basis. The set-up of this dialogue was triggered by external factors, such as the developments in the international trade arena; and internal factors within the European Commission, such as the perceived alienation of the Commission from the wider public. In a way DG Trade has been a forerunner in a Commission wide process and evolving policy framework for governance and communication. The legal framework in place states that "The Commission should [...] consult widely before proposing legislation and, wherever appropriate, publish consultation documents."¹

The dialogue is open to EU not-for-profit civil society organisations and to participants from acceding and candidate countries as well as to their affiliates in developing countries.

Main characteristics

Some 350 CSOs attended approximately 150 meetings in the period 2002-2006.

DG Trade is responsible for organising the process, and encourages colleagues from all Commission services to participate. A so-called Contact Group, consisting of a selected number of CSO's representing the main constituencies, was established in 2000 as a mechanism by which to help structure and organise the dialogue. The Contact Group functions as a facilitator and sounding board for DG Trade. The dialogue consists mainly of a series of different meetings. Over the years the number of meetings increased to a maximum of 38 meetings in 2004. Topics chosen for the CSD meetings do not follow a pre-set pattern and vary widely, from updates of the Doha Development Agenda (DDA) to Trade Sustainability Impact Assessments (SIAs) for specific regional trade agreements such as EU-MERCOSUR (Latin America) and Euromed (Mediterranean region). One of the more distinctive features is that it provides for a continuous process of communication, dialogue and consultation. More than 800 organisations are registered in the participant's database, while approximately 350 organisations attended the meeting during the period 2002-2006.

Evaluation approach

Evaluation objective: accountability and focus on possible improvements of the process

In 2005 DG Trade launched an evaluation of the Civil Society Dialogue, which was to contribute to the Commission's strategic objectives of improving openness and

¹ COM(2002) 704 final: Towards a reinforced culture of consultation and dialogue – Proposal – for general principles and minimum standards for consultation of interested parties by the Commission.

accountability of policy processes. According to the Terms of Reference (ToR), which were shared with the participating CSOs, the evaluation should provide feedback to DG Trade on what the EU is doing right and recommendations about what might be done to adapt or improve the process. To this end a series of evaluation questions were formulated. ECORYS was contracted after an open tender procedure to carry out the evaluation, which it launched in February 2006. The evaluation was guided by a Steering Committee consisting of Commission officials. The methodology was outlined in detail in the inception report, presented to the Steering Committee on April 7, 2006.

Over a period of eight months altogether more than 45 interviews were held, two online questionnaires were launched, six CSD meetings were attended and desk studies of relevant documentation and reports were conducted. The results are presented in the final report.

The draft final report was shared with the Steering Committee and participating CSOs

Finalisation of the report after consultations with all stakeholders

In the inception report the evaluators raised the issue of involvement of the CSOs in the evaluation process, as none were represented in the Steering Committee. The inception report was submitted for comments to the Contact Group. The feedback from civil society during the evaluation process thus remained limited to interviews with key informants and the response of CSOs to one of the online questionnaires. We are therefore pleased that a special CSD meeting was organised on October 23, 2006, to discuss the draft final report and particularly the main findings and recommendations of the evaluation. In addition the draft final report was discussed with the Steering Committee. All comments on the draft final report have been taken into account in the final report.

The evaluation assessed relevance, effectiveness and efficiency of the CSD policy & procedures, analogue processes and the question of participation of new member states

II Findings and Conclusions

One of the main objectives of the evaluation was to test the relevance, effectiveness and efficiency of the CSD. In addition analogue processes were considered in order to try and find best practices that may be useful to the CSD at DG Trade, and the question was addressed whether the current model remains adequate for an EU expanded to 25 member states.

Relevance of the CSD is rated as good

- The CSD fits very well into DG Trade and overall EC policies on governance (minimum standards) and communication;
- The CSD meets basic needs of CSOs of information and interaction with the Commission, but expectations of some organisations are higher;
- The CSD is one of the instruments to keep DG Trade informed on the views of civil society (finger on the pulse);
- The CSD is mainly owned by DG Trade and to a lesser extent by the Contact Group;
- The topics chosen are considered appropriate and a good mix of general updates and more specific issues.

The CSD is considered relevant by all main stakeholders and meets basic needs of interaction and information

The guiding principle for the Commission is to give interested parties **a voice**, but **not a vote**. The DG Trade Civil Society Dialogue fits very well into these overall policies and lessons drawn are relevant to further shape these policies. It also fits very well in the

ongoing debate on the democratic deficit in the EU. It meets most of the EC minimum standards for consultation with the exception of feedback, which is considered by the participants as limited and inadequate. The openness of the process is highly appreciated. Most participants consider the CSD to be useful for staying updated and getting an overview of general trade policy and ongoing negotiations, and for learning about the general EU position in these. However, the dialogue is considered less useful as a channel for more detailed discussions, actual dialogue and policy influencing.

Some issues with regard to relevance remain. These involve mainly the perceptions of the objectives

Stakeholders have different perceptions and expectations of the objectives of the process

Objectives are not shared: is it about information exchange or a real dialogue?

One of the problems related to relevance is the fact that the objectives are not perceived as clear or shared by all actors involved. This is mainly due to different ideas on the actual definition of dialogue, which seems to hinge on two views: dialogue as an exchange of ideas or opinions, or as a way to come to a resolution. About one third of the participants questioned the real objectives of the Commission: does the Commission really want to exchange and take our view into account or is it just exchange of information? Particularly NGOs seem to expect more from the process in terms of it becoming a more interactive dialogue.

The main reasons for participants to attend CSD meetings are: “to gain a better understanding of the policy process at DG Trade” and “to gain a better understanding of the main issues at play in trade (negotiations).” These answers point to the main function of information exchange for the participants. DG Trade officials, on the other hand, responded that they saw it as part of their job and wanted to inform the participants about their position in trade policy making and negotiations, but also to learn more about the views of civil society and take these into account. Apparently their perception is more that of an interactive process and DG Trade officials see it as “keeping a finger on the pulse of civil society”.

There is a tension between the technicalities of trade negotiations and the political and strategic directions taken by the Commission, as some CSOs feel that DG Trade sometimes hides behind the technicalities and the constraints of negotiating tactics.

The CSD is effective as a platform for info exchange, however, trust among stakeholders remains an issue while feedback is considered weak

Effectiveness of the CSD is rated as satisfactory

- The process is perceived as open, transparent and accessible, however, actual participation appears limited to a number of ‘usual suspects’;
- The awareness of, and participation in, the CSD by DG Trade officials is still relatively limited to those directly involved and/or at high levels of the organisation;
- The main function, as agreed by most stakeholders is that of a platform for information exchange;
- It is generally not considered an effective platform for policy influencing;
- Overall, effect/outcome of the dialogue has been on the one hand a culture change within DG Trade and on the other hand increased knowledge and expertise on trade issues of participants, as well as general mainstreaming of CSO voices within DG Trade.

Achievement of objectives of the CSD

The *overall objective* of the CSD was formulated as follows: “to develop a confident working relationship between all of the (many) civil society actors interested in trade policy, enabling civil society actors to make known their views directly to policymakers and contributing to a better understanding of the issues at stake on both sides.”

Achievement of this overall objective is rated as **satisfactory**. Although the process has undoubtedly contributed to a better understanding of the issues on both sides the question of a *confident* working relationship between all actors remains debatable as there is still a considerable amount of distrust between the participants and the Commission and among the two main groups (business and NGOs) among the participants.

As regards the *specific objectives*:

1. To consult widely: **good**; the process is open and transparent and covers a very broad cross section of civil society, all registered organisation have the opportunity to engage in the consultations;
2. To address CS concerns: **satisfactory**; DG Trade has managed to demystify trade and give more insight into the policy making process. However, DG Trade is not always successful in making known to CSO how their inputs have been used;
3. To improve policy: **unclear**; although the CSD has clearly made the Commission more aware of the main issues raised by CSOs and this has led to taking up some of these issues in their policies (e.g. the access to medicine issue, trade SIAs and generally the larger role of development issues in trade policies and negotiations, witness the increased emphasis on behind the border issues), it is hard to attribute this to the CSD alone. It should be seen more as one of the elements – next to more general international trends and developments and bilateral contacts with CSOs – contributing to changes in policy while ‘improvement’ of policy as such is in the eye of the beholder. It is also unclear to which extent the CSD has contributed to improving public acceptance of trade policy;
4. To improve transparency: **satisfactory**; although necessarily limited by the nature of trade negotiations, there is undoubtedly increased transparency of the policy making process in comparison to the past, when this was done mostly behind closed doors and even consultation took place predominantly through informal, bilateral meetings (behind closed doors). However, feed-back remains a relative weakness.

Efficiency of the process is considered good in terms of organisations & logistical aspects, but weak with regards to involving non-Brussels based organisations, utilisation of travel reimbursements and monitoring

Efficiency of the CSD is rated as satisfactory

- Underutilisation of resources for travel reimbursement, and stretched human resources;
- So far adequate number of meetings and well selected topics;
- Role and mandate of Contact Group not entirely clear to other CSOs;
- Limited structured monitoring of the process and outcomes.

The general organisation of the process and available facilities were deemed by the majority of interviewed and surveyed participants to be good. The website is considered to be user friendly and facilitating the process. There is two way commitment to the CSD process. The large majority of the participants found the number and types of meetings to be adequate. The format of the meetings is quite uniform, consisting of a speech (by a DG

Trade official or relevant official from another DG) followed by a Q&A session. Some new formats have been tested. The participation of non-Brussels based organisations is limited.

The elements presented above for the assessment of efficiency seem to include some contradictions. On the one hand there are no high administrative barriers and participants are mainly satisfied with the organisation, while on the other hand there is underutilization of resources and actual participation in the process is relatively limited. The main explanation seems to lie in the stretched human resources. Persons in charge of organisation of the CSD are quite busy with their regular tasks of organising meetings, keeping the website up-to-date, etc., which leaves them with little time for other tasks and initiatives that could further improve the effectiveness and efficiency of the process, such as providing detailed feedback, evaluation and monitoring, reaching out in different ways to non-Brussels based organisations, etc..

Some general issues arising from the analysis of the CSD process relate not just to relevance effectiveness or efficiency per se, but should be seen more as cross-cutting issues.

Issues of ownership, representativeness and trust

From the start there was high-level commitment to the CSD process from DG Trade, but many of the participants seem to be of the opinion that this commitment was higher in the past than at present. The role of civil society in the organisation and preparation is limited, which also limits the sense of ownership of the process by CSOs. A certain lack of trust between the two main constituencies engaged in the dialogue (business representatives and NGOs) appears to affect the dialogue in a negative way. Parties do not want to give their positions away and therefore do not always actively engage in the dialogue. This is related to the wider issues of representativeness and legitimacy that refer to the sometimes unclear ‘constituencies’ of NGOs without a membership basis and questions on the appropriateness of inclusion in the process of economic actors (such as business representative organisations).

Ownership of the dialogue remains with DG Trade, while civil society ownership is limited. Lack of trust among the various groups of CSOs negatively affects the performance

In addition, participants question the role and composition of the Contact Group of CSOs that has officially a logistical role in the process, but sometimes goes beyond that. The survey findings confirm the uncertainty over the role of the Contact Group and only one third of the participants are of the opinion that this role is clear, while 44% does not have a clear picture of this role.

Dialogue fatigue?

The interviews as well as an analysis of the attendance lists, made it clear that there is a danger of consultation fatigue or “death by consultation.” This can in part be explained by the main stakeholders seemingly performing the same act. Bringing new élan to the dialogue, not just through procedures and formats but through more active engagement by all stakeholders could break this routine in order to regain momentum.

Analogous processes

As the CSD process has rather unique features, it is not easy to compare it directly to analogue processes and impossible to directly adopt specific features of such processes:

What works for other organisations, is not necessarily appropriate for the process at DG Trade. Four similar processes were considered, at DG SANCO, the World Bank and in Sweden. Despite not resulting in direct recommendations in terms of best practices, several of the issues encountered by DG Trade and the CSD participants, were encountered by the organisers and participants of the processes elsewhere as well. Therefore exchange of experience and ideas may be useful.

Participation of organisations from New Member States

The level of participation of CSOs from NMS in the meetings is very low, with only 26 organisations from these countries being registered, while actual participation is even lower. Main constraints for participation can roughly be grouped in three categories: 1) Capacity constraints; 2) Knowledge and awareness constraints; and 3) Institutional constraints at the national level.

There is a clear need for change, because the dialogue is losing momentum. This evaluation indicates new ways forward. However, an evaluation cannot unilaterally prescribe new policies and strategies. The main stakeholders need to decide on the basis of the conclusions and recommendations *if* and *how* they want to change

III Recommendations

While considering the recommendations, it should be kept in mind that evaluators formulate recommendations based on the analysis made, but it is up to the decision makers and stakeholders to decide whether they agree with the recommendations and how they are going to implement them. Hence, an evaluation should not be considered as an unequivocal prescription for the way forward, but as a starting point for a new implementation period.

On the basis of the conclusions we want to make a distinction between two groups of recommendations: strategic recommendations of a more general nature and specific recommendations to further improve and renew the process. Although the process is considered to be relevant, effective and efficient, the CSD is gradually losing some momentum and there is a definite need for change. It is up to DG Trade and the other stakeholders involved in the process to decide on the basis of our recommendations what type of changes is required and desirable.

Strategic recommendations

1. Open a period of reflection and orientation on the way forward

The conclusions indicate that DG Trade is the main ‘owner’ of the civil society dialogue and decides on the way forward. More ownership of the process by civil society should be encouraged. However, it should be realised that the civil society organisations participating in the process do not constitute a homogeneous group, but have different interests. All actors involved should recognise the need for change, and the need for a common interpretation of the key terms guiding the process such as ‘dialogue’, ‘consultation’, ‘representation’, and ‘legitimacy’. Moreover, the issue of trust among the actors should be addressed. The evaluation report and its recommendations could be taken as the point of departure for this period of reflection. The period of reflection should end with a concrete Plan of Action with specific action items accompanied by an implementation schedule, and a monitoring and evaluation planning to keep track of the implementation.

2. **Reconsider the objectives**

The present objectives are not considered to be very transparent and realistic (see conclusion on relevance and main issues), and are interpreted in different ways by the various actors involved. We recommended that in the proposed reflection period actors agree on a common terminology. On the basis of this common terminology, the discussions on the objectives should be initiated. In fact, there are two options for the dialogue to be more result-oriented in the future:

1. Reformulate the objectives: make the objectives more specific and less ambitious (i.e. main focus on information exchange);
2. Do not fundamentally change the present ambitious objectives, but prepare an action plan with clear targets how the objectives will be achieved.

3. **Organise one or several meetings to draw (mutual) lessons from analogue processes**

It is important not to isolate this civil society dialogue from other similar processes that aim to fill the democratic deficit. So far this civil society dialogue has concentrated on trade issues only. In the process of reformulation it is important to draw lessons from other processes as studied in this evaluation.

Several issues that were raised during this evaluation were also subject of debate in other DGs Exchange of information within the EC, particularly with DG SANCO and DG Development, is a first requirement. It is recommended to organise a joint EC seminar, involving various DGs including DG Trade, to exchange information and draw lessons. Within the European Commission the Secretariat General has a role to play in the information exchange and knowledge sharing between various DGs on civil society dialogue. Given the growing attention within the Commission for civil society dialogues this role could be further enhanced. DG Trade just as other DGs could suggest topics for discussion in order to learn lessons from each other.

In a later stage also lessons could be drawn from other civil society dialogue processes outside the European Commission.

4. **(Encourage) a more pro-active attitude from civil society**

Currently DG Trade is mainly responsible for the organisation of the dialogue, while civil society reacts mainly to the initiatives of the Commission and is internally divided (see conclusion on relevance and internal explanatory factors). CSOs take some initiatives, but these have so far been incidental. A more pro-active attitude from participants is required to keep the dialogue lively and interesting. In this context it is very encouraging that some civil society actors have immediately taken action upon presentation of the draft report to reflect on the recommendation and the role they can play in the future orientation of the dialogue.

Specific recommendations

1. **Reconsider the role and membership of the Contact Group**

The functioning of the Contact Group is not completely transparent at the moment, although the Contact Group definitely fulfils a useful role. This lack of transparency of the Contact Group is linked to the issue of representativeness. We recommend paying more attention to the functioning and membership of the Contact Group. Criteria for

membership of the Contact Group need to be (re) defined. Rotating membership is one option to be considered.

2. Diversify the type and formats of meetings

The format of the meetings is still quite uniform and more diversification is required. The standard format now consists of a speech followed by reactions, although recently some more interactive formats have been observed as well². More interactive meetings with facilitators could be set up. This would require different types of preparation and involvement of specific participants. Participants should be involved in the preparation of meetings and should show commitment in doing so. For example, the purpose and main function of each meeting (information exchange, consultation on policy issues, knowledge development on specific issues) should be clearly defined and will be decisive for the format.

3. Start other ways of communicating and interacting

Meetings are now the one and only instrument of the civil society dialogue, while the website is focused mostly on the facilitation of these meetings. Better use of the internet can be made to have different types of discussions. In this way internet can serve as a forum for information exchange and discussions on content. DG SANCO's initiative with a virtual forum may provide an interesting example in this respect. Moreover, better use of internet could also be a way to diminish the Brussels based bias of the participants and to get new member states involved.

4. Pay more attention to follow-up

Currently insufficient attention is paid to follow-up and this should be improved in the near future. The complaints about the lack of feedback are still quite general and further specification of the needs is required. Therefore, the starting point should be an inventory of priority feedback needs of civil society. Subsequently, various possibilities to improve the feedback by DG Trade might be identified and implemented, for example through the website and meetings with an appropriate format (see above). The implementation of this recommendation should take into consideration the available DG Trade capacity. An increase of human resources might be required.

5. Encourage involvement of participants from new member states by engaging in capacity building and out-reach programs

Limited participation of new member states is to a certain extent a consequence of the fact that dialogue with civil society by governments in these countries is also limited. In order to involve the new member states DG Trade could consider starting with national level consultations as a first step before these countries and organisations are linked to the EU level. This would involve some capacity building. Existing CSO participating in the process should also play their part in these initiatives. In addition, adjusted topics or formats of meetings may be necessary to include this group of (potential) participants, while in general creating awareness of the existence and relevance (as well as possibility for travel reimbursement) of the CSD for CSOs in these recently acceded member states should continue after the seminar series organised by DG Trade this year.

² For instance the ad hoc meeting on EU-China Trade Relations in the 21st Century

6. Broaden the attendance and diminish the Brussels-bias by engaging more DG Trade officials and organising different meetings.

DG Trade attendance of the CSD is still quite limited and therefore, it is recommended that attendance be more widespread among DG Trade officials (even if they don't provide direct inputs). Moreover, part of the budget could be used to organise meetings outside Brussels. E.g. 'familiarisation meetings' could be organised to further encourage the active participation in the CSD. Finally, also external speakers could be invited from time to time.

7. Readjust and align the funding strategy and resources to changes made in the structure and activities of the dialogue.

An appropriate funding strategy should be formulated to follow and facilitate the possible changes that DG Trade in consultation with the stakeholders decides to make in the process. Several options may be considered, with the main question being whether the Commission wants a budget neutral option, or whether it wishes to increase available funding/resources.

1 Introduction

1.1 Background of the Evaluation

Evaluations are an inherent part of the process set in motion by the Commission White paper on Governance reform³. The evaluation presented in this report therefore directly contributes to the Commission's strategic objectives of improving openness and accountability of policy processes.

The fact that the CSD at DG Trade has been in operation for more than one full Commission term and the requirement by the Commission to evaluate policy activities on a regular basis, further warranted an evaluation of the process at this point in time. In addition other Commission services as well as outside parties appeared interested in the process for reasons of wanting to implement or improve similar processes in their own organisations. In other words the process is seen to potentially form an important benchmark for other organisations. Before it can serve as such, an in-depth evaluation of the process in terms of its efficiency, effectiveness and relevance was deemed necessary.

Although an internal assessment had already taken place in 2004, by 2005 an independent evaluation was seen as necessary, opportune and timely. According to the Terms of Reference (see annex I) of this evaluation, which were shared with the participating CSOs, the evaluation should provide feedback to DG Trade on what the EU is doing right and recommendations about what might be done to adapt or improve the process. ECORYS was contracted to conduct the evaluation in February of 2006. Over a period of eight months interviews were held, two online questionnaires were launched, six CSD meetings were attended and desk studies of relevant documentation and reports were conducted. These activities took place in Brussels and from ECORYS' office in Rotterdam, the Netherlands.

1.2 Objective, Focus and Main Questions of the Evaluation

1.2.1 Objectives

The objectives of the evaluation were formulated as follows:

- a) to evaluate the extent to which the CSD process is satisfying the *objectives* that have been set for it, and delivering *results*;

³ COM(2001) 428 final

- b) to ascertain how analogous processes operate elsewhere, and look for *examples of good/best practice*;
- c) to make *recommendations* for developing and improving the DG Trade approach.

In addition the evaluation addressed the question whether the current model remains appropriate and sufficiently user-friendly for an EU expanded to 25.

1.2.2 Focus of the evaluation

The evaluation focused on the one hand on the CSD *process* and on the other hand on the *outcome* or *results* of this process.

Both these elements were considered by the evaluators through observations of the meetings and analysis of existing documentation and reports, and from the vantage point of all main stakeholders through structured interviews and two online questionnaires.

With regard to the process the overall organisation, the types and topics of the meetings, participation of all stakeholders, the role of the Contact Group, the funding/financing related to the process and the extent to which stakeholders of the new Member States are included in the process were assessed.

Outcome / results were considered in relation to the objectives set for the process (as formulated on the website), but also in relation to the parties involved in the process, i.e. what they saw as the main outcomes / results of the process.

The evaluation did not include the wider impact of the Dialogue, such as its contribution to the improvement of the situation of the target groups or constituencies represented by the different stakeholders.

1.2.3 Intervention logic: Hypotheses and evaluation questions

As a starting point of the evaluation, the subject of evaluation was analysed in order to deconstruct the intervention logic. This involved a closer analysis of the objectives set for the process. Based on these a number of assumptions and hypotheses were formulated. The hypotheses and the relation between the objectives, assumptions and hypotheses are presented in annex II

Subsequently the key evaluation questions were formulated. These relate to the relevance, effectiveness and efficiency of the process and procedures (for detailed questions see annex II).

Evaluation questions formulated under *Relevance* involved the relevance of the process in relation to:

- EC policy and procedures;
- Civil Society needs;
- Trade officials' needs;

- Ownership and objectives;
- Topics.

Evaluation questions on *effectiveness* addressed:

- Perceptions of the process;
- Accessibility of the process;
- Perceptions of the outcomes of the process, both in terms of information exchange and in terms of policy influencing.

Evaluation questions on *efficiency*, finally, involved the resources, organisation and monitoring of the process.

Next to these key questions two additional questions were formulated addressing best practice examples and the level of participation of CSOs from the new EU member states:

- How does the CSD compare to consultation processes in similar organisations? Is it possible to identify examples of good/best practice?
- To what extent is the current model appropriate and sufficiently user-friendly for an EU expanded to 25?

The relationship between the hypotheses and the evaluation questions are presented in annex II.

1.3 Approach and Organisation of the Evaluation

The evaluation took place in three phases: an inception, implementation and synthesis phase. Next to an inception report that completed the first phase, a preliminary findings report was presented after the second phase and going into the third.

The evaluation has emphasised inclusion of all main stakeholders from the start, particularly since the terms of reference for the evaluation were formulated without consultation of the participants, nor were any CSOs included in the Steering Committee. In order to ensure their ownership and support of the outcomes and recommendations of the evaluation, it was therefore considered paramount that in the approach of the evaluation the CSOs be included in all its stages.

Inception phase

In the inception phase the evaluation design was further developed. Several interviews were held with a number of participants from the Contact Group. These were exploratory interviews, which complemented the input from the Steering Committee during the kick-off meeting and desk studies conducted by the evaluation team. Based on this information an inception report was written and presented to the Steering Committee. In the inception report an analysis of the subject of evaluation and reconstruction of the intervention logic were presented. In addition the report included a description of the methodology and analytical tools to be used.

Implementation phase

In the implementation phase first in-depth interviews were held with selected main stakeholders, including the most active participants and the directly involved DG Trade officials, as well as a number of officials from other DGs that had previously been involved in the process, or provided occasional inputs on specific issues. In addition several CSD meetings were attended by one or two of the evaluators and desk studies continued. Next an online questionnaire for participants was launched and all participants were invited to fill out this questionnaire.

The preliminary findings from the interviews, attendance of meetings, desk studies and online questionnaire for participants were presented to the Steering Committee in a report and during a meeting.

Three more activities were conducted in the final stage of the implementation phase:

- An online questionnaire for DG Trade officials was launched and all officials (i.e. administrators and management, but not support staff) were invited to fill this out;
- Four analogous processes were assessed in comparison to DG Trade's approach;
- A short questionnaire was sent out to CSOs from new member states, which had attended one of the two seminars organised by DG Trade in Malta (18-19 May, 2006) and Budapest (14-15 September, 2006).

Synthesis phase

The synthesis phase comprised of an analysis of all data gathered and consideration of all comments received after the presentation of the preliminary findings. Table 1.1 below presents an overview of all activities undertaken for this evaluation.

Table 1.1 Planned and completed activities

Activity planned	Progress / result
25 interviews with key stakeholders	Completed: 34 interviews (21 CSOs, 9 DG Trade officials, and 5 officials from other DGs) ¹
Attendance of CSD meetings	Attended 6 meetings
Online questionnaire for participants	Sent to 1291 participants registered with DG Trade; response by 128 participants, of which 105 completed questionnaire ² .
Online questionnaire for DG Trade officials	Sent to 198 officials; response by 75 officials, of which 63 completed questionnaire.
Interviews with CSO's from New Member States	55 short questionnaires sent by e-mail, of which 6 completed and returned; 9 telephone interviews.
Comparison with analogous processes	4 processes selected in inception phase: WTO, World Bank, DG SANCO and Phorum (UK). Phorum replaced by Sweden due to lack of information.
Presentation of preliminary findings to SC	Comments included in draft report
Presentation of draft report to SC	Comments included in final report
Presentation of draft report to CSD participants	Comments included in final report
Submission final report	

¹ A list of interviewed organisations and persons is included in annex III

² Although this may appear to be an extremely low response rate a closer analysis of the mailing list as well as the participants list indicates that this is in fact a response rate of approximately 20% (see annex V)

2 DG Trade's Civil Society Dialogue: Policy and Procedures

2.1 History and Context

Although informal consultations with CSOs already existed within DG Trade, it was not until 1998 that a formal process was established: the Civil Society Dialogue. The establishment of the CSD must be seen in the light of external forces and – in part as a reaction to these forces – internal processes within the Commission.

External forces include most notably:

1. Developments in the international trade arena, especially those surrounding the Multilateral Agreement on Investments (MAI) and WTO negotiations;
2. Developments in Europe, particularly the perceived alienation of the Commission from the wider public.

Internal processes concerned policy developments within the Commission and the realisation within DG Trade that, with an increasingly complex international trade agenda, which shifted from a focus on primarily tariff issues, to beyond the border issues (touching on national policy domains), the interface between trade and development became more important and needed to be integrated into trade policy and negotiations.

2.1.1 The international trade arena

In 1995 the WTO was established as a successor to the General Agreement of Tariffs and Trade (GATT). It is the only international organisation dealing with the rules of trade between nations, through a number of agreements, negotiated and signed by the members and ratified in their parliaments. The goal of the WTO is “to help producers of goods and services, exporters, and importers conduct their business.”⁴

The top level decision making body of the WTO is the Ministerial Conference, which meets at least once every two years. These meetings are the pivotal element of the WTO negotiations, and determine the pace and progress of the negotiating rounds.

As an increasing number of issues and agreements were added to the WTO trade agenda, such as the Agreement on Agriculture or AoA (agriculture was not a part of the GATT), the General Agreement on Trade in Services (GATS) and agreement on Trade and

⁴ www.wto.org

Intellectual Property Rights (TRIPS), the negotiating process became more complex. Moreover, developing countries as a group were becoming more vocal in the process. As a consequence the WTO started attracting the interest of a larger number of actors, including an increasing number of civil society organisations highlighting and often opposing the effects of international trade agreements on developing countries, sectors, groups or even individuals in societies. They demanded a greater say in the policy process.

Around the same time of the establishment of the WTO, the Organisation for Economic Co-operation and Development (OECD) started negotiations on the Multilateral Agreement on Investments. The MAI was a free-standing investment treaty being negotiated among the 29 OECD member states and the European Communities. It was to be a comprehensive, high-standards agreement establishing a legally-binding multilateral framework for investment liberalisation and investor protection. The intended completion date was the 1997 OECD Ministerial. However, this target date was never met due to growing internal dissent and widespread civil society opposition to the draft MAI. After intense negotiations during a three-year period until May 1998 and a six-month halt in negotiations to allow for a "period of assessment" and national consultation with civil society, negotiations finally collapsed on December 3, 1998⁵.

The collapse of the MAI was followed by a failure to agree on a new Millennium Round of trade talks at the WTO Ministerial in Seattle in late 1999. Generally this collapse was explained by the interplay between three different factors:

1. Political impasses. These concerned most notably agriculture negotiations, implementation issues, market liberalisation and labour and environmental standards;
2. Process aberration. The US, as host and chair of the Ministerial was accused of a lack of proper information on the logistics and planning of meeting, but more seriously it was accused of organising the process in an undemocratic and non-transparent way. The most important negotiations were held behind closed doors and only included a selection of WTO members, mostly the developed countries. As a consequence, the developing countries, headed by the African nations issued a statement in which they declared their intent to withhold consensus from any ministerial statement unless their issues were adequately addressed;
3. Civil society. The large presence of members of civil society in the streets of Seattle and in the halls of the meeting attracted a lot of media attention and made the WTO a public political issue in the U.S. and the rest of the world. They reinforced the complaints of the excluded governments and created political space for greater public dialogue on the issues of trade and globalization and thus are seen to have contributed to the collapse of the meeting (ICTSD et al., 2000).

Although trade policy makers and negotiators were at first perhaps not sensitive to the issues brought to the fore by civil society actors, the collapse of these two high level multilateral investment and trade negotiations and the ensuing media attention for the role of NGOs in this collapse, impressed on the Commission the fact that these actors could no longer be ignored.

⁵ For more information on the MAI, see www1.oecd.org/daf/mai/intro.htm

At the following meeting in Doha (2001), many countries had included NGOs in their official delegations and the plight of the developing countries was placed more prominently on the agenda. The new round that was subsequently launched was named the Doha Development Round (DDR). The DDR signified the emergence of the developing countries as a bloc, represented in the so-called G20 group⁶.

2.1.2 Developments in the EU: The Democratic Deficit and Trade policy

The European Democracy has been described as an “evolving mix of different democratic models” (Fazi & Smith, 2006, p.13). The EU representative democracy is based on essentially three mechanisms, which constitute the so-called constitutional triangle:

- Technocracy (technical knowledge and planning as one of the founding principles of the European Commission);
- Inter-governmentalism (based on the interests of democratically elected member states’ governments represented in the Council of Ministers and the European Council);
- Parliamentarism (based on direct representation of European citizens through the European Parliament (EP)).

The balance between these mechanisms has evolved over time. In addition it has been complemented by other mechanisms, such as the social dialogue (between the social partners) and civil dialogue through the Economic and Social Commission⁷. These mechanisms have been labelled ‘participatory democracy’.

However, despite the increased participation of European citizens over time, particularly due to the increased powers of the EP, there appeared in the 1990s and increasing feeling of alienation on the part of European citizens from the work of policy makers and frustration with the perceived lack of real influence particularly at supra-national levels. The EU was seen to suffer from a democratic deficit, although some have referred to this as an information or legitimacy deficit (Fazi & Smith, 2006). The Commission is often seen as a closed institution, a ‘black box’ in which decisions are taken in obscurity. The perception of this democratic deficit was exacerbated by scandals in the Commission in the late 1990s. Therefore the European Commission set out to reform European governance, to follow more closely the principles of good governance: openness, participation, accountability, effectiveness and coherence. These principles were further elaborated in the 2001 White Paper on this topic.

Including more explicitly the views and voices of civil society in policy making through consultation processes became an important element of addressing the Democratic

⁶ The G20 is a bloc of developing nations established on 20 August, 2003. The Group emerged at the 5th Ministerial WTO conference, held in Cancún, Mexico in September 2003. In trade negotiations, the Group has pressed for rich countries to end subsidies to their farmers and opposed liberalisation of their own agricultural sectors. In March 2005, the Group consisted of 21 nations: Argentina, Brazil, Bolivia, Chile, China, Cuba, Egypt, Guatemala, India, Indonesia, Mexico, Nigeria, Pakistan, Paraguay, Philippines, South Africa, Tanzania, Thailand, Uruguay, Venezuela and Zimbabwe. The G-20 accounts for 65% of the world population, 72% of its farmers and 22% of its agricultural output (<http://g20.mindbit.com>).

⁷ As early as 1957 the Economic and Social Committee was set up by the Rome Treaties in order to “involve economic and social interest groups in the establishment of the common market and to provide institutional machinery for briefing the European Commission and the Council of Ministers on European Union issues” (www.esc.eu.int/index_en.asp)

Deficit. However, despite these initiatives, the EU did not succeed immediately in turning the tide and the scale of the feeling of disconnection did not become completely clear until the French and Dutch no-votes against the EU Constitution in 2005. This set-back caused the European Council to call for a ‘period of reflection’ in which debates in member states should be started on the values and methods of the EU. Simultaneously the European Commission launched the *Plan-D for Democracy, Dialogue and Debate*, which was complemented by a *White Paper on European Communication Policy*. Moreover, the Commission launched the *European Transparency Initiative* on 9 November 2005. This initiative is aimed at the consultation of stakeholders on three issues of transparency: 1) transparency and interest representation; 2) the Commission’s minimum standards for consultation, and 3) publication of data on beneficiaries of EU funds. All these initiatives seek to further enhance the EU’s efforts at greater transparency, openness and responsiveness.

Trade policy making was one of the EU domains seen as particularly closed, due particularly to the high technical complexity of the issues dealt with (the technocracy mechanism) and the important role for the Council of Ministers and the European Commission (together represented in the so-called Committee 133), trade being an exclusive Community competence⁸. Yet trade and trade policies were increasingly seen as directly influencing the lives of European citizens, as their economies became more open, globalisation more prominent and the scope of trade negotiations wider, touching on issues such as the environment and employment. Thus, as the democratic deficit debate unrolled in Europe, discontent with the undemocratic nature of trade policy making became especially strong, fuelled by developments at the international level. As Meunier (2003) notes:

“For almost four decades, trade policy was the matter of complex, technical deals between obscure negotiators, and as such raised little media and public interest. But this has been changing in the EU, as it has been changing at the Global level since Seattle in 1999. Today, the legitimacy of trade policy is becoming a political issue” (Meunier, 2006, p. 2)

2.1.3 Commission response: The need for dialogue in DG Trade

After the collapse of the MAI, then trade Commissioner Pascal Lamy was one of the first to emphasise the need for enhanced dialogue with civil society and to appoint a member of his cabinet to take responsibility for civil society liaison. There were already regular contacts with a number of CSOs, but Lamy broke new ground when he managed to persuade the Council of Ministers that a group of these CSOs should be included in the EU’s delegation to Seattle (several national delegations already included such CSO members) (Fazi & Smith, 2006).

⁸ Trade policy at the EU level is seen to involve two levels of delegation: first the 1957 Treaty of Rome formally transferred the competence to negotiate and conclude international agreements on trade in goods from the individual Member States to the collective entity; second, the practical competence was transferred from the Council of Ministers to the European Commission, which elaborates proposals for the initiation and content of international trade agreements. Key policy discussions take place in the Committee 133, composed of senior civil servants and trade experts from the member states as well as Commission representatives. (Meunier, 2002)

The ensuing collapse of the Seattle Ministerial, caused an even more acute sense within DG Trade that particularly the NGO sector needed to be understood better. Who were these organisations and what did they want? Who did they represent? At the same time the Commission felt that it had to make more of an effort to inform the wider public on how it operated and how policies and negotiating positions were adopted, as trade negotiations no longer involved exclusively technocratic issues.

After Seattle, the CSD was therefore given a more permanent feature. The main drivers from within DG Trade behind this process were Commissioner Lamy himself, and more importantly the Director under him responsible for liaisons with civil society, Mr. Robert Madelin. When the dialogue was set up, there was no real experience with dealing with civil society in a structured way and the manner in which the dialogue evolved was in a way a ‘work in progress’, in which DG Trade sought to establish a process that would be “responsive to the needs of the different stakeholders” (Interview DG Trade official, 2006).

In a way DG Trade has been a forerunner in a Commission wide process and evolving policy framework for Governance and communication, which is elaborated in more detail in the next section.

2.2 General policy framework

The Civil Society Dialogue at DG Trade must be seen in the general policy framework evolving within the EU on consultation and civil dialogue.

There is in fact a legal framework in place, stating “The Commission should [...] consult widely before proposing legislation and, wherever appropriate, publish consultation documents”⁹. Wide consultations are seen as supplementing (and not replacing) the procedures and decisions of legislative bodies which possess democratic legitimacy. The guiding principle for the Commission is therefore to give interested parties **a voice, but not a vote**.

In 2001 the Commission published its *White Paper on Governance*¹⁰, as part of its strategic objective to reform European Governance. In this White paper proposals were made to “open up the policy-making process to get more people and organisations involved in shaping and delivering EU policy.” The White Paper advocates, amongst others, a reinforced culture of consultation and dialogue. A separate working group (Group 2a) was established to prepare proposals for formalising the rights of civil society to be involved. The recommendations of the Working Group 2a, a contribution to the drafting of the White Paper by the ESC¹¹ and the White Paper itself subsequently led to a number of initiatives, such as the set-up of a database (CONNECS) containing data on

⁹ COM(2002) 704 final: Towards a reinforced culture of consultation and dialogue – Proposal – for general principles and minimum standards for consultation of interested parties by the Commission. Protocol (N° 7) on the application of the principles of subsidiarity and proportionality, annexed to the Amsterdam Treaty

¹⁰ COM(2001) 428 final

¹¹ Opinion of the ESC on Organised Civil Society and European Governance: the Committee’s contribution to the drafting of the White Paper (April 2001).

formal and structured consultative bodies as well as information on non-profit making civil society organisations organised at the European level.

Following the *White Paper on Governance* the Commission also launched a proposal on how to consult the European civil society, which was subjected to a period of consultation with interested parties. In December 2002 the Commission subsequently adopted the *General principles and minimum standards for consultation of interested parties by the Commission*¹². The general principles established involved participation, openness, accountability, effectiveness (including timeliness) and coherence. Minimum standards were formulated as:

A. Clear content of the consultation

All communication relating to consultation should be clear and concise, and should include all necessary information to facilitate responses;

B. Consultation Target Groups

When defining the target group(s) in a consultation process, the Commission should ensure that relevant parties have an opportunity to express their opinions;

C. Publication

The Commission should ensure adequate awareness-raising publicity and adapt its communication channels to meet the needs of all target audiences. Without excluding other communication tools, open public consultations should be published on the Internet and announced at the “single access point”;

D. Time limits for consultation

The Commission should provide sufficient time for planning and responses to invitations and written contributions. The Commission should strive to allow at least eight weeks for reception of responses to written public consultations and 20 working days notice for meetings;

E. Acknowledgement and feedback

Receipt of contributions should be acknowledged. Results to open public consultation should be displayed on websites linked to the “single access point” on the Internet.

The minimum standards went into effect January 1, 2003 (Insausti, 2003). How these standards were met and how consultation processes and civil dialogue have evolved in practice has been left mostly to the different DGs and other units, making for, what has been dubbed “a patchy picture of civil dialogue” (Fazi & Smith, 2006) (see Box 2.1). The monitoring of the implementation of these standards is done in the context of the annual *Better Lawmaking* reports. These reports analyse, among other things, the progress in implementing the Commission action plan on better regulation, of which the minimum standards are part.¹³

There is no Commission wide approach to civil society dialogue.¹⁴ Thus, although the social dialogue (with labour and employers representatives),¹⁵ is explicitly incorporated

¹² COM(2002) 704 final

¹³ http://ec.europa.eu/civil_society/apgen_en.htm#blm

¹⁴ The Constitutional Treaty text did include Article 47: the principle of Participatory Democracy, which specified among other aspects that “the Union’s Institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society”. It is, however not clear if and when this treaty will ever come into force.

¹⁵ The European social dialogue has a clearly defined basis in the EC Treaty and in the conclusions to a number of key European Council meetings, notably those in Laeken and Barcelona. It refers to the discussions, consultations, negotiations and joint actions undertaken by the social partner organisations representing the two sides of industry (management and

into the Treaty, it was left to the individual institutions within the EC to organise and structure their own forms of dialogue with CSOs.

Box 2.1 The patchy picture of EU civil dialogue

In their study of civil dialogue in the EU, Fazi & Smith (2006) come to the conclusion that civil dialogue at the EU level is guided by a 'soft' framework, absence of a clear cut definition and imbalance between institutions and throughout the policy areas. In contrast to some of the frameworks found at national and international levels (from which the EU is said to have taken inspiration). This soft framework is characterised by (i) a strong role of one particular institution, the European Commission; (ii) a non-binding and open approach (absence of binding representativity criteria and no accreditation of specific organisations); and (iii) a wide and potentially ambiguous definition of civil society (comprising social and economic actors). The absence of a clear-cut definition of what constitutes civil dialogue is reflected in the fact that it is rather based on a continuum between informal lobbying and structured relations and that its degree of openness to the wider public varies strongly from one channel to the next. Civil dialogue, according to Fazi & Smith, is thus marked by a permanent tension between expertise, effectiveness and participation. Finally, the actual practices of dialogue vary importantly between institutions and policy areas, with the EC as a strong driver for structured forms of interaction followed by the Economic and social commission, the European Parliament with its informal ways of interaction and a strong degree of closedness on the part of the Council (Fazi & Smith, 2006).

To address the democratic deficit and political legitimacy debate, in addition to the policy of open governance, the Commission has identified communication as one of its key strategic objectives for its current term in office. In 2005 the *Action Plan to Improve Communicating Europe*¹⁶ was published, with the objective of ensuring more effective communication about Europe. It states that "Communication is more than information: it establishes a relationship and initiates dialogue with European citizens, it listens carefully and it connects to people." One of the actions proposed in the plan, was to enhance dialogue and transparency by promoting consultation procedures and making sure that the results and feedback from the Commission's public consultations are widely publicised.

The issue of promoting consultation processes was again stressed in the *Plan-D for Democracy, Dialogue and Debate*¹⁷. These publications in turn served as a basis for the *White Paper on European Communication Policy*.¹⁸ In the White Paper it is argued that "Communication [...] has focused largely on telling people what the EU does: less attention has been paid to listening to people's views." Therefore a new approach is proposed "a decisive move away from one-way communication to reinforced dialogue, from an institution-centred to a citizen-centred communication, from a Brussels based to a more decentralised approach." Not just the exchange of information is encouraged, but increasingly genuine dialogue and discussions about European policies. In this context CSOs are seen to play an important role in raising public awareness of European issues and policy debates and in encouraging people to take part in those debates.

labour). European social dialogue complements the national practices of social dialogue which exist in most Member States.

¹⁶ European Commission, Commissioner for Institutional Relations and Communication (20 July, 2005)

¹⁷ COM(2005) 494 final

¹⁸ COM(2006) 35 final

The latest initiative in this respect has been the *European Transparency Initiative*. In the context of this Initiative the Commission adopted a Green Paper in May 2006,¹⁹ which focused on measures aimed at improving transparency within the European administration. The Green Paper launched a debate on transparency and interest representation and transparency on beneficiaries of EU funding, and asked for external feedback on the implementation of the Commission's minimum standards for consultation²⁰.

2.3 Objectives

DG trade has defined as one of its main tasks: “to provide the public, both sides of industry, civil society and professional circles with clear, comprehensive and up-to-date information while seeking their opinions in compliance with the rules set down in the Commission's codes of conduct.”

The main objectives of the CSD were formulated in 1999 and are published on DG Trade's website and in a fact-sheet about the dialogue.

The overall objective of the CSD process is to:

“Develop a confident working relationship between all of the (many) civil society actors interested in trade policy, enabling civil society actors to make known their views directly to policymakers and contributing to a better understanding of the issues at stake on both sides.”²¹

This objective is further broken down into four specific objectives²²:

- 1) *To consult widely*; the Commission wants to take into account the views of all interested parties when drafting policies and proposing action;
- 2) *To address civil society concerns on trade policy*; as globalisation obviously raised concerns for many in society, the Commission wanted to find out more about these concerns, debate specific issues, answer questions if possible and take up suggestions for action made by CSOs;
- 3) *To improve EU trade policy making through structured dialogue*; debating the questions that are shaping public opinion as a way of updating and strengthening the Commission's expertise, which is important as these issues also have an impact in public acceptance of trade policy;
- 4) *To improve transparency*; by engaging in a dialogue with civil society and making documents available on its website, DG Trade is looking to achieve greater transparency (of the policy making process).

¹⁹ COM(2006)194

²⁰ http://ec.europa.eu/comm/eti/index_en.htm

²¹ http://www.europa.eu.int/comm/trade/issues/global/csd/dcs_proc.htm

²² Factsheet: Civil Society Dialogue – How and Why (<http://trade-info.cec.eu.int/civilsoc/index.cfm>)

Definition of Civil Society Organisations

There is no official definition of civil society,²³ but in the context of DG Trade it is understood that civil society actors are seen to include both social and economic actors and DG Trade's definition of CSOs thus seems to follow the wider definition also employed by the EU, in which CSOs are non-profit, non-State actors. This excludes actors in the third sector and social economy, but includes economic actors (business representative organisations, sector interests, etc.). It must be noted that the only criteria for registering with the CSD online seem to be the non-profit nature of the organisation.

2.4 Organisation and Activities

2.4.1 Organisation within DG Trade

The format of the CSD within DG Trade is rather unique. Although DG Trade does draft legislation, this is not the main focus of its work. Instead its main focus is on negotiating trade agreements. Therefore consultation processes at DG Trade do not so much involve legislative proposals but rather ongoing trade negotiations and an evolving trade agenda. Accordingly the process of consultation is more open ended and this is reflected in the form chosen for the CSD at DG Trade: it is an ongoing process.

The dialogue is open to EU not-for-profit civil society organisations and to participants from new member countries and candidate countries as well as to their affiliates in developing countries.

Unit G.3, covering sustainable development (including trade and environment) and dialogue with civil society within DG Trade, is responsible for organising the process, and encourages colleagues from all Commission services to participate (for an organisation chart of DG Trade, see annex IV). Two persons are working on the CSD and related issues on a full time basis, a coordinator and an assistant. In addition they receive support from one more person on a part time basis and the head of Unit G3 attends most of the meetings.

Finally, at each meeting at least one or two other DG Trade representatives are present and in case of specific issues, officials from other DGs are invited (particularly Agriculture, DG Development and DG RELEX).

Contact Group

The Contact Group was established in 2000 as a mechanism by which to help structure and organise the dialogue. The Contact Group functions as a facilitator and sounding board for DG Trade. Its task is to contribute to transparency in both direction, and to help with the circulation of information to the wider group of their constituencies. The Contact Group also proposes topics for discussion, and advises on organisation matters. DG Trade consults the Contact Group on the timing of meetings and refers to this group for the selection of topics to be discussed during the meetings. According to the guidelines,

²³ A recent policy dialogue organised by the European Policy centre on 'Civil Society's role in European Democracy' on November 8, 2006 discussed the wide variety of definitions of civil society, but did not agree on one uniform decision.

Contact Group members are selected by their constituencies and decisions over the composition of the Contact Group are made by the group members. The role of the Contact Group is further elaborated in section 2.6.

Timing of the meetings

DG Trade consults the Contact Group for the timing of the meetings and will endeavour to [...] announce these as early as possible in the year (and) will endeavour to confirm the dates of meetings and the topics set as early as possible in advance of such meetings [...] at least a month before meetings. It will aim to make agendas available as soon as possible when dates are confirmed. Short reports of meetings will be posted as soon as possible afterwards with at least a description of the issues dealt with. (Participants should) book for the meetings of their choice on-line.”²⁴

Activities organised in the context of the CSD include:

- Meetings;
- Funding of projects;
- Website and information.

These activities are further elaborate below

2.4.2 Meetings and topics

Meetings

General meetings involving the Trade Commissioner and top officials were initially organised on an ad-hoc basis. Since the launch of the CSD in November 1998, the process has become increasingly structured in terms of taking the form of regular meetings. A series of meetings on specific subjects took place in 1999. During 2000 general meetings continued and the Contact Group was established. This added Contact Group meetings to the agenda. In addition, ad-hoc meetings were organised, which covered issues not otherwise covered or brought to the fore by participants.

Since 1999 the Commission delegation at WTO Ministerials also included civil society advisers (at Seattle, Doha, Cancun and Hong Kong). In addition meetings are organised during the mini Ministerials on location (e.g. in Geneva). Although these are not formally CSD meetings (i.e. they are not listed on the website), they are seen as part of the process.

Currently there are four types of meeting:

1. Regular meetings (including meetings with the Commissioner);
2. Ad-hoc meetings;
3. Contact Group meetings;
4. Meetings at Ministerials.

Currently regular meetings take place in clusters about once in every two months, with ad-hoc meetings in between. Contact Group meetings review the process and set priority topics as necessary. The Trade Commissioner calls general meetings to discuss the state of play at strategic points in the process.

²⁴ http://ec.europa.eu/trade/issues/global/csd/dcs_proc.htm

There are roughly three possibilities by which meetings can be called and agendas set:

1. DG Trade plans the meetings and sets an agenda according to relevant issues in the trade negotiating and policy development process; it will invite speakers from other units within DG Trade, other DGs or relevant bodies (regular meetings, meetings with the Commissioner);
2. DG Trade plans a meeting in consultation with the Contact Group, which may suggest topics for discussion during the Contact Group meetings;
3. Individual CSOs may propose to DG Trade topics they would like to see discussed, DG Trade subsequently refers these topics to the Contact Group, which will decide whether a meeting should be organised and dedicated to this topic.

An overview of the number of general and ad-hoc meetings per year, based on information from the DG Trade website is presented in table 2.1 below.

Table 2.1 Number of meetings per year Jan. 2002 – Oct. 2006

2002	2003	2004	2005	2006 ¹
42	37	31	38	24

¹ Number until 23 October 2006

Source: <http://trade.ec.europa.eu/civilsoc/index.cfm>

Table 2.2 provides an overview of the types of meetings that took place in 2006, as well as the topics that were discussed during these meetings.

Table 2.2 CSD Meetings January - October 2006

	Type	Subject	Date
1	Regular meeting	Doha Development Agenda: Update, Overview	02/02/2006
2	Regular meeting	Doha Development Agenda -- Agriculture Negotiations	02/02/2006
3	Regular meeting	Sustainability Impact Assessment of WTO Negotiations: Final Global Overview of DDA Impacts, Fisheries	15/02/2006
4	Ad hoc meeting	Trade and Competitiveness	08/03/2006
5	Ad hoc meeting	Open trade in industrial goods: a pro-development agenda?	16/03/2006
6	Ad hoc meeting	Sustainability Impact Assessment of the European Mediterranean Free Trade Area (SIA-EMFTA)	20/03/2006
7	General meeting with Commissioner	Doha Development Agenda	23/03/2006
8	Ad hoc meeting	Aid for trade	04/04/2006
9	Ad hoc meeting	EPA	10/04/2006
10	Regular meeting	Doha Development Agenda, Update	25/04/2006
11	Regular meeting	Trade Sustainability Impact Assessments (SIAs) of WTO Negotiations - Mid Term Reports	26/04/2006
12	Regular meeting	Doha Development Agenda -- Agriculture Negotiations	30/05/2006
13	Regular meeting	Doha Development Agenda, Update	30/05/2006
14	Ad hoc meeting	EU-China Trade Relations in the twenty first century	01/06/2006
15	Regular meeting	Trade Sustainability Impact Assessments (SIAs) of WTO/DDA	16/06/2006

	Type	Subject	Date
		Negotiations - Draft Final Reports	
16	Ad hoc meeting	EUROMED Free Trade Area - state of play and latest initiatives	23/06/2006
17	Ad hoc meeting	Doha Development Agenda – Update	29/06/2006
18	Ad hoc meeting	Preferential Rules of origin – State of play	12/07/2006
19	Ad hoc meeting	EU-MERCOSUR trade agreement: state of play of negotiations and Trade Sustainability Impact Assessment (SIA) : Inception report	18/07/2006
20	General meeting with Commissioner	Doha Development Agenda: Suspension of negotiations – What happened? What next?	27/07/2006
21	Ad hoc meeting	Trade Sustainability Impact Assessment (SIA) of the EU-ACP Economic Partnership Agreements (EPAs) - Phase III: Final Reports	21/09/2006
22	Regular meeting	General meeting – Doha Development Agenda: Current perspectives	28/09/2006
23	Ad hoc meeting	Decent Work - a route to sustainable development or a protectionist agenda?	10/10/2006
24	Ad hoc meeting	Evaluation of Civil Society Dialogue	23/10/2006

Source: <http://trade.ec.europa.eu/civilsoc/index.cfm>

Topics

Initially, in 1999, a rolling programme of issue groups was launched, including health, services, agriculture and environment and sustainable development. From February till November 2001 a new set of issue groups were covered, including investment, competition, trade related intellectual property rights (TRIPS), and WTO reform and transparency. In the following years, from an initial screening of the meeting topics, it appears the issues became broader, involving for instance the state of play in the DDR (general overviews, or specific areas under the WTO, such as GATS or Agriculture).

Topics chosen for the CSD meetings do not follow a pre-set pattern. Instead: “One of the most distinctive features of the process is that it is not structured in function of individual topics/policies, or a series of these, but it is a continuous process, linked, moreover, to the emergence and gradual evolution of trade policy rather than to specific legislative proposals. The process is intended to focus on issues where, within a finite period, mutual understanding of concerns and contacts among key players can be improved. The choice of topics is based on these needs, and not on the relative importance of the issues on the trade policy agenda. The dialogue is thus adjusted as necessary to reflect the situation in negotiations, in close cooperation with the Contact Group”. In addition: “The Civil Society Dialogue team may be contacted at any time with proposals for topics for discussion and with suggestions for improving the process. Such proposals will be referred to the Contact Group as necessary.”²⁵ In fact three mechanisms are in place to define the topics for discussion:

1. Commission’s wishes;
2. Wishes of the Contact Group;
3. Wishes of the larger civil society spectrum.

²⁵ http://www.europa.eu.int/comm/trade/issues/global/csd/dcs_proc.htm

2.4.3 Facilities

A number of facilities are part of the process and are intended to improve participation, information dissemination and efficiency.

Travel reimbursements

The travel reimbursement facility was installed to encourage non-Brussels based organisations to attend the meetings as well and to allow CSOs to have their members/partners from other continents to attend occasionally. Registered participants from within the EU can also invite CSOs from countries outside the EU (e.g. counterparts from developing countries) and make use of the travel reimbursement facility to do so, as long as they vouch for these visiting participants.

Project grants

DG Trade also funds projects proposed by registered CSOs aimed at raising awareness of trade issues. Table 2.3 provides an overview of the number and value of grants that were awarded since 2003. The evaluators did not obtain additional information on the grants and no evaluations have been carried out as of yet. It is understood that DG Trade plans to evaluate these projects and more generally whether the project grants should remain a part of the CSD process and procedures.

Table 2.3 Project grants

	2003	2004	2005	2006
Number of grants awarded	3	5	6	n.a.
Total value of grants awarded	€ 69,230	€ 159,014	€ 190,735	€ 210,000 *

* available budget for project grants

The topics of these projects and a short description of their content is provided in table 2.4. No further information was provided on the actual implementation of the projects and whether they had been successfully completed.

Table 2.4 Titles and description of projects awarded grants between 2003 - 2005

Title	Description
2003	
DDA: Widening, deepening the dialogue with civil society	EU NGOs and their partners in developing world organised series of events up to and including WTO ministerial in Cancun. VALUE ADDED: Better-informed discussion of issues with input from DG TRADE; constructive involvement in follow-up.
New ACP-EU trade arrangements – how EPAs affect fight against poverty	Case studies in five countries on problems with EU non-tariff barriers/possible effects of removal of ACP tariff barriers. VALUE ADDED: Early interest in EPAs – NGO-based study in five ACP countries as contribution to dialogue and SIA
Seminar on MEAs and WTO rules	Event for NGOs from new MS to familiarise/engage in discussion on DDA trade and environment agenda. VALUE ADDED: Experienced German NGO involved in outreach/mentoring in new MS civil society
2004	
Women Talk	Exploration of impact of EU trade with developing countries, on women who are

Title	Description
	living in poverty and working in the informal economy or in precarious employment (in Chile, Ghana, India).
Trade, Aid, and development: policy tools for poverty reduction	Seminar for business, government, civil society and development organisations to interact on strategies for poverty reduction, including the exploration of sustainable trade practices, and more effective aid policies (in Austria).
The future of EU-Africa trade relations	Public roundtable discussion and civil society strategy meeting (in UK) on the future of EU-Africa trade relations.
Fair Trade in East Timor	Training for trainers working in local language to promote fair trade initiatives among target groups as a means of income generation.
Bringing Fair Trade to a new EU Member market	Seminar and follow-up to promote best practice in emerging NGO community of a new EU Member (in Slovakia).
2005	
Guinea-Bissau and East Timor: Strengthening Civil Society Actors for Sustainable Trade	Project aimed at building capacity of Civil Society organisations on trade and fair-trade issues. Training sessions were held targeting essentially Civil Society Agents who are active in local and community based development intervention and a study visit in Europe (Portugal and Spain) for two delegates of each participant groups (East-Timor and Guinea-Bissau) was organised for a more objective comprehension of the northern market reality, constraints and consumption patterns.
Games beyond borders	The purpose of the project was to raise the awareness that fair trade can help marginalized communities in developing countries acting in the North with the help of local CSOs. Partner organisations and target groups were fair trade producers of toys in developing countries. Beneficiaries also included fair trade shops in Italy and other fair trade organisations in Europe. Specific activities included: workshops and the publication of a best practices manual.
Trade for Development: the Future of Special and Differential Treatment of Developing Countries	Research project addressing some of the major obstacles blocking the "Special and Differential Treatment" dimension of the WTO-DDA negotiations. Through the organization of a conference and publication of a policy brief, project aimed to (i) improve wider public understanding; (ii) better share knowledge between "trade policy" and "development aid" communities; (iii) disseminating updated information to developing countries' negotiators.
Civil Dialogue: The key to better trade agreements	The objective of this action was to help NGOs and trade unions within developing countries to better engage in the process of successful civil society dialogue during trade negotiations. The project had two key elements: 1 research on civil society dialogue methodologies and 2 development of practical 'user friendly' resources for trade negotiations focusing on key issues for civil society. The project was concluded with a major seminar.
Mainstreaming Fair trade citrus fruit in Europe	The project aimed to: a) enhance sustainable Fair trade citrus production and consumption for the EU market; b) build capacity of producer groups in selected countries to meet increasing market requirements in the EU; c) strengthen the policy making environment; and d) strengthen research and education capacity to support Fair trade business models and CSR in both the North and South.
Fairer Handel im Wandel der Zeit. Wirkungen und Auswirkungen ethischen Handelns	The project 'Fair trade in changing times' aims at developing future perspectives for the 'Weltladen' shops. The project targeted the collaborators of the 'Weltladen' shops. It was to increase their participation in the development of their involvement and motivation in Fair Trade and in the Weltladen shops. Overall, the project was to reinforce the Fair Trade Movement in Germany

Title	Description
	through the publication of a research carried out by Welltaden, a conference and the publication of conference outcomes.

Meeting Facilities

Most meetings are held at the Charlemagne, Berlaymont or Committee of the Regions buildings in the Schuman area and usually interpreters in three different languages are provided. These facilities are financed from the Commission's administrative budget.

Website and mailing list

The first website for the CSD was launched in 2002. This was still a fairly basic website, which was replaced in 2005 with a second version, which was more sophisticated. The current website on DG Trade's homepage is regularly updated and user friendly. It contains background information on the process and procedures, a list of registered organisations and a list of meetings. In addition it offers the possibility for online registration of organisations and for meetings. Upcoming meetings are posted on the website and registered participants are sent invitations, as well as reminders of each meeting.

Reports or minutes of meetings are published on the website, but not available for every meeting.

2.5 Participants

The dialogue is open to EU not-for-profit organisations and to participants from such organisations in Candidate countries – as well as to their affiliates in developing countries, where such participation can enhance the dialogue. Participants should register their organisations with DG Trade via the website.

Upon registering, the following details must be provided:

1. Organisation details;
2. Details of Chief executive (or equivalent);
3. Contact person details;
4. Country of incorporation or establishment (The process is intended for non-profit organisations based in the EU or with an office in the EU)²⁶;
5. Type of organisation (National NGO; Pan European NGO; International NGO; Business or professional association; Research institute; Trade union; Faith-based organisation; Foundation; Other);
6. Objectives, main activities and expertise in own words and by ticking one of the following categories: Agriculture; Development; Education; Food & Drink; Health; Manufacturing; Research; Services; Textiles; Trade; Trade unionism);

²⁶ Answers to questions 1 to 4 will be made available online.

All information may be shared with other Commission departments and may, on an aggregate basis, be used publicly, but it is requested on the basis that individual responses will not otherwise be divulged outside the Commission.

7. Membership (numbers and regional distribution);
8. Finance (sources and type of funding);
9. Networking (interaction with other platform/federation/umbrella/organisation at EU or global level);
10. Relations with other Commission Services.

2.5.1 Registered participants

Since the launch of the CSD, the number of participating CSOs has increased substantially, to approximately 800 registered organisations in the participant's database. However, not all registered organisations can be classified as actual CSOs (e.g. embassies were found among the registered organisations, as well as the OECD, World Bank and several law firms). In addition, quite a few were found to have registered several times (e.g. different offices of the same organisation or even different persons working for the same organisation), so there is some overlap in this number.

Finally, the number of organisations regularly attending or even attending the CSD meetings at all, was much smaller. Analysis of the attendance lists from 2002 – 2006 revealed that approximately 350 organisations had attended meetings during this period.

Constituencies and origin of registered participants

Roughly six main groups of organisations can be distinguished:

- Private sector organisations / confederations;
- NGOs including network organisations (development / environment);
- Labour representative organisations;
- Consumer representative organisations;
- Other (including e.g. academia / research, international organisations, Commission bodies, diplomatic missions, etc.).

The first two groups represent the vast majority of registered organisations

Not surprisingly, most of the registered organisations are Belgian (Brussels) based. Other countries with strong representation include Germany, UK, France and Netherlands:

- Belgium (300);
- UK (69);
- Germany (51);
- France (45);
- Netherlands (32);
- Spain (28);
- Italy (26);
- Switzerland (Geneva organisations) (21).

Overall there is a tendency for Northern European organisations to be better represented (among the Brussels based organisations their share is highest as well), which is most likely a reflection of the generally higher level of development of civil society in these countries.

2.5.2 Participation of new member states

The number of registered participants from the new member states (NMS) is still relatively limited: 26 organisations from Estonia, the Czech Republic, Hungary, Lithuania, Malta and Poland. The limited participation of CSOs from NMS has prompted DG Trade to organise a number of seminars in Malta, Lithuania and Hungary to try and engage more actively these actors in the CSD process (see box 2.2).

Box 2.2 Civil society in the recently acceded EU Member States - Actors in EU Policy-making on Trade²⁷

The project consists of a series of three seminars on EU Trade Policy, organised for civil society organisations in the EU recently acceded Member States. The seminars are held in Malta, in Hungary and in Latvia. Each seminar is designed for a specific regional area, defined according to geographic proximity between countries and similarities in terms of socio-economic structure. Thus at the Malta seminar participants from Malta, Cyprus and Slovenia were invited, in Budapest participants from Hungary, Slovakia, the Czech Republic and Poland and in Riga from Latvia, Lithuania and Estonia. The three seminars offer civil society organisations in the recently acceded Member States an opportunity to develop their expertise on EU Trade policy, and an invitation to participate in the civil society dialogue process. The aim is to increase the participation of all interested civil society stakeholders in the recently acceded Member States in the civil society dialogue process as it relates to EU Trade policy-making. With this project the European Commission also aims to stimulate an informed debate on the position of the European Union in world trade. The project has been developed by the College of Europe, and is organised in close cooperation with the European Movement International and Eurochambers (one of the Contact Group members).

2.6 Contact Group

The Contact Group more or less evolved from the CSOs that DG Trade already consulted regularly before the set-up of the CSD and that were included in the official delegation in Seattle. It was officially set up in 2000, after DG Trade had sent out a letter to registered participants, asking them to nominate from their midst representative organisations. DG Trade has thus left the selection of members to the stakeholders, but does monitor the process, thus trying to assure that there is a good representation of all sectors of civil society. In addition, if DG Trade notices certain members are hardly active, they will point this out to the group. Over the years a number of members have been added, and in late 2005 WIDE (Network for Women in Development) replaced EPHA (the European Public Health Alliance)²⁸, to represent women's groups, which were up till then not represented in the Contact Group. Table 2.5 gives an overview of the current Contact Group members.

²⁷ www.cisat.org/index.php?page_id=project

²⁸ Although active in the first few years of the dialogue, the EPHA had all but stopped attending the meetings and engaging actively in the process by 2005. DG Trade pointed this out to the Contact Group members, who decided to remove EPHA from the Contact Group.

Table 2.5 Contact Group members and their constituencies

Name of organisation	Constituency
1. Association of European Chambers of Commerce and Industry (EUROCHAMBRES)	Umbrella organisation national federations of Chambers of Commerce
2. Bureau Européen des Unions de Consommateurs (BEUC)	Federation of independent national consumer organisations
3. Comité des Organisations Professionnelles Agricoles de l' Union Européenne & Comité Général de la Coopération Agricole de l' Union Européenne (COPA-COGECA)	Umbrella organisation national agricultural sector organisations (including cooperatives)
4. Coopération Internationale pour le Développement et la Solidarité (CIDSE)	Alliance Catholic development organisations (including North America)
5. Eurocommerce	Umbrella organisation national commerce federations (retail, wholesale & international trade sectors)
6. Eurogroup for Animal Welfare (EUROGROUP)	Animal protection organisations
7. European Economic and Social Committee (EESC)	Advisory body of the EC, representing national economic and social interest groups
8. European Trade Union Confederation (ETUC)	National trade union federations and European industrial federations
9. Foreign Trade Association (FTA)	National trade organisations and individual companies in favour of free global trade & a multilateral trading system
10. Network Women in Development Europe (WIDE)	Network organisation representing development and gender specialists and human rights activists
11. SOLIDAR	International alliance of NGOs based in tradition of democratic & free labour movement
12. The European Services Forum (ESF)	Network of representatives of European services sector including 40 major European services companies (all services excluding essential social services)
13. Union of Industrial and Employers' Confederations of Europe (UNICE)	Umbrella organisation for national employers organisations
14. World Wide Fund for Nature (WWF)	NGO for protection of nature and environment

Membership of the Contact Group is governed by the incumbent members. Thus if a new organisation wants to join it must apply with the existing Group members, who then decide based on whether the constituency of the applying organisation is or is not yet sufficiently represented in the Contact Group.

The mandate of the Contact Group is “to steer the process on behalf of the various sectors” (Mandelson, 2005). This is seen by the Commission as a more efficient way of organising the process than having to approach all individual participants for issues such as setting the agenda for meetings. The Contact Group has the responsibility of reporting back and consulting with their respective constituencies as well as keeping other participants informed.

The composition of the advisers group that accompanies the Commission at the WTO Ministerials is also based on the Contact Group. Thus in Hong Kong, all but one of the

Contact Group members (WWF)²⁹ was part of the EU delegation. These advisers were all nominated by their constituencies and were required to cover their own expenses.

²⁹ Instead, Greenpeace was part of the delegation representing the environmental / sustainable development constituency.

3 Assessment of Civil Society Dialogue Policy and Procedures

In this chapter the main research questions formulated in relation to relevance, effectiveness and efficiency will be addressed (see annex II for a list of all questions). The additional question on the appropriateness of the existing model for an EU expanded to 25 was an integral part of some of these questions, but in the final section of this chapter we will also consider this question separately.

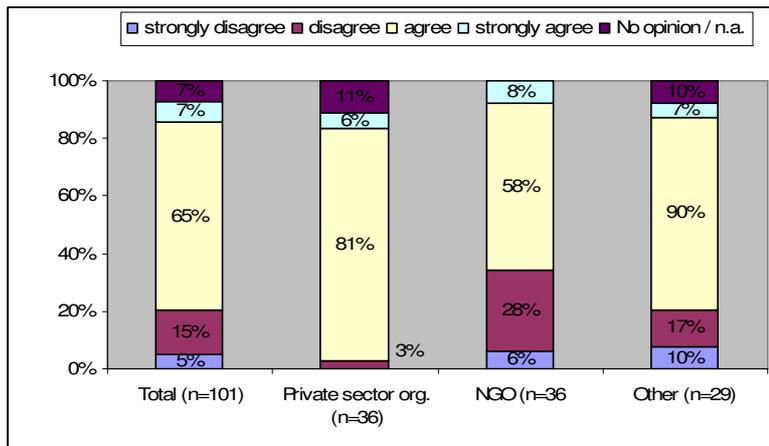
3.1 Relevance

A number of evaluation questions relating to relevance were formulated, which will be considered in more detail below. Before addressing these questions, however, it is useful to first highlight what the CSD is really for, from the perspective of the different stakeholders, as it became clear during the evaluation that the perceptions of / views on the objectives and use of the process differed.

3.1.1 Perceptions of objectives

Participants were asked whether the objectives of the dialogue (as formulated on the website by DG Trade) were clear to them. In addition, both participants and DG Trade officials were asked why they attended the meetings and of what use these meetings were to them. The first questions tries to establish the perceptions on the stated objectives, whereas the last two relate more to the objectives as the different stakeholders see them.

Figure 3.1 The objectives of the CSD are clear (response by participants' category)³⁰



Source: Questionnaire participants, 2006

As can be seen in figure 3.1, the objectives as formulated by DG Trade were considered to be clear by most participants. However, almost 30 percent of respondents among the NGOs said they did not agree with the statement that the objectives of the CSD are clear. This sentiment was echoed in several of the interviews, where participants asked what it was that DG Trade really wanted with the CSD? Is it to be genuine dialogue or just information exchange? Does the Commission really want to consult, or is it just viewed as an exercise in providing information on its positions without consequences for policy?

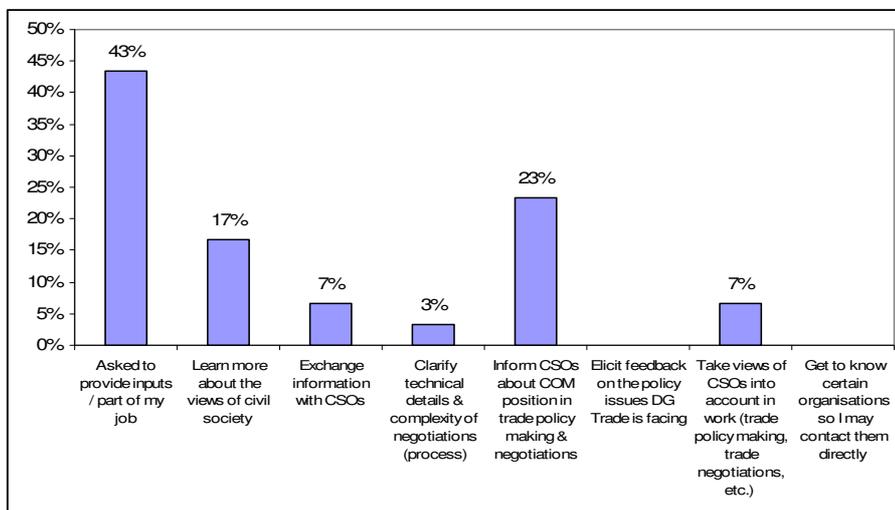
When participants were asked in the survey why they attended the CSD meetings, the two main reasons cited were “to gain a better understanding of the policy process at DG Trade” and “to gain a better understanding of the main issues at play in trade (negotiations).” These are more or less one way information flows from the Commission and not so much information *exchange*. Yet from the in-depth interviews the picture emerged that this is what the participants have come to expect from the CSD. Several participants argued that they would much rather see a more interactive set-up, where the dialogue would actually become a two-way process or true dialogue. As one respondent argued: “It could be – and is – a meeting place for stakeholders. That is good. But reaching the objective will require a number of changes.”

Asked why they attended the meetings, DG Trade officials responded that they saw it as part of their job and wanted to inform the participants about their position in trade policy making and negotiations, but also to learn more about the views of civil society and take these into account. Apparently their perception is more that of an interactive process.

³⁰ Unfortunately the number of respondents in the labour representative and consumer organisations categories was very low (5 and 3 respectively but even lower for some questions), so they were grouped together with the 'other' category, which in addition consisted of academic/research organisations, international organisations and a number of network organisations and embassies.

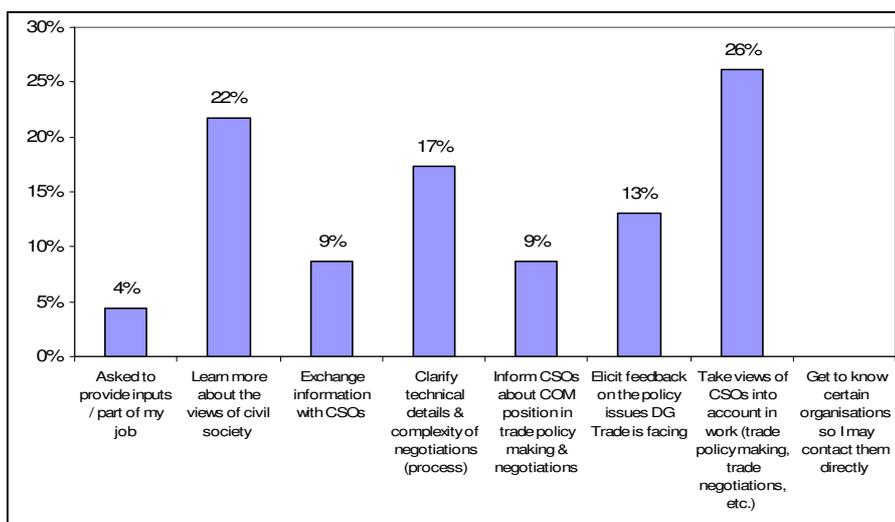
Figures 3.2 - 3.7 present the three main reasons for attending the CSD meeting for DG Trade officials and for participants by major category taken from the online surveys (see annex V)

Figure 3.2 Most important reason for attending CSD meetings DG Trade officials (N=30)



Source: Questionnaire DG Trade officials, 2006

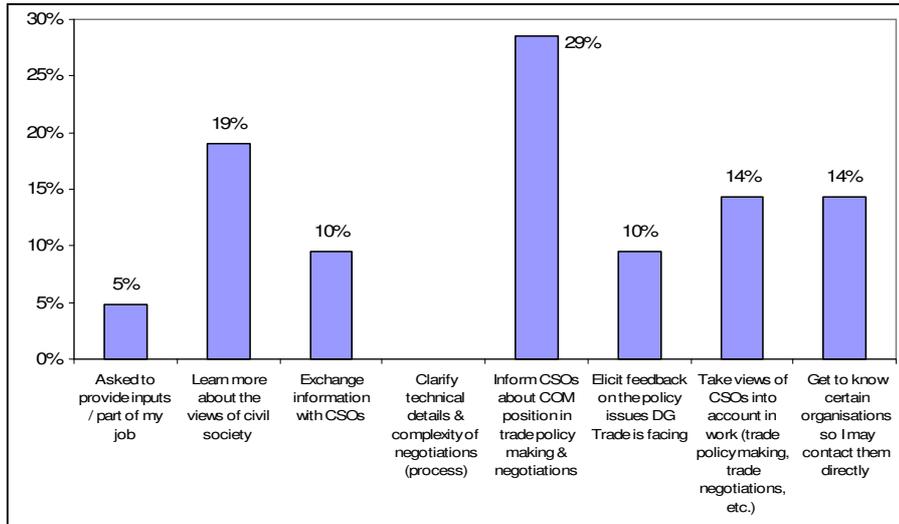
Figure 3.3 Second most important reason for attending CSD meetings DG Trade officials (N=23)³¹



Source: Questionnaire DG Trade officials, 2006

³¹ In total, 75 officials responded to the questionnaire for DG Trade officials. Of these officials, 63 completed the questionnaire. However, 14 of the respondents indicated they were not aware of the existence of the CSD within DG Trade, while another 26 indicated never to have attended any of the meetings. Actual responses per question therefore tend to be substantially lower than 63. In addition, many respondents ticked the "no opinion / not applicable answers."

Figure 3.4 Third most important reason for attending CSD meetings DG Trade officials (N=21)



Source: Questionnaire DG Trade officials, 2006

Figure 3.5 Most important reason for attending CSD meetings for participants

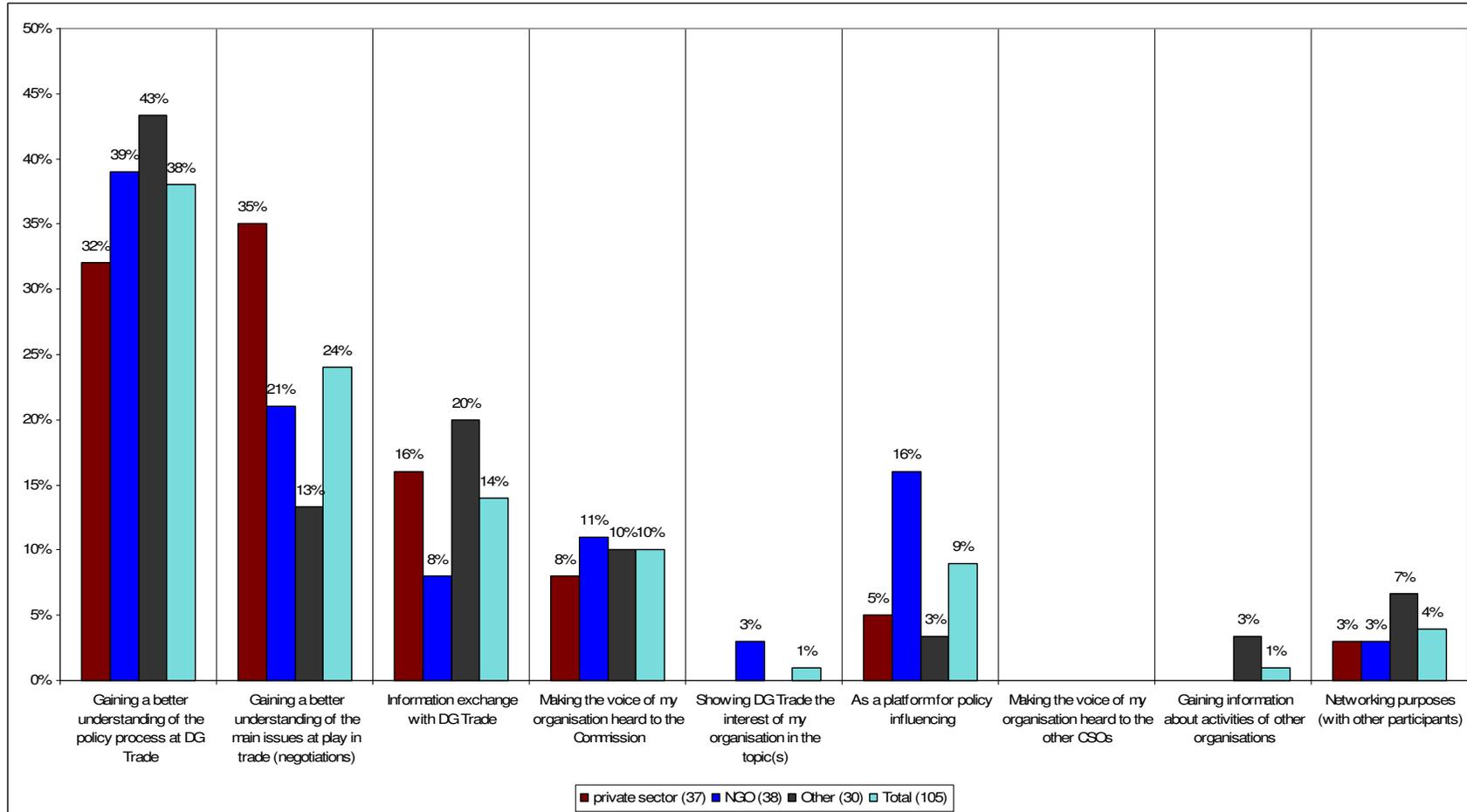


Figure 3.6 Second most important reason for attending CSD meetings for participants

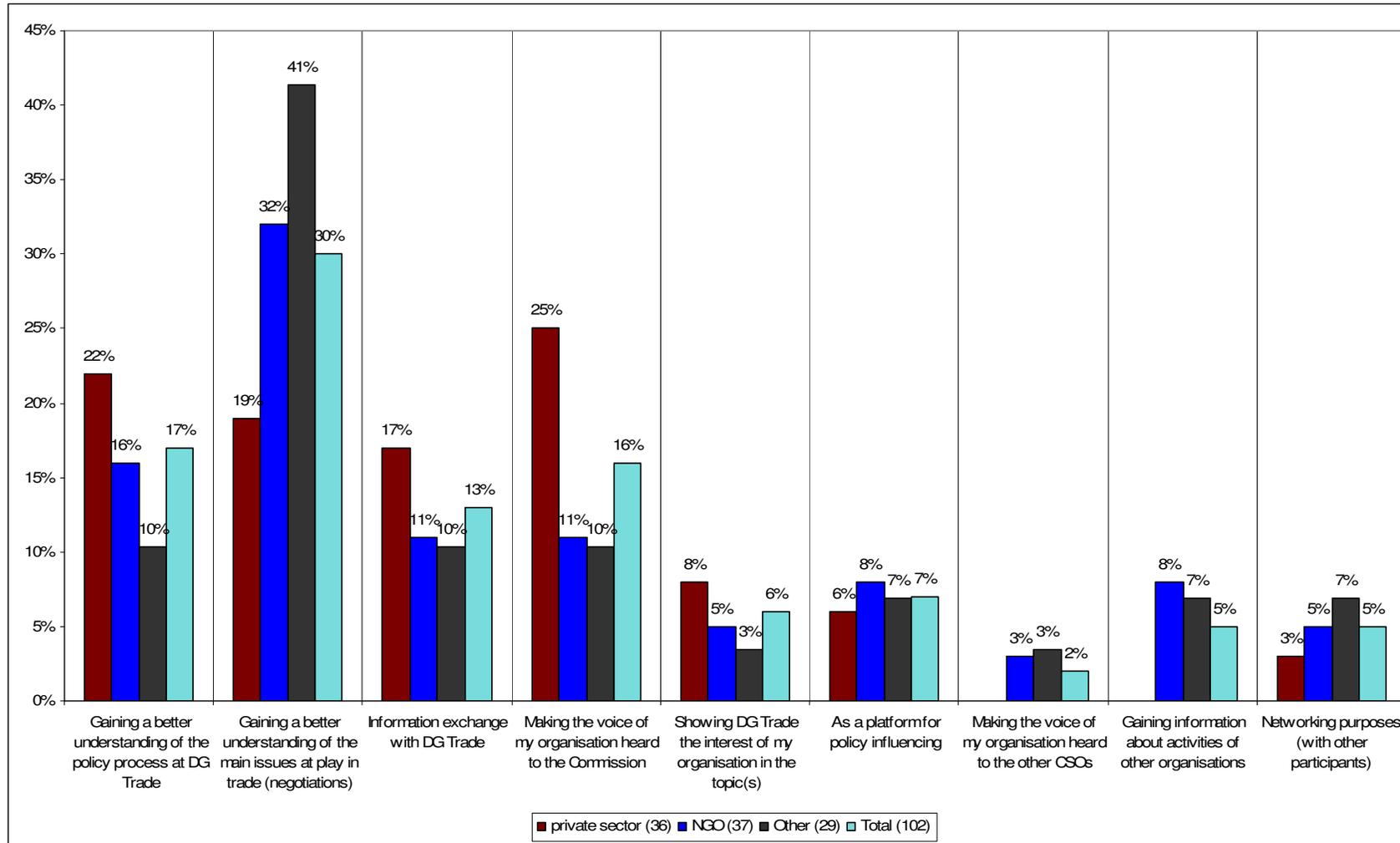
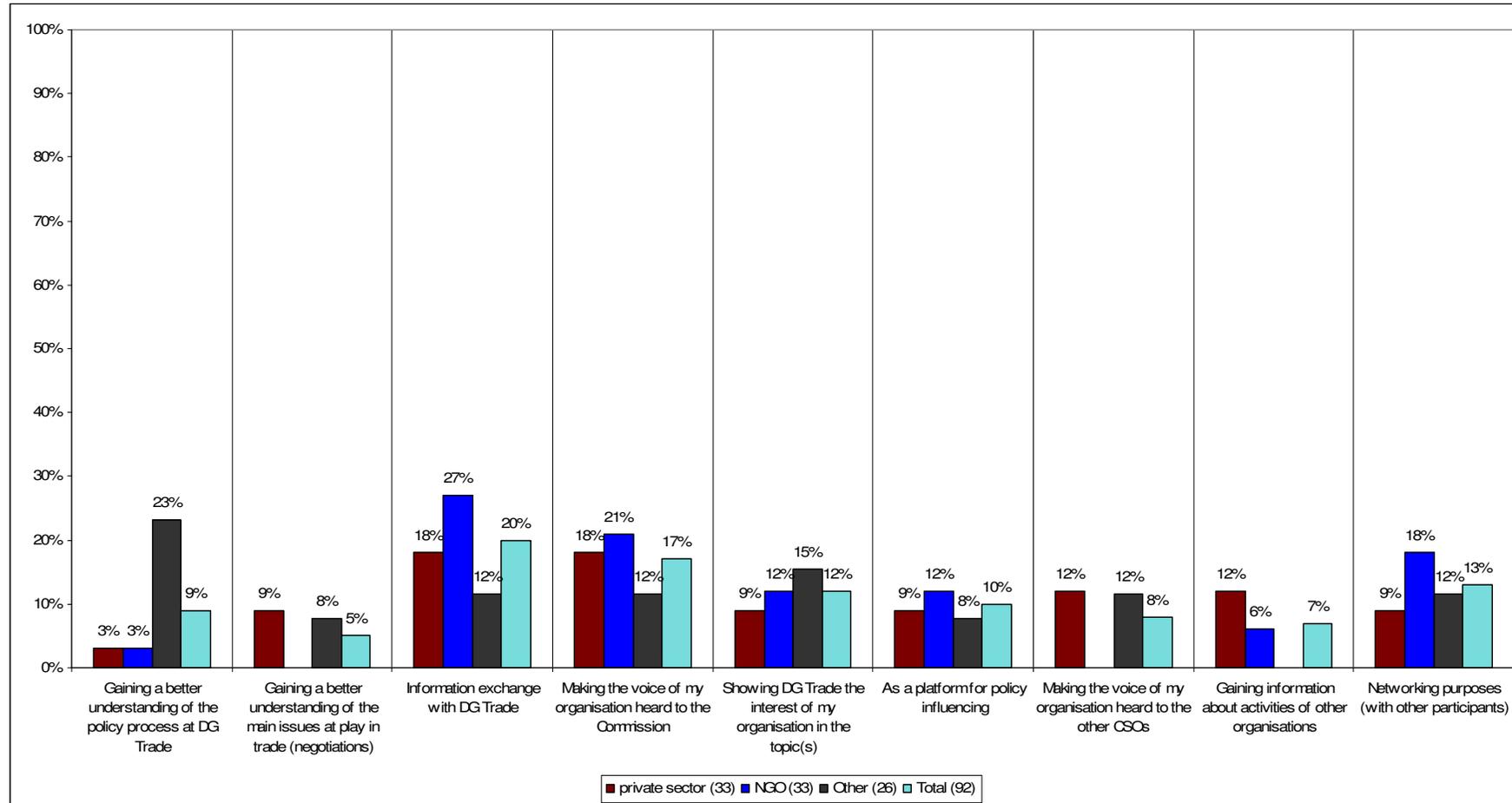


Figure 3.7 Third most important reason for attending CSD meetings for participants



Usefulness

Most interviewed DG Trade officials saw the use of the Dialogue in terms of – as one respondent put it – “keeping the finger on the pulse of civil society.” In addition, the usefulness of the Dialogue was seen in part to lie in the fact that the different CSOs attending are exposed to each other’s views, giving all participants a better insight into the many voices and views that the Commission is faced with and into the general complexity of trade policy making and negotiations.

Although most participants saw the use of the CSD and appreciated the initiative and efforts made by DG Trade, some, particularly in the NGO sector, have accused the Commission as using the dialogue for ‘window dressing.’ As opposed to a dialogue and true two-way process, it is seen by some to have become a PR exercise. This issue will be considered in more detail in section 3.2

Dialogue or information exchange?

One of the reasons objectives are not shared by all stakeholders seems to lie in the fact that the definition of dialogue itself is not entirely clear. In the Commission’s White Paper on communication civil dialogue is seen to go beyond a mere one way information flow and involve listening to what citizens have to say. However, this still sheds little light on what is actually understood to be dialogue and as Fazi & Smith (2006) conclude, this problem persists at the level of the EU in general and is linked to issues of definition of civil society, representativeness and legitimacy.

From the point of view of the interviewed DG Trade officials, The CSD is an opportunity for exchange of information and views between the Commission and the CSOs. This exchange of information and views is seen an open process, not intended to try and convince or convert one another, but rather to explain positions, while it provides the Commission with an opportunity to explain the more technical details of the negotiation process and how it has arrived at certain decisions. This is what DG Trade sees as the meaning of dialogue. As such there appears to be no real intention to create a dialogue *among* the different CSOs, or rather the Commission sees this as something the participants should initiate themselves³². It was also argued that in their view participants tend to be very much focused on the Commission during the meetings and not so much on each other.

As becomes clear from the previous figures, many of the participants, do not perceive the process as a dialogue between themselves and the Commission³³, and even less so as a dialogue with other CSOs.

To an extent this is a reflection of the fact that trust among participants is not very high and there also seems to be doubts among participants about the commitment of the current Commissioner and his Cabinet to the CSD.

³² In a letter in reaction to an open letter sent to him by a number of participating NGOs in November 2004, Commissioner Mandelson mentions: “(T)he Commission welcomes any momentum our process generates for the dialogue to continue in configurations which you organise yourselves, off our premises, without our presence.” (14 March 2005)

³³ See for instance the open letter sent to Commissioner Mandelson in 2003 by a consortium of NGOs on the CSD (Friends of the Earth Europe et al, 2003)

Trust and commitment

Many of the interviewed participants, both business CSOs and NGOs, directly or indirectly referred to the issue of trust. Thus it was argued that attending the meetings was in fact necessary to assure a balance of voices in the face of the Commission (business representatives felt they needed to counter weigh views of the NGOs and vice versa). Many NGOs feel the Commission is more inclined to listen to business representative organisations, while some of the latter accused the Commission of leaning too much towards the NGOs.

As one respondent remarked “there is lack of trust between the two main constituencies engaged in the dialogue (business representatives and NGOs) and therefore no real dialogue takes place. Perhaps it is because the Commission is there as well and you do not want to compromise your position in front of the Commission.” Others argued that the presence of certain CSOs at the meetings prevented them from discussing certain issues, which gave away too much strategic information. They preferred to discuss these matters bilaterally with the Commission in informal meetings.

This limited level of trust is perhaps exacerbated by the fact there is a sentiment, especially among NGOs, that the current Commission is not as committed to the process as the previous one under Mr. Lamy was.

Finally, the issues above are all in some way linked to a more general debate about the representativeness of CSOs and their legitimacy as actors in the EU democratic process.

Representativeness

An issue that was raised by different stakeholders was that of representativeness. Three different perspectives can be distinguished. First of all many DG Trade officials stressed that they were only formally accountable to the Member States and to the European Parliament. They are seen to constitute the representative democracy of Europe, while civil society only plays a role as a sounding board. In some cases officials openly questioned the representativeness for civil society of the CSOs participating in the dialogue and more specifically the NGOs.

In addition several officials stressed that in their view DG Trade is not accountable to CSOs; its mandate comes from the member states and it is accountable to these and to the European Parliament. The CSD fits in with the policy to give civil society a voice, not a vote.

Second, and in line with the first view, many business and membership CSOs participating in the dialogue openly questioned the legitimacy of especially the NGOs. They argued that where they represented a ‘tangible’ constituency (members, or umbrella organisations representing organisations with members), NGOs often had no such direct membership base. These two perspectives must be seen as part of a more general debate at the EU level (and beyond) on who, or what really constitutes civil society and to whom they are accountable (see box 3.1).

Box 3.1 The debate on representativeness and legitimacy of NGOs

In their study of civil dialogue in the EU, Fazi & Smith (2006) elaborate on the issue of representativeness of NGOs by presenting it as one of the two dimensions of the governance debate, the second being legitimacy. They argue that representative and participatory democracy complement rather displace each other and that NGOs representativity cannot be assessed in the same way as that of the actors in representative democracy. It is more relevant to refer to their legitimacy rather than representativity, which derives from a complex set of – more qualitative – factors, such as authority and participation; expertise, performance, and trust and reputation. Legitimacy, it is argued, must thus be seen in terms other than elections and numbers. Next to the question of whom they represent, the question of accountability of NGOs has played an increasingly important role in the debate.³⁴

A third perspective on the issue of representativeness, as expressed by several of the NGO participants, concerned the definition of civil society itself. These organisations lamented the fact that certain business representatives were part of the dialogue, as they do not see them as representatives of civil society but rather as interest groups for capitalist organisations. Moreover, it is felt that these organisations already have better access to the Commission and the latter is more inclined to listen to them anyway.

It must be noted that these perspectives are not shared by all participants and should not be seen as black and white. Several of the interviewed participants did acknowledge that the dialogue brings together parties that would have otherwise not interacted at all. As to the composition of the participants on respondent argued “[the actual balance of participants] doesn’t matter to me. In a dialogue, it is the force of the argument that matters.” Others indicated that the composition of participants was not in itself a problem, but that perhaps the dialogue should be complemented by meetings with only NGOs.

These main issues of perceptions of objectives, usefulness, trust and representativity are all in some way interlinked and embedded in more general discussions and debates. We now turn addressing the main evaluation questions. The answers to these questions have to be seen in light of these main issues and debates.

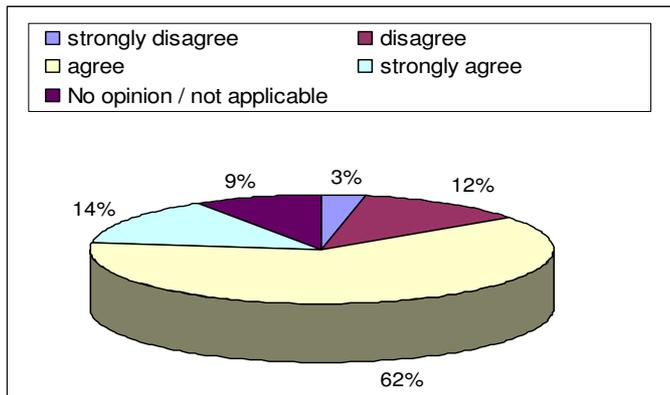
3.1.2 EC policies

1. How does civil society dialogue fit into DG Trade’s overall commitment to transparency and good governance?

Most interviewed CSOs, as well as respondents to the questionnaires found the process to be open and transparent (see figure 3.8). Whether critical or not about the specifics of the process, the majority of participants consider the CSD a unique and commendable initiative by the Commission. Most participants also understand that the Commission is not always able to give all information with regard to its position due to the very nature of negotiations. However, some participants did argue that the Commission could be clearer about the direction that it is taking in negotiations and that some issues were only presented to them ‘after the facts.’

³⁴ As one respondent argued “NGOs are only accountable to themselves.”

Figure 3.8 Openness of the CSD process according to participants (N=100)

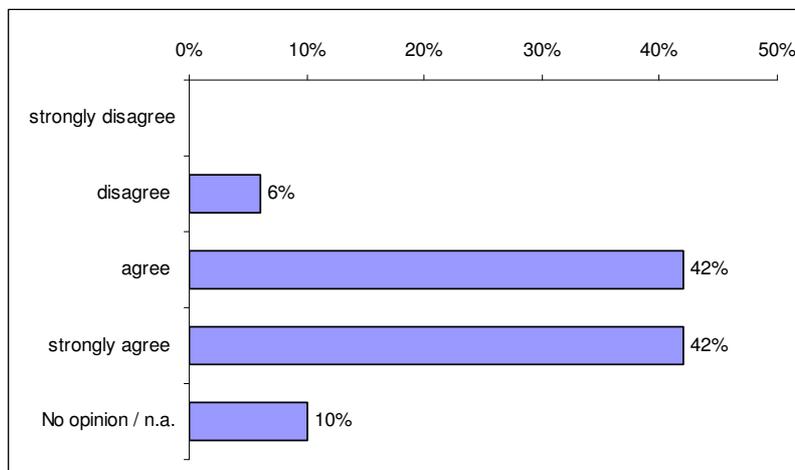


Source: Questionnaire participants, 2006

Some respondents, from both sides of the table, mentioned this openness also has some drawbacks: due to the open and broad nature of the dialogue, discussions can sometimes take on a very general nature, while many participants in fact are hesitant to engage in true dialogue but rather resort to statements of (known) positions and views. This is related to the issues of trust referred to in the above.

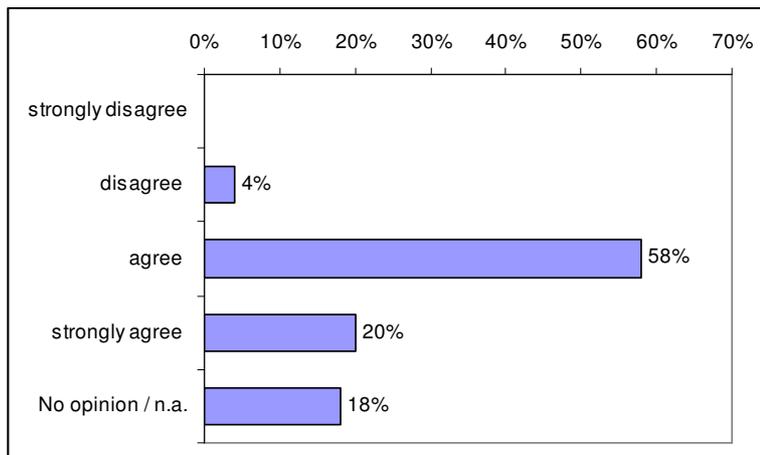
Within DG Trade, increasingly the CSD is seen as a necessity in modern democracy that has increased the transparency of the Commission's work (see figures 3.9 and 3.10).

Figure 3.9 The CSD is a necessary element of the Commission's policy on openness and transparency (N=50)



Source: Questionnaire DG Trade officials, 2006

Figure 3.10 CSD process has increased the openness and transparency of DG Trade's policies and work in general (N=50)



Source: Questionnaire DG Trade officials, 2006

Many also regard it as an exercise in transparency that complements the bilateral and informal contacts that most officials also have with CSOs. Although in bilateral meetings more technical and specific issues can be discussed at working level, such meetings are less open. The CSD serves to reach a broad audience and should provide a more general overview of the state of affairs and the position of DG Trade in international trade negotiations and policies. As one official remarked: “I don’t see [the CSD] as separate from general contacts I have with civil society.”

The formalisation of the process has thus added to transparency, yet not replaced existing channels of contacts.

Minimum standards for consultation

Addressing this evaluation question also requires looking at the minimum standards for consultation, as formulated by the Commission in 2003. The findings of a brief assessment of these standards based on the interviews, surveys and documents analysed are summarised in table 3.1.

Table 3.1 Performance of CSD at DG Trade on EC minimum standards for consultation

EC Standard	DG Trade performance
Clear content of the consultation process	= SATISFACTORY Agenda is published online, yet often – especially with regular meetings involving general updates – not very specific. Also due to ongoing nature of the CSD
Consultation Target Groups (relevant parties have an opportunity to express opinions)	= GOOD The CSD process is a very open process; all parties interested in trade policy and issues can register for the dialogue and participate in the meetings. The only real requirement is they be non-profit organisations. DG Trade does not directly invite participants itself.
Publication of consultations on the internet	= SATISFACTORY Minutes and reports of the meetings are published online, although

EC Standard	DG Trade performance
	these tend to be brief and the practice if not always consistent; Trade SIAs, an integral part of the dialogue, do follow standard procedures.
Time limits for consultation (sufficient time for planning and response to invitations and written contributions)	= SATISFACTORY Participants are notified in time through the website and sent reminders. Timeframe for written comments adequate, although for general and ad-hoc meetings not very relevant. Some complaints from participants that they are not involved in discussions on trade policies in timely manner (see under effectiveness)
Acknowledgement and feedback	= WEAK Many complaints about limited and inadequate feed-back (see under effectiveness)

2. How does the process fit with DG Trade’s strategy for communicating about trade policy?

The CSD is seen by DG Trade as an important channel for communicating about trade policy. Besides providing the participants with information on trade the trade policy process and state of play in negotiations, several officials also mentioned they saw the dialogue as a way to “take away their fears and explain realities of negotiations”, thus demystifying trade negotiations.

As CSOs are not only seen to reflect or represent the views of certain parts of civil society, but may also shape public opinion, some officials also mentioned the role that the CSD has to play in ‘selling the results’ of negotiations. Although there are limitations about the details of what can be communicated on for instance actual trade negotiations, the CSD is a good channel for communication on the process of trade policy making and negotiations and can provide insights into the general position and direction of the Commission.

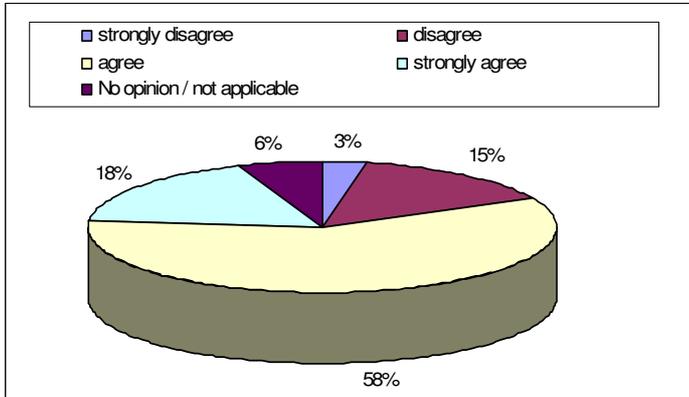
In general, DG Trade’s communication policy has been increasingly geared towards reaching EU citizens and increasing transparency of EU Trade policy making. Thus relations with the press have been intensified and output through these channels increased, as well as taken on different forms (for instance, a short documentary on the Commissioner’s visit to China was aired on Sky News). Similarly the communication department focuses on (improving) relations with educational and academic institutions – aiming to instil in students knowledge of and interest for EU trade policy making.

As such, the CSD fits in well with the policy of open communication about trade and can be seen as part of a more general strategy at the Commission level.

3.1.3 Civil society needs

There is an overall feeling among interviewed participants that the CSD fulfils a need, which was also reflected in the results of the questionnaire (see figure 3.11).

Figure 3.11 Opinion CSD participants on whether CSD fulfils a need (N=102)



Source: Questionnaire participants, 2006

1. What are the needs and expectations of the participating CSOs regarding the CSD process and procedures?

Although there is general consensus on the part of all participants that the CSD fulfils a basic need of CSOs, it became clear that what many CSOs really want and expect is impact, although it was not always clear what was meant by this, as none of the participants seemed to expect a one on one adoption of their positions in policies or legislation. It appears what is meant here is more a general impact on the strategic directions of EU trade policies and negotiations. Hence the recurring complaint about the fact that the process is not so much a dialogue, but rather an open exchange of information (see the discussion in section 3.1.1). Many of the interviewed CSOs expected a true dialogue to achieve more impact in terms of policy influencing. As it stands, most CSOs considered other channels, particularly bilateral contacts with the Commission, as more relevant in terms of trying to achieve impact on policy. This, however differed per participant, depending on to which extent they actually had access to policy influencing channels. Those with limited other channels are likely to have higher expectations of the CSD as a policy influencing platform..

Other expectations included timeliness of consultations, follow-up and feedback to the issues put forward during the meetings and general clarity about how the Commission sees the CSD and what it wants out of it.

It must be noted that expectations of the process may have been adjusted over time, as several participants indicated they were disappointed with the actual achievements of the process and their expectations were therefore not (or no longer?) very high.

The participants are aware of the sensitivity of some of the information involved in trade negotiations and don't seem to expect to be fully informed about specific details of for instance offers and requests, yet several respondents did expect to be informed about the general strategic directions of the Commission.

In addition, reference was made to the difference between the technical and the political dimension of the dialogue. The level of technical detail may vary per theme and/or per DG Trade official presenting at the meeting, but as one respondent argued "(...) officials do not always catch the political message sent in certain questions ... it is through this political dimension that the Commission can give a signal that the help from NGOs would be useful."

2. What are the perceptions of the CSD on the objectives of the CSD; did participants understand the objectives (are they clearly formulated)?

This question was discussed in detail in section 3.1.1. There is obviously room for improvement in terms of clearer formulation of objectives, taking into account the different views and perceptions of the participants. Although DG Trade should still formulate these objectives, it would be useful to consult the main stakeholders on this formulation, to be sure they are understood and shared by all.

3.1.4 Trade officials' needs

1. What are the needs and expectations of DG Trade officials regarding the CSD process and procedures?

As described in chapter 2, after the debacles of the MAI and the Seattle WTO Ministerial, there was an acute need for DG Trade to understand better the views of CSOs and to learn from these views. Next to this need to understand civil society, DG Trade officials also expect that the dialogue will enable them to explain their position. There is thus a need for CSOs to understand DG Trade's position, but more generally for them to understand the reality of trade negotiations.

In addition the CSD is seen, as one official argued: "[to] take the sharp edges of the democratic deficit." As we will discuss in more detail in section 3.2, some participants have explained this expectation in terms of window dressing.

Although most interviewed officials did not expect all participants to be convinced by their argument (there is no intention to 'convert them'), many did feel that through the dialogue, CSOs would come to see things more 'their way'. This can take some of the sting out of the arguments of CSOs, which were initially quite aggressive and activist, according to several of the interviewed officials. In the words of one official: "We see [the CSD] as a forum to transmit our message and position within the WTO and within FTAs and bilaterals. In addition we collect opinions and discuss. This works quite well as long as expectations are not too high."

The needs and expectations of the process in general can thus be summarized in terms of mainstreaming civil society into trade policy.

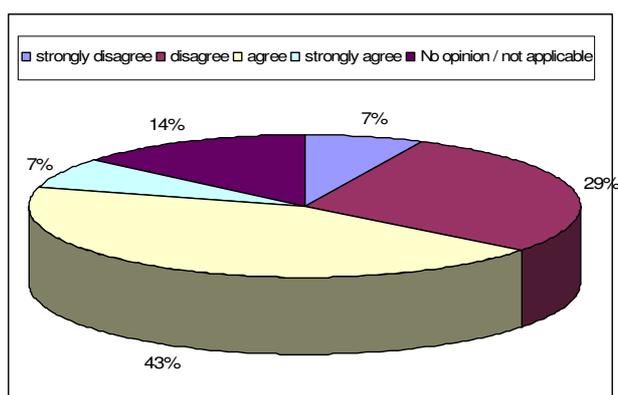
Still, expectations also seem to differ among DG Trade officials. While some argued that they expected CSOs – through the CSD – to give their views on the fundamental issues relating to the multilateral trading system (e.g. development issues, environmental issues, etc.) and not to play a part in the actual technical details of individual trade negotiations, others argued that they were by now well aware of these fundamental issues and expected technical, well informed inputs and suggestions that could be operationalised. There thus seems to be a tension between the political and technical dimension of the dialogue, although this can in part be explained by the area covered and the type of CSO referred to. In some instances the discussions can be about very specific issues (e.g. preferential rules of origin) and discussions tend to take on a more technical nature. In addition, comments from a development NGO are expected to be less technical than those from a specialized business representative organisation.

3.1.5 Ownership

1. To what extent do the stakeholders feel they own, and are capable of influencing, the process and procedures?

Among the surveyed participants approximately half indicated that they felt the dialogue is a two-way process, which is owned by all major stakeholders (see figure 3.12)

Figure 3.12 Opinion CSD participants on whether the CSD is a two-way process / ownership by all stakeholders (N=101)



Source: Questionnaire participants, 2006

From the interviews a somewhat different picture emerged. Many of the interviewed participants were members of the Contact Group. Considering their role in the planning and topics of meetings, these Contact Group members generally felt that they were able to influence the process and procedures. However, the interviewed participants not belonging to the Contact Group tend to see it as process that is primarily driven by the Commission. In part this has to do with limited understanding of how the process works, as all participants can call for meetings on a specific subject.

2. How were objectives set / formulated?

Objectives as published on the website were formulated by DG Trade in 1999 under then Commissioner Pascal Lamy and Director Robert Madelin. According to DG Trade this was done in consultation with the stakeholders.

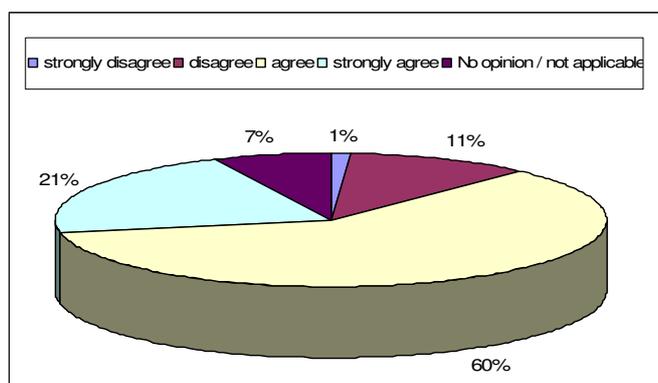
3.1.6 Topics

1. To what extent are topics of individual meetings (experienced as) relevant and specific?

Topics of the meetings were seen by most interviewed participants as relevant, although sometimes too general. Relevance and usefulness of the individual meetings and topics discussed there also depend strongly on the officials present at the meeting (their level of expertise or knowledge of the specific issue).

These findings were confirmed by the finding from the survey, as figure 3.13 illustrates

Figure 3.13 Opinion CSD participants on whether topics of meetings are specific and relevant (N=100)



Source: Questionnaire participants, 2006

However, some critical remarks were made about the general meetings and the extent to which these were useful for real dialogue. As one interviewee argued: “(...) if the topic is (the) latest WTO news, it is obvious it will not be a meaningful dialogue, but if the topic is something that the DG is drafting a communication about, or a topic on which there is no process or major attention, then it can be more meaningful, I believe”

2. To what extent do the topics of the individual meetings reflect the needs and expectations of the different stakeholders?

Most participants interviewed and surveyed felt the topics reflected their needs and expectations. Although not all topics were always relevant to all, this was accepted as a consequence of the broad base of participants. As all participants can make suggestions for topics, sometimes more specific issues will be discussed, which will attract only a selected number of CSOs for which this topic is relevant. For instance, at a meeting on

preferential rules of origin mostly business representatives were present, while the SIA meetings tend to attract more NGOs, and discussions on Agriculture and the Agreement on Agriculture (AoA) negotiations representatives of Agri(business), as well as NGOs, etc. This set up is generally appreciated

There does seem to be some consultation fatigue though, especially with the general updates. This probably is in part due to the current state of play in the WTO negotiations, which have stalled, and fact that some of the more controversial issues, have already taken place, while others were discussed during initial offers, which are currently just being updated and no longer involve substantial issues. On the other hand, the format of particularly the general meetings may also play a role in this observed consultation fatigue. A point we will return to in the next section.

3.2 Effectiveness

3.2.1 Perceptions of the process

1. How is the process perceived by senior and middle management within DG Trade and in other DGs, and by the officials called upon to provide contributions to it?

The DG Trade officials interviewed were all in some way directly involved in the CSD, for example as regular contributors to the meetings. They all perceived the dialogue as a necessary element of EU democracy and DG Trade's transparency policy. To these officials the dialogue was part of their job.

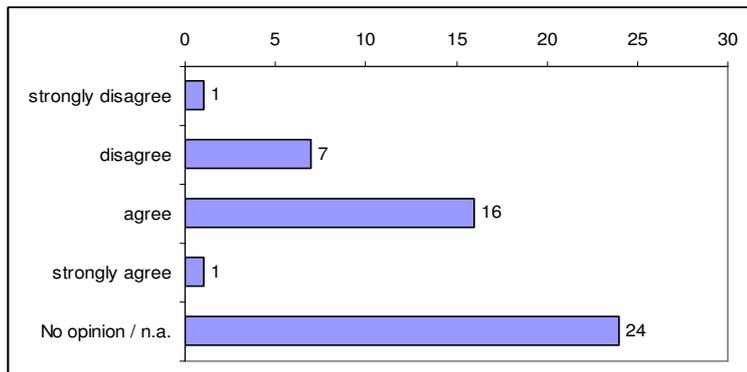
The questionnaire in part was set-up to ascertain whether this level of commitment was found throughout the different units within DG Trade and to which extent the CSD affected officials within the Directorate.

Surprisingly, approximately 19 percent of respondents (14 in total) were not even aware of the existence of the dialogue. In addition, 26 respondents (out of 55) indicated never to have attended a CSD themselves.³⁵

Of the respondents that did attend meetings, the majority found them to be useful to their work, as is illustrated in figure 3.14

³⁵ As one interviewed participant argued: "the CSD does not seem to be in the DNA of the entire DG just yet." The results of the survey seem to endorse this statement.

Figure 3.14 Opinion DG Trade officials on relevance of CSD for their work (N=49)



Source: Questionnaire DG Trade officials, 2006

Two officials from other DGs – DG Development and DG Agriculture – who regularly provided inputs for the CSD were also interviewed. They saw the CSD as a commendable effort and found the format to be correct and efficient for its purpose and the context at DG Trade. However, the set-up differed substantially from formats in their own directorates and for their own work the CSD was less relevant. Within both DGs the range of CSOs participating in consultation processes is more limited (mostly NGOs in DG Development and mostly producers and some NGOs in DG Agriculture). In DG Development the process is less formalised, while within DG Agriculture consults with advisory groups on fairly narrow and highly technical issues for which in-depth sector knowledge is necessary³⁶ (at the CSD meetings on Agriculture more general and horizontal issues are discussed). In addition these consultative groups don't just deal with trade issues, but with all aspects concerning the sector within the EU. It is therefore hard to compare the two processes. The DG Agriculture official attending the CSD meetings did indicate that many of the participants in the CSD also attended meetings at DG Agriculture

2. Has this perception changed since the civil society dialogue began, and if so how and why?

Most of the interviewed officials brought up the issue of the significant culture change that has taken place within DG Trade with regard to civil society consultation: from very closed and sceptical at the start to a generally accepting culture where the CSD is seen as a necessary and useful element of governance and the democratic process at present³⁷. Similarly the change in the tone (less aggressive and activist) and quality of inputs of the CSOs was noted. As one of the interviewees noted "(...) at the first meetings NGOs were just reading out long statements, which were not very useful for discussion." As CSOs

³⁶ DG Agriculture is responsible for Agriculture negotiations, as it here where all the technical expertise lies. There is an agreement between DG Trade and DG Agriculture and they meet once a month to align their positions. Thus consultations at DG Agriculture tend to focus more on technical details.

³⁷ As one official noted: "At first they [DG Trade officials] were very suspicious [of the CSD]: Why were these anti-globalisation people all of a sudden let into the house?! You must bear in mind though that these were trade lawyers, used to talking to other trade lawyers (...) they were just not used to talking to NGOs."

have become more knowledgeable and informed they are increasingly seen as potentially useful contributors to the policy making process in DG Trade.

The changed perception on the part of DG Trade officials is reflected in the remark made by the former coordinator of the process: “When I started as coordinator I had to put an effort into getting people [DG Trade officials] to give presentations at the meetings. By the time I left, however, they were approaching me to call a meeting about a certain topic if they felt this was becoming an issue.”

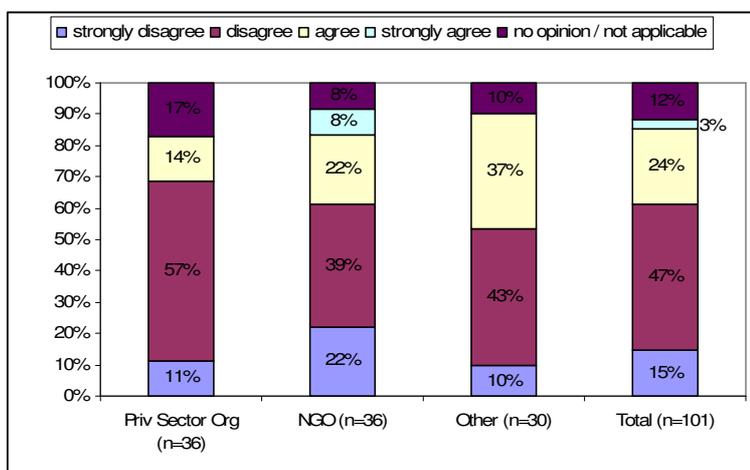
However, the overall feeling was still that some of the differences in views and positions between particularly the NGOs and the Commission could never be reconciled as they involved ideological differences. There was also some frustration with the fact that although the process had come a long way since its start, some participants were perceived as dwelling on “old fashioned views of what development is.”

3. How effective is the process in providing participants with a forum in which to present ideas for influencing trade policy? (to which extent do they see the CSD as an important channel for policy influencing/advocacy?)

Most of the interviewees did not see the CSD as a very important channel for policy influencing; direct contacts with the Commission were seen as more important in this respect. However, for smaller CSOs (especially in the NGO sector) there are few other direct channels to the Commission and therefore they see it as one of few ways to influence policy at EU level.

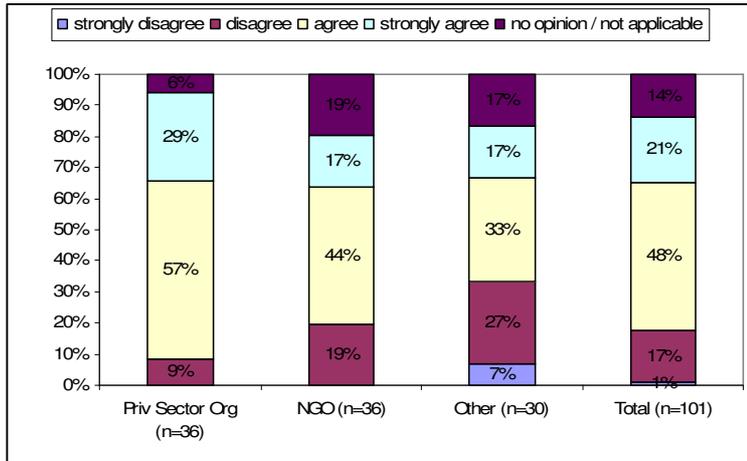
These observations were also reflected in the results of the participants’ survey, as can be seen in figures 3.15 and 3.16 below.

Figure 3.15 Opinion on effectiveness of CSD as policy influencing channel according to participants (by category)



Source: Questionnaire participants, 2006

Figure 3.16 Participants have other, more effective channels for policy influencing (by category)



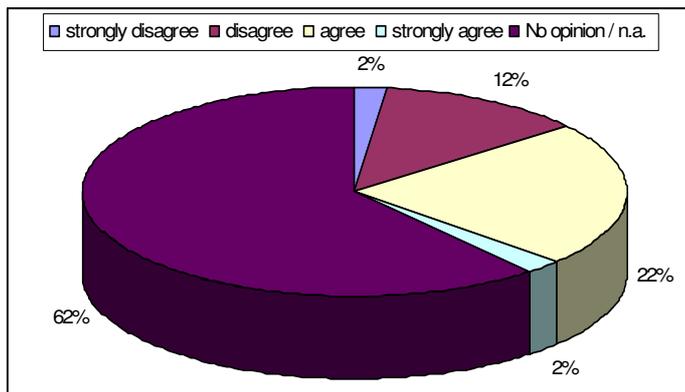
Source: Questionnaire participants, 2006

Private sector organisations do not consider the CSD as an effective policy influencing channel as is indicated by more than two third of the respondents. Also NGOs are hesitant on the effectiveness of CSD as a policy influencing instrument: as much as 61 percent of the NGO respondents doubt its effectiveness in this sense. In fact, the majority of respondents agree that there are other, more effective channels for policy influencing than the CSD.

Although the CSD is not seen as an important forum for policy influencing, it may function as an important point of access to Commission officials. After meetings officials can usually be approached with remaining questions and the majority is open to being contacted for bilateral meetings as follow up to the formal CSD meetings. Particularly for new participants and smaller organisations this may open up more informal channels next to the dialogue.

DG Trade officials in the survey seem to be more positive about the potential of the dialogue as a policy influencing platform, as response to the question concerning this issue illustrates (see figure 3.17). However, due to the high number of responses indicating no-opinion, it is hard to draw conclusions from this information.

Figure 3.17 Opinion DG Trade officials on effectiveness CSD as policy influencing channel (N=49)



Source: Questionnaire DG Trade officials, 2006

Interviews with officials gave no indication that DG Trade itself saw the CSD as an actual platform for policy influencing, but this had to do mostly with the general view held that the Commission is not directly accountable to CSOs. As one official put it: “Some [CSOs] have ambitions of influencing policy, but I do not see how this would have to take place in the current governance structure.”

3.2.2 Accessibility and participation

1. How effective is the CSD process in being accessible to interested parties, in familiarising participants with trade policy issues, and in keeping them informed about the development of policies and progress and state of play in trade negotiations?

The process is highly accessible to interested parties as registration can take place online and there is no accreditation or strict selection procedure.

In terms of the familiarisation and information aspect, most participants agree that the meetings provide general information and updates on policy making and the state of play in trade negotiations.

There appears to be somewhat of a paradox with regards to the familiarisation aspect and the information aspect of the dialogue. As the knowledge of participants on trade issues has increased, the meetings and discussions have tended to become more technical, at least in the case of some subjects and depending on the official providing inputs for the meeting. For newcomers and organisations not very familiar with trade issues this may make the meetings hard to follow. On the other hand, many participants are by now well versed with the basics and feel offended when officials explain these to them.

2. What is the difference in CSOs general level of participation and competencies (general knowledge, advocacy skills, etc.).

As mentioned above, in the opinion of many officials the general level of participation and quality of inputs has increased significantly since the start of the dialogue. However, the level does still differ per CSO, where some have developed strong skills of analysis, while other still resort more to slogans and keep on repeating the same message. In general, the meetings are attended by ‘the usual suspects’: The number of active participants is relatively limited, especially when compared to the number of registered participants. The downturn is that positions are by now well known among this relatively small group.

The more skilled lobbyists according to one official, “will also approach us before and after the meetings”.

3. How effective is the process in reaching CSOs in the newly acceded member states?

Although one of the objectives of DG Trade is to avoid “Brussels talking to Brussels”³⁸ The number of participants from the NMS is still very limited and the process as it currently stands in not very effective in reaching these new member states. The reasons for this are threefold:

1. The level of awareness of trade issues in the new member states is still low; other issues related to e.g. employment and the internal market are still considered higher priority in these countries;
2. In many of these countries, civil society itself has not yet developed to the same extent as in the old member states. In addition, they often lack capacity, manpower and funds to usefully participate in the CSD, considering the fact that they must travel to Brussels to do so;
3. The CSD process is very much a Brussels based exercise and many of these CSOs from NMS do not have (representative) offices in Brussels yet. The travel reimbursement alone does not cover all cost, but more importantly, CSOs from NMS often lack manpower and time to travel to Brussels for the meetings.

Realising these limitations, DG Trade has initiated a series of seminars in the NMS to help build capacity and awareness. But considering the constraints faced, this will probably not be enough to engage these CSOs in any substantial way.

Most of the CSOs interviewed, particularly those that were membership based, had made some efforts to include more actively members from the newly acceded countries, but many confirmed the points made above and found it hard to really engage these new members.

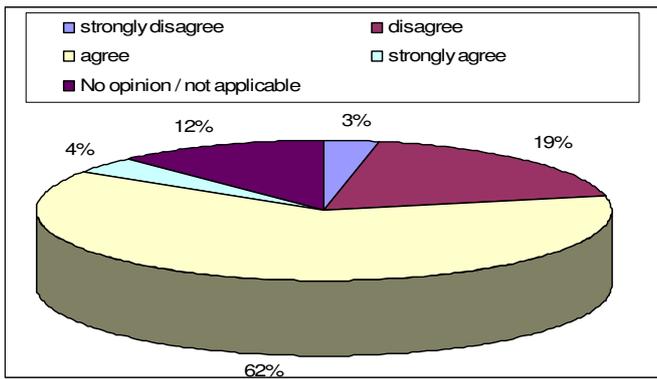
³⁸ College of Europe (2006) “Civil Society in the Recently Acceded EU Member States – Actors in EU Policy-Making on Trade”. Seminar report, Malta, 18-19 May, 2006.

3.2.3 Perceptions of the outcomes: Exchange of information and outcomes

1. To what extent is the information provided by DG Trade at the CSD meetings perceived as new and useful (when compared to what is already on the website for instance)?

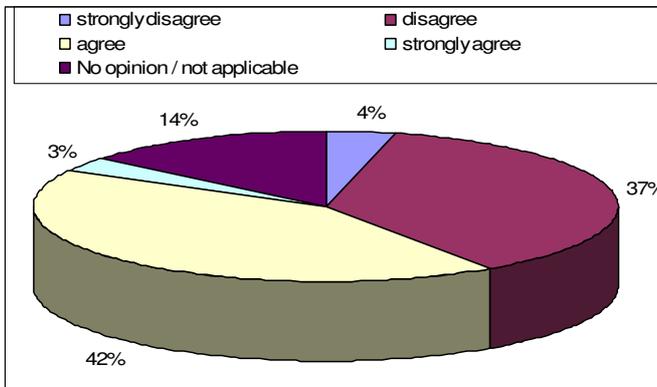
As becomes clear from the figures below, among surveyed participants, there was general satisfaction with the information provided by DG Trade at the meetings, although opinions on the comprehensiveness of the information was slightly less positive than on the novelty of the information.

Figure 3.18 Information provided by DG Trade officials during meetings is new and useful (N=101)



Source: Questionnaire participants, 2006

Figure 3.19 Information provided by DG Trade officials during meetings is comprehensive and complete (N=101)



Source: Questionnaire participants, 2006

However, some more critical views were voiced in the in-depth interviews. This is most likely due to the fact that the interviewed organisations were the most active participants, who were also probably the best informed participants. Several argued that the information provided at the meetings was rarely new and due to the nature of the meetings and trade negotiations in general could never be comprehensive. Particularly for organisations that had dedicated lobbyist working on trade, the information provided

rarely presents surprises. However, this is not the reason they attend the meetings. As one interviewee remarked: “If I want specific information, I approach officials directly.”

Many explained their continued attendance of the meetings, despite the limited information value they seemed to be getting out of it, in terms of a necessity to assure a balance of voices in the face of the Commission (business representatives felt they needed to counter weigh views of the NGOs and vice versa).

Finally, quite a few interviewed CSOs argued that the effectiveness of the process in terms of its information value, sometimes suffers from its format: if it becomes just a straight technical Q&A session the added value of the dialogue to for instance what is already on the website is not very apparent.³⁹

2. What is the quality of inputs of the CSOs in the process and how are these contributions perceived by DG Trade officials?

As discussed above, the general perception among interviewed DG Trade officials is that the quality of inputs has increased substantially since the start of the dialogue and some participants have become skilled trade lobbyist, with thorough knowledge of the issues involved.

However, most interviewed officials also indicated that the views and inputs from the participants were by now no longer new, while remaining differences of views were considered to be simply ideological or political and therefore not reconcilable.

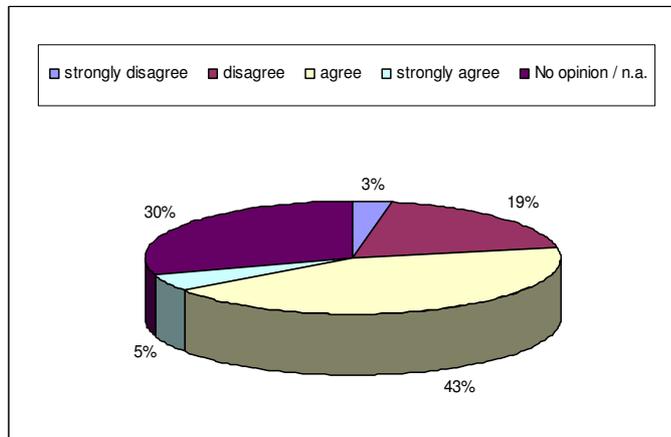
Both DG Trade officials and participants from different sectors of civil society complained in the interviews that many participants were not bringing anything new to the meetings but kept voicing the same views and seemed to engage in posturing and rhetoric rather than an open exchange of information and views. Several interviewed participants, mostly those belonging to the business representative organisations, even argued that the Commission should place higher demands on the active participation and quality of inputs from participants and one interviewee representing a CSO remarked: “The Commission should be more forceful in demanding actual support from CSOs. Presently there seems to be a lot of ‘Commission slamming’ during the meetings (...) They never ask us for anything in return for the privileges given to us (...) They should have less fear of [demanding things from us].”⁴⁰

Figures 3.20 and 3.21 present the views of both CSO and SG Trade officials on the quality of inputs of participants into the meetings

³⁹ This sentiment was also voiced by a large number of respondents to the questionnaire through the last question, where they were asked for additional comments.

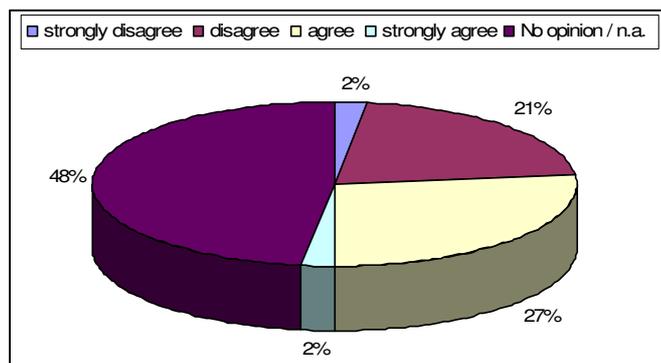
⁴⁰ This quote was taken from an interview with a participant belonging to the private sector representative organisation category.

Figure 3.20 The information provided by the CSOs at the meetings on their positions is comprehensive and useful for the Commission – opinion participants



Source: Questionnaire participants, 2006

Figure 3.21 The information and views given by CSOs at the CSD meetings are new and/or useful to the Commission – opinion DG Trade officials



Source: Questionnaire DG Trade officials, 2006

3. Do the inputs from CSOs improve the insights and expertise of DG Trade officials/policy makers?

While initially, in the first few years of the dialogue the learning curve appears to have been steep, more recently it seems to have levelled off. Thus although the process in general undoubtedly has deepened the understanding of civil society concerns, there was less agreement among interviewed officials about where inputs had practically improved insights. Some were downright sceptical (“SIA consultations were not useful for negotiating purposes. They gave nothing specifically new, nothing that I didn’t already get from other DGs”), while others see the effects in subtle ways (“You get well-known positions, but sometimes you get a different angle. For instance in services negotiations, there are many facets. The more you talk to different stakeholders, the better you understand these facets.”).

Two questions were added in the survey to address this evaluation question:

- First respondents were asked to reflect on the proposition that *‘The information and views provided by CSOs through the CSD have given me a deeper understanding of civil society concerns’* 48 officials answered this question, 23 of whom agreed (48 percent). However, 20 had ‘no opinion’, which is probably because they had never attended a meeting or were not even aware of the existence of the CSD. It is unlikely that the inputs provided during CSD meetings will have increased the understanding of civil society concerns of these officials;
- Second, respondents were asked to reflect on the proposition that *‘The CSD meetings are useful for my work, I take the inputs from CSOs into account when considering policy options / negotiating positions’* 49 respondents answered this question, of whom 17 positively (35 percent). But again, the number of respondents with ‘no opinion’ was substantial at 24 (49 percent).

Although findings from the questionnaire thus remain rather inconclusive, it is fair to say that the effect of the CSD on the work of DG Trade officials should be seen in terms of a more general effect.

Finally, it was noted by a number of officials that the Brussels based nature of the process, including of the participants, was one of the reasons that the information provided was not necessarily new, or rather did not seem to provide new insights from the grassroots levels of European civil society. As one of the interviewed officials argued: “Admittedly, the Commission, working in Brussels can become somewhat disconnected from the wider European opinion and the CSD in part functioned to rekindle this connection. However, many of the participating CSOs are themselves Brussels based and face the same issue of disconnection” A similar remark was made by one of the officials from another DG, who argued that “many of the Brussels based organisations have become so Brussels oriented that they in fact are starting to mirror the Commission.”

4. To what extent do the CSOs feel they gain from the process? What do they see as the outcome of the process?

As mentioned in several of the passages above, most participants see as the main outcome of the process and ongoing information exchange with the Commission, where they are kept updated on general developments and sometimes more specific issues.

Another outcome has been, as one of the interviewees argued the “de-mystification of international trade policy”, which was seen as valuable in its own right. This sentiment was in echoed in remarks on both sides of the table: the dialogue is credited for bringing together parties that previously seemed juxtaposed and demonstrating that it is actually possible to talk to one another.

Linked to this, a culture change within DG Trade seems to have been established. This is a feat that can probably not be attributed to the dialogue alone, but it has certainly played an important role in opening up a traditionally closed bulwark of technocrats.

Disappointment was however expressed by a number of participants about the actual achievements of the dialogue, as it is hard to gauge for participants how the dialogue and their inputs have practically lead to policy changes or implementation.

Some also see the gains from the process in a more practical way. As one respondent argued: “the CSD meetings are a good meeting place with other NGOs as costs are reimbursed, which allows for NGOs across Europe to come to Brussels and meet before CSD meetings.”

Finally, the gains from the process as an entry and access point to Commission officials was mentioned several times.

**5. To what extent do DG Trade officials/policy makers gain from the process?
What do they see as the outcome of the process?**

The gains and outcomes of the process from the point of view of DG Trade officials have been elaborated under several of the above questions. They include:

- A continuous exchange of views with CSOs;
- Keeping a finger on the pulse of civil society;
- Exposing the different sectors of civil society to one another’s views;
- An efficient and transparent way to keep all main stakeholders informed;
- Making the views of the Commission and more generally the reality of trade policy development and negotiations known to civil society;
- Demystification of international trade policy;
- A channel for ‘selling’ European trade policy to the wider public.

3.2.4 Perceptions of the outcomes: Feedback and policy influencing

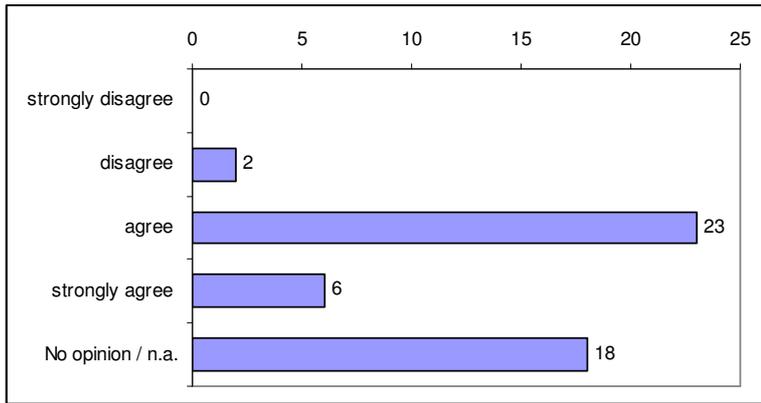
1. To what extent is there follow up to the CSD meetings? Are active CSOs also approached outside / after the CSD meetings?

Almost all interviewed participants said they approached Commission officials outside the dialogue on a bilateral basis as well and that officials were generally accessible, although setting up a meeting was not always easy due to their busy schedules. Few of the interviewed CSOs said they were also approached by Commission officials. When this does happen, it usually involves very specific issues on which an official requires specific technical knowledge or inputs.

It appears business CSOs have more regular contact with the Commission, although considering the fact that bilateral contacts are usually initiated by CSOs, this is in large part due to the fact that they are more likely to approach DG Trade officials.

Figure 3.22 presents the response from the DG Trade questionnaire to the questions of follow up and accessibility of trade officials.

Figure 3.22 DG Trade officials are easily accessible outside the CSD meetings (as follow up to CSD meetings)



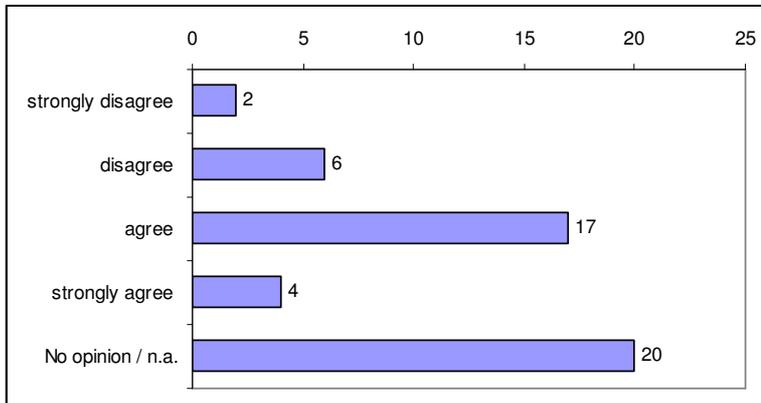
Source: Questionnaire DG Trade officials, 2006

Obviously officials themselves feel they are accessible, implying they welcome CSOs setting up bilateral meetings with them.

Unit G.3 also relays back relevant information from the meetings to other parts of DG Trade, for instance in notes. This is not a standard procedure though, but rather done on an ad-hoc basis: Specific suggestions will be sent to relevant people, after officials of Unit G3 have made an assessment of the usefulness of the information (e.g. whether it is not a repetition of a well-known point). Minutes are sent to all services.

Figure 3.23 presents the survey results regarding this issue.

Figure 3.23 The unit responsible for the organisation of the CSD provides me with regular updates and relevant feedback from the CSD meetings

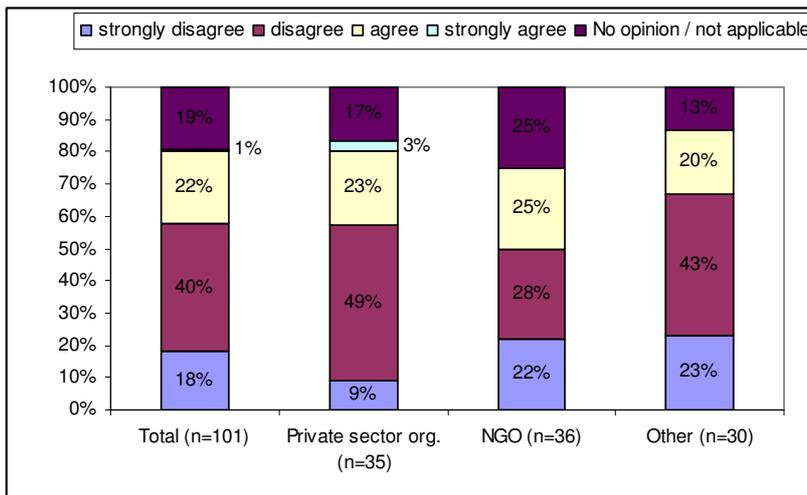


Source: Questionnaire DG Trade officials, 2006

2. How do participants rate the feedback offered on ways in which their views are taken into account?

Feed-back from the meetings and how views of the participating CSOs are taken into account was rated as poor by most interviewed participants, and this is more or less reflected in the results of the survey (see figure 3.24).

Figure 3.24 Opinion participants: The Commission gives adequate feedback on how the views of participants are taken into account in policy making / negotiating process



Source: Questionnaire participants, 2006

This was indeed one of the main points of criticism from participants and an issue that the Commission itself is in fact aware of. However, from the perspective of the interviewed officials, this touches directly on the issue of accountability and many of them argued that, although they were willing to provide information and listen, they were not accountable to CSOs and reporting back on how views were taken into account to some felt like this. As one official put it: “While we are willing to listen, we do not take instructions from CSOs. We work for Member States and it is to them that we are accountable.”

There is thus great hesitance to even admit the role of CSOs in policy or negotiating strategies. However, from the interviews with participants it did not appear that CSOs expected such direct feed-back, but rather a more general idea of whether and how their role and the CSD process in general is contributing to the policy making process.

- 3. Are there examples of where inputs of CSO have led to policy changes or to putting issues newly on the agenda?
and**
- 4. To which extent are the views CSOs are reflected in policies drafted and actions undertaken, or is feedback is given on why they aren't.**

Although most interviewed and surveyed officials admitted the general usefulness of the CSD for their work and EU trade policy, few could relate this back to their daily work practice. Thus they saw the effects of NGOs on their work in general, but found it hard to give concrete examples of where the CSD *persé* has contributed to changes in policy or negotiating positions. As argued above, this is in part because they feel they could never base policy decisions on the inputs of CSOs, but also has to do with the fact that the effects seem to have taken place at a higher level. It is hard to attribute changes in EU trade policy making to the CSD alone. The examples that *were* given by officials reflect this. For instance, several officials mentioned the trade SIA's as having had an impact on the EU policy with regards to forestry and fisheries, while other referred to the access to medicine issue as being put on the WTO agenda by the EU in part due to the role of CSOs. These examples should be seen in the light of more general developments and involve a number of different actors and their interplay (e.g. the access to medicine discussion was first tabled by the developing countries, which found partners in Northern NGOs). The CSD has been just one element in the factors behind these policies.

Finally, considering the reflections on the above evaluation questions regarding the quality and specificity of inputs from CSOs in the dialogue, it is highly unlikely that this has led to a one on one adoption of positions of CSOs.

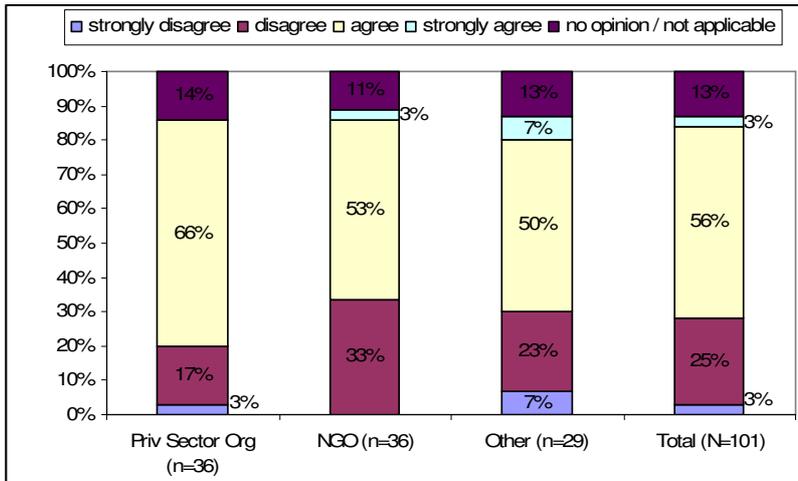
- 5. To what extent do CSOs feel their views and recommendations, as voiced during the CSD, are taken into account in policy making decisions?
and**
- 6. To what extent do the CSOs feel they can influence policy making?**

As becomes clear from the answers to the preceding questions, many of the participating CSOs see their actual influence (through the CSD) as limited, although it also appears they do not (or no longer) expect this from the dialogue anyway. There were some exceptions, as several interviewed participants indicated they did feel the Commission took up their points or views, yet this was not explicitly said to them. It is thus not clear whether this was because DG Trade's position happened to coincide with that of the CSO involved or whether the CSO had really had an influence on this position. Generally speaking NGOs and some other sectors among the CSOs, which are 'under pressure' within the multilateral trade negotiations (e.g. agriculture and textile producers), are more inclined to feel their voices are not heard/taken into account.

Generally speaking, particularly among NGOs and labour representative organisations some interviewed participants voiced disappointment with actual achievements of the dialogue, as they felt it was unclear what their actual impact on policy making is;

Finally, several respondents mentioned that the timing of consultations was sometimes not opportune as they felt like they were being debriefed as opposed to consulted, while mention was also made of the lack of political momentum of the issues addressed through the Dialogue. The latter is also in part a consequence of the general status of the WTO negotiations. This was in part reflected in the survey results, as is illustrated in figure 3.25

Figure 3.25 Opinion on whether the timing in policy/negotiating process for consultation is appropriate



Source: Questionnaire participants, 2006

3.3 Efficiency

Inputs for the CSD are provided by both DG Trade in terms of funds, facilities and manpower and by the participants in terms of time and manpower. No questions were asked about the exact inputs for CSOs, but a brief assessment was made of the cost for DG Trade of the CSD, which is presented in table 3.2

Table 3.2 DG Trade Inputs for CSD in 2004

Inputs	Units/cost per unit	Total for year
Personnel	2 full time (coordinator and assistant) 1 part time	2,5 fte ¹
Facilities for meetings ²		
• Rooms	€ 10 p.p	€ 12,800 ³
• Refreshments	Approximately € 25 per meeting	€ 1,600
• Interpreters	€ 650 per interpreter per day	€ 62,400 ⁴
Travel reimbursements	n.a.	€ 64,191
Project grants ⁵	n.a.	€ 159,014
Total		€ 300,005

¹ As the personnel costs were not exactly known, it is expressed in full time equivalents here

² There were 64 meetings in 2004

³ Based on an average of 20 participants per meeting

⁴ Based on assumption of 3 interpreters per meeting for half day (3x€ 325x64)

⁵ DG Trade has indicated that an evaluation of project grants is planned.

According to Unit G3, the process as such is still a pretty lean operation, being managed by one person, with assistance from a second.

3.3.1 Resources

1. Are the resources (both financial and human) allocated to the process commensurate with its objectives?

At this moment there is underutilisation of available resources, although this pertains mainly to the travel reimbursements. In terms of manpower, resources sometimes seem a bit stretched. If the objective of adequate feed-back and more consistent monitoring of the process is to be achieved for instance, this would most likely require more manpower. Considering the underutilisation of other resources this most likely need not imply a substantial increase in the budget.

2. Are the resources allocated to the process by both DG Trade and the participants (perceived to be) commensurate with its results?

The interviewed DG Trade officials all indicated that providing inputs for the CSD was not too much of an effort and in any case it is just part of the job and therefore not considered too much of a burden.

For CSOs there were some differences. The number of meetings placed a burden on the smaller CSOs that did not have dedicated manpower for trade lobbying activities only. In addition, whether the time spent was considered efficient really depended on the topic of the meeting and the DG Trade or other officials there. Too many general updates were often not considered useful, unless there was political momentum in the trade negotiations that would make such meetings more pertinent. In addition, the knowledge and expertise of the presenters was considered of crucial importance. Thus the merits of the CSD meetings are seen to lie in the quality of the meetings rather than the frequency or length of the meetings.

Survey results revealed that 62 percent of participants in the survey (N=98) agreed that resources were commensurate with results, while approximately 19 percent disagreed.

3. Are current resources adequate for an EU expanded to 25?

From the constraints mentioned by the interviewed participants and a number of CSO from NMS, it appears the current resources are not adequate for the EU-25. This is not just a question of resources spent on the dialogue per se, but also of limited awareness and capacity among CSOs in NMS and the fact that the process is very Brussels based. As many CSOs from NMS are not yet as well versed with (EU) trade policy issues as CSOs from old member states, for them to participate in a debate that has become increasingly technical and assumes specialised knowledge at least of main issues is often hard and not very useful, making travel all the way to Brussels not worth it.

Reaching these CSOs is therefore not just a matter of resources, but just as much about an adjustment of the process itself

4. To what extent do non-Brussels based CSOs participate in the meetings?

The participation of non-Brussels based organisations is limited, as is also reflected in the underutilisation of the available budget for travel reimbursement utilisation. Most organisations attending do so through their Brussels based offices. In general CSOs from Northern Europe are better represented, both in terms of their Brussels based offices and in terms of occasional attendance of organisations from outside Brussels (see section 2.5.1).

5. What is the usage of the travel reimbursement budget for non-Brussels based CSOs?

The travel reimbursement facility is under-utilised, as can be seen in table 3.3 below.

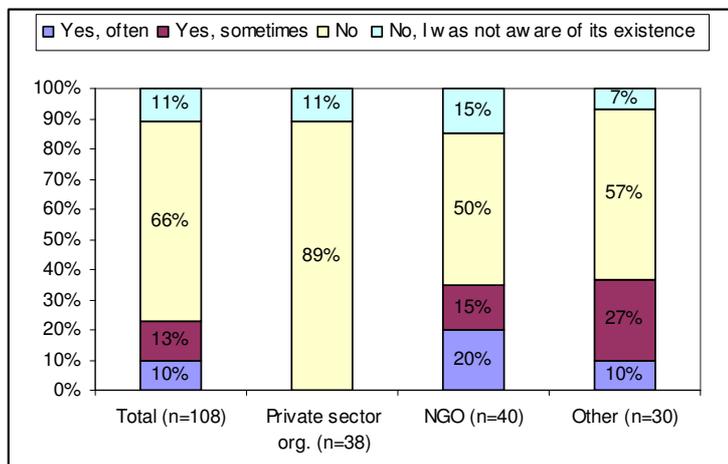
Table 3.3 Travel reimbursements utilisation

	2004	2005	2006
Budget	€ 116,000	€ 50,000	€ 50,000
Utilised	€ 64,191	€ 26,000	n.a.
Share of budget utilised	55%	52%	n.a.

Source: DG Trade

This underutilisation is explained in small part by the fact that participants are not aware of its existence (see figure 3.26). None of the business representative organisations in the survey indicated to make use of the facility, while most frequent use of the facility is by NGOs and organisations in the ‘Other’ category (many of which were academic or research organisations and network organisations).

Figure 3.26 Extent to which CSOs make use of the travel reimbursement facility



Source: Questionnaire participants, 2006

3.3.2 Organisation

1. To what extent do the existing organisational and administrative procedures result in an effective, sufficiently inclusive consultation process?

The general organisation of the process and available facilities were deemed by the majority of interviewed and surveyed participants to be good. The website is considered to be user friendly and facilitating the process (more than 70 percent of surveyed participants agreed with this).

The only complaint voiced by some interviewed and surveyed participants was about the procedures with the travel reimbursement. Some indicated to have received a confirmation or rejection of their request too late.

2. Are the number of meetings and the type of meetings (ad-hoc, regular, with the Commissioner, Contact Group meetings, etc.) perceived as adequate and commensurate the needs of the different stakeholders?

Generally speaking surveyed and interviewed participants found the number and types of meetings to be adequate. As much as 87 percent of survey respondents were of this opinion. Some of the interviewed participants did comment that there were sometimes too many meetings and there was a danger of consultation fatigue or “death by consultation.” This goes back to earlier comments that frequent meetings are only considered useful if there is political momentum or real issues to be discussed and the usefulness of the process does not lie in quantity but quality of the meetings.

Among surveyed DG Trade officials, 33 percent of respondents found the number and type of meetings to be adequate. However, as many never or hardly ever frequent the meetings, the number of respondents that had no opinion on this matter was also very high.

3. Is the way in which meetings are planned and the topics for discussion are decided commensurate the needs of the different stakeholders?

The advance notice given before meetings was considered by most surveyed and interviewed participants to be adequate (76 percent of respondents to the questionnaire).

The website was felt to be user-friendly and facilitating the process of planning and registering for the meetings.

There was general satisfaction with the way topics were decided, although not all participants seem to be aware how this works (also see answer to next question).

4. Is the role of the Contact Group clear and considered useful? Does it facilitate the process? Is its composition appropriate?

Many of the interviewed participants belonged to the Contact Group, as these are generally the most active participants of the CSD. Not surprisingly then, most of these

interviewees found the role of the Contact Group to be clear and useful for facilitating the process was. For non-members, however, their role was often not so clear, or even subject to criticism.

For instance, one of the interviewed participants indicated to have no problems with the logistical role of the Contact Group, but to find out that some of its members were given observer status at the WTO Ministerials was thought to be problematic. Another respondent argued that “the Contact Group can only serve as an interface as it has no mandate to engage in discussions with the Commission and make decisions directly – there is a necessity to report back to constituency first.” Although the Contact Group is not an advisory group as such, it sometimes seems to take this form, as was admitted by one of the officials as well. A good example of this is the fact that Contact Group members may be included in the EU delegation to WTO Ministerials, although there is no formal agreement. Box 3.1 provides a short description of the most recent Ministerial in Hong Kong and how participation of CSOs took place and was perceived by the main stakeholders.

Some participants claimed they were not aware which organisations formed part of the Contact Group, although this is arguably their own fault, as they are listed on the website.

BOX 3.1 The WTO Ministerial Meeting in Hong Kong

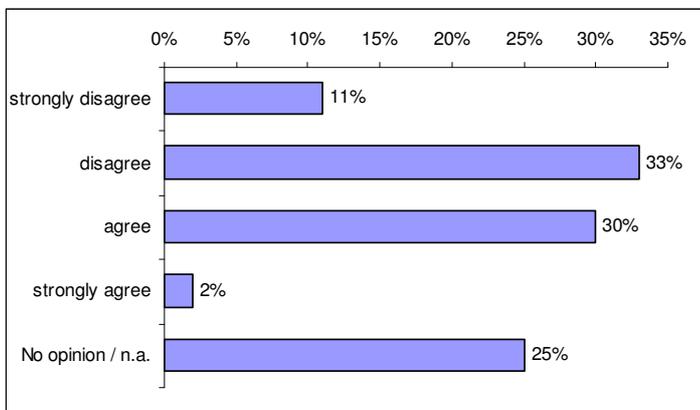
A number of CSO participants, mainly but not exclusively Contact Group members, were included in the official EC delegation in Hong Kong as advisers to the Commission. Several of the Contact Group members interviewed were asked to reflect on the process prior to, during and after Hong Kong. In terms of preparation all seemed to agree this had been minimal. Although the Commission had tried to gear the meetings towards Hong Kong, they had remained rather general and little detail was given the actual position the EC would take. As one interviewee remarked, this was also a consequence of the low expectations of Hong Kong and the fact that there was no real political momentum, hence little to prepare for. In addition comments were made about the fact that the CSOs themselves could've taken more initiative in this respect, by organising and stimulating more inputs and discussions beforehand.

During the Ministerial in Hong Kong several activities were organised by the Commission. Commissioner Mandelson organised a meeting with the Contact Group the day before the first official meeting, during which he invited everyone to deliver their key message. In addition there were daily morning briefings, at which an update on the progress of the negotiations was provided. Opinions on these updates varied widely among the interviewed Contact Group members, which is probably in part due to different expectations. Some argued that the information given at the meetings was good and detailed and the level of these meetings was quite high; other on the other hand argued that because there was only one DG Trade official at these meetings covering all subject, it was impossible for this person to cover everything and the level of detail was thus limited. Several participants said they appreciated the events organised by DG Trade and experienced them as positive and satisfying, while some actually found the information given by certain country delegations to be much more useful. Some organisations said they did not even go to the meetings, as they did not expect to achieve anything anyway. Although there were complaints about the way in which DG Trade had organised its events, much also had to do with the way the Ministerial in general was organised and what came out of it. Two remarks probably best sum this up: “Hong Kong was chaotic” referring to the large numbers of delegations, civil society organisations, interest groups, side

events, etc. In addition, a participant remarked “Hong Kong was frustrating” referring to the fact that very little was achieved in Hong Kong as the negotiations more or less stalled. In addition to the briefings organised by DG Trade, several participants also organised side events to which they invited DG Trade officials, for instance, development and social NGOs organised daily briefings. According to one of the interviewees, the input from DG Trade officials at these meetings was not very useful, as the Commission seemed cautious and not really willing to enter into discussions. However, several of the participants also noted that they understood the Commission could hardly reveal its position openly. Interestingly, one of the DG trade negotiators attending the Hong Kong Ministerial remarked that “(...) in HK we really felt it was Team Europe. This was heartening and strengthened us in our negotiations.” This related particularly to the support of many NGOs in the EU’s position against the United States. With the limited progress and results achieved in Hong Kong within the Doha Development Round, the follow up to Hong Kong, back in Brussels was accordingly limited, as there was little to report on. There was a debriefing by the Commissioner in March, and two meetings in February on the DDA and on Agriculture negotiations to take stock of Hong Kong.

The composition of the Contact Group seems to reflect all major sectors in civil society, particularly since several groups have been added over the years. Several other organisations have applied for membership, arguing their voices were not adequately represented. The decision whether to include these applicants is left to the existing members by the Commission. They assess whether the applying organisations are not represented by existing members. There is always a tension between good representation and balance across all sectors on the one hand and the size of the Contact Group on the other. As the main role of the group is logistical, so as to make communication and the process in general more efficient, too large a group would work against the main principles on which it was founded.

Figure 3.27 Opinion on whether the role of the Contact Group is clear – participants (N=101)



Source: Questionnaire participants, 2006

The survey findings confirm the uncertainty over the role of the Contact Group, as is illustrated in figure 3.27.

5. To which extent does the Contact Group reach out to its constituencies? Is it making any extra effort to reach constituencies in the new member states?

It is not always clear whether and how the Contact Group members reach out to their constituencies.

- First of all it is not entirely clear what constitutes the constituency of each contact group member. When registering on DG Trade's website, organisations are not automatically linked to a Contact Group member that is representative of their constituency. Contact Group members dealt with feed-back differently. For instance, some membership organisations indicated they reported back to their members, yet not necessarily to other organisations in the dialogue (unless they were a member of course). Other said they reported back to organisations in the dialogue that were part of their existing networks or alliances;
- Second, there is no formal process for feedback from the Contact Group to the constituencies and no check on whether or how they communicate.

It is clear that no formal structure is in place for reporting back to constituencies.

Most interviewed participants have made some effort to include and reach out to organisations in NMS, yet with mixed success. This was mainly due to the issues raised in section 3.2.2 under question 3, regarding limited awareness and capacity of these organisations.

6. Do CSO's feel that there is enough time/opportunity given to them during the meetings for feedback?

Generally speaking, interviewed and surveyed participants felt the meetings are long enough and that enough time is given for questions and answers. However, some argued that the format was not considered conducive to real feedback and discussion. Especially the general meetings and meetings with the Commissioner tend to involve a presentation, followed by a round of questions. The questions are then usually batched, and the official involved answers a number of questions at once. Although perhaps more efficient, several interviewees lamented the fact that this form of question and answer meant that completely different questions were batched together and there is not always opportunity to react to an answer (hence have a discussion involving more than one question and one answer about a specific issue). In addition, some interviewees felt this form of engagement allowed Commission officials to selectively answer questions (batched together it is easier to skip over, or superficially deal with one or two questions).

7. Are there administrative aspects that act as a barrier to effective participation?

No major barriers were mentioned by the interviewed and surveyed participants; although there were a few complaints about the travel reimbursements (see above).

3.3.3 Monitoring of the process

1. To what extent is the way DG Trade's input and participants' contributions are recorded adequate and appropriate?

In part this question also relates to the question of feed-back and concerns the practical aspects of this feed-back.

Most comments with regards to efficiency were in fact made about this reporting aspect of the process, although opinions seemed to vary widely. Several participants wanted to see minutes and reports from every meeting published on the internet, while others did not find this necessary and some even were against, arguing it would make some participants hesitant to speak out freely.

There does not seem to be a very consistent publication of minutes and meeting reports over the years, but for the majority of meetings held in 2006 minutes can be found on the website at this moment.

3.4 Participation of Civil Society Organisations from New Member States

In addition to the main evaluation questions, which were addressed above, the evaluation also aimed to answer the question whether the current model remains appropriate and sufficiently user-friendly for an EU expanded to 25.

As was discussed in chapter 2 the level of participation of CSOs from NMS in the meetings is very low, with only 26 organisations from these countries being registered, while actual participation was even lower. Some of the main constraints to participation were already discussed in section 3.2.2 under question 3. Besides asking existing participants about this in the interviews, a number of CSOs from NMS were sent a short list of questions and several were interviewed by phone (see annex III). These organisations were taken from the list of registered CSOs on DG Trade's website and identified through the seminars organised as part of the project "Civil Society in the Recently Acceded EU Member States – Actors in EU Policy-Making on Trade." The interviewees were asked to reflect on what they considered to be the main constraints for participation and what could be done to encourage or enable their participation. In addition the report from the first seminar held on Malta (18-19 May, 2006) was studied.

In total 15 organisations from NMS were interviewed. Although it is hard to draw hard conclusions from such a relatively small number of interviews, they can be seen as indicative and were indeed also a confirmation of remarks made by existing (from the 'old member states') participants in the interviews.

3.4.1 Main constraints for participation

Constraints can roughly be grouped in three categories:

1. Capacity constraints;
2. Knowledge and awareness constraints;

3. Institutional constraints at the national level.

Capacity constraints

These include most notably manpower and financial constraints, which are experienced at both the national, and particularly the EU level. At the EU level they also include language constraints and lack of experts on location, i.e. in Brussels.

Knowledge and awareness

A lack of knowledge and awareness of the main issue regarding their work and constituencies and European trade policies were also mentioned as a major constraint. This makes it hard for organisations to assert their interests at all levels. In addition they have limited knowledge of the 'language of Europe'. On a practical level, some also indicated they were not aware of the travel reimbursement possibilities.

Institutional constraints

The institutional frameworks in former command economies in a way still lag behind those of the EU. Thus there was no real history of the kind of trade policy issues that are dealt with at the EU level today. But the institutional constraints are not just limited to trade issues. Many CSOs in the NMS are still struggling to make their voices heard at the national level and to engage in useful dialogue with their governments. There is often still lack of transparency in decision making at these national levels. Moreover, there is often no real consensus on the meaning of civil society in these countries, nor is there much consensus among CSOs. Before any meaningful dialogue at the EU level can be overcome, these issues need to be dealt with first.

Considering these constraints, it appears that **the current model** does not address sufficiently these constraints and therefore is **not the most appropriate for including CSOs from new member states**. However, this need not imply an entirely new model has to be developed, rather that diversification and a few adjustments of the process should be implemented to improve the outreach to these organisations.

3.4.2 Options for improvement as seen by NMS CSOs

Asked what could be done to improve or encourage the participation of CSOs from NMS in the CSD, obviously some of the national institutional constraints need to be dealt with. Several of the organisations that responded argued that in this respect joining the EU already is a step in the right direction, as it should help them assert their rights at the national level as well. In general there is a need to learn the language of Europe, to understand how to engage in consultation processes and become familiar with the options and possibilities.

In addition a number of practical suggestions were made, including increased funding (beyond just travel reimbursement) and perhaps the clustering of relevant meetings together, which would make a trip to Brussels more worthwhile. In addition it was suggested that all publications translated in all European languages and that better promotion of the dialogue and the travel reimbursement should take place. Finally, it was argued that the unique situation (often at lower levels of development) of many of the

NMS, might warrant specific topics and themes, more relevant to their situation and circumstances.

3.5 Conclusion

Overall, the assessment of the CSD's relevance, effectiveness and efficiency reveals a picture of moderate to good performance, but some weaknesses remain. It is seen as a commendable and relevant process, which does, however, have some redresses. In order for the process not to stagnate due to dialogue fatigue or frustrations with expectations that are not being met, it is therefore important that some changes and adjustments be implemented. The exact nature of such changes is up to the stakeholders, but in the final chapter of this report, some recommendations are made that may serve as a starting point.

First, however, we turn to the remaining question that the evaluation was also asked to address: that of best practice examples from analogous processes.

4 Analogous Consultation Processes

4.1 Introduction

One of the objectives of the evaluation involved an analysis of analogous processes in other governments and international organisations, which were to serve as benchmarks for the process at DG Trade.

An initial screening of similar processes (at international organisations, other DGs in the European Commission, and at national level) in the inception phase resulted in a selection of four analogue processes for the stated reasons:

1. **DG Health and Consumer Protection (SANCO) – EU Health Forum:** to include another DG of the European Commission;
2. **WTO:** because of the availability of guidelines and the fact that it is also dealing with trade policy;
3. **World Bank:** because of the availability of information and its multi-country membership, with CSOs from various countries;
4. **Phorum:** because of the availability of an evaluation and to include a consultation mechanism at national level.

During the evaluation, it became clear that Phorum has not been very active for a considerable time already, due to the reorganisation of the Department of Health, as well as managerial problems. Since April 2006 the NGO Forum (the new name of Phorum) is hosted by a new organisation and has changed considerably. Phorum was originally selected because of the availability of an evaluation. However, the value and validity of this evaluation are questionable given the recent developments. Therefore it was decided to select and analyse **Sweden's trade policy civil society dialogue** instead. The additional benefit of choosing this process is that it also relates to trade, making it a more similar to the CSD.

The analysis of analogous processes is based on information available on the websites of the selected organisations, supplemented with interviews with staff responsible for the dialogue with civil society at these organisations. The comparison was made of the process, not the outcomes of these different processes.

In the following sections each of these processes will be described in terms of background, objectives, organisation, participation and main strengths and weaknesses. In chapter 5 we will return to these processes and compare them to the CSD of DG Trade.

4.2 DG Health and Consumer Protection (SANCO) – EU Health Forum

Background

The civil society dialogue at DG Sanco must be placed in the broader European policy context on governance and communication. In May 2000 the European Commission published a communication on the health strategy of the European Community. In this Communication, openness and transparency was set out as a central theme of the new community approach to health. The Commission announced that it intended to set up a European Health Forum as an important element of this new health strategy. The Forum would be an information and consultation mechanism to ensure that the aims of the Community's health strategy and how they are being pursued are made clear to the public and respond to their needs. Civil society organisations were consulted on the organisation of the Forum. The EU Health Forum is one of three stakeholder platforms within DG SANCO. The other two are the Food Safety Forum and the Consumer Protection Forum, which are similar in set-up to the Health Forum. In addition DG SANCO has general consultation of all its policies.

DG SANCO first published a communication in 2001, which included the mandate of the health forum. Prior to this communication consultation had taken place with a select group of stakeholders, with which DG SANCO already had regular informal contact. Through these consultations DG SANCO wanted to understand better what were the major issues and which organisations should be included in the process. Thus the communication and mandate were formulated by DG SANCO, but took the outcome of these consultations into account.

Objectives

The main objectives of the EU Health Forum are exchange of information and consultation. The introduction paper for the health policy forum states that the aim of the policy forum is to bring together stakeholders in the health sector to ensure that the EU's health strategy is open, transparent and responds to public concerns.⁴¹

Organisation and activities

A secretariat set up within DG Sanco (unit C.5) is the focal point for the EU Health Forum and is responsible for all organisational and logistical aspects. The Forum is composed of:

- A Health Policy Forum, which is set up to give opportunity for consultations with CSOs, to exchange views and experience on a wider range of topics, and to assist in implementation and follow-up of specific initiatives. The Policy Forum has a fixed set of member organisations and meets twice a year. Part of these workshops is organised by the CSOs themselves. In addition working groups of members of the Policy Forum are created on certain issues to allow easier discussion, more in depth consideration, better participation and involvement of stakeholders and production of documents;
- The Open Forum, which is an annual conference that serves as a platform for general discussion with a broader range of CSOs of the European health

⁴¹ Introduction to the EU Health Policy Forum, January 2004 (www.ec.europa.eu/dgs/health_consumer/)

community. The intention of the Open Forum is to have wider consultation to ensure that the public health community as a whole has the opportunity to put forward its ideas and respond to policy proposals. The first two Open Forums were designed 1) to reach the health community and 2) to introduce each other. The design for the third conference is going to be more open to dialogue;

- A Virtual Forum, through which all relevant documents were to be made accessible. Unfortunately this virtual forum was never further developed due to lack of resources.

DG SANCO aims to ensure that the Health Policy Forum is fully involved at an early stage of the policy process. The involvement is however hampered by the fact that the Policy Forum is not formally part of the policy process. The role of the secretariat is to encourage participation and to ensure at least that CSOs are informed. The Policy Forum is now perceived by DG Sanco as really functional and seen as a useful entrance to CSOs.

Next to the dialogue with CSOs in the context of the EU Health Forum within DG Sanco multiple contacts with specific CSOs take place in different areas and for specific purposes. An example is the obesity platform. The main stakeholders on this topic are involved in this platform to reach consensus on policy and actions and will commit themselves to take certain actions.

Participation

Participation on the Health Policy Forum is by invitation only. The Forum has 50 permanent members. About 15 seats are available for organisations with a particular expertise in the areas to be discussed. A number of representatives from member states, candidate countries, international organisations, etc. are also invited to attend the meetings.

The permanent members must be European (umbrella) organisations representing stakeholders in the health sector. For the selection the EC applied the following criteria:

- Broad coverage of issues: Organisations should cover broad, horizontal issues which are of key relevance to developing the community's health agenda;
- Representativity: Organisations should be recognised as being able to speak for their sector; their membership should cover at least half the member states;
- Balance between different groups and within groups of stakeholders.

A review of membership, which was planned for every three years, has not taken place yet. DG SANCO plans a full review of membership on base of the outcome of a peer review. For this peer review 70 stakeholders have been invited to reflect on how to improve the Policy Forum. This will be the base for guidelines for renewal of members. In principle any interested body or organisation should be able to participate in the Open Forum, up to a maximum of 400 participants. Each Health Policy Forum member is invited with several of its country members and a member of a candidate state to ensure participation of main stakeholders and states.

Most participants of the EU Health Forum are Brussels-based. Sufficient budget is available for reimbursement of travelling costs of other participants.

At the time of writing this report, a general review of stakeholder involvement within DG SANCO was taking place. A draft report was discussed internally with stakeholders in December of 2006, but not yet made available to the public. Therefore, no final conclusions or recommendations were formulated yet. Some of the issues that came out of the discussions for this review are similar to the issues found in this DG Trade evaluation, for instance the issue of lack of trust and better feedback mechanisms.

The final report of DG SANCO's review is expected to be published by mid 2007.

4.3 WTO

Background

Consultation of civil society organisations has been part of the WTO almost from the start. The Marrakesh Agreement (1995) establishing the WTO includes a mandate to “*make appropriate arrangements for consultation and cooperation with non-governmental organisations concerned with matters related to those of the WTO*”. In October 1996 the WTO further clarified the framework for relations with CSOs by adopting a set of guidelines according to which the WTO⁴² “*recognizes the role NGOs can play to increase the awareness of the public in respect of WTO activities and agree in this regard to improve transparency and develop communication with NGOs*”⁴³. These guidelines form the principles for dialogue of both WTO Members and the WTO Secretariat with the various constituents of civil society.

Objectives

The objectives of the dialogue with civil society are not made explicit on the website of the WTO, but are implicit in the above mentioned guidelines for arrangements on relations with Non-Governmental Organisations⁴⁴:

1. To contribute to greater transparency WTO-Members will ensure more information about WTO activities in particular by making available documents more promptly than in the past;
2. The Secretariat should play a more active role in its direct contacts with NGOs, who as a valuable resource can contribute to the accuracy and richness of the public debate. This interaction with CSOs should be developed through various means such as the organisation on an ad hoc basis of symposia on specific WTO-related issues, informal arrangements to receive the information CSOs may wish to make available;
3. If chairpersons of WTO councils and committees participate in discussions or meetings with NGOs it shall be personally unless that particular council or committee decides otherwise;
4. It is not possible for NGOs to be directly involved in the work of the WTO or its meetings. Closer consultation and cooperation with NGOs can also be met constructively through appropriate processes at the national level where lies

⁴² The specific article referring to this consultation is article V2 in the agreement establishing the WTO, which reads: “The general council may make appropriate arrangements for consultation and cooperation with non-governmental organisations concerned with matters related to those of the WTO” (www.wto.org)

⁴³ (WT/L/162) Guidelines for arrangements on relations with Non-Governmental Organisation, guideline nr II (www.wto.org)

⁴⁴ (WT/L/162) Guidelines for arrangements with Non-Governmental Organisations (www.wto.org)

primary responsibility for taking into account the different elements of public interest.

This last guideline is the result of extensive discussions with the WTO in which Members pointed to the special character of the WTO, which is both a legally binding intergovernmental treaty of rights and obligations among its Members and a forum for negotiations.

Various attempts have been made within the WTO to further formalize the policy of WTO vis-à-vis CSOs. However these have been blocked by (mainly) developing countries which seem to fear too much openness.

In general it must be noted that considering the nature of the WTO, which has no negotiation mandate in its own right, the consultation process with civil society can hardly be called a dialogue and is certainly not a platform for policy influencing. Rather it is an exercise in transparency and information exchange.

Organisation and activities

The External relations department of the WTO is responsible for relations with civil society. In a press release (1998)⁴⁵ the WTO states that while the WTO secretariat (External relations department) has flexibility with respect to informing and consulting with NGOs other issues including opening Dispute Settlement hearings and other WTO meetings to the public can only be approved by a consensus of Member states. The same situation pertains to the issue of more rapid availability of documents to the public.

Since 1996 the CSOs have been consulted in the following ways:

- Attendance of plenary sessions at Ministerial Conferences and regular briefings by the WTO secretariat on the progress of the informal working sessions at these Ministerials. At the Ministerial several meeting rooms and computer facility are reserved for NGOs;
- Public Forums arranged for CSOs on specific issues of interest to civil society;
- Day-to-day contact between the WTO Secretariat and CSOs.

More recently several additional activities have been undertaken to encourage dialogue with the civil society, including:

- Publication of position papers submitted by CSOs and specific information for civil society on the website;
- Invitation of CSOs to give presentations and organize seminars with keynote speakers about specific topics at the Public Forums. The Forums have provided the opportunity for CSOs to discuss specific issues with representatives of WTO Member countries on an informal basis;
- Organisation on an ad-hoc basis of briefings on the work of WTO committees and working groups.

⁴⁵ Press release 17 July 1998: "Ruggiero announces enhances WTO plan for cooperation with NGOs", (www.wto.org)

Participation

Participation in the dialogue is open to all CSOs concerned with matters related to the WTO. However, the actual openness of the process is hard to ascertain from the outside, as the website provides no information on this consultation process. According to the official interviewed for the purpose of this evaluation, potential candidates need to show they undertake activities related to trade and that their organisation is non-profit and not linked to governments. The number of participants in the process is difficult to estimate. According to the department there are some 20 active Geneva-based NGOs. Participation at ministerial conferences has increased from 108 in Singapore 1996 to some 700-900 in Hong Kong 2005.

There is no funding available for inviting CSOs to come to Geneva to participate in seminars and briefings. Only in the context of the Public Forum a limited budget is available for reimbursement of travel costs. However, this budget is not structural.

4.4 World Bank

Background

In the early 1980s World Bank, pressured by NGOs but also by an internal bank movement, started to strengthen its engagement with civil society. The Bank's member governments have supported this engagement in recognition of the benefits for development effectiveness and poverty reduction. From 1995 on the World Bank has placed a high priority on strengthening engagement with CSOs. Civic engagement is now seen as an integral piece of the Bank's strategy to strengthen the investment climate and promote empowerment in developing countries. The (greater) emphasis for engagement with civil society is shown in many operational policies and directives for staff of the World Bank.

Objectives

The objectives for dialogue with civil society are to improve accountability and transparency, to explain the Banks' policy to civil society and to find common grounds. The overall strategy for the World Bank's engagement with civil society is to give voices to stakeholders.

Organisation and activities

The World Bank has adopted a team approach which involves 120 civil society engagement specialists working across the organisation. There are thus extensive resources available to the World Bank for engaging with civil society. The aim of this structure is to both enhance coordination and provide greater access to civil society. The structure involves:

- At global level the Civil Society Team which provides institutional coordination by formulating institutional strategy, advice to senior management, guidance and technical assistance to program staff on how to consult and involve civil society, undertaking research and dissemination and reaching out to CSOs at the global level;

- At regional/departmental level the Civil Society Group which brings together staff who work at World Bank headquarters in Washington in various units, regions, funding mechanism and specific constituencies;
- At country level Civil Society Country Staff who are working in Bank country offices.

The civil society team provides information on civil society to the different offices and teams via a monthly newsletter which summarizes civil society policy statements and reports.

Within the World Bank there is a wide spectrum of civil society engagement – ranging from policy dialogue and information exchange to operational collaboration – across the World Bank and from the country to the global level.

The World Bank carries out dialogue and consultation with civil society on its policies, programs, studies and projects. An ongoing dialogue held with a vast array of CSOs at global, regional and country level. Purpose of this dialogue is to both listen to views of CSOs as well as share information. The World Bank has established an electronic venue called the Development forum for this dialogue with civil society.

Consultation is seen as a more structured exchange with CSOs with certain expectations that the process will influence decision making and result. At global and regional level CSOs are formally consulted on a range of critical policy issues. At country level, World Bank is consulting with a broad spectrum of CSOs on country strategies, sector studies and projects. Consultations are carried out through various modalities including face-to-face meetings, videoconferences and increasingly web based discussions. However, the World Bank encourages governments to be the main interlocutor for dialogue and consultation with civil society. In this context the World Bank facilitates dialogue and partnership between civil society and governments.

The third way in which the World Bank engages with civil society is through operational collaboration. The World Bank partners directly with CSOs through contracting technical assistance, funding of civil society initiatives, etc. A growing trend in Bank-civil society relations shows more substantive policy dialogue at the global level and greater country level operational collaboration.

The World Bank encourages public participation in dialogue by providing access to and proactively disseminating information on Bank projects. Civil society access is also increased by translations into local languages.

Participation

Since 1995 the level of interaction and collaboration between World Bank and a broad range of CSOs worldwide has increased. Focal points have promoted engagement with specific constituencies like faith based, childrens and youth organisation, organisations for people with disabilities, foundations and trade unions. The bank today is taking deliberate steps to engage a wider spectrum of organisations and constituencies within civil society.

Decisions on participation of CSOs are taken decentralized within the World Bank. Criteria for participation differ considerably between local offices. Preferred organisations are established network organisations with a track record. On the global level only accredited CSOs can participate in the annual meeting of the World Bank. Criteria for accreditation are legality and a relevant track record. To involve more Southern CSOs World Bank sponsors their participation in the annual meetings. These Southern civil society organisations are selected on base of consultations among CSOs. A leadership role of some kind is expected of these invited CSOs.

Evaluation 2005⁴⁶

In the assessment of the World Bank's recent relations with civil society several CSD processes that are considered promising are mentioned. These include:

- A series of thematic videoconference dialogues linking CSOs in both developed and developing countries with Bank managers in Washington;
- "Strategic policy workshops" during which the lead Bank managers on a given issue engage in-depth with counterpart from civil society to examine the implications of specific policies and explore possible common ground;
- The Bridge Initiative, which is led by media professionals and is geared to promoting more informed and constructive public debate between the multilateral institutions, governments, private sector and leaders of the global social justice movement.

The assessment pointed out that the Bank's mainstreaming of civic engagement has led to a wide variety of approaches and practices, which have sometimes resulted in dissatisfaction among Bank staff, member governments and CSOs in terms of level, quality and outcome of engagement. Actions like improved promoting and sharing of best practices, better monitoring of the WB's activities are taking place but the vast organisation of the World Bank, with activities carried out by many different units makes it a difficult process to monitor and guide all the civil society engagement activities. In addition the gap between expectations and the Bank's policy and practice and lack of consistent feedback and follow-up are mentioned as constraints to effective Bank-CSO engagement.

4.5 Sweden

Background

In March 1999 the Swedish Government decided to put in place a new structure for preparations of WTO negotiations. This was based on two fundamental premises:

- 1) The conclusion that the main responsibility for civil society dialogue lies at national level and;
- 2) A clear dividing line between the civil society dialogue and political accountability to Parliament.

⁴⁶ Issues and options for improving engagement between the World Bank and Civil Society Organisations, World Bank 2005

Based on these premises the Swedish Government set up a structure for trade policy formulation that balanced these competing demands. A two-pronged strategy was implemented. First, the government presented its proposal for a Swedish WTO policy in a formal Communication to Parliament; this Communication forms the basis for Swedish positions on WTO issues. Second, a new structure for domestic trade policy preparations and dialogue was put in place.

This was the start of a consultative process with civil society in the formulation of Sweden's positions on issues on the EU agenda, in the Committee 133 and in meetings of the General Affairs Council.

Objectives

The objectives of the dialogue with civil society are not made explicit in the available documents on the process, but are implicit in the Terms of reference for the reference group: The TOR for the reference group states that the group should 1) constitute a venue for transparency, and 2) improve the Government basis for decision making on relevant issues.

This information was taken directly from the website of the Ministry of Foreign Affairs and from a presentation given by a representative of the Ministry. However, in an interview with a regular participant of the process, who had been involved from the start of the process in 1999, it became clear that perceptions on the part of CSOs nuance these statements somewhat. Thus, whether the consultation group was really considered part of the trade policy formulation process and provide inputs for decision making in this respect as is suggested above, was considered highly debatable.

The main function of the consultation group was seen in terms of a transparency exercise and platform for providing information on the Swedish position within Committee 133, insofar possible considering the nature of trade negotiations.

Organisation and activities

The major actors in the structure for the process are:

- At the political level: A state secretary working group (lead) comprised of State Secretaries from relevant Ministries;
- A Preparatory Group consisting of the heads of the relevant departments from the same ministries, participants from relevant boards and authorities. The Preparatory Group holds both comprehensive meetings and – as appropriate – ad hoc meetings on specific subjects;
- An advisory-reference group on WTO negotiations comprising of relevant and interested CSOs. The reference group meets on a monthly basis⁴⁷ with shorter intervals near meetings near big events. The reference group is mandated to convene ad hoc meetings on specific topics in order to explore issues more thoroughly. At the meetings government representative proposes a Swedish

⁴⁷ In an interview this number was moderated to four to six meetings during the year.

position on a certain topic.⁴⁸ CSOs are invited to present their view. The process does not involve negotiations on consensus.

An additional aspect of transparency has been the participation of CSOs at WTO ministerial meetings within the Swedish delegation consisting of representatives from labour, NGOs and employers organisations. Surprisingly, however, these representative organisations are hand-picked by the Swedish Government as opposed to being nominated by their constituencies.

Information and documents are shared to the extent it does not harm relations to negotiating partners. One of the participants argued, however, that the Swedish Government is rather selective about what it wishes to share with participants and in most cases gives out fairly general information on its positions (e.g. “Sweden supports what is beneficial for development”).

Minutes of the meetings are distributed to participants, but specific feedback is not provided.

The process is seen as a trust-building process, but many NGOs seem to have felt left out and not really taken seriously. In addition there was a complaint that although at the level of the bureaucracy dealing directly with the CSOs, relations were quite friendly and polite, at higher levels, this was not always considered the case.

The process is seen to have successfully led to a more informed debate, at least in the sense that NGOs working on trade issues can use the information provided. However, the process has not been able to bridge the gap between all interests and still faced criticism for a lack of transparency from some circles.

Participation

Participation in the reference group is open to all interested stakeholders And this openness was appreciated The only condition imposed is that members of the group participate on a regular basis (method of self-selection). The membership of the reference group has stabilized at around 30 organisations. However, it was argued that in practice the majority of CSOs in the process are business representative organisations. This is seen as a question of interest. Several NGOs appear to have come and gone as they did not feel they were getting out of the process what they had hoped or expected.

4.6 Conclusion: Comparison of Analogous Processes with the DG Trade CSD

A critical analysis of the analogous processes described in this chapter along the same lines as the current evaluation of the CSD is not possible, as they were not studied to the same extent and in the same depth as the CSD. At the onset of the evaluation it was agreed to analyse analogous processes insofar information was readily available from

⁴⁸ It should be kept in mind that Sweden can share its own position with a reference group, while EU negotiation positions cannot be shared.

existing sources, while for each process one person was interviewed. Any analysis should therefore be made with caution.

Comparing the different processes is further complicated by the fact that despite trying to select processes that were most similar to the DG Trade CSD, each had their own unique features. Thus, for instance, although the WTO deals with trade issues, it has no mandate for trade negotiations and is per definition not a forum for policy influencing or even dialogue. The World Bank is a much bigger organisation and its consultation processes are organised at many different levels and on many different subjects, making it hard to compare to the relatively small and compact process at DG Trade. At DG SANCO different stakeholder forums exist focusing on different specific areas of its work. The focus of this brief assessment was only on the EU Health Forum. Meetings at DG Trade cover a broad range of topics and include all stakeholders. None of the processes considered were ongoing as the CSD is, although the DG SANCO set-up perhaps presents most commonalities, which is not entirely surprising, as Mr. Madelin, one of the drivers behind the CSD at DG Trade is now Director General at DG SANCO.

Best practice examples were not found in terms of readily adoptable aspects of the studied processes. However, some are worth mentioning as possible input for the further development of the CSD. These include:

- The diversification of ways to engage with civil society at the World Bank (video conference meetings, strategic policy workshops) and at DG SANCO (development of a virtual forum).
- The World Bank consultation processes operate at different geographical levels. As DG Trade is trying to develop ways to engage more non-Brussels based organisations and especially CSOs from NMS, this multi-level approach may hold lessons for DG Trade as well. It must be noted though that this would likely require more resources.
- The review process at DG SANCO reveals that many similar issues were identified during this review as were found in DG Trade's CSD process. Hence, the two assessments may hold lessons and recommendations for one another.

Despite being fairly dissimilar in terms of set-up, it is clear that all organisations considered encounter similar problems or issues in their attempts to engage in a dialogue with civil society. This includes most notably issues of feedback, trust and participation (especially encouraging organisations from further away to participate). Although this may not present DG Trade with best practice examples, it could provide learning examples on how other organisations deal with these issues.

5 Validation of Hypotheses and Conclusions

In this chapter we return to the hypotheses formulated in the inception report and test these against the main findings as presented in the previous chapter. Following this, we present the main conclusions from the assessment of relevance, effectiveness and efficiency of the CSD policy and procedures. Before being able to move on to the actual recommendations in the next chapter, we consider the most important explanatory factors behind the main findings of the evaluation. Only after analysing these will it be possible to give recommendations that address the main issues appropriately and adequately.

The chapter concludes with a brief comparison of the four selected analogous processes on their main aspects.

5.1 Validation of Hypotheses

Hypothesis 1

There is a two way commitment to the CSD process: CSO are interested in taking part in and contributing to a general dialogue on trade policy and DG Trade officials demonstrate political will and commitment to the process

There is an overall commitment to the process of all stakeholders. All seem to agree on the fact that the CSD fulfils a basic need and is useful. However, the Commission could still be more outspoken about its commitment, as the perception of participants in this respect is not always positive. On the other hand, several of the interviewed participants reflected on the participation of CSOs in the process as being in need of a more pro-active approach. By taking more initiative – with encouragement of the Commission – they could increase ownership of the process.

Hence, despite some shortcomings of the process this hypothesis is accepted.

Hypothesis 2

Views of all interested parties will be taken into account in a timely way (i.e. in time for them to be relevant to policy drafting and actions) and the policy making process allows for this timely input from CSOs

The process is very open and in principle all interested parties can join as long as they meet the criterion of being non-profit and EU registered. The issue of timeliness is hard to assess in the context of the CSD. This is on the one hand due to the nature of trade negotiations, and on the other hand to the structure of the dialogue itself.

In trade negotiations it is not always possible for the Commission to make known its position beforehand or even in the middle of negotiations. This, however, seems to be accepted by all main stakeholders. Nevertheless, there is a tension between the technicalities of trade negotiations and the political and strategic directions taken by the Commission. Some CSOs feel that DG Trade sometimes hides behind the technicalities and the constraints of negotiating tactics.

The ongoing nature of the process itself implies that the issues dealt with do not always involve clearly delineated consultation processes. The exception perhaps being the Trade SIAs. On the other hand, participants can take up issues themselves and the Commission appears reasonably responsive to these requests. As one official argued this allowed DG Trade to “learn of trends before they emerge (...) it is like an early warning mechanism.”

In fact, this hypothesis can be neither accepted nor rejected, because there is not sufficient evidence on the issue of timeliness and the relation to the policy making process.

Hypothesis 3

The CSD is seen as the appropriate channel by CSOs for voicing concerns and gaining insights into trade policy (making), and by the Commission for learning about and addressing civil society concerns on trade policy

The evaluation reveals that this is indeed the case: the dialogue functions well as a channel for keeping the finger on the pulse of civil society for DG Trade, while enabling participating CSOs to stay abreast of general developments in the (multilateral) trade arena and the EC’s position in it. However, due to the open and broad set up of the process and the large number of different stakeholders, the dialogue risks to remain limited to information exchange, while its value as a platform for dialogue is disputed. Moreover, the open and broad set-up of the process do make it a less appropriate channel for dialogue and policy influencing on more specific issues.

When we take the inbuilt constraints of the civil society dialogue into account – “a voice not a vote” – this hypothesis on the appropriateness of this channel is accepted.

Hypothesis 4

Participants of the CSD can be considered representative for public opinion and engaging in a general dialogue with these organisations will strengthen the Commission’s expertise and knowledge of public opinion, enabling it to take this opinion into account when drafting EU trade policy

It is hard to make an objective judgement on whether the participants are truly reflective of civil society, but the broad spectrum of participating CSOs seems to reflect a good cross section of civil society. However, views among the different stakeholders vary. This hypothesis in fact touches on one of the main issues that came to the fore in the evaluation: that of representativeness. The issue was tabled not just by DG Trade officials, but also by several of the participants, although the issue concerned more to which extent the participants represented civil society as such, not so much public opinion.

With regard to the issue of reflecting public opinion two remarks made by DG Trade officials perhaps best summarise the general view of the Commission in this respect.

“Through the CSD we are directly exposed to the views from different ends of the spectrum of civil society. However, this is not necessarily the whole reality of the European public. (...) [participants of the CSD] are on the hand producers and on the other hand the more ‘activist’ sections of civil society. Civil society at large is probably more conservative and less outspoken.”

The big debate is about the representativeness of CSOs: To which extent do they reflect the positions of their constituencies (who are their constituencies) and to which extent do these reflect the wider public? (...) Every organisation will have its biases (...) [in addition] there are the issues of governance and transparency of the NGO community itself. (...) You must know and be able to filter out these biases and issues when talking to them. [On the whole] it is important to listen to them though, as they do not just reflect public opinion, but can also influence it.”

All these considerations make that this hypothesis can not be fully validated.

Hypothesis 5

The information provided through the dialogue and published on the web is new, comprehensive, clear and complete and gives insight into the policy making process in all its stages.

The quality and amount of information provided can be considered satisfactory, bearing in mind the above mentioned limitations to information sharing due to the nature of trade negotiation processes. However, follow up information (feedback) could be improved.

This hypothesis is accepted.

Hypothesis 6

The actions undertaken, i.e. the way in which the CSD is set up and structured, are logical and adequate for achieving the goals set for the CSD.

In general the actions undertaken and the general set-up of the dialogue are adequate for the stated objectives and the specific nature of trade policy making and negotiation processes. Thus the ongoing nature of the dialogue is appropriate, while responsiveness of the process is reasonable. The role and mandate of the contact group could be better clarified, but in the interest of efficiency, having a smaller interface group for the logistical and organisational aspects of the process is appropriate, especially considering the large number of registered organisations.

Therefore, this hypothesis is accepted.

5.2 Main Conclusions

The results of the assessment of relevance, effectiveness and efficiency in chapter three can be summarised as follows:

5.2.1 Relevance:

Relevance of the CSD is rated as **good**:

- The CSD fits very well into DG Trade and overall EC policies on governance (minimum standards) and communication;
- The CSD meets basic needs of CSOs of information and interaction with the Commission, but expectations of some organisations are higher;
- The CSD is one of the instruments to keep DG Trade informed on the views of civil society (finger on the pulse);
- The CSD is mainly owned by DG Trade and to a lesser extent by the Contact Group;
- The topics chosen are considered appropriate and a good mix of general updates and more specific issues.

Most participants consider the CSD to be useful for staying updated and getting an overview of general trade policy and negotiation development and issues and the position of the EU. However, it is considered less useful as a channel for more detailed discussions, actual dialogue and policy influencing.

One of the problems related to relevance is the fact that the objectives are not perceived as clear or shared by all actors involved. One of the issues is the actual definition of dialogue. The Merriam-Webster online dictionary defines dialogue as “a) a conversation between two or more persons; *also*: a similar exchange between a person and something else (as a computer); b) an exchange of ideas and opinions <organized a series of *dialogues* on human rights>; c) a discussion between representatives of parties to a conflict that is aimed at resolution <a constructive *dialogue* between loggers and environmentalists>.”⁴⁹ The differences in interpretation seem to hinge on the last two definitions: whether one sees dialogue as an exchange of ideas or opinions or whether one sees it as a way to come to a resolution.

5.2.2 Effectiveness

Effectiveness of the CSD is rated as **satisfactory**:

- The process is perceived as open, transparent and accessible, however, actual participation appears limited to a number of ‘usual suspects’;
- The awareness of and participation in the CSD by DG Trade officials is still relatively limited to those directly involved and/or at high levels of the organisation;
- The main function, as agreed by most stakeholders is that of a platform for information exchange;
- It is generally not considered an effective platform for policy influencing;

⁴⁹ www.m-w.com/dictionary/dialogue

- Overall, effect/outcome of the dialogue has been on the one hand a culture change within DG Trade and on the other hand increased knowledge and expertise on trade issues of participants, and general mainstreaming of CSO voices within DG Trade.

Achievement of objectives

When assessing effectiveness, the main objectives that were set for the CSD and the extent to which these are being achieved need to be considered as well.

- *Overall objective:* develop a confident working relationship between all of the (many) civil society actors interested in trade policy, enabling civil society actors to make known their views directly to policymakers and contributing to a better understanding of the issues at stake on both sides.

Achievement of this overall objective is rated as **satisfactory**. Although the process has undoubtedly contributed to a better understanding of the issues on both sides the question of a *confident* working relationship between all actors remains debatable as there is still a considerable amount of distrust.

- *Specific objectives:*
 1. To consult widely: **good**; the process is open and transparent and covers a very broad cross section of civil society;
 2. To address CS concerns: **satisfactory**; DG Trade has managed to demystify trade and give more insight into the policy making process. However, DG Trade is not always successful in making known to CSO how their inputs have been used;
 3. To improve policy: **unclear**; although the CSD has clearly made the Commission more aware of the main issues raised by CSOs and this has led to taking up some of these issues in their policies (e.g. the access to medicine issue, trade SIAs and generally the larger role of development issues in trade policies and negotiations, witness the increased emphasis on behind the border issues), it is hard to attribute this to the CSD alone. It should be seen more as one of the elements – next to more general international trends and developments and bilateral contacts with CSOs – contributing to changes in policy while ‘improvement’ of policy as such is in the eye of the beholder. It is also unclear to which extent the CSD has contributed to improving public acceptance of trade policy;
 4. To improve transparency: **satisfactory**; although necessarily limited by the nature of trade negotiations, there is undoubtedly increased transparency of the policy making process in comparison to the past, when this was done mostly behind closed doors and even consultation took place predominantly through informal, bilateral meetings (behind closed doors). However, feed-back remains a relative weakness.

Efficiency

Efficiency of the CSD is rated as **satisfactory**:

- Underutilisation of resources for travel reimbursement, yet stretched human resources;
- So far adequate number of meetings and well selected topics;
- Role and mandate of Contact Group not entirely clear to other CSOs;
- Limited structured monitoring of the process and outcomes.

The elements presented above for the assessment of efficiency seem to include some contradictions. On the one hand there are no high administrative barriers, while on the other hand there is underutilization of resources. The main explanation is the stretched human resources. Persons in charge of organisation of the CSD are quite busy with their regular tasks of organising meetings, keeping the website up-to-date, etc., which leaves very limited time for other tasks and initiatives that are required to further improve the effectiveness and efficiency.

5.2.3 Main issues/weaknesses

From the evaluation, a number of main issues or weaknesses of the process can be distilled. These concern notably:

1. Stated and perceived objectives and to which extent they are actually being achieved, with some participants being quite satisfied and others seeing the CSD mainly as window dressing;
2. Feedback and follow-up was considered by many participants to be weak;
3. Representativeness of the participants linked to the general debate at EU level ,
4. The role and mandate of the Contact Group, which was not considered clear by many of the participants;
5. The limited reach of the process ‘beyond’ Brussels.

Overall, the CSD has been cutting edge and unique in terms of its set-up development, yet there seems to be a gradual loss of momentum. The last years the magic seems to have gone out of the process, because of internal and external explanatory factors (see next section). Clearly, there is thus **a need for change**, or rather a **new impetus into the process**.

5.3 Explanatory Factors

Explanatory factors must be sought in both external and external processes and developments.

5.3.1 External factors

External factors include:

1. State of play in international trade negotiations and the WTO/Doha Development Round in particular.

Developments in the international trade arena in the late nineties (especially the MAI and WTO negotiations) were a stimulating factor to start the CSD. With the multilateral trading system now facing a stalemate, progress in the Doha Development Round has all but stalled. This has also had consequences for the CSD, as in terms of the TO, on which much of the dialogue has focused up till now, there is very little progress or political momentum. This in part explains the loss of momentum for the process as well. However, negotiations on Regional and Bilateral (Free) Trade Agreements are still ongoing and there has been a shift of attention towards them partially due to the stalling of multilateral trade negotiations. This may imply a refocus for participants as well, as relevant issues

will differ per individual agreement, increasing the complexity of trade negotiation practices.

2. Democratic deficit EU and the debate on representativeness

The last years there is an increasing debate on the democratic deficit in the EU and how this deficit might be overcome. The CSD can be considered as an early attempt to address this issue. The CSD fits very well in the ongoing debate. Some of the main issues identified in the context of the CSD concern more general issues and debates at the level of the EU. Solving these require retaining a close link to these general debates and processes.

3. Nature of trade negotiations (don't give positions away)

The nature of trade policy making and negotiations, as has been reiterated throughout the evaluation and acknowledged by all main stakeholders, necessarily limits some of the possibilities for consultation.

4. The limited development of civil society in general, and awareness of trade issues in particular in the NMS.

Coupled with the often limited capacity, funds and manpower of the CSOs in these countries and the fact that they do not have Brussels offices, this poses substantial constraints for their participation in the CSD

5.3.2 Internal factors

Internal factors include most notably:

1. Involvement of main stakeholders

The attitude and behaviour of the different stakeholders in the process play just as important a part in its functioning as do the actual set-up and organisation of the process (the structure and procedures). Some of the interviewed participants criticised the attitude of the main stakeholders. As one argued: "Procedures and structure for a dialogue can only help so much. Ultimately, the perfect structure will give a worthless dialogue if the people do not realise what is required of changing their own behaviours if it is to work. And then they need to want to change." However, it must be noted that the overall attitude to the dialogue is positive, with all parties confirming the need and use for the process and rating it as a unique initiative.⁵⁰

What has occurred seems to be a form of dialogue fatigue, which can in part be explained by the main stakeholders seemingly performing the same act. Bringing new élan to the dialogue, not just through procedures and formats but through more active engagement by all stakeholders could break this routine.

2. High-level commitment DG Trade

Especially during the first years of the CSD it was clear that there was high-level commitment within DG Trade to make the CSD work. This commitment was also

⁵⁰ In fact quite a number of interviewed participants mentioned that despite shortcomings, the CSD generally compared favourable to other consultation processes they were engaged in at the EU level.

necessary to overcome initial resistance within DG Trade and to make the CSD work.. Over time participants feel that this commitment has waned somewhat.

3. Trust

Trust among certain sectors of CSOs participating in the dialogue is not complete. Although organisations that previously never talked to one another are now at least communicating at some level, most stakeholders agreed that there is still a lot of posturing and inflexibility due to a lack of trust amongst them. Many were of the opinion that certain differences were ideological and therefore irreconcilable.

4. Communication

Although the facilities for communication are user friendly and accessible, there is a lack of clarity about the objectives of the CSD and the roles and mandates of main stakeholders, notably the Contact Group. This is to an extent a matter of better communicating these objectives and mandates.

5.4 Comparison of Analogous Processes with the CSD Process

In the preceding chapter a description was presented of four analogous processes in terms of their objectives, structure and organisation, the openness of the process and the level of participation.

As these processes may provide good/best practice examples for the CSD process at DG Trade, a brief analysis of these processes was conducted in relation to the main issues for the CSD. The results of this analysis are presented in the previous chapter and summarised in table 5.1

The outcomes of this analysis may appear to be rather limited in terms of providing actual best practice examples that can be easily adopted. However, the fact that similar problems are encountered in the development of consultation processes in these different organisations, implies that sharing experiences and exchanges ideas on how to address these issues, may prove very useful and relevant for DG Trade. Particularly with regard to feedback mechanisms and issues of trust and participation.

At Commission level, exchange of experiences and attuning of recommendations and changes, may require the Secretariat General take a lead role.

Table 5.1 Best practice examples in relation to main issues identified at DG Trade

DG Trade: weakness / main issue	Best practice example(s)	Options for improvement for DG Trade based on analogous processes
1. Differences in views / perception of objective	Involvement of stakeholders from the start of the Health Policy at DG SANCO has contributed to the management of expectations of the CSOs.	<ul style="list-style-type: none"> ▪ Clear specification of purpose of process ▪ More involvement of CSOs in the formulation of the objectives through consultation processes.
2. Feedback and follow-up	<p>No real best practice example, as this was a major issues in all processes analysed. However:</p> <ul style="list-style-type: none"> ▪ DG SANCO is currently working on guidelines for general feedback and reporting of meetings; and ▪ Several initiatives have been undertaken at the World Bank in reaction to the evaluation of its processes (the need to improve feedback and follow-up to reduce “consultation fatigue”). For instance the formulation of guidelines for feedback and reporting. However, at the time of this evaluation this was still work in progress. 	<ul style="list-style-type: none"> ▪ Link own initiatives to improve feed-back and follow up to the pending final report and its recommendations of DG SANCO’s internal review.¹
3. Level of participation	<p>No real best practice example, however:</p> <ul style="list-style-type: none"> ▪ DG SANCO had plans to develop a virtual forum, which was to enhance the engagement of CSOs. This forum was never developed due to lack of resources 	<ul style="list-style-type: none"> ▪ Consider setting up a virtual forum and discuss options of what this forum should entail with stakeholders, but perhaps also at Commission level.
4. The role and mandate of the Contact Group	<p>None were identified.</p> <p>The WB did have the Joint Facilitation Committee (JFC), a platform of 16 leading international CS networks envisioned for facilitating global WB-CS engagement, but there was a great deal of resistance from CSOs against the JFC, as they considered it to be too exclusionary. As a consequence the JFC was phased out in 2005.</p>	<ul style="list-style-type: none"> ▪ None specific, although perhaps learn from experience at WB
5. The limited reach of process beyond Brussels.	<p>None were identified</p> <p>This issue applies to all analogous processes studied, whether generous travel reimbursements were available or not. In other words, travel reimbursements alone are not enough to ensure wider participation, as it’s not just travel costs, but other costs such as time and human resources.</p>	<ul style="list-style-type: none"> ▪ None specific

¹ The review and its follow up are the responsibility of the Strategy and Analysis Unit (Unit 02) within DG SANCO.

6 Recommendations for Further Development of the Civil Society Dialogue

The Terms of Reference (see Annex I) ask for ‘recommendations about what might be done to adapt or improve the process’. The discussion on the draft final report also focussed specifically on the recommendations and DG Trade stressed the need for concrete recommendations. Civil society actors took the initiative on the basis of the draft final report to further reflect on their role in the CSD and how the process can be improved. Some of the issues raised by the civil society actors, which clearly fitted in the analysis made by the evaluators, have been taken up in this report. It should be kept in mind that evaluators formulate recommendations based on the analysis made, but it is up to the decision makers and stakeholders to decide whether they agree with the recommendations and how they are going to implement them. Hence, an evaluation should not be considered as an unequivocal prescription for the way forward, but as a starting point for a new implementation period.

On the basis of the conclusions we want to make a distinction between two groups of recommendations: strategic recommendations of a more general nature and specific recommendations to further improve and renew the process. Although the process is considered to be relevant, and reasonably effective and efficient, the CSD is gradually losing some momentum and there is a definite need for change. It is up to DG Trade and the other stakeholders involved in the process to decide on the basis of our recommendations what type of changes is exactly required and desirable.

6.1 Strategic recommendations

1. Open a period of reflection and orientation on the way forward

The conclusions indicate that DG Trade is the main ‘owner’ of the civil society dialogue and decides on the way forward. More ownership of the process by civil society should be encouraged, while taking into account the large variety of civil society actors and their different interests. All actors involved should recognise the need for change, and the need for a common interpretation of the key terms guiding the process such as ‘dialogue’, ‘consultation’, ‘representation’, and ‘legitimacy’. Moreover, the issue of trust among the actors should be addressed. The evaluation report and its recommendations could be taken as the point of departure for this period of reflection. The period of reflection should end with a concrete Plan of Action with specific action items accompanied by an implementation schedule, and a monitoring and evaluation planning to keep track of the implementation.

2. Reconsider the objectives

The present objectives are not considered to be very transparent and realistic (see conclusion on relevance and main issues), and are interpreted in different ways by the various actors involved. We recommended that in the proposed reflection period actors agree on a common terminology. On the basis of this common terminology, the discussions on the objectives should be initiated. In fact, there are two options for the dialogue to be more result-oriented in the future:

1. Reformulate the objectives: make the objectives more specific and less ambitious (i.e. main focus on information exchange);
2. Do not fundamentally change the present ambitious objectives, but prepare an action plan with clear targets how the objectives will be achieved.

3. Organise one or several meetings to draw (mutual) lessons from analogue processes

It is important not to isolate this civil society dialogue from other similar processes that aim to fill the democratic deficit. So far this civil society dialogue has concentrated on trade issues only. In the process of reformulation it is important to draw the lessons from other processes as studied in this evaluation.

Several issues that were raised during this evaluation were also subject of debate in other DGs. Exchange of information within the EC, particularly with DG SANCO and DG Development, is a first requirement. It is recommended to organise a joint EC seminar, involving various DGs including DG Trade, to exchange information and draw lessons. Within the European Commission the Secretariat General has a role to play in the information exchange and knowledge sharing between various DGs on civil society dialogue. Given the growing attention within the Commission for civil society dialogues this role could be further enhanced. DG Trade just as other DGs could suggest topics for discussion in order to learn lessons from each other.

In a later stage also lessons could be drawn from other civil society dialogue processes.

4. (Encourage) a more pro-active attitude from civil society

Currently DG Trade is mainly responsible for the organisation of the dialogue, while civil society reacts mainly to the initiatives of the Commission and is internally divided (see conclusion on relevance and internal explanatory factors). CSOs take some initiatives, but these have so far been incidental. A more pro-active attitude from participants is required to keep the dialogue lively and interesting. In this context it is very encouraging that some civil society actors have immediately taken action upon presentation of the draft report to reflect on the recommendation and the role they can play in the future orientation of the dialogue.

6.2 Specific recommendations

1. Reconsider the role and membership of the Contact Group

The functioning of the Contact Group is not completely transparent at the moment, although the Contact Group definitely fulfils a useful role. This lack of transparency of the Contact Group is linked to the issue of representativeness. We recommend paying

more attention to the functioning and membership of the Contact Group. This would include amongst other things a clearer definition and communication of its mandate, clarity on its responsibilities and how other participants may hold them accountable for further dissemination of information, as well as a (re)definition of criteria for membership of the Contact Group. In this respect, rotating membership is one option to be considered.

2. Diversify of the type and formats of meetings

The format of the meetings is still quite uniform and more diversification is required. The standard format now consists of a speech followed by reactions, although recently some more interactive formats have been observed as well⁵¹. More interactive meetings with facilitators could be set up. This would require different types of preparation and involvement of specific participants. Participants should be involved in the preparation of meetings and should show commitment in doing so. For example, the purpose and main function of each meeting (information exchange, consultation on policy issues, knowledge development on specific issues) should be clearly defined and will be decisive for the format.

3. Start other ways of communicating and interacting

Meetings are now the one and only instrument of the civil society dialogue, while the website is focused mostly on the facilitation of these meetings. Better use of the internet can be made to have different types of discussions. In this way internet can serve as a forum for information exchange and discussions on content. DG Sanco's initiative with a virtual forum may provide an interesting example in this respect. Moreover, better use of internet could also be a way to diminish the Brussels based bias of the participants and to get new member states involved.

4. More attention to follow-up

Currently insufficient attention is paid to follow-up and this should be improved in the near future. The complaints about the lack of feedback are still quite general and further specification of the needs is required. Therefore, the starting point should be an inventory of priority feedback needs of civil society. Subsequently, various possibilities to improve the feedback by DG Trade might be identified and implemented. This could include for instance regular updates or reports, through the website and meetings with an appropriate format (see above), on policy changes or policy implementations and the considerations that were taken into account in these changes, or why certain inputs provided by CSOs were not taken up. Other options for record keeping could be identified based on the needs and requests from the CSOs. The implementation of this recommendation should take into consideration the available DG Trade capacity. An increase of human resources might be required.

5. Encourage involvement of participants from new member states by engaging in capacity building and out-reach programs

Limited participation of new member states is to a certain extent a consequence of the fact that dialogue with civil society by governments in these countries is also limited. In order to involve the new member states DG Trade could consider starting with national level consultations as a first step before these countries and organisations are linked to the

⁵¹ For instance the ad hoc meeting on EU-China Trade Relations in the 21st Century

EU level. This would involve some capacity building. Existing CSO participating in the process should also play their part in these initiatives. In addition, adjusted topics or formats of meetings may be necessary to include this group of (potential) participants, while in general creating awareness of the existence and relevance (as well as possibility for travel reimbursement) of the CSD for CSOs in these recently acceded member states should continue after the seminar series organised by DG Trade this year.

6. Broaden the attendance and diminish the Brussels-bias by engaging more DG Trade officials and organising different meetings.

DG Trade attendance of the CSD is still quite limited and therefore, it is recommended that attendance be more widespread among DG Trade officials (even if they don't provide direct inputs). Moreover, part of the budget could be used to organise meetings outside Brussels. E.g. 'familiarisation meetings' could be organised to further diversify the active participation in the CSD. Finally, also external speakers (journalists, academics, etc.) could be invited from time to time.

7. Readjust and align the funding strategy and resources to changes made in the structure and activities of the dialogue

An appropriate funding strategy should be formulated to follow and facilitate the possible changes that DG Trade in consultation with the stakeholders decides to make in the process. Several options may be considered, with the main question being whether the Commission wants a budget neutral option, or whether it wishes to increase available funding/resources.

Budget neutral options:

- If DG Trade opts for organising more meetings outside of Brussels, part of the travel budget could be reallocated to fund these meetings.
- Better promoting the travel reimbursement scheme and especially the fact that even partners from outside the EU could be invited under this scheme – e.g. during meetings or more explicitly when announcing meetings – should lead to better utilisation of the travel reimbursement budget.

Increased resources options

- Should DG Trade opt for a process that includes structured and systematic feedback and additional familiarisation meetings, it would make sense to increase staff input and/or resources to outsource some of the additional activities this would require.

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MAI:	www.oecd.org/daf/mai/intro.htm
G20:	http://g20.mindbit.com
DG Trade:	http://ec.europa.eu/trade/index_en.htm / http://ec.europa.eu/trade/whatwedo/index_en.htm / http://trade.ec.europa.eu/civilsoc/index.cfm
Project NMS	www.cisat.org/index.php?page_id=project
Dictionary	www.m-w.com/dictionary/dialogue
DG SANCO	www.ec.europa.eu/dgs/health_consumer
EC general	http://ec.europa.eu/civil_society/apgen_en.htm#blm
European Transparency Initiative	http://ec.europa.eu/comm/eti/index_en.htm

Annex I Terms of Reference

Annex II Intervention Logic: Assumptions, Hypotheses & Evaluation Questions

Table 0.1 Assumptions and hypotheses underlying the Civil Society Dialogue objectives and actions

Objective	Detailed underlying assumptions	Main Hypotheses
<p><i>Overall</i></p> <p>To develop a confident working relationship between all of the (many) civil society actors interested in trade policy, enabling civil society actors to make known their views directly to policymakers and contributing to a better understanding of the issues at stake on both sides.</p>	<ol style="list-style-type: none"> 1. Civil society organisations are interested in a broad and general dialogue on trade policy; 2. DG Trade officials/policymakers (at all levels) are willing to listen to and take into account the issues put forward by the CSOs and the advisory role of these actors is recognised. 	<p><i>Hypothesis 1</i></p> <p>There is a two way commitment to the CSD process: CSOs are interested in taking part in and contributing to a general dialogue on trade policy and DG Trade officials demonstrate political will and commitment to the process</p>
<p><i>Specific 1</i></p> <p>To consult widely (to take into account the views of all interested parties when drafting policies and proposing action)</p>	<ol style="list-style-type: none"> 3. All views of interested parties will be taken into account; 4. Views will be taken into account in time for them to be relevant to policy drafting and actions; 5. The policy making process is structured in such a way that it allows for (timely) input from CSOs. 	<p><i>Hypothesis 2</i></p> <p>Views of all interested parties will be taken into account in a timely way (i.e. in time for them to be relevant to policy drafting and actions) and the policy making process allows for this timely input from CSOs</p>
<p><i>Specific 2</i></p> <p>To address civil society concerns on trade policy (find out more about concerns, debate specific issues, answer questions if possible and take up suggestions for action made by CSOs).</p>	<ol style="list-style-type: none"> 6. CSOs see the CSD as platform to voice their concerns and views on trade policy and these are new/unknown to the Commission; 7. Issues are debated and questions answered in a manner satisfactory to all stakeholders; 8. Suggestions made by CSOs for action will be taken up or an explanation will be provided of why they weren't taken up. 	<p><i>Hypothesis 3</i></p> <p>The CSD is seen as the appropriate channel by CSOs for voicing concerns and gaining insights into trade policy (making), and by the Commission for learning about and addressing civil society concerns on trade policy</p>
<p><i>Specific 3</i></p> <p>To improve EU trade policy making through structured dialogue (debating the questions that are shaping public opinion – and thus have an impact in public acceptance of trade policy – as a way of updating and strengthening the Commission's expertise)</p>	<ol style="list-style-type: none"> 9. The views and issues raised by the CSOs can be considered a reasonable reflection of public opinion; 10. The views and issues raised by the CSOs will strengthen the Commission's expertise; 11. A dialogue with civil society will improve the Commission's knowledge of public opinion, enabling it to take this into account when drafting EU trade policy and thus improve acceptance of trade policy. 	<p><i>Hypothesis 4</i></p> <p>Participants of the CSD can be considered representative for public opinion and engaging in a general dialogue with these organisations will strengthen the Commission's expertise and knowledge of public opinion, enabling it to take this opinion into account when drafting EU trade policy</p>
<p><i>Specific 4</i></p> <p>To improve transparency of the</p>	<ol style="list-style-type: none"> 12. The information provided through the 	<p><i>Hypothesis 5</i></p> <p>The information provided</p>

Objective	Detailed underlying assumptions	Main Hypotheses
policy making process	dialogue and published on the web is new, comprehensive, clear and complete and gives insight into the different stages of the policy making process.	through the dialogue and published on the web is new, comprehensive, clear and complete and gives insight into the policy making process in all its stages.
<i>Actions</i> Meetings (Regular, Ad-hoc, Contact Group, Out based) Contact Group Advisory function Contact Group Funding (travel reimbursement and CSO project proposals)		<i>Hypothesis 6</i> The actions undertaken, i.e. the way in which the CSD is set up and structured, are logical and adequate for achieving the goals set for the Dialogue.

Table 0.2 Evaluation questions related to relevance

1. Relevance
A. EC Policies
1. How does civil society dialogue fit into DG Trade's overall commitment to transparency and good governance?
2. How does the process fit with DG Trade's strategy for communicating about trade policy?
B. Civil Society Needs
1. What are the needs and expectations of the participating CSOs regarding the CSD process and procedures?
2. What are the perceptions of the CSD on the objectives of the CSD; did participants understand the objectives (are they clearly formulated)?
C. Trade Officials Needs
1. What are the needs and expectations of DG Trade officials regarding the CSD process and procedures?
D. Ownership
1. To what extent do the stakeholders feel they own, and are capable of influencing, the process and procedures?
2. How were objectives set / formulated?
E. Topics
1. To what extent are topics of individual meetings (experienced as) relevant and specific? (<i>responsiveness</i>)
2. To what extent do the topics of the individual meetings reflect the needs and expectations of the different stakeholders?

Table 0.3 Evaluation questions related to effectiveness

2. Effectiveness
A. Perceptions of the process
1. How is the process perceived by senior and middle management within DG Trade and in other DGs, and by the officials called upon to provide contributions to it?
2. Has this perception changed since the civil society dialogue began, and if so how and why? (<i>governance</i>)
3. How effective is the process in providing participants with a forum in which to present ideas for influencing

trade policy? (to which extent do they see the CSD as an important channel for policy influencing/advocacy?)
<p>B. Accessibility and participation</p> <ol style="list-style-type: none"> 1. How effective is the CSD process in being accessible to interested parties, in familiarising participants with trade policy issues, and in keeping them informed about the development of policies and progress and state of play in trade negotiations? 2. What is the difference in CSOs general level of participation and competencies (general knowledge, advocacy skills, etc.). 3. How effective is the process in reaching CSOs in the newly acceded member states?
<p>C. Perceptions of the outcomes</p> <p><i>Exchange of information & gains</i></p> <ol style="list-style-type: none"> 1. To what extent is the information provided by DG Trade at the CSD meetings perceived as new and useful (when compared to what is already on the website for instance)? 2. What is the quality of inputs of the CSOs in the process and how are these contributions perceived by DG Trade officials? 3. Do the inputs from CSOs improve the insights and expertise of DG Trade officials/policy makers? 4. To what extent do the CSOs feel they gain from the process? What do they see as the outcome of the process? 5. To what extent do DG Trade officials/policy makers gain from the process? What do they see as the outcome of the process? <p><i>Follow up & feedback / change of policies & strategies</i></p> <ol style="list-style-type: none"> 6. To what extent is there follow up to the CSD meetings? Are active CSOs also approached outside / after the CSD meetings? 7. How do participants rate the feedback offered on ways in which their views are taken into account? 8. Are there examples of where inputs of CSO have led to policy changes or to putting issues newly on the agenda? 9. To which extent are the views CSOs are reflected in policies drafted and actions undertaken, or is feedback is given on why they aren't. 10. To what extent do CSOs feel their views and recommendations, as voiced during the CSD, are taken into account in policy making decisions? 11. To what extent do the CSOs feel they can influence policy making?

Table 0.4 Evaluation questions related to efficiency

<p>3. Efficiency</p> <p>A. Resources</p> <ol style="list-style-type: none"> 1. Are the resources (both financial and human) allocated to the process commensurate with its objectives? 2. Are the resources allocated to the process by both DG Trade and the participants (perceived to be) commensurate with its results? 3. Are current resources adequate for an EU expanded to 25? 4. To what extent do non-Brussels based CSOs participate in the meetings? 5. What is the usage of the travel reimbursement budget for non-Brussels based CSOs? <p>B. Organisation</p> <ol style="list-style-type: none"> 1. To what extent do the existing organisational and administrative procedures result in an effective, sufficiently inclusive consultation process?

2. Are the number of meetings and the type of meetings (ad-hoc, regular, with the Commissioner, Contact Group meetings, etc.) perceived as adequate and commensurate the needs of the different stakeholders?
3. Is the way in which meetings are planned and the topics for discussion are decided commensurate the needs of the different stakeholders?
4. Is the role of the Contact Group clear and considered useful? Does it facilitate the process? Is its composition appropriate?
5. To which extent does the Contact Group reach out to its constituencies? Is it making any extra effort to reach constituencies in the new member states?
6. Do CSO's feel that there is enough time/opportunity given to them during the meetings for feedback?
7. Are there administrative aspects that act as a barrier to effective participation?
C. Monitoring of the process
1. To what extent is the way DG Trade's input and participants' contributions are recorded adequate and appropriate?

Table 0.5 Relation between evaluation questions and hypotheses

Questions	Relevance	Effectiveness	Efficiency	Benchmark
Hypothesis 1 Two way commitment to process	X	X		
Hypothesis 2 Views all interested parties taken into account		X		
Hypothesis 3 The CSD is channel for CSOs to voice concerns & gain insights and for COM to learn about & address concerns	X	X		X
Hypothesis 4 CSOs' inputs useful for strengthening expertise COM	X	X		
Hypothesis 5 Info by COM new/complete and gives insight policy making process		X		X
Hypothesis 6 CSD structure & organisation is adequate for objectives			X	X

Annex III Lists of Interviewed People and Organisations

Table 0.1 Interviewed persons for the evaluation of the Civil Society Dialogue at DG Trade

	Name	Organisation	Date
1	Mr. Adrian van den Hoven	UNICE (CG)	21-03-2006
2	Mr. Gampieri Alhadeff / Mr. Ian Derry	SOLIDAR (CG)	22-03-2006
3	Mr. Pascal Kerneis	ESF (CG)	23-03-2006
4	Mr. Eivind Hoff	WWF (CG)	23-03-2006
5	Ms. Melissa Julian	ECDPM	23-03-2006
6	Mr. Mariano Iossa	ActionAid	29-03-2006
7	Mrs. Sophie Dupressoir	ETUC (CG)	30-03-2006
8	Ms. Anja-Susan Lörcher	FTA (CG)	30-05-2006
9	Mr. Guillaume Legaut	CIDSE (CG)	31-05-2006
10	Ms. Ulrike Schmülling	Verband der Chemischen Industrie (VCI)	31-05-2006
11	Mrs. Shelby Matthews	COPA-COGECA (CG)	01-06-2006
12	Mr. Gian Luca Gardini / Mr. Dirk Vantghem	EUROCHAMBRES (CG)	01-06-2006
13	Mr. Dominique Forest	BEUC (CG)	02-06-2006
14	Mr. Robert Madelin	DG SANCO, Director General	07-06-2006
15	Mr. Louis Bélanger	Oxfam International	08-06-2006
16	Ms. Barbara Specht	WIDE (CG)	08-06-2006
17	Mr. Rupert Schlegelmilch / Mrs. Manuela Geleng	DG Trade, Head of Unit G3 / Coordinator CSD	08-06-2006
18	Mr. Karl-Friedrich Falkenberg	DG Trade, Deputy Director General	15-06-2006
19	Mr. Petros Sourmelis	DG Trade, Head of Unit G1 (Services)	15-06-2006
20	Mr. Peter Balas	DG Trade, Deputy Director General	21-06-2006
21	Mr. John Clarke	DG Trade, HoU WTO Coordination	21-06-2006
22	Mr. Aguiar Machado	DG Trade, Director Unit G (Sustainable Development, CSD, Agriculture & Services)	21-06-2006
23	Mr. Miguel Ceballos Barron	DG Trade, Deputy HoU Communication	21-06-2006
24	Mr. Jens Schaps	DG Trade, Head of unit G2 (Agriculture)	21-06-2006
25	Mr. Haitze Siemers	Former coordinator CSD	21-06-2006
26	Mr. Charley Poppe	Friends of the Earth Europe	21-06-2006
27	Mr. Lutwin Strautch	DIHK	21-06-2006
28	Mrs. Nathalie Lecocq	CIAA	12-07-2006
29	Mr. Cees Vermeeren	a.v.e.c.	12-07-2006
30	Mr. Kamphöner	EuroCommerce	12-07-2006
31	Mr. Heinrich Hicks	DG Agriculture	12-07-2006
32	Mr. David O'Sullivan	Director General DG Trade	30-08-2006
33	Mr. Pieter Bangma	NGO Liaison DG Development, member Steering Committee	30-08-2006
34	Ms. Eva Kaluzynska	Press officer in London EC office, former coordinator of the CSD.	06-10-2006

Table 0.2 CSD meetings attended by the evaluation team

	Date	Theme	Type
1	20/21-03-2006	Trade SIA stocktaking conference	Ad-hoc
2	23-03-2006	Doha Development Agenda	General meeting with the Commissioner
3	25-04-2006	Doha Development Agenda, Update	Regular meeting
4	30-05-2006	Doha Development Agenda, Update	Regular meeting
5	01-06-2006	EU-China Trade Relations in the 21 st Century	Ad-hoc meeting
6	12-07-2006	Preferential Rules of Origin	Regular meeting

Table 0.3 CSOs from new member states that have returned questionnaire

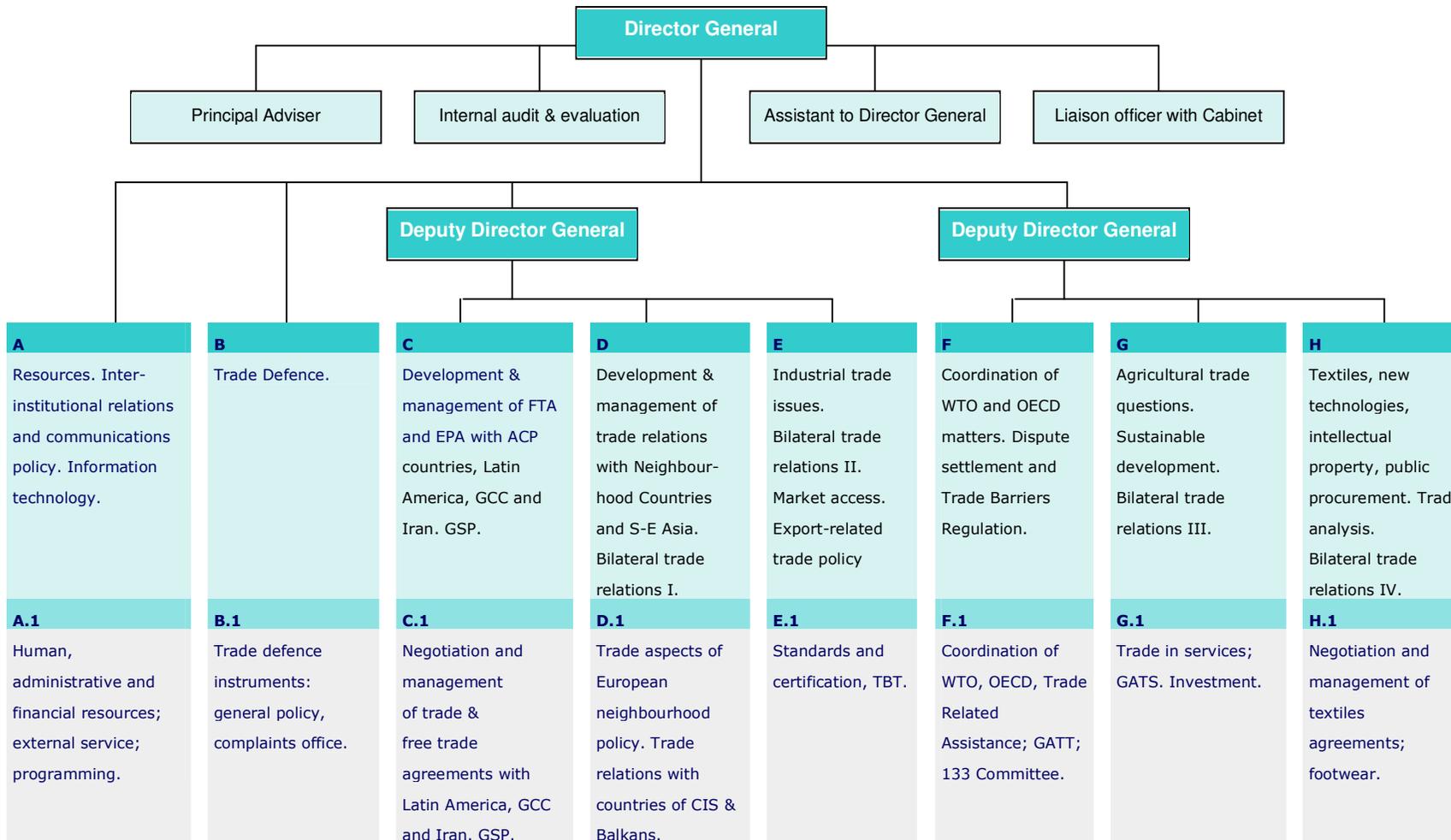
	Name	Organisation	Country	Date
1	Mr. Istvan Garai	National Association for Consumer Protection	Hungary	28-09-2006
2	Dr. Gyözö V. Kenéz	Team Europe	Hungary	28-09-2006
3	Mr. Jozef Orgonáš	Slovak Association of Commerce & Tourism	Slovakia	28-09-2006
4	Mr. Lenka Tycova / Mr. Ivan Voles	Economic Chamber of the Czech Republic	Czech Republic	29-09-2006 / 02-10-2006
5	Ms. Viera Dobosova	Faculty of Commerce, University of Economics Bratislava	Slovakia	01-10-2006
6	Ms. Fryni Michael	Cyprus Consumers Association	Cyprus	02-10-2006
7	Ms. Wanda Katarzyna Grzejszczyk	Polish Chamber of Commerce	Poland	03-10-2006
8	Ms. Manca Pogljajen	Umanotera	Slovenia	26-10-2006
9	Ms. Katarzyna Scwiecicka	Gdynia Cotton Association	Poland	26-10-2006
10	Ms. Rita Gazdag	PLANET Foundation and Fair World	Hungary	17-11-2006
11	Ms. Jana Jablonciko	Women's Association of Slovakia	Slovakia	17-11-2006
12	Mr. Matyas Benyik	ATTAC Hungary	Hungary	20-11-2006
13	Mr. Anthony Micallef Debono	Confederation of Malta Trade Unions	Malta	20-11-2006
14	Mr. Ain Kabal	Estonian Association of SMEs	Estonia	20-11-2006
15	Mr. Stanislaw Alwasiak	Trade Union 'Solidarnosc'	Poland	20-11-2006

Table 0.4 People interviewed for analogous processes

	Name	Organisation	Date
1	Mr. Bernard Kuiten	WTO, External Relations	13-09-2006
2	Ms A, Ajour,	Policy Officer Health Strategy DG Sanco	04-10-2006 / 26-01-2007
3	Mr. John Garrison,	Senior Civil Society Specialist, World Bank	04-10-2006
4	Ms. Maud Johansson	Forum Syd; participant Consultation Group Sweden	10-11-2006

Annex IV DG Trade Organisation Chart

Figure 0.1 Directorate General for Trade Organisation Chart



A.2	B.2	C.2	D.2	E.2	F.2	G.2	H.2
Interinstitutional relations and communications policy	Trade defence instruments: investigations I. Monitoring of third country measures	Economic partnership agreements 1	Negotiation & management of trade / free-trade agreements with Mediterranean countries and South-East Asia. TREATI.	Steel, coal, shipbuilding, automotive, chemical and other industries	Dispute settlement and Trade Barriers Regulation	Agriculture, fisheries, sanitary and phytosanitary measures, biotechnology	New technologies, intellectual property, public procurement.
A.3	B.3	C.3		E.3		G.3	H.3
Information technology	Trade defence instruments: investigations II	Economic partnership agreements 2		Market access. Trade relations with USA, Canada, EFTA.		Sustainable development (incl. trade and environment); dialogue with civil society.	Trade analysis
	B.4			E.4			
	Trade defence instruments: investigations III. Monitoring & follow-up of implementation of measures in the Community.			Export-related trade policy (export credits, controls; third countries practices).			
	B.5						
	Trade defence instruments: investigations IV						

Source: http://ec.europa.eu/trade/whatwedo/whois/index_en.htm

Annex V Online Questionnaires

Response rates and basic information

Participants

Response rates to the questionnaires were reasonable, as is illustrated in the tables below.

Table 0.1 Response Rate Participants Questionnaire

	Total	Share total	Relevant share
Panel size	1291	100%	100%
Bounced	182	14%	14%
Declined	2	0,2%	0,2%
Saw e-mail	509	39%	100% ¹
Clicked through questionnaire	188	15%	37%
Responded	128	10%	25%
Completed	105	8%	21%

¹ It could be argued that the targeted respondent was only actually reached in 509 cases. If this is taken as the actual panel, response rates are higher.

The following figures provide some basic information on the survey participants.

Figure 0.1 Type of civil society organisations in survey

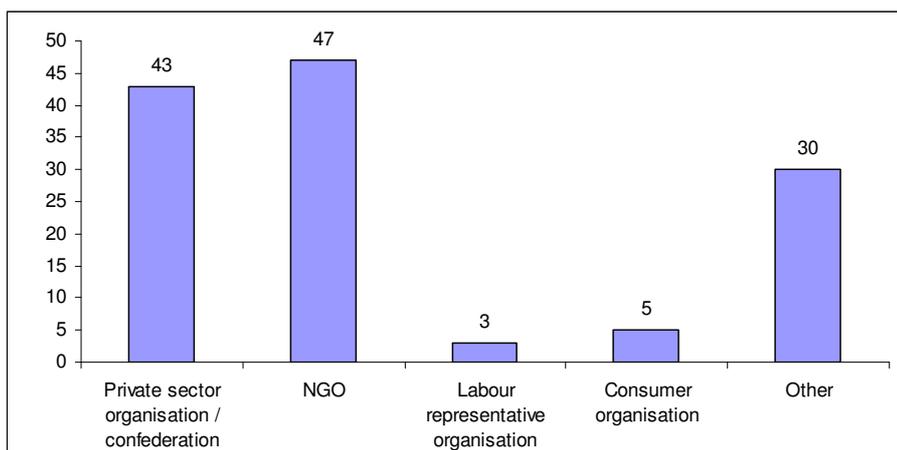


Figure 0.2 Constituencies of civil society organisations in survey

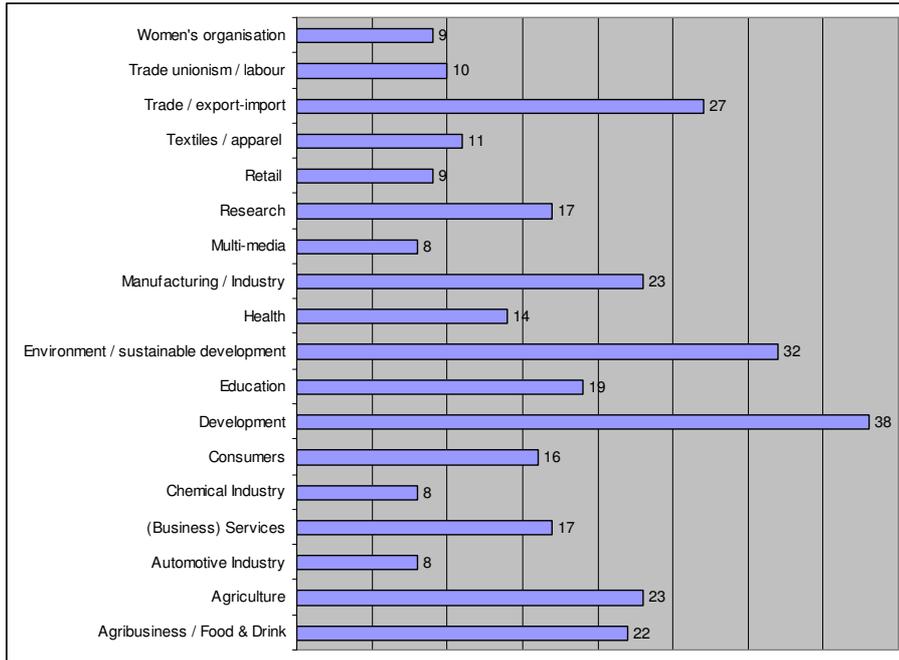
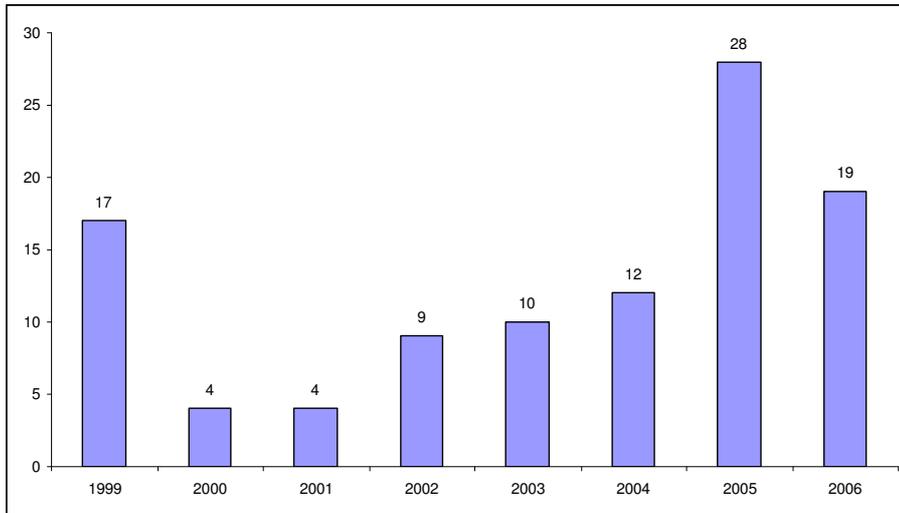


Figure 0.3 Year in which respondents registered organisation with the CSD



DG Trade officials

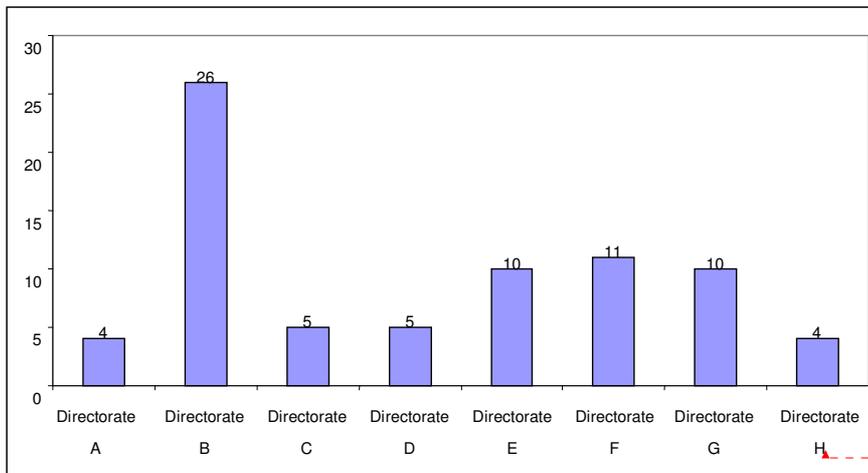
The response rate to the DG Trade questionnaire was reasonable to good, as is illustrated in the table below.

Table 0.2 Response Rate DG Trade Questionnaire

	Total	Share
Panel size	198	100%
Start page views	90	45%
Responded	75	38%
Completed	63	32% ¹

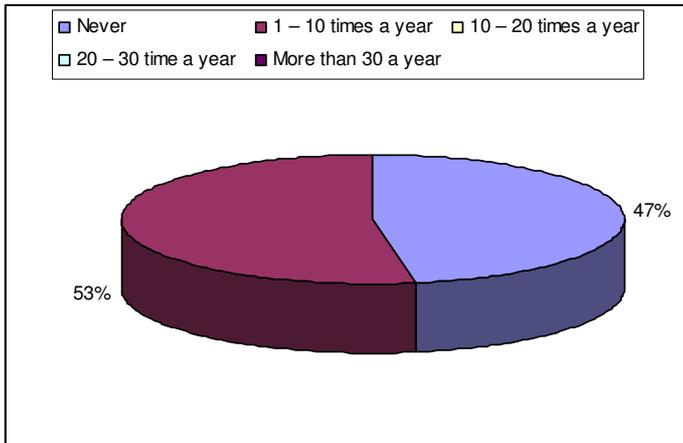
¹ If taken as a share of start page views response rate is 70%

Figure 0.4 Response per Unit



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Figure 0.5 Frequency of attendance of CSD meetings (N=55)



Questionnaire Participants

Questionnaire DG Trade officials

