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# Transnational deliberative democracy in the context of the European Union: The institutionalisation of the European Integration Forum

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**Abstract:** Deliberative democracy is increasingly discussed in relation to the transnational sphere in terms of promoting democratic mechanisms of representation and participation. The establishment of the European Integration Forum (EIF) represents an effort to apply deliberation to the field of integration policies at the EU level. The EIF combines an original structure consisting of civil society actors and EU institutions, on the one hand, and national and European organisations, on the other. In this article, the institutional and discursive dimensions of the EIF are discussed. The institutional dimension refers to the benefits of the deliberative model for inclusive policy making and it is argued that it is particularly useful for incorporating immigrant voices in consultative processes. The discursive dimension relates to the articulation of a common European discourse on integration within the already existing EU framework. Discourses of contestation emanating from civil society are constrained especially in relation to the identification of a sole target group of integration policies, namely third-country nationals. The deliberative approach of the EIF is efficient in its institutionalisation through the inclusion of multiple civil society actors, but its discursive potential in terms of reflecting a heterogeneity of viewpoints and the capacity for generating contestation are reduced.

**Keywords:** Deliberative democracy; diversity; institutionalization; discourse; minorities; immigration policy; civil society; European Public Sphere; accountability; European Commission.

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## Introduction

Deliberative democracy theory has been moving gradually from the nation-state level to the transnational sphere due to increasing degrees of international interdependency and multilevel governance structures requiring global solutions (Castells 2008; Held 2009). The transnational space has become attractive in terms of new applications of deliberative democracy models because of civil society participation beyond national institutions, the importance of public opinion for decision making, and questioning of the role of the state in times of globalisation. The European Union (EU) is one of the main transnational organisations in which deliberative democracy could 'contribute to rational problem-solving and to increase the public reasoning in a justification process' (Eriksen 2005: 356). The EU represents an experimental arena in which deliberative supranationalism (Eriksen and Neyer 2003) can take place in both methodologies and institutions.

Herein I discuss the possibilities and limits of transnational deliberation. In particular, I analyse the potential of deliberative democracy in relation to the integration of immigrants in the EU. The transnational dimension is provided by the EU, whereas the deliberative perspective comes from my focus on a new EU institution, namely the European Integration Forum (EIF). The EIF was launched in 2009 and comprises representatives from EU institutions, on the one hand, and national and international civil society organisations, on the other. The main objective is to enhance the participation of civil society organisations (with immigrant members) in integration policies as well as strengthen the cooperation between actors in the field. I argue that the EIF is an innovative structure that combines the emerging

transnational sphere, the incorporation of social networks, and deliberative policy making through the inclusion of national and European civil society actors and EU institutions. Among the possibilities arising from the EIF are the inclusion of immigrant organisations, the preference for national forums to discuss integration, and the increasing participation of civil society. They all stress the importance of working with integration in deliberative forums. In terms of limitations, I argue that discourses of contestation emanating from civil society are constrained by their acceptance of the framework designed by the EU, especially in relation to the restriction of EU integration policies to third country nationals, and by the shared interest of articulating a common discourse in cooperation with the European Commission (EC). In sum, I show how integration policies can become more democratic and deliberative by extending collective decision making to civil society actors, including immigrants' organisations.

To analyse the EIF in detail, I examine its institutionalisation (García Agustín 2010), which constitutes a dual and dynamic process that involves institutions and discourses or, in Dryzek's words (1997; 2000), the institutional hardware and software. Drawing on the model of deliberative democracy, I consider two theories to be relevant to this institutionalisation: The first, Bohman's republican cosmopolitanism, presents a cosmopolitan perspective, and the second, Dryzek's discursive democracy, underlines the civil society dimension. Both of them are distanced from the liberal conceptions of deliberative democracy, and they can shed light on the potential of deliberative democracy in the European space. Whereas Bohman proposes an institutional design based on the heterogeneity of the new political subject acting across borders, Dryzek focuses on the potential of the transnational civil society to change policies and the ways of governance. I apply these complementary theoretical contributions to the workings of existing institutions, and, in doing so, I follow the recent tendency to move deliberative democracy from theoretical statements into working theory (Chambers 2003). In this process, deliberative democracy is still normative, but it must be contextualised and evaluated in concrete situations. Thus it is necessary to present an analytical framework that reflects the normative principles which characterise deliberative democracy.The remainder of the article consists of two parts, followed by overall conclusions. The first part defines deliberative democracy as an analytical framework and the normative principles it entails. In the second part I analyse the EIF in detail by considering the context that influences its work (i.e., legal framework, policies, and funding. I then characterise the EIF as a deliberative forum and discuss its relevance in the governance of the EU. Finally, I analyse how the EIF is developed (combining formal and informal organisations at the national and European levels) and how a common European discourse is constituted and, possibly, contested.

# 1. Deliberative democracy

## 1.1. Beyond representation

Deliberative democracy emerges as an alternative to liberal democracy by addressing its main limitations, which include viewing participation only in terms of voting (i.e., an aggregative conception of democracy) and the increasing risk of government being in the hands of experts (i.e., an elite conception of government) (Luchmann 2002; Parkins and Mitchell 2005; Baños 2006). Although deliberative democracy can be seen as a rejection of representative democracy and its institutions, it can also be viewed as an expansion of representative discussions and the institution of a more inclusive process (Chambers 2003; Gutmann and Thompson 2004). In contrast to bargaining, which satisfies mostly the private interests of political parties and lobby groups, deliberation emphasizes the need for public discussion and exchange of information in search of the common good (Pettit 2004). It also entails an important correction to interest-group politics (Laborde and Maynor 2008). However, the main focus includes both public discussion and public reasoning (Cohen 1996): Citizens' interests and preferences are not predetermined but open to modification in the course of public reasoning and argumentative exchange.

The deliberative ideal must be extended to citizens via institutional design (Sunstein 2004). In other words, collective decision making must institutionalise both the democratic will constituted in institutional spaces and the informal opinion generated in non-institutional spaces (Sermeño 2006). It is not surprising that the notion of deliberation has been closely related to governance in recent years. Both processes expand democracy by increasing participation, although from the perspective of policy analysis a strict version of the reasoning principle is not always followed and the focus is instead placed on the emergence of deliberative judgement through collective, interactive discourse (Hajer and Wagenaar 2003). The shifts from government to governance, from representation to deliberation, and from institutions to networks reflect the new societal and political reality. I use theories on deliberative democracy to develop an analytical framework based on two dimensions, the institutional and the discursive, and operationalised through three distinct principles: plurality, inclusion and contestation. Plurality is found across the institutional and discursive dimensions, whereas I identify inclusion as the main feature of institutionalisation and contestation as that of discourse.

## 1.2. Institutionalization of heterogeneity

Bohman (2010) explains the substantial changes taking place in light of globalisation, and he identifies the new order as transnational democracy. The latter is characterised by a shift from *demos* (i.e., the unified will of people attached to the nation-state and the juridical model of self-legislation) to *demoi* (a heterogeneous subject, referred to as the community of humanity

and guided by the principle of non-domination in a decentred and overlapping model). This approach is cosmopolitan in its concern for humanity and in its focus on global justice. However, it differs from cosmopolitanism in the importance attributed to the plurality of institutions of communities. Bohman's model also is mainly republican because its main goal is to create institutions that promote non-domination at the multilateral level, diminishing the threats of national forces and the arising of new global powers. Thus, republican cosmopolitanism emphasizes that 'freedom from domination cannot be achieved without transforming our fundamental democratic conceptions and ultimately embedding our democratic institutions within a transnational polity' (Bohman 2010: 18).

The replacement of self-legislation with non-domination strengthens deliberation as a prerequisite for having free citizens. Individuals can only be free and equal if they can influence and change the terms of the common life and the institutional framework, including the normative powers by which people can control their rights and obligations. Democracy is consequently a reflexive order made through citizen deliberation. Bohman (2010) considers the power to initiate effective public deliberation as the most fundamental condition for democratisation. The transnational sphere allows for spaces for deliberation across borders to emerge and it increases the possibilities of shaping institutions.

Bohman uses the EU as an example of an emerging transnational organisation that deals with *demoi* and not with *demos,* as nation-states do. Unlike other analyses of democratic deficit in the EU, Bohman identifies the deliberative deficit as a deeper problem because the reflexive capacity of citizens to initiate democratic reform is at stake. To solve this deficit, the EU should provide various sites of deliberation: These should not be based only on territory, they should be distinguishable from the nation-state and interaction should happen at multiple levels with room for citizens' concerns (Bohman 2008). Bohman is optimistic about how the EU institutional design is being developed and about its future potential, especially because of the Open Method of Coordination and the ability to promote accountability at different levels (Bohman 2004a). The proliferation of non-governmental organisations (NGOs) in the transnational sphere confirms a new kind of accountability that supplements the traditional one between citizens and representatives; this accountability is derived from the intention of NGOs to make forms of inquiry more transparent and more accessible. Thus, transnational civil society can actively be part of the decision-making processes in the institutional design of the EU (Bohman 2004b).

### 1.3. Discourses of contestation

Like Bohman, Dryzek focuses on the transnational sphere and some of the issues emerging as nation-state governments are challenged by globalisation. However, Dryzek underlines the prevalence of civil society and disagrees with the constitutional solution proposed by Bohman to guarantee the democratic minimum and multilevel governance. Dryzek's discursive democracy is characterised by a critical position against power and by the importance of contestation of discourses to influence or change the national or international order. In

Dryzek's model, discourse has a constructive dimension and is defined as 'a shared set of concepts, categories, and ideas that provides its adherents with a framework for making sense of situations, embodying judgements, assumptions, capabilities, dispositions, and intentions' (Dryzek 2006: 1). Globalisation has accentuated the importance of discourses in international relations; they become essential to discussions and reflexivity in the construction of public opinion. In other words, acting in the contemporary world requires recognising existing discourses and their consequences, including those of policy makers.

Metaphorically, Dryzek (1997, 2000) views formal rules as institutional hardware and discourses as institutional software. Transnational discourses are already well developed, but equivalent international institutions are missing (i.e., the software is more important than the hardware and can influence more strongly the design of institutions). Thus, it is easier to think about democracy beyond borders in terms of deliberation and communication instead of voting or representation of individual interests. In this new system, the role of networks and governance prevails, and the force of transnational civil society discourses can influence decision making and state policies.

Deliberative democracy belongs to the transnational sphere to a greater degree than the aggregative liberal model (Dryzek 2000). Dryzek (2006) finds deliberative global politics in two arenas. The first are formal negotiations taking place in institutions such as the EU or the United Nations. It is deliberative in the sense that people can change their minds without non-coercive communication, but it would be democratic only if access to participation was given to all those who are affected by a certain decision. The second consists of diffuse communication in the public sphere, which can generate political influence. The main actors in this kind of communication are international networks such as NGOs or activists. Dryzek pleads for developing transnational social networks and increasing their presence in the international system. Transnational civil society possesses communicative power and its politics are about questioning, criticizing, and publicizing (Dryzek 1999). Dryzek is more explicit than Bohman about the EU's democratic deficit; he argues that the solution would ultimately involve finding channels through which civil society can have political influence. At the transnational level, the importance of informal sources of order, such as discourse, increases because the formalized institutions are weak and not well defined (Dryzek 2008).

In summary, both Bohman and Dryzek agree about the importance of the transnational sphere for developing new politics beyond or across borders. However, they differ in their focus on the creation of institutions that would enhance deliberation (Bohman) and the initiative of civil society as the genuine actor capable of facing the transnational challenge (Dryzek). In the next section, I will apply these theoretical perspectives in an analytical form. I preserve the distinction between institutional and discursive as the dimensions of deliberation and relate them to three normative principles: plurality of actors as the reflection of both *demoi*, diversity within states and in the transnational sphere, and the confrontation of possible points of view; inclusion as a prerequisite for ensuring non-domination and access to deliberation and participation in decision-making; and contestation as the way in which dominant discourses are challenged. I consider plurality as a transversal principle in the

institutional and discursive dimensions and link inclusion to the institutional level (as a prerequisite to initiate deliberation), and contestation to the discursive level (in order to avoid that the inclusion of voices results in discursive closure via political consensus).

## 2.    The establishment of the EIF

The EIF was launched on the 20th and 21st of April 2009 together with the European Web Site on Integration. Its goals are primarily to improve the cooperation and exchange of information at the EU level in order to develop an EU agenda on integration and to increase the representation of voices from civil society. Originally, it was set up by the EC in 2005 and its actions carried out in cooperation with the European Economic and Social Committee (EESC). The EESC was also the entity responsible for a proposal (EESC 2008) establishing the structure of the EIF. The EIF plenary has a maximum of 100 members who meet twice a year. In order to include both representatives from the national level and the European level, onethird of the members are from European civil society networks (e.g., Caritas, Red Cross, trade unions, and human rights and antiracism organisations) and the remainder from consultative bodies in the Member States. There is no preference for a specific organisational structure, meaning that forums, platforms, councils and similar institutions are equally accepted. If no such organisation exists, the place is occupied by economic and social councils. Representatives of the National Contact Points on Integration, the EC, the EESC, the Committee of the Regions, experts (academics and researchers) and European local authority networks also take part in the plenary meetings.

However, the major body of the EIF is the Bureau, composed by a president, appointed by the EESC in agreement with the EC, and three vice-presidents appointed by the EIF. These four members meet at least four times per year, before and after each plenary. The Bureau has a central role in assuring the continuity of the EIF, in setting its agenda and organising its work. Furthermore the EIF has a small secretariat of two persons from the EESC.

### 2.1.  Methodological considerations

Different sources were used to analyse the development of the EIF. Interviews with four members of the Bureau, which is responsible for defining and organising the agenda of the EIF in order to ensure its continuity, were carried out. The interviews were conducted between April 2010 and January 2011. I interviewed Luis Pariza, representative of the EESC, as well as the two representatives of civil society organisations: Lally Harpal, Council for Ethnic Minorities, representing civil society at the national level, and Peter Verhaeghe, Caritas, representing civil society at the European level. An EC official (who prefers to remain anonymous) with extensive knowledge about the EIF was also interviewed. The length of the interviews ranged from 40 to 60 minutes. Interviews were conducted in Spanish, English, or Danish depending on the language preferred by the interviewee. All interviews

were semi-structured (Kvale 1997) and the interview guidelines shared some general points about the establishment, the content and the expectations of the EIF, and specific questions about the particular role and point of view of the representative in question. The objective of interviewing the Bureau members, and not other participants from the EIF plenary, is to examine the role of the main organism within the EIF, which assumes the definition and work of the EIF as it has been developed to date. The representative of the EC reflects the EU official point of view while the EESC represents the more institutionalised civil society vision within the EU, and Caritas and Council for Ethnic Minorities the national and international networks. Together, the latter three assume the representation of civil society within the EIF at the more executive level.

I also used different kinds of documents as empirical material. These included EU policy documents on integration issued by the EC, the Council of the EU (hereafter referred to as the Council), and the EESC prior to and during the creation of the EIF. Documents generated by the EIF itself were included; these are mostly summary reports of discussions and contributions by the main EU actors, which reflect the evolution of the EIF. This analysis covers documents produced at the four EIF meetings held between 2009 and 2010 (Brussels, 20–21 April 2009; 12–13 November 2009; 24–25 June 2010; 6–7 December 2010).

### 2.2. Setting the context: possibilities and limitations

I consider context to be the conditions that influence the development of the EIF, both institutionally and discursively. The context includes more than external, pre-determining actions, because discourses and institutions can also challenge and modify existing circumstances and even be seen as part of the context. Herein I focus on three kinds of context—legal framework, policies, and funding—that influence the development and decisions of the EIF. They are important factors that must be considered in order to understand the constraints, possibilities, and potential conflicts of the EIF.

Within the legal framework, integration is strongly seen as a domestic issue, and nation-states attempt to maintain their territorial sovereignty within this area (Sassen 1996). This fact, the disparity of national legislations and historic, cultural, and social differences explain the lack of binding policies and legislation at the EU level. Article 79.4 of the Lisbon Treaty, which took effect in December 2009, changed this situation and created a legal framework that allows the EC to propose initiatives within the field of integration. For the first time, the EC is given leeway to work with integration at the EU level, but it is also quite limited regarding the subjects of integration and the relation between the EU member states:

> The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories, excluding any harmonisation of the laws and regulations of the Member States. (Lisbon Treaty 79.4)

The most fundamental change is the greater role attributed to EU institutions: the right of initiative of the EC and the capacity of the European Parliament to legislate together with the Council. The content, on the other hand, does not really differ from the work undertaken by the EU in recent years. The article delimits the group at which the legislation is aimed, as it is defined as 'third-country nationals residing legally' in the EU member states. This narrows considerably the field of action in relation to integration. Furthermore, the explicit exclusion of harmonisation prevents any common legislation and underlines the national dimension attributed to integration. Thus, the EU methodology based on exchange of best practices, benchmarking, and cooperation is presented as the best way for working at the EU level. Despite the reduced legislative impact, the deliberative approach can be used to foster discussion, reasoning of policies, and inclusion of other points of views, just like the EIF does in its practices.

The new agenda on EU common integration, which constitutes the policy context, was initiated by the Tampere Conclusions in 1999 and was later developed by the Hague Programme (adopted by the Council in 2004) to promote higher integration of national policies. To support this purpose, a European discourse on integration was articulated through the adoption of a set of Common Basic Principles (CBPs) by the Justice of Home Affairs Council (2004) and later put forward by the EC in 'A Common Agenda for Integration' (2005). The implementation of the CBPs is one of the main priorities of the EU, as reflected in the Stockholm Programme (2009) and the preparation of the Second Agenda for Integration, which is planned for the end of 2011. In summary, the EIF was established through previous policies, but it is also going to contribute to determining the future policy context within the already fixed framework.

In terms of the funding context, the European Fund for the Integration of third-country nationals 2007–2013 was established by the Council in 2007 as part of the programme titled 'Solidarity and Management of Migration Flows'. Its target is to facilitate integration of third-country nationals by applying the CBPs. The budget for 2007 to 2013 is 825 million euros, divided into 768 million euros distributed among member states and 57 million euros for community actions. Funding is central to every deliberative organisation, especially if participation must be ensured. In this sense, the funding of the EIF ensures the meetings of the Bureau and the participation of diverse organisations, including immigrants' organisations. Resources for EIF meetings are included in the annual work programme for community actions.

All in all, the Lisbon Treaty constitutes a legal framework that enables the possibility to act at EU level within the field of integration and, at the same time, constraints discourses since integration is restricted to third country nationals residing legally in EU member states. Furthermore, the development of a common discourse diminishes the emergence of discourses challenging it. The institutionalisation of the EIF can contribute to strengthening cooperation and exchange of information between civil society and EU institutions but it is difficult to conceive of it as offering an alternative discourse.

### 2.3. A deliberative forum and the principle of plurality

In the second meeting of the EIF, Jacques Barrot referred to the EIF as 'a deliberative community to think integration policies together' (EU 2009b: 1). According to the EC, the goal is 'consultation, exchange of expertise and drawing up recommendations' (EC 2005: 13). Due to the lack of harmonisation between EU member states' integration policies, deliberation can be a very fruitful way to exchange information and discuss integration policies while ensuring broader participation (i.e., beyond policy makers and experts). Because harmonisation is not on the agenda, the EIF can instead 'give an impulse to a common European focus on integration issues' (Luis Pariza, interview April 2010). In other words, deliberation can ensure better representation and participation of plurality and promote an inclusionary European common agenda taking civil society into account. It is important to delimitate the existing tools to work with integration at the EU level and further explore the role of civil society and its embodiment of plurality.

Before the creation of the EIF, a network of governmental experts (The National Contact Points on Integration) was responsible for the common EU agenda on integration and exchange of information and good practices within the field. The National Contact Points will continue to coordinate integration policies and cooperate with the EIF. However, in contrast to the National Contact Points, the EIF mainly consists of civil society organisations, not government representatives, and it transcends national cooperation by combining national and European organisations within the same forum.

The three mechanisms already mentioned (the EIF, the EWSI, and the European Fund for Integration), together with the 'Handbooks on Integration for Policy-makers and Practitioners', aim to apply the CBPs to European policies at all levels (European, national, regional, local). The role of civil society, the combination of European and national organisations, and the deliberative nature of its work make the EIF a new and differentiated way of elaborating integration policies at the EU level.

The deliberative proposal of the EIF should be effective in the sense that it should influence national and European policies. The civil society actors are optimistic about the possibility of gaining real influence, especially on the EC (being itself a part of the EIF), although they are also aware of the need to influence the Council if they really want to translate their claims into policies. Participation in collective decision making is, in itself, seen as very positive. For example, both Lally Harpal and Luis Pariza emphasize the fact that the two NGO representatives in the EIF, Harpal and Verhaeghe, participated as direct members rather than just as invitees in the European ministerial conference on integration that took place on 15–16 April 2010. The conclusions of the Council stress the idea that the EIF 'should continue to be involved in providing input for future initiatives in the field of integration at the EU level' (Council of the EU 2010: 10).

There is consensus among the members of the Bureau on the desirability of the EIF, as a structure, to improve integration policies and participation. There is no intention of producing legislation; instead the focus is on influencing policy making. Indeed, the benefit of the EIF

involves strengthening communication through deliberation: 'Everybody who wants to contribute to it has the chance to contribute to it and there should be no… you know like a long membership processes or anything and rules and procedures because that slows down the communication… it could be a risk of slowing down communication between stakeholders' (Peter Verhaeghe, interview November 2010). In other words, a change in the structure and goal of the EIF towards decision making, from governance to government, would go against its essence. Communication and deliberation must not be assessed only in terms of influence upon legislation but also by their capacity to create transnational networks and alternative discourses and practices. Below I discuss how deliberation requires an appropriate structure to promote inclusion and participation (i.e., the institutional dimension) and then how it might produce consensus and contestations about how to understand and work with integration (i.e., the discursive dimension).

### 2.4. The institutional dimension and the principle of inclusion

The institutional dimension of deliberation should ensure that all social actors affected by policy-making are included and able to take the initiative to deliberate, according to the idea of non-domination. Due to the complexity of the EIF, I look at inclusion at different levels: firstly, the combination of transnational and national actors and its relevance for the Europeanisation of integration policies and how it will benefit certain ways of organising civil society; secondly, the inclusion of immigrants and their participation in integration policies must be attended as well as who represents their interest and how they are financed; and finally, I want to focus on the relationship between EU institutions and civil society organisations and the way in which both try to benefit from participating in the EIF.

While the EESC represents civil society in general and is highly integrated in the EU structure, and the EC has its own civil society interlocutors with whom they usually interact, there is a need to deal with integration at other levels, including the national one:

> Let's say that the natural interlocutors of the Commission in this consultation culture are the organisational networks at the European level, this is very logical [...]. However, this was not considered to be sufficient, that besides the networks that, in our case it could be 30 organisations, not more than that, that are active on a regular basis within the field of integration and are present here in Brussels and that have this territorial representation… apart from those, it would be interesting to get in contact with organisations strictly at the national level. (EC official, interview January 2011)

It is interesting to see how European networks are defined as 'natural interlocutors'. This reflects the way in which the EC acts at the EU level. The inclusion of national organisations acknowledges that integration is undertaken mostly at the national level. The combination of the European and the national levels, on the one hand, and the European institutions and European and national networks, on the other, makes the EIF a new kind of organisation that must develop new ways of interconnecting all levels if it wants to be effective. The EIF also can be viewed as a combination of formal or institutionalised sources of order (the EC and the

EESC) and informal ones (European and national organisations), and this stance underscores the importance of incorporating different discourses in settings that are not strongly institutionalised. The following was recorded at the first meeting of the EIF: 'As no dialogue platform on integration had previously been set up on a European scale there was no ready-made formula on how the EIF should work and it was for the participants to shape it actively' (EIF 2009a).

The coordination between European and national networks is not an easy task. As 'natural interlocutors', the European networks are well established, in contact with EU institutions, and engaged in European policies. In contrast, the national networks are not necessarily interrelated, and they are more oriented towards domestic issues. This makes it difficult for them to work beyond national borders. The representative of the national NGOs highlights this problem:

> And it is also [the international organisations] that Europe is most interested in as such like when we think for instance about the European Commission, they are also the ones saying 'okay, we have to take the ones that include the whole picture of Europe'. […] And for instance I experience a huge challenge as a member of the Bureau representing the national organizations that when they then return to their countries, then they just take care of themselves, then they don't think so much about 'well, we have a network in Germany or in Austria' or something like that, then they just focus on this. The greatest challenge in relation to this concerns the coordination of the national organizations actually. (Lally Harpal, interview October 2010)

This quote points out both the asymmetric relationship between international and national organisations and the preferences of the European institutions. Albeit the inclusion of national organisations in the deliberative process would represent the interests of the new European plurality better, it remains unclear whether the EIF will contribute to overcoming this distinction and increase the Europeanisation of national organisations and their participation in European policies.The inclusion of national NGOs represents a way of combating the deliberative deficit and trying to give voice to organisations that usually do not participate in the decision-making process. Therefore, national members must be selected carefully. However, the EIF's selection criteria are vague. There is clearly a preference for integrating other deliberative forums acting at the national level, but the problem is that these types of forums (or similar structures) exist in only a few countries (only six have been recognised as such by the EC). For the remaining countries, the National Contact Points on Integration choose the national representatives.

Nevertheless, the EIF is committed to promoting the creation of national forums which could be a good opportunity for civil society organisations to be taken into account and gain influence at EU level. This is an example of how an emerging transnational organisation would be able to influence national organising positively. If successful, civil society organisations could gain a higher degree of autonomy and choose their own representatives instead of depending on the ministries in the majority of the cases, as is the situation now. The deliberative structure also would increase and promote representation of the diversity of social

groups. Some organisations might assume the format of the forum at the national level as a strategic measure to elect members from their own countries and gain influence with the EC. The deliberative ideal of promoting participation of those who are affected by integration policies should be reflected better in the structure of the EIF.

In this sense, participation is effective if immigrant organisations are also included. The addition of the national level should support this. For this reason, I emphasize the need to expand the structure of forums to the national arena. This concern is expressed in several documents and in the interviews, and it is one of the major potential achievements of the EIF. There is a risk of increasing the exclusion of immigrants at the European level, reducing the possibility of their participation, and the EIF is aware of this and intends to 'overcome the lack of involvement in the European debate of immigrant organisations and organisations representing immigrants' interests' (EIF 2009a: 2). Combining the European and national networks can institutionalise deliberation across borders and ensure the public dialogue necessary to apply the non-domination principle. However, it requires a supportive funding policy in order to avoid the perpetuation of unequal representation. In the Second EU Agenda for Integration, the EIF (2010) suggested increasing the proportion of EU funding given to smaller organisations, especially migrant organisations in order to avoid their discrimination.

Despite the agreement on the inclusion of immigrant organisations, the EC diminishes the relevance of talking about organisations with an immigrant membership base exclusively: 'There is no obvious difference between immigrants and European nationals when it comes to selection. So if the organisations work with integration and they are representative, then normally they will have immigrants within the organisations and they will send them as well as participants in the Forum' (EC official, interview January 2011). This perspective opens up a relevant discussion about whether to include immigrant organisations specifically or instead to assume that organisations themselves are capable of integrating both nationals and immigrants. From a deliberative approach, the first point of view should be embraced, as the non-representation of particular interests could marginalise legitimate interests (Phillips 2000), and the participation of those affected by the policies consequently would not be ensured.

Because of the EC's leading role, the EIF cannot be considered a proper civil society actor or initiative. This makes it relevant to ask about the role of the EC and the degree to which civil society is used mainly to provide legitimacy to the EU in a field such as integration in which advances so far have been quite weak. Indeed, the mixed model (institutionalised EU organisations and non-institutionalised networks) is beneficial for both sides, and not only for the EC. The EIF can potentially create a win-win situation, although the reasons differ. NGOs enjoy considerable popularity and legitimacy (Castells 2008) and have experience working with everyday integration; by including them the EU policies can achieve greater acceptance. Furthermore, NGOs have access to more resources through EU financing and can potentially influence policies to a higher degree (Rolandsen Agustín 2011). The EIF views access to the EC by civil society interlocutors as very positive:

> The importance of the Forum lies in the fact that civil society organisations are not confined to meeting and talking amongst themselves – they have the opportunity to make their views, demands and expectations known to the EU institutions responsible for drafting and deciding on EU initiatives and policies at the highest level. (Sepi 2009: 1)

The possibility of having real influence on EU policies is higher with the EIF because it integrates civil society and the EC but also develops a new kind of accountability beyond the national borders (i.e., discussing the proposals of the EC, sharing experiences, and promoting alternative points of view to be debated). The intention of increasing not only participation but also allowing European and national organisations to take the initiative could be seen as a more bottom-up form of deliberating and decision making:

> In EESC we have actually also encouraged giving more time for NGOs to pronounce themselves on this and bring their things forward. Asking them to participate and contribute with saying what they think is more important to them instead of us coming with… the ones in the Bureau, we can only give them a framework on what is possible. (Lally Harpal, interview October 2010)

However, the framework is still set by the EC following EU development in the field, and it is difficult to imagine a bottom-up process that is not counteracted by the EU agenda and the existing discourse on European integration, articulated in the policy context. Nevertheless, the intention of the EIF is to increase participation, accountability, and influence in policy making rather than promoting an alternative (bottom-up) process or discourse.

In summary, the institutional design of the EIF presents ambivalent results in its first steps to implement transnational deliberation applying the principle of inclusion. Despite the multilevel governance structures, there is still a risk of privileging dialogue between EU institutions and networks and keeping integration as a domestic issue for national organisations. The expansion of the forum as deliberative structure to the national arenas is a positive influence, but it is doubtful that the representation of immigrants is going to be promoted. For this reason, it is important to emphasise that the EIF will have to show its influence in setting up the EU integration agenda and increase inclusiveness (of national and EU organisations, civil society and immigrants) in order to be considered an effective mechanism for strengthening democracy and not a symbolic source of legitimacy for the EU.


### 2.5. The discursive dimension and the principle of contestation

The third principle of deliberation is contestation, understood as the capacity to produce contesting discourses that challenge the hegemonic discourse and, through reflection, change the minds of the participants and everybody affected by a decision. As argued above, the EIF presents a deliberative structure that is open to inclusion, participation, and influence. The inclusion of different actors is necessary to represent plurality, but this does not mean that plural interests are going to be represented or influential. Since the EIF is a mixed structure, it is convenient to look at the discourses of the EC, as the main EU actor, and those of the civil

society, both the more institutionalised voice of the EESC and the international and national networks that comprise the Bureau.

The participation of the EC should be assessed to determine if the EIF strengthens the official EU discourse or offers other alternatives. Despite its lack of strong policies, a normative system, and a harmonised policy on integration, a European discourse on integration is in fact articulated by the policy context. Regarding the timing of the establishment of the EIF in 2005, a key EIF document notes that 'the EU is […] at a turning point and the Forum comes to life at a very topical moment' (EIF 2009a: 2). Thus, the EIF contributes actively to an emerging discourse and the context within which integration discourse must be developed. This leads to questioning the limits to elaborating a contesting discourse and, more clearly, the risk of discursive homogenisation and its adaptation to the hegemonic discourse.

The EIF shares national experiences and tries to adopt a common European approach. A common discourse is developed and some of its weaker aspects are made visible in order to remedy them. Moreover, whenever possible the EIF tries to propose alternative interpretations of the current integration model. However, the discussion of the policies and the discursive contribution of the EIF are constrained by the context of the legal framework, policies, and funding, and this makes change difficult. Rather than an alternative discourse, what is expected is an improvement of the approach within the established framework. This influences the discussion about the main concepts that determine polices, and it diminishes the capacity of the EIF to create discourses of resistance:

> If you have, for example, in the Forum, the discussion about how do we make progress in [integration policies], then you always have people who want to come back to the basics, meaning 'yes, let's have first a decision on a definition of integration' and then you can so 'yes, okay, a definition on integration, we have the Common Basic Principles which are agreed in principle by the 27 member states, so let's use them as a basis and let's not have another 48 hour discussion about what exactly is integration'. (Peter Verhaeghe, interview November 2010)

Deliberation does not mean that all participants agree completely; rather, it refers to the achievement of a consensus, with acceptance by the majority of those who have had the opportunity to present their arguments. In this sense, it would not be necessary to discuss the idea of integration constantly. Nonetheless, the EC and the Council are the actors that fix the terms of discussion a priori, at least in relation to this semantic issue. The reflexive discussions of the meanings of integration could illustrate how a discourse of integration is constructed and what consequences it has in the formulation of policies.

The main discursive constraint that seriously affects the model of integration has to do with third-country nationals as the target group of integration. The objective of the EIF is to make propositions and exchange experiences and best practices of integration exclusively of third-country nationals. Few NGOs would agree on this point. The interviews and the discussions of the EIF emphasize that integration cannot be thought of only in relation to this

group, and such a categorisation does not reflect the way in which polices on integration should work. Although the Lisbon Treaty may be a step forward in European legislation of integration, it prevents the application of integration policies to other target groups. The European Fund for Integration promotes this limitation because all financed projects must be aimed at third-country nationals. NGOs claim that they use a more 'comprehensive approach to integration' (EIF 2009b: 4).

'Third-country national' is actually an EU category that originates from a division between EU members or non-EU members regardless of their nationality. However, it is artificial and quite difficult to apply to integration policies at the local or national levels because such policies are aimed not only at third-country nationals but more generally at immigrants or citizens. Furthermore, this division conveys the idea that integration is mostly a one-way process of third-country nationals integrating into host societies. The EU reluctance to recognise the existence of irregular immigrants is remarkable. The latter are not considered a subject of integration because the EU has stressed that irregular immigrants belong to the area of security and are subject to migration control and not integration initiatives. The civil society discourse of contestation is mitigated due to the acceptance of this framework for integration: 'The chairman and other speakers wished, however, to point out that the work of the EIF, in line with its legal base, would be to focus specifically on the situation of third-country nationals residing legally in EU Member States' (EESC 2008: 10). Thus, there is a discursive closure that narrows the impact of the contestation and homogenizes the discourse.

To avoid the limitations of the context, the EIF attributes more relevance to the available resources that could be used to increase integration and redefine it beyond the concept of integration as it relates to the labour market. There is an interest in increasing the coherence between immigration and integration policies, in contrast to the recent tendencies to deal with them separately. More challenging is the proposal of mainstreaming integration policies (an idea that is shared by the EIF and the EC). The EIF focus on mainstreaming must be understood in relation to the common European discourse on integration. Some of the common values (especially integration as a two-way process) are stressed, and their lack of application (the excessive focus on immigrants and the lack of focus on the role of the receiving society) is censured. The EIF focuses its efforts directly at overcoming the financial constraints and shows how discourse can change the context and consequently be developed without such constraints:

> And we propose to strengthen the two-way dimension of the policies and not letting the European Fund for Integration finance national policies which do not take into account this dual direction. And we think that integration in the future should be related better to equal treatment and the fight against discrimination and citizens' access, people's political rights (Luis Pariza, interview April 2010).

This is a concrete example of how European policies can influence national policies (i.e., by prioritising the two-way process). The discourse of integration as a two-way process becomes stronger and counteracts the discourse based on the duties of immigrants. The need to attach immigration to other issues, such as equal treatment, the fight against discrimination, and

access, reflects the importance of assuming mainstreaming as a strategy to deal with integration. This point of view is described in depth by the representative of the European organisations:

> If you really go into the issue then, and you say that integration is a two-way process, then you can't do anything else but… well, what is called mainstreaming. What you can also call… have a general policy which covers the whole population but with specific attention for groups that need this specific support or specific attention in the process of social inclusion or under the social exclusion of people in general. And that should not be focused specifically on migrants because they are migrants but there are specific groups of migrants who face social exclusion because of specific reasons and then this has to be addressed, of course, but it should be part of an overall strategy for promoting the social inclusion and the cohesion in our societies. (Peter Verhaeghe, interview November 2010)

Both representatives of civil society in the Bureau agree on the relevance of the two-way process as a core value in integration policies and on mainstreaming as a strategy to put it into practice. In contrast to the narrow definition of immigrants put forward in the Lisbon Treaty, the mainstreaming strategy questions the categorisation in itself. Immigrants should not be the target group as a general and homogenous group, but rather only in cases in which they suffer from social exclusion (just like any other specific group under similar circumstances).

This strategy is an attempt to challenge the narrow framework that actually is imposed on the EIF and to undo the strong presence of the category 'third-country national' (and its implications for the formulation of integration policies). Combining two-way process and mainstreaming, a broader framework is suggested:

> And then even in the further future I think the European Integration Forum should… or become a Forum not only dealing with integration of migrants but with social inclusion of …and social cohesion in our societies or develop closer links and cooperation with other platforms dealing with that. One of the things I'm looking after… because if we say integration, we also say antidiscrimination. (Peter Verhaeghe, interview November 2010)

Thinking of integration as social inclusion, equal treatment, and antidiscrimination has several advantages. Among other things, it blurs the impact of the third-country national category in policy making and requires a more general category to be shared by immigrants and nationals, which divests immigration of negative connotations. The scope of contestation is obviously limited, and the discourse is mainly strategic but aimed to modify some of the aspects of the current hegemonic discourse on integration.

Civil society does promote contesting discourses but, as I have shown, contestation is limited because of the process of institutionalisation of the EIF. However, contestation could still be effective if the EIF discourse is not limited to the margins of the institutionalised discourse but instead speaks to the public sphere and aims to influence public opinion in competition with other discourses on integration. Transnational civil society still faces

discourses that promote racism and xenophobia at all levels. Thus, counterdiscourses that promote other ways of handling integration are needed:

> Trying to counterbalance these political discourses so that the agenda in terms of integration and the agenda in terms of immigration are not only determined by fear, by xenophobia, but also influenced by the relation to equality, to rights, to social policies. We know that our battle has fewer resources, in this conflict we have fewer weapons than our counterpart, but at least we try to balance the official discourse so that it does not slide too much towards the exclusionary aspects. (Luis Pariza, interview April 2010)

Taking for granted that institutionalisation leads to a loss of power of contestation, the effectiveness of the discourse of civil society lies in its ability to influence the official discourse and counteract the impact of other exclusionary discourses, which usually are reproduced by mass media. The common European discourse on integration can be viewed as a counterdiscourse that opposes xenophobic discourses or counteracts some assimilationist dimensions of national integration models by focusing on integration as a two-way process. However, we must not overlook the fact that the discourse reproduces to a certain degree the integration discourse of the EC, and the EC is likewise conditioned by article 79.4 of the Lisbon Treaty regarding the target group of integration.

In summary, discursive constraints are placed on the articulation of alternatives because policy changes can only be conceived within the already established framework, which is characterised by the exclusive focus on third-country nationals as the target group of EU integration policies. An examination of the change in discourse experienced by civil society actors participating in the EIF confirms Dryzek's scepticism about government and the reproduction of hegemonic discourses. Nevertheless, the relevant organisations are aware of these constraints and do not renounce the idea of gaining more influence (through cooperation with the EC). Therefore, civil society discourses lose their capacity for contestation, and contestation is instead replaced by more strategic formulations, such as mainstreaming, which are aimed at changing policies within the existing framework.

## Conclusion

The emergence of a transnational sphere makes it possible to reconsider policies and include new ideas and procedures such as deliberation, governance, and social networks. Criticism of the democratic deficit of the EU is often justified and well argued, as it highlights the lack of representation of citizens at the European level. Deliberative democracy offers new possibilities for strengthening democracy at the transnational level, especially regarding participation and inclusion in search of the common good. More analyses are needed to investigate how deliberation is applied in concrete organisations and settings in order to assess its contribution to democracy.

I have analysed a new consultative organisation, the EIF, which reflects a new multilevel way of approaching integration of immigrants by including (national and European) civil society and EU institutions in a common forum. I have applied deliberative democracy as an analytical framework, distinguishing between the institutional and the discursive dimensions, based on three normative principles: plurality, inclusion and contestation. The process of institutionalisation occurs through the interaction between discourse and institution, whereas the normative principles applied here make it possible to assess the degree and quality of deliberation. I find this model useful in terms of the further development of deliberative democracy as a working theory.

I argue that the institutional design is exceptional and reflects the multilevel governance structure characterising the EU by including in its set-up both European- and national-level organisations, on the one hand, and civil society actors and EU institutions, on the other. This institutional design reflects a real effort to create a deliberative forum that combines the European and national levels and includes organisations that normally do not have the ability to influence policy making. The application of the principle of inclusion reveals that it remains unclear how plurality is going to be part of deliberation and policy-making. The combination of multiple levels (EU institutions and civil society networks at both national and European levels) is new and challenging, but unresolved in terms of how the cooperation between European and national organisations is going to work out. A similar situation is found regarding the inclusion of immigrant organisations, which would allow those affected by policy decisions to participate in the policy process. These doubts must be cleared up if the EIF wants to be perceived as an effective instrument to increase civil society participation and not just a way of obtaining legitimacy for the EU, especially the EC's approach to integration.

Regarding the discursive dimension, based on the normative principle of contestation, I argue that policy changes are only conceived within the already established framework. Moreover, the delimitation of integration policies in terms of third-country nationals as the only target groups is significant for the constraints placed on the articulation of alternative discourses. In other words, the discursive dimension tones down some of the advantages of deliberative democracy and the ability of civil society to change policies, at least in terms of the frameworks for enhancing policy making. Constrained by the Lisbon Treaty, previous policies, and funding of integration, the EC establishes the framework and the dominant discourse on integration. This fact then determines the scope of contesting discourses. The EIF assumes the need for developing the existing common European discourse on integration further even though the degree of contestation is quite low, and, strictly speaking, no alternative discourse is developed. However, civil society attempts to change some aspects of the dominant discourse by focusing on integration as a two-way process, on the one hand, and on mainstreaming, on the other. Furthermore the civil society organisations use the possibility of gaining influence on policy making in tight cooperation with the EC.

Transnational action translates not only into Europeanisation of policies and deliberative governance beyond the nation-state (Eriksen 2005), it also translates into the development of national and European spheres that mutually influence each other. Although a conflict exists

between the scope of the discourses in terms of promoting change and their lower profile once they become institutionalised, the EIF underpins some of the possibilities and limitations of applying a deliberative approach that combines the role of transnational civil society and the need for a new European (and national) institutional design. However, to make progress in the direction of more participatory and inclusive polices, the EIF should try to take advantage of some of the possibilities and overcome some of the limitations. For instance, the structure of the Forum should be strongly promoted also at the national level in order to include more civil society organisations; the Bureau, just like the other organisations, should define its functions and expectations in the field of integration more clearly; the inclusion of immigrants should be prioritised both in terms of particular and general organisations; and it should be made possible to discuss integration without the constraints of the Lisbon Treaty (not tackling a number of relevant situations, such as irregular immigration, immigrants within the EU, as well as the so-called second and third generations) by introducing a new, enabling framework (like social exclusion).

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