

# Time to Listen: The importance of civil society in securing the EU's legitimacy in post-COVID-19

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## Executive Summary

The ongoing Covid-19 pandemic has exposed the vulnerabilities of a heavily globalized world. Supply chains are straining, economies are receding, and most of the world is now living under some form of restriction. Furthermore, governments are competing over scarce medical resources and blaming each other for their own shortcomings. Compounding these issues is the health-related aspect of this crisis, which pits public health measures against civil liberties and rights. The pandemic is eroding trust between states and damaging the relationship between governments and their citizens; therefore, hampering the response to the virus and creating sociopolitical instability.

Governments have taken extraordinary measures to combat COVID-19, though the way they are doing so could be causing severe problems. These measures are fueling a decline in solidarity and trust. Domestically, Spain and Italy are beginning to see a breakdown of sympathy in their parliaments. Furthermore, their long and harsh lockdowns are starting to fuel contempt in the population. Though, most urgently, the lack of solidarity at the supranational level could carry negative long-term implications for the European Union. The EU is heavily reliant on public opinion for its legitimacy. With trust in the EU falling in Southern Europe, this could prove very damaging for the Union's legitimacy, not least because of the recent loss of the United Kingdom. If unaddressed, the decline in solidarity will further undermine the European project, possibly fatally.

Based on the information gathered, the optimal course of action would be to take a bottom-up approach to the crisis. By enlisting the aid of civil society organizations, governments could gain valuable information regarding public opinion.

Therefore, giving governments more data to draft better legislation domestically. Supranationally, civil society groups could use their networks to gather consensus from across the EU. They allow governments to work together in areas where it would be easy to find a census. Involving civil society organizations into the COVID-19 response would give the people a chance to voice their concerns. This approach would increase input legitimacy and enhance the outputs governments produce. Stabilizing the EU and promoting the solidarity it needs to overcome the virus.

## Background

The rapid spread of Covid-19 across Europe has caused widespread lockdowns across the continent. As of April 25<sup>th</sup>, 2020, the ECDC logged 1 055 755 cases and 113 900 deaths.<sup>1</sup> As such, most EU member states have declared states of emergency and taken drastic action. With members closing their borders, halting the export of medical supplies, and suspending civil liberties to varying degrees. This causes two significant issues – first, the breakdown in social solidarity within each nation, and second, a breakdown in solidarity across nations, at the transnational level.

Consider the pandemic response in Spain as an example. Spaniards have been subject to stringent and lengthy lockdowns. Consequently, this has led to increasing discontent within the populations as their civil liberties continue to be curbed. In response, the Spanish government, and many like it, are increasingly relying on coercion to enforce public health measures. Since mid-March, Spaniards have not been allowed to leave their house except

<sup>1</sup> See ECDC website for more details



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for essential trips. Furthermore, the armed forces have been deployed to assist the police in enforcing the quarantine.

So far, the public has mostly tolerated these measures. However, the public health aspect of the reduction of civil liberties can only keep public dissent low for so long.<sup>2</sup> As time goes on, people will become more restless, forcing the government to rely more heavily on coercive measures to protect public health. While coercion is a powerful motivator for compliance, it cannot be relied upon as a long-term solution. This type of pressure erodes legitimacy, and this is especially relevant for democratic countries in which the protection of civil liberties and rights are core tenants. As a relatively young democracy, countries like Spain are especially vulnerable to legitimacy issues surrounding coercion because of its authoritarian history. Thus, the current pandemic contributes to a lack of trust between governments and citizens and a breakdown in social solidarity at the national level.

Furthermore, pandemic response measures are exacerbating a growing divide between the Northern and Southern member states. Spain and Italy have been hit especially hard by the virus, but Northern countries have rejected the idea of issuing joint bonds to help fund their recovery. On the supranational level, the EU is failing to show solidarity, and this is dangerous during a time of crisis. The lack of sympathy was pronounced when Germany and the Netherlands initially opposed the 'Coronabonds,' which Southern member states desperately need. The underlying cause of the lack of solidarity stems from the decline of trust between member states. The 2008 financial crisis, the Migrant Crisis, and Brexit have put enormous strain on the Union. Furthermore, this has slowed a coordinated response to the virus and strained the public's opinion of the EU. A decline in public opinion is itself a significant problem, as public opinion is a

powerful source of legitimacy.<sup>3</sup> Fortunately, the multilevel governance system of the EU has the tools to address the declining levels of trust. These issues must be addressed at both supra and national levels to ensure the stability of the European Union.

### *Methodology/ Data*

The information presented was gathered by analyzing a combination of academic papers, media sources, and ECDC data. Media sources were used because academic sources take time to produce, and the COVID-19 pandemic is a current event; therefore, sources of this nature are sparse. The media sources used were from 'The Guardian,' 'The Olive Press,' 'Gorilla Radio,' 'The British Broadcasting Corporation,' 'Deutsche Welle,' 'Bloomberg,' 'The New York Times,' 'The National Post,' 'Brookings,' 'Japan Times,' and 'EUobserver.' The media outlets represent the different sentiments of the member states towards the COVID-19 crisis. Moreover, they also provide an external perspective of how the Union is handling the crisis. Complementing the media sources are academic papers, which provide more comprehensive information to reinforce the recommendations and findings. Additionally, data regarding case numbers were taken from the ECDC. The issues documented in the media are addressed with recommendations and possible outcomes drawn from academic sources and supported with information from the media outlets.

### *Key Findings*

Networks and norms create trust between individuals and facilitate exchange; therefore, reducing risk and making

<sup>2</sup> David M Studdert & Mark A Hall, "Disease Control, Civil Liberties, and Mass Testing – Calibrating Restrictions during the Covid-19 Pandemic," *The New England Journal of Medicine* 1, no. 1 (2020): 1.

<sup>3</sup> Debora Spini, "Civil society and the democratization of global public space," In *Civil Society and International Governance: The role of non-state actors in global and regional regulatory frameworks*, eds. David Armstrong, Valeria Bello, Julie Gilson & Debora Spini (New York, NY & Abingdon, Oxon: Routledge, 2011), 19.

actions more predictable.<sup>4</sup> However, the restriction of civil liberties and movement has strained information networks and societal norms. The increasing use of emergency power also raises the possibility that states of exception could be used to pursue politically motivated goals as traditional checks and balances are suspended. This context invites fierce criticism and suspicion from all corners due to the lack of transparency and the inability to rely on traditional networks and norms. The decline in such networks and norms is an important reason why social solidarity may currently be declining.

However, the EU has a robust civil society network and relies heavily on it to legitimate the Union. Civil society consultation is an important part of the EU policy process, increasing input legitimacy, and strengthening policy outputs. Moreover, it provides crucial performance-based feedback to policymakers.<sup>5</sup> The EU therefore has significant civil society networks that could be leveraged to combat the decline of social solidarity.

A state-led multi-level-governance approach may be the best course of action. Trans governmental networks encourage information sharing and promote convergence to a common goal.<sup>6</sup> A trans governmental approach could improve solidarity at the supranational level and legitimate governments by tapping into important norms and networks at the transnational level.

<sup>4</sup> James Putzel, "Policy Arena: Accounting for the 'Dark Side' of Social Capital: Reading Robert Putnam on Democracy," *Journal of International Development* 9, no. 7 (1997): 941-942.

<sup>5</sup> Anne-Marie Slaughter & Thomas N. Hale, "Transgovernmental Networks," In *The SAGE Handbook of Governance*, ed. Mark Bevir (London: SAGE Publications Ltd, 2011), 6.

<sup>6</sup> Debora Spini, "Civil society and the democratization of global public space," In *Civil Society and International Governance: The role of non-state actors in global and regional regulatory frameworks*, eds. David Armstrong, Valeria Bello, Julie Gilson & Debora Spini (New York, NY & Abingdon, Oxon: Routledge, 2011), 26-27.

### Recommendation

The research highlights that the COVID-19 response has been impeded by a lack of solidarity and breakdown of trust due to the disruption of existing norms and networks at the national and transnational levels. This lack of solidarity could create long term problems for the European Union going forwards. As such, the most optimal policy option would be to gain more input from civil society organizations. By leveraging these actors and involving them in pandemic decision-making, the EU can take advantage of their existing networks to help foster shared norms, thereby rebuilding the foundations of social solidarity at the national and transnational levels.

At the national level, civil society consultations can give people an outlet to voice their concerns to the government. Civil society organizations can also play an important educational role for their members. This helps create buy-in for government policies, ensuring a fit between civic norms and government action. Coercion feeds dissent, and this can prove fatal during times of crisis. The inclusion of civil society organizations in the response can help states move towards less coercive approaches, attenuating growing frustrations at the domestic level by showing people that their governments are listening to them.

At the transnational level, civil society organizations have networks that transcend national borders. Therefore, they can encourage the development of common norms and networks across the EU. These cross-cutting communities may, in turn, increase support for acts of transnational solidarity. Furthermore, by giving states more data about the concerns of their citizens and the citizens of their neighbors, such engagement could improve policy output, thereby increasing the Union's perceived legitimacy.

Importantly, the EU already sets aside, €1 Billion to fund civil societies.<sup>7</sup> Additional funding to finance these organizations would not be needed. For all these reasons, civil society input would prove invaluable in assisting states to work more cooperatively while improving the legitimacy of the European Union.

### Further research

While conducting research for the policy paper, a number of related topics emerged, which would be beneficial to explore. Chiefly among these are ideas to help increase the legitimacy of the EU by finding more ways to gain input from the general populace. One proposal advocates for the creation of a committee that works explicitly with regional civil society groups and grassroots organisations. While another proposal explores the idea of giving citizens input on which civil society organisations gain EU funding by motivating organisations to engage more directly with the public to educate them on their policies. Civil society plays an integral role in bolstering the EU's legitimacy, but there is more that the European Union can do when it comes to this arena.

### Reflection

The COVID-19 pandemic is unique in that it is the first significant health crisis the European Union has faced. Moreover, it comes at a time of great political uncertainty due to the recent departure of the United Kingdom. As such, the way the Union deals with this crisis will have implications for decades to come. More than ever, does

the Union need to band together if it hopes to conquer this crisis. Europe has great potential to come out of this pandemic more united than before it. The EU must deal with this crisis as a whole, or it will face devastating consequences if it fails to do so.

### Key References

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<sup>7</sup> Markus Thiel, "European Civil Society and the EU Fundamental Rights Agency: Creating Legitimacy through Civil Society Inclusion?" *Journal of European Integration* 36, no. 5 (2014): 440.



### Javier Dichupa

Javier Dichupa is a third-year political science student at the University of Victoria. Javier is currently working with COVIDA to analyze contemporary issues within the European Union. His main interests are wealth inequality and democratic legitimacy. Aside from academics, Javier is an avid hiker and frequently visits the provincial parks surrounding Victoria. Due to the ongoing pandemic, he now spends most of his time researching and working on his garden. After completing his undergrad, Javier wants to pursue a master's in political science or attend law school.



### COVIDA

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