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THE INFLUENCE OF POPULISM ON THE DEVELOPMENT OF NON-STATE ACTORS IN THE EUROPEAN UNION**

Abstract

The article assesses the impact of populism on the functioning of non-state actors in the European Union. The main aim of this paper is to verify whether populism has had an impact on the functioning of non-state actors in the European Union. The article focuses on the non-state actors involved in European and country-level lobbying. The article also attempts to determine the place of non-state actors within the institutional system of the European Union in the context of the rise of populism in European Member States. In addition to its theoretical dimensions, the paper offers a practical approach to the functioning of non-state actors against the backdrop of populism, which has been developing in recent years in the European Union. This rising populism has had a significant impact on sectoral and non-sectoral non-state actors in each of the member states of the European Union.

Keywords: non-state-actors, interest groups, lobbying, populism, law of the European Union, decision-making processes in the European Union.

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A variety of interests clash in every institutional system. These interests are represented by various actors, including non-state actors (stakeholders). Until now, the main research areas regarding non-state actors have involved analysis of the functioning of stakeholders within different political systems, whether inter alia at global, European (EU) or national levels. In addition, researchers have analyzed individual interest groups rather than examining independent phenomena such as i.a. increase of populism in Europe. Among the key research issues investigated by different scholars were: the structured, organizational relations between these actors and EU institutions, investigating how state actors and non-state actors affect the strength of interaction and relations between them. A number of studies have assessed the drivers of particular collaborative attempts to influence public policy. (e.g. Brunell 2005, De Bruycker 2016, Fraussen and Halpin 2018, Heaney 2010 Klüver 2018, Marshall 2015, Otjes and Rasmussen 2017, Wessels, 2004, Wonka, 2017). Some of the few researchers who have recently undertaken studies of the relationship between interest groups and populist parties are Joost Berkhout, Marcel Hanegraaff and Patrick Statsch (Berkhout, Hanegraaff, Statsch 2019, 1-12). Moreover, the phenomenon of the relationship itself between lobbying and the influence of oligarchy and populism was already covered in 2004 and 2006 by Filipe R. Campante and Francisco H. G. Ferreira (Campante, Ferreira 2004, 1-33; Campante, Ferreira 2007, 993-1021). In view of the above, my aim is to analyze the impact of populism on the functioning of non-state actors in Europe in terms of theoretical and practical approaches.

Literature in the social sciences includes many definitions which attempt to capture the concept of populism (Latin: *populus* = people) - a political phenomenon in which a range of attitudes and positions refer to the idea and will of the “people”, often juxtaposing them against the will and interests of the “elite”. As defined by many scholars the terminology of populism has become a disputed term used to refer to a variety of movements and beliefs (Canovan 1981, 3; Canovan 1982, 544; Akkerman 2003, 148; Mudde & Rovira Kaltwasser 2017, 2; Anselmi 2018, 5; Hawkins & Kaltwasser 2019, 3). For example, Cas Mudde and Rovira Kaltwasser suggested that “populism always involves a critique of the establishment and an adulation of the common people” (Mudde, Kaltwasser 2017,
5) An interesting approach presented by Carlos de la Torre was to define populism as “a Manichean discourse that divides politics and society as the struggle between two irreconcilable and antagonistic camps: the people and the oligarchy or the power block” (De la Torre 2017, 195). Ben Stanley presented populism itself as a product of “an antagonistic relationship” between “the people” and “the elite”, which is “latent wherever the possibility occurs for the emergence of such a dichotomy” (Stanley 2008, 96). Populism can also be defined as a socio-political trend, including an increase in certain beliefs and behaviors. The characteristic features of the populist approach are, among others references to the stereotype of the people, which are mainly associated with simple people, i.e. those who are poor or exploited. Moreover, the peculiarities of populism are the inclusion of the people not only through the prism of social categories, but also in other aspects, i.e. religious or national (Politologia, przewodnik encyklopedyczny 2008, 161).

In the 21st century, the term populism is used in a slightly different way. Currently, the term has a more pejorative meaning, which also defines the behavior of a politician (decision-maker) appealing to the feelings of ordinary people, who seeks support for unenlightened opinions in such cases where people lack knowledge on a given topic in order to make the right decision (Scruton 2002, 291-292). According to the above, “elite” is a category of people in the highest rank in the social hierarchy, in some respects distinguished from the general public. The elites often have a major impact on power and the shaping of attitudes and ideas in society. So generally speaking, this type of elite can be defined as a part of non-state actors in some kind of specific form. Elites try to pursue their interest much more than the rest of the groups in society.

Based on the paradigm of neo-functional theory, I would like to formulate the following **hypothesis**: the impact of populism on the development of non-state actors in the European Union is heterogeneous, as populism mainly forces the development of those non-state actors whose activities are in line with the decisions taken by the governing bodies correlated with the expectations of the will of society. The development of other non-state actors is possible only in this sector in the case of which specificity of this groups is correlated with the political action taken by the governing bodies. **The variable dependents** affecting the development of non-state
actors during the populist period will be: the period of functioning of populism, the change in public preferences, the approach of governments to the preferences of certain social groups. The independent variables affecting the development of non-state actors during populist rule will be: emergency and unpredictable situations (states of emergency, e.g. economic crises or pandemic) that affect public preferences, crises, term of office of individual bodies and decision-makers.

In order to verify this hypothesis, my goal is to examine the impact of populism for different types of activity by non-state actors. I would like to present a theoretical concept of non-state actors in the time of populist governance in different EU member states. This scope results from the analysis of the decision-making process in each member state of the European Union from 2015, in which populist governance has a considerable impact on the development of different non-state actors. This article examines the influence of populism on the functioning of non-state actors in Europe. It considers the following research questions: Do all non-state actors interact equally with populist parties and decision makers? What is the impact of populist governments on the development of non-state actors in Europe? And does populism moderate the effects of power and ideological proximity between the different non-state actors?

The theory of neo-functionalism mentioned above provides the foundation for the analysis of non-state actors in the institutional system of the European Union (Haas 1958, Haas 1964, 37; Rosamond 2000, 50; Niemann, Schmitter 2009, 45; Kurczewska 2008, 8). As underlined by Arne Niemann and Philippe Schmitter, neo-functionalism stands out for several reasons – both in terms of its sophistication, ambitions and research allure, as well as because of the extensive criticism it has provoked (Niemann, Schmitter 2009, 45). Until the 1990s, those in favour of neo-functionalism claimed that the process of integration on the transnational level and the expansion of the competence of authorities were a result of a long stage of economic cooperation. They also argued that cooperation in one area makes cooperation in related areas inevitable (Kurczewska 2011, 25). Haas named this process the spill-over mechanism, which may be explained as a formula of permanent
expansion, with the main actors participating in the integration processes within the European Union being its institutions, the elites and the non-state actors under study here (Haas 1958; Haas 1964, 230). Some of the basic theses advanced by neo-functionalists underline that the integration process is a result of interactions between non-state actors, political parties, transnational institutions and the governments of the Member States (Konopacki 1998, 107). Neo-functional theory suggests that non-state actors perform a vital function in how the integration process is shaped, and in uniting Europe (Kurczewska 2011, 26). According to Haas, neo-functional theory assumes that a state functions like a team in which there are various interests represented by specific non-state actors (Haas 1964, 37), while the main aim of non-state actors and elites is to articulate their interests and to have them achieved through their political activity (Haas 1964, 230).

A key instrument of non-state actors is the lobbying tool that is used to influence decision-makers at the EU level. The importance of lobbying itself has long been widely known and used to influence political, legislative decisions in various areas of activity (Krueger 1974, 291-303). In promoting publicity policy, the European Commission has introduced a definition of non-state actors (interest groups) and lobbying tools to support a 'transparency initiative'. The European Commission, like many researchers defining non-state actors apply the term interchangeably with other terms like stakeholders, business organizations, lobby groups, pressure groups, etc. (Giuliani 1991; Matyja 2000, 10; Graniszewski, Piątkowski 2004, 9; Sroka 2000, 34; Grelle 1988, 8; Cassidy 1999, 9). This is due to the fact that different terms are commonly used for non-state actors and linguistic diversity sometimes prevents the wording of this terminology from being translated precisely. According to the European Commission, each definition refers to one aspect of the activities of stakeholders [KOM(2008) 323 wersja ostateczna, 4]1. According to the Commission, this defi-

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1) More broadly: point 1.2 of the Communication from the European Commission – transparency initiative, rules on relations with interest representatives (register and code of conduct): This applies to social partners (employers organisations and trade unions) who carry out activities consisting in the representation of interest groups beyond the scope of social dialogue. This also applies to associations of public authorities of a private or mixed (public-private) structure involving public authorities if they carry out activities covered by that definition.
nition was created to illustrate the activities of these non-state actors, ‘(...) the aim of which is to influence policy-making processes and decision-making (...)’[COM(2002) 704 final; COM(2006) 194 wersja ostateczna, 5; KOM(2007) 127 wersja ostateczna, 3; KOM(2008) 323 wersja ostateczna, 3]. It should be emphasized that the definition of the European Commission is broad enough to assign it to various entities representing advocacy interests at national, European and international level, such as: “associations operating in all sectors of social and economic life, private companies, law firms, public affairs consultancies, but also NGOs and expert teams – so-called ‘social and economic associations’, think-tanks” (Czub 2012, 23-24). On the European level, individual non-state actors influence the decision-making process of the European Union (EU) and its decision-makers, i.e. the various EU institutions and their advisory bodies (European Economic and Social Committee – EESC). A similar situation is the case with non-state actors lobbying in individual EU Member States. The international organization, which is the European Union, highlights the wide range of interests clashing from different areas of both sectoral and non-sectoral areas. This position highlights the scale of the lobbying of non-state actors in the European Union, showing that the interests that are promoted by stakeholders are an important factor in the impact of its development as a whole as well as of individual Member States. Therefore, the change in policy as a result of populist governance has a significant impact on the functioning of such a large number of individual non-state actors at both EU and national level. The result is that the decision-making process of the EU and its individual Member States is heavily ‘overwhelmed’ by the overabundance of these actors and, as Jeremy Richardson points out, this also has an impact on the confusion at EU level institutions (Richardson 2006, 3-30). Taking into account this intensity of lobbying for decision-makers and the increase in populism, it can have a significant impact on the relationship between national governments and non-state actors. At the same time, this situation highlights the problem of excessive lobbying and shows the scale of the interest of lobbyists in particular areas (Dühr, Colomb, Nadin 2010, 130). The European Union consists of 27 Member States, which have an impact on the number of activated non-state actors interested in lobbying
the EU on specific issues (areas) related to EU law. In addition, other interests between the EU institutions, regional and national governments of the Member States and international actors, such as the United States (US) and the People’s Republic of China (PRC), also clash in the EU. For this reason, EU institutions have a rather difficult task in finding the most favorable compromise solutions that satisfy all the stakeholders mentioned above in the event of a growing wave of populism (Richardson 2006, 4-9).

At the same time, this situation highlights the scale of a strong lobby at European Union level and points to the weightings of the analysis related to the functioning of non-state actors in view of the growing wave of populism in the various Member States of the European Union (e.g. Hungary, Poland, Italy, France, United Kingdom). Since 2015, it has been quite clear that populist governments have been developing, which have largely “favored” the actions of those non-state actors whose activity is correlated with the policies of individual populist governments.

In September 2019, a debate was held organized by the Konfederacja Lewiatan in cooperation with BusinessEurope and city of Sopot, which focused on the growing wave of populism in Europe (Konfederacja Lewiatan 2019). The participants and panelists in this debate came to constructive conclusions. One of the key and paradoxical conclusions of experts, researchers and politicians in the debate was to say that “populism is a danger that can be directed in the right direction”. In addition, Helmut K. Anheier of the Hertie School of Governance stated that “populism occurs

2) Konfederacja Lewiatan the most influential Polish business organization representing the interests of employers in Poland and the European Union. Lewiatan is seeking competitive business conditions. It cares for sustainable economic growth, better law, healthy competition, employment growth and strengthening of social capital. Lewiatan is representing business. It brings together over 4,100 companies employing a total of over 1 million people. Lewiatan is a member of the Social Dialogue Council (RDS). As the only representative organization of Polish employers, it has a representative office in Brussels and belongs to BusinessEurope - the largest European organization representing the interests of entrepreneurs and employers towards the European Commission, the European Parliament and other EU institutions.

3) BusinessEurope is the leading advocate for growth and competitiveness at European level, standing up for companies across the continent and campaigning on the issues that most influence their performance. A recognised social partner, BusinessEurope lobby for all-sized enterprises in 35 European countries whose national business federations are its direct members.
when dialogue is not conducted and emotion simplifies complex issues”, and Karolina Borońska-Hryniewiecka Centrum Studiów Europejskich i Polityki Porównawczej added that the development of populism is influenced by such actions when „decisions on the common effects are made by unelected bodies, such as, for example, the development of the European Central Bank” (Konfederacja Lewiatan 2019). Populism uses simple catchy slogans that are easily digestible and which in certain situations can contribute to more negative actions felt only in the future. Hard, constructive conclusions and the position mentioned above by the Konfederację Lewiatan and BusinessEurope show a change in the direction of non-state actors in the face of a growing wave of populism. It is interesting that the debate not only denied the currently defined populism (see above), but also pointed to the positive elements of it as a danger that can be turned in the right direction and can do a lot of good. The problem in this situation is that European policymakers have used or exploited populism to maintain or gain power (Hungary, Poland, France, Italy or the United Kingdom), and non-state actors are forced to change attitudes and lobby national and EU decision-makers (e.g. in Poland: elections to the Sejm or The United Kingdom – Brexit, Italy: elections to the Parliament or France: elections to the National Assembly). Gaining power and maintaining it is one of the main objectives of political parties. Non-state actors are similar to political parties. The key issue, however, is that they make decisions without holding real office and do not actively participate in presidential, parliamentary or local elections 4 (Berkhout, Hanegraaff, Statsch2019, 1-2; Czub 2012,24; BBC 2009). Accordingly, populist parties win voters unconventionally, referring to the right solutions, slogans and will of the people. In the case of non-state actors, as defined above, such a course of action in order to achieve their desired effects is impossible because non-state actors represent certain interests which are not always correlated with the policies pursued by the parties exploiting populism for their activities (see table 1.1.).

4) Admittedly, there were instances of putting up their candidates in elections (the American group Pro-Live Alliance or the English lobbying group Libertas, which participated in elections to the European Parliament in June 2009), but these are the few cases. Unlike political factions, non-state actors only have influence over individual policies in their field of interest.
Table 1.1 Comparative study of models of non-state actors in the time of growing populism in Europe.

| Characteristics                                      | Pluralist model | Populist model                                                                 |
|------------------------------------------------------|-----------------|--------------------------------------------------------------------------------|
| Number of interest groups with access to the political system | Many non-state actors (process stable/increasing) | Limited number of non-state actors (process stable/decreasing: only some of the policy areas, e.g. employment policy) |
| Type of participation                                | Regulated       | Regulated (with limitations)                                                   |
| Type of association                                  | Voluntary       | Voluntary                                                                      |
| Type of organisational structure                     | Hierarchically organised, decentralised, minimum of bureaucracy | Hierarchically organised, centralised, bureaucracy                             |
| Integration with the political system                | Free, voluntary | Semi-free                                                                      |
| Representation of social and economic groups          | Several organisations represent the same professional groups (e.g. economic non-state-actors, etc.) | Few organisations represent the same professional groups (e.g. social non-state actors, etc.) |
| Involvement of the state                             | None, neutral participation | High, active participation                                                      |
| Examples of interest groups                          | BUSIENSSEUROPE (EU) | NSZZ Solidarność (PL)                                                          |

Source: own compilation based on materials and interviews conducted during a study visit in EU institutions in December 2015 and own analysis of growing populism governance in European Countries form 2015 (France, Great Britain5, Hungary, Italy, Poland, etc.)

As we can see above, populism is not conducive to the development of individual non-state actors. However, it has an impact

5) Following Great Britain’s referendum in June 2016, in which 52% voted to leave and 48% voted to remain in the EU, the British government formally announced the country’s withdrawal in March 2017 (beginning the Brexit process). Parliament ratified the withdrawal agreement, and Great Britain left the EU on 31 January 2020.
on the development of non-state actors whose course of action is in line with the populist governments of the Member States of the European Union (Great Britain, Hungary, Italy, Poland, etc.). Moreover, the lack of free competition on the part of non-state actors can lead to the elimination of some of them, and this in turn can affect the quality of decisions taken by decision-makers. Beside of this the lack of substantive consultation with the environment represented by individual non-state actors will not have a positive impact on the created or amended law at both national and European level. Populism is therefore not an adequate solution that will have a positive impact on the development of some non-state actors whose actions will not be correlated with the direction of development of Member States of the European Union promoting populist values (business, consulting groups, trade unions). On the other hand, accidental decisions made correlated with the line propagated by individual non-state actors will have an impact on their development marginally and in a way that is not profound.

According to BusinessEurope, the world is changing very rapidly and profoundly as global alliances shift and populism rises. BusinessEurope explains that globally “we are witnessing is not just another era of change but a change of era”. In this case all non-state actors (especially those representing the business sector) “…want to be part of the solution and ensure that Europe can shape this new era according to its values” (BusinessEurope 2018). Today, with the rise of populism, the European business community has presented its Ambition for the European Union in 2030. In this paper BusinessEurope set out what is needed to create the right conditions to enhance competitiveness and enable business to play its role in society (BusinessEurope Press Releases 2018, 1-9). Besides this, President of BusinessEurope Pierre Gattaz said: “In view of the European elections, the business community has a strong responsibility to speak up, explain why the European Union is so important for people’s future and to say what needs to be done to ensure that things are going in the right direction. Companies are the backbone of Europe’s economic stability and people’s prosperity. Entrepreneurs invest, create jobs and make the economy grow. The private sector accounts for 80% of all jobs in the EU; companies in the EU invested almost €200 billion in research and development in 2016; in 2015, companies spent
more than €50 billion on vocational training in the EU. Business is committed to transforming the economic, social, technological, and environmental challenges we are facing into opportunities, and to defending our European way of life. Let’s together build an EU we can be proud of. The business ambition for Europe in 2030 is to build a European Union with opportunities for all.” (BusinessEurope Press Releases 2018, 1-9). Such a conclusion underlines that non-state actors such as BusinessEurope do not intend to passively look at the actions of populist parties; on the contrary, they want to fight against the growing wave of populism in Europe. Populism in this case (the business area), has very negatively affected its functioning, favoring only those interest groups that positively support specific political actions promoting populist action - the so-called “Voice of people’s will”. The apparent trend towards a growing wave of populism has not had a positive impact on business liberalization and balanced country development and the development of individual non-state actors with an impact on economic issues. It has had a significant contribution to the development of populist parties and their pursuit of power and the development of those non-state actors whose portfolio and activities are highly correlated and relevant to the current situation in a country or in Europe (e.g. social policy, climate policy, environmental policy, energy policy or others). Therefore, actors who lobby for certain policies correlated with the actions of populist parties and certain policy-makers will develop much faster in times of populism than those stakeholders whose specifics are different and are not correlated with the actions of populist decision-makers (Akkerman 2012). However, it is important to look at the fact that non-state actors represent their members, which has an impact on lobbying when they are discussed or themselves addressing matters related to their portfolio and defending the interests of their members (Flöthe and Rasmussen, 2018). Therefore, the growing wave of populism has an impact on the functioning of non-state actors in diverse dimensions, because such actors representing social or environmental issues (so-called topical issues) are increasingly perceived as less comfortable and incompatible with the slogans of populist decision-makers. Populism is so dangerous that it can affect some non-state actors to stop functioning due to the lack of demand for their services (the so-called: sectoral deficit). Therefore, some
non-state actors will strengthen their position in relation to those who will no longer be present. Another problem is that individual non-state actors will be forced to modify their activities, including lobbying forms of influence over populist decision-makers in order to achieve specific and intended results.

In conclusion, the rise of populism can be important for the development and functioning of non-state actors. It can therefore have a very negative impact on the development of individual non-state actors whose actions and interests are not aligned with those of a growing wave of populist decision-makers. Furthermore, the possible persistence of populist decision-makers may have such an impact that some non-state actors may disappear and will no longer be able to affect decision-making processes in individual countries of the European Union or directly in the European Union. The phenomenon of growing populism is not only a threat to the functioning of non-state actors in the EU, but also a threat to the economic system of individual European countries and the European Union as a whole.

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