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ACCOUNTABILITY IN PRACTICE: THE QUEST FOR A PUBLIC FORUM

This paper discusses theoretical and empirical contributions on accountability arrangements, for CSOs acting in a transnational context, providing an insight into how these deal with the "public" component of accountability.
This analysis unfolds against the backdrop of the desire of the EU Institutions for greater democratic legitimacy and the assumption that civil society organizations – by which I mean voluntary, independent and not for profit organizations or associations – can act as conduits of greater participation in EU policy making thereby intrinsically contributing to a process of legitimization.

Yet this policy participation implies public accountability The topic draws on accountability processes of CSOs active in the EU policy process to identify the determining factor of the nature of the link with the "public". Finally, a case study focused on internal accountability processes is described with the purpose of identifying the "public" and examining the interplay between internal and external measures.

Introduction

This paper will discuss interpretations of the "public" component of accountability from a theoretical and empirical stance. .

In his work on conceptualizing accountability beyond the nation, Hüller (**2011; 2**) refers to accountability as "a normative standard applied to the European political system". He points out however that "unfortunately much remains unclear in the existing literature as to the theoretical link between accountability and democracy, how to apply this to the EU and not least the empirical assessment which transcends single accountability relations." (2011:2)

The public element of the accountability procedure is derived from the democratic roots of the term and the synergy of the mechanism by which a mandate to govern is given to an actor, on condition that the activities undertaken reflect the will of that self same public, and that this might be verified in an accountability process thereafter. The consequences of application of the process might entail loss of mandate.

A controversial subject of debate for accountability authors centres on the definition of the "public" element in accountability. The question arises whether or not this denomination carries a requirement for consultation of and verification by the wider European public of the activity for which an account is given, or whether a more adapted understanding of the term, assigned in a given CSO situation, might bring about the same legitimizing consequences.

As the above understanding of accountability is expanded to cover new governance structures such as that of the European Union and decentralized power through agencies, the link with a putative European population is loosened to be replaced by diverse "judging panels" adapted to that type of activity (administrative, technical etc) and organized to report to a wider forum likely to be composed of a section of the public.

 Does this requalification of the "public" still guarantee legitimacy of output in that the possibility or threat of being held to account will engender the probity and assiduity expected when the public interest is involved ? Or is this extension a denial of the foundations of accountability where the public not only provides a mandate but constitutes the forum which will bring about the consequences of the process ?

Similarly, it is worth underlining a particularity related to the choice of unit of analysis of the case study used to illustrate accountability in practice; that of the European Lighting Companies Federation, Elc-Fed. Indeed, in an EU context (as discussed below), the definition of non state actors or CSOs include business associations, a category of growing importance in the Transparency Register.

Theoretical contribution: CSOs and democratic accountability.

The legitimising potential of greater civil society participation in EU policy making raises the question of the public credentials of those actors. The application of an accountability procedure leads to consideration of a EPS as constituting the putative regrouping of EU citizens, providing the publicity element of transparency and lending legitimacy through scrutiny. CSOs might thus be considered in the recognition of accountability structures as acting as conduits of public opinion.

The traditional definition of public accountability is "democratic" based on the political relationship of the elected, the actor or agent, to the electorate, the public and is recognised by "the giving and demanding of reasons for conduct" (Roberts and Scapens 1985, p. 447).

The relationship under scrutiny is enlightened somewhat by Mulgan who speaks in terms of "core accountability" (2000) identifying key components of the term, which "carries with it most of the major burdens of "governance"". He states that the first meaning of accountability is "associated with the process of being called to account to some authority for one's actions" (Jones, 1992, p. 73).

This type of public or democratic accountability focused on how the elected use the authority granted to them by the public and possible abuses of that authority. This type can be contrasted with a newer type of accountability; managerial or corporate focused on

performance and output. There is common ground shared by both concepts in that, other than responsiveness to the electorate, the elected are expected to conduct themselves "properly" and this conduct is assessed using managerial techniques such as financial auditing, judicial review and hierarchical control in public administration. As Steffek (2008, p.3) notes this assessment can only be carried out retrospectively; "with the emphasis on retrospect and assessment of performance, the term accountability also in the public-democratic context shifts the focus of analysis from the input dimension, which is the main concern of much of democratic theory, to the output dimension and ex post control of office holders. This emphasis on ex post performance assessment circumscribes the common ground with managerial types of accountability".

Managerial accountability centres on performance and results, as do new modes of governance which Steffek describes as "functional arrangements of collective problem solving, whose regulatory scope is quite narrowly circumscribed" (2008, p. 4). He cites Grant and Keohane (2005, p.37) who argue that traditional notions of democratic accountability should be set aside here because they would not make us see that "multilateral institutions are, indeed, highly constrained by accountability mechanisms".   Steffek's point is essentially that the "public" in public accountability is being redefined in the new context of international governance.

Writing about accountability in EU civil society relations, Kohler Koch (2008, p. 2), notes that "EU discourse on civil society emerged from a pledge to bring the EU closer to its citizens and then became linked to the broader issue of democratic legitimacy. Academia deepened reflections on civil society and the public sphere in the post national and multi level European constellation, and, in parallel became more preoccupied with participatory governance". She affirms that the debate was now (2008, p.3) " centred on the issue of representativeness and accountability".

Kohler Koch further clarifies (2010, p.1119)) the link between civil society, here taken as non exclusive members of a potential public sphere, and accountability; "...accountability will boost democratic legitimacy when accountability mechanisms have an impact on those who exert public authority and when citizens have an equal chance to have a say in it."

Public accountability has so far been equated to democratic or political accountability. Steffek (2008, p.7) seeks to reconcile this traditional interpretation with post Westphalian new governance structures and makes a case for another, more purist form of public accountability "as a specific type of accountability relationship that functions through critical debate in the public sphere and that *contributes* to the broader task of democratic accountability". This form of public accountability would be more directly linked to the public in that it seeks citizen input to an ongoing discussion but is also less formal than democratic or electoral accountability.

How does this newer form of public accountability relate to democratic or electoral accountability ? Accountability through elections presumes that citizens have had access to and absorbed enough information with which to create an impression on which to base their

electoral choice. As Steffek (2008, p. 8) puts it, "for electoral accountability to function, there needs to be an intermediate sphere of public communication that enables citizens to review what is happening in government. In turn, public debate enables office holders to observe and react to changing expectations of their constituency. This is why public accountability taking place through public discourse is central for the functioning of a democratic polity."

Purposely disconnected from the nation state and focused on often narrowly defined issues, CSOs do not constitute per se the "public" as understood in Steffek's definition of public accountability but contribute to a European Public Sphere as active components generating debate and discussion within the sphere which then transmits topics to the wider public via media and news outlets.

 Steffek (2008, p.12) refers in particular to CSO activities prevalent in interest representation, a role often taken up by business associations. He refers to "1)monitoring of public governance, 2)translating highly technical discourse and flagging of issues, 3)framing issues and formulating alternatives." Whilst point 1) is an pre requisite to undertaking representational activity in that knowledge of the status of a policy or legislative proposal is necessary prior to taking any action, Steffek's second point is taken up by business associations as a matter of course.   It is the business interests which will repeatedly inform and "educate" decision makers so that they attain a level of expertise required for taking informed decisions. .

Indeed, the existence of a European Public Sphere would imply the existence of a pan European media arena accessible to all citizens. However, according to Wessler et al (2007, p.97), "research on the emergence of a European Public Sphere has long reverted to study of national media, especially national quality newspapers, with a goal of assessing their degree of Europeanisation." The fact however of the lack of existence of such a pan European media does not limit the role of CSOs in the EPS.

In order for citizens to "have a say in it" , a key condition for the existence of accountability is transparency; both in relation to the manner of decision making and the internal workings of the mandating body in the process. Brenner et al (2004,p. 200) writing about the accountability of actors, assert networks are a composite of their individual parts and that these parts need therefore not only be identifiable but transparent. They underline transparency as of key importance in particular information on internal responsibilities, voting rules, procedures and funding. They claim that the greater transparency of individual actors will allow for a greater public scrutiny of the network actors and lead to higher standards of transparency.

However, transparency is a pillar of the accountability edifice, a concept inherent but not equivalent to the accountability relationship discussed. The greater transparency of individual actors will allow for a greater public scrutiny of the network actors and lead to higher standards of governance.

Persson (2009) clearly positions transparency in this all encompassing web of defining components of accountability. He writes (2009, p.144) that "transparency and accountability

are intimately connected. For citizens to be able to hold those wielding power to account, they must at the least have access to information on policy deliberations, decisions and the policy making process. Hence, transparency can be considered a necessary but insufficient condition for accountability".

Papadopoulos (2007, p. 473) points to the distinguishing factor; "transparency lacks the element of sanction; it induces the accountability holdee to provide justifications for his or her action, but if these justifications are not considered satisfactory, the accountability holder has no possibility of imposing any sanctions".

The calling of actors to account therefore implies that the holder of accountability is sufficiently informed to have the data on which to base such a calling. The data could be gleaned from procedures of openness, transparency and access to information. Esmark (2008) refers to this aspect of accountability as "publicity". The process of decision or policy making itself requires monitoring, providing a continuous and transparent forum for observance of the process. Esmark (2008, p.285) speaks of the documenting of decisions echoing a contemporary challenge with the trend of seeking a policy footprint, and of access to these documents.

To seek to emulate the "public" in public accountability, CSOs would require transparent internal governance structures and modus operandi and internal accountability mechanisms. Their output and information on internal activities and monitoring of governance structures must be accessible in order for a calling to account to take place. Penultimately, and maybe more contentiously the representativeness of these actors – often doubted – should be linked directly to the EU 'public'. When the advocacy of these CSOs is undertaken "on behalf" of voiceless causes, such as the protection of nature or animals, the desired link becomes more tenuous, relying on the "interests of" the EU public.

Civil society as such has no actor quality; this role is taken up by civil society organisations. In the Habermas deliberative approach, CSOs are seen as the institutional core of civil society (Habermas 1996, p.367). CSO generated debate and activity constitute a public sphere. CSOs deliberate and relate experiences from the private sphere to formal political decision making processes but can they "represent" the public ? It is doubted whether this understanding is viable. This question brings us back to the issue of mandate and the use of clear internal accountability procedures to ensure that wide and deep consultation of informed EU citizens is carried out on given issues and on a regular basis.

To conclude at this juncture on the role of CSOs in the accountability procedure, we note that CSOs are not the public per se but play a fundamental role in generating a public interest or public sphere through their activity. Hüller accepts that there is indeed pluralist consultation of CSOs in the EU "but neither do the participating CSOs stand for European citizenry nor are the existing mechanisms of symbolic accountability in European policy deliberations effectively working (Hüller 2010b: 147-215).

Theoretical contribution: CSOs and their "publics"
In his analysis of the democratic credentials of the accountability web in EU governance (…) Hüller seeks to conceptualise democratic accountability beyond the nation state. He points out that "most of the literature starts with a combination of normatively inspired deficit diagnosis and a principal agent centred narrow definition of accountability, completely unrelated to democratic aspirations". (2011, p. 2). As with Steffek he seeks to identify the "public" in an accountability process and define per degree the democratic quality. However, it seems unhelpful in view of the lack of empirical evidence to state that the narrow definition of accountability is disconnected from democratic aspirations. If one can apply the narrow definition to internal accountability processes aimed apparently at improving professionalism it is also conceivable that the "narrowly" qualified process constitute the internal section of an external or public accountability process. Indeed, the internal process would be a necessary pre requiste to a viable purely "public" accountability exercise in view, if only, of the decision tracking and verification against mandates that this last would entail.

Hüller (2011, p. 3) adopts a pragmatic approach to defining accountability by setting out the theoretical aim of the literature and pointing to the need for providing a definition in line with the "political objectives of the "White Paper on Governance"" (2011, p 3) **…** **"**that accountability ought to be a principle of democratic organization whenever the demos delegates substantial parts of collectively binding decision making. And, if no trade offs between accountability and other democratic principles exist each increase in accountability is tantamount to an increase in democracy".

He develops four normative standards, considered as an appropriate yardstick for democratic accountability, to assess whether a system makes for democratic accountability or not (2011 p. 5))

The *first* deals with the tightening of the link between rule making or rulers and the demos, or "maximizing effective egalitarian binding in vertical mechanisms", an example of these last would be elections. The concept of *representativity* appears to be central to this standard.

Hüller inserts a dimension that is noteworthy when one applies this standard to CSOs or business organizations in particular, when he underlines the word "egalitarian". This is explained by "democracy does not materialize if rulers are just held effectively accountable by any citizens, but only if all citizens have an equal right and chance to do so in an egalitarian way" (2011 p. 4). Business organizations sometimes differentiate between levels of membership where "full member" carries greater weight and also responsibility than "associate member". These categories might be allocated in a federation according to a geographical breakdown; companies constituting full members whereas national associations become associate members. The breakdown might also be due, in particular in professional societies, to the cost of the membership, the higher fee being paid by a full member.

The *second* standard looks to the effective guarding of democratic procedures and avoidance of illegitimate misuse of political power via appropriate horizontal accountability mechanisms

such as removal from office during mandate if abuse of power is proven. This standard encapsulates the notion of *due process* being applied to avert the opportunity of misuse.

The *third* standard deals with minimizing horizontally induced constraints on vertical accountability, or put in other terms, efficiency in avoiding a greater administrative burden imposed in order to achieve the democratic quality of the process.

Finally the *fourth* standard points to *maximizing publicity* or public discourse ; "it is the overall publicity of political affairs what decides about the effective potential to hold the political elite accountable in the vertical dimension" (2011, p. 6). This last standard of publicity, or rendering public, appears to include the notion of "bringing to the public's attention", as per flagging, and lies beyond the more passive notion of transparency.

Having developed the standards for measuring democratic accountability, Hüller then seeks to draw comparisons of measurement with national accountability mechanisms. In fact, his first standard of "maximizing effective egalitarian binding in vertical mechanisms" is solely based on national structures. This leads Hüller to realize some limits in comparative research when he correctly states, "there is simply no other multi-level political system with such restrictive legislative competences for a parliament at the top level, extensive joint decision making and such democratically integrated sub unit. Maybe this problem is serious in the comparison with national democracies as well, but for our purpose it should be clear, that there is no reference system whose accountability web should be mirrored by the EU". An example provided is that of the elections to the European Parliament, where Hüller points to the lack of the right of legislative initiative of the EP, to the lack of right to appoint key officials but only to veto them, and impossibility for MEPs to pursue a political agenda as stated during the elections and prior to the mandate being given. One of the consequences of the European multilevel arrangements is that the role of CSOs in accountability mechanisms will need to be integrated into a more complex picture and that the democratic performance is dependent on the performance of other mechanisms.

Another differentiator for the EU level analysis of democratic credentials underlined by Hüller lies in his interpretation of the need for publicity. Hüller refers to leading accountability author Bovens, who has been decisive in shaping a definition of accountability in hard terms (Papadopoulos 2007, Curtin, 2005, Quintyn and Taylor 2007, Schillemans 2008, Newman 2004, Kohler Koch 2008, Persson 2009, and more). He believes "accountability has become an icon for good governance both in the public and private sector" (Bovens, 2006, p. 7) and his structured approach will serve as a basis to the analysis at hand.

Bovens defines accountability as "a relationship between an actor and a forum, in which the actor has an obligation to explain and justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences", (Bovens, 2006, p.9).

Hüller refers to Bovens to draw a distinction between types of "public" in public accountability and the co related difference between publicity and transparency. He states (2011 p. 23) that "The appropriate criteria depend on whether we are concerned either with vertical accountability, where the European citizens are the ultimate principal or if we are concerned with mechanisms of horizontal accountability where political actors hold accountable other political actors. If professional political actors are expected to be the forum in Bovens' words then transparency would suffice, as we expect professional actors to be aware of relevant and transparent political documents and processes. But if the egalitarian demos is expected to be the relevant forum, then actual publicity is a necessary condition for adequate or functioning accountability. Thus, if we are concerned with vertical accountability mechanisms, the appropriate criterion is "publicity"".

The above comparison leads to the following observation, that Hüller's vertical accountability definition, dependent on the existence of an EU demos, does not place any degree of expertise on the shoulders of that demos, but confirms that the mechanism and activity under scrutiny needs to be publicized, actively brought to the attention of the public. By contrast, in Bovens' narrow interpretation of accountability, the level of knowledge required on the part of the forum – in this example, a forum composed of quasi peer professional political actors – is elevated to that of expert, and linked to the lesser requirement of mere transparency. Similarly, one might observe that the closer the expertise of the actor to that of the forum, the less effort relating to publicity to that audience is required. The more dependent on expertise the process becomes, the less accessible to the greater public. Does this undermine the legitimising potential of the outcome of peer accountability processes ? Or is it simply the necessary adaptation and qualification of a concept which developed a wider vocation than that for which it was originally designed ?

Differing actors and related processes call upon differing publics; the spectrum ranging from the demos referred to in Steffek's "purist" approach to a forum composed of experts, as encountered by Bovens. There appear to be *degrees* of forum, dependent upon the distance from the actor of that forum's own nature, the wider public being the more distant and the expert knowledge based forum, being the closest. The question arises concerning the quality of output of the accountability process. The legitimising potential might also follow these degrees as far as outcome is concerned and hence might the test be tougher for a wider public than for a peer group ? This would seem unlikely in view of the publicly approved peer or professional accountability examples such as that practiced by the medical profession or legal profession where the sanction of being struck from the register effectively removes the right of that individual to practice their chosen profession. Or does the essence lie in a combination of overlapping mechanisms which together constitute a sufficiently stringent test as to qualify at the "public" level ?

Again, discussing the quality of accountability and the potential for CSOs to act as conduits of greater participation in the EU policy process we are seeking to draw universal definitions from past experience and existing governance structures. However, Hüller's analysis points to the

limits of comparisons drawn with national accountability situations and accepts the uniqueness of the EU level structure of governance (2011, p. 10).

We look to empirical evidence to observe CSO activity and inquire as to their possible role as transmitter belts of public opinion.

Empirical insights: CSOs as accountability agents

The research carried out by Steffek et al, the results of which were presented in Florence in 2009, covers an empirical gap due to the small number of texts dealing with the internal functionings of transnational CSOs and the interaction of their leadership with members, supporters and those people affected by their work. The relevance to the question discussed here lies in the direct consideration of CSOs acting as conduits or transmitters of public opinion and their potential to play another "public" role, but not equating to the public in the traditional democratic sense of the term, in an accountability procedure. Steffek (2009, p. 4) asserts that "CSOs may help link international governance institutions with the global citizenry by transmitting the interests, anxieties, hopes and ideals of citizens to international organizations and to feed them into their policy processes."

Steffek et al target transnational CSOs which denotes nongovernmental, nonprofit organizations that has a clearly stated purpose, legal personality, and "pursues its goals through political advocacy and in non violent ways" (2009, p. 5). The project focuses on the manner by which CSOs reach out to citizens concerned with their work. "In practice, these citizens might be their members, supporters or beneficiaries" (2009, p. 5). The authors develop four criteria to assess the degree to which transnational CSOs can successfully reach out to the members, supporters or beneficiaries.

The first criterion is *participation* and refers to the practice of getting members, supporters and beneficiaries involved in the internal decision making process of the organization. This choice stems from the logic that by letting those affected by the CSO advocacy work participate in the internal decision and external activities; there will be a greater alignment of efforts with the needs of those affected. Importantly for our unit of analysis of business associations, the authors note that (2009 p. 6) "formal rules and procedures are probably a good first indicator for the energy an CSO has put into trying to enhance the participation by members, supporters or beneficiaries". Indeed business associations are more likely to possess this type of document and refer to it often due to the competitive nature of the members' business and the heightened need to follow due procedure in decision making in order to comply with EU Competition law rules.

The empirical evidence of this criterion produced an important observation to the effect that member inclusion in the strategic decision making of the CSO was highly valued. Organisations such as business federations that have national associations as members, were seen to be highly institutionalized (2009 p 16)" and member organizations are involved through specific formal procedures in the strategic decision making". The day to day decisions were more often

taken up directly by staff. Because this interaction with members might negatively impact the effectiveness of the operations of the organisation, the CSOs were asked about their motivation for this activity. It is of note from an accountability and legitimacy perspective that 18 of the 60 answered that it was "to base policy advice on public support". Do we construe that the members of these organizations are the public in this exercise or was it expected that the members carry out some form of "public" consultation before answering? On how they dealt with the trade off between effectiveness and participation in decision making, some CSOs indicated that clear consultation procedures, setting of deadlines and establishment of specific bodies was helpful.

Inclusion is the second criterion and refers to the empowerment on the part of an CSO towards potentially disadvantaged groups among their members, supporters and beneficiaries. This again has been observed if but for a limited period of time in business associations in particular after the accession to the European Union of the old "eastern block" countries. Indeed, Brussels based business federations seeking to "complete" their memberships with the relevant national associations of the new accession countries would drastically reduce the membership fees for a limited short period of time and seek to bring about revenue generating events in those countries such as hosting the Annual General Meeting or the fair there. Other examples of empowerment might entail the "free" loan of an expert or allocation of seasoned staff.

The third criterion of *transparency* brings us closer to the question of the role of CSOs in an accountability process. Steffek et al quote Grigorescu 2007: 626, to observe that only in knowing what organizations do and how they do it, chains of accountability can be constructed and legitimacy awarded. They again refer to a concern about how decisions are reached and state that "this can be most easily achieved by publishing their statutes, by laws or memoranda of associations". The authors cite empirical evidence of CSOs consciously seeking to impose on themselves codes of conducts to render public their principles and practice. On internal organizational accountability, 12 out of 60 organisations responded that they adhere to inner organizational codes of conduct or of ethics. With regard to external assessment of the CSOs performance, as per an evaluation or audit, 42 out of the 60 organisations evaluate their activities only internally. But only 7 of these make the results public. Also, only 7 organisations commission voluntary external evaluations to improve their work and efficiency. The authors sum up this section by stating that (2009, p. 27), "it appears that CSOs are more transparent towards their members than to the public at large.".

Financial accountability, considered separately in the above analysis by Steffek et al, simply calls for making expenditure public, combined with the last criterion of independence.

Independence means that the CSO must be free and unconstrained in the expression of its interests and arguments. This criterion however carries two dimensions; organizational as well as financial independence. Concerning organizational independence, it is political independence which appears to be at the foundation of CSOs active in the EU policy process. Despite a high level of European Commission sourced funding, CSOs commented that the emergence of umbrella organizations in Brussels was brought about by the position of the EU to

cooperate "preferably with organizations that represent a unified European civil society" (2009, p. 29). It is therefore more likely that the Commission funds alliances or regrouped issue organizations which might, due to the compromise necessary in agreeing on a common position, lack teeth in their self same interplay with EU decision makers.

In the same way, the authors note that, "since CSOs that defend a special interest usually dispose of more ressources than general purpose groups, they are generally more independent from the governmental sector than the other groups that often need more governmental funding." It is believed that the business associations active in the Brussels arena fall in the category, for the most part, of special interest groups and can therefore boast of a high degree of "political" independence.

But, do CSos reach out to citizens in any meaningful sense representing their interests and values ? Steffek et al distinguish between a federal or formal way of communication and a direct participatory way. They conclude (p. 33) that the formal federal model, prevalent in business associations, emulates the model of representative democracy that exists in the public realm.

The outreach carried out externally is generally addressed to an identified public or stakeholders affected by the organisation's work. In order to gain meaningful feedback from an external evaluation, the CSO would need to address itself to an informed public, which might include beneficiaries or a preference for contacting formal members over informal supporters. This reflection led the authors to consider as desirable, the development of standards of participation and empowerment that are tailor made for the respective type of organizations; "Thus, even when acknowledging that the term outreach to citizens may mean different things for different types of CSO we still are able to critically evaluate the performance of individual organizations" (2009, p. 34). The same might be said for accountability processes adapted to the expected "public" of which the forum is composed; members, stakeholders beneficiaries or more such as governmental agencies or even that elusive "wider public". The qualification of these publics can be seen as positioned per degree, with the CSO secretariat at the center of concentric circles; the first circle represents the members and the area beyond the last circle, the wider public.

On the question of whether CSOs can act as a transmission belt of citizens interests or conduits of public participation, Steffek et all conclude that many transnational CSOs have "at least some grounding" in the citizenry and enjoy the potential to establish a communicative transmission between citizens and international governmental organizations.

Empirical insights: internal accountability tool of European Lighting Companies Federation.

The literature analysis has so far mainly revealed the existence of discussions focused on public accountability predominantly debated in the context of democratic legitimacy where an elected politician becomes the "actor" or "agent", the defined electorate or constituency is "the principal" and the sanction mechanism applied is the failure to be re-elected of the said actor.

Given the nature of the debate, the unorthodox choice of business associations as the unit of analysis;

- reflects the importance of the role of these organizations as participants in the EU policy process

- seeks to provide a link between the mainly private commercial considerations of business organisations active in the EU context with an overriding public interest above and beyond that of members,

- highlights the need for a sustainable internal governance structure tailored to the composition and mission of the organization and allows for an examination of the inter-relation between internal accountability arrangements and mechanisms intended to bring about public accountability

Point ii) would deal with accountability issues arising from the public impact of policy participation with the consideration of varying levels of interaction in a wider context. Indeed, as an example, business organizations interact with other such organizations, with consumer groups, and with upstream and downstream stakeholders. They also interact with the public, as specialists of that particular business topic, for example through trade magazines, or with non specialists, for example through general market standards.

Point iii) anticipates the question of the existence or not of the need for public accountability of private commercial considerations. But EU policy process participation entails an element of public "consideration" in view of the wider impact of policy decision making above and beyond the limited constituency of the association's members and even identified stakeholders. The business case study below focuses on the nature of the tool used for internal staff assessment. The "public" of the exercise described is the executive committee and wider membership of the organisation.

Founded in 1985, as an international not for profit association, the European Lighting Companies Federation has 10 members, all the leading European lamp manufacturers. The secretariat is composed of a secretary general, 2 policy advisers, 1 project support and 1 communications manager. The organization is registered in the Transparency Register.

From 2005 to 2008, Elc Fed applied the Association Balanced Score Card or ABSC, as a means of internal assessment, results tracking and indicator of "consequences": a reward or sanction. The system had been developed internally to Member companies, General Electric and Philips in particular and was adapted by the Elc fed case study interviewee as an associational tool. The adaptation came to reflect the will of the incoming leadership of the association to track ELC as an organisation and to develop to measure an important intangible; lobbying success. A further consideration was born in mind in the creation; that of the variability of time windows in lobby practice. Although geared towards tracking the team performance it was also adopted to measure the leader's ability to get the team to perform.

The tool of the ABSC was used for assessment over a 12 month period and divided into 4 quarters. The results were presented quarterly to the Board of the federation and approval was sought for adoption of the assessment in the minutes. The document was not pushed out to the wider membership or the General assembly for specific approval. The latter would adopt the results in the "matters arising" of the minutes of the Annual General Meeting.

There were four criteria of assessment; "learning", "process", "stakeholder", and "key output".

- "Learning": this criterion required that all staff members undertake training on an annual basis in particular geared towards public affairs and media training. It was fairly easy to comply with but its presence was felt nonetheless necessary in order ensure that training was undergone.
- "Process": would reflect how staff applied due process in their activities such as developing a message, from position paper to press release, disseminating the message through contacts, preparation of crisis document and maintaining the web site up to date.
- "Stakeholder": this element was divided into internal and external stakeholders. The internal assessment looked especially at whether the core of the messages of the organization emanated from the membership or not. Other elements included presentation and wording for heightened clarity and impact of message. The external perspective was an assessment based on a survey to "external stakeholder" but which included representatives of the companies of the membership. The survey aimed at measuring whether El-Fed had achieved its goal of positioning itself as the one stop shop of clearing house for "lighting" matters. It included assessment of effectiveness of communication.
- "Key output": covered the measurement of the favourable outcome of the process; "adopted" lobby positions and "drafted" lobby positions were indicators. Another important aspect was the goal of managing the association to budget.

    The results of the ABSC were directly linked to staff reward. The bonus to be derived from the exercise could represent between 20% to 30% of the annual income of the employee. Rewards were proportionate to performance. The employee's contract would make reference to the annex which stipulated the existence of ABSC targets, and bonus payments weighted in accordance of importance to the organisation. However, the contract did not stipulate termination of the relationship should the goals not be reached. Indeed, the sanction would be that the full bonus would not be allocated for that criterion, to that member of staff.

Was the inclusion of this tool for holding the staff and leadership to account a conscious process for an external audience or was it a theoretical inclusion reflecting member company culture ? Would Elc Fed gain any external credit from demonstrating internal professionalism ? The interviewee thought not, since the use of the tool was originally devised for management tracking purpose; the return on investment of the member companies. The drivers were entrenched in the need for profitability, 'the external perspective subliminal'.

The tool also provided several solutions to problems intrinsic to larger organizations. It acted as an interface between the association and its members. It used common language, acting as a decoder, which transcends "association" and "Brussels" speak. Importantly, it also provided member company executives with a tool with which to report in business type detail on expenditure in the organization.

Could the ABSC qualify as an internal accountability mechanism according to a Bovens type definition ? The careful consideration of the consequences, rewards or sanctions, to be derived directly from the assessment underscore this characterization. The public directly engaged in the assessment process however might be considered as internal since limited to stakeholders, at the widest. However, officials of the EU institutions and sister organisations, were also included in the surveys carried out, thereby including a wider group of interlocutors who are influenced by a wider set of communication channels than those enjoyed by the membership alone.

Although the purpose of the ABSC was for internal assessment purposes only, the interviewee noted that should a similar exercise be carried out externally, the degree of detail of internal processes required would be equivalent. In this association, external action followed internal preparedness since agreement must be reached prior for business competitors speaking with one voice.

The above study looks at only one of the relationships within the organization. It provides an insight into how accountability questions arise in an organization, and at which level. The tool used for performance assessment will not produce ipso facto the desired legitimacy which is potentially awarded by external accountability processes. However, it does indicate that the organization is concerned with performance tracking, with perceptions of their publics and uses professional mechanisms to deal with these questions.

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