

spotlight europe

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A Revolution in Disguise: The European Citizens' Initiative

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The European Citizens' Initiative is a feature of the Treaty of Lisbon that many people have as yet to discover. However, even though it has often been criticized as being a kind of bogus participation that is no more than a placebo, it may well change the European Union, for it contains the seeds of a European public sphere and European parties. In this respect the initiative has already been a success.

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The Gentle Appearance of a Historic Idea

The European Union adopted a series of amendments in the Treaties of Rome, Maastricht, and Lisbon, and as a result became more and more democratic. However, democratization of what was initially the Community and later the Union was always associated with the acquisition of greater powers by the European Parliament. What started out as something which was not much better than a good debating society progressed to become a self-confident co-decision-making entity. This became apparent in the recent past, and especially with regard

to the appointment of the EU Commissioners at the beginning of 2010.

Yet this has certainly not put an end to the frequent and ongoing debates about perceived democratic deficits in Europe. The Treaty of Lisbon's conferral of greater powers on the European Council impedes the development along the lines of national democratic traditions, as does the ongoing inability of EU citizens to participate in the selection of the incumbents of the top European jobs. In this situation the European Citizens' Initiative (ECI) is a completely new feature. Whether or not it will turn out to be efficacious remains to be seen, but it is clearly an attempt to strengthen democracy in the European Union.

For many years citizens in the EU merely existed in the form of what tended to be referred to as “organized civil society,” which, as the years went by, was increasingly consulted in a variety of ways by the EU decision-making bodies. However, what could be depicted to the European public as a strengthening of civil society or even of democracy as such was

media will no doubt publish reports about the initiatives, if only because their simple form is so strikingly different from the tangled web of issues and decision-making that prevails in Brussels. And the initiators themselves, EU citizens, will create a wholly new kind of cross-border communication. So no matter what the issue happens to be, it will not be possible



basically nothing more than incorporation into the classical and often clandestine committee-based policymaking under the supervision of the EU Commission.

This has changed as a result of the European Citizens' Initiative, even if most people have not as yet noticed it. In fact, the Citizens' Initiative has for the very first time given EU citizens the opportunity to make themselves heard in the European policy debate on a subject of their choice. A million EU citizens is all it takes to force European policymakers to engage in a specific debate.

The critics point out that genuine participation is quite different, and feel encouraged in their demands for referendums. The European Commission is in fact under no obligation to translate the partial will of the people that finds expression in a Citizens' Initiative into European law. However, those who have a low opinion of the Citizens' Initiative (and such views are shared by many MEPs) have failed to understand the dynamism which it may well unfold. The European

to delete it from the political agenda. The EU is still a democracy without a “demos” or people. However, a European “demos” is now beginning to materialize, and it will receive added support from the Citizens' Initiative.

II

The Current Debate

In the Treaty of Lisbon, which is as thick as a telephone book, the European Citizens' Initiative takes up only a couple of lines. Article 11 TEU and Article 24 TEU-A stipulate that a million EU citizens, who must come from a significant number of member states, can ask the Commission to devise a specific legislative proposal. With regard to content the Treaty restricts the scope of such initiatives in only two ways. First, they must be in agreement with the European treaties and thus, for example, with the Charter of Fundamental Rights. Secondly, the initiative must refer to the framework of the Commission's powers. Thus an initiative to restrict the religious rights of a specific group is just

as impermissible as demands for a single location for the European Parliament. This would require a treaty amendment.

However, the Treaty does not specify exact procedural provisions relating to the Citizens' Initiative, nor does it state how the Commission has to react to an initiative which is a success. At the moment the ball is in the European Commission's court. At the end of March 2010 it presented proposals relating to the implementation and procedural rules of the Citizens' Initiative. The vigorous criticism that has emanated from civil society sources and from the European Parliament seems to suggest that they will be subject to modification.

The Commission proposals include a requirement that signatures for a Citizens' Initiative must come from at least a third of the member states (currently this would be nine). The lower limits in the case of the smaller member states would be slightly more and in the case of the larger member states slightly less than 0.2 percent of the population. Both individuals and organizations are permitted to launch a Citizens' Initiative. It has to be registered with the Commission, and there is a requirement to publish a transparency report which will contain information about the financial backing for and the supporters of the initiative. After registering a particular Citizens' Initiative with the Commission, the organizers have one year in which to collect signatures online or in person. If the initiative turns out to be a success, and if there are a million or more signatures, then the Commission for its part has four months in which to respond to it, though a report to the Parliament and the Council is deemed to be sufficient.

Critics have accused the Commission of making unreasonable demands on the organizers, whereas the Commission itself is not obliged to do anything in response. There has been criticism of the fact that those who sign an initiative have to

submit far too much information, including an identity card or social security number, which complicates the collection of signatures as far as NGOs are concerned. This seems to be an especially troublesome hurdle in view of the fact that the Commission can decide whether and how it responds to an initiative. Here there have been demands that the organizers should at the very least have the right to a public hearing organized by the Commission and the Parliament, and the right to lodge an appeal with the European Court of Justice.

Criticism has also been levelled at the fact that the signers have to come from a large number of member states. It might perhaps be possible to reduce the number to seven, a quarter of the member states, as the European Parliament once suggested. The Council speeded things up at the time of the Spanish Presidency, and submitted proposals of its own in the middle of June. The most important difference between its proposals and those of the Commission is the question of ascertaining the admissibility of an initiative. The Council wants a decision on admissibility to be made when the initiative is being registered. On the other hand, the Commission wants to make such a decision only after 300,000 signatures have been collected. This and other minutiae will be the subject of further debates in the Parliament. It is envisaged that the European Citizens' Initiative will receive assent and become available by the beginning of December 2010 at the latest, that is, a year after Treaty of Lisbon entered into force.

The debate about procedural matters and other minutiae should not make us forget that formal stipulations such as the way in which signatures have to be submitted or what is finally decided on with regard to quotas and time limits are not crucial to the success of the European Citizens' Initiative. What is important is the fact that via the requisite "1 million signatures" the initiators will be able to

create a kind of societal sounding board, and this, despite the absence of legal sanctions, will make it difficult for the Commission to ignore topics, to brush them aside with summary reports, or to dispose of them on a bureaucratic level.

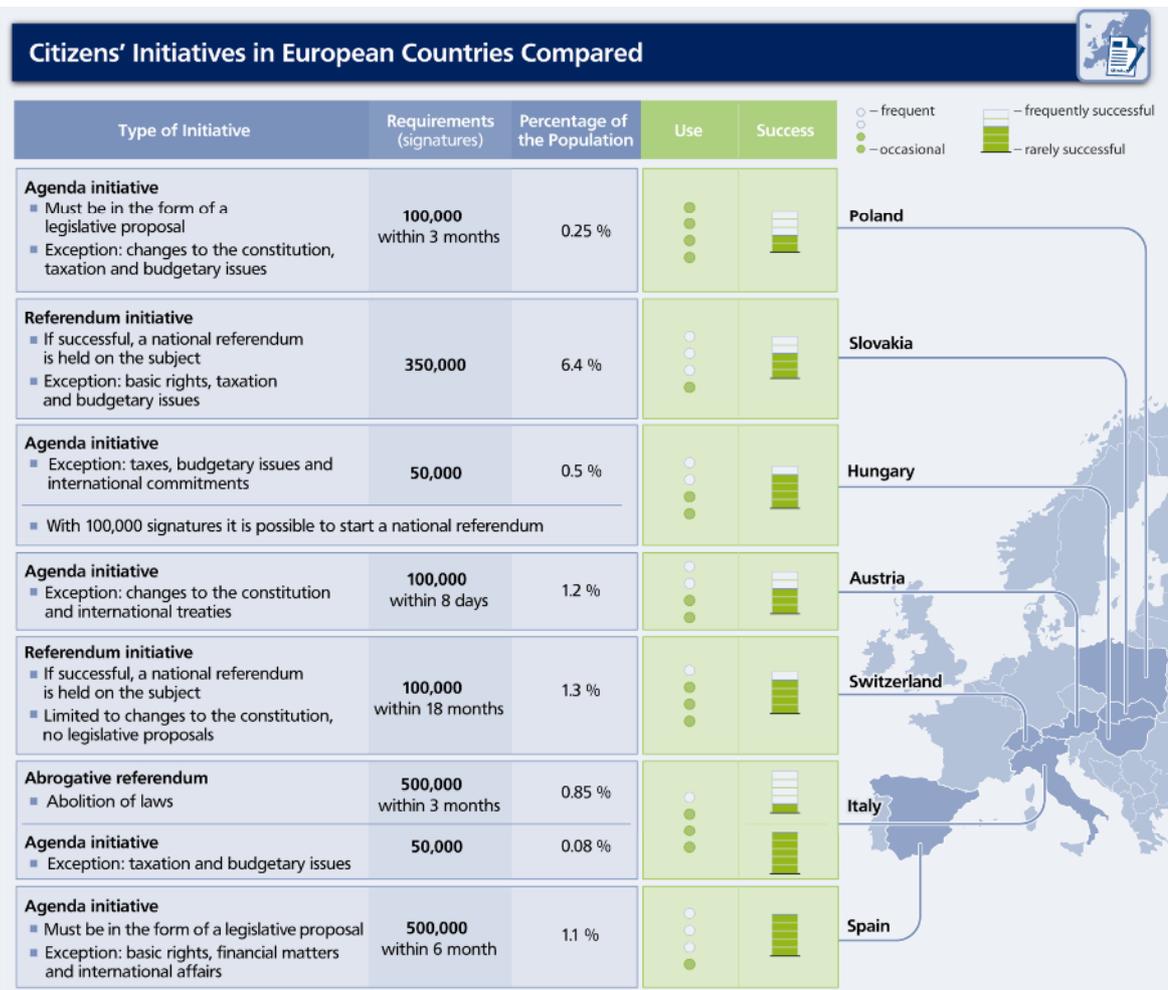
III

Do EU Citizens Benefit or do the NGOs?

The ECI was enshrined in the Treaty of Lisbon because there was a belief that it could perhaps alleviate the EU's real and

support, and to collect signatures. However, the current debate conveys the impression that large civil society organizations such as Amnesty International or Greenpeace will become the real beneficiaries of the ECI. It is ideally suited to large pressure groups such as the European Trade Union Confederation with its 60 million members.

Can individual citizens actually make use of an ECI? And do the EU institutions really support the idea that EU citizens should be allowed to participate in the decision-making process? In the final



Sources: International Institute for Democracy and Electoral Assistance IDEA
Giese, Karim (2008): Direkte Demokratie in den Mitgliedstaaten der EU, in Pichler (ed.): Verändern wir Europa!

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perceived deficits relating to democracy, legitimacy and the public sphere. It was supposed to give the individual and indeed "normal" EU citizen the opportunity to launch his or her own initiatives, to solicit

analysis EU citizens will only be able to use the ECI if the procedure is transparent and manageable. Yet as things stand the whole point of the ECI is still unclear, or at least there are some very different

interpretations of what it signifies. Is it merely about collecting signatures? Is it about a pan-European public debate? Or is it in fact about empowering EU citizens to co-determine the European agenda? The ECI can be understood “as a new participatory way in which Europeans interact with their Union and with other European citizens.” If this also happens to be what the European Union has in mind, then the ECI does in fact constitute an opportunity to prepare for certain European decisions in a participatory manner, and to be a model for the member states.

Yet participation in itself is not always automatically democratic. For this reason, when it comes to implementation, it is important to ensure that it adheres to democratic norms. For example, it should be inclusive. In other words, every EU citizen should be able to launch an ECI.

IV

The Online Citizens' Initiative

The whole point of the ECI is to draw attention to an issue, to create networks, to find supporters, and to collect a lot of signatures. These options are open to every EU citizen. Internet technology is probably the best way of putting all this into practice. This has been apparent ever since President Obama used web applications during his election campaign in order to mobilize people and get them to network. Moreover, Web 2.0, which is based on the notion of interactivity, does not seem to have become obsolete. How can these developments help and support the ECI?

The internet transcends the limits of time and space, and Web 2.0 technology makes it possible for what are known as “social networks” to exploit their potential to the full. But does this also apply to attempts to surmount the linguistic barriers and

cultural differences which are a hallmark of European integration? The solution to this is not internet technology as such, but how one designs the applications. The pertinent question is how web-based activity that transcends linguistic barriers and cultural differences can facilitate the collective formation of opinions, and how in the final analysis thousands of people can be empowered to participate in the process.

The “eCommunity” consisting of communications providers, technology suppliers, bloggers and internet activists has been surprisingly reticent on this question. Hitherto the debate among the members of the “community” has merely been about the hurdles facing the ECI and the authentication of online signatures. It seems that the development of specific “tools” on the European level is not keeping up with demands for more E-democracy. The reasons for this could be that the ECI cannot be compared to an election or to a referendum, and that for this reason the well-tried instruments of e-voting are simply of no use. By and large the “eCommunity” has missed the opportunity to contribute both conceptual and specific technical ideas to the activities of the ECI.

What role does the European Union play in this debate? In contrast to the individual member states it has been a significant champion of eParticipation. In recent years it has provided financial support amounting to more than €120 million for 35 eParticipation projects. Everything started with what was known as “Plan D” (which stood for democracy, dialogue and debate), which was set up by the Commission after the rejection of the EU constitution in France and the Netherlands. The aim was to persuade EU citizens to become involved in crafting the future of the European Union, not only by attending meetings, but also by using the resources of the internet. In this context eParticipation signifies “efforts to enlarge and deepen political participation so that

EU citizens are empowered to communicate with each other with the help of internet technology and increasingly in this way to contact the European authorities and their elected MEPs." A study by the European Journal of ePractice shows that there are now more than 250 initiatives. It would be a good idea if the EU were to evaluate what it has learnt from the numerous eParticipation projects and to apply these insights to the ECI. If the mobilization of citizens via the internet is to succeed, there will have to be more than a text in a treaty and a large number of individual projects. Obama's online election campaign did not happen just like that. It was conceived, strategically planned and implemented by his team. However, the difference between Obama's campaign and the ECI is that whereas the latter also needs to be planned by a specific group, it is going to be made available to every EU citizen.

support the development of a tool with which individual EU citizens could begin by creating networks with other EU citizens. After a period of debate they could then proceed to set up an ECI. In order to permanently institutionalize the ECI there is a need for a fundamental debate on the subject of participation by EU citizens, and far more courage and creative willpower on the part of the European institutions.

V

An Opportunity for the Parliament and the Parties

Most MEPs and politicians from the various parties initially approach the European Citizens' Initiative in a critical spirit. In the final analysis the European Parliament defines and projects an image of itself as being both the repository of

democracy and the citizens' voice. Every new piece of direct democracy such as the Citizens' Initiative is bound to have an adverse effect on this job description. But as a result of the long and tortuous debate about a Europe of the citizens a large number of politicians have slowly come to the conclusion

Signatures	Campaign	Year
2,000,000	Against the hunting of migratory birds in France (organisers included NABU and Bird Life International)	2000
1,266,476	One-seat Campaign for a single seat of the European Parliament in Brussels (organiser: Cecilia Malmström)	2009
1,020,174	For a ban on landmines and cluster bombs (organiser: ActiongroupLandmine.de)	2007
1,000,000	For the mandatory labelling of genetic engineering in milk, egg and meat products (organiser: Greenpeace)	2006
722,095	Against HIV-AIDS with demands on the pharmaceutical industry and the German government (organiser: UNICEF)	2007
634,686	Million-against-nuclear, Europe-wide initiative against nuclear energy and for the revocation of the EURATOM treaty	2007
450,000	Sealthedeal2009.org, for an effective agreement on climate change in Copenhagen (organisers: UN and others)	2009
258,277	For a referendum in Austria on the accession of Turkey to the EU. Collected within one week	2006

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It goes without saying that the EU is not permitted in any way whatsoever to manipulate the progress and the subject matter of an ECI. Yet the ECI provides an opportunity to show that the EU is serious about eParticipation and the active involvement of its citizens. It would be a good idea if the European Union were to

that the EU needs new ways of empowering individual citizens so that they can participate in its political life. The Citizens' Initiative exudes a charm all of its own because it evades the conflict between representative and plebiscitary democracy. It is a genuine innovation, and thus resembles the EU, which continues to

be a new and unique political system. MEPs in particular and what are still rather rudimentary European parties will find that the Citizens' Initiative constitutes an excellent opportunity to advertise themselves and what they stand for. And thus it is not surprising that early ideas for Citizens' Initiatives have come from among the parties represented in the EP. The European Socialists have announced that they will be launching a European Citizens' Initiative for the imposition of financial markets regulations and a European speculation tax if this issue is not tackled with enough determination by the Conservative-Liberal coalition. So apparently the Citizens' Initiative, despite its ineffectuality in legal terms, seems to pose a considerable threat.

A group of Conservative MEPs has coined the slogan "Mum and Dad belong to us on Sunday" in order to campaign for a (largely) work-free Sunday in the European Union, and is preparing to launch one of the first European Citizens' Initiatives. The mere fact that this is one of the first initiatives from the party political spectrum means that it has received a great deal of media attention.

Even if these two projects are only tentative and exploratory in nature, it seems fair to say that the Citizens' Initiatives could act as a stimulus to the rise of European party groups, which has hitherto proceeded in a rather sluggish manner. The politicization of EU debates which political observers and those who support the European idea have been calling for over the course of many years may well materialize if the parties themselves are politicized. This certainly does not answer the question of where, to name but one example, the British Conservatives think they belong. Should they be part of a splinter group of right-wing populists, or would it perhaps be more appropriate to join the pro-European Conservatives? However, reducing the discourse to a single topic, to a single

issue and thus to a broad public debate - that is the hope underlying this article - could force all the European players to adopt an unmistakable stance.

The parties in the national parliaments now have the opportunity, irrespective of the new early warning mechanisms and supervisory powers conferred on them by the Treaty of Lisbon, to become European policy actors and to enter into transnational coalitions. In this situation MEPs and the parties in the European Parliament can of course launch initiatives themselves, though they can also act as mediators who are able to steer and nurture independent initiatives that are just getting off the ground. However, the general public needs to be rather wary, and must try to prevent the political parties from taking over the Citizens' Initiatives and turning them into tools only used for political purposes.

VI

Strengthening the European Public Sphere

The European Citizens' Initiative has given rise to many hopes and expectations. EU citizens will be given more supervisory powers, and it will enhance their knowledge of and identification with the EU. Moreover, the Citizens' Initiative seeks to support pluralist views by taking into account the interests of minorities in the EU. However, although convinced Europeans will no doubt consider these things to be well-meaning and honourable, in the final analysis such hopes are very abstract and very difficult to put into practice. Both in the short term and in the long term the European Union will find it rather challenging to be perceived as the "Europe of the citizens" as people go about their daily lives.

Initially it is important to have far more European and transnational debates. This is essentially the function of the European

Citizens' Initiative. Thus it is not in fact a political decision-making tool. It is a way of creating a basic element of every democratic commonwealth, the public sphere.

A million signatures are bound to have an impact. The European Commission, which for many years has been at pains to point out that it has a close relationship with EU citizens, will have to think twice about how it proposes to deal with the first European Citizens' Initiatives. In the final analysis, like all other European players, it wants the Treaty of Lisbon, which is generally perceived to be a bureaucratic monstrosity, to be a success.

The European Citizens' Initiative is an experiment, and the European Union is once again embarking on an institutional innovation. However, when one compares it with the nation-states, the EU has actually demonstrated its ability to adopt reforms despite having to grapple with a number of tortuous debates. At the same time the Citizens' Initiative should be no more than one of the many elements that are making a contribution to the ongoing democratization of the EU. In other words, the development of European democracy and new forms of citizen participation has certainly not reached the end of the road.

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For Further Reading:

Boucher, Stephen: If citizens have a voice, who's listening? Lessons from recent citizen consultation experiments for the European Union, Center for European Policy Studies, EPIN Working Paper, No. 24, June 2009

Emmanouilidis, Janis A. / Stratulat, Corina (2010): Implementing Lisbon: A critical appraisal of the Citizens' Initiative. European Policy Centre, Policy Brief June 2010

Kaczyński, Piotr Maciej: The European Citizens' Initiative: A Proper Response from the Commission. Centre for European Policy Studies, Commentary 8.1.2010

Kaufmann, Bruno / Pilcher, Johannes W. (Hrsg.): The European Citizens' Initiatives. Into New Democratic Territory. Wien 2010

Responsible

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