

"A Space inside Europe for the Public"

before "A European Public Space"

The European Citizens' Initiative and the Future of EU Public Engagement

In recent years, discussion on how to engage the public in EU issues has often focused on the creation of a "European public sphere": virtual and physical "public spaces" where citizens can discuss issues and work together across borders for the common good. Some groups have experimented with temporary European public spaces, such as the [European Citizens' Consultations](#) (1), where citizens learn about and/or deliberate on EU policy. Others though have dismissed the idea as unrealistic due to linguistic diversity, media fragmentation and especially the complexity of policy-making in the EU.

Yet, in many ways, creating "European public spaces" before there is any "space inside Europe for the public" is putting the metaphorical cart before the horse. Dynamic, self-sustaining public spaces exist at national level because they support real world change. Until ordinary citizens can actually influence what the EU does, in a way and to a degree that meets their expectations, a European public sphere will never develop.

There are numerous spaces for business and special interests to learn about and cooperate on EU issues -- e.g., European networks, trade organisations and conferences. They then have many formal and informal spaces inside the machinery of EU policy-making -- e.g., as experts on official EU policy advisory committees, EESC representatives and especially as lobbyists.

Ordinary EU citizens, on the other hand, have few spaces to learn about the EU and even fewer to cooperate with citizens from other countries on issues of common concern. National media rarely cover and national issues organisations rarely engage ordinary citizen on EU policy issues. Citizens then only have one very limited, temporary space *on the edges* of the EU policy-making machine: as voters once every five years for just one of the three main EU institutions (the European Parliament).

Starting in April 2012, a new democratic tool, the European Citizens' Initiative (ECI), will allow one million EU citizens to ask the European Commission to propose EU legislation. The ECI could thus create a new space *inside* the EU policy-making machine for ordinary EU citizens. This briefing will explore how the ECI might impact future EU public engagement, including the development of a European public sphere.

Changing citizens, changing expectations for democratic participation

In recent decades, in established democracies throughout the world, there has been a marked change in how citizens participate in public affairs. Modern citizens are, on the whole, better

educated, more individualistic and more distrustful of institutions than their predecessors. They are not content to simply delegate all decision-making authority to distant leaders who they trust will do the right thing. This shows up most clearly in declining voter participation and collapsing political party membership.

Citizens are instead increasingly choosing more frequent, direct and issue-oriented forms of political involvement -- such as signing petitions, participating in demonstrations and joining issue organisations. In sum, today's citizens engage in those political activities where they feel they can make a difference and they expect politicians to listen to them. (2)

The European Citizens' Initiative (ECI), with its focus on a specific issue and direct involvement of individuals, is in many ways ideal for modern citizens. Regardless of who organises an ECI, to have any impact, it will require the active participation of millions of ordinary citizens. Specifically, massive EU-wide public outreach and communications campaigns will be needed to convince over a million people in at least seven different countries to support a given ECI. This could in turn lead to the development of temporary "European public spaces" where the ECI topic is discussed -- e.g., in national media, in community meetings, between friends, etc.

What is less clear is if EU leaders will be capable of responding, in the way modern citizens expect, to ECIs which meet the legal requirements for success. While governments everywhere have been slow to adapt to the changing expectations of their citizens, the EU has been practically immobile.

Plan D: Participatory democracy in name only

The major EU institutions were created in the trusting, conformist 1950s when most citizens happily deferred to their political leaders. Opaque inter-governmental methods still dominate many areas of EU policy-making, despite the growing power of the European Parliament. Citizens can now vote for their representatives to the European Parliament, as well as file complaints about EU maladministration and national misapplication of EU law. However, they cannot directly influence the development of new EU policy or the EU policy agenda, other than through the undemocratic form of interest representation (lobbying).

It wasn't until 2005, when French and Dutch voters surprisingly rejected the EU Constitution in referenda, that EU leaders began to realize that EU citizens have changed. However, most defined the problem primarily as a failure of communications, not democracy: if EU citizens only *understood* what the EU does *for* them, they'd support it.

The Commissioner appointed to deal with this "communications" problem, Margot Wallström, however, understood the real problem as a lack of democracy. Her "Plan D for Democracy, Dialogue and Debate" thus sought to move beyond one-way public relations and create a two-way dialogue between EU citizens and leaders. In temporary "European public spaces" ordinary citizens learned about and deliberated on EU policy using modern participatory tools such as 21st century town hall

meetings, deliberative polls and online discussion forums. Unfortunately, despite Wallström's promises to "give the EU ears", EU leaders did not in fact listen to citizens. Since Plan D left the machinery of EU policy-making completely untouched, EU leaders continued to behave as they always had, oblivious to the opinions of citizens. Without either a legal base or political support, Plan D was in practice heavy on communications and weak on democracy. (3)

While lauded for demonstrating that ordinary citizens could indeed intelligently and respectfully discuss EU issues, Plan D was dismissed as ineffective in doing two things it was never in fact designed to do: impact EU policy and increase overall voter participation in EU elections. (4)

In 2010, Plan D was unceremoniously abandoned, its online discussion forum archived and citizens' consultations left unfunded. Instead of promising to listen to citizens, Wallström's successor, Viviane Reding, promised to give them policies to help with personal cross-border legal issues. Traditional one-way public relations returned, alongside an outdated vision of citizens.

Since the death of Plan D, advocates of greater public involvement in the EU have pinned their hopes on the ECI.

ECI: A legal tool for participatory democracy

In 2003, years before Plan D, a small group of direct democracy activists focused squarely on the machinery of EU policy-making. They were convinced that the only way for the EU to meet citizens' real needs was by giving them a legally-recognised say in what the EU does. They lobbied members of the EU constitutional convention for direct and participatory democracy tools, including a binding EU referendum right. What they got was a non-binding agenda-setting initiative: the European Citizens' Initiative (ECI). One million EU citizens could ask the European Commission to propose new EU legislation. It wasn't a very strong instrument, but it was a start: the world's first transnational participatory democracy tool. (5)

Unlike Plan D, the ECI legally obliges the European Commission to listen and react to the request of a group of citizens -- including via a public hearing. However, the Commission does not have to actually propose legislation. The ECI's concrete legal impact is therefore quite limited. But its symbolic impact could be significant. The ECI creates a space for the public *inside* the EU, albeit a very small one limited to agenda-setting, where before there was none.

Despite its minimal legal impact, the ECI has prompted a surprising degree of fear and resistance among several EU leaders, especially (but not only) within the Council. This has partly been due to a misunderstanding of its actual legal nature. But the symbolic change in the role of citizens in the EU is threatening to many comfortable with the current system. As Plan D showed, many EU leaders, having come of age in an era of passive citizens, are not prepared to treat citizens with the respect they now demand. Consequently, the regulation implementing the ECI, agreed to by the European Parliament and Council, is much stricter than citizen initiative experts believe it needs to be. (6)

The ultimate success or failure of the ECI as a tool for citizen engagement is now in the hands of EU member state governments and the European Commission. Each EU member state determines the rules for ECI signature collection and verification for its own residents. About 1/3 of the countries, including the UK and Ireland, plan to make it easy for their citizens to support an ECI. Others, however, will make it unnecessarily difficult. The European Commission will then ultimately either reward citizens for their efforts by actually proposing legislation or it will crush their hopes of making a real impact by ignoring them.

ECI: The ideal scenario - citizens as partners

If the ECI is ever to open up a space for ordinary citizens to engage more actively in EU policy making and debate, it must of course be used. Citizens will need to have many opportunities to support (or refuse to support) ECIs on a range of policy topics. However, for groups to even organize ECIs, they themselves must be convinced of the ECI's value. First, several ECIs must meet the very strict requirements for a formal response from the European Commission. Second, the Commission must then react to a majority of these successful ECIs with legislative proposals. Unless both happen, after an initial flurry of ECI launches, the ECI could easily fall into disuse.

If the ECI were indeed used relatively frequently by different groups for different policy topics, the role of the citizen in the EU could slowly begin to change. First, national media which rarely cover EU policy might start reporting on EU issues where their own citizens have had an impact. Second, ordinary citizens who supported a successful ECI would see that they actually can have an impact at EU level and might engage in more EU issues. Third, national issues organisations would, through the process of working on an ECI, strengthen their own cross-border networks which could be used for further involvement in EU policy. Fourth, and most importantly, EU leaders might just discover that citizens can be valuable partners for positive change rather than negative forces to be feared. This could in turn help overcome internal opposition to the use of other citizen involvement tools in policy-making.

But even in this rosy ideal scenario, the ECI will never on its own have a significant impact on EU public engagement. At best, the ECI could, alongside related reforms, help create support for additional citizen involvement tools -- ranging from citizen consultations to the direct election of the European Commission President to perhaps even an EU-wide referendum right. For instance, increased transparency in EU policy-making processes which exposes undemocratic practices might lead to calls for more transparent and participatory forms of democracy. The introduction of transnational party lists in EU elections could lead parties to present clearly differentiated visions for the EU which could increase voters' interest in the EU. However, truly important institutional reforms that create significant spaces inside the EU for citizens will never come from the top. They must come from grassroots movements, which need opportunities for having an impact of the kind that the ECI potentially offers, as well as time to develop.

ECI: The disaster scenario - citizens as pawns and patsies

Public participation experts frequently repeat the axiom that poorly designed or executed public participation tools can be worse than no tools. Democratic tools which raise expectations that cannot be met lead to passive disengagement at best and destructive protest at worst. This is a real risk for the ECI.

Citizens of most EU countries will have to provide a great deal of personal data to support an ECI. ECI organisers will have to devote significant time, energy and money to complete an ECI which successfully meets the strict criteria for acceptance by the Commission -- easily one million Euros per ECI. Therefore expectations for real impact from both ECI organisers and citizen supporters could be sky-high and the higher the expectations, the greater the risk of disappointment.

Another significant risk is that the only ECIs which will have sufficient resources to meet the tough formal requirements for success will be those sponsored by already powerful groups -- e.g., political parties and politicians, well-resourced business and special interests. In this case, citizens could easily become pawns in traditional political power games. Rather than enhancing democracy, the ECI could be used to enhance the undemocratic forms of interest representation already dominant in Brussels.

However, perhaps the greatest risk for EU public participation is that the College of European Commissioners does not treat ECIs with the same respect and consideration as they give legislative requests from the Council or European Parliament. On this topic, history does not inspire much confidence. While the Commission frequently responds to requests from EU member states for new laws with actual legislative proposals, the four unofficial ECIs that have obtained one million signatures have not even prompted a discussion within the Commission, let alone a legislative proposal.

To be fair, the European Commission has chosen not to treat unofficial ECIs as true ECIs. Only ECIs launched after the unfortunate date of 1 April 2012, using the official procedures, will merit the Commission's full attention. So the Commission could still happily surprise everyone.

Can the public ever have a meaningful space inside Europe?

Estimates of the percentage of national laws that were actually decided at an EU-level vary widely and depend on the policy area: very high for agriculture and environment, practically non-existent for education and culture. But, regardless of the actual number, it is clear that a large number of very important decisions that affect the economic status, health and well-being of EU citizens are increasingly being made at an EU level. It is equally clear that EU citizens are largely unaware of what the EU does and have few opportunities to directly influence EU policy. This has led many democracy

advocates to worry that the transfer of decision-making powers from the relatively democratic and transparent national level to the relatively undemocratic and opaque EU level may be undermining democracy itself.

Both Plan D and the ECI are attempts to begin to change this situation. Yet both have been handicapped by the extremely complex, convoluted and time-consuming nature of EU policy-development. In fact, many Brussels insiders wonder if citizens can realistically ever have a meaningful space inside Europe.

It will be several years before the impact of the ECI on EU public participation becomes clear. However, its potential contribution to the creation of a space inside Europe for citizens merits close attention. The regulation implementing the ECI is not as citizen-friendly and its legal impact not as strong as democracy advocates would like. However, right now it is the only chance EU citizens have for having any direct impact on what the EU does. Therefore, anyone who cares about enhancing public participation and democracy in the EU should do everything possible to make sure the ECI is a success.

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