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The European Citizens' Initiative: a tool for citizens or for lobby groups?

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Promoter: Prof. Dr. Luciano Morganti

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In Memory of Bob (2013-2015)

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Abstract

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Abstract: A product of the Treaty of Lisbon, the European Citizens' Initiative (ECI) was introduced to strengthen the EU's democracy by promoting citizen participation. Though novel due to its transnational nature, the ECI is essentially a facsimile of a democratic tool commonly known as a *citizens' initiative* or a *popular initiative* which generally functions as either a tool of *direct democracy* or *agenda-setting democracy* as a means of strengthening the democratic voice of citizens. History, however, suggests that this does not necessarily happen: vested interests such as lobby groups for *big business* or political parties are, indeed, often the most likely beneficiaries. While there were initial fears that the ECI would fall victim to this fate, the evidence of recent years, suggests that the ECI's difficult procedures and weak potential for legislative impact have discouraged its use by corporate interests. On the other hand, citizens *per se* lack the means to successfully avail of the ECI; its chief beneficiaries being organisations of a civil-society nature. In its current, dysfunctional guise, therefore, the ECI serves to do the opposite to what it was intended to do, and, conversely, may actually widen the EU's *democratic deficit*. Tentative evidence, nevertheless, points to its potential to provide a sturdy building-block to the nascent *European Public Sphere*.

Keywords: *European Citizens Initiative, citizens' initiatives, democracy, democratic deficit, citizen participation, civil society organisations, European Public Sphere, lobby groups, NGOs*

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Chapter 1: Introduction and Outline

1.1 Introduction

On April 1 2012, the European Citizens' Initiative (ECI) was instituted. A direct product of the Treaty of Lisbon, the ECI was lauded as a democratic tool which would provide EU citizens with "a stronger voice in EU affairs...and thus become an active player on the European scene" (Kaufmann, 2012, p. 2). Described as an initiative to the European Commission whereby once a minimum of one million signatures from at least seven Member States were collected within a time limit of 12 months, citizens behind an ECI could invite the Commission "to propose legislation on matters where the EU has competence to legislate" (Commission, 2015). This, it was to be hoped, would be a step in the right direction towards assuaging the EU's *democratic deficit* - something which the EU has long been criticised for (Ross, 2011) - and providing a building block for a pan-European *public sphere* (Morganti, 2011).

The ink of the ECI was barely dry when on April 10, 2012, the online newspaper, *The Independent* revealed that two of the UK's largest lobbying firms – Bell Pottinger and Fleischman-Hillard – had "launched bids to help big business exploit" the ECI (Rawlinson, 2012, p. 1). In an email seen by *The Independent*, Bell Pottinger's European Affairs director, Daniel Hamilton said:

"The ECI provides an exciting opportunity for businesses and campaign groups directly to influence EU policy and their profile across the organisation's 28 member states ... Organisations interested in deploying citizens' initiatives will need to have substantial resources and support both at a grassroots and professional level. Bell Pottinger Public Affairs can provide that professional support, guiding you through the process of devising, launching and managing an initiative..." (Rawlinson, 2012, p. 1)

Fleischman-Hillard appears to have been somewhat less furtive, writing on its very own website that "the ECI is not a tool reserved for NGOs; corporations can use it

too...We are well-placed to assist your organisation in rolling-out a pan-European grassroots campaign” (Rawlinson, 2012, p. 1).

These revelations generated outrage in many spheres, reinforcing the belief of some that the “European Lobbyist Initiative” would be a more apposite description of the ECI because only “large companies, NGOs and...business clients have any hope of success” due to the burdensome hurdles involved in undertaking an ECI (New Europe, 2012, p. 1).

These fears were confirmed by an aide to the European Commission’s vice president Maros Sefcovic, who said, "They are trying to muscle in. We have done everything we can to try to put safeguards in place to discourage that from happening" (Rawlinson, 2012, p. 1).

The abovementioned fears have not, to date, been realised in view of the fact that while April 1, 2015 marked the third anniversary of the initiative, only three of the 51 ECIs that have been launched since its inauguration have passed all of the required criteria needed to invite the European Commission to propose new legislation (EESC, 2015). Moreover, as of yet, not one of them has been passed into a law, leading to criticism from many quarters that the ECI, as things stand, is an exercise in futility (Democracy International, 2015).

While evidence suggests that this is currently the case, the fact that since 2012, promoters of the aforementioned 51 ECIs have attempted to launch a pan-European campaign in pursuit of at least one million signatures suggests that there has been at least some enthusiasm for this new democratic tool. But who, exactly, has been behind these campaigns? Despite the lack of legislative success, it seems prudent to question whether the ECI has succeeded in providing citizens with a forum to provide them with a stronger voice in EU affairs or whether early concerns regarding the ECI being hijacked by lobby groups has proven to be a reality. This chapter highlights the importance of exploring the underlying issues by providing the purpose of and rationale for the research. Following these, an overview of the thesis is presented.

1.2 The Purpose of the Research

Research can be described as a systematic process of posing questions, answering questions, demonstrating valid answers and sharing results (Treadwell, 2014). This research aims to adopt this worthy approach. The purpose of the research is to explore whether the design of the ECI is more conducive to the interests of citizens or to the interests of a more vested variety? This is the concern of the main research question. Two related questions also need attention in order to appropriately flesh out the area of enquiry. Thus, the three research questions are, as follows:

- Is the ECI a tool for citizens or for lobby groups?
- Has the ECI been effective in tackling the *democratic deficit* in the EU?
- What is the role of the ECI in the *European Public Sphere*?

1.3 The Rationale for the Research

Notwithstanding its relative short existence, a wealth of academic research has been carried out on the ECI. However, there is a paucity of research specific to the important question of whether the ECI is a tool designed for the benefit of citizens or whether it is, more likely, the preserve of lobby groups. This gap in the research underscores the rationale for the study at hand.

1.4 Overview of the Study

A review of the literature (Chapter 2) will endeavour to explain, in broad terms, the background reasons why the ECI was introduced in the first place. This will be done using the process of deduction whereby broad topics related to the ECI such as *democracy*, *democratic deficit* and the *European Public Sphere* will be analysed and discussed. The focus will then be narrowed to the aforementioned research questions.

An analysis of the seemingly obfuscated lines between lobbying and the representation of citizens' interests at a policy level will follow, and a critical analysis of citizens' initiatives that exist in both EU Member States and further afield will attempt to identify the similarities and differences that exist in citizens'

initiatives in order to provide a comparison with the ECI. This will then be followed by a description and analysis of the ECI which will include the relevant literature (from various sources including academics, think tanks, newspapers, journals, EU documents).

As Treadwell states, the purpose of a literature review is “to demonstrate to others exactly how your research contributes to the shared body of knowledge” (Treadwell, 2014, p. 44). In keeping with this worthy aim, the purpose of the review of the literature here is to endeavour to do exactly this by providing an informative analysis of the issues relevant to the ECI and to the pertinent research questions.

Chapter 3 will describe the research methodology. A combination of a grounded empirical approach and an *a priori*, desk research approach was deemed an appropriate way to tackle the relevant research questions. The rationale for this approach will be further elucidated in the chapter. In view of the abovementioned fact that out of the 51 ECIs launched, only three have met all of the Commission’s requirements, it was considered appropriate to focus on these three initiatives, in the main. Hence, while *desk research* was used to provide an insight into the ECI in a general sense, the greater part of this research comprises face-to-face and Skype semi-structured interviews with ECI stakeholders and experts.

The findings that have emanated from the current research will be presented in Chapter 4. Hence, the data garnered from the interviews were triangulated with those from the desk research in order to provide an appropriate and informative response to the research questions.

Finally, in Chapter 5, the relevant conclusions will be drawn with respect to the main research question and the other two pertinent research questions. Recommendations for future research will be made.

Chapter 2: Theories and Literature Relevant to the ECI

2.1 Introduction

In 2012, the European Union (EU) was awarded the Nobel Peace Prize, 67 years after the end of two wars which brought the continent to its knees. The peace that has since prevailed – especially when one considers the centuries upon centuries of conflict endured on the continent – has been truly remarkable. Indeed, it would seem churlish to assert that the award was not deserved. Peace may have won the day in Europe but the irony was not lost on many, who pointed out that although one crisis had been put to bed, Europe was now enduring another (Higgins, 2012).

Since the beginning of the European project, economic integration has been its main focus. The EU, in its many different guises, has sought to make European nations industrially interdependent; to help neighbouring countries flourish by symbiosis which above all else, would stop war from ever breaking out again (Ohnmacht, 2012). In this regard, the EU has been a complete success. One would have to look far and wide to find a person oblivious to the reality of the two World Wars but to most, certainly those born since the middle 20th century, the thought of Germany and Italy doing battle against England and France – and involving a host of other European countries – would seem absurd. As intimated above, however, the EU is not without its challenges. In making EU countries financially interdependent in order to prevent war, other problems have arisen.

After a host of EU treaties were rejected by national referendums, the EU has in recent years began to acknowledge that a gap exists between the EU institutions and the EU citizens themselves regarding the democratic legitimacy of its decisions (Ohnmacht, 2012). This so-called *democratic deficit* for which the EU has long been criticised (Elfer, 2006) has led the EU to seek ways to bridge the gap – or at least appear to do so – between the citizens and the law-making institutions of the continent; thus engendering a so-called *European Public Sphere* (Morganti, 2011). One such attempt at this has been the *European Citizens' Initiative* (ECI), which seeks “to engage European citizens with the European project, help mobilise civil

society and strengthen pan-European debate on European policies” (Kacynski, 2010, p. 1).

This literature review aims to provide a broad background overview regarding why it was felt that the ECI needed to be introduced before narrowing the focus to a level more specific to the main research question. This will be done by: 1) Explaining and analysing the conditions which led to the creation of the ECI by examining the role of democracy and citizen participation in the EU. A background to the sub-research questions will thus be provided. 2) The paper will proceed to focus on the topic of lobby groups and citizens’ representation at an EU level. 3) Citizens’ initiatives in general will then be explored by analysing the history of citizens’ initiatives, both in EU Member States and further afield. 4) In order to clearly elucidate how the ECI functions, a nuts-and-bolts description of the ECI, including various different academic opinions on the subject, along with comparisons with the previous citizens’ initiatives examined, will be undertaken.

2.2 Democracy & the EU’s Democratic Deficit

Background to Democracy

In contemporary times, the concept of *democracy* almost has universal appeal. In the grand scheme of things, however, it is a relatively recent phenomenon (Ball & Dagger, 2004). Up until the last seventy years, democracy was essentially an unknown term outside of the Western world, while two centuries further back, the term possessed negative connotations even in the West; the aristocracies and established Churches equating it to something almost sacrilegious (Siedentop, 2001). Things, however, are very different today, with democracy embarking on an unprecedented surge in popularity. Today, everybody wants a piece of democracy. Be they male or female, liberal or socialist, communist or conservative, all espouse democracy (Ball & Dagger, 2004).

This, however appears to suggest something equivocal about the term. Before the fall of the Berlin Wall, for example, the Communist-controlled part of Germany was called the “German Democratic Republic”. Yet, this was a place where freedom of speech and movement, basic tenets of what many consider a democracy to be, were largely prohibited. A possible explanation is that people with different ideologies

merely have different beliefs regarding how a democracy should be achieved. While many in the West would consider a dictatorship as incredibly undemocratic, Mao Zedong – leader of the Chinese Communist Party for more than 40 years – claimed that the government which he led was a “people's democratic dictatorship” (Ball & Dagger, 2004: p20). In the apparent view of Chairman Mao, there was no contradiction in the term “people's democratic dictatorship” because he believed that a period of dictatorship was needed to pave the way for democracy in China (Ball & Dagger, 2004).

What becomes apparent is that “people quite simply mean different things by democracy... Democracy, then, like freedom, is an essentially contested concept” (Ball & Dagger, 2004, p. 20). Although different variations of the definition exist in terms of the *democracy* that exists in the West, it is generally accepted that Abraham Lincoln provided a most apposite definition at his famous Gettysburg Address when he described it as “government of the people, by the people, for the people”. The reason for it being considered a contested concept, however, is not as much predicated on its definition as on how it is implemented (Cunningham, 2001). This notion of how democracy is implemented may, indeed, be of significant relevance when one considers the functioning of the EU.

The EU's Democratic Deficit Issue

In times of crisis and uncertainty, one of the chief criticisms directed at the EU is that it is suffering from a democratic deficit. Given the complex nature of the EU itself, as well as the aforementioned equivocal understanding of word democracy, debate has arisen concerning the reasons why, and the areas where the EU is failing to meet the democratic standards it espouses. This is generally summed up by the term *democratic deficit*, which is broadly recognised and described as “the EU's non-standard practices and institutions of decision making, and its inability to generate either a significant shift in loyalties towards itself or a deep sense of shared interests and commonalities between the people of the member states” (Warleigh, 2003, p. 6).

Like most issues relating to the functioning of the EU today, the *democratic deficit* has its roots at the beginning of the European project in the 1950s when the most pressing imperative was to ensure that another brutal war would never happen again. While some of the EU's founding fathers wished to create a United States of Europe,

the majority were realists and acknowledged that such a goal would be doomed to failure given the threat to sovereignty that it would pose to the Member States. Instead, they embarked upon a process called the “Monnet Method” - currently known as the “Community Method” - which set in motion a process of events which culminated in the power that is currently invested in the Commission, Council and Parliament (Ross, 2011); the holy trinity of European politics. While the economic integration promoted by the “Monnet Method” succeeded in preventing another war, this result was achieved by European institutions that “are by design elitist and non-democratic” (Ross, 2011, p. 94); thus, at a remove from the regular citizens.

Today, an opinion prevails that the EU is run by an “extremely voluminous and muscular bureaucracy where a technocratic elite operates largely behind closed doors” (Gripsrud, 2012, p. 32). While the veracity of this statement might be subject to debate, it cannot be denied that the EU has a problem concerning how it interacts with its citizens.

But whose fault is this? Are the so-called faceless Eurocrats in Brussels the only ones to blame? When asked about the topic, one ex-Commissioner stated: “The democratic deficit...well, you can always improve democracy but the EU’s democratic deficit doesn’t exist” (Ross, 2011, p. 96) before proceeding to describe all of the democratic checks and balances which the EU implements. And in a way, one might sympathise with this viewpoint. After all, it is not to assert that the Member States are “in reality anything like paragons of democratic virtue as judged against most, if not all, theories of democratic governance (Anderson & Burns, 1996, in Warleigh, 2003, p. 5). The UK Government, for example, contends that the EU is suffering from a democratic deficit (Lunn & Miller, 2014) but when one considers the situation of Scotland in the UK – perhaps best described as a nation (Scotland) within a country (UK) – where the England-centric Conservative (Tory) party has virtually no representation, the lines pertaining to the EU’s perceived democratic deficit begin to blur. After all, in every UK general election, the Tory party has at least a 50 percent chance of being the majority party in government, even though it quite evidently does not represent the will of the Scottish people (Gardiner, 2013). This - and there are many examples in other EU countries too - surely constitutes a democratic deficit as well?

Yet, it seems that the term *democratic deficit* is solely reserved for criticising the EU. EU apologists may rightly feel disgruntled by this considering the credence given to the argument that the EU's legitimacy problems reside "in the larger political puzzle of a crisis of democratic politics, whose most destructive manifestations lay more at member state levels than in the EU itself" (Ross, 2011, p. 96).

While Member States indubitably see the benefits which EU membership provides, this does not appear to be translated into concerted Member State-attempts to engender *Europeanisation* among the citizens. Member State politicians, understandably, are more concerned with domestic issues and short-term gains than with the bigger European picture (Warleigh, 2003). As one perhaps partial ex-Commissioner put it, "the member states accept our successes and blame the EU for their problems. There is no real democratic deficit, but there is a problem in our national democracies. No one has succeeded in persuading people that there is a win-win game between the EU and national politics" (Ross, 2011, p. 98)

While the ex-Commissioner may be open to the accusation of being somewhat in denial about the EU's relative culpability, there may be substance to the point that Member States are happy to shift the blame in the direction of Brussels. The Member States' proficiency at assigning blame, coupled with the failure of the EU elites to "bring the people with us" (Ross, 2011, p. 97) during its stealthy integration process has resulted in a situation where, on the one hand, the EU preaches the virtues of a citizens' driven democracy while on the other, the citizens remain on the periphery of the decision-making process (Warleigh, 2003). Much like the aforementioned Mao Zedong, who believed that a period of dictatorship was needed to pave the way for democracy in China, the EU's integration process since the 1950s may not have been *democratic per se*, but it has secured "conditions in which democracy is a viable proposition" (Warleigh, 2003, p. 1). The EU's *raison d'être* now involves enabling the citizens to participate in the decision-making procedures which affect their lives; the European Citizens' Initiative being one such manifestation of this. As one Commission institutional specialist put it, "we face a big gap...Our problem now is how to bring Europe back to the citizens" (Ross, 2011, p. 97).

2.3 The ECI: a step towards a General European Public Sphere?

The Public Sphere

One of the main stated aims of the Treaty of Lisbon is the bridging of the gap between the citizens of the European Union and its institutions. Without the wilful participation of the citizens themselves, however, such a stated aim – “to continue the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizen in accordance with the principle of subsidiarity” – can only be deemed inconsequential and ultimately hollow (TEU, 2007).

For a democracy – in the aforementioned sense of the concept – to function properly, or at least to strive to do so, the engagement of its citizens by means of discourse: voting, debating, dialogue and consultation, is sacrosanct. Chief among the social theory pertaining to this idea is Jürgen Habermas' social theory of the public sphere. Originally published in 1962, Habermas' *The Structural Transformation of the Public Sphere* ostensibly charts the rise of the negative impact which debate amongst the bourgeois had on the power of the aristocracy (Habermas, 1989). Ultimately however, the public sphere is more concerned with the pursuit of democracy by way of rational and critical debate amongst private individuals concerned with the merits of the argument - not the status of the arguer - and the social conditions necessary for the germination of such debate. In other words, what are the most conducive conditions for the arguments and debates of different people to become a legitimate basis for political action? (Calhoun, 1992).

Such a question may be boiled down to a matter of *truth* (Habermas, 1989). What are the appropriate topics that need to be raised and the actions need to be taken to *truly* benefit society as a whole? When one considers the subjective nature of the word *truth*, however, things get a little bit more complex. The European Parliament, to use a relevant example, is populated with MEPs who may be found on a variety of vantage points on the political spectrum, and who are capable of arguing and disagreeing about countless issues, all the while asserting that their own viewpoints represent the *truth*. It is reasonable to suggest, therefore, that *truth*, like *democracy*, is a word that is open to interpretation. Insofar as one person's terrorist may be

considered another person's freedom fighter, one person's truth may be deemed another person's falsehood. We inhabit a world of blurred lines where things may seldom be viewed simply in black and white terms. Conversely, it may readily be surmised that no one person is capable of speaking the *truth* all of the time. What people can do, in reality, is express and debate opinions by means of rational and critical discourse. It is only when there is adequate participation and airing of diverse opinions that the important issues at stake will begin to emerge. Thence, an approximation to the truth may be achieved. The public sphere's role, in relation to the functioning of a democracy can therefore be summed up by the words of Francois Guizoz: "to seek the truth and tell it to power" (Habermas, 1989, p. 101). These words reveal the heart of the public sphere.

The European Public Sphere

As already stated, the peace and fraternity which has emerged amongst the different nations of the EU since 1945 has, considering the centuries upon centuries of previous strife, been a truly remarkable feat. Nevertheless, since its foundation, the EU's evolution has been beset by issues regarding "effectiveness, efficiency and legitimacy" (Heard-Laureote, 2010, p. 26); not least when trying to strike a balance between technocracy and democratic accountability (Wallace & Smith, 1995 in Heard-Laureote, 2010). In essence, the need for a public sphere in the EU will always be necessary if the EU is serious about bridging the gap between the EU institutions and its citizens. The Treaty of Lisbon, which initiated the EU's biggest ever enlargement, when coupled with the Global Financial Crisis of 2007 served to magnify the EU's problems pertaining to democratic legitimacy. It was the increase of said integration, along with the elephant in the room – the EU's perceived *democratic deficit* – that heightened the early debate surrounding the need for a European Public Sphere (Heft & Pfetsch, 2011).

The Commission's answer to this issue was the White Paper on a European Communications Policy in 2006, which officially recognised that the EU institutions' communication with its citizens had not "kept pace" (Commission, 2006, p. 2) with its expansion and that "Democracy can flourish only if citizens know what is going on, and are able to participate fully" (Commission, 2006, p. 2). In short, the EU's "output legitimacy" which can be put down to its capacity for problem-solving

needed to be complimented by an “input legitimacy” revolving around citizen participation (Kielmansegg, 1996; Scharpf, 2009 in Heft & Pfetsch, 2012).

The White Paper acknowledged that although many decisions which daily affect EU citizens are taken at an EU level, “People feel remote from these decisions, the decision-making process and the EU institutions (Commission, 2006, p. 4). This sense of “alienation” (Commission, 2006, p. 4) is partly put down to “the inadequate development of a ‘European public sphere’ where debate can unfold (Commission, 2006, pp. 4 – 5). However, when one considers that there is a “lack of common language, lack of pan-European media, lack of a genuine pan-European civil society and lack of a European Identity” (Shahin & Terzis, 2012, p. 217), it’s not difficult to understand why the Commission described the development of a European public sphere as “inadequate”.

While academic opinion regarding the strength of the European Public Sphere varies – to the extent that some regard it as non-existent (Baisnee, 2007) – its growth is considered as vital to the legitimisation of the European integration process. Some argue that while a “Segmented EPS” – which includes think tanks, academic communities and pressure groups at an EU level – and a “Strong EPS” – which includes people who work with or for the European institutions – are functioning properly, a truly functioning European Public Sphere needs a conflation of the “Strong EPS” and the “Segmented EPS” with a “General EPS” that includes all EU citizens (Shahin & Terzis, 2012: p 218). As things stand, however, a General EPS remains a work in progress.

It makes intuitive sense that the cultivation of a European identity would be necessary for a General EPS to emerge, But is this possible? How *European* do the citizens of the EU feel? Eurobarometer 71 measured a small increase from 71% to 74% regarding how European citizens felt in the space of the twelve months between 2008 and 2009. This statistic, however, lagged far behind the 94% (in 2009) who defined their identity as based on their nationality and 91% (in 2009) who based their identity on the region they came from (Commission, 2010).

Though ethnocentrism may win the day, it is not all bad news for those in favour of the *Europeanisation* narrative. Given the EU’s size and cultural diversity, it could be argued that it would be a fool’s errand to try to achieve a situation where European

citizens perceive themselves as European and European only. However, insofar as EU citizens have a strong affiliation with both their region and their nation, a cleavage exists where a national identity may be complimented by a European one too (Crusafon, 2012). As much as national identities need to be celebrated, an emphasis needs to be placed on the commonality of EU citizens from different Member States and the shared values they possess.

Sporting events like the Ryder Cup in golf where Europe takes on and regularly beats the US every few years, and the excellent Erasmus programme where students go to study in a university of another Member State comprise examples of events or programmes that help to organically engender a positive European identity. The Eurovision Song Contest is perhaps another example although it may be questionable whether it constitutes a positive aspect of pan-European interaction. The point being that when given the opportunity, EU citizens appear to be most willing to participate in a pan-European arena. The opportunities to do so, however, are limited in comparison to those existing within national boundaries.

This is mirrored on the political front. Contrary to popular belief and media rumblings, EU citizens generally share a positive opinion of the EU. Eurobarometer 62 in 2005, for example, stated that 56% of citizens sampled had a positive view of their country's EU membership as opposed to 13% who had a negative view (Commission, 2005). However, while those who were informed about the EU institutions and its policies had a positive view of the EU, those who were uninformed had a negative view. It was the latter, however, that constituted the majority (Morganti & Van Audenhove, 2012).

This, however, was offset by the finding that 75% of citizens stated that they would like to be better informed, while 85% were in favour of better informing school children about the EU. These findings confirmed the existence of a gap between the EU institutions and its citizens: "citizens were aware that something important was happening in Europe in which they could not participate, or in which they were not able to participate, owing to a lack of knowledge and...up to date information" (Morganti & Van Audenhove, 2012, p. 122). They also, more positively, demonstrated that, given the tools, EU citizens were willing to participate in the European project. This, undoubtedly, was a boost for those who believed that forms

of participatory democracy like the forthcoming European Citizens' Initiative would help to engage the EU citizens with the EU institutions; thereby bridging the *democratic deficit*. The question which arises here is whether the ECI is a tool which encourages citizen participation in EU democracy, thereby incrementally bolstering the creation of a General EPS or conversely, whether the mechanics of the ECI are more conducive to members of the Segmented EPS. This important issue will be revisited and discussed in Chapter Four.

2.4 Civil Society Organisations: A voice of the citizens? Lobby Groups? Both?

In both the media and the general public, the word "lobbying" generally possesses negative connotations (Joos, 2011). To be sure, the stereotype of Iago-like organisations operating with impunity behind closed doors, undemocratically promoting the malevolent interests of gun manufacturers or cigarette companies etc. prevails. Yet while most stereotypes hint at some at least partial or historical truth, they generally do not portray the full picture.

The same may be said of lobbying. Lobbying, after all, is not solely the reserve of the interests of big business organisations. As Joos (2011) conveys, academic opinion largely recognises that:

Modern societies and democratic systems of government are inconceivable without the aggregation, representation, and (organised) establishment of interests...Politics does not exist in a vacuum but in a mutually dependent relation to its environment. Interests are the basic driving force behind players' actions and are thus part of the "very stuff of politics". Democratic politics is always shaped by confrontation, negotiation, agreement and compromise; by the debate between differing opinions with the aim of finding a political, consensus solution. (p. 41)

Churchill's maxim regarding democracy being the worst form of government apart from all other forms tried resonates here, because although lobbying may seem far removed from *democracy* and especially *direct democracy*, a democracy has to function somehow. And within the game of representative democracy, lobbying has

found its niche. Politicians, after all, are not omniscient and must endeavour – in theory, at least – to strike a correct balance between representing the citizens as well as engaging with and gaining insight from special interests such as business lobbies that play an important role in wealth and employment creation.

This thesis questions whether the ECI is a tool for citizens or a tool for lobby groups and though the question seems quite straightforward, it is actually quite the contrary with regard to lobby groups. While the abovementioned notion of stereotyping with regard to lobbying is not without relevance, the unvarnished truth is that lobby groups represent all sections of society, not just business interests but also a multitude of other interests including the interests of citizens in the form of civil society organisations (CSO).

But what exactly is civil society and can it be described as the legitimate spokesperson for the ordinary citizen? According to Habermas (1996):

Civil society is composed of those more or less spontaneously emergent associations, organizations, and movements that, attuned to how societal problems resonate in the private life spheres, distil and transmit such reactions in amplified form to the public sphere. The core of civil society comprises a network of associations that institutionalizes problem-solving discourses on questions of general interest inside the framework of organized public spheres. (p 367)

While civil society organisations endeavour to represent the interests of the common citizens, the way they are set up and how they go about their business, especially at an EU level, means that they could also be included in the “lobby group” bracket. Though they may not have as loud a voice as certain private interest groups, they have been increasingly active in lobbying at an EU level in recent years (Balanya *et al.* 2000 in Smismans 2006).

One of the most prominent EU-level civil society organisations is the EU Civil Society Contact Group which acts as an umbrella group for the following citizens’ interest groups:

- 1) CONCORD (a European NGO confederation for Relief and Development)
- 2) Culture Action Europe

- 3) European Public Health Alliance
- 4) European Civil Society Platform on Lifelong Learning
- 5) European Women's Lobby
- 6) Green 10 (a network of environmental NGOs)
- 7) Human Rights and Democracy Network (an Amnesty International-led network of human rights organisations)
- 8) Social Platform (EU Civil Society Contact Group, 2015)

While the title “European Women’s Lobby” is indubitably a giveaway, a brief observance of all of the above organisations proves that although they endeavour to represent different sections of society, they are nonetheless lobby groups. This, therefore, begs the question of whether civil society organisations can be described as a legitimate representation of regular citizens.

A CSO like the Permanent Forum on Civil Society, for example, “is highly active on European citizenship and participatory democracy, yet it only has a handful of individuals as members” (Greenwood, 2011: p 134). Furthermore, the European Citizen Action Service (ECAS) which has played an important role in championing and carrying out research on the ECI along with other issues important to citizens’ democracy, was founded by an “‘interest group entrepreneur’ with substantial experience on the Brussels scene who saw a ‘niche’ gap in the advocacy market... [the ECAS] makes no pretence to ‘representativeness’” (Greenwood, 2011, p. 134).

Credence may certainly be given to the argument that a gap exists between CSOs and regular citizens, especially when one considers that “Many civil society groups who do engage with Union governance are not internally democratic and cannot, or do not, serve to socialise their members into the EU system” (Warleigh, 2001 in Smismans, 2006, p. 77). Rather than mobilising and informing members, CSOs as demonstrated by the role they played in the European Convention, had a “preference for insider collective action registers (Balme & Chabanet, 2008) consisting in regular involvement, reputation, coalition-making and trust with policy-makers (Qiuttkat & Kotzian, 2011)” (Bouza Garcia, 2011, p. 283).

The ECI, as explained above, was introduced to bring the EU closer to its citizens. The EU institutions had finally acknowledged that a gap remained between it and its citizens; something which CSOs (who existed long before the ECI’s introduction),

on their own had not bridged. If the EU's intention was to bridge this gap by strengthening the role of CSOs, it would have named the ECI the "European Civil Society Initiative" yet it evidently did not do so. Yet as Greenwood stated a year before its introduction, the ECI; "ostensibly a direct democracy measure for citizens to bring forward proposals, will ultimately depend upon the professionalized resources of interest organisations to operationalize it given the detail and logistical requirements" (Greenwood, 2011, p. 4).

2.5 Citizens Initiatives: Power to the People?

Although scholarly research exists on national and regional citizens initiatives – regarding Switzerland and California particularly – most of the research on European national citizens' initiatives is in languages native to the particular countries – i.e. not in English – and therefore beyond the scope of this thesis. While very little research exists on "agenda initiatives" (as opposed to "full-scale initiatives"), no comparative research focusing on the national citizens' initiatives in Europe existed until Schiller and Setälä (2012). Since said publication, other European countries have adopted citizens' initiatives, of which only basic English-language information exists.

While the ECI, due to its transnational nature, is a unique democratic tool, the concept of collecting signatures to change laws is by no means novel. Prior to the introduction of the ECI in 2012, national level citizen initiatives existed in the following Member States: Austria, Hungary, Italy, Latvia, Lithuania, The Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia and Spain (Cărăușan, 2011). Non-EU countries in Europe such as Switzerland and Liechtenstein have a rich history in this area with citizens' initiative dating back from 1891 and 1921 respectively, while today, both Finland and Bulgaria have joined the list of EU Member States that have made provision for a national citizens' initiative (Schiller & Setälä, 2012). Citizens' initiatives, however, are not just a feature of European democracies, with many examples existing further afield. One example of note is the American state of California, which in 1911, introduced a citizens' initiative as a response to the endemic bribery of state legislators by wealthy people with special interests (Westen & Stern, 2008).

What is a citizens' initiative?

What exactly does one mean when one is talking about a citizens' initiative or a popular initiative or any other of the myriad ways to describe this tool of democracy? Citizens' initiatives are generally regarded as a form of *direct democracy* (although this too elicits disagreement; others describing it as a tool of "liberal, representative democracy" (Uleri, 2012, p. 73)). *Direct democracy* is one of the two most popular forms of democracy currently practiced; the other being *representative democracy*. In contrast to *representative democracy* where voters elect candidates and parties to make decisions for them, *direct democracy* enables citizens to directly decide for themselves the laws which rule their societies. Besides citizens' initiatives, other examples of direct democracy include referendums and recall elections (Ellis, 2005). In an "of the people, by the people, for the people" sense, it could be argued that *direct democracy* is the purer of the two, although due to its binary nature is arguably more susceptible to populism and demagoguery.

Citizens' initiatives can thus be described as "procedures that allow citizens to bring new issues to the political agenda through collective action, that is, through collecting a certain number of signatures in support of a policy proposal. Policy proposals included in initiatives can either be submitted to a popular vote (a referendum) or be dealt with in the parliament or other representative body" (Schiller & Setälä, 2012, p 1).

How does a citizens' initiative work?

While it is generally agreed that national citizens' initiatives are a form of *direct democracy*, not all initiatives are as potent as each another. Some citizens' initiatives, it would seem, are more democratically direct than others. Citizens' initiatives can be split into two categories: *full-scale initiatives* and *agenda initiatives*. Though designed differently in the various countries that use them, a *full-scale initiative* can be described as an initiative that requires the collection of a designated quota of signatures within a specified period of time whereupon the initiators of the citizens' initiative can table a political proposal and demand a decision to be made on its introduction by way of referendum. An *agenda initiative*, on the other hand, though similar in terms of petition procedures, is not as direct as its full-scale counterpart. While the power to create a public discourse should never be underestimated,

initiators of an agenda initiative do not possess the power to demand a referendum on the matter. The buck ultimately stops with the legislature who has the authority to implement or discard the proposal. Throughout Europe a variety of *full-scale* and *agenda initiatives* exists, with full-scale-only initiatives existing in some countries: Latvia, Italy and Switzerland, for example, and agenda-only initiatives existing in, for example, Spain and Austria. In countries such as Poland, Hungary and Italy, however, both forms of initiatives exist although Italy's *full-scale initiative* is a form of *abrogative initiative* which differs from others in Europe insofar as it is used to abolish a certain law (Schiller & Setälä, 2012).

Functional differences between citizens' initiatives

There is a marked lack of uniformity between countries that use citizens' initiatives, with each country's initiative displaying its own idiosyncratic approach. In Hungary (which has both full-scale and binding initiatives), for example, 50,000 signatures collected within two months is required to make an *agenda initiative*, 100,000 signatures within four months for a consultative referendum (that is, a request made to parliament who then decides whether an advisory or a binding referendum is held), and 200,000 signatures within four months for a binding and obligatory referendum (Palinger, 2012). In Switzerland, which operates a full-scale citizens' initiative, a mixture of parliamentary procedures is involved before a referendum is held on a citizens' initiative. Here, the parliament has the opportunity to make a counterproposal to the initiative. This is often done when the parliament or government considers the initiative a threat due, perhaps, to its perceived radical nature but there is also an acknowledgement of the legitimacy of the issue raised by the initiative. If this counterproposal satisfies the makers of the original citizens' initiative, they may withdraw it (Lutz, 2012). This is in direct contrast with the situation in California where a ballot vote is held almost immediately after an initiative has achieved the required amount of signatures (Schiller & Setälä, 2012).

Table 1.0 below displays functional differences between the noteworthy national citizens' initiatives that exist in Europe. (It is important to note that some countries are not included. While citizens' initiatives exist in Romania and Portugal, for example, the processes involved in using them are highly restrictive which results in a marked lack of use. On the other hand, countries like the Netherlands, Finland and

Bulgaria have only recently introduced this democratic tool and are hence lacking in practical experience)

Table 1.0 National citizens' initiatives in Europe (-2010)

Country (EU/non EU)	Full-scale or agenda initiative (year of adoption)	Number of signatures required, per cent of the electorate, time allowed for signature collection	Number of successfully submitted initiatives; legislative impact
Switzerland (non-EU)	Full-scale (1981)	100,000 (circa 2%) 18 months	281 CIs submitted to parliament, 174 voted in a popular vote of which 18 were accepted
Liechtenstein (non-EU)	Full-scale and agenda (1921)	1,000 (ordinary laws, 5.3%) 1,500 (constitutions, 8.0%) 6 weeks	Full-scale: 34 submitted of which 13 were successful in a popular vote Agenda: 1 submitted in 2008 but refused by parliament
Latvia (EU)	Full-scale (1922/1994)	Stage 1: 10,000 (0.7%), 12 months Stage 2: 10%, one month	2 popular votes based on initiatives 1 initiative passed in a referendum
Italy (EU)	Full-scale (1947/1970) *abrogative initiative Agenda initiative (1947)	500,000 (1%), 90 days 50,000 (0.1%), 6 months	75 abrogative initiative, 62 voted in a referendum, 35 valid referendums, 19 approved 250 electors' law proposals, about 20 passed
Hungary (EU)	Full-scale binding or consultative(referendum)	Binding: 200,000 (2.5%), 4 months	4 consultative and 5 binding referendums based on initiatives, 4

	motion) Agenda (abolished in 2012) (all 1949/1997)	Consultative: 100,000 (1.2%) 4 months 50,000 (0.6%) 2 months	consultative referendums passed, 3 binding referendums valid and passed 10 agenda proposals reached parliament, 2 of which were passed
Lithuania (EU)	Full-scale (1989) Agenda (1998)	300,000 (11.4%), 3 months 50,000 (1.9%), 2 months normal laws), 4 months (constitutions)	No initiative-based referendums 4 agenda proposals reached parliament of which 1 was adopted
Slovakia (EU)	Full-scale (1992) Agenda (1992)	350,000 (8.2%) 100,000 (2.3%), no time limits	13 initiatives created of which 3 led to a referendum but none of said referendums valid. 9 initiatives reached parliament of which 3 led to legislative action
Austria (EU)	Agenda (1963)	100,000 (1.6%), 8 days	34 initiatives reached parliament of which 6 contributed to legislative changes
Spain (EU)	Agenda (1984)	500,000 (1.3%) 9 months (+3 months)	10 initiatives reached parliament of which 1 was adopted
Poland (EU)	Referendum motion (1995)	500,000 (1.6%), no time limit	3 referendum motions made reached parliament; none led to

	Agenda (1997/1999)	100,000 (0.3%), 3 months	a referendum 24 legislative initiatives reached parliament of which 7 led to legislative changes
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Sources: This information is sourced from the work of Schiller and Stetälä (2012: p 248 – 249) and Hierlemann and Wohlfarth (2010).

Comparative analysis of citizens’ initiatives in Europe

As is to be expected, the ability of a citizens’ initiative with regard to how well it functions as a democratic tool depends on how easy it is to use and how much potential it has to influence the law. Unsurprisingly, given their more direct potential to influence, *full-scale initiatives* are considered more attractive than *agenda initiatives* from the perspective of potential organisers. This is supported by the evidence of countries that offer both types of initiative: Hungary, Slovakia, Lithuania and Liechtenstein who up to 2010 have respectively had ten, nine, four and one agenda initiatives since the introduction of the tool. Hungary deemed its *agenda initiative* surplus to requirements and abolished it in 2012. While Italy has had, comparatively speaking, a large amount of *agenda initiatives*, the issues raised have been considered to be unimportant and very few have resulted in legislation. In countries with *agenda initiatives* only, Spain, due to restrictive regulatory hurdles, has had very little experience of initiatives, which contrasts with Poland (Poland is not an agenda-only country; it also has a “referendum motion” but it has never been successfully used) and Austria where they have been used more regularly (Schiller & Setälä, 2012).

The perceived ability of *full-scale initiatives* to have a greater impact on legislation than *agenda initiatives* is reflected by the higher thresholds placed on the former. This, in part, can be put down to the amount of issues that are excluded from the *agenda initiative* process, such as constitutional amendments in Poland and the ratification of international treaties in Austrian (Schiller & Setälä, 2012). *Full-scale initiatives* also tend to circumvent the power of the parliament and are hence more difficult to initiate. This means that the signature threshold is higher and the amount

of time allowed for their collection lower, as demonstrated in *Table 1.0*. Lithuania, for example, has a threshold of 300,000 (11.4% of population) and a period of three months to carry out a *full-scale initiative* compared to 50,000 (1.9%) and a period of two months for an *agenda initiative* concerning normal laws.

Who avails of citizens' initiatives?

Comparative analysis of national citizens' initiatives across Europe clearly demonstrates that although all countries possess unique procedures, certain common characteristics are detectable. What becomes strikingly apparent is that - as the situation in Austria suggests - although initiatives are meant to function as a "mouthpiece" for citizens and civil society in general, they are "too often usurped by political parties" (Glese, 2012: p 187). In Switzerland, for example, where initiatives play a strong agenda-setting role, 39 per cent of initiatives are launched by political parties only, with a further 15 per cent launched by a marriage of political parties and interest groups. While half of the initiatives are launched by an organisation that is not a political party, the committee of the organisation in question normally contains parliamentarians from one or more parties and the initiative signature-collecting endeavours are supported by the political parties involved (Lutz, 2012).

This is echoed in Liechtenstein where 50 per cent (17 of 34 up to 2010) of citizens' initiatives were launched by one or more political parties. In contrast with Switzerland, however, a cleavage exists here for non-political actors to avail of the initiative mechanism with associations and interest groups such as trade associations, NGOs and a fishing club launching initiatives (10 of 34). Contrary to the norm, even ordinary citizens have availed of citizens' initiatives in Liechtenstein, with six of the 34 launched by individuals who shared common interests and goals, some having even been initiated by one individual (at the beginning of the process). Like Switzerland, however, political parties exert hegemony over the citizens' initiative tool, viewing it as an alternative affordance to circumvent traditional parliamentary procedures (Marxer, 2012).

In Latvia during 2009, much to the chagrin of some parliamentarians who feared citizens' initiatives would be left in the domain of the most organised and wealthy groups and associations, the signature threshold was raised from 1,000 to 10,000 (within 12 months) as a putatively preventative measure against initiatives of a trivial

nature. Again, citizens' initiatives in Latvia are of a distinctly political nature, being often used by political parties and actors on the margin of the political spectrum as a means to generate support and publicity, especially in the build up to elections. The mechanism has also functioned as a means of influencing the political agenda by NGOs and trade unions in particular, especially if they have no direct channels of influence. Initiatives which have led to a referendum have been conspicuous owing to the fact that they have not been launched by regular citizens and civil society actors, who unlike political parties, trade unions and large NGOs, don't have access to the financial and organisational support needed to mobilise the large sections of society required to pass the signature threshold (Auers, 2012).

In Italy, both *full-scale* and *agenda initiatives* exist but unlike the other *full-scale initiatives* mentioned here, Italy's *full-scale initiative* is an *abrogative initiative* and is very party political in nature. While the large amount of *agenda initiatives* proposed gives the impression of a vibrant environment for citizen participation, the *agenda initiative* in Italy is in fact a very weak political tool. This is evidenced by the paltry number of (20 out of 250) proposals which have passed into law since 1947. Moreover, most of the successfully submitted proposals are "insignificant provisions and measures of an economic nature, meant to benefit a narrow group of stakeholders" (Uleri, 2012, p. 77). There is some evidence, however, of *agenda initiatives* pertaining to issues of a civil society nature. In 1983, the "Adoption and Custody of Minors Act" was voted into law on the back of an initiative promoted by political parties, unions, and Catholic and women's advocacy groups (Uleri, 2012).

Hungary's weak civil society as a result of its repressive Soviet past is portrayed by its lack of citizen and civil society influence pertaining to successful *agenda initiatives*, with no citizen backed initiatives passed and only two civil society-backed initiatives (against animal cruelty and concerning the wages of public servants) passed. With regard to *full-scale initiatives*, all such Hungarian initiatives have been dominated by political parties (Pallinger, 2012).

The party-political hegemony of citizens' initiatives is also witnessed in Lithuania and Slovakia. In Slovakia, for example, every initiative which has led to a referendum has either been directly initiated or supported by a political party. Importantly, funding problems tend to inhibit the role which NGOs could have as

initiators (Lastic, 2012). In Lithuania, the legislation on citizens' initiatives and referendums is weighted in favour of political parties. While civic groups and NGOs with the means have a seat at the citizens' initiative table, local communities are at a distinct disadvantage due to a lack of human and financial resources, as well as unclear mechanisms regarding compensation (Krupavičius, 2012).

In Austria, such was the frequency of initiatives launched directly by opposition political parties that the practice was outlawed in 1998. This, however, has not curbed their influence in this area, with many *agenda initiatives* launched indirectly by political parties whereby they provide logistical and financial support to a party member acting in a private capacity or to a third person. While the support of a political party is advantageous, it is not altogether necessary for success. This has been evident by the success of trade unions, NGOs (like Greenpeace) and pressure groups (e.g. for students, families etc.) in organising successful initiatives. Even a single citizen has been able to organise a successful initiative with a campaign against military airplanes in 2002 (Giese, 2012).

Poland is a slightly more curious case than the other countries examined here. In comparison with the others, many takers of initiatives represent the interests of professional groups such as associations of employers and trade unions, as well as political parties; both parliamentary and non-parliamentary parties have also availed of the tool. And despite the large hurdle of acquiring 100,000 signatures which largely inhibits "bottom-up initiatives coming from citizens not associated with organised structures such as political parties, trade unions, associations or other social organisations" (Rytel-Warzocha, 2012, p. 225), ordinary citizens tend not to be too discouraged by this which is demonstrated by the high levels of citizen participation in the process. This can perhaps be explained by the large media coverage given to citizen-initiated citizen initiatives (as opposed to initiatives which operate as a front for other interests) as well as enthusiasm for the democratic process in view of their oppressive Soviet history (Rytel-Warzocha, 2012).

While each country examined here is unique, the general pattern which appears to emerge is one akin to the classic jungle food-chain, with the large, sharp-toothed predators, representing the political parties, sitting at the topmost vantage point; the

wily lobby groups (such as NGOs and trade unions) eking out their own niche, and the remaining scraps left for the citizens to survive on.

Obstacles to citizens' initiatives

As has been demonstrated above, the more stringent the citizen's initiative, the less likely the chances of success. Chief among the hurdles to successful citizens' initiative is the issue of signature thresholds. Intuitively speaking, the more signatures (normally in a specific period of time) needed, the more difficult it becomes for regular citizens who do not possess the structural or financial capabilities to avail of citizens' initiatives; leaving political parties and to a lesser extent lobby groups as the main beneficiaries. This has been compounded by the sluggishness of the majority of countries to avail of the fruits of the digital revolution and implement mechanisms for online signature collection (Schiller & Setälä, 2012).

Other obstacles to success are quorums, where in some countries voters are actively encouraged not to vote in citizens' initiated referendums because even if an initiative gathers the required amount of signatures within the designated period of time, all their work will be deemed futile if inadequate numbers of voters turn up on election day (Schiller & Setälä, 2012). While strategic voting (or perhaps, more appositely: strategic non-voting) can at least be considered a move in the chess game of democracy, the same cannot be said of voter apathy. In a sense, promoters of initiatives, in this situation, face a battle on two fronts.

Parliamentary procedures can have an inhibitive impact on initiatives. In Switzerland, for example, the government can table a counterproposal to an initiative which is either accepted by the promoters of the original initiative (who then withdraw their initiative) or appears alongside the original proposal on the ballot slip. Here, however, the government has opportunities to delay the negotiations which can slow momentum and ultimately have an undermining effect on the initiative (Lutz, 2012).

Although citizen's initiatives which, in theory – even if not evidently, in practice – should provide an outlet for regular citizens to implement societal change, the greatest obstacle, in terms of equity, is money. According to Schiller & Setälä (2012):

Making a popular initiative depends on collective action, and the resources to organize such action are not equally distributed in the society. Following Mancur Olson's (1965) renowned 'logic of collective action', small groups with strong interests have better potential to organize themselves collectively compared with large groups with more diffuse interests. Moreover, organizing an initiative campaign requires money and other resources, and these are not by any means equally distributed in societies. Marginalized groups, in particular, may lack such resources. Indeed, this may be the reason why, for example, Bowler and Donovan (2002) have found that in the United States, the availability of an initiative institution may have a negative impact on the political efficacy among ethnic minorities. (p 10)

The Situation in California

While it has been established above that some citizens' initiatives are more direct than others, California's citizens' initiative (known as the *California ballot proposition*) takes this directness to a whole new level. Hence, once the procedural thresholds are met, a public vote takes place which either changes or maintains the specific law in question. The organisers of the initiative then launch an information/publicity campaign in order to get the proposal passed into law on Election Day. This, however, is often countered with campaigns by groups/special interests who are opposed to the initiative. (Easy Voter Guide, 2010).

The Californian citizens' initiative was originally introduced in 1911 to give a voice to the citizens who were disillusioned by the impact which special interests with large amounts of money were able to exert on the legislators by means of bribery and corruption. A citizens' initiative, according to the conventional wisdom of the time, would provide a "safeguard [by] which the people should retain for themselves' the power to pass laws that would 'reflect the will and wish of the people', not the powerful interests of money" (Westen & Stern, 2008, p. 282). Fast forward more than one hundred years since its introduction and one can only conclude that the progressive reformers who introduced the initiative process in California would be turning in their graves at what has transpired; as displayed by David Broder's

succinct summation: it “has become a tool of millionaires and interest groups that use their wealth to achieve their own policy goals” (p. 281).

But how has this come to pass? Perhaps California’s citizens’ initiative can be viewed as a microcosm of America’s free market ideals whence access to money/ability to fundraise, and not broad-based citizens’ issues, determine the likelihood of success. This assertion is supported by the facts that the last time a truly volunteer-driven initiative made it to the ballot was in 1982 and, the astronomical sum of over \$1.3 billion was spent by special interests between 2000 – 2006 in attempting to pass or defeat ballot proposals. Expediency, it would appear, trumps community action in California as evidenced in more recent times by the proliferation of professional signature-gathering firms who pay their petition circulators between \$1 and \$2 per signature collected, enabling them to earn up to \$100 an hour. Their influence is possibly best encapsulated by Fred Kimball of signature-gathering company Kimball Petition Management, “If you want to have your kid’s birthday as a holiday, give me a million and a half dollars and I’ll at least get it on the ballot for people to vote on” (Westen & Stern, 2008: p 284).

While political parties in California do not exert the same influence on the initiative process as in Europe, the financial backing required for an initiative to be successfully submitted has led to regular citizens and grassroots civic organisations being mostly excluded from using the tool. It is instead (as *Table 1.1* explicitly demonstrates) the domain of wealthy lobby groups such as big business corporations, labour unions, Indian tribes or extremely wealthy individuals (movie producer Steve Bing contributed \$48.6 million of his own money towards Proposition 87 which supported alternative sources of energy but was ultimately defeated in no small part thanks to the \$34 million jointly spent by two oil companies). This can be explained by the lax regulation inherent in California’s initiative system, where initiatives have no restrictions on financial contributions, laissez-faire attitudes towards disclosure, no restrictions on paid signature gatherers and a lack of credible policies to encourage regular citizen participation, like reimbursing successful initiatives (Westen & Stern, 2008). In a country where skin colour is still a major issue of relevance, it would appear that the shade of green printed on the country’s currency is the only important colour when it comes to California’s citizens’ initiative.

Table 1.1 California's Largest Citizens' Initiative Contributors in 2005 Special Election

<i>Contributor</i>	<i>Support/Oppose</i>	<i>Amount Contributed</i>
California Teachers Association	Oppose Propositions 74, 75, 76, 77	\$56.6 million
California State Council of Service Employees	Oppose Propositions 74, 75, 76, 77	\$16.1 million
Pfizer	Support Proposition 78, Oppose Proposition 79	\$9.9 million
GlaxoSmithKline	Support Proposition 78, Oppose Proposition 79	\$9.8 million
Johnson & Johnson	Support Proposition 78, Oppose Proposition 79	\$9.8 million
Merck & Co.	Support Proposition 78, Oppose Proposition 79	\$9.8 million
Arnold Schwarzenegger	Support Propositions 74, 75, 76, 77	\$7.25 million
Amgen	Support Proposition 78, Oppose Proposition 79	\$4.7 million
Abbott Laboratories	Support Proposition 78, Oppose Proposition 79	\$4.6 million
Bristol-Myers Squibb	Support Proposition 78, Oppose Proposition 79	\$4.5 million
Novartis Pharmaceuticals	Support Proposition 78, Oppose Proposition 79	\$4.5 million
Aventis Pharmaceuticals	Support Proposition 78, Oppose Proposition 79	\$4.5 million
Eli Lilly	Support Proposition 78, Oppose Proposition 79	\$4.5 million

Stephen Bing, producer	Oppose Proposition 77	\$4.5 million
<i>SEIU Local 1000</i>	<i>Oppose Propositions 74, 75, 76, 77</i>	<i>\$4.1 million</i>
William Robinson, former DHL owner	Support Propositions 74, 75, 76, 77	\$3.75 million
California Federation of Teachers	Oppose Propositions 74, 75, 76, 77	\$3.6 million
California Correctional Peace Officers Association	Oppose Propositions 74, 75, 76, 77	\$3.5 million
Alex Spanos, Stockton developer	Support Propositions 74, 75, 76, 77	\$3.25 million
Jerry Perenchio, Univision CEO	Support Propositions 74, 75, 76, 77	\$3 million
PACE of California School Employees	Oppose Propositions 74, 75, 76, 77	\$2.1 million
California Chamber of Commerce	Support Propositions 74, 75, 76, 77	\$1.8 million
California Professional Firefighters	Oppose Propositions 74, 75, 76, 77	\$1.3 million
Steve Poizner, Silicon Valley executive	Support Proposition 77	\$1.25 million
Voter Registration and Education Fund	Oppose Proposition 77	\$1.1 million
Wal-Mart Stores and family	Support Propositions 74, 75, 76, 77	\$1 million
Small Business Action	Support Proposition 76	\$1 million

Committee		
Association of California School Administrators	Oppose Propositions 74, 75, 76, 77	\$1 million
TOTAL		\$188.6 million

Source: Westen & Stern, 2008 (p 287- 288)

2.6 The European Citizens' Initiative: A Description & Analysis

On 13 December 2007, after a series of roadblocks, the Treaty of Lisbon was signed by EU Member States. Its stated aim was “to strengthen European democracy particularly in order to improve the legitimacy of decisions and to bring the EU and its citizens closer together” (Commission, 2015). One of the by-products of this particular aim was the European Citizen's Initiative. Article 11, paragraph 4 states that “not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties.” It also states that the “procedures and conditions required for such a citizens' initiative shall be determined in accordance with the first paragraph of Article 24 of the Treaty on the Functioning of the European Union” (Commission, 2015), meaning that the logistics involved in implementing the ECI would be “determined in a Regulation to be adopted by the European Parliament and the Council on a proposal from the European Commission” (Commission, 2009: p 3).

On 11 November 2009, the European Commission released a Green Paper on the ECI; initiating the first step in its implementation process. The European Commission welcomed its introduction, stating that it will “give a stronger voice to European Union citizens by giving them the right to call directly on the Commission to bring forward new policy initiatives. It will add a new dimension to European democracy, complement the set of rights related to the citizenship of the Union and increase the public debate around European politics, helping to build a genuine

European public space. Its implementation will reinforce citizens' and organised civil society's involvement in the shaping of EU policies" (Commission, 2009: p 3).

In the Green Paper, the European Commission sought the opinions of "all interested parties on the key issues that will shape the future Regulation" (Commission, 2009, p. 3) while also outlining its preferred course of action; a course which differed slightly to the Regulation which eventually came into being.

How the procedure works

In early 2011, the nuts and bolts of how the ECI would function were released to the public in the form of "Regulation (EU) No 211/2011 of the European Parliament and the Council of 16 February 2011 on the citizens' initiative". The adopted regulation envisaged an ECI which would help every citizen, in a "clear, simple, user-friendly" manner, to "participate in the democratic life of the Union". This would, therefore, encourage "participation by citizens and...make the Union more accessible" (European Union, 2011, p. 1)

Eligibility

Other than stating that one must be an EU citizen, neither the Treaty of the Lisbon nor the Commission's Green Paper clearly defined who would be eligible to launch an ECI. Not only should one be an EU citizen to initiate or sign an ECI, one should also be a minimum age to support an ECI. Article 3.4 of the Regulation states that "signatories...shall be of the age to be entitled to vote in elections to the European Parliament" (European Union, 2011: Art. 3.4). In order to encourage participation of young Europeans, hence, bringing "the EU and its citizens closer together", the Regulation could have extended the right to sign an ECI to citizens over 16 (Cuesta-Lopez, 2012, p. 10). Member States determine the age limit in European elections which means that 18 is the legal voting age, with Austria being the sole exception; its voting age set a 16. The Committee on Petitions of the European Parliament supported an age limit set at 16, stating that "A lower age limit is proposed in order to encourage younger citizens' participation in the democratic life of the Union. The age limit of 16 years in case of European election already exists in certain Member States (p. 10). Ultimately, this was not adopted due to the Council's disagreement with it (Glogowski & Maurer, 2013).

Minimum number of Member States from which citizens must come from

Although its inclusion in the Treaty of Lisbon is the sole reason for the ECI's legitimate existence today, only a tiny part – a few lines – of the Treaty actually deals with it. And what it actually says - “not less than one million citizens of a significant number of Member States...” is vague to say the least. While one million signatures is certainly not a small number, it represents just 0.2 per cent of the EU's population (Cuesta-Lopez, 2012) and hence is proportionally much lower than all of the European citizens' initiatives examined in this paper.

The practicalities of the ECI were left to the European institutions to agree upon. This was initiated by the Commission's Green Paper which ultimately resulted in the adopted Regulation. One of the first issues of contention was what the correct threshold should be. What amount constitutes a “significant number of Member States”? In the Green Paper, the Commission acknowledges that the “right balance” between a high threshold – which would be “sufficiently representative” but also “burdensome” – and a low threshold – which would “render the initiative more accessible, but less representative” – needs to be struck.

The Commission put forward three suggestions:

1. The threshold should require a majority of the Member States. At the time, there were 27 Member States, therefore meaning that a majority would be 14. Although this would be permissible under the Treaty, the Commission suggested that the use of the term “significant number” intended that a majority was not needed.
2. The threshold should require one quarter of the Member States, meaning that seven Member States would be sufficient. This was the preferred outcome of the European Parliament, who compared it to Article 76 of the Treaty which “provides that acts relating to judicial cooperation in criminal matters or police cooperation can be adopted on the initiative of a quarter of the Member States.” The Commission disagreed with this analogy, describing it as “sector specific”, stating its belief that “one quarter of Member States...too low a threshold to guarantee that the Union interest is adequately reflected.”

3. The Commission's preferred option was that the threshold be set at one third of Member States, which at the time amounted to nine Member States. This threshold, “would strike the right balance between ensuring adequate representativity on the one hand and facilitating the use of the instrument on the other” (Commission, 2009).

While the Council favoured the Commission's suggestion of a threshold set at one third, the Parliament originally stated its belief that a threshold of one fifth, meaning five Member States would suffice (Sauron, 2011), before compromising on a threshold of one quarter Member States. Ultimately, neither the Commission nor the Council got their way possibly due to the controversy which had arisen regarding the restrictive nature of the one third threshold (Hierlemann & Wohlfarth, 2010). In an example of its perhaps nascent power, it was the European Parliament who prevailed, as Article 7.1 of the adopted Regulation demonstrates: “The signatories of a citizens' initiative shall come from at least one quarter of Member States.” While this outcome certainly lightens the workload of potential ECI organisers, some have argued that such a threshold increases the likelihood of regional issues taking precedence over ones of a pan-European importance (Glogowski & Maurer, 2013).

Minimum number of signatures per Member State

As clearly stated in the Treaty of Lisbon, an ECI requires at least one million signatures from a significant number of Member States (As illustrated by Table 1.2, below). Unlike the aforementioned Poland where there is no territorial distribution of signatures, the Treaty of Lisbon's wording ensured that any ECI undertaken would need a “minimum number of Member States to ensure that it reflects a reasonable body of opinion” and thus contain a “genuine European flavour” (Commission, 2009, p. 5). In comparison with Romania and several states in the US (Cuesta-Lopez, 2012), the Commission argued the necessity of this so as to prevent the presentation of an initiative by a large group of citizens from one Member State, with a sprinkling of citizens from other Member States. Such a situation, the Commission opined, would be against the spirit of the Treaty. It was ultimately decided that the “minimum numbers shall correspond to the number of the Members of the European Parliament elected in each Member State, multiplied by 750 (European Union, 2011). In lay terms, this means that in order to reach the required one million

signatures, the number of signatures needed in each country would vary depending on its size. Therefore, the threshold for signatures is lower in smaller countries and higher in larger ones. In Germany and France, for example, the threshold stands at 74, 250 and 54,000 respectively, whereas in Ireland and Malta, the thresholds sit at 9,000 and 3,750 (European Union, 2011). Though these thresholds are an important aspect of the ECI with regard to signature collecting, as “long as the thresholds are met in seven EU Member States, it is not important from which Member States the rest of the one million signatures are produced (Otterman, 2013: p 30).

Table 1.2 Minimum Number of ECI Signatures Per Member State

Belgium	16,500
Bulgaria	12,750
Czech Republic	16,500
Denmark	9,750
Germany	74,250
Estonia	4,500
Ireland	9,000
Greece	16,500
Spain	37,500
France	54,000
Italy	54,000
Cyprus	4,500
Latvia	6,000
Lithuania	9,000
Luxembourg	4,500
Hungary	16,500
Malta	3,750
Netherlands	18,750
Austria	12,750
Poland	37,500
Romania	24,750
Slovenia	5,250
Slovakia	9,750

Finland	9,750
Sweden	13,500
United Kingdom	54,000
Portugal	16,500

Source: Regulation No 211 (2011)

Setting up an ECI

“Choosing to use an ECI is certainly the most powerful, but also the most complex and long-term way to address the European Union (Kaufmann, 2012, p. 9).

The adopted Regulation may have set out to create a mechanism that is “clear, simple, user-friendly” but when one considers the size, history and bureaucratic nature of the EU, one might question whether such aspirations may more closely resemble a pipe dream. In what might be considered a riposte to the aforementioned accusations that the ECI, due to its threshold of one quarter Member States, would only be able to deal with issues of a regional nature, Article 3 of the adopted Regulation states that the organisers of a prospective ECI “shall form a citizens’ committee of at least seven different Member States”, with MEPs excluded (European Union, 2011). Although the advent of the network society (Castells, 2000) indeed makes such a task much easier than before, the challenge of organising a citizens’ committee regarding a particular issue among, for instance, seven different people, in seven different countries, who may speak seven different languages, seems undeniably daunting. Within this citizens’ committee, there is a requirement for a main contact person and a substitute to be specified. He or she is deemed responsible for liaising between the Commission and the citizens’ committee.

The ECI, however, was introduced because of “perceived deficits relating to democracy, legitimacy and the public sphere”. As Hierlemann and Wohlfarth (2010) pointed out:

It was supposed to give the individual and indeed “normal” EU citizen the opportunity to launch his or her own initiative, to solicit support, and to collect signatures. However, the current debate conveys the impression that large civil society organisations such as Amnesty International and 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. (p 4)

Alongside the issue of regionalism which the Commission had to deal with, the further issue of the bureaucracy imposed on a citizen wishing to launch an ECI, is of particular relevance concerning its potential effectiveness as a democratic tool. After all, does the formation of a committee featuring seven different people from seven different countries constitute a system that is “clear, simple, user-friendly”? What regular EU citizen possesses the logistical capacity to achieve something like this? Before its introduction, it was argued that the ECI “should be inclusive. In other words, every EU citizen should be able to launch an ECI” (Hierlemann and Wohlfarth, 2010, p. 5). Olsen’s aforementioned “logic of collective action” resonates here because “policy-making might fall prey to a ‘tyranny of minorities’ backed by interest groups which are better equipped to collect one million signatures” (Emmanouilidis & Stratular, 2010, p. 3). A European NGO with offices in multiple EU countries, for example, would surely have a better chance at setting up an ECI committee than a regular EU citizen would (Dougan, 2011 in Glogowski & Maurer, 2013) as instantiated by the aforementioned successful anti-military airplane initiative in Austria.

Prior to the initiation of signature collection, the committee must submit a proposal. As Kaufmann (2012) explains, the proposal has the following criteria to fulfil:

It must however contain at least a title (maximum 100 characters), a brief description of the subject-matter (max. 200 characters), a description of the objectives of the proposal (max. 500 characters) and a reference to the treaty provisions ‘considered relevant by the organizers for the purposed action’ as outlined in Annex II of the regulation. (p. 237)

In the interest of transparency, all sources of funding and supporters of the initiative must also be provided and be updated throughout the process. This can be directly contrasted to the example of California whose initiative procedure, as has already been demonstrated, has been in the stranglehold of mostly wealthy lobby groups in part due to its lax approach to disclosure with regard to the funding an initiative receives. Contrastingly, the information pertaining to an initiative’s funding and

supporters are published on the Commission's dedicated ECI website (Kaufmann, 2012).

In 2010, the BBC published an article on its website claiming that “Direct Democracy is coming to the EU, in the form of the European Citizens’ initiative” (Otterman, 2013: p 26) and in April 2015 to mark its third birthday, the Commission on its website described it as “the most important instrument for direct democracy at European level” (Commission, 2015). As Otterman clearly demonstrates, however, the ECI due to the gatekeeper role which the Commission plays and the lack of influence citizens have due to the absence of a ballot on initiatives means that the ECI is anything but an instrument of direct democracy. Unlike many of the citizens' initiatives mentioned, the proposal does not have to be submitted as a draft law. The option to submit the proposal as a draft law remains open (Vogiatzis, 2013) but in contrast to other citizens' initiatives, the ECI does not have the direct power to change an EU law. Its powers – as in Austria and Spain – lay more in the realm of *agenda setting*.

After all, the wording in the Lisbon Treaty clearly states that a committee “may take the initiative of inviting the Commission” to change an EU law. On the official ECI website, it is spelled out explicitly: “The citizens' initiative is an agenda-setting initiative which obliges the Commission to give serious consideration to requests made by citizens, but it is not obliged to act on them” (Commission, 2015). In other words, submitting a proposal in the form of a draft law could be described as a presumptuous example of trying to run before learning to crawl because even if the proposal is accepted by the Commission, there is still a long journey to embark upon before it may eventually be written into law.

Once the proposal is complete, the next step is to register it on the European Citizens' Initiative Official Register website and thus begins the Tolkien-like journey which over 50 ECIs have attempted to traverse. Within two months of registration, the Commission will issue a correspondence regarding the admissibility of the proposal. Article 4.2 of Regulation 211/2011 stated that the proposed citizens' initiative will be given a unique registration number providing it:

does not manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of

implementing the Treaties; the proposed citizens' initiative is not manifestly abusive, frivolous or vexatious; and the proposed citizens' initiative is not manifestly contrary to the values of the Union as set out in Article 2 TEU".
(p. 4)

The use of the term “manifestly” demonstrates the “discretionary powers of the Commission, and also leaves the door open for a second, *ex post* control, once the signatures have been collected (Vogiatzis, 2013, p. 6). Originally, the Commission proposed that the admissibility test be carried out after the collection of 300,000 signatures from at least seven Member States; a proposal which indeed raised questions surrounding how serious the Commission was about bringing the “EU and its citizens closer together”. This, however, was reasonably rejected by the Parliament who claimed that such a provision would “cause great frustration to the organisers” (Glogowski & Maurer, 2013, p. 11).

If the situation arises where the Commission, as is its wont, refuses to register an initiative, the adopted regulation states that “the Commission shall inform the organisers of the reasons for such refusal and all of the possible judicial and extrajudicial remedies available to them” (European Union, 2011, p. 4). Such remedies include making contact with the European Ombudsman or challenging the Commission's decision in front of the European Court of Justice (Kaufmann, 2012).

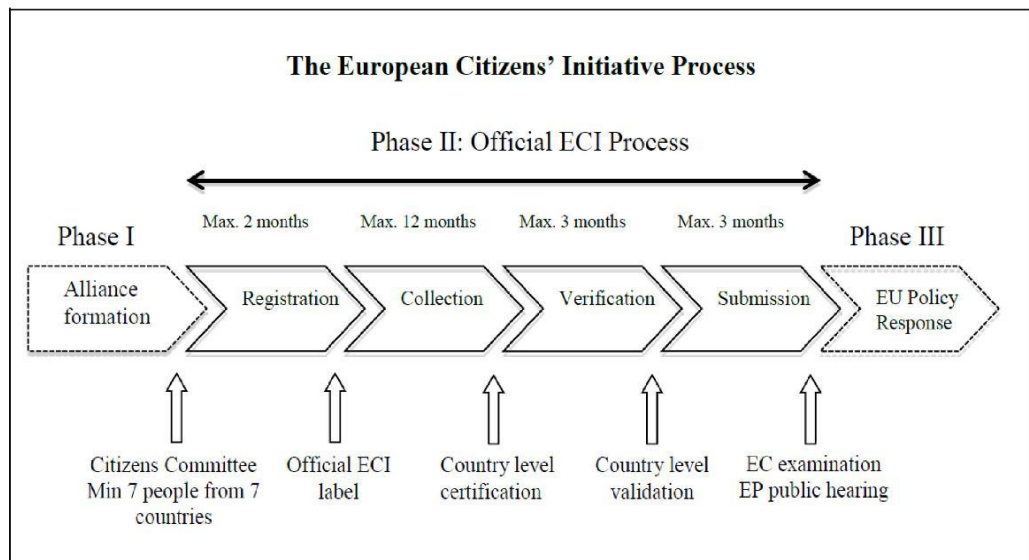
Signature Collection

If the Commission deems the proposal admissible, it is published on the on the official ECI website. Due to the issue of transparency, the proposed initiative can be accessed by all members of the public (Vogiatzis, 2013, p. 6) Thus, the period of signature collection commences. In what can be described as a pioneering event in relation to European *e-democracy*, organisers of an initiative can collect signatures not only on paper, but also electronically (European Union, 2011). In contrast to the majority of other citizens’ initiatives examined, the possibility to gather signatures online greatly alleviates the difficulty of gathering the sufficient amount of signatures; thus increasing the inclusivity of the ECI.

Again, there is no mention of a time limit for signature collection in the Treaty. Reasonably, the Commission – citing the examples of Latvia, Slovenia, Spain and

Switzerland where the time limit varies from 30 days to 18 months – stated its view that there should be a time limit imposed for the signature collection period (European Union, 2011). The Commission, supported by the Council, proposed a time limit of one year, believing such a period to be “reasonable and sufficiently long so as to allow a campaign reflecting the additional complexity of working throughout the European Union” (European Union, 2011, p. 10). The Parliament, along with some civil society organisations preferred a time limit of eighteen months (Bouza Garcia, 2012, p. 59) but this opinion was ultimately not taken on board; the adopted Regulation stating that “All statements shall be collected after the date of registration of the proposed citizen's initiative within a period not exceeding 12 months” (European Union, 2011). Once this happens, an ECI will either succeed or fail in gathering the one million required signatures. If the former occurs, “a political analysis of the initiative’s substance by the Commission” (Glogowski & Maurer, 2012, p. 15) will determine if the initiative has a chance of passing into law. The complex nature of power within EU politics, however, means that though the Commission may approve of the initiative, nothing is guaranteed. *Figure 1.0* provides a graphic illustration of the ECI process.

Figure 1.0: The ECI Process



Source Glogowski & Maurer, (2013)

2.7 Conclusion

Though successful in its endeavours to promote peace throughout Europe, the EU due to its supranational and complex nature, faces issues pertaining to democratic legitimacy. Attempts at bridging the perceived democratic deficit and promoting a pan-European identity and public sphere have led the EU to seek novel ways of promoting citizen-engagement with the EU. One such example is the ECI which is a transnational version of a political mechanism commonly known as a “citizens’ initiative” that exists in many states, regions and countries. Though meant to give a voice to regular citizens, evidence from different citizens’ initiative examined, suggests that it is a political tool malleable to special interests such as political parties and lobby groups. The ECI procedures, although more transparent than many other citizens’ initiatives, can be fittingly described as a microcosm of the EU’s complexities as a whole and, hence, difficult for regular citizens to avail of.

The empirical research will examine what has transpired since the introduction of the ECI over three years ago by examining the ECIs which have been launched to see if it has succeeded in its endeavours to bring the EU and its citizens closer together.

Chapter 3: Methodology

3.1 Introduction

This study is concerned with determining whether the ECI, since its introduction in 2012, has been a tool for citizens or for lobby groups. This is an issue of immense relevance because, as demonstrated in the previous chapter, citizens' initiatives, though meant to improve citizen participation in the democratic process, are often availed of by other forces such as lobby groups and political parties. This issue is particularly pertinent in light of the questions of democratic legitimacy by which the EU is increasingly being dogged, and which, in part, has led to the creation of the ECI; its chief aim being to bring the citizens and institutions closer together by means of citizen participation. This chapter will describe the research methodology applied in this research. The design will be described, the relevant ethical issues will be discussed, and the important matters of validity and reliability will also be attended to.

3.2 Design

Much available academic work on the ECI was published before the ECI was launched in 2012. A multitude of varying opinions emerged, it being described as: a "transnational babystep" (Kaufmann, 2012, p. 228); a "revolution in disguise" (Hierlemann & Wohlfarth, 2010, p. 1); "much ado about nothing" (Ohnmacht, 2012, p. 1), while others questioned what type of public sphere it would promote (Bouza Garcia, 2012). Of course, all opinions given before the ECI's launch were voiced in a forecasting manner, not having access to the vault of insights which three years of hindsight would provide.

Hence, given the relevant nascency of the ECI and the low level of research carried out on the topic, it was deemed appropriate to compliment the relevant desk research with a bottom-up approach in order to elucidate the issues pertinent to the research questions in this qualitative research study. In the interest of balance, therefore, a combination of an inductive, grounded approach and an *a priori* deductive theory approach was taken. *Figure 1.1*, below, provides a diagrammatical illustration of the research approach in the context of the balance that was sought.

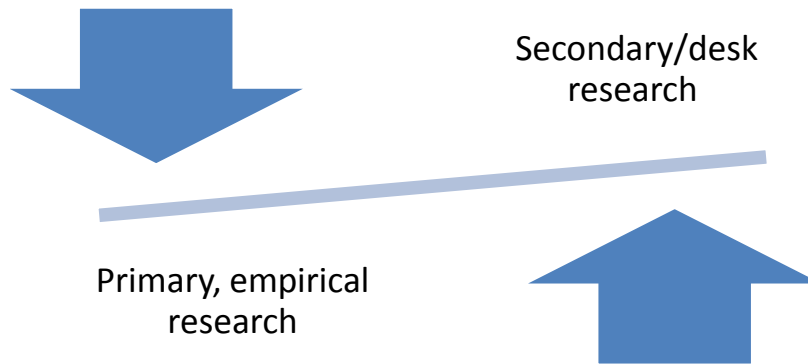


Figure 1.1: A diagrammatical illustration of the research approach (own illustration)

The grounded theory approach was considered essential because this is where “data collection, analysis and theory stand in a reciprocal relationship with each other” (Strauss & Corbin, 1990, p. 23). Moreover, because “the research question in grounded theory study is a statement that identifies the phenomenon to be studied, it tells you specifically what you want to know about the subject” (Strauss & Corbin, 1990, p. 38). In terms of this research, the phenomenon studied is, of course, the ECI, and what we specifically want to know here is: To whom is the mechanism most likely to be of benefit?

Considering that the ECI is only three years old and still experiencing teething problems, a grounded theory approach to the topic, by means of immersion in the data, was considered an ideal method to build theory and generate new insights into this democratic tool (Charmaz, 2002). This is also of relevance in light of the two sub-questions relating to the ECI’s role in the *democratic deficit* and the *European Public Sphere*, insights into which emerged during the course of this research.

Semi-structured interviews

The primary data collected in this research emanates from semi-structured interviews carried out with ECI stakeholders with expertise in the topic (See *Appendices* section for extracts). In order to provide as neutral and unbiased an account as possible, three interviews were carried out with stakeholders holding diverse perspectives on the ECI. The first interview involved Pawel Glogowski of the ECI Campaign, an independent, non-profit and non-EU financed organisation which works for the successful introduction and implementation of the ECI. This was followed up with an

interview with Pablo Sanchez Centellos, a campaign coordinator for the European Federation of Public Service Unions (EPSU), a trade union federation that was behind the launch of the “Right2Water” ECI which was the first of three (from the total of 51) initiatives to pass all of the hurdles put in place in order to get a reply from the Commission. Finally, the perspective of the European Commission was sought from Marie-Christine Pironett, from the Commission’s ECI office with a view to confirming or contradicting the information gleaned from the first two interviews. The first interview was carried out with Pawel Glogowski over Skype on May 5. The other two interviews were carried out in a face-to-face manner; with Pablo Sanchez Centellos which took place at EPSU’s Brussels headquarters on May 6 and with Marie-Christine Pironett which took place at the European Commission’s Berlaymont building on June 3. The first two interviews were tape-recorded and transcribed verbatim within 48 hours of the interview. As Marie-Christine Pironett preferred not to be recorded, notes were taken during the interview and swiftly written up after it had been concluded in order to ensure that they would be as accurate and representative as possible. The three semi-structured lasted from between 30 and 50 minutes.

Once the interviewing stage was complete, the process of qualitatively analysing the data commenced. Using the process of *open coding*, the data were closely examined and placed into categories. This was done in an iterative manner making full use of the *constant comparative method* until *saturation* was reached and the core categories emerged (Strauss & Corbin, 1990). The themes into which the categories would be allied to were predictable in view of the research questions and the literature review. Thus, these themes were:

- Citizens
- Lobby groups
- Democratic deficit
- European Public Sphere:

The categories essentially comprised the sub-themes of these topics. The sub-themes were emergent and included: *the challenges; legitimacy; bureaucracy; transparency; and decline of the ECI.*

They also comprised the sub-themes: *wording; legal advice; emotive issues; counterproductive nature; agenda-setting; citizen mobilisation; lack of big business*

participation; engagement/lack of engagement of citizens; lack of identification of citizens with the EU; necessity for change

These themes and sub-themes will be organised and critically analysed in the next chapter.

3.3 Ethical Issues

“Researching human communication means interacting with people, and there is no escaping the fact that this has ethical implications (Treadwell, 2014: p 40). In terms of the people that participated in this research, all were approached in a polite, open manner and informed about the subject of the research. Although none of the participants elected to be represented anonymously, this option of anonymity was emphatically offered to each one of them. Permission to record was sought before each interview. As was mentioned earlier, one of the three participants declined to be recorded and this wish was naturally respected. Following the interviews, the participants were thanked for their willingness to participate.

In undertaking ethical research the subject of plagiarism always has to be borne in mind because not only is it unethical but it also does a “disservice to researchers trying to stay current because they may be misled into reading two different versions of the same research” (Treadwell, 2014: pp. 45 – 46). Thus, every attempt was made to ensure that all of the work that is not the original work of the author was properly referenced.

3.4 Validity & Reliability

The concepts of validity and reliability may be well-defined and easily clarified in quantitative research. However, in qualitative research, they call for redefinition if they are to be of use. This is because the basis for validity and reliability from a qualitative epistemological perspective is to express the myriad ways of presenting the truth (Golafshani, 2003). Hence, the traditional, quantitative approaches to validity and reliability, where the definitions might be reduced to terms such as stability and replicability, respectively, may not be applicable. Instead, “reliability and validity are conceptualized as trustworthiness, rigor, and quality in qualitative paradigm” (p. 604). Robson (2011) reconceptualises reliability as consistency and

suggests that validity might be reconceptualised as credibility. In order to approximate as much as possible to these lofty aspirations, it was necessary to ensure that, at all points in the research, the findings were rooted in the data (Strauss & Corbin, 1990). This was particularly important with regard to the semi-structured interviews. Thus, in terms of quality, it needed to be borne in mind that while an element of subjectivity is, arguably, part of all research, the interpretation of the interview data had to acknowledge that “the process of knowing through conversations is intersubjective and social, involving interviewer and interviewee as co-constructors of knowledge” (Kvale and Brinkman, p.18).

Moreover, as a valuable strategy to “enhance the rigour of the research” (Robson, 2011, p. 158) primary desk research was triangulated with the interview data (Denzin, 1970). Thus, although, as mentioned above, there is a dearth of research concerning this thesis’ specific question, the transparent nature of the ECI ensures that a lot of relevant information regarding individual ECIs is available on the Commission’s ECI website. Also, on the third anniversary in the ECI, the Commission published information on how the ECI has functioned so far. Finally, the ECI Support Centre, which is a joint initiative of the European Citizen Action Service, Democracy International and Initiative and Referendum Institute Europe, created a document called the “European Citizen Initiative Activity File”, which as the name explains, provides relevant information about all the ECIs launched including the amount of funding, the amount of signatures collected, the type of group that launched the initiative. Using the process of triangulation, these data were used to compliment the interview data.

Importantly, in order to further enhance the quality of the research, field notes were written up in a research diary throughout the research process whilst the ideas were still fresh, all pertinent documents were named and digitally stored in chronological order, and the aforementioned interviews were transcribed, coded, and repeatedly perused and checked. In short, hours of painstaking work have been carried out with a view to producing findings that would thoroughly concur with the data.

Chapter 4: Findings

4.1 Introduction

This chapter presents the findings of the research. The main focus of the research is whether the ECI is a tool for citizens or for lobby groups. In light of the nature of the research questions, and the resultant themes and sub-themes, as specified in Chapter 3, it was deemed necessary to split the findings into three sections. Chapter 4.2 will present the findings relating to whether the ECI may be a tool for citizens and Chapter 4.3 will present the findings relating to whether the ECI may be tool for lobby groups. While there may have been some anticipation of a straightforward response to the main research question, this, in all actuality, was not the case. Therefore, Chapter 4.4 will endeavour to provide a clearer insight into who, in fact, may be availing of the ECI. With regard to the two sub-questions which are of high relevance to the ECI, the findings will follow. Hence, Chapters 4.5 and 4.6 will present findings and analysis in relation to the ECI's role in the EU's *democratic deficit* and the *European Public Sphere* respectively. Finally, Chapter 4.7 will provide the necessary conclusions to the chapter.

4.2 The ECI: A Tool for Citizens?

In attempting to respond to this question it is most important, in the first instance, to define what an EU citizen is. Thus, an unskilled worker is as much an EU citizen as a CEO (provided each has EU citizenship). Marie-Christine Pironett of the European Commission's ECI team echoed the Commission's Green Paper's stance on the ECI by describing it as a tool "to bring the citizens closer to the institutions, to stimulate the citizens' participation [by giving them a] direct input into the functioning of the Commission.". The main objective of the ECI was to give a platform for "the citizens themselves", not "organisations but citizens". According to Ms Pironett:

It is possible that a lone citizen can launch an ECI [provided they form a citizens' committee of seven people from seven Member States]; a citizen has the opportunity to do it. Before [the ECI was launched], it was intended to be open to everybody, not just [someone who is] part of an organisation. But it's not a problem if a lobby or an NGO wants to support an ECI. However, we

want to avoid a situation where a citizen who is not part of an organisation is excluded. At the beginning, you can be alone; you don't have to be part of an organisation.

While one may not have to be part of an organisation, organisation is vital, she says. "Success depends on how well [the ECI] is organised, not [that] an organisation [is behind it]."

Pawel Glogowski had a somewhat different take on the issue. When asked about the ability of an EU citizen who was not part of an organisation like an NGO to launch an ECI, he said that "one of the main arguments against the ECI in its current structure [is that]...it can be used mostly by big NGOs which have a lot of money and know how to produce good campaigns." He described the citizens committee of seven different people from seven different Member States as a "good idea" and a positive development in relation to the "European spirit". While not discounting Ms Pironett's assertion that "At the beginning, you can be alone; you don't have to be part of an organisation", he stated:

It's much more difficult to organise an ECI if you don't have the connections; I mean, it's already difficult because you have to know people from seven different Member States and I mean, obviously there's groups of people who travel a lot, who have friends in different Member States but probably there's a huge majority which doesn't; so that's the first difficult step.

He pointed out, however, that even when an ECI is launched by an informal group of citizens, it makes intuitive sense that it is going to need the support of NGOs or the media, for example, to reach the one million required signatures. This, he stated, is "just part of the process". He cited the "Ecocide" ECI: an initiative launched by people who did not know each other before they met at a conference, as an example of an ECI which could be relatively successful without the initial backing of some type of organisation. (*End Ecocide in Europe: A Citizens' Initiative to give the Earth Rights* collected over one hundred thousand signatures before reorganising themselves as an NGO).

Pablo Sanchez Centellos offered a scathing analysis of the Commission's view that the ECI can be a tool to be availed of by ordinary citizens who in the words of Ms

Pironette are not “part of an organisation.” Asked what set “Right2Water” apart from so many other ECIs that failed in getting answered by the Commission, he stated:

Too many ECIs were like wishful thinking; people who really believed that seven citizens can sit down in a café...they all speak 22 languages of course!..have a website and then all of a sudden, one million citizens in Europe [will sign]. I mean, this is like federalism, naïve federalism of the worst type. I mean, just thinking that you do not need organisation to do something. It’s just like denying the history of social movements since the last 200 years.

He described the Commission’s interpretation of the ECI as “a liberal vision of society...that’s why the Commission is pushing all of this, “citizen” in the individual [meaning of the word]. The prospects of ECIs launched by informal groups of citizens completely unconnected to any type of organisation, according to Mr Centellos, are bleak: “there’s no chance, there never has been.” The only possible way he could envision such an outcome would be if a celebrity launched it. “OK, if Russell Brand launches an ECI, it might have some success in the UK”. But he too would apparently encounter difficulties overcoming signature thresholds in the six other countries needed because as Mr Centellos succinctly puts it, “Russell Brand in Greece is no one”.

But whose viewpoint is closer to the truth? The Commission’s, which states that an organised ordinary citizen can launch a successful ECI or Mr Centellos’, who considers such a belief naïve? The evidence of the ECI’s three years in operation offers some answers. Of the 51 ECIs registered between April 1st 2012 and April 1st 2015, eight have been launched by informal groups of citizens, or as Ms Pironett put it, “a citizen who is not part of an organisation.” *Table 1.3* demonstrates the amount of success each ECI has experienced.

Table 1.3 ECIs launched by informal groups of citizens

Name	Registration number & website	Registration Date	Signatures Collected	Funds	Promoter information	Accepted/Registered
Fraternite 2020 – Mobility. Progress. Europe.	ECI(2012)000001 http://en.fraternite2020.eu	09/05/2012	0	7,000	Young people	Accepted
High Quality European Education for All	ECI(2012)000008 www.euroedtrust.eu/	16/07/2012	N/A	17,000	Citizens concerned about European education	Accepted
Pour une gestion responsable des déchets contre les incinérateurs	ECI(2012)000009 http://ice.id.st/	06/07/2012	754	N/A	Citizens concerned about environment	Accepted
Single Communication Tariff	ECI(2012)000016 www.onesingletariff.com/	03/12/2012	140,000	2,000	Young people	Accepted
End Ecocide in Europe: A Citizens' Initiative to give the Earth Rights	ECI(2013)000002 www.endecocide.eu	21/01/2013	105,740	3,324	Citizens concerned about environment; later reorganised themselves as an NGO	Accepted
Teach for Youth – Upgrade to Erasmus 2.0	ECI(2013)000005 www.teachforyouth.wix.com/teachforyouth	17/06/2013	563	N/A	Young people	Accepted but later withdrawn by promoters on 5/06/2014
Weed like to talk	ECI(2013)000008 www.weedliketotalk.wix.com/witt	20/11/2013	N/A	N/A	Young people/students promoting marijuana legalisation	Accepted
Turn me Off!	ECI(2014)000001 http://turnmeoffinitiative.weebly.com/	03/02/2014	N/A	N/A	Young people	Accepted but later withdrawn by promoters on 24/03/2014

Sources: Commission (2015) and European Citizens Action Service (2014)

While 20 ECIs were refused registration by the Commission because they “did not fulfil the registration criteria” (Commission, 2015: p 3), no ECIs submitted by “informal groups” were refused registration. Although this could be interpreted as a positive step regarding citizen engagement with the EU institutions, the fact that not one of them succeeded in coming close to reaching the target of one million signatures should, arguably, put paid to any self-congratulatory backslapping by the Commission. Notwithstanding the fact that, considering the meagre funds at their disposal – €2,000 and €3,324, respectively – the “Single Communication Tariff” and “End Ecocide” ECIs managed to collect a laudable amount of signatures (140,000 by the former and 105,740 by the latter). However, they were still a considerable way short of the target. Success, as Ms Pironett stated “depends on how well it is organised”. This may, indeed, beg the question: What type of “ordinary citizen” is that well organised? The empirical evidence so far tells us that no ECI launched by

ordinary citizens, without the initial backing of some type of organisation, has succeeded in overcoming all of the hurdles in order to get a response from the Commission. While the laudable attempts of some “informal groups” may lead to the conclusion that collecting one million signatures within twelve months is not beyond the bounds of possibility, the evidence so far suggests that it is highly improbable.

4.3 The ECI: a tool for lobby groups?

As has been demonstrated in Chapter 2.5, citizens’ initiatives, though intended to give a voice to citizens are all “too often usurped” (Glese, 2012: p 187) by vested interested such as wealthy lobby groups and political parties. And as elucidated in Chapter 1, there were genuine fears that lobby groups would help big business organisations hijack the ECI for their own advantage. But in the three years of the ECI, the question arises as to whether there has been any evidence of this occurring. Has the premonition of the aide to the European Commission’s vice president Maros Sefcovic concerning lobby groups representing the interests of big business “trying to muscle in” (Rawlinson, 2012, p. 1) proven true?

As things stand, it appears that the only answer to this is a resolute “no”. As Marie-Christine Pironett of the European Commission laconically stated, “It hasn’t happened. It’s not the truth.” Pawel Glogowski of “The ECI Campaign” unequivocally backs this up: “No, I never heard of this situation and never heard of any attempts to hijack the ECI for some groups of interests.” One of the reasons for this may be put down to good levels of transparency in the ECI, which can directly be contrasted with the California Ballot Initiative. As Mr Glogowski states, “You have to show where the money is coming from so that’s one important point in terms of transparency”.

Also, in contrast to many of the European countries examined in Chapter 2.5, like Austria, Lithuania and Hungary, there is also a marked lack of involvement by political parties in the launching of ECIs. While many ECIs have been supported by political parties, only four have been indirectly launched (An ECI has to be launched by a citizens’ committee.) by political parties, and these parties could be deemed to exist very much on the fringe. The four initiatives that have been launched are, as follows:

- To hold an immediate EU Referendum on public confidence in European Government's (EG) competence
- The Supreme Legislative & Executive Power in the EU must be the EU Referendum as an expression of direct democracy
- The new EU legal norm, self-abolition of the European Parliament and its structures, must be immediately adopted
- Creation d'une Banque publique europeenne axe sur le developpement social, ecologique et solidaire

Source: ECAS (2014)

All four were refused registration because they fell manifestly outside of the Commission's competences.

The citizens' committee: ensuring the legitimacy of an ECI?

Mr Glogowski, as previously demonstrated is in favour of the citizens' committee aspect of the ECI, which must contain seven different members from seven different Member States, because it ensures diversity in an ECI. While, in theory, this should provide a diverse European voice, the insight provided by Pablo Sanchez Centellos about the procedure raises many questions. "Right2Water" was indirectly launched by the European Public Service of Trade Unions (EPSU), which he describes as a "trade union" and "an organisation of organisations" who "defend the interests of our workers which tend to be public service workers."

Mr Centellos, wishing to launch the first ECI, assembled a group of 27 people from around Europe to form the citizens' committee in the months leading up to the unveiling of the ECI, unaware that only seven people were needed to form such a committee, as this was not disclosed until the day the Commission launched the ECI website on April 1, 2012. "Right2Water" eventually had to settle for third place, behind "Fraternite 2020" – which was a "flop" and was only registered first because it was, according to Mr. Centellos, the "little thing of the Commission" – and the "Single Communication Tariff Act" which was withdrawn and resubmitted but came nowhere near close enough to gathering the requisite one million signatures.

Upon realising that a citizens' committee required no more than seven members, he decided to form a committee of four men and three women. Notwithstanding this requirement, the citizens' committee is required only to submit emails of a main point of contact and a substitute point of contact; the "Representative" and the "Substitute", to the Commission. As a matter of expeditiousness, Mr. Centellos stated that he chose the president and vice-president of EPSU as the Representative and Substitute respectively; people he could contact easily; people as it transpired, worked in the same building as he did. He states: "I just thought, 'I need people that are close to the secretariat, [close] to the coordination of the campaign...because really the citizens' committee is a joke...only these two names are meaningful for anything.'"

While the seven members of the citizens' committee fulfilled the Commission's criteria, the arbitrary nature of its creation seems to have rendered it practically useless: "The citizens' committee was just a front...five names that we [submitted to the Commission]. It was a very, very practical thing."

The reason "Right2Water" appears to have succeeded in getting answered by the Commission was the ability of EPSU to create a pan-European network: "What we really built was a coordinator's committee. We created a contact point in each country, which was a person; usually it was us...I mean, people working for the union or affiliated [but] not in all countries." This helped to create a movement which involved "local activists" and "environmental organisations" which the "coordinator's committee" harnessed to create a "system of information".

Evidently, EPSU's network capabilities and not the citizens' committee ensured its relative success. "We are extremely critical of the citizens' committee" says Mr. Centellos.

It has no legitimacy. What happens if the president dies? No one knows. What happens if the president (the Representative of the citizens' committee) decides to say, 'I'm running this campaign' and he has the email account (the only email the Commission corresponds with) so he can actually reply whatever he or she wants, and what happens to the rest of the citizens' committee? The Commission never answers these questions.

In one correspondence with the Commission, he told them: “You are creating a very dangerous structure. It has absolutely no legitimacy over the two million signatures...collected”. Citing Belgium as an example, he says:

When you create an association, one of the criteria is that any association you create has to have a democratic structure. Seems logical, but there is nothing like this in the ECI. So [with the ECI] you can have an association where the president rules and does whatever he wants because *de facto* the one that runs the email that the Commission uses can do whatever they want.”

The case of “Right2Water” with its citizens’ committee consisting essentially of the president and vice-president of EPSU suggests that there is nothing to stop, say, a large pharmaceutical or oil company – as demonstrated by the California initiative process – to form a “citizens’ committee” consisting of some members of their staff who happen to be from different EU countries. After all, such a committee would still be made up of citizens. The question of why has this not actually happened is of pertinence here.

The absence of big business lobby groups from the ECI

Before the ECI came into force, there was, according Mr Glogowski, [a fear that] “lobby groups or big companies will try to use the ECI for their purposes”. Any chance of this occurring, however, has been offset by the convoluted process and sheer difficulty of launching a successful ECI. “The technical structure of it and the whole organisational part of it is so difficult that they probably don’t want to spend money and power to launch an ECI”, he says.

While this may be a contribute to the absence of lobby groups representing “big business” from the ECI process, the fact that it is “an agenda-setting initiative which obliges the Commission to give serious consideration to requests made by citizens, but it is not obliged to act on them” (Commission, 2015) may, in fact, have a lot more to do with it. As Mr Glogowski tersely puts it: “It’s a very weak instrument”. Lobby groups representing *big business*, however, do not seem to be the only sections of society repelled by the ECI’s complexity.

We had some information that, for example, huge NGOs; those international ones. I don’t remember which one it was but, I think, “Friends of the Earth”

or something like this, something dealing with the environment, but... a really big one; they said that they don't actually want to use the ECI. For technical and financial reasons, it's just too expensive from their point of view... if you invest, for example, €100,000; you have to have a result. They risk the money and the [man] power and the time, so they don't want to use it because they are not sure that they're going to have any results at the end of the day.

“A fool and his money are soon parted”, so the saying goes. And while the corporate world may often have been the subject of negative criticism – especially in today's times of crises and social division – it has seldom been accused of being remiss with where it invests its money. It is reasonable to suggest, therefore, that the ECI, with its draconian formalities and little potential for real legal impact, may be viewed by the corporate world as something unlikely to pay a dividend. Why go to all of the trouble of organising an ECI when there are other more direct channels of influence? The arch-nemesis of the “Right2Water” campaign, according to Mr Centellos, is Aquafit, which he describes as “the lobby group for the two big multinationals Suez and Veolia”. According to Mr. Centellos, Aquafit has “huge influence in the Commission. They write the papers of water at the Commission”. The Commission would undoubtedly contest this view, Ms Pironett, for instance, having proclaimed that “the Commission is independent”. While these opposing viewpoints would undoubtedly elicit debate, they do not elucidate why, in contrast with other jurisdictions where citizens' initiatives exist such as the abovementioned California, lobby groups representing big business have not tried to avail of the ECI – dispelling the fears raised in Chapter 1 about it being hijacked by corporate interests. Although it is technically not impossible for this to happen, the difficult procedures associated with launching an ECI, along with its weak potential for legislative impact suggests that the corporate world may view the ECI as being too unwieldy for its purposes.

4.4 The ECI: a tool for whom?

The three years of the ECI, as mentioned above, have seen eight initiatives launched by informal groups, none being successful, and a marked lack of its use by corporate interests and political parties. Although much maligned, it has, however, triggered a

relatively high amount of use with 51 initiatives having been launched. But who, in the main, has been availing of it?

According to Mr Glogowski, the ECI has been availed of mostly by “civil society organisations and NGOs”. Out of all the ECI launched, “80 per cent” were “launched by an NGO”, at least indirectly: “I mean, it cannot be officially launched by an NGO...it always has to have seven citizens but obviously you can just [create a citizens’ committee if you are an NGO].”

This assertion concurs with the views of Hierlemann and Wohlfarth (2010), as examined in Chapter 2.6, who suggested that large civil society organisations would be the real beneficiaries of the ECI. Chapter 2.6 also referenced work by Emmanouilidis & Stratulat (2010) who maintained that the ECI might fall victim to a “tyranny of minorities” because a successful ECI would be reliant on “intermediaries such as NGOs, trade unions, political parties or lobby groups” and might hence “reflect specific interests pushed by a well-organised minority rather than commanding broad public support” (Emmanouilidis & Stratulat, 2010, p. 3).

Whether it has fallen victim to a “tyranny of minorities” is debatable and, arguably, a very harsh indictment. The evidence from three years of the ECI, however, strongly suggests that an ECI is most likely to succeed in getting an answer from the Commission if it is launched by an organisation – be it an NGO, a trade union, a lobby group etc. – with a pan-European network of contacts, significant financial backing and access to expert legal advice. It also seems to help when the issue raised is one of a highly emotive nature. Yet even when the proposed initiative may tick all of these boxes, chances of success are still extremely low. This is demonstrated by the fact that, out of the circa 80 per cent which Mr Glogowski stated were launched indirectly by NGOs, only three ECIs succeeded in getting a response from the Commission.

It is noteworthy that “Right2Water” was bankrolled solely by EPSU who provided three instalments of €100,000 on the 03/04/2012, €20,000 on the 18/04/2012 and €20,000 on the 28/11/2012 (Commission, 2015). According to Mr Centellos, success requires a lot of pre-planning, persistence, significant financial assistance, a pan-European network and solid legal expertise:

I spent six months (prior to launching the initiative), with some resources, going around Europe telling people that I was actually involved in this movement [telling members of EPSU and their affiliates] ‘we are doing this, could you help us?’ And I got some ‘no’s and then I had to go back saying: ‘But these, these and these will help us. Or at least, will you not boycott us?’ And that’s what you need to do.

Neither “One of Us” nor “Stop Vivisection” – the two other ECIs answered by the Commission – (See *Table 1.4*, below) responded to interview requests but it makes intuitive sense that, considering the issues involved: rights for the human embryo and animal rights respectively, they each had access to a large pan-European network. The Commission’s ECI website lists Patrick Puppinck as representative for the “One of Us” initiative. Mr Puppinck is the head of a Christian NGO called the European Centre for Law and Justice (ECLJ, 2015). The €159,219 funding received by “One of Us” came from three pro-life organisations: Fundacion Valores Y Sociedad, Fondazione Vita Nova, and Fundacion Provida De Cataluni (Commission, 2015). And while it was often apocryphally described as the Catholic Church’s ECI, it did have the support of the Church, with Pope Francis championing the initiative (Vatican Radio, 2013).

Although the Commission’s response to the “One of Us” initiative was ultimately negative, the fact that it got that far, considering the divisiveness of the issue and the hurdles put in place by the Commission, could, at least, be considered a moral victory. According to Mr Centellos, the Commission needs to be “corner[ed]” into not rejecting the registration of an ECI.

Why did we succeed and the others failed? Well, first: In terms of the text, several people were very dumb [by] actually posing questions that the Commission could say ‘no’ to. And this is legal advice; this is serious legal advice. Get a lawyer, a friendly lawyer and say to him: “how would you ask this [to prevent] the Commission from saying ‘they are not competent’ [in dealing with the issue raised by an ECI]. ‘One of Us’ did that. ‘One of Us’ [knew the Commission] couldn’t do anything on abortion so they looked into how you can twist it (the wording of the initiative) so the Commission had to say: “well OK, yes; we’ll deal with that.

Table 1.4: ECIs answered by the Commission

Name	Registration number & website	Registration Date	Signatures Collected	Funds EUR	Promoter information/Type of organisation/Country
Water and sanitation are a human right! Water is a public good, not a commodity!	ECI(2012) 000003 www.right2water.eu	10/05/2012	1,884,790	140,000	European Federation of Public Service Unions (EPSU) Trade Union Association/European Organisation Belgium
One of Us	ECI(2012)000005 www.oneofus.eu	11/05/2012	1,897,588	159,219	Amalgamation of Christian Movements National Organisation Italy
Stop Vivisection	ECI(2012)000007 www.stopvivisection.eu	22/06/2012	1,173,130	23,651	Comitato Scientifico Equivita Scientific Committee National Organisation Italy

Sources: Commission (2015) and European Citizens Action Service (2014)

So many ECIs were refused registration by the Commission, according to Mr Centellos, because their promoters were not shrewd enough. Citing the example of the “Stop TTIP” ECI, he said that the organisers of that initiative formulated their text in a way that made it easy for the Commission to reject. “I actually told them the day before they launched it: ‘You’re going to get a “no” with this text’”.

According to Mr Centellos, “Stop TTIP” persisted with their initiative and failed to heed his advice because they had already prepared the press conference. Their ECI invited “the European Commission to recommend to the Council to repeal the negotiating mandate for the Transatlantic Trade and Investment Partnership (TTIP) and not to conclude the Comprehensive Economic and Trade Agreement (CETA)” which was rejected outright by the Commission. As Ms Pironett explained, “The Commission cannot act outside of its competency...the Commission cannot tell the Council: ‘Don’t do this’. If they worded it differently, maybe we could have accepted it”. While one may get the impression that Mr Centellos and Ms Pironett agree on few issues in relation to the ECI, they do, apparently, agree that the “Stop TTIP” campaign was very naïve because of the wording of the text. As Mr Centellos bluntly puts it: “This is like if your Mom says: ‘what do you want? You have a choice of cake and biscuits’ and you say, ‘I want a car!’”

While both “Right2Water” and “One of Us” in the words of Ms Pironett received a lot of money, the funding “Stop Vivisection” received pales in comparison. They received only €23,651 and still managed to collect 1,173,130 signatures. Moreover, they did not simply receive large lump sums from a few organisations; in fact they

received many small contributions from animal rights groups and individuals, as portrayed in *Table 1.5*, below. According Mr Centellos, the “Stop Vivisection” initiative was a manifestation of “animal liberation groups” who were able to take advantage of the large animal rights network that exists in Europe. They also received some celebrity help:

(Beppe) Grillo in Italy, he made a couple of comments and that gave them half a million [signatures] online but the rest was like ground work and so on. If you don’t have it, and you want it...you need to build organisations.

And while the evidence of “Stop Vivisection” suggests that it is not impossible to have a successfully submitted ECI without large sums of money, the evidence from their website suggests that being part of a network or movement is of utmost importance with regard to succeeding with an ECI. This becomes apparent in the “supporters” section of the “Stop Vivisection” website, which boasts the support of 236 European animal rights organisations including the World Wildlife Fund, Animal Cross, and Animals Are Not Objects (Stop Vivisection, 2015).

Table 1.5: Financial contributions to “Stop Vivisection”

Sponsor	Amount EUR
LEAL Lega AntiVivisezionista	3,000
Comitato Scientifico Equivita	1,500
Partito animalista europeo	600
Stefano Fuccelli	900
Giovanni Bruno	501
Partito Animalista Europeo	2,400
Sara Ramundo	1,150
Elio Bellangero	1,000
LEAL Lega AntiVivisezionista	1,000
LAV Lega Anti Vivisezione	3,000
Stefano Fuccelli	600
Comitato Europeo Difesa Animali	1,000
Gianni Tamino	500
Antidote Europe	3,000

MENSCHEN ERSUCHSGE	F.TIERRECHTE	TIERV	500
Antidote Europe			3,000

Source: Commission (2015)

One point of significance regarding who is availing of the ECI is that the few groups who have been successful in getting a response from the Commission are ECIs which strive for what their promoters perceive to be a better vision of society in general and not organisations solely concerned with profit making. Evidence so far suggests that the ECI can only be used successfully if it has access to a pre-existing network or movement. As Mr Centellos says, “Either you are very, very strong, and you have an existing network like the Catholic Church [in the case of] “One of Us” or have a very [strong] existing thing on the ground like the “Vivisection” guys”.

Responding to whether the ECI might possibly be called the “European Civil Society Initiative” because it would “deter informal groups of citizens from using it”, Mr Glogowski disagreed. Although he acknowledged that this is a more apposite description of what the ECI currently is: “Yeah, ironically the name you said would be better because it would reflect more what it is now but in the long term, I think it should stay the ‘European Citizens’ Initiative”.

4.5 The ECI: Bringing Europe Back to the Citizens?

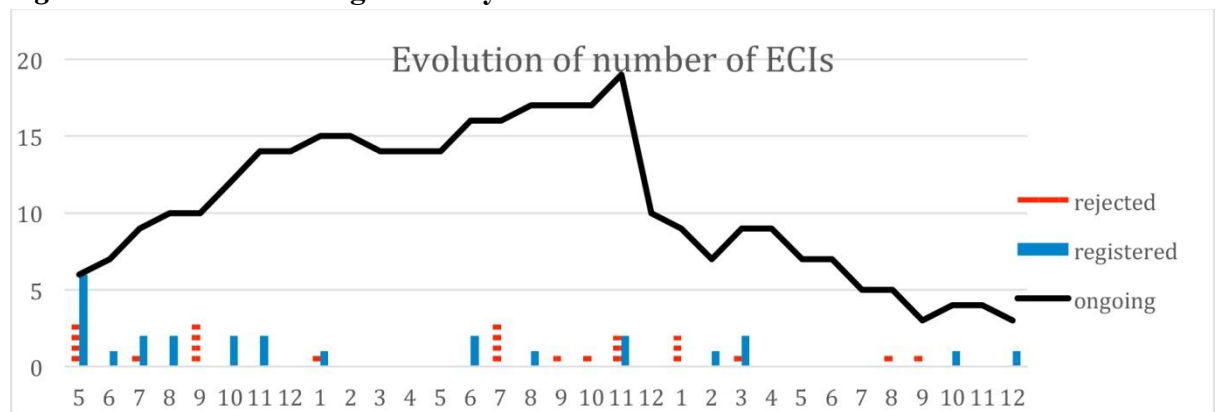
As discussed in Chapter 2.2, the EU has perhaps been tarred with a *democratic deficit* brush. While this issue is by no means unique to the EU, it appears that EU citizens generally feel detached from the EU institutions and remain on the periphery of the decision making process. There was hope that the introduction of the ECI would make the EU more *democratic* by fostering citizen participation in the decision-making process. But in the three years of the ECI, can it be said that this has transpired?

At the beginning, things looked positive on the citizen participation front. As Pawel Glogowski says, “If you see the statistics on how many ECIs were registered...there was a high rise in the beginning. So, there was a huge optimism [with] many ECIs registered in 2012 [and] 2013”. Since the ECIs introduction, close to seven million

signatures were gathered by initiatives which were approved for registration (ECAS, 2014) which signifies a relatively large chunk of EU citizens.

The ECI may have had a positive beginning but the proverbial honeymoon period didn't last long. "Last year showed us that...the ECI doesn't work anymore; people don't want to register and there are many reason for that" says Mr Glogowski. Marie-Christine Pironett of the Commission confirms this: "It is decreasing" she says, before suggesting that "citizens may have been waiting" for the results of the Commission's "report on the ECI's functioning in April (2015)" for information on this decline. *Figure 1.2* shows a graphic representation of the use of the ECI, demonstrating a marked decline from the end of 2013 through 2014.

Figure 1.2 ECI's declining use: May 2012 - December 2014



Source: *The ECI Campaign (2015)*

Mr Glogowski has a different take on this citizen antipathy towards using the ECI. Not only has *big business* been scared away from using it due to its weak capacity for legal change, everybody else, it would appear, has been:

Even if the ECI is successful...it doesn't mean that it leads to anything so there's a huge problem in terms of organising a campaign. You won't pick a democratic tool, a participatory democracy tool if you know that or if you are scared that even if you collect over one million signatures, it won't take you anyway.

Far from bridging the EU's *democratic deficit*, therefore, the ECI, in its current guise, may run the risk of making citizens feel even more alienated. As Mr Glogowski says:

I like the quote from this MEP...who says that if you have, for example, in terms of “One of Us”; if you have almost 2 million signatures collected and, eh, a huge campaign organised and so many people supporting the issue, whether we agree with this issue or not, and the Commission responds on one, two pages that they won’t do anything, you get 2 million Euroskeptics because...their voices wasn’t even heard properly.

Pablo Sanchez Centellos is even more scathing of the Commission’s attitude towards the ECI, believing that it could have a detrimental effect on the EU in the long run:

This is a petition to the King. And then you go to the King and you have a petition and the King says, “Very good”. But then you say, “King, I actually asked for this and as long as I don’t have it, I will continue to ask for this”. I also said it once to the Commission: “When you do that, when you open the petition moment to the King, what might actually end up happening if the King doesn’t answer to the demands of the people is that the people get a guillotine and they just chop off the head of the King”. And they didn’t like the metaphor but I think it’s pretty illustrative of what the Commission actually are playing with.

While failing to bring Europe back to the people, the ECI, perhaps, serves to verify that it is “extremely voluminous and muscular bureaucracy where a technocratic elite operates largely behind closed doors” (Gripsrud, 2012: p 32). As Mr Glogowski says, “the Commission is very bureaucratic and legalistic” so if the ECI is to stand a chance at succeeding in what it set out to do, “that has to be changed as well”.

Ms Pironett doesn’t object to this assertion: “We are too bureaucratic!” she says. A dichotomy in opinion, however, manifests itself between Ms Pironett and Mr Centellos with regard to the role the Commission plays in the functioning of the ECI. On one side is the opinion of Mr Centellos who, as already explained, believes that the Commission needs to be cornered by means of procuring expert legal advice to draft an ECI proposal that the Commission cannot easily reject. As Mr Centellos says:

Because even the nuclear guys, they were very prepared. I can’t remember the name they had (My Voice Against Nuclear Power). They posed

something which I thought the Commission were “very good” in inverted commas to actually say “no”. Because of Euratom and so on. But you really need to corner them.

The Commission’s opinion naturally differs, Ms Pironett stating that the Commission only acts within its legal boundaries:

The Commission cannot act if it is outside of its competency. Our legal services analyse each ECI and the only reason we refuse is due to competency. But what can we do? We had this problem with the TTIP ECI (which was entitled “We invite the European Commission to recommend to the Council to repeal the negotiating mandate for the Transatlantic Trade and Investment Partnership (TTIP) and not to conclude the Comprehensive Economic and Trade Agreement”). But the Commission cannot tell the Council: “Don’t do this”. If they worded it differently, maybe we could have accepted it.

In the view of Ms Pironett, the Commission – much like the EU with regard to being branded with the *democratic deficit* label – unduly bears much of the blame pertaining to the ECI’s failings. Citing the example of citizens from Ireland and the UK living in other Member States (There is no national ID system in either jurisdiction.) who, not possessing national ID numbers, are disqualified from signing ECIs in their adopted countries, she says: “We asked other EU governments to accept Irish and British people but they said ‘No’. So the Commission is not always to blame; it’s more complicated than that.”

If anything, the view that “citizens were aware that something important was happening in Europe in which they could not participate, or in which they were not able to participate, owing to a lack of knowledge and...up to date information” (Morganti & Van Audenhove, 2012, p. 122) has been validated. As Ms Pironett says: “But [citizens launching an ECI] can ask Europe Direct to see if their ECI idea will be accepted; it says this on the ECI website. Yet, there have been only 15 questions of this nature since 2012.” While the ECI website doesn’t explicitly say “Contact Europe Direct to see if ECI proposal is permissible”, it does say “Should you have any questions, please contact Europe Direct” (Commission, 2015). This may lead one to conclude that the majority of citizens are ignorant of the service which Europe

Direct can provide. It also prompts the question why, if the Commission is serious about making the ECI work, is the service which Europe Direct provides not spelled out in a clearer manner?

In terms of the ECI's role in reducing the EU's *democratic deficit* and bringing Europe back to the people, the words of Mr Glogowski may offer a perfect summation: "Success. I don't think we can use this word in terms of the ECI and bridging the gap between citizens and EU institutions...it doesn't work the way it was supposed to." In what could be described as a tacit recognition of these words, Ms Pironett says: "We are open to improving the ECI. Maybe the threshold can be revised. We are open."

4.6 The ECI's Role in the European Public Sphere

As discussed in Chapter 2.3, the sense of alienation felt by EU citizens towards the EU institutions can be at least partially explained by "the inadequate development of a 'European public sphere' where debate can unfold" (Commission, 2006, pp. 4 – 5). When the Treaty of Lisbon made provision for the introduction of the ECI, it was seen as a possible panacea to the gap between the citizens and institutions. As Bouza Garcia (2012) explains:

Some aspects of the of the European citizens' initiative fit into a model of strong democracy based on the public sphere because the success of signature collection campaigns depends on the ability of the ECI promoters to construct and communicate effectively a cause appealing to citizens (p. 27).

But, if one is to adopt the reasoning of Shahin & Terzis (2012), discussed in Chapter 2, this begs the questions: What type of public sphere has the ECI helped to strengthen? Has the ECI been a positive step in the direction towards a General EPS or merely a strengthening of a Segmented EPS?

One of the chief reasons why the ECI has garnered so much criticism, according to Pablo Sanchez Centellos, is due to an explicit lack of a General EPS: "There is no European democratic space, if you want. There is no European debate". The ECI, he believes, is a tool for actors that exist in the Segmented EPS. "It (the European

Public Sphere) does not exist. Or it does exist for the lobbies and a few other organisations like us”, he says.

While he may be dismissive about a General EPS, the evidence of the “Right2Water” campaign suggests that the ECI offers organisations of a civil society nature a chance to mobilise and unite regular citizens on a pan-European level; thus incrementally fostering citizen engagement. After all, the reason EPSU decided to launch the ECI was to achieve ex ante legislation opposing water privatisation by means of an “offensive demand...to send a message to the Commission...Member States and...organisations that want to liberalise water services saying that people do not want to do that”, but also because of the success of the 2010 Italian referendum banning water privatisation. As Centellos and EPSU realised, water privatisation is an emotive issue which could be used to mobilise citizens into action:

They had a vote and 27 million people voted against privatisation, which is bigger than the turnout that happened in the following elections; with the government calling for a boycott! Berlusconi, from his villa in Sardinia was calling for people to go to the beach and not vote.

The existence of the ECI has allowed EPSU to exploit this emotive issue which has now helped to create a pan-European movement:

So we have become involved in what then has become, thanks to the ECI, the European water movement. We are a founding member and we’ve been working with organisations such as “Attack”, such as the “Italian Forum of Water Movements, such as the “Public Water Network” and so on...it’s [about] building coalitions for a particular vision of society.

As an agenda-setting device, he describes the ECI as “OK” before bemoaning the draconian nature of the process. “You don’t need to put in so much effort to set the agenda if you can do it otherwise” he says. Indeed, as has been pointed out by many, the right to petition the European Parliament already exists, only without the difficult formalities of the ECI (Parliament, 2015). For EPSU, however, the ECI was “not just [about] agenda-setting”. It was also a means to “build a transnational coordination of people fighting on the ground...so politicians say: ‘these people are serious, they can do stuff’.”

Although water has yet to be enshrined in EU law as a human right, the water movement the ECI has helped to create means that he would not call it a pointless exercise:

We have a community of people. When there is a consultation on a very technical issue, we send an email and get 10,000 replies, from people that take the time to read and so on. So we have created a network of several tens of thousands of people who re-tweet us, who follow us on Facebook, who make comments, [who] go to meetings.

The ECI's potential for providing a forum for citizens' movements is also echoed by the "Stop TTIP" initiative. Although it was refused registration by the Commission, the campaign decided to proceed anyway and have now collected 2,227,802 signatures. (Stop TTIP, 2015). While it may have been rejected, the fact that over 2 million citizens have signed would suggest that the EU institutions would be foolish to simply ignore it.

As things stand, the ECI may be seen as a tool which can help strengthen a Segmented EPS, as organisations that exist inside the so-called *Euro-bubble* appear to be best suited to succeed in getting a response from the Commission. The example of "Right2Water", however, suggests that the ECI can shorten the distance between citizens and the organisations that represent them and the EU institutions themselves.

Bouza Garcia (2012) in the following extract describes the gap that exists between civil society organisation and the grassroots they supposedly represent:

The literature has repeatedly pointed out that civil society organisations tend to use insider access collective action registers when addressing EU institutions and that the grassroots level is often not associated by the European level organisations when engaging in policy discussions at EU level (p. 32).

The example of "Right2Water", however, suggests that the ECI offers a greater role for the grassroots level to play. Mr Centellos, citing the 2014 Thessaloniki referendum on water privatisation, which sprang from the "Right2Water" movement, describes a photograph he has of the Thessaloniki city hall which was booked by 500

Greek people to watch the “Right2Water” European Parliament hearing (which every answered ECI has a right to):

[The Commission] were saying: “Are you very anti-European? And I said, “Look [at the photo], you tell me when you have had a Parliament hearing watched in Thessaloniki by 500 people... This is like the Champion’s League. It’s the only time people in Europe watch European broadcasting, let alone something on politics. “So you’re telling me I’m not building a European political space? I mean, I have done more for Europe than the Commission in the last five years”.

This suggests that the ECI has the potential to engage citizens with the institutions. This argument, however can easily be countered by the fact that only three initiatives have been answered and none, as of yet have been enshrined in law. The fact that the ECI is still in its relative nascency may serve to mitigate the culpability of the EU institutions and the Commission in particular. Progressive change, after all, generally doesn’t happen overnight. According to Centellos, however, if the EU institutions are serious about using the ECI to create a General EPS, it has to be given powers more akin to a direct citizens’ initiative: “If you want to create a sphere, then give the people the right to actually get organised and change stuff” because if it remains in its current stasis for much longer, “people will think that the ECI is a waste of space”.

4.7 Conclusion

The ECI, a form of participatory democracy, was introduced by the EU to bring the citizens closer to the institutions. While the Commission emphasises that a *citizen* in the individual meaning of the word – not backed by some type of organisation – can successfully avail of the ECI, the evidence of over three years reveals that, although it may not be beyond the realms of possibility, this is most unlikely to happen. Furthermore, initial fears that the ECI would be hijacked by lobby groups representing *big business* have been dispelled. As the case of the EPSU-launched “Right2Water” initiative demonstrates, however, it is possible for any organisation to create a “citizens’ committee” to avail of the tool. The fact that lobby groups representing *big business* have not attempted to do so can be partially explained by

the good levels of transparency involved in the ECI in comparison to other citizens' initiatives examined in Chapter 2.5. However, this is more likely due to the immense difficulty involved in launching a successful ECI and, moreover, because of the tool's very weak limitations with regard to creating legislative change. Although only three ECIs have succeeded in getting an answer from the Commission, the evidence suggests that organisations with a pan-European network of contacts, significant financial backing and access to expert legal advice such as NGOs, trade unions and lobby groups are most likely to advance. The evidence also suggests that an initiative is more likely to progress if the issue it raises is of an emotive nature. Interestingly, all three initiatives which succeeded in getting a response from the Commission involved what the promoters considered a better vision of society and not the creation of conditions to suit vested interests.

Far from narrowing the EU's *democratic deficit*, the ECI in its current guise looks likely to do the polar opposite. The difficult procedures involved in succeeding to receive an answer from the Commission, and the ability of the Commission to discard successfully submitted initiatives have resulted in sharp decline in ECIs being launched in 2014 compared to the first two years of its existence. If anything, the ECI currently serves to act as a microcosm of the legalistic, bureaucratic and technocratic nature of the EU institutions.

Due to the fact that it is still relatively in its nascency, mitigating circumstances exist with regard to the ECI's lack of success. While procedural changes, which the Commission is open to, are needed, evidence suggests that the potential exists within the mechanism of the ECI to contribute to the creation of a General *European Public Sphere*. While the ECI currently only serves to strengthen a Segmented EPS, the evidence of the "Right2Water" initiative, which played a founding role in the creation of the European Water Movement, suggests that the ECI can engender the interest and interaction of ordinary citizens with the EU institutions by encouraging civil society organisations to engage more with its grassroots rather than favouring approaches such as insider-access collective action registers. Although beset with procedural problems that need urgent attention, it is possible to envisage a future where the gap that exists between the citizens of Europe and their institutions may be bridged, in no small part thanks to tools of participatory democracy such as the ECI. The journey of a thousand miles, after all, begins with the first st

Chapter 5: Final Conclusions

Is the ECI a tool for *citizens* or for *lobby groups*? The answer depends on one's interpretation of the words. If one is referring to *citizen* in a very liberal, individualistic way, as Marie-Christine Pironett from the Commission did, and as Pablo Sanchez Centellos from EPSU considered "naïve", then one must deem the latter option to be more accurate. After all, although a few ECIs were launched by *informal groups*, not one of them came close to overcoming all of the thresholds necessary to get an answer from the Commission.

However, if one were to use the term *lobby groups* in the stereotypical way – shady people, representing corporate interests who manipulate democracy behind closed doors, as discussed in Chapter 2.4, the answer to the question would also have to be negative. Moreover, in contrast to some of the other citizens' initiatives from other jurisdictions examined in Chapter 2.5, there has been a marked lack of interference from lobby groups representing *big business* in the ECI so far. This has been elucidated in two of the interviews with experts and by the fact that the initiatives that have succeeded in getting answers from the Commission have clearly not represented the interests of *big business*. While the process demonstrates good levels of transparency when compared with other citizens' initiatives examined, the absence of corporate influence from the ECI is more likely due to the extreme difficulties involved in launching a successful one, and to the Commission's *carte blanche* to reject ECIs that have passed all of the hurdles.

The fact of the matter is that there may be no clear, unequivocal distinction between *citizens* and *lobby groups*. *Lobby groups*, after all, are made up of citizens and *citizens* are represented by lobby groups. As Pawel Glogowski acknowledges, the organisation he works for – *The ECI Campaign* – which according to its website is "independent, neutral in policy, non-profit and non-EU financed" (The ECI Campaign, 2015) is also a lobby group. "Of course, we as the ECI Campaign are a lobby group to make the ECI work".

The (over) three years of the ECI, however, demonstrate that the initiatives most likely to succeed are ones of an emotive nature which are launched by organisations such as NGOs, trade unions and lobby groups that have access to a pan-European

network of contacts, significant financial backing and access to expert legal advice. The topics of the three initiatives which succeeded in getting answers from the Commission were those deemed by their promoters to be concerned with creating a better vision of society. This may lead to the conclusion that the ECI is a tool for civil society organisations, or organisations with a proclivity towards the betterment of civil society rather than financial gain.

Though the evidence may suggest that the ECI is, indeed, a tool for civil society organisations, a serious caveat exists: The ECI is a tool that does not currently work. It might be described as a metaphorical glass hammer. In terms of bringing the EU citizens and the institutions closer together, it seems to have been an unmitigated failure and in its current form, may only serve to widen the EU's *democratic deficit*. All, however, may not be lost because the evidence of the "Right2Water" initiative demonstrates that it is a tool which has the potential to strengthen civil society and, in turn, foster citizen participation. Thus, it encourages civil society organisations to engage more with citizens due to the signature collecting element of the tool, and this may, ultimately positively impact the *European Public Sphere*.

This thesis has endeavoured, by way of an in-depth literature review, to analyse and explain in broad terms the reasons which led to the creation of the ECI before comparing and contrasting it with other similar forms of democracy. The empirical part of the research has striven to narrow the focus to issues more concerned with the specific questions raised. It is hoped that this has provided clear, informative, and engaging material for the reader.

Thus, the interviews undertaken in the course of the research have provided a rich source of information for this research. An even broader account of the issues may, of course, have been provided had I been able to procure more interviews from the promoters of ECIs, especially "One of Us" and "Stop Vivisection". This, indeed, is an important limitation of the study. In the case of "One of Us" for example, much of the online information about the initiative appears decidedly biased; it is written from the perspectives of either the pro-choice side or the pro-life side of the abortion argument. An interview with its promoters would have helped provide a more credible insight into the specific initiative as well as providing another perspective on

the nature of the ECI. The same may be said of the “Stop Vivisection” initiative. While this ECI was launched by an amalgamation of animal rights organisations, an interview with one of the promoters would certainly have been a valuable addition to this research in terms of credibility, especially on account of its uniqueness owing to the fact that it did not have a large amount of funding in contrast with the other two ECIs who received answers from the Commission. Ideally, interviews would also have been carried out with some of the promoters of the other 51 ECIs launched but this was beyond the scope of my research.

While some of the possible solutions to the ECI’s functional issues have been raised in this research, the myriad functional problems encountered by the ECI have comprised the main focus of the study. In terms of future research, the faulty workings of the ECI mechanism clearly need to be addressed. Thus, investigating possible solutions to the functioning of the ECI would be a significant contribution to this field of research. *Table 1.6*, below, put forward by Pawel Glogowski’s organisation, *The ECI Campaign*, offers a political framework with a view to resolving the ECI’s many functional problems.

Table 1.6 Solutions to the ECI

<p>1. Make the registration procedure less restrictive.</p> <p>Nearly half of proposed ECIs have been declared “legally inadmissible” by the Commission and refused registration – sometimes due to rigid legal interpretations and political pressure. To engage citizens, ECI topics should not be so strictly limited.</p>
<p>2. Allow ECIs that require treaty amendments to implement.</p> <p>Many topics important to citizens require changing EU treaties. The Commission may propose treaty changes on its own initiative. So ECIs should be able to ask it to do so.</p>
<p>3. Ensure that the Commission takes successful ECIs seriously.</p> <p>None of the first successful ECIs have led to concrete policy proposals. Yet campaigners will only use the ECI if they are likely to impact policy. The Commission should therefore always strive to respond to successful ECIs with concrete actions, including legislative proposals.</p>
<p>4. Simplify and harmonise personal data requirements and procedures.</p> <p>Each Member State determines the personal data its nationals and residents must provide, forms to use and data protection procedures to follow. The result is a nightmare for campaigners. Furthermore, EU citizens living outside their country of nationality often cannot support an ECI. Member States should strive to use common forms, data protection rules and personal data requirements limited to name, address and nationality. A single EU-wide coordinating body could simplify signature verification.</p>
<p>5. Eliminate ID number requirements.</p> <p>Many potential supporters have refused to sign an ECI when asked to share ID numbers. The European Data</p>

Protection Supervisor determined that it was not necessary to collect ID numbers, yet 18 countries still require them.
6. Redesign the online signature collection system.
Significant and persistent online signature collection problems have led every ECI campaign to lose signatures and collection time.
7. Allow the collection of e-mail addresses within the ECI support form and permit ECI organisers to contact signatories.
ECI campaigns do not have access to the email addresses of their ECI's signatories. This limits the ECI's ability to mobilise Europeans and facilitate transnational debate. To allow two-way communication, email addresses need to be collected within the ECI support form.
8. Let ECI campaigns choose their own start date.
An ECI's 12 month signature collection period begins the day the Commission registers it, within two months of its submission. Without a known start date, campaign planning and media outreach are challenging. Campaigns should be allowed to choose their own launch date, within six months following registration.
9. Lower the age of ECI support to 16.
The same age limits apply to the ECI as to EU elections. But the ECI only proposes, but does not directly impact, policy. Many ECI topics are relevant to youth, helping to engage them in European public affairs. The Austrian model allowing 16-17 year old ECI supporters should be expanded to all Member States.
10. Offer an ECI support infrastructure with legal advice, translation and funding.
Most grassroots ECI campaigns struggle to fund needed legal advice, translation services and campaigning guidance. As a democratic tool, the ECI is a public good that should benefit from a public infrastructure for practical and financial support.
11. Provide a legal status to protect citizens' committee members and allow fundraising.
ECIs need a European legal status that shields citizens' committee members from personal liability and allows for more efficient and transparent management of finances.
12. Increase public and media awareness of the ECI.
Public awareness of the ECI is so low that campaigns must educate the public about both the ECI and their topic. The ECI thus needs to be promoted as an official EU instrument to raise public awareness.

Source: *The ECI Campaign (2015)*

The late John Lennon once said, "There's no problems, only solutions." Although, in the context of the ECI, this quotation may appear facile, the point, however, remains: If the EU is to succeed in getting its citizens on board, it has to convince them to participate. Hence, it is of utmost importance to find a solution to this unique, transnational tool of participatory democracy.

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Statement of Academic Honesty

I hereby swear that I have written this Master Thesis, “The European Citizens’ Initiative: a tool for citizens or for lobby groups?” myself. I am aware of the rules of plagiarism, and have therefore ensured that they are applied throughout this thesis.

Date:

29 July 2015

Signature:

Cathal Foley

Appendices

Appendix A

Extract from the semi-structured interview with Pawel Glogowski

CF: OK this is the first question. One the main reasons the ECI was introduced was to bridge the European Union's perceived democratic deficit. One of the stated aims of the Lisbon Treaty was to bring the EU and its citizens closer together. In relation to this how would you describe the European citizen initiative so far in terms of success?

PG: Success, I don't think we can use this word in terms of the ECI and bridging the gap between citizens and EU institutions. If we observe the first three years of the ECI we see that it doesn't work the way it was supposed to work. In the spirit of the discussions before the Lisbon Treaty was taken into force, so yeah, the first three years of experience show us that it doesn't work. There was, eh, if you see the statistics on how many ECIs were registered, how many people signed ECIs, there was a high rise in the beginning. So there was a huge optimism; many ECIs were registered in 2012, 2013 and last year showed us that, em, the ECI doesn't work anymore; people don't want to register and there are many reasons for that, eh technical problems eh; they also see that, even if the ECI is successful, so it collects at least one million signatures; it doesn't mean that it leads to anything so there's a huge problem in terms of organising a campaign. You won't pick a democratic tool, a participatory democracy tool if you know that, or if you are scared that, even if you collect over one million signatures it won't take you anyway so that's one of the main issues. So, I would say that, eh, the spirit as you said in the beginning was that it will make EU institutions closer to the citizens; citizens will participate more. At some point, OK, we have over six million signatures signed, collected, over 20 ECIs registered and it's a huge potential but at the same time; I like the quotation from this MEP, Mr Shatfrien, who said that if you have, for example, in terms of one of us, if you have almost 2 million signatures collected and, eh, a huge campaign organised and so many people supporting the issue, whether we agree with this issue or not and then the Commission responds on one, two pages that they won't do anything, you

get two million Euroskeptics because of that because, eh, their voice wasn't even heard properly; I mean, they didn't have to em, propose new laws.

CF: So you're saying it's a very weak instrument basically?

PG: Yes, basically it's a very weak instrument and it's not because of its structure, that's one point, but the second point is that the approach of the Commission is very bureaucratic and legalistic so that has to be changed as well. It's only about the technical or legal aspects.

Appendix B

Extract from the semi-structured interview with Pablo Sanchez Centellos

CF: So in a way, as an agenda setting instrument, the ECI has been successful for you?

PSC: As an agenda-setting instrument, it's OK. But then, you don't need to put in so much effort to set the agenda if you can do it otherwise. Then, you're not with this narrow mandate. Now, for us it was not just agenda-setting. It was also a way to build a transnational coordination coalition of people fighting on the ground, that they want and need something happening in Brussels and they need a name and those organisations that now did that, they capitalised this. So politicians say, these people are serious; they can do stuff. But beyond that, they give me; this is, I mean, I said it many, many times. This is a petition to the king. And then you go to the King and then you go to the king and you have a petition and the King says, "Very good". But then you say, "King, I actually asked for this and as long as I don't have it, I will continue asking for this". I also said it once to the Commission: "When you do that, when you open the petition moment to the King, what might actually end up happening if the King doesn't answer to the demands of the people is that the people get a guillotine and they just chop off the head of the King". And they didn't like the metaphor but I think it's pretty illustrative of what the commission actually are playing with. If they do not do anything with us, no one will ever do an ECI. There is actually only three that have actually managed to go over the threshold and out of the three; one and one half have been positively replied, meaning nothing. Because this is the issue, I mean, the Commission says "yes". And I say, "Yes, what?" "Yes,

nothing”. “OK, then it’s ‘no’”. “No, no, no, it’s ‘yes’”. So what are you actually playing at? Funnily enough, there is a sentence in the petitions report of the ECI in the Parliament that says, “If you say ‘yes’, then you have to change legislation otherwise you are taking the mickey”. Well they don’t say “taking the mickey!” But it is a paragraph like this: “If you say yes, then you have to follow suit and do something, otherwise.

CF: What’s stopping them then? Is it the Parliament or the Council? Are you expecting an answer soon?

PSC: I think what is stopping them is the fact that they fear that if they change the law by a civil society thing then they’ll open the floodgates also for everyone else to push. But, you know, this is called democracy! It’s not even called “direct democracy”, this is basic parliamentary democracy. You know, you get the rules, you follow the rules, you win, you change and then one day, you will try to get back. I mean, that’s one of the things we also see with Aquafit when they were; they have a huge influence in the Commission, they write the papers of water at the Commission and when they lose, we [European Water Movement, Right2Water etc.] “lie”, when they win, “it’s democracy”. And you know, sorry; no, it happens that you lose from time to time. And we will continue hitting on this nail because, you know, it was a big campaign but it also has built expectations. I mean, we have a community of people. When there is a consultation on a very technical issue, we send an email and we get 10,000 replies, from people that take the time to read and so on. So, we have created a network of several tens of thousands of people who retweet us, who follow us on Facebook, who make comments, that go to meetings. I have a photo of the moment where the Thessaloniki people in Greece voted for; “let’s do a referendum”. The photo is the city hall which they booked with 500 people and in the [TV] screen is the hearing we (Right2Water) did in the Parliament. They (people from the Commission) were saying, “are you very anti-European?” And I said, “look, you tell me when you have had a Parliament hearing watched in Thessaloniki by 500 people that take a political decision linked to this debate. This is like the Champion’s League. It’s the only time that people in Europe watch European broadcasting, let alone something on politics. “So, you’re telling me that I’m not building a European political space? I mean, I’ve done more for Europe than the Commission in the last five years”. They didn’t like that either. But, I mean, it is true. You know, I was

showing the photo. But that's the issue. The thing is that when you go against the policies, they think that you are anti-European. But they also don't have the trademark of what Europe is. It was invented by the Greeks 2000 years ago! So, for us it was this; it was building this network that still exists and still tries to do stuff. So, you can capitalise on your work. We'll see what they do; they still have time but we will continue to put pressure on the Commission and so on. And well, it's up to them. But really, in two, three years, they haven't done anything. People will think that the ECI is a waste of space.

Appendix C

Extract from the semi-structured interview with Marie-Christine Pironette

CF: Firstly, could you give me a Commission perspective on what the ECI should bring to the EU?

MCP: [The aim of the ECI is] to bring the citizens closer to the institutions, to stimulate the citizens' participation [by giving them a] direct input into the functioning of the Commission.

CF: There have been around seven ECIs from so-called informal groups of citizens with the rest coming from Civil Society Organisations, NGOs, Trade Unions, political parties etc. At the beginning, was the goal of the ECI to give a platform for informal groups of citizens (ordinary citizens) or organisations?

MCP: The citizens themselves. The main objective [was to not to give a platform for] organisations but citizens. But success depends on how well [the ECI] is organised, not [that] an organisation [is behind it]. The three successful ECIs had a lot of money. Information about the amount of funding has to be provided after 500 euro. Right2Water had 140,000 euro, One of Us had 159,000 and Vivisection had 23,000.

CF: When the ECI was launched in 2012, there were fears that lobby groups would help big business groups to hijack it as explained here: In the three years of the ECI, has there been any evidence of this occurring?

MCP: It hasn't happened. It's not the truth. The Commission is independent. It is possible that a lone citizen can launch an ECI; [a citizen] has the opportunity to do it. Before [the ECI was launched, it was intended that the ECI would be] open to everybody, not just [someone who is] part of an organisation. But it's not a problem if a lobby or an NGO wants to support an ECI. However, we want to avoid a situation where a citizen who is not part of an organisation is excluded. At the beginning, you can be alone; you don't have to be part of an organisation.

CF: In the last year, there has been a major drop in the amount of ECIs launched. Why has this happened?

MCP: It is decreasing. We had to adopt a report on the ECI's functioning in April (2015). Citizens may have been waiting for this which may be a reason. But yes, it's decreasing.

CF: Having spoken to people who have launched an ECI, one of the main criticisms of the Commission is that it will only act on an ECI if it is forced to i.e. legal advice is needed for the wording of the ECI title so the Commission is not able to automatically discard it. Is this a fair assessment?

MCP: The Commission cannot act if it is outside of its competency. Our legal services analyse each ECI and the only reason we refuse is due to competency. But what can we do? We had this problem with the TTIP ECI (which was entitled "We invite the European Commission to recommend to the Council to repeal the negotiating mandate for the Transatlantic Trade and Investment Partnership (TTIP) and not to conclude the Comprehensive Economic and Trade Agreement (CETA)") But the Commission cannot tell the Council , "don't do this". If they worded it differently, maybe we could have accepted it. But [citizens launching an ECI] can ask Europe Direct to see if their ECI idea will be accepted. It says this on the official ECI website. Yet, there have been only 15 questions of this nature since 2012. But we are open to improving the ECI. Maybe the threshold can be revised. We are open.

