

The Initiative & Referendum Institute Europe

INITIATIVE FOR EUROPE

HANDBOOK 2008

The guide to
transnational democracy
in Europe

**Edited by Carsten Berg, Paul Carline, Bruno Kaufmann,
Jo Leinen and Diana Wallis**
With a preface by Margot Wallström



The Initiative for Europe Handbook 2008

by the Initiative & Referendum Institute Europe

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Preface

With the agreement on a Reform Treaty process by the European Union heads of state and government in Brussels in June 2007, the foundations for a new start have been laid out. Europe shall become more transparent, more democratic and more efficient. The first transnational democracy of the world shall become a place where citizens do count more.

Three years ago, the heads of state and government made a first proposal. At their Rome summit, the leaders of the EU member states agreed to replace the many European treaties with just one document, which was called the constitutional treaty. This proposal was sent back to the national parliaments and electorates for final endorsement. What then happened was that in France and the Netherlands, the citizens rejected it, while 19 other member states did ratify the constitutional treaty.

So we had to learn from this failure. The European Commission launched Plan D - for Democracy, Dialogue and Debate. And indeed, we got a lot of dialogue and debate on how democracy could be established and strengthened at the transnational level – a first example in world history. The democratic dynamism brought us even further. The developments monitored and assessed in this new Handbook by the Initiative & Referendum Institute Europe are very telling in this respect.

When initially drafted by the Convention on the Future of Europe, the principle of participative and direct democracy produced some scepticism among many leaders and observers alike. But many others saw it as the most genuine expression of the willingness to bring Europe closer to its citizens. The European Citizens' Initiative, as proposed in the new treaty, would give the citizens the same right as the Parliament and the Council to invite the Commission to launch a legislative process. However, as the treaty reform was stopped from the French and the Dutch 'no's, official work on its implementation was also stopped.

Despite this - and this is proof of great democratic dynamism and willingness across Europe - twenty de facto European Citizens' Initiatives have been launched, covering a fascinating variety of issues and addressing important challenges. Leaving aside any considerations on their content, I believe that these initiatives are proof of increasing public awareness and growing civic maturity.

At the same time, direct democracy – as all forms of democracy – requires checks and rules. In order to get it right and ensure that it is genuinely empowering, we will need to fit the scope of European Citizens' Initiatives to issues within the competence of the Commission. We will also have to implement proper signature verification procedures in order to qualify citizens' initiatives for serious consideration by the Commission. In parallel, we will have to develop a citizen-friendly infrastructure across the continent – to allow millions of Europeans to take part in democratic dialogues and debates, and discuss together on how to best address the biggest problems of our time.

This IRI "Initiative for Europe" Handbook 2008 offers not only a unique coverage on the early use and fate of the European Citizens' Initiative mechanism, but also valuable ideas and assessments on how this direct-democratic process can be legally established and fine-tuned – in order to serve our common goal of a democratic European Union promoting peace, prosperity and solidarity for its citizens and worldwide.

Margot Wallström

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*Introduction***The Future of European Democracy has begun**

Dear Reader,

Political institutions matter, especially at the European Union level where they are not as well established as they could be. Just imagine. With almost half a billion people in 27 different countries starting to have common policies on issues such as health care, agriculture, foreign policy and transport, you need basic common rules which are seen as legitimate enough to be accepted, and simple enough to work out.

That is the current challenge for all the institutional reforms envisaged within the European Union. And that was the reason for which the heads of state and government met in Brussels in June of this year to agree on a strategy for breaking the constitutional impasse. In doing so, they tried to avoid the relative open-endedness of the initial phase of the transnational constitution-making process in 2002-2003, when civil society, the media, academics and politicians from across the whole of Europe were feeding their ideas and concerns into the EU Convention, a semi-parliamentarian body established to draft new rules for the decision-making processes in Europe.

The agreement on a mandate to reform the Nice treaty by an intergovernmental conference in autumn 2007 is a necessary but far from sufficient element in the struggle for a more democratic and efficient European Union. The 50-year old cooperation has become a very powerful tool for drafting and introducing new legislation; in many member states, most of the regulations and laws now originate at the European level.

However, the EU still has to cope with a deficit of democracy. The European Parliament, as the only directly elected EU institution, is limited in its influence over certain policy areas and has not, unlike every national parliament, comprehensive legislative power. Furthermore, the EU still lacks the legal right of citizens' initiatives. Although these deficits were targeted in the Constitutional Treaty, the 'no'-majorities in the French and Dutch referendums halted their introduction.

The European integration process has already been questioned more than once, for example by Denmark's opposition to certain paragraphs in the Maastricht Treaty (1992) and by Ireland's 'No' to the Nice Treaty (2001). Nevertheless, the EU was able to respect these critical views and to find new solutions.

Clearly there is no way back to a European Union run by secret committees and governments behind closed doors. There is only a way forward which obviously contains the 'risk' of failure. But this way forward towards a more democratic European Union also offers enormous opportunities. This is a major issue not only in Europe, but worldwide, as billions of people begin to understand the challenge of economic globalization as an invitation to promote genuinely democratic values and institutions.

Civil society is becoming an increasingly important actor in politics and there need to be more and better means of democratic participation for interested and concerned people who want to make their voices heard. While heavily-guarded and heavily-contested summit exercises such as the G8 are on the way out, proper transnational mechanisms for bringing the people into the agenda-setting and the decision-making are crucial. And fortunately, very recent European history has quite some stories to tell.

This Handbook is the third in a series of reference guides by the Initiative & Referendum Institute Europe to monitor and assess these new European developments*. Ever since the EU Convention proposed a European Citizens' Initiative tool in the draft constitution four years ago, we have seen this as one of the key innovations: an instrument designed for the future of European democracy.

Why? Because the European Citizens' Initiative is the very first concrete tool of participative democracy above the nation-state level which is not based on an invitation 'from above'. The right of initiative vis-à-vis the EU Commission means that the citizens themselves have the right to invite the institutions to consider their ideas and proposals. The European Citizens' Initiative also embodies and expresses a modern style of representative democracy – one which offers more direct participation by citizens in decisions on important substantive issues, in addition to indirect representation by elected representatives.

As soon as we, the citizens of Europe, see institutional ways of making our voices heard, we use them – on practical issues. Many people across Europe have already begun to use the instrument of the European Citizens' Initiative, although this provision in the Constitution, as well as the Constitution itself, has not yet been ratified. This new IRI Handbook identifies no less than twenty such transnational initiatives. They are on issues such as health, energy, education, social welfare and foreign aid – and they are about institutions.

In Part I of this Handbook you will discover what the first 20 European Citizens' Initiatives are, why they have been launched, and how they are handling the challenge of collecting signatures across a whole continent. This is unique coverage of a unique phenomenon – the first practical attempts to go transnational with modern direct democracy.

However, since there are no agreed rules for the use of this new instrument, it will be of the greatest importance for the principle of participative and direct democracy to be embedded in proper legislation as soon as possible. In order to achieve this in a well-designed and citizen-friendly manner, Part II of the IRI Handbook 2008 presents a series of analyses based both on people's practical experiences with the first European Citizens' Initiatives and on the expanding local and national practice.

While the new IRI Handbook focuses primarily on the Initiative procedure, in the last section (Part III) we take a look beyond that specific instrument and address some of the key questions about the wider political context and additional forms of participative democracy. We present a prospect of exciting experiences and a challenging perspective on the future of the treaty reform or constitutional process. We hope very much that you will be informed and engaged by this Handbook and – hopefully – also inspired to play an active part in the making of a Transnational Democracy.

Yours sincerely,

Brussels and Marburg, September 1, 2007

Diana Wallis
Jo Leinen
Carsten Berg
Paul Carline
Bruno Kaufmann

* Kaufmann, Lamassoure, Meyer (2004), "Transnational Democracy in the Making – the New Challenge of European Initiative & Referendum after the Convention"; Kaufmann, Wallis, Leinen, Berg, Carline (2006), "Initiative for Europe – a roadmap for transnational democracy".

Part One: The First European Citizens' Initiatives

Citizen Power beyond the Nation-State

With the agreement on a Reform Treaty for Europe the institutional train of the European Union has been put back on track. In this IRI survey *Bruno Kaufmann* assess the prospects for transnational democracy by exploring its growing European practice.

What a change! For centuries Europe was the powerhouse of undemocratic practices and authoritarian rule worldwide. The bigger countries of the continent competed in waging war against one another and trying to colonize as many societies as possible around the globe by force. In just half a century, however, Europe has become an avantgardist in democratization. And as recently as 1989, millions of citizens built new and strong foundations for people power by proclaiming: “We are the people”.

The fall of the Berlin wall offered and offers Europe an enormous opportunity: for the very first time it seems to be possible for the limitations of the Westphalian state system to be overcome and for a start to be made on the development of democratic structures beyond nation-state borders. While the European integration process in the past (and in many cases still today) can be seen as a major causal factor in stabilizing and sustaining democracy, the integration process also offers a natural and well-established framework for the future development of people power – by adapting modern representative democracy to an increasingly globalized world order.

The ongoing efforts by the European Union to establish a proper (democratic) Basic Treaty must be assessed within this historical and global context. Its starting point can be dated precisely to June 2001: within the space of a few days, Europe (and especially its leaders) had to learn that the old way of treaty-making behind closed doors had come to an end. The ones handing out the lesson were the Irish - the only citizens in Europe entitled to vote on the Nice Treaty. On June 6, 2001, they voted “no”. This blocked the Treaty, which was a compromise to allow the EU to adapt institutionally to enlargement. A few days after the Irish referendum, rioters in the Swedish city of Gothenburg transformed the EU summit venue into a stage for violence and police repression.

This propelled the need for reform and convinced the EU heads of state and government to agree – six months later at the summit in Laeken – on a new method for establishing European treaties by setting up a convention “on the future of Europe”. Thanks to its composition – a majority of the 105-member assembly were elected rather than appointed officials – the EU Convention developed a significant democratic dynamism and produced innovative proposals relating to greater transparency and participation, which the EU leaders could not openly oppose.

Instead of the envisaged simple new treaty, the EU heads of state and government signed – on October 29, 2004 in Rome – a “Treaty establishing a Constitution for Europe”. The constitutional notion triggered both a challenging ratification process, with several popular votes, as well as an agreement on new principles and procedures to overcome the notorious “secondary democracy” (Schiller, 2005) of the European Union.

In sharp contrast to earlier treaty ratification processes, it was now not just a few countries (such as e.g. Denmark and Ireland) which announced their intention of holding a referendum vote on the CT. By the beginning of 2005, almost half of the member states – representing a majority of the 450 million EU citizens – had promised to put the Constitutional Treaty to a popular vote¹. However, after the “non” and “nee” majorities in the French and Dutch referendums, all the other popular votes were postponed. In Estonia and Finland, the parliaments still opted to vote for the Constitutional Treaty in 2006.

Timeline: On the Way to a Reform Treaty for Europe

When?	Where?	What?
June 6, 2001	Ireland	Irish voters says “nay” to the Nice Treaty
June 14/15, 2001	Göteborg	Violent clashes and riots at the EU/US Summit
December 13/14, 2001	Laeken	EU heads of state and government agree on convention method for Treaty revision
February 28, 2002	Brussels	Former French President Valéry Giscard d’Estaing opens the Convention on the Future of Europe
June 13, 2003	Brussels	Convention delivers draft “Treaty to establish a European Constitution”
May 1, 2004	Europe	Accession of ten new EU member states after referendum votes in 9 of them
October 29, 2004	Rome	EU heads of state and government sign the EU constitutional treaty (CT) which includes an initiative right for one million citizens from several member states
2005/2006	Europe	18 member states ratify the CT, 2 do not ratify, 7 are still waiting
January 1, 2007	Europe	Accession of Romania and Bulgaria as new member states of the EU
June 23, 2007	Brussels	Under the German EU-presidency the Council agrees to put the treaty-making process back on track

So by the beginning of 2007, only 18 out of 27 member states had ratified the proposed constitutional treaty. The envisaged deadline on November 1, 2006 had been missed and under the German EU Presidency a strategy for the establishment of a “reformed” Treaty was set up and led to a dramatic summit meeting in Brussels at the end of June. At this summit several features of the Constitutional Treaty which had been criticized were deleted or amended, the new voting rules in the European Council were given a long transition period until 2014-17, and some countries received additional opt-out rights.

What was important, though, was the fact that at the Brussels summit no member states challenged

¹ Spain (Feb 20, 2005), France (May 29, 2005), Netherlands (June 1, 2005), Luxembourg (July 10, 2005), Denmark, Poland, Ireland, UK, Portugal, Czech Republic

what are probably the most innovative parts of the Constitutional Treaty. It had stipulated, among other things, the equality of representative and participatory democracy (Art. I-45), the right to participate in the democratic life of the Union for all citizens (Art. I-46), and – its most concrete measure – the establishment of the European Citizens’ Initiative (Art. I-47).

The article reads:

*"A significant number of citizens, no less than one million, coming from a significant number of Member States, may take the initiative of inviting the Commission within the framework of its power, to submit an appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing this Constitution. A European law shall determine the provisions for the specific procedures and conditions required for such a citizens' initiative, including the minimum number of Member States from which they must come."*²

For the very first time in history citizens were to get the right to be involved in setting the political agenda beyond national borders. This represented an attempt by the EU to overcome the limitations of indirect democracy and to open a perspective of “primary” democracy in Europe (Schiller, 2005). The provision would introduce a mechanism which focuses on specific policy issues and allows citizens to act as agenda-setters and – in the case of the constitutional referendums – as decision-makers. The historic novelty is that the EU is trying to combine transnational with direct democracy.

The double rejection of the CT in France and the Netherlands acted as a catalyst for EU leaders to start looking for the right procedures in the appropriate democratic forms. As a first step, the EU institutions could try to introduce the right of initiative provided for in the constitution. It has the power to generate both horizontal and vertical political relationships, which have been neglected so far in Europe. As mentioned above, under Part I, Title VI of the Treaty establishing a Constitution for Europe – “The Democratic Life of the Union” – the principle of an equality between indirect and direct democracy was postulated. A special article (Art. I-107.4) was dedicated to “participatory democracy”. It sets out the terms of reference for a “European citizens’ initiative”.

European regulations are to determine the provisions for the procedures and conditions required for such a citizens’ initiative, including the minimum number of EU member states from which such citizens must come. If implemented, this new “initiative right” would be the very first direct-democratic instrument at a transnational level, offering citizens an equivalent to the European Parliament’s and the European Council’s right to request legal action by the Commission. However, the EU Commission will retain its formal monopoly to initiate EU legislation, and the citizens’ initiative right will not – unlike initiative rights in countries such as the Slovak Republic or Slovenia – trigger a referendum process.

2 Art. I 47.4

Initiative rights in the countries of Europe ³

<i>Countries with initiative rights at all political levels (10)</i>	<i>Countries with initiative rights only at the national level (11)</i>	<i>Countries with initiative rights only at the sub-national level (9)</i>	<i>Countries in which there is legal recognition of the instrument of the agenda initiative (20)</i>
Hungary Italy Lithuania Slovakia Slovenia Netherlands Poland Spain Liechtenstein Switzerland	Latvia Austria Portugal Albania Macedonia Croatia Romania Moldavia Andorra Serbia San Marino	Belgium Czech Republic Estonia Finland Germany Sweden Great Britain Norway Bulgaria	Hungary Italy Slovakia Slovenia Finland Germany Netherlands Austria Portugal Spain Switzerland Norway Albania Romania Bulgaria Moldavia Andorra Serbia Macedonia San Marino

The European citizens' initiative (ECI) is an "agenda-setting" tool, which could contribute towards making European politics more visible and could allow for transnational public debates. This would contribute to the "Europeanisation" of political democracy and serve as an additional means of popular control of policies within the EU. Much, though, will depend on the European regulations still required "to determine the provision for the procedures".

Two key questions which were debated during the constitution ratification process are, first, the formal powers a successful ECI will have over the Commission (for example, in which way must the Commission follow the intentions of the ECI?), and secondly, whether the ECI can be used for constitutional amendments as well, opening up the door for further reforms of the EU Treaties "from below".

The growing experience with popular initiative rights at the local, regional and national levels suggests that the time offered for gathering the required signatures, as well as the methods of signature gathering, are critical to the democratic potential of this political instrument. As the EU

³ Kaufmann (2006, Handbook), p.8: Sources include IDEA database on direct democratic procedures worldwide.

Commission has proudly declared the ECI to be a tool to “rapidly diminish the democratic deficit in the EU”, there are high expectations linked to the new instrument - expectations which may not be fulfilled if the implementation laws are not developed in a citizen-friendly manner and with great institutional care.

Before the referendums in France and the Netherlands, the President of the EU Commission, José Manuel Barroso, stated: “The constitution provides new ways for citizens to actively participate in the decision-making process by being able to propose initiatives if backed up by one million signatures across a significant number of countries. To put it simply: we will have more democracy⁴.” Barroso’s deputy, Communication Commissioner Margot Wallström, has stressed that with the new initiative right, “real progress for direct democracy in Europe” will be made⁵.

Encouraged by such positive assessments and empowered by the very idea of an issue-centred, transnational, agenda-setting instrument “from below”, from 2006 on many actors within European civil society decided to launch pilot-style European Citizens' Initiatives. By mid-2007, when the Treaty-making process was relaunched by the Brussels European Council, not less than twenty European Citizens' Initiatives had been started. Several of them have succeeded in collecting the signatures of more than one million individual citizens and these signatures have been delivered to the EU Commission

The first twenty European Citizens' Initiatives

<i>N°</i>	<i>Issue</i>	<i>The main goal</i>	<i>Initiative committee</i>	<i>Signature gathering</i>	<i>Status</i>	<i>Link</i>
1	Oneseat Initiative	To establish Brussels as the only seat for the EP	Mainly MEPs	e-gathering only, without verification email	Delivered (18-09-06) 1,067,838 signatures.	www.one-seat.eu 20 available languages
2	Equality for all!	To extend EU citizenship to all EU residents	European Association for the protection of human rights	e-gathering only, with verification email	Launched and ongoing	www.aedh.eu/petition_million/petition-million.htm 22 available languages
3	Against Nuclear Energy	To end the Euratom Treaty and to prevent the construction of new nuclear facilities	Friends of the Earth, Global 2000	e-gathering and signature list, without verification email	Launched and ongoing	www.Million-against-nuclear.net 13 available languages
4	European Health Initiative	To allow natural remedies in the EU	Dr. Rath Health Foundation	Signature list without verification email	Launched and ongoing	www.eu-referendum.org 4 available languages

⁴ José Manuel Barroso, “Prospects and challenges for the European Union”, “Friends of Nieuwspoor” speech, The Hague, 2 March 2005.

⁵ Speech in Prague on May 9, 2005. Wallström said on Europe Day that: “The constitution gives more direct power to the people... If you manage to collect one million signatures in a significant number of EU countries, you can ask the Commission to propose a new law or policy. In effect, this gives you a right of initiative that had previously been reserved for the Commission alone. That is real progress for direct democracy in Europe.”

5	Partnership instead of membership for Turkey	To prevent Turkey from becoming a full member of the EU	Conservative NGOs from PL, SZ, AT, DE	e-gathering without verification email	Launched (Oct 3, 2005) and ongoing	www.voiceforeurope.org* 17 available languages
6	For a political Europe of Freedom, Security and Justice	To enforce cooperation on justice within the EU	French politicians	e-gathering only, with verification email, EU 25 nationals only	Launched (March 9, 2005)	www.petition-europe-justice.com 3 available languages
7	Efficient 112 all over Europe	The European Commission shall ensure a common emergency service	European emergency number associations	e-gathering only, without verification email	Launched (July 29, 2005)	www.112petition.org 22 available languages
8	Help Africa	To provide 5 bill. EUR a year for people living with AIDS in Africa	Mainly UK MEPs	e-gathering only, without verification email	Launched in 2004	www.helpafricapetition.com English only
9	Initiative pour un Service Civil Européen	To establish a pan-European civil service called "un erasmus de la solidarité"	Mouvement Européen-France	e-gathering only, without verification email	Launched in 2005	www.mouvement-europeen.org/petition.php French only
10	Save Our Social Europe	Campaign for a social Europe	Volkshilfe Österreich	e-gathering only, without verification	Launched in 2006	www.soseurope.org 4 languages
11	1million4disability	For disabled people's rights, through effective legislation	European Disability Forum	e-gathering with verification email, and paper gathering	Launched on January 23, 2007	www.1million4disability.eu 19 languages
12	Labelling of Genetically Engineered Food	Calling for the labelling of animal products where the animals have been fed with GE (genetically engineered) feed	Greenpeace International	On paper gathering	Launched in 2005 Delivered on February 5, 2007	www.greenpeace.org/international/press/releases/1-million-europeans-call-for-g
13	Initiatives of applied anthroposophy	Calling for the support of initiatives for applied anthroposophy	Aktion Eliant	On paper and e-gathering, with verification email	Launched in 2006	www.eliant.eu/ in 10 EU languages
14	High Quality of Public Services	To make high quality public services accessible to all	European Trade Union Confederation (ETUC)	On paper and e-gathering, with verification email	Launched on November 28, 2006	www.petition-publicservices.eu in 22 languages

15	For a European Referendum on the EU Constitution	To trigger a consultative popular vote on the new EU constitution	Union of European Federalist (UEF)	E-gathering only, with control and verification mechanism	Launched in spring 2007	www.europeanreferendum.eu 5 languages
16	Initiative for the Initiative	The proposal to implement a citizen-friendly European Citizens' Initiative procedure	Alliance of NGOs and student groups	On paper and e-gathering, with verification email	Launched in November 2006,	www.citizens-initiatives.eu in 23 languages
17	Emergency Petition for Darfur	Demand to dispatch an international protection force to Darfur	Human Rights Organisations	On paper and e-gathering, with verification	Launched in Spring 2007	www.europetition-darfur.fr in two languages (en/fr)
18	Referendum on the next EU Treaty	To trigger a referendum in Europe on Europe	MEPs D Wallis and JP Bonde	Only e-gathering, with verification	Launched on June 20, 2007	x09.eu 27 languages
19	Cancer United	Call to act urgently in the interests of cancer patients across Europe	Stakeholders in Cancer Care,	Only e-gathering, confirmation but no verification	Launched on October 18, 2006 18-month timeline	www.cancerunited.org 23 languages
20	European Citizenship Initiative	To create a forum on European citizenship for study and hearings with citizens and civil society	European Citizen Action Service	e-gathering, no confirmation or verification procedure	Launched in 2006, no published numbers of signatures	www.ecas-petition.org/citizenship in six languages

*Website not online anymore

A brief assessment of these twenty pilot initiatives shows that the new instrument is being used by many different groups from different sections of society, including politicians, human rights groups, conservative organizations, economic foundations and broad alliances of non-governmental groups. However, as the concept of the European Citizens' Initiative is still new, and as the culture and practice of initiative is as yet weakly developed in many European countries, several initiatives are still calling their attempt to gather one million signatures a "petition". Furthermore, the fact that the implementation regulation does not yet exist means that all kinds of ways of collecting signatures are being used, including the simple and hardly verifiable registration of names online. At the same time, it is clear that the Internet offers a unique transnational platform for launching and conducting such initiatives. Interestingly, most of the initiatives so far launched understand the need to publish their information in as many European languages as possible.

This early but dynamic development of transnational direct-democratic practice offers many practical opportunities, both for academics and political practitioners, to test and assess the first steps towards transnational direct democracy. In the near future, however, it will be essential to carefully establish a democratic infrastructure beyond the raw tool of the initiative. This will include some kind of European electoral management body to assist, test and follow up European Citizens' Initiatives, as well as implementing a comprehensive voter education program across the region.

Recommendations for the development of a citizen-friendly European Initiative Infrastructure

- 1) Strive to establish a directive for free & fair regulations when implementing a European Citizens' Initiative mechanism.
- 2) Offer basic informational and educational resources as well as advice to interested citizens across Europe
- 3) Establish a dedicated opportunity structure for a transnational and responsible European Initiative Committee
- 4) Design a multiphased European Citizens' Initiative mechanism with clearly defined time- and deadlines.
- 5) Enable and guarantee a free and verified signature gathering process
- 6) Secure a proper transnational dimension in all Europe-wide Initiative processes
- 7) Provide a comprehensive level of additional support and services for qualified European Citizens' Initiatives
- 8) Establish a European Citizens' Office ("Electoral Management Body") as a focal point for all institutional activities linked to the European Citizens' Initiative
- 9) Recommend Member States to provide additional support resources to European Citizens' Initiatives
- 10) Ensure the supplementary and integratory functions of the European Citizens' Initiative mechanism within the balance of EU institutions

Over the last eight years, Europe has made its first steps towards a modern transnational democracy. The integration process offers a prime and unique case study of practical democratization beyond the nation-state - and hence a first view of what will be likely to happen in other contexts as well around the globe.

It will be critical to comprehensively research both the "transnational" as well as the "direct" turn, as they are increasingly interlinked. Existing theory building offers a rather broad framework of assessment tools for democracy in a transnational context. It includes both institutional-technocratic as well as non-institutional approaches. But existing theories do not at all – or at best only weakly – take into account the growing importance of modern direct-democratic processes. As has been shown, such tools are – under well-designed and citizen-friendly circumstances – delivering exactly what a quasi-transnational polity such as the EU is most lacking today: an intense dialogue between institutions and citizens, a feeling of ownership of EU politics by the voters, and a solid legitimacy for the decisions made at EU level. It is more than worthwhile to take into account all the main aspects and actors identified under the proposed perspectives, as (together) they offer a comprehensive mirror of what is going on. Have said that, aspects and patterns of transnational direct democracy must be embedded in issues such as basic human and civic rights, the rule of law, regional and possibly overlapping transnational entities, manifold levels of autonomy, as well as the structures for and assistance to deliberative processes beyond national borders.

For the transnational level it is now of the greatest importance to design procedures of direct democracy which are as robust and accessible as possible. This includes a wide range of supportive elements to ensure the fairness and equality of the instrument, and a very restrictive use of special majority requirements, which should mainly be about the necessary respect for national differences and autonomy. In contrast to local and national levels, where a broad set of direct-democratic instruments are known and (mis)used, the European level should start with an initial set of initiative and referendum instruments, including the proposed European Citizens' Initiative, the agenda initiative, and the mandatory consti-

tutional referendum, bringing in the people from the very beginning of the process.

The European Approach is about to take transnational democracy forward – and it will definitely not be possible to do this without active citizens who are prepared to offer their talents and use their time to become involved in the political life of the European Union.

*Bruno Kaufmann is president of the Initiative & Referendum Institute Europe.
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Essential further reading

- Auer, Andreas (2004): Referenden und europäische Öffentlichkeit: La Constitution européenne et le référendum en France, *Zeitschrift für Staats- und Europawissenschaften*, Berlin, New York, De Gruyter (ed.), 2004, vol. 2, pp. 597-611
- Auer, Andreas/Flauss Jean-François (1997): *Le référendum européen (actes du colloque international de Strasbourg, 21-22 février 1997)*, Bruxelles, Bruylant.
- Büchi, Rolf (2006): *Kohti osallistavaa demokratiaa*, Helsinki, Like Förlag.
- Cuesta, Victor (2005): *La iniciativa popular en el derecho constitucional europeo comparado*, Florence: European University Institute.
- Dryzek, J. S. (1999). "Transnational democracy." *The Journal of Political Philosophy* 7(1): pp30-51.
- Gross, Andreas (1996). *Auf der politischen Baustelle Europa. Eine europäische Verfassung für eine transnationale Demokratie eröffnet auch der Schweiz neue Integrationsperspektiven*. Zürich, Realtopia.
- Gross, Andreas (2003): *Das Europa der Schweiz – Schweizerinnen und Schweizer im Europarat 1963-2003*. Edition le Doubs, St.Ursanne.
- Held, David (2000). *The changing contours of political community. Global Democracy : Key Debates*. B. Holden. London, Routledge.
- Held, David, Tony. McGrew, et al. (1999). *Global Transformations :Politics, Economics and Culture*. Cambridge, Polity Press.
- Kaufmann, Bruno (2004): *The Initiative & Referendum Monitor 2004/2005. IRI Europe Toolkit to Free and Fair Referendums and Citizens' Initiatives*. London (The Creative Element).
- Kaufmann, Bruno (2005): *Initiativ för Sverige - direktdemokratiska vägar för att stärka den representativa demokratin. 2004 kommitté*, Stockholm.
- Kaufmann, Bruno/Büchi, Rolf/Braun, Nadja/Carline, Paul (2006): *The Initiative & Referendum Institute Europe Guidebook to Direct Democracy – in Switzerland and beyond. 2007 Edition*. Marburg/Brussels.
- Kaufmann, Bruno/Del Rio Susana (2005): "La Iniciativa Legislativa Ciudadana: Una iniciativa de movilización política para la sociedad europea", *Revista de Derecho Constitucional Europeo*, nº 1 , Enero-Junio de 2005, versión electrónica en: <http://www.ugr.es/~redce/>
- Kaufmann, Bruno/Erne, Roland/Gross, Andreas/Kleger, Heinz (1995): *Transnationale Demokratie. Impulse für ein demokratisch verfasstes Europa*. Zürich, Realtopia.
- Kaufmann, Bruno/Filliez, Fabrice (2004): *The European Constitution – Bringing in the People. The options and limits of direct democracy in the European integration process*. Brussels (IRI Europe)
- Kaufmann, Bruno/Horton, Ed (2004): *Exploring Democracy. A secondary school educational resource for citizenship in the UK*. London (Rapport Group).
- Kaufmann, Bruno/Waters, M. Dane (2004): *Direct Democracy in Europe. A comprehensive reference guide to the Initiative and Referendum Process in Europe*. Durham (Carolina Academic Press)

Kaufmann, Bruno (2006) with D. Wallis, J. Leinen, C. Berg & P. Carline (2006): Initiative for Europe – a roadmap for transnational democracy. Marburg/Brussels.

Kreis, Georg (2005): Welche Demokratie für Europa? Ein Blick auf die laufenden Verfassungsabstimmungen. NZZ (12.5.2005).

McGrew, Tony (2006): Transnational Democracy. Theories and Prospects in Carter, April: Democratic Theory Today. (Polity Press)

Schiller, Theo (2002): Direkte Demokratie. Eine Einführung, Frankfurt a. M./New York (Campus)

Schiller, Theo (2005): "Secondary Democracy in the European Union and the Role of Direct Democracy", in "Democratisation and Political Culture in a Comparative Perspective", Wiesbaden (VS Verlag für Sozialwissenschaften)

Schiller, Theo/Mittendorf, Volker (2002): Direkte Demokratie - Forschung und Perspektiven, Wiesbaden (Westdeutscher Verlag)

One number, one initiative

In the event of an emergency Europeans can call 112 right across the continent. However, many calls fail and many lives are lost. That is the reason why the European Emergency Number Association (EENA) has launched a Citizens' Initiative for a more efficient emergency number system, reports Gary Machado.

Between 15% and 30 % of all the emergency calls made in the EU receive either an inappropriate response or none at all. The European Commission's own figures show that every year 5,000 more lives – as well as 5,000,000,000 – could be saved if there were a really effective Europe-wide emergency number. That is why we are requesting the European Commission to ensure an efficient 112 service across the EU.

The European Emergency Number Association (EENA) decided to launch a European Citizens' Initiative. The most important reason was that the European Emergency Number – 112 – that allows citizens in every single member state to call and contact local emergency services for assistance does not work efficiently and there are big disparities in its reliability across the EU Member States. Even though it is perfectly obvious that there is a problem with the system, there is still a blatant lack of political interest in dealing with the issue at the level of the institutions (within the European Commission, for instance). As a result, the de facto implementation of more concise and binding European legislation on the 112 emergency number has been brought to a worrying standstill.

Putting 112 on the agenda

To rescue the 112 emergency number from this current situation is the main aim of the EENA. Promoting and carrying through an ECI on a European Emergency Number is even more important within a social and political context in which more than two-thirds of European citizens are still unaware that this service exists. To be successful, an ECI must always bring to light and publicise citizens' concerns – concerns that will only emerge if there is an adequate level of public awareness. The goal of the initiative, then, is to promote a widely-known and efficient 112 service whilst also calling for a revitalisation of the political will to appreciate its importance and make a commitment to acting upon it. Since no pertinent action had been initiated by the European Commission in the time before the ECI appeared, creating this initiative was an excellent way of attracting the attention of some members of the European Parliament.

Support from the European Parliament

A range of different strategies has been used to publicise the aims and goals of the initiative. While basic dissemination has been carried out through the publication of the EENA Newsletter, other actions have been promoted through the media, taking advantage, in particular, of the press conference held within the European Parliament on the 6th of February 2007. Other actions have also been carried out by the 120 Members of the European Parliament who support our project.

One of the main problems faced by the initiative was the essential translation of the campaign materials into the different languages of the European Union. The 112-ECI material is currently available in no less than 23 European languages, an achievement that was only possible thanks to the collaboration of friends, volunteers and members of the emergency services.

The use of the World Wide Web has been another of the particular features of the initiative. The use

of the Internet has made it much easier to promote the initiative, though it has also created some problems that needed to be faced. For example, online signature-gathering made it necessary to secure a verifiable system, avoiding repeat or fake signatures, a difficulty that led to some technical problems. Another problem related to the use of the Internet was the need to present the initiative as something different from ordinary e-mailing and not to be confused with spam and junk mail.

*Gary Machado is a member of the European Emergency Number Association (EENA).
www.112.be*

The Initiative for the Initiative

One of the twenty European Citizens' Initiatives is about the European Citizens' Initiative itself – or, more precisely, about the detailed rules for implementing this new direct-democratic instrument at the transnational level. *Carsten Berg* outlines the pan-European campaign to bring the people onto the political centre stage.

The idea of launching this initiative for the introduction of the European Citizens' Initiative (ECI) emerged shortly after the French and Dutch citizens rejected the Constitutional Treaty in their popular votes in 2005. These two votes once again reflected the strong “disconnect” between the EU and its citizens, or, generally speaking, Europe's democratic deficit, which has alarmed political observers for many years.

One reason for the “disconnect” is that citizens feel how Europe is becoming increasingly influential, but that it does not reflect who they are and does not address the issues that affect their everyday lives. Thus the absence of proper democratic means of participation and communication makes many citizens feel like powerless spectators. If at all, they perceive the EU as a distant, cold and centralistic bureaucracy which is dominated by a small elite. This crisis of legitimacy led Jacques Delors to say as early as 1993 that “either Europe will become more democratic or it will disappear”.

The people and organisations who are engaged in the initiative for the ECI want to respond to this European crisis of confidence and democracy. They have realized that traditional advertising to promote Europe will not work any more and that it needs more substantial change instead. Europe is not a “product” to be sold to passive consumers. European democracy needs new “producers” – it needs to become a project that is created and shaped by active citizens. If democracy cannot be prescribed from above, then it needs to be developed out of its own roots, starting with individual citizens. This is where the initiative for the European Citizens' Initiative enters as a first step along the long path to democratic reform.

The door-opener initiative

With the campaign for the introduction of the European Citizens' Initiative we want to evoke debates and educate ourselves and others about the concept of the European right of citizen initiative. The ultimate goal of this project is to enable citizens to propose concrete policy and law changes to the European Commission, by introducing a comprehensive citizens' right of initiative. This new right of initiative would require the European Commission to respond to a proposed change in European law signed by at least one million EU citizens. Any resulting proposal would then go through the normal legislative process. European citizens and civil society organizations could then directly influence the political agenda of the EU for the first time in history.

In order for future Citizens' Initiatives to work the legal basis for ECI must be designed in a citizen-friendly way, so as well as our core demand, we prepare guidelines on how this can be ensured. When implemented the ECI will be the first transnational and direct tool of democracy. It will give citizens a right of initiative that is much more effective than the current European citizens' right of petition. Experience shows that direct democratic elements like the right of initiative tend to make representative democracy more representative and responsive. It helps parliamentarians to be closer to voters' wishes, and encourages positive collaboration between citizens and their representatives. This kind of sharing power and communication makes individual and public learning much more probable.

Of course communication can only be as good as its content. This is true for the individual as well as for the public level. But in order to express concrete proposals in the public sphere, it takes open channels and procedures, by which content can be made public. The key to the problem of the EU is to create such public open channels for citizens. In the ideal case citizens-law-making procedures, like the citizens' initiative, create more transparency, more legitimacy by convincing and finally also more identification. Being issue-focused, the right of initiative will contribute to shaping a more open European public space around key debates that reflect citizens' concerns. In other words the ECI will not only help to close the gap between citizens and institutions, but also contribute to the development of a European civil society. This represents only one step along the long path of democratic reform, but it would clearly signal the direction of travel and creates more awareness for the question of democracy.

The signature gathering starts

The campaign was launched on 9th November 2006 by a series of citizen actions in numerous EU-member states. We have organized street actions, public debates and press conferences. One of them took place within the European Parliament, where we have received the support of more than 50 MEPs from all political groups. Among them the former Polish foreign minister Geremek, Diana Wallis and Gerard Onesta both vice President of the European Parliament, Jo Leinen chairman of the constitutional affairs committee and of Cecilia Malmström, now Swedish minister for European affairs. The Dutch ECI team, the strongest of all member states so far, has managed to organize a press conference in the national press center in The Hague where some well-known Dutch have set the first signatures. Among them former interior minister Ed van Thijn, actress Victoria Koblenko, who is a major character in one of the most popular soap series on Dutch TV and Funda Mujde who is columnist of the biggest Dutch newspaper Telegraaf. Similar support was shown in other countries and the ECI launch was covered for example by the Danish national radio, BBC-TV and several national newspapers in Spain and in Germany.

From then on, volunteers all across Europe have been collecting signatures, and the tool of online signature gathering is also available at www.citizens-initiative.eu. The best place to collect signatures turned out to be public events of the supporting organisations. Moreover for example in Poland many signatures are being collected at public schools as an element of civic education. Most signatures so far have been collected on paper, this might however change as we plan to improve the online procedure by for example implementing "spiral mails", which are likely to evoke a chain reaction. If one person has signed online, then the signer receives an automatic mail saying:

"Thank you for SIGNING www.citizens-initiative.eu the European Citizens' Initiative, the campaign calling for the introduction of the Citizens' Right of Initiative in the EU (which will GIVE US THE POWER TO PROPOSE CHANGES TO EUROPEAN LAWS). If you would like to help a little more to promote this Europe-wide signature collection, please take a moment and FORWARD this email to all your contacts."

A comprehensive alliance of supporting organizations

It took us about one year of preparation before we actually started this signature collection. We looked for advice with experienced people and organisations, including the responsible persons in the Swiss administration, who are consulting and monitoring Swiss citizens' initiatives. There we learned for example that we should calculate and fundraise, one Euro per signature. That is the experience with citizens' initiatives in Switzerland, where only signatures on paper are allowed.

In December 2005 we invited as open as possible all interested Civil Society organisations and

individuals to come to Brussels and discuss the idea of a Europe-wide signature collection for the introduction of the ECI. In other words we applied an open and participatory method to prepare this project, because we knew very well, that one only can reach a significant number of signatures, if one creates such a project together with as many people as possible and if there is a big alliance of organisations, ready to commit and invest in the project. After the two initial organisations, Democracy International and the European Students Forum (AEGEE), had invited for the first time, more than ten open public so called ECI-NGO meetings followed. The number of supporting NGOs grew constantly and comprises today more than 120 organisations in all EU member states. This includes a huge variety of NGOs from different policy sectors in all EU-member states, especially organisations dealing with democratic education and development or European integration. An other important pillar are supporting think tanks, like IRI Europe and the European Citizen Action Service (ECAS), which have given us tremendous important advice for coordination and fundraising. Last but not least the third essential pillar consists of supporting foundations, namely Cultura Foundation, King Baudouin Foundation, Heinrich Böll Foundation and Madariaga Foundation. With their financial and logistical support we could set up a minimum office infrastructure in Brussels and temporarily pay a small team, which is coordinating the project. Foundations are also a very important meeting point for the NGO meetings and ECI-Campaign Seminars.

Four launching criteria

We developed four decisive launching criteria, which concern the aspect of alliance building at regional and local level, the support of NGOs, the commitment to gather signatures and the financial resources to be fundraised. Only if we would have achieved the following criteria we would actually launch a one-million campaign:

1. There should be at least 100 NGOs officially decided to join the alliance.
2. There should be well-established national/local alliances for ECI in at least 8 EU-member states; two of these should be "big" states (France, UK, Germany, Italy, Poland, Spain) and two should be new member states.
3. At least 100 000 signatures should be "expected" from NGOs by an advance commitment.
4. There should be at least 100 000 Euro fundraised.

While criteria one and two were accomplished, three and four were not. We therefore decided not to call for a million signatures, but instead call for as many signatures as possible.

Transnational Challenges

Whenever one wants to start a European Citizens' Initiative, one has to take into account that there are huge geographic distances and language barriers, which can heavily slow down the internal communication and decision making process. Another difficulty is, that there is hardly any European public, which would receive the message of ECI. Instead there are rather 27 public European spheres, which have not come together yet. We therefore had to experience, that it is much more challenging to organize and promote a signature collection on the transnational level then on the national level. Since it was impossible for many participants to come the long way to Brussels, we have learned to become very patient and to communicate careful over long distances, in order to keep everybody on board. Finally translating the material into more than 20 EU-languages is very time consuming or expensive if you give it to professional translators.

We had to realize that there are big differences in political culture. Only twelve EU-states have a citizens'

initiative right on the national level. That means that many people in the other 15 countries have hardly ever heard anything about the concept of the citizens' initiative. At the same time there is very little knowledge about the EU, when one asks ordinary people in the streets (in countries like the Netherlands and France, where people voted on the constitutional treaty this seems to be a bit different). We therefore have to explain many basics about democracy and the EU, before a person signs. This makes this citizens' initiative a huge project of European civic education.

Finally we had a very controversial debate, whether we should allow online signature gathering at all, due to the difficulty of verification. On the other hand, the internet is an excellent tool to bridge the long geographic distances. We therefore decided to make use of an online signature gathering procedure, but only with a verification mechanism, in order to avoid misuse. However this way we loose signatures, as many citizens are not ready to go through the verification process as they still are afraid to give personal data via the internet.

*Carsten Berg is member of the Initiative for the Initiative Initiative Committee and coordinator for the "Dialogue for Europe" project by the Initiative & Referendum Institute Europe.
www.citizens-initiative.eu*

Who knows Olli Tikkanen?

On September 18th 2006 a young Finn became the one millionth European to sign the European Citizens' Initiative for just one seat for the European Parliament. Launched by an MEP who later became the Swedish Minister for Europe, the "oneseat initiative" was the first 'successful' European Citizens' Initiative under the label of Art. 47.4, writes Alexander Alvaro.

The www.oneseat.eu online initiative goes back to European Communication Commissioner Wallström's indication that citizens' initiatives would be treated as valid prior to the ratification of the European constitutional treaty, in order to help bridge the gap between the EU institutions and the citizens. As the European Parliament cannot decide on its own seat, the instrument of a citizens' initiative proved to be the best vehicle to raise awareness about the monthly travelling circus of MEPs and staff. A unanimous decision among the EU member states would be needed to change the treaties and member states are reluctant to broach the subject because of its political sensitivity. For the same reason, there is little public discussion in any of the EU countries.

The monthly trek between the Parliament's two seats costs over 200 million Euros in tax-payers' money and is time consuming and inefficient - which is why members of the European Parliament chose to engage citizens in the debate.

One million names in just four months

As the European Parliament is in the unique position of not being able to decide on its seat and is thereby forced to waste millions in taxpayer's money travelling between its two seats, the initiative ultimately wants to achieve a change in that arrangement.

The Oneseat-Campaign is the first to achieve its goal. It collected the million e-signatures in a record time of just over four months, allowing citizens all over Europe to 'sign' by a simple mouse click. The signatures were officially received by the European Commission and Council. www.oneseat.eu has managed to raise public awareness across many of the EU member states. However, the sensitivity of the issue also meant that participation in the two member states most concerned, Germany and France, was relatively low. Since many EU citizens do not even know of the working arrangements of the EP and find it hard to distinguish between the EU institutions and their respective functions in general, this campaign has helped to raise the profile of Brussels-based European policy-makers.

No street signature gathering

www.oneseat.eu was designed as a purely web-based campaign. Since it was organised on the initiative of one MEP, this was the easiest way to reach citizens across European borders. As soon as MEPs from the Campaign for Parliamentary Reform - a group of reform-minded MEPs from across the political spectrum - began to support the initiative, they promoted it both by word of mouth to their own colleagues and in their constituencies and through the national and European press.

A signature button for emails further helped to direct attention to the site and raise visual awareness of the campaign. It generated a snowball effect by spreading the word via email. The website shows clearly how many people have signed and has a page listing prominent EU figures who signed in support of ending the travelling circus they are all subjected to.

At a press conference, which doubled as the event at which the signatures were officially handed to the Commission in print format, the campaign was further promoted with stickers and a large banner.

Since the signatures continue to be collected, individual members are promoting the initiative in their member states with flyers, in newsletters and by word of mouth until the legal basis for citizens' initiatives is effective.

The verification challenge

While raising awareness and support for the website was easily done, because the link for www.oneseat.eu was passed on with every outgoing mail from those committed to its promotion, most problems arose once the million signatures had been gathered and handed to the institutions.

It was also never difficult to have the information on the site available in the EU's official languages, as MEPs have multilingual staff to assist them, whose combined efforts quickly had the site up and running in all the languages.

The nature of the site, however, meant that email addresses/signatures were not automatically verified. One check was run just prior to the million being achieved.

When it became clear that neither the Commission nor the Council was going to react to the initiative on account of its de facto lack of a legal basis and because the member states are responsible for treaty changes, the initiative was presented as a petition to the EP's petitions committee. In respect of its admissibility, the Parliament's legal service concluded that, while it considered citizens' initiatives as admissible petitions, it did not accept www.oneseat.eu with its million signatures due to these having been gathered from non-verifiable sources.

The petitions committee has asked for a reassessment of that legal opinion. Ultimately, however, the fate of the Oneseat-initiative is tied to the fate of the constitutional treaty.

Background

Citizen's initiatives, as described in Article 47 on participatory democracy in the proposed Constitutional Treaty, allow for EU citizens to become more active and to participate on European issues. If any petition collects one million signatures, the Commission promises to raise the issue with the relevant institutions and stakeholders.

The Alsace region was a battlefield between France and Germany for hundreds of years, and in the surrounding areas, the cemeteries with long rows of white unmarked crosses show the great numbers of young French and German soldiers who died there. After the Second World War, Strasbourg became an important symbol of reconciliation between France and Germany - and of the future of a peaceful Europe.

As the European Parliament (EP) and the EU grew in importance as a modern-day legislative and regulatory body (as it is today), Brussels became the more practical location for the EP to meet. A long line of court cases, decisions and appeals led to the 1992 decision by the member states that the seat of the parliament was to be in Strasbourg.

The treaties state that the twelve monthly EP plenary sessions should be held in Strasbourg. This means that the buildings in Strasbourg are used for four days, 12 times a year (48 days a year in total). 732 MEPs, assistants, interpreters, committee secretariats, political group advisors, security staff, translators, journalists, representatives from the other two institutions - the Commission and the Council - officials from the permanent representations, lobbyists, etc. move to Strasbourg, costing the European Parliament alone over 200 million euros a year.

Rather than being a symbol of reconciliation, Strasbourg has become, instead, a symbol of waste and bureaucracy.

Formally, a change can only come about if the European heads of government agree unanimously. As yet, no fellow member state has wanted to anger France, which receives the financial benefits of having the EP in Strasbourg.

The European Union is a tremendous project and in general has benefited most European citizens, but it needs to be reformed and modernised in order to remain competitive in the future. If the EU is going to be able to deliver results, make decisions, and maintain the confidence of the hundreds of millions it represents, it must adapt to modern governance. Travelling to a second parliament 12 times a year at an extra cost of hundreds of millions of Euros a year is not defensible. The magnificent Strasbourg building, which is currently vacant for 307 days a year could, for example, be used as a high-class European University.

To protest against the waste of taxpayer's money, Cecilia Malmström, MEP, together with CPR, launched the petition at www.oneseat.eu, where the citizens of Europe can sign against this huge waste of money, time and efficiency. None of the Commission's numerous public relations activities would have remotely the same impact in creating a better understanding of the EU as reforming the travelling circus between Brussels and Strasbourg.

In the citizens' view, the Parliament takes the blame for this waste. However, the EP has no say in the matter; this is a decision which must be addressed by the Council.

Signature collection at www.oneseat.eu

The campaign was launched to the citizens of Europe on May 10, 2006 during a crowded press conference in the European parliament. After careful consideration, the petition statement was formulated as:

It costs European taxpayers approximately 200 million euros a year to move the Parliament between Brussels, Belgium and Strasbourg, France. As a citizen of the European Union, I want the European Parliament to be located only in Brussels.

The campaign was officially initiated by Cecilia Malmström, MEP, and the Campaign for Parliamentary Reform (CPR), which consists of parliamentarians from all political groups and over half the current EU member states. Apart from the seat issue, CPR also works for further efficiency, accountability and transparency through decreasing bureaucracy, matching expenses with receipts, and the possibility of parental leave for parliamentarians.

The [oneseat.eu](http://www.oneseat.eu) site is available in all of the European Union's languages, and each signature must be accompanied by the name of the signatory's country and his/her valid email address.

During the first two weeks, the number of signatures rose quite slowly. However, after the national media in some countries paid attention to the campaign, the numbers rose, and the half a million signature mark was soon met. The Council meeting in mid-June triggered a boost, since several Prime Ministers were considering raising the issue. The fact that the European heads of state subsequently avoided the issue persuaded more citizens to sign.

The former Swedish Prime minister Göran Persson (Social Democrat) was asked by all Swedish MEPs to raise the issue of the parliament's seat, but he promptly refused to do so. However, as public opinion became more vocal, he stated that he would raise the issue if someone else did so first. During the Council of Ministers meeting, "citizen involvement and a period of reflection" on EU issues were discussed, although these were empty words, considering that the main issue which actually interested European citizens was met only with silence.

Over the summer, the frequency of signatures slowed considerably, most likely due to the holiday period. At the end of August we sent a reminder to the 870,000 signatories to urge them to remind their friends and family to sign.

On September 18, Olli Tikkanen, a Finnish citizen, became the one millionth citizen to sign www.oneseat.eu. We have received signatures from every country in the EU.

*Alexander Nuno Pickart Alvaro is a Portuguese-German Liberal member of the European Parliament.
www.oneseat.eu*

Appendix I: Signature distribution

Country	Signature Count
Sweden	139,386
United Kingdom	15,496
Denmark	44,545
Germany	35,381
Finland	97,580
Netherlands	435,126
Spain	13,510
France	6,710
Italy	5,425
Greece	685
Poland	3,682
Estonia	685
Lithuania	2,926
Slovenia	958
Czech Republic	1,170
Hungary	1,133
Latvia	403

Belgium	125,982
Austria	3,223
Malta	697
Ireland	1,195
Portugal	41,053
Luxembourg	1,191
Slovakia	790
Cyprus	98
Others	35,922
Total	1,014,952

Appendix II: Comment

One million reasons for more democracy in Europe

21.09.2006 - 09:59 CET | By Bruno Kaufmann

EUOBSERVER / COMMENT – September 21, 2006 will be a special day in future books on the development of democracy in Europe. In the shadow of media headlines dealing with violent protests in Hungary, peaceful regime change in Sweden and moves to skip national veto rights on criminal justice and policing within the EU, more than 20,000 pages filled with more than one million "signatures" are today being delivered to the president of the European Commission, José

Manuel Barroso. This is the very first transnational citizens' initiative, which the Commission will receive today in order for it to be considered further. Inspired by what is possibly the greatest democratic innovation in the draft EU constitution - Art. 47.4. - more than 1 million EU citizens have signed a proposal which envisages ending the current dual seat arrangement for the EU Parliament. The so-called "oneseat-initiative", which was launched just before summer, has identified a problem - the costly to-and-fro movement of the Parliament between Strasbourg and Brussels - and it proposes a solution, namely, to locate the EP solely in Brussels. To be quite clear: there is nothing like a legal right or framework for EU citizens yet. As the ratification process for the 2004 draft constitution

has run into major problems, the EU institutions have also suspended all the practical preparations and evaluations for the required implementation law for the European Citizens' Initiative. However, the very idea established in the draft constitution – in its chapter on the "democratic life of the EU" - of putting indirect and direct democracy on the same footing (Art. I-45) has inspired both the institutions and the citizens of Europe to develop new methods of democratizing European democracy. Mr Barroso made it very clear after the signing of the draft constitution in Rome by the EU heads of state and government: "We will provide new ways for citizens to actively participate in the decision-making process by gathering 1 million signatures". His deputy Margot Wallstrom was even more enthusiastic and stated: "This is real progress for direct democracy in Europe".

What Europe needs most

This open invitation to the citizens of Europe was indeed welcome. A proper use of the new citizens' initiative tool could provide Europe with what this best-developed transnational polity in the world needs most: more dialogue across national borders, a more equal communication between citizens and the EU institutions and a growing legitimacy and transparency for the decisions which need to be taken at a European level – and possibly also a way to better finetune the right level of decision-making across the continent. September 21, 2006 sees this nice and promising theory put into practice – and this is in fact the most important contribution of the successful oneseat-initiative. From now on we will always be able to refer to practical examples and experience when we talk about how European citizens' initiatives can, should and do work. The Swedish MEP Cecilia Malmström, who has only recently become a supporter of direct-democratic instruments, must be highly credited for taking the decisive steps to launch this very first European citizens' initiative. In the space of only a few months she raised the support of more than 1 million Europeans – so there are at least one million reasons to put more effort into our common learning process on the way to

more European democracy. While the very fact that the oneseat initiative is being conducted under the banner of Art. 47.4. is a big step forward, many aspects of the first successful citizens' initiative underline the need for this instrument to be carefully developed so that not only is there no danger of it losing legitimacy, but every prospect of it being strengthened. I would like to address just five such aspects: the initiators, the issue of the initiative, the signature gathering and verification process, the role of the Commission, and finally the European democratic infrastructure.

Five lessons from oneseat

First, it is somewhat of an irony that the very first citizens' initiative was launched by a European parliamentarian. The essential idea of the new tool – developed within the Convention – was and is to give 1 million citizens the very same right as the parliament and the member states already have. It is a healthy sign, however, to see that other European citizens' initiatives which have been launched recently – such as the Initiative for a Proper Initiative Legislation and the so-called Anti-Nuclear Initiative - have their origins with NGOs and activist groups. In a future implementation law for Art. 47.4, a specific legal status for initiative committees should be set out. Secondly, within the current EU political system, "initiative" proposals by the citizens, the parliament and member states do not oblige the Commission (which has the formal monopoly on initiatives) to implement a successful proposal, but only to seriously consider it. This requires that citizens' initiatives address issues within the Commission's competencies. The oneseat initiative, however, addresses an issue which is for the member states to decide in unanimity. In future, potential initiators should be advised properly on such limitations before starting to gather signatures. Thirdly, the oneseat initiative collected names, not signatures, on the Internet. There was no time, resources or techniques put in place to verify all the names, which would make it easy for critics of both the proposed issue and of the process itself to query many of the names. A proper and more comprehensive way of gathering signa-

tures instead of names will be critical to the future legitimacy and strength of the new instrument. Today – this is the fourth consideration - the 1 million names have been delivered to the EU Commission. The institution will have to carefully consider how to proceed with this first ever direct-democratic experience – and of course the issue itself as well. The Commission's actions will be monitored carefully by many Europeans in order to see whether all the nice words about a "Citizens' Agenda for Europe" can stand a reality check. But in future, the comprehensive role of the Commission, as both an assistant to the initiative process and the final recipient, will have to be designed and established in the form of binding regulations. Regardless of the outcome of the proposed issue, initiators and signatories of European citizens' initiatives must be sure of getting some pay-off for their transnational efforts. Finally, it must be stressed – my last and fifth point – that the introduction of a legally binding European

citizens' initiative tool will both require and help to promote a proper democratic infrastructure, including entry points for potential initiators at EU representations across the continent, support schemes for initiative groups - including vouchers for travel and campaigning - and a totally new culture of dialogue between Europeans and their common political institutions. This is an enormous opportunity. Today's historic delivery of the very first European citizens' initiative offers more than 1 million reasons to take this opportunity seriously and to learn from practical experience. September 21 can be the beginning of a new era in European democracy!

The author is President of the Initiative & Referendum Institute at Marburg University and editor of the newly published Handbook on citizens' initiative rights in Europe.

One million signatures in 18 months

In February 2007, European Health Commissioner Markos Kypriano received 1,004,846 signatures. The European Citizens' Initiative calling for the labelling of milk, meat, eggs and other animal products where the animals have been fed genetically modified organisms was launched in late 2005 by the environmental NGO Greenpeace and collected signatures mainly on paper, reports *Marco Contiero*.

Under current EU legislation all products consisting of or containing genetically modified organisms (GMOs) and food products obtained from GMOs are subject to traceability and labelling requirements. This means that foods such as cooking oil, ketchup and cake mix have to be labelled if the ingredients include 0.9% GMOs or more, and packaged animal feeds must be similarly labelled. However, there is a vast loophole in the regulations on GM food and feed. Certain products containing GMOs are not required to be labelled. These are products such as meat, milk or eggs obtained from animals fed with genetically modified feed or treated with genetically modified medicinal products. Over 90% of the GM crops imported into the EU are soya and maize destined for animal feed. Since the diet of farm animals in Europe is typically composed of up to 30% GMOs, up to 20 million tonnes of GMOs are entering the EU food chain each year without consumers being told.

Initiative Right as a cornerstone

Greenpeace realized that public participation in decision-making was a cornerstone of the proposal contained in Art. 47 of the draft EU Constitution, which many European governments are seeking to revive. The European Citizens' Initiative grants civil society across Europe the right to call for Community legislation on key principles enshrined in the Constitution: these include citizens' right to information and freedom of expression. Greenpeace has made use of the right of initiative to place the issue of GMO labelling and information on the European agenda. Many surveys have shown that European citizens want to know whether they are buying and eating food which has been produced using GMOs. This is therefore a call to the EU to stop allowing GMOs into Europe and onto our plates through the back door by virtue of a loophole in the law.

The European Citizens' GMO-Labeling-Initiative says: "We demand mandatory labelling of animal products based on GMOs because of citizens' right to information, a fundamental right in the European Union." According to a number of surveys, most consumers would choose not to eat GM-fed animal products.

Transnational democracy in practice

Greenpeace is a global environmental organisation, consisting of Greenpeace International, based in Amsterdam, and 27 national and regional offices around the world, providing a presence in 41 countries. These national and regional offices are largely autonomous in carrying out jointly agreed global campaign strategies within the local context they operate in, and in seeking the necessary financial support from donors to fund this work. National and regional offices support a network of volunteer-run local groups. Naturally, this kind of existing Europe-wide network has helped tremendously to make this European Citizens' Initiative a success. At the same time, the campaign was supported by other NGOs such as BBL (Bond Beter Leefmilieu) in Belgium, the Federation of Environmental and Ecological Organisations in Cyprus or the GM-free Ireland Network. Most of the signatures were, however, collected by Greenpeace activists. Interestingly, it was not in the big cities where most of the signatures were collected, but rather at fairs in smaller places and at festivals with up to 10,000 participants – places with a low level of anonymity or at least a large percentage of people sharing trust-building environmental values.

Supporters from more than 20 member states

The signatures were collected in 21 EU member states between May 2005 and December 2006. As far as the geographic distribution of the signatures is concerned, one can see that most of the signatures were collected in countries with strong Greenpeace offices and a high level of awareness of the issue. The country which collected the highest number of signatures relative to the size of population was Austria, which contributed 100,000 signatures. Germany and France both accounted for 400,000, with Italy collecting 100,000, Greece and the UK 40,000 each, and Belgium 30,000. From the beginning this ECI was not designed as an online signature collection, but as a physical on-paper collection. Online collection was used only as an additional tool and one which turned out not to be very effective. This has to do with the difficulty of verifying online signatures. 990,481 of the total of 1,044,846 signatures were collected on paper and only 54,365 online.

Putting an agenda on the agenda

Greenpeace organized a final press conference and handover of the signatures at the headquarters of the EU Commission, where they were passed to Markos Kyprianou, European Commissioner for Health. The Commissioner said that a European Citizens' Initiative "supported by more than one million citizens of course shows a strong interest in a specific issue and therefore we will take this into serious consideration". Commissioner Dimas, responsible for the environment, also reacted positively. Now the issue is on the agenda of the Commission and the initiators are waiting for the institution's next move.

*Marco Contiero is Greenpeace European Unit policy adviser on genetic engineering at the Greenpeace European Unit.
www.greenpeace.eu*

The Citizens' Initiative for Disabled People in the European Union

The European Disability Forum has launched a European Citizens' Initiative in order to eliminate all forms of discrimination of disabled people. By using the new initiative tool within the context of an established network the initiators are trying to spread information and gain visibility on a large scale, writes *Helena González-Sancho Boderó*

Since 1997, the European Disability Forum has been defending and promoting the rights of disabled people at European Union level. During the past decade, our work has been fruitful in many fields of EU competence, including employment, transport, the information society, access to the built environment, the European Structural Funds and many other initiatives.

Despite the fact that disability issues are finally achieving greater prominence and visibility in the European agenda, disabled people continue to face discrimination and violation of their most fundamental rights in many areas of life. For the European Disability Forum it had become urgent to raise awareness of this situation, as well as to mobilize both European decision-makers and public opinion on disability issues. The timing seemed most appropriate, as 2007 is not only the 50th anniversary year of the EU, but also the European Year of Equal Opportunities for All and the 10th anniversary of the adoption of Article 13 of the EU Treaty on non-discrimination. 2007 also sees EDF's birthday, created 10 years ago by disabled people and the parents of disabled people unable to represent themselves.

Changing mentalities and tackling discrimination

The first and most challenging objective of the "1million4disability" campaign is to mobilize European citizens on disability issues, while also rallying disabled people on European affairs. This means convincing disabled people that they have something to say and a role to play at the European Union level. It also means raising awareness of the impact that the European Union has on the lives of all European citizens, including those who have a disability.

Our aim is to contribute to changing mentalities and existing prejudices about disability and of course, to tackle discrimination itself. It is also about increasing the visibility of the European disability movement as a pressure group, as a united group of citizens who do not want to be seen as victims or patients, but as people who have a claim to their own rights and obligations.

At the political level, the aim of the campaign is to promote more robust European legislation on disability. At present, the EU's initiatives and legislation affecting disabled people are mainly being developed within an issue-specific and thus fragmented approach. In order to tackle discrimination against disabled people once and for all in the member states, EDF is calling on the European Union to develop comprehensive legislation which simultaneously covers all the different areas of life. At the international level, the European Union has recently signed a UN Convention on the Rights of Persons with Disabilities, following this same approach.

Through the "1million4disability" campaign, the European Disability Forum wants to demonstrate to the European Union that more should be done for the rights of 50 million disabled people, representing 10% of the EU population. This idea was reflected by the last Eurobarometer presented by the European Commission and has already been endorsed by 100,000 EU citizens, who have signed the campaign petition electronically or manually.

Signing on paper also possible

The first step before the campaign launch on 23 January 2007 was to obtain a wide consensus within the European disability movement on its aims and shape. It was more than a year ago that the members of the European Disability Forum from 29 European countries started the discussions on the campaign, which resulted in the adoption of a common declaration and the signature petition. The declaration has provided a general framework for the development of tools and campaign messages, whose main quality is certainly their openness. The petition form summarises the main campaign messages and demands in a clear and user-friendly way, to ensure that these are well understood by all signatories.

Disability organisations from all over Europe have been asked to endorse the campaign, but most importantly, to feel ownership of it and to use it to promote their own agenda at national, regional or local levels. It is crucial for EDF that the campaign is not understood as ‘a top-down European campaign’, but as a ‘bottom-up citizens’ initiative’.

Promoting the campaign relies heavily on the EDF-wide membership and its active mobilization. The Internet is an important communication channel. Nevertheless, due to the limited access of disabled people to electronic technologies, traditional information tools clearly play a key role in disseminating this initiative.

The signatures can be collected electronically or manually. A dedicated campaign website has been created for the gathering of electronic signatures. It contains the most important information, documents and updates on the campaign. The website is in English and French, except for the ‘SIGN’ page, which is available in all EU languages. The site contains a section for the ‘Campaign Supporters’, including quotes and the photos of relevant persons who have decided to associate themselves visibly with the aims of the campaign.

A printed version of the signature form can be downloaded from the website and has been distributed through various channels to all EDF member organisations. Four visuals have been produced to promote the campaign, which can be downloaded from the website or requested from the EDF secretariat. A general counter indicates the number of signatures obtained and consideration is being given to adding a country-specific counter also.

Both the EDF secretariat and its member organisations make use of every opportunity to spread the word and to collect signatures, including conferences and events, press queries and press releases. Each response received by the campaign receives an individual reply, in order to keep this initiative as close as possible to all the citizens interested in it. A monthly campaign flash is sent to all EDF members for dissemination with the latest information and tips.

The challenge of multi-lateral exchange of information

The main difficulty linked to the campaign is certainly the lack of feedback from each member state and national/local disability organisations. Any external communication campaign requires regular assessment to be effective, but in this instance it becomes almost impossible to monitor closely the situation in each country. Despite the good initiatives undertaken by our member organisations, they generally do not think of informing us or sharing their experience with others. Consequently, the flow of information is interrupted both vertically and horizontally.

Of course, language presents its own obstacle to be overcome, particularly in relation to the production of communication tools and the translation of key messages.

The limited budget has also influenced the mainly electronic form of our campaign tools. Nevertheless, the EDF has tried to compensate as much as possible for the lack of resources with a maximum of creativity, encouraging the development of partnerships and the use of existing information pathways.

Other difficulties include the different cultures and approaches in each member state; the dissimilar levels of disability legislation and awareness across the EU; the limited access to electronic tools and the isolation of disabled people; the various concerns regarding data protection and the validity of the signatures; and finally, obtaining a proportionate number of signatures according to the size and population of the different member states.

Helena González-Sancho Boderó from the European Disability Forum (EDF), is one of the initiators of the “1million4disability” initiative. Read more at 1million4disability.eu

The initiative for a European Civilian Service

Federalist circles in France have launched a Citizens' Initiative in order to prove that practical ideas do matter on the European level. They are proposing a form of civilian service in which participants would work for a period of 6 months to one year with other young people from different member states on a common project, writes Jessica Pennet.

Article 47 of the draft Treaty establishing a Constitution for Europe proposed the creation of the right of one million citizens throughout the EU to submit a proposal to the European Commission. This right means a lot to us as federalists and members of the European Movement: it creates a tool for action, a tool for debate, a tool for mobilising people on European issues. Very early on, therefore, our organisations decided to be among the first to use this tool to promote federalist ideas.

The idea of a European Civilian Service is not a new one. Many pro- Europeans have argued over the past years that it would be really interesting to have a common programme for all young people that would be a real alternative to military service.

Nevertheless, one year after the French and Dutch 'No's to the Constitutional Treaty, the EU seemed paralysed and lacking a real impulse. In France, but also in many other European countries, the citizens seemed a bit remote from institutional questions and more and more political leaders were asking for a Europe of concrete projects. In that context, it was our duty to keep the attention of the people on European issues by launching this campaign.

Furthermore, after the street riots that took place in France during autumn 2005, many people started advocating a civilian service. In our opinion, this kind of service made no sense without a European dimension.

That's why the Mouvement Européen France and the Jeunes Européens France finally decided to launch a campaign for the creation of a European Civilian Service and tried to convince their partner organisations in the rest of Europe to join them.

The challenge of coping with more than one campaign at a time

During the winter of 2005/2006, JEF Europe and the European Movement International started to discuss this issue and were quite positive about the campaign; but they thought that it would be better to wait a while to see if other issues would emerge. So the campaign was only officially launched in France in March 2006.

The campaign then went through a period of doubt at the European level, since more and more initiatives were being started and it was clear that our organisation could not organise more than one initiative at a time. Time was marching on, the "phase of reflection" that had been declared at the European level was also coming to an end, and institutional solutions would have to re-appear.

The result was that JEF Europe and UEF Europe decided in 2006/2007 to commit their organisations to a truly federal and more traditional campaign to gather one million signatures: the campaign for a pan-European referendum on the adoption of a future European Constitution.

Understanding this choice, the French sections decided nevertheless to continue their campaign for the creation of a European civilian service, but to change the purpose and the scope of the campaign by making it a more national campaign, focused on the French Presidential election.

The idea of the European Civilian Service is to offer to a larger number of young people (between 18 and 30) the opportunity to take part in a professionally organized project in a different country from their country of origin.

Participants would work for a period of 6 months to one year with other young people from different member states on a joint project. The aim is to have as many young people as possible participate, in order to create a strong sense of community and solidarity. It should not be seen as something negative or compulsory, so this service should be taken up on a voluntary basis. Nevertheless, the EU and the member states should make sure that they are able to respond to the potentially large demand.

To be attractive to young people, the project time has to be recognized as part of one's studies or professional experience. It also has to be accessible to all young people, so that no-one is excluded for financial reasons.

Giving young Europeans the opportunity to work in another country

The European Civilian Service differs from the Erasmus Program since it applies to all young people and not only students who already master at least one foreign language and who are often well-off financially. Furthermore, the European Civilian Service should not be an individual experience, but a collective one. Young people would be working in a group, learning to deal with different nationalities, cultures...

Since we had decided to use this proposal on a more national basis, we gave ourselves 3 objectives in this campaign:

- To get in touch with other NGOs, especially those promoting the idea of a civilian service in France;
- To participate in the pressure on the presidential candidates in France on European issues by promoting a concrete proposal for the future of Europe;
- To widen people's knowledge of our organisation and the goals of this campaign (which is not an institutional campaign as such).

Various ways of promoting the initiative for a European Civilian Service

In order to promote this campaign we used two basic tools:

- publicizing it via the Web and collecting signatures on the streets and at other events;
- taking part in initiatives and actions of other organisations and think tanks.

As a result, we took part in particular in two initiatives led by different groupings of organisations and intellectuals in France. One was led by the French magazine "La Vie", which brought together many French intellectuals around the concept of a civilian service. Our input was to argue for the inclusion of a European dimension in the proposed service. The other was led by the think-tank "Institut Montaigne" and focused on the European Civilian Service.

In the end, thanks to this campaign, we improved our contacts with traditional political and civil society organisations, enabling us to enlarge our network. We therefore hope that in future the campaign and the issues supported by our organisations will have a better resonance in other French organisations and that it will favour the development of more joint action.

Jessica Pennet is the former president of the Young French Europeans.
www.mouvement-europeen.org/petition.php

Towards a Europe-wide Constitutional Referendum

The Union of European Federalists has launched a European Citizens' Initiative to trigger a Europe-wide popular vote on the new EU treaty. As a first step, such a referendum should be consultative and take place everywhere on the same day, report Richard Leming and Peter Stempel.

It is a fundamental democratic demand that the future of Europe should be decided by the people of Europe, so it is fitting that the people of Europe be asked to express their support for this demand by means of a petition via the European Citizens' Initiative. It is also an expression of the growth of a European demos i.e. the idea that the people of Europe share common political interests that need to be reflected in their shared political institutions.

The primary aim of the initiative for a European referendum is to demonstrate public support for the idea of a European referendum on the European constitution. Two secondary aims are to build working partnerships with other organizations that share this idea, and also to strengthen the campaigning capabilities of the organization itself.

With regard to the primary aim, the EU faces a number of problems: its lack of capacity to act and its perceived lack of legitimacy – which can only be tackled by creating a new political basis, namely the European constitution. However, the present methods of discussing this idea – intergovernmental negotiation followed by a series of ratification processes at national level – have proven unable to deliver this objective. The ebb and flow of national politics blocks the way to the constitution. The demonstration of public support for an alternative approach – a commitment to the constitution followed by a consultative referendum – will break this logjam and open the way to the constitution that Europe needs.

Alliance building is the key to success

The principal method of collecting signatures is via a website, www.europeanreferendum.eu. Signatures are also being collected in street actions organized throughout Europe by local sections of the federalist movement.

There are two main means of promoting the proposal. The first is through our normal methods of campaigning, i.e. online, in the media and on the streets. The second is through the recruitment of campaign partners. This second method is crucially important for two reasons. First, the challenge of collecting 1 million signatures is a substantial one and needs as many organisations as possible to be involved in the work. Secondly, the whole point of the European constitution is that it makes possible political objectives that the European people need but that the current EU cannot give them. This means that it should be supported by organizations and interest groups whose goals are held back by the weak state of the present EU. For example, those people who want to see Europe take a stronger role at the global level in fighting climate change need the EU to have a more effective international voice. Similarly, those people who want to see security for the Israelis and justice for the Palestinians need the EU to have the means to act.

A principal task of the campaign is therefore to reach out to such interest groups and to explain to them the importance of a European Union that can act effectively and that supports their goals. We strive to explain to our partners that the demand for a European referendum on the European constitution will help them get closer to the realization of their own goals.

Different notions of democracy

The first problem is language, but that simply requires translation. The second problem is linguistic, in that while it is easy to translate words, it is harder to translate concepts. The European constitution is founded on the consent of the member states and respects their own democratic traditions, which in turn creates its own obstacles.

For example, the referendum proposed by our own campaign is consultative, so that it does not necessarily remove the need for ratification in each member state according to its own constitution. However, the result of the referendum will be a clear expression of the political will of the European people. In some national political, constitutional and legal traditions, this notion is easy to interpret. In others, it is harder. However, the idea of the democratic unity of Europe has to be founded on the different notions of democracy in different European countries, so we cannot ignore these problems but must instead resolve them.

Thirdly, identifying and motivating potential partners is rather difficult for various reasons. The aim of our campaign can most likely be supported by a broad range of organizations, institutions and individuals. However, the issue might also be less tangible than, let's say, the fight against climate change or for better animal protection. Furthermore, there is very unequal representation of potential partners in the EU-27. Some countries have a well-developed civil society structure, while others don't. Filling these gaps and promoting the idea of joining a broader initiative is quite a challenge.

Richard Leming and Peter Stempel are both members of the Union of European Federalists. www.european-referendum.eu

Towards a European “Public Service”

In late 2006, ETUC, the Brussels-based European Confederation of Trade Unions, decided to launch a European Citizens’ Initiative to campaign for better and more accessible public services for all at the European level. The ETUC initiative is rapidly gathering signatures but does encountering difficulties in verifying signatures, writes Aurélien Dierckens.

For a number of years, the European Commission has pursued a policy of market liberalisation in order to promote competition and a free market. Such liberalisation has often had the effect of replacing single, public monopolies with private oligopolies. Furthermore, such liberalisation has reduced the accessibility and sometimes the quality of public services.

What is the Commission doing to maintain and modernise public services? It is getting lost in a fog of hesitancy involving Green Papers, White Papers and Communications, and it is failing to put forward a proposal for legislation in favour of public services.

The ETUC has proposed a legislative moratorium on liberalisation until the European Commission is in a position to deliver a framework proposal on SGI – Services of General Interest (ETUC position paper: The proposal for a directive on services in the internal market; 17-18 March 2004). It has also put forward a framework directive on services of general economic interest (see the proposal for a European framework to guarantee and develop services of general economic interest at http://www.etuc.org/IMG/pdf/4-ETUC_framework_directive__annex_8aEC__EN_SC_RES2.pdf; Annex to the resolution: "Towards a framework directive on services of general (economic) interest" 06-07 June 2006). But the Commission refuses to take action.

That is why the ETUC launched its initiative on public services in November 2006. In cooperation with its affiliates and other partners, the ETUC has decided to collect signatures from citizens and workers urging the Commission to enact framework legislation designed to safeguard public services.

Main aims of the large-scale signature gathering

The ETUC believes it is time to take decisive action to safeguard key public services - known in the EU as services of general interest (SGIs) or services of general economic interest (SGEIs) - which are being undermined by liberalisation, privatisation, and the interference of free market rules. At its Executive Committee on 06-07 June 2006, the ETUC adopted a strategy urging the European Commission to propose a framework directive to create a legal basis for vital services, ensuring that public interest takes precedence over commercial profit.

SGIs have a decisive influence on the quality of people’s lives, and are central to social, economic and regional cohesion in Europe. For this reason the ETUC regards universal access to services - covering anything from water, energy supply and waste management, to health care and social services, education and postal services - as a fundamental right.

“Services in the EU need a strong regulatory framework to ensure continuity of supply and fair access for everyone,” said ETUC General Secretary John Monks. “They must be of the highest standard, and therefore accountable to both consumers and workers in these crucial sectors.”

The ETUC has already put forward a draft directive, as have other key actors (CEEP, European Socialist Group, etc.) giving the Commission a basis to work from. But so far, despite repeated requests, no proposal has come forward. Citizens have expectations of public services. The ETUC intends to respond to such expectations through this initiative petition, which allows workers and citizens to make their views known.

Easy promotion by chain-mail dissemination

The initiative campaign is coordinated by the ETUC in close cooperation with its affiliates in EU member states and other partners. The initiative is available for signature both online and on paper. It gave the ETUC and affiliated organisations the opportunity to launch a wide debate on public services in the EU. The initiative is available in 23 different languages.

The petition initiative has its own dedicated website at: <http://www.petitionpublicservice.eu/en>

There is a link to the initiative on the ETUC affiliates' and federations' websites. Articles in newsletters and links on trade unionists' emails are used to promote the petition. Everyone can promote the initiative by disseminating it through the “send to a friend” link.

The collection of signatures is supported by posters and flyers. All the materials are available on the petition's website. In the wake of the launch of the ETUC petition, unions have been stepping up actions in member states. Unions are joining forces to protect public services from being governed solely by market forces. They clearly establish the link between the European initiative and national issues, such as plans for privatization.

The collection of signatures is taking place in all member states and there is a weekly update of the tally of signatures for each country.

The initiative is also being supported by certain political parties such as the European Socialist Party and the Greens, and non-governmental organizations such as the Social Platform. It is triggering a wide European debate on the need for framework legislation to maintain the quality and accessibility of public services for all.

Towards a new legislative framework

The biggest challenge for our European initiative on public services, is to link this – at first sight – relatively abstract issue with the more concrete national, regional and local debates on hospitals, health and social services, public transport, child care, education, postal services, telecommunications, the Internet etc. We have to explain clearly the concrete impact of this issue on the lives of all European citizens. The ETUC initiative is a call for a legislative framework which guarantees quality and accessibility for all.

We also have to make a big effort to make the initiative available to all workers and all citizens. This is why we decided to translate the initiative text into all the European languages, so that everyone could be informed about this crucial issue.

In order to make sure that we really do collect the signatures of 1 million workers and citizens and avoid hackers, we set up a signature validation procedure from the very start. This control procedure guarantees that each signature corresponds to a unique email address (otherwise the signature is refused by the system). It's a huge effort in respect of the important number of signatures which are not validated (more than 20%) because, for example, the confirmation e-mail is caught by the spam filter and ends up in the junk mail box. But this validation procedure is really important to avoid the problems of robots generating false registrations, “spoofing”, etc.

The challenge is to explain why and how to promote modern and efficient public services that are vital to the wellbeing of all European citizens and to show the danger of not taking action.

*Aurélien Dierckens is project manager for the European Public Service Initiative.
www.petitionpublicservice.eu*

No Turkey without “Copenhagen”

What the French President Nicolas Sarkozy tried to emphasize during his election campaign is backed up by a signature gathering campaign with roots in the new EU member states of central and eastern Europe. The “Voice for Europe” Initiative focuses on the question of further EU-enlargement, notably with Turkey, writes Daniella Csizmadia and Jan Wójcik.

At the European Council meeting in Copenhagen on the 12th and 13th of December 2002, the decision was taken that in December 2004 the Council would evaluate Turkey’s application for EU membership and on the basis of the European Commission’s recommendation decide whether to open accession negotiations or not. The condition for opening negotiations was Turkey’s fulfilment of the political criteria of Copenhagen, including the stability of institutions guaranteeing democracy, the rule of law, human rights, respect for and protection of minorities - the basic requirement for all applicant countries.

Before the European Council summit on 17th December 2004, the Commission published a country report on Turkey in which a number of human rights violations, in particular regarding ethnic and religious minorities, were listed. Nonetheless, the European Commission concluded that Turkey had “sufficiently” fulfilled the criteria and recommended opening the negotiations.

This political decision has serious consequences for the integration, security and prosperity of the EU, as well as for the stability of its political institutions.

The 2005 Eurobarometer, a survey conducted by the Commission, clearly showed that 52% of EU citizens were opposed to Turkey’s EU membership. However, the citizens’ views on EU enlargement were not taken into consideration in this political process.

For the above-mentioned reasons, plus a wide range of other concerns regarding Turkey’s suitability for EU membership, and with the aim of ensuring democratic decision-making on this important issue, several European civil organizations and individuals decided to establish a pan-European movement and launch a campaign on 9th May 2005. The goal of the campaign was to block the launch of negotiations with Turkey planned to take place on 3rd October 2005 and to search for an alternative form of cooperation with Turkey other than full EU membership.

Putting pressure on the EU to strictly apply the Copenhagen criteria also for Turkey

The original goal of the campaign was to use a democratic tool to collect 1 million signatures through a petition and block the commencement of negotiations with Turkey on 3rd October 2005. We also intended to raise the awareness of European citizens about the controversial facts surrounding the issue of EU enlargement with Turkey and get them actively involved in shaping the future of Europe.

We planned to expand our network of civil organizations which share similar aims and concerns in countries where we had no established contacts. In this way we wished to gain wider support from European citizens.

An equally important part of our goal was to reach out to the European political decision makers in order to make them listen to and take European public opinion into consideration and allow European citizens to play a role in the enlargement process

Despite our efforts the negotiations were officially opened on the 3rd /4th October 2005 after which we had to redefine our main goal. The new aim now is to work as a monitoring group and put pressure on the EU to strictly apply the Copenhagen criteria also for Turkey, and/or stop the negotiations. Instead, a new framework for future cooperation between the EU and Turkey should be set. We suggest that a special partnership status, still to be defined, would be a more suitable and fruitful way of cooperation.

Various methods of approaching the public and collecting signatures

We defined three main target groups: European citizens and civil organizations, EU politicians and the media.

In order to reach European civil organizations we first started to network through personal and professional contacts as well as through research on the internet.

We created a website* on which we presented our initiative and the supporting organizations, clearly defined our aims and gave detailed arguments explaining the reasons for our actions. We updated the website regularly, presenting our major activities with summaries, photos and press releases. We provided contacts for people and organizations to get in touch with us. Through new contacts we created links from other websites to our own website. We created an online as well as a downloadable version of our petition.

We organized signature collections in the streets of several European cities, sometimes combined with demonstrations. We produced some promotional items such as T-shirts, balloons, pens and stickers with the logo and name of the campaign and we distributed them during street signature collections and other public events. We also used banners and billboards for demonstrations to attract attention and to deliver our message.

We organized a campaign tour around Europe, called the “Europe Tour”, in the framework of which we travelled to 19 different European cities to demonstrate, distribute information on flyers, collect signatures, and deliver our open letters to prime ministers, EU representations, members and officials of the European Parliament, the European Commission and the European Council.

We organised personal meetings with MPs, MEPs, EU commissioners and other European politicians. During these meetings we presented our campaign and our concerns, collected signatures and established personal contacts.

We also held a press conference in the European Parliament.

During the Europe tour and other demonstrations we gave interviews to local, national and international media: television and radio channels and newspapers. We sent press releases to national and international media and news agencies before and after each major event.

We have organised several academic conferences and round table debates with the participation of researchers, professors, students, politicians and the media in order to discuss the issue of EU security, EU enlargement, Turkey’s EU membership and European values.

Practical problems

One of the obstacles was the different levels of understanding and experience of the issue we were presenting in the different countries. This was connected with another hindering factor: the different style and approach of the different nationalities. Even though our goal was the same, our manner of presentation and argumentation and our practical methods would differ in many cases. Sometimes our cooperation was slowed down by lengthy discussions; however we always managed to find an agreement.

There were also other difficulties, such as coordinating our activities and keeping deadlines. As several countries joined in after the launch of the campaign, in some places it started later, which caused some delays.

Another obstacle when trying to expand our network in new European countries and translating our

materials for the website and fliers was the lack of knowledge of all the European languages. This was also a problem when demonstrating in countries where English was not widely spoken by the citizens. Collecting the signed petition sheets and forwarding them to Brussels also required a lot of coordination and sometimes it was not so efficient.

Organizing face-to-face meetings for campaign coordinators did not take much effort for people from Central European countries such as Germany, Austria, Hungary, Czech Republic, Slovakia and Poland, but people from more distant countries (Denmark, Greece etc) could not always easily manage to attend the meetings in person.

Even though trans-nationality did cause some organizational difficulties, the internationality of our campaign was perceived as enriching rather than as a major problematic factor for people working in Voice for Europe.

Daniella Csizmadia and Jan Wójcik work with Voice for Europe in Hungary and Poland.

**The website (www.voiceforeurope.org) is not online anymore*

Part Two: Towards a European Citizen Initiative Infrastructure

Connecting Citizens and Institutions

Within the framework of the citizen consultation project “Dialogue for Europe” the Initiative & Referendum Institute Europe continued the work on the opportunities and potential for participative democracy within the European integration process. At forums and meetings across Europe IRI and its partners assessed the new opportunities and challenges for the dialogue between civil society and European institutions.

In accordance with the EU Commission’s so-called “Plan D”, the project assessed and evaluated the existing procedures and practice at the local, regional and national levels in Europe *for official assistance* to civil society actors who are committed to becoming active and are intending to launch their own initiatives for new regulations and laws. The future success of improved dialogue structures will be based on how citizen-friendly initiative processes are designed and dealt with.

The project aimed to offer lessons from across Europe (and beyond) presented and discussed at five “Dialogue Forums” hosted by partner organisations where officials and NGO representatives will meet to develop common guidelines and frameworks for the future use of transnational initiatives. For this purpose information material was produced. Additional study programmes were designed with a special focus on youth and minority organizations – offering them an opportunity to become part of the emerging European polity.

The articles in this Section II of the 2008 Handbook represents an evaluation of the consultation and research work performed between May 2006 and April 2007. Various authors do summarize the background and context of the European Initiative process, assess the pros and cons of existing practice and offer guidelines and recommendations for a future structure for the dialogue between civil society and EU institutions (BK).

As all these materials are part of a ongoing work-in-progress you are welcome to comment, feedback and propose your own inputs to the results published. Please send your feedback to info@iri-europe.org.

Direct Democracy in the European Union

For the former foreign minister of Germany, Joschka Fischer, there was never any doubt: the European Union is too big for direct democracy. But Fischer is profoundly wrong. With the introduction of the new European Citizens' Initiative modern direct democracy is about to take off in Europe, argues Andi Gross.

Size matters. But size is not the determining factor in deciding whether democracy is altogether possible or not. It is, however, an important factor in deciding how best to organise democracy – to answer the question: what has to be done so that everyone can really take part in democracy? This is the question we have to ask ourselves in a Europe of 27 or more countries, of more than 430 million inhabitants, and of the many different languages which are spoken here.

Europe is not too big for democracy

Since the time, around 200 years ago, when the idea of democracy resurfaced and began to occupy the hearts and minds of ever greater numbers of people – not merely as an interesting theory, but as a practical project – the question has been raised as to what is the best size for a good democracy. Many still appear to believe that Rousseau was right when he said: the smaller the better. Before the French Revolution, the French monarchy was convinced that France was too big for democracy. Today, many people think that Europe is too big to be organised democratically.

The appropriate size for a democracy is not a matter of geography. Whether democracy is possible in this or that geographical area depends primarily on the will of the people concerned, and secondarily on their cultural capacities. Are people able to express their views? Are they able to debate issues, are they responsive to each other, can they listen to each other? Are they curious about and interested in the circumstances of their own lives and those of their fellow-citizens? Do they have good newspapers, and radio and TV channels, which increase their understanding of each other and strengthen their capacity to examine, understand, and also change their circumstances? Are they able to make political judgements? Can they analyse problems and see how they can be overcome? Do the media monitor and challenge those who exercise political and economic power?

It is the answers to these (and similar) questions which are decisive for the development of democracy. I think that in respect of the European Union the answer is clear: if European democracy is stuck in a rut it has nothing to do with the capabilities of the citizens. They are perfectly capable of playing their part in creating a strong European democracy – based on a mature parliamentary system complemented with direct-democratic rights. The obstacle to achieving this goal does not rest with any deficiency in the capabilities of the citizens of the 27 member states, but with the opposition of the various national elites to the idea of bringing about a truly transnational democracy.

This opposition manifested itself clearly during the first half of 2007, when the projected plan to introduce a European constitution was sacrificed by a significant majority of the EU's heads of state and government in favour of just another EU treaty. This was no small loss, for a constitution has an integrating force. It is an agreement between citizens (as sovereigns) – whereas treaties are merely between states and their governments. There has never yet been a democracy without a constitution. If European integration is ever to be anything more than a project by and for the elites, there will have to be a European constitution. We can only hope that the institutional regression – which was clearly at work within the EU during 2006 and 2007 – has not utterly sabotaged the future of the project for a European constitution. It would still be possible to incorporate into the forthcoming 'reform treaty' a new popular right which would allow, let us say, 10 million European citizens to launch a European constitution-making process by means of what would be a European citizens' constitutional initiative.

That would make a major contribution towards implementing direct democracy at the transnational European level.

It is therefore worth pursuing in detail the question as to what provisions must be put in place, particularly at the European level, in order to ensure that in future every citizen can make use of European direct-democratic rights – and not only those who have plenty of money or influence, or who are already well-organised.

Some hard-hitting reflections on the current situation

Before we can examine the best way of introducing direct-democratic rights in the EU and of arriving at a citizen-friendly process for European legislation, we have to take stock – with no punches pulled – of the current democratic deficit at the transnational EU level.

Lack of legitimacy of the EU

The legitimacy of a political institution has a number of different sources. An important source is the quality of the relationship between the institution and the people who are affected by it. In the EU this relationship is poor – much too poor. We can summarise it as follows:

- citizens feel politically impotent in the EU; there is an enormous political gap between them and the institutions.
- the EU is dominated by elites, creating what from the perspective of the individual citizen can be understood as a social gap.
- the EU is not structured in a federated and decentralised way as is the rule in federal states such as Canada and Switzerland, but is highly centralised – which produces a structural gap.
- although the common European public space is actually bigger than is often maintained, it is still weak, resulting in an emotional gap, not only between the citizens and the institutions, but between European citizens themselves.
- anyone who has spent time in Africa, America or Asia will be in no doubt that there is such a thing as a separate European identity. But from the perspective of someone on the outside looking in, Europe is assessed 'antithetically', in terms of its differences from other cultures, whereas we should be trying to create and reinforce a sense of identity based on what we have in common, as a means of narrowing the cultural gap between us.
- to this extent, the development of a sense of belongingness and solidarity between people in Europe has lagged far behind the growth of economic integration.

What is direct democracy really about?

If we are considering how to set up direct-democratic systems within the EU in the most fruitful way, we have to be aware of what is special about direct democracy. Regardless of the level at which it is implemented, we can summarise what is essential to it as follows:

- discussion and reflection
- power-sharing
- individual and social learning
- active citizens and political transparency
- integration of diversity without losing the special qualities of the different identities
- (political) power is used to persuade, not to dominate or dictate
- in the political process citizens get to know each other – and themselves
- the system is more open to wider concerns (greater content) and to a larger number of players

Institutional factors for a strong direct democracy

If direct democracy is to bring its essence to practical expression, the following elements must be taken into account in planning its institutional and procedural design:

- the number of signatures required to launch referendums and citizens' initiatives must be kept low (between 0.5% and a maximum of 3% of the registered electorate).
- signature collection must be completely free; it must be possible to collect signatures wherever people meet.
- the interfaces between representative and direct democracy must be carefully designed. Direct democracy needs a strong parliamentary component, but the two components must not be played off against each other.
- in direct democracy, in contrast to parliamentary democracy, there should be no special approval or turnout quorums required to validate a popular referendum.
- direct democracy is about much more than simply counting numbers.
- direct democracy needs time; the time-limits for the various stages of the processes must not be too short.
- there have to be fair rules of the game and special arrangements to ensure equal opportunities in the public space.
- the various democratic institutions must cooperate and not view each other antagonistically or as engaged in competition.

Specific challenges for direct democracy in the European Union

As direct democrats we must be aware that the EU presents us with special challenges, because the EU has a history which has bequeathed to us certain problems, and because it is more than a big nation-state.

a) Specific problems of European direct democracy

We can summarise these special problems – which have a significance for the transnational development of direct democracy – in the following way:

- many citizens think that the EU is too big and too remote and they cannot imagine that it could function democratically.
- this lack of trust in European democracy in part originates in and is reinforced by similar negative experiences at the member-state level: the majority of EU member states are very centralistic and too many citizens already suffer in their own countries from the wide gulf between them and the centres of political decision-making.
- the consequence is that what we are trying to bring about represents a historic innovation; equally, we are confronted with the challenges presented by the need for a structural transformation.
- the EU is not a federation with either a clear separation of powers or a clear hierarchy of powers.
- nor is the EU a mature parliamentary democracy.
- we must also be aware of the fact that not every citizen has yet become a Globally Communicative Citizen (GCC); many still see politics in very parochial terms.

b) We have to understand European direct democracy as a process and as a work-in-progress

In light of the given circumstances, we have had to become very modest in terms of our expectations of direct democracy in Europe. But we can make a virtue of this modesty. This means in practice that

we should not try to impose a mature direct-democratic system on Europe, but start with the basics, trusting that direct democracy will flourish and grow only if and when people have a good experience of it.

In practical terms this means:

- we should begin with a minimum of direct-democratic rights: for example, with the referendum to approve a constitution; the facultative referendum for constitutional changes; the legislative initiative; and the popular petition to the European Parliament.
- a future constitution must include a double majority requirement – majorities of both 'the people' (i.e. European citizens as a whole) and of the separate states – for the approval of a European constitution and for amendments to it, out of respect for the smaller countries and their fear of being dictated to by the larger ones.
- in this way we can meet both the fears and the scepticism.
- we must carefully tackle the special transnational challenges which will present themselves.
- this would be the start of building up a cooperative European direct-democratic culture.

c) Take certain precautionary measures from the outset

The transnational dimension of EU democracy gives it a special quality, which creates its own challenge as compared with national democracies. In building up direct democracy in the EU we need to bear this challenge in mind. It means, for example, that:

- we should find ways of preventing decision-making and initiative processes from becoming one-sided, either geographically or socially: citizens' initiatives should be promoted in every country and in all social classes. The challenge is to create appropriate incentives.
- we should work against elitism in all its forms: that means that neither the power of money nor the power of well-funded and -organised NGOs should dominate direct democracy (neither oligarchy nor NGOarchy!). Direct democracy must be available to all citizens, including those who are not yet well organised (this is important, for example, in setting the time-limits for collecting signatures).
- cross-border and transnational activity must be encouraged and supported.
- in fixing the deadlines for processing European citizens' initiatives, sufficient time must be allowed for negotiations and efforts to reach consensus between the institutions and the various interest groups.
- we must shape direct democracy in the EU in such a way as to ensure that not only do people get the institutions to listen to their concerns, but that we also listen to each other.

A practical start for direct democracy in the EU

I believe that the set of direct-democratic rights which will apply to constitutive and legislative processes within the EU must be grounded in some form in the EU constitution itself; their design and modus operandi should be set out in an EU directive which is binding on all EU citizens. At this particular moment (autumn 2007) there is a touch of surrealism about such a proposal – for it is based on the assumption that a new attitude to the constitution can come about, one that accepts that it is not only the age of the treaty-based EU that has come to an end, but also the idea that changes to the rules must be subject to the unanimity principle. Despite this, I believe that it still makes sense to discuss how elements of direct democracy should be integrated into the EU within its current setup, and also how they could be developed if and when the EU acquires a solid, democratically satisfactory basis.

a) The DD set for the EU

- constitutional initiative right and facultative constitutional referendum right (CI and CR), including the required signature quorum (2% of the registered electorate), the minimum number of EU states from which the signatures must come, the minimum number from each state, and the time allowed for signature collection (12 or 16 months).
- legislative initiative right (LI)
- right of petition to the European Parliament and the EU Commission
- qualification initiative (QuI) as the first phase of CR, CI and LI, which gives a citizens' initiative the right to financial and other support from the EU.

b) The legislative initiative – a concrete example of DD design for the EU

- the signatures of one million registered voters from at least five different countries, each of which must contribute at least 10 percent of the total signatures, must be collected and submitted within 18 months.
- supporters give their signature, full name and address, plus the number of their passport or identity card.
- if ten different countries produce at least 90,000 signatures each, the total of 900,000 signatures would also qualify the legislative initiative.
- if 50,000 signatures have been collected and verified within six months, with at least 7,000 signatures coming from five different countries, the initiative has the right to receive official support from the EU.
- 20 citizens from a minimum of seven different countries can submit a formal proposal to the EU Commission. The (transnational) European popular initiative is officially launched, and the formal deadlines come into play, once the proposal has been approved as legitimate and has been listed on the EU citizens' initiative website.

c) EU Citizens' Initiative support rights

Support for EU citizens' initiatives is the genuinely original aspect of the proposals for direct democracy in the EU. It is designed to take into account the EU's size, diversity and multiplicity of languages and avoid the risk of democratic rights in the EU being used only by affluent and politically experienced citizens who have the power of big organisations behind them.

In order to qualify for this assistance – which is not defined primarily in financial terms – an initiative group must already have done a considerable amount of work and be able to show that the particular issue on which it is focussing enjoys a certain minimum level of support across Europe. So the first institutional phase of an EU citizens' initiative is a qualifying period of six months, within which the initiative group can demonstrate through its own efforts that it deserves the support which can help it to make a success of the second phase. This idea for a qualifying phase, with the possibility of earning the right to public support, has not so far been introduced anywhere in the world.

Official support for a European Citizens' Initiative group (ECIG) could take the following forms:

- the ECIG receives a voucher to cover the cost of having text (e.g. the initiative proposal and supporting rationale) up to a maximum specified size (say 10,000 characters) translated into 20 languages.
- the ECIG is offered assistance in building a website which functions in 20 languages.
- the ECIG receives vouchers for train and/or air travel for up to five meetings of a maximum of 20 activists in a city within the EU – to enable face-to-face meetings, which are very different in quality from 'virtual' meetings.

- the ECIG receives a 'DIY manual' which sets out the legal parameters and the procedural requirements, and includes clear recommendations and lots of good tips.
- the offices of the EU Commission in the capital cities of the EU member states have dedicated support staff to assist ECIGs and individual citizens.
- ECIGs also receive vouchers which enable them to place adverts about their initiative in the major national newspapers.

d) How a European legislative initiative might unfold in time

- I. A citizens' group (CG) composed of at least 100 citizens from at least 15 countries is formed and decides to launch a European legislative initiative (LI).
- II. The CG submits its LI to the EU Commission in Brussels, which checks it (within no longer than 1 month after submission) and, if approved, publishes it on the Commission's EU Democracy website.
- III. The first qualification phase begins: 50,000 signatures, with at least 7,000 coming from each of five countries, have to be collected within six months.
- IV. The signatures are checked. If they are shown to be valid, the ECIG has a right to EU Citizens' Initiative Support. The group then has a further 18 months in which to collect the remaining signatures: 950,000 (or 850,000 if 90,000 each from at least ten countries cf. above).
- V. After the signatures have been submitted and verified, and the compliance of the LI with all the formal requirements has been checked, the Commission has six months in which to prepare a report and draft legislation for submission to the European Council.
- VI. The European Council prepares a position statement on the report within a further three months.
- VII. The European Parliament debates the LI and the stated positions of the Commission and the Council and reaches a decision within a maximum of 12 months.
- VIII. If the CG does not agree with the decision reached by the EP and the European Council, it has the possibility of forcing a binding pan-European referendum to decide between its proposal and that of the EP if it can once again collect a million signatures within a period of 12 months.
- IX. Such a referendum must be held in the same week in all member states of the EU within nine months of the completion of the second signature collection.

In short, therefore, before a legislative initiative can trigger a European referendum, it has to go through three stages, within which a million signatures have to be collected twice. This multi-stage process ensures that the subject of an initiative is thoroughly and seriously debated, and that it has wide support; it will tend to prevent frivolous referendums.

- a. Further specific characteristics of European direct democracy
 - 100 citizens from at least 15 EU member states, whose names are published in the official organ of the EU, form the responsible core of the ECIG.
 - Their names, together with the text of the initiative and a short summary of the rationale, are printed on all the signature collection forms.
 - The Citizens Office of the EU Commission advises the core group on any questions it has in connection with its initiative. Every office of the EU Commission in the capital cities of the EU has a dedicated Citizens Office available to all voters.
 - The CG has the same right to support from the EU Commission for the second signature collection which can lead to a referendum.
 - To ensure some fairness and equality of opportunity in the referendum campaign, the ECIG receives a voucher worth two million Euros to be spent on translation, travel and advertising in connection with the referendum vote.

How the EU Member States can support such a process of democratisation of the EU

The more citizens throughout Europe can have good experiences with direct democracy in their own countries, the more committed they will be to the democratisation of the EU. But the individual member states themselves can also make a major contribution to the democratisation of the EU and to enabling their citizens to exploit the democratic possibilities within the EU. They can, for example:

- provide special 'democracy funds' to support relevant projects and public debates on ideas for democratising the EU.
- establish 'democracy centres' in every large community, where citizens can access resources and tools for political activity and receive support and encouragement to use them.
- facilitate the creation of citizens' websites.
- sponsor European citizens' activity by providing vouchers for travel, translation and publishing.

The importance of democratising the EU

In such a democratised, democratically structured and organised EU a new European democratic culture would develop:

- European politicians would have to overcome their elitist attitudes and learn to listen more and discuss more, as a result of which they would learn far more.
- The EU would no longer be a project by and for the elites, but would become a project with which more and more people could identify and start to become actively concerned.
- EU citizens would try to introduce into the EU all the best practices from their own countries and regions and initiate Europe-wide debates on desirable reforms.
- There would be a strengthening of unity in diversity and of a feeling of solidarity. People would be more integrated and would identify more with Europe.

The democratisation of the EU is a lengthy process

Such a European democratisation process needs a lot of personal commitment, lots of discussion, debate and reflection, lots of movement – and lots of time. People would have to come together in smaller or larger groups at all levels, people who want to fight for transnational rights for everyone – in the knowledge that, if such rights are eventually secured, people will use them in many different ways. All this assumes a democratic awareness and an awareness of the intrinsic value of democracy which very few people possess as yet. Those few have to accept that there is still a long way to go before the achievement of real democracy is secured. One of the best ways of making progress in that direction would be to show what an impact the democratisation of the EU could make on the practical everyday lives of its citizens. Then there might be a hope that democracy could keep its promise to be relevant to the lives of 'ordinary' men and women and justify the trust they place in it.

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ECI implementation without Treaty ratification

A change to the text of the European Union treaty to be the most realistic option at the moment. But what if the Reform Treaty also fails to be ratified? In that case it would be necessary to implement the European Citizens' Initiative at a level below that of the constitution/treaty, argues Michael Efler.

The EU has long been criticized for its democratic deficit. Several proposals for overcoming or reducing this deficit have been made. Some of them mention the role of more citizen participation and direct democracy. It was in this spirit that the ECI found its way into the Constitutional Treaty, creating the first tool of transnational participatory/direct democracy. Its aim is to give the Union's citizens more influence on EU politics while maintaining the institutional balance of the Union - especially the European Commission's initiative monopoly.

What are the legal consequences of an ECI? It is quite clear that the ECI is non-binding on the Commission in the sense that it has to submit the ECI proposal unchanged to the Parliament and the Council. This would not be in line with the Commission's monopoly of legislative initiative and the wording of Art. I-47 (4). As it stands, no subsequent referendum possibility is attached to an ECI.

But the ECI is binding in the sense that the Commission has to take some legislative action once an ECI has satisfied all the procedural requirements. It would be a misuse of citizens' resources if the gathering of one million signatures were to have no consequences for the Commission. The very intention of the ECI is to give the citizens more influence on EU politics. It is therefore necessary that a qualified ECI has some result. In this respect it is very significant that Art. 192 (2) TEC was the model for the drafting of Art. I-47 (4). Art. 192 (2) creates a 'right of initiative for an initiative' or an 'indirect initiative right' for the European Parliament. This is a binding right. The Commission must respond with draft legislation, but there is flexibility with regard to the timing and the content of its proposal. By analogy, the ECI has the same legal consequences.

The possibility of treaty-amending ECIs

Some interpreters deny the admissibility of treaty-amending ECIs, especially with regard to the Art. I-47 (4) wording: "implementing this constitution".

Such an interpretation warrants rebuttal. The term 'implementing this constitution' could very well be interpreted as meaning the implementation of all the provisions of the constitution, including Arts. IV-443, IV-444 and IV-445. Only violations of the Constitutional Treaty would be forbidden by this term if an ECI itself is not directed towards a constitutional amendment. It is also argued that this term has no autonomous meaning. With respect to the term 'legal act', it is necessary to note that there is no explicit reference to Art. I-33. It is generally agreed that more legal acts exist than are listed in Art. I-33. The revision of the Constitutional Treaty, whether it be by ordinary or special procedure, is blatantly a legal act. It should also be noted that European countries with citizens' initiative provisions which exclude the proposal of constitutional amendments do so explicitly. Furthermore, it was not the intention of the drafters of Art. I-47 (4) to limit the ECI to being only a statutory initiative. Finally, it would be an overly restrictive approach to exclude constitutional amendments. The practical aim of the provision is to give European citizens more influence on European policy while maintaining the institutional balance. Excluding the most important legal form would surely be a departure from that goal.

Politically, it would be a major shortcoming if ECIs were unable to propose amendments to the

Constitutional Treaty. For example, implementation of the ‘OneSeat’ initiative - the most publicly known campaign for a single permanent seat of the European Parliament - would have required a treaty amendment.

It should be possible for treaty amendments to be proposed by an ECI, but for reasons of clarity, this should be made explicit in a new treaty text or in the implementing law/regulation.

ECIs and foreign and security policy

A (systemically logical) limitation is that an ECI has to respect the framework of the powers of the European Commission. The Commission has the right of initiative in nearly all of the policy areas over which the EU has jurisdiction - and this is almost every policy area. This is also true for Common Foreign and Security Policy (CFSP) and for justice and home affairs. The CFSP, which integrates the Common Defence Policy, is within the framework of the Commission’s Powers, because Art. 22 of the Treaty on European Union (TEU) enables the Commission to take the initiative, the intergovernmental character of the CFSP notwithstanding - as do Art. 34 (2) TEU for the intergovernmental (police and judicial cooperation in criminal matters) and Art. 67 (1) + (2) TEC for the community part of the justice and home affairs policies (visas, asylum, immigration and other policies related to the free movement of persons). The fact that the Council or Member States also have the right of initiative does not necessarily lead to the conclusion that an ECI would be illegal or outside the Commission’s powers.

An ECI could therefore be used to (try to) change the Union’s foreign and security policy.

Options for implementation

There are five theoretical options for putting the ECI into practice:

- waiting for ratification of the existing Constitutional Treaty
- amendment of the Constitutional Treaty
- enactment by a directive / regulation
- enactment by an inter-institutional agreement
- integration into the Rules of Procedure of the European Commission

The first option is only theoretical because no-one expects the draft Constitutional Treaty to be ratified without any changes in the foreseeable future. The Constitutional Treaty has been rejected by the voters and these decisions have to be respected. So waiting for the present text to be ratified by each member state of the EU is not a viable option.

Amendment of the constitutional treaty

This option seems to be the most realistic one at the present time. From a democratic point of view, this option could only be recommended if it is truly focused on urgent and undisputed institutional reforms and paves the way for a general treaty reform/constitutional process e.g. by a large-scale, directly-elected convention. It should not be used to bypass the French and Dutch voters and to introduce the current constitutional treaty through the back door. Assuming this condition is met, it becomes an interesting option, because it would give the ECI primary law status and because it is a very transparent form of enactment compared to most of the other options reviewed below. In the long run, a legal basis in primary law for participatory and direct democracy is definitely necessary. This is also common constitutional practice in Europe. It would create directly binding law for the member states

and could also legally empower citizens (groups) by giving them enforceable rights within the ECI procedure (e.g. a right to be heard by the competent institutions). For reasons of clarity and legal safety, the phrase “for the purpose of implementing this constitution” should not be used in a new text (see above).

Enactment by a directive / regulation

The logical next option to be evaluated is an enactment by secondary law. Regulations are binding in their entirety and directly applicable in all member states, whereas directives are only binding as to the result to be achieved and leave the choice of form and methods open to the national authorities. Every directive/regulation of the Union needs a legal basis, so the crucial question is, therefore, whether such a legal basis exists in this case.

There is no special legal basis in the treaties. This would have been established by Art. I-47 of the draft constitutional treaty. The only possibility is Art. 308 TEC (residual competencies). Due to a ruling of the European Court of Justice, Art. 308 could not be used to bring in a hidden treaty amendment. But this would not be the case with an ECI because it will neither change the division of competencies between the Union and its member states nor will it alter the institutional balance of the Union, because the Commissions’ monopoly on legislative initiative is fully respected. The functions of the Parliament and the Council remain completely unchanged. Every ECI could completely fail if these two institutions refuse to act. Art. 308 requires that ‘residual competencies’ be used for the fulfilment of a community objective. Such an objective can be found in Art. 17-22 TEC on the Union’s Citizenship. The Union’s citizenship constitutes the community as a political community and is designed as a dynamic concept that gives the Union the mandate of strengthening citizen’ rights. The current treaty regulations on the Union’s citizenship constitutes a minimum standard that has to be further developed. Thus far it constitutes a task, and a task constitutes an objective in European Community Law. In conclusion, there is an objective that it could (and must) prove necessary to attain.

An ECI legislation is therefore possible and would have binding force; it would also enable initiators to challenge unfavourable decisions of the Commission before the ECJ. The ECI is part of the exclusive competencies of the Union, as it belongs to the autonomy of the institutional system. There is not much need for implementation by the member states, therefore a regulation is the appropriate form of legal act. The regulation should make it clear that treaty amendments can be proposed by an ECI.

Art. 308 requires a proposal from the Commission and unanimous action by the Council. The Parliament only needs to be listened to. If the constitutional treaty is to be revived, the chances for ECI legislation are quite bleak, as the very text of the new treaty includes the ECI. However, if the constitutional stalemate continues and no solution can be found, then there are good reasons for such an isolated approach. The unanimity principle means that the resistance of a single member state could block the enactment of an ECI regulation. This is quite an important hurdle, but we should not forget that all the heads of state and government have already consented to the ECI during the negotiations on the draft treaty at the intergovernmental conference.

Enactment by an inter-institutional agreement

The ECI might be integrated into an inter-institutional agreement. Inter-institutional agreements (IIAs) are agreements between at least two of the three principal EU institutions: Commission, Parliament and the Council. An ECI could be implemented by an IIA because similar preconditions exist as for regulations and directives. An IIA could also be enacted much more quickly than the other options analysed so far.

However, there are very significant shortcomings to the IIA. One is the very limited legal effect of an IIA. Only the concluding parties are bound by these agreements. An IIA could not create legal rights for third parties, especially for the initiators of an ECI. There are also political reasons that lead to a sceptical outlook on this option. It would be symbolically peculiar to integrate the citizens' initiative into the inter-institutional structure of the EU. Participatory democracy is not a game between the institutions initiated by the citizens. It is (or should be, in my understanding) a right of the citizens to influence the policies of the EU. The enactment of an IIA is also much less transparent than the enactment of either directives/regulations or (especially) primary law amendments.

Via an IIA, only an ECI 'light' could be enacted that would leave citizens powerless in the event of either non-action on the part of the Commission or violation of ECI procedures. This option is thus not recommended.

Integration into the Rules of Procedure of the Commission

Another option would be to integrate the ECI into the rules of procedure of the Commission. These govern the internal affairs of the Commission. There is already one precedent: in the Netherlands, the citizens' initiative was enacted in the rules of procedure of the Parliament.

All the counter-arguments that have arisen in relation to inter-institutional agreements also apply to the Commission's Rules of Procedure. They are neither binding on member states, nor are they enforceable by citizens. An additional problem is that this option allows only for the role of the Commission in respect of the treatment of ECIs to be regulated by this means. However, it might also be prudent to give the Council and the Parliament (limited) roles, e.g. the right of the citizens' initiative committee to be heard by these institutions once the Commission has decided to begin the legislative process. It would not be possible to incorporate such provisions within the Rules of Procedure of the Commission. For the aforementioned reasons, this option would therefore not be recommended.

Summary

The ECI is binding in the sense that the Commission has to take some legislative action once a valid ECI is submitted. However, it is not obliged to simply pass the unchanged ECI text on to the other institutions. Constitutional/treaty amendments can be proposed by an ECI, but for reasons of clarity, this should be made explicit in a new treaty text or in the implementing law/regulation. ECIs can also be submitted which affect CFSP and justice and home affairs legislation.

Of the options reviewed, only the amendment of the Constitutional Treaty and enactment by a regulation can be recommended. A regulation could and must be based on Art. 308 TEC. Both options create legally binding forms of implementation of the ECI, unlike the self-binding options of an inter-institutional agreement or integration into the rules of procedure of the Commission. This implies that citizen' initiatives would have the possibility of seeking redress before the ECJ and that binding standards for member states could be set.

The treaty option is to be preferred over regulation. However, if the constitutional deadlock of the Union continues, an ECI-regulation should be enacted.

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The European Citizen's Initiative process

The idea of giving European citizens a right of initiative was proposed by civil society organizations and institutions more than 20 years ago. It now looks as if we will actually have a legal basis for this right quite soon. Carsten Berg outlines how the key elements of a European Citizens' Initiative process should be designed in order to enable the effective use of this new instrument and to guarantee equal access.

The idea of giving European citizens the right of initiative is not new among civil society organizations and EU institutions. The European Parliament put forward proposals for introducing an initiative tool as long ago as the '80s and '90s. But it was only when the European Citizens' Initiative right found its place in what was then called the Constitutional Treaty that it became widely known and well accepted. After the French and Dutch citizens rejected the Constitutional Treaty, it took another two years until the heads of state decided to include the European Citizens' Initiative right in the new "Reform Treaty". As soon as the "Reform Treaty" enters into force, a proposal for a European regulation is expected to be adopted, so that citizens and their organisations can benefit from the new right as quickly as possible. It is therefore time to prepare in some detail a fair procedure for the interplay between citizens and the EU institutions within a European citizens' initiative process.

First, it is necessary to recognise that citizens' initiatives must be designed in a citizen-friendly way if they are to be workable. Second, it is useful to analyse the existing provisions for and experience with citizens' initiatives at the national level - though no existing model can simply be copied for the European citizens' initiative. Third, only a design that takes into account the specific needs of transnational democracy will enable the effective use of this new instrument and guarantee equal access.

Citizens' Initiative Procedures at National Level

Legal provisions for citizens' initiative procedures, as well as their actual use by citizens, have increased over the last 20 years at the local, regional and national levels. While these developments can be seen as part of a European and global trend towards greater direct citizens' participation, this has also proven to be a development that strengthens modern representative democracies, by making them more interactive, responsive and representative. If we examine the growing use of initiative procedures, we can identify at least two main forms of citizens' initiatives:

A: **the agenda citizens' initiative** enables a number of citizens to submit a proposal which must be considered by an authority, but is not submitted to a vote of the electorate.

B: **the popular citizens' initiative** allows a given number of citizens to put their own proposal on the political agenda and initiate a vote (referendum) on it. Whether the proposal is put to a vote of the electorate is not at the discretion of the authorities.

Within the context of the European Union at its current stage of development, the proposed European Citizens' Initiative (ECI) has the form of an agenda initiative. It does not give citizens the right to initiate a vote on an issue, but it gives a minority the right to place an issue on the agenda for legislative consideration. After the introduction of a citizens' initiative in the Netherlands in 2006, all in all twelve EU Member States now provide a kind of citizens' initiative right at the national level. However, these are designed in very different ways and include limitations on such matters as: the number of signatures required; specific timetables and deadlines; the exclusion of certain issues. Moreover, in some countries it is only permitted to sign initiatives in a few designated places.

Provisions for citizens' initiatives in Member States at national level and at EU-level

Country	Population (millions)	Signatures required	As a percentage of the electorate	Type of initiative
Italy	57.6	50,000	0.08	A
EU	490.4	1,000,000	0.20	A
Netherlands	16.3	40,000	0.25	A
Poland	38.6	100,000	0.26	A
Slovenia	1.9	5,000	0.26	A
Hungary	10.2	50,000	0.49	A
Portugal	10.8	75,000	0.69	A
Romania	22.3	250,000	1.12	A
Austria	8.1	100,000	1.23	A
Spain	39.4	500,000	1.27	A
Lithuania	3.5	50,000	1.43	A
Slovakia	5.3	350,000	6.60	B
Latvia	2.3	230,000	10.00	B

Types of initiatives: A: agenda citizens' initiative B: popular citizens' initiative

Logically there are higher thresholds for popular citizens' initiatives (cf. Latvia and Slovakia) than for agenda initiatives for which the thresholds vary between 0.08 % and 1.43 % of the electorate. Experience shows that in some countries citizens' initiatives are used frequently, while in others they are hardly used at all. Whereas in Italy, for example, the citizens' initiative right has been used more than 50 times in 20 years, the Latvian citizens' initiative has been tried only five times in 10 years. This has to do with the fact that only 0.08 % of the electorate have to sign a valid initiative in Italy, while in Latvia the threshold is 10%. In addition, the Latvian constitution excludes many issues from the initiative process, whereas most Italian laws can be contested by the people. The constitution of the German sub-state of Bavaria provides another example of a citizen-unfriendly initiative procedure, where 10 % of the electorate have to sign the initiative in just 14 days, and only within designated official premises. In other words, it very much depends on the design of the mechanism whether citizens can actually make use of an initiative procedure and take part in shaping policy. This is true for the national as well as for the European level.

Special Requirements for the Transnational Level

In elaborating guidelines for a user-friendly citizens' initiative procedure at the European level, it is useful to analyze the experience with citizens' initiative rights in European states. In general, one can observe similar challenges. Making use of a citizens' initiative procedure often involves extensive work by citizens and authorities in preparing and conducting a process which can take years before it is finalized. As noted above, it is not possible to copy the design of a national procedure and apply it at the EU level. Instead, the procedure needs to be an original creation, adapted to the needs of democratic life at the European level. If we take into account the specific circumstances at the EU level, it is easy to see how much more difficult it is to organize and carry out a successful citizens' initiative at this level: huge geographic distances between European citizens, the enormous variety of more than 20

European languages, and the absence of a common public space are strong communication barriers that mark some of the key challenges to developing a transnational democracy. Hence, when working on the procedure it must always be remembered that we are dealing with a European and not a national citizens' initiative.

Of course, two essential procedural elements were already fixed by the Convention's praesidium, which finally decided on a minimum of 1,000,000 signatures coming "from a significant number of member states". If we bear in mind that this is not a popular initiative, but an agenda initiative at the transnational level, 1,000,000 signatures (equivalent to 0.2 % of the European electorate) is already a high figure, when compared for example with the Italian agenda initiative, which requires only 0.08% of its electorate. In fact, those members of the Convention, citizens' groups and democracy think tanks, who prepared this article originally preferred a much lower threshold.

The second element – that the 1,000,000 signatures need to come from "a significant number of member states" – allows more room for interpretation. On the one hand, this quorum is meant to ensure that it is a transnational initiative and not merely a national one. On the other hand, the legislator should take care that this requirement does not impose too high hurdles for effective implementation of the ECI. The figure of four countries should therefore be sufficient.

If we bear in mind the existing high hurdle of one million signatures and the formidable challenges every ECI will be confronted with due to its transnational nature, any additional formal restrictions – such as sub-thresholds, time limits, issue exclusions and provisions for collecting signatures – should be kept reasonably low and as favorable as possible to the organizers of future citizens' initiatives. In addition, some supportive elements and incentives ought to be incorporated into the procedure. Launching initiatives, campaigning for initiatives and collecting signatures is not only a very time-consuming affair, but one that also costs a lot of money. In Switzerland, for instance, the cost of collecting signatures is estimated at two Swiss francs per signature. For a European citizens' initiative, therefore, a projected budget could be of the order of at least one million Euros – mainly for printing, secretarial work and advertising expenses. In many countries, citizens' initiatives receive a certain type of assistance and financial support, in the same way as other political bodies such as political parties and their representatives. Since the European Citizens' Initiative has the same status in submitting a request to the EU Commission as does the European Parliament, the initiative committee should receive funding from the EU budget, just as European parties and Members of the European Parliament are funded from public sources.

In the case of the existing reimbursement procedures for citizens' initiatives at the national level, financial support is only provided for at the very end, after all the required signatures have been collected and the initiative has passed its final qualification. For the ECI it is suggested that a first limited reimbursement should be provided after the initiative has passed preliminary qualification by having collected 100,000 signatures. Otherwise we would run the risk that at the European level only large and well-established organizations would be capable of financing an ECI in advance. The cases of the first 20 informal ECIs, documented in this Handbook, indicate that it is mainly big organizations such as Greenpeace, or European trade organizations, which are capable of pre-investing such levels of capital and of collecting a million signatures without any external support. Smaller groups would be prevented, or at least seriously discouraged, from making use of the instrument. A first reimbursement after 100,000 signatures have been collected would offer an additional incentive to properly carry out an ECI. In other words, only appropriate funding will enable the effective use of this new instrument and guarantee equal access to the ECI. These special requirements for the transnational level need to be taken into account when developing the detailed stages within the procedure.

The interplay between citizens and authorities in three main phases

The interplay between citizens and authorities within a European citizens' initiative procedure will be outlined in three main phases:

Phase 1: From the idea to preliminary registration

Phase 2: From official launch to submission

Phase 3: From final registration to final decision

Within each of these three phases one can of course define many more steps and sub-phases.

Phase I: From the idea to registration

In this first phase general information about the ECI needs to be available. This is the phase in which the initiative committee which will prepare and conduct the initiative is being formed, and in which the requirements for preliminary registration must be fulfilled. Only when this has been done can the initiative be launched.

a) Providing General Information

Any ECI will only come into being if citizens know about the availability of the initiative procedure and the concrete "rules of the game". It is therefore vital that the EU establishes effective channels of information and education on how European Citizens' Initiative procedures work. This should include a multilingual consultancy and a dedicated website with a users' forum where citizens with similar interests could 'meet', exchange views and actually prepare the launch of a citizens' initiative. The site would also include information on all the current ECIs. This would exploit the considerable potential for synergies and prevent painful and unnecessary duplication of work from the start. Experience at the national level shows that on average it takes around a year from the idea to the actual launch of a citizens' initiative. Mostly only well-prepared initiatives with a carefully worked out campaign plan will have a chance of success.

b) EU authorities provide a dedicated ECI Office

For the sake of transparency and efficiency the EU should communicate through its own dedicated ECI Office: an agency that serves as a non-partisan focal point between the general secretariats of the European Commission, the European Parliament and the Council on the one hand, and the European citizens' initiative committees on the other. Its purpose is to provide the citizens with support services and serve as their point of contact throughout the entire process. This ECI office would also coordinate communication between the three EU institutions. When it comes to the point of verifying the signatures, the ECI Office would need to coordinate an EU-wide cooperation between the national voter registration offices and monitor whether the laid-down minimum standards in relation to European citizens' initiatives have been respected.

(see phase 3).

c) Formation of the Initiative Committee

Citizens' Initiatives are formulated by authors, who are usually also their initiators. It is they who draft, sign and register the initiative. This generally requires an organised structure such as a citizens' association, called an "Initiative Committee", which at the national level consists of up to 27 members. The

initiative committee is the legal entity for an ECI: it represents it before the authorities through the entire process and is the official contact for the general public and media. Drafting the proposal is of high importance as the wording will be kept through the entire procedure. It needs to be readable by the public in different languages, be legally acceptable and correspond with the original idea of the initiative committee.

d) How to submit a proposal?

When a proposal is formulated, it is essential that the objective and scope of the initiative is easily and precisely identified. Only then can a proposal be submitted for preliminary registration. In general, the initiative committee should have the right to choose between two options: a draft legal act, or a general proposal mentioning the specific goals of the legislation and the main measures to be introduced or changed. Assistance concerning questions of the legality of the proposal should be provided by the European authorities / ECI Office.

e) Preliminary registration

As soon as an initiative is submitted and registered for publication, the initiative is officially launched. First, however, there will be a pre-check of the admissibility conditions for each ECI. For example: does the European Commission have the right of initiative in relation to the matter in question, or does it lie within the framework of human rights? If the check is positive, the ECI will be published in the Official Journal of the European Union, the Official Gazettes of member states and on the above-mentioned dedicated ECI website. As is done, for example, in Switzerland, in this phase the EU should provide for translations of the text of the initiative and of the signature-collection forms.

If the admissibility conditions are not met, preliminary registration can lead to citizens' initiatives being rejected. This will be the case if the ECI is misleading, gives rise to confusion, or if it includes commercial advertising. An ECI will also fail at this stage if it concerns areas which are not within the competence of the European Commission. However, as the Commission itself is entitled to propose treaty changes it should also be possible to launch initiatives which relate to treaty issues. Preliminary registration is a precondition for receiving further assistance and support from the authorities. It is also the starting point for the deadlines which must be met in relation to the first opportunity for initial reimbursement, and to final registration.

Phase II: From launch to submission

As soon as an initiative has been registered for publication, the initiative is officially launched with its aim of collecting at least 1,000,000 signatures across Europe. From then on the initiative needs to inform as many Europeans as possible about the signature gathering process. It is especially important to clarify how signatures can be collected and how they need to be distributed (between countries). Moreover, it is important to define a first reimbursement opportunity before it comes to final submission.

a) The signature gathering process

There should be a guarantee that the signatures can be gathered freely and not only in government registration offices, as specified in some member states. Distribution of printed (and downloadable) signature forms to be completed has proven over years to be one of the most efficient, and verifiable, ways of collecting signatures. Even though signing by hand is still the most common and secure way of

formally supporting a proposal, it is also essential to explore and develop a verifiable online signature procedure. It is clear that a verifiable e-signature option would tremendously help to facilitate large-scale use of and access to this new instrument.

b) Distribution of the signatures

While an initiative should not be required to collect signatures in more than four member states, the essential question is how these signatures need to be distributed within the minimum of four countries. Logically it would not be sufficient if only 1 or 100 signatures were to come from one country in order for it to qualify as a contributing country. Therefore the required minimum number of signatures coming from each country should be 0.1% of the citizens entitled to vote in each country.

c) First reimbursement opportunity

In order to receive support from the authorities beyond legal consultation, publication and translation, an initiative should have the opportunity to apply for financial support. An ECI would need to qualify for this by collecting at least 100,000 valid signatures within 12 months. If an ECI overcomes this first hurdle it should receive financial support (10 cents per signature) connected to expenditure for specific items that must be related to the work of an ECI – such as travel vouchers, materials and secretarial work. In addition, it should receive extra media coverage and a special place on the public ECI website and in the above-mentioned official gazettes and at the public meeting places in EU representations in member states. Registration and verification of the first 100,000 signatures would take place at the official ECI office – the same agency as for preliminary registration.

Phase III: The qualification process

When an ECI has submitted the 1,000,000 signatures it is then for the authorities to verify the authenticity of the signatures and provide for reimbursement. The EU Commission then has the task of examining the proposal and finally announcing its position on the matter.

a) Final registration

Once the required 1,000,000 signatures have been collected, the initiative committee submits them to the official ECI Office. This represents the formal application for final registration with the authorities, which then have to verify and validate the signatures.

b) Verification

The authorities need to quickly verify in how far the admissibility conditions for the signature collection have been met – with the possibility that the ECI could be rejected. The essential questions are: Is the total of signatures really 1 million? Do they come from the required number of at least four member states? Do they satisfy the distribution criterion of having the signatures of at least 0.1 % of the electorate in at least four countries? And have they been collected within the given time limit of 24 months starting from preliminary registration?

1 See appendix for the detailed distribution of signatures for each country

c) Qualification

Last but not least, the identity of the signatures themselves needs to be verified. The data supplied has to be checked for authenticity, completeness and correctness. At the present time, verification and authentication systems do not yet exist at the European level, but only in the European countries where there are citizens' initiatives. It is unrealistic to expect that a European system with a European voter database – which would allow the EU to carry out the verification itself – can be put in place within a reasonable time-frame. The problem with verification by EU member states is that there is a risk of citizens being treated unequally in the different countries, since the parameters for an ECI would differ according to the national origin of the signatories and would be subject to disparate national legislation. (There are similar problems with elections to the European Parliament). For the time being, therefore, the EU needs to ask member states to carry out the required verification using the procedures in force in each state. But the EU also needs to coordinate an EU-wide cooperation between national voter registration offices and lay down minimum standards to be respected in relation to European citizens' initiatives.

c) Reimbursement

If final registration is successful, part of the costs, i.e. 10 cents per signature, can be reimbursed.

d) Presentation of the ECI

Once at least one million signatures have been verified, the next step for the authorities is to carry out an in-depth examination of the initiative. The official ECI office would have to send the initiative to all the relevant departments of the Commission and EP committees and ensure that it is followed up within a short time limit of three months. While an initiative is being dealt with by the Commission, its authors (the initiative committee) should be consulted and have a right to be heard. A new or reformed committee for petitions and citizens' initiatives could be the arena where the initiative committee could make a live presentation of its proposal. Representatives of the appropriate Commission departments and specialized parliamentary committees would be present, as well as interested members of the public.

e) Decision

After what will have been a very long and difficult procedure for both the authorities and especially the citizens, the final task for the Commission is to make a formal statement of its response to the initiative committee at the latest by three months after the ECI has been submitted. In the event that the initiative is rejected, the Commission should publish an in-depth analysis and give full reasons for its decision. There should be provision for any decision by the Commission to reject an ECI to be appealed before the Court of Justice. If the response from the authorities is positive, the Commission then adopts the ECI as an approved initiative and submits it to the normal EU legislative process.

Conclusions

Experience in EU member states has shown that citizens' initiatives, if they are to be truly workable, need to be designed in a citizen-friendly way. This is all the more true for a European Citizens' Initiative

due to the far more difficult circumstances at the transnational level compared with the regional or national levels in Europe. Only clear guidelines for implementation of an ECI and a dedicated democratic infrastructure will enable successful future use and equal access. Summing up, therefore, the following elements are considered to be crucial for a citizen-friendly implementation:

1. The EU should establish its own dedicated ECI Office – an agency that will serve as a non-partisan focal point between the general secretariats of the European Commission, European Parliament and Council on the one hand, and the initiative committee of a European citizens' initiative on the other.
2. The ECI Office provides a) effective channels of information and education on how European Citizens' Initiative procedures work; b) provides consultancy and translation services and financial reimbursement for a portion of ECI costs; and c) coordinates the verification of the signatures between the national voter registration offices and monitors whether the laid-down minimum standards have been met.
3. ECIs have the following rights: a) right to advice from the official ECI office before gathering the signatures; b) the right to be heard by the respective institutions (Commission, Parliament, Council); c) the right for the text of the ECI to be published without delay in the Official Journal of the EU and the Official Gazettes of the member states; d) the right to challenge a rejection before the competent European Courts; and e) reimbursement in part of the costs, as well as support in kind after preliminary and final registration has been completed.
4. Free collection of signatures should be allowed i.e. the signatures can be gathered freely (by circulation/ downloading of forms to be filled in and signed) and not only in government registration offices.
5. It is essential that the EU-Commission explores and develops a verifiable online signature procedure. A verifiable e-signature option would tremendously help to facilitate large-scale use of and access to this new instrument.
6. ECIs can be submitted in either of two ways: a) as a general proposal mentioning the specific goal of the legislation and the main measures to be introduced; or b) as a draft legal act.
7. There should be a time limit for collecting signatures of 24 months. Initiatives should have enough time to collect the signatures; a short time period would disadvantage smaller initiative groups.
8. The subject-matter of an ECI must lie within the area where the European Commission has the right to make proposals. However, as the Commission itself is entitled to propose amendments to treaties, it should also be possible to launch initiatives which relate to treaty amendments.
9. A minimum of four member states counts as being the 'significant' number of member states from which the signatures need to come.
10. The required minimum number of signatures from each of these (at least four) countries should be 0.1% of the citizens entitled to vote.
11. An initiative committee should have the right to present its ECI proposal in person. A reformed EP committee on petitions and citizens' initiatives could be the arena where the initiative committee could first present its proposal. Representatives from the appropriate Commission departments and specialized parliamentary committees would be present

12. After final registration and verification of an ECI, the Commission has to give its reasons in the event of rejection. There should be a strict time limit of three months for the subsequent treatment of the subject by the EU institutions.

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Appendix:

Number of 0.1 % of eligible voters for each EU country

Country	N° of voters	Population	0.1 % of eligible voters
DE	61,682,394	82,536,680	61,682
IT	49,854,299	57,844,017	49,854
UK	44,157,400	59,862,820	44,157
FR	41,518,582	59,630,121	41,519
ES	34,706,044	40,409,330	34,706
PL	29,986,109	38,218,531	29,986
RU	18 449 676	22,276,056	18,449
NL	12,168,878	16,192,572	12,169
EL	9,909,955	10,554,404	9,910
PT	8,821,456	10,407,465	8,821
CZ	8,283,485	10,203,269	8,283
HU	8,046,247	10,142,362	8,046
BE	7,552,240	10,355,844	7,552
BU	6,691,080	7,322,858	6,691
SE	6,827,870	8,940,788	6,828
AT	6,049,129	8,067,289	6,049
FI	4,227,987	5,206,295	4,228
SK	4,210,463	5,379,161	4,210
DK	4,012,663	5,383,507	4,013
IE	3,131,540	3,963,636	3,132
LT	2,654,311	3,462,553	2,654
SI	1,628,918	1,995,033	1,629
LV	1,397,736	2,331,480	1,398
EE	873,809	1,356,045	874
CY	483,311	715,137	483
MT	304,283	394,641	304
LU	214,318	448,300	214
TOTAL 27	377,844183	484,600194	377,844

Do-it yourself ? Read this first!

When citizens are willing to become agenda-setters or even decision-makers, a lot of practical work have to be anticipated and planned. Conducting a “successful” citizen initiative in-cludes many steps and a lot of strategic wisdom, writes Bruno Kaufmann in this guide to citizen-triggered policy making.

An idea, a will, a process. As documented in this IRI Handbook already 20 European Citizens Initiatives have been launched since this new direct democ-ratic tool on the transnational level have been proposed by the EU Convention and endorsed by the Head of States and Governments in Rome 2004. At first glance it seems to be an easy way to get attention to new or forgotten issues. However, in order to really become an truly agendasetting instrument in the fu-ture, the European Citizen Initiative mechanism will have to be regulated by ba-sic “rules of the game”. Otherwise this new tool will remain just another form of petition with little or no influence on the political agenda at all.

It is therefore important to anticipate, how a regulated European Citizen Initia-tive process could work under “regulated” forms and to learn from similar pol-icy making instruments on the local, regional and national level. In fact most European countries do today know some form of citizen-triggered, direct de-mocratic procedures – at least on the local level.

All-in-all there are four distinct instruments available across European countries today:

Citizens’ initiative	Allows a certain number of citizens to initiate a vote of the electorate on a proposal which they have outlined. The proposal may, for example, amend the constitution, or adopt, repeal or amend an existing law.
Citizens’ demand	Allows a certain number of citizens to initiate referen-dum to abrogate or reject An existing law or a law just passed by the legislature.
Agenda initiative	Enables a number of citizens to submit a proposal which must be considered by an authority but is not submitted to a vote of the electorate.
Recall	Allows a specified number of citizens to demand a vote of the electorate on whether an elected holder of public office should be removed from that office before the end of his or her term of office.

Within the context of the European Union at this stage, an agenda initiative pro-cedure is proposed, called the European Citizen Initiative. This means, that it is currently not foreseen to hold European-wide popular votes (“referendums”) on issues raised by European Citizen Initiatives. This is something, which – of course – may change in the future, but it is important to clearly underline both the oppor-tunities, requirements and limitations of the policy making instrument, in order to avoid mispercep-tions or exaggerated expectations. At the same time does it make sense to assess the steps of a transna-tional (agenda) initiative within the framework of citizen triggered procedures.

Most such procedures do not offer fast-tracks and short-cuts towards a popular-vote, a veto decision or a quick-fix agendasetting. In addition most mechanisms “from below” include interaction with the authorities and therefore offer oppor-tunities to make representative democracy more representative. Citizen-triggered procedures often include extensive work by citizens (and authorities) in order to pre-pare, conduct and conclude a process, which can take many years to achieve. This is especially true for

the various initiative mechanisms, which symbolize the right for a minority to get – firstly - an issue on the political agenda and - secondly (in the case of fullfledged citizen initiatives) - a binding ballot question answered by an electorate. Citizen demand and recall process however do not take as much time, as they are reactive mechanisms aimed at controlling, stopping or legitimating a certain issue or – in the recall case – an officeholder.

Despite their many differences, we can identify a series of features common to all direct democratic procedures from the birth of the idea until the moment when an initiative, demand or recall is qualified for the ballot (or, in the case of an Agenda Initiative, for a legislative consultation). Citizen-triggered direct de-mocracy procedures are available in many countries and territories across the world but they can be designed in very different ways, and include limitations such as the number of required signatures, pre-defined time frames and even the exclusion of certain issues.

In this article, we identify and assess twenty major steps or phases within citizen-triggered direct democracy procedures. In many jurisdictions, just a few of these steps will be relevant and in other countries additional intermediate steps may be required, especially those linked to juridical reviews and checks. Notwithstanding these caveats, the twenty stages offer a rather comprehensive guideline for designers, administrators, users and observers to assess both the complexity and the need of time and resources (human and financial) to conduct such a process. It is worth considering each step in greater depth.

1) Availability It may be part of the dedicated democratic infrastructure of a country or – as in our case – the European Union to ensure that all citizens know about the availability of initiative procedures. This includes efforts on the internet, printed materials, educational efforts and media coverage. Naturally, frequent and “successful” uses of the procedures are the best way to inform the public about their availability. In many countries, electoral processes (including direct democracy mechanisms, where applicable) are a major subject of civic education in both elementary and secondary schools. With other words, *it is very important to establish strong channels of information and education on the availability of the European Citizen Initiative procedures.*

2) Idea This is the starting point of each direct democratic procedure. All de jure citizen-triggered procedures only become de facto practices when there is a group of people or organizations who want to address a certain problem in society. This may be a totally new and radical idea, a very pragmatic and feasible reform or just the will to control the legislature by stopping one of its (old or new) decisions. This non-official phase often includes a lot of debate on the right way to promote the idea. In sum, *before taking any formal or legal action the very idea of an European Citizen Initiative shall be developed and discussed broadly and deeply.*

3) Establishment The first people to draft, deposit, sign and register an initiative process are the initiators. In order to be able to register a citizen-triggered process, most local, regional or national communities require the establishment of a designated committee, which needs to meet certain conditions. This committee will be the legal body with which the authorities and other actors will deal during the forthcoming steps. In the case of *the European Citizen Initiative procedure it will be necessary to offer an adequate Initiative Committee registration procedure, which protects and empowers the initiators and make them an official counterpart of the authorities.*

4) Draft One of the pre-conditions to register a citizen-triggered procedure in most countries implies the formulation of a legal or constitutional text. It is therefore possible that the final text on which a popular decision will be held must be agreed upon at this early stage in the process. Fortunately a large number of countries provide official assistance with this task, including some support for translations

in multi-lingual polities. However, there is still the problem of mistrust between the (possibly challenged) authorities and the actual challenger, the initiative committee. With a first version of a text, the initial idea is transformed into a direct democracy tool. As the text of the Initiative shall not be changed during the following stages of an *European Citizen Initiative process it will be of highest priority to produce a text, which is both readable (in many different languages), legally acceptable and convergent with the basic idea of the initiative committee. A distinct official or semi-official body may be appointed to support the committee in this work.*

5) Title A title must be found for the proposal. This can be an important way of communicating with the final decision-makers. For this reason and because of bad experiences in many countries, the determination of the title is subject to certain regulations. First, there are rules governing who is eligible to decide the title and secondly, titles which are inconsistent with the content of the proposal or which contain inflammatory or commercial statements may be disqualified.

Like with a good newspaper article the title in fact is the entry door to public debate and deliberation. So, take care when labelling your initiative idea!

6) Registration When an initiative for publication is registered, the legal process of the citizen-triggered direct democracy procedures officially starts. How exactly this formal registration and publication may take place should be considered in depth on the *European level in order to offer all citizens and authorities concerned a fair chance to learn about the existence of the proposal. Obviously, the internet and other e-democracy tools may be very helpful in bringing new initiative to the attention of all relevant actors.*

7) Responsibility The registration of the proposal also entails the registration of the committee, which has certain duties and rights, such as the right to withdraw the proposal. A registered committee may be the only body allowed to withdraw an initiative later in the process. *While this option is of high importance for any full citizen initiative procedure (leading up to a final popular vote), withdrawing an agenda initiative is a less obvious option and maybe also excluded at all in the case of the European Citizen Initiative procedure.*

8) Legality The legality and/or constitutionality of the proposal can be checked at any point in the process, even – as in most US states – after the initiative has been passed. An early legality and/or constitutionality check carries the risk that the authorities may end a citizen-triggered procedure before it even takes off. However, it does at least mean that time and effort will not be wasted on a process which turns out to be invalid. *As the European Citizen Initiative are about “inviting” the “European Commission” to law-make “within its competencies” a careful and comprehensive “legality” check of any proposed European Citizen Initiative will be critical. However, as the Commission itself is entitled to propose Treaty changes it shall also be possible to launch initiatives, which are covering Treaty issues.*

9) Launch Once the proposal is officially published (what this formally means will also to be defined in any implementation law/regulation on the European Citizen Initiative) and the initial registration and checks are fulfilled, it is the citizens’ turn to sign the proposal and to convince others of doing the same. After the publication of the proposal, the ‘signature gathering’ has officially started. It is at this stage therefore very important to understand the rules on signature gathering (see next step). Again – as on stage 6) – *it will be very important, to offer a specific europeanwide opportunity structure to inform and educate all Europeans about the start of the signature gathering phase. Primarily this must be done by the initiators themselves, but there should also be some non-partisan, authoritative role at this moment.*

10) Signing by hand has been and still is the most common method to formally support a proposal. However, electronic and digital methods have rapidly become more available and important. While

some countries only allow signatures by hand others also provide for the possibility of electronic signature gathering. In some countries it is explicitly forbidden to use paid signature gatherers. The signing process can be restricted by time limitations and – and in some cases only at specified places. For example, in Bavaria initiative committees have just fourteen days to gather the signatures of at least 10% of the electorate and the signatures can only be gathered within designated official premises. In contrast, a citizens' initiative in Switzerland can gather signatures freely and needs to collect 100'000 signatures (approx 2% of the electorate) within eighteen months. *As the initial experiences with the 20 “non-formal” European Citizen Initiatives, monitored and assessed in this IRI Handbook, shows, e-gathering opportunities will be essential on the transnational level. This will have big implications on voter registration and verification procedures indeed (see below).*

11) Submission After gathering the requested number of signatures, the registered committee will deposit the collected signatures with the proper authorities. This is called the submission of an initiative. Submitting a sufficient number of signatures marks a major step in each citizen-triggered procedure as it means that the issue of a few has become the issue of many. At this moment the initiative committee should be quite sure that the required threshold of signatures (and additional requirements) has really been met. This can be a particular problem if the time provided for the gathering is very short.

12) Validation At this stage, the validity of the submission is checked by the authorities. Furthermore, the submitted signatures will have to be verified. Different means of verification are used, depending on the structure of a polity and the methods used for identification. On the EU level this offers huge challenges as the proper structures will have to be established including EU-wide cooperations between voter registration offices or – in the future – even a common *European voter data base*. *Such a reference point, which is essential for verification purposes, do however raise critical privacy considerations and will have to be balanced carefully. But without a legitimate verification procedure it will be easy to question every European Citizen Initiative and undermine its democratic value.*

13) Acceptance When the authorities have completed the validity check, the proposal can be verified. This is the beginning of an exciting new stage in the decision-making process. For the initiative committee, this means a new and even more challenging role, as from now on, they will have to interact with authorities, media and critics of their proposal in a even more official way. Most citizens' initiatives (and agenda initiatives) will now be subject to the legislature to implement, counter-propose or just debate. *In the case of the European Citizen Initiative it will now be the Commission to consider and possibly launch a law-making process on the issue.*

14) Interaction The authorities may either implement the proposal as it stands, offer a similar proposal (which may meet central aspects of the citizens' proposal) or even make an alternative or counter proposal. This may trigger a new consideration by the registered initiative committee (and they may withdraw their proposal). Occasionally, it is possible for another group of registered electors to offer an alternative proposal. Here, the action of other institutions, like the *European Parliament may become a factor, in order to give the European Citizen Initiative proposal more weight in the public debate and/or vis-à-vis the Commission and/or the Member States. Also it should be considered to give initiative committees the right to talk and present their proposal in the Parliament or in the Commission.*

15) Certification After the additional ping-pong of proposals and opinions under the “interaction”-step, it is now up to the specified authority to decide if the citizen triggered initiative/referendum/recall qualifies for a ballot decision or – as in the case of the European Citizen (agenda) Initiative – how the

proper authority will deal with the issue. *The initiative committee may at this stage have the right and consider to appeal the decision of the Commission to another EU institution, possibly a legal body or court.*

16) Campaign At this stage the citizen-triggered issue has become a public is-sue. In order to enable free and fair final decisions among the electorate (when a referendum vote is triggered) or in the relevant legislative body (as with agenda initiatives), a growing number of countries have implemented campaign regulations, governing for instance finances and media coverage. The regulations may also include financial support or/and free air time.

17) Voting In many countries voting has become a much longer process than just one day. It may be possible to cast or send ballot weeks before the actual voting day. During the voting phase specific rules may apply, such as a prohibition on publishing opinions polls or even a ban on all campaigning activities. In the case of the *European Citizen Initiative the decision on the new legislation will be made according to the existing decision making procedures, including the Commission and the Parliament, and – for some issues – also the Council and/or the national parliaments.*

18) Decision The conclusion of a long and hard procedure may be a very happy, unfortunate or even bitter affair. While free and fair majority decisions must be respected, obvious fraud or irregularities must be addressed and be subjected to an appeal procedure. In many countries the rules of decision-making include specific majority rules (eg double majorities). For an initiative committee, the publication of the results may mean the very end of their efforts or just the beginning of new ones. This may include the right to restart an initiative on the same or a similar issue (possibly governed by certain time limitations).

19) Implementation A final decision is very often only the starting point for another painstaking and timeconsuming process, the process of implementation. All involved in an initiative process should be conscious about the possible need to continue with a watch-dog, consultation or even campaigning role as those, to whom the made decision makes a difference, may be unwilling to follow up. Also, it may turn out that a decision made is hard to realize due to formal and political reason not considered at earlier steps. *For an initiative committee it is hence not only very important to become experts on promotion but also on the issue in itself – in order to be able to follow up any new or changed decision by the authorities.*

20) Lesson learnt Learning by doing is key to any democratic process, so is it especially to any citizen triggered initiative process. In fact, any initiative by a qualified few is an invitation to the registered many to enter a collective learning process on a issue. But the initiators and the involved authorities and observers shall also try to learn from the process itself in order use it more efficiently and democratically and to be able to reform the process if necessary.

The twenty steps of a citizen initiative process can be summarized as follows:

<i>Step N°</i>	<i>Event(s)</i>	<i>Actor(s)*</i>	<i>Remark(s)</i>
1	Availability	Electoral Management Body (EMB), Educational, NGO	Information and education efforts to guarantee knowledge on available procedures
2	Idea	Group of citizens and/or organizations	Depending on the exact procedure this may include a totally new idea or a reaction to a new law

3	Establishment	Group of citizens	The informal establishment of a initiative committee
4	Draft	Committee, EMB	Agreement on a text (and possibly translations) for a new/change of law or “constitutional” amendment
5	Title	Committee, EMB, Legislative Body	Agreement on a title for the proposal and whole process to come
6	Registration	Committee, EMB,	The formal step to register an initiative with the authorities
7	Responsibility	Committee, EMB,	The committee becomes the legal responsible bearer of the initiative with rights and duties
8	Legality	Designated authority	Legality or constitutionality checks may take place at several points in the process and will be undertaken by one or several designated authorities
9	Launch	Committee	With the official start of the signature gathering the initiative enters its most critical phase
10	Signing	Citizens, committee, authorities	The signature gathering process has to consider certain rules, options and limitations
11	Submission	Committee, EMB	The gathered signatures are delivered to the authorities
12	Validation	EMB	The authorities check the eligibility and validity of the delivered signatures
13	Acceptance	Authorities	After fulfilling the validity check and verification the initiative is accepted (or not) and is now sent to the legislative body or government for consideration
14	Interaction	Parliament, Council	The initiative proposal is now an “official” matter. The legislative or governmental body may have the right to put an alternative proposal and to give recommendations.
15	Certification	Authorities	Setting the rules for the final decision making process
16	Campaign	Everybody	Campaign regulations for free and fair procedures may be applicable
17	Voting	Electorate in referendum votes or relevant governmental institution	Voting may take different forms
18	Decision	Committee, Authorities	In the case of irregularities, an appeal procedure may start. Otherwise the decision is made.
19	Implementation	Authorities, Committee	How is certain decision is implemented becomes now the most important question – also for the former initiators of an issue
20	Lessons learnt	Everybody	Every initiative process do offer unique opportunities for collective learning – on the issue and about the process as such

* For the European Union it will be very important to define the role of the various actors and to establish a citizen-friendly European Initiative Infrastructure.

Conclusion

Administrative procedures are critical to good practice. The authorities have a role to play at almost every step of the process. This role is often advisory and service-orientated. However, the most important actors remain the initiators of the process. The designers of citizen-triggered direct democracy procedures need to consider the roles of initiators and authorities as well as the legal context.

Citizen-triggered direct democracy procedures can be assessed from at least three different perspectives: the administrators (Electoral Management Body, courts etc), the users (citizen groups) and the designers (politicians, legal experts). Before an idea becomes an initiative and an initiative can qualify for the ballot, a series of preconditions must be met, including (a) basic legal provisions, (b) administrative readiness and the necessary political infrastructure and (c) the ability and freedom for citizens to launch an initiative process.

Citizen-triggered direct democracy procedures are linked with big expectations on the side of the citizens. Careful design and good administrative practice is therefore essential in the development of such procedures, in order to make a difference of every citizens action on to let democracy develop on the European level.

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Rewarding a European Citizens' Initiative

Unlike many national citizens' initiative procedures, a European process will not lead to a popular vote but to legislative action by the Commission. The effort to gather more than one million signatures from across Europe must be rewarded, *says Daniel Schily.*

Article 47 of the draft European constitutional treaty gives EU citizens a right of initiative in the form of a European Citizens' Initiative (ECI). According to this right, if a million EU citizens from several member states support an initiative proposal with their signatures, the Commission (and in exceptional cases the European Council) can be required to present a formal legislative proposal (for consideration by the EU Parliament and the Council). Proposals must be within the competence of the EU and relate to issues which, in the citizens' opinion, require to be set out in Union law.

If an ECI is to be qualitatively different from a mere mass petition, there needs to be clarification, not only in relation to the practical design of the procedure – what are, for example, the formal conditions under which an ECI can be launched? – but also in relation to its legal consequences: what should happen when an ECI has satisfied the formal conditions and collected the required number of signatures?

The right of initiative in the European Union

We must first be clear as to what a right of initiative of a million EU citizens could and should mean in the context of European law and government practice.

The right of initiative of the Commission

So far, the Commission has had the sole right of initiative in the EU. It is argued that this is the only way that the Commission – as the 'executive of a supranational state' – can fully carry out its responsibilities as the protector of the treaties and of the general interest. It does so by being the only one charged with the task of generating proposals about issues which fall within the treaty – where this is specifically provided for in the treaty, or where it (the EC) considers it to be necessary. It has:

- an unlimited right of initiative in the 'communitised' areas [policy areas listed in Article 3] where the Council only makes decisions on proposals which it has received from the Commission; thus, when a law is actually enacted and what its basic thrust is depends primarily on the Commission;
- on questions of Common Foreign and Security Policy (CFSP), both the Commission and the member states can make proposals. However, the Commission has no right of initiative in certain areas of justice and home affairs.

Beyond this, both the Council and the European Parliament can call upon the Commission to draft proposals if they believe this is necessary. Thus the right of initiative of the Commission is rightly considered to be the key to the institutional equilibrium of the EU.

The right to withdraw

An unusual feature of the Commission's right of initiative is the right to withdraw initiatives until they have been legally enacted. The rationale for this right derives from the complex diplomatic circumstances within which the Commission must seek to have its proposals accepted. This right is, however, very far-reaching. It confers power through the Commission's ability to make tactical decisions. Those

bodies which have the right of initiative at the nation-state level – government, parliamentary groups and possibly the electorate – do not normally have this possibility.

The European Citizens' Initiative right

If one wants to avoid seriously impairing the functioning of the European Union, one cannot and should not simply place a European Citizens' Initiative on a par with the Commission's right of initiative. On the other hand, there must be a guarantee that an ECI is not purely dependent on the goodwill of the Commission – it would then be merely a mass petition.

This can be done by leaving the Commission completely free in substance, but at the same time being bound to respond to the Citizens' Initiative – within a specified period of time and depending on the subject-matter of the initiative – in the form of a proposal which is then passed to the relevant organs of the EU.

Time period between the handing in of an initiative and the response from the Commission

There should be no more than 6 months between the submission of an ECI and a response from the Commission. It may also be necessary to place a time limit on the response times of the other EU organs – the Parliament and the Council. The whole process should probably not take longer than one year.

European Citizens' Initiative in the communitised areas

If a valid ECI relates to one of the communitised areas, the Commission could respond in one of the following ways:

- **No initiative:** the Commission provides an explanation as to why it cannot/does not wish to draft an initiative proposal based on the ECI.
- **Unsupported initiative:** the Commission has reservations about the ECI and gives its reasons for not supporting it, but nonetheless allows it to proceed to the legislative process, leaving the final decision to the legislative organs of the EU.
- **Counter-proposal:** the Commission presents its own counter-proposal *in addition to* the ECI proposal and leaves the decision to the legislative organs – whilst recommending that its own proposal be accepted.
- **Approved initiative:** the Commission adopts the ECI proposal and recommends its approval by the legislative organs.

The Commission is not permitted to withdraw these initiatives (see above)

European Citizens' Initiative in the area of CFSP and other areas

If a valid ECI proposal falls within the field of Common Foreign and Security Policy or another of the areas within which the Council or the European Parliament can call upon the Commission to draft proposals, then the 'No initiative' option for the Commission falls away. The other options remain.

European Citizens' Initiative in areas where the Commission has no right of initiative.

If a valid ECI proposal falls into the area in which the Commission has specifically no right of initiative,

then the Commission passes the proposal to the Council without a formal recommendation. The Council prepares a position statement.

Legislation

Council and Parliament

As the (only) organ of the EU directly elected by the citizens, the European Parliament is the natural point of reference (in addition to the Commission) for an ECI proposal. It is therefore recommended that an ECI should in principle first be debated in a special session of the Parliament. The ECI representatives (e.g. campaign committee) may present their case to the Parliament; this is then considered together with the proposal(s) from the Commission (and possibly the Council).

The conclusion of this special session marks the end of the period of presentation of the ECI proposal and the beginning of the period of converting it into legislation. From this point on the rules of the normal EU legislative procedure apply – in line with the existing rules for the division of responsibilities and powers between the Parliament and the Council.

In the ‘No initiative’ case (see above) both the Council and the Parliament can request the Commission to reconsider its position.

Obligation towards the initiative committee

The Commission shall keep the representatives of the ECI informed of all the official stages in the processing of their ECI proposal.

Openness and transparency

Public presentation of the ECI

The President of the Commission shall publicly receive a valid ECI proposal in person.

Right to address the Parliament

The representatives of the ECI have the right to address the special session of the European Parliament.

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The role of the European Parliament

Even if European Citizens' Initiatives are formally addressed to the European Commission, also the European Parliament should play an important supportive role in the future, *suggests Diana Wallis, Vice-President of the European Parliament.*

Nearly three years after the signature of the constitutional Treaty, and notwithstanding a Parliament resolution urging progress on the issue independently of any constitutional settlement, there is still no formal right of initiative, however limited or defined, for European citizens. This, however, has not prevented many campaigns from referring to the right of initiative enshrined in Article I-47(4) and from applying its conditions in anticipation. Indeed, this handbook outlines no less than twenty citizens' initiatives at European level, covering a very wide range of subject-matter. The first such initiative to reach a million signatures, the Oneseat campaign, was a novel exercise in this new form of transnational democracy based on the provisions of Article I-47(4). Signatures came from every Member State (25 at the time), with the Netherlands obtaining the most (435,126), and the UK (15,946) gathering almost ten times fewer than Sweden (139,386). However, the fact that this initiative was the first of its kind to achieve 'success' raises many questions in itself.

First, it highlights the need to clearly define the scope of citizens' initiatives at EU level. As it is phrased in the proposed constitutional Treaty, the potential subject-matter of citizens' initiatives is limited in a number of ways. Firstly, citizens can only invite the Commission to take an initiative "within the framework of its powers". Secondly, citizens must consider that the matter requires "a legal act (...) for the purpose of implementing the Constitution". The question of the seat of the institutions is determined by common accord of the governments of the Member States. However, the Commission shares a right of initiative which allows it to propose a formal revision of the Treaty, including the Parliament's seat. Although the proposed constitutional Treaty is somewhat ambiguous on this issue, excluding Treaty amendments altogether would unduly limit the effectiveness of the right of initiative and would risk rendering it worthless in the eyes of citizens. A further issue which will have to be addressed, possibly through an implementing law, is that of the compatibility of initiatives with the Treaty, including the Union's core values and fundamental rights. Clarity in this respect is essential, not only to prevent misuse of such an instrument, but to inspire trust in it.

Misplaced criticism

Second, the issue of verification of signatures featured prominently in discussions following the Oneseat campaign. The criticism voiced is largely misplaced, given that all valid signatories confirmed their signature by email a second time, thus excluding any bogus email addresses. Any shortcomings noted in the Oneseat signature collection process, for example the lack of details on the domicile of signatories, should be seen in the context of the lack of rules regulating such an exercise. It is unduly formalistic to refuse any examination of such initiatives on the grounds that total accuracy is not achievable. In Switzerland, for instance, trials have been taking place for several years which allow local communities to express their views on initiatives using a secure internet server or even text messaging.

Third, the question of the legal status of citizens' initiatives has become particularly acute at EU level. The 2006 'Duff-Voggenhuber' report suggested introducing a right of initiative by revision of the institutions' rules of procedure or by an inter-institutional agreement, whereas the French president proposes to include it in an institutional "mini-Treaty". It is noteworthy that the Parliament's own right of legislative initiative, on which the citizens' right of initiative was modelled, itself derived from mere institutional practice, only later to be incorporated into primary law. The same pattern emerges if we

examine the right of access to documents of the EU institutions. However, any procedure based on 'soft' law can only be a first step in a gradual process. What is perhaps most striking in all this is the discrepancy between the citizens' enthusiasm on the one hand and the lack of a framework for the exercise of participative democracy on the other. Such a situation risks creating frustration, with citizens being told that they have "got it wrong". If the European Union does not provide itself with the means of dealing with citizens' initiatives, it would actually hamper transnational discussions focused on concrete issues, and even the possible emergence of a European demos. A solid legal framework and proper administrative procedures designed to deal with citizens' initiatives are therefore urgently needed. In this respect, the Initiative and Referendum Institute's "Key Recommendations" are crucial. In the European Parliament, one could envisage an upgraded "Petitions and Initiatives Committee", which would be better suited to dealing with such initiatives and which could serve as a single contact point between citizens and their Union and its institutions.

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Dialogue is a two-way process

When citizens can see that the issues they have been able to place on the EU agenda by means of a citizens' initiative are then being debated and decided by the appropriate EU institutions, their interest in European issues will be significantly enhanced, forecasts Jo Leinen.

On the occasion of its 50th birthday, the European Union could look back on a long and successful history of integration, peace, stability and prosperity. But the integration process has ground to a halt. For Europeans, the extension of inter-state collaboration is no longer to be taken automatically as something positive and worth supporting.

The political developments of recent decades convinced the governments of the EU member-states that a whole series of challenges – in the fields of the environment, consumer protection, the fight against terrorism and crime, for example – were best tackled at the EU level. That is why these issues, plus the wide-ranging economic matters, are debated and regulated at the European Union level. Almost 80 percent of all the laws and directives at national, regional and municipal levels in Germany are no longer decided in Berlin, but come straight from Brussels or Strasbourg.

The positive economic trend within the EU and the EU-wide successes in areas such as food safety, health protection and the fight against drug-trafficking are tokens of the success of the European project.

But there was a failure to inform citizens adequately about the new developments, requirements, decision-making processes and rules of the game at the EU level. There was strong criticism of deals being done “behind closed doors” and of the lack of transparency in the decision-making processes which led to the Maastricht, Amsterdam and Nice treaties.

The EU responded by setting up a convention consisting of representatives of the European Parliament, the national parliaments, national governments and the European Commission, charged with debating and producing a new draft treaty for the EU. This was accompanied by a dialogue with civil society. This open process meant that every citizen had a better opportunity of taking part in the debates on the future of Europe. The citizens' suggestions were listened to and often taken up into the draft treaty.

Paradoxically, it was just that part of the treaty which would finally have given the EU a way of working that was closer to the citizens, more democratic and more transparent which was rejected by the negative outcomes of the referendums in France and the Netherlands: innovations which provided for new instruments, such as a new right of initiative for European citizens.

This right creates a new way of launching Europe-wide campaigns on different political issues, giving civil-society groups greater political influence on the EU in pursuit of their various concerns. Citizens can call upon the Commission – which has the sole right of initiative – to put forward a proposal for a new law. According to the draft treaty, the citizens' initiative must be signed by at least one million citizens from a number of member states.

“We are responsible for each other”

The German novelist Heinrich Mann said: “The essence of democracy is the recognition that, at the social level, we are all responsible for each other”. A democracy is only really alive when lots of citizens can be and are actively involved in it. There has clearly been an inadequate provision for such

involvement at the European level so far.

The period of reflection and dialogue between the EU and its citizens has demonstrated the need for more participative democracy as a complement to the representative, parliamentary system. The EU is nothing without the values to which it is committed – first and foremost democracy and the rule of law. But these values cannot be implemented unless the citizens of the EU share them and put them into practice in their lives.

It is the active involvement of citizens which strengthens cohesion in societies everywhere – whether at the local level or the European level. For that involvement to flourish, the right conditions must be created.

If the EU is to regain the backing of its citizens, it must develop and promote policies aimed at creating a Europe which is “close to its citizens”. After five decades it is now time that Europe finally moved on from being a project primarily focussed on government and economic structures to being a project of the citizens. There is still far too little discussion about European politics. The European Citizens’ Initiative can help to change that and to create a Europe in which the citizens are informed about decisions and processes and have a positive attitude to political ideas and proposed solutions, especially when these affect them directly. Knowledge and information, plus greater transparency in the decision-making process, are the essential preconditions for citizen involvement.

Polls show that citizens are definitely interested in European issues. In some areas, such as foreign policy, they even expect the EU to play a more active role. Even though the European Citizens’ Initiative does not yet have formal approval, 20 signature-gathering initiatives have already been launched – clear evidence that the interest and the demand for involvement are there.

From Consultation to Co-decision

The substance of the constitutional treaty should be accepted, in order that the functioning of the EU can be improved, the citizens can become more involved and the gap between the European institutions and the citizens can be closed.

In fact, the possibility for active participation in decision-making already exists. The European Commission produces so-called ‘Green Books’ on a wide range of issues – such as maritime policy, youth and employment law. The proposals for EU policy contained in the Green Books can be commented on, added to or critiqued by any EU citizen. The views and suggestions expressed in this open consultation process are taken into account when the various policies are being formalised. To be sure, in this way of doing things the citizens have to wait until the Commission takes up a particular subject area or issue; not until the new treaty is in place will they be able to participate directly by putting their own issues onto the EU agenda.

The requirement that initiatives be supported by at least 1 million signatures coming from a “significant” number of member states will help in the formation of a ‘European public’. Initiative committees will have to work across borders and gather support for their issue in other countries. A transnational perspective will be required, making it necessary to learn more about ones European neighbours and also become more sensitive to their interests and concerns. These are the first vital steps on the way to a European political identity and to a genuine EU citizenry.

When citizens can see that the issues they have been able to place on the EU agenda by means of a citizens’ initiative are then being debated and decided by the appropriate EU institutions, their interest in European issues will be significantly enhanced.

Communication between the EU and its citizens cannot be a one-way street. If it is made possible for people to be actively involved in the political work at the European level, and if they can use elements of participative democracy to gain a hearing for their concerns, their interest in and acceptance of the European project will grow. Greater public support can only be an advantage for the EU.

The EU is part of the global competitive market. It will only be able to hold its own - in terms of its values, ideals and goals - against other players such as the USA and China if it is backed by its citizens.

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The signature verification challenge

The remarkable achievement of the "One-Seat" initiative was soured when the initiative was not only ruled invalid (because it dealt with an issue which was not held to be within the direct competence of the European Commission), but was heavily criticized for failing to ensure that the signatures, which had been mainly collected online, could be verified, assesses Paul Carline.

Unfortunately, the same criticism can be levelled at nearly half of the 20 initiatives which have been launched (cf. IRI Survey 2008: Table of the first 20 initiatives – only 9 of which have used, or are using, e-signature verification). The possibility that after all the time, energy and money expended by the initiative organisers and their supporters in the Herculean task of publicising their initiatives across the length and breadth of Europe and collecting at least 1 million signatures – no mean feat – many initiatives could be rejected because of a lack of verifiability of the signatures strikes at the very heart of the newly-born and still very vulnerable instrument of the European Citizens' Initiative.

This tiny, but enormously significant, first step in the direction of participatory rights at the EU level – a revolutionary step, because it is the first experiment in transnational direct democracy – must be defended and protected with every means possible, especially at this strange stage in its existence, when it has no solid institutional or legal foundation, but exists primarily on the basis of the promises given by Manuel Barroso and Margot Wallström that ECI submissions would be accepted by the Commission (if they satisfied the basic rules) as if the constitutional treaty (and Art. I(47).4) had been ratified.

This is an issue which must be treated with some urgency. There is now the expectation that the drafting of the new 'reform treaty' will be completed later this year (at an IGC), in time for the ratification process to be finished before – or together with – the next EU parliamentary elections in 2009. Assuming that the basic form of the ECI will be left unchanged, there will still need to be some kind of 'implementing legislation' (though it will no longer go under the label of a 'law': 'laws' having now been 'outlawed', along with the symbols of the EU as a supranational entity with legal status – a potentially worrying move away from the direction of a federal Europe and a 'European citizenship', and a return to older, and cruder, ideas of the EU merely as a trading club of sovereign nation-states).

Precise guidelines for signature verification

It is essential that any such implementing regulations/directives – or whatever the institutions choose to call them – should include precise guidelines for the conduct of the ECI, and specifically on the issue of signature verification. Since it was the Commission itself which first drew attention to the issue of digital signatures some ten years ago¹, initiating valuable research into ways of securing public, institutional and commercial confidence in the mushrooming area of electronic communication, it would seem appropriate for the Commission now to take the lead in ensuring that ECI initiators have a viable and legally sound basis on which to work.

In October 1997, the Commission announced a proposal (COM(97), 503) relating to "Security and Trust in electronic communication – Towards a European framework for encryption and digital signatures". The proposal for a directive was published the following year (OJ C 325, 23.10.1998). At this time, several member states had already introduced, or proposed, national electronic signature legislation – the rationale being primarily, or even exclusively, in terms of promoting electronic commerce. There was a concern that, from an EU perspective, there was a risk that separate national legislation

¹ Commission proposal dated 08/10/1997 – (COM(97), 503): "Security and trust in electronic communication – Towards a European framework for encryption and digital signatures".

based on differing requirements would hold back the effective establishment of the internal market. As the Commission's 2006 report states: "Avoiding disruption of the internal market in an area considered critical to the future of electronic transactions in the European economy was at the basis of the proposed harmonisation measures. One of the central requirements was the need to clarify the legal status of electronic signatures in order to ensure their legal validity, which was often questioned".

Directive 1999/93/EC² on a Community framework for electronic signatures was adopted by the European Parliament and Council on 13 December 1999. Its main aim was to create "a Community framework for the use of electronic signatures, allowing the free flow of electronic signature products and services cross border, and ensuring a basic legal recognition of electronic signatures".

The Directive referred to three kinds of electronic signature:

- **Basic:** the 'simple' form, used to identify and authenticate data. It can be as simple as signing an email message with a person's name or using a PIN-code. To be a signature, the authentication must relate to data and not be used as a method or technology only for entity authentication.
- **Advanced:** this form of signature has to meet the requirements defined in Art. 2.2 of the Directive. The Directive is 'technology-neutral', but in practice this definition refers mainly to electronic signatures based on a public key infrastructure (PKI). This technology uses encryption technology to sign data, requiring two keys: a public and a private one.
- **Qualified:** this is the form of signature referred to in Art. 5.1 of the Directive (the Directive itself did not use this designation: it is suggested as an appropriate term in the 2006 Report). The 'qualified' electronic signature consists of an advanced electronic signature based on a qualified certificate and created by a secure-signature-creation device. It has to comply with the requirements listed in Annexes I, II and III of the Directive.

Agreement on basic principles reached in all member states

The 'signatory' is identified in the Directive as "a person who holds the signature creation device and acts either on his own behalf or on behalf of the natural or legal person or entity he represents". Though the Directive does not state that the electronic signature has to refer to a natural person, the signatory of a qualified electronic signature can only be a natural person, as this form of signature is considered as the equivalent of the handwritten signature.

Art. 5.2 establishes the general principle of the legal recognition of electronic signatures established by the Directive. It requires Member States to ensure that the qualified electronic signature is recognised as meeting the legal requirements of hand-written signatures and that it is admissible as evidence in legal proceedings in the same way as hand-written signatures are in relation to traditional documents. The 2006 Report states that "all 25 Member States have now implemented the general principles of the Directive", but notes also that "there is as yet no representative case law that allows for any assessment of the recognition of electronic signatures in practice".

In July 2003, the Commission launched an informal consultation among all interested parties in order to collect comments on the operation of the Directive. It also commissioned a professional study carried out jointly by the Interdisciplinary Centre for Law and Information Technology and the Catholic University of Leuven into the "legal and market aspects of electronic signatures". The 263-page final report of the study³ was presented to the Commission in October 2003. It included the more than 200

2 Available at: europa.eu.int/eur-lex/pri/en/oj/dat/2000/l_013/l_01320000119en00120020.pdf

3 http://europa.eu.int/information_society/eeurope/2005/all_about/trust/electronic_sig_report.pdf

replies to a questionnaire, documents listing all relevant national legislation and case law, a scoreboard of national electronic signature applications, outlining their commercial and technical profile and level of conformity with the Directive, and a set of index cards outlining the legal status and practical applications of electronic signatures in all the countries surveyed.

In terms of the ECI, the core of the report comes in Section 1.2: **Findings and Recommendations**. The report notes:

"Most of the EU Member States have, more or less faithfully, transposed the Directive into national legislation. In addition, many of the non-EU countries surveyed have based their own electronic signatures and delivery of signature-related services legislation on that of the EU Directive. The Directive has even influenced international standardization initiatives [and] new terminology introduced by the Directive has been taken on board by the EEA countries, Switzerland, the Accession and the Candidate countries. [...] a number of issues have nevertheless been identified as problematic. These problems can mainly be attributed to a misinterpretation of the Directive's wording, which in turn leads to divergences in national laws and/or divergences in the practical application of the rules."

In respect of the implementation of Art. 3.7 of the Directive (which referred to a "public sector exception" allowing Member States to make use of electronic signatures in the public sector subject to possible additional requirements, the study identified *"divergences in both the interpretation and implementation of the provision. [...] in many countries the use of electronic signatures in the public sector is subject to additional (security) requirements. Communicating electronically with public authorities in many European countries is possible only through the use of signatures based on Qualified Certificates issued by an accredited CSP [Certification Service Provider]. Member States need to be reminded that applying additional conditions can only be justified by objective reasons and should only relate to the specific characteristics of the application concerned.*

As to the conformity assessment of secure signature-creation devices (SSCD), many countries seem reluctant to designate their own designated bodies for SSCD assessment. The process of assessing a product is usually extremely expensive as well as time-consuming [and] an assessment is usually only valid for a fairly short amount of time (the product needs to be re-assessed), and a conformity assessment 'freezes' a product so that it cannot be changed without invalidating the assessment.

The non-discrimination principle of electronic signatures, as regulated by Art. 5.2 of the Directive, has been taken over by most of the national legislators. However, the transposition of Art. 5.2 has not always been explicitly done, and in those countries with an explicit transposition the scope of Art. 5.2 has not always been covered in its entirety ... Thus, how electronic signatures will be treated in future national legislation and case law requires close monitoring.

No common rules for handwritten signatures

As to the legal effect of Qualified Electronic Signatures, there has been a general tendency in the majority of European countries to explicitly recognise the equivalence between a handwritten signature and a specific 'type' of signature by imposing the same, or slightly different, conditions than the ones stipulated in Art. 5.1. It is, however, important to know that the Directive ... does not regulate the legal use and consequences of a handwritten signature, and thus not the legal consequences of the Qualified Electronic Signature either. The legal use and consequences (which transactions need a signature, which evidential value is given to a signature, etc.) remains a nationally regulated matter.

Qualified electronic signatures need to be in compliance with the requirements as stated by the first three Annexes of the Directive. It is, therefore, important that the Annexes are correctly transposed into national legislation. The implementation of Annex I is very similar in most of those countries surveyed. The only risk

is related to interoperability problems which might occur if technical implementations of Annex I diverge .. The Commission should, therefore, promote the use of interoperability standards for the technical implementations of Annex I. For the implementation of Annex II, implementation levels are sometimes quite varying ... For the implementation of Annex III, there is also evidence of fragmentation. The requirements for SSCDs, for example, are much higher in Austria and Poland than in some other European countries. As far as Annex IV is concerned, Art. 3.6 is very clear. The list contains only recommendations which have to be taken into account by the Member States and the European Commission when they work together in order to promote the development and the use of signature-verification devices. They can certainly not be changed into obligatory requirements at a national level, as some Member States have done.

The implementation of the data protection rules of Art. 8 into national legislation apparently did not pose any real difficulties. Some countries, though, did not correctly implement Art. 8.2 of the Directive. [...] Further discussion also needs to centre on whether the stringent rules of Art. 8.2 for CPS-issued certificates to the public are realistic, given that most CSP data is obtained from third parties, such as a local registration authority. The use of a pseudonym in a certificate is allowed in all but two of the countries surveyed. Only Estonian and Bulgarian electronic signature legislation forbids the use of pseudonyms in their national rules on Qualified Certificates. Many countries explicitly require the disclosure of real names to the public authorities upon request and under strict conditions.

There is currently no natural market demand for Qualified Certificates and related services. The largest application area in Europe for e-signatures is generally linked to e-banking applications in a closed user environment, and thus outside the scope of the Directive. Within the scope of the Directive, very few applications are in use today and they are almost completely limited to e-government.

The lack of interoperability, both at national and cross-border level, is a big obstacle for market acceptance and the proliferation of e-signatures. It has resulted in many 'islands' of electronic signature applications, where certificates from only one CA can be used for one application. Only in a few cases can certificates from multiple CAs be used for multiple applications. Much more should therefore have been done earlier at a European level to promote interoperability.

The Ball is with the Commission

The primary aim of the Directive was to create a Community framework for the use of electronic signatures, allowing for the free cross-border flow of products and provision of services, together with the basic legal recognition of electronic signatures throughout the EU. This objective has clearly not entirely been met. However, this negative situation is not necessarily the fault of the Directive, but rather due to the way in which it has been implemented by the Member States. Some of the Directive's provisions seem to have been, in part, misunderstood and the Member States, when transposing the Directive into national legislation, have not always taken the European perspective of the new regulatory framework into account. It is therefore our impression that, at this moment, there is a primary need for a consistent, clear and workable re-interpretation of the provisions of the Directive.

In our view, the Commission needs to first and foremost examine how a more "Community-focused" interpretation of the Directive could be supported. Of course, the ultimate judge on the correct interpretation of European law provisions rests with the European Court of Justice. At the same time, however, the Commission is in a position to issue a non-binding document which could considerably influence the electronic signature scene in Europe. Such an instrument could be combined with realistic accompanying measures capable of being implemented in the short term.

- *The Commission should emphasize the conditions that are needed before the Member States can use the "public sector exception" of Art. 3.7 of the Directive. Member States should be made aware that the non-discrimination rule of Art. 5.2 of the Directive applies not only to the private, but also to the public sector.*

- *The Commission should examine in more detail the compliance of certain e-government initiatives, not only in relation to the Electronic Signatures Directive's provisions, but also in relation to general EU competition rules ..*
- *More generally, it is necessary to perform a more detailed study on the Internal Market consequences of the e-government programmes of the Member States. There is a clear danger that these programmes will result in national barriers, fragmentation and lack of interoperability.*
- *Efforts towards improvement of interoperability between e-government programmes and particularly between their electronic signature applications should be supported or initialised at a European level.*
- *The Commission should promote or arrange a European forum for electronic signatures, directed towards CSPs, product vendors and application providers in order to stimulate development and use of standards, possibly also the setting up of interoperability testing facilities.*
- *The Directive is very strongly focused on one business model which was the centre of attention from 1998 and 2000, but which has progressively been replaced by a much more heterogeneous and complex market situation. The regulatory framework thus includes, for example, quite detailed rules for certificate providers, but does not deal with other categories of certification providers. The regulatory needs relating to other categories of trust service providers are nevertheless at least as urgent as those with regard to certification service providers.*
- *Last but not least, it is necessary to combine electronic authentication with personal data protection. The current European regulatory framework is very much focused on the use of identity certificates. In recent years, attention has shifted towards better privacy protection in the online environment. Research has been done on various possibilities which combine electronic authentication with the needs for anonymity or the use of multiple virtual identities. The efforts of the EU to promote advanced personal data protection for its citizens should not be contradicted by its regulatory framework for electronic authentication. Closer examination is needed on the possibilities of combining anonymity and pseudonymity with the provisions of the electronic signatures Directive."*

Making the democratic infrastructure a priority

It may be argued by some that much of the foregoing is irrelevant to the question of verifying digital signatures in the context of European Citizens' Initiatives. I would maintain, however, that the arguments for standardisation and interoperability apply just as much to ECIs as they do to the selling and purchasing of goods and services. Indeed, I consider that the need to create an efficient, safe, user-friendly (and, if necessary, anonymous) infrastructure for both national and pan-European applications of democracy should have at least as high a priority as commercial applications. Several of the study's recommendations are equally relevant to the issue of the use of e-signatures at local, national and transnational levels within Europe.

Taking up the history again, 2004 saw the publication of an "action plan for the implementation of a legal framework for electronic public procurement". Nothing more was heard from the Commission until 15 March 2006, when a "Report from the Commission to the European Parliament and Council: Report on the operation of Directive 1999/93/EC on a Community framework for electronic signatures" was published (COM(2006) 120 final).

The report states that it based itself in part on the 2003 study and on the outcome of the informal consultations. In view of the considerable reservations expressed in the study's findings and mirrored in its recommendations – specifically its statement that "there is a primary need for a consistent, clear and workable re-interpretation of the provisions of the Directive" – it is somewhat surprising to read (in the Commission's report) that "the Commission considers that the objectives of the Directive have been largely fulfilled and that no clear need for its revision has emerged at this stage".

However, the Commission acknowledges the problems of "mutual recognition of e-signatures and

interoperability at a general level" and promises to organise a series of meetings with the Member States and the relevant stakeholders to address the following issues in view of considering complementary measures, where appropriate: the differences in the transposition of the Directive; the clarification of specific articles of the Directive; the technical and standardization aspects; interoperability problems.

Where is the promised report on eID initiatives?

The Commission further recognises that "The use of e-signatures in e-government services has already reached a certain volume and will probably be an important driver in the future. The strategic role of e-government applications is recognised in the i2010 initiative, which fosters the deployment and efficient use of ICT by the private and public sectors. The need for secure electronic means of identification to access and use public services is essential for citizens and businesses and will promote the use of electronic signatures. Different forms of eID will be emerging and will require some degree of interoperability. The Commission has set a high priority on eID initiatives

The Commission will continue to encourage the development of e-signature services and applications ... particular emphasis will be on interoperability and cross-border use of electronic signatures. The Commission will encourage further standardization work in order to promote the interoperability and use of all kinds of technologies for qualified electronic signature in the internal market. It will prepare a report on standards for electronic signatures in 2006".

The promised report is still outstanding. Had such a report been produced in 2006 – and had it taken into account the needs of the new European Citizens' Initiative – it might perhaps have prevented the risk of initiatives being disqualified on the grounds of the non-verifiability of e-signatures. There seem to be no good reasons why applications designed to ensure the safety and reliability of commercial transactions cannot also be used for e-signature verification for initiatives. The efficient and secure operation of democratic rights should surely rank as high in the list of priorities for the EU institutions as any commercial applications.

If the Commission genuinely believes that the ECI represents "real progress for direct democracy in Europe" – and genuinely wants to assist that progress – it will, as a matter of urgency, ensure that information on appropriate technology and acceptable standards for the verification of e-signatures is publicised and made available to NGOs and others throughout Europe. I will also take steps to ensure that national rules present no obstacles to signature collection and verification in any of the Member States. The whole application of digital technology to democracy – whether it be online signature collection, e-petitioning, or e-voting (potentially using a variety of methods – voting machines, online voting, even voting by mobile phone) – requires great care and attention if the security and reliability of this key area of citizens' direct participation is not to be compromised. There is already alarming evidence (from the USA) of the organised manipulation of electronic votes by political vested interests. The Swiss experience has shown that e-voting has the potential to significantly increase voter turnout. If electronic voting and signature collection are to fulfill their democratic potential, there needs to be a concentrated focus on ensuring the security, reliability and complete transparency of all the systems. This means in practice that they need to be within public control. There should be no question, for example, of private companies being allowed to claim commercial confidentiality on the voting software. Every aspect of the system must be open to independent, public scrutiny.

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Requirements for Online Public Opinion Polling

The first European Citizens' Initiative to be delivered to the European Commission with more than one million signatures had to face some tough questions about signature verification. The formal question is if online signatures can be recognized as valid signatures. A more general question is under what conditions could such an expression of public opinion be trusted at all, ask Klaus Hammermüller and Monika Milewski.

The “OneSeat” Initiative,ⁱ which collected over 1 million signatures online via a website, has been challenged by the European Parliament and the press. The formal question is whether these signatures can be recognized as valid. A more general question is under what conditions can such an expression of public opinion be trusted at allⁱⁱ.

The question of trust in the Internet is almost as old as the Internet itselfⁱⁱⁱ. There are many approaches which have led to technical solutions^{iv} and a legal foundation establishing trust and authenticating identity^{vi} in the Internet.

Some of them have found applications in our daily life - such as e-banking transactions, electronic stock market trading or legally binding digital signatures for documents^{vii}. More recently, legally-based technical infrastructures for e-voting have been used^{viii,ix}. These are often criticized because they tend to be either too complicated to be used by citizens or too prone to manipulation^x. A major concern is that every stage of a public vote should be transparent to all citizens - but e-voting can hardly be observed at all^{xi}, thus potentially leaving it vulnerable to interference and falsification.

Studies show that participation in public opinion polling is primarily a question of accessibility and usability. Technology can potentially help to build new, more accessible, user-friendly processes to enhance public opinion polling. The unresolved question is how to create new procedures that increase participation, reduce cost and at the same time retain the trust of the users. The “OneSeat” Initiative illustrates the difficulties of combining ease of use with an effective validation of the signatory's identity. So the challenge is to invent new processes which increase participation and reduce cost without eroding trust. There is also a more immediate challenge: to motivate people to voluntarily participate in an experimental process in the first place. There needs to be a “critical mass” of participants for any new process of public opinion polling to be recognized by the wider public. In addition, the new process needs to satisfy the same formal requirements as existing ones, though it does not need to rely on existing institutions or processes.

Old versus New Concepts of establishing Identity in an Online Context

Older concepts like the X.509 authentication standard^{xiii} rely on central institutions or authorities for establishing trust. These institutions are usually private and typically under the control of special interest groups, whether legislative, financial or political^{xiv}. As there are no alternatives, one cannot choose whether to trust or not to trust these institutions – one has to accept whatever they do.

Newer concepts like “the web of trust”^{xv} rely on the trust of people in other people they know. Proof of identity is validated through this network of people. Manipulation or fraud may happen but it can be detected, tracked down and quantified. This means that the “web of trust” is able to heal itself by isolating and excluding the area of misuse. Systematic models show that processes built on such collaborative efforts are based on statistical effects and work if more than half of the participants act truthfully and contribute correct information^{xvi}.

In any voting process there will be question marks over some of the votes, as e.g. the US presidential elections of 2004^{xvii} showed. One concern in the voting process is whether one can identify the votes which are uncertain and whether the impact on the result can be calculated. More generally speaking, a consistent transparency which makes it possible to track down any manipulation or failure is the foundation of trust.

Many e-voting applications do not satisfy this formal requirement of transparency and they do not increase accessibility and usability. On the contrary, those who are not familiar with technology are discriminated against – an effect known as the “digital divide”^{xviii}.

Suggested Requirements for Online Public Opinion Polling

An examination of identity providers reveals that current implementations can only prove that a participant “is” a directory entry. Digital credentials that can be reused at little transaction cost on various occasions, e.g. like a driver’s license in the real world, are not commonly used^{ix}. This is because the issuing institutions have a vested interest in “owning” the registered identities instead of allowing the participant to “own” his identity – and be able to use it in other places. One who uses different web-sites in the Internet has to register oneself again and again on different sites – be it an application like a Web-shop, a news-service, an e-mail account or a poll.

There is the need for a credential which is possessed by the participant and can be reused in the majority of possible applications. In theory the E.U. directive on electronic signatures^{vi} should introduce that credential. The practical national implementations so far have proven to be too complicated to be commonly used, both for most providers and most participants.

Summarizing the requirements outlined so far, an implementation of verifiable online identity in the context of public opinion polling might include the following:

- Participation would need to utilize communication channels which are available to everyone to avoid the digital divide: today the phone satisfies this requirement. The campaign phone number could be obtained from newspapers, the TV etc.
- Registering and validating the identity of citizens who voted can be done by building a “web of trust”. The Internet may be used by those who register the credentials of the voters. The voters themselves do not need internet access themselves – they just need to know one (or more) registering person(s).
- Participants would need to be able to vote and register as often as they please on a matter – but only the last vote would be counted. This allows people to change their minds – and strengthens the web of trust.
- All non-personal information – organizational, financial and technical – would need to be disclosed e.g. using the Internet. Personal information – including the votes – would need to be disclosed to the individual by an anonymous transaction code allowing voters to verify their own vote and report any discrepancy.
- The web of trust should be allowed to grow organically, without being centralised administratively – thus avoiding the danger of special interest influence. This is essential to keep costs under control, address the differences in a transnational audience and reach the majority of citizens.

This summary makes it clear that the requirements for an online credential-based verification system for public opinion polling are challenging. It also shows that a practical system can be found which is accessible, easy to use and cost-effective.

Discussion of Possible Implementation Scenarios in a European Context

Experiences with e-voting in different European countries imply that a “green-field approach” of simply injecting new technology rarely succeeds^{xx}. Ireland had to rethink its e-voting strategy after public rows. Test votes in Belgium and Germany damaged the democratic image of the authorities because they proved to be technically insecure^{xxi}. E-voting in Austria may fail because of an overly secure implementation which is very complicated to use. So far only >1% of the citizens have registered with the central identity establishing institution in years^{xxii}.

On the other hand, the success of the Swiss e-voting trials may be due to the localized approach selected:

- Local level authorities were encouraged to start individual pilot projects which could reflect differences in the local legal context and culture
- Existing services such as citizen registers were used where available
- The electronic option was made completely voluntary – it was just another way of participating in addition to the postal vote and the ballot box.

At the European level, local differences are likely to be even more striking than those between the Swiss cantons. Some places have no tradition of direct citizen participation. Some countries may not have usable registers or services. Some countries may have legal objections to creating such central registers at all.

On the basis of these practical experiences a European implementation should

- support the development of local solutions, following the successful Swiss example
- support transnational aggregation of voting results. This requires the defining of open standards and interfaces to connect the different local solutions
- encourage local citizens' initiatives to participate in the implementation process to achieve significant local participation

The polling of transnational public opinion across different cultures and languages is a novel application for public administrations. But in fact this is already performed on a regular basis in multinational corporations to improve productivity and operational fitness in dynamic environments^{xxiii}. Public entities like the U.N. are starting to use these different commercial tools to establish two-directional communication with the local population.

In a European context a formal interface between citizens' initiatives, which represent the most active demand for local citizen participation, and public institutions would be required. The “European Citizens' Initiative” website ^{xxiv} has taken some first steps in that direction in order to:

- provide a platform enabling European initiatives to approach E.U. institutions with a common perspective; provide advice to the initiatives on how to operate at the European level
- collate the experiences of European initiatives so as to identify success factors in building transnational citizen participation and create a context for useful standards and interfaces
- evaluate how to build a shared infrastructure to enable new initiatives to operate more efficiently in a transnational environment – such as a shared trust centre to collect re-usable validated online identities

This approach combines inter-organizational communication, academic analysis and practical value for the participating citizens.

Success Factors for Participation in Public Opinion Polling

Even if all the technical components are well implemented, without the social motivation to participate implementation cannot succeed. Success stories can be found in Switzerland and in those American states where there is direct participation by the citizens in setting and controlling the political agenda.

Popular demands to have a say prove that the motivation is there. Swiss practice shows that the citizens seldom interfere: the representatives' policies are rarely altered^{xxv}. What really matters is that the citizens are able to raise their voices if they wish to do so^{xxvi}.

This is shown by the fact that there is a positive correlation between the level of participatory rights and GDP. More participatory rights can add up to 15% extra GDP per capita by reducing wasteful and increasing beneficial public spending^{xxvii}.

One can assume that the feasibility of implementing such a participatory process depends not on technology but on more social factors such as:

- is the issue being addressed important in the eyes of the citizens? ^{xxviii}
- do the citizens believe that their participation matters?
- is the process accessible and (very) easy to use?
- do they trust the participatory process?

Most of the relatively few (less than 1 in 10) successful Swiss citizens' initiatives optimised the way citizens were able to participate. The citizens' initiative provides a tool for outlining a successful process for citizen participation.

Conclusion and Outlook

Establishing online identities which are sufficiently usable for public opinion polling is something which is still in the developmental stage. There is currently no clear solution which could be applied at the European level with an adequate probability of success. Local differences in cultural and legal legacies may cause a centralized approach to fail.

The successful Swiss example of implementing e-voting shows a possible solution in this situation through its support for local approaches to meet local needs:

- a useful starting-point for implementation might be local initiatives with a trans-national reach which successfully address local cultural and legal contexts
- a formal interface between European institutions and initiatives can help to integrate the first local approaches and provide advice to subsequent initiatives.
- European citizens' initiatives can be used as a tool for the incremental refinement of the process of transnational public opinion polling, as was done by the Swiss in shaping their system.

The ability to verify the identity of participants at reasonable cost is one of the cornerstones of successful pan-European citizens' opinion polling. Motivating the citizens to participate by enabling them to have a say if they wish is another.

The “European Citizens Initiative” website ^{xxix} has already begun to develop itself as an interface between citizens, initiatives and European institutions. It would be feasible to provide verified identities at reasonable cost by aggregating the efforts of local initiatives. Every extra initiative linking to that interface helps to strengthen the foundations of a new pan-European socio-political network which can be the basis for reliable and verifiable exercises in transnational democracy. If and when one of the European initiatives achieves a “critical mass” of participation, the initiative tool could attain a crucial level of public visibility and be recognised as a viable and successful means of citizens’ participation at the pan-European level.

i <http://www.oneseat.eu> launched by the Swedish Liberal MEP Cecilia Malmström. The initiative aims to stop the costly shuttling of the European Parliament between Brussels and Strasbourg, leaving Brussels as the only seat of the Parliament. The initiative quickly collected 1 million votes, but it has been ruled inadmissible because the issue is not within the competence of the Commission.

ii http://cyber.law.harvard.edu/home/uploads/514/2005_Rundle_BeyondInternetGovernance.pdf for an example of the debate about valid signatures which took off with the emergence of e-Commerce applications.

iii <http://www.research.ibm.com/journal/sj/423/huang.pdf> for an overview of the topic of trust in the internet.

iv Some propriety examples: Microsoft’s <http://passport.net> ; Google’s <https://www.google.com/accounts> ; Yahoo-ID and others ...none of them have an accepted identity holder outside their sphere of influence.

v open-source <http://openid.net> for lightweight single sign-ins over different websites managing multiple identities, or the <http://www.eclipse.org/higgins> framework as the basis of a more extensive approach.

vi E.U. directive on electronic signatures, in force since 19.01.2001, incorporated into national law in the E.U. member states: <http://www.europarl.europa.eu/oel/FindByProcnum.do?lang=2&procnum=COD/1998/0191>

vii for example the Austrian implementation of the E.U. directive on electronic signatures, the so-called “Bürgerkarte” <http://www.a-trust.at/>

viii Overview of some e-Democracy projects from Consultation to e-Voting <http://itc.napier.ac.uk>

ix The Swiss are furthest ahead in the practical application of e-Voting as the U.N. award at the 7thglobalforum.org shows <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan026198.pdf>

x An example of the discussion on usability and the potential of manipulation in the application of e-voting http://www.acm.org/announcements/acm_evoting_recommendation.9-27-2004.html

xi 45,000+ e-petition signatures to the German Parliament against the use of e-Voting devices. In terms of participation the most successful e-petition in Germany so far. http://itc.napier.ac.uk/e-Petition/bundestag/view_petition.asp?PetitionID=294 (the link shows only 29.973 because it had to be broken into two parts due technical reasons.)

xii <http://www.iri-europe.org/> “Guidebook to Direct Democracy 2007 Edition”

xiii <http://www.itu.int/rec/T-REC-X.509/en> describes open public-key and attribute certificate frameworks

xiv The Internet, for example, relies heavily on the ICANN organisation (<http://www.icann.org>) which is responsible for the global coordination of the Internet’s unique identifiers and is an American organization.

xv http://de.wikipedia.org/wiki/Web_of_Trust, example for an implementation of a “Web of Trust”: <http://www.cacert.org/index.php?id=12>

xvi Infotopia, “How Many Minds Produce Knowledge” Cass R. Sunstein, Oxford University Press, 2006

xvii http://en.wikipedia.org/wiki/2004_United_States_presidential_election_controversy many links here to follow up the controversy ...

xviii Pippa Norris, “Digital Divide”. Cambridge: Cambridge University Press. 2001

xix Follows the discussion on <http://www.identity20.com> - a blog about implementing reusable online credentials which can be reused on different sites. Look out for the early June 2007 postings.

xx Monika Milewski “E-Voting and the Necessity of a Contextual Analysis”, Vienna School of International Studies, 2004

xxi The reprogramming of the used e-voting machines into chess machines within less than 5 minutes of unobserved access to the machine was given much room in the local press.

xxii The “Bürgerkarte” which allows participation in e-voting is issued by A-Trust. No more than 50,000 citizens have activate their “Bürgerkarte” so far.

xxiii The global “jam sessions” of IBM would be one example. HP, Google and Microsoft are using similar tools, each with a specific focus.

xxiv <http://www.citizens-initiative.eu>

xxv <http://www.iri-europe.org/> “Guidebook to Direct Democracy 2007 Edition”

xxvi <http://www.iri-europe.org/> “Guidebook to Direct Democracy 2007 Edition”

xxvii See <http://www.iri-europe.org/> “Guidebook to Direct Democracy 2007 Edition”

xxviii The criteria may be if the citizens can start the process of participation in the first place.

xxix <http://www.citizens-initiative.eu>

Learning from initiatives without a legal basis

Twenty European Citizens' Initiatives have been launched since 2006. As they are being conducted in a legal vacuum, these initiatives must be innovative and creative and openly face the problems they are encountering. *Reflections by Jordi Gasset Paris.*

There is no magic formula for guaranteeing a successful initiative. From the experience of the initiatives already launched, it seems clear that, no matter how well-motivated and actively pursued any initiative may be, some (often) unavoidable problems will have to be overcome. Citizens' initiatives need to be aware of such difficulties in order to be able to put forward, in advance, counterbalancing measures which should help them to improve their performance and, also, to design more reliable and clear guidelines to be followed when pressing the EU to implement legislation on citizens' initiatives. It does not seem to me pretentious to suggest that it is always easier and more profitable to learn from the difficulties than from the successes. It makes sense to point to both existing and potential problems, so that efforts can be made to find the best solutions to them.

Transnational Campaigning

Europe-wide initiatives represent a stepping-stone to a new model of democracy: transnational democracy. The nation-state is no longer the sole recipient of individual citizens' demands but, instead, a new form of political organisation becomes the target of the requests: the EU. Therefore, one of the first tasks that needs to be undertaken by the European Citizens' initiatives is to overcome the deeply internalised conception of national campaigning: Europe-wide initiatives will have to involve representatives from different countries (if not all) of the EU. This transnational framework requires each initiative to adapt and to take into account a diversity of political cultures, national perspectives (deriving from history, geography etc.) and national legislation. Such differences are one of the most characteristic features of the EU. To suggest at this moment that there already exists a widespread sense of European identity seems slightly disingenuous. European Citizens' Initiatives will have to work within this heterogeneous context. One might well ask how any initiative can be successful in such a multifaceted arena. Which solution would have the best chance of coping with this situation? Perhaps the answer to the problem lies in the very nature of European Citizens' initiatives: such initiatives are, and need to be, issue-focused demands or proposals and not overblown political manifestos. Their scope of action has to be as narrow and constrained as possible, focusing on a particular and clear objective; if it does not do this, an initiative might experience the need to transform wide and abstract demands into some more country-specific issues (as has already been experienced by some of the initiatives), subsequently altering and undermining its original goal. An initiative with very wide demands might see its objectives understood differently in the various countries where it operates and thus might find itself working for a rather vague and undefined objective. A sense of practicality, which discards over-demanding and undefined objectives, should be very helpful in furthering initiatives' goals.

Diverging interest levels

A second problem might appear when the interest of a particular national society in relation to the issue raised by the initiative is rather vague or non-existent. It might happen that not all countries' societies will be concerned about the issue put forward by the initiative or, perhaps, the population's awareness of the issue is lower than had been expected. This might result in the creation of wide gaps in response levels between countries (another problem already hampering some of the initiatives). In a political scenario where proportionality and representation are the order of the day, concerns about such gaps might arise. Two problems appear here: first, some initiatives might find it hard to disseminate

their campaign in particular countries, and second, the effort put into doing so might be exhausting and unproductive. The question that needs to be answered here both by those launching initiatives and by those legislating on them is whether it is essential to have some proportionality or whether it can be acknowledged that levels of interest will vary from country to country across Europe, resulting in widely differing signature levels, with implications for the conduct of the initiative campaign. Those legislating on the ECI should take this issue into consideration when establishing the preconditions for accepting an ECI. Citizens' initiatives, being issue-focused, might need to give priority to those most affected by them rather than trying to ensure a more even geographical spread. The same initiative and the aim it pursues should define the representation basis/standards.

The financial challenge

Apart from the 'external' problems presented in mounting a transnational campaign, a number of 'internal' problems can also influence the creation and development of citizens' initiatives. Budget constraints are obviously one of the most important hindrances to the development of such initiatives. Citizens' initiatives are not profit-seeking organisations, nor do they have anything to do with the lobby system. However, even with the most active and committed members and supporters, ECI's will have to do some serious budgeting and possibly fund-raising. It is best if these priorities are tackled during the early stages of the project.

The organisational features and characteristics of these initiatives have also to be analysed. Citizens' initiatives are, as the name says, created and promoted by individual citizens. Though this is certainly true, and citizens have to be the core of every initiative, there are different ways of gathering support. Most of the initiatives are formed by a mixture of already established organisations, civic associations and private individuals. To ensure some degree of efficiency, every initiative should have some sort of organisational structure: task-sharing and efficient coordination are essential to success. Co-ordinating such multi-faced initiatives is not an easy task. Some of the organisations which support the initiative may have political and organisational attitudes that have to be overcome in order for everyone to pull together for a common cause. Not all the organisations, associations and individual supporters will have the same resources or have the same commitment to the initiative, so all these working-rhythms will have to be managed efficiently by some sort of coordination team/teams.

Communication

Supporting associations and organisations may join the initiative at different points of time, potentially requiring the application of different time-frames in order to allow late-joiners to catch up with already active organisations. In a transnational political arena such as the EU it will be very difficult for an initiative to gather and mobilise individuals and organisations at a homogeneous and stable pace, so the catch-up effect should be borne in mind when launching an initiative.

This atomised nature of the citizens' initiatives will also demand very strong management of the communication and information flows. As already experienced by many of the existing initiatives, information gaps are one of the biggest hindrances to the good performance of an initiative. Ensuring regular and stable communication channels can enhance the reach and the development of an initiative, especially in a context where geographical conditions might be seen as a constraint. Holding regular meetings is likely to be more difficult at the European level, so the creation of efficient channels of communication is a vital part of the organisational effort.

E-opportunities and -limitations

Early experience suggests that logistic and technical problems are also one of the major concerns

of initiatives. Some of these problems relate to the already mentioned difficulties posed by this first experiment in transnational democracy. Campaigns have to cope with the major challenge of dealing with many different languages, requiring extensive translation services – not always easy to secure at minimal cost.

One of the most reliable and efficient ways of publicising and promoting citizens' initiatives is through the internet and other digital means. These have proved to be very useful in the signature gathering process, as well as in establishing reliable communication channels. Priority, therefore, should be given to securing a minimum team of web-design-literate individuals. This is not to suggest that an initiative cannot be successful without the use of these technologies. Traditional word-of-mouth promotion and paper collections of signatures (not to mention some more imaginative ways) can still be worthwhile ways of pursuing an initiative, though these are likely to be more time- and energy-demanding than their electronic counterparts. The latter, however, while offering greater efficiency and effectiveness, bring with them their own problems. There is as yet no agreed legal framework for ECIs, but it is clear that within the necessary implementing regulations which will have to be worked out at the EU level, careful attention must be given to how electronically gathered data, such as signatures, can be verified. One of the initiatives presented in this 2008 IRI Handbook was strongly criticized for its inability to prove the validity of its digital signatures. Such a challenge, already experienced by one of the initiatives, should serve as a wake-up call to the rest of the existing (and forthcoming) initiatives to put in place measures which can meet possible objections from the EU bodies.

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Part Three: Prospects for Transnational Democracy

A Way Forward - Towards a More Democratic European Union

Getting the people onboard with the struggling European integration process requires genuine transnational leadership skills, which many governments within the EU do not seem to have. However, there is a way forward. We need both bigger options for member states and greater opportunities of participation for citizens, suggests Bruno Kaufmann.

With a rhetorical trick, the heads of state and government tried to bypass a key issue at the recent 50th anniversary summit of the European Union in Berlin: “We, the citizens of the European Union, have united for the better”, the Berlin Declaration reads and concludes by promising “a renewed common basis” by the next EU Parliament elections in June 2009. But in reality, the intention is to instrumentalise the mood of celebration in order to bring back the ‘good old days’ of European integration, when the peoples of Europe were happy to live without the prospect of war and concentrate on increasing their personal wealth with no ambition to disturb their leaders’ hard work of taking the common institutions forward.

Today we are living in a quasi-federal and quasi-constitutional polity with 27 member states which produces up to 80% of the member states’ laws and which increasingly plays a major global role in issues such as climate protection, security and health. As there are no historical precedents or established ways of both democratically and efficiently governing such a transnational body, the EU must develop its own political system. Learning by doing is the method – or sometimes even by burning, as when the French and Dutch voters shot down the first constitutional drafts in their 2005 referendums.

Almost 50 referendums in 25 countries

Popular votes on European issues are no new factor in European integration politics: since 1972 almost 50 nationwide referendums in 25 countries have taken place. The subject matter included mainly membership treaties (30 votes) and constitutional amendments (16 votes). In most cases the citizens, who normally turn out in high numbers (66% on average), approved the proposed steps. However, on certain votes the opposition prevailed. As - under the principles of international law - EU treaties can only be amended when all member states ratify them, ‘No’-majorities in a single country had consequences for the whole of Europe. While the Danish 1992 ‘No’ to Maastricht and the Irish 2001 ‘No’ to Nice could be overcome by bilateral amendments with these countries, the French and Dutch ‘Noes’ to the constitutional treaty have produced the need for a “renewed common basis”.

The requirements for such a new foundation were already outlined in the 2001 Laeken Declaration, in which the EU leaders agreed to let a constitutional convention develop a framework programme for a “more democratic, more transparent and more efficient” European Union. The results of the 14-month long deliberations were not bad, but not good enough to take the citizen test – a referendum was finally announced in only 11 out of 25 member states at that time. While some leaders simply do not like the idea of letting the people decide on major issues, others – like the former President of the EU Parliament – argue that EU-related referendums “give an answer to everything else but the question on the ballot paper”. In other words: many leaders simply do not approve of referendums as a useful means of ratifying EU treaties and try to do everything possible to avoid them in the future.

“Direct democracy is the better method”

This is a bad strategy as the argument is not soundly based. In fact, extensive recent research

projects – conducted for example at the European University Institute in Florence – furnish evidence that referendum votes on Europe in Europe predominantly deal with the subject matter in hand: “Direct democracy has fostered a high degree of politicisation of integration”, is Alexander Trechsel’s summary of a large empirical research project on “first and second order referendums” (www.dd-la.ch/download/Glencross_Trechsel.pdf). Glencross and Trechsel conclude that “direct democracy is, in comparison with EP elections, a better method for allowing citizens both to participate in the political construction of Europe and hold their elites accountable for the integration process”.

While the basic need for the establishment of direct-democratic instruments within the political systems of the EU was endorsed by the constitutional treaty – in its proposal for an EU citizens’ initiative right for one million citizens from several member states (Art. I.47.4) – the actual use of national referendum votes as part of the ratification process is far from well-balanced. One basic imbalance is the fact that not all EU citizens in all member states have the right to vote and there is no transnational coordination or framework for the voting process. An analysis of EU integration history suggests two major phases (Treaty and Constitution) with three forms of referendum in each, plus a transformation phase - the constitutional treaty phase.

From Treaty to Constitution

Established as a purely inter-governmental cooperation, the European integration process did not offer any referendum votes at all during its “treaty light” phase. This changed in the 1970s, when a “treaty standard” procedure was introduced by membership entries like those of Ireland and Denmark. New memberships increasingly became a standard issue for a referendum vote. In addition, the growing public debates triggered consultative votes on related issues such as enlargement (France), or constitution-making proposals (Italy). In the mid 1990s a “treaty plus” method was established, which put the most important issues of EU integration to a referendum vote in at least one of the member states – which therefore got a de facto right of veto for the whole EU.

The lesson from the Irish “no” to the Nice Treaty was that the growing call for more democracy and transparency on the transnational level had to be embedded within a new institutional framework, later called the “constitutional treaty”. This mixture of old and new introduced (in 2005) a transformational form of referendum - the constitutional treaty votes. Basically uncoordinated and underestimated – the Dutch government, for example, deliberately omitted to campaign for its proposal – it was no surprise that citizens in several countries did not agree with the proposed draft. But there is no doubt that a huge majority of EU citizens want to have a say on the subject. In summer 2007, opinions polls commissioned by the British think-tank Open Europe revealed that more than 80% of Europeans would like a referendum on the new Reform Treaty.

Tab. The European Referendum Framework in the past, today and in the future

<i>Timeline</i>	<i>Status</i>	<i>Legal Basis</i>	<i>Majority Rule</i>	<i>Remarks</i>
1950s-1960s	Treaty Light	N.N.	N.N.	“Monnet method”
1970s-1980s	Treaty Standard	Member states	Unanimity	Irish and Danish innovations
1990s-2004	Treaty Plus	Member states	Unanimity	De facto mandatory votes on membership and treaty changes
2005	Constitutional Treaty	Member states	Unanimity	First order referendums”

2006–2009	Constitution Light (Reform Treaty)	Member states (first elements of EU referendum legislation?)	Unanimity (with possibility for approval majorities to go ahead)	Europe-wide referendum linked to the EP elections
2010s (?) -	Constitution Standard	European Union (combined with MS legislation)	Double majority (MS & citizens) with comprehensive opt-out possibilities for MS	Votes also triggered by citizen initiative procedures (?)
?	Constitution Plus	European Union (in cooperation with MS)	Double majority with limited opt-out possibilities for MS	Fully established modern transnational democracy

It is more than obvious that both the framework method as well as the referendum form must be developed further in order to ensure basic requirements for democracy, transparency and efficiency. And it would be a major mistake to just concentrate on the efficiency issues, as is so often proposed by leaders within the EU institutions and member states. Otherwise most people will see no other option than to fight the EU as such – or to fall into deep apathy. As both of these negative reactions are unattractive to anyone who appreciates the EU’s peaceful and democratic record, German philosopher Jürgen Habermas - a long-time promoter of deliberative democracy - has proposed (in a interview published by the Deutsche Presse Agentur) a first Europe-wide referendum on selected issues such as “an independent financial basis and a common foreign minister”. Habermas has stressed that “for Europe [this] will be the only chance to consolidate the Union”. Such a vote, to include all EU citizens, would however mark a “constitution light” referendum, whose main new feature would be its Europe-wide character, while the legal basis for the votes would remain with the member states. With such a procedure a bridge from the “constitutional treaty” framework to a “constitution light” framework could be made, offering both a more democratic foundation for the Union and additional options for opt-ins and -outs for the member states.

Towards a better informed debate

As a next natural step in the genesis of transnational voting procedures on substantive issues a “constitution standard” referendum method could be considered, which would combine Europe-wide referendum votes with binding outcomes on those countries in which a new constitution had been accepted by a majority of the citizens. This would, however, be the last phase within which the current veto rights of each member state would prevail. A further development of the European Union’s basic laws would include double or qualified majority requirements for common decisions including a “constitution plus” referendum procedure.

Learning by doing – and sometimes by burning. This process will no doubt continue in Europe. There is no way back to a time when European treaties were made in secret, negotiated by governments and ratified by parliaments only. While the need for direct-democratic elements within the EU’s representative democracy is widely accepted, the methods and ways of designing, improving, expanding and implementing these elements are still in need of much greater development. This includes a step-by-step approach to the use of referendums on Europe in Europe and the establishment of strong transnational citizens’ initiatives procedures as proposed in the constitutional treaty. And last but not least – we need

a much better-informed debate and practical work around one of the most challenging developments in democratic history, including know-how on direct-democratic delivery and the need for a proper direct-democratic infrastructure beyond the nation-state. We have to dare more democracy in order to bring Europe forward!

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Amending the new Reform Treaty

The failure of the “Constitutional Treaty” must not be allowed to undermine and discredit the entire constitutional project as such. Andi Gross outlines a way in which the EU Citizens’ Initiative right could be incorporated into the forthcoming Reform Treaty.

Switzerland has never been as close to the European Union (EU) in institutional and legal terms as it is today – and yet at no time in the last 50 years have so many Swiss felt so remote from European integration as they do now, in 2007. This is at a time when Swiss politics, and especially the working lives of most Swiss people, are connected to Europe and the EU more closely than ever before by over 20 major international treaties and several dozen smaller agreements.

But just as modern Switzerland owes not only its successful foundation as a liberal state in 1848, but also its entire subsequent existence and identity, to Europe, so it is also true that, without Europe, Switzerland will not be able to remain the country it would like to be. It’s only a few bankers who are not horrified by the idea that in 50 years’ time Switzerland could be the new, big ‘Monaco’ of Europe. So the future political shape of the EU is something which should matter to us. Indeed, we ought to acknowledge the fact that we have experience of a number of things in our country which could be of practical interest and assistance for the future of the EU. And we might think about the right moment for inserting that experience into the European debate on how to overcome the constitutional crisis which has hung over Europe for the last two years.

That moment has arrived. In mid-April 2007, the then prime minister of the United Kingdom, Tony Blair, explained to representatives of seven major European newspapers where he believed a consensus between the 27 heads of state and government could be reached. This was in close agreement with Angela Merkel, German Chancellor and then president of the EU, who was grateful to Blair for his intervention. Even before Nicolas Sarkozy’s victory in the French presidential elections, they had anticipated his argument for a new “mini-treaty” and linked it to their own strategy.

The core of the consensus between Merkel, Sarkozy, Blair & Co. was: abandon the European constitutional project and restrict matters to implementing a new “simplified reform treaty” as a basis for the improved functioning of the union of 27 states. And that is what was decided after a long night in Brussels at the end of June. The details would be clarified by the time of the informal summit in Portugal in mid-October. Then it would be a matter of convincing the national parliaments by the end of 2008, so that the new Reform Treaty could enter into force by the time of and with the next elections to the European Parliament on 14th June 2009.

The small, but subtle difference

After the close of the Brussels summit at the end of June, it was only a few of those familiar with the subject who pointed out the large qualitative difference between a treaty and a constitution. And even fewer are aware that the present abandonment of a real constitution cannot be allowed to be the end of a European constitutional project which has been earnestly desired and striven for by the most committed Europeans ever since 1941. It would be a disaster both for democracy in general and for European politics in particular if the constitutional test-balloon – sent aloft between 2001 and 2005 with indecent and unconsidered haste under the hegemonic control of governments, only to be shot down by the two referendums in France and Holland – were to have fundamentally discredited the idea of a European constitution.

A constitution has been understood as the foundation of any democracy, the expression of popular sovereignty, and the sole source of legitimate political power since the American (1776) and French (1789) Revolutions. Since the time of the pair of friends (one from each country) who became the leading pioneers of democracy – Tom Paine from Philadelphia (1737-1809) and Marie Condorcet from Paris (1743-1793) – it has also been acknowledged that any genuine democratic constitution must necessarily be approved – in a binding mandatory constitutional referendum – by a majority of those who are to be bound by it.

Today democracy is in a dual crisis. On the one hand, it is too limited to the election of representatives; on the other hand, in a world in which economies have long since become global, i.e. transnational, nation-state based democracies can no longer keep their promise to guarantee their own national citizens a fair distribution of goods, services and opportunities. As a result, democracy is in sore need of some refinement, or upgrading – but equally needs to become transnational, or at the very least pan-European.

The most forward-looking pioneers of European integration were perfectly aware, already in 1945, of the need for a democratic and federal Europe. But the Cold War got in the way. European integration was constructed on treaties rather than on a constitution, the result being that only states and their elites were integrated, not the various peoples and ‘ordinary’ men and women: integration was economic rather than political. When the Cold War came to an end in 1989, most of the European elites thought that the Euro was more important than the old constitutional project. A half-hearted and rushed face-saving solution called the “constitutional treaty” came to grief in the spring of 2005, when it was rejected in two of the four referendums held. The most convinced European of all the EU heads of state and government in the last seven years – the earlier Belgian Prime Minister Guy Verhofstadt would still have backed a genuine European constitutional project. But most of his colleagues are unable to see just how much Europe needs more transnational democracy and democracy needs more Europe.

An extra article for the Reform Treaty

All the more reason, then, why the EU should be made to leave the decision on launching a real European constitutive process to the citizens of the EU. This could be done by including in the future EU treaty a kind of European constitutional initiative, whereby the signatures of 10 million EU voters would confer on them the right to demand, launch – and in a unique way also legitimate – the ambitious transition from an EU Treaty to an EU Constitution.

As well as defining this citizens’ initiative right for a European constitutive process, the same article should also specify its cornerstone: that, for example, the new constitutional convention should be composed of representatives of the national parliaments and of the European parliament, that the whole process should take no more than five years and include – as a minimum – a wide-ranging consultation process involving EU citizens, and that it end with a European referendum in all the member states of the EU, held on the same weekend and decided by a double majority of the citizens and of the states.

The challenge is now to fight for such a citizens’ constitutional initiative right in the national parliaments and through petitions in every EU member state. A campaign of this kind would allow us to highlight not only the dual crisis of democracy and of the European constitution, but at the same time to show that a new treaty is incapable of resolving these crises. It may be that, as it stands, the proposed ‘reform treaty’ is actually nothing more than a new mini basic treaty. We citizens can see to it that it does not have to stay like that. In order to achieve this, the initiative right must be written into the

new Treaty – in line with the motto: democracy is not only the end, but above all also the essential means.

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Deliberative polls: Turning public opinion into policy

What happens when a fisherman from Porto, a doctor from Warsaw and a businesswoman from Milan start to talk European politics? A new form of participative democracy offers a way of getting people into the political process at the transnational level, writes Stephen Boucher.

During a recent innovative experiment in sampling public opinion, a conservative 75-year old man told a single mother in her 20s that she did not have a family, since ‘family’ only referred to a two-parent household. At the end of the experiment, the old man approached the single mother again and asked her: “What are the three most important words in the English language?” The young woman looked puzzled. The man answered: “I was wrong.”

What happened in this one-to-one conversation? Deliberative democracy was in action. The two citizens were in fact taking part in a ‘Deliberative Poll®’. Such polls have shown in recent years how informed discussions can profoundly affect people’s positions on issues of mutual interest, and ultimately influence decision-makers.

In autumn 2007, Europe will be the testing ground for the first-ever transnational Deliberative Poll. Imagine ordinary Europeans in the same room: a fisherman from Porto, a doctor from Warsaw and a businessman from Milan—to what degree can they talk to each other? Will they understand each other’s concerns?

Tomorrow’s Europe, the name of this initiative, was developed by Notre Europe in coordination with more than 15 other EU think tanks, research institutes and European universities. It was devised and will be carried out by high-ranking professional teams – the Centre for Deliberative Democracy from Stanford University and the TNS-Sofres Polling Institute among others. It is probably the most ambitious transnational citizen consultation and opinion gauging experiment to date in Europe. It has been selected as one of the European Commission’s main ‘Plan D for democracy, dialogue and debate’ projects.

Tomorrow’s Europe will occur in parallel with institutional EU discussions on the revision of the treaties and the future of Europe, a fitting time to see what Europeans would think if they had time to meet and share opinions across borders. Why does this matter? European policy-making mainly happens behind closed doors at intergovernmental level. Citizens are disconnected, as proven by voting turnout at European elections, which has been decreasing steadily since the first popular elections took place in 1979. Despite years of trying, the European institutions fail to properly communicate with EU citizens and bridge the gap to a largely disaffected public.

The ambition of Tomorrow’s Europe is to demonstrate that it is possible to involve citizens in a meaningful debate across borders on the future of the EU, however complex the matter. Thanks to broad media coverage, it is likely to make Europe more relevant to Europeans, and in turn make Europeans feel more relevant to decision-makers. Surveys, focus groups, and other methods for sampling people’s opinions are common, but for the first time we will know what the population of the EU would think, if, so to speak, all of Europe could come into one room, have access to balanced information, and meet and deliberate. Deliberative Polls have been used in Europe many times at national and regional level, but never before on a transnational level.

What exactly is a Deliberative Poll ?

The method of Deliberative Polling® was developed in the United States during the 1990s by Professor James Fishkin of Stanford University in collaboration with Professor Robert Luskin of the University of Texas at Austin, and was tested for the first time in the United Kingdom in 1994. The work was at first hosted by the « Center for Deliberative Polling® » at the University of Texas University and is currently attached to the « Center for Deliberative Democracy » at Stanford University.

The motivation for developing Deliberative Polling® was to correct the imperfections of conventional polls, since the answers people give to the questions are mostly not thoroughly considered answers and they are not based on well-informed opinions. More generally, the rationale is to overcome what social science calls “rational ignorance”, that is to say the common unwillingness to get information about an issue because of the individual investment in time and energy required

“A Deliberative Poll® is designed to show what the public would think about the issues, if it thought more earnestly and had more information about them,” states Professor Fishkin.

The design of a Deliberative Poll® is as follows. First, a public opinion poll is conducted among a random and representative sample of a given population on key public policy issues. Then, during the deliberative event, the participants discuss the issues and the various policy proposals on the basis of balanced briefing material provided a couple of weeks before the deliberation. Over a weekend, they meet in moderated small groups and in plenary sessions with experts and politicians. The event is covered by the media. After the deliberation, the same poll is conducted again, allowing the change in opinions and in the participants’ knowledge of the issues to be highlighted.

Will Tomorrow’s Europe help connect EU citizens with the policy makers?

While other deliberative techniques, such as consensus conferences and citizens’ juries, are very useful, they involve only a small number of people. Other participatory democracy techniques and Plan D initiatives use a mixture of debating approaches, but without the same level of commitment to scientific rigour.

In the majority of debates, a phenomenon of “group polarisation” occurs in which pre-existing opinions are reinforced. Deliberative Polling escapes this undesirable effect, as citizens benefit from a “leveling up” of information before the debates. They continue to be informed during the course of the debate, and are given access to arguments and contexts for each viewpoint represented. They hear the opinions of experts. They deliberate in small groups and in plenary, always benefiting from impartial moderators. They take part in confrontations between the advocates of various opposing standpoints.

Unlike traditional polls, Deliberative Polling does not content itself with a single snapshot record of participants’ opinions. Instead, it repeats polling at selected moments. “The responses of participants reflect an increased interest in politics, an awareness of their ignorance and a need for information,” notes Nonna Mayer, director of research at the French National Centre for Scientific Research (CNRS). “They also indicate a more critical perception of politicians and an increased determination to be heard,” adds Mayer.

Deliberative polls complement direct-democratic tools such as the citizens’ initiative as they provide the infrastructures for people to become informed and involved. The concept of the citizens’ initiative, also

incorporated into the Constitutional Treaty as Art. 47, allows one million European citizens to present a petition to change or amend a European law. The right of initiative will contribute to shaping an open European public space around key debates that reflect citizen's real concerns.

The priority, the organisers of Tomorrow's Europe believe, is to give citizens a voice and to explore the true diversity of their opinions in order to provide EU and national decision-makers with a clear and rich view of options and perspectives, rather than merely a replication of policy positions already explored through Eurobarometer polls or national focus groups.

Tomorrow's Europe believes in the need to produce quality recommendations on complex and unfamiliar issues. That requires Deliberative Polling's complex and rigorous process of information and deliberation.

As such, Deliberative Polls are an effective tool for implementing participatory democracy, as they provide a direct feedback and a potential guide for public decision-making, and encourage and facilitate more active citizen participation in the policy-making process. The result is a picture of considered public opinion.

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www.notre-europe.eu, www.tomorrowseurope.eu

Waves of European Democracy

As the new Reform Treaty does include the principle of participative democracy it opens the door to new waves of European democracy. *Søren Winther Lundby* looks into the future.

The task: In 2050 nine billion people will have to live side by side in a world that is even more globalized than the world the current population of 6.3 billion inhabit at present. In less than five decades from now, the size of the world's population will have more than tripled from that of 100 years before, when 60 million dead had just been buried after the Second World War.

Future conflicts between the world's countries must be settled at the negotiating table and not, as previously, on the battlefield. The main task for the 21st century, in the words of Nelson Mandela, is to ensure globalized responsibility. The concern is for more democracy.

The dream: In Europe we have a unique opportunity to contribute to the necessary globalization of responsibility. The European dream is a matter of proving that it is possible to supplement national democracies with a democracy that runs across national borders, cultures, languages, lifestyles and religions.

If we are able to accomplish this task in Europe, the road to democracy will be all the more accessible to other parts of the world, and to the world in its entirety. In Europe we can set a democratic example.

Thus it is all the more important that we do not hoodwink ourselves. When it comes to democracy we need to acknowledge Europe's global influence, but at the same time we need to realize that we still do not have order within Europe's own boundaries. Democracy in Europe does not work in the way it should.

The problem: We still have not been able to create a fully efficient participatory democracy in the EU. This deficiency is now threatening to undermine the past 50 years' progress in relation to the formal part of EU democracy. We have actually succeeded in creating the institutions necessary for collectively solving common cross-border problems.

A bicameral system consisting of the European Parliament and the Council is developing. In the future these two institutions are likely to develop into perfectly equal actors when it comes to legislative work. It is equally likely that the European Commission will become the government of the EU sooner or later.

If, prior to the European parliamentary elections in 2009, each European party presents a candidate for the post of President of the European Commission, it would speed up this positive development - and thus restore to favour the spirit of the abortive European constitutional articles 20 and 27.

From that perspective it would be a step in the right direction for democracy if the heads of state and government agree on a new treaty that maintains the democratic advances that were included in the proposal for a European constitution. This includes, in particular, the increasing influence of the European Parliament and especially Article 47, which for the first time emphasizes "participatory democracy" as part of the EU's legal foundation.

Nevertheless, the ongoing debate on the future treaty is yet another example of the deficiencies in EU

democracy. Debates take place behind closed doors. This nourishes the perception of many citizens that the EU is really a joint venture controlled by leading politicians and businesspeople.

Can the EU continue like this for another 50 years? Hardly. We must add renewed vitality and legitimacy to Europe's democracy. In the long run, it is not possible to sideline the citizens of Europe.

The solution: We need a democratic infrastructure in Europe capable of facilitating a strengthening of the networks between European citizens. For decades the EU has invested in traditional kinds of infrastructure: roads, bridges, ICT. The time has come to invest in the kind of infrastructure that will bring Europe's citizens together across national borders.

Europe's leading politicians and businesspeople already have the infrastructure necessary for establishing and maintaining their respective political and commercial networks. There is nothing wrong in that; on the contrary. The problem is that we as citizens do not have the same opportunities. This imbalance, between leading politicians and businesspeople on the one hand and citizens on the other, is untenable.

Therefore, the EU institutions and the member countries need to work together to finance a democratic infrastructure that can help solve the problem. The necessary investment is fairly considerable: partly because the democratic infrastructure has to work in a Union of half a billion citizens, and partly because the democratic infrastructure must be based on principles very different from the ones which previous efforts to secure greater participatory democracy in the EU have built upon.

Principles: The establishment of a democratic infrastructure in the EU must rest upon a citizen-to-citizen principle. For too long too many people believed that the citizens' modest involvement in the EU was due to lack of information. So the EU issued lots of pamphlets and created a number of websites.

There is nothing wrong with that in itself. The problem is that these initiatives have been left too much to themselves. Two essential points have been overlooked:

First of all, the fact that involvement in the EU is rarely triggered by the EU as such. Typically, those of us who are involved and interested in the EU are so because we are taken up by a number of cross-border problems. Justifiably or not, we view the EU as a cross-border political tool that can be used to solve these cross-border problems.

Here the rule-of-thumb is that the need for a cross-border political tool will never be more obvious to the citizens than the cross-border problems this political tool may be used to solve.

Therefore the need for 'information' is not so much a question of informing about the EU as it is a question of informing about cross-border problems. If we as citizens have a clear picture of the cross-border problems, we ourselves will reach the conclusion that there is a need for cross-border political tools.

Secondly, the fact that the EU is not likely to be the actor most suitable for involving or informing the citizens has been overlooked. When the EU does make the attempt, it almost automatically adopts the so-called "gas station principle": the active and enlightened Union fills the passive and unenlightened citizens up with information.

That is no good. The job of enlightening and involving should be handed over to the citizens themself-

ves. This is exactly what a democratic infrastructure may help to facilitate. The citizens would be able to get involved individually and collectively in the task of solving cross-border problems - and, in this connection, be able to make use of a variety of political tools, including the EU.

The parameters: The principles which form the basis of a democratic infrastructure is one thing; the specific parameters for implementing those principles is something else. In the debate about participatory democracy in the EU, being very specific is especially crucial when the citizen-to-citizen principle is to be put into practice. As far as I can see, the following three parameters must make up the cornerstones of a European democratic infrastructure.

Citizens-meet-citizens: We as citizens must have real opportunities to meet other citizens, face-to-face, and across national borders. It is absolutely crucial that it is not only leading politicians and business-people who can experience the fact that it is possible to meet like-minded people in other countries.

It is important that as many citizens as possible experience that people in general are not that different from one another; and that the differences that really matter are not bound up with whether we come from one country or another.

In time, a democratic infrastructure must make it possible for 1,000,000 citizens to meet face to face – every year, including 500,000 young people who should be given the opportunity to meet and live together for something like a week at a time. In the course of such a meeting, the participants could conveniently make suggestions as to what the decision-makers in the EU should give priority to in the coming year.

Citizens-communicate-with-citizens: Also within the framework of a democratic infrastructure, investments in established media and modern ICT must be made. We need to establish new ways of using these tools as a means of strengthening the European public sphere.

In this connection, Europe's linguistic diversity poses a challenge. We must not hesitate to make investments that could help diminish this problem. Modern ICT may hold some potential that we still need to explore.

Citizens-organize-citizens: Last but not least, we need to create better opportunities for us as citizens to organize across national borders. It should be much easier to establish a European organization on a given subject.

Furthermore, this is where the European parties enter the picture. Of course, the European parties have to be 'real' parties with 'real' members. But this calls for investments completely different from the ones that are possible at the moment.

On the whole, the present EU is rather a long way from making the above-mentioned parameters a reality. Current efforts towards more participatory democracy suffer from tragic-comically low budgets for democracy-promoting measures. They are probably about 1/40 of what is necessary.

In short: by and large the democracy-promoting projects possible within the present structure do not work. And the present structure makes it impossible to put the projects that do work into practice.

Action: A European democratic infrastructure cannot be realized from one day to the next. What would be a suitable place to start the process?

In connection with the crucial budget debates scheduled to take place in 2008, money should in the short term be guaranteed to democracy-promoting pilot projects, based on a citizen-to-citizen principle. These pilot projects might be used as springboard for including an actual democratic infrastructure in the financial perspective for 2013 to 2021.

One example of a suitable pilot project might be Waves of Democracy, which could run as an experiment for a period of three years. In the first two years, 50 young Europeans come together for one week in 100 different locations in Europe. During their stay, the participants could work towards a shared Citizens' Agenda which might consist of 10 topics that the EU decision-makers should give priority to in the coming year.

In the third year, Waves of Democracy could expand to a total of 10,000 participants coming together in 75 meeting places in Europe and a further 25 meeting places in other parts of the world. At the same time, this would be an admirable way of showing that the European dream about more democracy across national borders is, ultimately, a vision of a worldwide democracy for 9 billion people.

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The European Citizens' Consultations

Beyond establishing, developing and exercising new transnational rights such as the European Citizens' Initiative, there are many forms in which deliberation can be explored at the European level. Gerrit Rauws and Felix Oldenburg report on a consultation process with randomly selected citizens from across Europe.

When 81-year-old Mary from Dublin and 43-year-old Silvi from Tallinn raised their voices in the European Parliament on May 9th, 2007, they took a moment to find the button which activated their microphone. With an expectant plenary full of policy-makers, journalists and stakeholders before them, they confidently read out visions for the future of the European Union that had been developed by them and other citizens from all over Europe. Figuratively speaking, however, the citizens' microphone button had been activated seven months earlier.

Rewind to October 2006. Two hundred citizens, randomly selected from all the Member States, arrive expectantly in a large Brussels conference hall. Framed by flags, a large round conference table and twenty smaller tables, each equipped with laptops and staffed by professional facilitators, take up half the room. Exhibition stands with policy information in all European languages and two rows of interpreter booths line the room. A stage with a large screen comes to life when the organizers welcome the participants to the Agenda Setting Event, and introduce them to their task: to debate for two days to identify the most important areas they see for the future of the European Union.

After debating at their tables with citizens from two or three other countries, the participants look up to the screen to see what has been discussed at their tables, recognizing the words they have just said. Using electronic voting keypads, they give feedback on the elements of the summary on the screen, and after each vote, one or two tables cheer, seeing their contributions shared by the whole room. The consultation combines best practice in methods of deliberation and modern technology to create a true dialogue.

Energy, environment and welfare

During February and March 2007, the three priorities which the citizens identified in Brussels – energy and environment, family and social welfare, and immigration and the EU's global role – are debated at national consultations which follow the same process, using live exchanges of results and videos between five to ten simultaneous events. After 27 consultations in six weeks, a map of European public opinion emerges, new narratives for Europe from all corners of the EU.

What Mary and Silvi presented two months later in Brussels is a synthesis of these national visions, created by representatives of all the national consultations. The outcomes range from the visionary to the specific, from broad agreement to diverse opinions. Citizens call for the EU to play a stronger role in family and social welfare policies, with citizens suggesting that it should do far more to encourage Member States to pursue active family and social policies in a wide range of areas, including health care and employment, and ensure basic minimum standards. They support a pan-European response to immigration and integration issues, and call for the EU to make greater use of external relations policy tools such as development aid to tackle the root causes of migration, as well as focusing on issues such as border controls. And they want the EU to be given stronger powers to develop a common energy policy and ensure that Member States live up to the commitments they have made at European level.

The ECC process succeeded beyond the organizers' expectations in adding value on four distinct levels:

First, the dialogue goes beyond the usual suspects and involves 1,800 randomly selected citizens representing the diversity of the population, invited and selected using professional opinion research methodologies. All opinions are represented in the debates. The consultations create an inclusive and barrier-free debate with broad resonance in the media and on all political levels from the communal to the European.

Information to policy makers

Second, ECC fills a gap in information available to policy makers, different from opinion polls or expert recommendations. Rather than recording a static snapshot of individual opinions, the consultations encourage participants to explore opinions, weigh trade-offs, shift their opinions and ultimately find common ground. This reflects the process by which opinions develop in the course of a policy debate - highlighting areas of potential societal consensus.

Third, as such, the ECC process proves that large scale deliberation is not in competition with representative institutions but provides a unique input for policy makers. While tailored to the specific situation of Plan D, the process is adaptable to any European policy debate, for example the priorities of each Council Presidency.

Fourth, the dialogues are implemented by the largest active network of independent foundations and civil society organisations ever created in Europe. With operating partners in 27 countries, and co-funding from 21 foundations as well as the largest project grant of Margot Wallström's Plan D, the ECC acquired a genuinely pan-European scale.

To sum up, the ECC are neither a political quick fix nor an academic pilot project. They establish a responsive policy tool and an operational platform for Europe-wide citizen dialogues. They can contribute significantly to the emergence of a European public sphere. The organizers are committed to leaving the citizens' microphone switched on.

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The democratic approach to international life

Step by step Europe has become a global pioneer and testing ground for the first transnational democracy. Within this framework, the new European Citizens' Initiative instrument plays a key role, in offering revolutionary opportunities for clarifying such basic concepts as identity and citizenship, writes Gabriel Fragnière.

"Few societies are good at identifying the things they take for granted"
Larry Siedentop, *Democracy in Europe*

In spite of all the changes which have taken place in Europe since the end of the Second World War, and which are leading – slowly but surely – towards a unified continent, people often remain completely unaware of the fundamental revolution that such a movement represents. We continue to ignore the radical nature of the new political thinking which accompanies this (r)evolution, and remain unable to clearly identify what we now take for granted, or what has really changed in our situation.

For instance, most people are unaware of the fundamental revolution that the creation of a European Citizenship by the Treaty of Maastricht represented in our way of thinking. Indeed, this revolutionary political move took place without even most of the decision-makers themselves understanding what it implied, especially in changing the nature of the relationship of individual citizens with their national states. This is perhaps why, in the Treaty of Amsterdam a few years later, the European Council added a sentence to Article 8 of the Maastricht Treaty to the effect that "European citizenship completed national citizenship, but did not replace it". But in fact, the situation was already no longer the same.

In order to understand the implications of these developments, we should consider three related concepts, or ideas, which are commonly used and taken for granted, but the real significance of which is not always understood: **Identity**, **Nationality** and **Citizenship**.

Identity is related to the way individuals reach certain knowledge of themselves, a kind of self-awareness, in relation to their family, their social or ethnic group, their language, their culture, their religious affiliation, their political commitment, often expressed by the idea of "belonging". Psychological and social factors play an important role in creating that awareness which helps people to know and say: "who we are", and "who we are not". Identity helps us to be aware that "we" exist and, at the same time, that "others" also exist. As identity always implies, on the one hand, a strong interaction between the individual and the group, but also, on the other hand, an affirmation of a group as distinct from other groups, its political implications are fundamental. This is especially the case in the different ways identity can be experienced or exploited: if identity is felt as a sign of weakness, then a group can feel threatened by the others and react accordingly; or it can express a sense of superiority and lead to domineering attitudes and the abuse of power. It is never politically neutral.

Nationality is a concept based on more objective elements. It expresses how individuals are connected to a particular political entity or State, based on a given and well-defined territory, and to the authority which governs that State. It also expresses the recognition given by a State to the individuals it considers as its own "members", recognition which can be acquired by birth (natural nationhood), or through a process of "naturalisation" given by that State according to its own "law of nationality". Nationality is also a kind of belonging, but one that individuals do not really control; they are more "subjects", "*ressortissants*" as the Treaty of Rome expressed it: subjected to the jurisdiction of, and dependent on, a particular State. To have a "nationality", however, gives some rights and guarantees of being protected by the State, related to the possession of those necessary "papers" which indicate the dependence

of the individual on the State. But allowing the State the exclusive right to define “nationality” can lead to discrimination and exclusion, and often to intolerant attitudes. No State feels an obligation towards those individuals who are not defined as “equal” in a legalistic sense. Manipulation of ‘nationality’ can indeed become an instrument for legalising prejudice against certain forms of identity.

The notion of **citizenship** is connected to a quite different reality. It refers to an active and responsible participation of individuals in the society in which they live. Without going back to its historical roots in our Western culture, coming from Athens and Rome, we should stress that it is only through the recognition of the status of citizenship that our societies actually became “civil” societies and authentic democracies. There is indeed no democracy without the full, free and active participation of the citizens in the decisions which concern them. Thus, one understands that the possession of the “nationality” of a State does not by itself create a democratic system; this is why one should not confuse the notions of citizenship and nationality. This distinction is essential to an understanding of the political implications of a “Citizens’ Initiative” taken at the European level. It specifically affects the territorial dimension of democracy.

The slowly developing democratic character of European unification

In fact, in the traditional thinking of the nation-states which have dominated the European political scene for the last two centuries, and because of the ideological identification of the people with the idea of Nation, there existed a kind of intellectual confusion between the three notions of identity, nationality and citizenship. Populations were traditionally defined and identified by the nation-state ruling over them (*“Le peuple français”*); they were defined as “national” because they belonged to their country (the well-known: *“Ein Volk, ein Land, ein Führer!”*); and it was through this national status that they acquired their citizen’s rights (*“Liberté, égalité, fraternité pour les citoyens nationaux”*).

The first steps towards the construction of European institutions did not alter that political paradigm in any way. The Jean Monnet approach consisted in organising inter-state cooperation by selecting a practical, mainly economic problem, then proposing common solutions, and finally creating a common administration which was to deal with the implementation of those solutions in the name of all. This system worked as long as the key issues were not expressed in purely political terms. For that one did not need the direct involvement of the citizens, i.e. their democratic participation. The problems were indeed mainly technical. To be sure, over the years the policies generated consequences which impinged more and more on the lives of EU citizens, but these citizens were not directly considered as such, but only as a “labour force” (Treaty of Rome), the producers of necessary goods (common agricultural policy), or consumers (monetary union and common market).

This was possible because, in spite of the changes which have taken place over the last fifty years, we in Europe still live within the framework of a political paradigm which was established in the seventeenth century – the so-called Westphalian system. Five principles rule that system: 1) governments of nation-states (kings in the past, parliament and executives today) are the sole holders and owners of sovereignty; 2) this sovereignty extends to a limited territorial space; 3) governments are the only political actors on the international and world levels, holders of all recognised rights outside of their territory; 4) there is no pre-existing international right, or legal order, outside of treaties signed by sovereign nations (which could explain why many member states of the European Union do not want the idea of a common EU constitution today !); and 5) war between nations is a legitimate instrument for resolving conflicts.

In other words, a *democratic approach* to international life i.e. the active participation of citizens, on a democratic basis, in dealing with international problems, was not at all required. The Treaty of Rome stipulated that its main purpose was the creation of a stronger Union among European peoples, but these peoples played no active part in it. The “subjects” of the Treaty, the “members” of the community it created (the European Economic Community), i.e. the legal personalities acting legally according to this Treaty were “the member states” – and only the states – represented by their governments. Political action by citizens was accepted only within their national boundaries, never outside, because citizens had neither an “identity” nor a “nationality” outside of their dependence on a particular state, and there could be no “citizenship” without the two other notions. This is the origin of what has been rightly called the “democratic deficit” of the Union.

The Treaty of Maastricht implicitly undermines that perspective. In establishing a “European citizenship”, the Treaty introduces the idea that it is no longer necessary to establish an interdependence of the three concepts of identity, nationality and citizenship as in the past. To be sure, it is specifically stated that the new European citizenship should apply exclusively to those individuals who hold the nationality of one of the member states, but the fact that there is now a “common citizenship” applying to “many nationalities” establishes a fundamental shift in the balance between the two – and thus represents a first step towards ending the necessary interdependence of these two concepts.

The birth of transnational democracy

But this also means that active citizenship must now develop within a new framework: no longer that of a closed state on a limited territory, but one that opens up beyond national boundaries. Europe is actually involved in fostering the development of “transnational democracy”: a concept completely new in the history of human societies. The scope of what is traditionally called “civil society” will therefore take on a completely new dimension. It is clear that the institutions both of the nation-states and of the European Union have not yet adapted to this new reality. The very idea and the acceptance of a “European citizenship” necessarily challenge and require a transformation of traditional ways of thinking: mental barriers have to be broken down.

There are similar consequences for the notion of “identity”. If one accepts that the idea of “citizenship” can relate to a multiplicity of “nationalities”, it is also feasible that a multiplicity of “identities” can be envisaged under the traditional notion of “nationality”. Although each nation has inherited from history its own typical “political culture”, this constitutes only part of its national identity. In reality, this is composed of many other diverse elements including languages, traditions, forms of artistic expression, unique regional and local customs etc., which together constitute a larger internal diversity in each of the nations themselves. National unity is not incompatible with the existence of multiple identities.

The unification of Europe will make a powerful contribution to changing the concept and the mindset of the nation-state system as it has developed over recent centuries. While its role will become less essential in many sectors of economic life through the “supranational” transfer of decision-making powers to common authorities, similar developments are going to affect its role “infra-nationally” as a consequence of the need to adapt to multiple demands of (regional, local) autonomy, the recognition of multiple identities, and decentralisation. In the coming decades it seems obvious – something which is being accentuated by migration and the mobility of workforces within the Union – that the demands for the recognition of particular identities and minority rights (based on languages, cultures, religions, ethnicity, gender, sexual orientation, etc.) will develop even more strongly within national structures, while at the same time requests for greater citizens’ participation at the supranational and transnational levels will become more common – in the name of new European citizens’ rights which the traditional national states will no longer control.

The constructive role of the European Citizens' Initiative

Such a fundamental change was actually foreseen in the Constitutional Treaty, signed in 2004 but not yet ratified by all the member states, and currently the object of revision and discussion between the governments of those states. Articles I, 44; 45; 46 did in fact recognise the existence of the democratic dimension of the European enterprise, not only in admitting the equality of all citizens (I, 44) and the representative function of the European Parliament and the role of citizens in that perspective (I, 45), but also in including the right of all citizens to participatory democracy through their representative associations, and ultimately extending to their right of Initiative (I, 46). This article reads:

"A significant number of citizens, no less than one million, coming from a significant number of Member States, may take the initiative of inviting the Commission within the framework of its power, to submit an appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing this Constitution. A European law shall determine the provisions for the specific procedures and conditions required for such a citizens' initiative, including the minimum number of Member States from which they must come."

What does that really mean? For the first time in history citizens will get the right to be involved in setting the political agenda beyond their own national borders. This represents an attempt to overcome the limitations of indirect democracy, in which governments are the exclusive decision-makers when policies extend beyond national borders, and to open a perspective of "primary" and "direct" democracy at the European level. It introduces a kind of mechanism which focuses on specific policy issues and allows citizens to act as "agenda-setters" and even – if this right was ever extended to cover constitutional referendums – as "decision-makers". The historic novelty is that the proposed Constitutional Treaty is trying to combine trans-national with direct democracy. This approach represents a fundamental breakthrough in comparison with the still dominant internationalist perspective, under which sovereign states are the exclusive, legal and even moral foundations of world order. In underlining the normative role of citizens in the trans-national approach, the idea of trans-national democracy can become a new political reality which will not only change the way European states master the democratic dimensions of their societies, but which could potentially extend far beyond Europe and be applied to the political problems of contemporary globalization.

One understands, therefore, that the European integration process has become the world's first and major testing ground for the development of a modern democracy beyond national borders. Its new approach offers the evidence that modern democracy has not only taken a "trans-national turn", but also a "direct turn". The very idea of an issue-centred, trans-national, agenda-setting instrument "from below" has already inspired many actors within European civil society to study the possibility of launching an initiative. Some groups and networks have gone one step further and have in fact already launched different European Citizens' Initiatives based on the proposal in the draft Constitutional Treaty. Some aim at particular problems – such as the "One Seat Initiative" for the European Parliament – or at a range of different social and political issues, but I would like to highlight here especially the initiative aimed at introducing this "right of initiative" itself and a more democratic life in Europe, regardless of whether the Constitutional Treaty is fully implemented or not.

An opportunity for practitioners

One can clearly see in its purpose that the aim is not so much to propose a particular policy related to a certain ideology or certain partisan interests, but to work towards the extension of democracy itself, and thus contribute to the creation of a possible "transnational democracy in Europe". This

is the reason why it should not only be supported – in the name of democracy – but also because it represents, not only for academics and intellectuals, but also for political practitioners, an opportunity to assess and test the first implementation of trans-national, active political processes: how and from which perspective should a kind of European electoral management organisation be established to assist, develop and follow up European transnational Initiatives? How can an adequate voter education program be developed to cover this new democratic space?

If they are developed under well-designed and citizen-friendly conditions, such tools will be able to contribute to the development of that trans-national polity that the European Union obviously lacks today, due mainly to the exclusive role governments have retained for themselves. We very much need a new and intense dialogue between institutions and citizens, giving them a feeling of ownership of European policies and giving the voters a new legitimacy for the decisions made at European level. The development of the Citizens' Initiative will contribute more to that end than what has been achieved over the years by the different elections to the European Parliament, which continues to be dominated by the interests of national political parties. European democracy needs to develop beyond the traditional perspective, and this is what the "European Citizens' Initiative for the Citizens' Initiative" is practically proposing.

The "ECI for the ECI" has been launched for the purpose of obtaining that right for all, and in order to establish a better democracy beyond national borders. It is purely an instrument for trans-national democracy, and has no message related to any ideology or partisan agenda. Indeed, it would be illegitimate to design an institution of political democracy as an instrument for attaining a particular policy goal or position of power.

Its effect, however, will certainly be surprising in the long term, as it is going to change what we described above as the basic concepts of our political paradigm: our identity, the feeling of our nationality and our right of citizenship. The fact of working together for a European campaign in favour of a new democratic life will influence the way European citizens work together, thus fostering an awareness of a new identity. Discovering, in working together trans-nationally, the limitations of their own national identity, they will progressively gain a new awareness of their common destiny at the European level. A right of initiative is not only an instrument for developing a better democratic system; it is also an efficient instrument for building Europe itself. A new polity needs the active participation of its citizens more actively than policies exclusively related to the establishment of an economic market. There is indeed a new Europe which will arise out of the democratisation of the present institutions. Beyond securing the "right of initiative", it is Europe itself which will gain the most from the action of its citizens.

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www.europeofcultures.org

In 2009 the European Union will receive not only a new Parliament, but also a new Reform Treaty. Europe has learnt some important lessons: one is that it is no longer possible to build and sustain a European Union from above. Another is that in the future Europe will need considerably more participative and direct democratic mechanisms in order to maintain itself and develop further. After a decade of transnational constitution-making, 2009 may become a new milestone in the history of democracy. Half a billion people will elect their representatives to the European Parliament; millions will get a new possibility of having a direct say on the new Treaty and – last but not least – we will all also get the formal right to launch initiatives on the European level.

This new IRI Handbook documents a new chapter in the difficult, but also fascinating, process of bringing the people onto the political centre stage. Quite recently, many Europeans have become involved in some 20 or so pan-European signature-gathering campaigns within the context of the proposed European Citizens' Initiative. There is much to learn from this new development: the experience already gained leads to several key recommendations - such as the critical need of a citizen-friendly democratic infrastructure.

This 2008 Handbook published by the Initiative & Referendum Institute – Europe's first direct democracy think-tank - features facts and analysis, recommendations and proposals and is your reform treaty guide to the first transnational democracy in the making. The IRI Handbook features contributions from authors including Margot Wallström, Jo Leinen, Diana Wallis, Andi Gross, Jessica Pennet, Carsten Berg, Helena Gonzales-Sanchez Bodero, Stephen Boucher, Dana Csizmadia, Søren Lundby, Richard Laming, Daniel Schily, Jürgen Meyer, Michael Efler, Gerrit Rauws, Gabriel Fragnière, Bruno Kaufmann and many others.

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