Enhancing Democracy in the European Union

The European Citizens' Initiative as an Instrument for Increasing Citizen Involvement

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Abstract

A recurring theme in debates on European Union politics is the lack of enthusiasm and involvement of European citizens in the decision-making and legislative procedures, which may appear complex and impermeable. While some scholars deny the existence of a democratic deficit, others fear that continued failure to bridge the gap between the political elite and the constituents will lead to an ever-deeper crisis of legitimacy. The European Citizens' Initiative, Article 11.4. TEU, in the Lisbon Treaty on European Union, around which this thesis is centered, is an instrument created to bring politics closer to the people. A set of criteria concerning, amongst others, the amount of signatures, the structure of organisers, and the legality of the proposal, must be met before a European Citizens' Initiative is finally submitted to the Commission, which then is obliged to on that basis use its sole right to legislative initiative to propose new legislation. There are several challenges to be faced by both future organisers and by the European Union, in order for the European Citizens' Initiative to reach its potential as a mechanism of enhancing democracy and participation, which will be discussed from direct, participatory, deliberative and responsive aspects of democratic theory.

Key words: European Citizens' Initiative, democratic deficit, responsive democracy, Lisbon Treaty, deliberative democracy

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1   Introduction

Stemming from cooperation based primarily on economic gains and perceived security threats in the wake of the Second World War, the European Union has since then expanded vastly, into a cooperation based on perceived shared values and norms, penetrating almost every sector of society. The four freedoms – the free movement of people, services, goods, and money – may have begun as tools for strengthening trade between member states, but have, with a deepened and expanded union, come to serve an increased amount of migration and movement amongst Europeans. The seemingly ever-increasing scope and depth of the areas that the European Union has access to poses new challenges to integration, information and involvement of the European public, and to the democratic aspects of the leadership of the European Union.

1.1. Aim and Structure

Since its expansion into social and political domains, the demands for a European Union that is closer and more accessible to the citizens it claims to represent have increased. Low voter participation in elections to the European Parliament is both a cause of and a result from perceived distance to the Eurocrats in power. Equally, the general public's limited knowledge of the structure and the scope of the European Union may largely be due to a perceived lack of transparency and impermeability of the institutions, which will perhaps not be furthered if there is no obvious demand, thus continuing a negative spiral.

The aim of this research is therefore to explore the democratic development of the European Union, linked to the implementation of the European Citizens' Initiative. As the European Citizens' Initiative is being implemented on April 1st 2012, there has been neither opportunity nor possibility to conduct a case study. The introduction will open by briefly discussing the significance of the Lisbon Treaty, followed by a discussion on the existence or non-existence of a democratic deficit within the European Union. The introduction will then end with a section on Article 11.4 itself, which establishes the European Citizens' Initiative, and a section on the different types of actors which may be most inclined to utilise the European Citizens' Initiative. After presenting the theoretical and methodological frameworks on which the research has been constructed, a chapter on the negotiations on the regulation governing the European Citizens' Initiative will follow, with its point of departure in the Swedish position. The analysis will then commence, where challenges, fundamental problems and possible implications of the European Citizens' Initiative will be discussed. The analysis and the conclusion will then seek to bring up what effects the European Citizens' Initiative may have on the development of democracy in the European Union, if any, as well as European Union democratic development in itself.

1.2. Institutional Changes

With the introduction of the Single European Act in 1986, the then-twelve member states committed themselves to the completion of the Single European Market, including the Economic and Monetary Union, which was finally established in the Maastricht Treaty of 1992. The Maastricht Treaty, which re-invented the European Community as the European Union, introduced the so-called three-pillar structure: European Community, the Common Foreign and Security Policy, and Justice and Home Affairs. The first pillar was to only cover areas in which the European Union has supranational legal authority and where the Commission was to have executive power; the second and third pillars were to be based on intergovernmental cooperation, with limited or no power for the European Parliament.

Following the implementation of Lisbon Treaty, the map over power-sharing in the European Union has been substantially altered; firstly, and perhaps most visibly, the pillar structure has been abolished, the separation of decision-making procedures over issue areas now established by the separation into two treaties. The Treaty on the Functioning of the European Union, commonly referred to as the Lisbon Treaty, now contains the former first and third pillars, and grants great influence to the European Parliament through the co-decision procedure, which puts the European Parliament on par with the Council. The second treaty of the two treaties commonly referred to as the Lisbon Treaty is the Treaty on European Union, replacing the Maastricht Treaty and mainly governing foreign and security policy, but also the European Citizens' Initiative, with virtually no influence from the European Parliament. The only presence of democratic involvement comes from the national representatives in their roles as members of the Council, rather than as representatives of the European Union. Concerning the European Union institutions, the Council has not been given as prominent a role in this thesis as the Commission and the European Parliament, which is due to that it is the institution which has been the least involved in the creation and negotiation of the European Citizens' Initiative, and, perhaps due to its intergovernmental nature, is likely to be the least affected.

1.3. The Democratic Deficit

Limited involvement of the European Parliament, although, it must again be stressed, greatly extended over time, low participation levels in elections to the European Parliament, and a perceived or real distance between decision-makers and citizens are all elements that constitute what is often referred to as the democratic deficit. The democratic deficit, in simple terms, lies in the ability or the failure of the European Union institutions to represent their citizens in an open, transparent and democratic manner – or at all. The democratic deficit, like many intangible phenomena or concepts, is subject to myriad interpretations and discussions; there is by no means a consensus on the de facto existence of a democratic deficit at all.

Opponents of the existence of a democratic deficit may argue that the European Union is not a state, and therefore cannot be treated as such. Andrew Moravcsik, perhaps the most vocal scholar against classifying the European Union as democratically unsound, argues that since the European Union does in fact have features of democratic control and transparency, it cannot be considered undemocratic, and again points out that the European Union neither is a state, nor should it be one (Moravcsik 2004:349). On the other hand, those who argue for the reality of a democratic deficit, each argument against could equally be inverted. For instance, while it may be pointed out that the European Union does not have a government, the European Commission could be considered to be a form of government, considering that it is the highest level of decision and policy-making, and holds the sole right to legislative initiative, consisting of commissioners who, like national ministers, each have their own portfolios. If one is so inclined, the President of the European Commission could be seen as an equivalent to a prime minister, whose primary task it is to lead, represent and unify his cabinet of commissioners. Most importantly, however, is perhaps that the European Commission is not in any obvious way determined by citizen participation, unlike the constitution of national governments: the President of the Commission is nominated by the European Council, and, after the implementation of the Lisbon Treaty, to be elected by the European Parliament. The commissioners are nominated by their national governments, one commissioner per member state, and thereafter questioned by the European Parliament.

 Hauke Brunkhorst argues that it is the length of the chain of a democratic system that defines its legitimacy, and as the democratic chain of the European Union may be considered substantial, a democratic deficit and crisis of legitimacy is unavoidable (Eriksen, Fossum & Menéndez et al. 2004:94). Christopher Lord argues that the democratic deficit debate would benefit by dealing with the institutions separately, rather than discussing the democratic deficit in the European Union as an entity, and that one of the problems is that in spite of deliberative elements to policy-making, the European Union is prone to an intra-elite type of deliberation, which in the end still leads to exclusion of the citizens (Richardson et al. 2001:369; Lord 2001:644).

Another argument against the existence of a democratic deficit is linked to how democracy in itself is perceived: if direct involvement of the citizenry is the ideal, then there certainly is a problem within the European Union, which would immediately poses counter questions about the functioning of one's home member state. It may be considered whether the gap between the public and the ruling elite is in fact wider on a European level, or if it is just perceived as wider due to the scale itself being larger; perhaps the national arena may appear to be closer to the citizenry primarily because it is decidedly smaller. Giandomenico Majone classifies the democratic deficit as resulting from 'transaction cost politics', that is to say that the democratic elements and institutions present in the member states have been compromised on a European Union level, to increase economic gain and policy output (Majone 2010:150-151, 159).

With a more elitist take on democracy, a certain gap between the elected and the electors is deemed necessary, running parallel to another but never really coming into contact apart from the occasional election, the scope and speed of the European Union vis-á-vis that of national governments may also affect how the democratic development is perceived. As the European Union deals with a vast amount of issues over a number of states, governments and areas, the political process becomes multi-layered and complex in a way that national politics would not be, here not in any way evaluating the complexity of either system, merely recognising that there are different challenges to be faced. Independent on whether one believes in democratic deficits or not, the matter of legitimacy is of utmost importance, and a lack thereof needs to be remedied, for a sustainable system.

1.4. Article 11.4. TEU: The European Citizens' Initiative

Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties.

The procedures and conditions required for such a citizens' initiative shall be determined in accordance with the first paragraph of Article 24 of the Treaty on the Functioning of the European Union. (Article 11.4. TEU)

The idea of a creating a way for citizens to influence the legislative procedure in a more direct manner is not a novel idea, or specific to the European Union. Most famous, perhaps, is the Swiss Volksinitiativ, which enables Swiss citizens to, on the cantonal level, propose new legislation, or on a national level, propose amendments to existing legislation (The Swiss Confederation: a brief guide, 2012:17). In Sweden, a Medborgarinitiativ exists at the local level, with no current debate on expansion to national affairs. In the European Union context, former French president Valéry Giscard d'Estaing, who served as the president of the European Convention in 2002-2003, which is also known as the Convention on the Future of Europe, championed the notion of a citizens' initiative. The European Convention was the starting point for drafting a European constitution, which in its final form had morphed into the Lisbon Treaty.

At the foundation of introducing a citizens' initiative at any level, in any democratic system, is the notion of including the public into the affairs of the state, often paired with the notion of more inclusion equaling 'more' democracy. For the European Union, lacking the natural demos upon which nation-states rely, anchoring its activities well in public opinion and in the citizenry may not only become more difficult, but also more important.

From an institutional point of view, more specifically, the Commission, the European Citizens' Initiative has been created to bring the citizens closer to the governing elites, involving them in the decision-making procedure, thus giving them an active part in the development of the European Union.

However, before a European Citizens' Initiative can be launched, certain criteria must be fulfilled. Firstly, the proposal, launched by a single legal person, not by a corporation or organisation, must be submitted to the Commission, where the Commission decides whether or not the proposed initiative falls under the legal competence of the European Union. If a proposal is deemed as of a primarily national interest, it will be dismissed; in the vast areas of European Union law that consists of mixed competence, that is to say, where there is both a national and a supranational layer of legislation, European Union legislation has primacy over national legislation in other cases, and should therefore continue to hold primacy when evaluating proposed initiatives. Secondly, a committee must be formed, containing representatives from seven different member states, to correspond and negotiate with the Commission, where two representatives will be tasked with liaising. Thirdly, a million signatures from citizens of voting age must be collected, from a minimum of seven different member states; the somewhat vague 'significant' number stated in the treaty article has been translated into a rough fourth of the member states. The signatories must evenly represent the involved member states' populations, determined by the number of Members of European Parliament representing each member state, multiplied by 750.

The negotiations on the regulation regulating the European Citizens' Initiative had several difficult issues to deal with: at what stage the Commission should be consulted, what proportions of states and population should and could be applied in a reasonable manner, the responsibility of each member state to aid and support proposals, the creation and structure of a committee for each initiative, at what age citizens should be able to support and initiate proposals, and how signatures should and could be collected. After extensive negotiation, the technical regulation was finalised in late 2011.

1.5. Lobbyists, Non-governmental Organisations, and Citizens as Democratic Actors

At the core of any democracy or theory thereof lies in the role and the nature of the citizen. There are different notions of what makes a citizen into an optimal democratic actor: it may be a citizen that is highly involved, a citizen that does its democratic duty without extracurricular activity, or a citizen that is willing to leave the state of the democracy to an elite of sorts, and so relieves him- or herself of the burdens that come with democratic involvement, all dependent on which view on democracy or which democratic ideal-type is being discussed or preferred. Because the European Citizens' Initiative is, as the name indeed helpfully indicates, centred around the involvement of citizens in the European legislative process, which will have the potential to directly or indirectly prompt further citizen participation in other spheres of the European Union, it is reliant upon the on the role and potential of the citizen as a democratic actor. The European Citizens' Initiative will have the possibility both of either strengthening or weakening the citizens' relationship to the European Union, and the belief in the European project as a whole, and of solidifying the role of that the citizens will be given in the legislative procedure. The real impact and effects will be dependent on how the citizens and the European Union institutions react and utilise this new instrument for democratic involvement. The European Citizens' Initiative highlights the basic notions of the rights and responsibilities of the citizens of democracies, and the abilities or disabilities of the leadership, to not only provide its citizens with channels of influence, but to listen to those channels.

The European Citizens' Initiative has been intended to be used by individual, ordinary citizens in cooperation with other individual, ordinary citizens, but its final format may prove more accessible to lobby organisations and other non-governmental actors. The structure of the European Citizens' Initiative may demand substantial resources, in terms of financing, organisation and knowhow, which could be difficult for those starting from scratch to achieve with in the twelve-month limit. The role of lobbyists in Brussels has long been debated, and accused of decreasing transparency and accessibility in the policy-making process, as well as diffusing politics through external influence and interests.

Lobbyism may be described as the practice of introducing agendas, ideas or solutions to the political leadership for own gain, and is usually connected to interest groups, non-governmental organisations and corporations (Greenwood 2007:8-11). The notion that 'policy determines politics' has created a highly competitive environment, of myriad interests vying for the attention of the right Eurocrats at the right time; timing and accuracy are of essence, as lobby groups tend to have a somewhat narrow scope of competence and active issue areas (Peterson & Bomberg 1999:27).

2 Theory

There are almost as many concepts of democracy as there are scholars researching, and an equally vast amount of democratic theories. As such, it would be possible to make myriad different distinctions and cross-sections. In order to make any sort of distinction, I will first briefly discuss the idea of classic democracy and the turn towards contemporary democratic theory, as an important change in how democracy is perceived, and then continue on to discuss the four different types of democracy which will be used as analytical tools: direct democracy, participatory democracy, deliberative democracy and responsive democracy. The initiated reader may of course argue that different distinctions could have been made, and that different concepts should have been used, but there is no virtue in trundling through the history of democratic development if that is not the task at hand. Democratic theories are analytical tools in this context, rather than the subject matter itself.

Classical democratic theory is at times seen as a normative, less realistic tool for understanding political structures, much because it is based on an ideal of equal and honest participation of the citizens, whom then have an equal and honest influence on politics. Citizens, through the notion of civic virtue, are supposed to be rational, logical beings, which not only are keenly interested in but also strive towards an optimised society and government, simply because it is in their interest. In Athenian democracy, each citizenship assumed direct participation in the affairs of the state; to quote Pericles, "We do not say that a man who takes no interest in politics is a man who minds his own business; we say that he has no business at all" (Held 2010:14). Joseph Schumpeter, one of the most influential thinkers in the development of democratic theory during the 20th century, criticised classical theory heavily for placing unrealistic demands on citizens and to have largely ignored matters concerning leadership, as well as promoting universal suffrage, which Schumpeter himself did not.

A problem that lies inherently in criticising classical democratic theory is brought forward by Carole Pateman: that the notion of classical democratic theory per se is just a myth which, due to general acceptance that there is such a thing as classical democratic theory, is allowed to live on. Pateman argues that while thinkers such as Jeremy Bentham and James Mill indeed proposed arguments similar to Joseph Schumpeter's idea of what constitutes classical democratic theory, neither one suggested that opinions are not formed in a vacuum, free from the influence of ruling elites or propaganda, as an example (Pateman 1970:19).

In contemporary democratic theory, on the contrary, democracy has come to be defined as a political method, rather than as a theory in itself, or as an ideal; it might be noted that "[…]it is the competition for leadership that is the distinctive feature of democracy, and the one which allows us to distinguish democracy from other political methods" (Pateman 1970:4; Schumpeter 1943:269). The notion of the function and capabilities of the individual citizen is quintessential in defining and dividing different schools of thought concerning democratic theory.

There are points of contact between the classical – if we accept that it in fact exists – and contemporary democratic theory; for instance, both accept participation as a protective measure, used by citizens to safeguard their interests and rights (Pateman 1970:20). Equally, both schools seem to accept the importance of education: education as a means for well-informed citizens making well-informed choices, and education in the sense of educating citizens in the necessity and power of political activity and voting rights. Furthermore, scholars who promote theories of democracy as being based on the participation of citizens are theorists who promote representative government, independent of whether they are categorised as classical or contemporary. It has also been suggested that it is a mistake to view classical democratic theory as descriptive, when it should rather be seen as prescriptive: "what democracy *is* cannot be separated from what democracy *should* be" (Sartori 1987a:7, original italics).

Within contemporary democratic theory, one can in turn identify different schools, the most pronounced perhaps being the elitists and the pluralists. The elitist stream is often characterised by Schumpeter and his views of citizens as on average as being neither able more capable of initiating themselves into the political process, and therefore should refrain from doing so between each general election (Wohlgemuth 2006:18). Giovanni Sartori later similarly expressed the necessity for voters to stay out of politics outside voting season, although not due to lack of capability, but because the political leadership should be left in peace as a measure of protecting equality; involvement of citizens in between election seasons risks giving an undue amount of attention and influence to minority groups, if they simply are loud enough (Pateman 1970:27). While the citizen in the elitist accounts of democracy is somewhat isolated and vulnerable to the ruling elite's preferences, the pluralist account of society is one of an "endless process of bargaining" between minorities, interest groups and the leadership, obliterating the idea of a single centre of power (Held 2010:158-161).

The differences between competitive elitism and pluralism are interesting to discuss in a European Union perspective, as signs and arguments of and for either could be discerned, perhaps depending at least in part on one's own personal inclination towards the European Union. It could easily be, and often is, argued that the Commission as a governing body is detached from its constituency, supporting the notion of the individual as being vulnerable to the decisions and whims of the 'top dogs'; equally, it could, and often is argued that political power within in the European Union is far from 'pure', due not only to its intricate institutional design and myriad working groups and committees, but also to the extensive amounts of lobbyism found in Brussels and otherwise.

That the Commission is not subject to any direct voting mechanism but appointed by political peers as well as being constituted on the basis of even distribution of national representation rather than on competence alone makes an obvious case for denominating it an elite.

The occurrence of lobbyism is sometimes pronounced an opaque net of dubious morals and possibly even slightly corrupt, which would be an issue from an elitist perspective, where citizens should not in any constellation try to influence the governing bodies between electoral periods, and in turn raises questions of how non-elective bodies are to be treated. From a pluralist perspective, however, the rise of lobbyism within the European Union arena may be seen as a sign of healthy democratic involvement. Discussions about the European Parliament strike a different note, as the European Parliament is subject to direct election and therefore, at least in theory, also to democratic accountability.

2.1. Direct Democracy

The classic tradition of direct democracy stems from the squares of ancient Athens, where all free men were entitled a voice and a vote; as is implied by how it is denominated, direct democracy does not suppose representative government, but an active citizenry involved in the affairs of the state, with the authority to engage in matters of jurisdiction and legislation (Held 2010:14). As a general rule, modern industrial states have stepped away from the direct involvement of citizens in state affairs; for one, the direct democracy of ancient Athens found its base in a very limited, homogenous group of men with sufficient time, education and inclination to actively take part, which is not the case for modern nation-states. Citizenship and civil rights were of an exclusive nature, rather than being inclusive (Dahl 1989:21). Another difference that makes the implementation of direct democracy in modern times tricky to say the least is the vast array of issues in which states are expected to act or have a stable standpoint. Quite simply, it can easily be argued that the modern nation-state has outgrown the possibility of functioning direct democracy, and perhaps even that the evolution of an accountable, representative democracy and the recognition of civil rights and universal suffrage has made direct democracy somewhat obsolete.

Proponents of direct democracy often seek out contemporary examples, in order to prove the survival of direct democracy as a system, and how it provides a 'truer' democracy for its citizens. The most frequently portrayed case is that of popular initiatives in Switzerland, where citizens on a cantonal level can propose both amendments to current legislation as well as new legislation; on the federal level, the initiative power is limited to proposing constitutional amendments.

While laying bare an element of citizen influence on the political leadership, there is an apparent risk of that having a say in myriad matters may lead to fewer citizens engaging in less issues, partly because of the amount of matters into which one must then submerge oneself, partly due to the limited actual influence of the popular initiatives; voter turnout dropped significantly from the introduction of the system in 1919 until 2007, from around 90% to below 50% (The Swiss Confederation: a brief guide, 2011:16-17). In the case of Switzerland's democratic development, it should be duly noted that federal women's suffrage was not recognised until 1971, with the last canton to grant their female citizens voting rights holding out until 1991. On a slightly speculative note, it is possible to ponder that the longevity of direct elements in the Swiss democratic system has been affected by, if not directly related to, the maintenance of a fairly limited voter base.

2.2. Participatory Democracy

An established paradox in participatory democracy is that of voting and voter turnout, as formulated by Bernard R. Berelson: that in spite of low turnout and uninterested voters, the system still manages to survive (Pateman 1970:6). Naturally, low turnout and uninterested voters can, and should, lead to questions concerning the shape, form and availability of the system and its leaders, but while it may lead to the implosion of a government, it does not lead to the implosion of democracy, at least not immediately or explicitly.

However, Berelson does not see low levels of participation as an even evil; rather, if one accepts his definition of the conditions of political stability as being dependent on limited intensity of conflict, limited rates of change and socioeconomic stability alongside the existence of pluralist social organisations and basic societal consensus, one might also accept his argument that limited participation and political apathy in fact softens the impact of policy change or disagreement (Held 2010:162). In the same vein, it is, according to Sartori, not useful to search for the reasons behind a lack of interest within the majority, as it is the result that counts independent of why it has occurred; since citizens should seek to react rather than act, trying to explain a phenomenon, at least superficially perceived as negative, could lead to the undermining of that particular reaction, rather than accepting the voice of the citizens (Sartori 1962:77).

It can be argued that participation should be seen a method for setting up priorities and allocating resources, rather than being or being committed to any social goals in itself; as a means of communicating citizen needs, participatory democracy might be considered flawed due to its dependence on the citizens' access to information and ability to judge their true needs, and because of the risk of political inequality between citizens resulting from unequal or insufficient participation (Verba & Nie 1972:4-5; Gilljam & Hermansson 2003:116-120). Despite the almost inherent risk of inequality embedded in any form of democracy, a fundamental tenet is the idea of participation as a mechanism for educating individuals and making them into responsible citizens: participation should, if functioning properly, teach the individual about the democratic system, as well as increasing its sense of political efficacy, thereby in extension bridging the gap of inequality. This may be viewed as a natural continuation of classical democratic theory and its emphasis on the educated citizen being essential to both democratic development, and to the longevity of the democratic system as such.

The notion of political stability need not refer to the survival of the system per se, but to its ability to cope with change; Eckstein claims that every stable democratic system needs an element of "healthy authoritarianism" to survive, the basis of which can be found in the structure of authority in the society it governs (Pateman 1970:12-13).

In contemporary democratic theory, participation has a dual protective function: it both protects the citizens' interests from leaders with less-than-honourable intentions, and it also protects the individual citizen (Pateman 1970:14).

According to Robert A. Dahl, the most essential feature of participation is its function as a mechanism of control; the 'institutional arrangements' that constitute a democracy are governed by the possibility of voters to exert control over the actions and priorities of leaders (Dahl 1989:221). Dahl is a proponent of what he calls the polyarchical society, which is defined by the existence of elected officials, free and fair elections, inclusive suffrage, the right to run for office, freedom of expression, access to alternative information, and associational autonomy; there is also a presupposition of a basic consensus of governing norms in a polyarchy. In this setting, political activity is of essence, but it is also recognised that an increase in activity on behalf of one group may lead to a decline in the consensus on norms, which may in turn lead to a weakening of the polyarchical system itself (Pateman 1970:10). As such, an involved and active citizenry is seen as positive, but may also threaten the systemic stability.

Participation is undeniably a foundation for democratic systems, voluntary participation, perhaps should be added, but maximum participation does not necessarily equal maximum democracy, unless one is a believer in direct democracy. In addition, it is worth keeping in mind that maximum participation does not guarantee that the best possible policies will be brought through (Dahl 1989:151).

2.3. Deliberative Democracy

A fundamental assumption in deliberative democracy is, as in the contemporary turn of democratic theory as a whole, the idea of the democratic system as a means of both individual and public self-fulfilment, in serving the common good and fostering political efficacy. The system must of course still be legitimate in the eyes of the affected populace.

However, in difference to theorists of participatory democracy, deliberative-democratic theorists find the base for political legitimacy in the process leading to how the will of the individual is formed, rather than in the individual will alone (Held 2010:233). In extension, this means that values and norms lose validity as soon as they lose legitimate support, but also that values could be deemed true in as far as they are deemed justifiable. The idea of consensus within a society is also of essence to deliberative democracy. John Rawls defines societal democratic stability as dependent on to the extent to which citizens' moral reasons and perception of justice overlap, to create a consensus, and sees deliberation as a method leading to endless controversy; another conception of consensus is one of how 'deep disagreement' can in fact promote deliberation and in the end produce 'more' democratic solutions (Heysse 2006:268-269, 277).

John S. Dryzek identifies four turns within the deliberative turn; the institutional turn, which focused upon the shapes and forms of particular forums and the creation of new arenas, but failed to discuss deliberation in a wider perspective; the systemic turn, with a focus on coordination between different layers of society and the interaction between them, broadening the public sphere while also emphasising the importance of formal institutions; the practical turn, in which attempts were made to make real politics more deliberative, by for example creating more "mini-publics", that is to say citizen-controlled bodies; and the empirical turn, which is concerned with testing and refining claims made by deliberative-democratic theorists by performing systematic empirical research (Dryzek 2010:6-9).

One of the main notions of deliberation within a democratic system could then be described as the non-existence of set values, and a thereby seemingly unending arena for political achievement and decision-making. Therefore, democratic theory must aim towards a constitutional design where possibilities of learning and of testing citizens' ideas are an integrated part of the political process (Held 2010:233). Every citizen holds the possibility of not only becoming an active citizen, but an active political actor, if he or she chooses to take part in deliberation.

In discussing deliberative democracy, it would be a sin not to give due attention to Jürgen Habermas. Habermas, if not a founding father of the concept of deliberative democracy, then at least a very helpful uncle, speaks of communicative action; communicative action is the state where individuals or actors, whom all recognise each other as equals, meet and debate on honest, non-biased grounds, in search for a rational solution to aid the common good (Gilljam & Hermansson 2003:267).

There are several limitations to such a perception of the democratic reality; firstly, actors engaging in a debate are unlikely to be equal, much less perceive their counterparts as bearing equal strength or legitimacy. One organisation might be larger numerically than its deliberative partner, which in turn could perhaps have stronger financial backing; in this scenario, both actors could, on equally justifiable grounds, either perceive themselves are stronger or weaker than the other party, thereby failing to meet Habermas' conditions straight off the bat.

The strife for 'symmetrical reciprocity' has been challenged by Iris Marion Young, who claims that it is neither viable nor desirable, as one actor never will be able to mirror another actor in an unbiased manner, and that it therefore would be more fruitful to strive towards asymmetrical reciprocity; mutual recognition of similarities and discrepancies would then give due importance to actors' capabilities and self-interest, making for a more realistic arena of deliberation (Healy 2011:300).

Secondly, the presumption that all involved actors will seek an optimal outcome without reference to own needs or preferences seems improbable at best; a negotiation without the prospect of winning any advantage, be it short-term or long-term, would immediately lose at least part of its rationale. Reaching an optimal outcome also supposes that the actors not only are capable of acting in a selfless manner, but also indeed to some extent are positively inclined towards one another, as a central part of communicative action is the ability of parties to admit defeat and accept another solution if it will reach the 'most' common good.

Finally, there is the inherent problem that lies embedded in fundament of the idea of a common good: who is defining, who is affected, and what opportunities to influence the definition have those affected had. Even if one presupposes that every society is governed by a set of norms and values that most of its citizens would subscribe to, a social contract if one wishes, there is still the conundrum of how to ensure that the social contract has the same validity and is seen in the same way amongst different actors; another possible problem here would be how actors from groups in the periphery of society should be handled, such as autonomous left-wing or extremist right-wing movements, whom essentially disagree with the fundaments of representative democracy. However, all above objections notwithstanding, it ought also be acknowledged that Habermas' theories can well be treated as valuable prescriptive and theory-developing elements to a more practical deliberative democracy: it would be a mistake to demand that all research be possible to operationalise immediately.

Another limitation to deliberative democracy comes with the presence of political apathy; in contexts where a sense of distrust in and disjointedness from the political leadership and the sphere of influence has prevailed, the arena for constructive and meaningful deliberation is substantially curbed. While certain theorists of participatory democracy welcome the leeway that limited participation brings, deliberative democracy is centred around enough activity to spur constructive debate; participation in the sense of voting demands little of the individual citizen apart from activity on election day – naturally, such a statement is beyond simplification and says nothing about the quality of democracy.

At the core of deliberative democracy are also the notions of legitimacy and accountability. Legitimacy can be defined as a value accepted as correct or valid by those affected by it; mere acceptance can be gained through force or coercion, which is why it is relevant to add aspects of morality, freedom and competence – that the value is accepted because it is believed to be the 'right' one, that it is accepted voluntarily, and that the affected are capable of understanding the depth and scope of what it is they are being asked to accept (Dryzek 2010:21).

Achieving cooperation by citizens without the use of force or coercion requires citizens that have faith in that the leadership will act in a good, honest way, which in turn demands mechanisms through which the leadership can be held accountable – most obviously, citizens in democratic societies have the power to oust incompetent leaders through elections, but in a deliberative context, forces of accountability could be public debates, as well as a strong, free, critical media. Deliberative democracy is as such dependent on the principle of reciprocity: a transparent, accessible leadership is more likely to be seen as legitimate by those which it represents, while at the same time putting greater demands on all involved in being open and communicative.

2.2. Responsive Democracy

Responsive democracy could possibly be described as stemming from participatory democracy, and holding elements of deliberative democracy, but with an added emphasis not on the power of the political debate, but on political leaders' abilities to identify, respond to and fulfil citizens' wishes: "the term responsiveness refers to a relationship between citizen and government, one in which the citizen articulates certain preferences and/or applies pressure on the government and the in turn – if it is responsive – attempts to satisfy these preferences" (Verba & Nie 1972:300).

According to Sidney Verba & Norman H. Nie, political participation generally serves to increase the correspondence of opinions between voters and decision makers. This could perhaps be linked to the interaction effect – the extent to which participation is dependent on levels of societal consensus, that is to say the higher the levels of consensus within a society, the more likely citizens are to participate (Wohlgemuth 2006:35). In turn, high levels of participation across a society will lead to greater leader responsiveness, in that a greater spectrum of the population will be represented, which is followed by greater pressure on leaders to be responsive. However, this does not mean that the lowest levels of leader responsiveness are to be found in communities with exceptionally low levels of participation.

Rather, low levels of participation means that leaders are neither aware of their constituencies' preferences nor under pressure to respond to them; instead, the most notable lack of concurrence between citizen preferences and leader responsiveness can be found in medium-participation contexts, where leaders have sufficient information to be responsive, but lack the incentive or pressure to do so (Verba & Nie 1972:312, 314-315). Participation alone is not enough to qualify the pressure that citizens can exert on their leaders; in terms of responsiveness, the amount of information that the citizen activity can convey is of utmost importance. Verba & Nie define four different channels for citizen influence: voting, which is a high-pressure mechanism, but low in information; campaigning, which is high-pressure and can convey moderate-to-high levels of information; communal activity, which is high in information but can range in influence depending on the individual and on the arena; and particularised contact, where a citizen directly interacts with a leader, which is high in information but low-pressure (Verba & Nie 1972:323).

The discrepancy between pressure and information is at its most pronounced, and therefore at its most powerful, in societies where there is a lack of societal consensus, as the gap between participants and non-participants can be presumed to not only be present but substantial; while as in consensual societies, the gap is presumed to be to small to have any greater impact (Verba & Nie 1972:323). Pressure or incentive can in this setting perhaps best be understood as the elective leaders' desire to be re-elected – or, perhaps, depending on the wider political landscape as well as personal affinity, a vain wish to create or continue a particular political legacy.

The concept of 'differential responsiveness' presumes that political participation is a channel for citizens to present information and their own political standpoints to the decision-making level, and the extent to which the leadership responds to participation by accepting the information presented and ignoring non-participant citizens (Wohlgemuth 2006:32; Verba & Nie 1972:315). A core tenet to differential responsiveness is whether the politically active part of a population can be considered representative or not, and how the leadership decides to handle the input from its citizen; the decisions made by the central leadership can either help everyone, help participants, or help participants while simultaneously harming non-participants (Verba & Nie 1972:310).

As such, responsive democracy is equally sensitive to the conundrum of political inequality as is deliberative or participatory democracy; perhaps even more so, depending on the risk of active citizens inflicting harm on inactive citizens, no matter how coincidental the harm would be.

Perceived correspondence of agendas is a crucial element when it comes to responsive decision making, and voting: a voter is more likely to support a candidate he or she perceives as promoting an agenda which in turn promotes his or her private political views, whether the candidate is personally in favour of that particular solution or whether it is the result of compromise or political pragmatism (Wohlgemuth 2006:39). Longevity is beneficial to issues from a concurrence perspective: concerning matters that have been debated over longer periods of time, the political leadership is likely to have a better grasp of their constituencies' preferences (Wohlgemuth 2006:49). Another possible explanation as to why longevity seems beneficial to concurrence between the electorate and the elected might be that repeated exposure of certain standpoints could influence the citizens towards the preferences of the leadership.

3   Methodology

When deciding upon which field to research, there are different parameters to be taken into account, apart from one's own interest as a researcher. For one, it is of essence to survey the academic territory to determine if the problem has been subject to previous research, or if the previous research has departed from the same angle as one wishes to use. Another aspect of utmost importance is to determine how developed the issue at hand is in itself, as to determine possible ways of conducting research. For instance, if a case study would be possible or fruitful; naturally, the choice of method is dependent on factors such as perspective of choice, academic tradition, and expectations. Surveying the subject matter and the previous research available should inspire and encourage the new researcher, but it is of course of essence that all earlier work be treated with respect and proper academic conduct.

Establishing which expectations precede the work is crucial, as it informs both the reader and the researcher him- or herself about which potential biases or pitfalls they must be wary of. As a modern-day political scientist, it is difficult to argue for a positivist approach to society, as there is staggeringly little proof of objectivity in human beings: politics is defined by the people involved and active, meaning that complete absence of personal agendas, opinions, backgrounds and biases is unrealistic, not to mention perhaps even undesirable. The presence of bias need neither destroy any research, nor lower scientific value per se; on the contrary, it is the different perspectives brought by different scholars that can further debates and widen arguments.

Although the negotiations around the European Citizens' Initiative were closed in November 2010, just short of a year after the implementation of the Lisbon Treaty, and although the directive that regulates the fundaments of the European Citizens' Initiative was finalised by early 2011, the technical specifications were laid down in a regulation finalised in late 2011, and the initiative itself will be launched on April 1st 2012.

As such, there is neither any possibility of conducting a case study, nor yet to evaluate the actual functioning of the European Citizens' Initiative, meaning that a different approach must be taken. Therefore, it will here be researched in two steps designed to complement each other, leaving room for exploration and academic imagination, yet preventing the work from becoming too speculative. The first will be a rather more descriptive section, which will consist of a mapping-out of the Swedish standpoint in and around the negotiations on the European Citizens' Initiative, based primarily on official Swedish government documents. The second section will then deal with the European Citizens' Initiative in a context of democracy and democratic development on a European Union level, attempting to explore possible challenges to, rationales behind and future implications of the European Citizens' Initiative from a more theoretical perspective. As such, this study will rather be centred on ideas, principles and problems, with an empirical foundation in a particular actor, rather than on painting a full picture of different actors' behaviour (Beckman 2005:17-18).

Two-step research requires two sets of methods, to fully be able to reach the material. In the first section, single-case-study process tracing, as defined by Andrew Bennett and Alexander L. George, will be employed: in identifying the process, the researcher must establish which initial conditions, or aspects thereof, have worked with which principles in leading to a particular sequence of events (George & Bennett 2005:206). Translated into this context, the initial Swedish standpoint will be traced and compared to the final output directive, with reservation for that the regulation regulating the technical elements of being able to launch a Citizens' Initiative have yet to be finalised.

The novelty of the subject matter at hand may remove possibilities of doing comparative research, and of drawing factual conclusions, although it may be left up to each individual epistemological conviction to decide if there are such things as factual conclusions at all, but that does not mean that the value of doing such research has also been removed; on the contrary, in-depth analysis of a single case may provide for further future research, and can be used to disprove the role of a single variable in a specific outcome (George & Bennett 2005:220). Naturally, there are limitations.

Single-case-study process tracing will only be able to make a solid case for a supposed causal relationship if the path between cause and effect is unbroken, meaning that in cases of limited or unavailable data, results will have to been seen as tentative; it is also possible that there more than one of the supposed causal mechanisms may be consistent with the outcome, rendering tentative results, that will differ depending on whether the alternatives complement each other, are causal or spurious (George & Bennett 2005:222-223). Process tracing may be seen rather as a tool for theory development than for theory testing.

In analysing the challenges and potential of the European Citizens' Initiative, inspiration will be drawn from argumentation analysis: systematically analysing the reasoning and arguments that define a debate on a particular topic, including a testing of the salience of the arguments put forward (Beckman 2005:38). Translated into this context, the analysis will deal with arguments for and against a successful implementation of the European Citizens' Initiative. Doing so may be facilitated by the use of contradictory, incisive crystallisations of arguments, of which the following four will be present, although implicitly, in the analysis: 'the European Citizens' Initiative will increase democracy in the European Union' versus 'the European Citizens' Initiative is toothless'; 'The European Citizens' Initiative will significantly increase the citizens' influence upon European Union legislation versus 'The Commission's influence upon European Union legislation will remained largely unchanged'; 'The European Citizens' Initiative is accessible to all citizens' versus 'Mobilising a European Citizens' Initiative will because of the question of resources and funding only be available to a limited number of citizens'; and 'The scope of the European Citizens' Initiative will be determined by the division between national and Community competence established in the Lisbon Treaty' versus 'The scope of the European Citizens' Initiative will be determined by the Commission's interpretation of the division between national and Community competence'.

3.1. Material

A central problem to be faced with this particular piece of research is the amount of and access to material: while writing about something that does not quite exist just yet is exhilarating, it also places certain demands and restrictions upon the approach to the subject and to research in itself. In order to produce a picture of the negotiation procedure, official Swedish government documents have been used, which naturally gives a primarily Swedish perspective, but with that in mind, also provide valuable insights into the negotiations, as the documents are either reports from meetings or instructions to meetings. The documents are not political per se, but produced by the civil service. Departing from one particular member state does have limitations, in that the accounts for actions by other member states, and of the negotiations as a whole, will have been channelled and interpreted through just one pair of spectacles; on the other hand, working with one member state may allow for increased focus. Legislative acts and official documents from the European Union have of course also been used, as the subject matter at hand could be said to demand.

The more theoretical, academic sources used are of a wide and varied nature, to give wide and varied insights into a complex issue. Scholars such as Simon Hix, Andrew Moravcsik, Giandomenico Majone and Christopher Lord can be found amongst the European Union-oriented literature; the works of Russell J. Dalton, Shawn W. Rosenberg and Graham Smith have been useful guides to the many roles of citizens in democracy. The theoretical framework has been based upon many now-classic works, such as those of Robert A. Dahl, Bernard R. Berelson, Harry Eckstein, Joseph Schumpeter, Giovanni Sartori, and Carole Pateman, along more contemporary scholars, such as John S. Dryzek and David Held. Since the research conducted in this thesis is based on several different theoretical perspectives, it is of essence to anchor it in several different scholars, which may contradict or support each other. Even if one does not consider elitism the ultimate form of democracy, or finds it somewhat simplistic to completely disregard the presence of a democratic deficit within the European Union, it is necessary to take other viewpoints into account.

The methodological framework has been primarily based upon the work of Alexander L. George and Andrew Bennett, and Ludvig Beckman, to cope with the task of making sense of something as intricate as democracy, and something as unexplored as the European Citizens' Initiative; the former giving more theoretical guidance in choosing a working method, the latter providing more practical advice. Future studies and case studies may opt for other strategies, particularly when there is more 'hard evidence' at hand.

A final challenge posed to the researched conducted and to the collection of material is how to assess and utilise interviews. The function of the interviews made has not been to provide strictly factual input; to maintain academic validity, a distinctly larger amount of interviews would need to be conducted, from a carefully selected and sufficiently diverse group, in which conclusions could then be drawn from the correspondence of interviewees' responses. Instead, interviews have been carried out to give perspective and depth to what would otherwise risk being merely bureaucratic documents, without particular linkage to any actual events, or even to each other; attention has been placed on interviews as highlighting events of particular importance, rather than as measuring the frequency of certain events, which also allows for a strategic choice of interviewees (Esaiasson, Gilljam, Oscarsson & Wängnerud et al. 2007:284, 292).

Amongst the interviewees are members of the Swedish Government Offices, from the Swedish Minister for European Union Affairs' cabinet, from the European Commission, and from the European Parliament. The interviewees have all been connected to the European Union institutions, to the negotiations of the European Citizens' Initiative from a Swedish perspective, to the negotiations o f the European Citizens' Initiative from a European Union perspective, or a combination, which has provided added depth to the empirical foundation of this study. The interviews have been conducted as a mixture between informant and respondent interviews, meaning that the interviewees have functioned both as witnesses to the process at hand and asked questions relating to their specific roles, and as individual parts of the process at hand, responding to the same questions (Esaiasson, Gilljam, Oscarsson & Wängnerud et al. 2007: 257-258).

Both telephone interviews and personal interviews have been made, depending on geography, in a semi-structured manner, aiming for as short and sharp questions as possible, in order to let the interviewees speak freely. While personal interviews may be deemed preferable, as it gives an increased possibility of reading and interpreting a situation, interviews conducted via telephone also allow for direct interaction, allowing for a maintained high quality of the interviews.

4 Background: Negotiating the European Citizens' Initiative – a Swedish Perspective

On the national level, Sweden has a long tradition of transparency and public access to the political leadership, which may be exemplified by an almost untouchable freedom of information and extensive protection-of-sources legislation. During the Swedish Presidency of 2001, transparency was not an official priority, but rendered the Presidency considerable success in the negotiations on the Transparency Act (Elgström & Jönsson et al. 2005:54-55).

As such, the key words defining the Swedish line of action concerning the implementation of the European Citizens' Initiative have been simplicity and accessibility, with as few bars and as little diffusion as possible between the initiative itself and a possible legislative proposal. From the start, the notion that the European Citizens' Initiative should be as open, simple and accessible as possible to be a real instrument for use within the European public debate, that extensive administrative prerequisites should be avoided, and that both the requirement of signatures having to represent at least one third of the member states as well as the primary proposal of 0,2% of each member state's population were reasonable. The final decision on signatories was however that a percentage-based system would be disastrously disproportionate when considering the larger member states against the smaller member states, and therefore it was agreed that the number of signatories required per member state should be determined by the degressive proportionality system used to determine each member state's Members of European Parliament. This approach would then be based upon the number of Members of European Parliament, multiplied by the total number of seats in the European Parliament, 750 (2010/0074 (COD)). One million signatures represents 0,02% of the total population of the European Union.

Initially, Sweden worked for a longer time frame; one of the more extreme suggestions came from the liberal party group in the European Parliament, the Alliance for Liberals and Democrats in Europe, supported amongst others by liberal Swedish Member of European Parliament Cecilia Wikström, who suggested that each proposal should be granted a full forty-eight months from the point of initiation. Another point of contestation was when the Commission was to be involved, in deciding the viability of the initiatives. From the Swedish point of view, the Commission ought to have been involved as a last step, after having been presented with a fully-fledged initiative, in order to not hamper citizen involvement at an early stage. A Commission approval after 300 000 collected signatures was suggested as a sort of middle path; however, after negotiations had been concluded, the Commission had been granted, or burdened with, the right to determine whether a proposal is within Union competence or not directly from the point of initiation.

The Swedish stance on access to the petitions was one of as little interference as possible; essentially, Sweden supported the idea that signatures should be able to be collected anywhere, at anytime, without particular constraints. The notion of such a free-and-easy signature collection did not gain majority support, and the end result contained a much-tempered approach to collecting signatures, namely that while the Commission is obliged to provide software to enable virtual participation, citizens will still need to register in order to support an initiative. Sweden also opposed the requirement that organisers should be obliged to disclose information on funding after the completion of an initiative, which was considered to further increase the burden upon organisers.

Another point championed by Sweden was the importance of taking national legislation on public access into account: perhaps surprisingly not because the Swedish Constitution provides unshackled transparency, but because the Swedish Freedom of Press Act gives the government the right to both retain certain documents from the public, citing official secrecy, and to resist full disclosure, should a citizen request access to government documents (SE proposal on preamble (25)**).**

As such, Sweden did point out during the negotiations that the regulation lacked a clause regulating the balance between public access and official secrecy, while at the same time striving towards a formal recognition of the general public's right to access to official documents.

The first Presidency of 2010 was held by Spain, which therefore was tasked with the shaping of the regulation governing the European Citizens' Initiative. The role of the Presidency has often been to merge and mediate, leaving little room for promoting national interest, if wanting to preserve the image of an 'honest broker' (Elgström & Jönsson et al. 2005:65). While traditionally not a remarkably transparent administration, the Spanish Presidency withheld that implementing the European Citizens' initiative was an issue of great importance for the public perception of the Lisbon Treaty (Antici 9.4.2010). The European Citizens' Initiative became a somewhat prestigious matter that the Spanish Presidency was anxious to conclude. All member states were positive towards the proposed regulation, and the Spanish Presidency's working programme. However, the negotiations were not concluded until late 2010, under the Belgian Presidency.

France brought the issue of defining the citizenry to the table, as well as being in favour of an even shorter time frame – six or nine months (Antici 9.4.2010). It may be seen as entirely straightforward: a citizens' initiative is of course naturally to be used by citizens, but even here, there was found need for clarification. While most of the European Union citizens are allowed to vote from the age of 18 years, Austria allows its citizens to participate in referenda from the age of 16 years. As such, there was a debate on if a common voting age should be agreed upon, or is each member state should be entitled to operate under its existent electoral legislation. The regulation now specifically states that the organiser of an initiative must be of age to vote for the European Parliament, as well as a citizen of the European Union. Verification of expatriates also posed a challenge to the negotiating parties; if the member states have different verification systems based upon different sets of information, there must be controls set up, in order to prevent double signatures (Antici 26.5.2010).

The Netherlands, alongside the United Kingdom, Sweden and Denmark, were also proponents of open, bureaucracy-free participation, greatly sceptical towards including personal identification numbers as a means of ensuring that citizens only support an initiative once. Belgium, Austria and Luxemburg, on the other hand, argued for inclusion of each participant's home address, in order to make sure that each signatory only acts once (Antici 19.4.2010). The collection and storage of individuals' actions on the Internet have become a yet more sensitive matter after the more-than-slightly controversial Data Retention Directive (Directive 2006/24/EC), which gives the European Union member states not only the right, but also the obligation to track and record its citizens' footprints on the Internet. From a Swedish point of view, this has been a point of great contestation, partly due to previous high-profile battles in domestic politics, on government agencies' and the police's access to information about the individual Internet user. What direction of the European Union will take on integrity and protection of the individual is currently to be seen: the Data Protection Directive (Directive 95/46/EC) which was considered one of the most extensive acts for the protection of the individual's freedom of speech and information, and in some cases even as a directive protecting human rights, is to be replaced by a European Data Protection Regulation, as proposed by the Commission in January 2012.

In negotiating the regulation on the European Citizens' Initiative, the Commission must be considered as having been relatively successful in promoting its interests. Due to its status as a European Union institution rather than as a member state, along, naturally, its sole legislative initiative, the Commission cannot be considered as an equal negotiation party; rather, the Commission has been in a position of defending its initial proposal, presumably striving towards as little substantial amendment as possible. The interaction between the Commission and the member states is apparent in minutes and reports from meetings, where the Commission often has made a point of reminding the member states that it too would prefer an as simple and efficient process as possible, as well as minimising the bureaucracy (Antici 19.4.2010).

The matter of bureaucracy and burden sharing has been a recurrent concern in the negotiations, in different parts of the European Citizens' Initiative. Italy, for example, was worried about the prospect of having to administer the so-called admissibility checks, that is to say, deciding whether a proposed initiative is viable, or whether it would be time to bring out the axe; the Commission expressed similar concerns of being buried in administration, therefore proposing 300 000 signatures as a reasonable mid-way stop. However, much due strong French pressure, the Commission failed to gain support for delaying the admissibility checks (Antici 11.5.2010), Other reasons for striving for later admissibility checks were amongst others concerns that the European Citizens' Initiative should be used as an instrument of forcing the Commission to take a stance on Union versus national competence, or that admission of an initiative may risk giving the impression that the Commission in fact has accepted the initiative before all criteria have been fulfilled (2010/0074 (COD)).

Similarly, the discussion of upon whom the responsibility for providing and managing the collection of signatures has been one shaped by matters of cost and efficiency: while the software for virtual signatories must be provided by the Commission, the member states are responsible for setting up national agencies for the coordination and administration of initiatives, as well as verifying the statements of support as defined in Article 14.3 of the regulation once an initiative is completed. As proposed by Portugal, it is up to each member state to create appropriate bodies, as the member states have different systems for the registration of their citizens (Antici 20.4.2010). Due to security and verification, as well as again depending on the discrepancies between national legislation regulating the handling of personal data, there was little support for leaving the registration of signatories to the organisers; there was concern that this certainly would increase the risk of fraud, as well as of citizens' personal data slipping into the wrong hands. However, it is up to the organiser to decide if it wishes to utilise the online signature collection system or not, and to create and maintain such a website. What burdens should be placed on the organisers pronounced the rift between member states generally in favour of transparency, and those rather more concerned with government control and admissibility: Article 4.1 of the regulation holds that it is the organisers whom are responsible for all translation of the initiatives.

The construction of software deemed safe enough, yet accessible for the states and the citizens, has also meant a long negotiation process, which is to result in a regulation regulating gathering and storage of information. There was some support for a centralised database, but both the Commission and the Spanish Presidency opposed the proposal; many member states have their own systems for gathering and storing information, as well as for registering citizens, and there was some concern that a centralised database may prove unsafe for the individual signatory. As with the admissibility checks, the use and role of national legislation brought on discussions about administrative burdens, as some member states feared that common rules would force stricter national rules, thereby increasing the individual member state's administration costs.

Imposing fair and reasonable admissibility checks was naturally not only discussed from a administrative-burden perspective, but in terms of how, when and under what circumstances then Commission would be able to dismiss a proposal. During the negotiations, there was some concern that the grounds on which the Commission could dismiss an initiative were too loosely defined. In a mid-negotiation reformulation of the regulation, the Commission was to be authorised to abandon initiatives "devoid of seriousness", which was challenged by Portugal for being severely vague (Antici 4.6.2010).

Transparency has been a key point throughout the negotiations, not only in the context of accessibility and availability, but in terms of institutional accountability, as well as the legitimacy of a proposal in itself. In the name of transparency, the organisers of an initiative will be obliged to disclose information on funding and sponsorship; a possible aim with the requirement of financial disclosure may be to prevent corporations or firms to use the citizens' initiative second-hand, or at least to get such attempts, would they be made, out into the open. From a more institutional point of view, the issue of delegated acts raised problems around transparency – although, it should be noted, perhaps not merely stemming from concern of opaque proceedings leading to impermeable, technical documents gliding further and further away from the citizens' it is supposed to involve, but highly related to member states' areas of influence.

In one stage of the negotiations, France was decidedly negative to the idea that the Commission would be able to change delegated acts in the annexes without having to consult with the member states (Antici 11.5.2010); delegated acts may be used to, for example, amend existing legislative acts, or to provide technical information for a legislative act. The Commission has the sole power to issue delegated acts, but can only do so as far as the legislative act at hand permits. In a similar vein, Finland found it essential that the result of the Commission's admissibility check could be the subject of court procedures, thereby protecting the citizens' right to question political decisions (Antici 7.5.2010).

Like the lion's share of all legislative procedures in Brussels, the European Citizens' Initiative has been subject to attempts of lobbyism and influence from non-governmental organisations. Involvement from these non-state actors have often been of a more permissive nature, supporting as little hindrance and as few requirements on organisers and signatories as possible. Arguments for a wide scope of the citizens' initiative, less personal data required from signatories, longer time limits, and suggestions for increasing accountability are examples of matters brought up by non-state actors; the given examples do not differ greatly from the ideal position held by the Swedish government. However, more extreme suggestions have also been brought from the non-governmental side, such as allowing long-term residents of non-EU citizenship to take part in initiatives, lowering the member state quota to one-fifth, and a lower minimum participation age across the whole of the European Union, none of which have been mirrored in the final document. The real level of influence of lobbyists and non-governmental organisations in Brussels is under constant debate, which has resulted in the creation of a so far voluntary register of active lobbyists.

With the technical specifications in place, the European Citizens' Initiative is set to be made available from April 1st 2012, but a few issues still remain, such as the setting up of appropriate national agencies in each member state. Throughout the negotiations, there has been broad support among the member states for an evaluation of the functioning of the European Citizens' Initiative (Antici 28.5.2010). The first evaluation is to be conducted in 2015, three years after the implementation.

While Sweden can be satisfied at the creation of a European Citizens' Initiative, the end result has been deemed by some to still be too far away from the citizens it is meant to include and encourage.

5 Analysis: Challenges to the European Citizens' Initiative

As it is based upon functioning, democratic systems in its member states, yet not containing the exact equivalent system itself, the European Union may be said to governed by a different type of democratic system: a representation of representative democracies, if one will. Elections to the European Parliament are naturally a case of direct involvement of the European citizenry, but one that the citizenry seems to remain reluctant to accept; as such, it would be dangerous, or, rather less dramatically, unfortunate, to consider democratic involvement of the European citizens as having been achieved. Since the introduction of elections to the European Parliament in 1979, participation levels have plummeted; the most recent election, in 2009, saw participation fall well below 50% (Hix & Høyland 2011:147). While voter turnout cannot be used as a measure of how democratic a society is, it can function as a measure of the involvement and interest of the citizens in the political dimension of their respective societies.

The European Citizens' Initiative may be deemed an attempt for increasing inclusion of the individual European citizen in the legislative procedure and remedying the democratic deficit; indeed, it could be seen as the ultimate treaty-based confirmation that a democratic deficit in fact exists. One of the greatest challenges facing the European Union is how to transfer from a primarily economic-financial cooperation into a real societal-political union: while crises have served to demonstrate the commitment of European leaders to the European cause, each crisis also seems to expose cracks in the structure, and, at times, a notable lack of solidarity between the partners. European Parliament elections are sometimes referred to as second-tier elections, and the European Union as a second-tier political concern, particularly heavily exploited in times of global instability and domestic elections (Richardson et al. 2001:204).

With the introduction of the European Citizens' Initiative, the European Union seems to be making an attempt to bring the dim cloud of European politics and legislation closer to its constituents; creating a 'democratic space for the multitudes' (Negri 2008:83). However, there are features of the European Citizens' Initiative that may be debated, from angles of accessibility, democratic development and inclusion, and from the notion of being 'for the citizens' – indeed, it has in Eurospeak been described as "…a significant step forward in the democratic life of the Union and adds a new dimension of participatory democracy" (2010/0074 (COD)); for instance, the matters of resources, be it economic capital, human capital, or political knowhow, leave questions on the real potential and democratic capabilities of the initiative to be answered. This section will deal with some of the fundamental concerns and key issues facing the European Citizens' Initiative, particularly how this instrument, created for use by ordinary citizens, has in fact been adapted to the means and resources of the grass roots.

5.1. Creating a Citizens' Committee

The first hurdle for the citizen wanting to bring an issue to Commission attention is locating and involving like-minded individuals of six other member states. While perhaps not being a high-level political conundrum, and being entirely reliant upon the cooperative and networking skills and resources of that first enthusiastic citizen, it is still quite the challenge; for a non-governmental organisation with branches in many different countries, the matter may be only that of where in the organisation the organisers of the initiative should be extracted from, but for an ordinary, not-previously-organised citizen, without a pool of cross-border like-minded cohorts to draw from, the scenario is likely to prove rather different and significantly more difficult. Without the evolution of modern technology and the Internet's successful conquest of the developed countries, it is unlikely that any average citizen, for whose benefit the initiative has been created, would be able to utilise it at all.

The requirement of a multi-nation committee for the Commission to communicate with is an instrument of ensuring that initiatives will be of a pan-European nature, not underhanded attempts to bring and resolve controversial national issues on a higher political level, but may prove beyond the reach of many Europeans; here, it is both possible and relevant to bring up the dusty debate of the non-existence of a European lingua franca, as well as the existence, or not, of a European demos – two things that may seem far from the legislative procedure, but could affect the ability and possibility of multi-national cooperation. The lack of a lingua franca has obvious practical effects, as it does assume certain language skills amongst the organisers, and particularly so since the organisers are responsible for the translation of their initiative; again, this may prove tricky for individuals and smaller organisations, while the need for translation may not be of substantial impact well-oiled multi-national organisations with the necessary machinery already in place.

Some of the problems facing citizens just setting out to launch an initiative and form a committee could potentially be mediated by the inclusion of Members of European Parliament, whom could contribute with networks, contacts, and knowledge of the legislative procedure. The burden of receiving sufficient funding may also be alleviated through the involvement of established politicians, as it may give funders and donors a certain degree of 'guarantee' as to how plausible and serious an initiative is. However, the involvement of established political actors already active and with solid bases within the European Union institutions raises several questions, even though parliamentarians must be excluded from the actual formation of an initiative committee. The benefits of accepting parliamentarian action into an initiative should be weighed against potential detriment; firstly, there is an obvious, inherent and unavoidable risk that the parliamentarians which get involved in initiatives might be doing so to for personal gain, and to gain leverage for own agendas, rather than to support grass-root movements or a noble cause. The European Citizens' Initiative could become a lever between the European Parliament and the Commission, particularly in issue areas where the two previously have failed to see eye to eye, if used strategically by parliamentarians.

Secondly, inclusion of parliamentarians into the process of finalising an initiative would mean an immediate loss of independence from the institutions, lessening the emphasis on, and possibly the impact of, the 'citizen' component of the European Citizens' Initiative.

The effects of a lack of a European demos are on a much more academic, perhaps also somewhat speculative note, and inextricably linked to personal beliefs – or not – in the necessity, potential and existence of such; but, it is worth pondering if pan-European sentiment and issue areas exist, or whether differences in culture and views on what matters in society will be decisive or detrimental to the potential of the European Citizens' Initiative, particularly since emotive or controversial issues tend to increase participation (Smith 2009:114). The problem of a lack of a European demos may however lie inherently in the notion that a European demos is desirable, whether it is attainable or not. It has been suggested that stepping away from demos in favour of realising the potential of the pan-European project, thereby focusing on and accepting the multitude and multidimensional nature of the European Union, could provide a more fruitful arena for debate (Negri 2008:86).

The European Citizens' Initiative may, despite being untested and despite flaws, prove to have its greatest value as precisely that, an arena for debate and deliberation. While practicalities and inequalities in resource and knowledge are likely to make the European Citizens' Initiative more accessible to certain groupings, and perhaps less so to individual citizens, as a treaty article and as a regulation, it is constructed in order to be highly inclusive. In order for deliberation to take place, the political space must be given or found, available to as large a part of the concerned citizens as possible, for them to conduct open and public debates amongst themselves and with the political leadership; the results must then have some binding element on the parties involved in the deliberation, and an actual effect of policy output, which the European Citizens' Initiative has the potential to provide (Rosenberg et al. 2007:9).

5.2. Admissibility and Registration

Both the admissibility checks and the registration procedures are necessary instruments for maintaining legitimacy of coming initiatives; the European Union cannot – and should not – neither strive towards nor be made to handle issues which fall outside its scope; equally, the public should not attempt to use the European Union as an arena for domestic affairs, or the European Citizens' Initiative as a method of making the Commission take a principle stance in matters over which the Commission does not wield relevant influence. It is also of utmost significance that the formulation of the European Citizens' Initiative leaves no room for initiatives that do not following the founding principles of the European Union, thereby immediately calming fears that the initiative would be used for pushing the creation of xenophobic or otherwise discriminatory policies.

Whether instating an instant admissibility check is a hindrance or a blessing to the potential organiser may be debated. While an immediate admissibility check may prove daunting, it is also an immediate indication of the legal plausibility of a proposal, although there is also the risk, as feared by the Commission, that the initial admission could be misconstrued as an admission of the final initiative as a whole, before it even has properly begun. After all, the main challenge of a successful initiative is not likely to lie in the strictly legal aspects, as all treaties are openly accessible to the public, and if needed, the organisers are free to seek legal advice. However, there may be fences to scale, even though the sheer legality of an initiative may seem straightforward: in a single word, lobbyism. With considerable resources, perhaps already with a Brussels office, perhaps already with a team of in-house lobbyists, larger organisations have an ability to engage with the Commission, as well as of seeking support from the European Parliament that individual citizens would most likely find unfathomable to match, both in terms of hard resources and particularly in knowhow. It should again be pointed out that although a Member of European Parliament may be a part of a committee heading an initiative, he or she should not then be incorporated into the seven required members.

From a Commission point of view, the drawbacks of immediate admissibility checks are palpable: apart from the risk of a go-ahead being perceived as being halfway towards a fully-fledged legislative act, there is also the unfortunate chore of having to handle proposals that may never take off, instead of its preferred mode of evaluating proposals that have managed to gain some support before being submitted for the admissibility check.

From a democratic-theoretical perspective, two principle problems arise; firstly, the interference of the leadership, 'leadership' here utilised as a replacement for the 'state' concept normally used in this context as the European Union is not a state, in the affairs of the citizens, and secondly, the interference of citizens in the affairs of the leadership. If an initiative is to be of a direct-democratic nature, as the European Citizens' Initiative has at times been claimed to be by the Commission, the role of implementer or axe wielder should not be played by the leadership, but rather by the citizens themselves. Otherwise, the element of directness may be said to be lost in translation: if what starts out as a direct impulse from the citizenry in the end faces reshaping, reframing and institutionalisation by the leadership, it may be debated what the actual value of the initial impulse is.

One of the fundamental problems in referring to direct democracy is the failure to recognise that direct democracy as a system of government was not only based upon the notion of vesting direct influence and decision-making power in the citizenry, but that societies where direct democracy was successful in its true form were societies marked by great political exclusion and social inequality. In a European Union context, it is worth noting again that the European Union is governed rather by a combined system of representation of representative democracy, through the status for the Commission as non-elected, and traditional representative, participatory democracy, through the elections to the European Parliament and through the Council, albeit elected on national agendas. Existential matters of the directness of democracy aside, leadership influence on the democratic freedoms of its citizens must always be scrutinised, in order to safeguard such freedoms.

Seeking alternate, informal ways of influencing and engaging with the political leadership is surely not a phenomenon restricted to modern times, although its conceptualisation and extensive spread may perhaps best be seen in a contemporary context. Lobbyism could be considered as an informal institution of the European Union, in part due to the sheer amount of lobbyists active in Brussels and around the member states. The real influence of lobbyism on European Union policy and legislative output is difficult to assess; firstly, the lobbyism is often of a more informal and off-the-records nature, not governed by principles of disclosure and transparency, and secondly, the political leadership is unlikely to admit to having yielded to the influence of private interests.

The creation of a register of active lobbyists can indicate the subtle strength of the pressure exerted on the side of politics. In terms of participatory democracy, lobbyism from interest organisations and non-governmental organisations may be seen as a clear example of citizens taking an active part in their system of governance. Lobbyism then provides important information to the leadership, coming from informed, active citizens, while the rest of the citizenry remains further from the sphere of power; the inactive part of the citizenry then provides a necessary leeway for politics to play out. The interplay between active and non-active citizens means that the leadership may receive impulses from the civil society, yet, as the active groups only represent specific parts of the citizenry, be free to act in the way that is deemed most fitting. From an elitist perspective, lobbyism is a threat to the entire system of governance, and to democracy. Interference of citizens on policy-making, legislative procedures and decision-making risk affecting politicians and decision makers in less beneficial ways, leading them to not make decisions based on what is optimal for the state, citizenry or organisation, but for the gains of outside actors. While elitists may well be accused of undervaluing and underestimating ordinary citizens, it may also be noted that the elitists' preferred vacuum between leaders and those being led could serve as a buffer zone against corruption and wrongful influence.

5.3. Voting Age and Participation

After the failed referenda in France and the Netherlands on the European Constitutional Treaty in 2005, as well as the referendum which in 2003 left Sweden outside the Eurozone, it would be easy to hop to conclusions along the lines of that the European citizenry in general are sceptical towards delegating power to the European level, or of anything that may perceived as fundamentally affecting a state's ability to 'do its own business'. In this context, it must be noted that while the European public seems not to fully grasp the extent to which national policy is already affected by European Union policy, the member states firstly often engage in two-level games, separating national and European politics for domestic gain, and secondly remain just as uneasy about constitutional matters as the general public, even on a higher political level (Putnam 1988:434).

The final agreement on the European Citizens' Initiative, which sets the minimum age of signatories to match the age that is required to vote in European elections in each separate member state, indicates as much: Austria, singularly, would not accept anything other than that its citizens should be allowed to participate from the age of 16, as is regulated by the Austrian constitution. This may provide Austria with a larger eligible voter base, and that is more prone to populism on either side of the political scale (SORA 2009). Of course, it is debatable whether the age of 18, the most common voting age across Europe, is in fact the optimal age, or whether or not a keen-minded teenager is not more well informed that a politically apathetic person of middle age, but particularly the latter could prove difficult to implement. A system where the right to vote was to be determined by the quality of the citizen's political knowledge could easily revert back into the elitist thinking that made classical direct democracy possible, or be hijacked by less-than-benevolent actors as a means to map out like-minded and dissidents.

Accepting a lower voting age in one member state may also prove to make no measurable difference whatsoever when it comes to the success or failure of future initiatives.

It may also be seen as giving interesting signals concerning the state and status of the democratic system of the European Union: what is seen as guarding a national democratic principle within a state is more important than developing a supranational democratic principle amongst the member states.

By emphasising the importance of the citizen's role as participant on the national level, the citizen's role as a participant on the European level may become blurred, mirroring the classic European Union dilemma of two-level games, in which the national government may, for example, play off against the European Union to gain national support, while acting differently in actual European Union affairs. It could also be viewed as an example of the two-tiered, sometimes slightly schizophrenic nature of the member states: while it potentially can be dangerous to cling all too firmly to one particular issue in negotiations, as it easily results in having to yield on other principles in order to gain support, it is a risk many politicians across Europe are willing to take, although the damage to the member state's negotiating power in coming negotiations may be substantial, if not defending that particular issue tooth and nail could threaten, for example, victory in a domestic election (Elgström & Jönsson et al. 2005:15; Schmidt 2006:57). Delegation of sovereignty in the realms of trade and economy, as well as in the social sector, has proved vulnerable to populism and competition, not to mention to a possible slight fear of the actual power of the other member states attempts to increase democratic inclusion may well be facing similar challenges. If democratic inclusion in the European Union is seen as a threat to the citizen's democratic rights in the member state, it may prove a turf war that is difficult for the European Union to win.

The split vision of member state governments concerning national affairs vis-á-vis European Union affairs can be traced in the respective general publics. Elections to the European Parliament are often referred to as second-order national elections, in which there is less at stake, both for those standing for election and the electorate; similarly, the value of an election to the European Union as a marker of public opinion becomes lower if it coincides with a national election, as the national election has higher turnout and higher relevance for most voters (Richardson et al. 2001:204-205).

An essential part in the limited success of the European Union to enthuse its citizenry can undeniably be said to relate to the different levels of politics. In theories of participatory democracy, educating and informing the citizenry is key, not only in an attempt to guarantee participation, but also as a part in ensuring that citizens are able to make informed decisions, thereby heightening the quality of democracy. Having a set voting age may equally be seen as a mechanism aimed at securing an informed constituency; voting ages must be assumed to be set at the age at which the individual is expected to be able to form independent, well-grounded opinions; this can naturally be debated at length. As such, debates on the quality of democracy are better off focussing on the quality of information and access to education, rather than on the quality of the citizens. A great challenge to be faced by those utilising the European Citizens' Initiative will be informing, educating and enthusing the general public enough to gain the required support.

One of the core tenets of participant-democratic theory is that while a certain level of turnout or support is needed to guarantee the longevity of a democratic system, there is no such equation as more participation leading to more or more qualitative democracy. In the context of the European Citizens' Initiative, there is a very definite minimum of required support; the basic assumption must be that all finalised initiatives are to be treated as equal, independent of the collected signatures. However, as there is no precedent as of yet, it may be interesting to see if organisers in the future will attempt to shoot above the general target of one million signatures, in an attempt to increase leverage or claim greater democratic significance or importance of the issue at hand. The extent of the use of the European Citizens' Initiative will also prove significant: if citizens are not willing to use an instrument, which, despite its somewhat intricate format and requirements of substantial levels of resources, has been created for the purpose of including citizens in the legislative process, the European Union may be in the midst of a deeper democratic crisis than previously assessed.

5.4. Time Limitation

The time limitation poses what is perhaps one of the toughest challenges to potential organisers of initiatives; twelve months is rarely a long time in any political context. According to the Commission, which originally proposed a period of only six months in which to conclude an initiative, the reason behind sharply curbing more extravagant time frames is to maintain the relevance of active initiatives. Members of the European Parliament liberal party group, the Alliance of Liberals and Democrats in Europe, proposed a full forty-eight months per initiative; some member states suggested that eighteen months would be a reasonable limit Relevance of initiatives, it has been suggested, is key to establishing and maintaining the relevance and legitimacy of the European Citizens' Initiative as an instrument in itself. The logic of the importance of relevance is neither unclear nor unreasonable; however, it is possible to both pose some queries and some objections to as whether it is entirely valid. Firstly, due to the Commission's often-strong concern for the weight of the administration that will follow the mere creation of the European Citizens' Initiative, it may be discussed to what extent the Commission expects – or wishes – that the initiative actually be used.

The proposed six-month limit cannot be said to indicate warm, open arms welcoming just any use of the European Citizens' Initiative, but perhaps rather that it ideally should only be mobilised for exceptionally well-orchestrated, well-funded initiatives on broad issues, where it may be relatively easy to gain cross-border support, such as environmental issues. Harsh deadlines are again likely to make the European Citizens' Initiative less accessible for the average citizen, leaving room only for existing structures and organisations. Secondly, issues are not necessarily on a downward spiral as soon as they have reached peak attention: on the contrary, it can prove easier to achieve consensus and support in the citizenry concerning issues that have been on the agenda for a longer period of time (Wohlgemuth 2006:49).

There is, naturally, nothing to prevent the launching of a campaign for a particular cause well ahead of seeking to register an initiative, but it may be pondered for whom the initiative then has been created: non-governmental organisations that already have capital, clout and anchorage, or for ordinary citizens, for whom it might be essential to have the weight of a registered initiative behind them, in order to dare to invest in seeing it through. For example, if one allows for a moment of academic imagination, as the translation of an initiative falls on the organisers' lot, it may seem more sensible to wait for a verdict before starting the main process of information and campaigning.

5.5. Administration and Information

Transparency and accessibility have been key words in the creation of the European Citizens' Initiative; independent of how close the initiative in its final form actually will bring the citizens to the European Union, it is a response to claims that the European Union is incapable of representing its citizens, as it does not listen to its citizens. However, it is also a challenge to the European Union's relations to its member states, and of the member states' relations to each other, as often may be the case in matters that require substantial administration; burden sharing may be considered both as a visible form of political solidarity, even if it may have been reluctant during negotiations, and as subtle way of making sure that a portion of the business remains to be conducted under the watchful eyes of the own member state.

The agreement that leaves the registration of signatories and the handling of personal data to national rather than European agencies can be seen from both angles. There has, as of yet, one should perhaps point out, been no harmonisation of registration of citizens within the European Union. As such, the registration of signatories on a national level in part may be due to decreasing total administrative costs, as national governments have the option of incorporating a particular function into an existing body, while as common registration across the European Union would most likely have entailed the birth of an entirely new body.

Therefore, while the precise predictions of the cost of new government or Union bodies are best left to the experts, it might be assumed that neither scenario would have been optimal: the creation of a new European Union body would have put palpable strain on the administrative budget of the European Union, as well as recruitment alongside putting working routines in place, but could then have served to centre the control of the European Citizens' Initiative.

The incorporation of the administration of the European Citizens' Initiative into the national scope will certainly be palpable also for the member states, which led to the opposition of some member states, but ensures that each member state can remain with its existing system of citizen registration, as well as binding an initiative to the member states where it is active. From a perspective of transparency, both systems would have its perks and downsides: a prolongation of an existing national system may seem more accessible and closer to the citizen when acting within its own member state, but maintaining the national level may, simultaneously, make it difficult for a national of one member state to gain access to information in another member state, even if were to be a matter of knowledge of other states' institutions, rather than of access itself. On the other hand, the creation of a new European Union body would perhaps be unlikely to be perceived as a simplification and as a means of easier access, rather to be seen as yet another institutional body or agency that non-Eurocrats have no control over. Making the jungle that is the European Union even denser in the eyes of its constituents may have its price, no matter how noble the intentions; equally, a coordinated pan-European system of citizen registration could, were it to surface as a proposal, stir up scepticism and fear.

Transparency is not only required from the member states; as befits the traditional concept of the social contract of citizens having both rights and responsibilities, the organisers must provide full financial disclosure in the event of a successfully finalised initiative. It might be argued that demanding full disclosure could potentially discourage private donors from backing initiatives, thereby limiting available funding, particularly for smaller projects. However, there is a significant advantage to full disclosure, the obvious benefits for transparency notwithstanding.

Since the regulation is unable to regulate organisers above the level of being of voting age and a European citizen, it would for example be possible for employees of national and multinational corporations to propose an initiative in the interest of the employer, although the corporation itself is exempt from the right to organise an initiative. The discretion of smaller donors could have been protected by a provision stating disclosure of donations above a certain sum; on the other hand, such limitations are possible to bypass for the industrious, or the insidious. Full financial disclosure may be an instrument in preventing a tempting misuse of the original intent of the European Citizens' Initiative, by attempting to close an apparent loophole directly in the same regulation that initially provided for it.

There is, of course, the element of security, which cannot be overlooked in the context of transparency and access. One main point in the negotiations on the European Citizens' Initiative has been how to find and maintain a balance between making it as easy as possible for a citizen to support an initiative, while at the same time verifying the identity of the citizen, ensuring that each citizen is only able to sign once, and protecting the accumulated personal data from being hacked or in any way misused. The technical features of the registration software that the Commission is bound by the regulation to provide organisers with are not for a political scientist to evaluate, but need for secure systems on both the virtual and the physical plains brings about what could perhaps be said to be a perpetual balancing act for any democracy: the nexus between maintaining openness and freedom of information and participation for the citizens, as well as providing stability and security.

It is also in the nexus of information and participation, security and stability, that many debates of democratic systems are located; often, there seems to be a discrepancy between what would be preferable for the system or state, and what would be optimal for the citizen or participant. In this particular context, it may again be noted that the Commission has, on several occasions, referred to the European Citizens' Initiative as a tool for direct democracy, which is a statement of a both interesting and intricate nature, particularly when coming from a non-elected body of executive power; it may also be set in relation to previous references of the European Citizens' Initiative as being somewhat revolutionary to the current system of participatory democracy.

Another aspect of information and accessibility is not related to the secure handling of personal data, but to what extent the European Citizens' Initiative will provide the European Union, particularly the Commission, with information about the direction that citizens think the European Union should take. From a perspective of responsive-democratic theory, the European Citizens' Initiative should be able to either be a tool for the Commission to increase its sensibility towards its citizens, with the added benefit of the possibility of increased fingerspitzengefuhl in other policy areas, or it could become final proof in the eyes of the citizens that the European Union leadership is distant and self-centred. Even through initiatives that do not pass the admissibility checks, or through admitted initiatives that are not completed, the Commission will have ample opportunity to survey what issue areas are of importance to its citizens, without having to conduct particular censuses or surveys. Naturally, the obvious limitation here is that the grass root impulses will be coming from the active nodes of the general public, but with that in mind, the European institutions still stand to gain a fair amount of information about the preferences and the essential matters of its constituency.

The European Citizens' Initiative is essentially a high-information mechanism, but also has the potential of becoming a high-pressure instrument of influence for the active citizens, depending on support, funding, media coverage and timing. The amount of pressure that finalised initiatives will be able to exert is, however, also dependent on how the Commission initially chooses to handle the European Citizens' Initiative as a whole: if inclusiveness becomes key, citizens are likely to perceive the gap as smaller between themselves and the corridors of power. If it proves exceedingly difficult to finalise an initiative, or if the output legislation proves suboptimal or substandard, it may have a negative impact on the public opinion of the European Citizens' Initiative, which could then proceed to lower its pressure capabilities.

One of the main elements of responsive democracy is the leadership's ability to respond to citizen needs, based on the information available, and the power of the incentive. High information in combination with high pressure tends to lead to high levels of responsiveness, as there is no excuse for the leade

rship not to take citizen opinions into account. Low levels of information and pressure do not necessarily, perhaps surprisingly, lead to the lowest levels of responsiveness. Due to that both low information and pressure indicate a less active citizenry, and that with low information comes little for the leadership to respond to, the leadership then has plenty of room to take the actions that it assumes would be preferred by the citizenry, or at least not violently opposed.

While leaders with access to high information and under high pressure naturally have a high risk of failure, they also have the incentive of creating as optimal policies and legislation as possible, as it will be noticed and rewarded. For leaders with little access to information and under low pressure, creating an optimal policy becomes a guessing game, and an ungrateful one at that, as an unpopular or controversial policy is more likely to be publicised than an uncontroversial policy. It may be argued that the European Union has been at the low information-low pressure nexus for a substantial amount of time, with few channels of input from its citizens, little pressure, and little enthusiasm, thereby little possibility of responding to citizens' needs and desires, and little room for successful policies to be elevated and rewarded. It may also be argued that the European Union, while still with few points of contact with the citizenry, is at times under considerable pressure, potentially resulting from the two-level games played by national governments, then in a position where it is almost impossible to produce popular policy.

However, while scenarios of low information-low pressure, and particularly those of low information-high pressure, may be deemed unfortunate or undesirable, the lowest levels of leader responsiveness tend to be found in situations where there the leaders have access to high levels of information, but are under low levels of pressure to take the information into account, and therefore fail to meet its citizens' needs and wants, although it there potential to do so is there. In order to not move out of the ashes straight into the fire, the Commission has an important task ahead of setting out the actual scope of influence and pressure that the European Citizens' Initiative will be granted.

The possibility of information provides the Commission both with great opportunity and great challenge, for while it may open up possibilities of entering, expanding or deepening cooperation or integration in areas close to the citizens, it also places an inherent demand on the Commission to do just that: listen to the citizens. The European Citizens' Initiative can, depending on its spread and use, come to strengthen or weaken the European Union's responsiveness in relation to its constituents. Higher levels of information give leaders the ability to tailor policies and legislation to a greater extent, but at the same time means that the room for not taking action in areas where information is ample becomes significantly smaller, and may be perceived as a lack of contact with the citizens, or just as sheer arrogance. If mishandled or misused, the instrument that has been constructed to bridge the gap between the leaders of the European Union and its citizens risks merely widening the same gap, and fuelling the notion of the European Union as a distant club for the initiated.

6   Conclusion: Potential and Pitfalls

The structure of the European Union itself makes it difficult, not to say irrelevant, to speak of the European Citizens' Initiative as an instrument of direct democracy. The classical version of direct democracy, as found in ancient Athens, has little immediate bearing on the democratic system that today governs the European Union, and indeed most democratic states. Political participation is no longer limited to a handful of free, wealthy men, but open to all citizens of a set, equal age, with few exceptions. Nor is the modern democratic system reliant on the direct involvement of citizens in the affairs of the ruling elite, but rather participation as a means to determine the constitution of the ruling elite. To return to the words of Pericles, paraphrased from the quote at the very beginning of this thesis, we cannot say that a person who takes no interest in politics minds his or her own business, but perhaps that they have outsourced their stakes in the state-affairs business. The European Union is governed by a mixed form of representative democracy, with a directly elected parliament, a Commission that is appointed by the governments of member states and then approved by the European Parliament, making it only remotely representative of and accountable to the citizens, and a Council which is based on and constituted by politicians elected on national bases. While the European Citizens' Initiative has the potential of providing the European Union with a new and, in the European Union context, unprecedented channel for citizen influence, it is still far from being a direct-democratic instrument.

Participation has long been a fundamental problem for the European Union, due both to its standing as a second-order political-social-economic arena in relation to the nation-state, and to the proneness of national governments to utilise the European Union as a nifty little scapegoat in motivating unpopular policies, particularly during national election years. The first problem has tended to result in ever-lower voter participation levels in elections to the European Parliament, simply because many voters do not see the significance of voting again, to a parliament that may be perceived as disconnected from national elections and policies.

The second problem may have a similar result, but could be interpreted as a more active choice, of non-participation as a measure of disapproval: if the primary picture painted on the national level portrays the European Union as a faraway collection of bureaucrats pumping out legislation that is detrimental to what is perceived as good, sound government policy, participation may be considered as reaffirmation of a system which one does not in fact support at all. While disapproval can be a powerful driving force for political involvement and participation, it assumes a basic element in each participant: that they care. However, although voter turnout can be a solid indication of general involvement levels, citizen participation in politics is an area distinctly wider than just casting the odd vote every few years. The European Citizens' Initiative has the potential of enthusing and empowering citizens that otherwise find the European Union much to distant and intricate to bother with.

One way of viewing the deliberative turn of democratic theory is that it entered the European Union political sphere as a result of frustration, both from the leaders, over the low interest amongst the citizenry in European affairs, and especially from citizens, organised or non-organised, over not being heard or having influence on the European level. Finding a common arena where deliberation can take place has proven challenging, much due to the sheer number and size of the European Union and those involved in policy-making and creation of public opinion. Where, on a national level, the media can have an important function as an arena for debate and contact between the leadership and the citizens, the scope and power of the media tends to be dependent on being accepted as relevant and fair, as well as accessible, which may become significantly challenging in a cross-border setting.

While there are Brussels-based newspapers and media concerned with the affairs of the European Union, it might be assumed that these do not reach as broad a reader base as, for example, national morning newspapers, which also highlights one of the reasons why the media could be considered a crucial instrument in encouraging and furthering public debate. As such, the deliberators of European politics have been burdened with not only with trying to muster up enthusiasm and knowledge in amongst citizens that seem to feel disconnected from the issue area itself, but also having to do so without the use of traditional means of information, influence and pressure.

The European Citizens' Initiative has the potential of providing a real platform for citizen involvement, which may then work as a solid base for further debates and discussions. However, the deliberative potential is dependent on the European Union's ability to inform the citizens about the possibility of using the European Citizens' Initiative, as well as what precedent will be set by the first finalised initiatives. Another issue worth pondering is if format of the European Citizens' Initiative should perhaps not be left to alone define its capabilities; maybe the framing of issues, and of the initiative itself, will prove to be of greater importance.

In terms of responsiveness, the Commission has given itself an instrument that could either bring great success, or great failure, depending on how it is handled, both in its current form and in future revisions. If the European Citizens' Initiative is successful, it has the potential of becoming a high-pressure instrument. One key problem that the European Citizens' Initiative faces in its current form is the issue of whether it is truly constructed to be used by ordinary citizens, or whether it is more likely to become a tool for well-oiled non-governmental organisations and lobby groups to gain yet another channel of influence. If the former stands true, the Commission has ample opportunity to learn from and listen to the citizens when deciding not only upon future legislation, but on what direction the European Union should take, if the Commission takes the task of responding to its citizens' wants and needs seriously. If the latter proves to be the case, or if the Commission proves unable or unwilling to use the information provided by initiatives, finalised or not, to close the gap between the citizens and the leadership, the European Citizens' Initiative may instead have the opposite effect, reinforcing the perception that the European Union is a club by and for self-interested bureaucrats and smooth-talking lobbyists.

While lack of participation and exchange of information with the citizenry may lead to severe challenges to the legitimacy of the leadership, it can also provide an excuse for not meeting certain demands, or for not prioritising certain debates. By creating an instrument intended to increase and facilitate the participation of citizens in the legislative process, be that intent genuine or lukewarm, the distance between the political elite and the grassroots has not instantly been closed; the European Citizens' Initiative may be seen as a final step in admitting the problem and the existence of a democratic deficit, by institutionalising an attempt at a remedy.

Again, the remedial qualities of the European Citizens' Initiatives may well be questioned until proven. The Commission should strive to ensure that the European Citizens' Initiative becomes a real channel of influence for the citizens, not just another paper tiger, and would do well in using it as a reference for response.

With an implementation date set to April 1st 2012, it is safe to say that it is too early to evaluate the actual effects of the European Citizens' Initiative; however, it is also safe to say that there are many problems to be faced and hurdles to be overcome, both by future organisers and by the political leaders of the European Union. Whether the European Citizens' Initiative turns out to be symbolic rather than significant, or to hold real political clout, its nascence marks the institutionalisation of the importance of democratic influence and involvement of citizens in European affairs. Although it is unarguably flawed, the European Citizens' Initiative is equally full of potential, either to spark and ignite public debate and participation, as well as the responsiveness of the leaders, or to reaffirm the notion of the European Union leadership as distant and disinterested. In any case, to paraphrase Antonio Negri as a finishing note, it is a gamble that must be taken. The assumption that democracy is the best form of governance, and that there is universal value inherent in democracy, persists, but it is worth pondering if this is the case perhaps mostly because democracy is the best option available at the moment.

7 Acknowledgements

8   Executive Summary

Introduction

The European Citizens' Initiative, as set in Article 11.4 of the Treaty on European Union after the implementation of the Lisbon Treaty, is aimed at bringing citizens closer to the governing elite, and integrating citizens into the legislative process. The success or failure of the European Citizens' Initiative will be linked to the European Union's ability to inform and enthuse, on citizen participation, and on the Commission's ability or willingness to listen to the impulses coming from the grass-root level.

Key Points

- The European Citizens' Initiative is founded upon Article 11.4 in the Treaty on European Union and regulated by Regulation EU 211/2011.
- The implementation date is April 1st 2012, evaluation and revision after three years.
- Organisers of an initiative must collect one million signatures from across a fourth of the European Union member states, within twelve months of registration.
- The success or failure of the European Citizens' Initiative depends on the ability to enthuse citizens, and on the Commission's ability or willingness to listen and respond to impulses from the citizenry.
- The format of the European Citizens' Initiative may benefit lobbyists, interest groups and non-governmental organisations more than individual citizens.

Background

If a citizen is particularly concerned with an issue, he or she has the opportunity of raising that issue to the Commission, supposing that the proposed initiative gains one million signatures of support from across a fourth of the member states within a period of twelve months. The initiative must be registered with the Commission, which then performs an 'admissibility check', to determine whether the initiative lies within the scope of European Union jurisdiction. If the initiative is deemed to fall within its competence, and all requirements are met, the Commission must use its sole right to legislative initiative to draft new legislation; if the initiative is deemed to be outside its competence, the Commission must provide a full account of the reasoning behind. A committee, consisting of one member from each involved member state, must be created to head an initiative, and the amount of signatures must be proportional to each involved member state. The required amount of signatures is determined by the member state's number of Members of European Parliament, multiplied by the total number of seats in the European Parliament, 750.

Findings: Challenges to the European Citizens' Initiative

The European Citizens' Initiative faces several major structural challenges in reaching its full potential as an instrument for enhanced democracy: the creation of citizen committees, the admissibility checks and registration, the time limit, and the matters of administration and information. Creating the required committee may prove challenging to the individual citizen that does not have a previous network to draw support from. In a similar vein, it could be difficult for individual citizens to create the necessary organisation, and rally sufficient support and resources to meet the requirement of one million signatures within the set time limit of twelve months.

Admissibility

During the negotiations on the regulation that governs the European Citizens'
Initiative, the timing of the admissibility checks was widely debated, as the
Commission was in favour of conducting admissibility checks as late in the process as
possible, to ease its own administrative burden. Concerns were aired by some member
states that last-minute admissibility checks would impair the citizens' willingness to
organise an initiative, for fear of great effort having been in vain, while other member
states feared the opposite: that immediate admissibility checks may hamper the
citizens' perception of the European Citizens' Initiative as an accessible tool.

Time Limitation

The time limit was also a point of contestation during the negotiations, with initial
proposals ranging from just six months to a full four years. Organising and
completing a multi-national political enterprise on the scale of the European Citizens'
Initiative within a year is likely to disqualify many potential organisers, that simply
do not have the resources, personal or otherwise, to dedicate the necessary time and
effort. As with the requirement of a citizens' committee, it can of course be argued
that such potential problems lie solely in the hands of the citizens. However, it must
also be realised that these potential problems have been created not by the citizens,
but by the political elite responsible for shaping the European Citizens' Initiative. The
matter of resources, concerning time, knowhow, as well as funding, may make the
European Citizens' Initiative into an instrument rather more accessible to lobbyists
and well-oiled non-governmental organisations. While the organisers must be
individual citizens, affiliations and networks are only controlled in so much as that the
organisers must provide full financial disclosure.

Information

There are two key aspects to the issue of information. The first, technical, key aspect
concerns registration of signatories and data protection, which is to be guaranteed by
software provided to each group of organisers by the Commission.

Each individual member state is responsible for setting up an agency to handle the administration of initiatives in which its citizens are involved. Decentralising the registration of signatories is both a way of sharing the administrative burden, as well as an attempt to further protecting personal data, instead of creating a single central archive. It is also a compromise on what data each signatory must provide: it is now for the member states to determine on a national level, which may be seen as a reaffirmation of the notion that the citizens concerned are primarily determined by their nationalities, rather than by their status as citizens of the European Union.

The other, more abstract, key aspect of information lies at the very core of the success or failure of the European Citizens' Initiative. Firstly, the citizens of the European Union have easy access to information about the new instrument at their disposal, or the European Citizens' Initiative may risk being regarded as immediately illegitimate. Secondly, the power, legitimacy and effect of the European Citizens' Initiative are dependent on how it is received by the executive body, that is to say the Commission. If the Commission opts for a more inclusive approach when registering and checking initiatives, it may increase the perception of the European Citizens' Initiative as a real instrument for citizens to influence politics and policy-making. If an exclusive approach is taken, the approach may be the opposite, instead reinforcing the notion of the Commission and the European Union as distant and unconcerned with matters important to individual citizens. Equally, the possibility to extract information about citizens' wants and needs lies not only in the finalised initiatives, but in all proposed initiatives. Even initiatives that fail to meet the set criteria can provide impulses from the citizenry if viewed as such, rather than merely as failed initiatives.

Conclusion

The success or failure of the European Citizens' Initiative will depend on both upon the mobilisation of citizens and on the Commission's ability, or willingness, to listen and respond to impulses from the citizenry. As the European Citizens' Initiative is supposedly aimed empowering individual citizens, it is important to keep discussing its accessibility for citizens, as well as to not shy away from issues of real influence and responsiveness.

Essentially, it is up to the Commission and to the European Union to show that the European Citizens' Initiative is an instrument that wields actual impact, not just a paper tiger. Failure to inform, enthuse, and respond to, the citizens risks furthering the notion of the European Union as an organisation created for the elite, by the elite, rather than for the benefit of European citizens, by European citizens, as is the fundamental idea of democracy. However, if the Commission uses the opportunity to assess the issues close to the citizens, the European Citizens' Initiative could become a good instrument in increasing political responsiveness as well as the quality of legislation. In short, the European Citizens' Initiative is full of potential, either to bring European Union politics closer to the citizens, or to widen the gap between the public and the political elite.

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