
5. End Ecocide in Europe

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Editor's summary: This ECI was launched to make environmental destruction a crime in the EU. Run entirely by volunteers with a limited budget, it nonetheless collected over 100,000 signatures. Personal data requirements deterred many potential supporters. The campaign also struggled with the flawed online collection system, cumbersome paper forms, misinformed national authorities, low public awareness of the ECI tool, insufficient preparation time and no legal structure to allow fundraising or shield committee members from personal liability.

An ECI to make ecosystem destruction a crime during peacetime, not just war

The ECI *End Ecocide in Europe* aims to protect ecosystems by making their destruction a crime, called ecocide, for which those responsible can be held accountable. According to *Article 8.2 of the Rome Statute of the International Criminal Court*, ecocide, the “widespread, long-term and severe damage to the natural environment” is a war crime. But it is allowed during peacetime. Our goal is to use the ECI to update the EU legal system to one which places people and planet before profits.

Ours is a true citizens' initiative, run entirely by volunteers. We started very enthusiastically, full of hope and excitement. After months of hard work, our experience has mainly been characterised by disappointment. The process is cumbersome, many people are concerned about sharing personal data, the online signature collection system is not user-friendly and a resource-intensive professional marketing campaign is necessary for success.

We continue to believe in the European idea and the need to engage citizens. However, to make the ECI a valuable tool for citizens, not big lobby groups, a number of improvements are required. This article will set out some of the major issues we experienced and recommend improvements.

End Ecocide rapidly moves from idea to citizens' committee to registered ECI

The idea for our ECI was born in May 2012 at a conference organised by international lawyer Polly Higgins. She had rediscovered the concept of ecocide, last discussed in the 1970s and 1980s, and in 2010 proposed an ecocide amendment to the United Nations. The ECI seemed a useful tool to both force EU decision-makers to consider this topic and engage the public, especially youth, in the issue. Said and done.

Quickly, we formed the citizens' committee. Ms. Higgins wrote a draft directive to accompany our ECI proposal. The Commission then accepted our ECI for signature collection. This was a major success! It demonstrated that, if there is political will, the EU has the power to introduce a law preventing ecocide. Then, the real hurdles began.

Personal data requirements disenfranchise some and outrage many

Many disappointed EU citizens contacted us saying they wanted to support our ECI, but could not do so for technical reason. One reason is that some countries' identity number or residency requirements make it impossible for expatriated EU citizens to sign an ECI. This is the case, for ex-

ample, for some expatriated UK and Irish nationals. It was also true for non-Dutch residents of the Netherlands, until corrected in October 2013. We call now on the British and Irish governments to enable their citizens to use this democratic right.

Citizens throughout the EU do not understand the need for and are distrustful of certain personal data requirements. Some countries require more personal data to support an ECI than a national petition. Many citizens are particularly hesitant to share their passport or identity card details and/or their date and place of birth. Even when reassured that their data is secure, many still fear identity theft. Recent disclosures of NSA data mining have only exacerbated online data security concerns.

Willingness to share personal data varies by country

The number of people who click “vote now” on our website and then complete the ECI support form varies widely by country. This seems to show a link between ECI support, personal data requirements and cultural attitudes toward sharing data. For instance, Spaniards share their ID numbers on a daily basis, but Austrians balk at sharing passport numbers. Nearly 80% of potential supporters on our French language website failed to complete the support form, perhaps due to the confusing personal data requirements for French citizens. However, other factors may also be at work.

Personal data required in some countries, such as Poland (PESEL) and Bulgaria (civil number), raise special concerns. Given Poland’s history of state surveillance, Poles are suspicious of sharing online their PESEL number, which they must keep throughout their life. Personal data theft is so common in Bulgaria that, when asked for their civil number, many Bulgarians immediately think of fraud. Our Bulgarian team even struggled to convince their friends that their data was secure!

Personal data requirements should be reduced to those of a petition to Parliament

Unfortunately, instead of simplifying personal data requirements for ECI support, some countries have made them *stricter*! We welcomed Luxembourg’s easing of data requirements and the Netherlands’ inclusion of its foreign residents. We were disappointed other countries didn’t do likewise. Currently, the data required by some member states exceeds what is needed to verify a citizen’s identity. We therefore call on decision-makers to consider collecting only name, nationality and address in all member states. This is all that is needed for a citizen to petition the European Parliament.

National authorities need to be better informed about the ECI

National data protection agencies and authorities responsible for the ECI are not always aware of the ECI or give incorrect advice to ECI organisers. For example, in Bulgaria, we ridiculously had to register every person and organisation collecting paper signatures as an *operator of personal data*. We suggest that the Commission strengthen communication with national data protection agencies and work with them to harmonise rules, requirements and procedures, as well as clarify data protection responsibilities of ECI organisers.

The online collection system still needs many improvements

When it was launched, the online signature collection (OSC) software provided by the European Commission erroneously rejected some correct signatures. The IT team in the Commission has since worked hard to correct glitches, but many issues remain:

- It is not possible to customise the OCS to make it appealing to citizens and useful for campaigning.
- The support button is too small and hard to find.
- Many users look at the form and are overwhelmed by text.
- Error messages need to be clearer. Users must see they made a mistake and how to fix it.
- The possibility of collecting email addresses needs to be added.
- An automated email message should be sent to the signatory to confirm their signature.
- Sharing buttons for social media would be very desirable.
- The *captcha* needs to be easier to read. Many older and visually impaired citizens complained they were not able to copy it correctly.
- The *audio captcha* is always in English, no matter which language the user chooses.

We are extremely grateful for the flexibility of the European Commission in hosting our OCS on their servers in Luxembourg. We call on the Commission to also offer the same opportunity to future ECIs.

Paper signature collection forms need simplification

While paper signature collection is less problematic than online, the paper forms could be simplified. Subject matter and objectives are necessary. However, extraneous information, such as the composition of the citizens' committee, could be removed to make more space for signature lines and make the form more visually appealing. The new requirement to fill out forms with capital letters is difficult to implement, especially for volunteer-run campaigns. This revision also demonstrates a worrying resistance to listen to the demands and experiences of the ECI organisers.

Allowing the collection of signatures of residents and nationals of different EU countries on just one form would simplify campaigning and promote EU identity. We often collected signatures at European events and it's a hassle to have a different form for each nationality. It's also paradoxical that for a *European Citizens' Initiative* citizens can only sign on the sheet for their *country* of nationality or residence.

Citizens' committees need a legal status that limits liability and allows fundraising

The fact that our ECI was organised by a simple group of citizens, without any organisational backing, has created major challenges. We are personally liable for anything related to this ECI. Without a legal status, we cannot raise funds. It is difficult to establish an organisation in one country since we are of different nationalities. It also is contrary to the European idea of the ECI. ECI citizens' committees therefore need their own legal form and/or strengthened efforts to establish an EU-wide NGO status.

More time is needed between registration and the start of signature collection

There is only one month between the registration of an initiative and the start of the 12 month signature collection period. We withdrew our first ECI and re-registered to have more time to prepare. We therefore suggest lengthening this interim period. Perhaps organisers could also choose the date (within a certain time frame) when signature collection begins.

EU needs to raise public awareness of the ECI instrument

Many EU citizens, including those engaged in public policy, are not aware of the ECI. The ECI tool needs to be promoted independently of ECI campaigns. This might also help citizens have confidence in the ECI so they might be more willing to provide the required personal data. Similarly, perhaps a “quality seal”, logo or other symbol could be given to ECI campaigns to demonstrate which ECIs are “real” ECIs.

Overall, the ECI is a great idea and has the potential to become a tool for more democracy in the EU, albeit with major caveats. The most urgent issues to address are personal data requirements which vary by country, especially those which disenfranchise expatriates, and continuing to improve the online collection system. The ECI needs to become a real tool for citizens’ initiatives, rather than another tool for big organisations to advance their agendas.

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Table – Offline versus Online Collection – Final Figures

| Country | | Signatures Collected | | | Country Quota | Relation Paper/Online |
|----------------|--------------------------------|-----------------------------|---------------|--------------|----------------------|------------------------------|
| Code | Name | on Paper | Online | Total | | |
| AT | Austria | 515 | 4,496 | 5,011 | 14,250 | 10% / 90% |
| BE | Belgium | 87 | 9,108 | 9,195 | 16,500 | 1% / 99% |
| BG | Bulgaria | 1 | 1,573 | 1,574 | 13,500 | 0% / 100% |
| CY | Cyprus | - | 52 | 52 | 4,500 | 0%/100% |
| CZ | Czech Republic | - | 208 | 208 | 16,500 | 0%/100% |
| DE | Germany | 1,565 | 13,845 | 15,410 | 74,250 | 10% / 90% |
| DK | Denmark | 15 | 1,465 | 1,480 | 9,750 | 1% / 99% |
| EE | Estonia | 171 | 2,453 | 2,624 | 4,500 | 7% / 93% |
| EL | Greece | 3 | 236 | 239 | 16,500 | 1% / 99% |
| ES | Spain | 13 | 2,578 | 2,591 | 40,500 | 1% / 99% |
| FI | Finland | 1 | 768 | 769 | 9,750 | 0% / 100% |
| FR | France | 686 | 28,688 | 29,374 | 55,500 | 2% / 98% |
| HR | Croatia | 1 | 311 | 312 | 9,000 | 0% / 100% |
| HU | Hungary | 1 | 378 | 379 | 16,500 | 0% / 100% |
| IE | Ireland | - | 981 | 981 | 9,000 | 0% / 100% |
| IT | Italy | 2,325 | 8,551 | 10,876 | 54,750 | 21% / 79% |
| LT | Lithuania | - | 597 | 597 | 9,000 | 0% / 100% |
| LU | Luxembourg | - | 134 | 134 | 4,500 | 0% / 100% |
| LV | Latvia | - | 71 | 71 | 6,750 | 0% / 100% |
| MT | Malta | - | 111 | 111 | 4,500 | 0% / 100% |
| NL | Netherlands | 3 | 5,727 | 5,730 | 19,500 | 0% / 100% |
| PL | Poland | 111 | 509 | 620 | 38,250 | 18% / 82% |
| PT | Portugal | 883 | 2,625 | 3,508 | 16,500 | 25% / 75% |
| RO | Romania | - | 2,687 | 2,687 | 24,750 | 0% / 100% |
| SE | Sweden | 6 | 2,138 | 2,144 | 15,000 | 0% / 100% |
| SI | Slovenia | - | 715 | 715 | 6,000 | 0% / 100% |
| SK | Slovakia | - | 165 | 165 | 9,750 | 0% / 100% |
| UK | United Kingdom | 2,560 | 14,725 | 17,285 | 54,750 | 15% / 85% |
| EU | <i>Signatures</i> | 8,947 | 105,895 | 114,842 | 1,000,000 | 8% / 92% |
| | <i>“Significant” Countries</i> | 0 | 0 | 0 | 7 | |

Source: *Figures from the Campaign Organisers*

The text and table in this file are a part of the book:

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