
10. An Infrastructure for People Power That Works

Bruno Kaufmann

If we want genuinely transnational and active citizens we need to invest heavily in the setting up of public services which inform, guide, encourage and support individuals and groups to make their voices heard, argues Bruno Kaufmann – and suggests a 5-step approach in the run-up to ECI 2.0.

Camilla was upset. The nurse and mother of two in the northern Swedish village of Svärdsjö had seen too much: *“They got really bad food without vitamins and of poor quality”*, she said, recalling her time working in a local home for elderly people, and then, her voice shaking, she added: *“The food they were served by the municipality was the same as our schoolchildren get for lunch”*. The meals were not just bad for health, but also for the environment, as some of the materials – such as the eggs for omelettes – were being transported forwards and backwards across Europe before reaching the plates of the paying elders up in the north.

At some point, Camilla’s anger motivated her to do some research on this issue. She eventually discovered that her municipality had far-reaching plans to close down most of its public kitchens – meaning that it would only serve meals produced hundreds of kilometers away, which would then be kept in cold storage locally. Later she also learned that European regulations were partly to blame for this *“unhealthy and unsustainable food policy”*, which included EU-wide tenders to allow for the *“cheapest offers on the market”*, as Camilla put it. As a result she launched the so-called *“Food Revolution”* (Matupproret), an online petition *“for better, healthier and environmentally-friendly meals in public institutions”*.

The campaign made headlines across Sweden and Europe and finally encouraged a Member of the European Parliament from the province of Dalarna (where Camilla’s home village is) to initiate *new procurement legislation*, giving more importance to health, the environment and social issues. If member states manage to incorporate these new rules into their national legislation it will be possible in the future for municipalities to choose alternative and local producers when procuring public contracts. A success story by any standards and a prime example of how strong the links between local concerns and Europe-wide legislation have become today – but also how citizens can make a difference, if they use the right tool, at the right time and for the right subject matter. These aspects are key to our issue here, because not everyone is like Camilla: *“No-one was able to help me, I had to find out everything for myself”*, emphasizes the Swedish lady behind the *“food revolution”*.

Some Things Have Changed

Since our nurse from Svärdsjö in Falun municipality began her campaign back in 2008 a few key changes have taken place in the European Union’s institutional structures. With the coming into force in late 2009 of the EU’s latest basic law, the Lisbon Treaty, *the principle of participative democracy* has been introduced. And with the *European Citizens’ Initiative*, a transnational direct-democratic procedure has been implemented for the very first time in history. Launched in 2012, this new fundamental right has acquired an interesting, challenging, but also ambivalent

track record. Of the 43 initiatives filed (as of February 15, 2014), only one has so far made it all the way to the Commission – the *Right2Water* initiative. Two more have reported success in gaining adequate support, but are still waiting to submit the necessary certificates. Ten ECIs have reported insufficient statements of support, another six have been withdrawn during the process by the organisers themselves and no less than 17 filed ECIs were refused registration by the Commission on the grounds that they proposed legislative action that was – according to the Commission – “manifestly outside the Commission’s competencies”. At the time of finalising this article, seven European Citizens’ Initiatives were at the stage of gathering signatures across the continent.

This is a rather mixed record of the first two years with the first transnational direct-democratic tool in world history. The numbers suggest a lot of interest and civic engagement, while the results are rather modest and the number of rejected initiatives indicate that something is seriously lacking: a genuine public infrastructure to inform, guide, encourage and support individuals and groups to make their voices heard. What Camilla experienced back in the late 2000s is still very much the reality across Europe. There are few dedicated services available to promote direct citizens’ action at the local, regional, national and transnational levels. This really has to change if we want to foster genuine active citizenship and participative democracy – one of the key pillars of any modern and truly representative democracy.

But many things need to change much more!

So let’s take the European Citizens’ Initiative – the core issue of this publication – and test the options and limits of a supportive infrastructure for active citizenship. It is a fact that the ECI has been welcomed as a very convenient reform. It offers a new type of democratic umbrella for a whole continent. Firstly, it enshrines the fundamental principle of direct citizen participation at the transnational level. Secondly, it provides for a comprehensive and process-orientated procedure, including both pan-European and member state features and institutions. And finally, the ECI invites – as the initial record proves – many practical lessons across Europe. It is obvious that the discussions about the principles of modern democracy will continue and hopefully be further strengthened at the next opportunity for constitution-making (or treaty-change). Furthermore, it is already clear that the ECI procedure will be reviewed in the next year – a process that was launched by the EU Ombudsman Emily O’Reilly in early 2014. Many important proposals for such a revision have been included in other parts of this publication. Ultimately, the best learning is always by doing – and here we can look forward to many more successful or not-so-successful initiatives to be launched in the near future.

What we are focusing on in this article is the setup around the ECI process, starting at the information desk of a municipality and going all the way to the legal experts of the European institutions. This setup has been and remains very weak. And, as your author has already emphasised at many conferences and in publications, it has to be called a democratic scandal. Just imagine a European or national election coming up and nobody being informed about it. This is almost what has happened in the case of the ECI. As a bottom line, the ECI law only provides for the employment of two full-time staff at the Commission to deal with the potential legislative action of more than 250 million people from 28 member states using 23 different languages. This strategic deprioritisation and budgetary nonsense offers a little insight into the weight our key European decision-makers intended to give this new tool of citizen participation.

The way forward

To be sure, this clear underestimation of the necessity of a public supportive infrastructure for active citizenship and participative democracy is not untypical for old-style representative democracies, still basing much of their functioning on the idea that people should give their votes and their voices away at election time, and then ... shut up. On the other hand, however, many more reform-minded forces have been working hard at extending the range of services available to EU citizens when it comes to participation. Unfortunately, many of these services are not interlinked or run in parallel. One such example is the effort by one EU Commissioner in 2013 to promote active citizenship (“Make your voice heard”) without even naming the ECI as a key new tool for doing exactly this. So it’s time to develop and design a supportive infrastructure “that works” – all the way from the top to the bottom.

- 1) *Keep the fundamentals vital!* We need a continuous debate about the shape and basic elements of a modern representative democracy: one based on the rule of law (and the protection of individual/collective rights), the limited delegation of powers (in elections and via parties), and the direct participation of the public in government (as enshrined in the *Universal Declaration of Human Rights Art 21.1*). At the next constitution-making moment in Europe, the vitality of such a debate and understanding will be crucial to taking forward the development of direct democracy.
- 2) *Introduce a clause about a supportive infrastructure!* The current law provides for extremely few resources directed towards the assistance of interested organisers, supporters and observers. In addition to the two legally qualified full-time persons, there is a team of people active in various institutions involved part-time in assisting from case to case. In addition, the legislation has established the concept of “competent” national authorities dealing with certification and validation issues. What is done outside this very formalistic and minimalistic setup is open to political goodwill – and there is obviously too little of this. So, in the framework of ECI 2.0 (by 2016 or so), we will need a specific clause on participative democracy support within the Commission, complemented by additional services in the European Parliament and the Economic and Social Committee, where a new ECI working group has been established in spring 2014. Acting together, the institutions should establish a mandatory citizens’ task force enshrined in EU law – with just one task: to serve and assist all of us in making our voices heard.
- 3) *Establish a more interactive ECI process linking organisers and institutions!* As a consequence of the clear flaws in getting the initiative process working, the European institutions have shown some capacity to learn and improve. As – unsurprisingly – the Online Collection System (OCS) did not work as well as promised (or hoped for), initiatives were not only granted extended signature gathering deadlines but also more assistance when it comes to setting up and certifying an OCS. But the technical features are only one aspect of the necessary interaction between organisers and institutions. For this reason the revised ECI law must include more and better opportunities for ECI organisers to link up with the institutional services and also provide for some additional carrots during the process – such as a rewards voucher system for transeuropean travel and accommodation for initiatives which reach certain milestones, e.g. 100,000 statements of support, and which offer full financial disclosure.
- 4) *Develop the national contact points for direct citizen participation at the EU level!* We do have the EU representations as well as the Europe Direct offices across Europe, but their main tasks are focused more on economic rights than political ones. In addition, many Europe Direct office

staff are not really trained to offer advice and support to citizens who want to make a proposal and have their voices heard. For this reason all EU representations should be tasked with developing an information and training programme for their staff and for the Europe Direct offices; such programmes could and should be developed in cooperation with national, regional and local bodies.

- 5) *Assist the non-governmental stakeholders designed to assist citizens in making their voices heard!* When it comes to the supportive infrastructure, not everything should be done by governmental institutions. Far from it. Civil society is very much in a suitable position to help itself when it comes to promoting and supporting participatory practices at all political levels. This includes political parties, media organisations, academia, think-tanks and activist organizations. However, some of these stakeholders should have better opportunities to be sponsored by public funds. For this reason it is proposed to establish dedicated budget lines for NGO-projects related to active citizenship and participative democracy with a specific focus on ECI-related activities. Here, it is not just the Commission that is asked to become more active, but also other EU institutions like the Parliament, the Committee of the Regions as well as the Economic and Social Committee.

Citizens as daily agenda-setters and decision-makers

The basic requirements for all those steps forward include a modern and comprehensive approach – and not just a host of separate projects offering interested and motivated EU citizens little knowledge about the different ways of making their voices heard. We need to understand that each EU citizen is also a citizen of one (or several) municipalities, regions and countries and that on all levels she or he should be able to become an agenda-setter and decision-maker – not just on election day every fourth or fifth year, but every day.

This has been understood back home in nurse Camilla's municipality of Falun, the provincial capital of Dalarna in Northern Sweden. Here all the local political parties agreed back in 2011 to work hard together with all the democratic stakeholders to establish such a supportive infrastructure. This decision meant that Falun got a democracy navigation platform offering comprehensive services to everyone in this town of 56,000 people, including a Democracy Passport – www.falun.se/democracypassport –, Democracy Centers and Democracy Guides. For these efforts Falun has been rewarded with European and global democracy awards. However, it is just one of many showcases in Europe and across the world which demonstrate that it is really possible to develop an infrastructure for popular democracy work – one that really works!

Bruno Kaufmann is President of the Initiative and Referendum Institute Europe – www.iri-europe.org – and Editor-in-Chief of the people2power.info global democracy news media.

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