# Context clues for the stall of the Citizens' Initiative: lessons for opening up e-participation development practice

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## ARTICLE INFO

## ABSTRACT

The European Union recently launched an innovative participatory mechanism allowing its citizens across Europe get together and set the agenda for policy-making in Brussels. The tool – the European Citizens' Initiative – was labelled as "most direct and digital" ever in the history of European democratic experimentation as it made it possible to collect signatures (of which it is required not less than 1 million) in favour of an initiative via the internet (e-collection). Launched on 1 April 2012 the ECI was met with major enthusiasm in Brussels, but soon stumbled over serious difficulties as the organisers on the ground were unable to set up their online collection systems. The present paper looks into this ICT-related crisis from the point of reference of e-democracy theory based on the findings of a qualitative case-study. As a deliverable, it offers an understanding of factors and stakeholder rationales which shaped the design and implementation of the digital dimension of the ECI (iECI).

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## 1. Introduction

April 2012 marked an important moment in the history of democratic innovations in the EU, when after nearly a decade of contemplations the Citizens' Initiative finally became a reality. This first trans-national agenda-setting instrument was soon labelled as "the most direct" tool for citizen participation ever in place (Kaufmann, 2012); and the expectations regarding the democratic effects of the Citizens' Initiative got raised quite high.

Many stakeholders placed particular emphasis on the immense digital potential of the ECI tool (hereafter labelled iECI to denote its "internet" dimension), although it was not designed as a purely e-participatory activity. Parallels were often drawn between the forthcoming ECI and the mobilizing potential of social media witnessed during the Arab Spring. Other prime examples would include the anti-ACTA petition[1] bearing 2.4 million signatures collected online in just weeks or the crashing of the UK's e-petitions website under the influx of signatures for a proposal to remove benefits from convicted London rioters.[2]

Unlike in the e-petition cases cited above, the established procedure for collecting signatures online for a citizens' initiative (ECI) could not meet the needs of such highly reactive proposals. The implemented technical rules and conditions required that initiative organisers take the responsibility to set up their own e-collection systems. How, why, and then what are the valid questions discussed in the present paper which recounts the early results of the Citizens' Initiative project.

### 1.1. Early results overview

The launch of the Citizens' Initiative on April 1 saw registration requests pouring in just minutes after the Official Register went live at midnight. The Commission then had max. 2 months to assess the admissibility of the submitted proposals based on the conditions set out in Art. 4(2) of the Regulation.[3]

The registration of the first citizens' initiative, thus setting an important precedent, took place on Europe's Day (May 9, 2012) and was announced a day earlier via Commissioner Šefčovič' Twitter account. It turned out to be a students' proposal for enhanced EU exchange programs for youth — "Fraternité 2020: Mobility, Progress, Europe" (F2020). As the Commissioner explained, F2020 was deliberately chosen out of several other initiatives to become the very first registered

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[1] Petition organised by Avaaz submitted to the European Parliament on 28 February 2012 against Anti-Counterfeiting Trade Agreement.

[2] http://epetitions.direct.gov.uk/petitions/7337.

[3] (a) The citizens' committee has been formed and the contact persons designated in accordance with Art. 3(2); (b) the proposed citizens' initiative does not manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties; (c) the proposed citizens' initiative is not manifestly abusive, frivolous or vexatious; and (d) the proposed citizens' initiative is not manifestly contrary to the values of the Union as set out in Art. 2 TEU.

**Table 1**
*Summary of registered citizens' initiatives as of 17-10-2012.*[i]

| No | Topic | Summary | Status |
|---|---|---|---|
| ECI(2012)000001 Fraternité 2020 | Education, mobility, youth | Enhanced EU exchange programmes | Registered 09-05-2012 |
| ECI(2012)000002 1singletariff | Telecommunications, single market | One all-inclusive, monthly flat-rate communication tariff in EU | Registered 10-05-2012 |
| ECI(2012)000003[ii] Right2water | Water resources, public services | Implementation of the human right to water and sanitation | Registered 10-05-2012 Paper collection started 21-06-2012 Online collection started 03-09-2012[iii] |
| ECI(2012)000005 Uno di noi | Public health | Ban financing of activities presupposing destruction of human embryos | Registered 11-05-2012 |
| ECI(2012)000006 Let me vote | Citizens' rights | Right to vote in all political elections for EU citizens resident in other Member States | Registered 11-05-2012 |
| ECI(2012)000007 Stop vivisection | Animal protection, public health | Legislative framework phasing out animal experimentation | Registered 22-06-2012 |
| ECI(2012)000008 MEET | Education | Development of a quality, pluralistic and EU2020-oriented education model | Registered 16-07-2012 |
| ECI(2012)000009 Responsible waste management | Environment | Responsible management of waste in all Member States | Registered 16-07-2012 |
| ECI(2012)000010 EU climate and energy | Climate, energy | Suspension of EU Climate and Energy package | Registered 08-08-2012 |
| ECI(2012)000011 Central public online collection platform for ECI | Services, citizens' rights | Development of a workable, low-barrier tool for citizens' initiatives | Registered 27-08-2012 |
| ECI(2012)000012 End Ecocide in Europe | Environment | Legislation to prohibit and prevent destruction of ecosystems | Registered 01-10-2012 |
| ECI(2012)000013 Initiative for media pluralism | Citizens' rights, democracy | Harmonised rules for the protection of media pluralism in the EU | Registered 05-10-2012 |

[i] A more updated view, as of 30-05-2013, shows that the number of registered citizens' initiatives increased by one (since the time of writing on 17-01-2012) and now amounts to 14: the previously refused ECI on Unconditional Basic Income was resubmitted and registered by the Commission on 14-01-2013. Several ECIs (1singletariff, Let me vote, End Ecocide in Europe) withdrew and then re-applied for registration to compensate for the lost time during the problems with e-collection.

[ii] The organisers of the ECI on dairy cows welfare backed up by Ben & Jerry's withdrew from the competition after registration regardless of having a record-breaking amount of finances available (€300,000) because of the burdensome e-collection process.

[iii] The only ECI to have their system developed by a private contractor and certified by the authorities.

ECI because of its symbolism: it was a pro-active, pro-European idea conceived and advanced from the bottom up by a group of ordinary young people.

At the time of writing, six months after April 1, there are 13 citizens' initiatives registered and open for signature collection on a number of topics such as education, telecommunications, climate change, animal protection, environment, etc. (Table 1). The informal prognosis from EU officials was that this figure would reach up to about 20 by the end of 2012 (Anonymized source, personal communication, May 2012).

Alongside the sanctioned initiatives, another seven proposals for an ECI were considered inadmissible and refused registration by the Commission. These include such issues as nuclear phase-out, EU anthem in Esperanto, abolition of bull-fighting, citizens' rights under succession from EU, creation of European public bank, and debt relief for EU countries. Obviously this fuels the discussion about the legalistic interpretations of the admissibility conditions by the Commission.

After the registration phase, the collection of signatures (on paper and online) was set to begin. However, it did not start until after nearly half a year since the ECI instrument launch: the first citizens' initiative which managed to start the collection process (almost four months after registration) was Right2Water. The clock slowly ticked for the rest of the ECIs, as the rules stipulate max. 12 months for the collection of signatures since the registration date. The reason behind the painful delay was that setting up an online collection system for an ECI simply turned out to be too costly for the organisers. The Commission's Directorate-General for Informatics had developed an Online Collection Software (OCS) available for download free of charge, but initiative organisers had to take care of the remaining components of the system themselves. This meant, for example, finding a server for hire, producing a risk assessment, and certifying the whole system nationally. The popular estimate of the costs to do all this was about €7000 as the organisers of Fraternité 2020 shared.[4]

The above is a condensed overview of the initial phase of the project which was meant to become a democratic breakthrough in EU policy-making. It is by now evident that the ECI did not get off to a flying start, and this was largely due to the problems concerning the technicalities surrounding the participatory tool. Even though in e-participation one often learns by the trial and error method, it is essential to properly reflect and understand why the deficiencies had not been foreseen.

## 2. Research design

Looking at technical innovation from a holistic point of reference has become a rewarding exercise for understanding the complex dynamics of implementing technology tools in societal settings. The role of context, shaping the way an e-enabled process functions and the results of it, has been accentuated in many theoretical frameworks in e-government and e-participation literature (Dawes, 2009; Kubicek, 2007; Macintosh, 2004; Tambouris et al., 2012).

Taking an encompassing, multi-dimensional look at an e-participation initiative can help understand why it works in one setting and fails in another. Failures in the practice of e-government are prevailing and make no news (Rose & Sæbø, 2008; Sæbø & Rose, 2005) and in many cases what poses constraints to better results are the contextual factors surrounding the projects and not the technology itself. It is often that a perfectly sound technical solution is not being used properly because it was a poor "fit" (Kubicek, 2007) to the legal, economic, cultural or other aspects surrounding its use.

Among the variety of dimensions that intersect in e-participation innovations, the basic ones are captured in the foundations of socio-technical theory as applied to e-government (Damodaran, Nicholls, Henney, Land, & Farbey, 2005). An e-government initiative crosses the boundaries of three domains — Technology, Organisation, and Society, which if not "configured properly" can pose constraints to successful implementation of a tool. Similarly, Maxwell and Dawes (2009) explain that the complex interaction between the social (including societal and organisational aspects) and technical dimensions lies at the core of e-governance systems in principle. With regards to e-participation (which in this study is considered a sub-field of e-government) the dimension of Society can be better represented with the label "Politics". The use of this notion relies on the framework of Coleman and Norris (2005), which in describing the conditions shaping e-democracy puts

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[4] Press conference of Fraternité 2020 in the European Parliament, 11 July 2012.