

How could the European Citizens’ Initiative (art. 11.4. TUE) contribute to the emergence of a European public sphere? On the citizens initiative as way to improve European civil society organisations’ representativeness.

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Keywords: civil society, participatory democracy, civil dialogue, public sphere

Please note that this paper is a preliminary draft of ongoing work. **Please do not quote it at this stage.**

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Abstract

Although the literature on European civil society is very rich (see Greenwood 2007 and Kendall 2009 for a thorough review of the state of the art), little is still known about the actual links between the organisation of European civil society and the functioning of the EU as a democratic polity (Maloney and van Deth 2008: 4).

In order to do this the paper analyses these organisations’ collective action strategies and discourses concerning participatory democracy. The paper finds that the new Treaty article, and particularly its last section (11.4), have a strong potential to foster a ‘democratic spill-over’ of deliberation from specialists to the general public and thus contributing to the emergence of a European public sphere. The paper finds as well that together with the intrinsic difficulties to gather one million signatures across Europe, the major obstacles are a relative disinterest from well established civil society organisations and the inadequacy of the existing consultative structures to accommodate outsider organisations.

The analysis points out one recommendation and one expectation. Firstly, the extent to which organisations consult their own members could be turned into a threshold criterion for their representativeness. Additionally, the paper expectation is that if outsider organisations start making successful usage of the European citizens’ initiative, this can transform the relations of civil society organisations with their members.

Introduction

Since 1999 a number of initiatives have been taken to transform the existing mechanisms for the consultation of civil society into complementary models and practices of democracy in the EU. Perhaps unsurprisingly, the institutions have sought to use these mechanisms not only to foster participation but also deliberation on the future of EU (European Commission 2005). The plea for the emergence of a European public space has a legitimising potential. However, one of the conditions for its realisation is the active involvement of the EU’s specialised publics, among which civil society plays a prominent role. It should be underlined that this paper’s focus is organised civil society, defined in the broadest sense as those organisations created on a voluntary basis to defend a cause or interests in the public space.

To this date, the main expression of participatory democracy in the European Union, which article 11 consecrates, is the existence of structured relations between the European Commission and civil society organisations. These are relations that are mediated by rules about transparency, fairness and balance in access to the institutions, out of which the EU institutions can derive legitimacy from its relations with interest groups (Smismans 2004). The main expression of these structured relations between civil society and the Commissions is the emergence of civil dialogue, that is, a series of public consultations where registered groups have a possibility to be heard at an early stage of the legislative process.

This paper focuses on one of the innovations of the Lisbon Treaty, article 11, and more particularly on its section on citizen’s direct participation, and asks to what extent civil society organisations can contribute to turn these principles into stimuli for the emergence of a European public sphere. In order to answer to these question, the first section analyses whether and how the new democratic tools could foster a Europe public sphere. The second section analyses some empirical data about the attitudes of civil society organisations towards participatory democracy gathered via in-

depth interviews, organisations position papers and consultation websites in order to analyse to what extent the theoretical expectations can be matched to reality. The last section discusses these results and suggests that the definition and enforcement of a representativeness threshold consisting in the capacity to associate citizens may be necessary if a strategy to use participation to foster deliberation is to be implemented effectively.

I. Can there be a “democratic spill-over” from expert deliberation to the general public through deliberation?

A. Citizens initiative: a democratic model in the public space

In their outlook for complementary ways of legitimacy, European institutions have since a decade chosen to promote a governance model where participation holds a prominent place of honour. The recognition of a right of citizens’ initiative is part of a path seeking to legitimise European integration via an increase in its direct input legitimacy. This should however not be taken as a linear explanation linking the opening of a debate about participation in the EU with the inclusion of this principle in the Treaty.

The article on participatory democracy in the Treaty (art 11 TUE) consecrates two different principles. The first one is the regular contact between the EU institutions and European level organised civil society. It consists in a form of indirect participation via organisations. The second is the right of one million citizens to place points in the EU agenda. The citizens’ initiative can be considered as a device characteristic of a model of strong democracy relying on the public sphere (Giorgi and Crowley 2006). This is because in order to be successful, signature collecting campaigns will need to be able to construct and communicate effectively a cause in the public sphere that appeals to citizens. The following are some characteristics of such democratic device:

- Decentralisation: it allows citizens to construct and bring about a cause autonomously and that is not or inadequately represented by the existing means for democratic expression and cause aggregation under representative institutions

- bottom-up: the cause can be constructed by political “outsiders”
- strongly based on communication: the only way to put the initiative through is to communicate it through appropriate channels
- Expressive of the political determination of a significant number of citizens, making the difference with some of the tools proposed to develop some aspects of deliberative democracy at pan-European level, like citizens’ panels or deliberative polls.

Strictly speaking citizen initiatives do not fit well in a deliberative model because the fact of collecting signatures does not provide evidence about the usage of argument or the transformation of the points of view of the contenders. In this sense, they rather constitute a form of political participation and interest aggregation. However, this paper’s argument is that this tool can strongly contribute to deliberation on the European Union beyond the extremely specialised circles or very vague ones in terms of political will formation (see Joerges 2002 and Boucher 2007) where the literature has usually placed deliberation on EU affairs. It would do so by providing the conditions for the emergence of debates about European affairs thus lifting the entrenched resistances of political parties or the media that Schmitter (2009) identifies as one of the elements hindering their emergence in national political systems. It is in this sense that the citizens initiative could be a significant trigger for a functional reflexive democratisation process (Eder and Trenz 2007), in that it would create the initial conditions for a demand of further democratisation.

That said two main obstacles seem to lay ahead the realisation of this process. The first one concerns the degree of difficulty that the details of the functioning of the principle will impose. The second one, which is the main focus of the paper, concerns the functioning of the European public sphere.

At first sight the citizens initiative is rather generous: the threshold of participants is only 1 million or 0,2 % of the total population of the EU, which makes it far easier to collect the necessary number of signatures than it is at national level in the countries having similar schemes (Cuesta López 2008). That said the main challenge in the legal implementation of article

11.4 is the definition of what is the “significant number of Member states” where the signatures must be gathered. The Commission seems to stick to the more demanding version (1/3 of member states) instead of $\frac{1}{4}$ as suggested by the EP). Constructing and promoting a cause in 9 member states and organising such a campaign is a demand that is beyond the capacities of most organisations in Europe. Finally the main challenge lies on the fact that the initiative consists in a simple invitation. Although the details about the practical functioning of the principle are still under consideration, a form of criticism consists in pointing out that in fact it confirms little more than freedom of expression. In fact gathering signatures and submitting them to the Commission for consideration is something that citizens could already do, and in fact tried with a successful attempt brought to the attention of the European Parliament in by the European Disability Forum and a failed one from ETUC. The question of its efficiency does thus depend on the capacity of the promoters to build up a coalition able putting political pressure on the Commission and the other institutions.

This aspect is directly related to the political structure of the European public sphere. In the absence of a pan-European public opinion able to hold the EU institutions accountable, the existing EU public sphere is characterised by the prominent role national or EU-level organisations like political parties or civil society. In this sense, in order to answer to the question about the capacity of the promoters of the initiative to construct a politically relevant coalition, it is necessary to consider the way in which these specialise public spaces work and the extent to which the actors’ active within them may invest themselves in the usage of this instrument.

B. The competitive logics of the EU public sphere

As said above, the European Citizens Initiative can be considered as a weak device in terms of its capacity of obligation. However, from an institutionalist perspective, the inclusion of this principle in the Treaty is relevant, as it constitutes the official endorsement of a form of collective action, and thus becoming attractive for some collective actors. Thus it can be argued that despite the weak obligation it puts on the Commission, the

principle can be transformative of the forms of participation in the European Union, in that the ability to design and carry out pan-European campaigns mobilising public opinion at the national level would become a more important register of collective action at the EU level than it is up to now (Balme, Chabanet and Wright 2002). The literature has pointed out that civil society organisations tend to use insider access tactics for influence and that the grassroots level is often not associated by the European level organisations when engaging in policy discussions with the institutions or other actors. Thus, the Citizens Initiative has the potential to unleash a competitive tension and potentially restructure the relations between these actors and between them and the institutions, by creating a cleavage between those able and willing to use the new tool and those attached to older forms of collective action.

In such a scheme, general public deliberation on the EU would acquire an increased political relevance, as it would be closely associated to the competitive dynamics in the EU public spaces, which is far from being the case up to now: civil society organisations take part in deliberative discussion fora, but the dynamics active in these spaces do not provide a space for the general public (Bouza García forthcoming). Thus, it appears that the competition between organisations using different collective action registers for the attention of the institutions may have the potential to politicise debates and discussion that has been identified as a need for the emergence of a democratic public sphere (Giorgi and Crowley 2006).

II: European civil society organisations and participatory democracy: history and present of the principle

Given the difficulty to promote these initiatives, it can be expected that the involvement of pan-European civil society organisations interested in using this tool will be almost inescapable for the organisation of successful campaigns. However the empirical data concerning the attitude of some well established civil society organisations towards this principle, both in the moment of its creation and in the debates about its development, as well as the impreciseness of the model of participatory democracy lead to a more

balanced expectation about the extent to which these organisations are likely to use this principle.

A. Attitudes of civil society organisations towards the citizens initiative

When analysing the attitudes of European civil society organisations towards the European citizens’ initiative, the most remarkable feature is the existence of a cleavage between “generalist” organisations which are well established in Brussels for a long time and have stable relations with the European institutions and relative newcomers or organisations active on the EU arena only sporadically.

This is better addressed by recalling the origins of this principle in the Treaty. Article 11 (previously 47 in the TCE) is certainly the result of the advocacy of civil society organisations during the Convention (Will et al 2005, Lombardo 2007, del Rio 2008). However, it appears that its twofold structure is the result of two well differentiated advocacy campaigns. Credit for the inclusion of the Citizens Initiative in the Treaty has been attributed (Lamassoure 2004) and claimed by (IRI 2004) a European think-tank, the Initiative and Refendum Institute. This think tank, together with the German NGO “Mehr Demokratie” organised a European Referendum Campaign which had an important role in convincing the members of the European Convention to include this right in the text of the European constitution.

Interestingly, these organisations had very little or no say in the consultations between the EU institutions and civil society organisations that took place between 1996 and the Convention (2002-2003) about different initiatives that were seeking to associate the citizens closer to the EU, like a reinforcement of civil society organisations (European Commission 1997) and their relations with the EU institutions (European Commission 2000), the establishment of a model for better governance (European Commission 2001) or the principles for a culture of dialogue and consultation (European Commission 2002). This is remarkable, since these consultations contributed to setting the agenda of the European Convention about citizens’ participation, and it has been observed that most of the

organisations which were influential in the inclusion of participatory democracy in the Constitutional Treaty (TCE) had been involved in the previously mentioned consultation rounds (Bouza García forthcoming). Interestingly, out of the 20 organisations which participated in some of these consultations and the Convention, only two suggested principles of direct democracy: for the others the main aim was to promote or, for a smaller number, to impede, the emergence of system of institutionalised access of civil society organisations to the European institutions. The position of these organisations about the citizens’ initiative could be summarised in the following extract from an interview with a member of the Social Platform, one of the leading organisations in the abovementioned group:

“[...] we did not ask for the citizens’ initiative, it was a very open process, and that came from other people. [...] It was not our idea, but we were very happy that it was included [...].”¹

This quote is a good summary of the position of these organisations’ towards the citizens’ initiative: it is considered as a positive evolution, but not as the main aspect of participatory democracy, which is the creation of framework on the relations of the Institutions and civil society.

Turning now to the reactions of civil society organisations to the recent Green Paper of the European Commission on the citizens’ initiative (European Commission 2009), it is noticeable that only 8 organisations out of the 20 abovementioned did actually send contributions to this consultation. This is strong evidence that for the organisations that were involved in the making of the first part of the article on participatory democracy, the European Citizens Initiative is far from being a priority.

Qualitative analysis confirms this. In general their attitude is supportive, but with relevant nuances. Firstly, 2 of the 8 organisations contributing to the consultation are the ones who had defended ideas about direct democracy before the Convention (the Active Citizenship Network and the Forum of European Civil Society). Among the others, the Civil Society Contact Group,

¹ Interview with a member of the Social Platform, carried out in Brussels in 02/2009.

which represents most of the groups that advocated in favour of civil dialogue in the Convention, and ETUC write in support of the principle. But, 4 of the other 8 organisations (EFC, Social Platform, ECAS and the CEMR) write to ask the Commission to carry out as well action in other fields. The following example from the Social Platform reaction stands out as a confirmation:

“Social Platform welcomes the Green Paper on the citizens’ initiative. As a response, Social Platform calls on the European Commission to launch a public consultation on how to implement the first part of the Lisbon Treaty article 11 on civil dialogue. [...] This would ensure that both parts of the article are properly implemented. Social Platform would like to stress that the right to petition is not the only new instrument related to participatory democracy that the Treaty of Lisbon introduces into EU decision making processes.”²

It thus appears that there is little appropriation of the European Citizens’ Initiative by the organisations which had advocated for better access for civil society organisations. It can be hypothesised that this attitude is connected to the modest place that mobilisation of activists, supporters or grassroots members in general plays in the collective action register of these organisations. The lack of connection between the demands of European-level civil society organisations and their grassroots members and their difficulty to mobilise was clear as well during the Convention, when civil society organisations obtained the inclusion of an article on participatory democracy in the Treaty:

“And then we have the, [...] CONCORDs and the Social Platforms, who in a way delude themselves about the way they are making impact. The Convention was where their credibility was smashed. It was smashed because they could not deliver, they made a lot of noise by saying: ‘Our members are not happy, our members would want this...’, and they got a

² Platform of European Social NGOs, *Re: Green Paper on citizens’ initiative – complement it with a consultation on how to organise the dialogue with civil society organisations, as provided by article 11 of the Lisbon Treaty*, contribution of the Platform of European Social NGOs to the consultation on the Green Paper on a European Citizens Initiative, p. 1,

lot of what they asked for. And then when the politicians would come and say: ‘And now your members will be happy and they will be supportive?’ ‘Oh! There’s no way we can contact them.’ ”³

Several reasons have been pointed out in the literature to explain this relative disconnection: the structural lack of staff (Sudbery 2003), the preference for insider lobbying styles (Van Deth and Maloney 2008:5-7,) or to the structure of opportunities created by the institutional setup (Mahoney 2007, Hooghe 2008). In a sense, mobilising members at EU level is difficult *per se* and is not really a very valuable tool in interest representation in Brussels. Thus, some organisations have developed close ties with institutions based on an exchange of expertise, support and trust which have resulted in a very large independence from their principals. This, summed to a certain lack of interest from members pointed out as well in research interviews results in the fact that EU-level civil society perceives little advantage in organising such campaign. This rather well documented tendency poses a problem concerning the democratic accountability of civil society organisations and the functioning of participation of the EU. The reason for this is that the justification for the increasing role of these organisations in European governance is that they are supposed to be close to the citizens and able to convey a two-way communication between them and the European institutions (European Commission 2001, 2002, 2005).

That does of course not mean that some organisations will not put the new device into use. In fact, the consultation on the citizens’ initiative has seen a number of new organisations participating and signing up in the register of interest representatives, starting by the organisations that promoted it in the Convention (‘Initiative and Referendum Institute’ and ‘Mehr Demokratie’), which had not signed in to the register before. This points out that the hypothesis that the usage of this strategy by organisations may have a restructuring effect in the civil society field is worth exploring.

B. An unclear model

³ Interview with a member of CONCORD, done in Brussels on 7th September 2009.

The aim of the civil society organisations which participated in the Convention and the previous consultation was to obtain a form of public endorsement of their role in civil dialogue, that is, a form of structured dialogue between these organisations and the Commission. These contacts started as a form of exchange of resources between the institutions and organisations, but along time both sides have been interested in presenting these as legitimate relations rooted in a transformation of the democratic model of the European Union (Smismans 2004), particularly after the adoption of the White Paper on Governance (European Commission 2001). On the one hand, contacts with civil society allow the Commission to claim a form of input legitimacy in that proposals have been drafted with the support of organisations which are rooted in the freewill of their members. On the other hand, civil society organisations obtained an institutional recognition and ensured privileged access. It is thus relatively unsurprising to observe that along the period between 1997 and 2003 discourses on the issue of how to improve “civil dialogue” develop into a discourse about how to complement representative democracy in the EU with dimensions of other democratic models. In this sense “civil dialogue” is turned into a form of citizens’ participation in the EU policy-making process. This discourse implies that since civil society organisations are a manifestation of the freewill of their members to advocate a cause or interest, the participation of organisations in policy consultations results in an opportunity for the participation of citizens in policy-making.

The legitimacy of civil society organisations to try to influence policy-making is characteristic of any pluralistic democratic system. However, as legitimate as these relations may be, the discourse described above can be criticised by pointing out that the involvement of civil society in policy making is not a form of citizens’ direct participation, except for those acting on behalf of the organisations. Thus, when one organisation participates in policy-making it is not providing a direct participation opportunity to its members but *representing* them. Pointing out that dialogue with civil society organisations is not an equivalent to direct contact with citizens is not only relevant for telling the difference within the democratic model of the European Union between direct, participatory and representative

democracy. It has important practical implications for the evaluation of the contribution that civil society organisations make to the emergence of European debates. This distinction is even more important given the abovementioned difficulties of communication between members and EU-level staff in transnational polity and public sphere.

There seems to be a contradiction regarding participatory in the EU. The fact that the Treaty recognises both “civil dialogue” and direct democracy is not a contradiction in itself. However, this very fact raises the question: does the EU have a clear discourse and objective concerning the aim of the complementary models of democracy?

Firstly, there seems to be a contradiction in the Treaty between representative associations and civil society. Although this is probably a confusion caused by discourses about civil society in French language, it somehow implies that the institutions will maintain dialogue with organisations as well as with the citizenry as a whole. Furthermore, the main doubt about the coherence of the usage of civil dialogue as a form of enhanced democratic practice is that the institutions and the Commission have sought to achieve very different aims at different moments with the same tools. The White Paper on Governance (European Commission 2001) sets a political objective, that is, complementing representative democracy with participatory institutions, better regulation and subsidiarity. Immediately after, the new rules for consultation of civil society organisations (European Commission 2002) come together with the “better regulation package”, by trying to define rules for the selection of consultation partners and promoting transparency. The main objective of the consultation process is to obtain the best inputs and expertise in the policy-making process. But at the same time, this document considers civil society as an opportunity for participation in European policy-making: “In this context, civil society organisations play an important role as facilitators of abroad policy dialogue” (European Commission 2002:5). This linkage between consultation of organised civil society and the public sphere is clearly made by the European Commission reaction to the failed referenda on the EU (European Commission 2005) and by the Grabowska report of the

European Parliament on civil dialogue (European Parliament 2008). To sum up, whereas this is not a contradiction in itself it seems that participatory democracy is rather the result of a series of adaptations to the demands of the moment than a clear plan to tackle the deficit of legitimacy of the European Union.

The consultation on the Green Paper on the citizens initiative is quite telling about the shortcomings of the consultation policy: the number of organisations responding to the consultation that are not registered with the Commission interest register was higher than those who are (70 against 62). If the Commission has applied its own rules to these contributions, these must have been treated as contributions from individual citizens. However, the remarkable thing in these contributions is that they reflect a bigger diversity and higher politicisation than the other 62, as they come from organisations rooted at the national level, interestingly, these are expressed in a wider range of languages with a weaker predominance of English (37% of contributions against 57% for registered organisations). The contributors include political parties and social movements organised at the national level. In short, by treating those as no more than individual contributions the Commission is losing an opportunity to work with organisations who are close to the citizens and could contribute to the enlargement of the public sphere. In short, this scheme does not seem capable to foster debate beyond the organisations already well established and interested in European policy-making.

III: Re-considering the principles of participation

The conclusion from the previous section calls for further reflection on the role of participation in the democratic model of the EU. On the one hand, participation of civil society in narrow consultation can provide an input of expertise and points of view that will certainly improve the quality of the policy making process, that is, its output legitimacy (Scharpf 1999). However, the current tools are most unlikely to produce any kind of “democratic spillover” as expected from the democratic functionalist theory: civil society organisations participating in civil dialogue have no incentive to associate their members closer and the European Citizens Initiative will be

difficult to implement without their active participation. There are two ways in which the mechanisms of the Lisbon Treaty can induce further democratic deepening in the EU. The first would be to make effective communication between the EU-level and the grassroots members of organisations participating in civil dialogue mandatory. The second would be the result of the competitive structure of the public sphere, which can lead newcomers to effectively use the citizens’ initiative for influencing policy making.

Interestingly, the events of the last years seem to induce the EU institutions to adopt views implying a sort of “democratic functionalism”. One of the objectives of the Commission when promoting participatory democracy has been to foster further communication in Europe (European Commission 2005). Such approach seems to assume that civil society organisations would act as a sort of “transmission belts”, relaying the deliberative process taking place in the consultation to their own constituency. However, other than the fact that this expectation is not backed up by the empirical data mentioned above, this position is difficult to advocate without considering civil society organisations as representatives of their members and without imposing some requisites on them concerning internal consultation.

The Commission has gone somehow a bit less than half this way. Whereas it has never asked evidence from organisations that members are effectively involved, it has expressed the view that one of the main criteria for the selection of consultation partners should be their “representativeness”, as it is the case for social dialogue. However, an analysis of the contributions of these organisations to the different consultations on civil dialogue shows that they have for a long time rejected the idea of being representatives of their members. In their discourse this rejection is grounded on their perception that representation is a function to be accomplished by elected politicians. They tend to consider that representativeness criteria impose a logic substantiated in the force of number and formal authorisation, whereas this is virtually impossible for the interests that they advocate, as excluded citizens’ can hardly be associated to this kind of processes.

The participation of organisations in consultation does not need any other criterion of justification in a pluralist approach that assumes that anyone

interested can participate. However, if civil organisations are invited as representatives of citizens’ concerns, the problem relies on the distance between the principals (the citizens) and the agents (the organisations). Reconsidering the arguments about “civil dialogue as participatory democracy” (see section II.B) in this light points out to an important legitimacy problem concerning the discourse of civil society organisations. With reference to Pitkin’s typology of the forms of political representation (Dovi 2006:4-5), it appears that in most situations civil society organisations exert a form of symbolic representation rather than a formalistic one (Castiglione and Warren 2005: 23), in that they *stand for* a cause or a group of people without necessarily having a formal authorisation from a constituency. Consequently, their role is that of a trustee. However, it is difficult to consider that civil society organisations can provide an input from citizens without designing procedures of consultation of those. Whereas the argument about the difficulty to associate excluded populations must be taken seriously, in the abovementioned approach this should not imply abandoning representativeness criteria but adapting them to the diversity in the relationships between the principal and the agents (Castiglione and Warren 2005: 10-12) in each case.

If the aim of civil dialogue is to extend deliberation on the EU to the general public, a possible requirement for participation would be that the organisations were asked to provide evidence of efforts to gather the views of their members (either associations or individuals).

An increased flow of communication between the European organisations and their grassroots members would be necessary as well for the diffusion of citizens’ initiatives. However, in this case, the decision to launch these may essentially depend on whether these become politically relevant. If “outsider” groups start gathering support at EU level for initiatives and if these are fed into the policy-making cycle, the logics of the field are likely to provide a strong motivation for other groups to do the same thing. Thus this European citizens’ initiative could produce a significant transformation in the relation between civil society organisations and their members and in

the relation between the EU institutions and their members. After all, the usage of this tool could be used as a form of assessment of the representativeness of civil society organisations.

Conclusion

The new democratic principles introduced by the Lisbon Treaty, civil dialogue and citizens’ initiatives, can be criticised for their lack of concretion or innovation respective to the democratic model of the EU. However, whereas this criticism is proven right or not will depend not only or even not essentially on the EU institutions, but on the way in which civil society organisations put them into practice.

These principles could both be relevant for the emergence of a European public sphere through a “spill over” of the deliberation among policy-makers and specialists to the general public. Furthermore, making this happen is one of the strategies of the European Commission to bridge the gap between the EU and its citizens. However, their theoretical importance finds two major obstacles: the lack of a clear participatory model at the EU level and the weak ties between EU-level organisations and their members.

The last aspect has been the main focus of this paper. It has pointed out the fact that whereas the inclusion of the principle of civil dialogue in the Treaty can be attributed to a coalition of civil society organisations well represented in Brussels, these organisations have not been very interested by the citizens initiatives, neither during its drafting during the Convention nor during the consultation on the ways to put in practice, in the last weeks. This can be attributed to the preference of civil society organisations for privileged access collective action strategies, like civil dialogue, which per se do not make the policy-making process more open to the wider public. This is evidenced by the fact that the institutional rules on consultation produced a clear distinction between “Brussels insiders” and nationally rooted outsider organisations during the consultation on the Green paper on the citizens’ initiative.

The discussion of these findings has suggested that if the institutions wish to promote a “democratic spill-over” they should promote the appropriation of the citizens’ initiative by civil society organisations. In this respect, the extent to which organisations diffuse information on the EU and contribute to channelling citizens’ voices could be a threshold to evaluate to what extent they do represent the citizens’ or the causes they stand for.

This paper cannot conclude without the following remarks. The first one is that it seems unrealistic to expect the European Commission to impose any requirements like the abovementioned ones on civil society organisations. These would require making additional financing for this kind of initiatives available. And additionally, it would be perceived by these organisations as a form of trespassing of their organisational autonomy by the institutions, something that the Commission has not been willing to do in the past.

The second is a reflection on the kind of public space that can be fostered by these initiatives. Up to now, participatory democracy under its structured relations form has tended to produce compromises between social forces needing each other because of a mutual dependency relation. However, the citizens’ initiative can be used by outsider organisations whose contribution can be a contested one. Additionally, it is likely that any successful campaign of signature collection turned down by the Commission on legal or political ground can reinforce the impression that the EU institutions do not listen to the citizens. Thus, by fostering participation and a public sphere, the institutions may be fostering contestation and attracting uncompromising outsiders. Be it intended or not, isn’t the emergence of a visible opposition something that could foster the legitimacy of the EU?

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