

The impact of the European Citizens' Initiative on the Inclusivity of EU Policymaking

Lucy Hatton, PhD Candidate

Department of Politics and International Studies, University of Warwick.

Email: l.hatton@warwick.ac.uk

Web: <http://www2.warwick.ac.uk/fac/soc/pais/people/eportfolios/lucyhatton>

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Abstract

The EU has hailed the European Citizens' Initiative as a potential remedy to its ongoing crisis of democratic legitimacy. Whether the ECI can live up to the EU's expectations is dependent partly upon its inclusivity. Inclusivity encapsulates not only how many participants there are but also who they are. In particular, it raises three distinct questions. First, who has the right to participate in EU policy making: how is the demos defined? Second, are any particular sections of the demos excluded from participation? Third, do all participants have an equal opportunity to influence outcomes? I seek to answer these questions by considering the design of the ECI in principle and by drawing on the experiences of the first two registered ECI campaigns. First, I argue, in line with others, that the EU's democratic legitimacy can be based on multiple, overlapping demoi. Second, I address recently aired concerns that the ECI has been designed primarily for the use of civil society organisations, not 'ordinary' citizens, by suggesting why this may in fact be advantageous. Finally, the impact of individual participants in the ECI process is briefly considered. I conclude with a caution: whilst the inclusivity of the ECI is a fundamental criterion against which to evaluate its potential impact on the overall democratic legitimacy of the EU, it is not the only relevant criterion, and I sketch the necessary outlines of further research.

Introduction

The European Citizens' Initiative (ECI) is the first formally instituted transnational instrument of participatory democracy in world history. The EU's institutions have promoted the introduction of the ECI, on 1 April 2012, as a significant boon to democracy within the EU and a likely remedy to its democratic deficit. The day before its launch, European Commission Vice President for Inter-institutional Relations and Administration, Maros Šefčovič, was quoted as stating:

"This is an unprecedented expansion in participatory democracy. It is a powerful agenda-setting tool in the hands of citizens. I hope it will also encourage the

development of a genuine European 'demos', as citizens come together across borders to debate issues that are important to all of them."

(European Commission, 2012a)

It is yet to be determined whether the ECI will, or indeed has the potential to, live up to Vice President Šefčovič's expectations. The democratic legitimacy of the EU has frequently been questioned and this paper seeks to contribute to debates regarding the ECI's potential impact on the democratic legitimacy of the EU by specifically analysing its effect on the inclusivity of EU policy making. Inclusivity will be shown to be one of the key indicators of the ECI's contribution to the democratic legitimacy of the overall EU political system.

In this paper I argue that at first glance the ECI has significant potential to positively impact upon the inclusivity of EU policy making, yet there are several obstacles and caveats to this being the case in practice. The paper begins with a brief introduction to the ECI and the first two ECI campaigns that provide the anecdotal evidence to support the claims made throughout the paper (the Right2Water and Fraternité 2020 initiatives). I then identify the important relationship between inclusivity and democratic legitimacy and highlight the three core indicators of the inclusivity of a democratic innovation. These three questions (who is entitled to participate, or who is the demos? Are any sections of the demos excluded from participating? Do all participants have an equal voice?) are then answered in respect of the ECI in order to evaluate its potential impact upon inclusivity both in theory and practice, by drawing upon the nature of the ECI as an innovation as well as insights from the experience of the Right2Water and Fraternité 2020 campaigns. Finally, I conclude that the ECI has the potential to positively impact upon the inclusivity of EU policy making, particularly through considering the ECI as a device that can activate EU citizenship, though it may be too soon to determine this definitively. I also highlight the further research that must be undertaken in order to better establish the impact of the ECI on the democratic legitimacy of the EU, of which inclusivity is only one element.

The ECI

Before questioning the impact that the ECI can have, it is necessary to establish what it is. The ECI was introduced in the Treaty of Lisbon in 2007 under Title II with the heading 'Provisions on Democratic Principles' (European Union, 2007). The ECI process invites at least seven citizens of the EU, residing in at least seven member states, to come together to form a Citizens' Committee with the purpose of inviting the European Commission to propose new EU legislation. The proposal must fall into the EU's sphere of competence and must relate to the implementation of the EU's existing treaties: it must not propose anything that would require their reform or that could be deemed "abusive, frivolous or vexatious" or contrary to the EU's values (European Union, 2011, p. 4). Once the Commission has verified that the proposed initiative meets the registration requirements the initiative becomes open for signatures. Each initiative is given one year in which to collect a minimum of one million signatures, online or on paper, from at least seven member states. Each qualifying member state requires a minimum number of signatories to be counted amongst the seven (equivalent to 750 times the number of MEPs of that country). When this threshold is reached, and the signatures have been validated by member state governments, the Commission has three months in which to: meet with the Citizens' Committee; arrange a

public hearing in the European Parliament related to the initiative, and adopt a formal response setting out what action the Commission intends to take on the suggestions of the initiative, if any, and why (European Union, 2011).

The EU's institutions have repeatedly claimed that the ECI is part of the solution to the EU's democratic deficit. Vice President Šefčovič, who is responsible for the ECI within the European Commission, has expressed time and again the potential of the ECI to democratise the EU through giving citizens a greater opportunity to influence its outputs. Šefčovič has, on many separate occasions, exclaimed the ECI as: "a great boost for participatory democracy in Europe" (European Commission, 2012b); "a real opportunity for us to reconnect with European citizens, to bridge that democratic divide" (Šefčovič, 2012a) and "the first step on our way to European transnational e-democracy" (Šefčovič, 2013). Some members of the European Parliament have been equally as optimistic about the ECI's potential. Hungarian MEP Zita Gurmai has referred to the ECI as "a unique opportunity to breathe new life into our European democracy" (European Parliament, 2010) and European Parliament President Martin Schulz proclaimed the day that the ECI was launched as "a great day for real participatory democracy" and referred to the ECI as "a wonderful thing" (European Parliament, 2012). These claims illustrate the EU institutions' buoyant confidence in the potential of this mechanism to positively impact upon the democratic legitimacy of the EU. However, the extent to which the ECI can live up to these sanguine expectations must be questioned.

In total, twenty ECIs have been registered with the Commission between its launch and 1 March 2014. Of these, seven are currently collecting signatures and the remaining 13 have passed the signature collection deadline. A further six have been registered and subsequently withdrawn (though three of these were then re-registered), and 17 requests for registration have been refused (though one of these has since been successfully registered) (European Commission, 2014c). The registered initiatives have varied significantly in terms of the issues they raise, origin of the campaign and level of support and funding. This paper will consider specifically the experiences of the first two initiatives that were registered with the European Commission. The significant differences between these two campaigns provide valuable insights into what factors can affect the potential of the ECI to impact upon the inclusivity of EU policy making.

The very first ECI campaign was launched and registered with the Commission on 9 May 2012. 'Fraternité 2020 – Mobility. Progress. Europe.' called for the enhancement of EU exchange programmes "in order to contribute to a united Europe based on solidarity among citizens" (European Commission, 2014b). Fraternité 2020 had three key objectives: to increase the percentage of the EU budget spent on exchange programmes (such as Erasmus and the European Voluntary Service); to emphasise intercultural skill development (such as languages, history and culture), and to improve the monitoring of mobility (European Commission, 2014b). Its signature collection phase ended on 1 November 2013¹ at which point it had collected just over seven percent of the required one million signatures (70,412

¹ Due to initial problems with the online signature collection system, the first eight registered ECIs were granted extensions to their signature collection period and were given the new deadline of 1 November 2013.

signatures in total) and was thus deemed to have gathered insufficient support to be considered by the European Commission (Fraternité 2020, 2013). The Fraternité 2020 campaign was run entirely by volunteers yet did gather the support of many NGOs and MEPs along the way, and collected €7000 financing for its campaign activities (European Commission, 2014b).

The second ECI campaign, however, reports a rather different experience. ‘Water and sanitation are a human right! Water is a public good, not a commodity!’ (Right2Water) invited the Commission to implement the right to clean water and sanitation as a human right and a public service. This campaign also had three key objectives: to oblige member states to ensure the right to water and sanitation; to ensure water services are excluded from liberalisation, and to increase the EU’s efforts to provide universal access to water and sanitation (European Commission, 2014d). Right2Water received significantly greater funding than Fraternité 2020: twenty times as much at a reported €140,000 (European Commission, 2014d). It was also organised in conjunction with the European Federation of Public Service Unions (EPSU), which represents over eight million public service workers throughout the EU, and several additional pan-EU organisations, as will be noted below (WATER is a Human Right, 2013a). Right2Water was launched the day following Fraternité 2020 and had the same deadline for the collection of signatures, 1 November 2013. However, in contrast to Fraternité 2020, Right2Water collected a reported 1,884,790 signatures: exceeding the 1 million threshold by a significant margin. It submitted these signatures for verification almost two months before the collection deadline (WATER is a Human Right, 2013b). Following the verification of 1.6 million signatures the successful initiative was submitted to the European Commission and the public hearing on Right2Water in the European Parliament took place on 17 February 2014 (WATER is a Human Right, 2014). The European Commission has until 20 March 2014 to provide a formal response to the initiative.

Inclusivity and democratic legitimacy

If the ECI, as described, is going to have a significant impact on the democratic legitimacy of the EU, as its advocates suggest it will, it must positively affect the EU’s democratic political system in several key ways. The ECI’s impact upon the inclusivity of EU policy making is, I argue, one of these fundamental criteria against which it must be evaluated in order to determine its impact upon the overall democratic legitimacy of the EU.

There is a clear relationship between the concepts of inclusivity and democratic legitimacy. Max Weber identified three different claims to legitimate authority: traditional, charismatic and rational-legal, and the extent to which these claims were accepted denoted the extent to which the authority was legitimate (Weber, 1962). The primary element of this conception of legitimacy is therefore belief, or public approval (Beetham, 1991, p. 6; Rehfeld, 2005, p. 15). However, Weber’s definition has been the subject of a significant amount of criticism, not least from David Beetham who has described Weber’s influence on the topic of legitimacy an “unqualified disaster” (1991, p. 8). The basis of the criticism comes from Weber’s emphasis on belief, which Beetham likens to a form of public relations. Similarly, Rodney Barker also criticises Weber’s definition of legitimacy for its overemphasis on belief, stating that “to describe as legitimate a regime which its subjects believe to be

legitimate is to empty the term of any moral content, which content it ought to have" (Barker, 2001, p. 10). What is missing, therefore, is a moral basis, a normative standard against which claims to legitimacy can be tested: "a given power relationship is not legitimate because people believe in its legitimacy, but because it can be justified in terms of their beliefs" (Beetham, 1991, p. 11).

Beetham thus describes a moral grounding for legitimate political authority. For Beetham, power is legitimate when it is "acquired and exercised according to justifiable rules" and consented to by the subordinate (1991, p. 3). The rules must be justified according to two norms, those of the appropriate source and content of the rules. Because all individuals are equal, and all are equally fallible (Weale, 2007, p. 68), the collective is most likely to consider the appropriate source of the rules to be themselves, or 'the people' (Beetham, 1991, p. 75). This is democracy. Democracy is the most legitimate form of political system because "only a democratic government can foster a relatively high degree of political equality" (Dahl, 1998, p. 56). Indeed, as Dahl states, "in the current world there are not many alternatives to democracy as a source of legitimacy" (1999, p. 32). Furthermore, democratic legitimacy ensures political outcomes are accepted by the entirety of those affected by them. Relying on the people as the source of legitimate authority provides "the moral grounds for obedience to power" (Parkinson, 2006, p. 21), as the subordinate are obliged to accept the decisions of the dominant due to the legitimacy of their authority. As Fabienne Peter puts it, democratic legitimacy refers to "the normative concept that establishes under what conditions the members of a democratic constituency ought to respect a democratic decision" (2009, p. 4). As the legitimate source of authority is the people, then the people are likely to obey and consent to the decisions they themselves have made. By democratic legitimacy, therefore, I mean a political system that relies on its people to provide the source of authority and to determine the rules by which the powerful exercise their authority, consenting to the exercise of authority and thereby accepting its outcomes.

In order to fulfil the democratic legitimacy requirements of political equality and the people as the legitimate source of political authority, it is important that each individual has an equal opportunity to affect political outcomes (Warren, 2003, p. 224). For this reason, it is vital that democratic devices, or mechanisms, are maximally inclusive. Dahl identified 'full inclusion' as a key criterion of democratic governance: he argued that all members must be equally entitled to participate in their own governing (1998, p. 38). A democratic mechanism must therefore be fully inclusive if it is to contribute positively to the democratic legitimacy of the political system in which it is embedded. Three key questions must be asked of a device in order to determine its inclusivity, as noted by Smith (2009, p. 21). First is who counts as a citizen, or how is the demos defined? This must be established in order to be able to assess the extent to which all individuals affected by a decision are able to participate in its formulation. Second is whether any particular elements, sections or factions of said demos are excluded from participation, as this will easily identify whether the device is or is not fully inclusive. Finally, it must be determined whether all of those who do participate in governing have an equal voice through their participation, or, to put it another way, an equal opportunity to influence outcomes. If the rules of the mechanism mean that some participants' contributions carry greater weight than others, even if all have the opportunity to participate, it cannot be said to be fully inclusive. It is also important to

note, on this point, that equality of opportunity to participate may not be sufficient for ensuring democratic legitimacy if the opportunity is taken up unequally within the demos. As Cain, Dalton and Scarrow highlight, skill, knowledge or resource requirements may implicitly exclude some individuals or groups from participating, even though the opportunity to do so does exist (Dalton, Cain, & Scarrow, 2003, p. 262). Actual equality of active participation is then a further criterion against which to assess democratic devices in order to determine their inclusivity, and in turn their contribution to the democratic legitimacy of the political system.

The ECI and inclusivity

It is therefore necessary, in order to evaluate the ECI's potential impact on the democratic legitimacy of the EU as a whole, to consider how inclusive it is, or has the potential to be. In this section I attempt to answer the three key questions of inclusivity identified above, namely: who is granted the opportunity to participate in the ECI (who are the citizens)? Are any groups of citizens excluded from participating in the ECI, explicitly or implicitly? And, is the opportunity to influence outcomes equal for all ECI participants? The answers to these questions are necessarily tentative due to the early stages of the ECI. However, by considering how the ECI has been designed and is expected to work on paper, with some input from the experiences of the first two ECI campaigns, as identified above, it is possible to make some preliminary conclusions with regard to the ECI's impact on the EU's democratic legitimacy.

i) Who can participate in the ECI?

The regulation on the ECI states that the TEU grants the right to participate in the democratic life of the Union, via the ECI, to every citizen of the EU (European Union, 2011). The TEU also re-emphasised the definition of EU citizenship by stating in article 8 under Title II:

“In all its activities, the Union shall observe the principle of the equality of its citizens, who shall receive equal attention from its institutions, bodies, offices and agencies. Every national of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to national citizenship and shall not replace it.”
(European Union, 2007)

This declaration illustrates the EU's recognition of the political equality of all of its citizens. On first glance it therefore appears that the ECI is fully inclusive, as all citizens of EU member states are also by default citizens of the EU and are therefore afforded the opportunity to participate in the ECI, to influence the EU's political agenda and consequently policy outputs. Indeed, Saward points out that the European Commission sees the ECI as a core vehicle through which EU citizenship can be activated and exercised, as he states: “In specific and controlled ways, the ECI is ... a polity-activating device intended to provide a new avenue of active citizenship” (2013, p. 228). What is meant by this is that there is an assumption,

correct or incorrect², on the part of the EU that all of the necessary features of the European polity are in place and simply require enlivening: formal EU citizenship exists on a legal basis, it just needs to be activated and the ECI can, the EU's institutions believe, contribute to this (Saward, 2013).

However, in practice, EU citizenship, and the existence of an EU 'demos', are problematic and have been the subject of lengthy debates. As mentioned above, democratic legitimacy rests on the assumption that the people are the most legitimate source of political authority due to political equality and infallibility; this realisation compels the minority to obey the decisions of the majority. It is also argued that only with shared interests, established communication and sense of community can a minority be expected to accept a majority decision: a demos is required for democratic legitimacy. As Weiler notes, "the authority and legitimacy of a majority to compel a minority exists only within the political boundaries defined by a demos" (1995, p. 222). Where individuals belong to a demos, therefore, the decisions made will be acceptable to them whether or not they as individuals support those particular decisions. Many have argued that the EU does not, and cannot, have a singular demos and therefore it cannot have democratic legitimacy: this is termed the 'no demos thesis' (Weiler, 1995, p. 230). In their comprehensive analysis, Beetham and Lord highlight the absence of a collective identity among the people of Europe as a key obstacle to the legitimacy of the EU (1998, p. 33). As Theiler argues, "only a shared sense of belonging to an overarching European communal unit could help Europeans develop the trust and commitments a democratic polity needs" (2012, p. 783). Several arguments have been proposed as to why the EU does not and cannot have a demos.

First, the EU has been argued to lack the 'ethno-cultural homogeneity' necessary for collective citizen identification with the EU and hence the formation of an EU demos (Beetham & Lord, 1998, p. 36). The historical experiences of the EU member states are so divergent, it has been claimed, that it would be impossible to foster the feelings of community and shared attitudes that underpin nationhood and provide legitimacy for the outputs of the governments of nation states. Consequently, it is suggested, the nation remains the primary locus of political activity for citizens and the EU cannot be democratically legitimate because the people do not identify with it as they do with their nation states (Beetham & Lord, 1998, p. 37). As far as Kymlicka is concerned, the choice of citizens to participate in international organisations, such as the EU, is a way of affirming their national identities and national sovereignty rather than any indication of a coming together of individuals from different EU member states to form a collective European people (1999, p. 118). Empirical evidence suggests that there is a lack of public identification with the EU, further implying that there is no European demos (Theiler, 2012, p. 784). Ordinary individuals are more inclined to engage with national politics and national frames of reference than with the EU, which is considered by many as too distant and abstract to

² Saward critiques the polity-activating depiction of the ECI as he considers it to be potentially limiting to European democracy, and overly 'scripted'. As he states: "Polity activation strategies are important but limited. Within their scope, progress in European democracy will be focused primarily on advancing a specific conception of *active participation*, and the conceptions of citizenly roles and democratic activity that accompany it." (Saward, 2013) Saward's preferred, polity-constituting approach to the ECI is discussed below.

engage with (Liebert, 2012, p. 112). The lack of shared culture and history, therefore, is considered an insurmountable obstacle to the formation of an EU demos and democratic legitimacy in the EU.

Furthermore, those who argue that the role of the media in forming a demos is fundamental observe that there is little in the way of European media which could assist in the formation of a European demos (Grimm, 1995). In particular, the media are responsible, it is suggested, for the evolution of a truly public opinion and a European public discourse, which is required for effective participation in democracy (Grimm, 1995, pp. 293–5; Kymlicka, 1999, p. 121). Linked with the claim that a lack of European media signals the impossibility of a European demos is the argument that there is no common language among all citizens of the EU that could be used for communication through such media, as Grimm notes: “Information and participation as basic conditions of democratic existence are mediated through language” (Grimm, 1995, p. 295). There is likely to be more participation in national politics where all citizens can engage in discussions about it, and develop shared attitudes towards it, rather than in European politics where it tends to only be elites who can communicate across linguistic barriers (Kymlicka, 1999, p. 121). Therefore, it has been argued, a lack of shared language indicates a lack of the basic conditions of democratic existence in the EU. Kymlicka, for whom collective deliberation is vital for democracy, takes forward the argument that without a common language, such collective deliberation, and therefore democracy, is implausible (1999, p. 120). Collective deliberation requires, in his view, not only a shared language but a certain level of trust and understanding between individuals, which can also only be achieved where there exists a common identity and common attitudes towards particular issues (Kymlicka, 1999, p. 119). As Weiler sums up, proponents of the no demos thesis argue that “long-term peaceful relations with thickening economic and social intercourse should not be confused with the bonds of peoplehood and nationality forged by language, history, ethnicity and all the rest” (Weiler, 1995, p. 229). This lack of ‘peoplehood’ suggests that the EU cannot be democratically legitimate.

However, these arguments related to lack of a shared identity and shared language have been rejected by several scholars. Habermas, for example, argues that in modern times all nations must be based on something alternative to a shared ethno-cultural history as all societies become more multicultural (1995, p. 306). He states that “European identity can in any case mean nothing other than unity in national diversity”, highlighting the possibility of democracy at the EU level based on a slightly broader conception of the demos in which the membership criterion does not stipulate a shared ethnicity or culture (Habermas, 1995, p. 307). Weiler similarly notes that there is no reason why a European demos must be defined using the same membership criteria as used to define a national demos (1995, p. 252). Language need not be such a significant barrier to the formation of a demos with shared attitudes towards issues faced by all, nor need the lack of a shared history. Indeed, many European countries went through the same painful periods of history in the 20th century and all now face the same challenges, for example in terms of globalisation, that can provide the basis for feelings of commonality and shared beliefs amongst citizens from different countries (Habermas, 2001, p. 21). As Habermas points out, the EU’s Charter of Fundamental Rights explicitly lists the things that all EU citizens have in common, illustrating the point that EU citizens can be united to provide the foundations for EU democracy (2001,

p. 21). Indeed, in terms of language, Habermas notes the increasing proficiency in English amongst many European citizens, and the use of English in all EU institutions, which suggests communication across borders may not be as difficult as previously suggested (2001, p. 19). In addition, there are several examples of multi-lingual and multi-ethnic nations which prove that cultural diversity and political unity can co-exist side by side, and in which citizens have multiple, layered identities, such as Switzerland, which provide optimism for the potential formation of an EU demos consisting of citizens of many different nationalities uniting in their attitudes towards the issues that concern them all (Theiler, 2012, p. 788). Citizens can therefore be participants in multiple, overlapping demoi (Weale, 2007, p. 238).

Building on this idea of multiple overlapping identities, recent theorising on publics and demoi has indicated the potential for citizens to belong to multiple demoi and for multiple demoi to co-exist in providing the basis for democracy. That is, one singular, static, EU demos is not required for it to be democratic (Theiler, 2012, p. 794). Held argues that political communities are not singular or bounded entities but are “enmeshed and entrenched in complex structures of overlapping forces, relations and movements”, and therefore are not necessarily constrained within territorial boundaries (Held, 1999, p. 102). As communication across territorial borders increases and the effects of globalisation become more apparent, citizens are likely to look beyond their nation state for the formation and development of their interests and opinions, and, in time, “people would come to enjoy multiple citizenships... they would be citizens of their immediate political communities, and of the wider regional and global networks which impacted upon their lives” (Held, 1999, p. 107). In Europe, then, this relates to EU citizenship as a layer of citizenship on top of national citizenship. Weiler discusses a similar idea to Held when describing a ‘concentric circles’ approach to demoi, that is, individuals simultaneously belonging to overlapping demoi, one inside the next, each involving the same feelings of identification albeit at different intensities (1995, p. 252). These overlapping demoi could also have different sources of identification, that is, membership criteria, with the national one based on organic-cultural feelings of attachment, and the European one based on shared civic values, such as those described in the Charter of Fundamental Rights as identified by Habermas (Habermas, 2001, p. 21; Weiler, 1995, p. 256). Empirical evidence identified by Beetham and Lord supports the idea of multiple overlapping identities of EU citizens, with the European identity being the weakest (1998, p. 47). However, they conclude from this evidence that the overlapping identities can be cumulative and mutually reinforcing, leading to the argument that the EU could play the important role of an umbrella infrastructure for all of the many identities and interests of its citizens. Cumulatively, these identities can provide solidarities between citizens that are all the more acceptable because they are reflexive, changeable and negotiable (Beetham & Lord, 1998, pp. 45–7).

Such a reflexive and adaptable conception of a demos contributes to the possibility that there need not be a single EU demos on which to base its democratic legitimacy. Perhaps the fiercest advocate of multiple demoi is Bohman, who argues that multiple, overlapping demoi are not only possible but that belonging to such demoi is also the best possible means to ensuring the protection of fundamental human rights, particularly the republican right to freedom from domination and the expansion of citizens’ normative powers (2010, p. 82). A

fundamental difference, according to Bohman, between a nation state and the EU is that the EU is an organisation of multiple *demos* rather than of a single *demos* (2007, p. 10). This is in line with the idea of European 'demoicracy', which is discussed below. The multi-level nature of the EU means that politics, and democracy, must, according to Bohman, be organised in multiple units across the many levels and sites of government. As a consequence, each unit will have its own *demos*, with shared attitudes related to the relevant issues facing that unit, and these plural *demos* will overlap and interact with each other (Bohman, 2007, p. 33). The ultimate political community, or *demos*, in Bohman's eyes is humanity itself, which contains all human beings: humanity is therefore the overarching community of *demos* (2007, p. 126). This is similar to List and Koenig-Archibugi's suggestion of the possibility of a global *demos*, incorporating all the citizens of the world, and of Goodin's 'all affected interests' principle, whereby in theory there are many issues which affect every single individual on Earth and, as such, the membership criterion of 'all affected interests' implies a *demos* incorporating everyone (Goodin, 2007; List & Koenig-Archibugi, 2010). As far as Bohman is concerned, multiple, overlapping *demos*, with humanity as the overarching political community in which all other *demos* exist, is necessary for the realisation of common liberty and freedom from domination (Bohman, 2007, pp. 128–130). This is because overlapping memberships in different *demos* mean that citizens have increased opportunities and entitlements (including, for example, the opportunity to participate in policy making, as may be afforded by the ECI), and are therefore more likely to have their human rights realised effectively, particularly when humanity itself is invoked as a political community of which all individuals are members (Bohman, 2007, p. 146). Being a member of multiple *demos*, at different levels and sites of government, also enables citizens to increase their normative powers to change the terms of democracy: what Bohman calls the democratic minimum (2007, p. 156).

The EU provides the ideal model, Bohman asserts, for pooling national sovereignty whilst simultaneously creating political institutions that are not a direct replica of those in nation states, which presuppose the existence of a single political community (2007, p. 133). Consistent with the no *demos* thesis, Bohman points out that the EU doesn't have a single people, but he does not consider this to be an impediment to its democracy as democracy can be based on the plural peoples it organises (2007, p. 140). The existence of multiple *demos* ensures the secure realisation of the democratic minimum; viewing the EU as a community of multiple *demos* is both feasible and desirable. This idea of multiple *demos* underpinning democracy in the EU has also emerged in the recent work of Nicolaïdis (2004) and Cheneval and Schimmelfennig, who propose viewing the EU as a 'demoicracy', a new and specific political order, rather than fruitlessly pursuing the application of a nation-state image of democratic legitimacy and a singular *demos* to a supranational polity (2013, p. 340). Despite criticising Bohman's argument for placing too much emphasis on European deliberation and underspecifying the relationship between this deliberation and decision-making (2013, p. 340), Cheneval and Schimmelfennig argue, in agreement with Bohman, that a key function of multiple *demos* consists in the protection of basic rights (2013, p. 337). The multiple *demos* arguments of Bohman, Nicolaïdis and Cheneval and Schimmelfennig can therefore put to rest the no *demos* thesis and reassure that the lack of a single political community, whether or not this assumption is correct, is no hindrance to democratic

legitimacy in the EU as it can realistically be based on multiple overlapping political communities, or *demoi*.

The regulation on the ECI, therefore, provides an institutional channel through which the EU's multiple *demoi* can act in pursuit of their interests. Since the ECI's launch, the EU has a viable opportunity for the increased participation of citizens, their representatives, and publics, to facilitate the activation of EU citizenship and the formation of multiple EU *demoi*. Saward argues that the ECI offers an opportunity to constitute and activate the EU polity and use of the instrument could be conceived of as an 'act of citizenship'. Such acts of citizenship, he argues, "often involve representative claim-making, which in turn can (directly or indirectly, intended or otherwise, sought or ascribed) crystallise into alternative modes of representation" (Saward, 2013). In this vein I argue below that participation in the ECI can bring *demoi* into being and activate EU citizenship through the representative claims made in initiative campaigns.

To conclude this question of who is entitled to participate in the ECI, it is clear that on paper the ECI is a highly inclusive participatory instrument as it is open to the participation of all citizens of the EU. However, as I have noted in practice being a citizen of the EU is not straightforward and many have claimed that EU citizens do not identify with the EU and therefore are not active EU citizens constituting an EU *demoi*, the existence of which is even argued by some to be impossible. Nevertheless, I have argued in favour of the existence of multiple *demoi* within the EU and the potential for the ECI to contribute to activating EU citizenship and consequently to increasing the inclusivity of EU policy making.

ii) Are any groups excluded from participating?

As highlighted in the previous section, the TEU and subsequent regulation on the ECI asserts that all citizens of the EU are eligible to participate in the initiative process. As noted above however the definition of EU citizenship is problematic, and as a consequence it is apparent that some groups of individuals may be implicitly or explicitly excluded from participating in the ECI. This section considers who may be excluded from taking part in the ECI and how this may negatively affect its impact on the inclusivity of EU policy making.

Evidence supporting the claim that there are implicit exclusions on participation comes from research into the functioning of mechanisms of participatory democracy, such as referendums and citizens initiatives, in other political systems. In Switzerland for example, Lutz notes that political parties often dominate the initiative and referendum processes, rather than ordinary citizens, with the objective of mobilising the party for electoral campaigns and to force public debate on specific issues (2006). The advantages to parties of using direct democratic processes include experience in collecting signatures, wealth of knowledge of the system and pre-established networks (Lutz, 2006, p. 50). In the United States, in addition, several studies have found that special interest groups are the primary users of direct legislation devices (Magleby, 1984; D. A. Smith, 1998). David Magleby discovered that "less educated, poorer and non-white citizens are organisationally and financially excluded from setting the direct legislative agenda" (1984, p. 183), and Daniel A. Smith found that the initiative process is often "bereft of ... meaningful citizen involvement" (1998, p. 15). Schiller and Setälä reach the same conclusion in their comparative analysis of

citizens' initiative processes throughout Europe. They find that political parties and other established political organisations are often the actors behind initiatives in many of the countries they consider, and argue that whilst in theory initiative processes provide citizens with equal opportunities to participate in policy making, and facilitate the full inclusion that is necessary for democratic legitimacy, in practice citizens do not have the equal opportunity to use them. This is because "making a popular initiative depends on collective action, and the resources to organise such action are not equally distributed in the society" (Schiller & Setälä, 2013, p. 10). Analysis of the use of referendums and citizens initiatives is therefore in agreement that in practice they are usually not fully inclusive democratic mechanisms, as ordinary people simply do not have the resources required for running successful campaigns (G. Smith, 2009, p. 117).

Furthermore, evidence from within the EU itself supports the claim that pre-established groups and organisations are the primary partakers in participatory mechanisms at the expense of the full and equal inclusion of ordinary citizens. The 'Your Voice in Europe' consultation on the ECI that took place in the EU in between November 2009 and January 2010 attracted mainly well-established civil society organisations as its participants as they, and only they, possessed the high level of specialist knowledge and were able to meet the significant time demands required, despite it being arguable that ordinary citizens are in fact the key stakeholders in the ECI (Badouard, 2013, p. 160). The European Citizens' Consultation 2009 (ECC09), a participative experiment which combined online debates with moderated face-to-face debates and online voting to address the question of 'what can the EU do to shape our economic and social future in a globalised world?', similarly attracted pre-organised groups and a well-educated public who were already interested in EU affairs as its prime participants, despite its purported intentions to facilitate increased consultation of ordinary citizens in EU policy matters (Kies, Leyenaar, & Niemoller, 2013, p. 66). In comparing a number of deliberative experiments in the EU, Smith noted that several were implicitly (as in Your Voice in Europe, as noted previously), and some explicitly (as in the Agora, a two day event which brings together representatives of EU civil society to discuss EU issues (Roger, 2013)), targeted at the participation of CSOs rather than being fully inclusive of all EU citizens (2013, p. 207). Furthermore, 'citizen' consultations on the ECI prior to its launch were also dominated by CSOs. The origins of the ECI, according to De Clerck-Sachsse, presented a paradox: "an initiative allowing for greater civic involvement in EU policy making was achieved due to insider lobbying rather than because of wide ranging public mobilisation" (2012, pp. 300–301). During the Convention on the Future of Europe in 2002 and 2003, CSOs were engaged in the debates with a view to increasing participation in the drafting of the European Constitution. However, the way in which the CSOs involved themselves in the Convention was more in the way of promoting their individual interests through personal connections with decision makers and insider strategies of influence³ rather than through engaging the wider public in the constitution drafting process. The

³ Insider and outsider strategies of influence refer to the position of lobbying groups in relation to the institutions they seek to influence. Insider groups are typically recognised by the institutions they aim to influence and are frequently consulted by decision makers on the issues that they campaign about. Outsider groups on the other hand tend to work outside the formal rules of the game, either because they are yet to develop the skills necessary to be recognised by decision makers or through conscious choice not to participate in government. The distinction was originally coined by Wyn Grant (1978).

CSOs' focus faced inwards, on including particular interests in the draft treaty, rather than outwards in terms of mobilising the wider citizenry, raising important issues related to the future of the EU and assisting in the formation of attitudes towards these issues (De Clerck-Sachsse, 2012, p. 302). This paints a concerning picture of the potential difficulties that will be faced in attempts to mobilise the wider public in present and future ECI campaigns, as, during the Convention on the Future of Europe, CSOs' "failure to mobilise a wider public leaves room for doubt about the capacity of an instrument such as the ECI to foster broader public participation and thereby redress concerns about a democratic deficit in EU decision making" (De Clerck-Sachsse, 2012, p. 307).

Turning to the ECI in particular, the eventually agreed-upon design of the ECI has also been criticised as favouring the participation of existing civil society organisations, lobby groups, and others who have the benefit of knowledge of the system, expertise in their area of interest and sufficient resources to successfully pursue a campaign. The financial and organisational burdens associated with launching an initiative are a significant constraint on the participation of ordinary citizens in the ECI process. The financial cost has been estimated at €1 million per ECI, which clearly indicates a significant barrier to the involvement of ordinary citizens in the launching of an initiative (Garcia & Del Río Villar, 2012, p. 318). There are also the burdens of organisation and coordination, particularly in the pursuit of the one million signatures required for the ECI to be considered by the Commission, that seem to privilege pre-existing organisations with established communication networks across the EU. One million signatures is not an easily attainable target in a polity such as the EU, even though it can render even successful ECIs as unrepresentative as, compared with other initiative mechanisms elsewhere, 0.2 percent of the population seems a remarkably low threshold (García, 2013). As García and Del Río Villar point out, "organised civil society is more likely to be the main user of this mechanism" (2012, p. 314). Consequently the purported powers that the ECI gives to the ordinary EU citizens are in fact minimal. Monaghan goes so far as to argue that the EU's very understanding of participation is elitist as it tends to define participation in terms of NGOs and CSOs, rather than emphasising the participation of ordinary citizens (2012, p. 294). In this vein García suggests that even the Commission itself sees CSOs as the actual target users of the ECI process as they are already mobilised at the EU level, despite the rhetoric of those within the EU who continue to claim the democratising potential of the ECI (2013, p. 258). Vice President Šefčovič has spoken out against this criticism, acknowledging that "lobby groups and organisations will indeed use the ECI to defend and promote their cause" but arguing that this is not problematic provided the cause pursued is beneficial to all EU citizens and reassuring that "the vast majority of initiatives will be well and truly led by citizens themselves" (Šefčovič, 2012b). Nonetheless, the CSO dominance critique of the ECI draws on the earlier observations of Maignette, who argues that "citizenship in the European Union is likely to remain an elitist practice, limited to those citizens and groups who benefit from their intellectual and financial resources to try to influence EU politics and policies" (2003). Most reforms designed to increase participation in EU politics, he suggests, are likely to remain the monopoly of already organised groups with limited potential for the participation of ordinary citizens. This charge of elitism is reminiscent of the argument noted

above that only political elites are able to communicate effectively across borders, restricting participation in EU matters from the general population (Kymlicka, 1999, p. 121).

Indeed a comparison of the first two ECI campaigns may provide some evidence in support of these arguments. The Right2Water campaign, the first initiative to meet the minimum signature threshold, was organised by representatives of public service trade unions throughout the EU in conjunction with no fewer than nine significant EU-wide organisations, including the European Federation of Public Service Unions, which comprises over eight million public service workers from over 275 trade unions, and the European Trade Union Confederation (ETUC), which was already recognised by the EU as a European Social Partner (WATER is a Human Right, 2013c). It has already been suggested that ETUC planned the Right2Water campaign based on its advantages in terms of access to networks and resources throughout the EU (Greenwood, 2012, p. 332): collecting one million signatures within a pre-existing network of tens of millions of like-minded individuals does not seem too difficult a task. *Fraternité 2020*, however, tells a different story. Emerging from the Convention of Young European Citizens held in 2010, the *Fraternité 2020* Citizens' Committee is comprised entirely of volunteers, mainly students and young activists (*Fraternité 2020*, 2012a). Whilst many NGOs are reported to *support* the campaign, the five pan-EU organisations are specific to the interests of young people and students (two of the five are specific to students of electrical engineering and industrial engineering) (*Fraternité 2020*, 2012b), the initiative is organised by the volunteers of the Citizens' Committee in their spare time. This is in contrast to Right2Water being *organised by* EU-wide trade union organisations. The comparable levels of success of these first two ECI campaigns may therefore indicate support for the benefits of participation of pre-existing organisations rather than ordinary citizens in the ECI, though this is unlikely to be the sole determinant of the significant differences in number of signatures collected between the two campaigns.

However, in line with Saward's claims above regarding the potential of the ECI as a citizenship-activating, polity-constituting mechanism, it is possible, despite the probable dominance of CSOs in the process, that the ECI will have a positive impact on the inclusivity of EU policy making. Recent theorising on political representation suggests that the focus of the ECI on the participation of existing groups with significant knowledge, expertise and resources, may not constrain the ECI's potential to activate citizens across EU member states' territorial boundaries. Hence, pre-existing organisations, through the claims and actions of representatives, can facilitate the emergence of multiple overlapping EU *demoi* on which the EU's democratic legitimacy can be based. Disconnecting the concept of representation from elections and electoral institutions unveils an important space for non-elective representation, which can be highly significant in terms of establishing *demoi* and activating citizenship within the EU.

The idea of 'representative claims' recently advanced by Saward (2006, 2010), for example, provides a way in which we can envisage an important role for CSOs, NGOs and other elites in the formation and consequent activation of EU citizenship. Representative claims offer a new way of looking at representation, which is much more dynamic and flexible than previous theories with its emphasis on the power relationships between individuals rather than static institutions of representation (Saward, 2010, p. 1). Saward's approach moves

towards a focus on what representation does, that is, its constitutive dimension, and the role of representation in non-elected, non-territorial, real-world situations (2010, pp. 32–4). For these reasons the application of the idea of representative claims to the question of EU demoi formation and citizenship activation is particularly valuable. In a representative claim, representatives construct their own representation; they call into being the collective that they represent through the claims that they make. The representative claim process works as follows: a maker of representations puts forward a subject, which stands for an object, and is offered to an audience (Saward, 2010, p. 37). In terms of the ECI, then, a CSO or NGO (the maker), could offer certain individuals, perhaps those on the Citizens' Committee (the subject), as appropriate representatives of a particular interest, that advanced in the particular ECI they are pursuing (object), to the wider EU public (the audience). Representative claims are not, therefore, relevant only to elected political representatives, but, importantly, can be temporary, not confined to territorial boundaries, explicitly partial in that the claims can be made to represent only specific interests, and explicitly or implicitly made.

The most important point here is that the representative claims bring the constituencies into being. Representation is, as Saward points out, a two way street: "the represented play a role in choosing or accepting representatives, and representatives 'choose' their constituents in the sense of portraying them or framing them in particular, contestable ways" (2010, p. 47). The word 'contestable' is important here also, as audiences must engage with the representative claims in some way, for example by accepting or rejecting them. A CSO may make a claim that through using their existing expertise and knowledge of the EU political system to launch an ECI the relevant Citizens' Committee is in fact representing all citizens of the EU who associate themselves with the particular interest being pursued in the initiative. If the audience of EU citizens accept this claim and engage with it, then those who share the interest pursued in the ECI have the potential to be active citizens and become a demos with a shared attitude towards a common issue facing them.

The related idea of non-democratic representation presented by Rehfeld is also of relevance. As he points out, non-democratic, that is, unelected representation occurs often in international organisations yet traditional theorising on representation tends to focus on democratic representation with appeal to concepts such as authority and accountability (Rehfeld, 2006, p. 3). Representation is still representation, whether or not a particular representative has been given authority to act or is accountable to those he or she represents. Rehfeld uses the term 'non-democratic' representation to refer to representation that is detached from elections, but it may be more appropriate to refer to it simply as non-elected representation as unelected representatives can play highly significant roles in democracy; to label them as non-democratic is therefore potentially misleading. What is more important than being directly elected, Rehfeld argues, in line with Saward's assertions about representative claims, is that the represented accept an individual as their representative: "Political representation, I argue, results from an audience's judgement that some individual, rather than some other, stands in for a group in order to perform a specific function" (Rehfeld, 2006, p. 2). In this conception of non-elected representation, the audience uses a set of rules to identify the representative, with the rules specifically setting out an appropriate selection agent, who uses a decision rule, to select the representative

from a qualified set. The audience must be that group of people relevant to the specific function of the representative, and they must recognise the decision rules as appropriate to the context (Rehfeld, 2006, p. 5).

In terms of the EU and the ECI, therefore, Rehfeld's conception of non-elected representation would work along the lines of: the EU citizens (the audience); accept as valid and appropriate the rules that identify the organisers of ECIs, as in the CSOs or NGOs, as an appropriate selection agent; and that same group as the relevant qualified set; and consider their self-declaration as a representative of a particular interest an appropriate decision rule for selection as a representative. As long as the audience perceives self-declaration by an ECI organiser as representative of that interest as an appropriate decision rule, and therefore accepts that CSO as a representative of that particular interest, then the representative organisation can purport to represent those throughout the EU with that shared interest. In doing so, the representative can call into being a demos consisting of all of those citizens who share an attitude towards a particular issue and act in pursuit of it through the ECI process. It is clear, therefore, that these theories of representation that are explicitly separated from elections and claims to authority and accountability provide a picture of how pan-EU CSOs, NGOs and other groups the requisite resources can activate EU citizenship and facilitate the formation of multiple, issue-specific demoi in the EU. In this sense, demoi can be activated by representatives, and not merely discovered.

There also exist further reasons to believe that the role of CSOs or other lobbying groups in the ECI should not be considered a barrier to increased inclusivity of EU policymaking. Deliberation within existing networks of NGOs, for example, can enhance the EU's democracy by facilitating interaction between the purportedly distant EU institutions and the wider public (Bohman, 2007, pp. 154–5). In addition, as Magnette highlights, even if the ECI process is limited to those with knowledge of the system and sufficient resources to launch a campaign, all citizens will likely benefit from the mobilisation of the elite few, particularly in terms of increased or more secure access to fundamental rights, as may become the case if the Commission decides to act upon the Right2Water initiative (Magnette, 2003).

Therefore, in response to the question of whether any sections of society are excluded from participating, it is clear that the ECI process has the potential to be dominated by CSOs and other pre-existing pan-European organisations rather than being open to the participation of ordinary citizens. Evidence from the first two ECI campaigns suggests that the involvement of organised groups in the organisation of the campaign can be a significant advantage in terms of the initiatives' success. However, I have argued that the dominance of CSOs in the ECI process may be advantageous as, through making representative claims, such organisations can bring constituencies of EU citizens into being and activate their citizenship, leading to increased participation in the ECI and decreased significance of the implicit exclusions inherent in the ECI process.

iii) Do all participants have an equal opportunity to influence outcomes?

In terms of equality of voice, the ECI fares well. As with direct legislation, participants in the ECI have, at the point of signing an initiative, a perfectly equal opportunity to influence

political outcomes (G. Smith, 2009, p. 113). Every individual signature on an initiative is counted equally towards the one million signature threshold. It is true, however, as Smith points out, that any inequalities of participation in terms of the responses to the previous two questions will be replicated in this question of equality of voice (2009, p. 167). There are additional questions to be raised with regard to the potentially differing weightings of signatures from large and small states, due to the minimum signature thresholds being based on the disproportional allocation of MEPs by population. Nonetheless, in practical terms, each signature in support of the Right2Water and Fraternité 2020 initiatives carried an equal opportunity to influence the outcome of the initiative.

However, and from a longer-term perspective, a significant question that must be asked is what opportunity is granted to the ECI as a whole to influence the political outcomes of the EU? In addition to, and significantly interlinked with, the question of the inclusivity of participatory mechanisms is the question of their consequentiality. In order for a democratic mechanism to have a positive effect on the political system in which it is functioning it must have some impact on political outcomes. Smith uses 'popular control' to connote this idea, defining this as "the extent to which citizens are afforded increased influence and control within the decision-making process" (G. Smith, 2009, pp. 22–3). Due to democratic legitimacy identifying the people as the appropriate source of political authority (and as Dahl summarises democracy as "a system of popular control over governmental policies and decisions" (1999, p. 20)), it is necessary that the people's participation is meaningful and that the outputs generated by the ECI are able to have a tangible impact upon political outcomes.

The ECI is afforded little direct impact upon political outcomes: meeting the stringent registration and signature collection thresholds merely requires the Commission to formally respond to the initiative's demands. The Commission is within its rights, as identified in the ECI regulation, to respond to successful initiatives with an intention to take no action (European Union, 2011). The messages emanating from the EU on this point have thus far been mixed. On the one hand, Commission Vice President Šefčovič has suggested that the Commission is keen to turn successful ECIs into policies by stating that "we are not just paying lip-service to the idea of participatory democracy but we too are committed to making citizen-led legislation a reality" (Šefčovič, 2012a), whilst on the other hand European Parliament President Martin Schulz has cautioned citizens to avoid vesting "unrealistic hopes" in the ECI process (European Parliament, 2012). It is too early to determine the impact of the first two ECIs on the EU's policy outputs. The failure of Fraternité 2020 to collect sufficient signatures to cause the Commission to formally respond to it clearly indicates, however, that the impact of participants in this particular ECI on political outcomes will be minimal. A formal response to the Right2Water initiative is due from the Commission by 20 March 2014 (European Commission, 2014a).

It is also important, however, to note the potential for ECI campaigns to have unintended consequences. One of the purported advantages of the ECI is, as Monaghan points out, its potential to encourage public debate; even if the Commission is unlikely to act on the initiative there are other benefits to engaging with the process and the related discussions (Monaghan, 2012, p. 292). The promotion of public debate and consequent agenda-setting

influence have long been purported benefits of mechanisms of direct and participatory democracy (Barber, 1984, p. 284). Debate will potentially be promoted by the ECI between citizens in different EU member states, fostering the development of common attitudes towards the relevant issues. Vice President Šefčovič has himself repeatedly referred to this potential in terms of the ECI, stating that, regardless of whether ECIs are successful or the Commission decides to act upon those that are, the ECI “will foster a real cross-border debate about EU issues” (Šefčovič, 2012b) and will contribute to the “development of a truly pan-European democratic space” (Šefčovič, 2012a). Additionally, if the profile of the campaigns reaches a certain level national media interest could contribute to the formation of a public opinion related to the issues raised in the initiative, thereby fulfilling the requirement of media interest in EU issues considered a necessity for democracy by Grimm (1995) and Kymlicka (1999). Indeed, the ECI could be exactly the mechanism the EU needs to catalyse the pan-European communication and mobilisation necessary for increased citizen awareness of EU issues and the development of common attitudes towards them, thereby enhancing individual citizens’ identification with a European political community (Garcia & Del Río Villar, 2012, p. 320). Undeniably, through EU-oriented organisations reaching out to the wider EU public through their ECI campaigns, awareness of EU politics is likely to increase among the general public and this can be expected to increase popular participation in the ECI process. As deliberation begins to occur across territorial boundaries as a consequence of the ECI, its potential for the creation of a European public sphere has not gone un-noted (Garcia & Del Río Villar, 2012; Monaghan, 2012). As Habermas argues, a public sphere is an important step in the emergence of common interests in a European political community and subsequently democratic legitimacy in the EU (Habermas, 2001, p. 17). Increasing the number of participants in important discussions related to the EU and European issues and making their role in the discussions more significant than mere consultation will also contribute to the formation of a European public (Garcia & Del Río Villar, 2012, p. 313). The CSOs and NGOs active in the ECI have, in addition, the potential to act as ‘agents’, turning social spaces into public spheres and providing the preconditions for effective citizen participation (Bohman, 2007, p. 32; Liebert, 2012, p. 116).

There is, therefore, further reason to believe that the emphasis on the participation of CSOs and NGOs rather than ordinary citizens in the ECI process may not be as detrimental to the inclusivity of the ECI as first thought. By encouraging communication across member state borders and pan-European mobilisation in pursuit of the required one million signatures, ECI campaigns have significant potential to activate EU citizenship, for the formation of European public opinions and common attitudes, public spheres, political communities and *demos*, which in turn have the potential to increase the inclusivity of EU policy making.

Conclusion

The potential impact of the ECI on the inclusivity of EU policy making is a tentative mix of optimism and doubt. Whilst on the one hand participation in the ECI is open to all citizens of the EU and it is thus, at first glance, maximally inclusive, questions are raised with regard to the status and nature of being an EU citizen. I have argued however that the existence of the ECI may contribute to a more compelling sense of EU citizenship amongst the citizens of the EU member states who can belong to multiple *demos*, and in turn this has the potential to

increase the ECI's impact on inclusivity. With regard to the potential exclusion of certain sections of society within the EU, notably those without the sufficient knowledge, expertise and resources, in favour of the participation of CSOs, I have highlighted that the first two ECI campaigns may indicate the advantages to be had by involving pre-existing, highly networked organisations in the ECI process. Nonetheless, I have also noted the potential for the dominance of CSOs and other groups in the ECI process to be a positive influence on the inclusivity of EU policy making, as the representative claims made by such organisations in the ECI process can bring constituencies of EU citizens into being, activating their citizenship and facilitating greater participation in and inclusivity of EU policy making in the future. Finally, on the question of equal voice of participants in the ECI process, it is evident that each signature on an initiative has an equal opportunity to impact upon political outcomes in the EU. However it remains to be seen whether the ECI is going to have any impact on political outcomes at all. It has not been afforded any direct input into legislation and even successful campaigns could be rejected by the Commission. However, the potential unintended consequences of the ECI should, I have argued, not be discounted. Nonetheless the overall consequentiality of the ECI is in any case too early to determine and constitutes a further criterion against which the ECI should be evaluated in order to conclude about its impact on the overall democratic legitimacy of the EU.

It is important to stress that inclusivity is but one of the factors that will help to identify the ECI's democratising potential, and consequentiality, as discussed above, is another. Significant further research is required not only to address these questions of inclusivity and consequentiality, but also other important criteria. For example, the specific contents of the activity the ECI is used for must be considered as in order to positively impact on the EU's democratic legitimacy, it must lead to what can be considered good or just policy outcomes. Furthermore, the systemic turn in deliberative democracy has taught us that it is important to consider institutions and democratic mechanisms in combination, as particular combinations of democratic institutions can enhance, or, in fact, detract from, the democratic legitimacy of the political system as a whole (Mansbridge et al., 2012, p. 3). It is therefore necessary to question how a particular device interacts with other democratic mechanisms and channels in the political system in which it is embedded: on its own the mechanism may appear exemplary but in combination with other institutions it may reduce the democratic legitimacy of the system as a whole. The interactions between the ECI and the other EU institutions must be a further criterion against which it must be evaluated in order to determine its impact on the EU's democratic legitimacy. Whilst this paper has gone some way to envisaging what the ECI's impact on the inclusivity of EU policy making may be, much work remains, therefore, to be done.

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