

Citizens' Initiative

We believe that the Citizens' Initiative offers a huge opportunity for the European Commission to create a process that involves the citizen with the Commission in a positive way - we also believe that it offers the risk of setting up an oppositional dynamic between citizens and Commission.

Aims of the submission: the aims of this submission are to:

- provide a certain structural coherence to Initiatives across Europe
- retain flexibility of involvement within Member States
- formalise certain aspects of involvement with an Initiative, to better allow self-identification of those involved as a group across Europe
- provide an audit trail in case of challenge to authenticity of signatures
- improve the openness and transparency of the process
- guarantee certain minimum levels of visibility for all Initiatives
- provide a single central gateway to Initiatives
- reduce the oppositional dynamic between the promoters of Initiatives and the Commission

To that end, we are considering only certain specific questions posed in the Green paper. The questions are numbered as per the Green paper.

Submission in respect of:

5. Requirements for the collection, verification and authentication of signatures
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8. Requirements for organisers - Transparency and funding
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Submission: we suggest that national authorities in the Member States authorise "Designated Agencies" who are allowed, in turn, to authorise "Authorised Collectors" to collect the signatures. The "Authorised Collectors" return signatures (and any verification information) to the "Designated Agencies", who in turn are responsible for returning the signatures to national authorities.

The requirements for authorisation as a "Designated Agency" should be such as to allow for an NGO or other civil society group to qualify, but can be set at either European or national level.

The requirements for authorisation as an "Authorised Collector" should be such that the

position can be held by any citizen of the Union in good standing, but sufficient to make it clear that the position is one of trust. Ideally, those who become Authorised Collectors should feel themselves to have been involved in a position of trust and responsibility, and should feel themselves to be part of a pan-European group worth belonging to.

It should be possible for a citizen to become an Authorised Collector directly through the national authorities (acting in this case as Designated Agencies). National authorities should be able to designate as Designated Agencies local civil offices (such as Public Libraries etc) and local government employees as Authorised Collectors. In most European countries, public notaries would automatically qualify for Authorised Collector status (see below). In Ireland, any individual competent to sign passport applications should be considered acceptable or automatically enabled.

All signatures collected should show a clear trail indicating the Authorised Collector and the Designated Agency. In the event of a challenge to the Initiative, this allows for the easier detection and elimination of questionably collected signatures, together with the possibility of barring either Authorised Collectors or Designated Agencies from holding those positions in future Initiatives, where they have been shown to have been in receipt of more than a threshold value of fraudulent signatures.

With respect to the collection of the signature itself, we suggest that this involve the citizen signing a short form, which would contain the title and ID of the Initiative, the name and signature of the citizen together with any required identifying information, the counter-signature and ID of the Authorised Collector or Notary, and the date of collection. Space can also be provided for the counter-signature of the Designated Agency, and a verification by the national authorities as required. We do not believe this is particularly onerous, while making the process rather more formal and distinct from the collection of public petition signatures.

The forms in question should be submitted either to a Designated Agency (either by the Authorised Collector or by the citizen) or to national authorities. It should be possible for the citizen to download or otherwise obtain a form for his/her own use - the important feature is that it be counter-signed either by an Authorised Collector (whether from civil society or national/local government) and returned to an appropriate Designated Agency.

We believe this system is sufficiently flexible to account for the systems already in place in countries using public petition mechanisms, while allowing the scope for broadening the involvement of civil society. We further believe that this system allows a very clear delineation

of which organisations are involved in the promotion of an Initiative.

Collecting signatures online: speaking from a professional standpoint, we don't believe that the collection of signatures online is a route worth taking initially. In addition to any issues of authentication online, the main difficulty with allowing collection of signatures online is that it allows any method of providing fraudulent signatures to be *automated*. That offers the opportunity to (a) disrupt the signature collection servers; (b) to swamp the resources available for verification of the signatures after submission; or (c) to access the lists of submitted signatures along with any stored verification data. Even the suggestion that any of these have been put into effect will disrupt the flow of the Initiative, and could have extremely damaging effects on the authority of the process.

Premises:

1. that a major driver for the adoption of European Citizens' Initiatives is the fostering of a sense of European identity and demos.
2. that the major actors in the promotion of Initiatives are likely to be civil society groups - NGOs, political parties etc - rather than central or local government.
3. that the Initiatives require a certain level of auditability and public accountability, while simultaneously promoting involvement and a feeling of public ownership of the process

Aims:

1. provide a certain structural coherence to Initiatives across Europe
2. retain flexibility of involvement within Member States, allowing civil society the same level of authority as national authorities in the collection process
3. formalise certain aspects of involvement with an Initiative, to better allow self-identification of those involved as a group across Europe
4. provide an audit trail in case of challenge to authenticity of signatures
5. formalise the process without adding an undue burden on the citizen

Submission in respect of:
7. Registration of proposed initiatives
8. Requirements for organisers - Transparency and funding

Submission: we propose that all Initiatives be registered by the Commission through a specific website provided by the Commission. All information on the Initiative, such as proposed draft legislation, and Commission comments, etc, should be made available through this central

website, which would provide a certain level of minimum visibility to all Initiatives, no matter how well or poorly funded they may otherwise be.

We further suggest that at least the non-governmental Designated Agencies proposed earlier, and ideally the Authorised Collectors, be registered through the website, and their names and contact details (including website URLs) be visible on the website under the heading of each Initiative. Alternatively, Designated Agencies alone could be registered on the central website, and they in turn be required to maintain a list of Authorised Collectors at a URL linked from the central website.

If it should be a requirement that organisers or involved agencies, whether using the proposed system of Designated Agencies or not, be required to provide certain basic information in particular in relation to the organisations that support an initiative and how the initiatives are or will be funded, that information should also be available through the central website.

If the Commission wanted to take this further, it would be possible to allow the Designated Agencies to submit from time to time the number of signatures so far collected, either directly to the website, or through another established channel such as a designated Commission official.

We believe that by making itself visible as part of the process, and by being seen to facilitate the process, the Commission will reduce the potential for an oppositional dynamic between the promoters of the Initiative and the Commission.

Premises:

1. that there should be some central, up to date, and easily available, central register of all the information relating to an Initiative, and that the Internet is the cheapest and most convenient medium for providing such a register, and the only one unlikely to suffer from multiple versions in circulation. While it is still the case that not every EU citizen has personal access to the Internet, the register would still be available via the Internet connections of public facilities such as public libraries.
2. That different Initiatives will enjoy different levels of funding, and therefore be able to buy themselves different levels of public visibility, but that the Commission should aim to provide a minimum level of visibility for all Initiatives

Aims:

1. improve the openness and transparency of the process

2. guarantee certain minimum levels of visibility for all Initiatives
3. provide a single central gateway to Initiatives
4. reduce the oppositional dynamic between the promoters of Initiatives and the Commission

About the Author

Niall Kearns Mills has been involved in the Internet since 1996. In 1997 he built the Democratic Left election website, one of the earliest Irish political websites, and one of Ibis' first pieces of work. From 1997-2001 he was Technical Director with The Interactive Avenue, Ireland's first Internet training company, which he co-founded with Irene Gahan (subsequently CEO of the IIA 2003-2005), delivering training courses and workshops as far afield as Singapore and Imokilly.

Since 2002 he has concentrated on site development and strategic business consultancy in the Internet field, with responsibility for a portfolio of high-profile Irish websites and presences. From 2002-2009 was involved in strategic steering, business analysis, technical development, impact evaluation, for Ireland's largest political party, with sole internet responsibility for Fianna Fáil, Ógra Fianna Fáil, The Nation newspaper, Ministers Tom Kitt, John McGuinness, Sean Haughey, and John O'Donoghue.

Has worked with clients throughout the country at all levels and in all industries, from SME to corporate and government. Involved in several major travel business ventures. Contacts throughout political life and the Irish internet community. Regular contributor and moderator on all of Ireland's major political discussion forums.

Since the start of 2008, and through the nearly two years of debate on Irish ratification of the Lisbon Treaty, he has been working with the European Commission Representation in Ireland as primary internet consultant, with responsibility for developing the Representation's Internet presence, technical management of Internet projects, monitoring the Irish Internet environment and social media, and assisting the Representation with "thinking Web first".