



Citizenwashing

*the greenwashing
of democratic
decision-making*



**Case
studies**

Acknowledgements

The EEB is the largest network of environmental citizens' organisations in Europe. It currently consists of over 180 member organisations in 40 countries, including a growing number of networks, and representing some 30 million individual members and supporters.

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Authors: Margarida Martins (EEB), Frederik Hafen (EEB), Juliette Robert (EEB), Ruby Silk (EEB)

Editor: Ruby Silk

Layout: [Viola Madau](#)



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Table of Contents

1. Introduction	4
2. Case studies	8
2.1 Citizens' Convention on Climate in France	8
2.2 Misleading public consultation on nuclear extension in Belgium	11
2.3 Covas do Barroso Mining project EIA	12
2.4 Lack of EU consultation on lowering the conservation status of wolves	16
2.5 Online consultation - Corporate Sustainability Due Diligence	18
2.6 Public consultation on Common Agricultural Policy	20
2.7 Public consultation over Christmas on extending upland burning season	22
3. Trends and conclusions	24
4. How to do public participation correctly?	25
5. Endnotes	26

1 Introduction

Citizenwashing describes the illusion created by a public or private actor of acting on behalf, or for the benefit of, all or a representative number of citizens¹. It is an undemocratic strategy which gives the appearance of involving the public in decision-making without actually taking its views into account. When exercised by public authorities or politicians, this practice is used to legitimise decisions by wrongfully appropriating the authority citizens carry as a group in a democracy. When carried out by private actors, it is used to reframe corporate interests as interests of the public, and hence lend them a legitimacy and ethical standing they do not have.

While greenwashing is usually used by companies, which target consumers, citizenwashing tends to be used by public authorities and politicians, as the electorate is their main audience. While citizenwashing can happen across the political spectrum, it can be particularly aggressive when it comes to social issues and environmental decisions. This is because environmental and social issues usually garner a lot of public attention and require public buy-in. A case in point is the European Commission's proposal for a Critical Raw Materials Regulation (CRMA). The Regulation includes the notion that those promoting mining projects ought to "facilitate public acceptance" (rather than true consent!²). This problematic phrasing betrays policymakers' eagerness to get public buy-in for projects carried out under this new EU policy.

The concept

Citizenwashing (sometimes spelled ‘citizen-washing³’ or ‘citizen washing⁴’) is a concept which has so far been used sparingly in academic circles, limited to describing and criticising public consultation processes⁵, citizen science exercises⁶, and industry involvement in community engagement⁷. However, a huge body of literature exists on related terms such as “pseudo-participation” or “token participation”. Other connected literature also exists on “democracywashing”, “commonwashing”, “civicwashing” and associated terms. Concepts using the suffix ‘-washing’ - most notably ‘greenwashing’ - have bloomed in recent years to denote various forms of reputation laundering (see also: pinkwashing, sportswashing). We might also keep in mind the concept of brainwashing - ‘persuasion by propaganda or salesmanship’.

What most existing references to citizenwashing have in common is a reference to inherently undemocratic actions. Claiming to represent ‘the voice of the people’ can also be politically important in non-democratic systems, but democracies are built upon the legitimacy derived directly from the people. Making unsubstantiated claims to represent citizens is, therefore, always undemocratic. This relationship between the citizen and democracy has also surfaced more concretely in the use of the term citizenwashing in relation to certain forms of democratic representation and models of election. In France, this portmanteau has been used to question the composition of electoral lists in municipal elections⁸ and warn against the risk of populism. Aspects of citizenwashing relating to political science will not be assessed here.

Scope of the case studies

These case studies are limited to the examination of potential citizenwashing instances in environmental decision-making in Europe. While citizenwashing seems to be most commonly perpetrated by public authorities or politicians, examples from private actors are also included. The list of cases analysed is neither meant to be exhaustive nor final, but a representation of the wide variety of practices that might be perceived as citizenwashing. The case studies do not investigate instances related to voting procedures, electoral lists, or criminal fraud.

The aim of the case studies is to use a non-exhaustive list of different situations to help define citizenwashing further, discuss its manifestations, and analyse the democratic, and hence also environmental, risks it carries. All examples given operate in grey areas of political rhetoric and democratic legitimacy. What constitutes citizenwashing for one onlooker may still be just beyond the line in the sand for another, and vice versa. This ambiguity is exactly where the risks of citizenwashing lay and why case studies, rather than a strict list of criteria, is a helpful exercise.

What are the main characteristics of citizenwashing in relation to public participation?

■ **Intention:**

Instances of citizenwashing are often characterised by bad faith or negligence in the misrepresentation of the citizens and their will. Indeed, if we think of 'greenwashing' or 'pinkwashing', we understand a lucrative purpose motivating the rebranding or use of a symbolic colour to appeal to a group of consumers who will relate to these symbols and themes. The companies and public authorities culpable of "greenwashing" aim to improve their "environmental image" and attract public support, public acceptance or profit via such marketing.

■ **Perceptions:**

Similar to all matters pertaining to public trust, perception is often more important than the actual conduct. Even without bad faith or negligence, the perception that citizenwashing was committed, that a process was misused, that people were misrepresented, or their views ignored, damages public trust in institutions. It is, therefore, important that even decision-makers with the best of intentions are aware of the risks of perceptions of citizenwashing, alongside how to execute public participation to the highest standard.

■ **Process:**

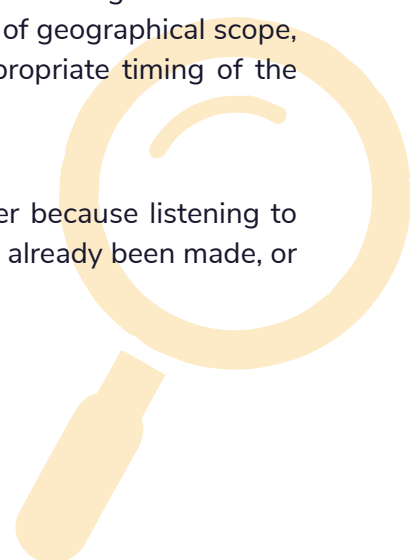
Unfounded claims to the authority of citizens are often the result of a faulty public participation process, or even the absence of such a process. While there is ample academic literature on public participation in environmental matters in general⁹, processes which risk being perceived as citizenwashing can be divided into three categories:

1. No participation at all: making a decision in the name of citizens, while maintaining the illusion of following an inclusive democratic processes;

2. Participation badly construed or executed: framework constructed badly either intentionally or negligently, often with the intention of unduly influencing the outcome or attract or suppress certain voices. For example, via limitations of geographical scope, the format of the response submissions, timeframes, or inappropriate timing of the launch;

3. Outcome of the participation not taken into account:

Ignoring the opinions voiced in the participatory exercise either because listening to them was never the intention to begin with, a final decision had already been made, or because the opinions received turned out not to be desirable.



Why is citizenwashing a threat to democracy and to the environment?

Citizenwashing, like many undemocratic practices, undermines the legitimacy of a given decision-making process. The risks associated to citizenwashing can be categorized into three groups, each representing the flipside of the potential benefits of a correct public participation exercise.

- 1 Firstly, by claiming to take views into account which are actually being ignored, citizenwashing undermines the voicing of views by that group. It, therefore, risks disenfranchising legitimate input to a decision-making process which may have otherwise benefitted from it. In turn, this reduces the quality of policy decisions, to the detriment of environmentally-sound policies and decisions¹⁰.
- 2 Secondly, citizenwashing as an undemocratic conduct injures democracy beyond the confines of the specific decision-making process it is being carried out in. Abusing and misrepresenting democratic values threatens society in general, as it damages democracy and affects public trust in institutions, endangering the social contract.
- 3 Thirdly, citizenwashing alienates and frustrates people who wanted their voices to be heard. It endangers public buy-in to the final decisions taken by authorities, which may then see backlash further down the line.

These three risks are especially prevalent in environmental decision-making because such decisions, while they might affect certain regions and communities more acutely, are of concern to the whole of society: negative environmental impacts are impossible to contain and affect us all. Equally, the changes that need to be made to mitigate climate change and environmental degradation are changes that will touch the day-to-day lives of the entire population, impacting everything from how we travel to how we eat.

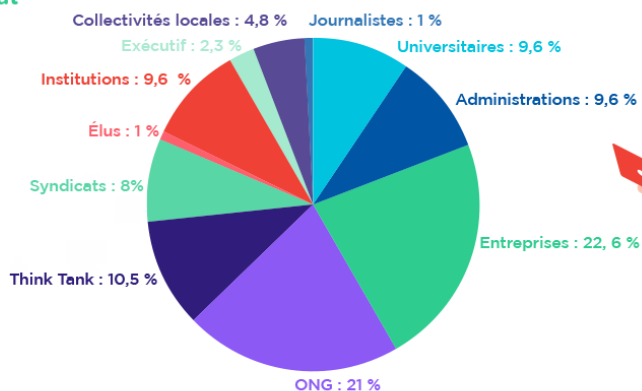
2 Case studies

The case studies below aim to analyse and illustrate several instances which may constitute citizenwashing, but are in no way a definite or exhaustive list of citizenwashing instances.

2.1 Citizens' Convention on Climate in France



Les intervenants à la Convention Citoyenne



#ConventionCitoyenne

www.conventioncitoyennepourleclimat.fr

@Conv_Citoyenne



Where: France

When: October 2019 – June 2020

Who: French national government initiative

What: Deliberative citizens' assembly made up of randomly selected deliberative mini-publics. This is a novel form of public participation and stands at the frontier with other democratic representative entities.¹¹

Context: This initiative emerged as a response to the gilets jaunes ("Yellow Vests") movement that arose out of protests against increased fuel tax and a lowered speed limit, which the Yellow Vest protesters viewed as unfair to the poor. In the mandate letter, the then Prime Minister Edouard Philippe stated that the Citizens' Convention for Climate was a response to the dual public demand of more "participation and more ecology¹²." It was foreseen that upon completion of their work, the Convention would issue a report of their discussions to the government, accompanied by a set of legislative measures for reducing carbon emissions by at least 40% by 2030. The government committed in the mandate letter to publicly respond to the Convention's proposals and publish a timeline for the implementation of these measures.

How:

Duration: seven weekend sessions spanning October 2019 to June 2020.

Who was involved and how: 150 members were chosen via sortition (using a random representative sample) obtain a group that was representative of the French population. More information on the sorting process here (in FR).

Outcome: 149 referendum proposals, legislative and regulatory measures (including constitutional reforms).

Impact of input on final decision/official Response: French President Emmanuel Macron promised in 2019 to bring the proposals to the appropriate level without filter. He, however, used three "veto cards" on these proposals. In the end, the "climate and resilience" bill proposed in February and adopted in August 2021, that was supposed to transcribe these measures, only incorporated 10% of these measures in full and 30% if we count the ones partially implemented¹³. As of September 2022, only 67% of the proposals had been implemented in full or partially¹⁴. Environmental NGOs and observers have also pointed out the watering-down of the proposals.

Analysis:

Even though the process went smoothly, and observers generally praised the initiative for the way it was organised and the contribution it made to democratic safeguards, the Convention is now widely seen as a failure.

In the final report, the 150 members of the Convention wrote

“We think that this Convention’s success will largely depend on the Executive respecting its commitment to forward our proposals ‘without filter’, i.e. without them being rephrased or tweaked, but also on their consideration by the legislative branch.”¹⁵

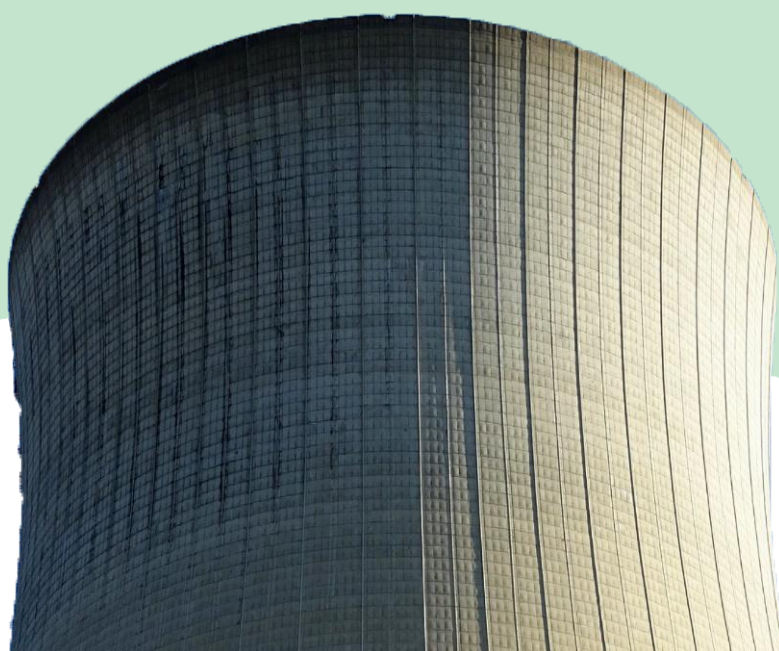
When asked how they felt about the government’s follow-up on the Convention’s proposals, the members gave an average grade of 3.3/10¹⁶.

The moral commitment made by the French government to serve as a vehicle for adoption of the Convention’s findings was not respected, as is showed by the disappointing outcome. More than that, the legitimacy of the Convention was actively undermined by members of the government after they issued their proposals, prefacing the backing out of the government’s support¹⁷. The watchdog Observatoire des Multinationales (Multinationals Observatory) has since found that industry lobbies had embarked on an all-out lobbying offensive to annihilate the drafting of the bill and lower the overall ambition.¹⁸

Why is it at risk of being labelled as citizenwashing?

Improper follow-up can render any innovative public participation exercise futile. Having strong procedures and a smoothly run citizen assembly is simply not enough. In the language of the Aarhus Convention, “due account” has to be taken of the voices raised (Article 6(8) AC). Asking the public for its opinion, and then disregarding it because it does not fit the current political agenda, is opportunistic and disenfranchising. A lot of resources were invested in promoting this initiative. Indeed, it was presented as a solution to citizen malcontent. But lack of willingness to incorporate the resulting measures suggest that this was no more than a hollow offering.

2.2 Misleading public consultation on nuclear extension in Belgium



Where: Belgium

When: April 2022

Who: Belgian federal government: Federal public service for economy

What: Transboundary public consultation on the draft bill for extension of two nuclear operators.¹⁹

Context: In 2021, Belgium's initial nuclear exit goal had been agreed for 2025 pursuant to a 2003 law which set out the nuclear exit for the country. However, in March 2022, the Belgian government decided to extend the operation of two of its reactors (Doel 4 and Tihange 3) until 2037. The Doel 4 plant is right at the border of the Netherlands and the Tihange 3 plant is in the heart of Belgium within 40km – 100km of the Netherlands, Germany and Luxembourg.

How:

Duration: 2 months (20 March – 20 May in Belgium and 10 June in other countries)

Who was involved and how: A transboundary consultation was open to inhabitants within a radius of 1000km from either site. An Environmental Impact Assessment, as well as a non-technical summary, was provided on sites of all countries open to the consultation.

Impact of input on final decision: The consultation was on the environmental impact report and not on the actual decision to extend the operation of the nuclear power plants.

Analysis:

ENGOs have criticised the process of deriving to the extension for numerous reasons. Firstly, the geographical delineation of the consultation was criticised as too limiting because questions surrounding nuclear safety and treatment of nuclear fuel can have impacts beyond 1000km. Secondly, the timing of the consultation is questionable because the consultation was launched at a time when the Belgian government and the nuclear energy company Engie (operating both sites) were still negotiating an agreement regarding the extension²⁰. Not only did this mean that key questions about safety and long-term management had to be excluded from the consultation²¹, but also the feasibility of the project itself was technically not yet established²². Thirdly, the documentation provided during the consultation was criticised as potentially biased. Both the Environmental Impact Assessment and the non-technical summary which were given as background information for participants in the consultation have been assessed as flawed by conflicts of interest of the authors. Lastly, the framing of the consultation itself was criticised as potentially misleading. The Belgian government gave the acute energy concerns during 2022 and the following years, resulting from the Russian invasion of Ukraine, as the context for the prolongation. Observers have pointed out that the two nuclear sites under the proposed plans would only be operational years later.

Why is it at risk of being labelled as citizenwashing?

Adequate availability of complete and objective information is a pre-requisite for public participation. If the information provided is considered as biased or incomplete, then a negative perception on the public consultation process can transfer to the overall decision-making process. The phrasing of questions for a consultation are equally as important, and leading questions are considered bad practice. By performing a public consultation, the authorities are seen to be involving citizens in the decision-making process, but by providing biased and incomplete information, these citizens are not being involved in good faith but rather manipulated.

2.3 Covas do Barroso Mining project EIA



Where: Covas do Barroso, Portugal

When: 22nd March 2023 – 19th April 2023

Who: Portuguese Environmental Agency (APA)

What: Online public consultation on the website participa.pt ²³

Context: The Savannah Resources' mining project involves the construction of four open-pit mines, covering an area of almost 600 hectares over an estimated duration of 17 years, on land that is mostly communal and very close to the villages of Covas do Barroso, Romainho and Muro, which are World Agricultural Heritage sites. If realised, this would be the largest open-pit lithium mining project in Europe. This project is contested by local associations (UCDB), environmentalists and the Boticas Municipality.

How:

Duration: Initially, the public consultation and the 1,776 files it entailed was open for a period of 10 days. The Associação Unidos em Defesa de Covas do Barroso (UDCB) challenged this short consultation period citing Directive 2011/92/EU (EIA Directive), which establishes a minimum period of 30 days for consultation with the public, and the Aarhus Convention, to which Portugal is a signatory, which guarantees the right to environmental information and participation in environmental matters, and stipulates that public participation procedures must have a reasonable time-frame so that the public can prepare for and participate effectively throughout the decision-making process (Art 6). After complaints made by UDCB, the local population and the Municipality of Boticas, the consultation was prolonged 15 days (note: the consultation period ended up at 24 working days).

Who: Stakeholders and general public

How: Online public consultation on the EIA for the “Amendment to the Barroso Mine Extension Project” which garnered 912 responses

Impact of input on final decision/official response: Despite overwhelming negative responses (909 out of 912) to the EIA for the “Amendment to the Barroso Mine Extension Project”, on 31st May 2023, APA issued a favourable Environmental Impact Statement (DIA) for this project by Savannah Lithium, Lda. making it the first lithium project in Portugal to obtain a favourable DIA.

Analysis:

The environmental assessment (EIA) process for the “Mina do Barroso” has been characterised by a lack of transparency on the part of the Portuguese Environmental Agency (APA), which was recently ordered to pay €30,000 for not providing information to the lawyers of the Covas do Barroso Parish Council as part of the process that led to the precautionary measure. This is not the first time that the Agency has been reprimanded and condemned for refusing or ignoring requests for access to information that should be in the public domain. Following several reprimands and judgements, a case is underway against Portugal in the Aarhus Convention Compliance Committee, relating to failure to respect the right to access environmental information in this process.²⁴

The project’s Environmental Impact Assessment (EIA) was declared ‘non-compliant’ twice in 2020 by the Portuguese Environmental Agency (APA). Even after reformulations, the EIA received a ‘non-favourable’ opinion from the APA’s Evaluation Commission (CA) in June 2022. Only two organisations - the Directorate General for Energy and Geology (DGEG) and the National Energy and Geology Laboratory (LNEG) - opposed this decision.

Under a recently approved legal regime aimed at simplifying Environmental Impact Assessment processes, the company has been given yet another opportunity to reformulate the project. The final changes to the EIA were submitted on 17th March 2023. After almost two years of reformulations, the people of the communities affected were initially given just 10 days to comment on more than 7,000 pages. After strong opposition, the APA extended the public consultation period by 15 days (bringing the consultation period to a total of 24 working days), which resulted in a record number of 912 participations, the overwhelming majority of which were against the project (909).

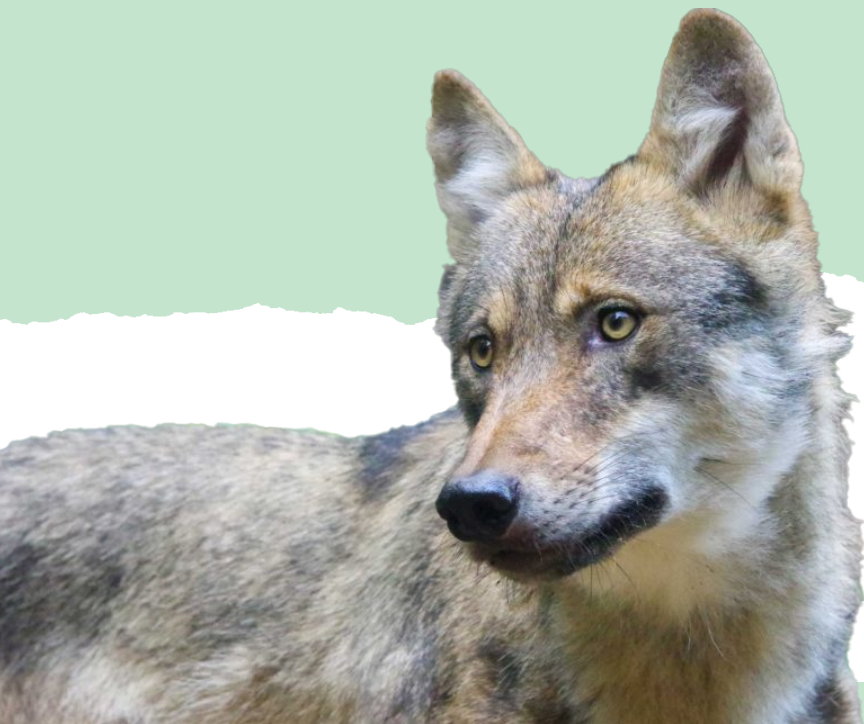
However, at the end of May of 2023, the APA's Evaluation Commission issued a conditional Favourable Environmental Impact Statement (EIS), although it recognised that the project would have impacts labelled as 'significant' or 'very significant' on the environment, biodiversity, populations and the region's economic fabric. It also recognised that the project is incompatible with the World Agricultural Heritage label awarded to Barroso by the United Nations and acknowledged the strong opposition of participants to the public consultation, "the overwhelming majority of which were against the project", reads the EIS.

Why is it at risk of being labelled as citizenwashing?

Providing an extremely short timeframe for public participation in a consultation hampers the formulation of submissions and risks creating an unfavourable perception. While the Aarhus Convention is silent on the exact duration of a public consultation, common sense dictates that 10 working days for thousands of pages is not enough. General advice for well-organised public consultation periods is a minimum of 8 weeks. The EIA Directive, in its article 6(7), establishes that the timeframes for consulting the public concerned must not be shorter than 30 days.

Furthermore, the overwhelming negative responses from the public were not taken into account in the final decision. Along with the strong motive for the APA to approve this highly profitable project, these elements indicate that the consultation was conducted out of a need to meet legal obligations regarding public participation but that ultimately the decision had already been made.

2.4 Lack of EU consultation on lowering the conservation status of wolves



European Commission - Press release



Wolves in Europe: Commission urges local authorities to make full use of existing derogations and collects data for conservation status review

Brussels, 4 September 2023

The return of the wolf to EU regions where it has been absent for a long time is increasingly leading to conflicts with local farming and hunting communities, especially where measures to prevent attacks on livestock are not widely implemented.

President **von der Leyen** said: "The concentration of wolf packs in some European regions has

Where: European Union

When: September 2023

Who: European Commission

What: Call for collection of data on the wolf population and their impacts.²⁵

Context: After having collected data from Member States and stakeholders on the wolf population in the EU, the European Commission invited local communities, scientists and all interested parties to submit up-to-date data to guide its decision regarding modifications to the protection status of the wolf in the EU. On 20th December 2023, one day after the EU leadership celebrated the EU's commitment to halt and reverse biodiversity loss under the Kunming-Montreal Agreement, the European Commission tabled a proposal for a Council Decision to lower the protection status of the wolf under the international [Bern Convention on the Conservation of European Wildlife and Natural Habitats](#). The Commission also published an in-depth analysis on the status of the wolf in the EU providing little evidence to justify lowering the protection status of the wolf. Apart from the data collection initiative as mentioned above, there was no consultation or information on what policy options have been considered by the European Commission and the initiative is widely seen as serving election agenda of the Commission President political family.

How :

Duration: 18 days.

Who was involved: The call was targeted at local communities and scientists. The European Commission received more than 17,000 responses in their mailbox.

How were they involved: The data collection was opened via a press release published on the European Commission's website. The press release included misleading information regarding the dangers posed to humans and livestock. The claim that the concentration of wolf packs has become a danger for livestock and potentially for humans is not based on science²⁶.

Impact of input on final decision/official response: The study on the issue of wolves was published on the 20th December 2023. The European Commission communicated that they received more than 17,000 responses²⁷. The Commission provided no evidence in the [in-depth analysis on the status of the wolf](#) in the EU to justify the [proposal](#) to change the international status of wolves under the Bern Convention from 'strictly protected' to 'protected'.

Analysis:

The consultative format of 'data collection' via email, as opposed to the usual calls for evidence published on the EU Commission's publicly accessible 'Have your say' portal, raises issues of transparency, as the public is not able to access the evidence submitted and or view its origins. Furthermore, the period of 18 days to submit this evidence is too short and is not in conformity with the Better Regulation Guidelines, which require that all stakeholders have a reasonable period in which to make informed and effective contributions. Moreover, since there was no consultation on the initiative, the data collection exercise launched with the European Commission press release quoting the Commission President has been seen as a de-facto consultation generating significant number of responses. Wildlife and environmental NGOs expressed their deep concerns about the misleading information in the Commission's communication accompanying the call for evidence regarding wolves in Europe in an open letter²⁸, as they believe it was not based in science and included misleading statements. The Commission acknowledged these concerns on their in-depth study but did not address them and carried on with their proposal to change the Bern Convention.

Why is it at risk of being labelled as citizenwashing?

By circumventing the usual consultation channels and transparency of the official 'Have your say' platform to call for additional evidence, and by using misleading information regarding dangers wolves pose to livestock and humans in its communication, the proposal to revise the wolf's protection status is not supported by the consultation. Moreover, the proposal represents a politically motivated U-turn as, only last November, the EU [rejected](#) Switzerland's attempt to downgrade the protection status of the wolf, arguing that based on the [latest data](#), the wolf had not reached a favourable conservation status in most EU Member States. The [proposal for a Council decision](#) does not provide any scientific evidence that the wolf population's status has changed significantly within a year.

The consultation period of 18 days is also very short. The way this process was carried out indicates the European Commission would only seek to legitimise this decision to change the protection status of wolves by claiming that it was the result of grassroots consultation and providing no new evidence in the in-depth study published on the same day as the the proposal itself, the 20 December 2023.

2.5 Online consultation - Corporate Sustainability Due Diligence

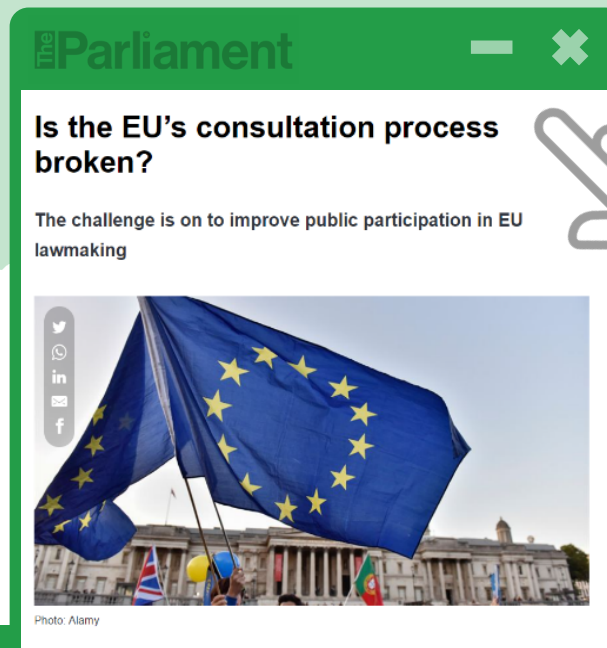


Image: Cover of article by Linda A Thompson, 05 Sep 2023, on [The Parliament](#)

Where: European Union

When: October 2020 - December 2022

Who: European Commission

What: Public consultation on a proposal for a directive on sustainable corporate governance²⁹

Context: The Corporate Sustainability Due Diligence Directive (CSDDD) is a new EU law to ensure businesses are accountable for adverse human rights impacts throughout their value chains and thus force businesses to do right by workers. It also has a huge potential for environmental protection and climate mitigation. From deforestation to plastic production, from mining raw materials to the emission of greenhouse gases, business is behind an overwhelming part of environmental degradation and climate change.

The CSDDD could restrict unethical business practice and put consumers' minds at ease when buying products and using services. Negotiations for this file, which are now concluded, have been marked by heavy involvement from Civil Society Organisations, policy makers, and business and industry lobbies. For more information on the CSDDD and the negotiation process, consult the 'Justice is Everybody's Business' campaign at <https://justice-business.org/>.

How:

Duration: 3.5 months

Who was involved: Stakeholders and the general public (via 595,390 individual contributions)

How were they involved: The initiative was published on the 'Have your say' platform. The European Coalition for Corporate Justice (ECCJ), together with a number of other civil society organisations, mounted a major awareness-raising campaign aiming to connect citizens with the legislative proposal consultation and encourage them to submit feedback.

Impact of input on final decision/official response: The factual summary report did not address the 472,606 responses, including one that had been signed by 122,785 individuals, that had been submitted via the ECCJ campaign. In that summary report, the Commission announced that "responses submitted through campaigns will be segregated and analysed separately from the non-campaign responses³⁰" and that all stakeholder input would be referred to, analysed and included in the synopsis report accompanying the impact assessment and published together with the proposal.

Analysis:

NGOs submitted a complaint to the European Ombudsman, which opened an inquiry into how the Commission reported on the substance of the contributions collected through the two campaigns in the factual summary report and reflected the number of contributions received on the public consultation website. In its conclusions, the Ombudsman found it regrettable that the Commission did not adopt a more citizen-friendly approach to how it reported on the consultation, notably by providing more information on the responses received from those who signed the online petitions³¹. However, it did not follow up on this inquiry for the resulting proposal for a Directive on Corporate Sustainable Due Diligence had already been adopted³².

Why is it at risk of being labelled as citizenwashing?

This example illustrates the weaknesses of online consultation platforms, which can be a great tool to attract public attention, but whose functioning can be opaque and lack accountability. The NGOs that had organised the campaign and collected citizens' views and signatures expressed their frustration regarding this disregard towards citizen involvement and shared their discouragement to participate in a consultation system "in which trade associations' responses are given more weight than those of citizens."³³ The fact that the proposal was adopted before the issues with the participation process had been resolved could easily be interpreted as a lack of genuine interest in citizens responses.

2.6 Public consultation on Common Agricultural Policy



Flemish Ardennes, Flanders, Belgium. Image free for use.

Where: Belgium, Flemish region

When: 14th January 2022 – 14th March 2022

Who: Flemish government

What: Public consultation³⁴

Context: The public consultation for the Flemish CAP Strategic Plan 2023-2027 started on 14th January 2022 and ended on 14th March 2022. Consistent with the objective of the Better Regulation agenda, the public consultation was supposed to allow citizens and other stakeholders to submit comments, recommendations and objections to optimise the CAP Strategic Plan. Flemish environmental NGOs reacted to this public consultation with extensive, detailed responses, drawing on science-based and recognised expertise on relevant topics such as water quality, agroecology and nature conservation with the aim of strengthening the plan. However, the final CAP Strategic Plan had already been submitted to the European Commission on 11th March 2022, three days before the completion of the public consultation.

How:

Duration: 2 months.

Who was involved: The general public and stakeholders.

How were they involved: The consultation was accessible online.

Impact of input on final decision/official response: The draft strategic environmental assessment and the CAP Strategic Plan were submitted to the Commission before the end of the public consultation. Therefore, both the assessment and the plan could not have taken the public's views into account.

Analysis:

The CAP Strategic Plan which was submitted did not take into account the views expressed during the public consultation nor did it justify why these views were disregarded, rendering it meaningless. Environmental NGOs voiced their concerns about this lacking democratic process in a letter sent to the Commissioner for agriculture³⁵. In a subsequent request for internal review challenging the approval of the CAP Strategic Plan by the Commission, the same environmental NGOs argued that this flawed public consultation was ground to revoke the decision approving the Strategic Plan. In its reply to the internal review request, the Commission considered that it was not empowered to “verify in detail every step of the public consultation carried out by the Member State” and that a flawed consultation process did not affect the legality of the Commission's decision to approve the plan.

Why is it at risk of being labelled as citizenwashing?

This is a typical case of non-compliance with the legal requirements (as set out, for example, in the Aarhus Convention), where public participation processes are carried out as box-ticking exercises and in such a way that they cannot influence the final decision. The fact that a public consultation is advertised, despite the fact the result will not be brought to bear on the decision, indicates a clear-cut case of citizenwashing.

2.7 Public consultation over Christmas on extending upland burning season



Image: Ian Francis (rsfb-images.com)

Where: Ireland

When: 21st December 2018 – 31st January 2019

Who: Irish government: Department of Culture, Heritage and the Gaeltacht

What: Public consultation on a Regulation (Heritage Act 2018).

Context: Section 7(1) of the Heritage Act 2018 provides that the Minister may make Regulations to allow the burning of vegetation during such periods in the month of March and in such parts of the country as specified in the Regulations. The 'Burning Consultation' was carried out in the context of a proposal to extend the upland burning season by one month and the best practice guidelines for burning management that includes rules on prohibited nature zones, rotational burning and how to avoid impact on ground-nesting birds.

How:

Duration: 4 weeks, extended to 5 weeks. The initial four-week public consultation started on the 21st of December, the last Friday before the Christmas holiday.³⁶

Who was involved: No outcome decision was found online.

How were they involved: Online consultation.

Impact of input on final decision/official response: No outcome decision was found online.

Analysis:

After complaints by eNGOs, namely the Environmental Pillar coalition, the consultation deadline was extended by 10 days³⁷. Environmentalists alleged that the timing of the public consultation did not comply with the Irish “Consultation Principles and Guidance” issued by the Department of Public Expenditure and Reform which provides that “longer consultation periods may be necessary when the consultation process falls around holiday periods.”³⁸

Why is it at risk of being labelled as citizenwashing?

While purporting to be interested in the public opinion by publishing a consultation in the first place, the nature and timing of the consultation suggest that the authorities were not interested in garnering a meaningful response. The risk of citizenwashing has been well perceived by observers which stated that the timing of the public consultation was sending out a signal that the consultation was a box-ticking exercise, and that the consultation was not real since the decision has already been made³⁹. In addition to this, the stakes were high with [conservationists](#) expressing that the regulation could have a devastating impact on breeding birds such as the near extinct curlew. The short timeline for the public consultation might also give way to suspicions that authorities wanted to close the case before conservationists’ concerns spread to the public.

3 Trends and conclusions

The case-studies presented in this document showcase the different ways in which citizenwashing can manifest itself. The objective of this analysis is not to define this concept narrowly or to have the last word on this phenomenon, but rather to spark discussion and critical thinking about these examples and others.

The cases analysed varied in terms of gravity, in the sense that some contravened EU law (the Barroso public consultation being carried out for a period of time shorter than mandated by the EIA Directive, for example), and others exist in legal grey areas. Some of these cases were procedurally sound but the the outcomes were practically disregarded (like the CSDDD online consultation), while others were carried out in a highly irregular manner (like the EU wolf “consultation”).

What most of the examples presented here have in common, however, are a high degree of public interest (either opposition or support), a strong impact on communities and the environment strong lobbying efforts, and a relatively high profile issue at stake.

4 How to do public participation correctly?

The number one method to avoiding citizenwashing is to have decision-makers engage with the public with good intentions and good faith. Besides this obvious ethical criterion, there are numerous guides available with criteria and good practices examples for designing participatory exercises democratically. A helpful conceptual starting point is Sherry Arnstein's ladder of citizen participation, first published already in 1969, but still the academic baseline today, which presents a scale of participation which goes from outright manipulation of the population to total citizen control⁴⁰. An excellent reminder of the benefits that proper involvement of citizens can have on policy can be found in Andy Stirling's typology on the substantive, normative, and instrumental benefits of public participation⁴¹. Once the decision has been taken to involve the public, the OECD Guidelines for Citizen Participation Processes are an excellent guide of minimum standards⁴². When engaging in participatory exercises in EU environmental matters, the REAL DEAL consortium on "Reshaping citizens' deliberation for the European Green Deal" is another available resource⁴³. Last, but not least, the Maastricht Guidelines⁴⁴ detail what public authorities should do when carrying out public participation in environmental decision-making, ensuring they fulfil their legal obligations under the Aarhus Convention correctly.

Further resources:

- [Citizenwashing: What it is and how to spot it \(2023\), EEB META article](#)
- "Unmasking citizenwashing: the dos and don'ts of participation", Symposium of the Civil Society Organisations' Group of the European Economic and Social Committee in collaboration with the European Environmental Bureau conclusions and recommendations, available at <https://www.eesc.europa.eu/en/agenda/our-events/events/unmasking-citizenwashing-dos-and-donts-participation/conclusions-and-recommendations>
- ["Citizenwashing: when public participation goes wrong"](#) Youtube video, 08/10/2023, TheEEBchannel,

5 Endnotes

- 1** It is important to remember that the public concerned by decisions about the environment aren't always necessarily citizens. "Citizen" refers to someone with a given nationality and passport, whereas the public concerned are the people affected in an area or by an issue, regardless of their citizenship. This is particularly significant in the case of climate change where we see the economic activity of some parts of the world causing climate-related disasters overseas.
- 2** The language of facilitating "public acceptance" features throughout the Commission's Proposal for a CRMA from 16.3.2023, available for consultation at [Eur-Lex](#). The provisions containing this notion are Recital (12); Article 6(1)(d); Article 8(8)(a); and Article 14(2)(b). For an in-depth analysis, read the [EEB's META article](#) "Safeguarding community rights and the issue of "facilitating public acceptance"", 18 July 2023.
- 3** See for example, Citizens Take over Europe, Democratic reform instead of citizen-washing, 21 December 2023, available [here](#).
- 4** Josh Roberts: Les communautés énergétiques ne doivent pas se transformer en outil de « Citizen washing», 26 of August 2022, Énergie Partagée. Available at: <https://energie-partagee.org/josh-roberts-les-communautes-energetiques-ne-doivent-pas-se-transformer-en-outil-de-citizen-washing/>
- 5** See for example, John R. Bryson, Chloe Billinng, Mark Tewdwr-Jones, "Urban infrastructure patching: Citizen-led solutions to infrastructure ruptures", Urban Studies, August 2023, volume 60, issue 10, pp. 1932–1948, , available [here](#).
- 6** See for example, Vincent Béal, Nicolas Maisetti, Max Rousseau, Gilles Pinson, "When Bookchin faces Bourdieu. French 'weak' municipalism, legitimation crisis and zombie political parties", Urban Studies, August 2023 volume 60, issue 11, pp. 2195–2213, available [here](#).
- 7** Joshua Roberts, "Power to the people? Implications of the Clean Energy Package for the role of community ownership in Europe's energy transition", Review of European, Comparative and International Environmental Law, July 2020, volume 29, issue 2, pp. 232-244, available [here](#).
- 8** Aline Leclerc, Claire Legros, "L'irruption des listes citoyennes", Le Monde, 8 February 2020, p. 8.
- 9** [Ruppel, Oliver C., Houston, Larissa Jane H.](#), "The Human Right to Public Participation in Environmental Decision-making: Some Legal Reflections", [Environmental Policy and Law](#), vol. 53, no. 2-3, pp. 125-138, 2023 available at <https://content.iospress.com/articles/environmental-policy-and-law/epl239001> ; Sharman N. OBJECTIVES OF PUBLIC PARTICIPATION IN INTERNATIONAL ENVIRONMENTAL DECISION-MAKING. International and Comparative Law Quarterly. 2023;72(2):333-360. doi:10.1017/S0020589323000088, available at <https://www.cambridge.org/core/journals/international-and-comparative-law-quarterly/article/objectives-of-public-participation-in-international-environmental-decisionmaking/9FF635EE8D7C4247A17DB8C8340A978D>
- 10** European Environment Agency, Briefing no. 18/2023, "The case for public participation in sustainability transitions". Available at <https://www.eea.europa.eu/publications/the-case-for-public-participation>; Berry, L.H, Koski, J., Verkuijl, C., Strambo, C. and Piggot, G. (2019). Making space: how public participation shapes environmental decision-making. Discussion brief. Stockholm Environment Institute. Available at <https://www.sei.org/publications/how-public-participation-shapes-environmental-decision-making/>.
- 11** See Graham Smith, "Placing the Convention: an outlier amongst climate assemblies?" in Participations, vol 34, issue 3, 2022, p. 261-281.
- 12** Sent to the CESE on July 3rd 2019, available in French [here](#).
- 13** Rémi Barroux, Audrey Garric, "Projet de loi climat : des mesures nombreuses, mais pas à la hauteur des ambitions", Le Monde, 10 February 2021, available in French [here](#).
- 14** Nathan Gallo, "Climat : 85% des mesures de la convention citoyenne reprises, selon Olivier Véran ? Un chiffre surévalué", AFP France, 16 September 2022, available in French [here](#).
- 15** See final report adopted on 21st June 2020, available [here](#).

- 16** Rémi Barroux, Audrey Garric, “La convention citoyenne pour le climat se sépare sur une note sévère au gouvernement”, *Le Monde*, 28 February 2021, available in French [here](#).
- 17** Marine Fleury, “Des citoyens pour relever le défi du changement climatique, est-ce vraiment sérieux?”, *Cahiers Droit, Sciences & Technologies*, vol. 14, 2022, pp. 117-132.
- 18** ora Verheecke, Olivier Petitjean, « Who’s after the French “Citizens’ Climate Convention”? », on *Multinationals Observatory*, 4 March 2021, available [here](#).
- 19** Link to the consultation: <https://economie.fgov.be/fr/themes/energie/sources-denergie/nucleaire/consultation-du-public-sur-la->
- 20** They have now found an agreement on the project, see [here](#).
- 21** See Bond Beter Leefmilieu’s press release from 28 April 2023, available [here](#).
- 22** See Bond Beter Leefmilieu’s position paper from 28 April 2023, available [here](#).
- 23** See on the consultation webpage available [here](#): “At the current stage, the federal government believes that the project plays a vital role in safeguarding the country’s electricity security, also the project is in line with the policy the European Commission wishes to pursue for increased independence from fossil fuels and diversified energy supply.”
- 24** See the webpage summarising the pending case ACCC/C/2021/186 available [here](#).
- 25** See the press release announcing the consultation [here](#).
- 26** See the NGO open letter available [here](#).
- 27** M. Apelblat, “Majority of rural inhabitants in the EU wants stricter protection of bears, lynxes and wolves”, *The Brussels Times*, 2 December 2023, available [here](#).
- 28** The NGO open letter is available [here](#).
- 29** See the public consultation webpage available [here](#).
- 30** See the summary report on the consultation webpage, available [here](#).
- 31** See the webpage dedicated to the inquiry available [here](#).
- 32** See the Ombudsman’s decision from 12 December 2022 available [here](#).
- 33** Linda A Thompson, “Is the EU’s consultation process broken?”, *The Parliament Magazine*, 5 September 2023, available [here](#).
- 34** See the public consultation webpage available [here](#).
- 35** See the letter on CIRCABC, available [here](#).
- 36** See the webpage dedicated to the public consultation, available [here](#).
- 37** Niall Sargent, “Extension of public consultation on upland burning welcomed” in *Green News.ie*, 9 January 2019, available [here](#).
- 38** Irish Department of Public Expenditure and Reform, *Consultation Principles and Guidance*, November 2016, available [here](#).
- 39** Citation from Eam Ryan, leader of the Irish green Party in Niall Sargent, “Public consultation on upland burning a “box-ticking exercise” in *Green News.ie*, 16 January 2019, available [here](#).
- 40** Sherry R. Arnstein, “A Ladder of Citizen Participation”, *Journal of the American Planning Association*, Vol. 35, No. 4, July 1969, pp. 216-224.
- 41** Stirling, ‘Analysis, Participation and Power: Justification and Closure in Participatory Multi-Criteria Analysis’ (2006) 23(1) *Land Use Policy* 95, 96.
- 42** OECD (2022), *OECD Guidelines for Citizen Participation Processes*, OECD Public Governance Reviews, OECD Publishing, Paris, <https://doi.org/10.1787/f765caf6-en>.
- 43** EEB co-led Project on “Reshaping citizens’ deliberation for the European Green Deal” <https://www.realdeal.eu/> Will include a deliberation protocol once finalised.
- 44** https://unece.org/sites/default/files/2022-03/1514364_E_web.pdf

