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A collection of black silhouettes of people of various shapes and sizes, some holding rectangular signs, arranged in a circular pattern around the central text area. The background is a solid teal color.

RESPONSE TO THE CONSULTATION ON THE EU CIVIL SOCIETY STRATEGY

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1. Introduction

Civil society is essential to democracy and is under threat in Europe and globally.¹ Attacks and restrictions on civil society are often seen in States that are in the early stages of authoritarianism or fascism.² In this sense civil society can be viewed as the 'canary in the coalmine' or an indicator of the health of a democracy. This state of crisis, and the ongoing attacks on civil society at EU level³ stand in stark contrast to EU policy statements on the issue such as the EU Green Deal which positioned the EU as a global leader in environmental democracy⁴, and Ursula Von Der Leyen's statement in the Political Guidelines 2024 - 2029 which emphasised protecting and enhancing civil society as a key part of democracy. This reflects her Mission Letter to Michael McGrath, Commissioner for Democracy, Justice and the Rule of Law⁵, as well as many previous policy statements and initiatives.⁶ This is not just a policy intention. It is an expression of the core EU values expressed in Article 2 of the Treaty on European Union (TEU, on EU Values). More broadly, the EU Treaties,⁷ and binding EU international law obligations⁸ require continuous improvement in democratic participation and engagement.

However, civil society and public influence on EU policy and law at both EU and Member State level remains weak in comparison to that of industry lobby groups.⁹ The impact that social movement actors

¹ CONCORD (7th April 2025) Attacks on NGOs in the European Parliament 570+ Organisations Join Forces to Defend Civil Society - <https://concordeurope.org/resource/attacks-on-ngos-in-the-european-parliament-570-organisations-join-forces-to-defend-civil-society-press-release/#:~:text=Civil%20Society%20%2D%20CONCORD-Attacks%20on%20NGOs%20in%20the%20European%20Parliament%20570+%20Organisations,Forces%20to%20Defend%20Civil%20Society&text=European%20civil%20society%20organisations%20are,enabled%20to%20share%20crucial%20perspectives>; Forst, M. (2024) [2024 position paper](#) by the UN Special Rapporteur on Environmental Defenders under the Aarhus Convention; A 2025 report from an NGO consultation with environmental defenders highlights a significant need for sustainable and structural support, particularly funding, as well as the need for protections for environmental activism and the revision of harmful legislation that restricts protest and civic space: <https://yeenet.eu/wp-content/uploads/2025/07/BeLIFE-consultation-report.pdf>. Data collected by the Fundamental Rights Agency through its most recent civic space survey also shows that the vast majority of respondents from EU member states faced some form of threat or attack in 2024. Dufour, B. (27 June 2025) The war on Europe's NGOs, EU Observer, <https://euobserver.com/eu-political/ard8c01ca4>; (EESC, 28 Feb 2025) Civil society under fire: why the EU must act now, <https://www.eesc.europa.eu/en/news-media/press-releases/civil-society-under-fire-why-eu-must-act-now>; Buyse, A. (2018). Squeezing civic space: restrictions on civil society organizations and the linkages with human rights. The International Journal of Human Rights, 22(8), 966-988. <https://doi-org.ucc.idm.oclc.org/10.1080/13642987.2018.1492916>.

² Smidt, H., Johansson, J. & Richter, T. Civil Society Under Attack: The Consequences for Horizontal Accountability Institutions. St Comp Int Dev 60, 81-110 (2025). <https://doi-org.ucc.idm.oclc.org/10.1007/s12116-023-09423-x>; Berman, Sheri. 1997. Civil Society and the Collapse of the Weimar Republic. World Politics 49 (3): 401-429. <https://doi-org.ucc.idm.oclc.org/10.1353/wp.1997.0008>; Bermeo, Nancy. 2016. On Democratic Backsliding. Journal of Democracy 27 (1): 5-19. <https://doi-org.ucc.idm.oclc.org/10.1353/jod.2016.0012>;

³ Dufour, B. (27 June 2025) The war on Europe's NGOs, EU Observer, <https://euobserver.com/eu-political/ard8c01ca4>; (EESC, 28 Feb 2025) Civil society under fire: why the EU must act now, <https://www.eesc.europa.eu/en/news-media/press-releases/civil-society-under-fire-why-eu-must-act-now>;

⁴ EU Green Deal https://eur-lex.europa.eu/resource.html?uri=cellar:b828d165-1c22-11ea-8c1f-01aa75ed71a1.0002.02/DOC_1&format=PDF

⁵ Von Der Leyen, U., (17th September 2024) Mission Letter to Michael McGrath, Commissioner for Democracy, Justice and the Rule of Law, https://commission.europa.eu/document/download/907fd6b6-0474-47d7-99da-47007ca30d02_en?filename=Mission%20letter%20-%20McGRATH.pdf

⁶ EU Democracy Shield; "Shrinking Civil Society" EP Declaration (2022) https://www.europarl.europa.eu/doceo/document/TA-9-2022-0056_EN.html; Council of Europe, [Recommendation CM/Rec\(2018\)11](#) of the Committee of Ministers to Member States on the need to strengthen the protection and promotion of civil society space in Europe and UN General Assembly resolution 53/144 [Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#) (Article 2); The EU Parliament Recommendation 2023/2836 on promoting the engagement and effective participation of citizens and civil society organisations in public policy-making processes, adopted as part of the defence of democracy package.

⁷ For example the Article 2 TEU (EU values), Article 3 TEU (wellbeing of peoples, peace, sustainable development, global cooperation), Article 6 TEU (recognition of the CFR and commitment to accede to the ECHR), Article 7 TFEU (policy consistency), Articles 8 and 10 TFEU (equality), Article 11 TFEU (principle of environmental policy integration/systemic integration), Article 191 - 194 TFEU (environment & energy competencies), or the broader concept of the Doctrine of Consistency, which requires consistency across the multi-level governance system. The Charter of Fundamental Rights (CFR).

⁸ For example the he International Covenant on Civil and Political Rights, the Aarhus Convention 1998 UNECE, the Espoo Convention 1991 UNECE.

⁹ E.g. Derman, B. B. (2013). Climate governance, justice, and transnational civil society. Climate Policy, 14(1), 23-41. <https://doi-org.ucc.idm.oclc.org/10.1080/14693062.2014.849492>; Giachini, Daniele & Rosso, Leonardo & Fornari, Fabrizio & Pansanella,

have on EU and national policy and law-making is often negligible, even where participatory processes are conducted. Quite often little, no or insufficient participation is solicited in the making of laws or policies at EU or Member State level. This is quite extraordinary considering the decades of scientific evidence on the benefits and importance of public participation in State and environmental decision-making,¹⁰ the binding EU and international law obligations mandating such democratic engagement, and the widespread requirements for open and transparent government in many Member State constitutional traditions. In addition, criticisms of public and civil society participation in policy and law making often involve highlighting exceptional situations as the basis for restrictions on all of civil society. In most cases this is a disproportionate reaction.

At its heart, participation of the public and civil society in decision-making is about democratization of the knowledge-making process that underpins decisions by those in power. Complaints that the public or civil society have no valid contribution to make¹¹ on large scale technical legislation or policy making decisions have been extensively debunked by research on the impact of participation on decision making.¹² In many Member States, such participation has been actively discouraged for extended periods, and more work needs to be done at EU and Member State level to build up the culture of citizen engagement and participation. This begins with creating enabling environments for such participation. Mechanisms through which this may be achieved are set out below and involve:

- Providing structured and regular opportunities to participate with information available at different levels for different audiences (lay and expert), with sufficient information to enable deep engagement.
- Accessible means of making the contribution, proper timeframes, and a guarantee of meaningfulness – that the information provided by the public or group will actually be utilised by the decision maker, and that the input is solicited sufficiently early in the process when it will actually be possible to have an impact on the final outcomes.
- Binding obligations are required to ensure decision makers attend to the sometimes onerous task of engaging with contributions, and conducting adequate processes.
- For wide and deep engagement across all sectors of society, in particular marginalised groups, it is important that a variety of methods and approaches are used, to ensure views of all sectors of society are facilitated. This is particularly important where marginalised groups have a history of mistreatment by State Authorities, and may be distrustful/cynical of State processes or wary of dealings with authority figures.
- Public consultations need to be scheduled thoughtfully to avoid overload on both the public authority and the public/CSOs from whom input is sought.

2. Grassroots or Astroturf Lobbying? Addressing front groups and the moral panic in the EU

The term “Astroturfing” is attributed to former Senator Lloyd Bentsen in 1985¹³ who used it to describe the false impression of a groundswell of grassroots civic action, paid for by an actor with a vested

Valentina & Popoyan, Lilit & Sîrbu, Alina. (2025). Navigating the Lobbying Landscape: Insights from Opinion Dynamics Models. 10.48550/arXiv.2507.13767..

¹⁰ E.g. see Fischer, F. Citizen participation and the democratization of policy expertise: From theoretical inquiry to practical cases. *Policy Sci* 26, 165–187 (1993). <https://doi-org.ucc.idm.oclc.org/10.1007/BF00999715>; O’Faircheallaigh C. Public participation and environmental impact assessment: purposes, implications, and lessons for public policy making. *Environ Impact Assess Rev* 2010;30:19–27; Anne N. Glucker, Peter P.J. Driessen, Arend Kolhoff, Hens A.C. Runhaar, Public participation in environmental impact assessment: why, who and how?, *Environmental Impact Assessment Review*, Volume 43, 2013, Pages 104–111, ISSN 0195-9255, <https://doi.org/10.1016/j.eiar.2013.06.003>; Newig, Jens & Jager, Nicolas & Challies, Edward & Kochskämper, Elisa. (2023). Does stakeholder participation improve environmental governance? Evidence from a meta-analysis of 305 case studies. *Global Environmental Change*. 82. 102705. 10.1016/j.gloenvcha.2023.102705.

¹¹ Puczko, Aleksandra. (2024). Perspectives for and obstacles to energy democracy in renewable energy transition processes. *Prawo*. 337. 143–162. 10.19195/0524-4544.337.12.

¹² E.g. Newig, Jens & Jager, Nicolas & Challies, Edward & Kochskämper, Elisa. (2023). Does stakeholder participation improve environmental governance? Evidence from a meta-analysis of 305 case studies. *Global Environmental Change*. 82. 102705. 10.1016/j.gloenvcha.2023.102705.

¹³ Walker, E. T., & Le, A. N. (2022). Poisoning the Well: How Astroturfing Harms Trust in Advocacy Organizations. *Social Currents*, 10(2), 184–202. <https://doi.org/10.1177/23294965221123808> (Original work published 2023); Also, so called “Foreign Agents Legislation” purportedly aim to target “astroturfing” or generating of influence by other countries using front

interest in achieving a particular outcome (often industry). Accusations that the CSO community in Europe were being used as a front for advancing political agendas via EU Commission funding have been debunked by the recent report on NGO Funding by the EU Court of Auditors.¹⁴ The phenomenon of “astroturfing” or organisations posing as organic citizen movements has been around for as long as politics. This phenomenon can only be adequately addressed by strong transparency rules applying equally to CSO, industry lobbyist and politicians, in tandem with tackling misinformation on issues under political debate by ensuring strong, authoritative and science-based messaging from independent government bodies and by measures to tackle manipulation of the political sphere by interested groups.

The EU CSO sector is already subject to many transparency obligations, in contrast to the national level picture which is highly fragmented and poses a large barrier to cross-border advocacy campaigns.¹⁵ Unlike industry lobby groups, many CSOs operating at EU level have to comply with complex and demanding, often separate regulatory frameworks governing both charities and companies and so can be in some circumstances held to much higher standards than either politicians or industry lobbyists, despite evidence of non-compliance of some EU politicians with conflict of interest obligations e.g. in the wake of ‘Qatar-gate’.¹⁶

Additionally, recent restrictive laws targeting CSOs colloquially known as “foreign agents laws” spreading in many Members States require higher levels of disclosure for many affected CSOs in comparison to industry lobbyists. CSOs are held to higher thresholds for participation than lobbyists and are in some cases much more highly regulated and restricted under multiple charity, company law and CSO specific rules sets, and face cross-border challenges due to the fragmented nature of the obligations at Member State level.¹⁷ When taken in the context of the higher level of political access available to paid industry lobbyists and ‘technical experts’, than that granted to CSOs in many processes at EU level and domestically, this presents a scenario where civil society voices are being increasingly marginalised. The concerns around ‘astroturfing’ and conflicts of interest in civil society could be addressed without disproportionately burdening CSOs in this way, and the impact of excluding CSO voices from civil and political discourse does not justify disproportionate restriction of civil society, when compared to the positive impacts of civil society involvement in such discourse and decision making set out above. It must be born in mind that restrictions on civil society participation are restrictions of fundamental rights recognised in the constitutional law frameworks of virtually all Member State, the EU Treaties & Charter of Fundamental Rights and the European Convention on Human Rights, to name but a few instruments binding on the EU Member States and/or the EU itself. This means any such restrictions are subject to the proportionality test, and therefore should be in pursuit of a legitimate objective and go no further than is necessary to achieve the objective. When looking at the overall

organisations. However these laws are usually just restrictions on NGOs accessing cross-jurisdictional funding. E.g. Orbán’s Fidesz party proposes Russia-style crackdown on Hungary’s civil society – POLITICO <https://www.politico.eu/article/viktor-orban-fidesz-party-hungary-russia-democracy-transparency-public-life-civil-society/>

¹⁴ Report on NGO Funding by the EU Court of Auditors <https://www.eca.europa.eu/en/publications?ref=SR-2025-11>. For more information on the NGO Funding Debacle see this account by the European Movement of Ireland <https://www.europeanmovement.ie/just-the-facts-why-is-environmental-ngo-funding-at-risk-in-the-eu/>.

¹⁵ For more on this issue see The EU’s Defence of Democracy Dilemma (11/07/2025) Jacques Delors Centre <https://www.delorscentre.eu/en/publications/detail/publication/the-eus-defence-of-democracy-dilemma>

¹⁶ Statement by Civil Society on EP Resolution on transparency and accountability in the European institutions – Civil Society Europe (2022) <https://civilsocietyeurope.eu/statement-by-civil-society-on-ep-resolution-on-transparency-and-accountability-in-the-european-institutions/>. A good example of this at national level can be seen in on the island of Ireland (IE/NL) where a CSO engaging in environmental advocacy that wishes to publicly fundraise must complete and maintain rigorous and demanding disclosures to retain charitable status under the Charities Act 2013 as amended, as well as a mandatory requirement they incorporate and also complete the demanding corporate governance obligations that companies are subject to under the Companies Acts 2014 as amended. CSOs with bases in both jurisdictions must comply with separate and duplicate processes in each jurisdiction in order to be able to operate on both parts of the island of Ireland. Additionally they must complete the necessary tax registrations and returns, and transparency register requirements in both jurisdictions and at EU level. This is double the administration of a private lobbying firm, and if the firm is a partnership or sole trader, and therefore not incorporated under Company Law (a mode of operation not available to charities under Irish law), the lobby firm may not even have to make any Company Law registrations and disclosures, with their only obligations being tax compliance returns and Transparency Register returns, so the burden may orders of magnitude higher on a CSO engaging in EU and domestic advocacy by comparison to a lobby firm engaging in the same sphere.

¹⁷ Transparency international (2024) Briefing: Lobby transparency in the EU https://transparency.eu/wp-content/uploads/2024/02/Transparency-international-EU_briefing_Lobby-transparency-in-the-EU.pdf

landscape of differential obligations on civil society organisations, lobbyists and politicians, the excessive burden on this grouping does not seem objectively justified.

3. Public participation, administrative burdens & technological solutions

(a) Public Participation Innovation via Technology needs to be funded.

One frequent complaint of EU bodies and Member State governments is that increasing requirements for public participation make for an excessive burden on decision makers and policy makers. This argument fails to recognise the extensively evidenced¹⁸ positive benefits to decision making from civil society and public input, is at odds with obligations of progressive realisation of human rights, and does not seem to be a satisfactory or legitimate justification to meet the requirements of the proportionality test.

Member States and the EU are also not availing of means available to lower such administrative burdens on them by using modern technology. The development of participatory technology is drastically underfunded, especially in comparison to the funding provided by the EU and Member States of the same technologies for private corporate gain. Digital technologies are key to improving open government, and extensive research is happening directed at applications for eGovernance across a range of areas like transport and climate adaptation. In comparison there is a relatively low level of investment in research and activity in the specific area of public participation in environmental decision-making, despite the potential dividends the application of digital technologies like blockchain and AI and in particular by the convergence of these technologies. These technologies have the potential to address many of the significant complaints levelled at environmental participation by governments and industry, such as delays in processing data slowing down projects, misuse of the participation system by bad actors and administrative complexity.

For example, blockchain verification could eliminate concerns of impersonation and conflict of interest by participating actors. AI and machine learning could optimise processes and cut down data analysis timeframes drastically. They could also help address some of the obstacles to participation like lack of capacity in the members of the public, and accessibility issues. AI assistance could support those with capacity and accessibility issues throughout the process and provide low-cost capacity building to the public who wish to participate. This could include simplified interpretations of complex documentation and environmental reports. This is however with the caveat that such technologies need to be designed in a value sensitive, accessible and inclusive manner from the beginning with input from NGOs and minorities/excluded groups of the public. The evidence to date suggests that this is not happening.

Convergence of AI and blockchain, and AI, blockchain and Internet of Things (IoT) holds transformative potential across a variety of areas,¹⁹ with blockchain providing an antidote to the continued unreliability of AI outputs and IoT devices potentially offering solutions to the verifiability of input data to blockchain systems (e.g. verifying identification of a user of the system, validating data so that fake data can be weeded out from the training set), and the extent to which blockchain systems and AI systems can react to real time events in the real world. Blockchain potentially also offers protection against concerns of dangerous AI singularity, by offering ways to run AI over distributed networks which must reach consensus. AI is essentially machine learning data analytics combined with neural network technology and enables a computer program once trained to autonomously derive insights from data. AI therefore offers the potential to monitor performance of blockchain networks and identify and resolve any

¹⁸ See Fn 10 above for a selection of references on the evidence base for the benefits on public participation in decision making.

¹⁹ Sandner P, Gross J and Richter R (2020) Convergence of Blockchain, IoT, and AI. *Front. Blockchain* 3:522600. doi: 10.3389/fbloc.2020.522600, <https://www.frontiersin.org/journals/blockchain/articles/10.3389/fbloc.2020.522600/full>.

anomalies arising in the functioning of the network. It can offer assistance and capacity building to those attempting to interact with the blockchain. The application of converged technology to public governance and public participation is under researched, with the majority of public funding going to support commercial private exploitation of these converged technologies.²⁰

A report commissioned by the EIB shows that the EU lags behind in terms of real investment in AI & Blockchain, investing circa 1.75 billion annually.²¹ The US and China invest around €25 billion annually. The report shows the major shortfall is in marshalling private pension and equity investment in innovative start-ups. However, there is considerable institutional funding for research in the area. This means that the full benefits of emerging technologies are unlikely to be realised in Europe, but those that are may be more likely to be harnessed for societal benefit rather than for corporate profit.

Blockchain is a network algorithm-based technology that enables trustless exchange of information in a publicly accessible and unalterable database. The information is held in a distributed database that is updated and shared across a network of computers, or nodes, and all nodes in the network must agree on the data in the chain. It is a form of Decentralised Ledger Technology (DLT) and various types of blockchain are used as the basis for cryptocurrencies. DLT is a peer-to-peer data exchange across a distributed system. Blockchain as a subset of DLT which uses blocks of data connected in a chain built in chronological order. The idea of blockchain had been around since the 1990s and arises from a combination of existing information technology innovations like peer exchange networks (e.g. Tors), consensus protocol algorithms and distributed computing.²² The first proof of concept application of blockchain, Bitcoin, was developed by an anonymous developer under the pseudonym Satoshi Nakamoto and released for public use in a white paper on blockchain in 2008²³, giving rise to the Bitcoin cryptocurrency. This was developed as a way to facilitate peer to peer cash transactions without the need for a financial institution. However, the use cases of blockchain and DLT technology go far beyond decentralised finance (DeFi) and cryptocurrency exchange.

The potential for this to enhance a whole range of areas of Governance was recognised early on leading to many countries initiating projects to pilot blockchain for governance.

(b) Some examples of projects implementing blockchain for governance at country level

i. BBBBlockchain for spatial planning (Germany)²⁴

A DApp (decentralised application) called BBBBlockchain which was specifically created with the purpose to improve citizens participation in urban planning decisions in two major residential development projects in Berlin, Germany. The project involved Value Sensitive Design approaches and incentivised participation with crypto-tokens which residents could receive on completion of the necessary steps. The project was run on Ethereum and was successful in promoting participation.

²⁰ Hough, A., (2025) Emerging technologies and improving implementation of Aarhus Convention environmental human rights, 29(1/2) Environmental Liability 5.

²¹ EIB (2021) Artificial Intelligence, Blockchain and the Future of Europe: How Disruptive Technologies Create Opportunities for a Green and Digital Economy. For more on the investment and infrastructural gaps see: McKinsey (2023) Europe's AI Opportunity: <https://www.mckinsey.com/capabilities/quantumblack/our-insights/time-to-place-our-bets-europes-ai-opportunity>, and; European Court of Auditors (2024) EU Artificial Intelligence Ambition (Special Report 08/2024): <https://www.eca.europa.eu/en/publications?ref=SR-2024-08>, and Digital Europe (2024) Report: The EU's Critical Tech Gap https://cdn.digitaleurope.org/uploads/2024/06/DIGITALEUROPE-EU-CRITICAL-TECH-GAP-REPORT_WEB_UPDATED.pdf

²² Dong S, Abbas K, Li M, Kamruzzaman J. 2023. Blockchain technology and application: an overview. PeerJ Comput. Sci. 9:e1705 DOI 10.7717/peerj-cs.1705; Iansiti M., Karim L. R., (2017) The Truth About Blockchain Harvard Business Review, <https://hbr.org/2017/01/the-truth-about-blockchain>.

²³ Nakamoto, S. Bitcoin: A Peer-to-Peer Electronic Cash System <https://bitcoin.org/bitcoin.pdf>

²⁴ Ietto, B., Rabe, J., Muth, R., Pascucci, F., (2023) Blockchain for citizens' participation in urban planning: The case of the city of Berlin. A value sensitive design approach, Cities, Volume 140, 2023, 104382, ISSN 0264-2751, <https://doi.org/10.1016/j.cities.2023.104382>. (<https://www.sciencedirect.com/science/article/pii/S0264275123001944>)

- ii. Incentivising Youth Volunteering (Italy)²⁵
Collegno Local Lab is an urban living lab supported by an EU-funded research project, situated in the city of Collegno (a suburban area of the city of Turin, Italy, with 48,000 inhabitants). The project promoted youth volunteering and provided young people with access to local commercial and cultural services. Young volunteers took part in civic actions organised by local associations and receive *reward tokens* in their wallet, which have been issued by a social cooperative in charge of educational activities on behalf of the municipality.
- iii. Government Blockchain (Estonia)²⁶
Estonia was an early adopter of blockchain technology for public administration in 2012 with the Succession Registry kept by the Ministry of Justice. The technology chosen for Estonian systems is KSI Blockchain, also used by NATO and the U.S. Department of Defense. The KSI Blockchain has been rolled out to underpin a range of government services such as a healthcare registry, land registry, business registry, digital court system and a State Gazette.
- iv. Land Registry Title (Georgia)²⁷
In 2016 The National Agency of Public Registry (NAPR) of the Republic of Georgia partnered with Bitfury Group to develop a digital land registry which uses blockchain technology for certifying land title. This has helped them combat corruption and increase public trust in property related record keeping. It is based on the Exonum blockchain.²⁸
- v. uPort Decentralised identity (Switzerland)²⁹
Zug Canton in Switzerland have developed a blockchain based eZug App and identify verification that allows users to interact with a range of public services. This allows for secure interaction between governments and citizens.³⁰
- vi. Infrachain governance framework (Luxembourg)
In 2019, the Ministry of Digitalisation, in collaboration with the '[Syndicat intercommunal de gestion information](#)' (SIGI) and the [Government IT Centre](#) (CTIE) announced the creation of a public sector blockchain. This technology offers all players in the public sector the opportunity to improve the transparency, reliability and security of public sector digital information. systems and processes.
- vii. Public Administration Interoperability (Spain)³¹
Moving between regions in Spain raises a range of bureaucratic obstacles. This European Blockchain Services Infrastructure (EBSI) project is currently developing a blockchain based single government digital identify for use with public services and administration throughout Spain.

While not all these are specifically related to environmental participation, they demonstrate the use case for blockchain in promoting efficient administrative frameworks and public trust in public decision making. The Berlin example clearly shows the application for participation in spatial planning.

²⁵ Viano, C., (2024) Context-based civic blockchain: Localising blockchain for local civic participation., Digital Geography and Society, Volume 6, 100090, ISSN 2666-3783, <https://doi.org/10.1016/j.diggeo.2024.100090>. (<https://www.sciencedirect.com/science/article/pii/S2666378324000126>)

²⁶ PWC (2019) Estonia, the Digital Republic Secured by Blockchain, <https://www.pwc.com/gx/en/services/legal/tech/assets/estonia-the-digital-republic-secured-by-blockchain.pdf>

²⁷ Eurasianet. (2017). Georgia: Authorities Use Blockchain Technology for Developing Land Registry. Retrieved January 21, 2019, from <https://eurasianet.org/georgia-authorities-use-blockchain-technology-developing-land-registry>

²⁸ Exonum.org (2024) Blockchain Use Cases - Exonum Blockchain Implementation <https://exonum.com/cases/index>

²⁹ Zug ID - Verifiable Credentials and Self Sovereign Identity Web Directory. <https://decentralized-id.com/government/europe/switzerland/zug/>

³⁰ See more at: Consensys.io (2023) Zug Digital ID: Blockchain Case Study for Government Issued Identity <https://consensys.io/blockchain-use-cases/government-and-the-public-sector/zug> .

³¹ EBSI (2023) Public Administrations Interoperability . <https://ec.europa.eu/digital-building-blocks/sites/display/EBSI/Public+Administrations+Interoperability> . See also: [KSI blockchain - e-Estonia](#)

Blockchain can resolve many of the issues with having good quality public participation, such as verifying that participants are part of the affected public, highlighting any conflicts of interest, spotting patterns in the data that may suggest influence being exerted on the process, large scale data analysis, and the proper weighting of information received against the criteria for the decision-making process. It can also be used to incentivize participation and increase transparency of the process. However, there may be issues with accessibility for complex digital systems for marginalised groups without internet of sufficient bandwidth, devices with sufficient computing power, educational divides, capacity issues for those who are disabled, and language issues.³²

(c) General concerns regarding technology and society

There are also considerable concerns around the use of technology and the design of various initiatives, and the extent to which they are designed in an equality conscious manner reflecting any of the frameworks for socially enhancing technology such as Value Sensitive Design (VSD)³³ or the 'AI for Social Good' Framework.³⁴

Value sensitive design is a theoretically grounded approach to the design of technology that accounts for human values in a principled and systematic manner throughout the design process, taking into account the affected stakeholder groups.³⁵

AI for Social Good Framework is a framework specifying seven key criteria for assessing the social benefit of an AI model. These are (1) falsifiability and incremental deployment; (2) safeguards against the manipulation of predictors; (3) receiver-contextualised intervention; (4) receiver-contextualised explanation and transparent purposes; (5) privacy protection and data subject consent; (6) situational fairness; and (7) human-friendly semanticisation.³⁶

Also concerning is the lack of human rights based analysis across a variety of axes like gender equality, racial equality and disability access, with the exception of privacy rights which are built into many EU based initiatives³⁷ as a result of the influence of the strong legal framework (EU General Data Protection Regulation 2018 and the EU Data Act).

Finally, data is lacking on the extent to which private industry led initiatives are being monitored and managed for their impact on environmental governance and democratic institutions and many cases of harm to participatory process, environmental governance and democratic institutions are already evident from these technologies.³⁸

4. Lack of formalised channels for CSO engagement

³² Hough, A., (2025) Emerging technologies and improving implementation of Aarhus Convention environmental human rights, 29(1/2) Environmental Liability 5.

³³ Friedman, Batya; Hendry, David G.; Borning, Alan (2017-11-21). "A Survey of Value Sensitive Design Methods". Foundations and Trends in Human-Computer Interaction. 11 (2): 63-125. doi:10.1561/1100000015. ISSN 1551-3955. S2CID 28701004. <https://doi.org/10.1561%2F1100000015>

³⁴ Floridi L, Cowls J, King TC, Taddeo M. How to Design AI for Social Good: Seven Essential Factors. Sci Eng Ethics. 2020 Jun;26(3):1771-1796. doi: 10.1007/s11948-020-00213-5. Epub 2020 Apr 3. PMID: 32246245; PMCID: PMC7286860. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7286860/>.

³⁵ Fn 33.

³⁶ Fn 34

³⁷ E.g. see Beck R., Agerskov S., (2024) Ethical Guidelines for Blockchain Systems - European Commission https://blockchain-observatory.ec.europa.eu/news/ethical-guidelines-blockchain-systems-2024-05-15_en

³⁸ Bianchini, S., Colagrossi, M., Damioli, G., Ghisetti, C. and Michoud, K., Measuring the Impact of Digital Technologies on Sustainable Development from Scientific Literature: a Natural Language Processing analysis, EUR 31558 EN, Publications Office of the European Union, Luxembourg, 2023, ISBN 978-92-68-04550-3, doi:10.2760/64241, JRC133614. <https://publications.jrc.ec.europa.eu/repository/handle/JRC133614>

In Europe in general there is a lack of formalised channels for CSOs to input into policy, law-making and decision making, in stark contrast to lobbies from other sectors of society such as business industry lobby groups and trade unions, who tend to have both formal and informal access to those in power when critical decisions are being made. In Ireland, uncertainties around the legal status and legal capacity for unincorporated groups hampers their ability to campaign and litigate effectively. Restrictions on charitable status that prevent organisations who have the objective of seeking changes in the law from obtaining such status are very restrictive of organisations seeking social change through legal change campaigns. Recently introduced legislation (the Planning and Development Act 2024) brings in restrictions on the standing rights of environmental NGOs that will prevent many previously litigation-active environmental organisations from having standing. This will increase the likelihood of targeting of individual members of CSOs that take litigation, by requiring as a mandatory proof to initiate a litigation public disclosure on affidavit of the names and addresses of the members of the organisation that voted for the decision to take the legal challenge in an environmental case.

5. Consultation on legislation, plans and policies and environmental and planning consents at national level

There is no legal requirement in Ireland for consultation on legislation, and the level of consultation has declined completely in the area of environmental legislation. e.g. there was no formal public consultation on the Planning and Development Act 2024 prior to its introduction into the legislative process. Given that this was the biggest revision of national planning law in twenty-five years, it is somewhat surprising that the Government did not seek to engage the public on this huge and crucial piece of land use legislation, running to circa 750 pages.

The first opportunity our organisation had to contribute views was at third stage in the legislative process, when the legislation was put before a select committee who invited submissions.³⁹ By this stage the content of the legislation was largely predetermined and there was only opportunity to suggest small adjustments. This does not meet the State's obligation under international law to facilitate public participation in proposed legislation early when all options are genuinely open. The legislation passing was a foregone conclusion, and the Government drastically shortened debate time on the legislation as it progressed through the bicameral parliament process. This led to a piece of legislation with many shortcomings,⁴⁰ and which breaches several elements of international law.

The substantive content of the Act arguably represents a significant regression of civil society participatory rights in the planning process. To highlight but a few elements, it contains new restrictive thresholds for NGO standing to take challenges to permitting and planning decisions made under the Act which will exclude some environmental organisations with a long history of high-quality legal challenges to environmental decision making.⁴¹ It introduces new arrangements for legal costs, a regime which is likely to eliminate existing pro-bono legal support available to NGOs under the previous cost's arrangements.⁴² A mandatory proof for initiating a litigation challenging a public authority decision under the Act is disclosure on affidavit (a document sworn under legal oath and publicly available) of the names and addresses of the members of the civil society organisation who voted in favour of taking the legal challenge.⁴³ This strips individuals of the protection inherent in their Irish Constitutional and human

³⁹ Hough, A. & Elliot, G., (2023) Planning and Development Bill 2022: A solution in search of a problem – Joint Submission by Community Law and Mediation, and Environmental Justice Network Ireland

<https://communitylawandmediation.ie/change/planning-and-development-bill-2022-a-solution-in-search-of-a-problem/>

⁴⁰ Hough, A. & Elliot, G., (2023) *Opinion: We could improve our planning law - instead the public is being excluded*

<https://www.thejournal.ie/readme/planning-and-development-bill-6025130-Mar2023/>

⁴¹ E.g. [Section 286\(2\)\(c\)](#) requiring the organisation have no fewer than ten members, which is not a legal requirement for any other type of organisation to carry out any function under Irish law. For example, in the normal course Companies are legally able to incorporate and carry on all normal functions with two Directors and no members, or in some cases one Director and no member. Some organisations with a strong track record of highly successful and impactful litigation in Ireland have only three or four members.

⁴² See provisions set out in Part 9, [Chapter 2](#), Planning and Development Act 2024.

⁴³ [Section 286](#), Planning and Development Act 2024.

right to freedom of association, exposing them to targeting by developers or those who are in favour of the permitting of the development.

In the context of the already worsening landscape for environmental and human rights defenders already outlined, this is clearly a step in the wrong direction. These are but a few of the regressive elements of a law that was passed with no prior public involvement or debate, and which was lobbied for by industry groups and developers for many years.⁴⁴ Another issue of concern is the criminalisation of settlement by the party taking the legal challenge to the decision made under the Act, but not of settlement by the defending body or developer. As the dynamic is invariably that a civil society organisation takes the challenge to a public authority decision related to land use permitting or a public authority plan impacting the environment, and the decision is defended by a public authority, and in permitting cases a developer who stands to lose out on the right to carry out the development, there is a very clear implication of widespread abuse of process by civil society organisations. In fact, based on the evidence of experiences of environmental defenders reported in Ireland, and cases reported in the media,⁴⁵ and court reports, it seems much more likely that the party utilising the legal system to abuse process will be a developer attempting some kind of SLAPP litigation, or an individual with adjoining property seeking to exploit their position as an affected individual (as was the situation in the vanishingly rare reports of applicants found to be engaging in abuse of process litigation).

There is no general legal requirement to consult on plans, programs and policies made by the State or State Bodies. The legal requirement for Strategic Environmental Assessment (SEA) of policies and plans that may have a significant impact on the environment and which set the framework for the granting of future development consents (and domestic implementation of the EU SEA Directive) exists but is not well adhered to or ever enforced by State Authorities. Many SEA processes and associated consultations do not happen or happen in the context of extremely poor information, or when all options are no longer open. A case in point was the process of the recent update to Ireland's National Energy and Climate Plan,⁴⁶ under the Governance Regulation and our commentary on same as a case in point.⁴⁷ The issues documented there were also experienced by colleagues in many other EU Member States, to the extent that a coordinated complaint was filed by NGOs across several Member States to the EU Commission calling on them to act on the poor level of compliance with requirements for the plans

⁴⁴ Many commentators recognised the demands of the Construction Industry lobby in the provisions of the Act. The construction industry were consulted on in depth by the relevant Government Department during the process of drafting. By contrast Civil Society did not see the legislation until it entered the parliamentary process. Mandal, R. (21st March 2024) The folly of developer-led planning, The Irish Times, <https://www.irishtimes.com/opinion/letters/2024/03/21/the-folly-of-developer-led-planning/>; IPI Submission on Planning Legislation Review (2022) <https://ipi.ie/wp-content/uploads/2022/06/IPI-Submission-on-Planning-Legislation-Review.pdf>. One stark example of the extent of industry influence was the case of an amendment sought to be introduced to this piece of national planning legislation by the Housing Minister which later emerged to have been introduced at the request of a developer refused planning permission for a development on grounds of population levels. The Minister then introduced a specific derogation on this ground into the legislation. Galvin, T. (3rd April 2024) Wicklow councillors hit out at Housing Minister's change to planning bill that would 'ignore population targets', Irish Independent <https://www.independent.ie/regional/wicklow/bray-news/wicklow-councillors-hit-out-at-housing-ministers-change-to-planning-bill-that-would-ignore-population-targets/a149460213.html>

⁴⁵ See for example: O'Cearbhaill, M. (2024) Ireland must introduce laws to protect journalists from strategic lawsuits, says new EU directive, The Journal, <https://www.thejournal.ie/eu-passes-anti-slapp-legislation-6311411-Feb2024/>; O'Riordan, E., (19 July 2022) Developer's case against eight Killiney residents struck out as 'bound to fail' - The Irish Times <https://www.irishtimes.com/crime-law/courts/2022/07/19/judge-strikes-out-developers-case-against-eight-killiney-residents/>; Mary Carolan (2021) Killiney residents opposed to housing plan claim legal actions are bid to intimidate them - The Irish Times <https://www.irishtimes.com/news/ireland/irish-news/killiney-residents-opposed-to-housing-plan-claim-legal-actions-are-bid-to-intimidate-them-1.4753456#:~:text=The%20eight%20residents%2C%20including%20a,other%20judicial%20reviews%2C%20he%20said>. More broadly: O'Dell, E. (2024) If Equity can develop new orders when necessary, can it develop anti-SLAPP orders? Part 2: SLAPPs, abuse of process, and anti-SLAPP injunctions - Cearta.ie <https://www.cearta.ie/2024/10/slapps-abuse-of-process-and-anti-slapp-injunctions/>.

⁴⁶ EU Commission [National energy and climate plans https://commission.europa.eu/energy-climate-change-environment/implementation-eu-countries/energy-and-climate-governance-and-reporting/national-energy-and-climate-plans_en](https://commission.europa.eu/energy-climate-change-environment/implementation-eu-countries/energy-and-climate-governance-and-reporting/national-energy-and-climate-plans_en).

⁴⁷ Catherine Devitt, Alison Hough, Caitlin McIlhennon, Paul Price, Vanessa Conroy, Collette McEntree, and Ciara Brennan 'Assessment of Ireland's Final Draft National Energy and Climate Plan: A missed opportunity to deliver faster and fairer climate action?' June 2024. <https://ejni.net/wp-content/uploads/2025/07/Assessment-of-Irelands-final-draft-NECP.pdf>.

including public consultation, failure to substantiate decisions in the plan with adequate scientific evidence, and failure to map realistic pathways and achievable targets.⁴⁸

There are Government issued Guidelines⁴⁹ encouraging public participation in public authority decision-making which are slightly vague and generally ignored by public bodies as they are not legally binding. It is very rare for a public body to engage in public consultation if there is no legally binding rule requiring them to. Even when there is a legally binding requirement, this is often ignored.

There are some types of environmental and planning consent that require consultation with a single statutorily recognised NGO, e.g. An Taisce is named in the Planning Acts and other legislation. A system of CSO representation in local government policy making committees, known as the Public Participation Network,⁵⁰ (PPN) was established in 2014 by legislation. These are constructed on a county basis, with a PPN for every Local Authority, and a PPN coordinator employee appointed to facilitate and coordinate the county PPN network. To join the PPN you have to be a member of an eligible community group. From the PPN membership, representatives are elected to sit on various positions set aside for PPN reps on all Council committees. There, in theory, they can have a say in Council policy making or propose policy, once they pass it through the internal PPN processes which involves having the policy proposal debated at various committees of interested local organisations. However, there was a varying level acceptance by Local Authorities, with widespread reports from our network of CSO input into policy being blocked by Local Authorities in this system, PPN Rep input being ignored, met with hostility from elected representatives or council employees, or spurious procedural grounds being cited to refuse the PPN input. This has led to a drop off in participation in the networks after an initial flurry of enthusiasm.⁵¹

6. Good practices in public consultation with civil society

Focus groups with stakeholders contributing to consultations to explore responses in depth has been a previous good practice of the DG Environment. Country visits to meet national organisations is also an excellent way to gather views that organisations may not want to express publicly about matters in their Member State. EU legislation formerly was subject to public consultation accompanied by high levels of information and impact assessment. This practice has become inconsistent, e.g. the recent Omnibus Packages of legislation are being consulted on now, after they have mostly been completed, and the Simplification drive is being consulted on after its parameters have largely been set..

7. Bad practices in public consultation with civil society

EU consultations should not be conducted over holiday periods such as August. Consultations should be accompanied by strong impact assessments/research basis for the consultations should be set out. More effort should be made to reach groups at domestic level who do not usually engage in EU level policy making. Most EU and domestic consultations lack the provision of multimedia resources, holding of explanatory webinars, or recording of webinar discussions on the consultation would enhance accessibility. Focus groups with interest such as those contributing to consultations should be established to get more in-depth feedback.

8. Quality of and Access to Information

⁴⁸ <https://caneurope.org/ngos-complaints-systemic-failures-climate-plans-europe/>

⁴⁹ Guidelines on Public Consultation (2019) assets.gov.ie/static/documents/public-consultation-principles-guidance.pdf

⁵⁰ Find your local Public Participation Network <https://www.gov.ie/en/department-of-rural-and-community-development-and-the-gaeltacht/services/find-your-local-public-participation-network/>

⁵¹ E.G. See reports in: Public Participation Networks – Tuesday, 13 Jun 2023 – Parliamentary Questions (33rd Dáil) – Houses of the Oireachtas <https://www.oireachtas.ie/en/debates/question/2023-06-13/71/#:~:text=However%2C%20sometimes%20people%20who%20are,the%20usefulness%20of%20the%20structure,> and;

Minister Joe O'Brien announces publication of independent report reviewing Public Participation Network structures, <https://www.gov.ie/ga/an-roinn-forbartha-tuaithe-agus-pobail-agus-gaeltachta/preaseisiuinti/minister-joe-obrien-announces-publication-of-independent-report-reviewing-public-participation-network-structures-2/#:~:text=It%20also%20identified%20a%20number,Minister%20O%27Brien%20added:> and; Public Participation Networks

and Local Democracy: Addressing Challenges and Amplifying Opportunities - Public Policy <https://publicpolicy.ie/papers/public-participation-networks-and-local-democracy-addressing-challenges-and-amplifying-opportunities/#:~:text=Stakeholders%20involved%20in%20the%20New.to%20fulfil%20their%20original%20goals.>

EU legislation formerly was subject to public consultation accompanied by high levels of information and impact assessment.⁵² This practice has become inconsistent in the area of proposals for new legislation, for example the recent Omnibus Packages of legislation are being consulted on now, after they have mostly been completed, and were issued without full impact assessments.⁵³ The Simplification Agenda⁵⁴ in which the Omnibus packages of legislation are contained are being consulted on after its parameters have largely been set and legislation has already been drafted based on it. Consultations on legislation are being put out for input unaccompanied by the usual Commission Staff Working Document, which is often an invaluable source of information about the legal basis and rationale for the initiative.⁵⁵ The area of EU policy production is similarly seeing a decline in previously high standards of consultation and evidence base for new policy changes such as the Clean Industrial Deal⁵⁶ remain low quality or absent entirely.

9. Nuanced approaches and 'on the ground' consultation

Focus groups with stakeholders contributing to consultations to explore responses in depth has been a previous good practice of the DG Environment. Country visits to meet national representatives, focal points and civil society organisations is also another practice engaged in by DG Environment. This is an excellent way to gather views that organisations may not want to express publicly about matters in their Member State. EU legislation formerly was subject to public consultation accompanied by high levels of information and impact assessment, but as noted above this has changed.

Developing a solution through a framework approach: Formalising engagement and creating an enabling environment

1. Formalising influence

Formal routes of input into decision making

- Input into laws – a legally binding set of rules requiring opportunity for consultation at pre-legislative stage when new laws are produced. Such consultations need to follow the guidelines for good public consultation, and seek to facilitate wide and deep engagement. This is required at both EU and Member State level.
- Input into policies, plans and programs – Legally binding framework for input into State Authority led plans, programs and policies. This is required at both EU and Member State level.

Review existing Laws & Rules

Key questions: Do the legal frameworks mandate engagement with civil society in the formulation of EU and Member State legislative proposals? Do the legal frameworks comply with the EU's and Member State's international law obligations to enhance participation, democratic engagement, justice and equality, referenced above?

⁵² Usually following the Better Regulation process set out at Better regulation - European Commission, https://commission.europa.eu/law/law-making-process/better-regulation_en

⁵³ [Ombudswoman opens inquiry concerning how the Commission prepared a legislative proposal as part of its omnibus package of simplification measures | News | European Ombudsman](#)

⁵⁴ Simplification and Implementation - European Commission https://commission.europa.eu/law/law-making-process/better-regulation/simplification-and-implementation_en

⁵⁵ E.g. during this recent consultation issued in February 2025 on changes to State Aid Guidelines and Implementing Legislation. 2025 state aid environmental matters - European Commission https://competition-policy.ec.europa.eu/public-consultations/2025-state-aid-environmental-matters_en.

⁵⁶ Clean Industrial Deal COM(2025) 378 final, https://commission.europa.eu/document/download/ae2ea9ea-d037-4920-bbf6-a4183b747e34_en.

- A legislative review to ensure that public participation in decision making is required in all EU legislation, and to ensure meaningful consequences where public participation is not adequately facilitated.
- Legislation aimed at enhancing public participation and protecting those who participate.
- Legislation requiring protection of those who are penalised, harassed or victimised for exercising participation rights, including those who exercise their right of access to justice in relation to participation e.g. participatory right of challenging decisions and participation processes in the courts, and those who disclose or highlight wrongdoing by public bodies, or other stakeholders. The current framework consisting mainly of the SLAPP Directive, the Protected Disclosures EU Directive 2019/1937; the Environmental Crimes Directive; and the Victims Rights Directive create an incomplete patch work of law.
- Vindicating legislative participatory rights – this could for example look like creating an avenue of direct access to the CJEU where no mechanism for vindication exists at national level, or such mechanisms have been exhausted, where participatory rights have not been vindicated by an EU body, or another national body or tribunal.
- Enforcement of laws and rules – existing rules around public participation in environmental decision making are often ignored without consequence. E.g. see the widespread failure to conduct Strategic Environmental Assessment of the National Energy and Climate Plans submitted by Member States in 2018 and the failure of the EU Commission to any infringement action in relation to same, discussed above.

2. Enabling Environment for Civil Society

- Recognition: development of a definition of 'Civil Society' which is broad enough to encompass all types of groups from grass roots level unincorporated associations (in Ireland these are self-organising, non-registered groups who have a written rule set they agree to operate by) to national level large scale incorporated and registered charities.
- Bureaucracy: ensure that rules for recognition are not excessively burdensome. Create harmonised systems for transnational and supra-national CSOs, and ensure parity of regulation with other types of stakeholders (see example above from Ireland/Northern Ireland of additional regulatory burdens on CSOs). Encourage the creation of tiered systems for regulation, with increasing administrative burden for larger CSOs with employees and high turnover, and simplified registration and reporting for smaller bodies or those made up entirely of volunteers.
- Protecting from attack: A Voluntary Code of Conduct for parliamentarians to encourage them to be more aware of the benefits of CSOs to society, to promote the well-being of civil society and the importance of protecting CSOs to safeguard democracy, and seek commitments not to engage in attacks on CSOs when they exercise their democratic rights. Such a code could also encourage support for human rights and environmental defenders and seek commitments to protect and defend democratic values and human rights.
- Funding:
 - Co-design of Funding – the right funding for the right job for the right organisation. If organisations from the sectors targeted are consulted on development of funding calls this will lead to better application of money available and less waste.
 - Cross border funding and funding allowing extra- EU partnership.
 - Multi-year guaranteed core funding for operational costs like light, heat, staff wages.
 - The Democracy for Transition Coalition recommend the preservation of LIFE operating grants and the CERV fund, and prioritisation of CSO funding in the

EU's upcoming Multi-annual Financial Framework, recommendations which are important to note.⁵⁷

- Technology:
 - Greater use of civic tech, and the creation of publicly held digital free access "third spaces" would greatly assist the civil society sector and the public in self-organising and improve civic culture. More public funding needs to be directed at developing public goods AI or Blockchain to facilitate efficient, accessible public governance and public participation in that governance that does not increase administrative burdens long-term for decision makers or business seeking permits.
 - Digital Third Spaces: The internet is now the "main street" for most people – where they shop, recreate, bump into their friends. Almost every social space on the internet is corporately owned and controlled, and the ability to purchase people's attention through these corporation has left society wide open to bad actors who wish to disrupt democracy and society with misinformation and strife. There is an urgent need for the mandating of the creation of digital "third spaces" for the public, to act as digital "town squares". To avoid the risk of abuse by authoritarian States these could independently managed or community managed but funded and led by States. Distributed Ledger Technology could be used to maintain the system records proofed (as much as they can be) from Government and malicious actor interference. Research needs to be conducted into developing models for moderation, management and the highest levels of cybersecurity and digital safety for such spaces, and how control would be given over to community groups while ensuring standards are maintained.
- Enforcement:
 - Rapid Response Protections and Mechanisms are required to protect environmental defenders from victimisation.
 - Consequences for failure to engage meaningfully in consultation

⁵⁷ Joint position paper from the Democracy for Transition (D4T) Coalition Joint Position Paper: A Civil Society Strategy that works for civil society <https://eeb.org/library/d4t-coalition-joint-position-paper-a-civil-society-strategy-that-works-for-civil-society/>