

TOWARDS A STRATEGY FOR A EUROPEAN CITIZENS' INITIATIVE (ECI) TO SUPPORT FULL POLITICAL RIGHTS FOR EU CITIZENS ON THE MOVE (REVISED)

This note puts forward an outline for a strategy with ideas and questions for the launch and promotion of this ECI. It has been revised following a first discussion held on 23 May (see attached report)

1) Building the constituency

For this first meeting it was not possible to gather all potential partners for this initiative but at least a start was made. The constituency of those most likely to support this ECI includes:

- i) organisers of previous ECI's on political rights for EU citizens or European citizenship more generally - especially "let me vote" which sought to combat disenfranchisement in national elections;
- ii) specific current regional or national campaigns for voting rights for foreigners - there should be mutual advantage in cooperation between such campaigns and the transnational initiatives;
- iii) organisations reaching the target group of EU citizens living and working in other member states and promoting the participation of migrant communities in public life;
- iv) services supporting ECIs whether public or private including foundations which might provide financial support;
- v) European-level movements or organisations promoting transnational citizenship and democracy beyond the nation state – the ECI could accompany other proposals in the run-up to the May 2019 European elections;
- vi) Key individuals among the decision-makers and in the academic community who can add political weight and intellectual credibility to the ECI.

What organisations/ individuals should we be contacting? A data base of potential supporters will be built up and a second brainstorming meeting with more participants convened for 6 September at the start of the annual summer university on European citizenship. A survey will be launched to identify potential partners and supporters as well as campaigns across Europe on voting rights. The results will of the survey will be presented to the meeting on 6 September.

2) Consideration of the aims and chances of success of such an ECI

The case for European citizens to be able to vote and play an active role not only in local and European elections in their country of residence, but also in the national ones which really count, regional elections and referenda appears strong and logical. Have we got the argument right with our 3 justifications for full political rights?

One of the difficulties is that the arguments work at a general level, but in reality full political rights for EU citizens could have very different implications:

- With a shift of competences from the local to the regional level, the case for European citizens to be able to vote and stand also in these elections appears strong especially in cities such as Brussels or Vienna and London which are European hubs. But there can be political resistance especially when more regional autonomy is seen as a battle for identity against the straightjacket of national politics. In some regions extending the franchise would make little difference to outcomes but in other regions it would be decisive, because European citizens are so unevenly dispersed.
- A recommendation from the Commission that European citizens living outside their country should no longer be disenfranchised in national elections would have very different implications

in the 5 EU member states concerned. If the UK abolishes the rule whereby after 15 years of living abroad expatriates lose their right to vote in general elections, the impact would be limited. In Malta, however, the diaspora vote would determine the next government.

- The case for the right of European citizens to vote in referenda in their country of residence would appear strong since a high proportion have been on European issues over the last generation but others are on strictly national constitutional questions.

So opinion is likely to vary and indeed opinion polls suggest that people are evenly divided on extending the franchise to residents from other countries. The reactions to this ECI are therefore likely to be very different depending on the country or region, the make up of the population, the type of democratic contest and the themes. One can argue that it is not enough for all European citizens to be able to vote only for the European Parliament when governments have a far more decisive role in EU affairs and regions are gaining more influence. Existing political rights giving EU citizens the right to vote and stand in local and European elections in another EU member state reflect a more federalist conception of a Europe which since the Maastricht treaty of 1993 has become more intergovernmental. One can also point to the possibility of allowing some choice and flexibility in the way full political rights are implemented. Nevertheless, the differences in perception, opinion and likely impact must be taken in account and could in themselves make the debate more interesting and the choice of which countries or regions to concentrate on more of a challenge. The campaign should be adapted to the specific national and regional context.

3) Building a partnership to launch the ECI and a wider coalition

The origin of this proposal is the discussion at the summer university in the last two years. The demand for full political rights linked to freedom of movement was seen as the one possible to “put European citizenship on the map”. It is not just an idea by the ECIT foundation and as indicated under point 1) involves a broad constituency ranging from those directly affected by disenfranchisement, to those defending their rights or concerned more generally by the need to Europeanise democracy in Europe. The question is whether therefore at the outset the ECI should not be launched by a consortium of organisations, rather than just one which is normally the case. Whilst this is not easy to achieve it would greatly improve access to funding, the chances of success and the process of signature collection. What would such a consortium look like? How would it be set up and run? How could it create a broader coalition round the centre particularly in the countries selected as the main targets for signature collection? Whilst 60-70% of signatures are done online, this means that there are still a significant 30-40% to be collected face-to-face.

4) Potential support and fundraising

There is no doubt that there is renewed interest towards ECIs in the run-up to the next European elections. The revision of the regulation governing the conditions for citizens’ initiatives is well under way and has brought about a better sense of working together between the Commission and civil society organisations. There is a consensus on the reforms necessary to make ECIs more user - friendly. A greater degree of advice, ideas and support is now available to organisers of ECIs from official and independent sources. In preparing this ECI the collaborative platform just now being set and launched by the Commission will be used to full extent whilst reactions from independent sources such as Democracy International and the ECI campaign are proving extremely useful. Whilst there should be no shortage of advice and in-kind support access to funding, which can only come from non-Commission sources, remains problematic and has not been affected by the discussions

surrounding the revision of the regulation. It is the central weakness of most ECIs. Here we have a number of questions:

- Is there any "pro bono" hands on support available to support fundraising?
- What lessons about fundraising have been learned from organisers of previous ECIs?
- Are any practices linked to this particular instrument becoming apparent?
- What is the scope for crowdfunding in advance of this ECI by targeting in particular those most directly affected?
- Which foundations might be willing to provide grants to the consortium launching this ECI?
- What could be sources for the Europe-wide efforts?
- What sources would be more likely to be tied to the campaign in a particular region or country?
- Could crowd-funding continue in parallel to signature collection?
- What would be the minimum budget to secure before launching this ECI?

One idea we have received from Democracy International is well worth considering: a successful ECI means collecting 114 signatures every hour of every day for one year and there is no chance of achieving the 1million total and more without creating first the necessary momentum to make a success of the launch. There should therefore be a pre-launch test drive of the ECI to build up support. For this the partners would need to coordinate a campaign on their own websites and share a common platform to gather in more support and pre-launch signatures, help individuals discover how the ECI is relevant to them, and provide more background information with stories and interviews. As stressed at the meeting on 23 May story telling is the key to making this ECI relevant. The awareness raising should be combined with an appeal for donations and requests to people to take up follow-up action and spread the message on social media .The advantage of this approach is also that we would be able to make some immediate progress with the ECI even though time and effort will be needed to frame and carry out this pre-launch campaign. In parallel the survey already mentioned will be carried out.

5) Registering the initiative with the Commission

The initiative is ambitious and one which many would argue requires a Treaty revision, which is beyond the scope of the regulation on European citizens' initiatives. Article 25 TFEU reads as follows: *"The Commission shall report to the European Parliament, to the Council and to the Economic and Social Committee every three years on the application of the provisions of this Part. This report shall take account of the development of the Union .On this basis, and without prejudice to the other provisions of the Treaties, the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the assent of the European parliament, may adopt provisions to strengthen or add to the rights listed in Article 20(2). These provisions shall enter into force after their approval by the Member States in accordance with their respective constitutional requirements"*

This is a flexible alternative to Treaty revision and should be an acceptable legal basis for the Commission.

The next tri-annual report under this article is not expected until after the May 2019 European elections, but as agreed at the meeting on 23 May a request should be sent to the Commission for the consultation on the report to be carried out before the elections. There are two reasons to be relatively optimistic that the Commission will accept to register this ECI:

- It already did so in the case of "Let-me-vote" which was more limited in scope, calling for an end to European citizens losing the right to vote in national elections because they had exercised their rights to freedom of movement in the EU. Although the initiative failed to achieve even a significant number of signatures, it did lead to a debate among academics on the merits of the arguments and later the Commission issued a communication and recommendations to the 5

member states concerned to put an end to disenfranchisement in national elections, but which received insufficient attention and had no visible direct impact.

- Since that period when "let-me-vote" was accepted the Commission has tended to open the door and has become less restrictive towards registering ECIs.

6) The campaign nationally/ regionally in a minimum of 7 selected EU member states

It is too early to decide which countries or regions to target. That depends on external factors such as the extent of political and public support but also on partnerships and funding. Ideally there should be a mix of small and large countries to be able to ensure good geographical coverage whilst standing a chance of reaching beyond the 1 million target. The countries should include those where there are traditionally high levels of intra-EU migration: Italy, Germany, France, the UK (a last shot) Poland, Lithuania, Romania, Belgium, Greece and Portugal....A petition asking the Commission to be less restrictive about the cut-off date for signatures in the UK is being prepared.

The choice of countries could also be linked to collaboration with other campaigns-including other ECIs such as the one on the rule of law - in the run-up to the European elections.

Finally, a possible aim of the organisers should be to appoint a citizens' committee of 7 well-known personalities who have a strong connection to ECIs and political rights.