

Voting Rights and Beyond...

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Last week, national elections in France and Greece received unprecedented attention at the European level. At least in Germany, the media have almost obsessively stressed the impact of these elections on domestic politics and European Union policy-making. Some front page authors have wondered why Germans should not have, for example, one fifth of a vote in the Greek and French elections and vice versa in order to live up to the principles of democracy.¹ Against the background of such reflections and demands, Catriona Seth's and Philippe Cayla's proposal does not seem all that revolutionary, affecting a rather small minority.

However, those who favour the proposed ECI have more in mind than just granting mobile EU citizens additional voting rights. Their underlying question is what kind of European Union polity they envision, and their underlying motivation is to push towards an ever closer union among a European people. In that sense, we fully support this ECI, but not without emphasising that, in the long-term, the European people must become a post-national and inclusive concept, overcoming the exclusion of third-country nationals.

Many sound legal and political arguments have been put forward in this forum. As an activist NGO, we have limited capacity to conduct scientific research. Inspiring debates as in this forum build the theoretical backbone of our activities, nourish our visions of an inclusive Europe and help justify our projects and campaigns in the field of citizenship, migration and political participation in Europe. That said, because we work 'on the ground', we are in a position to conduct reality checks; that is, we can detect the practical limitations of theoretical constructs and where they clash with the daily concerns of citizens. It is from this point of view, an activist's point of view, that I want to contribute to this debate.

An ECI is a very resource intensive undertaking. International partnerships need to be built. Language barriers need to be overcome. A communication strategy and hundreds of volunteers are needed to mobilise citizens. There is also the financial burden that NGOs will face, and the technical

¹ Bernd Ulrich: Die Merkel-Wahlen, *Die Zeit*, 2012, No 19.

challenges involved when registering the ECI or its online collection system for signatures. Additionally, an ECI has a high legal uncertainty concerning its content (admissibility) and a small probability of turning into legislation. (However, its potential for indirect impact through the creation of a European public debate should not be underestimated and is perhaps the true value of the ECI.) The proposed ECI demanding national voting rights for mobile EU citizens is especially challenging.

Authors in this forum have already discussed the ECI's legal uncertainty; whether or not the ECI on residential voting rights will be accepted by the European Commission for further procedure; and the possibility of its legal implementation (unanimity in the council). Another challenge is this one: Statistically speaking, every twelfth citizen who would benefit from the ECI would need to sign it. More dramatically, every single second country national in Romania would need to sign it, if Romania were to be one of the seven countries (one million signatures, minimum seven countries, variable minimum of signatures per country). Hence, the ECI would already fail to collect one million signatures if it only addressed the mobile elite. The initiators and we as NGOs need to address the public at large and construct an ECI narrative that concerns all European citizens in three ways. First, because voting rights are not as mobilising as genetically modified food or nuclear power, the ECI narrative needs to go beyond the mere possibility of casting a vote in national elections. It needs to convey the European vision and state why this ECI can effectively realise the vision. Second, the narrative needs to include positive spill-over effects for third-country nationals to counter the argument that this ECI would further discriminate non-EU citizens and enlarge the emotional and legal gap between them and EU nationals. The case has already been made that the ECI proposed by Catriona Seth and Philippe Cayla would affect a rather small number of citizens compared to the many millions of third-country nationals deprived of many more, and in some member states all, political rights. Third, the ECI narrative needs to be designed in a way that does not trigger nationalistic or anti-EU resentments based on fears of loss of political control at the domestic level. It needs to address the ECI's importance for the future of the EU and at the same time emphasise its marginal impact on domestic politics (for Luxembourg, with 37 per cent second-country nationals, this would of course be difficult). These are pretty tough conditions.

Besides public support, political support is crucial, especially among national parliamentarians, as they are ultimately affected. Strategically speaking, one could sketch out which candidates and parties are most likely to benefit from the new constituency and win their support by relying on

their notorious quest to keep their seats. In cities, districts and regions with large ratios of second-country nationals, candidates for the national parliaments are likely to be responsive. From running campaigns on electoral rights, we know that politicians are most responsive and even get seduced to go beyond their party lines. National parliamentarians may play also a crucial role in generating support for the ECI in the EU Council. However, their influence on the government as well as the respective minister sent to the council varies strongly. The way in which European parliamentarians could act as multipliers to support the policy process depends on the role of the European Parliament in areas where the council decides unanimously. Yet the ECI narrative should include substantial arguments that would win them over, too.

The above points are of course not all-encompassing. They are meant to be a guide to the initiators and to complement the academic debate. We have already taken steps to support the ECI by developing the online tool www.vote-exchange.org, which allows for cross border debates on domestic policies among second-country nationals and their indirect participation in national elections in their country of residence. A French citizen residing in Germany votes for her or his German counterpart living in France, and vice versa. It is a tool to trigger the public debate and more than a playground for all who already want to live up to the goal of creating a European people today.

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