



Convention on the Future of Europe

Contribution from ENAR

ENAR (European Network against Racism), a network comprised of members present in the 15 countries of the European Union, primarily aims to fight against racism and promote equal rights and opportunities.

As part of its work, 'The Convention on the Future of Europe' is currently elaborating a constitution. However, up until now, the question of European citizenship has barely been discussed. Yet, European citizenship must be at the heart of the project on the future of Europe.

Today, European citizenship is complementary to but does not replace national citizenship. It is for the nationals of Member States and excludes people from third countries who reside in the EU. For this reason, ENAR is asking that the rights and obligations of European citizenship be recognised to all residents of the European Union, regardless of their nationality.

1. Equality for all residents by way of accession to citizenship

By preparing a "constituent project", the Convention on the future of Europe is going to have to examine the question of European Union citizenship.

According to Article 17 of the consolidation version of the Treaty of Maastricht, a citizen of the Union is defined as any person who has the nationality of a Member State.

Yet, in the fifteen countries of the European Union, 15 million people actively participate in the economic, social and cultural life of the EU, pay taxes and have the same obligations as Community nationals but do not benefit from the same status on the grounds that they do not have the nationality of a Member State.

By barring from European citizenship the nationals of third countries, citizenship as currently defined adds legal discrimination to the actual discrimination experienced in other areas such as employment and housing. This goes against the principle of non-discrimination, which is at the basis of European construction.

That is why ENAR is proposing the following amendment to Article 17 in order to open up a second door of access to European citizenship:

"is citizen of the EU any person having the nationality of a Member State *or residing legally on the territory of a Member State.*"

In order to encourage social cohesion, we think it essential to place human rights and anti-discrimination at the centre and as an integral part of all Community policies and to include among the fundamental values of the EU the respect of minorities and cultural diversity. Recognising European citizenship to nationals of non-EU countries legally living in the EU satisfies all these requests.

Granting full European citizenship to the nationals of third countries would enable them to vote and run for office in municipal and European elections just like European citizens who reside in a different Member State than their own. It would also enable them to live, study, work or retire in the EU country of their choice, in the same way European citizens are able to.

Antonio Vitorino, European Commissioner for Justice and Home Affairs, mentioned the creation of a civil citizenship that would guarantee specific rights and obligations for the benefit of non-EU nationals who have long resided in the EU¹.

The aim would be to achieve the objectives set in the conclusions of the Tampere Council which expressed the will to establish for non-Europeans a legal status as close as possible to the one enjoyed by European citizens.

We are not in favour of creating a new status. Equal treatment between all EU residents means the granting of identical rights and obligations and not the creation of second-class citizenship for non-Europeans.

The President of the European Commission, Romano Prodi, himself recognised that "building a democratic European citizenship did not mean building a super State but on the contrary meant enriching the concept of citizenship with a new dimension, and for this reason European citizenship must become an important factor in the social integration of all the legal immigrants present in the Union²."

The same is true of the Economic and Social Council which in order to improve European integration policies asked the Convention to study the possibility of granting EU citizenship to the nationals of third countries with the status of long-term resident³.

This equal treatment would encourage the development of a dynamic specific to the construction of a European identity by creating a way of acting together and developing the practice of citizenship based on the adherence of all to the common founding principles.

Extending EU citizenship to the nationals of third countries legitimises a de facto form of citizenship that is already expressed through the exercise of social, trade union or cultural rights. This de facto citizenship must be matched with legal citizenship.

To grant the same rights to all the people who reside on EU territory, regardless of their nationality, is to recognise the legitimacy of their presence and participation in the cultural, social, working and political life of the EU. It is a way of asserting the will to live in a democracy and to defend the indivisible and universal values of human dignity, freedom, equality and solidarity on which the EU is founded.

¹ Closing speech at the Conference on the role of civil society in promoting integration, Economic and Social Committee, Brussels, 10 September 2002.

² Address by Romano Prodi, President of the European Commission, to the symposium "a constitution for the future of Europe" organised by the Cariplo Foundation, Milan, 15 July 2002.

³ Resolution for the European Convention, ESC, 1069/2002

2. The Charter of Fundamental Rights of the European Union

The Charter of Fundamental Rights of the EU has the will to place the individual at the heart of its action by establishing EU citizenship and is based on the indivisible and universal values of human dignity, freedom, equality and solidarity.

However, while asserting the ban on all forms of discrimination in the Union (Article 21), the Charter nonetheless makes a difference in treatment between European citizens and the nationals of third countries. Only European citizens enjoy freedom of movement and political rights. These forms of discrimination against non-European nationals go against the principles of universality and indivisibility on which the fundamental rights are based.

That is why ENAR is calling for:

- The Charter's revision so that nationals from third countries enjoy all the rights granted to European citizens, including freedom of movement and political rights.
- The revised Charter's inclusion in the Treaties so that the Charter, which already has political weight, is legally binding.
- The addition of an explicit and global reference stating that all the rights arising from the Charter will be taken into account in the definition and implementation of all the Union's policies.

What is more, we are asking the Convention to amend the Treaties to enable the Union to adhere to the European Convention on Human Rights, to its additional protocols and to the revised Social Charter in order to strengthen the respect of the fundamental rights of every individual.

3. Governance of the European Union

In order to fill the democratic gap between the EU and its European citizens, the right of NGOs to be consulted must be recognised at European level if we are to have a genuinely participative society.

Furthermore, achieving real equal treatment between all the persons who live in the territory of the EU is often prevented by "national requirements" which several Governments are much more concerned with than the ambition to build a "Europe of rights".

ENAR is calling for:

- The consultation of representative NGOs early on in the drafting of EU legislation and in all the stages of elaboration and evaluation of the results.
- A Council that is not the only "Government" of the EU and the strengthening of the decision-making powers and political weight of the Commission whose President must be elected by the European Parliament.
- The inclusion in the Treaties of the main objectives and elements of the "open method of coordination" – as already proposed by the 6th Working Group in relation to Economic

Governance – in a way that is applicable to all Community policies, and in particular to the policies for the integration of nationals from non-EU countries.

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