



## **Address to the Centre for European Policy Studies conference on “EU Citizenship at a Crossroad: Enhancing European Cooperation in Nationality and Fundamental Rights”**

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Good morning and thank you to the Centre for European Policy Studies and to the University of Maastricht for the invitation to address you here

This conference is the final event organised under the Involuntary Loss of European Citizenship programme which has spent the past two years trying to seal the gap between the legal and administrative principles governing the concept of loss of citizenship, and the lived realities of those to whom these rules apply.

The work you have done so far in developing a standard by which these laws could be assessed and compared, together with the qualitative research undertaken over the past number of years in this and other projects, feeds into the ongoing, essential process of creating a society where people can comfortably exercise their Treaty rights as European citizens.

I, as European Ombudsman, am a product of EU ambition to cement the concept of EU citizenship into the heads and hearts of all who live here. The word is uttered endlessly and relentlessly throughout the corridors of Brussels and Strasbourg and Luxembourg and this daily elevation of the concept and benefits of citizenship must make the contrasting state of literal statelessness even more unbearable for those who experience it.

Most of us glide through our world and our continent, casually producing our EU passports, rarely questioning the privilege of freedom, access and above all protection that this small document confers. But what it also confers, and this goes to the heart of your work, is a duty to those adrift in a world of inferior rights and inferior protection, and to make courageous and determined efforts to give them the roots that will nourish them in the way that we are nourished.

As European Ombudsman, my remit concerns the EU institutions, not the member states. I come here with no magic wand but what I do commit to is engaging with any individual or group who may want to explore with my office issues around statelessness in which the EU institutions may have a role to play. It may be around a technical administrative matter, or



something deeper, but my door is open to anyone who wishes to discuss.

So, in addition to creating the European Ombudsman, the Maastricht Treaty brought forward provisions concerning citizenship and fundamental rights- including the right to complain, the right of access to documents and the right to good administration- all of which falls into my office's remit. I have over the past year attempted to use my offices limited resources to refocus our efforts to make our work more useful and more relevant to European citizens.

I would like to note that both as National Ombudsman and as European Ombudsman, I have always paid great attention to the exclusionary dimension to citizenship and have tried to interpret my mandates as widely as possible to ensure the Ombudsman's services are available to those that genuinely need them, and not simply the holders of that red, embossed European Passport, a symbol of privilege in a world where so many lack the very basics and which far too many of us take for granted.

As Irish Ombudsman, I rarely if ever used the word citizen as my services were open to everybody living in Ireland and availing of public services. Within the EU, it's more difficult to find a word that fully accommodates all cultural and political sensibilities and I now rather reluctantly tend to use the word 'citizen' for convenience while acknowledging, as I have said, that the service is free to use by everyone who lives in the EU or who has an issue with an EU institution.

It is fitting that the timing of this conference comes almost a year to the day after the closing conference of the European Year of Citizens in Vilnius. At that conference, hosted by the Latvian Presidency, I took the opportunity to highlight the fact that for many Europeans their primary identity continues to be based on national considerations and that in my own country- which has been a member of the European Union for over forty years- Europe is frequently referred to as "over there." The gap between geographical and political realities and real emotional connectedness continues although this can be overstated. Counterintuitively perhaps, the taking for granted of the many benefits that a more united Europe has brought, may be itself a sign of at least subconscious acceptance of our relatively new European citizenship.

I also spoke at that time of some of the challenges facing European citizenship, the problems of institutional aloofness and complexity, the perceived lack of transparency, , the growing issue of 'revolving doors' between the public and private sectors, and the general perception that decision-making is concentrated too narrowly and controlled by too few. These issues are more than passing political waves; they are a barrier to greater development of a shared sense of European citizenship and by that I mean an evolved citizenship which encompasses the values of solidarity and tolerance as between peoples and member states and not just the narrowly drawn personal benefits of citizenship.

The author and historian Timothy Garton Ash recently gave his take on this problem. Writing in the British Guardian newspaper, he said, "Planet Brussels has become the showcase example of remote elites. Despite direct elections to, and enhanced powers for, the European Parliament, there is scant sense of popular representation. And there is no pan



European political theatre. Fewer than 500,000 Europeans watched any of this Spring`s three pan-European televised debates between the main party groupings' Spitzenkandidaten for the post of EU Commission President, whereas more than 67 million Americans watched the first US presidential debate between Barack Obama and Mitt Romney in 2012."

On the figures alone, Garton Ash has a point, yet if Europe is evolution and not revolution, even the simulacrum of an EU wide presidential election that we witnessed, was at the very least an attempt to give the people a direct say in the choice of Commission President. And in the end, it did effectively work as the leading candidate of the group which got most votes, became Commission President. The precedent has been set.

Garton Ash also acknowledged that this generation of young Europeans – enjoy an “everyday Europe of transnational intermingling” and that despite high youth unemployment in certain EU states, the trust levels of younger Europeans are higher than those of their elders. The historian also threw out the suggestion that any new recasting of the original Schuman declaration – a project he has been asked to take part in by an EU academic institution, should be executed by the post 1989 Erasmus generation and not by the proposed clutch of former European heads of state.

But despite the relatively greater optimism and trust of the young Europeans, the simple fact is that the EU institutions do not yet enjoy the same level of legitimacy in the minds of the public as do most regional or national administrations. In order to gain this validity, the EU institutions need to operate to what I often refer to as the “gold standard.” They cannot be allowed to take the politically soft options of looking for the lowest common denominator.

A view shared by many citizens, and particularly by those worst hit by the financial crisis, is that the EU has spent too much time concentrating on the physical, market obstacles to European citizenship and not enough on the human aspect, on building confidence and putting the EU in people’s hearts and minds, as well as in their pockets. As Jacque Delors said *“It is difficult to fall in love with the single market.”* The Irish singer Bono put it slightly more poetically when he described the EU earlier this year, as ‘a thought that needs to become a feeling’.

And this in my view is the vital piece. Unless and until people are convinced that citizenship holds out the prospect of a sustainable better life for themselves and for their families that trust and pan European solidarity will be withheld. I come from a generation of Irishwomen for whom Ireland’s accession to the EU in the early 1970s literally meant liberation, the granting of equal pay, the removal of misogynistic barriers to the workplace; those often derided EU laws and regulations coming to our rescue from a paternalistic State that fought hard to corral women in the home and only in the home. The challenge for the EU institutions now and particularly for Commission, Council and Parliament is to create an EU that gives this generation of young people, and particular the unemployed and the marginalised, that same possibility that my generation was granted.

And if that doesn’t happen, citizens will continue to question the entire EU project to ask, for whom is all this? And from the perspective of today’s discussions, that questioning will serve



further to compound the growing animosity towards newcomers, migrants, and exacerbate the north south tensions between member states. There will be resistance to deal with a problem such as statelessness if even full citizens of the European Union feel angry, alienated and let down by both domestic and EU promises and have little appetite to deal with the problems of others.

So it should be clear that in order to rebuild trust, to promote active participation in our democracy, to build a society based on rights and the rule of law, the public require much more from their political leaders and the public administrations, at EU and national levels. Before they swap *La Marseillaise* for *Ode to Joy* clearly trust will have to be re-built. As Vice President Timmermans said recently, governments used to be able to say "trust me", but now the public are saying "show me".

And I think the EU institutions are finally beginning to move on this. While still reserving judgment until the Commission gets deeper into its work programme, there does appear to have been a change at least in the tone, in the mood music, and the Juncker Commission has certainly laid great stress in recent weeks on its willingness to expose itself to greater public scrutiny through transparency and other accountability initiatives.

Earlier this year, I launched an own-initiative investigation into the European Citizens Initiative a means by which, theoretically, citizens can participate in the law -making process of the Union.

I made a number of suggestions to the Commission designed to allow it to give full expression to the intent of the ECI as laid down in the Treaty of Lisbon. What I observed primarily was the way in which the Commission was approaching this new essentially, partner, in its work, treating it in effect, as a legal or technical exercise in legislative drafting as opposed to exploring, in a much more holistic way, the overall intent of the proposal. My suggestions revolved around encouraging the Commission to engage more fully with the proposals at every stage and to at least demonstrate, even if they reject them ultimately, that they have been subjected to thoughtful and wide-ranging investigation and consultation.

I therefore welcome the comments of Vice-President Timmermans last month when he said that the Commission's administration of the ECI had failed to seize the opportunity for political dialogue, and that he was anxious to see changes made in this regard. It is not my job to substitute my thinking for the Commission's in relation to an ECI proposal, but what is undeniably true, and I sense that Mr Timmermans has also intuited this, is that if nothing gets across the line within the next year or so, that the citizens of the EU will have even more cause for scepticism in relation to fervent political declarations about the need to make the EU institutions more responsive to them.

This willingness to listen extends to other areas of activity at both the Commission and the Council. Earlier this year I launched an investigation into the Transatlantic Trade and Investment Partnership, an issue of great concern to a large number of European citizens who feel, many of them say, left behind by these negotiations.



I, like many MEPs, NGOs and members of the public, made a number of recommendations for greater openness and transparency including that the Council publish the negotiating mandate, and that the Commission, for example: establish a register of documents; that they keep a list of meetings between senior civil servants and lobby interests; and, that they proactively publish non-confidential documents.

I was pleased to be able to close my inquiry into the Council in a number of months after it agreed to release the negotiating mandate, and my services are currently in consultation with the Commission to ensure that the citizens' needs to be adequately informed are met. I think the well-publicised announcements of Commissioner Malmstrom recently show clear signs of progress, even if there is considerable work still to be done on the detail. All of this involves fundamental cultural shifts, never easy in a multicultural environment, but made considerably easier if the relevant leadership absorbs the instructions of the Treaties and of the Charter of Fundamental Rights and attempts to make those fine words daily lived realities.

And in turn, those small cultural shifts should promote greater citizen trust. Conscious also of the need for citizens to trust the decision making processes that do not directly include them, I opened a strategic investigation in May of this year into the composition of Expert Groups in the Commission, particularly at DG AGRI, to try to ensure that these hundreds of influential groups, which feed into the earliest stages of legislation and policy making, are balanced and representative of the many different voices that need to be heard in coming up with a proposal for legislation.

We have currently completed the public consultation phase and in the coming weeks we will ask the Commission for its opinion and close the case early next year.

And, in reference to today's more specific discussion, I note that people who lose their citizenship or have it taken from them are often described as being "quarantined" or as having fallen between two stools, existing and not existing at the same time. Their experiences of public administration will no doubt have been intensely frustrating as they get so far only to be rejected because their status isn't accounted for in a drop-down menu on a computer screen. For the individual in question, this is death by a thousand unticked boxes.

This issue is one that is complex, layered and which has to be addressed at state and interstate level. But I repeat that as Ombudsman, I am more than willing to investigate any area of this phenomenon which may involve alleged maladministration on the part of an EU institution.

As Ombudsman I also want to support European citizenship in its highest manifestation, which is as a shared responsibility which gifts us privileges but which also imposes duties. Not just towards other EU citizens but towards citizens of other states and of no states. I wish you well in your work, I thank for your invitation to speak with you, and I look forward to continuing discussions in the years ahead. Thank you very much for your attention.