

What's the role of EUI in the ILEC project?

The EUI is the European University Institute based in Florence. It is a doctoral and research university in social sciences, law, economics and history. The EUI has been running an observatory on citizenship in Europe (EUDO) since 2009. I am one of the co-directors of this observatory and we are now a partner in the ILEC project. We have been doing research on acquisition and loss of citizenship for many years. We have built a large database consisting of country and comparative reports, qualitative data, quantitative indicators and statistics. This database covers also the loss of citizenship. However, we have never done in-depth research on the mechanisms by which people can lose their European citizenship. The ILEC project has a specific thematic focus on deprivation of citizenship, which means that states take away citizenship against the will of the person concerned. Citizenship deprivation quite obviously raises very important questions about individual protection against arbitrary exercise of state power. The specific task of the EUI in the ILEC project is to look also at this question from a political and democratic theory perspective. I hold the EUI chair in political theory and I am interested in questions of citizenship in relation to democratic community and liberal standards, such as the rule of law, the responsibility of governments towards their citizens, etc. The loss of citizenship brought about by the state raises major questions about state accountability and limits in the exercise of state power.

What should be the role of the European Union in questions of acquisition and loss of nationality?

Since the European Union has a common citizenship that is derivative from the nationality of the member states, there is a shared interest of the member states in making sure that none of them abuses this common citizenship. I think that the EU has two kinds of concerns about member states' citizenship policies. The first concern is when somebody loses a member state nationality and thereby also loses EU citizenship. It is obvious that this affects the very substance of EU citizenship as a fundamental status that has specific rights, such as the right of free movement, attached to it, so no member state should be able to deprive a person of EU citizenship without taking into account EU law and the common citizenship shared by all member states. There is also a second concern on the acquisition side when particular member states' policies are over-inclusive and by handing out EU passports too generously to people who will just use them to settle in another member state. I think that the EU must therefore be interested to set certain standards or at least guidelines, or maybe just identify good practices for both the acquisition and the loss of member state nationality because it is bundled together with EU citizenship.

From a democratic theory prospective, where are the issues that you consider more important for the ILEC project to consider?

From a democratic theory prospective, it is important to consider who are the persons that have a strong enough link to a state or also to the EU itself to be protected against citizenship deprivation. That is not only a legal question and it shouldn't be decided just by the laws of member states exercising their power of sovereignty and national self-determination. There are certain standards that we can find in international public law; the most famous among these is the genuine link principle that was established by the 1955 Nottebohm judgment of the International Court of Justice. From a democratic prospective, it is important to reflect what "genuine link" could mean in relation to democracy. Some member states think it means that somebody is ethnically related to the dominant majority of that country by sharing the same language, culture, history and maybe even religion. That is a highly problematic interpretation in societies where there is deep diversity of cultures, religions and languages resulting from immigration and also from distinct native minorities. Some countries think that a genuine link ought to be established also with populations that reside abroad, just because they are descendant of immigrants that left the country many generations ago. I think that is important to find out what is a reasonable interpretation of genuine link that would make it clear to all member states that they have to respect each other's nationality laws and decisions through which new nationals are created

or through which nationality can be taken away from an individual. The contribution of democratic theory would be to think of this as a democratic question and not just as a legal one.