**What are one million statements of support worth in the European Union?**

*The European Citizens’ Initiative as a tool for the protection of the rights and the promotion of the interests of national minorities in the EU*

***Book teaser***

Can the European Citizens’ Initiative (ECI), as an instrument of participatory democracy of the European Union, be seen as an effective tool for the protection of the rights and promotion of the interests of persons belonging to national and ethnic minorities in the EU? Can it contribute to the development of the EU legal framework in this field? Is the EU legal framework on the protection of national and ethnic minorities sufficient or would it need improvement? How do EU institutions approach minority rights and EU-level protection of minorities? Can the ECI as a political advocacy tool contribute to changing the currently dominating political approach of sweeping the issue of national and ethnic minorities under the carpet in Europe?

Many well-known scholars have comprehensively presented the international framework of the protection of national and ethnic minorities. A rich scale of scholarly literature is available on ECI, too. So far, however, only a few scholars studied the possibilities of using the ECI for the purpose of minority protection but, as of yet, no comprehensive work has been published on this topic. This book attempts to provide a comprehensive description of this research subject.

The aim of the ECI is to bridge the gap between the EU and its citizens by granting the right to each EU citizen to participate in the democratic life of the Union. If one million citizens who are nationals of a significant number of member states, with their supportive signatures, ask the European Commission to submit a proposal for the legal act of the Union, the Commission must put the matter on its agenda but is not required to actually submit the required legal proposals (‘agenda initiative’).

In the EU, there are somewhat 50 million people belonging to national, ethnic or linguistic minorities. The respect for the rights of persons belonging to minorities, including national and ethnic minorities, has been declared a fundamental value of the EU. The EU has a treaty-based obligation to respect member states’ national and regional diversity. Yet, there is no single secondary legal act that would aim to preserve the identity of the persons belonging to these minority groups and protect the regional cultural characteristics of Europe.

How is this possible? Although the European Parliament has adopted several soft law documents on the protection of minorities in recent decades and asked the European Commission, which has the exclusive right to kick off the EU legislative process, to launch a legislative proposal laying the minimum set of EU rules for the protection of national and ethnic minorities, the Commission has never set the protection of national minorities on its agenda until early January 2021, when the Minority SafePack Initiative forced them to do so.

The EU was founded on the idea of uniting nations while preserving their distinct national and regional identities and characteristics, including minorities’ identities. Ignoring the daily challenges faced by national and ethnic minorities could lead to the disappearance of Europe’s unique regional cultures. However, the Commission is completely ignorant of the potential loss of these identities and cultural diversity, the preservation of which should be its duty.

Given that the specific legal guarantees for the protection of national and ethnic minorities in the EU are completely missing, and this is mainly because no legislative proposal has been launched by the Commission to address the abovementioned controversy, national and ethnic minorities put a significant effort to challenge the Commission’s political agenda in recent years, especially through the ECI.

The volume was inspired by and puts a special emphasis on two such ECIs for the protection and promotion of rights and interests of national minorities: the *Minority SafePack Initiative* (MSPI) and the Cohesion Policy ECI, also known as *ECI on National Minority Regions*. The author of this book contributed to the implementation of both initiatives as a practicing lawyer.

The Minority SafePack called upon the EU to improve the protection of persons belonging to national and linguistic minorities and strengthen cultural and linguistic diversity in the Union. After the European Commission initially refused the registration of the MSPI in 2013, and the organizers successfully challenged this decision at the General Court of the EU, the organizers collected more than 1,1 million validated statements of support in a Europe-wide campaign in 2018. Thus, the European Commission must put the issue on its agenda which had never happened before. In addition to this popular support, thanks to the outstanding political advocacy of Federal Union of European Nationalities (FUEN), several EU national and regional parliaments, and the European Parliament adopted resolutions supporting the initiative. Despite this, the European Commission decided to reject the package in its entirety in January 2021 and not to propose any legal act or other action. The organizers filed an application at the General Court of the EU requesting the annulment of the European Commission’s decision, and even though the Court, in its first instance judgment, confirmed the Commission’s decision, the case continues at the second instance judicial forum in Luxemburg.

The ECI on National Minority Regions, the official title of which is *Cohesion policy for the equality of the regions and sustainability of the regional cultures*, requires the cohesion policy of the EU to pay special attention to regions with national, ethnic, cultural, religious or linguistic characteristics that are different than those of the surrounding regions (national minority regions). Just like the MSPI, this ECI was initially rejected by the European Commission but, after more than six years and a successful litigation procedure at the Court of Justice of the EU, the initiative was registered and the organizers, under the coordination of the Szekler National Council, collected more than 1,2 million validated signatures. This ECI has not yet been submitted to the European Commission, thus, the institutional assessment of the proposal is still awaiting.

The case-study of these two initiatives show that the ECI is indeed a useful tool for promoting the interests of national and ethnic minorities in the EU, and the Union’s political agenda can be challenged through the ECI. These ECIs generated Europe-wide discourse on the necessity of EU-level guarantees for national and ethnic minorities, and various elected democratic bodies demonstrated a significant political support for it all around Europe. However, the European Commission is still refusing to act.

The lack of a minimum set of EU rules allows member states to deprive national and ethnic minorities of their earlier acquired rights and can give rise to anti-minority manifestations in the member states, which jeopardize trust in the European Union. The Union should therefore act not only for the sake of the human dignity of persons belonging to national minorities, but also to protect the Union’s character of a community based on values and its political stability.

Will the European Union ever take its duties seriously to respect the rights of persons belonging to national and ethnic minorities and respect national and regional characteristics of Europe? This is still an open question but the European Citizens’ Initiative helped to enhance public discourse over this matter; thus, these initiatives are important milestones in the journey at the end of which the idea of an EU-level protection of national and ethnic minorities must prevail.

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