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# A Romanian Concept of Federal Europe

Gabriel Andreescu,  
Adrian Severin

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**A ROMANIAN CONCEPT  
OF FEDERAL EUROPE**

By **GABRIEL ANDREESCU,  
ADRIAN SEVERIN**

**Romania's Ministry of National Defense**

**CONTENTS**

**CHAPTER I: PRELIMINARIES TO A ROMANIAN CONCEPTION ON THE FUTURE OF THE EUROPEAN UNION**

I.1 The necessity of a Romanian conception of the future of the European Union..... p. 5

I.2 Political tendencies concerning the federalization of the Union..... p. 8

I.2.1 “Europe” as a counterweight to other international political and economic actors: its place in the global civilization of the 21st century..... p. 10

I.2.2 The search for a Charter of Fundamental Rights... p. 14

I.3 Economic developments within the Union and the first steps toward the construction of a structured federation.....p. 18

I.3.1 The Common Market.....p. 19

I.3.2 The Union’s budget..... p. 23

I.3.3 Foreign policy, the policies of security and defense..... p. 24

I.4 The plethora of decisions, the technical-functional limits of the existing Unional design..... p. 29

I.5 Romania as an international political actor, as author of sub-regional, regional and geopolitical policies..... p. 31

I.5.1 Romania’s interests and the process of integration

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into the European Union .....	p. 33
I.5.2 Romania's alliances within and without the region.....	p. 39
<b>CHAPTER II: THE ROMANIAN CONCEPTION OF A FEDERAL UNION</b>	
II.1 How do we design an European Federation?.....	p. 40
II.1.1. Federation, confederation and federate body....	p. 41
II.2 The European Union and the Federal Union as a Political Project.....	p. 43
II.2.1 The temporal horizon of federalization.....	p. 45
II.2.2 The frontiers of the Federal Europe.....	p. 47
II.2.3 The crux of the conception: a structured federation.....	p. 49
II.2.4 Constitutional and practical aspects.....	p. 50
II.2.5 The political values of the Federal Union: fundamental rights, social and economic rights.....	p. 56
II.3 Tensions and synergies between the European Union and the other pan-European intergovernmental structures: OSCE and the Council of Europe.....	p. 59
II.4 The European Federation – The United States of America: a confederate body.....	p. 61
II.5 The issue of national sovereignty in the Federal Europe.....	p. 66
II.6 The multicultural society of the Federal Europe...	p. 70
II.7 Conclusions: a summary of the European Federation.....	p. 73

## CHAPTER I

### Preliminaries to a Romanian Conception on the Future of the European Union

#### I.1 The necessity of a Romanian conception of the future of the European Union

The following ideas concerning the future of the European Union are not a forecast of the Union's evolution. Rather, they aim at sketching: (a) the principles of a *realistic project* concerning the Union; and (b) the outlines of a project that (we believe) is *worth promoting*. As a consequence, the "conception" has a strong normative flavor: it accommodates suggestions that the Romanian institutions should follow in their relations with the European Union partners and the European Union itself. The suggestions also aim to be a "proposal without a national identity", launched on the market of ideas for analysts and decision-makers involved directly, indirectly or not at all in the construction of the European edifice. The authors are convinced of at least one point: that the future of the European Union is not exclusively the expression of factors belong-

ing to the so-called “real” life, but also of what the citizens of Europe think, describe, and argue about as possible models of the future.

The word “future” refers here to a temporal horizon. The clock will start ticking in two years or three and is tuned to measure a time span extending into the future for five or six years. The European Union is now involved in a process of finishing its previous projects, first of all that of deepening the Union – including the final touches of the monetary Union and institutional reform. The expansion of the Union is also a project that evolves rather mechanically and is circumscribed by the present organization of the EU. It is possible that at least three or four countries will be welcomed in the EU in the circumstances defined at the present moment. The rest will probably be left out for other circumstances. In order to finalize the processes already started, the EU needs therefore about four or five years.

Given the importance of the process of edifying a new continental architecture, Romania is interested in defining its own expectations with regard to the future of Europe. This seems even more crucial today, after Romania has not only expressed its option of integrating into the European Union, but has also started the integration negotiations. It is rational to expect that when one declares one’s willingness to integrate in the EU as a fundamental political priority, that one has one’s own vision of the future of this institution – a vision on the status of the Union at or after the moment when the integration will be complete. Only a conception of what might happen, of what is desirable to

happen or of what is going to happen will ensure a policy which is coherent and consistent with one’s goals.

In particular, such a policy should: (a) stimulate the agreement of the main political actors and institutions not only with respect to the “idea of integration” but also to the “substance of integration”<sup>1</sup>; (b) realize a resolute policy at the level of the Romanian Ministry of Foreign Affairs and of the other institutions involved concerning politics within the EU and, generally speaking, concerning Romania’s international relationships; (c) help to define long-term national policies – which are mandatory under all circumstances, anyway – if is necessary to face a process such as the European integration; (d) enable Romanian authorities to adopt an offensive and modern attitude in its international relations.

Bearing in mind the nature of the concept advanced here, namely that of a “structured federation”<sup>2</sup>, one should add the following with respect to the consequences of the model: (a) it goes beyond a conceptualization in the terms of the national state; (b) it acknowledges, at this very moment and in spite of the illusions of specificity, a set of standards of the European Union which are endowed with a constitutional dimension – e.g. non-discrimination and the equality of opportunity; (c) it defines flexible policies in the economic relation with the EU; (d) it leaves the door open for Romania’s integration *in spite* of its poor economic and social performance, and in spite of the distance that separates it from the culture of the Union<sup>3</sup>; (e) it activates foreign policy by means of alliances with the political actors of the European Union who are interested in a

structured federal Europe; (f) it defines Romania as a participant in the redefinition of the world-mission of the United States and Russia, respectively, in which it is vitally interested.

Finally, all this enables Romania to act not only as a candidate for the European Union but also as a participant in the European architecture. The last decade amplified, rather than diminished, our identity complexes. This is why a change in status, from that of an actor passively waiting in line, to one actively making an offer, is under no circumstances a marginal aspect of assuming a Romanian conception on the future of the Union<sup>4</sup>.

## 1.2 Political tendencies concerning the federalization of the Union

In the short term, the deepening of the Union and its expansion are processes that disturb each other. The current logics of the organization and the functioning of the EU makes a rapid expansion dilute the degree of integration and thus negatively affect the efforts to deepen the Union. (New members will need time to adapt completely to the body in which they have been included.) At the same time, a rapid deepening of integration in the EU would make expansion slower since candidates will find it more difficult both to reach the new standards imposed to the members, and to face the competition and duties within the Union. Moreover, the European Union has to regard the timeframes of the “deepening” and of “expansion”, respec-

tively, as essential factors. In order to deal with the exigencies of globalization, the race from what is predominantly the Europe-as-Market to what would be predominantly an Europe-as-Power is run against the clock.

The only solution for mediating between these two apparently contradictory processes is to look at them from a political – or predominantly political – perspective rather than from an economic point of view. The processes that we are dealing with here are political while some of their instruments are economic, rather than vice-versa. In other words, the deepening has to be designed and steered as a “political European unification”. This would enable expansion to be conceived first, as admission and immediate integration of the candidates in the political structures of the Union followed. Second, this expansion would be mediated and gradual integration of the new members into the economic structures, as each member actually finalizes its preparations in this last respect<sup>5</sup>.

Imposing a pro-federative vision is an indispensable condition for federalization. Which is not to say that the federation is merely the result of the invention of a project. Besides the contingent options of national governments and parliaments, besides the reaction of the European public opinion, the future of the EU is determined by internal and external political factors which have an *objective* nature, if we may use so precarious a word. There are factors which act *constantly* and *in the long run*, and which may influence the processes and often dominate the fluctuations of specific political actors and of the public opin-

ion. These factors belong to at least three categories: (a) the tendency to define the future of “Europe” as a counterweight to international political and economic actors on which the future world order depends – the US, Asia, and Russia; (b) the tendency to formalize the values at the basis of the European Union – such as the efforts, with older antecedents, to promote a Charter of Fundamental Rights or the new Directives of the European Commission concerning the equality of opportunity; (c) the pressure toward the deepening and the expansion of the EU is rather a heterogeneous ensemble of factors, some of which have been described above and some of which are yet to be reminded: the economic, strategic, foreign and military policies aiming, essentially, at the maintenance of peace on the Continent, the control of immigration and the containment of identity crises<sup>6</sup>.

**1.2.1 “Europe” as a counterweight to other international political and economic actors: its place in the global civilization of the 21st century**

The plans advanced with respect to the development of the European Union will be more than the expression of problems internal to the Union. The future of the EU is the result of a historical perspective. Historical in nature is also the stake of the process, which will prompt a judgment on the placement of the Continent on the world map among other world actors. “The map of the world” has a certain objectivity that European decision-makers will have to

face constantly, repetitively, and in every stage of the definition of their project.

The European Union has to be aware of the (possible) developments in the Russian Federation, in the US and in Asia. Due to its largeness but also due to its political and cultural state Russia cannot be conceived as an integral part of a unified Europe. No matter how difficult it is to publicly admit it, eluding this truth will only postpone a necessary clarification of the relation between Europe and Russia as well as a definition of an EU policy with regard to Russia. The consequence of this delay would be an (unacceptable) postponement in negotiations with the Russian Federation and in the development of a parteneriate. The establishment in due time of a form of decisional co-participation between the Russian-Asian space and the European one will be impossible and thus the relationships of the two entities with the Transatlantic space will be left at the mercy of contingencies.

In any imaginable circumstance Europe will unavoidably assume at the beginning of globalization the part of a political and economic entity situated between America and Russia. It will have to avoid the position of a “buffer-zone” or of a counterweight played by each of its neighbors against the other. It would even be dangerous for Europe to play the role of an American dam against the wave of Russian-Asian emigration or social anarchy following a possible fall – even an accelerated one – of the Russian mosaic.

Looked at from an European perspective, the problem

of the United States derives, according to several European political figures, not from its status of “the one and only” superpower but, as Hubert Védérine noted, from its status of “hyperpower”: “today’s American supremacy is manifested both in the economic, financial, technological and military fields and those of lifestyle, language and mass cultural products which conquer the world, model its thought and manage to fascinate even the enemies of the United States.”<sup>7</sup> When the French Minister of Foreign Affairs is ironical toward important American decision-makers and analysts of the US arguing that their country was designated by providence as a nation indispensable to humanity, he may be in fact betraying a traditional French scepticism. But the negative consequences of the existence of a hyperpower are nevertheless quite real<sup>8</sup>. This hyperpower should not be contested or confronted, especially since the proud positions that upset the French leadership can sometimes find an easy explanation<sup>9</sup>. America should be rather “incorporated” and made use of in terms of natural partnerships so that, globally, the multi-polarity, diversity and multifacetedness necessary to an open world should be ensured.

To the architects of the European Union it can only be too obvious that the economic and technological disparities now work in favor of the US. They will, in principle, prevent the existing EU from establishing an “economic Transatlantic Union.” It is no less clear that, if it is to be a single entity, the EU will be able to become a counterweight of America: “An EU of nearly 400 million people and a combined gross domestic product of more than \$8

trillion that was able to unite its diplomatic and military potential could easily challenge the United States’ current status as “lone superpower”; exert influence over the Middle East peace process and security in the Persian Gulf; gain increased economic and commercial leverage from its international security policy; begin to play more of a role in Asian diplomacy and security; and, perhaps most important, create a new balance within the NATO alliance that is currently dominated by the United States.”<sup>10</sup>.

The cultural and civilizational differences between Europe and Russia will however prevent an Euro-Russian political union. This is true even in a context in which the free circulation of goods, services, capital and persons is more and more difficult to contain by means of pressures exercised both from within and from without Europe. As time goes by, today’s EU will have increasing difficulties in being a real social and economic citadel and the headquarters of a defense force that should express a unitary vision on common security. As a consequence, Europe will have to look for that kind of evolution that would enable it to play a major global part. This necessity is, of course, not a matter of taste but of ... necessity.

Simply put, the solution for Europe is to be sought in its capacity to produce well-being to such an extent that it should stabilize the internal situation of its Eastern neighbor and stop emigrants at home simply by exporting it. Another stake is that of successfully facing its Western neighbor, thus making it interested in a common market, at least in the form of a Transatlantic free-exchange area.



Europe also has the obligation to assume its own responsibility for the world's global stability and security.

These targets may be reached only by associating the process of expansion of the European market with that of deepening of European political integration. From the point of view of its role on the world map, the European Union has reasons to maximize both its degree of cohesion and its extent. This is the reason why the goal must be a form of federalization that is flexible enough to prevent internal unity from clashing with the fact that its frontier reaches the margins of the Russian Federation. If not, the future of Europe shall be marked by a tendency to proliferate lines of demarcation and a trend of provincialization. On the contrary, as a global political actor, Europe would be one of the political, economic and cultural centers of a multipolar globalism. As such, it will be able to promote its specific interests and, at the same time, it will counterbalance possible excesses on the part of other centers of political and economic power<sup>11</sup>.

Here are, therefore, some reasonings that are not merely our judgments but obvious points that the future of European Union will take into account.

### **1.2.2 The Search for a Charter of Fundamental Rights**

It goes without saying that the European Union, just like the European idea itself, is connected first and foremost to a number of fundamental values. Although a causal relation was not at work in the decision of the Council of

Ministers in Cologne (March 3-4, 1999) to ask for the elaboration of a Charter of Fundamental Rights of the European Union, this decision fits perfectly the logics of the definition of a specifically European value-space. The decision of the Council was followed by the formation of a group of experts (the Presidium) aiming at the elaboration of a first draft of the Charter by the end of December 2000. The Presidium offered a full text on July 28, 2000. The Charter was adopted at Nice as a political statement. The motivation and the effects of the adoption of such a Charter of Fundamental Rights are not easy to describe.

In time, a heterogeneous and complex system for the protection of human rights has developed within the Union. This system contains:

- the norms concerning human rights, as an expression of the principle of subsidiarity, internal to each state;
- the participation of EU member states in the international system for the protection of human rights;
- the belongingness of all EU member states to the Council of Europe;
- specific instruments elaborated within the EU.

The EU-specific instruments that are employed for the protection of human rights within the European Union include:

- the provisions of the Amsterdam Treaty which explicitly states the fact that the Union "shall respect fundamental rights, as guaranteed by the European Convention [on Human Rights]... and as they result

- from the constitutional traditions common to the Member States, as general principles of Community law”;
- the institutional instruments of the Community with a specific mandate: Unit 2 of Directorate A of General Directorate VIII having responsibilities in the field of human rights and democratization; Unit 4 of General Directorate VIII dealing with the coordination of factors concerning the rule of law, fundamental freedoms, democratization and institutional support, and other interdepartmental structures;
  - the mechanism of complaints submitted to the European Court of Justice which ensures an individual’s right to remedies from the Union.

This thick system was capable to ensure, within the EU, high standards for fundamental rights and freedoms. But there were also failures – the racist and xenophobic behavior, equality before the law, vulnerable groups, the treatment of refugees and of the persons seeking asylum. Another special case is the protection of those affected by the broadening of competences at the level of the Union in the administrative and judicial fields<sup>12</sup>. But the system proved non-functional especially in ensuring an effective as well as symbolic role at the global level of the European Union, especially with respect to:

- the preparation of the conditions imposed by the EU;
- adapting the policies in the field of human rights to the requirements of the Amsterdam Treaty;

- ensuring a more active role of the EU in the world as a defender of human rights.

The Charter of Fundamental Rights is designed to deal with this last aspect, which engages the European Union as a whole. Furthermore, the introduction of the set of socio-economic provisions may be seen as a “definition” (after the relative failure of the European Social Charter)<sup>13</sup> of an “European space” which goes beyond “democratic standards”<sup>14</sup>. (Defined also by opposition to the American standards.)

Leaving details behind, what seems important in the debate surrounding the Charter is the *immanent* pressure towards the development of a new European system (i.e., belonging to the European Union) of human rights with a political and identity-related value. A system of the European Union which should cover the issue of human rights would establish a formal framework, within the EU, for a common supra-national space<sup>15</sup>. By their nature, the provisions of the Charter constitute a pillar of unional Constitution. The move from a Charter of Fundamental Rights to a system of political institutions with a federal character, which would guarantee the fundamental values of the EU, is a logical step.

In one way or another the discussions motivated by the elaboration and the adoption of the Charter seem to have pushed the debate on some of the political foundations of the Union in an irreversible direction. Many of the criticisms leveled so far against the Charter have speculated on

the possibility of detrimental consequences<sup>16</sup>. (Such consequences would be visible especially outside the EU.)<sup>17</sup>. But these criticisms stand only if the European Union's tendency to adopt its own system of rights is not taken to its utmost conclusion. Such a complete system will act as a constitutional pillar and the adoption of a fundamental law of the EU would lead to the creation of a Federal Europe which could then participate as such in international agreements – including those with the Council of Europe. A federation would strengthen these arrangements rather than enfeeble them.

### **I.3 Economic developments within the Union and the first steps toward the construction of a structured federation**

The Maastricht Treaty established the three resistance pillars of the EU: the European Community, the Common Foreign and Security Policy and the Home and Justice Affairs. Among these, the European Community has been the only one to enjoy integrated institutions<sup>18</sup>, while the others remained intergovernmental projects. This shows that the tendency toward federalization in Europe has advanced, until the early 1990s, in the economic field and has been resisted in those fields which are most typical of a federation: justice, foreign affairs and defense. This has still remained true, in spite of intensive processes developed within the community. Nevertheless, there are several developments which seem relevant to the tendency to deepen integration.

### **I.3.1 The Common Market**

The bases of economic integration, which was supposed to be implemented in the form of a common market, have been established by the Treaty of Rome (1957). The Treaty established two types of market-policy. The first, concerned with the internal space of the common market, was directed toward the elimination of all customs barriers between the member states. The other, dealing with the external dimension, concerned the system of protection from outside goods<sup>19</sup>.

In 1979 the EU established a regime of exchange rates and thus rendered the European Monetary System operational. The addition by means of the Treaty of Maastricht of a common currency defined the European Community as an economic and monetary entity. In 1995, the Council of Europe decided that the common currency should be called "EURO" and that the conversion of national currencies to the European currency should be complete by 2002. The European Central Bank, as an institution necessary for the finalization of the project of the Economic and Monetary Union is the third stage of the project.

Doubtlessly, the accomplishment of an economic and monetary union is the greatest achievement of the European project so far. This union, realized by year 2000 by the EU member countries is a reality that will determine – and, in this sense, it should be incorporated in – the future political and institutional development of Europe. Nevertheless, the way in which the economic and mone-

tary system is integrated in the whole of the Union's institutional make-up and the dependency of the economic-financial function on the other functions of the Union, places an unsurpassable barrier before this system. The relationship between the economic and the social, between currency and politics, between economics and democracy, has several consequences.

The economic model to be followed in order to establish the nature of the EU and of European integration, involves a choice between an area of free exchange, a customs union and an international effort for economic development. The last solution alone is capable to offer Europe the ability to become an economic power able to enter, in a globalized world, the competition with other economic powers in the Atlantic and Pacific regions. Just like the other economic powers, this one has to base its efficiency upon its status of political power.

The relative advantages obtained so far by the EU, due to the specific forms of cooperation it orchestrated, will not be maintained unless the flexibility of the labor market is radically enhanced, unless an integrated budgetary policy able to support harmonized policies of social security and assistance is devised, and unless the financial resources required by massive investments in technological research and development are mobilized. *It is difficult to see how the tranquility, stability and prosperity of a "social Europe" can be safeguarded in the absence of a concentration of political power at a continental level.*

In order for the virtues of EURO to be fully exploited,

a powerful economic Europe is required. Such an economy cannot be accomplished – especially in the context of an increase of social pressures and exigencies – except by means of a coherent political leadership.

The stress placed upon economic liberalization within the internal, unified European market, under the circumstances of an increasing withdrawal of nation-states from the economy due to globalization, created an increasingly bothersome and perilous democratic deficit. Socio-political decisions have moved away from the control of the democratically legitimated institutions toward that of business circles. Since the resolution of the complex economic and social problems of nation-states – now deeper, more complex and more dependent on world-level processes – cannot occur but at a regional level and by means of a regional approach (nation-states are now too small to solve big problems and too large to solve small issues), *the solution to the potentially confrontational democratic deficit is the rehabilitation of the role of the state by the (partial) transfer of power to supra-state level.* These structures alone are capable of dealing with supra-state economic structures.

There is a real danger that, in the medium and long run, the dynamics of economic processes within the EU should decrease. This would cause the European economy to stagnate due to: the bureaucratization of the EU institutions; the insufficient flexibility of the labor market; the increase of social pressures and inconsistencies; the relatively low level of investments in research and development; the relatively

small dimension of the market; the destabilizing effect of migration (brain-migration combined with illicit entries as carriers of cultural tension, corruption and criminality).

The disagreements of the EU member states with respect to the EURO and the fluctuant loss of value of the common currency relative to the dollar will inevitably lead to Euro-scepticism. Euro-scepticism is difficult to combat without designing solid European political institutions.

It is possible that economic and identity crises should determine a reduction of European economic power, irrespective of whether the EU will welcome new members. The assimilation of new members will consume new energies and so will the postponement of the “real expansion”. The costs of edifying the political, economic and social stability of Oriental Europe, including those of the improvement of inter-ethnic cohabitation, are another economic challenge. The costs can be decreased only if the process of European unification will occur sooner. Even then, the expenses will be a burden to European economy. Nevertheless, a healthy economic increase in the following 10-15 years is possible.

A decision in favor of the *postponed expansion* scenario (each candidate is admitted at a different date after fulfilling a series of criteria, primarily legislative and economic in nature) will lead to economic provincialization, and hence to a political provincialization of Europe. In time, this could even generate an internal fracture within the Union. (Among the candidates to a centrifugal movement features Germany itself.) The alternative is a scenario of

*rapid expansion* which adopts a structural economic integration<sup>20</sup>: some candidates are admitted faster, though members may be admitted to some projects but not others, depending of their performance in meeting economic standards. This scenario presupposes, however, a deep political integration of all members.

### 1.3.2 The Union's budget

The Budget of the EU is calculated annually and complies with the classical principles which govern national budgets: that of the balancing of the budget<sup>21</sup>; that of the universality of the budget<sup>22</sup>; that of the [neafectare] of the budget; that of budgetary specialization<sup>23</sup>; and that of budgetary [publicitate]<sup>24</sup>. The adoption of the budget follows the following procedure: (a) each institution of the community makes an estimate of its expenses; (b) on the basis of these estimates, the European Commission produces a budgetary draft; (c) the draft is debated by the Council of Ministers, which adopts a second budgetary draft; (d) the secondary draft is forwarded to the Parliament, which negotiates it with the Council of Ministers – by means of amendments which may or may not be accepted by the Council. The budgetary execution is performed by the European Commission, by means of a decision of the Council of Ministers, with the previous consultation of the European Parliament and with the concurrence of the Audit Office.

It is worth noting that this has not been the initial sys-

tem. Rather, it is the result of an internal development. The situation today reflects the logics of a system that imposed itself upon the Union's institutions. "It reflects", that is, the adaptation of these institutions to the internal necessities of a budgetary mechanism. This is a convincing example of the existence of factors that act "objectively" upon the evolution of the European Union.

The manner in which the budget of the European Union comes into being, is realized and then expended indicates a federative tendency in the Union. First, the adoption of the budget gives the European Parliament real power – its vote being necessary –, a power it lacks in other departments of the Union's life. Secondly, a system of direct levying of taxes has been imposed<sup>25</sup>. This system carries with it the marks of a federal construction, since it implies the "renouncement to several attributes of national sovereignty, such as the fiscal sovereignty that EU member states share with the institutions names above. In this field, the community model is similar to the federal one, where fiscal sovereignty is split on several levels, reaching to geographically and numerically limited communities."<sup>26</sup>

### **I.3.3 Foreign policy, the policy of security and defense**

The previous economic or political tendencies have been explained in order to show the existence of more or less objective determinations in the evolution of the European Union towards a federal structure. Nevertheless, the typical competences that states delegate to the superior federal

institutions concern fields such as foreign policy, security strategies or defense. The way the European Union has dealt with these fields so far is relevant for the tension between the trend which projects a Union of European states in deep (and consolidated) cooperation with each other, and the trend oriented towards a federalized Union.

The history of the creation of a common foreign and defense policy is long and without glory. It could start with the failure of the French plan, initiated as early as 1950, to create an integrated European army and rejected by the French National Assembly in 1954. It was France again which initiated the plan to create a political and military group separate from the United States at the beginning of the 1960s (the Fouchet plan, named after De Gaulle's councilor who designed it). The initiative failed due to Danish and Dutch opposition. The first success in the matter of an "European political cooperation" dates from 1970 and is a consequence of the decision taken in this respect at the summit in Hague in 1969<sup>27</sup>. It created a network of foreign affairs ministers, political directors and diplomats who met regularly in order to exchange information and coordinate foreign policies. In 1987 the European Commission was invested by means of the Single European Act with competences in the field of the political and economic aspects of security (Art. 30.1). But even after this date, the EU's foreign and defense policy consisted more of statements, its great failure being the inability to define a common position on the Gulf war and the crisis in Yugoslavia.

The change of framework occurred with the Treaty of Maastricht and the establishment of the three resistance pillars of the EU. As we have mentioned, among these only the European Community enjoyed integrated institutions, while the other two remained intergovernmental processes. The limits of this context have soon become visible. The Balladur Plan, which subsequently became the Stability Plan, indicated the limits of policies negotiated by national representatives by comparison with the alternative of institutional policies<sup>28</sup>. But the situation in ex-Yugoslavia remained a model of the failure of the structural limitations of the Union even after the latter was deepened according to the Maastricht (1992) model.

The intergovernmental conference that led to the adoption of the Amsterdam Treaty (June 1997) introduced a series of institutional novelties in order to realize a better cooperation in the field of foreign policy. The foreign policy planning and analysis unit at the EU Council of Ministers of the EU was set up, along with the appointment of a High Representative for Foreign Policy.

The political resolution in Cologne demanded that “the EU should be provided with the means and abilities necessary to ensure the acknowledgement of its responsibilities with respect to European security and defense policies.” A relevant step was the decision of the summit of Cologne (June 1999) to establish the institutions of the High Representative for Foreign and Security Policy and the appointment in this position of Javier Solana. The attributions of the High Representative for Foreign and Security

Policy sometimes compete with those of the High Representative for Foreign Policy<sup>29</sup>, with the foreign policy prerogatives of the Council of Foreign Ministers, of the European Commission and of the Presidency of the EU.

With respect to the purely military dimension of the Union, some analysts believe that the evolution has been less impressive and that the perspectives are the least promising. The divergences among the states have also been acute on this issue<sup>30</sup>. Naturally, the defense of the Union was conceptualized as the development of the relationship with the Western European Union, an organization designed as a common European defense framework by the member states which signed the 1954 Treaty that bestowed its name on this body<sup>31</sup>. As for the WEU itself, it did not establish an integrated military command and a headquarters, which means the alliance remained restricted to a piece of paper.

An attempt to relaunch the WEU was made in the 1980s by enlarging the (principled) competences in Rome (1985) and in The Hague, and by means of the first joint actions (1988) – an experience gained during the Gulf War. The Treaty of the European Union (1993) was annexed to a statement of the WEU member states by means of which the latter acknowledged “a need to develop a genuine European Security and Defense Identity... as a defense component of the EC.” In the following years the WEU structured and enlarged itself in the context of the affirmation by NATO (1994) of its support for the development of an European Security and Defense Identity.

The evolution toward an EU defense policy is to an equal extent, a failure. Actually, the Maastricht opportunity was missed to the extent that beyond a formal declaration (WEU is at the same time an “European pillar of the Atlantic Alliance” and the “defense arm of the EU”) there has been no substantial connection between the EU and the WEU. At the Amsterdam summit, the Great Britain and the member states blocked France’s and Germany’s proposal (supported by Italy, Spain, Belgium, Luxembourg and Greece) to institute an agenda for the unification of EU and WEU. Therefore the relationship remained one of “enhanced cooperation”.

The High Representative for EU Common Foreign and Security Policy established as an objective for 1999 the assessment of Europe’s military capacity; the creation of a new Political and Security Committee and of a Military Committee supported by a military command with advisory and counseling attributions; a new Planning and Rapid Alert Unit<sup>32</sup>. Arrangements in these respects have been made on the occasion of the European Council of Tampere (October 15-16, 1999).

These details show that “the common foreign and defense policy” needs a few more steps until it can become an actual institutional reality in the EU and not just a political arrangement of representatives of the member states. The pressure for “supra-nationalization” is, however, obvious. The competition among the acknowledgement of the failures so far, the feeling that the field of foreign and defense policy remains a fundamental one which the states

jealously preserve, and the analysis of the perspectives of EU in a globalized world push things toward the logics of a federation. However, this logics cannot materialize by starting from the will of technocrats in military and foreign affairs. It depends on a political re-evaluation of the project of an European Union.

These are actually the conclusions of Philip Gordon, an analyst of security issues: “the widening of the Union, the continued relationships, and the lack – even after forty years of integration – of an European identity sufficient to permit delegation of sovereignty to centralized institutions mean that EU foreign policy cooperation will probably remain limited, fragmented, and intergovernmental. Having eliminated wars and security competitions among West European states is an enormous achievement; eliminating distinctive national foreign and security policies and preferences will remain an elusive one.”<sup>33</sup>

#### **I.4 The plethora of decisions, the technical-functional limits of the existing Unional design**

At the moment of the birth of the Coal and Steel Community the main problem that Europe was facing was political in nature – safeguarding peace – rather than economic – combating poverty by increasing economic efficiency –, although the latter issue was no less pressing. It was noticed then that instead of guaranteeing peace by diminishing, under international surveillance, the economic power of Germany (obligated to the payment of war dam-



ages), it was preferable that resources and industries should be developed and exploited jointly. This was deemed a better solution than increasing the military power of the states. The joint development of defense resources created later on the premise for the definition of a common security policy. Unfortunately this policy remained coherent only as long as the Soviet arch-enemy persisted. What this shows, nevertheless, is that at the basis of the EU stood a political project realized through economic means.

As time went by, the “European process” anterior to the evolution of EU as we know it today became “economic” and bureaucratized and created a real “procedural plethora”<sup>34</sup>. The process became an economic one in terms of its objectives. Welfare became more important than security and for this reason at the present moment, when the security of the 15 states is threatened by the instability of the Eastern part of the continent, the Union is not prepared to trade some of its welfare for improved security. Bureaucratization was enhanced in terms of the Union’s management: the EU power was monopolized by the “Bruxelles bureaucrats” which exercise it in a non-transparent and, in a certain sense – since it has not been entrusted to them by elections –, illegitimate way.

As bureaucrats and technocrats, the European Union officials can only administer, manage and consequently conserve a certain state of affairs. They are neither interested in, nor in the position of changing it. They work on the basis of and by means of norms and regulations that are permanently being developed with the conviction that any

new problem can be solved by means of a new, adequate regulation. This is how the “community *acquis*” emerged. It spreads over several tens of thousands of pages that only very few of the “Union’s citizens” have ever read, not to mention, internalized.

The technocratic logic is, therefore, one of making cooperation – first and foremost economic in nature – among the members of the Union fruitful to themselves. This conception of the EU expansion starts from the premise that it is the limited interests of the current members rather than the broader general-European interests that should be promoted. The European Union – extended or not – and the United Europe appear to be two different entities, the former being to the latter more of a problem than a solution<sup>35</sup>.

### **I.5 Romania as an international political actor, as author of sub-regional, regional and geopolitical policies**

Romania cannot conceive of the resolution of its problems except in a regional context. This assertion is equally valid if one has in mind the nation’s existing problems or its capacity to shorten, in the medium and long run, the distance that separates it from the middle-group of consolidated democracies and prosperous economies in Europe.

As a consequence, it is vital for Romania to conceive a proposal in the field international politics that should compensate for the chronic handicaps of its internal policy. A good foreign policy is, to Romania, the only source of

value apt to make up for the performance deficit in internal affairs. In this sense Romanian foreign policy tends to become more or less autonomous.

Romania can attract the interest of an agent able to support effectively the sub-regional policies of regional and global powers more than simply as a market. This is true with respect to four regions: Central Europe (the bilateral, trilateral, tetralateral, etc. relations with Hungary, Poland, Austria, Slovenia); Eastern Europe (the relations with Ukraine, Moldova and maybe even Russia); South-Eastern Europe; the Black Sea region (possibly that of Transcaucasus as well – at least in its Western part). Some of these areas coincide with the areas of American interest (the area of security interest) showing that they have not only European but also Euro-Atlantic significance. Here Romania could act as a mediator and an in-between, as a correction factor of existing situations with high risk potential or with a low potential of positive development.

In all these areas Romania can be the pivotal point of sub-regional cooperation. The areas would subsequently constitute: components of a resistance structure of a pan-European federation; a friendly neighborhood for a pan-European federation.

Bearing in mind the past experience with respect to models of regional cooperation, it would be the right moment to ask ourselves whether this experience could urge us to conceive of a “Europe of regions” as a model opposed to that of an European Federation. We believe this thesis to be misguided. The two models do not exclude each

other. If, indeed, the nation state will decentralize by means of subsidiarity and devolution, it will have to transfer the competence to trans-frontier structures which re-constitute traditional historical spaces in the case of those problems for which it becomes too weak to find an adequate solution by itself. These are more adequate for civic and economic projects, unburdened by identity conflicts and simultaneously able to promote national cultural ideals without relating them to territorial support or considering frontier changes. A political union at the level of the entire continent would be too remote and too large for such issues. This is the reason why such intermediary structures could prove to be adequate, on the condition that they would manifest themselves in an adequate framework constituted by continental/federal institutions. To the extent that Romania could contribute to the constitution and operation of sub-regional or regional structures, it would certainly help the process of the formation of the European (federal) system of leadership and administration. At the same time, it would achieve its own goals by being integrated into the system.

### **I.5.1 Romania's interests and the process of integration into the European Union**

Fortunately, the interests of the peoples of Europe are not opposed to, and do not collide with the interests of Romanians. On the contrary, the two converge as distinct nations co-participate in a project that puts to good use an identity that is richer than any of the existing ones. How

can Romania's interest and that of the European Union become harmonious?

The authors are firmly convinced that the peoples of Europe and of the world can only benefit from a deeper and larger Europe. As a consequence, Romania is interested: (a) to integrate into the EU; (b) to integrate into an EU with a firm structure; (c) to ensure a process of European evolution that will allow the absorption into this construction of states that need more time to meet the requirements specific to integration.

The Romanian interests are correlated to two types of standards. Some are *firm, non-negotiable* standards specific to ethical and political values. They can structure Romania's social and political space, which is lacking in terms of the rule of law, of the equality of opportunity and of social solidarity. The standards depend on political will and therefore the current state of the country is not in itself an insurmountable obstacle to meeting them.

The other standards have to be *sufficiently flexible* – they pertain first and foremost to economic requirements. Since these standards presuppose time and resources, it is necessary that the states be granted a sufficient period of time to meet them without jeopardizing the very project of European integration. Then, it would be a decisive advantage to conquer the *acquis* from within the Union rather than from without it. This is why a flexible, politically defined federation would be more capable to adapt to the variety of situations in the candidate countries.

When we refer to "Romania's interests" we have in

mind something beyond the basic of meaning this phrase. If the national interest is defined by prudence and positive judgment, and if it enables the observer to place specific actions within a larger context and judge non-contradictorily<sup>36</sup>, then our interests should be seen in their correlation with the legitimate interests of others and in their placement in time. This is the reason why Romania's interests in the integration process presuppose an uninterrupted dialogue with the interests of EU members, the interests of other states with similar goals – such as the Republic of Moldova –, and global interests. The effects that the federalization of Europe would have on the US are also to be considered.

We could point to at least two criteria that define the national interest: (a) the correlation of the difficulties in fulfilling the social and economic standards of the EU with the status of a small and under-developed country; (b) the responsibility for the future of the Republic of Moldova.

(a) After the balance and control mechanism that was specific to the bipolar system disappeared, the new world disorder subsequent to the end of the Cold War prompted the return – to a certain extent spontaneous in nature – to a "concert of powers". This renders the logics of any cooperation and intergovernmental assistance program a matter of consensus of the great powers and of the interests that this consensus outlines. This situation affects Romania especially since, among the candidates freed from the Soviet camp and currently knocking at EU's door, it can no longer mobilize the efforts that Greece mobilized after it

was accepted into the Union.

For these reasons, smaller states are today more interested than bigger states in leaving the state of a so-called inter-governmental cooperation within which their aspirations and dignity end up being almost always marginalized. They have their reasons for turning towards a supra-state institutional structure that would act according to rules and transparently. If the constitutional needs of such an institutionalized structure were correctly established, then the procedural norms and the manner in which the distribution of incomes would create opportunities for the balancing of the economic and social development of the participating nations would be known beforehand. Romania is objectively interested in such a solution. Its rights and duties would have an aspect of predictability and its aspirations would be realistically defined and efficiently fulfilled. Such a basis would guarantee stability and security by means of cooperation, transparency and multicultural dialogue.

One has to add the fact that Romania is too large to be easily assimilated in a system of inter-governmental cooperation and simultaneously too small to demand not to be ignored or to enjoy a certain amount of respect. Under such circumstances, only its negotiated integration into a common European construction can offer a convenient niche, the chance to play a continental part which corresponds both to its expectations and to its potential.

But, more than the preceding arguments concerning the nature of the relations in a community structured according to states, the problem of Romania is that of an apparently

insurmountable inability to achieve political integration as a measure of the success of economic integration (rather than vice-versa). The European Commission report of November 8, 2000 shows, from this point of view, an extremely bleak image<sup>37</sup>. The Commission sees the Romanian administrative reform as being very limited. It deplores the weakness of the steps taken against corruption. "Romania cannot be looked at as having a market economy and is not able to withstand on a medium term the competitive pressure and the force of the Union market. Its economic prospects have not been substantially ameliorated." The macro-economic environment is fragile, the legislative and institutional ones are unsafe, the black market has expanded, investments have decreased. Financial discipline, the creation of a friendly business environment, the acceleration of privatization and restructuring still remain desiderates. The Commission also criticizes the crisis of the banking system, the absence of the protection of personal data. It requests structural reform in agriculture and calls the ministry of agriculture managerially incompetent. The Labor Code, the *acquis* in the field of telecommunications, the status of foreigners, the state frontier, the status of the police officers are still unresolved matters. Finally, the report expresses its doubt of the ability of Romanian institutions to manage the higher level of EU funds.

The negotiations with the European Union will continue, as will the Union's support for Romania<sup>38</sup>. But it is obvious that a radical progress in this direction cannot be made, not even with respect to the speed of improvement<sup>39</sup>. The

problem has a structural dimension, and is not merely a matter of lack of political will or competence. This is the reason why an analysis such as that of the European Commission in its 2000 report points to Romania's absolute need to promote the trend of political integration of the Union against the economic integration trend.

(b) As for the Republic of Moldova, the primacy of Romania's integration interests over its relations with the former is almost unanimously understood. Although this assertion has been made only in exceptional cases<sup>40</sup> and has been accompanied by vehement protests<sup>41</sup>, it nevertheless reflects the current political judgment and political reality. To prove it, the Romanian Ministry of Internal Affairs decided to impose the use of passport – rather than merely an ID – at the borders between Romania and Moldova.

A perspective that separates Romania, radically and irreversibly, from the Republic of Moldova does not place Romania under the rigors of international ethics. Moreover, such a policy will always engender internal difficulties in Romania<sup>42</sup>. The future of the Republic of Moldova is insecure not only due to economic and social pressures. It does not suffer only from the external pressures coming from the Russian Federation, whose encouragement of Transnistrian separatism violates the sovereignty of the Moldovan state. Moldova's great fragility is owed, beyond the existing practical difficulties, to the lack of a project for the future. In what geographical frame will the Republic of Moldova integrate? Will it be the Community of Independent States? Will it enter an alliance

with Russia, as Belarus has done? Moldovan authors speak of "Moldova facing a choice." We quote here a sample which is hardly isolated: "The option so far, that of developing first and foremost the relations with the CIS, was accompanied by gradual, much too slow reform, by a low degree of diversification of foreign partners, insignificant foreign investments and a triple decrease of the GNP in just seven years. Another option, currently under examination, is that of European integration."<sup>43</sup>

Actually, this is not just an option of the Republic of Moldova. It is also an option of European decision-makers for a model of EU that would expand its borders to a frontier defined by its separation from the Russian Federation. To Romania, the placement of Moldova on the continent is another argument in favor of this last model of development of a pan-European federation.

### **1.5.2 Romania's alliances within and without the region**

The authors start from the premise, perhaps surprising to some readers, that Romania's main European partner is Germany. This position is motivated by geographical, historical, and cultural considerations as well as by aspirations. In particular, one has to consider the fact that Romania's neighbors in Central and South-Eastern Europe have the same reasons, or similar ones, to look towards Germany. Hence the advantages of a possible synergy or, in any case, of avoiding confusions in the geographical area that Romania belongs to.

As for the other aspects of Romanian foreign policy, one has to consider the importance of the relations with the neighbors, especially with Hungary and Ukraine, and the existence of formalized parteneriates such as that with Italy. The authors believe that the United States, as a global power, has to be regarded a strategic partner of Romania. The continuation of US's major involvement in Europe is both in the interest of Romania, of Europe and of the United States.

The conclusion of this outline of the map of Romania's role as an international actor, as promoter of sub-regional, regional and geo-political policies, is that more attention should be paid to the options (concerning the future of the EU) of actors such as Germany and the US. In this sense, the federal option, which Germany has lately supported and which has been always implicitly desired by the United States, has one more point in its favor.

## CHAPTER II THE ROMANIAN CONCEPTION OF A FEDERAL UNION

### II.1 How do we design an European Federation?

For the reasons detailed in the preceding chapter and those still to be outlined, we support the project of a Federal Europe. Naturally, the architecture of such a Federation may follow diverse models. But what are the minimal conditions for making the future form of organization a federation? What would a *confederation* presup-

pose? Is the existing European Union built according to one of the two structural models that we are considering as a reference?

#### II.1.1. Federation, confederation and federate body

One way of defining a federal structure is to identify it as an intermediate form between the two extremes of maximal decentralization and maximal centralization. On this axis we have, at the first pole, an ensemble of independent governments. Their surrendering of absolute independence leads, at a first structural level, to an alliance: by means of the common decision of their governments a series of competences are granted to an institution that fulfills certain common objectives (e.g. military goals, in the case of a military alliance.)<sup>44</sup> A superior level is reached when governments decide in favor of the establishment of a central governing body with authority on certain matters. According to classical terminology, if there is no structure with legislative powers over the member states' governments, then we are dealing with a confederation. If the central governing body has legislative powers, we are talking about a federation. The wider the competences of the central government as opposed to the local ones, the more closely-knit the federal structure.

In the sense defined above, a federation is a hierarchical structure with different levels on which competences are split. How is this structure different from other similar ones, such as the hierarchy of competences between a central

government and local authorities? The fundamental distinction is that local units governed by central authorities can be created or dissolved by means of an arbitrary decision at the central level, while this is not possible in the case of the member states of a federation. The latter have come together expecting their identities to be indefinitely preserved<sup>45</sup>.

Here is the maximal sense in which we understand, in what follows, a federal structure: *member states preserve their sovereignty over their territory*. In speaking of an European Federation, we do not think of a level of integration that would result in a denial of the states' territorial sovereignty.

What we outlined above describes the superior limit of the level of European integration that the authors are considering. An inferior limit of the degree of integration can be defined by means of its relation to the concept of confederation. An European federation exists to the extent to which we can define, within this federation, a central legislative authority. In the absence of such an authority we shall speak of a confederation.

Preserving the terms above, it is clear that, as Walter Hallstein noted, the European Economic Community is more than a confederation without being a federation<sup>46</sup>. But then what is the Union? From the perspective of the Treaty of Rome, "the institutional framework established by the Treaty and amendments is emphatically a means, a mechanism, an instrument, for the elaboration and implementation of outline programs."<sup>47</sup> Or, in broader terms, a "regulatory or managerial framework of a European economy or society."<sup>48</sup>

What resulted after the evolution of the European

Communities is a non-conventional structure which can hardly be accommodated within the classical distinction between alliances, confederations and federations. It is the expression of a functional principle of construction that David Mitrany described even before the process of European integration began<sup>49</sup>. There is, however, at least a double deficiency in the process and in its result: they place the dispute over political values within the EU in an undeserved shadow-cone. Mostly, however, the process produced "a plethora of different procedures for dealing with specific means"<sup>50</sup> which becomes – or has already become – a terrible burden to the evolution of the Union.

For this non-conventional reality we suggest the name of "federate body". By this, we do not mean to imply that this "body" is the result of federalization but, rather, that it is a step in the process of federalization. Whether full federalization will be accomplished or not is immaterial to the validity of this concept.

## II.2 The European Union and the Federal Union as a Political Project

The road towards the European Union as we know it today started in the second half of the 1940s, when Europe was living the traumas of the recent war. The creation of the European Movement at the Congress in The Hague in 1948, the launching of the idea of a Council of Europe, the Schuman Plan by means of which "the French Government proposed the placement of the entire French and German coal and steel

production under a common High Authority, within an organization open to the participation of other European countries”<sup>51</sup>, all had a goal that was essentially political: the preservation of peace on the Continent. The debates of those years foreshadowed the creation of a common European defense community and of an European political community that were both conceptualized, to a great extent, in terms of federal theory and practice<sup>52</sup>. All this changed with the failure of the discussions on the two abovementioned communities and with the signing of the Treaty of Rome. The establishment in 1951 of the European of Coal and Steel Community, of the European Atomic Energy Community in 1957, of the European Economic Community (the Treaty entered into force on January 1, 1958), the fusion of the three communities and the developments of the Single European Act and then the treaties of Maastricht and Amsterdam pushed the evolution of the European Communities toward a “cumulative functional phenomenon with no precise or definable end.”<sup>53</sup> The economic and bureaucratic determination in the logic of what became the European Union have developed permanently against the political dimension.

At this particular moment the energies of the technocratic/bureaucratic system, having as an origin the old project of an Europe in which peace should be an irreversible phenomenon, are almost exhausted. A new political will that should go beyond the immediate goal of economic prosperity is needed if a different project with a larger stake is to be seriously considered.

We support the project of uniting the entire European

human potential to the purpose of creating a continent of prosperity, of a civilization with superior human values as they have been defined within the European Union. The realization of an European Federation which should extend the existing borders of the EU to a maximally possible degree involves the creation of a body able to defend, deepen and promote, in the context of a world undergoing globalization, the kind of human model that Europe wants for itself. The continuation of the existing form of EU expansion (incorporating countries as they reach its economic performances) suffers from logical gaps. It places means before substance and before values. One has to imagine a type of alliance for the countries of the Continent which have already embraced these values. Naturally, this alliance should not prevent those who perform well from doing so. The simple outline of this idea is the instantaneous – though no less carefully planned – federative union of all European states that are sympathetic to the project. Adhering to the different sub-structures of the federation (the EURO area, etc.) should take place in time, after specific conditions are met.

### II.2.1 The temporal horizon of federalization

The assessment of the probable evolution of the European Union in the years to come has to be considered a necessary part of any “project” of the Union’s future. Indeed, the project has to be designed function of unfolding processes in order to be *connected* to them. In order to



be *realistic*, it must foresee when the pressure toward the transformation of the Union in the way envisaged by the project, will decisively manifest itself. Finally, in order to be *visionary*, the model must indicate the point where the logic of the older structure of the EU must be abandoned in favor of the European Federation.

In our opinion, the European Union shall finalize its existing projects, i.e. the institutional reform, monetary union and the construction of the common system of foreign policy and security, around 2004<sup>54</sup>. With respect to the integration of the first candidates, 2002 or 2003 seem to be more and more difficult to support as an adequate estimate. (This has been announced off the record by many experts involved in the process and is being confirmed by statements belonging to the main candidate – Poland). It is probable that around 2005 some small states, not relevant in terms of their political input – Slovenia, Cyprus, Malta, Estonia – should finalize accession negotiations and thus become members of the Union in its existing form. *But after this date the integration energies will exhaust*. The effort of including the main countries undergoing accession will become a burden not only in terms of resources but also psychologically. The evolution of the globalist phenomenon will exert its pressures by marginalizing the European Union if it preserves its present logic. All this constitutes an appropriate context for the emergence of a phenomenon of internal disintegration. (Another factor could be the temptation to fulfill particular interests outside the Union – some signals in this respect could come from

the Russian Federation). At that point we will have a clearer image as to when candidate states – those which have resisted on the list of candidates – would integrate into the *existing model of the European Union*. Around 2006 the architects of the European Union will have to decide for a radical reform of the Union – a decision in favor of a Federal Europe. In order for this to be possible, a few years are necessary so that Europe's citizens should be prepared to understand and accept this project. With the proposition of a *structured* Federal Europe in mind, in which political acceptance should occur immediately, federal sub-structures should also be prepared for the 2006 threshold. This is the reason why in a year or two the notion of a Federal Europe should gather some operational outline, while in two or three years it should be on the working table of political actors and debated by the European public opinion. Any delay beyond these timeframes will create difficulties for an European Union facing external pressures and a tendency of internal disintegration.

## II.2.2 The Frontiers of the Federal Europe

What is the continent that the European Union can identify with? What are the European frontiers in terms of the historical dimensions that today's EU can assume? Europe covers the territory between the Atlantic – including Great Britain, Ireland and Greenland – and the Western border of the Russian Federation – possibly also Transcaucasus. A resolution adopted by the Council of Europe in 1993 con-

cerning the territorial extent of Europe has identified a space of “European jurisdiction” which is similar to that just outlined, with the notable exception that it included the whole of the Russian Federation.

The political project of the European Union on the coordinates that we are upholding here includes the entire community of European states and potentially states such as the Republic of Moldova, Belarus<sup>55</sup> and Ukraine. The political actors of these states have expressed several times their wish to belong one day to the European space. Considering the political attitudes of the majorities and a history of European existence that can hardly be contested, it is very probable that legitimate representatives of these countries should also express their desire to assume the political status of the Constitution of the Federal Europe. It is equally probable that the integration of the states on the continental periphery into the sub-structures of the Federal Europe should be extremely slow (of the order of decades).

A case which is significant from several points of view is that of Turkey. In our conception, a Federal Europe has to ensure the unity of political values simultaneously with the embrace of ethno-cultural diversity – a central value of the Greater Europe. From the point of view of its geographic position, of its European connections, of its economic and strategic input – both military and of foreign policy –, Turkey rightly belongs to Federal Europe. But Turkey also shows that the assumption of the European Constitution by a state presupposes a minimal preparation of its internal institutions on the basis of firm agreements

with the Union, which are set forth in the accession agreement. The military democracy of Turkey cannot be part of a structure which is essentially civilian. Only a convincing solution to the internal political situation “pending” integration – which includes, of course, conditions concerning the prevalence of civil institutions, human rights, minority rights – could allow a country such as Turkey to become part of the Federation.

### II.2.3 The crux of the conception: a structured federation<sup>56</sup>

A concept that we have to reject from the very beginning is that of a federation made up of a nucleus of the most developed states of the EU (probably six), around which the other European states – members as well as candidates – should simply gravitate waiting for the right moment to enter the “central area”. This conception is unacceptable insofar as it maximizes the interests of the nucleus against those of the states outside it and thereby slows down and perverts the process of integration. It was probably launched for the very purpose of destroying the effort of conceptualizing a pan-European federation.

The existing model of integration, according to which each candidate is dealt with separately and admitted into the Union on the basis of its specific performances, aims at the expansion of the EU as an economic rather than political forum. Such an expansion project clashes with the project of deepening the European integration and slows down both. The consequences in terms of the adaptation to globalization

are dreary. The European federative political union that we are suggesting here follows the following logics:

- all those willing to accept the provisions of the European Constitution shall be immediately accepted as members of the federation;
- integration into the different economic structures of the federation will be gradual – it will occur in distinct sub-structures –, and each member (and not “candidate”) shall be admitted upon proving that it is prepared;
- the political leadership of the federation will have competences concerning:
  - the supervision and safeguarding of constitutional principles;
  - the adoption of policies aimed at: (i) optimizing the functioning of the federation; (ii) ensuring the development of those left behind and in this way deepening their integration. (It is obvious that the progress of the members would be quicker than the progress of candidates.) (iii) the establishment of social policies annulling the existing democratic deficit; (iv) designing and applying a unique and unitary foreign, security and defense policy; (v) reducing economic disparities and guaranteeing development.

#### II.2.4 Constitutional and practical aspects

The European Federation shall be edified with the bricks represented by multicultural civic states (a notion

which emphasizes a reform of the outlook of the nation-state members of the Federation by means of the European Constitution)<sup>57</sup>. It will be built on resistance structures represented by regional groups and regional cooperation.

The Constitution of the European Federation shall define, in its first section, the set of common values meant to represent the hallmarks of a social, just and solidary Europe, cultivating the respect of diversity and the equality of opportunity at individual and group level. This section of the European Constitution shall have as its main nucleus the Charter of Fundamental Rights, completed in the field of political rights and developed with respect to social, economic and political rights. The second section of the Constitution shall define the main European institutions:

- a bicameral legislative – an European Parliament directly chosen and an European Senate. The European Parliament shall take upon itself the main legislative tasks at federal level. The European Senate shall take decisions with respect to extremely delicate matters that are vital to federal states and are consensually adopted<sup>58</sup>. The use of consensus must be transparent. When consensus is blocked by a single state the European Senate may decide with a qualified majority the resolution of the impasse by means of a referendum in the federal state that used its veto. In view of the nature of this set of fundamental competences, the members of the Senate should be the heads of the federal states and should be elected by universal and direct vote.

An executive with firm powers, but limited in terms of

its areas of intervention, controlled by the legislative.

The judicial system made up of a Supreme Federal Court and local federal courts (functioning at the level of the federation's subjects) as well as a national judicial system with several levels of jurisdiction. For certain causes, the two systems should partly overlap so as to guarantee an individual right of appeal up to the Federal Supreme Court.

A President of the European Federation, whose attributions should include the representation of the Federation.

One may ask as to the modality of election and the combination of competences of the Federation's President. Some political actors who have made reference to the idea of an European Federation, have suggested a direct universal vote<sup>59</sup>. This would imply the president having important executive powers, closer to those of the US president.

In view of the diversity of European cultures as well as the dimension of the continent, it is preferable that the President of the European federation should be indirectly chosen by the European Parliament and its functions should limit themselves to representation, acting as a guarantor of the Federal Constitution, as a moderator of federal processes and a mediator among the federal institutions, among the states, and among the governing actors and society.

Each federal state shall have its own legislative and executive, the head of which shall be a president. The president shall be elected by universal, direct vote. The federal Constitution shall clearly set out the difference in terms of competences between the national and the federal institutions, as well as that between the national institutions and

the local administration.

The election of presidents by direct vote shall confer upon them the personal authority which is crucial in their relationship with other institutions. The competences of the European Senate shall put this personal authority to good use both in the relationships with the federal institutions and in the horizontal ones. This fact will make the subjects of the Federation feel safer with respect to their ability to promote and safeguard their own legitimate interests. The feeling of safety is especially important at the onset of the Federation.

The executive of the Federal Europe shall have competences in the field of foreign, security and defense policies, the harmonizing of economic development, and of social protection – realized chiefly by means of education and public health –, and environmental protection. In order to finalize projects that belong to the federal fields of competence, a federal minister of finances should design the fiscal and budgetary policy.

The monetary and credit policies shall be realized by a central European bank, autonomous in its relations with the executive.

In this context the regional structures shall define their own competences as intermediary links with functional character. These structures shall be established in a bottom-up manner and in a natural way. However, they will have to be encouraged and assisted. The manner in which they will be formed – to the extent that popular interest in such structures exists –, and will operate shall be estab-

lished by the Constitution. Some territorial overlapping of sub-regional structures should be permitted, meaning that a certain territory could be part of several sub-regions<sup>60</sup>.

A Congress of local and regional powers should function at the level of the Federation and it should adopt recommendations. It should also harmonize inter- and intra-regional cooperation efforts and should counsel and approve the establishment of new regions. Its main preoccupation shall be the planning and administration of development policies with a territorial profile.

The European armed forces shall be built and led starting from the premise that NATO is the institution of a confederate body (the European Federation – United States). This confederate body shall deal with common defense. We have to stress the fact that the maintenance of military cooperation and of the Euro-Atlantic policy is motivated by (a) the fact that America was and still is a country founded on an European civilization; (b) the fact that America's security and Europe's security are intimately connected; (c) the Alliance with America is essential to the balance within an united Europe and to the control of identity crises and non-conventional foreign threats – smuggling and migration, terrorism, religious fundamentalism.)

An European citizenship shall be created. On its basis the relations between European citizens and European institutions shall be established as the concrete conditions of the exercise of the right to the free circulation of individuals on the territory of the Federation. The united Europe should be thought of, in this respect, as a federation of free citizens.

Such a federal organization presupposes the existence of an European Constitution. One question that arises with respect to this Constitution – especially with respect to the fundamental rights that it should grant to European citizens – is whether it should have juridical force or merely political relevance. In order for Romania and its citizens – like all other states and citizens of Europe – to have their rights guaranteed, the Constitution should have juridical force and the contestations arising from the application or violations of the Constitution should be reviewed by a Constitutional Court.

The federal government would be formed after the federal Parliament approves the list submitted by a prime-minister named by the Federal president. Before the list and the governing program are submitted to the Federal Parliament, the prime minister should obtain the obligatory sanction of the European Senate (composed of the heads of the federal states)<sup>61</sup>. After the vote of trust, the European Senate should have the power to initiate the procedure of dismissal of the Executive or of the federal ministers.

The legislative initiative at federal level should belong to the Federal Parliament, to the Federal Government or to the European Senate. The laws adopted by the European Parliament shall be promulgated by the Federal President who shall ask in this respect the sanction of the members of the European Senate. This sanction shall be expressed within a maximum of 30 days from the law's adoption. The motivated refusal to promulgate the law or the negative sanction of the European Senate shall lead to a renewed dis-

cussion of the law in Parliament. The law shall be adopted, in such a case, with an absolute majority of the Parliament.

Naturally, certain fields and decisions shall rest in the exclusive area of competence of the federal states.

Such a system is sufficiently well-organized and rigorously structured to ensure the coherence and efficiency of European policies at federal, regional, state/national and local level. On the other hand, the system is flexible and decentralized enough to guarantee the local freedom of citizens and the defense of national interests with respect to the states of the Federation<sup>62</sup>.

### **II.2.5 The political values of the Federal Union: fundamental rights, social and economic rights**

Which are the political European values? Which is the European identity? The answers coming from the European public figures are close to one another and reflect a strong homogeneity of the *political culture* that constitutes the foundation of the Western world-model of the EU. This homogenous culture is no less permanent. The views of the Congress assembled in The Hague in 1948 on the European idea ran like this: “Europe is a spiritual and cultural identity; its political essence is constituted by the promotion of human rights; economic progress can only be realized by measures of sectorial integration; national sovereignty should be restricted to the extent to which it proves to be a necessity of social and economic development”<sup>63</sup>. Almost fifty years later Roman Herzog,

the then president of Federal Germany, stated on the occasion of the 40th anniversary of the “German Atlantic Society” (March, 1996) the condition of the “European” acknowledgement of the new EU candidates: “It is essential that the new member states should be consolidated democracies which have left behind the heritage of nationalism and have rediscovered the principles of an open society, of free economy and of humanist culture.”

There are countless other relevant opinions as to the European political identity. To the question that he himself asked (“How does the West see itself today?”) Hubert Védrine, the French Minister of Foreign Affairs, answered: “As a conqueror of history... Then, as an expression of the universal: of an economy globalized by technology, of people united by the simultaneity of images, and especially of values which range from the fundamental ones, democracy and free market, individual freedoms, economic freedoms, rule of law, free elections, free media, independent judges, complete respect of human rights etc.”<sup>64</sup>

At the same conference dedicated to the passing into the 21st century his colleague, Johannes Rau, the German president, chose to invoke the words of Cardinal Vlk, the archbishop of Prague: “Europe ... is a community of values in spite of the catastrophes that the continent has known in the past and of those it is living right now. These values which constitute the foundation of Europe and which are necessarily related to European culture are the dignity of the human individual, the priority of right and the distinction between the spiritual and the temporal.

They are the ones which forge the European identity.”<sup>65</sup>

We have quoted several views in order to stress the unity of values which represents, at bottom, the *mentality* of politicians with respect to the European mind. If we need a “formalized” version of these conceptions we should look at the founding “constitutions”. In the Preamble of the Treaty of Maastricht the parties confirmed “their attachment to the principles of liberty, democracy and respect for human rights and fundamental freedoms and of the rule of law”<sup>66</sup>. The Treaty of Amsterdam, perhaps better articulated, is conceived in a similar way in this respect.

It is through *codes* rather than principles that the best definition of European values is achieved. The European Convention of Human Rights is such a code which, in one way or another, is accepted by all EU member states. A recent development codes are meant to ensure the equality of opportunity. Can the European Social Charter be included among the Union’s codes? The Social Charter was considered a failure. Yet the EU member states have very elaborate policies in the economic, social and cultural fields. These values are specific by comparison to those developed in the United States, for instance. The New Charter of Fundamental Rights makes a further step towards the acknowledgement of economic and social rights – which can be completed in the context of an European constitution – ensuring a generally-European codification in this respect as well.

The mentalities, principles and codes existing in Europe are, in our view and in terms of their value-content, a suf-

ficiently precise and solid foundation of the political project that we are promoting here<sup>67</sup>.

### **II.3 Tensions and synergies between the European Union and the other pan-European intergovernmental structures: OSCE and The Council of Europe**

The evolution of the European Union will depend on the way it will interact with structures such as the Council of Europe or OSCE. (The future of these bodies will equally depend on the manner in which they will relate to the EU.) The acknowledgement of the international dimension of federalization is crucial if the synergies between organizations, rather than the transmission of costs, are to prevail in the process – such as, for example, the impact of the adoption by the EU of a Charter of Fundamental Rights on the system created by the Council of Europe. The involvement of the other, already existing pan-European structures in the process is also an expression of their need to undergo reforms. These reforms cannot be dissociated from the manner in which these bodies exist and operate.

An European Council such as that described by our model shall be constituted by the federal members of the EU and the Russian Federation, as well as other Caucasian, ex-Soviet countries – Azerbaijan, etc. Each of the two organizations shall embody specific interests that also belong to the other. The Council of Europe is interested that, once the European Federation is built, the latter

should not leave the Council. (This would lead to the destruction of the system of the European Convention of Human Rights and consequently to the dismemberment of the Council itself). However, an European Federation, unlike the European Union, may adhere to the ECHR<sup>68</sup>. It seems obvious that in so doing the European Federation shall preserve and even strengthen the force of the ECHR. One may question the extent to which a Federation the Constitution of which includes the completed set of principles of the Charter of Fundamental Rights, would still be interested in the European Convention<sup>69</sup>. Let us admit the fact that the existing differences between the CFR and the ECHR (which are now in favor of the Convention) would be annihilated by a completed Constitution. But even in this case the European countries would lose, in limiting themselves to the internal (that is, constitutional) system of human rights, the extremely valuable institution built around the ECHR which is the Strasbourg Court and its jurisprudence. This is the reason why the European Federation has, besides the political reasons themselves, judicial reasons for adhering to the ECHR. The relationship with the Council of Europe has therefore both a technical and a strategic motivation.

Conclusion: the establishment of the European Federation – under the terms outlined above – would take the cooperation between the Federation and the Council further than today's relationship between the latter and the EU<sup>70</sup>.

OSCE, as an organization focused on the safeguarding of collective security not merely in Europe, but in the

whole Northern hemisphere would continue to exist. It would be an instrument of the general and the specific forms of cooperation in the field of security among the European Federation, America, the Russian Federation and the states of Central Asia. In view of the establishment of the confederacy of the European Federation and the US – bridged by a North-Atlantic Organization within which the WEU shall constitute the second operational component –, OSCE shall constitute an extremely powerful pole. The EF-US pole would probably dominate the OSCE resource-wise, but also by its unique and coherent political position. In practical terms, this means a greater civilizational influence would be exerted on other members of the OSCE with respect to security and cooperation.

The existing European sub-regional structures should adapt to the context of European regionalism.

#### **II.4 The European Federation – The United States of America: a confederate body**

The authors believe that the United States of America is promoting what is essentially an European civilization. This is true in the sense that the US is following the same political values as the European continent. Jimmy Carter's idea, that what unites [the Americans] is the common belief in peace, and in free society, and the commitment to the rights consacrated by the Constitution<sup>71</sup>, is the synthesis of a general attitude, which is no less European for that matter.

The most radical expression of this idea was the cre-



ation of the common defense system of the North-Atlantic Treaty Organization which managed to integrate the military practices and the security policies of the West during the past 50 years. NATO was characterized by an efficient system of decision-making and its successes have shown, in time, the importance of *this type* of military relationship between Europe and America. The harmonizing and integration within the Organization were continuous processes, a cause and a result of its undeniable success.

The end of the Cold War brought before NATO the prospect of an identity crisis. The crisis has so far been avoided by means of a two-way effort. One was the expansion of the Alliance and the creation of a safety net outside the traditional space, especially in the area of ex-Soviet control. The second direction was the redefinition of security objectives which went beyond social security into ecological security<sup>72</sup>.

The creation of Federal Europe means among other things the finalization of the European system of defense – probably building on the scaffold and the development of the existing WEU<sup>73</sup>. Most importantly, this will determine a move away from a broad alliance of member states and toward an EF-US axis (in which Canada is included as a lesser power). This trend has been described as far back as 1994 in the work of the Christian Democrats of the German Bundestag, which linked the expansion of the EU to the creation of an European defense identity. As Christoph Bertram explained, the security status in a community of states that regard themselves as a union has to be identical. This is a condition for membership. If one waits

for the US to be ready to keep its engagements not only to the existing members but also to the countries which are going to become members of the Union, then Europe should carry the main burden of its non-nuclear defense. This means that NATO should actually become an alliance among the US, Canada and Europe as equal partners<sup>74</sup>.

An immediate consequence shall be the increase in the flexibility of the defense system, which is a fundamental benefit. Some authors have already pointed to the pressure that national political interests shall put on the operational procedures of this organization with many members<sup>75</sup>. The states of the existing NATO are no longer unconditionally engaged and in many cases have withdrawn from operations<sup>76</sup>. As Bertram noted, the disappearance of NATO's main enemy, and as a consequence the disappearance of its fundamental purpose, mean that help would no longer be given automatically. It also dispossessed the notion of "nuclear guarantee" of its older operational significance. The relations between the NATO members within the organization shall be flexible, less predictable and more difficult. NATO becomes more and more a common alliance<sup>77</sup>.

The creation of the federation will, however, enable – and require – the amendment of the Treaty of Rome, strengthening NATO's character as a common and firm institution of the two federations responsible in the field of security. We believe that the EF-US agreement in the field of security must be completed by an agreement concerning an area of free exchange.

Until today, the economic Euro-American relations have

unfolded under the sign of a “tense competition”. Some authors saw in the launching of the European currency “the prospect of a new bipolar international economic order that could replace America’s hegemony since World War II.”<sup>78</sup> The EURO’s evolution after its launching, nevertheless, demonstrated the failure of a purely currency-based vision<sup>79</sup>. The uniqueness of the currency cannot bridge the gaps between the European economic space and that of the United States with respect to productivity, the flexibility of the labor market and the technological level. This is also one of the causes that prompted the Clinton administration to reject the recent European proposals with respect to currency and trade. The emergence of a bipolar international economic system cannot be ensured by the emergence of EURO. It actually presupposes the existence of an economic and political force such as that of an European Federation.

Conclusion: the alternatives to the existing state of affairs *are either a deepening of rivalry or an increase in cooperation*. From our perspective, the consolidation of Europe’s political power must be designed as a working closer with America rather than as a moving away from it. On the basis of Europe’s development as a political power – which is the crux of the conception of a Federal Europe – an Euro-Atlantic agreement concerning the establishment of a Trans-Atlantic Free Trade Area (TAFTA) following, *mutatis mutandis*, the pattern of the existing NAFTA, CEFTA or the older EFTA, seems possible.

The notion of a TAFTA that should bind the European Union and the US was enthusiastically supported at the

end of 1994 and in 1995 by political personalities such as Klaus Kinkel and Malcolm Rifkind<sup>80</sup>. But the cooperation plans designed at that point did not touch upon the essence of the project – the free trade area. It was the proposal of a Transatlantic market submitted by the European Commission to the Council of Ministers in 1998 that included, for the first time, the idea of a free-trade area. It was rejected by the vote of France.

The rejection of the TAFTA was prompted, on the one hand, by the issue of vulnerable industries and, on the other hand, by the obligations toward the World Trade Organization. Both these obstacles shall be eliminated when the members of the WTO form a federation which shall benefit from the associated political and economic power. The limits of the TAFTA were and still are the product of the fact that its goal was designed in purely economic terms.

The establishment of the European Federation places the TAFTA-objective in a realistic context. It will lead to the free circulation of goods, individuals, services and capital in the entire Euro-Atlantic space and thus engender a concerted, synchronous development of the European and American economies. Such a development cannot but be natural considering the common security interests and cultural roots. No matter how natural, this strategy should also be assumed. Fred Bergsten’s comments become realistic if we read them with the EF and not the EU in mind: “If the United States and the EU can begin to cooperate now as equal partners, even in the economic area alone, they could resuscitate the vitality of their own relationship and provide effective global leader-

ship. If they fail to do so they will continue to drift apart like tectonic plates, with severe consequences both for themselves and for the world economy.<sup>781</sup>

Making markets common and jointly managing their resources, possibly under the surveillance and/or coordination of a simple institutional authority efficient in terms of promoting and realizing the fine tuning among the participants, shall safeguard the Euro-Atlantic and perhaps even universal consolidation and stability by means of cooperation, integration, harmonizing, transparency and dialogue.

Such a solution would significantly enhance the substance of the alliance between Europe and America. The involvement of common institutions, called upon to manage common goals, prompts us to ask ourselves whether this would not involve the creation of a confederation involving the two sides of the Atlantic. We believe that the concept of a “confederation” is too strong to be applicable to the EF-US alliance from the onset. We suggest that an appropriate concept covering the institutional arrangements between the two federations would be that of a “confederate body”<sup>82</sup> (to be given a meaning analogous to that of a “federal body” as defined in a previous section).

## II.5 The issue of national sovereignty in a Federal Europe

The delegation of sovereignty is a current phenomenon in the contemporaneous world. Participating in an international organization involves, always, a surrendering of behavioral autonomy. The best example is, as always in

this case, the Council of Europe: tens of states accepted that a fundamental symbolic and practical phenomenon, namely the act of justice, should be transferred to an extra-national institution.

Why do states renounce their sovereignty to accept participation in an intergovernmental alliance? Here are three conditions which if accomplished, motivates the act of renouncing to this soft-invoked attribute:

The gains of common action, as they are perceived, should exceed the potential costs of the loss of sovereignty and social prestige.

The governmental preferences and the national interests reached a point of convergence that fulfills the first condition.

The particular interests of states remain protected by means of the application, under strict limits and conditions, of the terms of integration or by means of the possibility of free exit of the state with particular interests<sup>83</sup>.

These conditions have been invoked in order to suggest how easily one can obtain a description of the pragmatic, rational character of the negotiation of sovereignty in integrationist processes. What is of further relevance to us here, however, is not the practical explanation for the transfer of sovereignty as much as an understanding of the concept of “sovereignty” that should de-dramatize the concept’s symbolic relevance. Sovereignty is much more than a commodity to be exchanged for other commodities that seem more interesting. It is a value seated deep in the collective imaginary. An appeal to the value of sovereignty is therefore always a tough political argument. The European

debate on the future of the continent, whether at the level of the public or higher, has constantly to answer to the “concern for sovereignty”. What happens to the sovereignty of our states if we deepen too much the process of European integration? In a document of the Romanian MFA concerning Romania’s option with respect to the future of the Union, the preoccupation to salvage sovereignty (or, rather, a certain understanding of sovereignty) seems to be the prevalent idea: “the dissolution of national sovereignty within a politically uniform structure, outside that of the national identity, is not desirable.”

Considering the strict interdependence of the national and the international levels as well as the considerable extension of the norms that describe the national obligations or duties towards the international community, the classical understanding of sovereignty as a license to deal freely with internal and external affairs looks much like the skeleton of a dinosaur. Only a concept that is sufficiently relativized may guide us in the right direction. We would invoke in this context the proposal of Jean Touscoz, who sees sovereignty as (S1) “the sum total of state competences as regulated by international law.”<sup>84</sup> Obviously, this is just one step away from a definition of sovereignty which makes reference to an inter- or supra-governmental body: (S2) “The set of competences of member states defined by means of the community law.”

A product of this perspective is an immediate connection with the principle of subsidiarity as a mechanism founding the European Union. Let us invoke the contents

of this principle as it appears in the Maastricht Treaty (Title II, Art. 3b): “In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the members States and can therefore, by reason of scale or effects of the proposed action, be better achieved by the Community”<sup>85</sup>

We can see here that the principle of subsidiarity is a complement of the principle of sovereignty (S2) *and not against it*. *The sovereignty of states is construed – in this sense, it is relativized – according to the principle of subsidiarity*. Of course, in an European federation the concept of the “sovereignty of states” remains meaningful. But it is relative to the competences of the federation. The content of sovereignty is construed according to the scheme imposed by the application of the principle of subsidiarity.

There is, therefore, nothing dramatic, in thinking of the sovereignty of the member states in terms of a future European federation. The concept loses its mythical-metaphysical character, which is the remnant of a Hegelian or Fichtean vision, and gains a practical and contextual dimension. Bearing in mind the universality of the principle of subsidiarity, the sovereignty of the member states shall be a level among other levels, from the inferior one of local sovereignty to the upper floor of the European Federation, which is itself relative to the ensemble of competences reserved for it by the international law. The sovereignty of the states shall be actualized in time function of

the competences that the member states will delegate to the local level and those they will delegate to the Union level<sup>86</sup>. *The “construction” of the sovereignty of the federation’s member states will be essentially a practical problem of the application of the principle of subsidiarity.*

## II.6 The multicultural society of a Federal Europe

Arguments have been proposed to the effect that the federalization of Europe “suggests the desirability of decentralizing political authority to the extent feasible, both within individual states and across the EC as a whole” but “they also appear to indicate that to press decentralization to the point where existing states, especially multinational ones, are dismantled, could be highly detrimental to cultural minorities.”<sup>87</sup> It is, however, difficult to build conclusions on the effects of federalization by starting from specific experiences such as that of Canada (used by Peter Leslie, quoted above). Important observations on the multicultural society of Federal Europe may be obtained by studying the logic of the ethno-political relationships as the process unfolds.

Today’s societies live under the tension of two determinations: on the one hand, the norms of international law and, on the other hand, the practical reality of the national state. To the extent that post-war international law guarantees – at the level of principle – the individual rights and liberties which include the principles of equality and non-discrimination, then the peoples enjoying today the right to

self-determination are conceived as made up of free and equal citizens<sup>88</sup>. The norms of international law work, as a consequence, with an abstract concept of a society in which the community’s solidarity builds on a Habermasian constitutional patriotism.

The reality is obviously different. It is a reflection of the fact that (most of) the existing states have been the result of historical processes, manifestations of national ethos. It also reflects the fact that the language and the culture of the majority ensures a privileged position by comparison with other ethno-cultural identities. This distinction is today balanced by another component of international law – the codification of the rights of national minorities and the protection of minority cultural identities. (The basic presupposition of this system of rights is the fragility of minority groups.)<sup>89</sup> The states where the principle of non-discrimination is applied scrupulously along with other instruments targeting the protection of national minorities, managed to tune the norms of law to the practical reality of the ascendancy of the majority culture. The frontiers of existing national states mark a territory on which *a certain* majority and *certain* minorities are identified; and they define an area of jurisdiction of public authorities which have to preserve the principles of a civic state<sup>90</sup>.

The balance between these two types of determinations is in practice kept by the EU member states at a decent level. The severe inter-ethnic problems (in Romania, Slovakia, Bulgaria) and tragedies such as that in former Yugoslavia generated instability throughout the rest of

Europe. But, even in the case of “good models” – and especially so in the case of bad ones – the tension between the principled equality of the citizens of the national state (in which citizenship is called upon to found the abstract equality of citizens) and the majority ethos is preserved<sup>91</sup>. In today’s Europe ethno-cultural communities have been cut across by frontiers and have been cast in the roles of (national) majorities and minorities.

The federalization of Europe would bring about (or could bring about) a fundamental change in this respect. Since the sovereignty of the national state will no longer constitute the measure of individual rights and freedoms (including the status of European citizenship and the principle of equality among citizens, which belong to federal competence), the frontiers of federal states will no longer be meaningful in terms of ethno-cultural distinctions. Peoples as ethno-cultural communities shall not be separated by frontiers among majorities and minorities. Naturally, the multicultural communities of Federal Europe situated between the borders of federal states shall administer their own lives on the basis of specific competences (according to the principle of subsidiarity). But if a local majority (at federal state level, or at the level of an administrative unit) tries to gain advantages over other communities (which constitute minorities within the borders of the respective federal state or administrative unit) the act of justice shall be secured at federal level. At this latter level, the kind of *parti pris* present at the level of national states should not be present *since the choice of the*

*administrators of the act of justice will no longer be the expression of a national will.*

In this sense the judicial concept of “national minority” shall gradually lose its meaningfulness<sup>92</sup>. Simultaneously, the practical meaning of “national majority” will cease to be operative within federal states. The non-discrimination and affirmative action measures will remain necessary instruments for the ensurance of the *de facto* equality of different categories of citizens. But they will be motivated by their social and economic dimensions rather than by the asymmetry among national or religious groups of power in competition.

## II.7 Conclusions: a summary of the European Federation

Our premise is that at the middle of this decade the coalescent energies of the European Union will start to move on a descending curve. The results will be a form of political pan-European scepticism, the provincialization of Europe in a world undergoing globalization, and the emergence of centrifugal forces which threaten the federalization of Europe.

Europeans must prevent such an evolution. They can do so by moving away from the existing bureaucratic and technocratic logics of the EU toward an essentially political one. This means coming back to a natural way of thinking which sees the evolution of the Continent function of its goals rather than its means. It is necessary that in the next two years political figures and the public opinion should seriously consider the option of coalescing the

Continent around values that we call “European”, so that in about six years they should be prepared to turn this alliance into a practice. Transforming political values from dreams into realities is not possible unless we defend these values by means of a solution that involves a state. This presupposes that European peoples should favor the creation of a Federation that should accommodate immediately all states that embrace the European political principles.

Growing out of the ethical, economic and cultural values of the European Union, the European Federation shall be structured according to the *acquis* that was created, within the EU, during the past decades. (But since the interests of the existing European Union do not necessarily coincide with the interests of the United Europe, the political pressure for the federalization of Europe will not necessarily be exercised by the EU.)<sup>93</sup> The accession by states to the sub-structures of the Federation will take time. It will occur only to the extent that the member states achieve the specific standards for entry. However, the benefits of protection and solidarity afforded by the position of an insider of these sub-structures shall be fully exploited.

The Federal Constitution shall be based on the pillars already provided by the existing Charter of Fundamental Rights, completed so as to cover the fields of political, economic, social and cultural rights in the manner appropriate to a constitutional document. A second constitutional pillar will define the institutions of the Federation: an European Parliament, the European Senate, the EF President, the Supreme Federal Court and the local federal courts, the

Federal Constitutional Court, the Federal Government, the Central European Bank and their national counterparts.

The manner in which the Federation will function will be determined by the distribution of competences, to be established by means of the principle of subsidiarity which will, in its turn, establish the extension of national sovereignty. The relationships between the federal level and the level of the federal states will be such that, at least in the short run, the latter should have the safety (or the comfort) of the recognition of their identities and interests.

The creation of the Federation will have a positive effect upon the existing intergovernmental bodies and structures – the Council of Europe, OSCE – and will generate a different dynamics of these bodies and structures. The European Federation shall constitute, together with the United States of America, a confederate body supported by the institution of the North-Atlantic Treaty Alliance and by a TAFTA system. As such, the European Federation and the USA will obtain the necessary leverage for determining the civilization of the 21st century.

#### NOTES

- 1 Exercises such as the “Snagov strategy”, which aimed at building a new consensus with respect to a program of European integration were, from this perspective, a failure.
- 2 The notion of “federation” or “structured Union” covers what has been referred to as “a [multi-speed] Union”. We prefer the notion of a “structured federation” because sub-structures may differ not only in terms of standards, but also in terms of their nature. Different countries may accede to different structures and at differ-

ent standard-levels. This mosaic-like placement of countries on the map of Europe can hardly be adequately envisaged as passing from a lower to a superior speed.

- 3 This is available for other countries, too – as Bulgaria.
- 4 The issue of the state is, of course, not ours alone. In discussing the expansion of the EU the Polish president Alexander Kwasniewski made a similar point: “We would like Western countries to see us not only as candidates to Euro-structures, but especially as partners who participate in the construction of European prosperity.” Alexander Kwasniewski, “Reunir l’Europe”, *Politique étrangère*, No.4, 1999, p.853.
- 5 Such a solution presupposes a complete, deep and radical reform of the existing European Union when the strategy of deepening and expansion exhausts its fuels. In fact, we have in mind an abandoning of the model of an intergovernmental union in favor of a project such as that outlined in the present study. The latter exploits the advancements made by the union so far.
- 6 An auxiliary effort consists in the neutralization of centrifugal tendencies within the EU and of Euro-scepticism.
- 7 Hubert Védrine, “Le monde au tournant du siècle”, *Politique étrangère*, No.4, 1999, p.814.
- 8 In repeating the catch-phrase, we nevertheless remain agnostic with the respect to the notion that the US were actually a hyperpower. Samuel Huntington had a persuasive paper arguing that what is relevant to this issue is not so much the existence of a superpower but the nature of the world order: is it unipolar or multipolar? According to him, it is “a strange hybrid, a uni-multipolar system with one superpower and several major powers”. Samuel P. Huntington, “The Lonely Superpower”, *Foreign Affairs*, March/April 1999, p.36.
- 9 Here are the words of Richard C. Holbrooke – uttered after the US managed, in February 1996, to reach an agreement with respect to ex-Yugoslavia that the European states were unable to obtain after four years of efforts (quoted by William Drozdiak in “Europe’s Dallying Amid Crises and Scares the Critics”, *International Herald*

*Tribune*, February 8, 1996): “Unless the United States is prepared to put its political and military muscle behind the quest for solutions to European instability, nothing really gets done.” The same US official stated that the Europeans “were literally sleeping through the night” in which president Clinton successfully mediated the dispute between Greece and Turkey on the Aegean isles (see Lionel Barber and Bruce Clark, “US Policies Aegean ‘While EU Sleeps’”, *Financial Times*, February 9, 1996).

- 10 Philip H. Gordon, “Europe’s Uncommon Foreign Policy”, *International Security*, Vol.22, No.3, Winter 1997/98, p.75.
- 11 We are referring to the legitimate interests of all existing European states participating in the construction of an united Europe and not merely to the priorities of the 15 member states of the EU.
- 12 Philip Alston and J.H.H. Weiler, “An ‘Ever Closer Union’ in Need of a Human Rights Policy: The European Union and Human Rights” in Philip Alston with Mara Bustelot and James Heenan, *The EU and Human Rights*, Oxford University Press, 1999.
- 13 The Charter was signed on October 18, 1961 and came into force on February 26, 1965. But it never became an European instrument in the way in which the European Convention of Human Rights surely is.
- 14 We would quote Art.24 – Integration of persons with disabilities; Art.25 – Workers’ right to information and consultation with the undertaking; Art.26 – Right of collective bargaining and action; Art.27 – Right of access to placement services; Art.32 – Social security and social assistance; Art.33 – Health care.
- 15 This tendency includes the recent anti-racial Directive of June 29, 2000 as well as the directives yet to come that set the ground for the safeguarding of the equality of opportunity.
- 16 If the Charter of Fundamental Rights would have a juridical power, the European Convention would emerge as a second-order instrument watched with lesser interests by states which are members of both the EU and the Council. The expansion of the European Union in a significant number of countries on the continent will ensure for



those countries, which are now covered by the Council's system, a more effective instrument. To the other countries, the Council of Europe will function less as a system of standards and more as a system of assistance in the field of legislative-institutional reform. This is already happening as countries at the periphery of the Council of Europe are quite close to the level imposed by the Strasbourg jurisprudence.

- 17 There are worries, not unreasonable, concerning the undermining of the system established by the Council of Europe. Walter Schwimmer, the Secretary General of the Council of Europe criticized severely the notion of a Fundamental Charter of the EU and requested the latter to simply adhere to the European Convention. This tension of interests among the EU and the Council of Europe is not, however, a new issue. It first became explicit when the Russian Federation was accepted as a member of the Council. The latter move was a compromise: it was obvious to many that accepting Russia was going to change the internal standards of the Council. This has actually happened. A good example in this respect was the Council's moderate reaction to the means employed by Russia in Chechnya. At the level of the European political establishment this decision was seen as a concession made to Russia in the context of the decision to expand the European Union. It involved not only a political and economic form of protection of its members, but also one of military protection with strategic effects on the force-relations on the continent.
- 18 That is, the European Commission, the European Parliament and the Court of Justice.
- 19 Paul Demaret, ed., *Relations extérieures de la Communauté européenne et marché intérieur: aspects juridiques et fonctionnelles*, Collège d'Europe, 1986.
- 20 Or "multi-speed", to use the common reference.
- 21 The treaties mentioned demand that income and expenses should [...].
- 22 The [...] of income that enter the Union's budget.

- 23 The European Parliament adopts the budget according to a classification, an unique order, and detailed criteria.
- 24 Which includes not only the publishing of the adopted budget but also of the parliamentary debates on the draft.
- 25 Considering the importance of the adoption of the annual budget by the community's institutions it is expected that this tendency should markedly affect the identity of the EU. It is also worth mentioning, as a practical observation, the fact that the community budget is directed toward investments and projects of the member states, whether internal or external to the Union. Only a small part is expended for the functioning of the Union's institutions – 4.7% in 1999. EU nevertheless follows the model of a cheap bureaucracy and as a consequence the structure of the budget demonstrates the financial efficiency of a federal structure which preserves, in terms of levying and expending procedures, the existing formula.
- 26 Hoaghea Catalin, "Bugetul Uniunii Europene si atributiile institutiilor comunitare in procesul bugetar", *Lucrare de diploma, Facultatea de Stiinte Politice, SNSPA, Bucuresti 2000.*
- 27 Simon J. Nutall, *European Political Co-operation*, Oxford: Clarendon Press, 1992.
- 28 The fact that the designation of this policy is to be found again, after a number of years, in that of the "Stability Pact" (for South-Eastern Europe) suggests the persistence of the obsessions that ground the common foreign and security policy of the EU. Was the exercise of the Balladur Pact a failure or a success of a common European policy? It certainly had effects on the definition of the rules that countries aiming at integration were supposed to learn and respect (see Gabriel Andreescu, Valentin Stan, Renate Weber, "Pactul de Stabilitate in Europa: interesele Romaniei", *Studii Internationale*, No.1, 1995, pp.5-11).
- 29 The functioning High Representative in now Chris Patten.
- 30 Such as the France – US opposition with respect to the relationship between an European military force and NATO. In the '70s and the '80s France was persistently requesting the creation of an European

- military instrument yet was itself apparently unwilling to give up national prerogatives in this respect. (Philip H. Gordon, *A Certain Idea of France: French Security Policy and the Gaullist Legacy*, Princeton, NJ: Princeton University Press, 1993).
- 31 The Treaty was an amendment of the 1948 Convention between France, Great Britain and the Benelux countries, also signed by Federal Germany.
- 32 Javier Solana, "Réussir l'Europe: une nécessité permanente", *Politique étrangère*, No.4, 1999, pp.883-889.
- 33 Philip H. Gordon, "Europe's Uncommon Foreign Policy", *International Security*, 1997, Vol.22, No.3, p.100.
- 34 "The first and most obvious defect is that persistent application eventually creates a dense and opaque mass of structures and policies, embracing a plethora of different procedures for dealing with specific areas of economic and social life, with which the citizens of the nation-states find it virtually impossible to identify." (Cheryl Saunders, "The Constitutional Arrangements of Federal Systems: A Sceptical View from the Outside", in Joachim Jens Hesse and Vincent Wright, *Federalizing Europe: The Costs, benefits, and Preconditions of Federal Political Systems*, p.42).
- 35 The positions of the Union's political leaders are, fortunately, very diverse and often they envisage the European problem and not only that of the EU. A model of diversity was the recent debate between the German Minister of Foreign Affairs, Joschka Fischer, a promoter of the Federal Union, and the French Minister of the Interior, Jean-Pierre Chevènement, a supporter of the union of national states.
- 36 W. David Clinton, *The Two Faces of National Interest*, Baton Rouge: Louisiana State University Press, 1994, p.52.
- 37 Which is not to say that criticisms of political affairs are absent. With regard to the treatment of the Roma, the European Commission is concerned with the high level of discrimination. Although certain improvements in the judicial system were noted, the reform has to be continued and consolidated. The institutions of Romanian democracy are firmly established but the decisional process remains weak. The habit of passing laws by means of Government Ordinances is particularly criticized.
- 38 Time is a factor, at least since "[t]he timing of accession will be crucial for Bulgaria and Romania to win or lose economically in the EU" (Economic Policy Institute and Center for the Study of Democracy, "Bulgaria and Romania", in Helena Tang, *Winners and Losers of EU Integration*, The World Bank, p.118).
- 39 Especially since given the coming political changes Romania will have a different leadership during the following four years.
- 40 "Romania has as the main goal its integration in the Euro-Atlantic structures, and this alone offers Romania the possibility to promote its national interest, economic, social and cultural prosperity, and to safeguard the security of this side of Europe. Its relations with the Republic of Moldova should be subordinated to the existing fundamental interests of the country and not to historical realities that have changed the national interest 50 years ago." (Gabriel Andreescu, Valentin Stan, Renate Weber, "Romania's Relations with the Republic of Moldova", *International Studies*, No. 1, 1995, p.21.)
- 41 For a synthesis of these protests see Dan Ionescu, "Straining Family Relations", *Transition*, No.7, May 12, 1995, pp.6-9.
- 42 Gabriel Andreescu, "Die Beziehungen zu Moldova und Ukraine aus der Perspektive einer zukünftigen Schengen-Grenze", in Iris Kampe, Wim van Meurs, Barbara von Ow, eds., *The UE Accession States and Their Neighbours*, Verlag Bertelsmann Stiftung, 1999, pp.277-304.
- 43 Octavian Safransky, *Republica Moldova: capital geopolitic*, Chisinau: Ed. Cartier, 1999, p. 67.
- 44 William H. Riker, "European Federalism. The Lessons of Past Experience", in Joachim Jens Hesse and Vincent Wright, eds., *op.cit.*
- 45 This property is related to another view on the nature of federations, one which does justice to the etymological source of the concept: the federation is the result of an understanding/agreement among

- parties, which also presupposes understanding.
- 46 Walter Hallstein, *Europe in the Making*, London: Allen&Unwin, 1972.
- 47 Murray Forsyth, “The Political Theory of Federalism. The Relevance of Classical Approaches”, in Hesse and Wright, eds., *op.cit.*, p.28.
- 48 Forsyth, *op. cit.*, p. 29.
- 49 David Mitrany, *A Working Peace System*, London, 1944. The importance of Mitrany’s work is to be stressed – especially since he is virtually unknown in Romania, his country of origin – with respect to organizational theories. The functionalism he promoted in the field became a common conceptual trend in the analysis of integrational phenomena. See also Andrew Moravcsik, “Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach”, *Journal of Common Market Studies*, Vol.31, No.4, December 1993, pp.473-482.
- 50 Forsyth, *op.cit.*, p.42.
- 51 The declaration of Robert Schumann, may 9, 1950.
- 52 The seminal volume analyzing this period is A. W. MacMahon, *Federalism: Mature and Emergent*, New York: Russel, 1955.
- 53 Forsyth, *op.cit.*, p.27.
- 54 Relevant decisions in this respect were adopted at Nice summit in December 2000.
- 55 The pro-European elites of the two states today have practically deserted their efforts to give Moldova and Belarus an European identity.
- 56 We remind the reader of our option in favor of the concept of a “structured federation” – as opposed to that of a “multi-speed” federation – meant to replace the idea of a quantitatively-defined hierarchy with a more flexible one allowing the access of the countries across different categories and levels.
- 57 It shall involve a debate on popular mentality facing the radical challenge represented by the development of the pan-European body. The issue of the nature of the state and of the ethno-cultural

- relations in the new Europe shall constitute a substantial part of the effort of promoting an European federation.
- 58 In certain situations the rule of “approximate consensus” or of “consensus minus one, two, three...” should be employed to avoid the abusive blocking of the consensus by a state (usually directly interested in the blocking).
- 59 The authors have in mind some informal discussions occasioned by meetings concerned with the future of Europe attended by high EU member state officials.
- 60 We advance the notion of flexibility as a consequence of past experience: the intensity with which association or rejection tendencies are manifested at the level of state or sub-state actors gives priority to bottom-up initiatives. The interests, the symbolic identification or the adhesion to different projects will trigger the failure of artificially constructed regional structures.
- 61 In this manner states will have a word on the make-up of the Federal Executive.
- 62 We decided to advance a single formula of institutional organization of the European Federation although other similar ones could prove just as promising. The Federal Senate could, for instance, be composed of delegates of national parliaments and, possibly, also of officials responsible for the relation between state parliaments and the European legislative. To realize the strategic function of dispute resolution, the heads of state could form a distinct structure within the federal institutional framework. But until a detailed study of the dimensions, relations and consequences of our imaginary constructions is published – a topic which goes beyond the purpose of this study – it is less relevant to make an inventory of the alternative solutions.
- 63 David Arter, *The Politics of European Integration in the Twentieth Century*, Dartmouth, 1993.
- 64 Hubert Védrine, *op.cit.*
- 65 Johannes Rau, “Réusir l’Europe: construire des ponts”, *Politique étrangère*, No.4, 1999, p.875.

- 66 Rebecca Wallace (C.Ed.), William J. Stewart (T.Ed.), *Butterworths Guide to the European Communities*, Butterworths, 1992, Maastricht Treaty-3.
- 67 The harmony between the loyalty toward the political values of the federal Constitution and loyalty to one's cultural identity is essential to such a project. In the words of David Arter, "Europeanism should seek to embrace and extend the values of liberalism, pluralism, tolerance, rationality and human dignity and to harness, rather than erase and erode, cultural and linguistic diversity" (Arter, *op.cit.*, p.276).
- 68 The pronouncement of the Court of Justice no.2/94 argued that "the entering of the Community into a distinct international institutional system of justice and the integration of the Convention's provisions in the legislative community order" necessitate the amendment of the Community Treaty. In view of the political reality and the voting conditions, this decision virtually ended the project of the EU's adhering to the ECHR. (See J.H.H. Weiler and S.C. Fries, "A Human Rights Policy for the European Community and Union: The Question of Competences", in Philip Alston with Mara Brustelior and James Heenan, eds., *The EU and Human Rights*, Oxford: Oxford University Press, 1999, pp.147-167.)
- 69 See, for examples, the guarantee of a fair trial, etc.
- 70 We mentioned before that, among the different formulas of political institutions of the Federation, one would involve an European Senate made up not of the heads of states but of delegates of national parliaments. The solution would lead to a multiplication of parliamentary delegations participating in one organization or the other (the European Federation and the Council of Europe, respectively). To avoid this, the federal Constitution could invite in the European Senate, the national delegations of the Parliamentary Assembly of the Council of Europe. Such a strategy would not merely simplify the parliamentary representation of national parliaments, but it would also ensure coherence in the policies of the two organizations.

- 71 Jimmy Carter, *Public Papers*, Washington D.C: Government Printing Office., 1978, pp.1261-65.
- 72 See Dan Manoleli, "Ecology and National Security", *International Studies*, No.2, 1996, pp.55-72.
- 73 The defense system of the whole of the European Federation should normally bear a different name.
- 74 Christoph Bertram, *Europa in balanta*, Bucuresti: Clavis, 1996.
- 75 Bertram, *op. cit.* The most important disagreement concerned the Gulf War. Other examples of controversies, such as those surrounding the bombing of Serbia and the Russia-Belarus union, are available.
- 76 The US withdrew its navy vessels surveying the embargo imposed by the UN on ex-Yugoslavia.
- 77 Bertram, *op.cit.*, p.40.
- 78 Fred C. Bergsten, "America and Europe: The Clash of the Titans", *Foreign Affairs*, March/April, 1999, p.20.
- 79 Which is not to say that the monetary system designed by the EU failed to have its positive effects. A fact worth noting is the coincidence of an impressive redressing of the European economy a year after the launching of the EURO. See Rudiger Dornbusch and Pierre Jacquet, "Making EMU a Success", *International Affairs*, Vol.76, No.1, 2000, pp.89-111.
- 80 Brian Hindley, "New Institutions for Transatlantic Trade?", *International Affairs*, Vol.75, No.1, 1999, pp.45-61.
- 81 Fred C. Bergsten, *op.cit.*, p.34.
- 82 That is, a particular a stage in a process of confederation.
- 83 Philp H. Gordon, "Europe's Uncommon Foreign Policy", p.80.
- 84 Jean Touscoz, *Droit international*, Paris: Presses Universitaires de France, 1993.
- 85 Valentin Constantin, ed., *op.cit.*
- 86 One should never forget, however, that unlike the frontiers of the local units, the frontiers of states cannot be modified by a decision at federal level. This is why the sovereignty of the member states of the federation, relative as it is, includes the sovereignty over the

state frontiers.

- 87 Peter M. Leslie, "The Cultural Dimension", in Hesse and Wright, eds., *op.cit.*, pp.154-55.
- 88 There is a fine distinction between discrimination with respect to the fundamental rights and freedoms (prohibited, for example, by Art. 14 of the ECHR) and discrimination broadly understood. The latter is discrimination with respect to employment conditions, the right to services, etc. and presupposes the development of the existing system of social protection (see the "Race Directive" adopted in June 2000 by the European Commission, or the Protocol 12, about to be ratified by the member states of the Council of Europe). It is only the instruments codifying the broad understanding of discrimination that can safeguard the real equality among citizens. (For the relation between self-determination and human rights, see Gabriel Andreescu and Renate Weber, *Self-determination and Secession*, Memorandum drawn up in consultation with the Rapporteur Adrian Severin, Political Affairs Committee, Parliamentary Assembly, AS/Pol (1996) 24).
- 89 As a consequence, numerical inferiority does not automatically qualify the status of "national minority" as a subject of the international system of protection; the "minority" has to be in a non-dominant position.
- 90 See the debate between Gabriel Andreescu and Caius Dobrescu on the "civic state" in *Provincia*, No.5, 2000.
- 91 Germany, where the Bundestag adopted a resolution on the interpretation of the federal Constitution which underlines the fact that the country is the "fatherland of all its inhabitants" irrespective of ethnic origin, does nevertheless grant citizenship for foreigners on the basis of their German origin.
- 92 One may imagine the opposing perspective, which is cultural rather than judicial in nature. A Federal Europe would be an Europe of minorities – ethnic minorities first and foremost, but by no means exclusively – obligated but also apt to build a model of multi-cultural life. See Adrian Severin, "Federalism-federalizare-separatism,

in *Europa 2000. Contributii la dezbaterile privind viitorul Europei*, Bucuresti: InterGraf, 1999, p.37.

- 93 Which means that it could be led from within or without the European Union

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**Institute for Political Studies of Defense  
and Military History**

ROMANIA, Bucharest, 70100

6 Constantin Mille Street, sector 1

Tel. +40 21 315 17 00

Fax. +40 21 411 22 01

e-mail: [ipsdmh@ro.pims.org](mailto:ipsdmh@ro.pims.org); [ispaim@ro.pims.org](mailto:ispaim@ro.pims.org)

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## A Romanian Concept of Federal Europe

*by Gabriel Andreescu, Director,  
Center of International Studies  
and Adrian Severin, President  
Emeritus of the OSCE PA*

This issue proposes a Romanian perspective on European integration process. The authors aiming to evaluate and redefine, in a comprehensive framework, the actual stage of European Union developments.

Federal Europe is the central concept from which authors analyze different aspects and implications: political federal bodies and values, constitutional aspects, European federal frontiers, relations with other European and global international organizations, national sovereignty and multiculturalism.

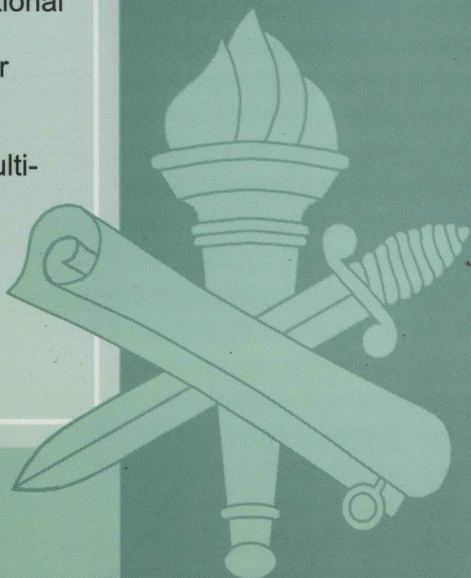
Institute for Political Studies  
of Defense and Military History

6 Constantin Mille Street,  
sector 1, 70100 Bucharest  
ROMANIA

Tel: +40 21 315 17 00;

Fax: +40 21 411 22 01;

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