

Summary of PhD thesis "European Citizenship - A federalist perspective"

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The objective of this study is describing a United Europe in the image of a Federation of nation – states, by analyzing the implications of European citizenship on the condition of the individual citizen within the Union, as well as in regard to the configuration of the Union's legal and political system. The chosen terminology – <<Federation of National States>> – indicates the attachment of the European project to a federalist philosophy, yet its differentiation from what we might call traditional federalist systems, specific the contemporary federal states. At the same time, giving preference to the expression <<United Europe >> is made for the purpose of a better conceptual distinction between the European Union (as the legal personification of the federal political and institutional level) on the one hand, and the entire system composed of the former, together with the Member States and the European citizens.

I believe that the analysis of European citizenship from a federalist perspective is useful for a better understanding of the structure and functioning of a United Europe, as well as the eventual finality of the European project. At a time when contemporary constitutionalism is marked by the cleavage between liberal individualism and a communitarian approach, federalism can achieve a synthesis of these two trends, providing an answer to the more and more acute issue of different communities coexisting, from the infra to the supranational level, in an increasingly globalized human society.

Federalism represents unity in diversity, especially in a collective sense. Looking at the notion of unity in diversity solely at an individual level we could hardly uncover a reasonable difference between a Federation and a State (unitary, be it even regionalized): both would confine diversity within the scope of civil society, postulating the indivisibility of the people in the public sphere. The federation – as an institutionalization of pluralism – assumes, however, as constituent elements both the citizens regarded in their individuality as well as the national communities preexisting the federalist agreement. Respect for national identities must therefore be understood as one of the major objectives of the Federation, a genuine finality of the joint federalist project. Federalism is therefore an institutionalization of diversity in a collective sense, by acknowledging the coexistence of several legal and political communities within the Federation. And citizenship will play in every federalist system a primary role in determining these communities, be it the constituent (federated) or the federal established one.

The challenge of federalism is precisely the preservation of unity in diversity throughout the existence of the federal project, maintaining the balance between the centripetal and centrifugal tendencies which tend to characterize the federalist political and legal systems, so that notions such as the constituent people or the nation can exist in a multilayered manner. Basically, federalism means interdependent coexistence without one political and institutional level (federal) subordinating those specific to the federated states, or rather without having a particular institutional identity acquiring sufficient importance for the citizens, as to supersede the others, leading to the eventual disappearance of the very idea of unity in diversity.

However, the reality of contemporary federal systems shows rather a centralizing trend, whereupon the federal tier acquires increasing relevance, not only from a legal - institutional standpoint, but also in the scheme of collective identity. Increasingly, the federal state becomes the main reference framework in building the citizen's identity. The tendency translates into a gradual loss of significance when it comes to the notion of citizenship within the federated states, until its transformation into a purely symbolic status (if it doesn't happen to disappear altogether). By default, notions such as sovereignty or constituent power end up being perceived in the light of conceptual frameworks that are specific to a unitary state, only thus being justifiable the assertion that "*the institutions of a federal state are situated in a constitutional framework which presupposes the existence of a constitutional demos, a single pouvoir constituant made up of the citizens of the federation in whose sovereignty, as a constituent power, and by whose supreme authority, the specific constitutional arrangement is rooted*"¹. More specifically, "*the formal sovereignty and authority of the people coming together as a constituent power is greater than any other expression of sovereignty within the polity and, hence, the supreme authority of the constitution – including its federal principles*"². The federalist system survives as an institutional and legal framework, but loses to a large extent the cultural substratum that gives the richness and diversity of its constitutive communities. Therefore, contemporary federal states describe a relative departure from the philosophy of genuine federalism.

The pan-European integration project can entail a revaluing of the collective, communitarian dimension of federalism, reiterating the idea of multiple identities coexisting within the federal landscape, confirming – following some practical developments that rather tended to argue the opposite – that "*the profound meaning of the federal adventure is that of transforming all the various federated components into a political community, while safeguarding the original loyalty of individuals towards the Member State*"³.

¹ J.H.H. Weiler, *Fischer: The Dark Side. Epilogue*, in *What Kind of Constitution for What Kind of Polity? – Responses to Joschka Fischer*, Eds. Christian Joerges, Yves Mény & J.H.H. Weiler, The Robert Schuman Centre for Advanced Studies at the European University Institute, Florence, Harvard Law School, Cambridge, MA., p. 239.

² Idem.

³ Olivier Beaud, *Théorie de la Fédération*, Presses Universitaires de France, Paris, 2007, p. 230.

For this purpose, European citizenship contributes to a process of rationalizing the individual's identity, following which the multiple membership of the citizen within the federal space comes to be understood as a necessity. This can be better understood "by deploying a composite and multi-faceted concept of citizenship which links together the different levels and different spheres in which individuals claim citizenship rights, carry out citizenship duties and act out citizenship practices"⁴, therefore developing multiple public identities.

The process of European integration is no stranger to paradox. It would not have been possible without the Member States giving up the exercise of certain powers belonging to the sphere of sovereignty. Through the scale and especially the nature of the competencies acquired, the European Communities exceed, fairly quickly in their development, the traditional framework of intergovernmental organizations, becoming – in the words of the European Court of Justice – "a new legal order of international law"⁵, involving a permanent limitation of the sovereign rights of Member States, upon which they could not invoke a subsequent unilateral act incompatible with the notion of European Community⁶. Furthermore, the very first article of the Treaty on European Union determines the *telos* of the integration process as being that of creating "an ever closer union among the peoples of Europe". However, how close can "an ever closer union" really get, so that it remains one "between the peoples of Europe"? Especially if we are to interpret art. 1 of the TEU in conjunction with art. 4, which obliges the Union to respect the national identities of Member States, inherent to their fundamental political and constitutional structures. The paradox arises between a seemingly continuous process of questioning the legal and political *status quo*, towards an obscure finality, and the requirement of respecting one of the essential elements of this *status quo*: the nations of a United Europe.

European citizenship, whether we regard it as the result of a gradual evolution during the last six decades, or we perceive it as a qualitative leap forward, represents – in order to use the terminology of the same art. 1 TEU – "a new stage" in the aforementioned process. Its study is of relevance both from an individual perspective, as well as from a communitarian approach. Not only is the sphere of individual rights and freedoms of interest, but also the implications the establishment of European citizenship has on the functioning of the EU's political and institutional system. Likewise, the identity aspect of European citizenship is of great importance, namely its ability to transform the way in which the citizen is developing his own legal, political or cultural identity, through practice of citizenship rights, in an area characterized by the dilution of internal borders and of the relevance attached to national identities. We can well imagine European citizenship as one

⁴ Jo Shaw, *Citizenship: Contrasting Dynamics at the Interface of Integration and Constitutionalism*, EUI Working Paper RSCAS 2010/60; also Samantha Besson, Andre Utzinger, *Toward European Citizenship*, *Journal of Social Philosophy*, vol. 39, no. 2, 2008, p. 185 – 208.

⁵ CEJ, Case 26/62 *Van Gend en Loos v Nederlandse Administratie der Belastingen* [1963] ECR 1.

⁶ CEJ, Case 6/64 *Costa v ENEL* [1964] ECR 585.

of the suitable instruments for preserving the unity in diversity within a United Europe perceived in the image of a Federation of national states.

In an introductory chapter the issue is placed in a historical perspective, through a brief analysis of the concept of citizenship in the European tradition and also by reviewing the developments which have led to the formal establishment of Union citizenship, with the Maastricht Treaty.

In line with the distinction between the individual and collective approaches to European citizenship, an initial part of the thesis aims to analyze the rights and freedoms of European citizens, as well as the impact of European citizenship on how we perceive some of the fundamental values recognized through art. 2 TEU. From the perspective of human dignity, regarded "*as a supreme value (...) [that] precludes both differentiations made with the aim of excluding [some individuals], as well as an assimilatory identity*"⁷, stands out the reduction of the discrepancy existing between the principles of inclusion and exclusion traditionally associated with the concept of citizenship. Simultaneously, European citizenship aims towards the recovery of a collective dimension of human dignity, contributing to constructing federalism as "*a principle (...) of recognizing and preserving, within a unified whole, the diversity of collectivities and their specific rights, which are competing and complementary with those of the individuals*"⁸.

In relation to equality and individual freedoms, European citizenship represents a good illustration of the concept of federative inter-citizenship – a "*general principle of non-discrimination between nationals of Member States of the same Federation (...) [which] requires the Member State of a Federation to treat any national of another Member State under the same conditions as its own nationals*"⁹ in the areas reserved for the federal law, or as required by art. 18 TFEU, "*within the scope of the Treaties*". We find relevant applications of this rule in relation to all the rights recognized to European citizens, the decoupling of some of them from the economic factor (as occurred, for example, in relation to freedom of movement and residence) having to be understood as the reflection of a gradual approach towards the notion of federative inter-citizenship. More so, through the jurisprudence of the Court of Justice in Luxembourg, there is a tendency towards the emergence of a genuine sphere of individual rights and freedoms at the European level, thus bringing European citizenship closer to what T. H. Marshall called "*the quality of full membership of a community*"¹⁰ and thus justifying the assertion of the court in Luxembourg according to which European citizenship is "*destined to become the fundamental status of nationals of*

⁷ Dan Claudiu Dănișor, *The Romanian Constitution commented*, Universul Juridic, Bucharest, 2009, p. 51.

⁸ Bruno Theret, *Du principe fédéral à une typologie des fédérations*, în *Le fédéralisme dans tous ses Etats*, p. 111 – 112., referred to in Olivier Beaud, *Théorie...*, op. cit., p. 198.

⁹ Olivier Beaud, *Théorie...*, op. cit., p. 224.

¹⁰ T.H. Marshall, *Citizenship and Social Class*, Cambridge University Press, 1950, referred to in Jo Shaw, *The Interpretation of European Union Citizenship*, *The Modern Law Review*, Vol. 61, 1998, no. 3, p. 293-317, p. 297.

*the Member States*¹¹. Within the analysis, a separate consideration is given to civil, socio-economic and political rights. Especially the latter category is of significance, the integration process representing a genuine European common project, directly dependent upon the exercise of these rights.

Moving from the individual towards the collective dimension of European citizenship, a second part of the thesis has as its object addressing the European project in a systemic perspective, analyzing concepts such as sovereignty, constituent power and representative democracy in the context of a United Europe, through the changes that European citizenship has brought or may lead to in the future. Addressing the issue from a federalist perspective allows us to discern the original features specific to the European integration project, distinguishing it from traditional federalist endeavors. Further attention is given to the notion of representativeness, in the context of the European Parliament elections.

The jurisprudential developments in the field of EU citizenship give grounds for assuming a European alternative to the classical notion of sovereignty. Even though, in accordance with the Treaties Member States remain solely entitled to determine the scope of their citizenship legislation; they must exercise this competence in accordance with the requirements of European law, now laid down by the Court of Justice of the European Union¹². If we cannot discuss yet of a genuine shared competence in this regard, the mere interference by the Union in this important power of Member States represents the sign of a different way of conceiving the holder of sovereignty, whose implications may affect the very source of sovereignty.

In the sense of a Federation of nation – states, the traditional meaning of sovereignty gives way, at first, to the concept of autonomy, understood as the acknowledged entitlement of each community within the Federation (meaning both the constituent and the federal) to determine its own constitutional and political identity, in accordance with the will of its respective citizens. Secondly, in the framework of relations between the constituent communities, or between the former and the federal community, sovereignty can be understood as <<reciprocal transformative authority>>, the concept referring to the capacity and entitlement of each institutional and political level to influence in a significant way those "*essential areas of democratic formative action*"¹³ that do not belong de jure to their own competences. In other words, both the power and the right of each community of the Federation to affect the legal and political, social and cultural identity of the others, within the limits that expressly or implicitly arise from the substantive federative constitution.

¹¹ Case C-184/99 Grzelczyk vs. Centre public d'aide sociale d'Ottignies-Louvain-La-Neuve [2001] ECR-I 6193 [31].

¹² In this regard, Case Janko Rottman c. Freistaat Bayern, C-135/08.

¹³ Federal Constitutional Court of Germany, Decision of 30 June 2009, 2BvE 2/08, parag. 249.

The developments in the field of sovereignty are of relevance also from the point of view of an eventual ultimate authority within the federative system, the issue of Kompetenz-Kompetenz. In the traditional approach one can argue that it is impossible to find "*any federal state, old or new, which does not presuppose the supreme authority and sovereignty of its federal demos*"¹⁴. From a European federalist perspective this traditional hierarchical approach tends to give way for the so-called "*cooperation relation*", referred to by the Court in Karlsruhe¹⁵, applicable to relations between the European Court of Justice and national constitutional courts, implying the absence of a center and an ultimate authority. The result will be a system of citizenship belonging, coexisting without one of the two levels (European or national) being drained of content. The discretion of Member States to determine the scope of the citizens is therefore no longer an absolute one, if only we consider that their sovereignty must be exercised in the spirit of sincere cooperation referred to in art. 4 (3) TEU. However, the same article 4 TEU, declaring national identities as a limit for the expansion of European law, implicitly sets the boundaries of Union citizenship in relation to national ones, to whom it may not become a substitute and in relation to which it remains in a complementary relationship. Also, the importance given to national identities makes it hard to justify an eventual decoupling of European citizenship from those of the Member States. For the purpose of a union "*between the peoples of Europe*"¹⁶, and consistent with the prospect of a Federation of nation – states, one cannot be a European citizens whilst not being a national of a Member State.

Subsequent to the notion of sovereignty, a systemic approach in relation to a United Europe through the implications of European citizenship must analyze the concept of <<the people>>, both in his capacity as a constituent authority or constituent power, as well as in the sense of an established political power. The federalist perspective entails a certain way of structuring internally the federal people. In the case of unitary states the people must be perceived "*in unity without differentiation, according to the principle of electoral equality*"¹⁷, even if the expression belongs to the constitutional court of a federal state, namely Germany.

The people are therefore regarded as "*a homogeneous totally, acting through a strict majority vote*"¹⁸. Federative systems do not abandon this method of representing the

¹⁴ J.H.H. Weiler, *Fischer: The Dark Side. Epilogue*, in *What Kind of Constitution for What Kind of Polity? – Responses to Joschka Fischer*, Eds. Christian Joerges, Yves Mény & J.H.H. Weiler, The Robert Schuman Centre for Advanced Studies at the European University Institute, Florence, Harvard Law School, Cambridge, MA., p. 239.

¹⁵ Franz C. Mayer, *Multilevel Constitutional Jurisdiction*, in Armin von Bogdandy & Jürgen Bast (eds.), *Principles of European Constitutional Law*, Hart Publishing Ltd & Verlag CH Beck, Oxford, München, 2009, p. 426;

¹⁶ Art. 1 TUE.

¹⁷ Federal Constitutional Court of Germany, Decision of 30 June 2009, 2BvE 2/08, parag. 280.

¹⁸ O. Beaud, *Propos sceptiques sur la légitimité d'un référendum européen ou plaidoyer pour plus de réalisme constitutionnel*, in Andreas Auer, Jean-François Flauss, *Le référendum européen*, Actes du colloque international de Strasbourg, 21 – 22 February 1997, Bruylant – Bruxelles, 1997, p. 168.

people, but, in addition to citizens perceived on an individual basis, they add as constituent elements of the Federation also the federated states, by default their underlying political communities. Thus takes place a conceptual duplication of the individual citizen, him being viewed simultaneously as a member of the federal political community as well as of the federated states.

The implementation of this principle at the European Union level remains deficient, the emphasis being placed on the national membership of the European citizen, with too little importance given to his direct – legal and political – relation to the Union. We can notice this reality translated into the exercise of the constitutive authority, more specifically in the procedure for the revision of the Treaties, in which the unanimous decision of the constituent communities suffices, without the need to be supplemented by the majority decision of a federal *demos*, either in a direct manner (via a pan-European referendum), or at least through the elected representatives of European citizens, in the European Parliament. Similarly, although art. 14 TEU stipulates that "*the European Parliament is composed of representatives of the Union's citizens*", representativeness is conceived under the principle of degressive proportionality, common to all federalist systems, consistent with the idea that "*the people, as (...) political player does not have the same meaning in a Federation as within a state (...) in a Federation the people is by necessity a composite one, a people composed of peoples, by virtue of the nature of the federal republic*"¹⁹.

The conceptual duplication of the citizen (national and European) would require however a twofold manner of conceiving representativeness in the European Parliament, differentiating between MEPs – representatives of the constituent nations and of the pan-European political community. Neglecting this aspect, through the absence of MEPs which could truly correspond to the second category, as well as applying a basis of calculation designed rather on residence to the principle of degressive proportionality (justifiable, on the contrary, on the grounds of respect for national identities) merely confuses in practice (in an unfortunate manner) the distinction made at a conceptual level between the federal and federated communities, as components of the federative political system. Consequently, what is still missing is a European dimension to European elections, and the achievement of necessary steps towards creating a pan-European political and civic space is delayed, without which the long term success of the integration project remains at best questionable.

Remaining within a collective framework of reference, the third part of the study examines the implications of European citizenship on national identities. The endeavor to represent the concept of <<nation>> is followed by its projection in the pluralist space of a United Europe. In a transnational dimension, the focus of concern is the role of European citizenship in the process of transforming the national identities inherent to EU Member States. From a supranational perspective, the question arises to what extent European citizenship can play a part in creating a pan-European community equivalent to national

¹⁹ Olivier Beaud, *Théorie de la Fédération*, Presses Universitaires de France, Paris, 2007, p. 340.

ones, as well as the manner in which that community can coexist with the constituent nations of the European Union. The aim of the analysis consists in the development of a federalist perspective on national identity in the European context. Last but not least, we discuss the right to self-determination in the European framework, notably in the light of the principle of constitutional loyalty (enshrined in art. 4 TEU) linking the Union and the Member States, paying particular attention to the consequences of its possible exercise for the status of European citizens in the communities concerned.

The displacement of the ultimate source of sovereignty towards the federal constituent power is the expression of the evolution towards a <<functional federalism>>, still present in the legal and institutional architecture, but which no longer entirely reflects the original idea of unity in diversity of the constituent communities, as a result of the gradual shifting of the collective identity, with its entire cultural significance, to the federal level. The practical consequences may extend to justifying the suppression of the existence of a federated state, or affecting its integrity, by decision of the federal authorities, as has been the case in Germany. No longer superimposed on communities equivalent to the federal nation, the role of federated states will only have to do with safeguarding human rights or governmental efficiency, through a vertical separation of the exercise of sovereignty.

Despite the assertion that "*dual nationality is (...) consubstantial to a Federation*"²⁰, the centralizing development described by multiple contemporary federalist systems downgrades the nationality of constituent states to a simple set of rights and obligations existing at the regional level, dependent on residence, stripping her of a substantial part of its significance in terms of culture and identity. Only federal citizenship retains aspects of a national character, dual citizenship (superimposed on a single nationality) tending to be the distinguishable feature of the federal state, rather than dual nationality.

Faced with this tendency, the European Union can reactivate the concept of dual nationality, an expression of the duality of nations existing in the European federalist framework. The alternative of a European federation of nation – states can be reflected in a so-called <<substantive federalism>>, thereby applicable including at the level of collective identity, in accordance with the finality prescribed by art. 1 TEU – that of creating a union "*amongst the peoples*" of Europe, a genuine nation composed of nations, and also with the imperative enshrined in art. 4 TEU, meaning respect for national identities.

One cannot neglect however the long-term repercussions which European citizenship might have concerning those "*key areas of democratic formative action*"²¹ which belong to the sphere of competence of the national state. A lengthy practice of the rights and freedoms recognized to EU citizens might entail significant changes in the collective

²⁰ Olivier Beaud, *Théorie de la Fédération...*, op. cit. p. 221.

²¹ Federal Constitutional Court of Germany, Decision of 30 June 2009, 2BvE 2/08, parag. 249.

identity of European nations, entering into an apparent conflict with the obligation in art. 4 TEU. The European integration project would be hard to imagine without a qualitative leap in understanding the principles of <<open society>> and <<constitutional tolerance>>, translated into an increased propensity in accepting social and cultural influences from those having different identities. We therefore enter into a process of deliberative transformation regarding the constituent nations of the European Union, with the possible consequence of their partial merger, or that of diluting the differences between them. The European integration project involves assuming the possibility of destabilizing existing national identities.

So that art. 4 TEU doesn't lose all of its meaning in light of the reality of deliberative transformation, it should be understood as recognizing the collective freedom of Member States and their corresponding political communities to define the nation in terms of culture and values, within the limits of universal principles regarding human rights that form the common constitutional substratum of Europe. That is to say, the collective freedom of members of the national community to express their humanity and the meaning they attach to their existence and development, through the particular understanding they bestow on universal values, or albeit only by means of an official symbolism attached to the state. From the perspective of citizenship, it is compulsory that Member States (as representatives of the nations of Europe) retain extensive competences in determining the conditions of naturalization, subject to compliance with certain basic requirements of European origin.

In a federalist perspective and consistent with the values of European civilization, the existence and identity of nations is no stranger to a paradoxical dimension, translated precisely through the seemingly unsolvable conflict between the finality referred to in art. 1 TEU, and the obligation in art. 4. The approach we prefer regarding the transnational dimension of European citizenship can also be regarded as a way to reconcile the liberal and communitarian approaches towards citizenship and national identity. If the European project assumes the possibility of altering existing national identities, a fair balance should be struck between accepting the other and asserting, within reasonable parameters, these collective identities, so that individual choices will determine the fluctuations of the majority – minority equilibrium in this regard. The secret of collective identity is thus individual freedom.

Concerning the supranational perspective on European citizenship, within the scope of collective identity it may play a decisive role in the emergence of a pan-European community equivalent to those specific to national – states. To this end, we have argued for the possibility of applying the national framework at the European level, as well as for the need to substantiate a common European identity not only on universal principles regarding human rights, but also by highlighting our common European cultural heritage. To this end European citizenship can bridge the gap between the institutional – political over structure

and civil society, if we accept that "*citizenship does not [only] imply the community whose member is the citizen, but also creates (...) this community*"²².

It is necessary to build a common civic and political European identity through a dialogic process which should involve broader segments of the civil society. Outlining the nation in relation to belonging and originality, thus understanding it as "*a vehicle for realizing human potentialities in original ways, ways which humanity as a whole would be poorer for not cultivating*"²³, the search for absolute neutrality in the field of values and culture must be replaced, as is the case within the Member States, with a sense of balance between individual freedom to challenge the values and culture of the majority, and on the other hand its collective freedom to assert, within reasonable limits, its own identity.

The transition from the legal status of Union citizenship towards the reality of a genuine European citizenship requires an EU citizen accustomed to conceiving his identity in federalist terms, as a genuine diversity within unity. The continuous search for diversity is a paramount condition for the maintenance of federalism²⁴. The requirement to respect existing national identities does not amount ultimately with the obligation to ensure their continuity throughout the evolution of the shared federalist project. Beyond the imperative enshrined in art. 4 TEU we can foresee a more distant objective of the European project, namely preserving the principle of unity in diversity, within the configuration which must be attributed to the notion in a European Federation of national states, by establishing the legal and political European system as having an immutable substantive federative character²⁵.

One cannot neglect the relevance of European citizenship from the perspective of infra-national communities within certain Member States. The right to self-determination is an issue of increased topicality in today's Europe, if only we think about the referendum which is to take place in late 2014 in Scotland, as well as that foreseen in the case of Catalonia. The prospect of remaining within the Union and thus preserving European citizenship acts as an indispensable stimulus for the various secessionist tendencies. We might say that the Union is seen as a counterbalance to the national state, thus the legal and political membership in a United Europe acts as a reference element necessary in transforming the infra-national community of a Member State into an eventual constituent community of the European Union. Embracing this view is objectionable from the perspective of understanding institutional pluralism as an intrinsic value, associated in a broader sense to the idea of unity in diversity, proper to federalist systems. Relying on the European Union with the aim of breaking apart the national state is inconsistent with the

²² Ulrich Preuss, *Citizenship and Identity: Aspects of a Political theory of Citizenship*, in Bellamy et al (eds), *Democracy and Constitutional Culture in the Union of Europe* (Lothian Foundation Press, 1995) p 108, referred to in Dora Kostakopoulou, *European Union Citizenship: Writing the Future*, European Law Journal, vol. 13, no. 5, 2007, p. 623-646.

²³ J.H.H. Weiler, *The state "über alles"*, Harvard Jean Monnet Working Paper 6/95, p. 34.

²⁴ Aude Thevand, *La pérennité du fédéralisme*, Revue du droit public, no. 5, 2009, p. 1431 – 1450, p. 1439.

²⁵ In this regard, Olivier Beaud, *Théorie...*, op. cit., p. 328.

Union's obligation of loyalty towards the Member States, prescribed by art. 4 TEU. The Union has to demonstrate an active role in defending the integrity of its constituent nations. However, insomuch as a separatist endeavor turns out constitutional and politically legitimate, the status of European citizens held by the members of the community in question may also be a strong argument for <<negotiating from the inside>> the terms of a continued existence of that respective community within the European Union, once it would become independent.