



CENTRO STUDI SUL FEDERALISMO

ACCESSION OF THE BALKANS TO THE EU: THE FEDERAL WAY

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The (six-month) Slovenian presidency of the Council of the European Union brought to the forefront once again the problem of EU enlargement to the Western Balkans and, consequently, that of the compatibility between the values professed in general by the Eastern European countries and those of the EU. Some commentators argue that in the absence of a firm adherence to the values of the EU, the latter should refuse to accept these countries (S. Fabbrini, *La UE accolga solo Stati con gli stessi valori democratici*, *Il Sole 24 Ore*, 25 July 2021). If it is true that the problem exists and therefore needs to be addressed, it does not seem so obvious that the answer should be their exclusion, for a number of reasons.

The first of these – and assuming that history teaches us anything – is that there is often a long delay between the proclamation of principles and their actual realisation. Approximately 200 years would have to pass before the political and civil rights of the Black population were recognised in the United States following the American Declaration of Independence, wherein Thomas Jefferson, along with others, wrote, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness”. This may be an extreme case, but one must acknowledge that this was a very long time.

Some time ago, at a conference organised by the European Movement, Emma Bonino recalled that without enlargement to include Central and Eastern Europe, anything could have happened in those countries, and what happened following the collapse of the former Yugoslavia seems to demonstrate this. Certainly, Poland and Hungary seem to be violating the rule of law, but are we sure that without their entry into the EU, their political situation would have been better? Was the agricultural Italy of the 1950s and the founding country very different from the Poland of today?

We cannot forget that the inclusive policy provided by the prospect of EU enlargement has, in its time, enabled the establishment of democracy in Spain, Greece and Portugal. In essence, the alternative is between resorting (unsuccessfully) to the law of force (as happened in Iraq, Afghanistan and Libya), or to the force of law, introduced with patience and appropriate policies. In the words of the then President of the European Commission, Romano Prodi, before the European Parliament (13 October 2004): “negotiation and dialogue, though at times difficult, complicated and painstaking, are the only democratic way to export democracy and stability”.

In concrete terms, how can we proceed today with the demand from the Western Balkan countries for EU membership? First of all, it must be acknowledged that the EU, despite its still too weak foreign and security policy powers, has made “foreign policy” through its enlargement policy, in that it has stabilised the entire area of the countries that have joined. Secondly, it should be recognised that the problem of stabilisation today concerns the Balkans, which is the scene of increasingly evident geostrategic interests on the part of China, Russia and Turkey.

One possible solution being studied by the *Centro Studi sul Federalismo* in Turin is that there could be a transitional phase between the current situation and that of subsequent full membership of the EU and the rights and obligations that this entails. This would be a prospect that in some respects is inspired by situations found in current federations, such as the Canadian and American ones.

The Canadian federation is made up of ten provinces and three territories. The latter, although they represent 0.3% of the Canadian population, make up almost 40% of the federation's surface area. The Territories have fewer powers than the Provinces, but they are over-represented relative to their population, both in the House and the Senate (around 3% of MPs and senators). In addition, the federal budget policy transfers more fiscal resources to the Territories than it receives. As far as the American federal experience is concerned, the example of Puerto Rico can be mentioned. Since 1917, the inhabitants of Puerto Rico have been American citizens and have been able to move freely within American territory. Although Puerto Rico has its own governor, the Head of State of Puerto Rico is the US President and Puerto Rican citizens participate in the primaries to choose the US President, but not in the presidential elections. They do not participate in the election of representatives to Congress but can send one of their non-voting delegates to the House of Representatives. Puerto Rico's budget is financed by its own taxes, but Puerto Ricans also pay some US federal taxes and benefit, at least in part, from some US social policies, such as Social Security and Medicare.

By referring to these precedents we want to draw attention to the fact that federations allow for flexible solutions that make it possible to reconcile inclusion, albeit not full, with a minimum of common policies. In the specific case of the Balkans, it will be a matter of finding a transitional solution to full membership of the EU, which may take the form of an "enhanced" association or other arrangements provided for in the Treaties, and in any case accompanied by a commitment from the acceding states to respect the rule of law. In the transitional phase, the association could provide, for example, for the Western Balkan countries to appoint their own representatives to the European Parliament and the Council of Ministers, without voting rights.

Time and prudent conduct will bring the policies and behaviour of the Balkans closer to those of the EU. Whatever institutional solution may be chosen, there is only one point that must be considered indispensable: the supremacy of Community law over national law.

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(The opinions expressed here do not necessarily represent the CSF)

