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REGIONS IN THE FRAMEWORK OF A FEDERAL EUROPE

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I. STARTING POINT: The role of regions within the European construction process.

Rarely the actual title of a paper results more enlightening with the spirit which animates the author of the same than the one we have in hand. The fact of openly raising the issue of the role of the regions within the framework of a Federal Europe (instead of, for instance, questioning the "eventual role of the regions in a future hypothetical Federal Europe") supposes, at least, adopting a double starting point.

In the first place, the certainty that the present European integration process, apart from the uncertainty and controversy that always accompany it and which have been especially intense over last few months, continues to be the bearer of an integration dynamism which has allowed for a wider European area, not only united in the economical plan but the political plan aswell.

However, the Institutional structure of this area poses an open question. This statement is made very patent immediately in the necessary adaption of the existing institutional mechanisms (whose fundamental configuration can be found in the Constitutive Treaty on European Communities, with the modifications introduced by the Single European Act and the Treaty of the European Union) to a changing reality (the main challenge being the future enlargement of the Union). Not in vain the Institutional reform of the European Union will be one of the more important priorities for the European Institutions to act upon, over the next 6 months, in the light of the Intergovernmental Conference in 1996.

The nondefinition which we contemplate can be also found, from a broader point of view, in the configuration of the model of European

construction to be undertaken or, if you like, in the final result to seek with this process. It is in this context here that the legitimate hopes to reach a Federal Europe find their place, in the understanding that this federal Europe is an integration model which goes further than the creation of 3 separate economic Communities or, more so, the establishment of a Political Union (which, by the way, is a far cry from what its name suggests). Later I will insist on this problem.

The second of the two observations, as I mentioned above, is the absolute certainty that the regions have an important role to play in the process of European construction.

There, faced with the traditional characterization of member States as sole players in International relations and, on a specific basis, as unique agents in the European integration process, I would like to firmly reclaim the role of the regions in this process. As I will try to demonstrate, this revindication does not exclusively respond to the legitimate political hopes of the regional entities but to the fact that:

1) It is perfectly coherent (ever more than that, I would say it necessarily derives from) with the exercise of powers attributed by the State to its regions.

2) It perfectly responds to the complete application (in the sense that not exclusively limited to relations between the Member States and the European Union) of the famous principle of subsidiarity, definitely inscribed, thanks to the European Union Treaty, in the "acquis communautaire".

3) It will allow us to advance positively and improve efficiency in Community action and increase its democratic legitimacy by bringing it closer to the European citizen.

II. What is the present role of the regions in the European Union?

Going to the basis of what we set out beforehand, the aim of this presentation is, on the one hand, to explain the instruments available today in the regions to enable them to participate in the European construction process and, on the other, strongly reflect on what the future role should be for the regional entities to take part in a constantly moving Europe.

Therefore, this first part intends to rapidly identify the tools available for these regions to influence in the activities of the European Union. To better understand the present configuration of available tools and the use which can be made of them, it will be useful to start focusing on the necessity itself -and actual justification- of these external activities of the European regions, which have converted them into prime political actors in the Community context.

1. The interaction between European integration and decentralization (within the States themselves)

As I mentioned before, the States have been traditionally the sole actors in intervening on the international relations front. The European construction, even when constituting a radically new experience on the political scene, was not alien to this line of thought.

In this sense, it is not surprising that the Treaty signed in Rome on the 25th March 1957, by means of which the European Economic Community, (European Community after the Treaty of Maastricht), was created, does not contemplate any provisions regarding the participation of the regions in the EC legislative procedures. On the other hand, the same happens with the Treaties establishing the European Coal and

Steel Community (ECSC) and the European Atomic Energy Community (EURATOM).

What is the reason for excluding the regions? It can be found within this idea of "State exclusivity" towards foreign policy. Member States decided to self attribute the privileged role of sole actors within the European Communities, and at the same time, withhold the law-making power within their hands (through the Council of Ministers, a purely intergovernmental institution), instead of handing it over to the newer much more supranational institutions (such as the European Commission or the European Parliament)

This concept clearly showed no confidence towards the regional movement and was justified, from a more technical point of view, in the theory which predominated at that moment, which placed the central administration as the best possible channel to achieve optimum efficiency in managing public interests.

Nevertheless, the situation has been improving over the last decades. This central conception has been ceding, with more or less success in each member State, towards an opposite theory which underlines the positive effects of decentralization.

It is precisely in this framework that the regions have been gaining specific weight within their States, via their institutional recognition and a progressive assumption of duties and powers. This move is applicable to the majority of the countries of Western Europe, but presents very different characteristics between each one. As a matter of fact, the regions are natural realities -if you allow me the expression- which vary enormously from one country to another and even within one specific country, in certain cases.

This lack of uniformity comes from the following: the concept of regions

spans very diverse realities, which spread from authentic national sub-state entities to others with a less defined identity (not to mention simple administrative constituencies). This explains why this regional and decentralized movement, when not openly Federalist, as in the case of Germany or Switzerland, presents very different concepts, as we have said, within each member State.

In any case, this general decentralizing dynamics shortly found itself confronted with a paradox whereby, through the European integration process, certain powers previously attributed to the regions could be partially "recovered" by the State which had initially ceded them, in the sense that they were granted to a European Community where only the States, and not the regions, intervened in an effective manner. In the cases where it is not correct to talk about previously regionalized powers now recovered by the States, we can affirm at least that the power to decide was transferred to Community Institutions without establishing a mechanism whatsoever for the regions to participate in the law-making process, despite the fact that the regions were the final agents to implement the final adapted decisions.

In this context it is not surprising that the one Institution on a European level which showed early signs of certain understanding towards the regional movement was the Council of Europe which, as you know, is an International Organization characterised by its lack of actually transferring specific powers from the countries of which it is composed, unlike the European Communities.

2. Ways in which regional bodies can participate in Community affairs.

Taking up the thread of our argument once again, it soon became obvious that the regions had a role to play -an important role to play- in

the process of European construction, so it was necessary to establish channels that would enable them to participate effectively in this process.

The change from the original situation which we have just described, characterised by a complete lack of Community recognition of the existence of the regions, to the current situation, has been achieved through a notable evolution, which has made the regions very important political agents in the process of European integration, and enabled them to participate in the shaping and application of this new integrated order. This is not the time, however, to analyse the development of this process. Suffice to say that it was a gradual, even a slow process, and that it has culminated today in the full institutional recognition of the role of the regions in the creation of the legal system of the European Union, through their participation, within the Committee of the Regions, in the legislative process of the Community.

We will concentrate, therefore, on a brief review of the tools which the Community makes available to the regions to enable them to channel their participation in the integration process. In this review, we will deliberately ignore, as it is not particularly interesting in the context of this talk, the role of the regions in the process of the application of Community law (which is known as the descendent way of regional participation) to concentrate on the interaction between the regional and European bodies in the shaping of the legal system and the definition of Community policies (ascendent way).

This interaction, of which we can only give a broad outline here, includes a number of very diverse elements (not surprising, provided the great diversity of existing regional situations), which can, however, be classified by a typology comprising three categories of participatory mechanisms. Using this schema, we find ourselves with two mechanisms which can be described as institutional, and third one, which is not institutional.

By the term "institutional mechanism" we mean the channels created expressly to facilitate the participation of the regions in Community affairs. These channels are of two types: direct channels (the direct intervention of the regions vis-a-vis the Community institutions) and indirect channels (mechanisms existing within each member State which facilitate the participation of the regions in the shaping of the policies of the national government "vis à vis" the Community institutions). When we talk about the "non-institutional channel", we are referring to the lobbying on the part of the regions of the different European bodies, carried out, in many cases, by their representative offices in Brussels.

These three mechanisms channels provide a multitude of possible lines of action, which it would be impossible to analyse here in depth. We will only therefore take a quick look at the contents of each one, paying special attention to the case of direct channel.

1. Indirect channel. Undoubtedly this is the category least susceptible to a general description that would be valid on a European level. In fact, the means at the disposal of the European regions to enable them to participate in the process of shaping state policy vary enormously from State to State, since they are closely tied to the model of territorial organization constitutionally adopted in each case (which ranges from the federal model to the strongly centralised unitary State).

We can nonetheless mention some of the means at the disposal of the regions within this framework. Four are of particular interest: 1) the right to information, hearing, initiative and collaboration enjoyed by regional entities; 2) participation in the territorial parliamentary chamber (in the States where such an institution exists); 3) establishment of procedures of cooperation and coordination between different States and the regions (for example sectorial conferences); and 4) regional presence within the State Diplomatic Corps, and, more specifically, within the

Permanent Representations of the Member States in Brussels (designation of an observer from the regions for example).

2. Direct channel. Until the mid-eighties, the indirect channels described above were the only means open to regions which wished to participate in European affairs. Since this time, and thanks to a large degree to the demands of the European Parliament -the Community institution which has shown the greatest sensitivity to the regions- the States have accepted the progressive involvement of regional authorities in the European institutions.

This implication, of which numerous gaps can still be pointed out, has had an effect on the already existing Community institutions, and, at the same time, it has meant the creation of a new Community organism, dealing especially with regions (even though not in an exclusive way, since local collectivities are also represented).

Regarding traditional institutions, and in terms of the vocation for synthesis that prompts us, we will simply point out that this collaboration can be established within the European Commission (taking part in the regional organizations in the instruments of the EC regional policy, through the channel of the associationism or "partenariat") as well as within the Council of Ministers of the Union (taking part the representatives from the regional collectivities in the different working groups of the Council, the COREPER, or the ministerial meetings; this is a definitively open way thanks to the Treaty of Maastricht, although not much used yet, with the exception of the German and Belgian cases) or the European Parliament (which it is necessary to thank for its numerous initiatives in favour of a more important participation of the regions in the Community law-making procedures). It is not the case, however, of the European Communities' Court of Justice, to which the regions have not direct access yet.

Setting aside these traditional institutions, we will finally address a few words to the already mentioned creation, in the Treaty on European Union, of a new committee, of advisory nature, made up by representatives of the regional and local organizations. This one, known by the name of Committee of the Regions (even though, we insist, it also stands for the local institutions), forms part of the Community legislative procedure, in which the Committee takes part through the adoption of opinions (non-binding proposals) about a series of matters.

The Committee of the Regions possible repercussion in the Community's development is yet to be seen. Its present hybrid composition (local and regional representatives) can become an obstacle for the achievement of homogeneous positions, but being able to concentrate the necessary political weight in order to assert their arguments is in their hands.

3. Non institutional mechanism. This last mechanism makes reference, as we advanced, to the activity of regional lobby in Brussels, in other words, to the direct contacts between territorial collectivities and the Community institutions. This activity includes the collective task carried out by the regions' associations (constituted, at the beginning, in a sectorial way or in order to answer specific needs; nevertheless these associations have evolved, with the Assembly of the European Regions -ARE-, up to a general representation of regional interests) as well as the individual contacts of the regional authorities, every day more aware of the possibilities in their reach within the Community.

This activity presents, at the same time, as in the two previous examples, a wide variety of ways of actions. To avoid enlarging on the subject too much, we will simply state that it includes from the visits, more or less frequent, of the regional authorities to the Community institutions

(particular to the European Commission) up to the creation of permanent offices in Brussels (the size and functions of which differ according to the situation).

III. Future prospects. Towards a Europe of Regions?

It has been clear up to now -at least this was my intention- that the regions have an important role to play in the European integration process. We have tried to analyse, within this framework, the tools that the regions have to channel their participation in the Community affairs.

This third and last part of the talk intends to step forward in relation to the study that I have been carrying out, by proceeding to think carefully about the future of the regional participation in this Europe in constant movement, and, as a matter of fact, about the very future of this ambitious integrating project (which, by the way, has a new member since last Sunday, according to the positive result in the Swedish referendum).

However, I would like to return to an idea that I advanced in the first part of this speech, without developing it. In the introduction I explained that the participation of the regions in the European construction process would allow the increase of the democratic legitimacy of this procedure, through closeness with the Community citizen.

Indeed, the Community construction has traditionally been criticised from different levels, for the insufficient consideration, in its definition and intervention mechanisms, of the democratic values (phenomenon known as democratic deficit). This is not the moment to evaluate the scope of this problem, the solution of which goes through the strengthening of the European Parliament role, the only Community organism made up by representatives democratically elected, by direct

universal suffrage in all the States of the Union. We could certainly proceed, however, to note that an increase in the participation of the regions could bring with it an improvement in the democratic legitimacy of the European Union, and, once again, of the conception of which the European citizens have about this Union. We will try to explain it next.

In order to illustrate better this need to improve the democratic legitimacy for the Community intervention, it would be convenient just to think of the Europessimism common in some social sectors of the different member States. In fact, the European Union has found itself faced lately with a situation characterized by the doubt and the distrust shown by many social sectors towards the beneficial effects of the European project.

It is true that Europessimism can be explained mainly by sheer conjunctural reasons, (amongst which the most important could be the economic recession that has affected most of Western Europe, and the Community intervention failure in the former Yugoslavia), it is equally true that certain characteristics are not alien to the European project itself - often seen as an alien entity, disconnected from the reality to which its intervention is addressed.

From this point of view, all those initiatives, that can help the transparency of the Community intervention and its democratic legitimacy, must be welcome.

In this framework, how can a more intense participation of the regions in the European integration process contribute to increase this democratic legitimacy? Well, in the present Europe, that seems to advance towards an increasing homogeneity (which, in fact, in practice in general in the international context) both individuals and peoples often react searching for the defense of their individual identities, on many occasions deeply rooted. This need to rediscover their own identity in a progressively

homogeneous world, has to be understood, accepted, and, I would dare say, used for the good of the European integration, by associating the regions, in a clear way, to this integrating phenomenon. The energy that the European regional movement frees can be perfectly used to advance in the process of construction of this new Europe, which can only move on if it is settled on a solid base -base that does not have to be restricted only to State entities, but one that must include the regional ones-.

Does this mean that present Europe of States has to be replaced by a future Europe of Regions? Politic Science has frequently questioned this, for some time now. The answer, it seems obvious, depends, firstly, on the previous decision on the very future of European integration model. As a matter of fact, this eventual Europe of Regions, surpasser of the State realities, should have to find its own area in a Federal Europe ("Europe of Regions", as "Europe of Peoples" or "United States of Europe" are, in fact, terms that find their origins in the federalist theory).

Nevertheless, the underlying problem might not really be the substitution of the Europe of the States by a Europe of the Regions. Firstly, because, nowadays, it does not seem realistic to talk about the disappearance or surpassing of the State entities. Secondly, because this Europe of the Regions can perfectly co-exist with a Europe of the States, and with a Europe of Citizens.

At the same time that the European integration process advances, the actors and the interests at stake become more complex, and any strategy must take into account this diversity, without any of the actors involved conferring on themselves the exclusive direction of the integration process. Thus, and regarding the transference of this theory to the institutional sphere, the Council of Ministers should go on representing the interests of the States, the European Parliament would represent the citizens interests, and, why not, a Federal Council could assume the representation of the regions's interests.

Taking this idea into account, the regions have to work to achieve a more balanced distribution of roles at European level. The dynamic has to be - the history of the European construction itself points at the way- that of progressive gaining of advances in its participation in Europe's integration process. In this sense, and to finish with, the Intergovernmental Conference that will take place during 1996, means for the regions a non-improvable opportunity to collaborate in the institutional reform of the European Union, and, at the same time, to state their legitimate right to increase their role in this Europe in formation.