

IDENTITIES & DIVERSITY AT THE EUROPEAN UNION

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When we are facing a deep international economic crisis, there are still many issues pending with regard to the European integration process. One of these is the current situation of cultural and political identities within the European Union and the possibilities involved in the whole system of following the path towards a concept of sovereignty that is already shared at the supra-national level, but not within the respective domestic constitutional levels. This is particularly important in order to build the EU.

Cultural & political identities can play a key role in the pending institutional challenges of the EU. The problems in reaching a peaceful institutional agreement on the concept of cultural & political identities are even greater when we talk about the EU as the fruit of an international treaty, and therefore, through a concept that avoids Sub-State identities taking part directly within EU decision making processes. However, the EU has a clear will for political integration and this requires as well dealing with cultural & political identities at all levels. This means that both concepts are required to become a positive part of the EU framework.

This view is also present in different provisions of the treaties, for instance, article 4.2 of the EU Treaty regarding respect for national identities. This provision does not only demand to protect domestic particularities of every State within the EU, but also the recognition of the cultural and political identities within every Member States.

So, the real existence of a sum of constitutional agreements seems to be here a suitable procedure to recognise and assume

cultural & political identities at the EU level, including the key concept of Human Rights. Therefore, there should be a principle of mutual trust for the protection of diverse cultural and political identities, including “minorities”.

Nowadays, finally, there is a growing mutual impact in this regard through the enforcement of the general principles of Law and the jurisprudence. Thus, cultural and political identities are directly linked with Human Rights as a relevant part of the EU tradition, with at least three sources of recognition and assumption:

- a) The EU Law, including the jurisprudence of the Court of Justice of the EU.
- b) International Law, specially through the European Court of Human Rights.
- c) The domestic Law recognising and developing cultural and political identities.

In this sense, the implementation at the European level of the constitutional reality within every social, territorial and legal scope demands to distinguish the existence of these cultural and political identities that are not easily defined under the general concept of “Regions”. Cultural & political identities with a constitutional statute or recognition may require specific developments in order to also foster the building of European identity.

Both the process for a strong European Union and the economic crisis are unique opportunities at least to approach the situation of cultural and political identities within the EU.