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## EU CITIZENSHIP AS A GUARANTEE FOR THE CONSOLIDATION OF THE EUROPE

### Abstract

This Article considers three main aspects of the EU Citizenship in view of the European processes with the aim of consolidation of the Europe: 1. Legal, i.e. the main treaties of EU which contain provisions on EU Citizenship; 2. Political; i.e. EU Citizenship in format of EU Constitution; 3. Symbolic, i.e. European identity. These three aspects describe the content of the EU citizenship and show the role of the EU citizenship on the European dimension.

### 1. EU acts on European Citizenship

One of the main aims of the European integration processes is the strengthening of the protection of the human rights and freedoms, which is possible to provide by granting of the new rights and obligations within European dimension. The goals of structures like the European Union and the Council of Europe directs to providing of these aims. As the regional organizations they are trying to achieve the realization of the unified Europe. For the consolidation of the Europe there are numerous guaranties and among them the very important role has the Citizenship of the European Union.

The Citizenship of European Union is the key category in the providing and effective promotion and protection of the Human Rights within European Union, because EU citizenship is not just relation between European states and EU citizens, it is also a guarantee and an instrument for the harmonization of the rights and obligations of EU citizens on the European level and it is also basis for the further development of the unified Europe.

Citizenship of European Union is a new category in the history of the International organizations. And EU citizenship can be considered as a kind of European super federation. It should be mentioned that the EU Citizenship is regulated by the basic acts of the EU and the last amendments to the Amsterdam Treaty weakens radically pro-federalist interpretation of the EU citizenship. So, it is exclusive kind of citizenship which is not similar even with the federations' citizenship. Some legal scholars considered the Citizenship of European Union and Soviet Union citizenship as the same categories. There are some similarities, for example, their additional character towards national citizenship, but these citizenships based on the different values and principles because the bases of the creation and functioning of these Unions were and are different.

On which values based the Citizenship of European Union will be possible to say by considering the legal provisions on the EU Citizenship of the basic acts of the European Union. The first act which established the EU Citizenship was the Treaty of the European Union or Treaty of Maastricht. The foremost purpose of the institutionalization of this new legal status was, according to Community institutions, to strengthen and enhance the European identity and enable European

citizens to participate in the Community integration process in a more intense way.

I would like to underline the very important points of these treaties concerning the European Citizenship: a) every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship ; ; b) Right to free movement of persons in the member States territory ; c) The right to vote and stand in local government and European Parliament elections in the country of residence ; d) The right to have diplomatic and consular protection from the authorities of any Member State where the country of which a person is a national is not represented in a non-Union country ; e) The right of petition to the European Parliament and appeal to the European Ombudsman ; f) right to good administration ; j) right of access to documents .

The above-mentioned rights let us say that EU citizenship provide for EU citizens especially political rights which mean that there are the political wills of the EU states to be connected with each other by the political links within European societies.

Further, the treaties contain mechanisms for expansion of rights derived from the citizenship of the EU – acting on proposal from the Commission, the Council of Ministers can unanimously strengthen or supplement aforesaid catalogue, in co-decision with the European Parliament. So, the EU citizenship is not only providing political rights, but also legal instruments/mechanisms for the protection of these rights and freedoms. It means as legal as well institutional bases for the functioning of the EU Citizenship are exist.

It should be mentioned that the Citizenship of the Union Citizenship, is not contrary to national citizenship, and it does not impose any duty to the citizens of the member States.

Analysis of the above-mentioned rights and freedoms speak about the fact that Citizenship of the Union is a dynamic institution, and it is a cornerstone of the process of European integration. Because it's providing the same rights and freedoms for the EU citizens, it is trying to unify all goals of the EU member-states, to make come true the realization of the rights and freedoms on the base of non-discrimination principle.

All basic acts of EU regulates the EU Citizenship and it means that the goals of these acts directed to the consolidation of the Europe by means of EU citizenship which is a base for the development of the European common values with simultaneously respecting the diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member states.

### 2. European Citizenship in a format of EU Constitution

EU Citizenship is not only legal category, but also political one, because it does not only provide political rights of the

EU citizens but also symbolizes the concept, category which is directly connected with the political structure – EU. EU as structural unity is not only political as well as economic unity of nations. The political and the economic interest almost always mutually connected, so for the benefit and balanced development of the EU as a structure it is very important the further political agreements between the states. One of such agreements could be considered the EU Constitution which is directed to the regulation of not only legal provisions, but also to the consolidation and the expansion of the EU by means of political consensus of the EU member-states. EU Constitution, inter alia, provides the political vector of the European integration processes.

EU Constitution proclaimed not only institutional changes, but also set force the provisions on the EU Citizenship among other important provisions. Constitutional provision on EU Citizenship repeats the provisions of basic treaties of European Union, which means that EU Citizenship plays extremely important role in lives of European citizens at present, in combination with direct election in the European Parliament and the citizenship of EU could be a basis for radical shift in understanding of the EU status in the future.

In the aspect of the consolidation of Europe the provision of the EU Constitution on EU citizenship could be considered from different angles: 1. The establishment of the EU citizenship can be interpreted as a step towards creation of more integrated European supranational organization and as a result – more unified Europe; 2. The citizenship of the EU can be interpreted as a recognition of the European population as a body (via Parliament) which holds the popular sovereignty in the EU framework; 3. EU citizenship can be interpreted as a tool of improving lives of citizens of member states – not matter whether in the EU territory or abroad.

Though the adoption of the EU Constitution is non-finished process, but it is in a process of adoption now (the latest states were Poland, Ireland, which adopted the EU Constitution) and EU Constitution has a significant meaning in the establishment of the Europeanization through European citizenship and European identity.

EU Constitution is directed to the far future of Europe and its provisions speak about the readiness of the states to collaborate and continue the European integration process in deeper way. And the inclusion of the EU Citizenship in the EU Constitution is one of the most important instruments in the way of providing of the political will of the states.

### 3. EU citizenship and European identity

The keeping of European identity nowadays is one of the important issues on the European landscape and for its preservation no effort should be spared. The EU citizenship is also instrument for providing the vital European identity. Moreover, the European citizenship and European identity are mutually connected. It should be said that the European identity in its term is a symbolic aspect of the European citizenship.

Anyway, the recognition of the EU Citizenship for the keeping of the European identity could have ambiguous meaning.

Before considering pro and con views on EU citizenship as an instrument of the safeguarding securing European identity we will consider some aspects of European identity. European identity is associated with the humanity, civilization, European culture, European traditions, European history and, in general, is a system of the European values. Civilization nowadays is used as a modern situation of the

west society, as a synonym of the culture (in aspect of conception of A. Toynbee concerning cultural historical types). For instance, the culture for O. Spengler is the ending, exit of the culture, and any culture finish with its own civilization. By this reason Spengler mentioned in his “Sunset of Europe”<sup>30</sup> that western civilization is a fortune of western culture, as its decadence. He thinks that any culture go to the stage of civilization after reevaluation of all its values. So, now Europe has the other level of civilization than centuries ago and the European modern identity is different, and besides above-mentioned categories, it also includes the EU Citizenship. EU Citizenship couldn’t be considered as a separate category from the European values and it should be included in the paradigm of values.

It should be mentioned that the European Union requires a European identity, but as many scholars mentioned the latter does not exist. They said that there is no linguistic or cultural homogeneity. A common identity cannot be constructed on neither Christendom, nor democracy, nor economical identity, nor, of course, ethnic identity. Many of scholars trying to define who is European. For example, American scholar Samuel Huntington<sup>11</sup>, affirms that Europe finishes where Eastern Orthodox Christendom and Islam start. From another point of view, a French scholar, Henry Mondrasse<sup>12</sup>, has claimed that a common cultural European identity does exist and that it could be the base for a political Union. The other scholar Jurgen Habermas<sup>13</sup>, the German scholar, mention that in a liberal democracy, citizens should not be identified with a common cultural identity, but with some constitutional principles that fully guarantee their rights and freedoms. This proposal is very suggestive, because it comes from the best liberal and tolerant tradition of Europe, and escapes from and fights against ethnic nationalism, the great foe of peace and freedom in the early 21st century Europe.

So, EU citizenship also derives from the roots of European tolerance and is directed to assist consolidation of the European identity as a main value of EU and Europe. But there are different approaches towards the above mentioned, so we will try to touch upon some of them.

According to the approach against the existence of the EU citizenship, the latter is theoretical or soft citizenship, certain feeling of being part of a community, of having some certain common goals and values. I suggest consider as a symbolic aspect of the EU citizenship its soft character, i.e. soft citizenship which has unifying character, because it is unifying the European people. According to the other view the EU citizenship is the practical or strong citizenship: real rights: - vote, fair trial, expression; that can be claimed and juridical institutions to protect the exercise of these rights. The latter could be considered as a form of the citizenship which supplements national citizenship and also as an instrument of the providing of relationship of the national and transnational identities. The latter has also important practical meaning not only in aspect of the realization of the rights and freedoms but also global aspect – for overcoming of the democratic deficit of the EU and Europe. The EU citizenship should be based on solving this democratic deficit. Citizenship is not a passive condition, that is to say, enjoying a series of rights and freedoms, but, it should be an active citizenship, based on political and civic participation. National citizenship has been constructed historically through this kind of social participation. This involvement has often adopted the shape of clashes and conflicts, which, in the long term, have developed a set of civil, political and social rights and duties, and the conscious-

ness of identity.

**Instead of Conclusion**

After World War 2 the idea of European integration and consolidation was on the schedule of the development of many nations till now. Such structures as the European Union and the Council of Europe are significant instruments of the European integration processes. The European Union and the Council of Europe are regional organizations which share the same goal and purposes in global aspect. European citizenship is the category which de-jure concerns only the European Union, but de-facto it deals also to the Council of Europe in connection with goals of the Charter and all treaties of the Council of Europe. The Citizenship of the European Union could be the guarantee of consolidation not only for the citizens of the member-states of the EU, but also the citizens of the member states of the Council of Europe. So, the European identity, European culture, European citizenship – they are the common values for the Europe. And for the safeguarding of the European paradigm of values it is necessary to provide their unity, which is possible, inter alia, by the adoption of the

European Constitution. The latter is directed to the realization of the general aims of the EU and CE and also shares the aims and principles of the UN. So, the European citizenship as European value should be the guarantee for the further European consolidation also on the constitutional level. And the constitutional provision on the European citizenship is a positive guarantee (new impetus) for the safeguarding of the European traditions from new challenges.

European citizenship as a legal, political and symbolic category serves to the following goals:

- To protect Human rights and freedoms by granting to the European citizens new rights and freedoms;
- To involve the EU citizens to the integration processes by their direct participation in these processes (political, social, cultural); and
- To keep European identity even in the case of the national diversity/multinational population/.

So, European citizenship is a bridge between the EU citizens and the EU institutions in a way of the further consolidation of the Europe.

<sup>1</sup> Treaty establishing the European Community, Article 17.

<sup>2</sup> However, the power of the Member States is not unlimited in this area. The ECJ in Micheletti<sup>2</sup> case made it clear that “States’ sovereignty in nationality matters shall be exercised with due regard to Community law” (Jacqueson 2002: 261). The Court made it clear that it had not give up its control over nationality laws. However, this control is limited to such situations where “the Member State refuses to recognize the nationality of an individual given by another Member State as it is the case in Micheletti and to the rare cases where a Member State withdraws its nationality” (Jacqueson 2002: 261).

<sup>3</sup> Treaty establishing the European Community, Article 18.

<sup>4</sup> Treaty establishing the European Community, Article 19.

<sup>5</sup> Treaty establishing the European Community, Article 20.

<sup>6</sup> Treaty establishing the European Community, Article 21.

<sup>7</sup> Charter of Fundamental rights of the European Union, Article 41.

<sup>8</sup> Charter of Fundamental rights of the European Union, Article 42.

<sup>9</sup> <http://www.applet-magic.com/toynbee.htm>

<sup>10</sup> O. Spengler “Sunset of Europe”, [http://www.gumer.info/bibliotek\\_Buks/History/Speng\\_2/index.php](http://www.gumer.info/bibliotek_Buks/History/Speng_2/index.php) ;

[http://docs.google.com/viewer?a=v&q=cache:L1spbdhWbUJ:www.mmisi.org/ma/33\\_02/tonsor.pdf+osvald+spengler,+Sunset+of+Europe&hl=en&gl=us&pid=bl&srcid=ADGEEsje-IQNKmX9OYx1UPI1VHKMSX7Gu2WsZtukhL\\_1hT3TLr8MApdCoqD7J0VSPKnY153UGXT3Zi-5mhHgfVBqezkhGSKzW441SKc2rGNFIPqWVKb37QiWvpwiOfBikac6PDW9Ud9&sig=AHIEtbTUx-bwq9YCwJSFOVzShr4sR1KuMg](http://docs.google.com/viewer?a=v&q=cache:L1spbdhWbUJ:www.mmisi.org/ma/33_02/tonsor.pdf+osvald+spengler,+Sunset+of+Europe&hl=en&gl=us&pid=bl&srcid=ADGEEsje-IQNKmX9OYx1UPI1VHKMSX7Gu2WsZtukhL_1hT3TLr8MApdCoqD7J0VSPKnY153UGXT3Zi-5mhHgfVBqezkhGSKzW441SKc2rGNFIPqWVKb37QiWvpwiOfBikac6PDW9Ud9&sig=AHIEtbTUx-bwq9YCwJSFOVzShr4sR1KuMg)

<sup>11</sup> Samuel Huntington. The Clash of Civilizations?

<http://history.club.fatih.edu.tr/103%20Huntington%20Clash%20of%20Civilizations%20full%20text.htm>

<sup>12</sup> Henry Mondrasse. European Identity. <http://www.historiasiglo20.org/europe/ciudadident.htm>

<sup>13</sup> Jurgen Habermas, Opening up Fortress Europe. <http://www.signandsight.com/features/1048.html>

**ԱՄՓՈՓԱԳԻՐ**

**Եվրոպական միության քաղաքացիությունն որպես Եվրոպայի միավորման երաշխիք**

ԵՄ քաղաքացիության բովանդակությունը բացահայտելու համար այն դիտարկվում է իրավական, քաղաքական և խորհրդանշական իմաստներով: ԵՄ քաղաքացիության դիտարկումն իրավական իմաստով բացահայտում է ԵՄ շրջանակներում մարդու իրավունքների պաշտպանության առանձնահատկությունները՝ դիտարկելով ԵՄ քաղաքացիների իրավունքների և պարտավորությունների ողջ ծավալն եվրոպական հարթության վրա՝ որպես միավորված Եվրոպայի շարունակական զարգացման հիմք:

Քանի որ ԵՄ քաղաքացիությունն ոչ միայն իրավական կատեգորիա է, այլա քաղաքական իմաստով ԵՄ քաղաքացիության ուսումնասիրությունը հնարավորություն է ընձեռնում անդրադարձ կատարել ԵՄ քաղաքացիների քաղաքական իրավունքների ապահովման կառուցակարգին՝ պայմանավորված ԵՄ քաղաքական համակարգով: Ընդ որում, Եվրոպայի և եվրոպական կառույցների ընթացիկ զարգացման համար կարևորվել է նաև ԵՄ Սահմանադրության հետազոտումը, որը, inter alia, ապահովում է եվրոպական ինտեգրացիոն զարգացումների քաղաքական վեկտորը:

Հովվածագիրը նաև անդրադարձել է ԵՄ քաղաքացիության եվրոպական ինքնատիպության ձևաչափում՝ վեր հանելով եվրոպական արժեքաբանության խթանիչ դերը Եվրոպայի միասնականացման ներկա գործընթացներում:

**РЕЗЮМЕ**

**Гражданство Европейского Союза как гарантия консолидации Европы**

Для выявления содержания гражданства ЕС, гражданство ЕС рассматривается с правовой, политической и символической точек зрения. С правовой точки зрения выявляются особенности реализации прав и обязанностей граждан ЕС. Гражданство ЕС также рассматривается с политической точки зрения, в частности, процесс реализации политических прав граждан ЕС. Подчеркивается также важность Конституции ЕС для политического развития европейских структур.

Автором было рассмотрено также гражданство ЕС в формате европейской идентификации выявляя объединяющую роль европейской системы ценностей в деле воссоединения Европы.