Abstract: The intricate context of the economic crisis and the ever more obvious failures of the Lisbon Treaty appear to have amplified a phenomenon which threatens the cohesion at regional and national level in several states across the EU. It is a reaffirmation of regional or subnational identities, prompted by an increase in Eurosceptical attitudes and the feeling of Euro-fatigue, not only at the core of European construction, but also in "The New Europe", namely East-Central member states. The mistrust in the latest reconfiguration of the EU's institutions, engendered by the Treaty of Lisbon, has once again triggered accusations of democratic deficit throughout EU-28. If one adds to this the chronic lack of confidence in national administrations expressed by several more or less autonomous regions, a pertinent scenario arises, entailing such perilous concepts as separatism, disintegration and unrest. The classic right to self-determination has yet to play its part in an increasingly tense European geopolitical context. This article mentions the hot spots across the EU which endanger its regional cohesion, as well as the current institutional and political background fostering the sinuous course of events in places such as Scotland, Catalunya or Venice, as prompted by the post-Lisbon state of affairs.

Keywords: Euroscepticism; democratic deficit; post-Lisbon agenda; regional cohesion; New Europe

1. BACKGROUND AND PERSPECTIVES

The European Union after the Treaty of Lisbon appears to be facing more intricate problems than in the aftermath of previous ratifications of such paramount documents, meant to enable it to adjust to the challenges arising in its institutional configuration. Indeed, unlike in the case of other “difficult” treaties, such as that of Maastricht or Nice (Weatherill, 2012), the configuration of the European projects brought at the negotiations table the countries from the central and eastern part of the continent, for the first time in their tumultuous history. Needless to say, more voices entail further discrepancies and a plethora of national interests meant to be upheld, to which one may boldly add the increasingly vocal regional ones, albeit this so-called “New Europe” has yet to define in an univocal manner the extent to which its sub-national units are entitled to intervene in the integration process and, thus, in the dialogue with EU bodies.

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Set against the background of the economic crisis and, particularly, the sovereign debt crisis, the first years of the post-Lisbon agenda were marred by economic and political turmoil, which did not foster many attempts to accurately evaluate the impact of the latest major institutional Treaty on the functioning of the Union. It is our purpose to shed light on the most significant implications of the aforementioned document on the factors that nurture national and regional cohesion, in order to draw a pertinent background which will accommodate the explanations pertaining to the numerous disturbances in this endeavour, arising at present.

Even though the core of the Lisbon Treaty is formed by the idea of upholding democracy from its three key angles, namely equality, representation and participation (Mitra, 2013), we will further pinpoint the fact that such formulas have become either obsolete or shallow in the eyes of many European citizens. This phenomenon, not entirely surprising amid a difficult economic context, inevitably fosters the re-emergence of nationalism, separatism and a general spirit of mutiny directed against the political class, at every step of the multi-level governance system the EU relies on. Concepts like the democratic deficit, Euroscepticism and a newly-concocted definition of self-determination (Sterio, 2013) appear to leave an ever more visible imprint on the institutional effectiveness of the Union, as well as on its enlargement and reform processes, which have largely defined it to date.

In keeping with the orientation of the European Union over the last two decades, the Treaty of Lisbon undoubtedly takes into account the threats to further integration posed by such tendencies as the ones sketched in the previous paragraph. For this reason, the post-Lisbon agenda was meant to be one of more subsidiarity, democratic participation and active citizenship, as shown by the myriad of activities hosted by EU institutions in this regard during the European Year of Citizens, namely 2013. Nevertheless, things did not go as smoothly as expected, since the numerous reforms proposed by the Treaty failed to gather the necessary support in a time of recession and drastic measures, as the latter appear to have prevailed in the minds of citizens. This phenomenon is noticeable throughout the EU, as the Eurobarometer indicated some of the lowest confidence levels in the Union in the majority of its member states. Even East-Central Europe, where the main strength of Euro-optimism lay, is currently suffering from disillusionment with the integration project, fuelling the numerous regional tensions arising once again. Whilst the Western part of the continent is confronting with a powerful wave of nationalism, such as the complicated and unpredictable Scottish case, the long-standing problems of Spain, not only in Catalonia, but also in the Basque Country, or the less known but definitely more peculiar recent case of Venice, the Eastern part of Europe trembles under the auspices of self-determination and its conflicting interpretations. Nowhere is the world more fragmented, from a geopolitical standpoint, than in the Balkans, which have also been, not coincidentally, the spark that lit the fuse of violent history far too many times. Thus, with the precedent of Kosovo already established, it remains to be seen how far the separatist ambitions may actually go (Hehir, 2010).
2. THE LISBON TREATY - NATIONAL AND REGIONAL COHESION ENHANCEMENTS

Given the achievement of the most consistent wave of enlargement of the European Union, in the first decade of the new century, the capacity of its already entangled decision making mechanisms to effectively respond to the newly-created status quo was obviously weak. Therefore, it came as no surprise that the failure of the Constitutional Treaty would trigger an attempt to rescue its essential institutional provisions, whilst leaving out those which pertained to the more symbolical - and, consequently, irritating in the eyes of nationalists - aspects germane to the functioning of the Union. In spite of the lengthy and somewhat perilous course of action leading to the ratification of the new document, which was two weeks short of lasting two years, the 1st of December 2009 saw its course of reform initiate, after the inevitable opt-outs, bargains and political exaggerations. It is difficult to refrain from outlining the origins of what we aim to call hereafter the “New Euroscepticism”, which became apparent during this tense period dedicated to the ratification of the Treaty of Lisbon, given the emergence of at least two poles of opposition stemming from the “New Europe”, namely Poland and the Czech Republic (König, Proksch and Tsebelis, 2012). While the nature of this phenomenon was the object of a previous study conducted by us (Corpădean, 2011), it remains important to remind the historical argument brought forth by Czech President Vaclav Klaus at the time, pertaining to the Sudetenland and the Benes Decrees, which ultimately served as a pretext to reject the Charter of Fundamental Rights, without any genuine legal basis (Piris, 2010).

That said, the Treaty did succeed in meeting the requirements of all parties with respect to the relations between the supranational, intergovernmental, national and regional levels, as part of the governance system of the EU. In this way, the institutional liaisons between the Union and its member states became clearer and somewhat more comprehensible to citizens, whilst the institutions that the latter are closest to were equally strengthened. For instance, the European Parliament was finally placed on equal footing with its traditional co-legislator, i.e. the Council of the European Union, in key areas referring to penal judicial cooperation and immigration - to mention just a few, which are closer to the everyday perception of citizens. This righteously enabled the artisans of the Treaty to change the name “co-decision” to “ordinary legislative procedure”, with positive democratic implications on the ratification of international treaties, as well as on budgetary approval procedures (Piris, 2010). Alongside this measure, it became evident that the pillar structure instilled by the Treaty of Maastricht had been rendered obsolete, which is why the more comprehensible separation of competences between member states and the Union into three categories was equally stipulated in the Reform Treaty.

National parliaments were reinforced, albeit the regional level once again failed to become an important part of such provisions. The Committee of the Regions remains a purely consultative body of the EU - not even an institution -, much like the Economic and Social Committee, although its functions are not to be
taken for granted, chiefly in the monitoring of the Europe 2020 Strategy. Furthermore, the functions of regional parliaments with regard to the application of the subsidiarity principle in the adoption of new Community legislation remain dependent on national constitutional frameworks. This is to some extent explicable, due to the sensitive nature of the topic, but also because of the well-known fact that federal and unitary states would need to have different provisions in this respect. However, providing national parliaments with more prerogatives in terms of supervising the EU’s legislative process is a positive step towards better cohesion in this respect, but it remains soft by essence (Trybus and Rubini, 2012). This is because even if one third of national parliaments express their opposition to a legislative proposal issued by the Commission, the latter is under no formal obligation to retract it. Moreover, in the event that a majority of national legislatives vote against such a proposal and the European Commission insists on upholding it, it is the Council and Parliament that decide on the outcome of the process, not the national parliaments themselves.

On the other hand, a positive note from the viewpoint of synergy between the supranational, national and even regional levels, introduced by the Treaty of Lisbon, is the enhanced communication with citizens. This principle emanates from various measures, such as the public character of Council meetings and even the citizens’ initiative (albeit not mandatory, it fosters dialogue as one million signatures from at least 7 member states are meant to be gathered). Eurosceptics are also appeased to some degree through the introduction of the withdrawal clause, for the first time in the history of European integration, which, albeit lengthy and intricate, does enable any member state - not territory - to secede from the Union (Art. 50, TEU). What happens, though, if a certain region within a member state becomes an independent country, from the perspective of its belonging to the European Union? The matter has become an exciting topic of discussion at various levels, including the academic and the political, so far leading to the bleak conclusion that such a state would not inherit the quality of EU member from its previous affiliation.

All in all, the Treaty of Lisbon does encompass a series of positive provisions, from the viewpoint of national states and, to a lesser extent, regional entities - from a Charter of Fundamental Rights to a more balanced voting system in the Council, applicable as of 2014, with a three-year cushion period, which enables smaller member states to be placed on equal footing with larger ones, at least in the case of one of the two criteria constituting a majority (Ginsberg, 2010). To elaborate on the importance of the Treaty for regions, it is important to state that the notion of “territorial cohesion” appears in the body of such a document for the first time, whilst the amended definition of the subsidiarity principle recognises regions as righteous actors in its application whenever the EU passes legal acts (Adams, Cotella and Nunes, 2012). The Neighbourhood Policy is not to be taken for granted either, as part of the set of provisions meant to enhance the position of the Union amidst the ever more intricate context of globalisation: a legal personality, an External Action Service, a High Representative for Foreign Affairs and Security
Policy, a solidarity clause and, last but most certainly not least, a President of the European Council, endowed with some power of representation.

3. SPECIFIC CHALLENGES AND CONTROVERSIES IN THE POST-LISBON AGENDA

By using the phrase “post-Lisbon agenda”, it is not our intention to refer to the Europe 2020 Agenda, whose ambitious, but feasible targets, play a minor role in the analysis of the challenges arising in the current state of affairs of the European Union. On the other hand, we aim to focus our attention on the new occurrences of Euro scepticism and the potential outcomes of this increasingly prominent phenomenon.

Hence, albeit this may appear somewhat simplistic, an interesting starting point in our analysis consists of the latest definitions of this concept provided by renowned dictionaries, of which we have selected three. The Oxford Dictionary defines the term “Eurosceptic” as a person who is opposed to increasing the powers of the European Union (oxforddictionaries.com), which is interesting, as it encompasses only part of what is normally believed to lie at the core of this phenomenon, namely the increase in prominence of the Union, and not its dissolution, as one may have expected. Furthermore, the Cambridge Dictionary lists under the same entry the following peculiar explanation: a person, especially a politician, who opposes closer connections between Britain and the European Union (Cambridge Dictionaries Online). Needless to say, this definition is incomplete, particularly restrained and, to some extent, humorous for a scholar who is engaged in the study of this complex and dynamic phenomenon. Associating Euroscepticism to Britain is undoubtedly accurate and traces the problem all the way back to its roots, but this being said, attributing it solely to the British political sphere leaves aside a large portion of its occurrence and gives rise to a definition whose validity lies entirely within the country the dictionary belongs to. Finally, the attempts to define the term we are preoccupied with would be incomplete in the absence of at least one entry from a French dictionary, which is why we have predictably opted for Larousse. According to it, a “Eurosceptic” is a person who doubts the validity or usefulness of the construction of the European Union (larousse.fr). This is a softer definition of the term and perhaps also a more general one, which leaves much room for interpretation.

The idea of coining the aforementioned term and rendering it functional linguistically, through its inclusion in prestigious dictionaries, albeit in an incomplete and often confusing manner, brings additional proof in support of the fact that it depicts an ongoing phenomenon, with particular dynamics. It is our view that Euroscepticism should not be separated from another negative phrase associated with the current state of affairs within the EU, with a considerable effect on the regional level, which concerns us at this time, namely the so-called

1 Original text: Eurosceptique - personne qui doute de la viabilité ou de l'utilité de la construction de l'Union européenne.
“democratic deficit”. We need not bother looking up definitions of this term in a series of dictionaries published across the EU, since its explanation is provided by the most appropriate authority in this regard, i.e. the EU itself, on the europa.eu website. Thus, the democratic deficit is officially regarded as a concept invoked principally in the argument that the European Union and its various bodies suffer from a lack of democracy and seem inaccessible to the ordinary citizen because their method of operating is so complex (europa.eu). Has the Treaty of Lisbon played a major role in diminishing this feeling, whose definition is comprehensible as such? It would be wise to avoid a straightforward answer, as the latter would depend on the country or even region we may turn our attention to, but taken as a whole, the post-Lisbon agenda, as well as the analysis of the contents of the Reform Treaty, appear to provide us with sufficient arguments so as to state the opposite. How could it have, since the mere attempt to read the text of the Treaty is utterly complicated to the common citizen? True, amongst these citizens one encounters those who rejected, back in 2005, the much more coherent Constitutional Treaty, which would have certainly rendered it easier to teach European Law at an academic level, to give just one example. But the complicated form of this latest Treaty, whose purpose is not to replace, but to amend the key Treaties of Rome and Maastricht, is no excuse for its equally complicated provisions, in various cases. Without turning this matter into a goal of our study, we should simply point out the maze of processes the so-called “ordinary legislative procedure” relies on, much like its predecessor, or the concurring voices that are supposed to represent the interests of the European Union at an international level.

Euroscepticism remains a threat to cohesion from all angles, whether we are referring to interregional liaisons, national attitudes, or the much-needed Furtherance of institutional reform of the Community. Its spread now enables scholars to consider a dichotomy between hard and soft Euroscepticism, which was once reserved for the notion of power, with the EU standing out as a champion of the latter. Regardless, we agree with this classification, as practice has shown that some regions or countries have recently exhibited tendencies to secede from the Union, taken as a whole, whilst others have put forward arguments against the progress towards federalism or a political union, or against further enlargement or conferral of new attributes to the supranational level, to the detriment of the more classic intergovernmental cooperation. What is certain, however, is that no member state, not even the latest addition to the Community, namely Croatia, has been spared of the emergence of consistent Eurosceptical attitudes in the years following the economic crisis (Arató and Kaniok, 2009).

What is even more worrying is the fact that such attitudes, which used to be chiefly confined to experienced member states, from what we may refer to as “Old Europe”, have now spread to the ex-communist area and are gaining new momentum as such. We admit that to date, the hardest blows given to the progress of EU integration and reform have come from the old member states, such as the French and Dutch “no” to the Treaty Establishing a Constitution for Europe, leading to its utter failure, or the Irish Referendum on the Lisbon Treaty, of June
2008 (Craig, 2010). Nevertheless, formerly enthusiastic states from East-Central Europe have done more than their share of alerting the European Union as to their intention of making their voices heard, even when this entails a frankly Eurosceptical discourse. If we are to illustrate such attitudes by once again resorting to the sinuous ratification process of the Lisbon Treaty, there are at least two cases that emerge in this regard: the hostile speeches of Czech President Václav Klaus and the defiant attitude of the Polish head of state at the time, Lech Kaczyński. While the type of Euroscepticism the two leaders expressed at that particular moment and the arguments uttered in order to support it were, in our opinion, inadequate and somewhat hasty, the idea of making a stand as newcomers to the European family - clichés left aside - was audacious. It enabled the two states to prove that East-Central Europe was entitled to drive a hard bargain even through it had taken part for the first time in its tumultuous history in a major institutional endeavour under the auspices of the European Union.

Furthermore, even for a country such as Romania, which adopted the Constitutional Treaty even before it became a member state of the EU, by means of its accession Treaty, and which later cast a single “against” vote in Parliament, upon the ratification of the Treaty of Lisbon, the level of confidence in the Union is obviously weakening. Albeit we do not dispute the importance of contributing to the furthering of integration, it remains important for Romanian politicians to understand the usefulness of engaging in a genuine European debate, amid such key moments as the ratification of a major institutional treaty of the EU or the current elections for the European Parliament. This is because the issue of the democratic deficit is catching up, even though it is unlikely that Romania will send any Eurosceptical political party to the European Parliament this year, none of which stand a chance of passing the electoral threshold. On the other hand, according to the latest available data provided by the Eurobarometer, the positive perception of Romanian citizens in the EU fell, from a reassuring 65% upon accession, back in 2007 (Standard Eurobarometer 67), to 48% in 2013. Needless to say, the severity of the economic downturn, the vanishing impression that the Union would be a panacea and the overall trend across the EU are some of the explanations of this phenomenon. In parallel to the aforementioned indicator, the general level of confidence in the EU, compared to that in national governments, was situated at 57/41% respectively, in 2007 (Standard Eurobarometer 67), while in 2012, the data read 33/27% (Standard Eurobarometer 78). An interesting phenomenon is that for the first time in its existence, the European Union is regarded with roughly the same confidence as national administrations, namely a low one, which is all the more worrying if one takes into consideration the fact that, traditionally, the EU ranked far above the latter.

In the context of a 31% EU average, in terms of citizens’ confidence, where, not surprisingly, Britain scored the second lowest figure (after Cyprus), at 19%, a regional trend remains in the case of the two member states that joined the Union in 2007, as Romania’s indicator reveals a 48% confidence level, whilst Bulgaria exhibits 56% (Standard Eurobarometer 80). The facts remain somewhat disappointing, chiefly because the values are steadily decreasing and an anti-
European political message that may acquire some citizen support is unfortunately imminent.

Moreover, these figures are indicative of another aspect which threatens not only regional cohesion, but also the furtherance of the integration process, namely the legitimacy attributed to EU institutions. As the only directly elected body of the Union, the European Parliament is in the crosshairs whenever the matter of legitimacy arises - which it does quite often in the Eurosceptical discourse of ever more charismatic political leaders within the EU. The facts speak for themselves, as, according to the Eurobarometer, the EP enjoys the support of 39% of European citizens, compared to a staggering 25% with regard to national parliaments (Standard Eurobarometer 80). Moving beyond the erosion of such democratic institutions in the eyes of citizens, which is particularly worrying and indicative of a need for more communication, information and transparency, we cannot help but pinpoint the advantage the EU still has in this respect. In fact, about the same percentage of EU citizens opt to participate in the EP elections, as it was the case in 2009, when 43% of them exerted their right to cast a ballot. However, it would be terribly wrong to presume that the participants were mostly those who made up the 39% that declared trusting the European Parliament. If that had been the case, Eurosceptical groups such as the infamous Europe of Freedom and Democracy would not have gained so many seats. In fact, Britain had a higher attendance rate than the much more Euro-optimistic Romania, with 34.7%, compared to our 27.67%. The matter of regional cohesion, applied to Romania and its neighbour, Bulgaria, is doubtful in this regard, as no fewer than 38.99% of Bulgarians took part in the 2009 EP electoral process, thus 11% more than Romanians (europarl.europa.eu). Hence, any attempt to simplify this phenomenon by attributing it to the enlargement wave of 2007 is thwarted by such data, and the perspectives for the 2014 ballot have no reason to be less gloomy.

4. EU REGIONAL HOTSPOTS - A PREVIEW INSTEAD OF CONCLUSION

Given the abovementioned facts and figures, showing alarming trends in the thorny matter of EU interregional cohesion, it should be interesting to explore some of the most threatening regional hotspots, from the viewpoint of their commitment to EU integration, as incentive for future research. The following case studies are worthy of an in-depth investigation, given the upcoming 2014 EP elections and the respective course of events currently under way in each of them, in order to assess the European future of the prominent regional entities that we shall focus on. It is our view that the events in such parts of the EU, regardless of their respective outcomes, are warning signals prompting more action on the part of EU institutions with regard to regional cohesion and understanding of particularities and nationalist tendencies at present.

On the 16th of September 2013, the European Commission stated that if one part of a territory of a member state decides to separate, the separated part isn't a member of the European Union, in the words of Vice-president Joaquin Almunia,
“coincidentally” a Spaniard, amid turmoil in Catalonia over the matter of independence (Nielsen, 2013). The prospects of a referendum there, albeit challenged by the Spanish government (at a time when the idea of not recognising regional referenda by central administrations has gained momentum), are a reality that has to be seriously addressed by the EU, taken as a whole, and not only through the lens of the Spanish commissioner. Moreover, the repercussions of this declaration directly impact Scotland, whose independence referendum has been scheduled for the 18th of September 2014, and the pro campaigners have made it a point to argue in favour of a continuation of EU membership. Nevertheless, according to EC President Barroso, if part of the territory of a Member State would cease to be part of that state because it were to become a new independent state, the Treaties would no longer apply to that territory. In other words, a new independent state would, by the fact of its independence, become a third country with respect to the EU and the Treaties would no longer apply on its territory - a statement no different from that of Commissioner Almunia (Scotland Analysis..., 2013).

In reality, the legal situation is much more complicated than that, as the European Union has never faced such a “constitutional” challenge before and is to a large extent devoid of normative solutions, if one is to turn to the Treaty of Lisbon. Accusations of hypocrisy ignite further fuses, owing to the Kosovo case, albeit the absence of consensus there does give some member states the benefit of the doubt, such as Cyprus, Greece, Romania, Spain and Slovakia, which refused to grant diplomatic recognition to this act (Noutcheva, 2012). On the other hand, the international context could not be more hostile to the democratic acceptance of plebiscites and independence declarations of regional entities, because of the Crimea case, which did have its precedents in the complicated Abkhazia and South Ossetia files.

Amid this turmoil arises the apparently peculiar case of Venice, one which, beyond appearances, should not be taken for granted. According to arguable recent polls, more than half of Venetians are in favour of independence (la Repubblica, 2014), which is why dominant local political groups have started taking on the challenge of gaining recognition for a referendum. In an Italy whose political life has been shaken by the antisystemic party MoVimento Cinque Stelle, the element of unpredictability remains worthy of being considered.

To conclude, what is interesting about such movements threatening interregional cohesion is that they are supported by people who have benefitted from the freedom of movement and the common market, as provided by the European Union. Many of them are young, people with a natural propensity for openness and a borderless world, avid users of the World Wide Web, prone to travelling, speakers of one or more foreign languages. This is why governments should wonder where the true problem lies, instead of persecuting ab initio any attempt to organising a public consultation on the matter of independence, as such movements affect first and foremost the cohesion of national states, but subsequently also the European Union.
REFERENCES


Standard Eurobarometer 78, Autumn 2012.

Standard Eurobarometer 80, Autumn 2013.

