

# Territorial Integrity of States

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The European Union is a political, social and economic project that has always sought unity, not division. It is based on peace, to eradicate the dark shadows of war and artificial divisions in Europe. It is a project that develops the most demanding democratic principles in the world so that the citizens of its regions and states can be duly represented. The 21st century world in which we live demands that we underpin the European Union, not weaken it. Hence, we must make the right choices regarding the political issues of vital importance.

The European Union is not just an economic community and neither is it merely a cultural and social union. It is also a rule-of-law union, a union of respect for the law. The rule of law is the bedrock for the singular nature of the democracies on which Europe stands. Nobody is above the law and everybody is equal in the eyes of the law. All of this means that the complex and interlocking institutional framework – with the various bodies (EU Commission, Council, Parliament and Court of Justice, as well as their Treaties, Resolutions, Rulings and Conventions that form part of the EU) – has produced the most advanced rule-of-law union in the history of humanity.

Public international law defines the secession of territories in which democratic order exists as a principle that is opposed to their legal system, and therefore gives priority to their territorial integrity. That same spirit is enshrined in UN Resolutions, the EU Law of the Treaties and their various interpretations reached by the European Commission.

One of the aspects on which that project for the future of the EU is based, refers to the territorial integrity of states and respect for that integrity. Hence, the European People's Party calls loudly for the solidarity of our citizens and their various regions.

It is an argument for peace, progress and prosperity. Europe is facing extremists, intolerance and nationalism that is far removed from the constructive spirit of our political family.

Hence, the European People's Party reasserts that doctrine contained in the interpretation of the Treaties of the European Commission itself, the Treaties and international law. International law does not recognise the free determination of territories when that is accompanied by any action aimed at, either fully or partially, shattering or undermining the territorial integrity of sovereign or independent states with a government that represents the entire population belonging to that territory regardless of race, creed or color.

## Hence, the position adopted by the European People's Party must reflect that:

- Integration is the *raison d'être* and foundational philosophy behind the EU. We must unite citizens, integrate economies, remove borders, shorten distances and join forces in pursuit of a common European well-being. Article 1 of the Treaty of the European Union states this when it speaks of “an ever closer Union”.
- Segregation and division are contrary to the philosophy and foundational spirit of the European Union and move against the flow of history. Integration, and not division, is what has enabled Europe to enjoy the longest period of peace and prosperity in its history; a history that, until the integration process began, was subject to the most inhumane wars ever seen, leading to millions of deaths.
- The European Union is a “rule-of-law community”, based on rule-of-law states. Respect for the rule of law, together with the rights and freedoms inherent to democracy, are essential requirements for a state to form part of the European Union.
- The Treaty of the European Union (in Article 4.2) enshrines the respect for constitutional systems of the Member States when it states that “The Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government. It shall respect their essential State functions, including ensuring the territorial integrity of the State, [...]”.
- Any form of secessionism or external interference in a Member State is contrary to the very inclusive nature of the Union. This integrating nature has always been respected and defended by the Union since its inception through the application of the Treaties and respect for international law.
- There is no question, and this has been repeatedly stated by the European Commission as the guardian of the Treaties, that, in the event that a territory claims and receives independence from a Member State, it will automatically become a non-EU state. This potentially new state could request accession to the European Union if it meets the requirements (be European, democratic and respect the rule of law); accession that should, as appropriate, be unanimously ratified by the Member States.

In light of the above, and notwithstanding that striving for more autonomy is a democratic right, we can firmly state that any self-proclaimed sovereignty process aimed at unilaterally declaring the secession of territories forming part of Member States is beyond the realms of legality and, therefore, will not be recognised as legal by the other Member States. In the hypothetical case that a territory were to unilaterally declare its independence and that territory forms part of a Member State of the European Union, by virtue of Article 20 of the Treaty of the European Union, the citizens of said territory would lose their status as European citizens because the status of European citizen derives from the prior status of citizen of a Member State.

Hence, if the territory in question were to complete a secession process, that new state would become a non-EU country that, as appropriate, would need to launch a new process of accession to the European Union in order to re-join; its citizens would lose the rights and obligations they previously enjoyed as belonging to a territory forming part of a Member State. This would represent an unparalleled step backwards for the project of reconciliation and progress that has cost us so much to build.

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