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Miodrag Jovanović, Dragica Vujadinović, Rodoljub Etinski,  
*Democracy and Human Rights in the European Union*  
POGESTEI Editions  
Maribor-Belgrade 2009, pp. 389, ISBN 978-86-7630-180-5

The former U.S. State Secretary Henry Kissinger once famously asked: “*If I want to speak to Europe, who do I call?*”. This witty aphorism, however, hides a very serious and important concern. Indeed, how are EU common policies and political positions formed? This initial question is closely related to many problems and dilemmas. How are the peoples of Europe and the Member States represented in European institutions? What kind of control do they exercise over the work of their representatives? How can the democratic deficit of the EU be restituted? How does the European Union protect and promote the common values upon which it is founded: human dignity, freedom, equality and solidarity?

Understanding the political structure of the Union of 27 is obviously not an easy task. Explaining it to students who often learn about the political aspect of the European integration for the first time seems even harder. Professors Miodrag Jovanović, Dragica Vujadinović and Rodoljub Etinski should therefore be commended for their audacious decision to combine different scientific backgrounds, interests and theoretical approaches in order to present a thorough legal, political, sociological and historical analysis of the protection of human rights and the implementation of democratic principles in the European institutions and the European society. More than an ordinary textbook, *Democracy and Human Rights in the European Union* is a comprehensive and well-structured study of some of the most debated and the most controversial aspects of the political integration within the EU.

The first part of the book, *The European Union as a Democratic Polity*, examines the problem of democratic legitimacy of the EU. The starting point for the analysis of this issue is the famous Brunner case. In

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that case the constitutionality of the changes made to the German legal system after the adoption of the Maastricht Treaty was challenged before the German Constitutional Court and the arguments presented at that occasion gave rise to many interesting theoretical and conceptual debates. The first problem is how to classify the “Euro-Polity” and define its main features. It seems uncontested that the European Union is a *sui generis* polity, but the author tries to explain the peculiarities of its democratic structure in more detail, in the light of several possible approaches: EU as a mixed Commonwealth, EU of Nation-States and EU as a Cosmopolis. Alongside the democratic legitimacy of its institutional structure, an important element for establishing the European Union as a democratic polity is the existence of the European identity. The peoples of Europe are supposed to be “united in diversity”, as the motto of the Union says, but this goal is far from being easily achievable in practice. Professor Miodrag Jovanović identifies and analyzes three possible concepts of building the European identity: ethnocultural, civic and pluralistic which, bearing in mind the specific nature of the EU, seems to be the most suitable one. The legitimacy of the EU as a whole can be explained by three possible models: the international organizations’ type, the technocratic type and the liberal-democratic type. In the last chapter of the first part, the author comes back to the initial problem of democratic deficit of the EU, which undoubtedly exists. In spite of the uncontested success in creating an efficient legal framework for enjoyment, promotion and protection of the four fundamental freedoms, the EU must still improve its ‘institutional architecture’ in order to overcome the apparent lack of its democratic legitimacy.

The second part of the book explains the necessity of creation of an integrated European civil society. The author of this part, Professor Dragica Vujadinović, starts off by providing a detailed theoretical-political framework of the place and role of the civil society in contemporary political discourse. She then elucidates the very concept of civil society and presents its contemporary appearances and interpretations. However, the central chapter of this part of this book is chapter III which is dedicated to the European civil society. The author suggests that there is a strong connection between the role of civil society in contemporary world and the problem of democratic legitimacy deficit in EU. Namely, the European civil society “[...] is a normative project based on universal human rights, on citizens’ activism and public pressure attempting to control and counter-balance each possible and/or actual power-monopoly acts of the European Union’s political institutions” (p. 129). A distinction is made between institutionalized and un-institutionalized form of appearance of the European civil society, especially on the plan of their roles and methods. In any event, the civil society activism, in whichever form it appears, represents a mighty instrument for overcoming the democratic deficit of the EU and helps defending and promoting human rights and fundamental freedoms of the European citizens.

The third part of the book, written by Professor Rodoljub Etinski, discusses the problem of protection of human rights in the European Union. Until fairly recently, the European Union did not have its own legal instrument exclusively dedicated to the protection of human rights. Unlike the Council of Europe, which adopted the European Convention for Protection of Human Rights and Fundamental Freedoms already in 1950, only one year after it had been created, the action of the European Communities in the sphere of the protection of human rights for the first 30 years was limited to the existence of a few provisions in the Founding Treaties and a meagre jurisprudence of the European Court of Justice. The turning point in the constitutional protection of human rights in the European Union was the adoption of the Maastricht Treaty which introduced the respect for human rights as a guiding principle of the common policies in all three pillars of the Union. The Charter of Human Rights of the European Union, proclaimed in late 2000, is the first EU legal act solely concerned with the protection of human rights. Even though it never became legally binding, it is a very symbolic and highly influential document, which will probably become even more relevant after the entry into force of the Lisbon Treaty. Human rights are particularly important for the functioning of the European society. The author therefore extensively discusses the specific forms of protection of particular rights and freedoms: human dignity, personal freedoms, right to equality, citizens' rights and protection of parties involved in judicial proceedings.

Finally, the last part of the book deals with the issue of protection of minorities in the European Union. As a principle, the protection of minorities is put in the context of the protection of human rights in general, but certain particular characteristics of the concept of minority rights are not neglected. The protection of minority rights is especially important in the context of the enlargement of the European Union as it is contained in the so-called Copenhagen criteria for accession to the EU. Due to their specific relevance for the proper functioning of the EU and its institutions, some aspects of minority rights are discussed in more details: the immigrant integration, the protection of Roma population and the problem of linguistic minorities.

Rather than giving definite answers to the dilemmas concerning the democratic structure and legitimacy of the EU, this book invites to further thinking. Therefore, it seems that the conclusion to *Democracy and Human Rights in the European Union* is yet to be written. It will surely be contained in some of the provisions of the Lisbon Treaty once this document enters into force but, more importantly, it will also be written by all of us, present and future citizens of the European Union. After all, responsible institutions and responsible citizenship is what democracy and human rights in the European Union are all about.