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European integration and national sovereignty of member-states: Implications and motivation for Brexit

Monday E Dickson
Department of Political Science, Faculty of Social and Management Sciences, Akwa Ibom State University, Obio Akpa Campus, Nigeria

Abstract
Over the years, no concept has raised hotly debated argument among scholars and political theorists as the concept of sovereignty. The practical problem is the controversies about State sovereignty considered in its external relations, especially through the creation of supranational organization aimed at regional integration. This paper assesses the impact of European integration on State sovereignty and explores its implication and motivation for Brexit. Adopting a set of integration theories as a guide, the paper argues that in the context of European integration, States loses its sovereignty and loss of sovereignty is central to British government's pursuit of an historic exit from the European Union (EU). Findings from the study reveal that membership of the State in EU has far reaching consequences on the principle of sovereignty in its Westphalian formula under which there is nothing above the States. European integration transfers sovereignty from member-States towards the supranational centre in other that the EU, as a representative entity of these States exercise collective sovereignty. The study concluded with an observation that Brexit will restore Britain's position as a sovereign nation.

Keywords: European Union, integration, sovereignty, Britain, Brexit

Introduction

The fact of global interdependence implies that no nation in the world today, despite its human and natural resource endowments is fully self-sufficient or capable of living in complete isolation from the rest of humanity or other countries (Eminue, 2007:59-80; Dickson & Kofi, 2016:277-289) [13, 11]. Thus, the world is increasingly changing, interdependent and integrated in many ways - economically, politically, socially, environmentally, technologically, culturally and so on. These dimensions, however, coincide broadly with those considered in the proposal for a system of indicators of interconnectedness made by Held *et al* (1999) [33], which include political-legal indicators, military indicators, economic indicators, migration indicators, culture indicators, environment indicators, and global stratification. Interestingly, many of these indicators could be transformed into indicators of regional integration. According to Lombaerde & Langenhove (2006:1-33) [17], regional integration refers to "processes of complex social transformations characterised by the intensification of relations between independent sovereign states. It creates new forms of organisation, co-existing with traditional forms of state-led governance at the national level". The processes of regional integration that emerged after the Second World War, were originally mostly about trade and economics, but since the 1980s, with the so-called "new regionalism" wave, regional integration can be seen as a multidimensional process that implies, next to economic cooperation, also dimensions of politics, diplomacy, security, culture, etc (Hettne, 1999) [34]. European Union (EU) which exemplifies the practice of regional integration in Europe is a case in point.

Discourses promoting European integration gained prominence during the Second World War and in the 1950s emerge as an institutionalized response and proposed solution to the tremendously bloody history of the European continent (Anderson, 2009:22) [1]. The first step along the path to European unification was the formation of the European Coal and Steel Community (ECSC) in 1951 by France, West Germany, Belgium, Luxembourg, the Netherlands and Italy (otherwise known as the "Six" or as the community expanded, the "Inner Six"). The purpose was to coordinate coal and steel production among European States (Russett, Starr and Kinsella, 2010:398). Following the sufficiently obvious benefits member-states derived from ECSC by 1955, negotiations were under way for a more comprehensive approach to European integration. These negotiations culminated in the Treaty of Rome signed by six governments in 1957, which created two new organizations, the European Economic Community (EEC) and the European Atomic Energy Community (Bideleux, 1996:1-20; Anderson, 2009:9; Dedman, 2010:7) [4, 1, 6]. The two organizations, together with the ECSC, formed the nucleus of what became known starting in 1967 as the European Community. When the Treaty of Maastricth came into effect in late 1993, the organization officially adopted its current name, "the European Union" (Kaarbo and Ray, 2011:435).

The European integration has three strands. The first is normative, involving changed understandings of sovereignty, self-determination and rights, including the rights of individuals and minorities. These changes may affect both states and national movements directed against states. The second is market integration, with the free movement of goods, services, capital and labour, which has altered the relationship between the economy, the polity and the cultural community, so that they no longer need to share the same territorial boundaries. The third strand is the rise of transnational political and institutional structures, notably the European Union, the Council of Europe, the Organization for Security and Cooperation in Europe and NATO etc. The

present study centres around the first and the third strands.

At creation, countless academics, intellectuals, journalists, and politicians of all ideological stripes have celebrated European integration as something novel, innovative, and progressive (Borg, 2015:20). Much of the scholarly literatures portray the European Union as a successful reality predicated on unity, solidarity and closeness (Romanuik & Stivachtis, 2015). However, others have viewed the EU differently. For instance, Moravcsik (1999:374) [21] has portrayed the Copenhagen School as saying that European integration is essentially a battle between nationalist and the European ideals, or, more precisely, a battle between various national ideals consistent and inconsistent with a united Europe as European integration is driven primarily by interest rather than idealism. In recent times, debates about the EU, as a controversial polity, or political, social and economic project have increasingly focused on the member-States' claim to sovereignty (Bellamy & Castiglione, 1997). Therefore, integration advocates and critics remain at odds over the impact of the supranational institutions on sovereignty of member-states, despite claims that "the modern state has been treated as the superior form of political association" (Spruyt, 1994). This paper probes the impact of European integration on states sovereignty and explores its implications and motivations for the Brexit.

Conceptual Issues

Generally, the concept of integration refers to a process in which units move from a condition of total or partial isolation towards a complete or partial unification. Deutsch (1989: 212) defined integration as "a relationship among units in which they are mutually interdependent and jointly produce system properties which they would separately lack". Essien & Dickson (2014:19-26) note that this definition is a pointer to the fact that, with an increasing regional interdependence, the purpose and future of state boundaries in the international system came into question. On a separate account, Deutsch and his collaborators see integration as "the formal merger of two or more previously independent units into a single larger unit, with some type of common government" (Karl W. Deutsch *et al*., 1957: 5-6). In Ernst B. Haas's classical study of the ECSC, *The Uniting of Europe*, integration is "the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectation and political activities to a new centre whose institutions possess or demand jurisdiction over the pre-existing national states" (Haas, 1958: 16) [29]. Differently put, Hass (1971) [30] defined integration as "a process for the creation of political communities within which states cease to be wholly sovereign. As such, integration leads to the creation and maintenance of patterns of interaction among participating states with both political and economic dimensions that can also have effects on non-participating, bordering states.

In the opinion of Lindberg and Scheingold (1971) [18], integration was seen as a political process. For them,... political integration is: First, the process whereby nations forgo the desire and ability to conduct foreign and key domestic policies independently of each other, seeking instead to make joint decisions or to delegate the decision-making process to new central organs. Second, the process whereby political actors in several distinct settings are persuaded to shift their expectations and political activities to a new centre (Lindberg, 1963: 6) [18]. From the standpoint of interaction between independent sovereign states, integration refers to a process of large scale territorial differentiation characterised by the progressive lowering of internal boundaries and the possible rising of new external boundaries. Such complex social transformation may or may not imply some kind of permanent institutional structure (Lombaerde and Langenhove, 2006:1-44) [17]. Consequently, integration requires the creation of a supranational organisation where the member-states transfer some policy decisions to a body of all member-states, the decisions of which are binding on all members and have to be followed. So member-states within supranational organisations transfer some power (sovereignty) to that organisation. Furthermore, the supranational organisation has the power to impose sanctions on member governments, in cases of non-compliance with policy decisions or breaches of agreements (Dedman, 2010:7) [6]. Both Wallace (1990) and Rosamond (2000:13) [42] have argued that integration has both a formal dimension based on outcomes that result directly from political decisions, such as new laws, institutions and policies. It also has an informal dimension where processes such as trade and other cross-border transfers that have effective consequences develop, but were not dependent on formal, authoritative intervention.

Similarly, the concept of sovereignty is of central importance to modern politics, especially to several influential conceptions of democracy, international relations and diplomacy. The core idea of sovereignty is the notion of the ultimate source of political authority or power in government or within a realm (Sheldon, 2001:281) [43] Thinkers such as Jean Bodin (1530–96), Thomas Hobbes (1588–1679) and Jean-Jacques Rousseau (1712–78), thought sovereignty to be absolute (legally unconstrained or unlimited), indivisible (unique and undivided) and inalienable (cannot be delegated or 'represented'). They argue that if absolute sovereignty is attributed to states, then their authority cannot be constrained by international law or possibly even by the rights of individuals. Therefore, conceiving of sovereignty as absolute thus requires granting states a certain autonomy or liberty in their 'international relations' (Beitz, 1991; Morris, 2001:829-832). In the view of Tutuianu (2013:2) [2, 44], sovereignty may be regarded as both a simple and a complex issue. On the one hand, it seems very simple - the indefeasible right of each sovereign to exercise power, influence, and action over its own territory and to establish relations with the other states of the world, on an equal footing and according to the unanimity principle. On the other hand, it may be regarded as being very complicated since the states are not absolutely independent entities, but interdependent, coexisting together on the planet, and hence the politics and strategies of one state are largely conditioned by the politics and strategies of others, as well as by their synergetic or divergent effects on the international scale.

In a related development, and based on international law principles, particularly in the Montevideo Convention of 1933, states are entities which have: (a) a permanent population; (b) a defined territory; (c) a government; and (d) a capacity to enter into relations with other states' in the international system (Dixon, 2007:115) [12]. In standard conceptions of the modern international society of states, sovereignty forms one of the foundational institutions that defines legitimate statehood and right of state action (Reus-Smit, 1997: 558). States are legally equal actors in terms of their juridical sovereignty, despite enormous differences in their substantive resources, purposive capacities, functional

responsibilities, international roles and degrees of independence as sovereign actors (Broome, 2014:48) [5].

Theoretical Framework

This study relies on a set of theories which describes different degrees of integration to explain in detail issues and circumstances surrounding the apparently awkward relations between Britain and the European Union, which culminated in Brexit. Thus, federalism, functionalism, neo-functionalism and intergovernmental approaches serve these endeavours. World federalism is a reform movement proposing as a part to peace combining two or more previously independent countries to form single unified federal states, with the ultimate goal of creating federal institutions for global governance. The theory advocate the merger of previously sovereign states into a single global integrated federal union (Kegley (2007:564). This radical remedy as represented by world federalism implies that integration in its various forms does not necessarily make a frontal attack on the state by proposing to replace it with some central authority. Federalists follow the liberal conviction of Einstein (cited in Firsing, 2007:185; Kegley & Raymond, 2007:262) that "there is no salvation for civilization, or even the human race, other than the creation of a world government". Federalists opine that if people value an absolute gain such as humanity's survival more highly than relative gains such as an individual state's national advantage over its rival, they will willingly transfer their loyalty to a supranational authority to dismantle the anarchical system of competitive territorial states that produces war. World government, they believe, is not only possible, it is inevitable (Ferenez & Keyes, 1991). European federalists are of the opinion that there was an increasing need for a supranational federation with directly elected federal institutions and agencies, in order to secure European peace and prosperity.

In contrast to federalism, classical functionalism advanced by David Mitrany and others is not directed toward creating a world federal government with all its constitutional paraphernalia for global governance. Rather it seeks to build "peace by pieces" through transnational organizations that emphasize "sharing of sovereignty" instead of its surrender. As put by Kaarbo and Ray (2011:434) functionalism provides an alternative way of integrating and was more attractive to the leaders of many states who were worried about giving up their sovereignty to a supranational (authority above the state level) federal institution. Functionalism, therefore, calls for a "bottom-up" evolutionary strategy for building cooperative ties and unity among states. Following in the footsteps of David Mitrany and other functionalist theorists, another group of political scientists proposed the theory of neo-functionalism. The major representatives of neo-functionalism are Ernst B. Haas (1968) [31], Leon Lindberg (1963) [31] and Joseph Nye (1971). The main difference between this theory and the theory of functionalism is that neo-functionalism also incorporates the creation of transnational institutions in its propositions and therefore is closer to the actual development of the EU. Whereas functionalism saw a European Union with member-states that cooperate and at the same time maintain their national sovereignty and their national institutions, neo-functionalism added to this previous framework by introducing into the debate European supranational institutions.

Intergovernmental approaches espoused by Hans J. Morgenthau (1948), Stanley Hoffmann (1966), among others, draw upon realism in international relations, in which actors are defined according to the criterion of sovereignty: recognition of statehood and control held over a given territory and population. Hans J. Morgenthau, the leading representative of realism argue that sovereignty is the highest power of the nation over the making and implementation of law in a certain territory. This means independence from the authority of a different nation, it constantly reproduces itself in the same form and does not transform into anything else (Morgenthau, 1948:345; Jacek, 2014:15-36) [15]. The location of sovereignty depends on the extent to which a national government is controlled by foreign states, i.e. on who has effective governance power over a given territory. The location of sovereignty is subject to political evaluation and legal interpretation. At the same time, sovereignty is indivisible, which implies that sovereignty over a specific territory cannot be exercised by two different bodies at the same time. Membership in an international organisation does not mean that a state renounces sovereignty, but that it accepts that its freedom of action is restricted (Morgenthau, 1978:355-340). According to Jacek (2014) [15], therefore, realists believe that European integration is the result of the actions of states and does not change the nature of the territorial character of sovereignty. Rather, it concerns those areas of politics that do not belong to the field of national sovereignty. The European Union does not have separate sovereignty, it benefits from the sovereignty of the major Member States and is a form of domination of strong states over the weaker ones.

In a similar vein, Stanley Hofmann, a representative of the classic intergovernmental approach, leaders consider it their task to strengthen nationality, protect the state and execute its mission. In the process of European integration, the sovereignty of nation states has been weakened, but not completely eliminated. According to Hoffman, integration does not take place in the sphere of 'high politics', which directly concerns sovereignty, security and national identity, but only in the sphere of 'low politics', which concerns economic and technocratic issues. It is the state leaders' task to protect the national interest and develop the national identity. States strive to have their culture exert as great an influence on the common identity as possible (Hoffman, 1966: 862-915). It has been discovered that scholars who applied the intergovernmental approach believed that despite not being the optimal solution in economic and administrative terms, the nation state nevertheless remained the principal form of social organisation. For instance, Milward (1994: 182-201) [38] opine that the modern European countries would not have survived had they not transferred a part of their sovereignty to the European Union. The essence of European integration is strengthening the sovereignty of the nation state while effectively solving problems in the fields of economy and security.

Britain and the European Union

Britain has been one of the world's great powers, the birthplace of the industrial revolution and the modern notion of capitalism, and as such has long had an important influence on political and economic developments in the rest of the world. It is also a leading member of all the key international organizations, notably the North Atlantic Treaty Organization (NATO), the United Nations Seciruty Council (on which it has veto power), the European Union (EU), and the G-8 group of major economic powers (McCormick,

2007:82) [20]. However, Britain's relationship with continental Europe has never been an easy one. In other words, Britain's attitude towards the project of European integration differed fundamentally from those of its continental neighbours. Although Britain has always been considered to be a part of Europe, but owing to the geographical separation of the country from the continent, the British people have traditionally shown a tendency to see themselves as more than just another European country. The British self-perception amounts to a sub-conscious belief that they are a special nation, which is quite different from any of their continental neighbours (Schweiger, 2007:14). Closely connected with this is the British view of the continent as a permanent source of trouble. The British have therefore traditionally been rather content with their geographic isolation. Britain was therefore free to occupy itself fully with the development of its role as a world power, based on a global Empire of nations, which it managed to maintain until the end of the 1950s. Any long-term engagement on the European continent was consequently generally considered to be a danger to Britain's independence.

This related particularly to involvement in the institutionalised framework of European integration, which had unfolded on the continent after 1945. Instead of joining a project which, from the British point of view, was likely to fail anyway (George, 1998:39) [27] and would have limited the country in its global approach, Britain tried to maintain the special relationship it had forged with the United States during the Second World War. By maintaining its distance from Europe and the post-war European integration project, Britain sought to perpetuate the notion that it was different from the continent. Based on its links with the Commonwealth and the 'special relationship' with the United States, Britain hoped to maintain its independent status as a world power, while keeping Europe at arm's length. The country only moved closer to Europe when it realised it could no longer afford to maintain the illusion of being a Great Power, without inflicting serious damage on its economy. It was the decline of the British Empire and the domestic economic troubles of the 1950s and 1970s, that forced British leaders to pay increasing attention to the European integration project. They did so reluctantly and without surrendering the notion of maintaining Britain's global role. This showed that Britain had not suddenly developed an enthusiasm for European integration, but had warmed to membership of the Common Market mainly on the basis that it wanted to become part of an economically successful club of continental Europeans.

Ever since Britain finally joined the European Community after two unsuccessful applications in 1973, it has remained a reluctant player who never fully shared the idealism of its continental neighbours (May, 1999:92). Analyses of Britain's role within the EU have tended to focus on 'reluctance', 'awkwardness' and 'semi-detachment' (George, 1992, 1998; Gowland and Turner, 2000) [27, 28]. This implies that Britain had stood aside from the first steps towards European integration (did not join the first supranational European organization, the European Coal and Steel Community (ECSC), when it was founded in 1951) and has spent a good part of the time since accession in 1973 agonizing about the EU's shape, form, scope and direction. This has been the case under successive British governments, regardless of their political orientation.

Discussion of Findings

European Union has been a pioneer in regional integration or as Cameron (2010:18) puts it, the EU (consisting of 28 member-states), has long been the most developed model of regional integration. On 23 June 2016 citizens of the United Kingdom voted to leave the European Union under the codename "Brexit". On 29 March 2017 the UK formally notified the European Council of its intention to leave the EU by triggering of Article 50 of the Lisbon Treaty. A range of concerns about sovereignty has been central to the British government's pursuit of an historic exit from EU. It is argued that UK's membership of the European Union has far reaching consequences on the nations' national and parliamentary sovereignty. According to Krasner (1999) [14], domestic (national) sovereignty refers to the organization and effectiveness of political authority within the state. In other words, sovereignty is the ability to exert effective control within the state. Gordon (2016) posit that if the idea that exiting the EU was somehow necessary to preserve parliamentary sovereignty emerges as based on a flawed understanding of this fundamental constitutional doctrine, claims about the dilution of national sovereignty may nevertheless have greater relevance to Brexit. For the pooling of the latter kind of sovereignty to enable cooperation among states at the supranational level was always at the heart of the European project.

Similarly, parliamentary sovereignty is one of the fundamental tenets of the British Constitution, underpinning the legal system and conferring ultimate legislative power on Parliament. In the emerging EU, as Drewry and Giddings (2004:1-2) have noted, a national parliament has been able to play four roles. In the United Kingdom, the first role has been a constitutional one - to give legislative effect both to the major changes in the treaties that define the role and structure of the Union and the functions of its institutions in Brussels and elsewhere. Second, the UK Parliament has had a legislative role – to deal with the unrelenting flow of European law in the form of the directives that require scrutiny in draft and then legislative ratification in their final form. Third, the UK Parliament has a representative role - the citizens of a democratic and sovereign state looks up to elected members of parliament to represent their interests and make significant impact on events and developments in Europe. Fourth, in the United Kingdom the Westminster Parliament has an accountability role, holding British ministers to account for their stewardship of the European agenda. These four roles for national parliaments notwithstanding, scholars, writers, many citizens and parliamentarians have complained about the remoteness of the EU and its "democratic deficit". Those of a 'Eurosceptic' persuasion add that the whole enterprise of European integration is a fundamental threat to national sovereignty and to healthy and effective parliamentary government. According to them, national parliaments have acquired an increasingly significant rival, particularly the European Parliament, which has been given, increased co-decision-making powers in the EU legislative process.

With the membership of the European Union, the traditional notion of supremacy has been greatly weakened, seemingly altering the balance of power within the UK Constitution. As put by Teacher (2013), it can be argued that parliamentary supremacy is now only notionally absolute, no longer resembling the traditional Diceyan conception. The idea of

parliamentary sovereignty was laid out by A. V. Dicey in Law of the Constitution, back in 1885, where he stated: "In theory Parliament has total power (1886). It is sovereign". Dicey outlined three fundamental principles on which the traditional conception of Parliamentary sovereignty can be based: First, Parliament can make or unmake any law; second, Parliament cannot bind its successors nor be bound by predecessors; and third, no person or body is recognised by the law as having the right to override or set aside the legislative authority of Parliament. The extent to which the current practice of the British constitution and political system adhere to Dicey's principles is a measure of the erosion of Parliamentary sovereignty. Indeed, it may well be that the membership of the EU, along with developments in common law and the introduction of the Human Rights Act 1998, have not just diminished but rather destroyed the supremacy of Parliament altogether. Case law from the European Court of Justice (ECJ) seems to confirm the decline of Parliamentary supremacy in favour of a more harmonised European pooling of sovereignty.

In a related development, the development of EU internal security responsibilities (crime border controls, asylum) impinges on the work of the home office, which has led this quintessentially domestic department concerned with the core sovereign concerns of the British state to become to some extent Europeanized (Geddes, 2004:164). The very foundation of European integration, the supranational method based on the transfer of competences from the national to the European level, is essentially programmed to limit the powers of member-States. Therefore, European integration is a process of coordinated deconstruction of member-States' sovereignty.

Conclusion

Practically, a sovereign state is the one that holds and exercises supreme authority within its territorial jurisdiction. However, since their creation, States have encountered limits on their sovereign power such as the powers. These limitations on the sovereign authority of States have become even more evident in an era of interdependence and globalization. Consequently, European integration is seen as an important aspect of this challenge to the sovereign authority of States. Clearly the process of European integration leads to a competition of power centres and to a certain degree of multi-level governance. The European Union has to some extent become a rival to nation states, that is, to State power. Being a specific entity which develop from a network of treaties, EU is surpassing, in some areas, its member-States and thus violating their sovereignty. Glaringly, The EU has ceased to be just a forum for negotiations between independent and sovereign nation states. It overlaps with the states and becomes their competitor. It is a fact that the European Union is a new normative centre which creates its own independent legal system. This law, through its normative effects and application in everyday practice, violates the autonomy of national law. In Britain, sovereign authority is vested in Parliament, Thus, the EU's powers to make and enforce laws have a bearing on the UK's sovereignty.

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