

## Britain and European federalism

*Brendan Donnelly*

It is sometimes claimed by those advocating a federal future for the European Union that debate on this topic in the United Kingdom is skewed by a fundamental misunderstanding of what 'federalism' means. Federalism, these advocates rightly point out, is not an intrinsically centralising political philosophy, as is standardly assumed in British diatribes against the 'federal European super-state'. It is rather one of the structured sharing of decision making between differing levels of government: federal political systems such as those of the Germany and the United States typically guarantee in their constitutions a high degree of decentralised power to state and regional governments. If this basic point were better understood, so the argument runs, much British hostility to the federal elements of the European Union would disappear like the snows of yesteryear.

There is certainly some truth in this analysis. For example, at one conference of the Federal Trust last year about the European Union a prominent commentator told us that she was "definitely not a federalist, whatever that might mean". Sloppy use of language is usually an indication of sloppy thought, and there has been plenty of both in the British discussion of European issues in recent years. But it would be an over-simplification to claim that the widespread rejection of European federalism in Britain is only based upon a semantic misunderstanding. There are important and genuine elements of European federalism which are highly contested in this country. Those wishing the United Kingdom to play a part in a federal future for the European Union will need to convince and reassure their fellow citizens at a level much more profound than that of linguistic precision.

It is often forgotten, or worse denied in British public debate that the European Union has in its basic structures significant federal elements. The primacy of European law, qualified majority voting, the European Court of Justice and a directly-elected European Parliament co-existing with national parliaments – all these are typical building-blocks of a federal political system. By its voluntary accession to the Treaty of Rome, the United Kingdom has become part of this federalising system and will remain part of it as long as it is a member of the European Union. That is not to say that the European Union can properly be regarded as a federation, much less a United States of Europe. The powers and resources which remain vested in the member states of the European Union are so great that any such nomenclature would be wholly inappropriate. But it does make unsustainable any general rejection of federalism as a political philosophy by those arguing in favour of continued membership of the European Union. The federalist elements of the Union's

construction are integral to what it is. Some of those criticising the prime minister's 'renegotiated' terms of British membership of the European Union are today criticising him precisely for failing to extirpate these federal elements. Any such extirpation was however never remotely a realistic prospect for David Cameron. It was misleading on the part of some ever to suggest that it might have been, and disingenuous on the part of others to link continued British membership of the European Union to such an unachievable goal.

## **The central institutions of the Union**

Properly understood, the central question of the forthcoming European referendum in this country will be whether the majority of the British electorate are willing to continue to accept British participation in the at least partly federalistic decision-making structures of the European Union and the pooling of national sovereignty which these structures imply. Some voters will vote for an exit from the Union because they regard as unacceptable any participation in British sovereignty-pooling structures. Others will vote for exit, not because they are hostile to sovereignty pooling as such but because they believe that the European Union is not a body within which British sovereignty should be pooled. Yet others will vote for Britain to remain within the Union despite its institutional structures and perhaps with the vain hope of subverting these institutions from within the Union. Very few in the United Kingdom will be voting for the United Kingdom to remain within the Union because they admire and approve of its sovereignty-pooling institutional structures. Yet these institutional structures, with all their federal characteristics, are fundamental to the successes the European Union has achieved in the past and their further development is a precondition of further successes in future. In recent years, the Union has attempted to solve its most pressing problems, those of the eurozone and migration, predominantly through the intergovernmental mechanism of the European Council. It is difficult to argue that this intergovernmentalism has shown itself capable of providing sustainable responses to these systemic crises.

It is indeed true, as is frequently observed in this country that elsewhere in the European Union the standing and perceived legitimacy of the European institutions has declined in recent years. But nowhere in the European Union have its institutions been subjected to as relentless a campaign of vilification and misrepresentation over the past fifteen years as they have in the United Kingdom. This campaign has proceeded on two levels, the simply abusive and the philosophically dismissive. For many years, it has been difficult to pick up a British newspaper without finding in it (frequently inaccurate) stories about the supposed wastefulness, corruption, incompetence and megalomania of the

'Brussels bureaucrats'. This incessant repetition of a flawed stereotype has left its mark in the British popular consciousness. Few national politicians in the United Kingdom, even those who know better, have the courage to contradict the tsunami of prejudice and outright lies visited daily upon the officials of the European Commission in particular. But even more significant for British perceptions of the European Union has been the oft-repeated and rarely contradicted claim, not merely in the mass media but in mainstream British political discourse, that the European institutions are by their nature remote and undemocratic, and that it is the proper role of the British government to rein in their tyrannical pretensions. When British voters describe themselves as hostile to federalism, it is typically some such a set of attitudes to which they are giving expression.

Hostility to the institutions of the Union was a major driver of the prime minister's attempt to renegotiate the terms of British membership of the European Union. The incoherence to which such hostility can lead is well exemplified by the course and outcome of this renegotiation in regard to the so-called 'red card' available to national parliaments to put an end to new proposed European legislation; and to the supposed British exemption from commitment to "ever closer union" in the EU. It is almost inconceivable that the 55% majority of national parliaments necessary to trigger the red card would ever be achieved. Far from imposing self-generated diktats on unwilling governments and national parliaments, the Commission is deeply solicitous of their wishes and expectations in the proposals it puts forward for their approval. If the Commission misjudges the acceptability in national capitals of a proposal it puts forward, member states already have ample opportunity to mobilise a blocking majority in the Council of Ministers. The red card is a misconceived attempt to solve a non-existent problem.

Similarly, any future change of European treaties concerning the United Kingdom's commitment to "ever closer union of the peoples of Europe" will make no objective difference to the UK's situation within the Union. On the one hand, Britain's partners have again and again made clear in the past twenty years that the UK could remain a member of the Union without joining central elements of the Union's development such as the Schengen area and the single currency. Claims that a future British government might be forced by its partners to join either Schengen or the euro are fanciful in the highest degree. On the other hand, as long as it is a member of the Union, the United Kingdom will continue to feel the integrative effects of those policy areas in which it is engaged, notably the single European market. The integrative effects of the single market are significant, even if less pronounced than those of the borderless Schengen area and the single European currency. If those who advocate a vote on 23 June to remain in the EU deny these integrative effects, they will be storing up grounds for future accusations against them that they have deceived the electorate.

It will be important, therefore, that those on both sides of the debate articulate the real choice put before the electorate on 23 June. It is simply whether the United Kingdom wishes to remain in the European Union participating as it now does only in some of the Union's integrative activities, or to leave the Union entirely. The agreement arising as a result of the prime minister's renegotiation enshrines this ambiguous status for the UK within the Union. He characterises this status as "having the best of both worlds". Others may be less sanguine, either because they find unacceptable any continuing participation in the Union and its activities; or because on the contrary they fear that the UK may find itself having the "worst of both worlds" bound by the common decision-making structures of the Union, but ever less able to influence this decision making because of its self-willed exclusion from central policies of the Union.

### **Britain and a more federalist European Union**

Different expectations and predictions legitimately exist about the pace and extent over the coming years of further integration within the EU for those countries that are members of the eurozone. If this integration does continue apace, it will undoubtedly reinforce the federalising elements of the European Union. Some commentators have claimed that this reinforcement, even if the United Kingdom decides this year to remain on the present basis within the European Union, will make it over time increasingly difficult for the United Kingdom to remain within this Union. Britain, it is claimed, could never participate in a European Union in which the need to make a success of the single currency had forced the members of the eurozone to embrace such a high level of federalising integration.

In this context, it is worth recalling that it is the clear British national interest that the European single currency should be a success. This may well involve a much greater depth of political and economic integration than Germany in particular has been willing to countenance until now. If this creates for Britain's position within the Union new difficulties and challenges, then these are problems that the United Kingdom should be pleased to have. It is impossible to predict today what the most appropriate policy response from the British government might be in those circumstances. Maybe the United Kingdom would wish after all to join the euro; it might wish to try to maintain its present equivocal situation inside the European Union but outside the eurozone; it might conclude that cutting itself off from the European Union entirely was the best way of advancing British interests faced with a more integrated European Union. To reach the last of these conclusions would be to disavow entirely the assessment of British national interest adopted by every successive British government, of every political colour, since the 1960s.

All these governments have believed since the 1960s that by participating in the European Union's decision-making structures the United Kingdom was in all circumstances better placed to defend and advance its vital European interests than outside. These decision-making structures were never the purely intergovernmental arrangements of such organizations as the United Nations or NATO. They were rather based on the insight that if national governments were to be compelled to cede in the common good their national egoisms and vulnerability to domestic populism, central institutions were necessary, and that those central institutions would facilitate and implement shared decision making. Far from being the remote and undemocratic juggernauts of popular misrepresentation, the European institutions are simply the usually consensual expression of the will of European governments and European electors, the British government and British electors being prominent among them.

To describe this institutional structure of the European Union as a federalist structure is not incorrect. There are flaws and incoherence in the debate in this country concerning European federalism, but they lie elsewhere than in definitional questions. The flaws lie in the belief even of many who support continuing British membership of the European Union that the Union can continue to function, perhaps even function better by the suppression of its federal elements; that the deepening of the Union's central and federal institutions is of itself inimical to the British national interest; and that Britain's membership of the Union might be threatened by the Union's probable further federal development. None of these propositions deserve anything like the status of unexamined and self-evident propositions usually accorded them by the mainstream of British debate on the European Union. Indeed, the axiomatic status often accorded to such dubious claims renders the European debate in this country much more confused and confusing than it need be. If the debate until and after 23 June serves to clarify rather than further obscure the debate about European federalism in this country, it will have rendered at least one service to the British people. Those who live longest will know most.

***Brendan Donnelly is the Director of the Federal Trust. He is a former Member of the European Parliament and worked in the cabinet of Lord Cockfield on the 1992 single market programme.***