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Is the UK Jumping or Being Pushed?

British Separatism after Cameron's EU Veto

Andreas Maurer and Roderick Parkes

Since the December 2011 European Council, when the British prime minister blocked moves to amend the EU treaties, there has been speculation about a “domino secession”: the United Kingdom will break from the EU, causing Scotland to break with Britain. Any such British separatism would fly in the face of academic expectations: national groups that are heavily represented in the political process—as Scotland is in the UK, and the UK is in the EU—are usually deemed unlikely to reach for the exit. One particular strand of analysis might, however, explain these developments. Academics have shown that separatism at the periphery can be the result of exclusionary forces from the centre. Is British separatism a case of “secession by the centre”?

Five months after David Cameron rejected the call for an intergovernmental conference (IGC) and refused to sign the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, it remains unclear what form the UK's relationship with the EU will take. Politicians and observers have, however, interpreted these moves as a signal that the EU may split into a more overtly two-speed zone, or indeed begin to break up altogether. Given that Scotland has always been associated with a comparatively pro-European course, there has even been talk of a “domino secession”, with the UK breaking from the EU, and Scotland breaking from the UK.

Most analysts agree that any such separatism would mark a risky and radical step. North Sea oil, central to Scottish plans, is a shaky basis upon which to base an indepen-

dent economy. Production has slumped to around half of its 1999 peak (2.9m b/d to 1.4m b/d in 2011). An independent Scotland that is forced to contribute to London tax revenue for the remaining oil stocks—as well as to cover its historical share of the UK's considerable national debts—could hardly look forward to a sunny future. Moreover, the rest of the EU has no desire to see the break-up of the UK, whether still a member or not. In order to ensure that regional separatism remains an unattractive option, other members could make Scotland withdraw from the EU under the Lisbon Treaty's Article 50, forcing it to reapply for membership.

The UK would probably fare rather better than Scotland under Article 50—analysts believe that the Article's loose directions regarding a withdrawal settlement dis-

proportionately favour large states. Moreover, estimates concerning the economic impact on the UK of leaving the EU are ambivalent, as hinted at in a recent Treasury paper (“Economic Costs and Benefits of EU Membership”). The point remains, though, that the UK would be casting itself off into the unknown. Perhaps it might succeed in becoming a sort of pirate state, more nimble than the lumbering EU, but it might also end up a mere satellite to the politically and economically stronger bloc.

Explaining separatism

There is usually a straightforward explanation for such separatist tendencies: in line with theories of “exit” and “voice” (Albert O. Hirschman), peripheral groups that do not have enough say in political processes seek independence. Yet, in the case of the UK and Scotland, this explanation falls short. Both countries enjoy a cosy position within their respective political systems. Since devolution, Scottish representatives have enjoyed the power to vote on matters such as health and education in England, whereas English MPs have no say in how these matters are regulated north of the border. At the European level, even on those EU policies where the UK has exercised its opt-out, British MEPs enjoy the usual right to vote, to authorise reports and resolutions, and to chair key institutions such as the European Parliament’s Economic and Monetary Affairs or the Internal Market and Consumer Protection committees.

There is an alternative explanation for separatism. The logic is that precisely because the periphery is privileged politically, it will leave a state. The point is that the periphery will not be the driving force in the withdrawal. This is the phenomenon of “secession by the centre” (Daniele Conversi)—when the core of a state seeks to eject a weak or pampered periphery. It occurs when the core feels that it does not have sufficient say in the activities of a subgroup, and so pushes it towards the exit. This trend—already recorded in Ethiopia,

Nigeria, Canada, and Russia—often escapes notice. Onlookers cannot believe that the political core of a state would give up its position of dominance by ejecting parts of its territory. Besides, nationalist politicians in the periphery are more than happy to claim ownership of the separatist tendencies.

Is the centre playing a role in the British domino movement? In the case of Scotland, Cameron’s Conservatives are certainly frustrated about their lack of voice in Scottish affairs: they currently hold just 1 of the 59 Scottish seats, leading *The Economist* magazine to identify English Conservative MPs as strong sympathisers for Scottish independence (21st January 2012). More though: analysts note a growing feeling amongst the English that they are oppressed by a free-riding Scottish minority. A recent report found that English nationalism was fuelled by a belief that Scotland gets more than its fair share of public spending (*The Dog that Finally Barked*, 2012, Institute for Public Policy Research). An ICM opinion poll in January 2012 famously identified greater support for Scottish independence in England than in Scotland (43% to 40%).

Can something similar be said about support by the EU’s political core for British expulsion? In December, the German government was certainly quick to move towards an intergovernmental treaty without the UK, rather than insisting on the more inclusive route of IGC and treaty reform. Recall that intergovernmental conferences amending the EU treaties are—and always have been—convened by a simple majority of the heads of state and government. The Milan European Council in June 1985 convened the IGC on what later became the Single European Act against the explicit votes of not just the UK but Denmark and Greece. There was no problem for the then European Economic Community to accept that one-third of its members rejected the idea of treaty reform. During the IGC, the three opposing countries participated constructively.

Different kinds of commitment

Does this mean that Germany is now seeking to eject a troublesome periphery that does not obey the rules? German politicians would reject the idea as absurd. Apart from anything else, Berlin has made special efforts since the December veto to ensure London is represented at the negotiating table. Indeed, every time Germany seeks to include and integrate the UK, it seems only to increase London's desire to leave. The high-profile events in October 2011—when British MPs debated whether to offer a referendum on Britain's EU membership at precisely the moment when all other countries were mustering themselves for a European Council to stabilise the euro—suggests that the UK is simply allergic to commitment.

Take another recent example of British exceptionalism. In February 2012, a letter was published in the *Daily Telegraph* by 102 British Conservative MPs calling for the UK to make use in 2014 of its right to opt out retrospectively from its EU commitments on crime and policing. The MPs in question tried to sell the move as a consensual and pragmatic option, since it did not preclude Britain opting back into individual pieces of European legislation. But Berlin was right to disregard such claims: these MPs were quite simply trying to manoeuvre the UK out of its European commitments. The move was the latest in a long line of calls for a repatriation of competencies made by Tory politicians.

At this point though, it is worth remembering that Germany has its own record of challenging EU home-affairs commitments, including key measures such as the European Arrest Warrant and the Data Retention directive. These European norms have been struck down by the country's Constitutional Court. The plodding deliberations in Karlsruhe thus find their parallel in the shrill debate in Westminster, the only difference being that they have been rather more effective.

It is a fact viewed by British politicians with envy. In the UK, the principle of legis-

lative supremacy largely precludes judicial review—it is Parliament and not the courts that overhauls laws. Or this, at least, is the theory. In practice, Parliament has seen its powers curtailed by the supremacy of EU law and a shift in executive-legislature relations in favour of the government. Once signed up to, European norms are binding upon the UK in a way that does not seem to be the case in Germany. Nor are British MPs ready to follow the German model and push for greater powers for the courts, since this would further undermine the standing of Parliament.

The current domestic constellation has brought these tensions to a head. Parliament has recently been rocked by scandals on parliamentary expenses, media relations, and banking regulation, and British MPs are today under strong pressure to reassert themselves, not least vis-à-vis meddlesome EU norms. Yet, the electoral fortunes of Conservative and Liberal Democrat MPs depend largely on their ability to provide a stable majority for the government. If they were to overturn the European commitments signed up to by the government, they could significantly shorten their electoral life expectancy.

It is a measure of how heavily EU commitments sit that, for British MPs, the radical, and in the domestic context highly unusual, option of a referendum is even considered. This route is attractive because it would at least shift responsibility for the decision on EU commitments to the electorate and prevent voters from blaming the governing parties for any resulting instability. It all makes the regular recourse to an opt-out in day-to-day EU policymaking understandable.

And this is the nub of the matter: when the UK signs up to EU commitments, it can find itself more heavily bound than other member states. This relative loss of voice in favour of its European partners pushes it towards the exit. Yet, the mechanism chosen to offset this imbalance—the opt-out—shifts influence too far back in the UK's favour, giving it disproportionate voice in others'

affairs, and in turn giving them an incentive to exclude it.

Lessons for pro-Europeans

Seen from this perspective, British opt-outs and separatism are not the result of an instinctive refusal to commit. Because of factors such as their constitutional set-up, some states are just not as effective as others at using the EU to “amplify” their voice. A member state like Germany, which is well able to use the EU framework to increase its say over other members’ affairs whilst maintaining its domestic discretion, can commit wholeheartedly to EU norms. It is the European engagement of these core states that can push a less successful state like Britain towards the door.

For an influential member state like Germany, there are a number of lessons to be drawn from this. First, the theories of Voice and Exit encourage a more realistic assessment of states’ motivations for EU integration and for the deepening of the bloc’s policies, instruments, and constitutional foundations. Cooperation is driven not solely by the desire for common action, but rather by each member’s aspiration to maximise its voice: states try to use the EU as a framework to increase their say over partners’ policies whilst maintaining maximum national discretion. All members are engaged in this game. But if one state turns out to be particularly successful at increasing its voice, its efforts to integrate others within the EU framework may very well end up alienating them.

Second, any resulting fragmentation actually rather undermines the success of the more influential member states. States like the UK, which feel they are constantly losing voice, will fashion escape mechanisms, be this non-implementation, opt-outs, or even withdrawal. This danger is particularly present during European Council negotiations. In that intergovernmental setting, the tendency is for states to try to score victories over one another by means such as “norm transfer”—each will

seek to export its domestic regulatory standards to all others, thus increasing its influence over other’s policies whilst effectively protecting its own domestic discretion. The result is disintegrative.

Third, solving the problem will not be easy. Powerful governments would need to give more voice to those states upon whom EU commitments fall particularly heavily, whether because of their administrative weakness, odd constitutional rules, or outlier preferences. Even in a highly evolved community like the EU, member governments struggle to show this degree of understanding. The role of representing oddball states has traditionally fallen instead to the European Commission and Parliament, but they have not proved up to the task, tending instead to antagonise the Council members en masse. But herein lies a potential solution. This antagonism in itself forces the 27 capitals to function more as a team, taking a properly consensual approach to one another so that they can trump these irksome Commissioners and MEPs. In this perspective, the future of the UK’s EU membership may lie with the Commission and Parliament, neither of which sanctions opt-outs or any kind of partial membership.

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