

Does membership of
the eu inevitably
undermine national
sovereignty
assignment



Does membership of the European Union inevitably undermine national sovereignty? Table of contents: 1) Introduction 2) Treaties 3) European Institutions 4) European Monetary Union 5) Conclusion 6) Appendix 7) Bibliography Introduction 2-3 3 8 9 10-11 12 The establishment of the European Union (EU) has its foundations of integration belonging to an economic community: the European Coal and Steel Community (ECSC) 1950. 1 There has been a cycle of support, peaking in the 1990 at 71% and the lowest of 48% in 2004, as measured by the Eurobarometer 2.

There is a clear divide between people who support the EU and Eurosceptics. Support for the EU can be encapsulated by Herman Van Rompuy, president of the European Council, 'The age of the nation state is over and the idea that countries can stand alone is an 'illusion' and a 'lie' 3 Eurosceptics on the other hand argue for the remodelling of the EU or the rejection of. Most notably the United Kingdom Independence Party (UKIP) have stated in their manifesto that they wish to exit the EU as, 'It does mean the end of Britain as an independent European state.

It means the end of a thousand years of history. ' 4 This is a case of hard euroscepticism, as Taggart and Szczerbiak established, as opposed to soft euroscepticism which focuses upon remodelling. Therefore integration of the EU has caused a larger rift between those who support and those sovereignty. But what is national sovereignty? As former British Secretary, Sir Geoffrey Howe, stated, 'Sovereignty is not like virginity, which you either have or you don't... it is a resource to be used, rather than a constraint that limits our capacity for action. 5 Thus, sovereignty is perceived to be the ability for a nation to act however it deems fit politically, economically and <https://assignbuster.com/does-membership-of-the-eu-inevitably-undermine-national-sovereignty-assignment/>

socially within its territory. The progression of the EIJ from an economic union to a multinational political entity is the 'constraint that limits... action'.

Therefore, I intend to explore to what extent membership of the EIJ undermines national sovereignty, conducted through an analysis of: different treaties, institutions of the EIJ, and the European Monetary Union at how they impact national governments.

Treaties The EIJ is based upon two treaties: The Maastricht Treaty (MT) 1992/1993, creating the new European Union, and The Lisbon Treaty (L T) 2007/2009. The MT created the three-pillar structure: European Community (EC), Common Foreign and Security Policy (CFSP) and Justice and Home Affairs (JHA). What this meant for national sovereignty was that two thirds of the EIJ would be intergovernmental whilst one third would be supranational- EC governed by the commission. Primarily the MT created the idea to, 'promote economic and social progress... in particular through the creation of an area without internal frontiers. 6 The LT abolished the three-pillar structure, in favour of unifying institutions, which gave certain institutions greater power, e. g. the European Parliament gained budgetary control. The powers of the Community remained almost unchanged, as national governments can be co-ordinated and supported on policies, e. g. economic, employment and social issues. But health, culture, education and tourism remain with member state governments. So what do these treaties, more recently L T, mean for national sovereignty? It is clear the EIJ has a great deal of economic control over certain member states, as seen in the creation of the EMIJ.

However, most policy areas still remain with national governments.

European Institutions Since the establishment of the EEC, institutions have gradually increased their powers and broadened their policy area scope. This can be associated with the movement away from intergovernmental, like the United Nations, and more towards a supranational, such as the United States of America. The EEC is supranationalist in the sense that there is an internationally recognised external border, its own law, and a ' capital city Brussels, Luxembourg, where most EEC headquarters are situated- similar to Washington DC.

However, there are still elements which make the EEC an international organisation: membership is voluntary, member states still have national governments and any decisions made are negotiated. The degree in which different institutions incline towards either intergovernmentalism or supranational will determine the extent national sovereignty is undermined. Also, it is crucial to look at the structure of such institutions: are all member states equally represented? Can states oppose EEC rule/ legislation?

Each member is equally represented- totalling to twenty seven commissioners, who serve a five year term. The European Commission is the bureaucratic arm working to promote EEC interests. In many ways it is supranational; as it has the power of initiation, implementation, management of finance and external relations. Margaret Thatcher's famous statement addressing the EEC spotlights the supranational intentions of the European Commission, ' The President of the Commission, Mr Delors, said at a press conference the other day that he wanted.... the Commission to be the...

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No! No! No! ' 7 Eurosceptics further dislike the institution as it is too big, expensive, has too little public accountability, and an undemocratic process of appointment as no elections are held. However, supporters of the EIJ point out two percent of the EIJ budget is spent on this institution, commissioners are appointed by national governments and confirmed by the European Parliament, somewhat leading to an element of public accountability. Although the Commission does have the power of initiation its main role is executing already approved decisions by member states.

Stressing that national sovereignty is not undermined, as member states have already committed to implement these policies. The European Council, legalised as an institution by the L T, has a meeting four times a year with the heads of member state governments- encapsulating equally represented member states, ensuring that no member has more power over to undermine other's sovereignty. It has gained a significant amount of power in regards to European integration as it decides the political direction of the EIJ.

It also resolves internal EIJ issues between member states, foreign policy issues, alter treaties and can review the admission of a new EIJ member. Eurosceptics argue that sovereignty is undermined as further European integration leads to further loss. But similar to the European Commission, ' no law can be forced upon a country if it does not express its consent. ' 8 Equally represented members and consent equates to an intergovernmental institution, but the European Council deciding the political irection of the Union hints at supranational.

The European Court of Justice (ECJ) is the final institution with equal representation per member state- Judges appointed by national governments in which they serve six year terms. The main obligation of the ECJ is to clarify what the treaties of the EIJ and the law of the EIJ mean, similar to the USA's Supreme Court, indicating the direction this institution is based upon a supranational institution. The ECJ has seen an increase in its reach within the EIJ; ruling over disputes between member states, individuals and corporations.

However this intervention is limited as only their assessment must only be on what members are obligated to do in accordance to treaties and laws. The ECJ primarily is known for its economic rulings, e. g. 1979 Cassis de Dijon- founded the single market by mutual recognition, allowing for free trade by abolishing trade barriers between members. This spotlights the trend of EIJ integration from not only economic but also political: increasing the European Parliaments power and decreasing gender inequality.

The ECJ may rule on a case but have no right to enforce their Judgments it is rather left to national overnments or other institutions within the EIJ.

Although this may be perceived as a the ECJ to impose fines when and where it deemed appropriate and the Treaty of Rome (1963/4) established that EIJ law is above national law. The European Parliament (EP) is not equally represented per member state. There are seven hundred and fifty four members who all serve a five year term, and each member state gets a representative based on their countries population⁹.

This clearly leads to an inequality within the EP allowing national sovereignty of smaller nations' to be undermined. However, it can be argued that the EP is the most democratic institution within the EIJ as national countries vote for their representatives and representatives are affiliated with parties not countries¹⁰. However, it can be argued that this ' democratic' system is not sufficient as citizens have ' not developed psychological ties to the European Parliament as they have their national legislatures. ¹¹ One way however that national sovereignty is protected by the tyranny of the majority: Germany, France and United Kingdom, etc, is that legislation must pass with a two thirds majority. Thus, limiting the amount national overeignty can be undermined. Possibly the institution which has the potential to threaten national sovereignty the most is the Council of Ministers (COM), partly due to the inequality of representation of member states. It is the key decision making institution within the ELI. The Council of Ministers has a weighted voting system based on member state population.

Thus, the combination can lead to the tyranny of the majority allowing unpopular legislation to pass by large member states. However, ninety percent of laws pass without being contested- illustrating member states willingness to partake ithin the ELI. Another responsibility of the COM is deciding the EIJ budget, this in recent months has caused a divide between member states. Britain, for example, wants to freeze the budget whilst nations who receive a lot of EIJ funding, such as Poland, Greece, Spain etc are arguing for an increase.

Furthermore, presidency is awarded to a member state for six months for them to chair and set the agenda for meetings, allowing national

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governments to put forward of their own national interests- far from undermining national sovereignty, solidifying the idea of intergovernmental. However since the enlargement process of the EIJ from six states- presidency every three years, now with twenty seven members- presidency is only available every thirteen and a half years. The EMU is the coordination of economic policies with a single currency.

The initial creation of the EMU was a compromise. France's view- a 'minimum', in which a fixed exchange rate would eventually progress into an economic union, whilst Germany's 'maximum' is one where there would be one economic policy which would lead to an economic union. However, ever since the 1970s the EMU has slowly regressed towards Germany's maximum economic union based upon fiscal conservatism. This Franco-German dominance has characterised the EIJ since its establishment and even more so with today's current economic climate, returning to the initial compromise of the EMIJ.

The EMU officially started in 1999, in conjunction with the Growth and Stability Pact. This stipulated the requirements for entry (reformed in 2005), e. g. 3% for budget deficit and 60% for public debt. This meant that countries could join the Euro. However, Britain and Denmark voted for an opt-out of the Euro. Reasons behind this are well founded in reasons which protect national sovereignty, e. g. The Bank of England would lose all power, fatal impact on the banks, and conversion criteria- would mean cutting our deficit by more than half by cutting spending further. 2 Furthermore, as the ECB, based in Frankfurt, it cements the notion that the EMU is essentially

Germany's creation, thus undermining every member states' sovereignty.
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The Euro itself shows the struggle between supranationalism and intergovernmentalism, as one side has the ECU symbol and the other is left to the national government. Conclusion sovereignty by joining the ECU. However, it is primarily limited to a few areas and/or institutions, and member states are usually willing to cede some of their national sovereignty in order to reap the benefits.

Although the LT has allowed for the broadening and expansion of ECU institutions it can be seen that most policy areas are still left for national governments. Although since the 1960s there has already been a considerable movement towards political integration, so it almost seems inevitable that treaties may become more and more supranational. Bearing in mind membership is voluntary, ' it is important to remember, that renouncing by member states their economic sovereignty has been done voluntarily in the face of enormous economic advantages. 13 In today's society where globalisation is a common theme, with twenty seven nations within the ECU it creates an economic superpower. In light of represented member states two fifths of the institutions had unequal representation and this meant there is some a loss of national sovereignty, particularly to smaller members. However, three fifths of the institutions were equally represented, allowing for national sovereignty to remain, and also any laws and regulations had to be agreed to be implemented within a member state, again ensuring no undermining of national sovereignty.

The EMU undermines national sovereignty most, e. g. in return for Greece receiving bailout funds they have had their national sovereignty infringed heavily in the form of austerity measures. With the current Eurozone crisis <https://assignbuster.com/does-membership-of-the-eu-inevitably-undermine-national-sovereignty-assignment/>

there is a divide between further integration leading to more of a supranational European Union, argued for by Angela Merkel, or weaker political integration being more of an intergovernmental European Union, argued for by David Cameron. Appendix 1) http://ec.europa.eu/public_opinion/archives/eb/eb76/eb76_first_en.pdf 2) <http://en.euabc.m/word/442> [Accessed 5/12/2012] Members of the European Parliament Country Current Allocation Election period 2009-2014* Lisbon Treaty

Germany	99
France	96
United Kingdom	96
Italy	96
Spain	96
Poland	96
Romania	96
Netherlands	96
Greece	96
Belgium	96
Portugal	96
Hungary	96
Czech Republic	96
Sweden	96
Austria	96
Bulgaria	96
Slovakia	96
Denmark	96
Finland	96
Ireland	96
Lithuania	96
Latvia	96
Slovenia	96
Estonia	96
Cyprus	96
Luxembourg	96
Malta	96
Total	96

* In December 2008, Government leaders of the EU countries decided in a declaration on how to shift to new numbers of MEPs. There will be a pause after the Lisbon Treaty enters into force.

The number of MEPs in the 2009-2014 election period will increase to 754, equal to that of the Lisbon Treaty + 3 Members from Germany (99 total). 3) http://4.bp.blogspot.com/_H6xw_a4Tyus/Si1R5LYEfil/AAAAAAAAA30/18ZQDmHSJ24/s400/european+parliament+2009.bmp [Accessed 05/12/2012] Bibliography Caporasso, J and Cowles, M. G and Risse, T (2001). Transforming Europe. Cornell university : corneli university pas. 1-13, 198-237. cowles, M. Dinan, D (2004). Developments in the European Union, Palgrave Macmillan. p. 7. Keohane, R. O (2002). Ironies of sovereignty: the European Union and the United States. JCMS 40(4), pp. 8-749. McCormick, J (2011). Understanding the European Union. 5th ed.

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