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**IDENTITY OF NATIONAL STATES IN THE ENVIRONMENT OF THE**

**EUROPEAN UNION**

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**Abstract:** The new millennium brought a multitude of great challenges for mankind and its political representatives. One of them, not only on the European continent, is the issue of national identity and state efforts to create a common identity of European Union countries. Current migration crisis only deepened this process. Finally, the ambition of their own identity led citizens of the UK to withdrawal from the EU. We are standing in front of such a fundamental question - is here the future of nation states? The inclination to national roots dominates at least in an environment of Europe.

**Key words:** European Union, national state, powers, common and individual policy

**1 Introduction**

Our contribution deals with several key points of European Union acting. We can mention some of them – models of functioning of EU, mutual relationships between EU as a whole, its institutions and member states, short definition and consequences of “EU Constitution” and two main topics of our paper – powers of the national state within the EU and possibilities of enforcement of national state´s policy. As European law says, moves towards closer European integration have altered the role of the national parliaments. A number of instruments for cooperation between the European Parliament and the national parliaments have been introduced with a view to guaranteeing effective democratic scrutiny of European legislation at all levels. This trend has been reinforced by provisions introduced by the Lisbon Treaty. The position of national states is now endangered by many critical situations – migration crisis, international terrorism, unequal powers in decision-making etc.

At the beginning, it is necessary to define the basic legal framework of European legislation. An essential part of this theme is the characteristics and functioning of European (EU) law in the context of international law and the law of the member states. From their coexistence it raises the international nature of the European Union as actively participating and acting unit in international relations. The EU has increasingly been studied as an international actor, but it is important to make the linkage between the Union´s internal processes of integration, policy making and development of international relations more generally. This means that established concepts and frameworks in international relations can be brought together with the approaches from comparative politics and public policy that have characterized study of the EU. In this way, the development of the EU as a system of international relations in itself can be related analytically to the place it occupies in the processes of international relations, and to its position as a “power” in the international arena. Such an analysis facilitates an understanding both of the ways in which the EU produces international action and of the ways in which the international dimension enters into EU policy making, and can help in the identification of key elements of change in the EU´s international position (Hill – Smith, 2011). During the years since the end of the Cold War there has been a substantial growth of attention to the ways in which the EU´s international policies are made and pursued. We can see a different view of the various disciplines on this issue. Empirically, the EU can be seen as one of the world´s two economic superpowers. Analytically, the Union poses major challenges by virtue of its status as something more than an intergovernmental organization but less than a fully fledged European state (Casarini – Musu, 2007). Not surprisingly, much of the attention paid to the EU in the international arena has thus consisted of charting the development of this partial superpower and evaluating the ways in which it does or does not perform important “state functions” in the changing world order.

 Member states do still conduct residual foreign relations among themselves. It shows, for example, Greek-German tensions in 2010 over Greek debts and German history, or various difficulties involving Hungary, Romania and Slovakia over ethnic minorities. Looking at the EU´s place in international relations, seen from the outside as it were, involves a new take on a number of established international relations concepts. Ideas such as those of balance of power, multipolarity, world system and globalization are relevant to understanding the contexts in which the European Union has reflected and affected major forces and changes in international relations. EU is in terms of international law a body with international legal personality. It may be seen in many ways – as a power, a model or a regime. Sometimes there are various combinations of these. But whichever interpretation is favoured, this volume argues that we need to combine an understanding of the EU´s internal character with an analysis of its international situation (Hill – Smith, 2011). We can recognize three broad areas with respect to the international relations of the European Union (EU):

* the development of the institutions and instruments of the EU’s foreign policy system, including the role that the EU member states have played in the development and functioning of that system;
* the EU’s relations with Third World countries, other regions, and other international organizations as well as its broader role in the international system;
* the theoretical and analytical approaches used to try to explain the development, functioning, and output of the EU’s foreign policy system (Smith, 2012).

**2 Relations between EU and national parliaments**

At present, we can recognize very actual debates about the nature and functioning of the European Union. Economic, political and legal aspects and theories and also possible alternatives play an important role for its future development. A large number of actors, complex model of operation and changing attitudes cause that the European integration process seems complicated and confusing. The decision making process is transferred to the supranational institutions and/or is commonly shared with other countries. The very process of European integration involves transferring responsibilities hitherto exercised by national governments to joint institutions with decision-making powers, thus diminishing the role of the national parliaments (NPs) as legislators, budgetary authorities and the bodies responsible for scrutinizing the executive. Most of the responsibilities transferred from national to EU level now rest with the Council, and the EP has not acquired all the powers that would enable it to play a full parliamentary role in European affairs. The result is a structural ‘democratic deficit’. Both the EP and the NPs have repeatedly deplored this democratic deficit and tried to reduce it. The result was the creation of two basis points:

* Increasingly concerned at forfeiting any meaningful say in EU policy making, the NPs have come to see more effective national scrutiny of their governments’ EU activities and closer relations with the EP as a way of regaining some influence and at the same time ensuring that Europe is built on democratic principles.
* For its part, the EP has generally taken the view that close relations with the NPs would help to strengthen its legitimacy and bring Europe closer to its citizens.

Until 1979, the EP and the NPs were linked organically, because MEPs were appointed from within the NPs. Direct elections to the EP broke those ties, and for some 10 years relations dwindled almost to nothing. The need to restore them became apparent after 1989: talks were held and a start was made on establishing new ties to replace the original organic ones. More recently, the NPs have acquired at least some powers of scrutiny over their governments’ EU activities, as a result of constitutional reforms, government undertakings, changes to their own operating methods and interpretations of national constitutional rules issued by some Member States’ constitutional courts. Their committees specializing in European affairs have played a major role in these developments, in cooperation with the EP (Raffaelli, 2017). The relationship between MPs and MEPs has never been plain sailing. Today, there are many formats for cooperation between national parliaments and the European Parliament, but none of them work very well. Since 1963, speakers from national parliaments and the president of the European Parliament have met in the format of an EU Speakers’ conference; since 1999 the conference has met regularly once a year, and has attempted to provide guidelines for inter-parliamentary cooperation in the EU. Since 1989 MPs from EU affairs committees and MEPs have met in the Conference of EU affairs committees (CO SAC). The original objective of this inter-parliamentary cooperation was to exchange views on European business and best practice in the parliamentary scrutiny of EU affairs.

But the Lisbon treaty gave national parliaments an early warning mechanism. Since December 2009, COSAC has aimed to ensure that national parliaments use it more effectively. There are two plenary COSAC meetings per year and two COSAC chairperson gatherings (composed of chairs of EU affairs committees in individual chambers and the chair of the European Parliament’s constitutional affairs committee (AFCO)). COSAC chairpersons discuss among other things the agenda for the COSAC plenary. EU candidate countries can send representatives from their parliament to COSAC meetings but they act only as observers. In the 1990s and 2000s parliaments also started sending liaison officers to Brussels. They have offices inside the European Parliament. Parliaments’ representatives meet colleagues from other national chambers every Monday morning to discuss the latest developments in the EU. Since 2012 MPs and MEPs have also gathered twice a year to discuss EU foreign policy in the interparliamentary conference on Common Foreign and Security Policy (CFSP) and on Common Security and Defence Policy (CSDP); and since 2013 to debate economic matters in the 'conference on stability, economic co-ordination and governance in the European Union'. The European Parliament and the parliament of the country holding the presidency of the Council of Ministers can also organise other meeting and seminars. In addition, the European Parliament can host inter-parliamentary committee meetings in Brussels comprising MEPs from certain committees and MPs from corresponding national committees. MPs from member-states also use their party channels to stay in touch with their colleagues in Brussels or invite MEPs to attend discussions in national parliaments (Gostyńska-Jakubowska, 2016).

**3 Different approaches to formation of EU**

At the same time, the action of the EU is characterized by phenomenons which are called „positive“ and „negative integration“. First of them refers to building the common institutions and policies. Second type refers to the removal of cross-border barriers and obstacles. The creation of unified European market shows the presence of both elements - positive and negative integration (positive: building a new common policy, negative: the removal of cross-border trade barriers). We can say that EU overcomes this development – it filled the relevant features of international economic integration. In our opinion, we can distinguish two basic directions of EU formation:

* Neofunctionalism - identified three basic conditions for successful integration: plural social structure; sufficient economic and industrial development; common ideological patterns among participants.
* Federalism – tried to create a constitutional unit of federal type (should be achieved only by successive steps).

We can also recognize other well-known models of European political and administrative organization – for example Kalergi´s "Pan-Europa“ or Churchill´s "United States of Europe". In a broad historical perspective, Europeanisation can be conceived as the sixth major developmental trend in the history of Europe since the 16th century. Following Rokkan we can distinguish five macro-developments in the history of nation-state making in European conditions. The first was state-building, with its historical progressive coincidence of regulatory orders in economic, administrative and military spheres under the supremacy of a single set of hierarchically organized territorial institutions. The second was the development of capitalism that – notwithstanding its potential early un-bounded nature – was nourished within the capsule of the state in view of the formation of the national market. The third was the nation-formation, with its strengthening of cultural boundaries and the creation of equality areas of cultural solidarity and common cultural standards. The fourth was the process of democratization, with the progressive articulation, recognition and legitimation of the institutional channels and political organizations for internal voice structuring. The fifth was the development of welfare systems, with the growth of social citizenship rights for the culturally homogeneous national communities, aimed at providing a substantive complement to political democracy (Bartolini, 2006). State building and nation building created the wrapping within which capitalism developed and was often nourished. Party systems and welfare states constituted the crucial mechanisms of political identification and legitimation that stabilized societies characterized by high rates of socio-economic changes. Europeanisation can be read as a sixth powerful driving force for the European system of states, nations, economies, democracies and welfares. As such, Europeanisation has to be related to the other developmental phases.

The process of European integration resulted historically from two types of problem-pressures after two World Wars. The first was the unbearable costs of the rivalries of the European states system in an era of war technologies whose destructive power had become disproportionate to the stake of the rivalries themselves. The second was the growing pressure deriving from the slow but significant economic peripheralisation of Europe in the post-World War II world economy and the corresponding perception of the inadequacy of the European state and of its boundaries as a principle of efficient economic organization in the world competition. In other words, Europeanisation can be interpreted as a response to the weakening of the European state system and to the new pressure of capitalist world development. The process of European economic integration of the second half of the 20th century – to the extent that it was an answer to the new trend to free trade and liberalization at the international level – has progressively represented a direct challenge to national cultural systems, national political decision-making and national redistributive mechanisms and policies.

**Figure 1:** The six developmental trends in European history since the 16th century



Source: Authors; Bartolini, 2006.

**4 Statehood of the EU**

The first step towards establishing the statehood of the EU should be the adoption of the European Constitution. Experts on constitutional law and European legislation formulated an international treaty that aimed to create a Constitution for the European Union. Unfortunately, its ratification process was not successful in member states in the second half of 2005 - did not enter into force as planned on November 1, 2006. It happened after other reform efforts within the Lisbon Treaty. In Slovakia, the EU Constitution was adopted by decision of the National Council on May 11, 2005. The question of statehood has been investigated previously - for example, in the explanatory report of the Constitutional Treaty for Europe. It is debatable if we can still consider the EU as a loose association of states. From a terminological point of view, authors of Lisbon Treaty tried to avoid a possible accusation of constitutional nature of the text. It means that the Treaty does not use the term „Constitution“, the position of Minister for Foreign Affairs is renamed on High Representative of the EU for Foreign Affairs and Security Policy, there is no reference to the state symbols etc. Eventual statehood makes also clear its definition within the legal framework. The primary law of the EU is made up of international treaties which have a direct impact on its formation. In the position of the primary law makers are member states of the EU - in accordance with the traditional understanding of international law. Secondary law consists of normative legal acts which are aimed at content in primary legislation. These acts are adopted by the EU institutions: the European Council, the European Commission, the Council of the EU and the European Parliament. Four basic procedures of the adoption of legislation have gradually developed:

 - co-decision procedure

 - approval process

 - process of consent

 - process of consultation

Each of them gives different roles and responsibilities to institutions and different methods are used in various fields of action. The co-decision procedure became the basic legislative process and the vast majority of acts is approved with it. While globalization affects the sovereignty of every nation-state, European countries face special challenges due to the emergence of the European Union. It is not easy to explore the transformation of ideas of statehood in light of the EU’s continued development, including rapidly changing notions of democracy, representation, and citizenship alongside major shifts in economic regulation (Riekmann – Mokre – Latzer, 2006). On the other hand, the explanation of this issue can be quite easy. The difference between the European Union and a state (a federation of federal states) is that the member states of the European Union are considered sovereign. The reason for this is that the legislation of the European Union (European Commission, Council and Parliament) has no power to amend the constitutional basis of the European Union, i.e. the Treaties. Only the member states can amend the Treaties and, for example, grant the European Union additional powers. So they are still in control and can be considered sovereign, although they have transferred some of their powers to the European Union. Compare this to a federation where the federal legislation has the power to amend the constitution of the federation and thus the power to grant itself additional powers. Even if such amendment to the constitution has to be ratified by the states (as in the United States) or has to be confirmed by a second chamber or parliament made up of state representatives (such as in Germany), a single state can still be voted down by a majority of states (or state representatives). Consequently, the federal states are no longer sovereign as others have the power to, in theory, take their powers away. In order to become a state, the European Union would simply need a new constitution that grants the European Union the power to amend its own constitution.

**5 Conclusion**

EU member states have all features of sovereignty, but the European Union is already much more than an international organization. It is neither a state, even if it tries to act as a state. The problem is that the similar institution as the EU never existed. Disputes about the issue what legal system is subject to the integration process are still not finished and opinions oscillate between the concept of federation, the community of states, international organizations and autonomous and functional integration unit. Anyway, the result of this process is the creation of supranational institutions which are superior to member states in certain agreed fields. The EU is committed to the practice of representative democracy which is in the political science theory connected with the public and political authorities. Reality of the EU executive has many shortcomings and it is expressed in concrete situations - the crisis of turnout in EP elections, mentioned democratic deficit of the EU etc. The EU is largely viewed as a cornerstone of European stability and prosperity. Currently, however, the EU faces a range of political and economic pressures, including slow growth and persistently high unemployment in many EU countries, as well as the rise of populist political parties, at least some of which harbor anti-EU or “eurosceptic” sentiments. Such factors are complicating the EU’s ability to deal with a multitude of internal and external challenges. Among the most prominent are:

* the June 2016 vote in the United Kingdom (UK) in favor of leaving the EU;
* the Greek debt crisis and lingering concerns about the eurozone;
* ongoing migrant and refugee flows;
* a resurgent Russia;
* a heightened terrorism threat.

Amid these difficult issues, the future shape and character of the union are being increasingly. Supporters of the European project worry that for the first time in its 60-year history, some aspects of integration could be stopped or reversed. Others contend that there is a chance that the multiple crises currently facing the EU could produce some beneficial EU reforms, encourage further political and economic integration, and ultimately transform the bloc into a more effective and cohesive entity.

The 2008-2009 global recession and the eurozone debt crisis significantly affected European economies, decreasing growth and increasing unemployment in many EU countries, and posing a risk to the European banking system. Some EU governments imposed unpopular austerity measures in an effort to rein in budget deficits and public debt. In order to stem the eurozone crisis, Greece, Ireland, Portugal, and Cyprus required European and international financial assistance. Despite some signs of recovery, many EU countries continue to struggle with sluggish growth, high unemployment (especially among young people), and dissatisfied publics (Archick, 2017). In accordance to that, Austria, Denmark, Finland, France, Germany, Greece, Hungary, Italy, the Netherlands, Poland, Spain, Sweden, and the UK are among those EU countries with increasingly successful populist, and to at least some extent, eurosceptic parties. A range of eurosceptic parties did well in the 2014 European Parliament elections, winning up to 25% of the 751 seats. Some eurosceptic parties have made significant gains in national and local elections. For example, in Finland, a moderate eurosceptic party is part of the coalition government, while in Denmark, a minority government relies on a eurosceptic party to provide parliamentary support. In Poland, a nationalist party with a relatively eurosceptic approach won a majority in parliamentary elections in October 2015 and now leads the government.

For many supporters of the European project, the EU has entered uncharted territory. Although most experts consider a complete dissolution of the EU to be likely, the future shape and character of the bloc are being increasingly questioned. In light of the serious internal and external challenges currently facing the EU, especially Brexit, advocates worry that for the first time in the EU’s history, at least some aspects of integration may be stopped or reversed. Others contend that the multiple crises currently facing the EU could produce some beneficial reforms and ultimately transform the bloc into a more effective and cohesive entity.

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