

**T.C.**

**TURKISH-GERMAN UNIVERSITY**

**INSTITUTE OF SOCIAL SCIENCES**

**EUROPEAN AND INTERNATIONAL AFFAIRS**

**EXPLAINING DIFFERENTIATED (DIS)INTEGRATION  
IN THE EUROPEAN UNION:  
THE CASE OF THE UNITED KINGDOM**

**MASTER'S THESIS**

**Eray ULUÇAY**

**ADVISOR**

**Assoc. Prof. Dr. Ebru TURHAN**

**ISTANBUL, June 2022**

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## **DECLARATION**

I hereby declare that this thesis is an original work. I also declare that, I have acted in accordance with academic rules and ethical conduct at all stages of the work including preparation, data collection and analysis. I have cited and referenced all the information that is not original to this work.

**Eray ULUÇAY**

# ÖZET

## AVRUPA BİRLİĞİ'NDE FARKLILAŞTIRILMIŞ (DEZ)ENTEGRASYONU AÇIKLAMAK: BİRLEŞİK KRALLIK ÖRNEĞİ

Farklılaştırılmış entegrasyon, uzun yıllardır Avrupa entegrasyonunun normal bir özelliği olmuştur. Birleşik Krallık, Avrupa Birliği'ndeki farklı politika alanlarından bir dizi opt-out (dışında kalma) ile farklılaştırılmış entegrasyonun dikkate değer bir örneğiydi. Brexit süreci ile birlikte Birleşik Krallık Avrupa Birliği'nde farklılaştırılmış dezentegrasyon sürecini başlatan ilk üye devlet olmuştur. Bu bağlamda “farklılaştırılmış entegrasyon dezentegrasyona nasıl yol açtı” sorusu ortaya çıkmıştır. Birleşik Krallık hem farklılaştırılmış entegrasyonu hem de farklılaştırılmış deneyimleyen tek üye devlet olduğundan, bu tez Birleşik Krallık hakkında bir vaka analizine dayanmaktadır. Ampirik olarak, Avrupa Birliği Antlaşmasınının 50. Maddesinin yürürlüğe girmesine kadar Birleşik Krallık'ın Avrupa Birliği ile farklılaştırılmış (dez)entegrasyon tarihini incelemiştir. Teorik olarak, bu tez farklılaşma çerçevesinde entegrasyonu ve dezentegrasyonu yan yana koymaktadır. Entegrasyondan dezentegrasyona yumuşak geçişi açıklamak amacıyla aynı zamanda “farklılaştırılmış (dez)entegrasyon nasıl oluşur” sorusunu da sormuştur. Bu tez bir üye devlet farklılaştırılmış entegrasyonu ne kadar çok deneyimlense, dezentegrasyonu talep etme olasılığının o kadar yüksek olduğunu savunmaktadır. Ayrıca, ulusal çıkarlara yönelik artan endişenin Birleşik Krallık'ın farklılaştırılmış entegrasyon deneyimi yaşamasına neden olduğunu ve bunun da dezentegrasyona yol açtığını iddia etmektedir.

**Anahtar Kelimeler:** Farklılaştırılmış entegrasyon, farklılaştırılmış dezentegrasyon, Avrupa Birliği, Brexit, BK-AB ilişkileri

# **ABSTRACT**

## **EXPLAINING DIFFERENTIATED (DIS)INTEGRATION IN THE EUROPEAN UNION: THE CASE OF THE UNITED KINGDOM**

Differentiated integration has been a regular feature of European integration for many years. The United Kingdom was a notable example of differentiated integration with a number of opt-outs from different policy areas within the European Union. With the Brexit process, the United Kingdom became the first member state to trigger the process of differentiated disintegration in the European Union. Within this context, the question of “how differentiated integration led to disintegration” arose. As the United Kingdom was the only member state which experienced both differentiated integration and differentiated disintegration, this thesis is based on a case study of the United Kingdom. Empirically, it examined the United Kingdom’s history of differentiated (dis)integration with the European Union until the invocation of Article 50 Treaty on European Union. Theoretically, this thesis juxtaposed integration and disintegration within the framework of differentiation. It also asked the question of “how differentiated (dis)integration occurs” with the purpose of explaining the smooth transition from integration to disintegration. This thesis asserts that the more a member state experiences differentiated integration, the more likely it would demand for disintegration. Moreover, it claims that the growing concern over the national interests made the United Kingdom experience differentiated integration, paving the way for disintegration.

**Key Words:** Differentiated integration, differentiated disintegration, European Union, Brexit, UK-EU relations

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## **LIST OF ABBREVIATIONS**

<b>AFSJ</b>	: Area of Freedom, Security and Justice
<b>BBQ</b>	: British Budgetary Question
<b>CAP</b>	: Common Agricultural Policy
<b>CDA</b>	: Critical Discourse Analysis
<b>CDU</b>	: Christian Democratic Union
<b>CSDP</b>	: Common Security and Defence Policy
<b>CSU</b>	: Christian Social Union
<b>DHA</b>	: Discourse Historical Approach
<b>EAEC</b>	: Eurasian Economic Community
<b>ECOWAS</b>	: Economic Community of West African States
<b>EEA</b>	: European Economic Area
<b>EEC</b>	: European Economic Community
<b>EFTA</b>	: European Free Trade Association
<b>EMS</b>	: European Monetary System
<b>EMU</b>	: Economic and Monetary Union
<b>ENP</b>	: European Neighbourhood Policy
<b>ERM</b>	: Exchange Rate Mechanism
<b>EU</b>	: European Union
<b>EU IDEA</b>	: EU Integration and Differentiation for Effectiveness and Accountability
<b>EU3D</b>	: EU Differentiation, Dominance and Democracy
<b>EURATOM</b>	: European Atomic Energy Community

<b>EURODAC</b>	: European Asylum Dactyloscopy Database
<b>InDivEU</b>	: Integrating Diversity in the European Union
<b>NF</b>	: Neofunctionalism
<b>OAU</b>	: Organisation of African Unity
<b>OCT</b>	: Overseas Country and Territories
<b>OMR</b>	: Outermost Region
<b>PESCO</b>	: Permanent Structured Cooperation
<b>PF</b>	: Postfunctionalism
<b>RI</b>	: Realist Intergovernmentalism
<b>SEA</b>	: Single European Act
<b>TEU</b>	: Treaty on European Union
<b>TFEU</b>	: Treaty of Functioning of the European Union
<b>TSCG</b>	: Treaty on Stability, Coordination and Governance in the Economic and Monetary Union
<b>UK</b>	: The United Kingdom of Great Britain and Nord Ireland
<b>VAT</b>	: Value Added Tax

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## CHAPTER 1: INTRODUCTION

The European Integration has always been a controversial issue not only in the political but also in the academic sphere. Although the main target has been to reach a uniform integration, the European integration has been mainly associated with differentiation over the last decades. Differentiation refers to “any modality of integration or cooperation that allows States (members and non-members) and sub-State entities to work together in non-homogeneous, flexible ways.” (EU IDEA, n.d.). Therefore, “differentiated integration” is considered as a solution to deal with the heterogeneity in the European Union (EU) (Stubb, 1996, p. 283). However, the United Kingdom (UK)’s decision to renegotiate the terms of its membership with the EU and to hold a referendum on its EU membership has led not only to the revival of studies on differentiated integration but also to the introduction of new concept, that is, “differentiated disintegration” (Schimmelfennig, 2018). In this sense, differentiated (dis)integration is a regular feature of European Integration (Leruth & Lord, 2015, p. 761).

When the leaders of six countries, namely Belgium, France, Germany, Italy, Luxemburg and the Netherlands, signed the Treaty of Rome, they determined to create “an ever closer Union”. Over time, new countries started to attend in the group of six. This process strengthened the heterogeneity and the heterogeneity created more differentiation. Even though there were the glimpses of the differentiation in the Treaty of Rome (Hanf, 2001 as cited in Leruth et al., 2019a, p. 1015), the Treaty of Maastricht was the turning point for the differentiated integration for the reason that the UK and Denmark received the first opt-outs within the framework of the Treaty of Maastricht.

The opt-outs enable reluctant member states not to take part in the integration in a given policy area. The UK (with Denmark) was labelled as “the champion of opt-outs”(Adler-Nissen, 2009, p. 64). It secured various opt-outs regarding the Economic and Monetary Union (EMU), the Charter of Fundamental Rights, the Schengen Agreement, the Social Chapter and the Area of Freedom, Security and Justice (AFSJ)

respectively before its withdrawal from the EU. Accordingly, the UK is mentioned as a good example of differentiated integration in the literature.

David Cameron's Bloomberg speech in 2013 opened a new chapter not only for the UK and the EU but also for the study of differentiation in general. Cameron promised to renegotiate the UK's membership of the EU and it would be followed by an in-out referendum. On 23 June 2016, the UK voted to leave the EU by a slight majority. Despite the fact that Algeria (1962), Greenland (1985) and Saint Barthélemy (2012) left the European Community/Union because of different reasons (Gänzle et al., 2020, p. 3), for the first time in the history of the EU, a full member state triggered the process of disintegration and also became the first member state to trigger the Article 50 of the Treaty on the European Union (TEU). Hence, Schimmelfennig (2018) illustrated the Brexit process as differentiated disintegration since a member state wished to reduce its level, scope and also membership of the EU (p. 1156). Yet, it was not related to the dissolution of the EU concerning the meaning of the word "disintegration".

In this context, the question of "how differentiated integration led to disintegration" arose. This thesis juxtaposes integration and disintegration within the framework of differentiation. It empirically examines the UK's history of differentiated (dis)integration with the EU until the invocation of Article 50 TEU. Theoretically, it also asks the question of "how differentiated (dis)integration occurs" with the purpose of explaining the smooth transition from integration to disintegration.

On the one hand, differentiated (dis)integration is an "explanans", it can offer explanations for the different forms of integration. On the other hand, it is an "explanandum", it also needs to be explained (Leruth & Lord, 2015, p. 759). However, there is no single theory that can shed light on the emergence differentiated (dis)integration adequately. Thus, "a composite model" of different theories can better explain the multifaceted nature of differentiation (Schimmelfennig & Winzen, 2019, p. 1190). Accordingly, the hypotheses were derived from neofunctionalism, realist intergovernmentalism and postfunctionalism.

Akin to the assumptions of neofunctionalism, this thesis firstly claims that the more a member state experiences differentiated integration, the more likely it will demand for disintegration. Differentiated integration is an evolving process rather than a one-time

event. Like differentiated integration, differentiated disintegration is not an event, but an ongoing process when it applies to the relationship between a member state and the EU. In order to give an overall picture of differentiated (dis)integration, according to the assumptions of realist intergovernmentalism and postfunctionalism, this thesis secondly asserts that the growing concern over the national interests makes the member state experience differentiated integration, paving the way for disintegration.

The UK has been a notable example of differentiated integration with a number of opt-outs from different policy areas in the EU. With the Brexit process, the UK also became the first example of differentiated disintegration. In this regard, the following hypothesis was developed: the growing concern over the national interests made the UK experience differentiated integration, paving the way for disintegration. Meanwhile, it is important to note that the UK defines its “fundamental national interests” as sovereignty, security and prosperity (HM Government, 2021, p. 13).

## **1.1. METHODOLOGY**

The UK is the only member state which experience both differentiated integration and disintegration. This thesis is based on a case study of the UK. The process-tracing method will be employed so as to examine the shift from differentiated integration to differentiated disintegration. In a single case study, the process-tracing is utilized to illustrate “the causal mechanism” (Beach & Pedersen, 2013, p. 28) . The process-tracing defines “the intervening causal process – the causal chain and causal mechanism-between an independent variable (or variables) and the outcome of the dependent variable” (George & Bennett, 2005, p. 206).

Accordingly, the UK-EU relations will be examined in three periods respectively. Firstly, the historical background of UK’s application for the European Economic Community (EEC) membership will be presented. Secondly, the UK-EU relations before the signature of Maastricht Treaty will be analysed in order to outline the process of differentiated integration. Lastly, the process leading to disintegration will be explicated in post-Maastricht period.

For the analysis, the primary sources of this thesis include official documents, official reports of parliamentary debates, speeches by key politicians and political party manifestos. Thus, the process-tracing method will be complemented by discourse analysis.

This thesis employs Discourse-Historical Approach (DHA) to Critical Discourse Analysis (CDA). According to the DHA, “the present is the outcome, more or less directly, more or less clearly of longstanding historic processes” (Richardson, 2017, pp. 61-62). The DHA enables to researcher to analyse the historic discourses. Also, it enables to researcher to study the contemporary discourses with regard to the historical background (Richardson, 2017, p. 62).

Furthermore, the DHA highlights “the discursive construction and representation of ‘us’ and ‘them’ ” (Wodak, 2016, p. 5). The discursive construction of “us” and “them” will be useful to illustrate why the UK distanced itself from the EU despite being a member state, why the UK remained sceptical about European integration and why the UK preferred to reduce the level and scope of integration despite its opt-outs. Hence, the DHA will be utilized to explain the UK’s growing concern over its national interests.

## **1.2. STRUCTURE OF THE THESIS**

The following chapter centres around the review of literature. While there exists a considerable body of literature on differentiated integration, the existing literature on differentiated disintegration remains scarce. Hence, more work is necessary for the theoretical explanations of differentiated integration as well as differentiated disintegration. Even though the UK was demonstrated in a myriad of studies as an example of differentiated (dis)integration, there are only a few case studies conducted on the UK as a case of differentiated (dis)integration. Therefore, to fill the literature gap, this thesis carries out an analysis of differentiated (dis)integration by conducting a case study on the UK.

The third chapter focuses on the conceptual and theoretical framework. This thesis takes differentiated (dis)integration both as a concept and as a theory. It starts with a brief explanation of how differentiated (dis)integration differs from uniform (dis)integration.

Subsequently, differentiated integration is examined in the light of the assumptions of grand theories. Internal and external forms of differentiated integration are elaborated respectively. Furthermore, differentiated disintegration is scrutinized with regard to its internal and external forms. Finally, in this chapter, the hypotheses are developed drawing on the theoretical assumptions vis-à-vis differentiated (dis)integration.

The fourth chapter revolves around the UK's application to the EEC membership. The reasons behind the UK's application and the reasons behind de Gaulle's vetoes on the UK's membership will be examined. Also, this chapter illustrates the UK's membership negotiations to the EEC and domestic considerations about the issue.

The fifth chapter presents the process until the UK secures its first opt-outs from the Maastricht Treaty. Hence, this chapter focuses on the events leading to the UK's differentiated integration with the EU. In this regard, the 1974/75 renegotiation and referendum will be explained. Moreover, the UK Rebate and the significance of the Bruges Speech will be elaborated respectively. Finally, this chapter analyses the UK's withdrawal from the Exchange Rate Mechanism as the first Brexit.

The sixth chapter delves into the events leading to the Brexit referendum. The UK's opt-outs from Maastricht Treaty, the Treaty of Amsterdam and the Treaty of Lisbon will be examined. The UK's changing stance on the European integration will be illustrated through the cases of European Union Act 2011 and the UK's veto on treaty change. Eventually, this chapter addresses the Brexit process in line with differentiated disintegration.

The final chapter presents the main finding of the thesis and provides recommendations for further research.



## CHAPTER 2: LITERATURE REVIEW

As the differentiation became a permanent feature of the European Union, the studies described the European Union as “a system of differentiated integration” (Leuffen et al., 2013; Schimmelfennig et al., 2015). The first academic discussions on differentiated integration started to emerge after the publication of the Tindemans Report (1975) and there was scarce literature on the issue until the early 1990s (Stubb, 1996, p. 284). The early 1990s was a critical point for both the future of Europe and the literature on differentiated integration. According to Leruth et al. (2019a), there were three reasons to explain why the scholars started to focus on the concept of differentiated integration (p. 1016). Firstly, the first opt-outs were obtained by the UK and Denmark from the Maastricht Treaty. Secondly, the “big bang enlargement” in 2004 resulted in more heterogeneity in the Union after the Second World War. The final reason was the introduction of the concept of enhanced cooperation within the framework of the Treaty of Amsterdam.

Alexander Stubb (1996) presented the first clear definition of differentiated integration as “the general mode of integration strategies which try to reconcile heterogeneity within the European Union (EU)” (p. 283). He also outlined the first categorization of differentiated integration in with three variables: “Multi-Speed” regarding time, “Variable Geometry” regarding space and “A la Carte” regarding matter. Moreover, Stubb (1997) presented the member states’ attitudes towards differentiated integration. Stubb’s works made notable contributions to the development of the literature on differentiated integration.

According to Holzinger and Schimmelfennig (2012), the literature on differentiated integration was dominated by “overconceptualization” and “undertheorization”. Nevertheless, there were “even less systematic data collection and analysis” (p. 302). Schimmelfennig and Winzen (2019) made a theoretical contribution to the literature by analyzing three grand theories, namely liberal intergovernmentalism, neofunctionalism and postfunctionalism. They concluded that grand theories have some strengths and shortcomings to explain differentiation on their own; therefore, they

recommended a “composite model” of grand theories. Consequently, Schimmelfennig and Winzen (2020) put forward the theorization of differentiated integration and disintegration with demand-side and supply-side factors. On the contrary, the consequences of differentiation were understudied in the relevant literature. The work of Burk and Leuffen (2019) was a contribution for the methodology of differentiated integration and disintegration. The economic consequences of the UK’s opt-out concerning Eurozone were examined with the application of the syntactic control method. The results showed that “the UK profited economically from not being part of the eurozone.” (Burk & Leuffen, 2019, p. 1396).

The Eurozone crisis with the possibility of Greek withdrawal from the EU, namely Grexit and Brexit led the scholars to discuss the European disintegration. One of the first studies by Vollaard (2014) demonstrated that the European integration theories failed to explain the process of disintegration since they concentrated on the integration of the EU as a whole (p. 1143). With the Brexit process, different scholars started to contribute to the theorization of European disintegration (Rosamond, 2016; Jones, 2018; Vollaard, 2014, 2018; Webber, 2019). With regard to disintegration, Vollaard (2014) criticized the literature on differentiated integration because of the fact that it “only explain[s] why some Member States do not join all integrative steps, and not whether the EU could become less integrated.” (p, 1143). Particularly, he touched on the possibility of “partial exits” in the EU since the full exit from the EU is “too costly or risky” for member states (Vollaard, 2014, p. 1153).

The concept of “differentiated disintegration” was firstly mentioned by Leruth and Lord (2015) as complementary to “differentiated integration”. However, Schimmelfennig’s study “Brexit: differentiated disintegration in the European Union” (2018) was clearly a watershed both for the study of Brexit and for the study of differentiation in general. This article explained the notion of differentiated disintegration and provided a theoretical framework for the analysis of differentiated disintegration.

The literature exemplified the departures of Algeria, Greenland and Saint Barthélemy from the European Community/Union as early cases of disintegration. In this vein, Stefan Gänzle (2020) gave an analysis of differentiated disintegration from a historical and comparative perspective. He examined not only the aforementioned cases

from European Community/Union but also the cases from other regional organizations such as the Organization of African Unity (OAU), Economic Community of West African States (ECOWAS) and the Eurasian Economic Community (EAEC). The analysis claimed that differentiated disintegration was not a completely new process peculiar to the case of the UK.

The study of public administration brought a new perspective to differentiated disintegration. The member states can leave the EU, however, they are already interconnected through the EU administrative networks. Therefore, their national agencies' de facto participation can continue in those networks (Leruth et al, 2019a, p. 1022). As an illustration, Kaeding (2021) discussed the position of EU agencies vis-à-vis the UK-EU relations during pre- and post-Brexit period. Moreover, there are city and regional networks which a number of EU sub-national governments participate in. For instance, Tortola and Couperus (2020) outlined differentiation in sub-national networks in the EU. They emphasised the role of networks for the UK-EU relations in post-Brexit period (Tortola and Couperus, 2020, p. 16). Thus, it should be noted that, the differentiated (dis)integration should be studied from a multi-level perspective.

Leruth et al. (2019a) presented a historical review of literature on differentiated integration. Today, the Horizon 2020 projects such as EU Integration and Differentiation for Effectiveness and Accountability (EU IDEA), Integrating Diversity in the European Union (InDivEU) and EU Differentiation, Dominance and Democracy (EU3D) contribute the literature with various policy papers. On the contrary, the literature on differentiated disintegration is quite scarce (Schimmelfennig, 2018; Leruth et al., 2019a, 2019b; Gänzle et al., 2020; Glencross, 2021). Glencross' work (2021) is an analysis of differentiated disintegration from the perspective of comparative federalism. Nevertheless, most of them are based on the ground-breaking work of Schimmelfennig (2018) or its revised versions (Schimmelfennig, 2020; Schimmelfennig & Winzen, 2020). The study of differentiated disintegration is in need of more empirical analysis and theoretical explanations.

The UK is the first and only member state which sets a model for differentiated integration and differentiated disintegration. The UK vis-à-vis its opt-outs was always an example of studies on differentiated integration. The member states also associated the

opt-outs with the UK (Telle et al, 2021, p. 25). Interestingly, the UK has been rarely studied as a case of differentiated integration directly (Leruth et al., 2019a, p. 1017). This thesis aims to fill the gap in the literature by analyzing the UK as a case of differentiated (dis)integration. Furthermore, Leruth and Lord (2015) indicated the multifaceted nature of differentiated integration as a concept, a process, a system and also a theory. This thesis examines differentiated (dis)integration as an ongoing process throughout of the history of the UK-EU relations. In this sense, the present study also employs differentiated (dis)integration both as a concept and as a theory to give an overall view of differentiation in the EU.

The UK voted to leave the EU after the 43 years of membership. Schimmelfennig and Winzen (2020) pointed out that “the British demand for differentiated disintegration is in line with the logic of constitutional differentiation and the history of British differentiated integration” (p. 137). Therefore, the analysis of the history of differentiated integration in the case of the UK can offer explanations about disintegration process. Some studies on Brexit take into consideration the history of the UK’s membership of the EU before the Brexit process (O’Rourke, 2019; Oliver, 2018; Troitiño et al., 2018), whereas a number of studies relied on the analysis of Brexit referendum campaign (Clarke et al., 2017; Curtice, 2017).

The literature pertaining to the UK-EU relations put an emphasis on “the otherness” of the UK in the Union. The UK was known as “an Awkward Partner” (George, 1998). It was depicted as “Reluctant European” (Wall, 2020) because of its reluctance to European integration. Moreover, it was perceived to be “Half-in, Half-out” (Adonis, 2018) with regard to its European policy. As Kevin O’Rourke (2019) noted that “Brexit did not emerge out of nowhere: it is the culmination of events that have been under way for decades and have historical roots stretching back well beyond that”, the history of the UK-EU relations can tell the story of how an “awkward” member state left the EU.

In the wake of the Brexit referendum, the European Commission published a White Paper on the Future of European. It consisted of 5 scenarios for remaining 27 member states by 2025 namely: “Carrying on”; “Nothing but the single market”; “Those who want more do more”; “Doing less more efficiently”; “Doing much more

together” (European Commission, 2017, pp. 15-25). Although the White Paper did not mention the notions of differentiated integration and differentiated disintegration explicitly, the scenario “Those who want more do more” is a clear signal of differentiated integration. Also, the scenarios “Nothing but the single market” and “Doing less more efficiently” stand for differentiated disintegration (Leruth et al., 2019a, p. 1014). Concerning the White Paper, it can be concluded that differentiated (dis)integration will shape the future of the EU and the studies on differentiated (dis)integration are the utmost importance in this regard.

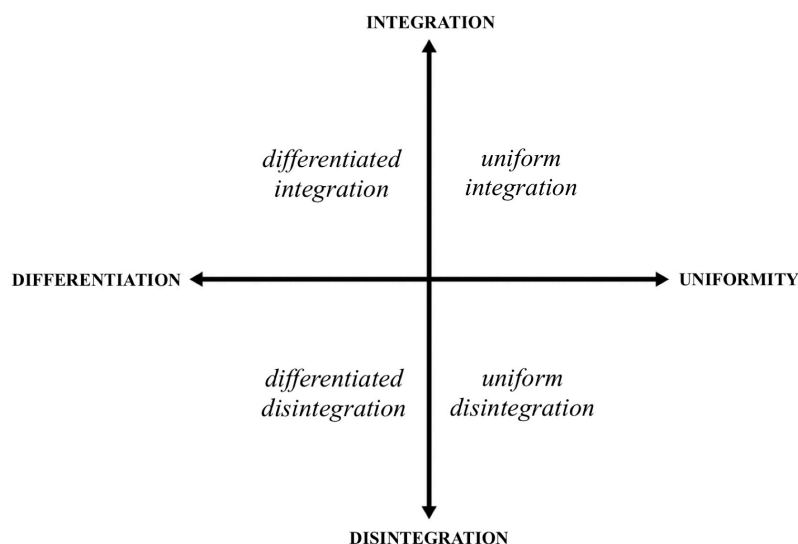
As a matter of fact, the literature states that “the studies on differentiated integration have failed to agree on a common definition of the notion for a long time” (Leruth et al., 2019a, p. 1015). On the one hand, it makes difficult to study differentiated (dis)integration with an unstructured theoretical framework. On the other hand, it allows the researchers to make distinctive contributions to the study of differentiated (dis)integration.

## CHAPTER 3: CONCEPTUAL AND THEORETICAL FRAMEWORK

Uniformity and differentiation are the parameters of European (dis)integration (Schimmelfennig, 2018, p. 1156). When there is an overall increase/decrease in the integration/disintegration, this homogeneous situation in the EU refers to uniformity. If a member state opts out from a new policy or from an integrated policy, it causes an unequal increase/decrease in the level and scope of the EU and this heterogeneity creates differentiation (Figure 1).

**Figure 1**

*Uniform/Differentiated (Dis)integration*



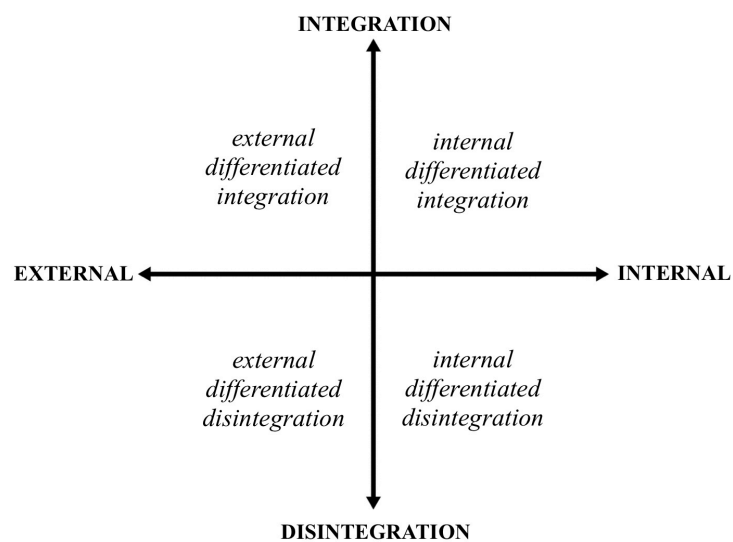
Source: Own illustration based on Schimmelfennig, 2018, p. 1156

From a static perspective, as explained by Schimmelfennig (2020), differentiated integration and differentiated disintegration are the same notions. They explain the process when the EU rule does not apply to all the member states uniformly due to the member states with opt-outs and the participant non-member states. Yet, from a dynamic

perspective, they are different. Differentiated integration occurs if a member state decides to maintain the status quo or prefers to opt out when “the integration progresses overall”. Differentiated disintegration is a situation when a member state decides to reduce the level and scope of integration and it brings about “an overall lowering of the level and scope of integration” (Schimmelfennig, 2020, p. 19).

**Figure 2**

*Internal and External Differentiated (Dis)integration*



Source: Own illustration.

Differentiated (dis)integration is not only “explanandum” but also “explanans” (Leruth & Lord, 2015, p. 759). On the one hand, it requires an explanation. On the other hand, it provides explanations about the dynamics of European integration and disintegration. In this regard, it can be utilized as a concept and as a theory. Within the framework of differentiation, both integration and disintegration based on a deal between a (non) member state and the EU as a whole. Thus, differentiated (dis)integration varies in different forms and models (Figure 2).

### 3.1. DIFFERENTIATED INTEGRATION

Differentiation refers to the situation where “different member states have different rights and obligations with respect to specific policy areas” (Kölliker, 2006, p. 2). It creates a heterogeneity in the EU on the grounds that it “allows some EU member states to go further in the integration process, while allowing others to opt not to do so” (Chopin & Lequesne, 2016, p. 531). Thus, differentiated integration refers to a heterogenetic form of integration in which not all the member states take part in, whereas some non-member states are allowed to join in.

Although it is noted that there is no single theory which offers a comprehensive explanation of differentiated integration, the composite model of theories can adequately explain differentiated integration. Hence, the theorization of differentiated integration by Schimmelfennig & Winzen (2020) will firstly be explained. Subsequently, the overview of how different theories of European integration explain the emergence of differentiated integration will be presented respectively.

The work of Schimmelfennig & Winzen (2020) presented the theorization of differentiated integration based on the assumptions of different theories with its demand and supply sides. They pointed out three supply side factors (pp. 30-37). Firstly, the size of the insider group (integration-friendly member states) should be large enough to be able to pursue further integration when the outsider group (integration-sceptical member states) maintains the status quo. The size of the outsider group is important during negotiations since the size of the outsider group is directly proportional to their bargaining power. Secondly, the positive or negative externalities that the differentiation creates determine whether the differentiation can be sustainable for both the insider and the outsider groups. Lastly, the institutional context (decision-making rules, integration norms, supranational actors and path-dependence) can influence to what extent differentiation can be achieved. On the other hand, as the literature associates differentiation with the heterogeneity, the demand-side of differentiated integration built around the heterogeneity (pp. 24-30). Moreover, they explained three types of heterogeneity. The first one is the heterogeneity of preferences that refers to a situation when a group of member states prioritize a closer cooperation in a specific policy, the other group do not have any interest into further integration. The second one is the



heterogeneity of dependence occurs when one group of member states suffers from a problem and they cannot deal with it by themselves, the other group of member states are not affected by the same problem or they are able to deal with it on their own. And the third one is heterogeneity of capacity originates from a situation where the member states cannot cooperate due to the lack of financial and technological resources or they are politically weak states.

Realist intergovernmentalism focuses on the states as the main actors which define the national interests and act in order to protect the national sovereignty and autonomy (Schimmelfennig & Winzen, 2020, p. 26). From this point of view, it distinguishes the smaller member states from the larger ones. The smaller member states engage in the cooperation to strengthen their autonomy by letting the transfer of sovereignty and power to supranational institutions (Schimmelfennig & Winzen, 2020, p. 27). On the other hand, the larger states are more autonomous and they are reluctant to cooperate in the areas of core state powers (Schimmelfennig & Winzen, 2020, p. 27) since “in areas of key importance to the national interest, nations prefer the certainty, or the self-controlled uncertainty, of national self-reliance” (Hoffmann, 1966, p. 882). The heterogeneity and diversity of national interests in the EU inhibits further integration (Scheller & Eppler, 2014, p. 13). It creates an asymmetric politicization among member states. The combination of asymmetric politicization and the high level of interdependence paves the way for the differentiated integration (Schimmelfennig et al., 2015, p. 765) and differentiation mainly occurs in high-politics areas (Leuffen et al., 2013, p. 55).

Liberal intergovernmentalism argues that the national interests are outputs of the “domestic political conflict as societal groups compete for political influence” (Moravcsik, 1993, p. 481). The interests of the most influential societal groups can shape the state preferences (Moravcsik, 1998, p. 24). Liberal intergovernmentalism highlights the economic interests in contrast to realist intergovernmentalism vis-à-vis security-oriented interests (Schimmelfennig & Winzen, 2020, p. 28). In the liberal intergovernmentalist perspective, the heterogeneity emerges between rich and poor states in terms of wealth (Schimmelfennig & Winzen, 2019 p. 1177). Yet, each state has different preferences (Moravcsik, 1993, p. 486). In pursuit of their preferences, the wealthier states can prefer not to participate in further integration since they are less dependent on intergovernmental cooperation. The less dependency on intergovernmental

cooperation enhances the bargaining power of those states (Moravcsik, 1993, p. 500). Moreover, they can easily obtain opt-outs with the help of their bargaining power (Schimmelfennig, 2018, p. 1155).

Neofunctionalism agrees on the liberal intergovernmentalist approach to heterogeneity in terms of wealth (Schimmelfennig & Winzen, 2019, p. 1178). Furthermore, neofunctionalism puts an emphasis on the path-dependency in differentiation. Sewell (1990) defines path dependency as “what has happened at an earlier point in time will affect the possible outcomes of a sequence of events occurring at a later point in time” (p. 16). In this sense, the earlier uniform integration leads to further uniform integration, while the previous differentiated integration creates more differentiation in the future (Schimmelfennig & Winzen, 2019, p. 1179).

Postfunctionalism puts an emphasis on the politicization of European integration. De Wilde (2011) defines the politicization of European integration “as an increase in polarization of opinions, interests or values and the extent to which they are publicly advanced towards the process of policy formulation within the EU” (p. 560). The supranational integration expects from the member states to transfer their national sovereignty to the EU and therefore the member states lose their control over national self-determination and they have difficulties to pursue their national interests (Hooghe & Marks, 2005, p. 423). Consequently, the integration becomes highly politicized in the areas related to the core state powers (Schimmelfennig & Winzen, 2019, p. 1179). The core state powers may comprise money and fiscal policy, foreign and defence policy, migration and citizenship issues and security, namely sovereignty (Genschel & Jachtenfuchs, 2014, p. 1). The core state powers are also related to the national identity that the control over the national borders, the national currency and the national defence is of the utmost importance (Rittberger et al., 2014, p. 196). The individuals with exclusive national identities have affinity for Euroscepticism when they believe that national interests of their country are at stake (Hooghe & Marks, 2009, p. 13). Thus, Eurosceptic member states try to secure more opt-outs in comparison to other member states (Schimmelfennig & Winzen, 2019, p. 13).

As “deepening” and “widening” are two axes of European integration, differentiation is founded on ‘vertical integration’ and “horizontal integration”. Vertical

differentiation is about the level of centralization in EU policies. It can be measured by the level of pooling sovereignty in a policy area or the transfer of competences to supranational institutions (Leuffen et al., 2013, p. 13). Horizontal differentiation originates from the number of participating countries in EU policies (Leuffen et al., 2013, p. 15). It refers to the territorial extension of EU acquis that can apply to both EU member states and non-member states. The opt-outs of member states and the opt-ins of non-member states in EU policy areas display the external and internal forms of differentiated integration.

### **3.1.1. Internal Differentiated Integration**

Internal differentiated integration emerges when at least one member state has an opt-out from a policy area in the EU. The opt-outs secured by member states can be both permanent or temporary. The permanent opt-outs are requested by reluctant member states during Treaty negotiations but the temporary opt-outs are given to member states which are not capable of fulfilling policy relevant criteria until they can comply with the requirements (Warleigh, 2002, p. 2)

When the old member states are granted opt-outs during treaty revisions, the new member states were given opt-outs during enlargement processes. In this vein, differentiation occurs with regard to the deepening and widening of European Integration. Schimmelfennig and Winzen (2014) conceptualize “Constitutional and Instrumental Differentiation”. Constitutional differentiation arises from the negotiations on treaty revisions (deepening) (Schimmelfennig & Winzen, 2014, p. 355). The old member states can obtain opt-outs with the help of their bargaining power. Thanks to their veto power, they can threaten to block negotiations. They are Eurosceptic member states against supranational integration. They try to protect their national sovereignty and identity. The opt-outs concerning constitutional differentiation are mainly permanent or long-term. On the other hand, Instrumental Differentiation occurs as a result of accession negotiations (widening) (Schimmelfennig & Winzen, 2014, p. 355). Since all member states should adopt the EU acquis, new member states may have difficulties in adopting the whole body of EU acquis communautaire and fulfilling relevant criteria. Thus, they are given temporary opt-outs to ensure smooth adaptation.

Both constitutional and instrumental differentiation are modes of treaty-based (primary law) differentiation. Treaty-based differentiation can be observed more after 1990s since some member states were granted the first opt-outs within the framework the Treaty of Maastricht and it was on rise after the big-bang enlargement (Duttie et al., 2017, p. 408). Nevertheless, legislative (secondary law) differentiation dates back to the beginning of European integration (Duttie et al., 2017, p. 414). The treaty-based differentiation does not directly further legislative differentiation, as legislative differentiation can occur on its own (Schimmelfennig & Winzen, 2020, p. 87). However, both constitutional and legislative differentiation increase since 1990 with regard to integration vis-à-vis core state powers (Duttie et al., 2017, p. 407).

The Economic and Monetary Union (EMU) is the best example of internal differentiated integration. The only member state with an opt-out from EMU is Denmark. The UK had an opt-out before its withdrawal from the EU. Besides Denmark's de jure opt-out, Sweden has a de facto opt-out from EMU. Even though Sweden did not negotiate an opt-out, it does not fulfil convergence criteria to adopt euro intentionally. In 2003, a referendum was held in Sweden and majority of the Swedish voters voted against the adaptation of euro. Consequently, as Leruth (2020) noted that the European Commission published a communiqué on Swedish referendum, however, the communiqué recommended that the Swedish government "keep the euro project alive in Sweden" albeit without mentioning the legal obligations on the adaptation of the EU.

In the light of its de facto opt-out, Sweden did not participate in the Banking Union on the grounds that it wanted to preserve its decision-making authority in crisis (Spendzharova & Bayram, 2016, p. 579). The Sweden's non-participation in the Banking Union exemplifies the path-dependent nature of differentiated (dis)integration. As the previous decisions could constrain the later decisions, the Sweden opted out of the Banking Union following its opt-out from Eurozone (Schimmelenning & Winzen, 2020, p. 131). Path-dependent differentiation can also explain the Denmark's decision not to participate in Banking Union with regard to its de jure opt-out from EMU.

By the same token, path-dependent differentiation can explain the logic and reasoning behind constitutional differentiation. As the Eurosceptic member states are granted opt-outs not to veto the integration in a policy area, the participating countries

can pursue further integration in line with their growing interdependence. The growing differentiated integration in a policy area creates insiders and outsiders, “thereby widening the gap between insiders and outsiders and making it increasingly difficult for laggards to catch up (if they want to).” (Schimmelfennig & Winzen, 2020, p. 121).

Instrumental differentiation in the Eurozone emerges as some “new” member states are unable to fulfil the convergence criteria in the first period of their membership. They can adopt euro after their fulfilment of relevant criteria. While Bulgaria, Croatia and Romania try to meet the criteria, Czech Republic, Poland and Hungary intentionally postpone fulfilling the convergence criteria owing to the concerns over national sovereignty and autonomy coupled with Euroscepticism (Schimmelfennig & Winzen, 2020, p. 122). In addition, Leruth (2020) describes Czech Republic, Poland and Hungary as “Euro-Reluctant” member states since they follow in Sweden’s footsteps, even if they have not held a referendum on their de facto opt-outs from the Eurozone. Overall, these types of derogations lead to further de facto differentiation.

In spite of the fact that Kosovo and Montenegro adopted the euro as national currency unilaterally, it was disapproved by the European Commission and the European Central Bank (Dyson, 2010, p. 224). Since the EU legislation vis-à-vis Eurozone does not apply to Kosovo and Montenegro officially, their unilateral adaptation does not refer to external differentiation (Schimmelfennig & Winzen, 2020, p. 15). Furthermore, several European microstates such as Andorra, San Marino, Monaco and the Vatican use the euro as their national currency pursuant to their bilateral monetary agreements with the EU but they are not accepted as members of Eurozone (European Commission, n.d.).

Moreover, internal differentiated integration originates from enhanced cooperation. The procedure of Enhanced Cooperation was introduced by the Treaty of Amsterdam. It enables at least nine to cooperate in framework of the EU and the other member states can participate in at a subsequent time. It was reformed with treaty revisions subsequently and it was used after the Treaty of Lisbon for the first time (Kroll & Leuffen, 2015, p. 354). Additionally, the Treaty of Lisbon introduced the Permanent Structured Cooperation (PESCO) similar to enhanced cooperation, but peculiar to the Common Security and Defence Policy (CSDP). The Permanent Structured Cooperation

leads to differentiation in the whole policy area while enhanced cooperation is more about a piece of EU legislation (Blockmans & Macchiarini Crosson, 2019, p. 4).

In the AFSJ, the Schengen Agreement was an intergovernmental agreement outside the framework of the EU before the Treaty of Amsterdam incorporated it into EU law. Ireland and Denmark have opt-outs from the AFSJ as the UK had prior to its exit from the EU. Denmark had signed the Treaty of before it was incorporated into EU law and before Denmark secured its opt-out from the AFJS; therefore, Denmark's participation in the Schengen area is based on intergovernmental arrangements (Adler-Nissen, 2009, pp. 73-76). Also, some "new" member states will participate in the Schengen area after they fulfil the relevant criteria. On the other hand, there are non-member state participants, Iceland, Liechtenstein, Norway and Switzerland in the Schengen area.

As the more non-member states started to participate in policy areas of the EU, since 1990s, external differentiated integration or both internal and external differentiated integration across policy areas become increasingly common in comparison with internal differentiated integration (Leuffen et al., 2013, p. 26).

### **3.1.2. External Differentiated Integration**

External differentiated integration is based on a "selective integration between the EU and a third country" (Leuffen et al., 2013, p. 79). The integration between the EU and the non-member states centres around policy-specific or issue-specific agreements. It enables the non-member states to opt-in into the policy areas of the EU. Article 217 TEU provides the legal foundation for external differentiated integration, while Article 218 TEU sets out the procedural rules for the agreements between the EU and non-member states (Turhan, 2017, p. 3).

External differentiated integration occurs "when mutual interdependence is high and adaptation to EU templates meets the interest of third countries or international organizations" (Lavenex & Schimmelfennig, 2009, p. 792). Furthermore, the selective integration between the EU and the non-member states is possible when a high level of interdependence is coupled with a low level of politicization concerning policy areas, even though the issue of membership is highly politicized domestically in the non-

member states (Schimmelfennig et al., 2015, p. 774). Thus, the external differentiation is common in policy areas pertaining to “low politics” (Leuffen et al., 2013, p. 55).

The external differentiated integration can be defined as the export of EU policies to non-member states (Holzinger & Tosun, 2019, p. 643). For the EU, the participation of a non-member state is “an instrument in a foreign policy that is based on the extension of the EU’s *acquis communautaire*” (Lavenex, 2015, p. 837). The non-member states are expected to adopt the parts of *acquis communautaire* related to areas of integration (Lavenex, 2004, p. 683; Gstöhl, 2016, p. 2). Also, it leads to externalization of the EU *acquis* (Leuffen et al., 2013, p. 17).

Nevertheless, the non-member states do not take part in the decision-making process of the EU, even it is related to the policy area of selective integration (Lavenex, 2015, p. 835). In some EU agencies, the non-member states are allowed to take part in the decision-making with some limitations as an exception (Lavenex, 2015, p. 835). In any case, it creates an asymmetrical relationship between the EU and the non-member states.

There are some “established models” of external differentiated integration such as: the European Economic Area (EEA), European Neighbourhood Policy, Strategic Partnership, Customs Union Agreements with Turkey, Andorra and San Mariona, Stabilization and Association Agreements with the Balkans and the Bilateral Agreements with Switzerland, (Leuffen et al., 2013, p. 27; Gstöhl, 2015, p. 857; Gstöhl, 2016, p. 2; Turhan, 2018, p. 96). The EEA is exemplified as the most integrated model for external differentiated integration with the participation of all member states of the EU, plus three non-member states (Schimmelfennig & Winzen, 2020, p. 15).

European Economic Area (EEA) is based on EEA agreement between EU member states and three of the European Free Trade Association (EFTA), namely Norway, Iceland and Liechtenstein. These three states, called as EEA EFTA states, have the right to participate in the Single Market. Also, they can benefit from the from the four freedoms of single market -free movement of persons, goods, capital and services within the framework of the EEA agreement. EEA EFTA states have to adapt the EU *acquis communautaire* related to Single Market, in this regard, the relationship between EU member states and three EFTA states based on a “legal conditionality” (Turhan, 2018,

p. 97). Norway, for instance, has already adopted about %75 of EU acquis (Fossum, 2015, p. 809). The EU membership was a highly politized issue that it was rejected via referendum (Andersen & Sitter, 2006, p. 316). Although the EEA agreement applies to all parties equally, there can be country-specific regulations as in the case of Liechtenstein. Since it was a relatively small country in need of protection of national interests, there are limitations with regard to the free movement of persons that the people from other EEA states who wants to live in Liechtenstein should apply for residence permits (Gstöhl, 2016, p. 2).

On the other hand, the European Neighborhood Policy (ENP) is described as “a common policy toolbox” (Carmona et al., 2021, p. 3) and consists of sixteen countries: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Republic of Moldova, Morocco, Syria, Palestine, Tunisia, Ukraine. In order to stabilize the region, the areas of cooperation between the EU and the third countries is primarily revolve around economy, security and migration (EEAS, n.d.). The ENP enables the EU to promote EU values such as democracy, rule of law and human rights. Thus, the EU adopts an “incentive-based approach” to third countries (Carmona et al., 2021, p. 5), despite the fact that it is based on “the promotion of the acquis with (soft) conditionality” (Lavenex, 2014, p. 892). It can be formulated as “voluntary conditionality” since the third countries can arbitrarily align themselves with the EU acquis concerning policy areas in return for financial incentives from the EU (Turhan, 2018, p. 97). In addition, the EU adopts a differentiated approach concerning “the specificities of each partner” (Carmona et al., 2021, p. 3) and publishes country specific reports (EEAS, n.d.).

It can be concluded that there is no single model of relationship between the EU and a non-member state that can be applicable to all non-member states (Tekin, 2021, p. 162). While the established models can be regarded as common policies towards non-member states, there are country-specific arrangements vis-à-vis policy-specific integration with the EU.



### 3.2. DIFFERENTIATED DISINTEGRATION

Differentiated disintegration refers to “the selective reduction of a state’s level and scope of integration” (Schimmelfennig, 2018, p. 1154). In contrast to differentiated integration where the opt-out demander member state wants to protect status quo, in the case of differentiated disintegration, member state demands for the revision of status quo (Schimmelfennig & Winzen, 2020, p. 140).

The notion of differentiated disintegration was introduced based on the case of Brexit. However, prior to Brexit, there were a few cases of withdrawal from the EU. Gänzle (2020) presented an analysis of those cases (pp. 207-210). Firstly, Algeria left the European Community (EC) in 1962 after regaining its independence from France. Similarly, Greenland became autonomous in 1979 and decided to withdraw from the EU as a result of a referendum on EC membership in 1982 due to issues vis-à-vis fisheries. Additionally, Saint Barthélemy withdrew from the EU in 2012. It was mainly a status change since it was an outermost region (OMR) of the EU, however, it requested for the status of Overseas Country and Territories (OCT). In contrast to those cases, the UK was the first member state to leave the EU and it was also the first member state to trigger the Article 50 TEU.

Gänzle et al. (2020) defines differentiated disintegration as a situation of “lower density and intensity of consistency, interdependence and structural connectedness” (p. 3). The degree of interdependence and politicization between the (non) member state and the EU can also offer an explanation for differentiated disintegration. The high level of politicization will pave the way for disintegration regardless of the high level of interdependence (Schimmelfennig et al., 2015, p. 772).

The politicization can be triggered by the intensity of integration (Hooghe & Marks, 2009, p. 18) because it is followed by the increase of Union’s authority as the main driver of politicization (De Wilde and Zürn, 2012, p. 141). The transfer of authority from member states to the EU contributes to the level of politicization (Grande & Hutter, 2016b, p. 28). Consequently, the politicization occurs as “the product of new structural conflicts over national sovereignty, national identity and transnational solidarity” (Grande & Hutter, 2016a, p. 6).

Although the member state opts-out from a given policy area, the integration in other areas might have spill-over effects on adjacent identity-related areas (Schimmelfennig & Winzen, 2020, p. 140). Hence, interest groups try to formulate state preferences to prevent external interference (Corbey, 1995, p. 253). The Eurosceptic parties which are sensitive about the protection of national sovereignty and identity can mobilize interest groups (Grande & Hutter, 2016b, p. 29). They may search for a way to express their dissatisfaction. The availability of referendums on European integration is also an indicator of politicization (Grande & Hutter, 2016b, p. 28). Moreover, party leaders can further politicization to have an electoral advantage (Hooghe & Marks, 2009, p. 18).

Schimmelfennig and Winzen (2020) theorize differentiated disintegration based on postfunctionalist explanations with demand and supply sides. Accordingly, demand for disintegration is driven by the spill-over effect into the identity relevant issues, the Eurosceptic parties and the usage of referendums concerning European integration (Schimmelfennig & Winzen, 2020, p. 140). The member state demanding disintegration clearly demands for the revision of status quo, whereas the other member states try to protect status quo. Additionally, the material and institutional bargaining power of the disintegration demander member state is much weaker than the other member states which are represented by the EU as a whole. For this reason, during disintegration negotiations, the disintegration demander member state has to moderate its demands and/or make concession to the EU (Schimmelfennig & Winzen, 2020, p. 142). In this regard, the supply side of disintegration is more challenging for the member states demanding disintegration.

Horizontal and vertical differentiation can also apply to disintegration (Leruth et al., 2019a, p. 1015). Horizontal differentiation is associated with the number of (non) member states in the (dis)integration process, whereas vertical differentiation is defined by the level of centralization. When a (non) member state prefers to lower the level and scope of integration, the withdrawal from integration process refers to horizontal disintegration. On the other hand, the withdrawal is followed by the transfer of authority from the EU to the national states and this leads to vertical disintegration.

There are internal and external forms of differentiated disintegration. Additionally, if a member state leaves the EU under the Article 50 TEU, it moves from internal to external differentiated disintegration creating a new form of differentiated disintegration.

### **3.2.1. Internal Differentiated Disintegration**

If a member state decides to lower the level and scope of integration, it generates internal differentiated disintegration. David Cameron in his Bloomberg speech promised to negotiate a new settlement for the UK's membership of the EU before an in-out referendum. The UK's renegotiation of its membership of the EU exemplifies internal differentiated disintegration.

In the case of differentiated integration, if a member state chooses to protect status quo, it can attain an opt-out in order not to join a specific policy. This opt-out can be secured through negotiations. On contrary, in the case of differentiated disintegration, the opt-out leads to the withdrawal from an already integrated policy. Also, it is not easy to gain an opt-out during negotiations. This type of an opt-out is in need of a unanimous agreement of all member states provided that it will not create any kind of externalities for the rest of the member states and the EU (Schimmelfennig, 2020, p. 23). The opt-outs illustrate the issue-specific or a policy-specific arrangements between the member state and the EU.

As the opting out from an ongoing integration leads to internal differentiated disintegration, Vollaard (2014, 2018) describes the opt-outs as partial exists. Apart from the opting out, there are other ways of partial exists within the EU (Vollaard, 2018, pp. 150, 254):

- Boycotting decision-making processes (the Empty Chair Crisis and the withdrawal of representatives from the Council of Ministers)
- The withdrawals within a policy area (the withdrawals of France from the Snake, the UK's withdrawal from the Exchange Rate Mechanism (ERM) II)
- Low compliance with the EU law (the rule of law in Hungary and Poland)
- Reclaiming competences from the EU (the re-nationalization of specific policies)

- Reduction of budgetary contributions (the rebates)

With regard to internal differentiated disintegration, the withdrawal concerns solely existing integration in a policy area. Even it leads to the reduction of the level and scope of integration, it does not necessarily mean that the member state leaves the EU.

### **3.2.2. Internal to External Differentiated Disintegration**

If a member state is not satisfied with the outcome of internal disintegration, it can leave the EU by triggering Article 50 TEU. After the invocation of Article 50 TEU, the disintegration process cannot be stopped by other member states. Therefore, the negotiations shift from internal to external differentiated disintegration (Schimmelfennig, 2018, p. 1157). Article 50 (2) TEU sets out the constitutional procedures:

A Member State which decides to withdraw shall notify the European Council of its intention. In the light of the guidelines provided by the European Council, the Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union. (European Union, 2012)

The Brexit process exemplifies the move from internal to external differentiated disintegration. The renegotiation of the UK's membership is followed by a referendum and the UK voted to leave the EU. After the invocation of Article 50 TEU, the UK and EU started the negotiations for a Withdrawal Agreement. The UK left the EU on 31 January 2020 with the ratification of the Withdrawal Agreement. In fact, the transition period for the formulation of future relationship started within the framework of Withdrawal Agreement. During the transition period, the UK as a non-member state was not represented in the EU institutions and did not take part in decision-making processes. However, the EU rules and norms continued to apply in the UK until the end of transition period (European Commission, 2020). By the end of transition period, the EU-UK Trade and Cooperation Agreement was signed on 30 December 2020.

As transition period reveals, former member states as new non-member states can negotiate their future agreement based on a "selective integration" (Schimmelfennig, 2018, p. 1157). In the case of non-agreement between the former member state and the EU, it means "no integration" (Schimmelfennig, 2018, p. 1161). Nevertheless, transition

period prevents such situations such as No-deal Brexit in the case of the UK (Schimmelfennig & Winzen, 2020, p. 151). Briefly, the move from internal to external differentiated integration shows that how a member state turns into a non-member state.

### **3.2.3. External Differentiated Disintegration**

External differentiated disintegration refers to the situation that a non-member state wants to reduce the level of integration with the EU (Schimmelfennig, 2018, p. 1161). It refers to a situation that a non-member state tries to extract concessions from the EU as a whole with a relatively low bargaining power.

As Schimmelfennig (2018) states that the relations between non-member state and the EU are based on a unanimous agreement of the EU member states in both cases of differentiated integration and differentiated disintegration (p. 1161). This means that there is almost no difference between differentiated integration and differentiated disintegration negotiations. Moreover, the material and institutional bargaining power of non-member states are always weaker in contrast to other member states which are represented by the EU. As in the case of invocation of Article 50, the member states cannot prevent the disintegration of non-member states.

Switzerland tried to experience external differentiated disintegration. With the Mass Immigration Initiative in 2014 which was a referendum against immigration, Switzerland tried to limit immigration despite the violation of bilateral agreements with the EU. Additionally, Switzerland did not accept to extend the free movement of persons to Croatians (Walter, 2020, pp. 29-30). The EU responded by suspending negotiations on some issue-specific agreements and Switzerland was prohibited from participating in Horizon 2020 (Schimmelfennig, 2018, p. 1170). Consequently, Swiss Government was obliged to implement the initiative by excluding EU citizens in order not to violate bilateral agreements with the EU (Walter, 2020, p. 30).

The EU, in any case, tries to protect its integrity from the negative externalities from disintegration. Accordingly, the EU can “make disintegration very costly” (Walter, 2020, p. 30) that non-member states back down from their demands for differentiated disintegration.

### 3.3. THEORIZING DIFFERENTIATED (DIS)INTEGRATION AND HYPOTHESES

Differentiated integration occurs when reluctant member states opt out from the EU policies. The opt-outs secured during treaty negotiations create constitutional differentiation and these types of opt-outs are by nature temporary or at least long term. The constitutional differentiation has a path-dependent nature and the member states with opt-outs are prone to attain new opt-outs in the future (Schimmelfennig & Winzen, 2020, p. 121). It is based on the neofunctionalist (NF) explanation of path-dependent differentiation that the previous differentiation leads to the later differentiation. Nevertheless, differentiation does not always lead to further integration and it can pave the way for disintegration in the long run as well (Leruth, 2019b, p. 1386).

The opt-outs are twofold, a member state can obtain an opt-out not to participate in a EU policy (differentiated integration) or a member state can opt-out from an already integrated policy (differentiated disintegration). By the same token, the previous differentiated integration can create subsequent differentiated disintegration, not integration. In the light of the question of how differentiated integration led to disintegration, the hypothesis was developed:

**H1:** The more a member state experiences differentiated integration, the more likely it will demand for disintegration. (NF)

Moravcsik (1993) defined integration as “a series of intergovernmental bargains” (p. 476). Also, differentiation is “a variant of integration” (Gänzle et al., 2020, p. 4). In this sense, the notion of differentiated integration does not describe the situation of a member state at a given time. Instead, it is an ongoing process that a member state may experiences. Similarly, differentiated disintegration cannot be limited solely to an in/out referendum since it is also an open-ended process. In order to explain the transition process from differentiated integration to disintegration, the question that arises how differentiated (dis)integration occurs.

The European integration overall progresses and it has become more supranational over the years. When all member states were subjected to transfer their sovereignty to the supranational institutions, some member states are concerned about the

protection their sovereignty which is “the most effective safeguard of national interests” (Grande & Hutter, 2016a, p.14). Akin to the assumptions of realist intergovernmentalism (RI) as well as postfunctionalism (PF), the integration had spill-over effects over the policy areas directly related to the core states power concerning particularly economic, security and defence issues. The member states realized that their national interests at odds with the EU. The heterogeneity of interests created deadlocks in integration that some member states are granted opt-outs from specific policy areas.

The outbreak of the Eurozone crisis and the migration crisis led to a situation “where national interests take – more than ever – explicit precedence over European solidarity” (Vasilopoulou, 2013, p. 161). It raised the issues such as national sovereignty, national borders and national currency. The existing opt-outs did not satisfy the member states that the issue of integration became highly politicized. The Eurosceptic parties believed that their national interests were at stake and that increased the likelihood of disintegrative movements. Obviously, what they wanted was to “take back control”. Moreover, the Eurosceptic parties used the referendums as “an institutional venue for disintegration demand” (Schimmelfennig, 2018, p. 1159).

These considerations lead to the hypothesis: The growing concern over the national interests makes the member state experience differentiated integration, paving the way for disintegration. The national interests will be treated as independent variable. As differentiated integration is both an independent variable and a dependent variable, it will be taken as intervening variable. Accordingly, the differentiated disintegration will be treated as the dependent variable. The UK has so far been the only case of differentiated (dis)integration and this thesis is based on a case study of the UK. Therefore, this thesis also hypothesizes:

**H2:** The growing concern over the national interests made the UK experience differentiated integration, paving the way for disintegration. (RI & PF)

## **CHAPTER 4: THE UK ACCESSION TO THE EEC**

### **4.1. THE UK'S CHANGING STANCE ON EUROPEAN INTEGRATION**

Winston Churchill, former Prime Minister of the UK and one of the founding fathers of European Union, described the role of the UK for the formulation of “a United States of Europe” in his famous speech at University of Zurich in 1946. The UK would not be a part of United States of Europe, instead, as he stated:

Great Britain, the British Commonwealth of Nations, mighty America, and I trust Soviet Russia - for then indeed all would be well - must be the friends and sponsors of the new Europe and must champion its right to live and shine. (Churchill, 1946)

However, the UK underwent an unforeseen process. In early 1950s, the UK was one of the leading countries in different sectors varying from shipbuilding to car and from textile to coal industry. It started to enter into the process of transformation from an Empire to Commonwealth, since its colonies started to declare their interdependence. Also, the UK role as “a big power” was called into question. This move had repercussions in the UK both economically and politically. In late 1950s, the UK witnessed a slow economic growth compared to other European countries (Booker & North, 2005, p. 119).

In 1957, the Six- Germany, Italy, France, West Germany, The Netherlands, Luxemburg- signed the Treaty of Rome to establish the European Economic Community (EEC) and European Atomic Energy Community (Euratom). Before the creation of The EEC in 1955, the British government had made a report prepared on the possible consequences of the participation of the UK in the EEC. The report concluded that the UK's national interests are not compatible with the membership (Moravcsik, 1998, p. 127).

Consequently, The UK started to search for an intergovernmental organization as an alternative to the EEC, which was based on supranational integration. Some European countries which did not want to transfer their sovereignty to another supranational body



and those which simply did not want to take part in the EEC came together to create a Free Trade Area on an intergovernmental basis (Forster, 2002, p. 12). The European Free Trade Association (EFTA) was found by seven European countries consisting of the UK, Denmark, Sweden, Norway, Portugal, Austria and Switzerland in 1959.

The EFTA did not live up expectations of the UK economically. The UK could not rule out the possibility of application to the EEC. The UK was not a great power politically anymore and it could not compete with the economic growth of the EEC countries. The political and economic uncertainties pushed the Prime Minister Harold Macmillan to formulate an Economic Steering Committee concerning the issues of the European Integration. This committee examined the advantages and disadvantages of a possible membership of the UK to the EEC and the possible forms of relationship between the two (Wall, 2020, p. 53). According to the analysis of the committee, the advantages of British membership to EEC outweighed the disadvantages both politically and economically (Booker & North, 2005, p. 120). Nevertheless, the government took the US's advice about the possible membership and also consulted the Commonwealth (Wall, 2020, pp. 55-56).

The salience of British membership to EEC raised the issue about sovereignty. As a parliamentary democracy, the parliamentary sovereignty had utmost importance. The possible membership to the EEC as a supranational organization would endanger parliamentary sovereignty (Forster, 2002, p. 17). Secondly, the British Exceptionalism was an issue of major concern. The UK was supposed to lead the European Integration and Commonwealth (Forster, 2002, p. 18), as Churchill mentioned in his aforementioned speech. Additionally, the economic and political interest of the UK was different from other EEC countries and the EEC could not offer a common ground for all countries with different interests (Forster, 2002, p. 22). In any case, the British interests and sovereignty should be taken into consideration. In the House of Commons, the Prime Minister Macmillan announced that:

The decision of Her Majesty's Government to make formal application under Article 237 of the Treaty of Rome in order to initiate negotiations to see if satisfactory arrangements can be made to meet the special interests of the United Kingdom, of the Commonwealth and of the European Free Trade

Association; and further accepts the undertaking of Her Majesty's Government that no agreement affecting these special interests or involving British sovereignty will be entered into until it has been approved by this House after full consultation with other Commonwealth countries, by whatever procedure they may generally agree. (Macmillan, 1961)

The aforementioned article says that “The conditions of admission and the adjustments to this Treaty necessitated thereby shall be the subject of an agreement between the Member States and the applicant State.” (Treaty of Rome, 1957). What the Prime Minister did not take into account was that the interpretation of this article subsequently gave rise to disputes over the terms of membership.

In the following of his speech, the Prime Minister also added that:

It has also been suggested that we should make application on a different basis, perhaps under Article 238, with the object of becoming associates of the Treaty rather than members—“country members” so to speak. We have thought about this and we have found that it would raise all the same problems for British agriculture and Commonwealth trade without giving us any position in which we could share in the decisions of the Community in all its aspects. (Macmillan, 1961)

In contrast to the Article 237, the Article 238 states that “The Community may conclude with a third State, a union of States or an international organization agreements establishing an association involving reciprocal rights and obligations, common action and special procedures.” (Treaty of Rome, 1957). The option of the association instead of the membership was taken into consideration in the parliament. Moreover, the asymmetrical relationship in the event of an association was the major concern since the UK would not have a vote in decision-making process.

It should be noted that the Article 238 of the Treaty of Rome was later codified as the Article 217 of the Treaty of the Functioning of the European Union (TFEU) which formed the legal basis for the external differentiated integration.

## **4.2. THE UK'S UNSUCCESSFUL ATTEMPTS AT THE EEC MEMBERSHIP**

In 1961, the UK applied to join the EEC, although a consensus on the membership of the EEC was not reached in the UK. The possible consequences of the EEC membership on the British interests, especially sovereignty was still controversial. In late 1962, a pamphlet called “Britain, the Commonwealth and Europe” was published so that the Prime Minister Macmillan presented his arguments on the membership. The issue of sovereignty was explained as follows:

Accession to the Treaty of Rome would not involve a one-sided surrender of “sovereignty” on our part, but a pooling of sovereignty by all concerned, mainly in economic and social fields. In renouncing some of our own sovereignty we would receive in return a share of the sovereignty renounced by other members. (European Parliament, 2010).

On the other hand, despite the support of other countries, the French President de Gaulle unilaterally vetoed the UK's application in 1963 (Geddes, 2004, p. 67). The Anglo-American relationship was one of the reasons behind de Gaulle's decision. De Gaulle did not find the UK “European” enough (Booker & North, 2005, p. 129). Moreover, the reason behind de Gaulle's veto dated back to a long-standing Anglo-French rivalry (Wall, 2020, p. 20). Besides, de Gaulle's veto was related to the policy-formulations in the EEC. The EEC countries were about to formulate the Common Agricultural Policy (CAP) and the UK's intervention would count against France (Troitiño, 2009, p. 128). After the membership, the UK had budgetary problems mainly in regard to the CAP and it took years to find a concrete solution as a latecomer.

In 1964, Harold Wilson became the new Prime Minister as the Labour Party came to power. Wilson faced with some severe economic and political problems right after his election victory. Within the Commonwealth, the leaders were in total disagreement. Also, the UK encountered some economic challenges coupled with the devolution of pound (Booker & North, 2005, p. 159). Regarding the problems escalating, the membership of the UK's to the EEC membership resurfaced as a solution. In 1967, the UK reapplied to the EEC and the application was re-vetoed by de Gaulle for the same reasons like former.

The resignation of French President de Gaulle in 1969 opened a new page for the UK and the EEC relations. De Gaulle's successor Pompidou could not follow de Gaulle's "veto policy" against the UK. The new French President Pompidou had to be more optimistic about the enlargement because the events of 1968 had serious repercussions for France both politically and economically (Dinan, 2010, p. 42). Also, there was a new government in the UK and the Conservative Party leader Edward Heath became the new Prime Minister in 1970.

The EEC membership was rarely mentioned throughout Heath's election campaign. He also preferred to use the term "Common Market" when he introduced the application to the Britons (Booker & North, 2005, pp. 165-166). Nevertheless, the negotiations for the membership were launched in Luxemburg in June 1970 right after the election (Dinan, 2010, p. 45). The UK was not the only applicant country, it was accompanied by Denmark, Ireland and Norway.

The negotiations lasted for about a year. The disagreement over UK's contribution to community budget and the terms regarding the CAP blocked the negotiations at times (Dinan, 2010, p. 45). The White Paper on United Kingdom and European Communities (Cmnd. 4715) was published in June 1971. The UK was supposed to pay 8.62 % of Community's budget in its first year. It would rise to 18.92 % in 1977 after a five-year period. As of 1978, it would gradually increase in line with new calculations (The Prime Minister, 1971, pp. 24-25). However, Heath presented the budgetary issue as "favourable compromise" (Booker & North, 2005, p. 177). Moreover, the issue of sovereignty was supposed to be sold in the White Paper. It argued that "There is no question of any erosion of essential national sovereignty; what is proposed is a sharing and an enlargement of individual national sovereignties in the general interest." (The Prime Minister, 1971, p. 8).

Nevertheless, the principle and the terms over the UK's application to the EEC had remained controversial since the first application in 1961. White Paper again initiated a discussion over the terms negotiated by Heath. Even though the Labour Party was in favour of the UK's application to the EEC, it was unsatisfied by terms (Butler & Kitzinger, 1996, p. 13). The terms of the membership should be renegotiated. The notion of "renegotiation" firstly appeared in Callaghan's speech in September 1971 (Butler &

Kitzinger, 1996, p.16). The House of Commons approved the UK's accession to the EEC on 28 October 1971. Wilson declared on the same day that "We could not accept the terms negotiated by the Conservatives, and, in particular, the unacceptable burdens arising out of the C.A.P., the blows to the Commonwealth, and any threats to our essential regional policies." (Wilson, 1971).

The Liberal Party followed the renegotiation policy but the issue of referendum was not on the party agenda. The referendum on whether the UK join the EEC was discussed for the first time before the elections in 1970 and the idea was rejected by all parties since the parliament had the authority to take decisions on behalf of Britons (Butler & Kitzinger, 1996, pp. 10-11). In 1972, Pompidou surprisingly announced to hold a referendum in France on the enlargement issue. The other applicant countries as Denmark, Ireland and Norway also held referendum on their membership. These developments encouraged the anti-Marketeters in both Labour Party and Conservative Party to put forward a referendum on the UK's membership (Dinan, 2010, p. 46). Although the Labour Party Leader Wilson rejected the referendum at first, he changed his stance in the light of intra-party discussions over referendum issue (Butler & Kitzinger, 1996, p. 18).

The UK became a member of the EEC with on 1 January 1973 on its third attempt under the Presidency of Heath. Nonetheless, the oil crisis and miners' strike in the UK forced Heath to hold a general election (Butler & Kitzinger, 1996, p. 24).

## **CHAPTER 5: THE UK MEMBERSHIP IN THE PRE-MAASTRICHT PERIOD**

### **5.1. THE 1974-1975 RENEGOTIATION**

The Labour Party Manifesto for the elections in February 1974 centred around the renegotiation. It was clearly emphasised that “The Labour Party opposes British membership of the European Communities on the terms negotiated by the Conservative Government.” (Dale, 2000, p. 186). The Labour Party basically was not against the membership. Instead, the membership should be rebuilt on the right terms. On the other hand, the attitude of Labour Party on the Heath’s terms was clearly an election strategy. Wilson wanted to keep his fragmented party together and also he used it as a tool to criticise Heath’s government (Forster, 2002, p. 41.)

The process of renegotiation and main points were given in the party manifesto. The given topics to be discussed included: the CAP regarding food trade, the British contribution to Community Budget, the proposals for the EMU in relation to unemployment and fixed parity, the harmonisation of Value Added Tax (VAT) and the authority of Parliament over fiscal, regional and industrial policies. (Dale, 2000, p. 187)

Furthermore, the electorate would play a crucial role in accordance with the outcome of negotiations. In the case of a successful renegotiation, “a Consultative Referendum” would be held. Otherwise, the possibility of withdrawal was also given in the party Manifesto when the renegotiation was not satisfying (Dale, 2000, p. 187).

As the elections in February resulted in a hung parliament, the Labour Party formed a minority government and Harold Wilson became the Prime Minister. Right after the elections, the Foreign Secretary Callaghan was in Luxemburg to inform his colleagues as negotiator for the renegotiation. He stated the main points given in the party manifesto and explained why the Government and the Britons wanted to make some changes concerning their membership. He mentioned areas of concern in connection with the main objectives of renegotiation as the EMU, the CAP and their possible consequences. Additionally, he mentioned the Paris Summit Communique in 1972 regarding the

possible foundation of a European Union by 1980. He added that “it seems to us to imply a change which is quite unrealistic and not desired by our peoples, certainly not by the British people.” (Callaghan, 1974). The UK had a stance over the foundation of a European Union in advance.

As February 1974 elections, none of the parties had the majority of votes Wilson decided to hold a second election in October 1974. The Labour Party Manifesto October 1974 made a promise about a binding referendum in contrast to consultative one in February Manifesto:

The Labour Government pledges that within twelve months of this election we will give the British people the final say, which will be binding on the Government - through the ballot box - on whether we accept the terms and stay in or reject the terms and come out. (Dale, 2000, p. 211)

The Labour Party won the majority in September 1974. After the elections, both the Prime Minister Wilson and the Foreign Secretary Callaghan focused on the renegotiation. During the negotiations, Callaghan’s focus was more on the issue of the UK’s contribution to community budget. On the contrary, Wilson put emphasis on agricultural policy and its consequences (Wall, 2020, p. 128). However, those issues were very sensitive especially for France. For the budgetary contribution, the calculations were so complex that an adjustment in favour of the UK would make the other member countries pay more than before (Wall, 2020, p. 126). The negotiations often stalled since the others needed to make concessions. During the Paris Summit in December and European Council in March 1975, the parties could find a common ground. The Labour Party evaluated how much they could accomplish in the light of areas of concern given in the Party Manifesto February 1974 (Miller, 2015, p. 11). Wilson said to the Commons that “I believe that our renegotiation objectives have been substantially, though not completely, achieved.” (Wilson, 1975). He explained how much the UK could get out of negotiations on the same day. Nevertheless, for Wilson, the outcome of renegotiation was successful enough to sell to his party and the Britons (Booker & North, 2005, p. 203).

The most controversial issue during the negotiations was the budgetary contribution of the UK. Particularly Germany and France were against a special formulation which would only address the UK’s needs (Mourlon-Druol, 2015, p. 6). It

should be more comprehensive Hence, a “correcting mechanism” system was created. This mechanism was set to offer a partial refund to those member states in “unacceptable situations” (Commission of the European Communities, 1975). Although the mechanism was existing between 1975-1980, it was never activated (Mourlon-Druol, 2015, p. 5). The budgetary issue actually remained unsolved and resurfaced when Thatcher was in power.

Before Wilson made an announcement about a referendum on the UK’s membership in the EEC, he took the opinion polls into consideration. After the elections in October 1974, the majority of the electorates were supporters of the withdrawal of the UK from the EEC. Along with the Labour Party’s negotiations on new terms, the electorate started to support the remain of the UK in the EEC as long as the renegotiation met the UK’s interests (Booker & North, 2005, p. 204). In fact, the UK was dealing with economic problems by claiming that those were caused by the EEC membership in late 1974. However, the positive developments in the Community made a difference in the people’s attitude toward the EEC membership (Butler & Kitzinger, 1996, p. 46). In January 1975, Wilson announced a referendum to be held in June even before the renegotiation was not reached (Butler & Kitzinger, 1996, p. 59).

## **5.2. THE 1975 REFERENDUM**

The Labour Government was aware of the possible majority of “no” votes. It would result in the withdrawal of the UK from the EEC. Therefore, “the contingency planning group” was formed with the participation of representatives from departments and ministries to discuss the possible repercussions of the UK’s withdrawal. The group prepared reports about the policies should be prepared in case of majority ‘no’ result at the referendum. There was no procedure for the withdrawal process like Article 50 at that time. The group examined the options of a quick or a gradual withdrawal by 1 January 1976. The future relationship of the UK with the EEC was also one of the main objectives of the contingency plan. It should be emphasised that the contingency planning group not only focused on the UK-side of the withdrawal but also took into consideration the attitudes of the EEC states over the withdrawal (Evans, 2018, pp. 128-131).



Meanwhile, there were discussions about the referendum question that the anti-Marketeers asked for the wording of “the Common Market” instead of “the European Community”. Finally, the referendum question formulated as “Do you think that the United Kingdom should stay in the European Community (the Common Market)?” (Miller, 2015, p. 21)

Pro-market campaign so-called the “Britain in Europe” was supported by the Prime Minister and most of the Cabinet members, the majority of Conservative party, Labour Party, Liberal Party and the Social Democrats while 7 cabinet members supported the anti-market campaign so-called the “National Referendum Campaign” (Miller, 2015, p. 22). Those cabinet members were not satisfied with the renegotiation (Booker & North, 2005, p. 206). According to the Britain in Europe campaign, the electorate should say “Yes” to the UK’s continued membership that “through membership of the Market [the UK is] better able to advance and protect [its] national interests” (Butler & Kitzinger, 1996, p. 298). The pro-Marketeers tried to maintain “the status quo” (Booker & North, 2005, p. 211).

On the other hand, anti-Marketeers were criticized the outcome of the renegotiation and they highlighted the possible negative consequences of the UK continued membership on the food prices, employment and trade (Miller, 2015, pp. 23-24). Moreover, they were sceptical about the federalisation of the market in the future that “the real aim of the Market is, of course, to become one single country in which Britain would be reduced to a mere province.” (Miller, 2015, p. 24). Nonetheless, 67.2% of the electorate voted “Yes”, whereas 32.8% voted against the UK’s continued membership (Butler & Kitzinger, 1996, p. 263). The 1975 referendum was the first ever referendum held across the UK (Butler & Kitzinger 1976, p. 1).

### **5.3. THE UK AND NEW DEVELOPMENTS IN THE EEC**

Wilson resigned due to his health conditions in 1976. The former Foreign Secretary Callaghan became the Prime Minister as he was elected as the new leader of the Labour Party. During his term, the first direct European elections was due to take place in 1978. The National Executive Committee of the Labour Party vehemently

opposed to direct elections since it would lead more transfer of powers from member states to the commission. It took till late 1977 to be able to pass the Bill through parliament. Callaghan informed the EEC members that the UK could hold an election in 1978 on the basis of its “domestic considerations” (Booker & North, 2005, p. 218.)

In the meantime, the EEC leaders faced with the second enlargement regarding Greece, Spain and Portugal. In the course of the first Council presidency of the UK in 1977, the second enlargement issue was on the agenda of ministers. The UK was in favour of a new enlargement. Although those countries experienced periods of dictatorship and the EEC would promote more democracy, the UK’s attitude was slightly different. The economies of respective countries were based on agriculture and they would make troubles for the CAP which was the UK’s one of the deep-seated problems (Wall, 2020, p.141). Callaghan revealed the main reason in his 1977 speech: “The dangers which some have seen of an over-centralised, over-bureaucratised and over-harmonised Community will be far less with twelve Member States than with nine.” (Callaghan, 1977).

The foundation of Economic and Monetary Union and its possible consequences were on the agenda of the renegotiation. The fixed parity system would cause high unemployment rate in the UK. Wilson had introduced the EMU as a long-term goal and therefore it would not have been a threat to British economy (Miller, 2015, p. 14). In 1979, the leaders agreed upon the Exchange Rate Mechanism (ERM) within the framework of the European Monetary System (EMS) to deal with exchange rate fluctuations. The UK refused to participate in the ERM on the basis of its unintended consequences on unemployment rate in 1979 but Callaghan left the door open (Smith, 2014, p. 53).

#### **5.4. THE UK REBATE**

Callaghan was succeeded by Margaret Thatcher after the elections in 1979. As far as Thatcher took office as Prime Minister, she took the initiative to find a concrete solution to the UK’s budgetary issue - what is called in Brussels as the British Budgetary (BBQ) or the Bloody British Question (Ludlow, 2016, p. 208). The Wilson’s negotiation

on budget contribution did not have a real effect. There was huge imbalance between what the UK paid and what the UK get out of the budget. Thatcher simply explained as “every £2 we contribute we get £1 back” and she continued “What we are asking is for a very large amount of our own money back” in her often-quoted speech after 1979 Dublin Summit (Thatcher, 1979).

In 1980, the leaders reached a temporary settlement due to expire in 1983 (Dinan, 2010, p. 63). Thatcher demanded a permanent solution for the budgetary issue. During both Stuttgart Summit and Athens Summit in 1983, Thatcher was so determined to solve the budget question that she refused to discuss any other issues. The leaders could not issue even the communiqué of the summit in Athens for the first time since the foundation of the EEC (Seldon & Collings, 2000, p. 71). When negotiations were locked in stalemate, a rumour surfaced about “two-speed” Europe (Dinan, 2010, p. 63). Nevertheless, the rebate was agreed at Fontainebleau Summit in 1984. The UK would receive a refund based on 66 percentage of its net contribution per annum (European Council, 1984). The rebate served as permanent solution to the UK’s budgetary question.

Even though the Stuttgart Summit 1983 was overshadowed by the UK’s budgetary question, the leaders signed the Solemn Declaration on European Union. Thatcher signed the Declaration but under conditions. When it was first presented as European Act of Union, the British representatives insisted that it should be launched as a declaration since the act had a binding connotation. Additionally, they interfered with the wording of European Union in the declaration (Wall, 2020, p. 172). The declaration was a watershed in the formulation of European Union.

## **5.5. THE UK’S POSITION VIS-À-VIS SINGLE MARKET**

Meanwhile, at Fontainebleau Summit 1984, Thatcher also submitted a paper titled “Europe-the Future” to the leaders for discussion. The paper consisted of British government’s stance over a wide range of issues concerning the future of European integration. The British government mentioned the prospect of a Flexible Europe:

A certain flexibility of approach may be necessary in the coming decade, when the Community will have become larger, its membership more diverse, and in

some areas of technological development, the industrial structures and interests of Member States more varied. (The British Prime Minister, 1984)

In addition, the paper clearly mentioned differentiation in terms of time that “where ventures are launched by Member States with limited participation, it should be open to others to join in as and when they are able to do so.” (The British Prime Minister, 1984).

The paper also had the proposal to create a single market (The British Prime Minister, 1984). The creation of a single market was supported by other member states, however, they put forward a proposal for some adjustments to EEC institutions. The common ground was found with the signature of the Single European Act (SEA) in 1985 (Smith, 2014, p. 114). The SEA brought about some changes. Firstly, it strengthened the powers of parliament. Secondly, the decisions in Council would be taken by qualified majority voting. In this sense, it was an attempt to restrict the national governments during policy formulations (Sovels, 2019).

As the Commission President Jacques Delors elucidated later that the Single Market was a basis for the EMU. It was followed by a proposal for Social Charter (Forster, 2002, p. 75). At the very beginning, Thatcher’s objective about single market was to promotion of her “Thatcherite” policies concerning liberalisation and deregulation at European level (Geddes, 2004, p. 82). John Major questioned the attitude of Thatcher why she did not get an opt-out for the UK throughout the SEA negotiations. According to him, Thatcher thought that the creation of EMU was an impracticable idea at that time (Major, 1999, p. 150). With the SEA, however, economic integration triggered more political integration, even social integration. As Forster (2000) states simply “the SEA had not delivered the policy goals of the Conservative government and might even threaten them.” (p. 75).

## **5.6. THE BRUGES SPEECH**

The Commission President Delors delivered a speech presenting his aspirations of European integration over a ten-year period at European Parliament. He pointed out that “Ten years hence, 80% of our economic legislation, and perhaps even our fiscal and social legislation as well, will be of Community origin.” (Delors, 1988a). He stated

further that “some of these national parliaments are going to wake up with a shock one day, and that their outraged reaction will place yet more obstacles in the way of progress towards European Union.” (Delors, 1988a).

Delors had another speech on “Social Europe” at Trade Union Congress in 1988 (Delors, 1988b). Delors’ speech was the last straw. Thatcher’s speech at Collage of Europe in Bruges was a scathing attack on Delors. She again put an emphasis on protection of national sovereignty with “the different traditions, parliamentary powers and sense of national pride in one's own country” (Thatcher, 1988). She went on to say that “We have not successfully rolled back the frontiers of the state in Britain, only to see them re-imposed at a European level with a European super-state exercising a new dominance from Brussels.” (Thatcher, 1988).

The Bruges Speech was a turning point for different reasons. Firstly, Thatcher took a stance against the federalisation of European integration in advance (Sovels, 2019). Moreover, she warned that it would lead to Socialism with the centralisation of economic and social integration (Gowland et al., 2010, p. 110). Thatcher’s main concerns about European integration stated in the Bruges Speech shaped later the policies of her successors.

Secondly, the speech was legitimisation of Euroscepticism in the UK (Geddes, 2004, p. 195). Hence, it was the integration of new Eurosceptics into former anti-Marketeers’ group (Gifford, 2008, p. 83). Additionally, the Bruges Speech led the creation of extra-parliamentary groups like Bruges Group (Fitzgibbon, 2015, p. 177). The aim of Bruges Group was the promotion of Thatcher’s anti-federalist policy. Moreover, it has a parliamentary version “Friends of Bruges” composed of Conservative parliamentarians (Forster, 2002, p.71).

In October 1990, Rome European Summit centred around the stage II of the EMU. The leaders were agreed that the starting date would be 1994 but Thatcher did not accept. Surprisingly, the EEC witnessed the derogation of a member state from the communiqué (Dyson & Featherstone, 1999, p. 632). The UK derogated from the communiqué on the grounds that “the decisions on the substance of that move should precede decisions on its timing.” (European Council, 1990).

Thatcher summarized her policy during a radio interview after Rome European Summit that “We shall block things which are not in Britain's interest” (Thatcher, 1990a). She took a firm line against any federalist or supranational approach to European integration. A couple of days later, in the House of Commons, she indicated that:

The President of the Commission, Mr. Delors, said at a press conference the other day that he wanted the European Parliament to be the democratic body of the Community, he wanted the Commission to be the Executive and he wanted the Council of Ministers to be the Senate. (Thatcher, 1990b)

She had an answer to Delors’ supranational integration policy and she simply said: “No. No. No.” (Thatcher, 1990b). This wording later shaped the UK’s policy on European integration.

## **5.7. THE FIRST BREXIT: THE UK’S EXIT FROM THE EXCHANGE RATE MECHANISM**

The UK was experiencing an economic downturn and there was an alarming rise in inflation in late 1980s. The membership of Exchange Rate Mechanism (ERM) was considered as the best option in order to underpin the government’s anti-inflationary policy (Budd, 2005, p. 20). Nevertheless, Thatcher was against the British participation in the ERM. She believed that the ERM was the first step of the EMU and it would endanger national sovereignty in the long-run (Gowland et al., 2010, p. 114).

Thatcher gave her assent to the UK’s participation in the ERM under pressure from the Cabinet and business groups (Gowland et al., 2010, p. 121). The UK would join in the mechanism in a fluctuation band of +/- three per cent against Deutsche Mark (Burk & Leuffen, 2019, p. 1402). The pound sterling joined in the ERM in October 1990. Thatcher resigned in November in 1990 and John Major succeeded Thatcher as Prime Minister.

Nonetheless, German reunification put pressure on the UK government since the German Bundesbank raised interest rates in order to combat inflation (Gowland et al., 2010, p. 121). Moreover, the Danish rejection of the Maastricht Treaty and the French referendum on the Maastricht Treaty created more difficulties for the UK economy

(Kettel, 2008, p. 643). The pound sterling was approaching to the lower limit of the ERM (Gowland et al., 2010, p. 121). The government could respond in two ways. The first one was the devaluation and the second one was the withdrawal from the ERM (Kettel, 2008, p. 640).

The pressures of speculators against the pound sterling led to the so-called 'Black Wednesday' since the UK withdrew from the ERM on 16 September 1992 (Kettel, 2008, p. 644). The Chancellor Norman Lamont made a statement on the government decision about the suspension of the UK membership in the ERM that "In the meantime the Government has decided that Britain's best interests would be best secured by suspending out membership of the ERM with immediate effect" (Elliot et al., 1992).

On 24 September 1992, the Prime Minister Major made a statement on the same issue in the House of Commons. Moreover, the topics such as the future of European integration and the UK's role in the community are covered in his speech. He stated that "the Government's general policy towards Europe must be founded on a concern for our long-term national interests" (Major, 1992).

Vollaard (2018) explains the withdrawals from the ERM as "partial exists" (p. 150). In a similar vein, Keegan et al. (2017) describes the UK withdrawal from the ERM as "the first Brexit". Accordingly, the UK's withdrawal from the ERM can be regarded as an early example of differentiated disintegration.

## **CHAPTER 6: THE UK MEMBERSHIP IN THE POST-MAASTRICHT PERIOD**

### **6.1. The SCHAMPION OF OPT OUTS**

The UK was clearly ‘‘the champion of opt-outs’’ (Adler-Nissen, 2009, p. 64) since it obtained a number of opt-outs from the EMU, the AFSJ, the Charter of Fundamental Rights, the Schengen Agreement and the Social Chapter before its withdrawal from the EU. The opt-outs met not only the interests of the UK but also the interests of other member states for further integration (Geddes, 2004, p. 158). With the help of opt-outs, the integration would move forward without being block by a reluctant member state and this reluctant member state, namely the UK, also did not have to be participate in a particular policy area (Dinan, 2010, p. 94).

#### **6.1.1. The Maastricht Treaty**

‘‘No federalism. No commitment to a single currency. No Social Chapter. No Community competence on foreign or home affairs or defence.’’ was the UK’s policy for the negotiations on the Maastricht Treaty (Major, 1999, p. 274). Clearly, the Prime Minister John Major adopted Thatcher’s ‘‘No. No. No.’’ policy. He was very determined to secure the UK’s interests as he promised to ‘‘put the interests of [the UK] before any agreement. Not any agreement before the interests of [the UK]’’ (Major, 1991).

The UK was very sceptical about the EMU since it would lead to the limitation of the national sovereignty and the transfer of competences to Brussels with regard to national monetary policy (Major, 1999, p. 272). The opt-out was the only solution to protect the UK’s interests. Within the framework of Maastricht Treaty, the UK achieved to secure an opt-out from the stage III of the EMU, namely single currency (Booker & North, 2005, p. 330). Furthermore, the Social Chapter would endanger Conservative party’s labour market reforms and lead a rise the unemployment in the UK. Hence, the UK tried to obtain an opt-out from the Social Chapter but it was not easy to achieve (Major, 1999, p. 266). If the UK would not secure an opt-out from the Social Chapter, it



would block the whole treaty. As a solution, the Social Chapter was negotiated as protocol that would not apply to the UK (Major, 1999, p. 288).

The opt-outs were supposed to be the tools to keep the divided Conservative party united. On the contrary, the opt-outs strengthened the Eurosceptics in the party and they took a stance against the Government for the reason that they considered the opt-outs as a cosmetic exercise for the Treaty which enabled further economic, political and social integration (Baker et al., 1994, p. 38). Furthermore, a group of Eurosceptics rebelled to block ratification of the Maastricht Treaty and asked for a referendum on the treaty (Baker et al., 1994, p. 38). The prime was against a referendum due to the parliamentary sovereignty in the UK since “common consent in this country is exercised through a parliamentary democracy and through the voices and words of Members of Parliament” (Gifford & Wellings, 2018, p. 273).

Even its symbolic meaning, the phrase of “ever closer union” was debated for the first time by John Major since he repeatedly stated the importance of national interests of the UK in his speech. He mentioned the government’s policy as “Closer union between states. Not a federal merger of states” (Major, 1991). It was a rejection of any federalist plans in the future.

Major achieved to get a slightly changed version of the phrase of “ever closer union” in the Maastricht Treaty (Liddle, 2015). The phrase was in the preamble of Treaty of Rome 1957 as “an ever-closer union among the peoples of Europe” (Treaty of Rome, 1957). The phrase was given in the Maastricht Treaty in relation to the principle of subsidiarity: “an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizen” (Treaty on European Union, 1992). In fact, the principle was found by Delors in order to deal with the countries which were against supranational integration. It was also a useful tool for the leaders to counter Eurosceptic arguments concerning Maastricht Treaty at national level (Marquardt, 1994, p. 625). For instance, the Prime Minister John Major tried to ease concerns over supranational integration. He claimed that Maastricht Treaty would be an opportunity for further intergovernmental integration and decentralised community in the light of the principle of subsidiarity (Gifford, 2008, p. 126).

### **6.1.2. The Treaty of Amsterdam**

The secured opt-outs within the framework of Maastricht Treaty rose the question about flexibility in the EU. They paved the way for the Treaty of Amsterdam. In 1994, German CDU/CSU parliamentary group shared a paper on flexibility. The paper mentioned a group of “hard core” countries which would pursue further integration in the EU (CDU/CSU-Fraktion, 1994). These hard core countries were five of six founding member states except Italy. The German-Franco tandem would form the core of hard core. The paper even claimed that “the formation of a core group of countries is not an end in itself but a means of reconciling the two ostensibly conflicting goals of widening and deepening the European Union.” (CDU/CSU-Fraktion, 1994).

Major harshly criticised the German version of flexibility since it would “lead to the sort of damaging divisions” ending up with a “two-tier Europe” (Major, 1994). He held the view that, none of the member states had “a privileged status on the basis of their participation” (Major, 1994). Instead, he suggested an opt-out option for the countries which did not want to take part in a given integration process (Major, 1994). On the other hand, the leaders defended that permanent opt-outs would cause a “two-tier Europe”. The veto power of the countries was still a threat to the integration in a given policy area. Therefore, France and Germany brought forward “enhanced cooperation” (Booker & North, 2005, pp. 392-399). Within the framework of the Treaty of Amsterdam, the concept of enhanced cooperation was launched which enabled a minimum of nine member states to create a cooperation without getting blocked by others.

In the meantime, the Treaty of Amsterdam introduced the Area of Freedom, Security and Justice (AFSJ) and also led to the incorporation of the Schengen Agreement into the EU legislation. The Bruges Speech also had shaped the UK’s stance over border issues. The borders should be controlled “to protect citizens from crime and stop the movement of drugs, of terrorists and of illegal immigrants.” (Thatcher, 1998). The issue of external border controls was of utmost importance for the UK in comparison to other member states which were more into the internal security. The UK associated the external security with the national sovereignty (Geddes, 2004, p. 157). Therefore, The UK secured an opt-out from the AFSJ. It was a flexible opt-out and it enabled the UK to have an opt-in possibility on a case-by-case basis (Adler-Nissen, 2009, p. 68). Before its withdrawal

from the EU, the UK opted into the areas concerning security measures such as the Dublin III Regulation and the European Asylum Dactyloscopy Database (EURODAC) which stores the fingerprints of asylum seekers, whereas it did not participate in the areas related to border control and visa policy (Yıldız, 2021, pp. 76-77).

### **6.1.3. The Treaty of Lisbon**

Before the Treaty of Lisbon was signed, a white paper was published to share the UK's position over the new treaty. The white paper reaffirmed that "EU cooperation be in the national interests" (Foreign & Commonwealth Office, 2007, p. 9). Nevertheless, despite a campaign for a referendum on the treaty, the white paper highlighted the authority of the UK parliament in the ratification process if "the treaty is in the national interests" (Foreign & Commonwealth Office, 2007, p. 9).

Within the framework of the Treaty of Lisbon, the UK got another opt-out from the Charter of Fundamental Rights. It was created as a part of Constitutional Treaty. However, after unsuccessful ratification process, the Charter came into force along with the Treaty of Lisbon. The UK was against a legally binding Charter in case it would have unintended consequences for national legal system. In actual fact, Blair had had a referendum pledge on Constitutional Treaty but there was no secured opt-out for the UK from the Constitutional Treaty. The opt-out from Charter annexed to the Treaty of Lisbon helped the government to show the Eurosceptic group that the Treaty of Lisbon was different from Constitutional Treaty. However, this opt-out was different from the opt-outs secured by the UK in other areas. Since the Charter still had effect to some extent in the UK (Barnard, 2008, pp. 275-281).

The Prime Minister Gordon Brown did not want to hold a referendum on the Treaty of Lisbon. He argued that this treaty was different from the Constitutional Treaty since the government defined the UK's "red lines" beforehand and those "red lines" were defended during negotiations. The red lines comprised the Charter of Fundamental Rights and the national competences related to the field of Justice and Home Affairs, the Foreign and Security Policy and tax policy (Oppermann, 2013a, p. 79). The Conservatives did not accept that the Treaty of Lisbon was different from the

Constitutional Treaty and the opt-out and red lines were only related to a few changes brought by the treaty (Cameron, 2007).

The Conservatives and Eurosceptic groups demanded a referendum on the treaty since they were clearly not satisfied with the opt-out and red lines defended by the government. Even though the Prime Minister regarded them as “the protections [...] defend the British national interests” (Brown, 2007), the Eurosceptics’ dissatisfaction with the protections signalled that they wanted to get more than opt-outs to protect national interests. In this regard, the question of a referendum on the Treaty of Lisbon should be taken into consideration concerning Brexit process. Interestingly, the Article 50 was also introduced by the Treaty of Lisbon.

## **6.2. THE EUROPEAN UNION ACT 2011**

During the ratification process of Treaty of Lisbon, the Conservative Party leader David Cameron supported the campaign for a referendum on new treaty. He continued to give support until the ratification process of the Treaty of Lisbon was completed by all member states (Summers, 2009). After the ratification process, the treaty was incorporated into the EU law.

Cameron had an election pledge that this would “never happen again” if the Conservative Party would win the next election. The power or competences of the UK would never be transferred to the EU unless a referendum was held on the EU related issues. He also promised that the European Communities Act 1972 will be amended in order to prevent any future transfer of the authority to the EU without a referendum. Furthermore, a sovereignty bill was planned to be enacted in order to protect national authority and parliamentary sovereignty (Cameron, 2009). 2010 Conservative election manifesto also criticized the ratification of the Treaty of Lisbon without a referendum. The Conservative Party committed to take the necessary precautions in order to guarantee that it would “never happen again” (Scott, 2019, p. 15).

2010 UK general election resulted in a hung parliament. Thus, a coalition government was formed by the Conservative Party and the Liberal Democrats. The Liberal Democrats were also sceptical about the EU. In their 2010 election manifesto,

they had the pledge of an in/out referendum (Scott, 2019, p. 16). In this sense, the Conservative-Liberal Democrat coalition agreement was crucial to be able to analyse the events leading to the Brexit referendum. Since the agreement consisted of the program of the government for the next 5 years between 2010-2015.

The part of the coalition agreement related to European questions was about the measures to be adopted in order to protect the British national interests (Cabinet Office, 2010, p. 19). Firstly, the transfer of sovereignty or competences to the EU should be prohibited through a referendum. Therefore, a ‘‘referendum lock’’ was planned to prevent future transfer of power to the EU. It would be applicable with the amendment of the 1972 European Communities Act.

As a result, the European Union Bill was introduced in November 2010 and the Bill received Royal Assent in July 2011 (Murkens, 2013, p. 2). The European Union Act 2011 guaranteed that the any further transfer of power to the EU with regard to the treaty changes and other EU decisions would be subjected to the referendum (Craig, 2011, p. 1915). Moreover, the section 18 of the Act was regarded as ‘‘sovereignty clause’’, even though it was not defined explicitly (Craig, 2011, p. 1922). It reaffirmed the sovereignty of the parliament since the supremacy of the EU law was subjected to the Act of Parliament (Gordon, 2012).

### **6.3. THE UK’S VETO ON TREATY CHANGE**

In December 2011, a treaty change related to the monetary and economic policies was proposed by the German Chancellor Merkel and the French President Sarkozy in order to combat Eurozone Crisis (Miller, 2012, p. 2). The British Prime Minister Cameron put forward some safeguards for the UK as a non-Eurozone member state and he threatened to veto the treaty change if he could not secure safeguards for the UK (Miller, 2012, p. 5).

Cameron claimed that the UK was not trying to secure an opt-out. Instead, the safeguards were not only for the City of London or British interests but also for the single market and all EU member states (Cameron, 2012). Cameron’s veto threat was a strategy in order to extract concessions for his proposed safeguards (Miller, 2012, p. 5).

Nevertheless, the other member states did not accept the British demands and Cameron used his veto on the treaty change. As a result, the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (TSCG) was signed as an intergovernmental treaty by other EU member states.

Merkel described the intergovernmental treaty as “the breakthrough to a stability union, a fiscal union” (Traynor, 2011). In this sense, Cameron saw the treaty change as a step to federalist Europe since it would further lead to political integration (Schweiger, 2014, p. 297). Accordingly, the Prime Minister Cameron justified his veto in parliamentary debate as a tool “to protect Britain’s national interests” (Cameron, 2012).

On the other hand, Cameron might have used his veto not to hold a referendum on the treaty change on the grounds that the treaty changes were subjected to a referendum within the framework of the European Union Act 2011 (Yowell, 2012). However, for the Conservative Party politician Bernard Jenkin, it was a turning point and “the beginning of a long process” regarding the demands for a referendum on the British membership (BBC, 2011).

Moreover, one of the objectives that the coalition government wanted to achieve was to “defend the UK’s national interests in the forthcoming EU budget negotiations” (Cabinet Office, 2010). Before the negotiations on the EU budget for 2014-2020, Cameron threatened to veto the EU budget if he could not get a good deal for the UK, implying that he vetoed the treaty change before (BBC, 2012a). The best deal for the UK was to prevent any cuts to the UK rebate. The Prime Minister Cameron pledged to protect the rebate negotiated by Thatcher in 1984 (Chorley & Chapman, 2012). The veto threat became the tool of Cameron in order to extract concessions from the EU.

#### **6.4. CAMERON’S BLOOMBERG SPEECH**

In October 2011, 81 Conservatives rebelled to back a motion calling for a referendum on the UK’s membership of the EU (Lynch & Whitaker, 2013, p. 325). It was the largest rebellion vis-à-vis Europe in the political history of the UK (Redford, 2011). Furthermore, in June 2012, about 100 Conservatives signed a letter to Cameron calling for a referendum concerning the UK’s relationship with the EU (BBC, 2012b). Finally, it

was announced that Cameron would deliver a speech on the future of UK-EU relations in January 2013. The date of the speech was postponed three times due to the Algerian hostage crisis, the second inauguration of Obama and the 50th anniversary of the Élysée Treaty respectively (Daddow, 2015, p. 154). On 23 June 2013, Cameron delivered his historic speech at Bloomberg.

Cameron first labelled the UK as an “island nation” different from the other nations in Europe. The island character of the UK clearly referred to “British Exceptionalism” (Wodak, 2016, p. 18). He put the emphasis on the “independent” character of the UK and its consuming passion for its “sovereignty” (Cameron, 2013). Furthermore, he highlighted the role of the UK in the European history.

Furthermore, Cameron indicated three main challenges for the EU such as: the problems regarding the Eurozone, the EU’s competitiveness and the widening gap between the EU and the citizens (Cameron, 2013). However, the main concern for the UK was the developments related to the Eurozone. The gap between the Eurozone and non-Eurozone member states kept widening. There should be safeguards for the interests of the non-Eurozone state as the integration in the Eurozone was deepening.

The main argument of speech was that the EU changed over the years and therefore the EU-UK relations should be re-negotiated (Oliver, 2018). This would be a “better deal” not only for the UK but also for Europe (Cameron Union). The “flexible union” would be the best solution for the countries with different interests, capabilities and choices instead of a “one size fits all approach” (Cameron, 2013). The UK was always supportive for new member states since it would strengthen the heterogeneity in the Union and it would also prevent the federalization of the EU.

In a similar vein, Cameron expressed the UK’s displeasure with the phrase of “ever closer union”. Instead of this wording, the treaty should support “those who want to go further, faster [...] without being held back by the others” (Cameron, 2013). The UK was sceptical about the attempts for further political integration in the EU. The role of the national parliaments in the EU should be strengthened and some powers should be returned from the EU to the member states. According to Cameron, a new treaty could be the best option for all the parties despite the reluctance of many member states (Cameron, 2013).

As a consequence, a referendum would be held on the merit of the UK membership of the EU and the UK should “weigh carefully where [its] true national interest lies” (Cameron, 2013). In the case of exit, Cameron warned that the EU still had an influence on the UK despite the fact that the UK would lose its veto power and representation in decision making process (Cameron, 2013). Nevertheless, Cameron gave the impression that he was in favour of the UK membership “in a flexible, adaptable and open” EU before a successful renegotiation (Cameron, 2013). In contrast to Cameron’s position, Harold Wilson in 1974/75 did not express his position on referendum about until the renegotiation succeeded (Wall, 2020, p. 281).

## **6.5. THE 2015-2016 RENEGOTIATION**

The review of the balance of competences was one of the objectives of the coalition government since the government wanted to “ensure that there [was] no further transfer of sovereignty or powers” (Cabinet Office, 2010, p. 19). It was launched by government in 2012 in order to analyse to what extent the EU’s competences had effect for the UK’s national interest (House of Lords, 2015, p. 5). It was the most comprehensive analysis of the competences conducted by an EU member state (Craig, 2016, p. 8). 32 different reports were presented by each government departments until the examination was completed in 2014 (House of Lords, 2015, p. 6).

32 different reports drew the same conclusion that there was no area in which the competences were subjected to return from the EU level to the national level (Senior European Experts, 2015, p. 2). The conclusion of the review was not welcomed by the Eurosceptic groups since the review was expected to provide sufficient content for the renegotiation (Craig, 2016, p. 9). Moreover, the government did not publish a final document concerning the main finding of the reports and there was no parliamentary discussion on the issue (Senior European Experts, 2015, p. 1).

In fact, Cameron pledged a referendum on the UK’s membership of the EU if the Conservative party could win the general election in 2015. According to opinion polls, the election would result in a hung parliament and therefore he could cancel or postpone the referendum (Craig, 2016, p. 10). The referendum pledge before the end of 2017 was



also contained in 2015 Conservative election manifesto (Scott, 2015, p. 17). In May 2015, the Conservative party won the outright majority in the UK general election.

On 10 November 2015, Cameron had a speech asserting the renegotiation of the UK's membership at Chatham House and sent a version of his speech as a letter to the President of the European Council Donald Tusk. Also, it triggered the UK's differentiated disintegration process. Cameron outlined four main areas for the renegotiation: Economic governance, competitiveness, sovereignty and migration (Cameron, 2015).

Firstly, concerning economic governance, Cameron wanted to secure safeguards for the non-Eurozone member states to protect them the negative externalities of the integration in the Eurozone. In this regard, he proposed "a British model of membership" for the non-Eurozone member states. Secondly, competitiveness should be prioritized by reducing regulatory burdens (Cameron, 2015).

Thirdly, Cameron wanted to obtain an opt-out from the wording "ever closer union" since the UK would never take part in political integration. The European Council in June 2014 had already highlighted that "ever closer union allows for different paths of integration for different countries" (European Council, 2014). The Eurosceptic group always interpreted the phrase of "ever closer union" as the federalisation of European integration besides its symbolic meaning. The Prime Minister Blair achieved to remove the phrase from the Constitutional Treaty, even though it did not enter into force because of the failed ratification process (Liddle, 2015). Furthermore, there should be a "red-card mechanism" which enables the national parliaments to block the EU legislation (Weiss & Blockmans, 2016, p. 3).

Finally, in the area of migration, Cameron proposed the restriction of the principle of free movement for new member states until their economies converged with other member states. Additionally, he asked for some measures such as restrictions on in-work benefits and child benefits overseas in order to manage migration flows from the EU (Cameron, 2015). The in-work benefits concerned the UK that they would give more workers in other countries an incentive to work in the UK (Glencross, 2016, p. 31). According to a survey on the renegotiation, border control and migration were identified as the main areas of concern (Clarke et al., 2017, p. 22). Consequently, the migration was

the only area that Cameron clearly asked for differentiated disintegration specifically for the UK so as to ease concerns over migration (Schimmelfennig, 2020, p. 26).

The migration was not listed as one of the main challenges in Cameron's Bloomberg speech. The objectives of renegotiation were arranged in line with the challenges such as Eurozone and migration crisis, in spite of the fact that the review of the balance of competences did not provide expected contribution to the renegotiation.

After months of negotiations, the European Council agreed upon "A New Settlement for the United Kingdom within the European Union" in February 2016 (European Council, 2016). In the area of economic governance, the new settlement underlined that the UK would not adopt euro (European Council, 2016). It guaranteed the safeguards for the non-Eurozone member states that they would have their competences in the supervision of their financial stability and they would not be subjected to contribute to the Eurozone bailouts (Glencross, 2016, p. 31). For the competitiveness of the EU, the settlement offered more than the UK demanded from the EU (BBC, 2016a).

As a response to the UK's claims about the wording of "ever closer union", it was reiterated that "the United Kingdom [...] is not committed to further political integration into the European Union." and consequently "ever closer union do not apply to the United Kingdom." (European Council, 2016). The opt-out would be incorporated into the treaties through a treaty revision in the future (European Council, 2016). The opt-out from "ever closer union" was the only "UK-specific measure" secured by the resettlement (Glencross, 2016, p. 30). Yet, it was, to a certain degree, "symbolic" (Schimmelfennig, 2020, p. 26). It was also emphasized that the wording "ever closer union" did not give a legal basis to reduce the EU competences or to return them to member states (European Council, 2016). Additionally, with respect to the principle of subsidiarity, the national parliaments were given a "red-card mechanism" that a group of national parliaments could block EU legislation (European Council, 2016).

In the area of migration, the renegotiation did not meet Cameron's demands (Clarke et al., 2017, p. 24). The child benefits would be indexed in line with the living costs of the countries where the child lives. On the other hand, a "emergency brake" mechanism was offered to restrict in-work benefits for new workers for up to four years

(Weiss & Blockmans, 2016, p. 9). Therefore, the secondary legislation would be amended, without a treaty change (European Council, 2016).

As a result, the new settlement would take effect when the UK decided to remain in the EU (European Council, 2016). Nevertheless, the renegotiation would not change the status of the UK to a large extent that the UK already had a special status with its opt-outs from different policies (Glencross, 2016, p. 30). As the opt-out concerning “ever closer union” was the only “UK-specific measure”, the other measures would apply to not only the UK but also to other member states. Thus, the renegotiation mainly failed with respect to internal differentiated disintegration (Schimmelfennig, 2020, p. 27).

## **6.6. THE BREXIT REFERENDUM**

The referendums mainly centre around the issues related to authority, democracy and sovereignty (Gordon, 2020, p. 215). In other words, the referendums reveal when the national governments want to protect their status quo and national interest (Oppermann, 2013b, p. 689).

In the UK, only three nationwide referendums were held as yet. Two of which were held on the membership question of the UK to the EC/EU in 1975 and in 2016 respectively (Gordon, 2020, p. 216). In particular, the referendum pledges or the referendums held on the EU related issues in the UK mainly stemmed from the intra-party dynamics (Oppermann, 2013b, p. 692).

The Brexit referendum was announced to be taken place on 23 June 2016. Cameron described referendum as “one of the biggest decisions” regardless of its outcome (Cameron, 2016). Even though the Prime Minister himself called for “remain in a reformed European Union”, the members of the cabinet were free to campaign whether to remain or to leave (Cameron, 2016). Like 1975 referendum, some members of the cabinet were in favour of leave vote (Clarke et al., 2017, 31).

The Brexit referendum was seen as Cameron’s gamble. After he became the leader of the Conservative Party in 2005, he did not hesitate to take some gamblers. He led the first coalition government after about 70 years, won the Alternative Vote

referendum in 2011, won a second referendum on the Scottish independence in 2014 and won the elections with absolute majority in 2015 (Clarke et al., 2017, pp. 2-3). He gambled on a referendum once again to unite his divided party (Oliver, 2018).

In contrast to 1975 referendum, there was no contingency planning for a possible leave vote in the Brexit referendum (Evans, 2018, p. 127). Nonetheless, the Treasury made contingency planning for financial stability in cooperation with the Bank of England (Stewart, 2016). The government made no contingency planning on the grounds that it would be regarded as the legitimization of Leave vote (Aqui, 2019, p. 11).

Surprisingly, the renegotiation was rarely mentioned during referendum campaign (Oliver, 2018). According to the Leave side, the renegotiation was not legally binding (Gove, 2016). Even though the government campaigned for “a special status in a reformed EU” (HM Government, 2016), the Leave side believed that “the EU cannot be reformed” since the political integration would lead to “a United States of Europe with open borders” (Farage, 2016).

While the Remain campaign centred around the economic consequences of the UK’s withdrawal from the EU, the focus of the Leave campaign was on the migration (Oliver, 2018). In fact, the migration was a matter of concern since 2004. After the “Big Bang” enlargement, the Blair government decided to open the labour market for the workers from the new member states and new migration rate was on rise since then (Dennison & Geddes, 2018, p. 1142). Therefore, the Leave vote was “the only way to take back control of immigration” (Johnson, 2016a).

Moreover, the Leave side expressed the dissatisfaction with the UK’s opt-outs. Despite its opt-outs, the UK was “subject to every law introduced by the EU and in the Eurozone.” (Grayling, 2016). It should be noted that securing opt-outs from different policies “was the start of a 20-year process of Britain peeling away from the European project, which is culminating now.” (Stuart, 2016).

The debate over the Treaty of Lisbon resurfaced again. It was claimed that the Treaty of Lisbon enabled the European Commission and the European Court of the Justice to “take over competences from the member states.” (Grayling, 2016). The UK was outvoted by other member states not only in the European Parliament but also in the EU Council. The UK’s national interests were ignored or blocked by the EU, even “when

the British national interest is at stake” (Patel, 2016). Hence, the UK was “fighting for freedom” (Johnson, 2016b) and the referendum day would be its “Independence Day” (BBC, 2016b). Finally, The UK would be “an independent, free and sovereign country” (Patel 2016).

Eventually, 51.9 % of electorate in the UK voted to leave the EU (BBC, 2016c). following the historic Brexit result, Cameron resigned as Prime Minister and succeeded by Theresa May. Under the slogan “Brexit means Brexit”, May was determined to deliver the UK’s Leave decision by rejecting any “attempts to remain inside the EU”, “attempts to rejoin it by the back door” and a “second referendum” (Mardell, 2016).

As the UK has an uncodified constitution, the parliament has the authority to provide the legal basis for referendum (Gordon, 2020, p. 219). It should also be noted that the results of referendums are not legally binding in the UK. However, “the Government had pledged to honour the result and it has since been treated as politically and democratically binding. Successive Governments and Parliament have acted on that basis.” (The Supreme Court, 2019, p. 4). The government with the legislation of the parliament is free to choose either keep the status quo or take action against it.

In this regard, following the European Union (Notification of Withdrawal) Act 2017, Theresa May sent a letter to the President of the European Council Donald Tusk invoking the Article 50 on 29 March 2017 (May, 2017). It opened a new page for UK’s differentiated disintegration with the EU.

## CHAPTER 7: CONCLUSION

Differentiated integration has been a regular feature of European integration for many years. The UK with opt-outs from different policies was a notable example of differentiated integration. However, the UK's decision to renegotiate a new settlement with the EU and to hold an in-out referendum triggered the process of differentiated disintegration. Even its special status concerning its opt-outs, the UK wanted to reduce its level and scope of integration with the EU.

This thesis asked the question of “how differentiated integration led to disintegration”. It addressed a further question was “how differentiated (dis)integration occurs” so as to explain the transition from integration to disintegration. It conducted a case study on the UK as it has so far been the only case of differentiated disintegration. In this regard, this thesis presented the history of the UK's differentiated (dis)integration with the EU.

Even before the European Economic Community was founded, a report regarding the UK's possible participation in the Community was prepared. The report illustrated that the membership was not in line with the UK's national interests. Nevertheless, the economic and political challenges forced the UK to apply for the membership on the grounds that the EEC membership would serve the UK's economic interests.

The 1974/75 renegotiation was the UK's first disintegrative attempt, although it did not offer any specific change to the UK's membership. In terms of the renegotiation, two points were noteworthy: the British Budgetary Question (BBQ) and the possible establishment of the EMU.

Although the renegotiation offered a temporary solution to the BBQ with a correction mechanism, the UK asked for a permanent solution. Under the presidency of Thatcher, the UK blocked the negotiations in the summits until a permanent solution to the BBQ was found and therefore no communiqué could be issued in the Athens Summit. Eventually, the UK Rebate was achieved as a permanent solution to the BBQ. The UK

got a partial exit in terms of its budgetary contribution. Hence, the UK Rebate can be regarded as a disintegrative move.

Moreover, the UK was opposed to the establishment of the EMU since it would open the way for the deepening of the political integration and the federalization of Europe. It would also lead to further transfer of national sovereignty and competences to Brussels. The Bruges speech was like a declaration of the UK's opposition to any further integration that would endanger the UK's national interests. Also, the UK derogated from the communiqué of the Rome Summit 1990 which set a date for the second stage of the EMU.

Meanwhile, the UK participated in the Exchange Rate Mechanism (ERM) despite the fact that it was seen as a step to further economic integration with regard to the EMU. Nonetheless, the UK left from the ERM due to the speculative pressures. The ERM was regarded as the first Brexit. In the same fashion, it was an early example of differentiated disintegration. The UK participated in the ERM in order to deal with the high inflation rates and therefore the ERM membership was in line with the UK's interests. However, when its interests were under attack, the UK left the ERM. The process was like a Brexit simulation for the UK.

In the light of the concern over the EMU, the UK secured the first opt-out from the EMU, specifically from the single currency within the framework of Maastricht Treaty. Additionally, it obtained several opt-outs from different policies. Nonetheless, it should be noted that the UK had already some disintegrative moves even before its first opt-outs. The opt-outs enabled the UK to protect its national interests without transferring national sovereignty and competences to the EU. The UK enjoyed a special status in the EU thanks to its opt-outs.

On the other hand, the opt-outs enabled the integration-friendly member states to deepen integration without being blocked by the UK. However, that widened the gap between the integration-friendly member states and the UK. Even though the UK had an opt-out from the Eurozone, the deepening integration in the Eurozone had negative consequences on the UK. Therefore, the UK tried to secure additional safeguards for itself. When the UK's demands were not met, the UK put a veto on treaty change to defend its national interests.

The UK realized that the opt-out from a policy area was not enough to protect its national interest and when its national interests were at stake, the other member states ignored the UK's demands. Hence, the UK asked for the renegotiation of its membership, namely differentiated disintegration. The UK once again asked for opt-outs within the framework of renegotiation. These opt-outs were different from the previous ones since the UK asked for the opt-out from an already existing integration. The UK believed it could extract concessions from the EU since it had already obtained various opt-outs which were also regarded as the EU's concessions to the UK. Consequently, as the hypothesis asserts that the more a member state experiences differentiated integration, the more likely it will demand for disintegration.

The 2015-2016 negotiation did not meet the UK's demands. There were no UK-specific measures with the exception of the symbolic opt-out from "ever closer union". The measures would apply to other member states as well. The Brexit referendum was regarded as a war by the Leave campaigners. The UK was defending its national interests against the EU. When the UK won the war, when the UK left the EU, it would be a sovereign state.

Overall, the UK always remained sceptical about the deepening of the integration since it would lead to the further transfer of national power or competence to the supranational institutions posing a threat to the UK's national interests. The UK believed that the opt-outs from various policy areas would ease the concerns over national interests, nonetheless it did not prevent the EU from deepening integration. The EU also developed over the years while the deepening integration spilled over the other areas. The opt-out from one policy area was not adequate to protect the UK's national interests in other areas. Moreover, the opt-out from a policy area did not prevent the UK from the negative externalities of the further integration in that area. As a result, the UK asked for the reduction of the level and scope of its integration with the EU. The UK's concern over its national interests were growing over the years. Its experience of differentiated integration did not ease the concerns over the national interests and it asked for differentiated disintegration in line with the hypothesis of the growing concern over the national interests made the UK experience differentiated integration, paving the way for disintegration.



The 2015-2016 renegotiation illustrated the internal differentiated disintegration in spite of the fact that it did not change the status of the UK. With the invocation of the Article 50, it led a transition from the internal to external differentiated integration. In this sense, future studies could address this period to examine how the UK tried to extract concession from the EU and tried to defend its national interests simultaneously.

All in all, even a member state in the EU decreases the level and scope of its integration and prefers to move from differentiated integration to differentiated disintegration, it does not necessarily mean that no integration remains between the member state and the EU. Within the framework of differentiation, disintegration also contains a level of integration.

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