



Why sovereignty matters

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Earlier this week, my friend and former Cato Institute colleague, Dalibor Rohac, wrote a thoughtful [article](#) for CapX on “The Sovereignty Delusion.” The thrust of his argument was that in today’s world, full sovereignty is a chimera, and that conservatives have fallen into the trap of defending authoritarians in Eastern Europe because of their anti-Brussels stance.

In so far as national sovereignty implies democratic accountability, however, I think that Dalibor is too quick to dismiss concerns over the rule from Brussels, as opposed to Westminster, as “not the only – or even the most important – thing that matters.” Democratic accountability matters greatly, because it confers legitimacy – and that is what is sorely missing in the EU and elsewhere. Allow me to explain.

Dalibor begins by noting that the return of “sovereignty – in the sense of ultimate legal authority – from Brussels to Westminster was perhaps the most compelling among the arguments put forward by those who advocated the UK’s departure from the EU ahead of the June 2016 referendum.” He then points out that “modern democracies delegate many decisions to unelected officials and bodies.” For example, he writes, the UK is likely to be forced to “acquiesce to sanitary and phytosanitary rules written by US regulators – and not voted on by MPs in Westminster,” in exchange for a free trade deal with the United States.

Dalibor is right – at least in the short run, when he says that “the real threat to free societies in Central Europe is not from EU bureaucrats but from their own political leaders, busy dismantling checks and balances, suppressing free media, civil society organisations, and private universities, and renationalising large swathes of the economy.” But who knows where the EU will end up in the long run?

And that brings me to the part of Dalibor’s article, where he and I disagree. In 1975, the UK held a referendum on joining what was little more than a trading bloc called the European Economic Community. Since then, the EEC has evolved into the EU, with its own flag, anthem, currency, president (five of them, actually), and a diplomatic service.

Each step of the way, it was an elected UK government that approved further integration, though with decreasing support from the British public. By 2004, Tony Blair had to commit to a referendum on the EU Constitution – a promise that he and his successor, Gordon Brown, broke.

The British public clearly perceived the process of further intra-European integration as less and less legitimate. The same is true of the French, Dutch and Irish, who struck down various

attempts to create an “ever closer union” in their respective referendums – before Brussels ignored them.

It does not help the cause of “ever closer union” for European leaders have been explicit about the anti-democratic nature of the EU. For example, Jean-Claude Juncker, the current President of the EU Commission, noted that “we decide on something, leave it lying around and wait and see what happens. If no one kicks up a fuss, because most people don’t understand what has been decided, we continue step by step until there is no turning back.” Put differently, much of what the EU does lacks public support and, consequently, legitimacy.

In retrospect, it seems inevitable that at some point, someone, somewhere, was going to say “no more”. That it should have been the UK is unsurprising. The UK has always been the most ambivalent member of the EU.

Predictably, other EU members have doubled down on their failing approach to further integration. When asked about the possibility of holding a French referendum on EU membership in 2016, the then French Foreign Minister M. Jean-Marc Ayrault responded, “Well, not on this issue. At any rate, I wouldn’t like one. I’m not against referendums. There have been some, there may be others, but on this issue...” That cannot end well.

My contention, therefore, is that while full national sovereignty may well be an illusion (or, even, as Dalibor puts it, “delusion”), significant sacrifices of national sovereignty must enjoy public support and must be reversible (no treaties last forever). That British membership of the EU no longer enjoyed enough public support – and therefore legitimacy – is clear. Fifty-two per cent of the British public said so last year.

Once the UK has left the EU, the British people may opt for chlorine-washed US chicken in return for a free trade deal with America. They may agree to relax visa requirements for Indians in exchange for a free trade deal with India. But, it will be their decision. And it will be legitimate.

The British will be able to renegotiate those deals at a future juncture, just as the United States is doing with NAFTA. I am not in favor of such a renegotiation or, God forbid, withdrawal from NAFTA. I am simply recognising that such renegotiation is a logical consequence of the decreasing legitimacy of NAFTA in the eyes of the US electorate – and of the election of Donald Trump, who promised to amend the agreement.

As for Dalibor’s warning about authoritarian domestic governments in Eastern Europe, it is certainly true that Eastern Europeans have entered the EU by promising to abide by the EU rules, which included respect for democracy, free media, and free functioning of civil society and private universities. But they did not agree to take in non-EU migrants from Germany – a provision that can’t be found in any of the EU treaties and appears to be in direct contravention of the Dublin Regulation, which specifies that asylum applications by those who seek protection in the EU under terms of the Geneva Convention must be processed at the point of entry, which is to say by the first EU member state that they have arrived in.

In other words, what we have seen in Eastern Europe over the last couple of years is similar to what has been happening in the UK over the last two decades: a growing gap between what the Eastern Europeans can be legitimately expect to do as EU members (e.g. respect democracy) and that which they cannot legitimately be expected to do as EU members (e.g. take in non-EU migrants). If the EU fails to appreciate the importance of legitimacy, then other member-states could go the same way as the UK.

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