

## Independentism and the European Union

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Independentism is a live issue in Europe today. Separatist parties have support in the Basque Country, Catalonia, Scotland, Flanders, and elsewhere. An independence referendum has taken place in Scotland, and outside the EU there have been referendums in Ukraine. Independentism is not a new phenomenon in Europe. Since 1945, and particularly since 1990, many new states have emerged. Initially outside the EU, most have decided to seek EU membership.

What is the European Union's policy on independentism? Although it has no explicit policy, one may deduce an implicit policy from its actions and reactions in the past. The initial response of the EU's members has been to resist or discourage the division of other European states into smaller units. But when independence is imminent or has become an established fact, the reaction of the EU and its member states has been to come to terms with it and to seek remedies. Initial reluctance is followed by pragmatic acceptance, provided that the process can be considered as constitutional. Constitutionality of an independence referendum is a key factor for the EU, as has been illustrated by its response to events in Ukraine.

Is the division of one member state into member two states a negative development for the EU? In my view, it cannot be considered good or bad for the EU as such: on balance, it is neutral. It can be argued that any increase in the number of member states tends to make the functioning of the EU's institutions and their decision-making more complicated. But successive enlargements of the EU have increased its membership from 6 to 28 states without paralysing its decision-making. If one member state divides into two, there is no change in the population of the EU, or its economic size. The dimension of the internal market is not affected, and the EU's external influence is not diminished. Naturally, for individual member states, such a development may be good, or bad, and may be opposed for various reasons. But in my view it can hardly be opposed on the grounds that it weakens the EU, or is contrary to the EU's basic principles and interests.

Is the organisational structure of the EU relevant to independentism? The focus of decision-making in the EU remains intergovernmental: most power still lies with the member states. Meanwhile, the principle of 'degressive proportionality' in voting gives smaller states an advantage. So it is understandable that independentists are motivated to seek statehood and EU membership. In handling the question of independentism today, member states are entitled to insist that the principles of democracy and constitutionalism should be respected. But they should realise that, in relation to the EU, independentists are entitled to follow the logic of the structure that member states themselves invented.