

Differentiated Regional (Dis)Integration Post Brexit¹

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Abstract. The United Kingdom's exit from the European Union has resuscitated academic discussions on the topic of the certainty of the unfolding of disintegrative trends in the united Europe. Nevertheless, no general perception has emerged yet of how Brexit is likely to influence the organizational prospects and viability of European integration. In most cases, the conceptualizations do not escape the dichotomy between integration and disintegration as two extreme states in international relations. In fact, these are two processes that are complexly co-related. Each of them can include a wide array of structural arrangements, a certain differentiation dynamism, different levels of centralization in separate domains, as well as certain (variable) numbers of participants in distinct arrangements. In this article, we consider the meaning of Brexit as a condition of further European (dis)integration, based on Alexander Bogdanov's theory of organization. This theory allows us to reconsider the established renderings of such key notions as integration, disintegration and differentiation.

New insight is gained into the after-effects of prior Europeanization for the political system of the United Kingdom. The cases of the Economic and Monetary Union and the Northern Ireland Protocol receive separate treatment. The latter case presents a path-breaking design for differentiated integration with subnational region participation. Yet, to realize the potential of the Protocol in full, political will is needed from both London and Brussels.

On the most basic level, once this large country left the European Union, one could hardly imagine any of its remaining 27 members being able to block the further progressive development of European integration. At the same time, it has to be acknowledged that, in order to make headway in terms of integration, the EU system, rather than unification and centralization, is in need of intensive differentiation. Meanwhile, the supranational institutions, above all the European Commission, remain oriented towards uniform integration as a priority. This could lead to the EU integration policy becoming less effective.

Keywords: Brexit, European Union, integration, differentiation, differentiated integration, disintegration, Northern Ireland, Europeanization.

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The movement towards European unity took off in Western Europe with the Schuman Plan in 1950 that proposed to create a grouping of six countries to pool together their coal and steel production. The founding fathers of regional integration expected the member states to make a series of predetermined commitments that would eventually lead to the formation of a supranational community. This initially effective formula stalled in the 1970s and 1980s, after the integration alliance was joined by countries that were far more reluctant to unify Europe than the original Six. Belgian Prime Minister Leo Tindemans warned back in 1975 that the interim goals of European economic integration, as previously laid out by the leaders of the enlarged association, would not be achieved by all member states at the same pace, but his warning was ignored at the time.² However, as the European Community expanded, a policy of legal differentiation or flexibility developed (Babynina 2012), fixing integration at different speeds. Differentiation became particularly widespread with the Maastricht Treaty of 1992: exceptions were made for a number of member states in areas such as monetary, social and defence policy, as well as justice and home affairs. The most important area for the application of flexible integration was the euro zone, which we will discuss in more detail below.

Brexit was a clear reminder to Brussels of the strain being placed on the European Union system, which, despite the differentiation, could trigger a disintegrative trend (Jones 2018). This precedent has required experts and practitioners to seriously rethink their previous conceptual approaches. The focus of this study is to assess the political and organizational transformations in the relationship between the European Union and its now former member state (the United Kingdom) from a theoretical perspective, which should contribute to such a rethinking.

The process of the United Kingdom's withdrawal from the European Union has prompted a flurry of publications on disintegration and differentiated integration (Vollaard 2018; Bickerton 2019; Rosamond 2019; Schimmelfennig, Winzen 2020; Ganzle, Leruth, Trondal 2021; Brunazzo 2022). Nevertheless, attitudes toward the hypothetical prospect of EU disintegration remain under-analysed, especially in European academic circles. Indeed, before the 2016 referendum, with few exceptions, the concept of disintegration had not been given much attention in scholarly debates, let alone among European decision-makers interested in preserving the status quo.³ Classical theories of regional integration (neofunctionalism and liberal intergovernmentalism in particular) proved incapable of fully explaining the disintegrative moments that emerged (Webber 2019: 22, 39), and in universities, including those outside the European Union, European integration is largely being taught using the old standards.

² Tindemans L. European Union. Report by Mr. Leo Tindemans, Prime Minister of Belgium, to the European Council. Bulletin of the European Communities, Supplement i/76. (commonly called the Tindemans Report). (EU Other). 1976. P. 20–21. URL: <http://aei.pitt.edu/942/> (accessed: 18.06.2022).

³ Philip Schmitter has repeatedly observed that any comprehensive theory of integration must potentially also serve as a theory of disintegration. His article, co-authored with Zoe Lefkofridi, attempted to apply neofunctionalism as an analytical framework for identifying conditions favouring or opposing the disintegrative process (Schmitter, Lefkofridi 2016).

With this in mind, this article is not about the United Kingdom's exit from the European Union as such. From a theoretical and institutional point of view, it examines the processes and institutional options of differentiated (dis)integration in the European Union, with Brexit serving as a useful case study to illustrate the benefits of taking the broadest possible conceptual view of the (dis)integrative dynamics developing within the EU system. It seems that focusing on the manifestations of differentiation in the European Union can deepen our understanding both of the political and organizational aspects of the integration process and of its functional aspects.

The political system of the European Union is in constant evolution, and the debate about its institutional structure is ongoing. For example, Brussels reacted to the European debt crisis of 2010–2012 in a very definite and fairly predictable way: namely, by creating new institutions and financial instruments and by taking austerity measures (Schwarzer 2013). At first glance, this appeared to be the latest success of regional integration (understood in the traditional sense), confirming that the United Kingdom's withdrawal adds new momentum to the integration process (Butorina 2020). However, given the direction of the decisions taken, it is hard not to see Brussels' usual focus on bureaucratic overregulation, which has always irritated London. Moreover, these decisions not only profoundly affected the sovereignty of member states, but also had serious socio-economic and political implications, including for the EU countries that remain outside the eurozone.

The theoretical basis of this study is the science of organization (tectology) by Alexander Bogdanov. This enables us to consider the ongoing political and institutional transformations in Europe from a systemic point of view. A tectological organizational analysis relies on the principle of emergence, i.e., it actualizes and develops Aristotle's idea of an organized whole capable of possessing qualities or behavioural traits (essence) that its parts do not possess separately. Emergence is defined as the development of new structures and properties in complex systems in the course of their self-organization.

In the third chapter of *Tectology*, devoted to basic organizational mechanisms, Bogdanov uses the terms “ingression” (connection, integration) and “desingression” (divergence, partial or complete). In the second case, we are dealing with a phenomenon similar to disintegration, ensuring the transition of a systemic complex to a new state (Nikonova 2019: 33). In other words, desingression implies an organizational crisis: the rupture of connection creates a tectological boundary where there is one whole, producing or facilitating the production of “separates.”

The sixth chapter of *Tectology* examines centralistic (egression) and deconcentrated, distributed skeletal (degression) organizational forms, the former concentrating the content being organized and the latter fixing it, which makes it no less necessary and useful. Egression (from the Latin “leaving the row”) is a system in which a highly organized complex (nucleus) is singled out, in relation to which all other complexes are considered peripheral. Degression (from the Latin “descending down”) is the formation of organizationally inferior complexes, which are distinguished by elaborately

organized plastic complexes. As Bogdanov points out, “both egression and degression are particular cases of asymmetric connection, that is, they lie entirely within the principle of systemic differentiation” (Bogdanov 2019: 429). Finally, like Niklas Luhmann, he interprets the formation of the whole from disparate parts in a functional way: as (dis)organization or progression towards a similar state (that is, a reflection of the real ability of a complicated systemic complex to withstand external and internal challenges better or worse than its elements, taken separately, and to show resistance⁴ to them).

This theoretical approach permits viable decentralized integration or, conversely, disintegration due to (excessive) centralization. It must be said that for all the measures taken to further political centralization, the European Union has thus far in fact been more consistent with a degressive type of organization: the political systems of its member states are much more complex than the system of the European Union itself.

If we understand complete disintegration as a certain result, then with regard to the European Union it could mean hypothetically the legal or actual end of the European Union as an association endowed with an integrative meaning, the return of international politics in Europe to the pre-integration stage or the replacement of the European Union with some alternative system (institutionalized or informal). However, even if Brexit did help unleash disintegrative dynamics, there are still many reasons to expect it to be intercepted, reformatted, and modified in the complex multi-layered maze of the European Union’s institutional architecture.

The Concept and Practice of Differentiated (Dis)Integration

The terms “integration” (formation of the whole from disparate parts) and “differentiation” (division of the whole into parts) are universal scientific categories used in systems analysis, which is the focus of Bogdanov’s theory of organization, but “the boundaries between integration and differentiation are blurred and fluid, their unity does not exclude the fact that at different moments one or the other process prevails in the system. At some period of time, some elements of the system disconnect in order to unite with others later and form its qualitatively new state” (Ignatova 2013: 6). In the European Union, regional integration is largely defined as a process of deepening cooperation among member states that are willing to submit to common rules and governance by the European institutions. According to this definition, disintegration includes any hypothetical deviation from the already achieved degree of similar integration, which, in principle, is supposed to develop only in one direction – towards greater centralization, towards a wider coverage of various areas of state policy and the accession of new members to the European Union.

⁴ A dynamic property of organization that allows it to overcome stresses and difficulties in a constructive way.

Since the entry into force of the Treaty of Rome on the European Economic Community, the creation of an “ever closer union” has been enshrined as one of the fundamental principles of the European integration process. However, later on, some member states were allowed (at least temporarily) to depart from this principle, and they do not participate equally with others in certain areas of EU policy. This phenomenon is commonly referred to as differentiated integration. Thus, according to the European understanding of differentiated integration, a regional association will have its own organizational core, and the levels of centralization and territorial spread of the relevant European norms will vary. At the same time, Western authors tend to use the term “integration” as an antonym for differentiation, differentiated integration or flexible integration, which literally leaves no room for considering the disintegrative dynamics *per se*.

Kenneth Waltz’s structural realism is a school of thought that insists on a peculiar understanding of the causes of probable disintegration (Waltz 1979). In his explanatory scheme, interstate cooperation (especially as intensive as in the European Union) is considered almost doomed to periodic failures and crises due to the principle of relative gains: even if many states see cooperation as a rational choice for a certain period of time, and they all benefit from it, their gains will be unequal. According to Waltz, clusters of states are able to stick together only under the influence of the structuring rules of geopolitics (such as the Cold War) or when there is a common enemy. Alexander Bogdanov’s theory allows for a more nuanced, dynamic picture of organizational changes in such a highly differentiated integration complex as the European Union, based on the concepts of “ingression,” “desingression” and “tectological boundary” that he introduced.

Tectology (Bogdanov 2019: 203) says: “Depending on the new ingression and desingression, there are changes in the structure of complexes in interaction: partial or radical, in the form of deformations or crises, development, degradation, destruction.” Ingression provides a link between two or more complexes. Complete desingression means the disintegration of the previous system, the formation of (tectological) boundaries between its parts, which produces new separates from the previously given system. Yet it is also possible that the tectological boundary between two or more complexes is broken, enabling them to form some new system. Bogdanov emphasizes that when the tectological boundary between them is broken, the two complexes cease to be separates and form a new system with further transformations, leading to the emergence of ingressive links and desingressions, partial or complete, external or internal. It should also be mentioned that, according to Bogdanov, the transformation of the organizational form of the system can be accompanied by the destruction of existing links between elements, the emergence of new links, the disappearance of some links, and the appearance of others, as we observed in the case of Brexit.

Turning to the definition of differentiation, it should be pointed out that it can be territorial, functional, social, economic or political. For example, Luhmann interprets differentiation in a functional way: it ensures the maintenance of the system’s identity

in the face of external challenges (Luhmann 2006). Meanwhile, in the terminology still used in the study of European integration, differentiation is often interpreted narrowly as an opportunity granted by agreement to individual states involved in a regional integration complex or associated with it to have or receive fewer rights and/or obligations in certain areas of EU policy. In this perspective, the distinction between territorial and functional integration is obscured in a way that is not quite correct.

Speaking of differentiated integration, we necessarily prioritize the strategies by which the European ruling class tries to reconcile the diversity of demands of the member states with the common plans to further develop the European Union. It turns out, then, that this is not some dubious forced decision, but rather a natural manifestation of regional integration, a generally predictable result of the expansion of the European Union's competencies, and the heterogeneity of the integrating space (Svendsen, Adler-Nissen 2019). Essentially, differentiation in sociological systems theory, as well as in Bogdanov's theory, leads to a multiplication of subsystems in modern society, reflecting its increasing complexity. Variability increases in the system, which allows it to respond flexibly to challenges, but also places greater demands on the subjective factors of political governance. Therefore, it is politically relevant and analytically adequate to consider possible (dis)integration as a process with an undetermined result for its participants and initiators.

Two main directions of differentiation are usually distinguished (Schimmelfennig et al. 2015: 765): in terms of centralization/decentralization (vertical differentiation), and in terms of differences in territorial distribution (horizontal differentiation, which, as is most often specified, can be considered internal or external to the European Union). With vertical differentiation, individual policy areas are integrated in the European Union at different speeds and reach different levels of centralization over time, suggesting that deep structural asymmetries persist in the European governance system. Horizontal differentiation (spatial asymmetry) occurs because, as mentioned above, many member states do not participate in all European policies, while some non-EU member states, by contrast, formally participate in some European policies.

We should make a reservation that, from the point of view of the theory of organization, there is a tectological gap in the latter case, by virtue of which the space where the norms of the European Union apply extends beyond the territory of the European Union *per se*. Therefore, it would be more logical to consider this situation not from within the European Union, but each time bearing in mind the precise contours of the newly emerging systemic complex: after all, we are talking about the European single market within the territorial boundaries extending beyond the European Union and its governance system, which demonstrates asymmetry in the sense that only full EU members participate in the drafting and adoption of relevant legal rules, but all participants in the European single market, including third countries admitted to it by preference, must comply with these norms.

Let us make it clear that the EU agreements with third countries demonstrate two approaches in terms of their perception of European law: static and dynamic. In the first case, a limited portion of European law is absorbed by the third country the moment an accession agreement enters into force, or by arrangement with the European Union (for example, the Association Agreement between Turkey and the European Economic Community, which entered into force at the end of 1964). In the second case, the reception of new or amended European legal norms is automatic, but institutional mechanisms are introduced to ensure that third countries have little say in the process of their adoption (Gstohl, Phinnemore 2019).

The 2020 EU–UK Trade and Cooperation Agreement is not the only example of a dynamic solution, as the 1994 Agreement on the European Economic Area (EEA) linking the European Union and the three countries of the European Free Trade Association – Iceland, Liechtenstein and Norway – into a single systemic complex is evidence of the same. These countries perceive the rules of the European single market through their permanent incorporation into this agreement. It also includes provisions that require the European Union to consult with “external” EEA countries when drafting its market legislation.

Economic and Monetary Union

From an organizational point of view, the Economic and Monetary Union (EMU) includes three closely interrelated components (economic blocs). They differ in the degree of vertical differentiation ensured: (1) macroeconomic policy remains formally in the hands of national governments but is subject to a set of common European rules; (2) budgetary policy at both the European and national levels (national budgetary policy in the European Union are linked together by common targets, standards and control checks as part of multilevel surveillance); and (3) monetary policy in the euro area, which was entrusted to the supranational European Central Bank (ECB). Vertical differentiation is exacerbated by the fact that the Maastricht Treaty provides for creating the EMU in three stages, which the member states did not join in a uniform manner. The third (final) stage – the actual transition to a single supranational currency – has gained key importance. To date, 19 countries have adopted the single currency, and it is for them that the Eurogroup was set up, i.e., the formation of the EU Council of Ministers with limited membership, whose political influence far exceeds its lowly legal status.

The transition to the third EMU stage revealed, in addition, potential differences between “objective” (based on economic indicators) and “subjective” (based on the political desire of individual countries without economic contraindications) horizontal differentiation, that is, between countries that have not yet reached the economic criteria of maturity and stability required to switch to a single currency, and those (the United Kingdom and Denmark, concerned about preserving their autonomy and national identity, which primarily predetermined their unwillingness to part with their

national currency,⁵ and later also Sweden) that have gained an opportunity to do so in the future, while the corresponding obligation with the stipulated deadlines was not imposed on them.⁶ In addition to the organizational diversity described above, some of the non-Eurozone countries subsequently decided to join the Fiscal Compact,⁷ while others, including the United Kingdom, chose not to.

The refusal to switch to the euro had a favorable effect on the growth rates of the UK economy during its membership in the European Union (Burk, Leuffen 2019: 1399, 1402; Mazumder, Pahl 2013). However, the institutional separation of the eurozone in the context of the European debt crisis, which started in 2010, had unpleasant political implications for London. In November 2011, French President Nicolas Sarkozy outlined how, in his view, differentiated integration could further strengthen the European Union: "In the end, clearly, there will be two European gears: one gear towards more integration in the euro zone and a gear that is more confederal."⁸ In his desire to finally federalize the integration association, at least within a limited range of member states, the French President was supported by German Chancellor Angela Merkel, who had previously doubted the feasibility of such a means to promote deeper integration. London now has reason to conclude that the largest countries on the continent, unwilling to embark on another intergovernmental conference on revising the founding treaties (where, as before, the United Kingdom could use a veto to block unwanted institutional reforms) are ready to refocus the European Union's institutional system, almost in emergency mode, on the primary protection and viability of the eurozone.

Since Margaret Thatcher, London's priority on the European agenda has been the European single market (Kaveshnikov 2018: 26). For the United Kingdom, the new turn meant the prospect of losing its former position in the economic governance system of the integration association, which the country had previously held by right as one of the largest EU economies. The British government did not have enough resources to quickly propose its own (alternative) project of decentralized integration development along the lines of differentiation.

⁵ These countries, which have always had a high level of public Euroscepticism, joined the integration association mainly for economic reasons, attracted by the power of its regional market. Similarly, countries such as the Czech Republic, Hungary and Poland, which were not allowed to join the euro when they first joined the European Union, are now in no hurry to adopt the supranational currency.

⁶ In view of the unanimity rule at intergovernmental conferences, this concession was the only opportunity to obtain the agreement of the two countries on the revision of the fundamental treaties. In particular, all other EU countries agreed that the United Kingdom was not obliged to move to the third stage of the EMU until its national representative institutions decided to do so.

⁷ The intergovernmental Treaty on Stability, Coordination and Governance of 2013.

⁸ Nicolas Sarkozy defend l'idée d'une Europe à deux vitesses. ["Nicolas Sarkozy Defends the Idea of a Two-Speed Europe"]. *Reuters*. November 8. 2011. URL: <https://www.reuters.com/article/union-francesarkozy-idFRL6E7M83K920111108> (accessed: 18.06.2022).

In his Bloomberg speech, then-British Prime Minister David Cameron spoke out against another transfer of powers to the supranational level (i.e., against further vertical integration), essentially announcing a future national referendum on the country's membership in the European Union.⁹ He clearly voiced fears that the initiative of the continental core of the eurozone would have a negative impact on those member states that were not part of it: "And those of us outside the Eurozone also need certain safeguards to ensure, for example, that our access to the Single Market is not in any way compromised." Although the British government had no intention at the time of relinquishing its membership in the European Union, its non-participation in the eurozone in itself has had important institutional consequences over time, denting its status as one of the leading states of the Union.

It is clear that a number of basic treaty provisions concerning the EMU did not initially apply to the United Kingdom, which, for economic and political reasons, did not want to switch to the euro. In matters directly affecting the eurozone, London's voice did not matter much. By participating in the European coordination of national economic and fiscal policies, the United Kingdom could in principle be subjected to an excessive deficit procedure (Turkina 2017), although the European institutions would not have had the right, even while the country remained in the European Union, to sanction it by forcing it to follow certain recommendations. London was not initially involved in the management of the ECB, either. The Governor of the Bank of England only participated in the meetings of the General Council of the ECB, a body with limited powers that had nothing to do with ECB decisions on lending rates or the redemption of government bonds.

As mentioned above, the United Kingdom has not signed the Fiscal Compact supplementing national rules on national fiscal policy, nor has it taken part in the European Stability Mechanism or joined the Banking Union, which brings together mechanisms for banking supervision and the financial recovery of credit institutions in the eurozone. In addition, London has not signed an agreement to pool national contributions into the Single Resolution Fund. It is also worth bearing in mind that the country did not join the Schengen regime and was exempted from the Charter of Fundamental Rights of the European Union and certain provisions of the rules concerning internal affairs and justice. Through all of these decisions, the United Kingdom has distanced itself from participation in the broad practice of European governance, which is now focused on saving and ensuring the viability of the eurozone, leading to the relative marginalization of its European position.

Despite the many exceptions and exemptions that London had obtained, between November 2015 and February 2016, David Cameron negotiated a reshaping of the country's relationship with the European Union, which assumed (in his view) that

⁹ Cameron D. EU Speech at Bloomberg. UK Government site *Gov.uk*. January 23, 2013. URL: <https://www.gov.uk/government/speeches/eu-speech-at-bloomberg> (accessed: 18.06.2022).

London would gain an additional level of differentiated (dis)integration in the integration system: the United Kingdom sought new special conditions for itself without leaving the Union, while also believing that it could limit the development of centralist tendencies in the Union without actually participating in it. As a result of these negotiations, the parties managed to reach certain, not particularly intelligible, agreements, which were not subsequently implemented as they absolutely did not satisfy the British Eurosceptics and could not serve as a compelling argument to persuade the British voters to support the prospect of further EU membership in the 2016 referendum.

In the area of economic governance, the British government led by David Cameron proposed in talks with the European Union to introduce treaty guarantees against the negative effects of policies in the eurozone for the states outside it. However, Brussels rejected the possibility of a British veto against decisions on the Banking Union and the eurozone, unintimidated by the prospect of a referendum, which had already been formally announced by that time. Thus, London sought “only” to distance itself from the economic problems of the eurozone provoked by the global economic crisis of 2008–2009. Its goal was to achieve a new state of internal differentiated (dis)integration within the European Union, which it has failed to achieve.

The Role of the European Commission

The supranational institutions (the European Commission, the ECB, and the European Parliament) focus, as a political priority, on unified integration through centralization. Given their structure and the specifics of their functioning, it is rather difficult for them to adapt to systemic differentiation. In particular, the European Commission is not interested in greater differentiation in the European Union’s political organization, since differentiation promotes the more active involvement of national governments in the governance process, thereby strengthening intergovernmental tendencies in the European Union (after the Maastricht Treaty came into force and especially after the global financial crisis of 2008, intergovernmental coordination became the main method of political and organizational decision-making within the European Union, sidelining the supranational institutions).

Deprived of its leading position in institution-building, the Commission still plays an important role in the economic governance of the eurozone and the European Union as a whole, pursuing common goals and necessarily (under the influence of general circumstances unfavourable to the centralist trend) supporting plans for deeper integration through differentiation, which were advocated by France and Germany in the first place.

For example, the European Commission's 2017 White Paper on the Future of Europe mentions several possible scenarios for differentiated (dis)integration.¹⁰ A scenario based on the idea of increasing integration at different speeds (under the slogan “those who want more do more”) received particular support from French President Emmanuel Macron and German Chancellor Angela Merkel, as well as positive feedback from then-President of the European Commission Jean-Claude Juncker. The “laggards” would be unable to thwart the advance of the vanguard. Since London's withdrawal, this scenario has been particularly resisted by the Visegrad countries (Poland, the Czech Republic, Slovakia, and Hungary), which are not interested in forming a vanguard without their own participation. While the European Council has overcome the challenge to the existence of the European Union that Brexit posed, reform is again stuck in a stalemate, since a consensus is still required to make decisions on institutional changes (except in extreme situations).

(De)Europeanization

The United Kingdom left the European Union on January 31, 2020. Over the decades of its membership, due to the transfer of legislative powers from national to supranational institutions, the two have become closely interdependent in procedural and regulatory matters. The national parliament (Westminster) ceded a share of its legislative sovereignty to the European “centre.” The procedural, political and legal Europeanization of Westminster was thereby enshrined in practice, recognized in the Constitution of the United Kingdom and in national court decisions.

Turning now to the discussion of Europeanization, the author focuses on the definition of this phenomenon as a set of “processes of (a) construction, (b) diffusion and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’ and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures and public policies” (Radaelli 2001: 108). Should we not, then, expect the reverse process in the present circumstances, meaning an imminent de-Europeanization of British law and politics? A growing body of specialist literature on de-Europeanization now seeks to capture the essence of the changing dynamics on the UK domestic political scene, seeing behind it the desire of the national ruling class to shed elements of the former Europeanization.

The main feature of the concept of “de-Europeanization,” then, is that the scholars who use it consider de-Europeanization to be deliberate and consciously pursuing the goal of reversing the processes of Europeanization (Copeland 2016; Babynina 2020).

¹⁰ White Paper on the Future of Europe. Reflections and Scenarios for the EU by 2025. 2017. *European Commission official site*. URL: https://ec.europa.eu/info/sites/default/files/white_paper_on_the_future_of_europe_en.pdf (accessed: 18.06.2022).

But even the course of de-Europeanization of the national political system and its institutions, which is persistently pursued by the Eurosceptic government in London, would necessarily take a long time, if it takes place at all, especially since it will be strongly resisted by parliament, defending the interests of that part of society that did not want to “divorce” the European Union. In this connection, it is important to look at two decisions of the Supreme Court of the United Kingdom.¹¹ The Court affirmed that Parliament had a constitutional responsibility to supervise the executive branch in the country, which the government has no right to suppress (Strezhneva, Moiseeva 2021: 362–364).

Besides, in principle, the organizational result of Brexit does not cut off the ties between the United Kingdom and the European Union completely,¹² and some form of backwards Europeanization cannot be completely ruled out. The high degree of economic interdependence between them, as well as the scale and influence of the European Union’s integrated markets, continue to exert considerable pressure (demonstrating the power of regulatory gravity) to ensure that London maintains a long-term focus on European regulatory standards in order, among other things, to uphold its own global economic position going forward.

Northern Ireland

Greenland, part of the Kingdom of Denmark, left the European Communities in 1985. In a referendum held on the island three years earlier, 53% of its residents, mainly concerned about protecting fishing rights, voted to leave. While Greenland, a territory within a member state, withdrew from the Union and thus became one of the European Union’s special territories, the situation with the United Kingdom and Brexit was the exact opposite: the state withdrew from the Union, while one of its provinces continues to be subject to European law in accordance with the Northern Ireland Protocol, which is included in the “divorce” agreement as an annex (Vilkova 2018). Since 2009, Greenland, while still part of Denmark, has enjoyed self-governance. The British political class hardly wants something similar to happen in Northern Ireland, but its close ties to the rest of the United Kingdom give reason to hope otherwise.

The opponents to the Protocol in the ranks of the British Conservative Party, as well as the unionists in Northern Ireland, believe that the terms of the document pose dangerous risks, up to and including undermining the political and constitutional in-

¹¹ In January 2017, Theresa May’s credentials as Prime Minister were successfully challenged in the UK Supreme Court in notifying Brussels of London’s intention to withdraw from the European Union under Article 50 of the Treaty on European Union without a relevant Act of Parliament. See: UK Supreme Court ([2017] UKSC 5) (24 Jan.). URL: <https://www.supremecourt.uk/cases/docs/uksc-2016-0196-judgment.pdf> (accessed: 18.06.2022). Then, in September 2019, the Court unequivocally objected to Prime Minister Boris Johnson’s attempt to curtail the role of the House of Commons in determining the terms of the “divorce” from the European Union. See: UK Supreme Court ([2019] UKSC 41) (24 Sept.). URL: <https://www.supremecourt.uk/cases/docs/uksc-2019-0192-judgment.pdf> (accessed: 18.06.2022).

¹² The EU–UK Trade and Cooperation Agreement was signed on December 30, 2020. In its scope, it goes beyond the boundaries of a traditional trade agreement, providing for preferential reciprocal trade in a wide range of areas and contains provisions aimed at ensuring a “level playing field” in economic cooperation.

tegrity of the United Kingdom. The Democratic Unionist Party (DUP) refused to enter the Northern Ireland Executive, which was reshuffled following the results of the election to the Northern Ireland Assembly (Stormont) on May 5, 2022, unless the Protocol is repealed or at least revised. In contrast, the Sinn Féin Irish nationalist party (which scored the highest number of votes in the election), as well as the Northern Irish Social Democrats, the Labour Party, and the Alliance Party of Northern Ireland, all support it.

The 499-kilometre-long border between the Republic of Ireland and Northern Ireland is the only land border separating the European Union from the United Kingdom. The introduction of Brexit-related border controls on the border would have dire consequences for the peace process in Northern Ireland, threatening the sustainability of the Good Friday Agreement of 1998, which provided a political solution to years of bitter armed conflict. This agreement was signed in the context of membership in the European Communities of both the Republic of Ireland and the United Kingdom, which guaranteed a growing degree of openness and cooperation between the parties. If Northern Ireland were to leave the European Union as part of the United Kingdom and leave the European single market, Irish nationalists would be entrenched in the view that achieving Irish unity remains the only way to restore the region's ties with Europe (which were severed by Brexit), promote Irish economic growth, and consolidate the peace process.

The agreements reached between London and Brussels prevented the need for such a hard border. Under the Northern Ireland Protocol, Northern Ireland must follow EU customs rules and the European single market rules, including those related to production standards, food safety measures, and permissible government subsidies. Meanwhile, the version of the agreement previously negotiated with Brussels by former Prime Minister Theresa May envisioned something else, namely a “backstop” mechanism whereby the entire United Kingdom, having lost its membership rights, would remain in the customs union with the European Union for an indefinite period of time. May's successor Boris Johnson regarded this option (which the House of Commons had blocked three times) as not securing the country's exit from the European Union in accordance with the results of the popular vote. Since the United Kingdom, minus Northern Ireland, is free to set its own customs and regulatory rules, there is a need for checking and controlling goods that cross the resulting tectological “border” between the United Kingdom and Northern Ireland, which has created a material barrier to trade in the Irish Sea. The stability of such a design under the terms of the Protocol hinges on Stormont's willingness to support it.

As a result, Northern Ireland, while remaining part of the United Kingdom's customs territory, is at the same time subject to European regulatory rules. If goods crossing the “border” from the United Kingdom to Northern Ireland along the Irish Sea do not have documents proving that they are destined for Northern Ireland, they are subject to customs duties. Northern Ireland is therefore placed in the position of an ingressive link between the United Kingdom, which has left the European Union, and the European Union itself.

Stormont will have to periodically confirm its consent to the extension of the trade frontier in the Irish Sea from December 2024 onwards. The details of Stormont's decision-making process on this matter have been established by the British government.¹³ According to the results of the above-mentioned election to Stormont in May 2022, the majority of its 90 deputies supporter the Protocol (54 vs. 36).

What we have here is a highly original organizational compromise between the need for border checks on flows from a third country and compliance with the Good Friday Agreement of 1998 as a result of the United Kingdom's decision to withdraw from the European single market and the EU customs union. This solution, like all other hypothetical Brexit outcomes, remains suboptimal from the perspective of Northern Ireland's interests. Its supporters emphasize that this is not only a good alternative to building a hard border in Ireland, but also a new opportunity for Northern Irish firms, which will be able to gain access to both the European and British markets thanks to the dual status of Northern Ireland, attracting investment to a region that has long lacked it. Meanwhile, the Protestant community may see the "border" in the Irish Sea not only as an obstacle to the preservation of the territorial integrity of the United Kingdom, but even as a threat to its own identity.

However, the Northern Ireland Protocol also looks unusual from the perspective of the European Union. Its external trade border here is located inside the territory of a country that is no longer a member state of the European Union – after all, customs and phytosanitary inspections in the Irish Sea are a means of controlling the flow of goods to the European internal market, and London itself does not actually need them. The European Union lacks convincing authority to enforce its rules and conduct inspections in its own interest on British territory. Their implementation is entirely the responsibility of the British side. Despite the militant rhetoric and even radical moves by Prime Minister Boris Johnson and Foreign Secretary Liz Truss,¹⁴ the United Kingdom is unlikely to actually break the Northern Ireland Protocol, on which the future of London's relationship with Brussels largely depends. Since the United Kingdom would be in violation of international law, something that a group of moderate conservatives in the House of Commons and the House of Lords are against, it is unlikely that the Northern Ireland Protocol Bill announced by Liz Truss would eventually become law. In any case, its consideration in Parliament could take up to a year and a half, dur-

¹³ Declaration by Her Majesty's Government of the United Kingdom of Great Britain and Northern Ireland concerning the Operation of the "Democratic Consent in Northern Ireland" Provision of the Protocol on Ireland/Northern Ireland. UK government official site. URL: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840657/Declaration_by_Her_Majesty_s_Government_of_the_United_Kingdom_of_Great_Britain_and_Northern_Ireland_concerning_the_operation_of_the__Democratic_consent_in_Northern_Ireland__provision_of_the_Protocol_on_Ireland_Northern_Ireland.pdf (accessed: 18.06.2022).

¹⁴ On June 13, 2022, Truss introduced a bill (The Northern Ireland Protocol Bill, URL: <https://bills.parliament.uk/bills/3182> (accessed: 18.06.2022)) that risks provoking a trade war between the United Kingdom and the European Union. The bill unilaterally amends the Northern Ireland Protocol, which is part of the international treaty between the United Kingdom and the European Union, and the latter has explicitly expressed its opposition to it.

ing which time the internal political situation could change more than once. For a conservative government which is rapidly losing its popularity, including among its own partisans, this looks more like a bluff, an attempt to simultaneously please the Eurosceptic conservatives and the DUP and get concessions from Brussels to implement the Protocol, which could be touted inside the country as a diplomatic victory. At the same time, London's repeated threats to take action that would sever the signed "divorce" agreements demonstrate the continuing fragility of the UK–EU relationship "constrained" by the Northern Ireland Protocol.

Under the Protocol, Brussels is obliged to inform London of any legal acts planned by the Union within the scope of the Protocol. But where such acts amend the EU regulations and directives listed in the Protocol, they are subject to automatic updating and application within Northern Ireland, and London cannot block the decision-making process – although it is responsible for their implementation. For its part, Brussels is obliged to inform London of the new European acts well in advance of their adoption, and the EU–UK Joint Committee should have a meaningful exchange of views between the parties, not purely formal, as is often the case, on their implications for the implementation of the Protocol.

The Northern Ireland Protocol has created a unique (truly emergent) situation, one that is not reducible to the properties or capabilities of the British or European systems of governance taken separately. Thus, the European Union has the legal right, much to the annoyance of the United Kingdom, to demand that the Northern Ireland Protocol be duly observed, but no right to ensure that all the necessary checks are carried out on the spot. For its part, London has the right to adopt any national regulations regardless of what Brussels may think about them, but the discrepancy between national and European regulations is not beneficial to London itself, since it would undermine the unity of its internal market, as long as European regulations are still in force in Northern Ireland. To keep Northern Ireland part of the United Kingdom, this should not be allowed.

Ultimately, the nature and extent of checks and controls on the "border" in the Irish Sea will largely depend on the extent to which London decides to deviate from Brussels in terms of regulatory rules. The content of the Protocol may have reflected the parties' ability to show flexibility and imagination, but the same qualities are now consistently required of both parties for its successful implementation, which is now decidedly not the case.

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This article analyses the prospects for institutional differentiation in the space of European integration in the wake of Britain's exit from the European Union. The conceptualization of institutional aspects of regional (dis)integration and differentiation was clarified based on the tectology concept of Alexander Bogdanov. It has been established that in analysing (dis)integration processes, Bogdanov's systemic approach described in his theory of organization requires, first of all, that we determine the

(dis)integration of the systemic complex we are talking about in each individual case. Depending on the answer to this necessary preliminary question in connection with Brexit, we can observe today: (1) differentiated integration in systemic complexes uniting the European Union and third countries that have contractual relations with it, defining for them specific conditions of privileged access to the European single market; (2) partial (internal) desingression of the United Kingdom in the Irish Sea, providing special conditions of access to the European single market for Northern Ireland; (3) the United Kingdom's ingressive link with the European Union, working to strengthen their relatively weak form of integration in the face of mutual mistrust, which has only exacerbated after Brexit; and (4) differentiated disintegration of the European Union as a separate systemic complex that has been deserted by one of its member states.

Brexit is a unique case of the horizontal disintegration within the European Union. At the same time, Brussels took a very tough political stance on London during and after the trade talks, strongly signaling that the gains of differentiated integration with the European Union should only go to those countries that are willing to obey its key rules, and that deviations from them would be costly.

As for the future of European integration, it is well known that various organizational forms and variants of differentiated integration (from the possibility for individual member states not to participate in certain areas of EU policy to association with some areas of its policy for individual countries that are not EU members). For this reason, both a return to the idea of a Europe of nations and the move towards an EU-based federation with European-level institutions holding key powers look equally unlikely in the foreseeable future. The issue for Brussels is rather to avoid such variants of (subjective) differentiation in the EMU moving forward, which, as in case of the United Kingdom, will provoke the emergence of pathological desingressions with unpredictable consequences.

It should be recognized that, in principle, differentiated integration poses a serious challenge to the idea of an ever-closer union, still spelled out in the treaty framework of European integration. This idea requires a considerable measure of institutional ingenuity and unconventional approaches for its realization, while also raising doubts over the limits of the legitimacy of European supranational institutions.

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