FRANCIS JACOBS[1]

THE CURRENT STATUS OF THE BREXIT NEGOTIATIONS, AND THE IMPLICATIONS OF BREXIT FOR THE UNITED KINGDOM AND THE EUROPEAN UNION

SUMMARY: 1. Introduction. – 2. The origins of Brexit and the outcome, so far, of the negotiations. – 3. Brexit and the European Parliament elections of May 2019. – 4. The UK after Brexit. – 5. The EU after Brexit. – 6. Concluding remarks.

1. Introduction.

The talk looked at the Brexit process in its wider context and at its possible longer term impacts. The main issues that were covered were the origins of Brexit and the outcome, so far, of the negotiations, the impact of Brexit on the EP elections, and finally the implications of Brexit both for the UK itself and for the remaining EU.

At the time of the talk in August 2019 it was still possible that Brexit would not take place at all, but the author's conclusion was that it was still highly likely to occur. What was even more uncertain, however, was whether Brexit would take place on the basis of a formal Article 50 Withdrawal Agreement or else on a no-deal basis, with the relationship having to fall back on World Trade Organisation Terms (WTO). Since the talk was given the immediate risk has been averted, but the EU-UK negotiations on a longer term EU-UK relationship are only starting now, and the risks of a new cliff edge in December 2020 are still very real.

2. The origins of Brexit and the outcome, so far, of the negotiations.

The talk began by reviewing the origins of Brexit, beginning with the longer term historical tension between Britain as a continental and as a mar-

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[1] Adjunct Senior Research Fellow at University College Dublin, Visiting Professor at Collegio Europeo, Parma and former European Parliament staff member 1979-2016.

itime power and the consequent uncertainty as to the extent and form of its involvement on the European mainland. It went on to look at its very different wartime experience from other EU countries, its imperial legacy and nostalgia, and its reluctance to join in the post war European integration projects. The UK did eventually decide to join in the EEC in the 1960s but was rebuffed by De Gaulle and only joined in 1973, without a referendum. A referendum on whether to stay in the EU was eventually held in 1976, mainly to deal with European divisions within the Labour Party. In spite of the strong affirmation of UK membership in that referendum, within 7 years the Labour Party was advocating UK withdrawal from the EU without a new referendum.

This was a continuing feature of UK membership of the EU. When one of the two major parties, Conservatives and Labour, was in favour of EU membership, the other was often opposed. The Conservatives got the UK into the EU and many in the Labour Party were hostile. Later on the Labour Party switched to a more positive approach and the Conservative Party then became more and more Eurosceptic, in particular after the battle to ratify the Maastricht Treaty under John Major. The UK was able to negotiate special regimes (such as on its EU budgetary rebate) and opt-outs, as from Schengen and membership of the Euro Zone.

All this was the backdrop to David Cameron's promise to hold an in-out referendum, which was eventually held in June 2016 and led to a UK-wide decision to leave the EU on a 52-48% basis, but with great divisions on the matter between England and Wales, which voted to leave, and Northern Ireland, which voted to remain. Other divisions also opened up between more pro European cities and more Eurosceptic small towns and former industrial regions, as well as between younger and older voters and those with different levels of education. The talk examined the outcome of the referendum in some detail.

After looking at the outcome of the referendum, and its highly divisive aftermath, the talk went on to look at the negotiations that had taken place so far under Theresa May (Boris Johnson had only recently replaced her at the time the talk was given, and the negotiations that took place under his leadership were not described). The talk examined Article 50 and its ambiguities, and its triggering by the UK government without a clear idea of what the UK wanted. It discussed May's red lines of no single market, no customs union, and of no European Court of Justice jurisdiction and of the need for a"bespoke agreement" (ie a "sui generis" model, not following the pattern of other agreements) between the EU and the UK, but without defining what this might actually mean.

The structure of the EU and UK negotiating teams was described as well as the discrepancy between EU unity and relative clarity and UK disunity and ambiguity on their respective objectives and strategies. The question of the sequencing of the talks was also discussed and the different perspectives on whether it was wise or mistaken to insist on completing the withdrawal agreement before looking at the possible elements of a longer term EU-UK agreement.

The talk then reviewed the main sticking points in the EU-UK negotiations over the Withdrawal Agreement, firstly citizens rights (the position of EU citizens in the UK and of UK citizens in the EU), secondly the money that was owed by the UK (which looked as if it might be a major problem early on in the process, but then receded in importance) and thirdly the question of the Irish border, the only land border between the EU and the UK after Brexit. This potential problem had hardly been raised at all during the referendum, but later emerged as the single most difficult issue in the negotiations, and one which was to be incredibly divisive within the UK political class.

The talk examined the Irish border question in some detail, its 500 kilometre length and multiple crossing points, the fact that there were large numbers of exclusively Irish citizens north of the border (since the Good Friday Agreement permitted Northern Irish people to choose between British or Irish citizenship or both), the complex nature of north-south cooperation on the island of Ireland, the almost 30 years of "Troubles" in the North of Ireland, and the huge sensitivities that were thus still involved. It went on to look at the implications of a possible hard border on the island of Ireland both for the integrity of the EU Single Market and Customs Union, but also for the Irish Peace Process and the 1997 Good Friday Agreement. The support that Ireland received on this issue from the other EU Member States was also described, as were some of the possible solutions to this problem, in particular the creation of a possible "Backstop" or safeguard mechanism. This would prevent a hard border on the island until a longer term solution was to be agreed, but should it apply to the whole of the UK or should it be restricted to Northern Ireland only?

A UK-wide Backstop would be easier to apply, but was seen by Brexiters in the UK as keeping them in the single market and customs union for an indefinite period. On the other hand a Northern Ireland backstop could be difficult to implement and would require controls between Northern Ireland and the rest of the UK, a matter which was anathema for those concerned with the integrity of the United Kingdom. All this was the single

most important factor in the rejection of Theresa May's negotiated deal on three occasions in the UK House of Commons.

The first section of the talk concluded with a review of the current outlook for Brexit at a little over two months before the new deadline of 31 October 2019. It highlighted the complete uncertainty that still prevailed at the time of the talk, that subsequently intensified in the autumn of 2019 and that was only removed by the negotiation of a modified deal under Boris Johnson, and his subsequent victory in the December 2019 UK general election, and that led to EU-UK agreement on the Article 50 Withdrawal Agreement and the later departure of the UK from the EU on the postponed date of 31 January 2020.

3. Brexit and the European Parliament elections of May 2019.

The second section of the talk looked at the impact of Brexit on the EP elections.

Brexit was obviously the dominant issue in the UK EP elections. Until a few weeks before the elections the UK was not expecting to take part at all, as it was after the initial deadline for UK departure from the EU in March 2019. When this deadline was put back to the end of October, UK participation in the elections became inevitable and effectively became a proxy battle between pro and anti Brexit political forces.

The outcome within the UK was that traditional political geography was overturned, with a party (the Brexit Party) created weeks before the elections winning 29 of the 73 seats, with the main government Conservative party only winning 4 of the 73 seats, the main opposition Labour party only winning 10 seats and being unrepresented in Scotland and only the third party in Wales and the Liberal Democrats and Greens having their best ever elections, along with the Scottish and Welsh Nationalists. Brexit was also of key importance in the Northern Ireland constituency of the United Kingdom, with all of the parties going into great detail into the Brexit issue in their manifestos and with parties opposed to Brexit winning two of the three seats.

Elsewhere, however, and even in Ireland, Brexit did not become one of the key issues in the elections, and it is hard to point to any direct discernable impact on the performance of individual parties. In most European countries Brexit was hardly discussed and both the European manifestos of the European political parties and national party programmes devoted little space to the issue, with a limited exception being in Germany. Moreover,

Brexit was largely left out of the various debates between the European Parties lead candidates ("Spitzenkandidaten")

Brexit may, however, have had some important indirect effects on the elections, with the chaos in the UK possibly leading to a weakening of anti-European public opinion in a number of countries and perhaps even to a rise in voter turnout because of the timely reminder of the value of the European Union.

The talk also briefly reviewed the possible implications of the EP elections outcome for the Brexit process itself, starting with whether the change in the composition of the Parliament would affect its attitudes to Brexit and how the new EP would organise itself to follow and to try and influence the later EU-UK negotiations. It also looked at the continuing role of UK MEPs in the period before Brexit, as they would continue to be full participants in the votes and other work of the EP, and indeed had significant power positions within the EP, such as chairmanship of important EP committees.

This section of the talk concluded with an analysis of how Brexit, if and when it took place, would modify the composition of the European Parliament, as the result of the loss of 73 UK seats and the re-allocation of 27 of these seats to 14 Member States who were felt to be under-represented in the existing European Parliament under its system of "degressive proportionality" (Ireland, for example, would go up from 11 to 13 seats, as Irish MEPs represented more voters per capita than those in more populous countries, such as Denmark or Finland, contrary to the principle of degressive proportionality). The talk pointed out that some Member States would thus gain more seats and others not, some political groups would benefit and others lose. There would, therefore, be significant impacts in terms of changes in national representation and in the balance between the political groups within the Parliament.

France, Italy, the Netherlands and Spain would be the most affected Member States as they would obtain 16 of the 27 re-allocated seats. Ireland, as mentioned, would receive 2 extra seats and 9 other Member States would receive 1. On the other hand 13 Member States would be unaffected by the re-distribution.

The likely result of this for the political groups would also be very variable. The balance between the European Peoples Party(EPP) and the Socialists (S&D) would shift in the former's favour, as the EPP would gain 5 members and lose none, whereas the S&D would lose 10 MEPs and only gain two. The liberal Reform Europe group would also have a significant

net loss (losing 16 and gaining 4), as would the Greens/EFA Group (loss of 11 and gain of 5). The European Conservative and Reform Group (ECR) would have a net loss of 3 (4 losses and 1 gain). The left wing GUE group would remain at around the same level. The right wing ENF Group would have a gain of 3 seats but the EFDD Group, in its current composition, would lose its 29 UK members and the only other large party within the group, the Italian 5 Star Movement, would be forced to look for a new group affiliation.

4. The UK after Brexit.

The third section of the talk looked at a post-Brexit UK. What were the prospects of a successful longer-term trade and security agreement between the EU and the UK? Would they lead to high or low tariffs or an essentially free trade zone? Would the UK lower its standards to gain competitive advantage, not least in the negotiations of its own new trade deals with third countries and what degree of alignment would there be on standards and regulations? Would such alignment be of a dynamic nature, and thus reflect new regulations within the EU, or would this be too much of a restraint on the freedom of the UKK to diverge from the EU after Brexit?

What kind of longer term links and structures might be forged between the EU and the UK, such as an EU-UK Association Agreement and ongoing links between UK political parties and European political families? What EU programmes and agencies might the UK wish to opt in to (so as not to have to create its own regulatory agencies or to be cut out of programmes such as Erasmus)?

Even more fundamentally, what kind of UK might emerge after Brexit, the "global Britain" beloved of the Brexit internationalists or a more in-ward looking UK more in tune with those Brexit-supporting voters worried about immigration and about being left behind by globalisation? How open a regime would there be towards those planning to live and work in the UK?

Finally what might the constitutional impacts of Brexit be for a divided UK, where two of its four component nations had opted to remain within the UK. In a country without a written constitution and asymmetric level of devolution what impact might Brexit have on the very unity of the United Kingdom? Might it further the cause of Scottish independence and lead to intensified debate on the process of Irish unification?

5. The EU after Brexit.

The final section of the paper looked at a post-Brexit European Union, and its shorter and longer-term implications. What would the impacts be on public opinion in the different EU Member States? Would they be tempted to imitate Brexit or to have a greater appreciation of the value of the EU? The talk pointed out that the short term impact seemed to be in the latter direction, with more positive (or at least less negative) views on the EU, not least because the chaotic Brexit process had served as a warning to others. On the other hand would this change once the UK had actually left the EU and was making its independent way in the world?

An even more basic question was whether Brexit would lead to a stronger and more cohesive or to a weaker or even disintegrating EU, or else one that was not so very different from what we already have? It was too early to really make a judgement on this. UK departure would obviously weaken the EU in many ways, but there were few signs that the EU's very existence was being questioned. Much deeper integration seemed unlikely and the mantra of perhaps doing more in fewer areas seemed to be increasingly popular.

In addition, how would the balance of power between its member states be affected by Brexit, would Germany or else the Franco-German partnership become even more important, and what would be the position of the other larger Member States, such as Italy, Spain and Poland and finally of the smaller and medium size Member States? What new coalitions might be formed between Member States? What impacts might there be on the EU institutions, such as on voting weights within the Council and on the structures of the European Parliament and of its political groups?

Another set of questions related to the possible legacy of the 47 years of UK membership of the EU. Would it continue to have an impact on the ongoing nature of the EU and of its procedures? Would there be changes to the EU linguistic regime, would the increasing dominance of English be lessened or even reinforced after Brexit (not only because it is more and more spoken, but also because it would no longer be the language of one of the larger Member States and thus become more "neutral")?

The final part of the talk raised the question of whether there would be post-Brexit changes to the policies that the continuing EU might pursue. For example would it continue to be an open and liberal EU or become more protectionist, would the scope of EU completion policy be re-visited (with perhaps more emphasis on the creation of EU-wide champions), what budget would it have (an immediate problem with the ongoing Mul-

ti-Annual Financial Framework (MFF) negotiations), would the EU put a greater emphasis on social policy or cooperation on security and defence, what would be the new relationship between those Member States in the Eurozone and those outside it? What other impacts might there be on the policies that it pursues? All these questions were now open and very real.

6. Concluding remarks.

The talk was given in late August 2019 when the future outlook on Brexit was still uncertain. Since the talk was given the EU-UK Withdrawal Agreement has been concluded and the UK has finally left the European Union on 31 January 2020. The uncertainty now applies to the negotiations on a longer term framework trade and security agreement between the EU and the UK.

It is unclear whether they will be successful and on what basis, whether the relationship will be a closer or more distant one, and even whether they might fail altogether. Whatever the outcome, the part of the Withdrawal Agreement that relates to the status of Northern Ireland will continue to be in force, at least for several years but probably, if it is supported by a majority in the Northern Ireland Assembly, for a much longer period. How it will be implemented in practical terms, however, remains uncertain, as do the longer term political implications.

The talk at Urbino, however, went beyond the narrower issue of the EU-UK Brexit negotiations, but also posed wider questions about the impacts of Brexit on both the United Kingdom and on the 27 Member States of the continuing European Union. The questions that were posed in these contexts were inevitably speculative, but remain as important and relevant as ever.