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How Brexit hits EU External Action: The UK's European legacy

By Thomas Henökl,
*German Development Institute /
Deutsches Institut für Entwicklungspolitik (DIE)*

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Bonn, 16 March 2017. Having only just breathed a sigh of relief following the general election result in the Netherlands, the European Union now faces its next acid test with the triggering of Article 50 of the Lisbon Treaty. After the UK House of Commons passed the exit bill by 331 to 286 votes on 14 March, overcoming resistance from the House of Lords, Prime Minister Theresa May is now set to submit the divorce papers in the last week of March. Ironically the British pull-out coincides with the 60th anniversary of the signing of the Treaties of Rome. As announced by May in her Lancaster House speech on 17 January 2017, the British Government is seeking a "clean break" with the EU and is prepared to leave the single market and the customs union in the process.

Once the European Council and the European Parliament have issued the official negotiating mandate to the European Commission in June, the EU will have to turn its attention to the departure of one of its key member states – an equation with many unknowns. According to the Lisbon Treaty, the legal process of the UK's exit should be completed two years after the triggering of Article 50 in order to avoid the scenario of a messy break-up without an agreement. It is doubtful whether it will be possible to comprehensively negotiate all the details to the satisfaction of both parties in this period. Consequently, the prospect of a protracted Brexit is not an improbable one. What is certain is that, all mourning aside, the process of working through the UK's legacy will be demanding, and is bound to influence EU agendas and tie up significant administrative resources on both sides for years to come.

It remains to be seen over the coming months and years to what extent the EU and the UK will continue to work together on EU foreign policy and, especially, in the area of international cooperation and development policy. We can expect this new relationship to be largely unstructured and primarily interest driven, on a case-by-case basis. There is an immediate question facing the EU and its partners with regard to the legal continuity of international treaties, such as trade agreements and memberships of international organisations, as well as the UK's involvement in the design, financing and roll-out of EU programmes. The British withdrawal directly affects the multi-annual financial framework post-2020 (and potentially also the present MFF where payments have not yet been disbursed) with the expected decline in the development cooperation budget of 14%, as well as contributions to the EU Trust Funds and to the external operations of the European Investment Bank. There will also be a tangible loss of expertise and negotiating clout, for example, with regard to the future of the Cotonou-agreement

with the African, Caribbean and Pacific Group of States (ACP). 42 of the 79 ACP members are Commonwealth countries and the UK is already chomping at the bit to swiftly conclude its own free trade agreements with these and other countries. Very tellingly, Whitehall officials recently mentioned of a plan to establish an "Empire 2.0".

While the UK intends to continue working closely with the EU on security and defence matters, it is determined to go it alone on everything else. Increasingly, and in the EU context especially, foreign policy is closely linked to development cooperation, multilateral cooperation and trade policy. Discussions of whether and how strongly sustainable development should be coupled to security policy and migration policy are highly controversial. Evidently, the political framing of the transformations taking place in and around Europe is reinforcing the linkage between these topics. The effects can be seen in a step change regarding asylum and migration policy, in the securitisation of border management, in the lowered ambitions for democracy promotion, and in the instrumentalisation of partner countries as outposts of a new European *realpolitik*. The EU-Turkey refugee deal is a current and strikingly obvious example of how lacking in credibility, vulnerable and ultimately dependent this strategy has left Europe. Even if opinion is divided on the direction which globalisation ought to take as well as on burden sharing for maintaining peace, security and prosperity, there is at least agreement on the need for cooperation on these issues following the UK's departure. From a pragmatic perspective, all sides should actively seek for a constructive role in EU external action for the UK, in spite of all the wrangling over the divorce settlement, quotas and tariffs, in order to avoid dealing with the European development cooperation chapter as if we were simply winding up a legacy.

Obviously, Brexit is very untimely, coming as it does in the middle of considerable turmoil, causing a situation which could hardly be trickier for the EU. European unity is being challenged both internally and externally, and the legitimacy of the EU is being fundamentally questioned. Many Europeans believe that the Union has failed to keep its key pledges. As the need for reform can no longer be ignored, national governments will now have to decide on the options for the future of the EU, recently outlined in a Commission White Paper by Jean-Claude Juncker. Even if, from today's perspective, a multi-speed Europe may be the most likely outcome, putting social justice and the equitable distribution of opportunities at the heart of a common vision for Europe is precisely in the interests of those member states in which scepticism is most pronounced.