

T15P03 / Europe after Brexit

Topic : T15 / Democracy, Political Regime and Policy Process

Chair : John Fossum (ARENA, University of Oslo)

Second Chair : Russell Solomon (RMIT University)

Third Chair : Graham Wilson (Boston University)

GENERAL OBJECTIVES, RESEARCH QUESTIONS AND SCIENTIFIC RELEVANCE

The momentous decision by a small majority of the UK population on June 23, 2016 to say yes to Brexit will likely give the UK the status as the EU's first 'ex-member state'. The process of dissolution has not started yet; it will likely be triggered in early 2017. It is really a matter of two closely related and hard to disentangle processes: on the one hand to organise the UK's exit from the EU, and on the other hand to sort out the UK's future relationship to the EU. The fact that well over 1/7 of all UK law has EU-origins after 40 years' of UK membership in the dynamically integrating EU ensures that this will be a very complex and comprehensive undertaking. For the EU it is also a significant matter. On the one hand is the question of EU complicity in the Brexit decision: is it as some Brexiters have argued a testimony to the EU's failure and therefore only a matter of time until other states will follow Britain's lead? Or is it a domestic matter, a reflection of the fact that the UK has never sorted out its relationship to the EU that has been ambiguous from the very start. It is fair to say that when the UK was in it was never completely in (consider non-membership in Schengen and various opt-outs). Now that it is on its way out it may not be completely out, especially if it wants to have full access to the EU's internal market. For the EU as a constitutional construct when a member state leaves the EU will have to reconstitute itself. This process may be complicated insofar as demands for further popular referenda win through, or if significant divisions emerge inside the EU on the terms of the UK's secession and future relationship. The Brexit saga is very interesting from a social science perspective in the sense that it raises a number of fundamental questions pertaining to political organising, political community and political belonging in a highly interdependent world. The EU has long been seen as a political experiment whose further development and entrenchment has often come as a result of crises. Will Brexit – in a situation when the EU is facing a particularly toxic mixture of other crises – be the straw that breaks the camel's back? Is Brexit a sign of EU dissolution and a return to a Europe of nation-states? Or is there no returning back - neither for the UK, nor for Europe's other nation-states? It could be said that if the EU is divisible, so is the UK. Scotland may yet seek a new referendum to separate from the rest of the UK and (re)enter the EU. If the EU starts to unravel there is no assurance that there will be a return to a Europe of nation-states.

CALL FOR PAPERS

The EU has long been considered a major political experiment in political organisation and political community. The instantiation of Brexit may bring this to a head: will a UK that separates from the EU return to nation-state normality or is that a mere fiction? Is an EU without the UK going to be sustainable? May it even be able to consolidate further? Is it possible to restore sovereignty in a situation of complex interdependence? Does Brexit signal a return to nation-states in Europe, or is that simply a Brexiteers' wet-dream? How to organise the process of dissolution, on both sides? Can such a situation be controlled (and contained)? What are the implications for the many European citizens that live in the UK and the UK citizens that live across the EU?

In this panel we invite papers that focus on Europe after Brexit, broadly speaking. We are interested in papers that broadly speaking examine implications for public policy making in a regional as well as global context given the complex interdependence of states, including implications of Brexit for the EU; the process of separation; the UK's options; and the broader implications for the UK, be it in terms of policy substance or in terms of institutional relations – from financial markets to UK human rights policy.

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Session 1

Wednesday, June 28th 14:00 to 16:00 (Block B 3 - 2)

Brexit and the EU: Constitutive impetus; re-constitutive challenge; or de-constitutive threat?

John Fossum (ARENA, University of Oslo)

Brexit is a major shock to the European Union (EU). It hits a Union that struggles to grapple with the most profound crises in its existence, and whose future developmental trajectory appears more uncertain than ever. One possibility is that the present crises will confirm Monnet's assertion that the EU grows through crises. Another is that the Union continues the crises-driven mutations. Some of these are driven by governments anxious to renegotiate their states' relations with the EU; thus further reconfigure the EU. The third and final option is EU disintegration or dismantling. Thus, there are at least three qualitatively different trajectories: further integration, a reconfigured EU, or EU dismantling.

The purpose of this article is to discuss the likely effects of Brexit on the multilevel EU. The manner in which we conceive of the effects of Brexit for the EU depends not only on how Brexit unfolds, but on how Brexit interacts with – shapes and is shaped - by the basic challenges currently facing the EU. Since no formal UK decision to leave the EU has thus far been taken – triggering Article 50 TEU - it is at this point not possible to predict how the Brexit process will unfold and what effects it will have on the EU.

What I propose here instead is an analytical framework that spells out the EU's core challenges and relates Brexit to these. It is not enough to spell out the challenges; we need to relate the challenges to an underlying theory of the EU as a polity and a constitutional construct. I end up with three challenges, which refer back to the EU's possible developmental trajectories: the constitutive challenge; the re-constitutive challenge; and the de-constitutive challenge. Each challenge depicts a distinct EU developmental trajectory; each comes with a distinct reading of the process and the effects of Brexit.

In the paper, I first outline each trajectory and discuss its relevance to the EU before the Brexit decision. Thereafter I consider what we know about Brexit and relate that to each trajectory. Outlining these challenges as different Brexit scenarios thus provides us with an analytical template that we can hold subsequent developments up against.

In the final part I discuss which challenge appears most salient today and what that implies for our assessment of Brexit's effects on the EU. To that end it is useful to compare which of the challenges dominated prior to Brexit with the one that is likely to predominate after Brexit.

Human rights under stress: Brexit and the implications for UK and EU human rights policy

Russell Solomon (RMIT University)

Brexit is a manifestation of the outpouring of populism in many EU states and challenges the EU's legal constitutional approach to human rights protection. Human rights have, however, performed an integrating role in the EU and any undermining of these protections by the UK government as part of its Brexit formula has implications for both the UK, its relations with regions within it, and with the remaining 27 states of the EU. The UK government's approach to date has revealed a politically constructed misunderstanding about the relationship between political sovereignty and legal constitutionalism. In declaring that rights are up for negotiation, there are fears that the UK may seek to sideline, if not renege on, certain current rights obligations as it settles on a new relationship with the EU.

The current human rights approach of the UK government is a socially constructed one based on the false

premise that UK political sovereignty requires the removal of all the UK's legal constitutional connections with the EU, including those addressing human rights. This approach fails to appreciate the importance the EU attaches to the principles of liberty, democracy, respect for human rights and fundamental freedoms in determining and sustaining EU membership. It is argued that the UK's approach and the EU's human rights policies will both be seriously tested in the forthcoming UK/EU negotiations. Some adjustment of each may be required but this will be particularly so for the UK given its relative weakness in any emerging condition of asymmetrical interdependence with the EU.

The paper will examine the UK government and EU officials' policies and pronouncements, as well as those of the devolved regions within the UK, on a number of rights issues ahead of the 'Great Repeal Bill' and negotiations and assess these against the existing legal constitutional connection. As they move closer to a negotiated settlement, the emerging political reality in the UK may well demand an accommodation between the call for greater political sovereignty and some maintenance of the imported EU's human rights standards. The UK's negotiated arrangements for departure from the EU may encourage the exit of other states from the EU. However, these arrangements may also reveal the limits to any enhancement of political sovereignty that potentially lowers human rights standards in a new association with the EU.

From 'Yuexit' to 'Brexit' and after it: Did the return to Europe of nation-states begin in Yugoslavia in 1991?

Bosko Picula (Faculty of Political Science, University of Zagreb)

What do the 1991 disintegration of the former Yugoslavia and the first exit of a member state from the European Union occurring twenty-five years later have in common? With all political, economic and international differences between these two processes, there is a common denominator of referendum decisions on the future status of the states in question. State independence of the former Yugoslav federation's individual member states was decided in a series of referenda held between 1990 and 1992, while the 2016 decision on the United Kingdom's leaving the European Union was also taken in a referendum. It is worth noting that the disintegration of the former Yugoslavia was followed by years of war which proved to be the heaviest armed conflict in Europe since World War II. What is more, this war coincided with the 1992 formation of the European Union as the greatest and strongest integration of sovereign states in European history. Under those circumstances, due to the fact that new hostilities were generated and a war broke out, the disintegration of the former Yugoslavia appeared to be anachronistic to a number of observers, all the more so because the European continent had conversely begun to unite in a hitherto unprecedented way: economically and politically as well as in terms of security and values. The last year referendum decision of the United Kingdom voters makes the 1990s' European unification more questionable than it was back in the 1950s when it formally began. Although the European Union as an integration of sovereign states will not disintegrate in the manner of the former Yugoslavia, in both these cases citizens gave priority to the idea of nation-state over the idea of international community. The UK 2016 referendum was preceded by conceptually related referenda held in France and in the Netherlands in 2005, whereby the idea of further strengthening the links between the European Union member states through the adoption of a common constitution was rejected. Although the European Union expanded from twelve member states in 1992 to twenty-eight in 2013, the process of institutional integration took place simultaneously with the process of disintegration of the idea. Does Brexit also mark the beginning of the process of institutional disintegration of the European Union on the basis of the renewal of the idea of nation-state strengthening? By using the focused comparison, this paper explores the similarities and differences between the disintegration of the former Yugoslavia into new nation-states and a possible return of the European Union to a smaller number of member states and a lower degree of integration, and consequently poses the following research question: Did the disintegration of the former Yugoslavia anticipate a post-Brexit Europe where the referendum outcomes give priority to nation-states?

British Foreign Policy after 'Brexit': Implications for Britain's Special Relationship to the US

Kai Oppermann (University of Sussex)

This paper explores the consequences of 'Brexit' for a key pillar of British foreign policy, the 'special relationship' between the UK and the US. Time and again, reports of the death of this relationship have been greatly exaggerated. Many observers have commented on the 'Lazarus-like' quality of UK-US relations and their resilience in the face of crisis. The British vote to leave the European Union represents another such crisis which puts the future of the special relationship into question. For example, it has been suggested that the US will lose interest in post-'Brexit' Britain and look elsewhere for a privileged European partner; and/or that 'Brexit' heralds an increasingly inward-looking Britain that will be less attached to the special relationship. To the contrary, others expect 'Brexit' to reinforce the special relationship because

Britain, with its European circle of influence diminished, will strengthen its efforts at sustaining it; and/or because the US will value the relationship as a counterweight to European moves to become a more independent security actor.

Against this background, the paper starts out from the observation that the vote to leave the EU challenges Britain's foreign policy identity, invalidates much of the established strategic thinking about Britain's place in the world and thus represents a major threat to Britain's ontological security. Building on the assumption that states act 'as if' they were ontological security seekers, the paper argues that the uncertainty around 'Brexit' and Britain's post-'Brexit' foreign policy identity reinforces the UK's dependence on its special relationship to the US as a source of its ontological security. From this perspective, the expectation is that British foreign policy will redouble its efforts to maintain the special relationship and to affirm its role as junior partner to that relationship. The extent to which this will be successful in maintaining the special relationship in the post-'Brexit' environment will depend on the future trajectory of British domestic politics and on how the Trump Administration will reciprocate the UK's ontological security needs.

The paper will develop its argument in two steps. It will make the theoretical case that the concept of ontological security opens up a promising analytical perspective on resilience mechanisms in bilateral relations in general and the post-'Brexit' UK-US relationship in particular. The paper will then move on to explore two mechanisms the British government has employed since the 'Brexit' referendum to emphasise its continued commitment to the special relationship and thus to stabilise that relationship. These mechanisms involve symbolic reaffirmations of the special relationship in political discourse as well as confirmations that Britain will remain committed to its followership tasks in that relationship.

Democracy in Eastern Europe after Brexit

Theodor Tudoroiu (The University of the West Indies)

This paper explores the implications of Brexit for the European Union in terms of democracy, political regime, and policy process in EU post-communist member states and in the so-called Eastern Neighborhood. It is argued that Brexit in conjunction with the new foreign policy promoted by President Trump will create a window of opportunity for Russia's ambitious policy of global assertiveness and regional aggressiveness. In turn, this will impact negatively on the state of democracy and on the Europeanization process in Eastern Europe.

First of all, Brexit will deprive anti-Russian EU members such as Poland and the Baltic states of their strongest anti-Moscow supporter within the European Union. Germany, France, Italy, and Spain did impose economic sanctions on Russia during the Ukrainian crisis, but they have also constantly rejected the idea of permanently antagonizing Moscow. Free of the British veto, these states will be able to impose their long-term preference for a compromise with President Putin.

Moreover, the European populist wave well illustrated by Brexit continues to grow. The electoral victory of anti-European parties would greatly damage the ability of the European Union to act as a coherent international actor able to control Russia's expansionist plans in Eastern Europe. Worse, even if they do not succeed in coming to power, such parties do influence national discourses - and, implicitly, the political programs of moderate parties - in the same detrimental way.

Finally, President Trump's past declarations and especially the post-election choice of his foreign policy key associates leave little doubt about his friendly attitude towards President Putin. Most likely, the two leaders will come to an understanding based on cooperation in the Middle East (on issues related to Syria and perhaps Iran) in exchange for a lower American profile in Eastern Europe that might seriously damage NATO's credibility as a protector of its most vulnerable members.

Overall, Eastern Europe will evolve toward a situation of diminished European Union and American involvement that will most likely be exploited by Russia. Deprived of Western support, the CIS republics and certain eastern EU members will become the target of Moscow's persuasive efforts and intimidating actions. Some of them will be compelled to join the Eurasian Union, i.e. the Russian sphere of influence. Finlandization might be a compromise solution. In extreme cases, crises could even escalate into Ukrainian-type hybrid wars. Critically, the authoritarian regime of President Putin will continue to support undemocratic political forces in the CIS, in post-communist EU member states, and in Western Europe. Providing Russian financial aid to the Front National did not help democracy in France; yet, doing the same thing for pro-Russian political parties in countries like Latvia, Moldova, or Bulgaria will certainly impact those states' stability and democracy in a much more detrimental way.

When talking about Brexit, few people think of the East European dimension of the EU. Still, it is there that its consequences might be more dramatic than anywhere else.