

BREXIT: Contemplating the European Union integration in terms of democracy after the first withdrawal from the Union

Leudita Ademi

“Luarasi” University, Tirana, Albania

Abstract

England left the European Union at midnight, on Friday 31st of January 2020. The so-called Brexit shook the foundations of the Unity. Nevertheless it had this positive effect, besides that in the final analyze it is just the exploitation of an opportunity that the EU legislative loophole created, it made European Union more alert, attentive and concentrated to not let anything slip through the cracks created.

This article elaborates the flow of events up till Brexit so to comprehend it in order to anticipate the further integration, a version of resolution for Post-Brexit re-establishment of EU and the current state of European Union after Brexit.

Keywords: Brexit, democracy, enlargement, European Union, freedom, resolution, withdrawal.

Introduction

BREXIT (British exit) is the name that was given to the process of United Kingdom withdrawing from the European Union. Although the media and EU supporters took care to provide convincing data on the consequences of the exit, especially the economic aspect, UK became officially a third country by 1st of February, 2020.

This study is a desk research, aiming at gathering specifically analytical and interpretative positioning of European Union institutions, not overlooking the experts' opinions on the matter, with the purpose to rearrange conclusions, to pave a smoother path in trying to calm the tension that Brexit created and give a clearer picture on the safety of the unification in the future.

A. Comprehend Brexit to anticipate European integration

On 23rd of June, 2016, England held a referendum on leaving the EU, a manifesto of the Conservative Party. The results of the referendum, with 52% voting in favor and 48% voting against leaving the EU, prompted the ruling government to announce its withdrawal from the Union in March 2017. This is where the Brexit process began.

The Brexit process produced two very important documents that go along together: The Withdrawal Agreement and The Political Declaration, legally binding and non binding acts, respectively. The Agreement entered into force on 31st of January 2020 and determined a transition period until 31st of December 2020.

According to the Article 50 of Treaty of Lisbon on the procedure for a Member country to leave the EU, the Withdrawal Agreement was drafted, negotiated and agreed, in order to set the conditions on a decent leave or 'orderly manner'. During

the negotiations of the agreement, that took some time, EU was really strong about its priorities, that included: A phased approach ensuring an orderly withdrawal, Protecting citizens who have built their lives on the basis of rights flowing from UK membership of the EU, Ensuring that the Union and the UK both respect the financial obligations resulting from the whole period of the UK's membership in the Union and Continuing to support the goal of peace and reconciliation enshrined in the Good Friday Agreement, and to support and protect the achievements, benefits and commitments of the peace process on the island of Ireland.¹

The agreement covers 6 main areas structured in parts:

- ⊙ Part 1: Common provisions-Setting out cross-cutting clauses for the proper understanding and operation of the Withdrawal Agreement.
- ⊙ Part 2: Citizens' rights-Protecting the life choices of over 3 million EU citizens in the UK, and over 1 million UK nationals in EU countries, safeguarding their right to live, work or study in their host country.
- ⊙ Part 3: Separation issues-Ensuring an orderly withdrawal, notably through a smooth winding-down of ongoing procedures and arrangements applicable at the end of the transition period.
- ⊙ Part 4: Financial settlement-Ensuring that the UK and the EU honor all financial obligations undertaken jointly while the UK was a Member State.
- ⊙ Part 5: Transition- Providing for a transition period, until the end of 2020, which can be extended once, by up to one or two years; Ensuring continued application of EU law in and to the UK during that period (but without UK participation in EU institutions and governance structures); Providing more time for administrations, businesses and citizens to adapt.
- ⊙ Part 6: Governance-Ensuring the effective management, implementation and enforcement of the agreement, including an effective dispute settlement mechanism.

Aside from this, The Agreement includes three Protocols (on the Sovereign Base Areas (SBAs) in Cyprus, on Ireland and Northern Ireland and on Gibraltar), and nine Annexes regulating special aspects of the procedures to support the implementation (social security coordination, provisions of union law referred to in article 41(4), time limits for the situations or customs procedures referred to in article 49(1), list of networks, information systems and databases referred in articles 50, 53, 99 and 10, euratom list of administrative cooperation procedures referred to in article 98, list of acts/provisions referred to in article 128(6), rules of procedure of the joint committee and specialized committees, rules of procedure).²

The Political Declaration, as mentioned earlier, is a non binding legal document, that anyhow accompanies the Agreement having the same importance, posits the

¹ European Commission. (2019, October). *The revised EU-UK Withdrawal Agreement EXPLAINED*. Brussels, Belgium.

² Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland From the European Union and the European Atomic Energy Community, the European Union and the European Atomic Energy Community and the United Kingdom of Great Britain and Northern Ireland, 12.11.2019, Information From European Union Institutions, Bodies, Offices and Agencies, C 384 I/.

consensus on Free Trade Agreement with zero tariffs and quotas between the EU and the UK. Both parties have to show commitments on a level playing field to 'ensure a future relationship based on open and fair competition'. The level playing field has to keep up the common high standards applied in the areas of: - state aid, - competition, - social and employment standards, - environment and climate change, - relevant tax matters, in order to avoid unfair competitive advantages to either the EU or the UK. (Special Meeting of the European Council (Article 50), 17 October 2019).

During the transition period, it is expected that UK and EU implement the dispositions of the agreement and negotiate the future of their political economical relationship. Also during this period UK will still be considered as a Member Country in terms of benefits and obligations, except for the right of representation and decision-making. As of the exit date, its representation in all EU institutions and bodies, and its decision-making and attendance rights in the meetings of the EU institutions and agencies. It will also lose access to all EU networks, databases and information systems, from the end of the transition period, unless otherwise provided. (Cirlig: 2019). The transition period appears to be very intense, looking back to when Boris Johnson, appointed in July 2019, made a priority of finalizing preparations for leaving the EU without a deal on 31 October 2019, unless the EU didn't renounce the 'backstop' in the Protocol; but it is to be entrusted in the EU capacity that every negotiation with end in an agreement on good order.

To assure the proper implementation of the Agreement there has to be a special mechanism to coordinate activities with this regard at national level and at Union level. For this, a special structure was set up the 'Task Force for Relations with the UK'. The structure prepared an inventory with the measures for implementation and addressed the institutions that affect these measures and will continue to coordinate the work with the Commission and the Member States to implement the plan of measures. The most demanding areas, work and time wise will be: setting up a joint committee to oversee the application of the Withdrawal Agreement. It is to be composed of representatives from, and co-chaired by, the EU and the United Kingdom; creating dispute settlement mechanisms, or arbitration panels, as foreseen in the Withdrawal Agreement; implementing the Protocol on Ireland/Northern Ireland, which requires unprecedented arrangements in a number of areas before the end of the transition period. This includes, for example, practical arrangements for EU oversight over UK customs authorities on the ground in Northern Ireland, and the operationalisation of tariff exemptions for certain goods imported into Northern Ireland; implementing the provisions on Citizens' Rights which also require close monitoring by the European Commission. ("Implementing the Withdrawal Agreement": 2010).

As the best part is yet to come after the transition period, there are some aspects important to rise a discussion upon: the main EU institutions establishment and the direct impact on future integration of the Union.

A study of the Policy Department for Citizens' Rights and Constitutional Affairs at the Directorate General for Internal Policies of the Union on "*The impact of UK's withdrawal on the institutional set-up and the political dynamics*", concluded that: "The overall interinstitutional balance seems to give a relatively greater weight to large

Member States in the Council, and to smaller states in the Parliament, whereas – somewhat more indirectly – the equality of Member States, in particular also the smaller states, is guaranteed in the composition of the Commission, but Brexit wont affect this. Under the reinforced qualified majority rule (Article 238(2) and (3) (b) TFEU), Brexit will increase the voting power of all Member States in proportion to the differences in population size, larger Member States gaining more power than smaller Member States.”

In a report of AFCO Committee on “*The impact of UK’s withdrawal on European integration*”, it was examined the position of UK in ‘fostering or hindering’ European integration during the period of membership, confront 5 policy areas: the internal market; social policy, the area of freedom; security and justice; foreign, security and defense cooperation; and Eurozone. The same report showed that, generally during its time as a Member country, UK was an ‘awkward partner’ placing national interests before hand but that for sure with Brexit it has affected the balance of the Union and direction of its integration. It concluded that the effect of Brexit on further integration of the Union will be determined by balancing two sides: UK’s success or failure outside EU and EU’s capability to manage this situation and prove the European aspiration.

B. A version of resolution for Post-Brexit re-establishment of EU

What in English is named *real estate* (true status from Latin), in Albanian is called *immovable wealth*. Living in a building with dozens of floors and hundreds of apartments seek good administration and coordination. Even though all entries have their owner, to access the private property one has to cross the common property and exploit the infrastructure.

Every private right is limited to where the other private right begins. However, civilization has put forward all the options offered by development in order to not make this division so sharp, but to promote community philosophy where exchange takes place in harmony.

Perhaps this parallelism has some limitations because there is a difference between the wealth of the nation and the wealth of the individual or government or business, yet it visualizes the diagram of a union. And here the European concept of property should not be overlooked, especially the Balkan one.

England is abandoning the building while keeping the apartment.

This will require re-establishment in legislative, organizational, structural and institutional terms; for both, England on the one hand and EU on the other. Here i recall that England joined the European Economic Community of 1957 in 1973, so it is almost 50 years of coexistence/cohabitation, in good times and bad for better and worst.

However, given that England is still in the building, Europe must deal with this situation. Perhaps this workflow is also the reason why the EU turned from interactive to reactive.

In a recent study (May 2020) by the European Parliamentary Research Service, entitled “*Unlocking the potential of EU Treaties: An article by article analysis of the scope*

for action", posited a way to resolve this situation, through the legal foundation of EU, that being Lisbon Treaty. Taking into account the results of last year's Eurobarometer on European public expectations, the framework of the European institutions can be easily determined, and 'delivering upon such expectations, within the Treaty framework, contributes to enhancing the EU's democratic legitimacy'. Given that 'the ordinary procedure for the revision of the Treaties is tedious, and that the simplified procedure cannot be used to broaden EU competences, there is a need, for the time being at least, to focus on unlocking the existing potential of the Treaties as they stand now'.

Also there are some non- legal aspects of the activity of EU through which she can channel its efforts. This include: development of common rules, enhanced executive capacity through provision for complementary administrative capacity, better implementation through enforcing delivery, targeting financing through increase of it for certain issues and increased efficiency through harmonization to simplify free movement.³

X. The state of European Union after Brexit

Initiating a collaboration between the European countries after the Second World War, was seen as the solution to demonstrate the good will for peace, that certainly had to be capitalized in an initiative beyond economic, adding the political aspect, the "European Coal and Steel Community". In the years to come, it would develop in European Economic Community and Comon Market and further in Single Market and Custom Unit.

Europe worked hard for the unification to respect the fundamental human rights, insisting in freedom. So the main pillars of EU, 'Four Freedoms', were formed: free movement of goods, services, labor and capital. Freedom could act only upon a strong foundation, that of democracy, that again can be made measurable through economy, in terms of growth and high standards of living. EU fought to stimulate institutionalization of the highest values of each and every nation, to coordinate, build lines of communication and interactivity, without weighting on sovereignty and independence of countries.

All this, not out of fear of encroaching freedom, but to fight this fear through civilization, that goes with all the developments of time, specially digital technology, globalization, internationalization etc. in the promising future.

Brexit shook this foundation. It pushed in many relationships and different levels. In the horizontal analysis: the relationship with its own (Ireland, Northern Ireland and Scotland), the relationship with USA, the relationship with EU. And all this during the discussions on pressure from China and Russia, but this is a separate topic. In the vertical analysis: the political, economical and social aspects.

In this panorama, to look into the future, creates fear and throws back many year of efforts, where for sure cannot be discussed war or peace, because of the history that Europe holds, but hampers the collaboration and this unconstructive breath,

³ Members' Research Service of the Directorate-General (2020, May). *Unlocking the potential of the EU Treaties* European Parliamentary Research Service.

pulls back countries in the Union, creating space (in terms of unity) and gaps that in case of crises (like migration, finance) offer an easier access to phenomenon like nationalism or populism. This are challenging in adding and elevating the highest values of Europe and from the fight for territory deepens a more wild fight, that of power, meaning personal interest before common interest (here: to be interpreted as per nations interest).

'United States of Europe', as some refer, that was presupposed to increase competition with USA and the rest, and consequently increase the standard of living, made EU to face the necessity to manage the first exit of a country from the Union, in this case England.

During the transition period (31 January-31 December 2020), UK has to respect: the Withdrawal Agreement and the Political Declaration. And if UK decides to extend this period, it has to be expressed within June 2020, but the current politics does not seem to want to do that. Things to be accomplished during this time period are: trade agreement with EU, the choice between EU/USA, relationship with Northern Ireland and Scotland (who want to remain in EU), customs union and single market participation of Northern Ireland, cooperation on security, terrorism, education and science, migration policy (free movement vs workers right).⁴

This means an impact on growth, trade, jobs and consequently foreign and security policies of all Europe.⁵ All the countries have to deal with the impact, to not count the bulling effect of USA (Trump) like in the case of NATO where he made USA, as the professor Walt puts it in the article "Europe's Post-Brexit future is looking scary", to 'remain just formally in the organization as a defender of last resort but not as a first responder'. USA seemed to have seduced England to see itself as a bridge for the European market (back to the concept of power earlier mentioned). Or be tempted to expand the E3 or strengthen relations with Canada and Japan.⁶

The way that EU will handle Brexit and manage its effect will be an example-lesson to other member countries in the further integration process and in a way will decide the future of EU (if EU will get more united or divided). Lessons that Mr. Blockmans proposes, in an article of 2020 talking about consequences of Brexit, to serve as measurement of the union unification are: there is strength in unity, interdependence cannot be denied and EU debates are won or lost at the national level.

Brexit impacts in Europe are determined by the importance of the position of UK within the EU

relative to the other member states, the nature or state of the bilateral relations between UK and other member state and the capacity of UK to influence their foreign policy and the final outcomes of the ongoing negotiations. The extent to which Brexit disrupts the future of EU that directs to consequences depends on the solidity of it:

⁴ Sandford, A. (2020, December). *Post-Brexit Guide: Where are we now – and how did we get here?* Brexit Institute.

⁵ Amadeo, K. Berret-Johnson, J. (2020, March) *Brexit Consequences for the U.K., the EU, and the United States*. <https://www.thebalance.com/brexit-consequences-4062999> Brexit Institute.

⁶ Raines, T. Von Ondarza, N. Greco, E. & Blockmans, S. (2020, January). *Brexit Is Here: The EU and UK Must Brace for the Consequences*. Council of Councils global. European Union Brussels. PE

in soft Brexit there will not be that great of an impact on the future of EU and vice versa. (Ababakr: 2019).

Anyway the focus should be on democracy. In the democratic recession happening in Europe can lie also the solution to the problems EU is going through. Imagining different forms of engagement and transnationalization of democratic practices could address the dislocation and displacement of democracy as well as the shortcomings in its legitimacy, accountability, and decision-making processes. Alongside preventing a chaotic Brexit with all its consequences on domestic and international politics, Europe's future also requires creative thinking about innovating its democracies locally, nationally, and in participating international organizations. (Balfour: 2019).

Another important point to draw attention to when treating Brexit is the enlargement of EU, especially in Western Balkan direction. UK has always supported the enlargement of EU because it considered the expansion as the best defense against efforts by the other members to pursue greater political integration (Lindsay: 2018). And when it comes to the Western Balkan, even though UK didn't have any strong interest, it intervened to influence Balkan to join EU. The support anyway was interrupted because of Brexit. This gives indices that to the worry of countries in the union deepening their political power if the enlargement didn't happen, England answered with withdrawal. It demonstrates also the realization that the strategic imperative of projecting the EU's interest was more important than the process and methodology of enlargement. (Cavaski: 2020) The European ideal should be emphasized to make the aspiration to join EU and be contributing even stronger.

Conclusions

Brexit should be a well-learned lesson as to the far-reaching effect of internal political movement. It proved how little did EU achieve in changing a mentality of rigid borders and non-inclusive and non-acceptant society. Europe should consolidate its unification, managing indices of elements that hamper the EU activities, in terms of legal, economical and political policies, to focus its energies in the European projections more than procedures.

Lisbon Treaty is the constitution ground of the European Union. There are still parts of the treaty that are under-used or unused that can be the answer to the issues of EU. Exploiting the full potential of the Treaty can strengthen the relationship between Member countries, that translates into increase of benefits from the membership, not to make the European dream attractive in the commercial meaning but to increase safety, to be profitable and to create better living standard for people coexisting in this territory.

The fundamental democratic principles ruling European Union are equality, representation and participation. More transparent decisions can help in integrating all this three principles and offer a more motivated, energetic, enthusiastic way of governing societies.

References

- Cirlig, C. (2020, January). *Agreement on the United Kingdom's withdrawal from the EU* European Parliamentary Research Service Brussels. PE 646.141.
- Grajewski, M. (2019, October). *Brexit: Make or brake?* European Parliamentary Research Service Brussels. PE 642.223.
- Cirlig, C. (2019, March) *Brexit: Understanding the withdrawal agreement and political Declaration.* European Parliamentary Research Service. PE 635.595.
- Cirlig, C. (2019, October). *The revised Brexit deal What has changed and next steps?* European Parliamentary Research Service. Brussels. PE 642.260.
- Hallak, I. Mazur, S. Scholeart, F. (2020, June). *Three critical issues in EU-UK relations* European Parliamentary Research Service.Brussels. PE 651.949.
- Ababakr, A. Njilo, G. Chima, A. (2019,January). *The Impact of Brexit on the Future of the European Union Policy.*
- Oliver, T. Walshe, G. Barnard, C.& Peers, S. (2018, June). *The Impact of the UK's Withdrawal on EU Integration.* Policy Department for Citizens' Rights and Constitutional Affairs. Brussels. PE 604.973
- Besselink, L. Swider, K. Michel, B. (2019, April). *The impact of the UK's withdrawal on the institutional set-up and political dynamics within the EU,* Policy Department for Citizens' Rights and Constitutional Affairs. Brussels. PE 621.914.
- Anghel, S. Bacian, I. Drachenberg, R. & Papunen, A, (2020, March). *Key issues in the European Council* European Parliamentary Research Service Brussels. PE 642.825.
- Members' Research Service of the Directorate-General (2020, May). *Unlocking the potential of the EU Treaties* European Parliamentary Research Service. PE 651.934.
- Balfour, R. (2019, December). *Brexit, the Democratic Question in Europe, and the Future of the EU* The German Marshall Fund of the United States. Policy Essay, No.29.
- Raines, T. Von Ondarza, N. Greco, E. & Blockmans, S. (2020, January). *Brexit Is Here: The EU and UK Must Brace for the Consequences.* Council of Councils global. European Union Brussels. PE.
- Sabbati, G. Grosek, C. (2020, January). *The European Parliament after Brexit.* European Parliamentary Research Service Brussels. PE 642.259.
- Sandford, A. (2020, December). *Post-Brexit Guide: Where are we now – and how did we get here?* Brexit Institute.
- Walt, S. Gailey, N.(2020, February). *Europe's Post-Brexit Future Is Looking Scary.* Brexit Institute.
- Ker-Lindsay, J. (2017) *The United Kingdom and EU enlargement in the Western Balkans: from ardent champion of expansion to post-Brexit irrelevance.* Southeast European and Black Sea Studies, 17 (1). (<http://eprints.lse.ac.uk>) ISSN 1468-3857.
- European Commission. (2019, October). *The revised EU-UK Withdrawal Agreement EXPLAINED.* Brussels, Belgium.
- Amadeo, K. Berret-Johnson, J. (2020, March) *Brexit Consequences for the U.K., the EU, and the United States.* <https://www.thebalance.com/brexit-consequences-4062999> Brexit Institute.
- Cavoski, A. (2020, March). *Brexit and the Process of EU Enlargement.* <http://dcubrexitinstitute.eu/2020/03/brexit-and-the-process-of-eu-enlargement/> Brexit Institute.