

# **BREXIT**

## **A (bad ?) divorce story**



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# OUTLINE

1. Past
2. Present
3. Future



# 1. THE PAST

A troubled liaison

1973 Adhesion

1975 First referendum on EU

1992 Maastricht redlines

2002 UK pushes Article 50

2016 Referendum



# 1. THE PAST

A new legal framework : Article 50 TEU

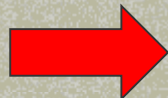
- Balance of interests between EU and exit Member State
- Clear separation between settlement of the past and definition of the future relationship
- Specific procedure



# 1. THE PAST

The divided referendum and its aftermath

- 52/48 majority
- Complete division of the country
- Constitutional regional problem
- Constitutional executive problem
- Judicial procedures
- Anticipated election 2017
- No majority
- 15 months to define an objective (Checkers) !



**HUGE REGIME CRISIS IN UK**



## 2. THE PRESENT

A deal in three part

- Withdrawal Agreement
- Political declaration about the future
- Collective declaration of the Council

The two last documents are politically important, as statement of intentions. Only the first one is binding.





## 2. THE PRESENT

### Withdrawal Agreement

- Budget contributions till 2020
- Status of EU residents in UK, UK residents in EU
- Transition period
- Northern Ireland Backstop
- Geographical indications
- Legal problem of introducing elements about the future in an agreement about the past



## 2. THE PRESENT

### Northern Ireland Backstop

- Objective : guaranteeing absence of physical checks at the border between NI and Ireland (follow up of Good Friday Agreement)
- This means Customs Union + Elements of single market in goods
- Three options exist :
  - The future relationship agreement
  - Customs union for all UK
  - Northern Ireland with specific status





### 3. THE FUTURE :

The Brexit deal is the result of many mistakes.

- EEA would have been best political solution for utterly divided country and 52/48 vote. It was also the best economic one.
- The UK government made many mistakes. It goes on refusing link between deep economic cooperation and deep institutional constraints.
- The EU has overloaded the boat. Geographical indications, like the backstop, are topics for the future, not for an Agreement on the past. This is legally dangerous.



### 3. THE FUTURE :

The great danger for the UK is morphing into a permanently unstable country (in or out the EU)

- No Deal Brexit will bring no closure.
- So will a second referendum.



### 3. THE FUTURE :

The great danger for the EU is pushing the UK to morphing into a permanently unstable country.

- The EU has been negatively minded since the beginning. “punish” “make life more difficult” are no smart objectives for a negotiation with structural partners.
- The EU structure is going to change, and Brexit must be managed in that perspective.
- The EU prepares badly the extension of its single market (see study for EU Parliament).
- The EU has violated its own Treaty to push its own interests.



# CONCLUSIONS

- Need to focus on the future.
- EU and UK will remain partners, whatever the relationship.
- Brexit concerns all Europeans.
- Better management is urgently needed. Less communication, more action.



<https://www.linkedin.com/in/franklin-dehousse-b65b1430/detail/recent-activity/>

For more :  
“Sun Tsu on Brexit”.

