



# DICK ROCHE ZUM POTENTIELLEN BREXIT: TIME TO KEEP CALM

DICK ROCHE

BREXIT, 'EUROPE'S OMG MOMENT' TIME TO KEEP CALM.



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In the early hours of Friday morning last the whole of Europe had a collective OMG moment.

The often employed cliché about being in 'uncharted waters' has seldom been more appropriate than it is in the aftermath of the UK Referendum.

Following the decisions taken by the millions of voters who went to the polls on 23<sup>rd</sup> June the only certainty is that the UK is in the departure lounge and Europe faces a potentially existential challenge.

The result has shaken even many of those who advocated support for Brexit.

That in itself is an eloquent comment on what has gone wrong across the EU: the gulf between those who lead and the citizens of the Union has become too wide. All too often this is particularly true of those who espouse the case for the 'European project'.

That is an uncomfortable reality that should be firmly to the forefront in the minds of EU leaders as they chart a course from where we find ourselves today and where we will be when the process of disentangling the UK from the EU is complete.

Separating the UK and the EU 27 will be complex and messy. It will be in everybody's interests to ensure that the process goes ahead as smoothly as is possible.

Anything that smacks of hectoring, bullying, impatience or disrespect will make a bad situation worse, will play to those forces who wish to portray the Union as a project driven by remote elites and will feed the poison that has already entered into the public perception of the Union in far too many Member States.

The tone that is adopted in the separation talks will be vital. Any suggestion that the UK must be 'put through the wringer' to discourage other Member States from

following in the same direction should be shunned. The European Project will overcome the current challenges and thrive only if it re-establishes itself as a union of equals, a family of nation states who voluntarily pool some elements of their sovereignty to achieve a common purpose.

As if the path ahead was not complicated enough there are additional challenges.

First, UK must find a new Prime Minister. David Cameron who invested a huge amount of personal energy in the referendum campaign was left with little choice but to 'step aside' when the decision of the electorate was announced. This was not a referendum where there could be a further round of discussions to 'tweak' or clarify a treaty with a view to consulting the electorate again. There is no way to nuance 'out'.

While Mr Cameron clearly had the experience to deal with his EU counterparts, no matter how adroitly he handled the discussions on the UK withdrawal arrangements any result he produced would have been politically challenged within the 'Brexit community' and in his own Party.

Mr Cameron's fate was sealed in the early hours of Friday morning when the count went over 50% plus one vote for leave. And that might also be the case with the leadership of the UK Labour Party.

In spite of the understandable anxiety in Brussels and in Member State Capitals to 'get on' with the discussions on the terms of the UK withdrawal nothing will happen until the Conservative party selects its new leader, until that leader is elected as Prime Minister and until the new Prime Minister has selected and won approval for the new government.

All of this will take time. Selecting a new Conservative party leader is a two-step process. First, Conservative MPs must settle on an election 'slate' of two candidates to 'run' for the party leadership. Following the candidate selection process a one member – one vote election is conducted by postal ballot amongst the 150,000 or so active party members.

Given the passions that were released within the Conservative party during the referendum campaign this could become a very 'bumpy' process.

Against this background the timetable outlined by Mr Cameron for having his replacement in office in 10 Downing Street by the time the Conservative Party Conference that takes place from 2nd to 5th October in Birmingham, a city which voted for Brexit by 51.9% for 'leave' versus 48.1% for 'remain', looks not unreasonable.

There is of course one further issue that could put the activation of Article 50 even further back – the possibility that the political turmoil that is developing in the UK could trigger a UK General Election.

It is not beyond the bounds of possibility that a new leader of the Conservative Party would go to the country in a General Election, to get a mandate for a negotiating position, to copper-fasten authority within the party after a divisive referendum and to take advantage of the turmoil that is emerging within the Labour Party.

The UK Labour Party had a disastrous 2015 General Election. While it had some good results in the 2016 local elections in England, it had a poor referendum – where over a third of traditional Labour voters failed to follow the ‘official’ party pro remain line. The temptation for a new Tory leader to ‘strike while the iron is hot’ could be irresistible.

When the new Prime Minister and government are finally in place another complex problem presents itself - ‘what Brexit?’

During the referendum campaign no clear model for the UK’s continuing relationship with the EU was determined nor indeed was a clear route to that new relationship.

The first priority for the new UK Prime Minister will be to resolve the ‘what Brexit’ conundrum and that may not be easy.

Only when that is resolved can the new Prime Minister and Cabinet settle on negotiation lines. Because of their significance it would appear prudent to discuss these not only within the Government Party but also with other UK Party leaders.

Realistically Article 50 of the Lisbon Treaty will only be triggered when all of this is out of the way and that will take many months.

What is certain is that the calls that have been made for the negotiations to ‘start immediately’, for the UK to immediately trigger Article 50 and to ‘get on with it’ are unlikely to be successful and may simply ratchet up the pressure.

Chancellor Merkel’s response, that the EU 27 should show themselves to “have the will and the ability not to draw any fast and simple conclusions from the referendum in Great Britain,” to “analyse the consequences of the vote calmly and prudently”, to act in unison and to progress the talks with the UK in “an atmosphere of cordiality and calm” is more in step with what is now needed than the sentiments that emerged from the meeting of the Foreign Ministers of the EU6: indeed the wisdom of holding an EU6 meeting at this time is questionable.

None of this means that the period before Article 50 is triggered should be one of inactivity.

There are a whole series of issues on the EU side that require attention and that can be addressed before the opening of the formal withdrawal discussions.

A priority must be to prepare the policy lines that will be followed in the exit talks with the UK and to ensure ‘buy in’ on those lines from all EU27.

There are also institutional issues that require attention. What role should the UK play in the Council of Ministers and the European Council between now and ‘departure day’?

In the Council questions arise regarding the finely calibrated voting procedures introduced since the Lisbon Treaty took effect. Even if the UK were to refrain from voting an abstention can still impact on the outcome. How will this be handled?

In the case of the Commission, the decision by Lord Hill to step down from the Commission has defused a potential problem and allowed Commission President

Juncker to reallocate a very sensitive portfolio. The question arises as to what happens now regarding a replacement Commission member from the UK.

The question of the 2017 UK Presidency of the Council of Ministers also requires attention. It seems incongruous that a Member State that is about to exit the Union should be in the Presidency. The simple expedient of Estonia taking a Presidency 'out of turn' would seem to offer a practical way out.

And there is the most important issue of all – the growing disenchantment with the 'European Project' amongst voters – to be addressed. Is it not past time for EU leaders to take a serious look at this?

Rather than making the already herculean task that that lies ahead more difficult by demanding the early lodging of an Article 50 request the leaders of Europe's institutions, members of the Parliament and the political leaders in the EU 27 might employ their energies more constructively resolving these and other issues that the Referendum result raises.

We are, to press the cliché into use again, in uncharted waters. Perhaps the best thing to do at this point is to follow the advice given in a vintage poster that recently made a reappearance – 'keep calm and carry on'.