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Issue Brief

The UK and EU: Not the most Amicable Divorce

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If Theresa May thought that the path to Downing Street for another half a decade would be paved with gold, she was mistaken. Recent events, in light of the Brexit mandate inferred by the Conservatives, have shown May to have grossly



underplayed the EU's conviction of not letting the UK dictate the terms of the divorce.

May, who called for snap elections on April 18, is aspiring for increased parliamentary solidarity on her Brexit narrative through a Conservative majority. Growing concerns over the loss of business because of the severance of preferential trading ties with the EU led May to assure a trade deal with EU simultaneous to Brexit negotiations. An error of judgment on her part, a meeting with Jean Claude Juncker, President European Commission, brought to the surface the fissures discerning the EU and UK's narrative for Brexit. The Commission has put forth three terms for Britain:¹

1. **Ensuring** rights of EU citizens in Britain holding them to similar privileges as enjoyed before Brexit.
2. **Paying** the 'divorce bill' calculated to be an estimate around €100 billion.²
3. **Abiding** by the "Good Friday Agreement" 1998 on free movement between Northern Ireland and the Republic of Ireland. Theresa May has suggested the development of a border between the two which undermines the Good Friday Agreement. The Agreement abolished border controls between the two for increased trade and movement of people.

¹ Steven Erlanger, "In 'Brexit' talks, U.K. and E.U. are said to be miles apart," *The New York Times*, May 1, 2017.

² Andrew Sparrow, "General Election: May criticized for 'poisoning' negotiations with claims of EU election interference – as it happened", *The Guardian*, May 4, 2017.

Notoriety surrounding Theresa May's meeting with Juncker on April 26, 2017 has forced the Prime Minister on the offensive. It is clear that the Conservatives sense a brewing storm on both regional and domestic fronts. *Frankfurter Allgemeine*, the German newspaper recapitulating the infamous details of the event, quoted Juncker saying that he was leaving Downing Street "10 times more skeptical."³ Most recently, Michael Roth, Minister of State for Europe has reiterated May's expectations from the Brexit deal to be a "fairy tale".⁴

Initially discrediting the rhetoric, May has spoken strongly against the prevailing sentiment in the European Union. She has specified that EU citizens in Britain will be treated equally with respect to immigrants from all across the globe. This refutes the EU's demand that their citizens be treated as they were before, enjoying more privileges than the non-EU immigrant. Under even more serious contention is the claim that Britain owes a hefty amount of money to EU. Michel Barnier, the EU's chief negotiator for Brexit, has mentioned that legal proceedings through the Permanent Court of Arbitration can be pursued given UK's reluctance to conform. Ironically, the EU's central jurisdictional authority is what Theresa May is most aspiring to leave. The European Court of Justice reserves the right for its decisions to hold sway over national bodies enshrined in the concept of 'supremacy'.

Against the run of play however, Theresa May went on a countercharge while addressing the public. She downplayed concerns pinned to her campaigns by both the EU institutions, as well as her political rivals. Blaming the EU for trying to encroach intentionally into British politics, May was subtly referring to the German chancellor, Angela Merkel's brazen comments after Juncker's meeting with the Prime Minister. Following May's footsteps, David Davis pointed out that Britain was under no monetary obligation to pay a 'divorce bill'.⁵

The growing uncertainties in the relationship between the UK and EU has taken its toll on domestic politics. With elections looming around the corner, Jeremy Corbyn and Tim Farron are seeking out inconsistencies in May's Brexit narrative. Her stance has not gone without intense opposition from Nicola Sturgeon, leading the Scottish National Party, who has accused the Prime Minister of 'poisoning Brexit talks'. However, her recent address will more than likely play into her hands shaping her

³ Cynthia Kroet, "Theresa May will be a 'bloody difficult woman' to Juncker, *Politico*, May 2, 2017.

⁴ Will Worley, "Brexit: UK must abandon 'fairy tale' ideas, says Germany's Europe Minister", *Independent*, May 1, 2017.

⁵ Gordon Rayner, "Theresa May accuses EU of trying to 'deliberately' interfere in election", *The Telegraph*, May 3, 2017.

perception among the masses as that of being determined to see her cause through, not unlike Margaret Thatcher.

The stage has been set for a political showdown across British shores in the coming months. Theresa May faces unprecedented levels of political pressure from the European Union, opposing political parties and a decent percentage of public that holds dissenting views. Throughout her time as Prime Minister, she has held on to her stance and has made it clear that she will not give in. She has been able to marginalize political opposition which has not offered much in terms of alternate terms for Britain's divorce from the EU as it has redundant dissenting views with no grounds to deliver. The most daunting challenge confronting her remains the impending negotiations with the European Union.

A Conservative victory in the election will give her a clear path to negotiate with the EU, but will not soften the EU's stance on the matter. Theresa May needs to be aware that an electoral mandate will mean an ownership of Brexit. The European Union needs to be made aware that in cover of its headstrong demonstration of 'making an example of Britain' it is only serving to marginalize Britain distancing them from further economic and political negotiations. Bernier's statement of resorting to the Arbitration Council to settle on the dispute of the 'divorce bill' encroaches the very principle that Brexit is based on. It might make a political satirist's penny worth, but is indicative of deviousness displayed on part of the European Union. The most immediate agenda for the European Union is to commit to the fact that Britain will leave the EU and ease its tone in negotiating the move. For it seems that the European Commission is still hanging onto the notion that Brexit is reversible. Once the interests and goals of the two entities are aligned negotiations will be able to proceed effectively.