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Europe and the World: A law review



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Special issue: *Considering EU External Relations after Brexit*

Article

Considering EU External Relations after Brexit: Introduction

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Abstract

This special issue of *Europe and the World: A law review* consists of selected articles that were presented at a workshop on *External Relations in the post-Brexit EU*, University of Strathclyde, Glasgow in October 2018. The workshop was generously funded by the James Madison Charitable Trust and the New Professors Fund of the University of Strathclyde. The purpose of the workshop was to consider the multifaceted dimensions of Brexit on the European Union's external relations, and in particular to consider how interdisciplinary perspectives can enrich our understanding of the law underpinning the subject. This includes the EU's externally facing institutional frameworks; law and policy on foreign, security and defence policies; trade and the Common Commercial Policy; and bilateral agreements with third countries or regions. The workshop was held around the mid-point in time from the referendum of June 2016 until the eventual departure of the UK on 31 January 2020 (although the final departure date and exit arrangements were unknown at the time). As such, the workshop contributors based their analyses on what the future impact of Brexit might be. Drawing on the extensive scholarship on EU external relations that has blossomed over previous decades, the authors of this special issue have been able to comprehensively analyse what future EU external relations might look like.

Keywords: Brexit; EU external relations; EU foreign policy; Treaty of Lisbon; EU Global Strategy

Introduction

'Brexit' is a process but with an uncertain ending. The only certainty, it seems, is that the saga will not end quickly: it did not do so in March 2019, the original departure date, nor any of the dates leading up to the eventual departure of the UK on 31 January 2020. If anything, we know only as much about the future EU–UK relationship as we did in 2016. But the effects of Brexit are slowly starting to emerge: for the UK, as it begins, the process of trying to define its vision of 'Global Britain', and also on the EU. The purpose of this special issue is primarily to focus on EU external relations and, based on what we know about the development of the framework of external relations law and policy over the past few decades, to think about what the future might hold.

External relations have been a focus of close attention since the Treaty on European Union – and the catalyst of the Common Foreign and Security Policy (CFSP) – first appeared, and this attention has only increased since. The Treaty of Lisbon was closely associated with moves to ensure that Europe's global role – later developed in the Global Strategy – achieved its fullest potential. The 'intergovernmental' tag tends to be (erroneously and too frequently) applied to the EU's external relations, which focus on the 'political' or 'foreign policy' dimensions, rather than, for example, the Common Commercial Policy. But the pivotal role of the Council, and thus the Member States, in many areas (particularly the CFSP) means that the departure of a Member State brings substantial and materially different considerations than in other dimensions. In particular, the loss of a large Member State may be more keenly felt than in other areas of EU integration or cooperation.

Brexit and EU external relations represent, therefore, a particularly pertinent site for analysis. It might be argued that in other dimensions of the EU integration process, such as aspects of the Single Market, the Common Agricultural Policy and the foundations of the law and policymaking framework, the late entry of the UK in 1973 muted its ability to transform many fundamental aspects. However, with the rise to prominence of major parts of external relations coming much later, the UK was in a better place to exert its influence and shape the outcomes and processes. Other distinctive aspects of the UK contribution to EU external relations, such as its extensive diplomatic presence, military strength, seat at the UN Security Council as a Permanent Member and deep links with many Commonwealth countries, provided the EU with a boost to its collective weight and much-needed experience and expertise.

The UK had a rather paradoxical position vis-à-vis the integration process and external relations: it had a well-known position at the forefront of applying the 'brakes' to further integration, and pushing for intergovernmentalism rather than supranationalism. However, its enthusiastic support for greater single market integration was in part inspired by its positioning as a global 'entry point' to Europe for the rest of the world. The departure of the UK therefore has the potential to matter a great deal: both in terms of how the internal structures and competences might react, and the potential effect on what the EU can achieve in the wider world. How the UK itself reacts to Brexit and positions itself will undoubtedly have an effect on the EU, and vice versa. For this reason, contributions here consider the potential effects via both directions of travel.

The contributions to this special issue consider what the impact might be of Brexit, with a specific focus on longer-term developments. The missing factor is the great unknown of the extent to which formal EU–UK ties will continue on a new footing. But what is a common thread running through the articles is the recognition that economic, security and other foreign policy issues are inherently connected. Therefore, the departure of the UK might have a greater impact on some areas than others, but the knock-on effects are likely to be felt across the panoply of the EU's external relations. Brexit also provides an opportunity to reconsider some of the conceptual underpinnings of EU external relations (and their scholarship). Just as treaty reforms, enlargements and the various 'crises' the EU has experienced in recent years have done, Brexit affords a critical moment to think about how and why EU external relations might develop.

Two articles consider different aspects of one of the most dynamic areas of EU policymaking in external relations: security and defence. [Benjamin Martill and Monika Sus](#) re-examine the familiar capability–expectations gap in the EU's foreign policy in the light of recent developments. They argue that the institutional changes introduced as a result of increasing expectations on the EU continue to fall short of the Treaty-based expectations. By focusing on the expectations rather than the institutional

changes, they posit that there is a mismatch between the EU's ambitions and its ability to deliver on these. This threatens to reopen the capabilities–expectations gap, which has been steadily declining since the late 1990s.

[Scarlett McArdle](#) has a different, but complementary, take on the recent developments in the Common Security and Defence Policy (CSDP). In her article, 'CSDP and the Development of the "Global EU": The Progress of EU Autonomy in the Shadow of Brexit', she examines the 'supply' side of the EU's institutional coherence. By looking at some of the positive signs of the EU's reinvigoration through the lens of how the EU is able to strengthen its international actorness, she argues that the EU's particular approach to autonomy is well positioned to benefit.

The next two contributions deal with the relationship between the EU and two major global powers, China and Japan. Although geographically close, the differences in the history and development of the EU's relationship with these two countries is stark. [Scott A.W. Brown](#) examines the EU's emerging strategic partnership with China, and the key consideration of whether the EU will be weakened in its collective power without the UK. Although the envisaged future of the EU–China relationship is one based on trade and investment, the focus here is on the EU27's collective economic, military and political power against the background of balances of power. For Japan, the headline issues analysed by [Hitoshi Suzuki](#) appear to be somewhat the reverse. Given the long-term, extensive investment into the UK as its 'gateway to Europe', the effects of the UK leaving the EU and the recent EU–Japan free trade agreement, reconstituting the economic relationship is at the top of the agenda. Nevertheless, the shared nervousness of the increasing role of China means that non-economic areas of UK–EU–Japan cooperation – particularly in the military sphere – have risen to prominence.

Finally, [Joris Larik](#) considers the extent to which Brexit is one factor in EU external relations scholarship reaching a 'new age'. With greater interest and emphasis than ever before in the public sphere on EU external relations, Larik suggests that the new age of scholarship represents 'semi-normalization' (after 'emergence', 'growth' and 'consolidation') of the discipline, while at the same time underlining the need for solid scholarship of the contours of EU external relations by lawyers to protect against the danger of 'fake news'.

Declarations and conflict of interests

The authors declare no conflicts of interest with this work.