European Council

Background Guide

Goals and Guidelines for the Brexit Negotiations

Chair: Brandon Goldstein

Dear Delegates,

Welcome to the 2017 edition of South Jersey Model United Nations! My name is Brandon Goldstein, and I am eager to be the chair for the European Council committee, your committee. This is my third year participating in Model United Nations, my second year on Eastern's Model United Nations team, and my first attempt at chairing. Regardless of my lack of previous chairing experience, I am extremely interested in the topic of Brexit, so I am pleased that I have been given the opportunity to share my passion with you, the delegates. In regard to the committee session, I am a stickler when it comes to the rules of procedure and the replication of the actual institution. Despite the European Council's unique parliamentary procedure, I have high expectations for every delegate, the European Council committee is an advanced committee after all. Furthermore, I am also the crisis leader for this committee, which affords me the unique opportunity to throw a wrench into the committee's proceedings, a wrench that will challenge every delegate and demonstrate who is truly the "best" delegate. I urge all of you to keep an open mind, when it comes to your country assignments. No nation has a distinct advantage over any other nation, and one of my main goals for the committee, aside from providing all of you with a rewarding experience and fulfilling the committee's purpose, is being impartial. If you have any questions or comments about the committee, please send them to the email below. Best of luck!

Sincerely,

Brandon Goldstein

Chair/Crisis Leader, European Council

Eastern Regional High School Class of 2019

brandongoldstein@eccrsd.us

Committee Overview

Topic: Goals and Guidelines for the Brexit Negotiations

The European Council

Formally established in 2009, the European Council is not a branch of the United Nations, but an institution of the European Union, a 28-member political and economic union based in Europe. The goal of the European Council is to define the European Union's, or EU's, overall political direction and priorities. It is not a legislative body of the EU and therefore does not negotiate or adopt EU laws. Alternatively, the European Council defines the EU's policy agenda, traditionally by espousing "conclusions" during European Council meetings. These conclusions identify issues of concern and recommend actions to take in order to resolve any crises.[1] Furthermore, conclusions are presented to the Council of the European Union and the European Parliament, the two legislative bodies of the European Union, which can negotiate and adopt EU laws. It should be noted that conclusions drafted by the European Council do not follow the same format as traditional resolutions presented at the United Nations. The format of conclusions are as follows:

[Conclusions – 22 and 23 June 2017] **- Title**

[Today the European Council focused on strengthening Europe and protecting its citizens through effective measures to fight terrorism …] **- Summary of the Conclusion and the Goal of the Conclusion**

[I. Security and Defense] **- Topic Header**

[Internal security and the fight against terrorism] **- Topic Sub-issue**

[1. The European Council strongly condemns the recent terrorist attacks and stands united and firm in the fight against terrorism, hatred and violent extremism…]**- Issue Identification Clause**

[2. To strengthen Europe's security in today's challenging geopolitical environment the European Council agrees on the need to launch a Permanent Structured Cooperation…] **- Action Recommendation Clause**

---

[1] http://www.consilium.europa.eu

Further differing from the United Nations, the European Council makes decisions by consensus, which will be outlined in the parliamentary procedure section of this guide, and therefore has a different voting system. The European Council is composed of 30 delegates, which are the heads of state or government of the 28 EU member states, the European Council President, and the President of the European Commission. Although the European Commission is not involved in this simulation's proceedings, delegates should take note of the European Commission's role in the EU, as the institution responsible for proposing legislation, implementing decisions, upholding the EU treaties, and managing the day-to-day business of the EU.[2] For the sake of this simulation, the duties of the European Council President and the President of the European Commission will be performed by the dais. In addition, only 15 of the 28 EU member states will participate in this simulation. Those states, which have the largest stake in the aftermath of Brexit as determined by the dais, are: Belgium, Cyprus, Denmark, France, Germany, Ireland, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Spain, and Sweden. The United Kingdom, or UK, will not be in attendance, because the UK is barred from any European Council meetings concerning Brexit. Finally, the negotiation guidelines drafted and approved by the European Council on April 29, 2017, will be disregarded for the sake of this simulation, as the purpose of this committee is to draft its own version of the negotiation guidelines.

Parliamentary Procedure

The European Council also diverges from the United Nations in the way it makes its decisions and conducts itself. Instead of utilizing Robert's Rules of Order, the European Council utilizes a method of debate known as Consensus Facilitation or Consensus Decision Making.

---

[2] https://web.archive.org

Whereas Robert's Rules of Order are utilized to structure debate and ensure the passage of proposals that win approval through majority vote, Consensus Decision Making is a process used by groups seeking to generate widespread levels of participation and agreement.[3] The first step of Consensus Decision Making, or CDM, is the calling of the meeting to order, which will be performed by the chair. Roll will be taken immediately afterwards, and a delegate will propose the agenda with a motion to set the agenda. Though the actual European Council only discusses issues relevant to the entire EU when a quorum of two-thirds of the EU's member states is present, this simulation will proceed if a quorum of ten EU member states is present.[4] After the agenda is adopted by a simple majority vote, discussion of the topic will begin with each nation giving an opening statement in a round-robin format. The speaking time will be determined with a motion to set the speaking time and a simple majority vote. Following opening statements, the committee will enter a series of moderated caucuses, which will be proposed, approved, and executed as if the committee was using Robert's Rules of Order, meant to discuss the topic, its subtopics, and each nation's opinions on those subjects. If a delegate feels that another moderated caucus is not useful to the committee, he or she may motion, while the committee is between caucuses, to enter the drafting phase of the session. If the chair approves the motion, a simple majority vote will be taken. If the committee votes no, the committee will return to the discussion phase of the session, but if the committee votes yes, the committee will enter the drafting phase of the session. Subsequently, the committee will draft a single conclusion with nations proposing clauses in a round-robin format. Delegates may show their support for proposed clauses by raising their hand. If the chair judges that the proposed clause has a

---

[3] http://groupfacilitation.net
[4] https://www.cvce.eu

satisfactory amount of support, it will be added to the proposed conclusion. Proposed clauses may not conflict with already approved clauses. In the case that a proposed clause has an inadequate amount of support, the clause will not be added to the conclusion, and the chair will recognize the next delegate. When a delegate believes that the proposed conclusion is complete, he or she may motion to call for consensus, which, contingent on chair approval, will be settled by a simple majority vote. If denied, the group will continue to draft the proposal, but if approved, the chair will call for consensus. Each member of the committee must vote "consent", "stand aside", or "block". Since the European Council utilizes Consensus Blocking, which is an advanced form of CDM, one block vote prevents the conclusion from attaining consensus. Once the conclusion is blocked or consensus is not achieved, each dissenter to the conclusion must present his or her concerns about the proposal. Delegates who voted to stand aside will also offer their concerns about the proposal. This will be done in a round-robin format, and the speaking time will be determined by a motion to set the speaking time and a simple majority vote. After all the concerns of the dissenters are heard, at least one moderated caucus will be performed to discuss reforms to the proposal. As before, a delegate may motion to re-enter the drafting phase of the session if he or she feels another moderated caucus is unnecessary. The same drafting protocol previously used is reused, except nations may now request amendments to or the removal of previously approved clauses as well as add clauses, culminating in another call for consensus. If consensus is achieved, which means that a supermajority of the present nations have voted "consent" and no "block" votes have been cast, the conclusion passes. If consensus is not achieved, the process repeats until consensus is achieved or until the chair deems consensus unachievable. If the conclusion passes or the chair deems consensus unachievable, a motion to adjourn and a simple majority vote will result in the adjournment of the meeting.

Please use the chart below during the conference, so the committee can proceed with efficiency.

Rule	Type	Debate	Vote Required	Additional Notes
Calling of the Meeting to Order	Procedural	None	None	Performed by the Dias
Roll Call	Procedural	None	None	Performed by the Dias
Adoption of the Agenda	Procedural	Two For / Two Against	Simple Majority	None
Opening Statements	Procedural	None	None	Performed in a round-robin format, the speaking time will be set by a motion to set the speakers time, every delegate must give an opening statement
Motion to Set the Speakers Time	Procedural	One For / One Against	Simple Majority	None
Motion for a Moderated Caucus	Procedural	None	Simple Majority	Proposed, approved, and executed as if using Robert's Rules of Order
Motion to Enter the Drafting Phase of the Session	Procedural	Two For / Two Against	Simple Majority	Motioned for when the committee is between moderated caucuses and when a delegate feels that another moderated caucus is not productive
Drafting of the Resolution	Substantive	None	None	Delegates will propose clauses in a round-robin format. Other delegates may show their support for proposed clauses by raising their hands. Clauses that attain a simple majority are added to the draft resolution. Proposed clauses may not conflict with already approved clauses
Motion to Call for Consensus	Procedural	Two For / Two Against	Simple Majority	Motioned for when the committee is between clause proposals and when a delegate feels that the draft resolution is complete

Call for Consensus	Substantive	None	Supermajority	All delegates must vote "consent," "stand aside," or "block" in regard to the draft resolution. Because the European Council uses Consensus Blocking, one block vote results in the failure of the draft resolution.
Dissenter's Grievances	Procedural	None	None	If consensus is not achieved, each delegate who voted "block" or "stand aside" must present their concerns about the proposal in a round-robin format. The speaking time will be determined by a motion to set the speaking time.
Motion to Re-Enter the Drafting Phase of the Session	Procedural	Two For / Two Against	Simple Majority	This motion must be preceded by the dissenter's grievances and at least one moderated caucus.
Amending the Draft Resolution	Substantive	None	None	The same drafting protocol previously used is reused, except nations may now request amendments to or the removal of previously approved clauses. Delegates can also add additional clauses to the draft resolution.
Unachievable Consensus	Procedural	None	None	If the chair deems consensus unachievable, he or she may remove the draft resolution from consideration.
Motion to Adjourn	Procedure	Two For / Two Against	Simple Majority	None
Point of Inquiry	Substantive	None	None	When a delegate has a question in regard to a matter related to the committee, he or she may ask it by using this rule.
Point of Personal Preference	Substantive	None	None	When a delegate has a question or request related to their comfort, such as going to the restroom or opening a window, he or she may ask it by using this rule.
Writ of Reply	Substantive	None	None	If a country or its leaders are directly insulted during a moderated caucus, its respective delegate may use his or her writ of reply to respond to that insult.
Motion to Appeal the Decision of the Chair	Substantive	None	None	If a delegate believes that the dais' decision is unjust, the delegate may appeal said decision.

Topic Overview:

Topic: Goals and Guidelines for the Brexit Negotiations

Introduction

On June 23, 2016, a referendum, which is a vote that everyone of voting age can take part in, was held to decide whether the UK should leave or remain in the European Union. The UK, which has been part of the European Union since 1973, voted to leave with 51.9 percent choosing to abandon the bloc and 48.1 percent choosing to stay. The referendum turnout was 71.8 percent of the UK's population or exactly 46,501,241 people.[5] As a direct result of the referendum, David Cameron, the UK's Prime Minister at the time, resigned and was replaced by the UK's current Prime Minister, Theresa May. Despite being initially against Brexit, May has made her acceptance of the UK's choice evident by stating, "Brexit means Brexit, and we will make a success of it."[6] May triggered Article 50 of the Lisbon Treaty, the article that gives any EU member the right to quit unilaterally and outlines the procedure for doing so, on March 29, 2017. Now that the Brexit process has been set into motion, the UK has two years to negotiate an exit deal with the other members of the EU, and the process can only be stopped by the unanimous consent of every EU member state.[7] Once an agreement is reached between the UK and EU, the EU must approve the agreement by a qualified majority, which means that 72 percent of the member states, representing at least 65 percent of the population of the EU, must vote in favor of the agreement. In the case of a mixed agreement, or an agreement that covers subject matter that both the collective EU and EU member states have responsibility over, such as common security, all 27 EU member states will have to ratify the agreement individually,

---

[5] http://www.bbc.com
[6] http://www.euronews.com
[7] http://www.telegraph.co.uk

which is a process that could take a considerable amount of time according to the UK's Foreign Secretary, Philip Hammond.[8] Nevertheless, it is imperative that both the European Union and the United Kingdom express their goals for the negotiations at the outset if a comprehensive and balanced agreement is to be drafted.

Historical Background

When discussing the future, it is essential that one studies the past. The EU has a long and rich history paved by perseverance and a drive to create a better Europe. When examining the EU's past, it is best to work in decades, as each represents a changing Europe.

1945-1959: A Peaceful Europe and The Beginning of Cooperation

One of the goals of the European Union is the prevention of conflicts within Europe, such as the frequent and bloody wars that dominated the first half of the 20th century. In fact, it was Winston Churchill, the British Prime Minister during World War II and one of the EU's founding fathers, that first called for the creation of a "United States of Europe," which he believed would eliminate European nationalism and war-mongering.[9] In 1950, the French Foreign Minister, Robert Schuman, proposed pooling the production of coal and steel in Western Europe and setting up an organization that would not only bring France and the Federal Republic of Germany together, but would also be open to other countries. The following year, the European Coal and Steel Community, or the ECSC, was set up when six members, Belgium, France, West Germany, Italy, Luxembourg, and the Netherlands, signed the Treaty of Paris.[10] Despite a blistering cold war between east and west Europe in the 1950's, including the violent suppression of anti-communist protests in Hungary, the six founders of the ECSC reconvened in

---

[8] https://www.theguardian.com
[9] https://europa.eu
[10] https://www.cia.gov

1957 and signed the Treaty of Rome, which created the European Economic Community, or the Common Market.

1960-1969: A Period of Economic Growth

The 1960's are generally regarded as a fruitful period for the European economy. The six EU nations agreed to stop charging custom duties when trading with each other and established joint control over food production, which resulted in a surplus of agricultural produce. In May of 1968, French students revolted and took control of a portion of Paris. Ten million workers soon joined the students, and a general strike ensued.[11] The '68 generation's protests against capitalism, consumerism, traditional French institutions, and what they viewed as American Imperialism led to an overhaul of French society and behavior still seen today.

1970-1979: A Growing Community and The First Enlargement

On January 1, 1973, Denmark, Ireland, and the United Kingdom joined the EU, which at this point has nine members. The short Arab-Israeli war of October 1973 resulted in a widespread energy and economic crisis in Europe. In 1974 and 1975, the Iberian Peninsula, the last stronghold of right-wing dictatorships, joined the rest of democratic Western Europe, as the Salazar regime was overthrown in Portugal and General Franco of Spain died. The EU regional policy of the 1970s called for the allocation of money to poorer areas in an effort to create jobs and infrastructure. Furthermore, the European Parliament, which, in 1979, granted European citizens the right to directly elect their representatives, gained power and influence. Using its newly acquired power, the European Parliament set its sights on pollution, adopting laws to protect the environment and introducing the notion of "the polluter pays." The polluter pays principle stipulates that the polluter should pay for any environmental damage created, usually

---

[11] https://www.britannica.com

through assurance bonds.[12] Unfortunately, when and how much the polluter should pay was often unclear, a problem that persists today.

1980-1989: The Changing Face of Europe and The Fall of the Berlin Wall

In the summer of 1980, the eyes of Europe's citizens turned to the Polish trade union, Solidarność, and its leader, Lech Walesa, following the Gdansk shipyard strikes. The strikes led to the eventual shift of Poland from communism to capitalism, as Moscow struggled to gain control of its empire, and the United States pounced on the opportunity. Walesa was awarded the Nobel Peace Prize in 1983, and became the first President of Poland, after the fall of communism in 1989, ever to be elected by popular vote.[13] In 1981, Greece became the tenth member of the EU, and Spain and Portugal became 11 and 12 in 1986. In the same year, the Single European Act was signed. The Single European Act, or SEA, was the first major attempt made by EU member states to amend the arrangements stipulated in the Treaty of Rome. Although the European Union was in operation for nearly thirty years, it had not achieved its aim of establishing a genuine common market. The SEA's main purpose was to create a full single market by 1992.[14] On November 9, 1989, the Berlin Wall came crashing down, and the border between East and West Germany was opened for the first time in 28 years. The fall of the Berlin Wall led to the reunification of Germany, which occurred on October 3, 1990, and contributed to the breakdown of communism in eastern Europe.

1990-1999: Europe Without Borders

After the collapse of communism in 1989, Europe became more united than ever before. In 1993, the Single Market promised by SEA was completed. Today, the Single Market's four

---

[12] http://www.sustainable-environment.org.uk
[13] http://www.history.com
[14] http://civitas.org.uk

freedoms, the free movement of goods, services, people, and money, form the foundation of European law. The Treaty of Maastricht on European Union was signed in 1993, and the Treaty of Amsterdam, which was signed in 1999, amended it. In 1995, the EU gained three new members: Austria, Finland, and Sweden. In the same year, the implementation of the Schengen Area Agreement began. Today, the Schengen Area Agreement grants the right to move freely within the Schengen Area to more than 400 million EU citizens.[15]

2000-2009: Further Expansion

By this time, the euro is the currency of choice in eleven European nations, and five more nations will begin using the euro before the decade's conclusion. On September 11, 2001, terrorist attacks in New York City, Washington D.C., and Somerset County, Pennsylvania shocked the world. As a direct result, Europe became galvanized in a common effort to fight crime and terrorism. On May 1, 2004, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, and Slovakia joined the EU. Bulgaria and Romania followed on January 1, 2007.[16] The Great Recession, which began in September of 2008, greatly impacted the global economy and led to the Greek debt crisis. In 2009, the Treaty of Lisbon, which provides the EU with modern institutions and more efficient operating methods, was ratified by every EU member state.

2010-Today: A Challenging Decade

The global economic crisis struck the EU hard. Consequently, the EU established the Banking Union to ensure safer and more reliable banks. The EU was awarded the Nobel Peace Prize in 2012. The 28th member of the bloc, Croatia, joined in 2013. In 2014, the EU adopted a

---

[15] http://ec.europa.eu
[16] http://www.europarl.europa.eu

new security policy in the wake of the Russian annexation of Crimea. In the same year, religious extremism continued to increase around the world as did the number of terrorist attacks, leading to unrest and wars, which resulted in many people fleeing their homes and seeking refuge in Europe.[17] Today, the EU is not only faced with the dilemma of how to take care of them, but also finds itself the target of several terrorist attacks. On March 29, 2017, the UK triggered Article 50 and the Brexit process began.

Brexit: Two Sides of a Different Coin

As previously stated, it is essential that both the UK and EU express their goals for the negotiations at the outset. On February 2, 2017, the British government published a document, titled "The United Kingdom's exit from and new partnership with the European Union," that outlined the UK's goals for the Brexit negotiations.[18] Moreover, by simply voting to leave the EU, the UK expressed, to a degree, its goals for the negotiations, as the EU can view the UK's reasons for leaving as what the UK wants changed. The EU, on the other hand, has yet to reveal its objectives and must negotiate a final agreement that appeases every EU member state, so as to lessen the chance of future exits from the bloc. Additionally, both sides have leverage over each other, which adds another layer of complexity to an already complicated process that includes the possibility of concessions on the four freedoms, the possibility of Scottish independence, the rights and privileges of EU citizens in the UK, and the Brexit bill.

Reasons for Brexit

The UK did not vote to leave the EU because of a single reason, but a collection of reasons that can be separated into four categories: history, economy, sovereignty, and

---

[17] http://economicsandpeace.org
[18] https://www.gov.uk

immigration. The UK's history differs from that of its fellow European nations. Its position as an unconquered and self-sufficient island nation, a long tradition of parliamentary democracy, and an ingrained sense that, ultimately, it can look after itself, dissociates the UK from the remainder of Europe. The UK never was and is not sympathetic to the European ideal. It joined in 1973, solely because there did not seem to be any other option than joining the then more prosperous Western European democracies.[19] Even after joining the bloc, the UK showed a great amount of resistance to the aforementioned four freedoms, which climaxed in the UK's refusal to recognize the euro as their national currency, opting instead to retain the pound, and the UK's rejection of the Schengen Area Agreement. In fact, the UK's refusal to utilize the euro greatly contributed to one of the pillars of the Leave movement's economic argument, the fallout from the 2008 recession. Following the recession, the UK's economy was in a better state than the economies of the Eurozone nations. Unfortunately for the UK, the close proximity of Eurozone states to the UK, those states' close trade relationships with the UK, and the Eurozone's poor fiscal policies caused an influx of immigration to the UK, which hurt the British economy, as workers from the hardest hit nations scrambled for jobs. Another economic factor at the center of the Brexit discussion, was the UK's EU membership fee. The UK payed the EU approximately 13.1 billion euros in 2016 and received approximately 4.5 billion euros in the form of subsidies, investments, research, and other items. This makes the UK a net contributor, which means that the UK pays the EU more than it receives. Consequently, in 2016, the UK made a net contribution of approximately 8.6 billion euros, a number that enraged scores of British citizens who claimed that the money would be better spent elsewhere, such as the National Health Service.[20]

---

[19] https://www.cidob.org
[20] http://money.cnn.com

Furthermore, in the same year, the EU refused to put a common customs tariff, or a tariff enacted by the European Parliament that covers the entire EU, on cheap Chinese steel.[21] Subsequently, the UK's steel industry was gutted by the far less expensive Chinese steel, and the UK's economy suffered because of it. This event also contributed to the sovereignty argument of the Leave movement. The Leave movement asserted that the European Commission has too much of a say in how decisions are made, that national governments often make important decisions behind closed doors, and that the European Parliament is too weak to provide real democratic legitimacy. This is a particular problem given that many British citizens do not turn out to vote in European elections. More broadly, the Leave campaign suggested that too many important issues are now decided in the EU's institutions, and the Leave campaign thinks that these powers should stay in London. To prove this, the Leave campaign highlighted cases where the British government had to accept EU laws that it opposed. In addition, the campaign argued that these cases meant that the UK had lost control over key issues that affected British citizens. Some Leave campaigners also criticized the European Commission's power to monitor compliance with EU agreements and the role of the European Court of Justice, which assesses how EU law is being applied. Ultimately, the Leave campaign believed that the best way for the UK to have full control over its affairs was to leave the EU.[22] In regard to immigration, the UK has always been against the Schengen Area Agreement, which is considered to be a core part of EU law. Moreover, the influx of refugees and immigrants to the UK, produced by unrest in the Middle East and the 2008 recession, caused British citizens in the UK to overwhelmingly reject the notion of a border-free Europe. In fact, a poll conducted by Ipsos MORI, a British market

---

[21] http://europedia.moussis.eu
[22] http://ukandeu.ac.uk

research organization, found that 72 percent of those who voted to leave in the Brexit referendum considered immigration to be one of their biggest concerns.[23]

Á La Carte? Maybe or Maybe Not

Arguably, the two issues on the top of the UK's list are trade and immigration. The UK wishes to retain its trade relationships with the EU's member states, but the UK wants to significantly alter the rules surrounding the free movement of people between the EU and the UK. Let it be clear, that the UK does not want to remain in the EU's single market, but wants a special tariff-free deal. David Davis, who was appointed Secretary of State for Exiting the European Union by the UK's Prime Minister, Theresa May, believes both goals are achievable: "The ideal outcome is continued tariff-free access. Once the European nations realize that we are not going to budge on control of our borders, they will want to talk, in their own interest."[24] Unfortunately for the UK, the EU has a different view of the situation. Donald Tusk, the European Council President, has made clear that UK's access to a tariff-free market "requires acceptance of all four EU freedoms including freedom of movement. There can be no single market à la carte."[25] Other EU leaders, most notably German Chancellor Angela Merkel, have made similar pronouncements. Currently, no offers have been put forth for concessions on trade or immigration, but as negotiations progress, concessions could become a possibility.

Leverage

Leverage has been called "negotiation's prime mover," conferring power to reach agreement "on your terms."[26] If the EU is to draft an agreement favorable to its member states,

---

[23] https://www.ipsos.com
[24] http://www.conservativehome.com
[25] http://www.maltatoday.com.mt
[26] http://scholarship.law.umt.edu

the EU must realize the leverage it has over the UK, so as to use said leverage, and, at the same time, recognize the leverage the UK has over it, so as to defend itself and cover its weaknesses. The EU has two pieces of leverage over the UK, the economics of trade and the number of European states that would have to ratify any agreement. During the Brexit campaign, Leave supporters made the argument that the UK will be negotiating from a position of strength because the EU exports more to the UK than the UK exports to the EU. While this is true, as the UK's exports to the EU are worth approximately 229 billion euros and the EU's exports to the UK are worth approximately 361 billion euros, this number is not the most important statistic.[27] Rather than focusing on the amount of exports, Leave campaigners should have been focusing on the percentage of total exports. While the UK exports a lower nominal amount to the EU, these exports represent about 44 percent of the UK's total exports. In contrast, exports to the UK are only about 8 percent of the EU's total exports. By this measure, a "no deal," or a scenario in which the EU and UK do not come to an agreement before the UK's two years are up, is much worse for the UK than it is for the EU.[28] As mentioned previously, any final deal will require agreement from a qualified majority of EU member states, or unanimity in the event of a mixed agreement. This potentially gives veto power to many small coalitions of member states or to every individual EU state if there is a mixed agreement. It narrows the zone of possible agreements, but also allows the EU to credibly say that the UK will have to make significant concessions to bring enough EU votes on board.[29] The UK's leverage over the EU, is the UK's economic influence over EU members and the EU's security concerns. The UK would, without a doubt, suffer more than the collective EU if a trade war materialized between the two parties, but

[27] https://infacts.org
[28] https://fullfact.org
[29] https://hbr.org

because several EU countries are dependent on the UK's trade, those countries might be more inclined to make a deal that favors the UK in some respects, such as immigration. An example of a nation that might put trade first, is Ireland, which exports 14 percent of its goods to the UK, the highest of any EU nation.[30] In today's world, security is always in the spotlight. If the UK can convince the EU that it could compromise the EU's security, most likely by cutting of information sharing, the UK could argue for a better deal. However, the UK has identified security as one of its top negotiation priorities, so the UK will probably avoid risking its security, as information sharing is a two-way street, for a better trade or immigration deal.

The Scottish Wildcard

While a majority of all of the voters in the United Kingdom voted to leave the EU, a majority of voters in Scotland voted to remain. This is a problem for the government in England, which lives under a constant latent threat that Scotland might vote to leave the UK. A referendum in 2014, resulted in a majority of Scottish voters choosing to stay within the UK, but a second referendum is now being openly discussed. Nicola Sturgeon, first minister of Scotland, has made clear that she wants to ensure that "Scotland is playing a very full part…including having the ability to put forward options for Scotland that would respect how Scotland voted."[31] To this end, Sturgeon has suggested the possibility that Scotland might negotiate a different relationship with the EU than the rest of the UK or leave the UK entirely. The EU has stated that an independent Scotland would have to apply to the EU and would not be given special treatment, but any increase in the possibility of Scotland leaving the UK may weaken the UK's hardline stance on certain topics where England and Scotland disagree. Consequently, just as the

---

[30] http://visual.ons.gov.uk/
[31] http://www.express.co.uk

EU must negotiate in a way that satisfies all of its members, the UK must negotiate in a way that satisfies the four nations within the United Kingdom: England, Wales, Scotland, and Northern Ireland.

The Rights and Privileges of EU Citizens in the UK

The rights and privileges of EU citizens, who are people that hold the nationality of any EU nation, are currently:

- ✓ The right to nondiscrimination on the basis of nationality when the Treaty applies

- ✓ The right to move and reside freely within the EU

- ✓ The right to vote for and stand as a candidate in European Parliament and municipal elections

- ✓ The right to be protected by the diplomatic and consular authorities of any other EU country

- ✓ The right to petition the European Parliament and complain to the European Ombudsman

- ✓ The right to contact and receive a response from any EU institution in one of the EU's official languages

- ✓ The right to access European Parliament, European Commission, and European Council documents under certain conditions.[32]

The problem is, that once Brexit is finalized the EU citizens residing in the UK will no longer be within the EU, and thus the question of what an EU citizen's rights would be in a post-Brexit UK has to be answered. The UK has proposed creating a new "settled" status for EU citizens that stay or have stayed in the UK for five years or more. Per a spokesman from the UK's Department for Exiting the European Union, EU citizens under the settled status will "have

---

[32] http://eur-lex.europa.eu

access to education, healthcare, benefits, pensions and social housing on the same basis as British citizens under proposals enshrined in UK law."[33] As of now, EU citizens under the settled status would also be able to apply for British citizenship. The settled status will not be available automatically, and anyone who qualifies will have to apply. EU citizens who have not yet reached five years of continued residence, would have to apply for continued residence and stay in the UK until they reach the threshold necessary to apply for settled status. EU citizens arriving after a not yet specified cutoff date, would be given a grace period, expected to be two years, to obtain a work permit or return to their home countries. Despite assurances from the UK's government that EU citizens will be treated equally as compared to British citizens, the European Parliament has branded the UK's plan a "damp squib", which is a general phrase that means something that fails to meet expectations, that risks creating a second class of citizenship. Additionally, in a letter published by several European newspapers, members of the European Parliament stated that the UK's proposal "cast a dark cloud of vagueness and uncertainty over the lives of millions of Europeans."[34]

The Brexit Bill

Currently, the UK makes annual contributions to the EU Budget, which will stop when the UK finalizes Brexit. The Brexit bill is a separate issue relating to the EU's liabilities, or debt. The European Commission expects the UK to pay off its share of the EU's liabilities when Brexit is finalized. There have been no official estimates published regarding the size of the bill, though estimates range anywhere from 20 to 70 billion euros. Consequently, at beginning of negotiations both sides will seek to agree on the methodology for calculating the bill, and the

---

[33] https://homeofficemedia.blog.gov.uk
[34] http://www.cetusnews.com

actual figure will be finalized at the end of negotiations. The UK has voiced its disapproval of the assertion that the UK owes the EU anything, and the UK has even stated that it does not have to pay any Brexit bill that is presented to it. The British House of Lords' EU Financial Affairs Committee reported that the "strictly legal position of the UK on this issue appears to be strong."[35] If negotiators fail to agree on a political financial settlement, it could become a legal case in the International Court of Justice or the Permanent Court of Arbitration. The result of such a court case would be hard to predict. However, there have been suggestions that the international arbitration solution would be preferable to a political settlement.

Questions a Conclusion Must Answer

- ✓ Under what circumstances, if any, would the EU be willing to make concessions on the four freedoms or a different European principle?

- ✓ If there are circumstances for concessions, would the concessions apply to the entire UK, parts of the UK, or financial centers within the UK, such as London?

- ✓ Should a trade deal with the UK be discussed before or after Brexit is finalized?

- ✓ Should the EU's member states be allowed to individually negotiate with the UK on matters pertaining to the withdrawal of the UK from the EU?

- ✓ While Brexit is being negotiated, how should the EU cooperate with the UK to ensure the safety and security of Europe?

- ✓ Should the EU offer a special EU ascension deal to Scotland, so as to weaken the bargaining position of the UK?

---

[35] https://www.instituteforgovernment.org.uk

- ✓ Should the EU offer Northern Ireland a special EU ascension deal, if the country chooses to declare independence or join Ireland?

- ✓ If Northern Ireland remains a part of the UK, how can the EU work with the UK to ensure peace on the Irish border?

- ✓ How can the EU ensure the rights of its citizens in the UK?

- ✓ Should the EU simply take the UK to court, with regard to the Brexit bill, or use the threat of a bill in negotiations?

- ✓ How will the EU react to the loss of the UK's annual contributions?

- ✓ If the EU's budget is decreased, how will the European Structural and Investment Funds be affected?

Conclusion

Ian Bremmer, President and Founder of the Eurasia Group, once stated, "Is Brexit being overhyped? No, it's a major geopolitical event, as significant as post 9/11 and the 2008 financial crisis."[36] Brexit, without a doubt, is one of the most important events in the history of the EU and will affect Europe, not to mention the world, for decades to come. The compromises that the EU and the UK make during these negotiations will help shape the global economy and the foreign policy of every participatory nation. Moreover, non-participating nations, such as the United States and China, will have to acclimatize to a post-Brexit world. Currently, the eyes of the world may be on South Sudan, the Paris Climate Change Agreement, North Korea, and Qatar, but Brexit is just as important and deserves just as much international attention. The purpose of this committee is to set the EU's goals and guidelines for the Brexit Negotiations. Those goals

---

[36] http://www.businessinsider.com

and guidelines, must satisfy every EU member state. Consequently, only delegates who cooperate with their fellow delegates and compromise when necessary will succeed in this committee. Without cooperation and compromise, the EU would not even exist today, and now it is the job of today's generation to ensure the EU's continued success in an ever-changing world.

Important Notes

- ✓ Though the conference is taking place on October 21, 2017, this committee will ignore all events that took place and documents published after April 29, 2017, unless the event or document is explicitly mentioned within this background guide, because April 29, 2017 is the actual date that the European Council approved the EU's goals and guidelines for the Brexit negotiations.
- ✓ If you have any questions or concerns regarding this background guide or the committee, please email them to:

  brandongoldstein@eccrsd.us