



## DEBATE PACK

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# Debate on the Address – Brexit and Foreign Affairs

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Debate on the Address to take place in the main Chamber on Monday 26 June 2017

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# 1. Summary

## 1.1 Brexit

Now that the Brexit talks have started, Parliament will be deeply involved in scrutinising the negotiations (although it has no formal role there) and the domestic legislation needed to implement Brexit.

### Negotiations

The UK and EU have [agreed](#) that the negotiations will start with a monthly cycle of meetings, working groups on citizens' rights, the financial settlement and other separation issues, and a special procedure for discussions on the Ireland/Northern Ireland border. Meetings are scheduled up to October.

It's not clear yet what other issues might be included in a withdrawal agreement, or what might be for any future relations agreement with the EU. Since the election, the issue of a possible transitional period has become more prominent, and there are also many questions over the role of the Court of Justice of the EU. But the UK has stated it will not seek membership of the single market or the customs union after Brexit.

Both sides have agreed to 'transparency', and some negotiating documents have already been published on both the [EU Commission](#) and [UK Government](#) websites, including detailed EU position papers on citizens' rights and the financial settlement. It is not clear whether Parliament will have any further 'privileged' access to documents.

There are calls for the UK's devolved administrations to be more involved in the negotiations.

If a withdrawal agreement is finalised, the Government has promised Parliament a vote on it (though some have argued another Act of Parliament is needed at that stage). If there is no withdrawal agreement, or if Parliament votes against it, the UK is expected to leave the EU without any deal at the end of 29 March 2019. Both parties agree that this outcome should be avoided.

After Brexit, important aspects of our relations with the EU and with other countries (trade, regulatory cooperation, fisheries, airline services, nuclear safety...) will move out of the EU scrutiny system into international treaties. So another question for Parliament is whether or how it will scrutinise these future treaties.

## 1.2 Domestic legislation

Leaving the EU will require major changes to the UK's constitutional framework and to the statute book. But repealing all EU law on Brexit day would leave 'black holes' in the law governing how we live and work.

The Queen's Speech announced eight Bills to tackle this: as well as a Repeal Bill (which was the subject of a [White Paper](#) before the election), there will be an Immigration Bill, International Sanctions Bill, Nuclear Safeguards Bill, Agriculture Bill, Fisheries Bill, Trade Bill and Customs Bill to make substantive changes. The Government's [background briefing notes](#) add that 'further legislation will be introduced to support [a withdrawal agreement] if and when required.

Balancing the Repeal Bill's two main aims of constitutional change and legal stability will require considerable ingenuity, and it will probably include complex legal mechanisms with far-reaching constitutional effects.

One of the main issues for most if not all these Bills is the extent of the powers that might be delegated to the Government: firstly to legislate to 'correct' EU-

derived law to function effectively after Brexit; and secondly to make substantive changes to implement the withdrawal deal that will still be under negotiation as the Bills go through Parliament. How will Parliament balance the need to pass an unprecedented volume of law with the need for appropriate parliamentary scrutiny?

Another main issue is how the Bills and associated secondary legislation will deal with devolved issues. The Repeal Bill could require a legislative consent ('Sewel') motion in Scotland. It is also expected to create powers to enable Ministers in devolved governments to make corrections to EU-related laws that fall within devolved competence. The Government's [background briefing notes](#) say that, as a transitional measure, the Bill would 'replicate the common UK frameworks created by EU law in UK law, and maintain the scope of devolved decision-making powers immediately after exit'.

A further question is how we will know exactly what law is in force after Brexit. The Government will have to make arrangements to ensure that any EU law that is transferred into domestic law, for example EU regulations, is publicly accessible.

## 1.3 Foreign affairs and defence

### Wider foreign policy challenges

Looking beyond Brexit, the UK faces a host of other foreign policy challenges.

The Queen said in her speech that her government would "continue to drive international efforts that increase global security and project British values around the world."

UK foreign policy will continue to be strongly influenced by US policy, which means that the intentions of the Trump Administration are crucial.

His campaign suggested that, as President, Donald Trump would operate an "America first" foreign policy; allies would have pay for their defence and international interventions that were not obviously in the US national interest would be avoided. He also outlined a more friendly approach to Russia and made defeating ISIS and other *jihadi* terrorist groups top priority.

Tension between building up an unchallenged military superiority and then showing more restraint in deploying it was pointed up by the cruise missile strike on Syria. In the face of momentous events it is difficult to resign from the job of World Policeman.

Donald Trump has described the Iran nuclear deal as "terrible" and there is pressure from conservatives in Washington to impose further sanctions. European countries are likely to argue for the preservation of the nuclear deal.

These factors suggest worsening relations - the Institute for the Study of War predicts that a major conflict between the US and Iran is likely in the next five years, and this could affect the conflict in Syria and Iraq.

In Syria and Iraq, the UK is now the second biggest contributor to the international coalition against ISIS.

ISIS has lost territory and about half its fighters, according to the US-led coalition. The Syrian government, helped by Russia and Iran, has also improved its position markedly, re-establishing control over Syria's second city, Aleppo. It now looks unlikely that the Syrian government will fall.

Nevertheless, a lasting political settlement remains distant. Any government that looked like the present one would lack legitimacy – the Syrian government is responsible for far more deaths in the conflict than any other.

The Russian/Iranian alliance that has boosted the Syrian government may come under strain over a final settlement.

The state of US-China relations will also have a considerable impact on the UK. The UK wants to preserve its longstanding alliance with the US while strengthening its ties with China.

Since he took office, President Trump's actions have been in marked contrast to his campaign rhetoric. He appears now to have accepted the validity of the 'One China' policy. He and Chinese president Xi Jinping have met and there has been greater cooperation over North Korea.

But many remain issues where interests diverge widely – for example, the South China Sea. If the US-China relationship were to turn sour again, the UK might find itself having to choose between two incompatible objectives.

## 1.4 Defence and the armed forces

The Queen's Speech announced a new Armed Forces (Flexible Working) Bill. The intention of the Bill is to support retention and recruitment in the armed forces by enabling flexible working arrangements for regular Service personnel, subject to operational demands. It is part of a package of measures to update the 'offer' to Service personnel. The proposed measures are likely to particularly appeal to women, for whom the Government has set itself a target of increasing the proportion of women from 10% to 15% by 2020.

Since 2010, UK defence policy and the armed forces have undergone significant change. A massive programme of reform and restructuring has been implemented to allow the MOR to make savings, as well as achieve a leaner and more agile force that meets the UK's needs by 2020. Much of that reform process is still ongoing amidst constantly changing global challenges. British forces are currently involved in more than 30 operations in over 20 countries.

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.



## 2. Press Articles

The following is a selection of recent press and media articles relevant to this Debate.

Please note: the Library is not responsible for either the views of accuracy of external content.

The Times

[State visit by Trump will go ahead, says Boris Johnson](#)

22 June 2017

Patrick Maguire

The Guardian

[EU citizens in Britain to be asked to register for post-Brexit status](#)

20 June 2017

Lisa O'Carroll

The Guardian

[Brexit explained: How do citizens' rights affect Brexit negotiations?](#)

20 June 2017

BBC News

[Islamic State and the crisis in Iraq and Syria in maps](#)

28 April 2017

Spectator

[Why foreign aid fails – and how to really help Africa](#)

22 April 2017

The Guardian

[Military to offer soldiers three-day week away from frontline](#)

12 February 2017

### 3. Parliamentary material

#### House of Commons Debates

[Queen's Speech](#), HC Deb 21 June 2016, Vol 626 cc34– 36

[Debate on the Address](#), HC Deb 21 June 2016, Vol 626 cc37– 156

#### EDMs

[State visit by President Trump](#), EDM 3, 21 June 2017

[A people's Brexit](#), EDM 13, 21 June 2017

## 4. Press/ news releases

### Ministry of Defence

#### [Flexible working for Armed Forces](#)

Ministry of Defence

21 June 2017

New arrangements to attract and retain the best men and women for our Armed Forces by adapting service life to meet their modern needs and aspirations have today been announced in the Queen’s Speech.

The changes will deliver a career which is as flexible as possible by allowing service personnel to work part time for short periods, as long as the operational effectiveness of the military is maintained.

The measures, which are due to come into effect in 2019, are part of the Armed Forces (Flexible Working) Bill. They will also limit the amount of time that personnel will need to spend away from their home-base and their families.

Defence Secretary Sir Michael Fallon said:

“To compete for the best people in society our Armed Forces must offer a career that better reflects the realities of modern life. Allowing greater flexibility over how long and where people work will help attract and keep the talent we need to keep Britain safe.”

The Bill will amend parts of the Armed Forces Act 2006, and the new arrangements were developed after a consultation with the Royal Navy, Army and Royal Air Force. Personnel said they wanted more choice over the way they serve for when their circumstances change; such as starting a family, or undertaking caring commitments.

Applications for part time working will be assessed against the needs of the individual and the need of the Armed Forces to maintain operational effectiveness. Personnel would still be required to deploy on operations, at any time, should the need arise.

This will lead to more balanced lifestyles with opportunities for Service personnel to serve in a way that better suits their personal aspirations and family circumstances. Reserve personnel will benefit from these changes, as we continue to seek to increase opportunities for them to serve in a greater range of roles alongside Regular personnel.

These reforms are part of the modern offer to personnel and the government’s commitment to strengthen the Armed Forces Covenant, which was enshrined in law in 2011 to ensure Service personnel are not disadvantaged through their work.

The government also reaffirmed its NATO commitment to spend at least 2% of GDP on defence in the Queen’s speech.



## Department for Exiting the European Union

[Maintaining our close ties with Slovakia](#)

Department for Exiting the European Union  
3 March 2017

['A new chapter in UK-Denmark relations'](#)

Department for Exiting the European Union  
2 March 2017

[Robin Walker: 'Gibraltar has particular interests'](#)

Department for Exiting the European Union  
1 March 2017

[The UK post-Brexit: a stronger and even closer ally to Latvia](#)

Department for Exiting the European Union  
21 February 2017

[Building a strong new partnership with Lithuania](#)

Department for Exiting the European Union  
21 February 2017

[David Davis: Estonia and the UK will remain close partners after Brexit](#)

Department for Exiting the European Union  
21 February 2017

## Foreign and Commonwealth Office

[Foreign Secretary attends the June 2017 EU Foreign Affairs Council](#)

Foreign and Commonwealth Office (FCO)  
19 June 2017

[UK Foreign Policy After Brexit: Engaging Africa](#)

Foreign and Commonwealth Office (FCO)  
20 April 2017

## 5. Extracts from Key Issues 2017

### Brexit: an overview

Key Issues 2017 – [Brexit: an overview](#), *Commons Library Second Reading blog* item, June 2017 [accessed 22 June 2017].

### Foreign affairs: the state of the world

Key Issues 2017 – [Foreign affairs: the state of the world](#), *Commons Library Second Reading blog* item, 20 June 2017 [accessed 22 June 2017].

### Defence and the Armed Forces

Key Issues 2017 – [Defence and the Armed Forces](#), *Commons Library Second Reading blog* item, June 2017 (please see Key Issues 2017 p 82).

## 6. Further reading: Library publications

### Briefing papers

Commons Library Briefing paper 8018, [The Armed Forces \(Flexible Working\) Bill](#), 23 June 2017.

Commons Library Briefing paper 7912, [Brexit: a reading list of post-EU Referendum publications by Parliament and the Devolved Assemblies](#), 21 June 2017.

Commons Library Briefing paper 8015, [2017 French parliamentary elections](#), 21 June 2017.

Commons Library Briefing paper 7669, [Brexit: What next for UK fisheries?](#) 21 June 2017.

Blog items

Commons Library Briefing paper 7996, [UK aid: frequently asked questions](#), 16 June 2017.

Commons Library Briefing paper 7702, [Brexit reading list: legal and constitutional issues](#), 12 June 2017.

Commons Library Briefing Paper 7793, [Legislating for Brexit: the Great Repeal Bill](#), 2 May 2017

Commons Library Briefing paper 7963, [Brexit and Gibraltar](#) 2 May 2017.

Lords Library note (LLN) 2017-0023, [Queen's Speech 2017 Day 1: Foreign Affairs, Defence, Trade and International Development](#), 22 June 2017.

### Blogs

The Great Repeal Bill, *Commons Library Second Reading blog* item, 21 June 2017 [accessed 22 June 2017].

<https://secondreading.uk/elections/the-great-repeal-bill/>

Brexit negotiations under a minority government, *Commons Library Second Reading blog* item, 20 June 2017 [accessed 22 June 2017].

<https://secondreading.uk/elections/brexit-negotiations-under-a-minority-government/>

## 7. Further reading: Parliamentary sources

[Brexit](#) home page on the *Commons Library Second Reading Blog*

[World Affairs](#) home page on the *Commons Library Second Reading Blog*

[Brexit: next steps of UK's withdrawal from the EU](#) on the Library Brexit Hub from the *Parliamentary website* – Read Parliament's analysis of how leaving the EU will affect different policy areas in the UK.

[Key Issues 2017](#) home page on the *Commons Library Second Reading Blog*

[Key Issues 2017](#) publication PDF version, (intranet only) [accessed 22 June 2017].

House of Commons Foreign Affairs Select Committee, [Reports and correspondence 2016-17](#), *Parliamentary website*

Commons Committee on Exiting the EU reports 2016-17, [publications 2016-17](#), *Parliamentary website*

Defence Committee, [publications 2016-17](#), *Parliamentary website*

House of Lords [International Relations Committee](#), *Parliamentary website*

Lords [EU Select Committee](#), *Parliamentary website*

Lords [EU External Affairs Sub-Committee home page](#), *Parliamentary website*

## 8. Further reading: other reports and publications

Policy paper, [Terms of reference for the Article 50 negotiations between the United Kingdom and the European Union](#), Department for Exiting the European Union, 19 June 2017.

Chapter on Foreign policy in [EU referendum: one year on](#), UK in a changing Europe, *Political Studies Association (PSA)*, June 2017.

Blog, [Brexit and British foreign policy: between a rock and a hard place](#), *UK in a changing Europe*, June 2017.

Research paper, [Brexit: Implications for EU–China Relations](#), Asia programme, by Tim Summers, *Chatham House*, May 2017.

Policy paper, [The Great Repeal Bill: White Paper](#), *Department for Exiting the European Union*, 30 March 2017.

Briefing paper factsheet, [UK Foreign and Security Policy after Brexit](#), Royal United Services Institute for Defence and Security Studies (RUSI), January 2017.

Research paper, [The UK and EU foreign, security and defense policy after Brexit](#), *UK in a changing Europe*, 2016.

Research paper, [Getting out quick and playing the long game](#), *UK in a changing Europe*, 2016.

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