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[Draft] Editorial

You Can Check Out Any Time You Like, But Can You Really Leave?
On 'Brexit' And Leaving International Organizations

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1. The Legal Procedure to Leave the European Union

Unlike the *Hotel California* — as described in the famous Eagles song to which the paraphrased title of this contribution refers¹ — it is possible to leave international organizations. This is generally true, and even seems to work for 'regional integration organisations' such as the European Union ('EU'). However, in this case the question is whether decades of close legal and political cooperation — resulting in an entanglement of the EU and domestic legal orders, and involving governments, businesses and citizens alike — can really be undone. This short Editorial will try not to repeat the analyses in the many contributions on 'Brexit' over the past few months. Where most of those contributions addressed the internal EU or UK complexities, I will focus on some issues that are particularly interesting from the perspective of international institutional law.

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¹ It is tempting to look for more parallels in those song lyrics. The final verse goes like this: "Last thing I remember, I was running for the door / I had to find the passage back to the place I was before / Relax, said the night man / We are programmed to receive / You can check out any time you like / But you can never leave!"

At the moment of writing, the United Kingdom has not officially notified the European Union of its intention to leave.² What we know is that on 23 June 2016, a small majority (51.9 percent) of the electorate in the United Kingdom voted in favour of leaving the EU (with a turnout of 72 percent). Since the modifications on the basis of the *2007 Treaty of Lisbon* (entry into force in 2009), the *Treaty on European Union* ("TEU") expressly allows for Member States to leave the EU.³ As it is to serve as the main point of reference during the Brexit negotiations,⁴ I will quote Article 50 of the TEU in full:

² UK Prime Minister May recently announced that this will happen in March 2017. See "Theresa May to trigger article 50 by end of March 2017", *The Guardian*, October 2, 2016; <https://www.theguardian.com/politics/2016/oct/01/theresa-may-to-propose-great-repeal-bill-to-unwind-eu-laws>

³ I leave aside the discussion on whether or not this was a good idea, but it has already rightfully been noticed that "[I]ncluding a withdrawal clause in a treaty such as the TEU is asking for trouble. Obviously, this is something the founding fathers of the League of Nations also found out, with Germany and Japan making a quick exit after their domestic ambitions were no longer deemed compatible with the simple ambition of the League to keep the peace. Such an exit can never be prohibited (and it would be wrong even to try), but including a withdrawal clause makes it all too tempting to actually withdraw. Here the law of the possible applies: if a facility is created, it will sooner or later be used – and often enough for all the wrong reasons." Jan Klabbers, 'Editorial: Continent in Crisis', *European Journal of International Law*, 2016, No. 3, pp. 553-556 at 555.

⁴ While it has been argued that Article 50 does not necessarily set the rules of the game as a withdrawal could also be based on 'a fundamental change of circumstances' under the Vienna Convention on the Law of Treaties (see Frank Vibert and Gunnar Beck, *The Seven Days of Brexit: How a Leave Government Could Bypass Article 50*; blog available at <http://blogs.lse.ac.uk/brexit/2016/06/15/the-seven-days-of-brexit-how-a-leave-government-could-bypass-article-50/>), it would be hard to deny the *lex specialis* character of Article 50 and the detailed procedures laid down therein, as well as the restrictions in Article 62(1)(a) of the Vienna Convention. Moreover, seeing a national referendum result as indicating 'a fundamental change of circumstances' would really shake the basis of the international legal system and would, frankly, be nothing short of ridiculous. A completely different possibility to bypass Article 50 was suggested by Leonard Besselink ('Beyond Notification: How to Leave the European Union without Using Article 50 TEU', U.K. Const. L. Blog, 30th June 2016; <https://ukconstitutionallaw.org/2016/06/30/leonard-besselink-beyond-notification-how-to-leave-the-european-union-without-using-article-50-teu/>). Besselink argues that the only thing that needs to be done is change Article 355(5) TFEU on the territorial application of the Treaties to allow England and Wales to no longer be affected by EU law. While interesting in itself, the question is whether this would indeed be the easier option, both with regard to internal legal UK arrangements and with a view to the willingness of other EU Member States to accept this.

1. Any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements.

2. A Member State which decides to withdraw shall notify the European Council of its intention. In the light of the guidelines provided by the European Council, the Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union. That agreement shall be negotiated in accordance with Article 218(3) of the Treaty on the Functioning of the European Union. It shall be concluded on behalf of the Union by the Council, acting by a qualified majority, after obtaining the consent of the European Parliament.

3. The Treaties shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification referred to in paragraph 2, unless the European Council, in agreement with the Member State concerned, unanimously decides to extend this period.

4. For the purposes of paragraphs 2 and 3, the member of the European Council or of the Council representing the withdrawing Member State shall not participate in the discussions of the European Council or Council or in decisions concerning it.

A qualified majority shall be defined in accordance with Article 238(3)(b) of the Treaty on the Functioning of the European Union.

5. If a State which has withdrawn from the Union asks to rejoin, its request shall be subject to the procedure referred to in Article 49.

One could argue that the UK has perhaps not even ‘decided’ to withdraw on the basis of paragraph 1 of this provision. In any case, it has not formally ‘notified’ the European Council of its intention in the light of paragraph 2. At the same time, a special session of the European Council (composed of the Heads of State or Government of the Member States) was convened on 28–29 June and it was decided that on the second day the 27 Member States would already start to meet in the absence of the UK. Indeed, things have been set in motion to accommodate a British exit. Getting out of his car in Brussels, UK Prime Minister Cameron clearly indicated that the UK will leave the EU.⁵ While it is generally held that remarks like these are not to be interpreted as a ‘notification’ as required by Article 50 of the TEU (despite the fact that no formal requirements are laid down

⁵ See “David Cameron says ‘Britain is leaving the EU but not turning its back on Europe’”, *Independent*, June 28, 2016.

for such notification), institutional adaptations are already prepared. Perhaps most notably is the Decision of the Council (of Ministers) of 29 July 2016 (No. 2016/1316) to adapt the schedule for the EU's rotating Presidency, for which the UK was on the list for the second half of 2017. In the new schedule, the UK is simply deleted and Estonia will hold the Presidency in that period.

It is interesting to note that, prior to the required formal notification, legal consequences are already attached to an 'intention' of a Member State to leave the EU. As phrased in the Council's decision (which obviously was still taken with the UK as a member):

Although no notification has as yet been received under Article 50 TEU from its government, a Member State has made it known publicly that it will withdraw from the Union. The order of presidencies of the Council should be amended to take account of that circumstance, without prejudice to the rights and obligations of that Member State.

Indeed, the UK has not even 'checked out' yet, but already its position has changed and some EU institutional rules are being adapted.

The fact that Article 50 allows for Member States to *leave* is also interesting in the light of the procedure in Article 49 to *join* the EU. Although the European Union (and in particular the Commission) is the key negotiator, the final agreement on the basis of which a new State joins the EU is concluded "between the Member States and the applicant State", and "[it] shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements." Accession agreements are thus not concluded by the Union. The opposite occurs in case of a withdrawal agreement. Article 50 TEU calls upon *the Union* to negotiate and conclude "an agreement with that State, setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union." In this case a reference is made to Article 218(3) of the TFEU for the negotiation stage and the agreement "shall be concluded on behalf of the Union by the Council, acting by a qualified majority, after obtaining the consent of the European Parliament." Hence, to join the Union a legal relationship with the current Member States needs to be established, but to leave the Union a State will have to settle the issue with the organisation of which it has become a member (although the UK's withdrawal agreement may very well become a 'mixed agreement', concluded between the EU, the 27 Member States and the UK; and — not unimportant these days — subject to ratification procedures in each of the Member States). However, if at the end of the day no withdrawal agreement can be concluded, the member concerned may still leave (Article 50(3)); by contrast, if an accession agreement cannot be concluded, the applicant cannot become a member.

Finally, as we have seen in Article 50, the regular accession procedure will apply if the UK decides to rejoin the EU: “If a State which has withdrawn from the Union asks to rejoin, its request shall be subject to the procedure referred to in Article 49.”

2. Leaving International Organizations

To what extent is the EU’s procedure exceptional? It is generally accepted that Member States may leave an international organization, despite the fact that the organization’s procedures do not always expressly provide for it.⁶ Even prior to the existence of the current Article 50 of the TEU, EU Member States could request a withdrawal, although one could argue that in the absence of specific rules, general treaty law would form the applicable legal basis and a renegotiation of the EU treaties would have to be proposed.

It has been argued that an ‘inherent right of withdrawal’ exists, based on a States’ sovereignty.⁷ In his well-known handbook, my fellow Editor-in-Chief mentions different ways in which the membership of an international organization may end: “the member may terminate it by withdrawing from the organization; the organization may terminate membership by expelling the member; and finally, the member or the organization may cease to exist.”⁸ Whenever organizations provide for the possibility of withdrawal, they usually include a specified period of notice and a condition that all the withdrawing party’s obligations have been fulfilled.⁹ Some constitutions (including those of the World Intellectual Property Organization (‘WIPO’), the World Trade Organization (‘WTO’) and the International Labour Organization (‘ILO’) expressly

⁶ See Henry G. Schermers and Niels M. Blokker, *International Institutional Law* (5th ed.) (Martinus Nijhof Publishers, Leiden, 2011) pp. 98–110.

⁷ Nagendra Singh, *Termination of Membership of International Organisations* (London, 1958) p. 27. The general rule is formulated in Article 56 of the 1969 Vienna Convention in the Law of Treaties:

1. A treaty which contains no provision regarding its termination and which does not provide for denunciation or withdrawal is not subject to denunciation or withdrawal unless:

(a) It is established that the parties intended to admit the possibility of denunciation or withdrawal;
or

(b) A right of denunciation or withdrawal may be implied by the nature of the treaty.

2. A party shall give not less than twelve months’ notice of its intention to denounce or withdraw from a treaty under paragraph 1.

⁸ See Schermers and Blokker, *supra* note 6, p. 98.

⁹ See Jan Klabbbers, *An Introduction to International Organizations Law* (3rd ed.) (Cambridge University Press, Cambridge, 2015) p. 109.

allow for the withdrawal of their members, with notification periods ranging from six weeks (WIPO) or six months (WTO) to two years (ILO).

Yet, examples of permanently withdrawing Member States are hard to find. Sometimes the examples of Indonesia withdrawing from the UN in 1965, the Soviet-Union and some other eastern European States from the WHO in 1950, or Poland, Hungary and Czechoslovakia from UNESCO between 1954 and 1963 are mentioned. Yet, in all of these situations withdrawal ultimately proved to be merely a temporary cessation of cooperation.¹⁰ In other cases — the withdrawals during the interbellum period of Germany, Italy, Japan, Spain, Romania, and six Latin American countries, and of South Africa (in 1966) and Albania (in 1967) from the ILO; of China, Lebanon, Liberia and Syria from the GATT in the 1950s; of South Africa from the UN specialized agencies (UNESCO, 1956; WHO and ILO, 1966); of Greece from the Council of Europe (1969); of the US (1984) and the UK (1985) from UNESCO — States later rejoined the organization (or in the case of GATT, its successor, the WTO).¹¹

The ‘politics of withdrawal’ were also clearly exemplified when the USA left the ILO in 1977 (and later rejoined). A number of political controversies, including the appointment of a Soviet national as Assistant-Director-General and the granting of observer status to the PLO, led to this decision.¹² After two years of unsuccessful attempts to change the organization (something we may again witness during the Brexit negotiations), on 1 November 1977 the US Government confirmed its notice to withdraw from the ILO on 6 November, indicating that it “remains ready to return whenever the ILO is again true to its proper principles and procedures”¹³ (again, will we see something like this in the EU-UK exit agreement?). Hence, leaving an international organization is possible, but there was a reason that a State joined in the first place and States usually remember this once certain political disputes are solved.

The reason for a period between the notification and the actual withdrawal — in the case of the EU two years, with a possible extension — is that it allows both the leaving Member States and the organization to reorganise things. Indeed, in most cases an international organization needs some time to adapt its structure and procedures to the fact that it has one less Member State

¹⁰ *Ibid.* at 110.

¹¹ See Schermers and Blokker, *supra* note 6, p. 99.

¹² See e.g. Yves Beigbeder, ‘The United States’ Withdrawal from the International Labor Organization’, (1979) 34(2) *Relations industrielles / Industrial Relations* pp. 223–240.

¹³ *Ibid.* at p. 230. Beigbeder also quotes from the *The Wall Street Journal* (28 June 1977): “international forums like the ILO have become a dangerous kind of place for us.”

(and loses a Membership fee)¹⁴. Obviously, the consequences depend on the type and size of the organization. In all cases, however, arrangements will have to be made in relation to staff (which may be appointed on the basis of their nationality of one of the Member States), decision-making procedures (which may function on the basis of a certain calculation of votes), composition of organs and other bodies that form part of the organization's institutional structure, legal effects of decisions, budget, and practical issues such as the redistribution of tasks allocated to staff or a relocation or reorganisation of policy divisions as a result of departing staff. In the case of the EU these issues are particularly complex because of the nature of the organization. In the words of Schermers & Blokker:

Withdrawal will be particularly harmful to an international organization with a supranational character, since the members of such an organization are more closely linked than is the case for other organizations. Withdrawal by one member may have serious consequences for the entire organization. The transfer of sovereign powers to the organization by all members should not be rendered meaningless by the unilateral act of one member, neglecting the interest of the others and of the organization as a whole.¹⁵

One may safely assume that many of these issues were on the table on 29 June 2016 when 27 EU members met in the absence of the UK.

Obviously, an international organization may also be terminated in its entirety; and these days some populist movements consider Brexit to be the first step in the process of ending the European Union. When not just one or two Member States wish to get out, but all of them agree that there is no value in maintaining the organization, it can be dissolved. Yet this hardly ever occurs, as in most cases the tasks of an organization are transferred to a new, succeeding, organization.¹⁶ Nevertheless, the textbooks mention some examples of international organizations that were dissolved, mainly as a result of them falling into disuse. In 1936, the International Commissions of the Elbe and the Oder were abandoned because of German

¹⁴ When the USA left the ILO in the 1970s the organization lost no less than 25 % of its budget. In 2015 the UK's 'net contribution' was estimated at about £8.5 billion (*see e.g.* <<https://fullfact.org/europe/our-eu-membership-fee-55-million/>>), which was 7.7 % of the EU's budget of €141.2 billion (£110.0 billion). Obviously, these figures remain a source of controversy as it is difficult to calculate what the EU members get in return in terms of for instance trade, jobs and investment. The EU budget is equivalent to 1.0 % of the combined GNI of the Member States.

¹⁵ *See* Schermers and Blokker, *supra*, note 6, p. 99.

¹⁶ *See* more extensively on this topic Ramses A. Wessel, 'Dissolution and Succession: The Transmigration of the Soul of International Organizations', in J. Klabbers and Å. Wallendahl (eds.), *Research Handbook on the Law of International Organizations* (Edward Elgar Publishers, 2011) pp. 342–362.

withdrawal; the establishment of the Organization of African Unity in 1963 resulted in the abandonment of the Conference of Independent African States and the Inter-African and Malagasy Organization; and in 2010 members decided to pull the plug on the Western European Union ('WEU') to take effect in 2011 because all its functions had gradually been taken over by the EU. At the same time, a division of remaining functions among several other international organizations also proves to have been possible. Thus, the United Nations Relief and Rehabilitation Administration transferred its functions to the UN, the WHO, the Food and Agriculture Organization ('FAO') and United Nations Children's Fund ('UNICEF').¹⁷

In the light of these examples, the Brexit situation may indeed be exceptional. Perhaps it is all the more so since EU members clearly indicated their aim to "continue the process of creating an ever closer union among the peoples of Europe" and to "advance European integration" (Preamble of the TEU). Indeed, the European integration process is not just an intergovernmental form of cooperation, but expressly includes the nationals of the Member States, who do not only have a right to use and invoke EU law rules, but were even provided with special rights as 'European citizens' (Article 9 of the TEU). EU law is not just law between States, but also law within States. This implies that leaving the EU has a more direct impact on individuals than leaving the UN or any of its specialised agencies (obviously this impact of the EU was the source of the unease in the UK in the first place). The European integration process is often perceived in 'constitutional' terms, and the legal orders of the Member States are far more entangled in the EU's legal system than in any other international organization.

3. International Legal Consequences of Leaving the EU

A departure from the EU has consequences under international law as well. Part and parcel of the EU's legal regime is the division of competences. EU Member States have agreed to not only give up some internal competences to regulate certain issues which can be better regulated at the level of the EU, but they have equally tasked the EU to handle certain issues in relations with non-Member States. The logic of the internal-external connection is well-known: once States have transferred competences to the EU in their internal relations, they have become far less interesting partners at the international level since they are simply no longer in the position to negotiate and conclude international agreements on those issues. It is true that 'exclusive competences' (competences on the basis of which the EU can conclude international agreements without these being co-signed by the Member States) are scarce, but it is equally true that there are not so many areas left in which the EU Members can engage in international commitments

¹⁷ See Schermers and Blokker, *supra*, note 6, pp.1056–1058; as well as Klabbers, *supra*, note 9, 106–111.

while completely bypassing the EU. In other words: the EU has become a global actor and has become active in most of the key global issues, ranging from trade and investment to development and environment. The EU's treaty database lists 1139 international agreements that were concluded by the EU.

To a large extent, Member States rely on the EU and the expertise of the European Commission to negotiate and conclude international agreements. This is particularly the case in 'exclusive' policy areas such as trade. Thus, while individual EU members are still full members of the WTO, most of the actual work is done by the European Commission. Over the years, the EU members have lost considerable expertise in international trade law and have not concluded any trade agreements in their own right.

Leaving the EU thus implies that the international legal position of the UK will have to be reset and certain dimensions of its statehood will have to be reactivated. It will no longer be able to rely on the EU's expertise in the WTO, and will have to seriously upgrade its own delegation in international organisations in which it was mainly active as an EU member.¹⁸ In other words: in many situations it will have to shift from being a Member State to being a State again.¹⁹ This, *inter alia*, entails that the UK may have to renegotiate a large number of international agreements, which — because of the division of competences — were so called 'EU only' agreements to which the Member States were not a party in their own right. As these agreements usually apply to the territories in which the Treaty on European Union is applied, the UK will no longer be covered; and compare also Article 216(2) of the TFEU, which provides that international agreements concluded by the EU are (arguably only) "binding upon the institutions of the Union and its Member States". While this was an internal EU issue (Member States are bound to these agreements through EU law), it will become an international issue as the UK will no longer fall under the internal arrangements. One could perhaps argue that the EU merely concluded the agreements 'on behalf of' its Member States and that the UK would thus remain bound once the competences are returned to it. However, there are some serious flaws in this argument. First of all, the text of the agreements do not indicate the UK (or any other Member States) as a contracting party. In many cases we are dealing with a bilateral agreement and it would be difficult to simply read 'the European Union' as 'the United Kingdom' in those cases. Secondly, given the EU's separate international legal status and its autonomous position as a global actor, it is difficult to

¹⁸ Cf. Christine Kaddous (Ed.), *The European Union in International Organisations and Global Governance: Recent Developments* (Oxford, Hart Publishing, 2015).

¹⁹ See on the international responsibility questions related to Member States of international organizations the special issue of this journal on 'International Organizations and Member State Responsibility – Critical Perspectives', (2015) 12(1) *International Organizations Law Review*.

hold on to the idea that the EU acted on behalf of its Member States. The Treaty on European Union clearly presents the EU as a separate international actor and over the years it has been accepted as such (and alongside its Member States) by almost all States in the world. In other words: the UK will have to start from scratch, although it may in some cases accept what could largely be a copy of the agreements that were concluded by the EU.

In the case of so-called ‘mixed agreements’ (concluded by both the EU and its Member States and one or more third States or international organizations) the situation could be easier as the UK is bound directly under international law. Yet, it will not be easy to simply delete the UK as a contracting party, because such international agreements (as an ‘integral part of EU law’ in the words of the EU Court) are closely connected to other EU legislation and policies. Moreover, most mixed agreements are concluded without a strict indication of what falls under an EU competences and what is still in the hands of the Member States. In any case, if the UK wishes to maintain the same legal rights and obligations, it will have to copy and paste the entire agreement and try and turn it into a bilateral agreement with the respective third party or parties.

Needless to say that the renegotiations will be time consuming, not only for the UK but also for all third parties, provided that they are willing to go there in each and every case. In the case of EU-only agreements not so much needs to be changed, although the argument could be made that third States need to be notified of the fact that the agreement will no longer apply to a former part of the ‘EU’s territory’ or that consultations are in order. The question of whether in the case of international organizations one may speak of a ‘territory’ is somewhat unsettled in international law. Article 29 (on the ‘Territorial scope of treaties’) of the 1986 Vienna Convention basically copied Article 29 of the 1969 Convention and provides:

Unless a different intention appears from the treaty or is otherwise established, a treaty between one or more States and one or more international organizations is binding upon each State party in respect of its entire territory.

Interestingly, while international agreements concluded by international organizations are included, the obligations are imposed on “each State party” only. During the process of drafting the Convention, the International Law Commission had difficulties in accepting the existence of a ‘territory of the organization’.²⁰

²⁰ The 1982 ILC Commentary explains this choice in the following terms:

Is it possible to imagine a parallel provision concerning the obligations of international organizations? Despite the somewhat loose references which are occasionally made to the ‘territory’ of an international organization, we cannot speak in this case of ‘territory’ in the strict

Irrespective of the strong link between territory and statehood, and despite the absence of a clear practice, one could argue that obligations like these are linked to the treaty-making capacity that was transferred from the States to the organization (or created for the organization). And, indeed, the ‘territorial scope’ of international agreements concluded by the EU is not without meaning. In the case of trade or investment agreements, for instance, a shrinking territory may be particularly worrisome for a third party (if only because in the case of Brexit it loses 64 million consumers). In addition, with regard to multilateral agreements in particular, other aspects, including budgetary reallocations, could become part of the deal.²¹

With regard to mixed agreements, different considerations apply to *bilateral* and *multilateral* agreements. In the case of bilateral agreements (between the EU/Member States and a third party), the UK would probably need to withdraw, which could be given effect to by way of a notification to third parties. In the case of multilateral agreements, the UK can perhaps remain a party, although a notification regarding the changed situation may be required and an adjustment of some of the commitments may be necessary. Indeed, it is not to be excluded that the UK’s continued participation may in some cases become subject to negotiations between the EU, its Member States and third States (including the UK in a new special position). This may result in solutions on the basis of, for instance, additional Protocols or by replacing the UK’s participation

sense of the word. However, since this is so and since account must nevertheless be taken of the variety of situations which the multiple functions of international organizations may involve, it seemed preferable to avoid a formula which was too rigid or too narrow. If the draft articles said that, in the case of an international organization which is a party to a treaty, the scope of application of the treaty extended to the entire territory of the States members of that organization, the draft would diverge from article 29 of the Vienna Convention by raising the question of the scope of application of a treaty, which is not expressly covered by that Convention.

²¹ In the reverse situation, when a new state joins the EU, there will also be effects for third States as the new EU Member State is to accede to existing international agreements that were concluded by the EU and its Member States. *Cf.* most recently, the accession agreement with Croatia (*OJL* 112, 24.4.2012, p. 10–110), Art. 6:

1. The agreements concluded or provisionally applied by the Union with one or more third countries, with an international organisation or with a national of a third country shall, under the conditions laid down in the original Treaties and in this Act, be binding on Croatia.
2. Croatia undertakes to accede, under the conditions laid down in this Act, to the agreements concluded or signed by the present Member States and the Union with one or more third countries or with an international organisation....

Yet, despite paragraph 1, in the case of ‘EU-only’ agreements, formal notifications to third States of an ‘enlarged ‘EU territory’ are not standard practice.

in a multilateral mixed agreement by a 'UK only' agreement. For this reason, the 'exit-agreement', foreseen in Article 50(2) of the TEU may be expected to include some provisions on how to proceed in these situations, including the need for notifications and other arrangements. and perhaps a transition period, allowing the UK to remain covered by certain international agreements for a certain period.

The UK may not have been the easiest Member State and the general perception is that it never wholeheartedly supported the European integration process.²² The result of the referendum should also not come as a surprise when the main message UK government officials usually convey when they return from a Brussels meeting is that they succeeded in winning a battle and keeping the EU at a distance. At the same time, as rightfully noted in an Editorial of another journal, the UK has been the driving force behind many of the EU's integration projects and "The UK's judges and advocates general have contributed to the practices and quality of all three courts that currently constitute the CJEU. The UK is also one of the most compliant Member States with respect to implementing and enforcing EU legal obligations."²³ Indeed, and despite the popular rhetoric, the UK has been as much a part of the EU's integration process as any other Member State, and once 'checked-out' will realise that leaving is perhaps less easy than it thought. It also remains to be seen whether, as is so often experienced in other IOs, leaving will serve as a reminder of the need for membership in the first place.

²² Norman Davies, *Europe: A History* (London, Pimlico, 1997) remains helpful to understand the background of many current European events as well as the ambivalent attitude of Britain towards the Continent. For instance:

[F]or most of modern history the English sought their fortunes elsewhere. Having subdued and absorbed their neighbours in the British Isles, they sailed away to create an empire overseas. Like the Russians, they were definitely Europeans, but with prime extra-European interests. They were, in fact, semi-detached. ... The initiators of the first pan-European movement in the 1920s assumed that neither Britain nor Russia would join.

²³ 'Editorial Comments', (2016) 53 *Common Market Law Review* pp. 875–886.