



Ca' Foscari
University
of Venice

Master's Degree Programme

in Comparative International
Relations
Second Cycle (D.M. 270/2004)

Final Thesis

Should the UK have stayed in the EU? An analysis of Brexit from a political and EU law perspective

Supervisor

Ch. Prof. Sara De Vido

Ch. Prof. Barbirotto Patricio Ignacio

Assistant supervisor

Ch. Prof. Fabrizio Marrella

Graduand

Khayyam Rzazade

Matriculation Number: 871596

Academic Year

2020 / 2021

TABLE OF CONTENTS

ABSTRACT	4
TABLE OF ABBREVIATIONS	9
INTRODUCTION	11
CHAPTER 1: THE EUROPEAN UNION AND THE UNITED KINGDOM: HISTORY, POLICY, AND INITIATIVES	
1. Post-War Europe: Churchill's United States of Europe	15
2. European integration and expansion: ECSC and EEC	20
3. The UK's attempts for membership: Rejections and accession	26
4. First Brexit referendum: Public dissatisfaction	31
5. Margaret Thatcher and the integration of the EC	37
CHAPTER 2: THE WAY TO THE BREXIT: SECOND REFERENDUM	
1. Fall of Thatcherism: Rise of anti-European waves until the second referendum	41
2. Pre-referendum negotiations: Did Cameron make a mistake?	47
3. Referendum campaigns and the referendum	53
4. Triggering the Article 50 and post-referendum negotiations: Theresa May	58
5. General election of December 2019 and the exit: Boris Johnson	64
CHAPTER 3: LEGAL PERSPECTIVES OF BREXIT	
1. Treaty on European Union: Article 50	68
2. British constitution and Parliament before Brexit	73
3. Deal possibilities: No deal, Hard Brexit, or Soft Brexit	79
4. The Withdrawal Agreement: Citizens' rights and Northern Ireland issue	86
5. Brexit deal: The Trade and Cooperation Agreement	91

CHAPTER 4: MISINFORMATION ABOUT BREXIT: POLITICIANS’ BREXIT

INTERPRETATIONS

1. Euroscepticism and role of Nigel Farage 96
2. Misinformation and public division over Brexit 102
3. Epistemic rights of people: Use of media for alteration in public opinion 110
4. What does “Take Back Control” mean? Control over: Immigration, money, democracy, and law 117

CHAPTER 5: POST-BREXIT CHALLENGES: SHOULD THE UK HAVE STAYED IN THE EU?

1. General criticism to the exit 122
2. Post-Brexit legal challenges: Covid-19 and Northern Ireland 126
3. Negative consequences of Brexit for the UK: The impact of Covid 132
4. Independence issue of Scotland: Change of shape in both unions? 136

CONCLUSION 141

BIBLIGRAPHY 147

ABSTRACT

L'interrogativo da cui muove questo lavoro di ricerca è il seguente: il Regno Unito sarebbe dovuto rimanere all'interno dell'Unione Europea? Per comprendere la risposta, sono state effettuate analisi dal punto di vista giuridico, prevalentemente in termini di diritto dell'UE. Inoltre, la ricerca ha approfondito anche le relazioni UE-Regno Unito dopo la seconda guerra mondiale fino al secondo referendum sull'adesione del Regno Unito all'UE, chiamato referendum sulla Brexit. Arrivare ad una conclusione richiede una ricerca in diversi aspetti, come quello storico, politico, giuridico, ecc., che questa tesi si propone di fornire.

Per capire cos'è la Brexit e da dove derivi, è importante analizzare l'Europa del secondo dopoguerra. Il termine Brexit si riferisce al processo di recesso del Regno Unito dall'Unione europea. Il Regno Unito non è un membro fondatore dell'UE poiché entra a far parte dell'Unione in seguito, il che già dimostra una mancanza di volontà del Regno Unito di far parte del progetto Europeo in modo completo. Dopo la fine della guerra, l'allora primo ministro Churchill lancia un'iniziativa per unire l'Europa. La sua intenzione di unificazione attira l'attenzione di tutti gli Stati europei. Tuttavia, probabilmente, l'Unione europea da lui immaginata assomiglia di più al Consiglio d'Europa di oggi, cioè a dire né un'unione politica né economica.

L'ascesa della comunità di nuova fondazione, la Comunità Europea del Carbone e dell'Acciaio, che poi trasferita nella Comunità Economica Europea poco dopo nell'Europa continentale, così come la graduale caduta dell'economia britannica lasciano quindi il Regno Unito con poche scelte a parte l'adesione alla Comunità Europea in via di sviluppo. Anche se le richieste britanniche sono respinte due volte a causa dell'opposizione del generale francese De Gaulle, come parte del primo allargamento, il Regno Unito viene poi accettato come Stato membro. Tuttavia, nei primi anni di adesione, gli interrogativi sulla posizione del Regno Unito nella Comunità Europea emergono a causa dell'insoddisfazione dell'opinione pubblica e di una parte dell'élite politica che ha portato al primo referendum sull'uscita del Regno Unito dall'allora Comunità Europea. Tuttavia, il primo referendum viene vinto dai sostenitori del Remain, comprensibilmente dal momento che l'adesione era nel migliore interesse del Regno Unito che ha sofferto maggiormente della guerra. Non essendo in grado di competere con i vicini in rapida crescita, l'unica opzione per il Regno Unito è crescere con loro.

Sebbene l'opposizione britannica all'integrazione e alle politiche dell'Unione non è mai diminuita, una nuova ondata inizia con Margaret Thatcher al potere. La "lady di ferro"

ottiene una significativa riduzione del contributo britannico al bilancio della Comunità Europea, chiamato “rebate”, firma l'Atto Unico Europeo ed aderisce al meccanismo europeo di cambio. Seguendo i grandi passi verso l'integrazione della Comunità Europea, si oppone ad alcune politiche dell'allora presidente della Commissione Delors, inclusa la moneta unica gestita dalla Banca Centrale Europea nel suo famoso discorso di Bruges che ha portato alle sue dimissioni. A partire dall'era Thatcher, l'euroscetticismo cresce lentamente senza smettere mai. Solo la presidenza di Tony Blair porta l'euroscetticismo gradualmente verso il basso, per una politica molto europeista durante il suo mandato. Infine, la presidenza di Cameron è un punto culminante di un euroscetticismo ampiamente diffuso che non lascia altra scelta che tenere un secondo referendum sull'adesione del Regno Unito all'UE come promesso nel suo programma elettorale generale. Sebbene avesse cercato di mantenere il Regno Unito all'interno dell'UE, rinegoziato condizioni speciali per il Regno Unito e svolto una campagna per rimanere nell'Unione, Cameron non riesce a raggiungere il suo obiettivo, dimettendosi poco dopo il referendum.

Tutte le controversie sono emerse con il referendum stesso. Le campagne si sono svolte per un periodo di dieci settimane, seguite dal referendum. In quest'ultimo, i Britannici hanno votato per lasciare l'Unione con un piccolo margine del 3,78 per cento. Il nuovo Primo Ministro, successore di David Cameron, Theresa May attiva l'articolo 50 del Trattato sull'Unione europea per finalizzare la procedura giuridica di uscita dall'Unione in conformità con l'esito del referendum. Anni difficili di trattativa tra Theresa May e l'UE si susseguono, concludendosi dapprima con un punto morto, poi con un accordo che non passa alla Camera dei Comuni, dopo essere stato discusso per tre volte. Theresa May, diventata una seconda vittima del processo Brexit, decide allora di rassegnare le proprie dimissioni.

Boris Johnson, pro-Brexit e uno dei leader della campagna Vote Leave prima del referendum, nonché capo dei conservatori, prende le redini del nuovo governo. Johnson è stato in grado di compiere grandi passi verso l'uscita del Regno Unito. Dopo una storica vittoria nelle elezioni politiche ottiene la maggioranza assoluta nei Comuni che gli permette di far passare il disegno di legge dell'Unione Europea (Accordo di recesso) attraverso la Camera dei Comuni. L'evento è noto come la prima uscita di uno Stato membro dall'Unione europea, che avviene il 31 gennaio 2020, e porta il Regno Unito in un periodo di transizione di 11 mesi, fino alla fine dello stesso anno.

Dopo aver concluso la parte storica e politica della Brexit per capire come e perché il Regno Unito abbia finito lasciare l'Unione dal punto di vista politico, un'analisi del diritto

dell'UE fornisce approfondimenti sulla prospettiva giuridica del processo. L'articolo 50 del trattato sull'Unione europea ha introdotto per la prima volta il diritto di recesso dall'Unione. La complessità del processo deriva dall'articolo stesso in quanto non fornisce una linea guida chiara sul congedo, ma lascia aperte molte questioni da completare durante il processo di negoziazione nel migliore interesse di entrambe le parti. Tuttavia, l'integrazione dell'UE ha raggiunto il suo apice in tempi sostanzialmente rapidi negli ultimi decenni, il che rende più complicato il processo di uscita. L'articolo è stato introdotto nei trattati per dimostrare che l'UE sia un'istituzione democratica e che l'adesione sia una scelta, piuttosto che una necessità. Tuttavia, la complessità dell'articolo scoraggerebbe gli Stati membri dal recesso. Il fatto è che nessuno Stato membro aveva mai lasciato l'UE prima del Regno Unito. Anche l'articolo 50 del Trattato sull'Unione Europea (TUE) era assente fino al Trattato di Lisbona. Come primo Paese che ha seguito il percorso di congedo, il Regno Unito ha affrontato molte sfide durante la negoziazione e il processo di divorzio deve ancora concludersi.

La costituzione non scritta britannica ha iniziato ad integrare il diritto dell'Unione Europea con l'European Communities Act 1972. Da allora, le modifiche, gli adeguamenti e i nuovi regolamenti adottati dall'Unione si sono applicati anche nel Regno Unito, il che ha significato una graduale perdita di sovranità per i Brexiteers, poiché le competenze sono state divise in due livelli, nazionali e dell'UE. Prima di raggiungere un accordo durante i negoziati, tra le possibilità c'erano numerosi tipi di accordi per la Brexit, come la Brexit senza accordo, la Brexit dura o morbida. L'accordo di recesso è stato raggiunto prima che il Regno Unito entrasse in un periodo di transizione di 11 mesi. L'accordo di recesso riguardava settori quali: i termini del periodo di transizione, i diritti dei cittadini, le questioni relative alla separazione, la liquidazione finanziaria, la governance e principalmente i protocolli su Irlanda, Irlanda del Nord, Gibilterra e Cipro.

L'accordo prevedeva i termini per due questioni importanti: i diritti dei cittadini e l'Irlanda del Nord. Principalmente, entrambi i cittadini possono continuare a vivere, lavorare o studiare nei Paesi ospitanti, secondo l'accordo. Le implicazioni dei diritti dei cittadini dopo il periodo di transizione sono monitorate dalla Commissione UE e da un'autorità nazionale indipendente. D'altra parte, il protocollo sull'Irlanda del Nord definisce i termini e le condizioni dei regolamenti post-Brexit nell'isola irlandese. Secondo il protocollo, l'Irlanda del Nord rimane allineata ad alcune regole dell'UE, quindi all'interno dell'isola vengono evitati i confini rigidi e il controllo delle merci. Vengono invece effettuati controlli sulle merci che arrivano in Irlanda del Nord dalla Gran Bretagna, nel Mare

d'Irlanda. L'Assemblea dell'Irlanda del Nord deciderà se il diritto dell'UE debba essere applicato nell'Irlanda del Nord dopo quattro anni a maggioranza semplice.

Durante tutto il periodo di transizione si sono svolti i negoziati sui termini delle future relazioni e si sono conclusi con la firma dell'accordo sul commercio e la cooperazione, l'accordo Brexit, che si compone di tre pilastri: un accordo di libero scambio, un quadro per la cooperazione in materia civile e penale e un accordo di governo. L'accordo sulla Brexit è stata la fine ufficiale del processo Brexit e il Regno Unito ha perso la posizione di Stato Membro dell'Unione, che si è realizzato entro i termini previsti dal periodo di transizione.

La Brexit è avvenuta in un periodo in cui il ruolo dei media nell'influenzare l'opinione pubblica è aumentato notevolmente. La disinformazione è stata al centro della Brexit in quanto i politici, più precisamente i politici euroscettici come Nigel Farage e Boris Johnson, hanno fornito una grande quantità di disinformazione in tutta la nazione. Lo stesso euroscetticismo è emerso gradualmente dopo i progetti di integrazione europea della seconda guerra mondiale nel ventesimo secolo e, con profonde spinte in avanti da parte dei politici nel Regno Unito, è diventato una dottrina politica influente. Tuttavia, la crescita delle ondate anti-UE è stata principalmente il risultato delle bugie dei politici sull'UE che hanno portato alla divisione pubblica sulla Brexit: Remainers e Brexiteers. Sono state diffuse dichiarazioni errate prive di chiarezza e precisione. In ciò si è anche potuto vedere l'intervento di potenze straniere, quali la Russia. La divisione crescente è stata visibile anche nel voto referendario poiché il margine era profondamente ridotto. L'uso della disinformazione per influenzare l'opinione pubblica è una violazione dei diritti epistemici che riguardano beni epistemici come la verità, l'informazione, la conoscenza e la comprensione. Questi diritti sono menzionati in diversi documenti legali internazionali come la Dichiarazione Universale dei Diritti dell'Uomo (DUDU) e la Convenzione Europea dei Diritti dell'Uomo (CEDU).

Avendo coperto tutte le questioni sopra menzionate, l'ultima parte della ricerca si concentra sulle sfide post-Brexit per definire se il Regno Unito sarebbe dovuto rimanere nell'UE. I critici della Brexit hanno paragonato il processo ad alcuni eventi storici, sintomi del fallimento di una nazione, de facto tracciando analogie con la fuoriuscita del Regno Unito dall'UE. Inoltre, molti politici britannici stessi, come John Bercow, hanno espresso le loro opinioni secondo cui la Brexit sia un errore. Tuttavia, la sfida principale rimane ancora irrisolta sulla questione dell'Irlanda del Nord. L'estensione unilaterale del periodo di grazia da parte del Regno Unito ha mostrato il livello di complessità della questione e

ha costretto l'UE a intraprendere un'azione legale contro di essa. Le posizioni dure di entrambe le parti alzano le tensioni e sembra difficile siano risolte nel prossimo futuro. Soprattutto, l'arrivo della pandemia globale di Covid-19 che ha superato le conseguenze della Brexit con i suoi duri risultati ha rimandato alcune delle implicazioni della Brexit. Pertanto, è difficile scoprire se la Brexit o il Covid-19 abbiano causato conseguenze economiche e politiche negative negli ultimi anni. Il calo sostanziale delle esportazioni/importazioni del Regno Unito, della sterlina britannica e delle assunzioni; la carenza di fondi nel campo della ricerca ecc. sono state tra le conseguenze negative in cui la Brexit ha superato il Covid-19. Portare avanti la Brexit durante la pandemia è stata un'azione deliberata del governo per nascondere le conseguenze negative della Brexit dietro le conseguenze di Covid-19, secondo alcuni ministri pro-Brexit che hanno avuto ragione.

La Brexit ha anche risollevato la questione sull'indipendenza della Scozia. Dopo il referendum, il governo scozzese ha iniziato a richiedere un secondo referendum sull'indipendenza, essendo la Scozia tratta fuori dall'Unione contro la sua volontà. Il governo scozzese continua a spingere in avanti la querelle sulla secessione e sostiene che tenere un secondo referendum sull'indipendenza è un diritto del popolo scozzese. Tuttavia, Westminster non sembra disposto a dare il consenso per un altro referendum sulla richiesta di un'azione secessionista.

La tesi giunge alla conclusione che il Regno Unito avrebbe beneficiato della sua permanenza come Stato membro dell'Unione Europea. Nonostante si siano verificate difficoltà ed abbia prolungato la sua durata, il processo Brexit è iniziato e si è concluso con successo per molte ragioni, come l'uso delle fake news o la dialettica del Primo Ministro Boris Johnson. È probabile che le questioni emerse a causa della Brexit portino ad una frattura nel Regno Unito. La Scozia, insieme all'Irlanda del Nord, ha votato per rimanere nell'UE e, se la questione non verrà risolta, è probabile che inasprirà ulteriormente le conseguenze negative. Tenendo conto di tutte i risvolti deleteri, il testo conclude che il Regno Unito sarebbe dovuto restare nell'UE.

TABLE OF ABBREVIATIONS

AA: Automobile Association

AFMP: Free Movement of Persons

CAP: Common Agricultural Policy

CETA: European Union – Canada Comprehensive Economic and Trade Agreement

CFREU: Charter of Fundamental Rights of the European Union

CICEU: The Joint International Committee for European Unity

CJEU: European Court of Justice

COE: Council of Europe

CPTPP: Comprehensive and Progressive Agreement for Trans-Pacific Partnership

DUP: Democratic Unionist Party

EC: European Commission

EC: European Community

ECA 1972: European Communities Act 1972

ECB: European Central Bank

ECHR: European Convention on Human Rights

ECSC: European Coal and Steel Community

EDC: European Defence Community

EEA: European Economic Area

EEC: European Economic Community

EFTA: European Free Trade Area

EM: European Movement

EP: European Parliament

ERM: Exchange Rate Mechanism

EU: European Union

EURATOM: European Atomic Energy Community

EUWA 2018: European Union Withdrawal Act 2018

FCO: Foreign and Commonwealth Office

GATT: General Agreement on Tariffs and Trade

MSCA: Marie Skłodowska Curie Individual Fellowship

NAFTA: North Atlantic Free Trade Association

NHS: National Health Service

ONS: Office of National Statistics

PPERA: Elections and Referendums Act 2000
RIU: Referendum Information Unit
SEA: Single European Act
SNP: Scottish National Party
SU: Soviet Union
TCA: European Union – United Kingdom Trade and Cooperation Agreement
TEU: Treaty on European Union
TFEU: Functioning of the European Union
UDHR: Universal Declaration of Human Rights
UEM: United Europe Movement
UK: United Kingdom
UKCA: United Kingdom Conformity Assessment
UKIP: United Kingdom Independence Party
USA: United States of America
USSR: Union of Soviet Socialist Republics
VAT: Value-Added Tax

INTRODUCTION

The consequences of the decision to leave the European Union for the UK have been the point of discussion since the referendum day. The term “Brexit” refers to the whole divorce process, which is rather old that dates back to the beginning of UK membership of the European Communities in 1973. Since the separation of two fully integrated systems for over forty years is challenging, unavoidable negative consequences for both sides began occurring from the first days of the divorce process. Nevertheless, this work aims at analysing the negative consequences of Brexit for the UK as well as trying to answer the question whether the UK should have stayed in the EU. Some, especially pro-Brexit figures, argue that the UK will benefit from Brexit. On the contrary, this research will try to prove them wrong by putting negative and positive consequences on a scale and comparing them.

Controversial opinions, lies told by politicians and other influential actions divided British people into two parts: pro-Brexiters and anti-Brexiters. The importance of this research is that investigating such a complicated situation from different perspectives will help realize the consequences – mainly negative consequences for the UK – of Brexit, which would prevent further disintegration of the European Union as some scholars and politicians regarded Brexit as a beginning of European disintegration¹. Furthermore, understanding how big events and changes can be influenced by the use of modern tools, especially the internet, will contribute to people’s knowledge of future events.

“Unless a clear view is pushed that Britain must lead in Europe at the very least to achieve the completion of the single market then the portmanteau for Greek euro exit might be followed by another sad word, Brexit².”

It was the first time the term Brexit was used in 2012, or invented, by Peter Wilding, the founder, and director of the British Influence think tank. He was influenced by the term “Grexit” used for the possible exit of Greece from eurozone³.

¹ J. STONE, *Brexit has started the disintegration of the EU, Italy's Europe minister says*, The Independent, 5 December 2016, available at: <https://www.independent.co.uk/news/uk/politics/italian-referendum-renzi-resign-brexit-eu-disintegration-a7456131.html>

² T. MOSELEY, *The rise of the word Brexit*, The BBC, 25 December 2016, available at: <https://www.bbc.com/news/uk-politics-37896977>

³ *Ibid.*

Even though Brexit is an old phenomenon, it began to be commonly used in Europe during recent years, especially following the financial and refugee crisis, after which Eurosceptic British politicians pushed the UK government forward for a second Brexit referendum. Despite Prime Minister Cameron's attempt to keep the United Kingdom in the European Union under newly negotiated terms, the substantial change in public opinion towards the EU did not allow Cameron to prevent the separation. This research analyzes UK-EU relations from a historical, political, and legal perspectives to find out the roots of dissatisfaction; how the public opinion was formed over the years; why Brexit has been actually present for such a long time; and the way modern-day Eurosceptics achieved to bring the UK out of the Union.

As it is a new process, only limited number of resources are available for some part of the research, such as Brexit referendum-related parts and recent period events. On the contrary, legal and political parts will be covered based on reliable primary sources. From a legal perspective, the research primarily focuses directly on legal documents themselves in existence alongside with analyzes of reliable sources.

It is important to use mixed methodology research to provide deep insights of such a broad, historical process. Qualitative methodology will be conducted in order to understand the whole process, its roots, and consequences; to investigate processes and turning points, including how they developed over time; to reveal the truth behind the misinformation that was spread during the campaign; to find out which rights were violated systematically and how; to research post-Brexit challenges and consequences, and to compare them for reaching a conclusion.

Meanwhile, quantitative methodology will be used to collect public opinion data over evolving events, change in public opinion before and after the Brexit in order to figure the differences out, by referring mostly to surveys conducted by European Commission, NatCen Social Research, etc.

The introduction chapter provides the aim and objectives of the work; why this work is important and how it will contribute; from which perspectives will be referred to Brexit; which methodologies will be conducted; and the problem with sources. Then, following aforementioned matters, the chapter will continue to introduce the context of each chapter briefly.

To understand relations between the UK and EU and how the Brexit happened, what triggered it, and what kind of consequences the UK had already had and might have, the first chapter of the thesis will analyse the historical and political relationships between

the two in the post-war period until the fall of Thatcherism. Churchill's ambiguous call to create a "United States of Europe" led European countries to take action over unification. Even though Churchill's idea of United Europe remained unclear whether he wanted an economically and politically integrated union in Europe that would include the UK as well, the creation of Council of Europe as a first step of integration upon his call satisfied him⁴. Thus, he became one of the founding fathers of European integration with others. Nevertheless, six founding members launched different projects to make European states economically interdependent to prevent future wars that did not include the UK: the European Coal and Steel Community (ECSC).

The integration was pushed forward by the Member States. Thus, as a part of first enlargement policy, the UK was accepted as a Member State. However, the question of whether the UK should stay as a Member State occurred immediately after the accession. Nevertheless, the first Brexit referendum resulted in a defeat of Eurosceptics which was followed by further integration.

The second chapter covers the period until the exit from a political perspective. The rise of Euroscepticism began with the fall of Thatcherism. Analyses of the period after Margaret Thatcher until Cameron's promise shows the importance and scope of change towards the Union. The Brexit forced two prime ministers to resign; nonetheless, pro-Brexiteer Prime Minister Boris Johnson, who has played an essential role from the beginning of campaign, changed the whole direction of it and brought the UK out of the EU.

Giving a general overview of the UK-EU's relations in two chapters, the next chapter will cover legal perspectives of Brexit such as analyzes of Article 50 of Treaty on European Union (TEU). The following section will explain the British constitution and its characteristic before Brexit. The aim of this part is to show the differences in British legal system before and after the Brexit. Other sections analyze deal possibilities at the end of the negotiation period and agreed agreements, both the Withdrawal Agreement and the Trade and Cooperation Agreement. The deal Theresa May agreed with the EU did not pass through the House of Commons after three attempts which left her out of the Premiership. Unlike May, her successor, however, Boris Johnson negotiated a very similar deal with minor changes, especially the part on Northern Ireland, and passed the

⁴ Winston Churchill: Calling for a United States of Europe, European Commission, available at: https://europa.eu/european-union/sites/default/files/docs/body/winston_churchill_en.pdf

deal through the House of Commons by using his power of the 80-seat majority in the Parliament.

Chapter four will proceed with the use of misinformation during the campaign and violation of the epistemic rights of British people. As the right to information is an epistemic right of a person, using false information is a systematic violation of epistemic rights. Spread of vast amount of misinformation had substantially changed the fate of the referendum, and concerns about whether people would have voted the same if they were given the right information had risen. The impact of the use of media on alteration in public opinion and foreign interferences are also pointed out. Finally, the chapter conducts research over the information given by pro-Brexiteers during the campaign and reveals the lies, explains untold truth behind the lies.

Last chapter will be focusing on post-Brexit challenges and trying to provide reasonable arguments proving the research question right. To begin with, general criticisms to the exit are collected. Furthermore, the implication of Northern Ireland protocol, which caused troubles between the EU and UK after the end of the transition period, is introduced alongside negative consequences of global pandemic – Covid-19. The chapter analyses the consequences of Brexit and Covid-19 to define whether they impact each other and the correlation between them. Another critical issue, Scottish independence issue, will be investigated in this chapter as well. As Scotland was brought out of the EU against its will, the request for the second referendum of Scottish independence followed the Brexit referendum. Finding out how Brexit triggered shortly early settled Scottish independence issue will provide another practical negative consequence of Brexit.

CHAPTER 1: THE EUROPEAN UNION AND THE UNITED KINGDOM: HISTORY, POLICY, AND INITIATIVES

1. Post-war Europe: Churchill's United States of Europe

Following the two World Wars in a row, continental Europe as a whole was almost destroyed and divided into two parts: the West led by Western European states and the United States of America (USA), and the East led by the Soviet Union (SU) and other communist states bordered by the wall, what British Prime Minister Winston Churchill called "Iron Curtain" while giving a speech in the USA⁵. It was also a division of different political and economic systems and powers. Thus, for more than half a century, Europe had two different systems: Communism and Capitalism, two different significant influencers: The Soviet Union and the West, respectively.

Many concerns were growing around the west of Europe in the post-war period. The general situation was complicated. On the one hand, the West had to deal with the USSR and pro-Soviet communist Central and Eastern European states as a part of the Cold War. On the other hand, European leaders were looking for a way that will prevent any possibility of war in Europe in the future. The latter was the most essential matter, and three options were found to keep Germany under control⁶. The first option was to force Germany to promise not to take of its military advantage superiority once Germany is recovered, which had already been done after the first World War and was not sufficient to prevent the second World War. The second option was to restrain Germany by confiscating its advantage⁷. The last was to build a supranational institution that would control German military growth⁸. European leaders believed that integration among the states would be the only way to prevent future wars in Europe⁹. In this rally, many leaders took place, among others, Winston Churchill, Paul-Henri Spaak, Robert Schuman, Altiero Spinelli played a significant role. The first attempt came from former British Prime Minister W. Churchill while giving a speech in Zurich. Throughout the speech, he

⁵ Churchill's Iron Curtain speech given in the USA, at Westminster College, Fulton, Missouri, Tuesday, March 5, 1946 (Catalogue ref: FO 371/51624) available at:

<https://www.nationalarchives.gov.uk/education/resources/cold-war-on-file/iron-curtain-speech/>

⁶ M. EILSTRUP-SANGIOVANNI and D. VERDIER, *European Integration as a Solution to War*, University of Cambridge, UK and Ohio State University, USA, pp. 104-111, available at:

<https://polisci.osu.edu/sites/polisci.osu.edu/files/European%20integration%20as%20a%20solution%20to%20war.pdf>

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*

appealed for the creation of a “United States of Europe” and as a first step, he suggested the creation of the Council of Europe (COE)¹⁰. Nevertheless, it was not the first time that Churchill was talking about United Europe. Four years earlier, in 1942, he sent a note to his foreign secretary, Anthony Eden:

“Hard as it is to say now, I trust that the European family may act unitedly as one under a Council of Europe. I look forward to a United States of Europe, in which the barriers between the nations will be greatly minimised and unrestricted travel will be possible¹¹.”

Churchill’s words were primarily full of ambiguities. Even politicians and scholars of modern days argue on what precisely he meant by the United States of Europe initiative. This is why Eurosceptics use his words against the European Union (EU); meanwhile, Europhiles do so in favour of it. Current British Prime Minister Boris Johnson devoted many pages in Churchill’s biography called *The Churchill Factor, How One Man Made History*, to proving that Churchill was never as pro-European as he was described by Europhiles¹².

Going back to 15 February 1930, Churchill wrote the following four sentences to America’s Saturday Evening Post: “We have our own dream and our own task. We are with Europe, but not of it. We are linked but not combined. We are interested and associated but not absorbed.”¹³ Twenty-one years later, when he came back to power again, the West German Chancellor, Konrad Adenauer, visited him in Downing Street. Churchill tried to assure the German Chancellor that Britain “would always stand side by side with Europe”. The West German leader added: “Mr. Prime Minister, you disappoint me. England is part of Europe¹⁴”.

¹⁰ Winston Churchill, Universität Zürich, 19 September 1946, available at: https://www.churchill-in-zurich.ch/site/assets/files/1807/rede_winston_churchill_englisch.pdf

¹¹ J. DANZIG, *Winston Churchill: A founder of the European Union*, 10 November 2013, available at: <http://eu-rope.ideasononeurope.eu/2013/11/10/winston-churchill-a-founder-of-the-european-union/>

¹² B. JOHNSON, *The Churchill Factor: How One Man Made History*, Hodder & Stoughton, 23 October 2014

¹³ J. DANZIG, *A revealing deception about Winston Churchill?* NewEuropeans, 25 January 2015, available at: <https://neweuropeans.net/article/604/revealing-deception-about-winston-churchill>

¹⁴ T. KIELINGER, *Britain, Don't Leave Us! We Germans Need You in the EU – and We'll Bend over Backwards to Keep You*. The Telegraph. Telegraph Media Group, 17 December 2015. Available at: <https://www.telegraph.co.uk/news/worldnews/europe/germany/12055450/Britain-dont-leave-us-We-Germans-need-you-in-the-EU-and-well-bend-over-backwards-to-keep-you.html>

Former Belgian Prime Minister Paul-Henri Spaak, one of the founders of post-war European integration, supported the claim that Churchill meant continental Europe in Zurich speech. He wrote in his memoirs about Churchill's Zurich speech:

“At the time, he appeared to include Great Britain in Europe, but in fact this was not the case. The united Europe which Churchill advocated was a continental Europe, of which France and Germany were to be the joint leaders; Great Britain was to befriend and support it. Churchill wanted Britain to promote the creation of a united Europe, but he did not want Britain to be part of it¹⁵.”

Churchill's united Europe desire gave rise to the European Movement (EM), which led to the creation of the Council of Europe, the European Convention, and the Court of Human Rights¹⁶. From the beginning, he was not only taking a personal lead but also making sure that his Conservative Party is actively engaging. His son-in-law, Duncan Sandys, was one of the most significant contributors to European construction. He set up the United Europe Movement (UEM) and as a result of their efforts, the congress of the Committee for the Co-ordination of the European Movements took place in Paris on 17 July 1947 incorporating “*La Ligue Européenne de Coopération Economique*” (LECE), “*l'Union Européenne des Fédéralistes*” (UEF), “*l'Union Parlementaire Européenne*” (UPE) and the Anglo-French United European Movements¹⁷. Soon after, the next meeting was arranged, and they changed their name to The Joint International Committee for European Unity (CICEU).

The first mostly influential meeting happened in the following year. The delegates from all around Europe, and observers from the US and Canada, came together in Hague, The Netherlands, for the Congress of Europe to discuss the ideas of European unity and the creation of supranational bodies. Churchill presided over the congress with the participation of important figures of the time, who soon later came to be known as the “founding fathers” of the European Union¹⁸. This conference had a profound impact on

¹⁵ D. MACSHANE, *Brexit: How Britain Will Leave Europe*, CPI Group (UK) Ltd, Croydon, 2016, p. 29.

¹⁶ Website of European Movement International, available at: <https://europeanmovement.eu/who-we-are/history/#:~:text=The%20origins%20of%20the%20European%20Movement%20date%20back,of%20organisations%20created%20in%20the%20wake%20of%20WWII>

¹⁷ *Ibid.*

¹⁸ Website of European Union: https://europa.eu/european-union/about-eu/history/eu-pioneers_en

the creation of the European Movement (EM), which happened formally on 25 October 1948 by changing the name of CICEU. Sir Duncan Sandys was elected as a president, Léon Blum, Winston Churchill, Alcide De Gasperi, and Paul-Henri Spaak were elected as Honorary Presidents. As a major achievement, the creation of the Council of Europe in May 1948 should be mentioned. The EM was also responsible for the foundation of the *Collège d'Europe* in Bruges and the European Centre of Culture in Geneva¹⁹.

Churchill personally gave a speech in Place Kléber, Strasbourg, in the first meeting of the Council of Europe. A year later, throughout the speech again in the Consultative Assembly of Council of Europe, he called for “the immediate creation of a unified European Army” against Communism²⁰. His desire for European unification inspired other crucial European politicians as well. Once, he told his wife: “If I were 10 years younger, I might be the first President of the United States of Europe²¹”.

Throughout his premiership break, between 1945-1951, he helped to build Europe as a political activist. Meanwhile, key decisions have been taken by the Labour government at home. Therefore, he was not overconcerned about European integration in his second premiership. He neither excluded the UK from Europe nor included it. He told General De Gaulle in 1944: “Every time Britain has to decide between Europe and the open sea, it is always the open sea that we shall choose. Every time I have to choose between you (General De Gaulle) and Roosevelt (the US president), I will always choose Roosevelt²²”. On the contrary, once he was elected as a PM for the second time, he went further in the direction of transferring the powers to a supranational European body. Sir David Maxwell Fyfe, Churchill’s home secretary, drafted the European Convention on Human Rights. Furthermore, his Conservative government inaugurated the European Court of Human Rights which has absolute power on ultimate appeals and rulings over the national courts and parliamentary decisions of member states²³.

¹⁹ The College of Europe was the world’s first institute of postgraduate studies and training in European affairs. It was founded in 1949 by leading European figures such as Salvador De Madariaga, Winston Churchill, Paul Henri Spaak and Alcide De Gasperi in the wake of the first Congress of the European Movement in Hague in 1948. Available at: <https://www.coleurope.eu/about-college/history>

²⁰ Council of Europe - Consultative Assembly. Reports. Second session. 7th-28th August 1950. Part I. Sittings 1 to 12. 1950. Strasbourg: Council of Europe. "Speech by Winston Churchill", pp. 121 – 124. Available at: https://www.cvce.eu/content/publication/1997/10/13/ed9e513b-af3b-47a0-b03c-8335a7aa237d/publishable_en.pdf#:~:text=Address%20given%20by%20Winston%20Churchill%20to%20the%20Council,so%20as%20to%20form%20a%20bulwark%20against%20Communism

²¹ N. ASHFORD, “The Conservative Party and European Integration 1945–75”, PhD diss., University of Warwick, 1983, p. 43.

²² G. WHEATCROFT, *Europhobia: a very British problem*, The Guardian, 21 June 2016, available at: <https://www.theguardian.com/politics/2016/jun/21/brexit-euroscepticism-history>

²³ D. MACSHANE, *Brexit: How Britain Will Leave Europe*, p. 33.

The astonishing thing is that in the wake of war, Churchill had already had a clear plan for Europe which was quite political. He drew his plan in a 1946 Telegraph article for European integration. It started with the creation of the Council of Europe. Firstly, he argued, the Council of Europe would have to work steadily toward “the abolition or at least the diminution of tariff and customs barriers²⁴”. Secondly, it would “strive for economic harmony as a stepping-stone to economic unity²⁵”. Thirdly, it would have to “reach some common form of defense²⁶.” Lastly, it would have to establish a common currency. European postage stamps, passports, and trading facilities would all flow out naturally from the “main channel” of the Council²⁷.

As controversial statements were being given by Churchill, it will never be possible to find out his opinions on current integrated Europe. We cannot find an answer to the question “what would he have wanted to vote for in the Brexit referendum?” Even though his legacy on Europe is still being carried by the European Union, many scholars and politicians are still arguing if he really was Europhile. When the UK was ready to join the European Economic Community (EEC) under Harold Macmillan’s premiership in 1962, Churchill was hospitalized and unable to comment on the plan. Field Marshal Montgomery visited him in hospital and boldly stated to the press that Churchill opposed the application. The response to Marshal Montgomery’s representation came from Churchill’s secretary, Anthony Montague Browne, without consulting anyone, released to the press a statement of Churchill’s views on the subject that he had embodied in a private and unpublished letter to his Constituency Chairman, Mrs. Moss, in August 1961. The statement read:

“I think that the government is right to apply to join the European Economic Community, not because I am yet convinced that we shall be able to join, but because there appears to be no other way by which we can find out exactly whether the conditions of membership are acceptable²⁸.”

²⁴ W. DOCKTER, ed., *Winston Churchill at The Telegraph*, London, Aurum press, 2015, pp. 191 – 196.

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ A. M. BROWNE, *Long Sunset: Memoirs of Winston Churchill’s Last Private Secretary*, London, Cassell press, 1995, pp. 273 – 74.

2. European integration and expansion: ECSC and EEC

The post-war European integration began right after the end of the war. Small unions in size, as Benelux²⁹, emerged. But the idea of economic integration, making countries interdependent in key industries: coal and steel³⁰, became a mainstream plan³¹. The logic behind this idea was that if European states, mainly France and Germany, had joint management in coal and steel industries, they could be unable to build a massive defense complex to attack the other one³². While preparing the declaration, Robert Schuman said in May 1950: “Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity³³.” Furthermore, these industries were in a small region stretching from the Saar region to the Ruhr and Franco-Belgium border (Willett (1928), Lister (1960)), involving Germany, France, and the Benelux countries, and they needed coal and steel industries to reconstruct the destructed post-war Europe³⁴.

Robert Schuman, French foreign minister, proposed a plan in May 1950 that would bring economic integration to Europe. The plan, which was later called the “Schuman Plan”, named after him, is simply proposing a common market controlling coal and steel industries in Western Europe³⁵. The plan was authored by Jean Monnet³⁶ and it argued that coal and steel production should be placed under supranational High Authority³⁷. Monnet’s European idea was broad and very close to Churchill’s plan. Nevertheless, two broad approaches were apparent in this process: intergovernmental and integrationist³⁸.

²⁹ A. AUGUSTYN, *Benelux: Economic Union*, the economic union of Belgium, the Netherlands, and Luxembourg, with the objective of bringing about total economic integration, was created in 1948. The Benelux was the example for the ECSC. The Britannica, available at:

<https://www.britannica.com/topic/Benelux>

³⁰ Mainly, because the coal and steel industries are central to the war effort.

³¹ J. DEBARDELEBEN, A. HURRELMANN, C. VIJU, S. SCHOTT, P. LEBLOND and INGER WEIBUST: *EU learning: The ECSC*, Carleton University, available at:

<https://carleton.ca/ces/elearning/history/moving-to-integration/the-european-coal-and-steel-community/>

³² *Ibid.*

³³ Website of European Parliament, available at:

<https://www.europarl.europa.eu/factsheets/en/sheet/1/the-first-treaties>

³⁴ GROENENDIJK and N. HOSPERS, *Notes and Communications, A Requiem for the European Coal and Steel Community (1952-2002)*, 2002, *De Economist* 150, p. 602.

³⁵ European Organization: The ECSC, available at: <https://www.britannica.com/topic/European-Coal-and-Steel-Community>

³⁶ Jean Monnet: The French political and economic adviser. He worked in the League of Nations and was committed to the Churchill’s United States of Europe. He is known as “the unifying force behind the birth of the European Union.” He was also the first president of the ECSC. Available at:

https://europa.eu/european-union/sites/europa.eu/files/docs/body/jean_monnet_en.pdf

³⁷ EU Learning: The ECSC, <https://carleton.ca/ces/elearning/history/moving-to-integration/the-european-coal-and-steel-community/>

³⁸ D. WATTS, *The European Union*, Edinburg University Press, 2008, p. 11.

Monnet himself was keen on step-by-step integration towards greater union, but on the other side of the political debate, there were many politicians, mainly in the UK, thinking of European close integration without binding commitments that Monnet was in favour of³⁹.

Following the presentation of Schuman Declaration, the negotiations between six countries, France, Italy, the Federal Republic of Germany, and the Benelux countries began. The whole process ended up with drafting the treaty establishing the European Coal and Steel Community (ECSC) (informally the Treaty of Paris) on 18 April 1952 and was ratified on 23 July 1952 for fifty years which laid down in its Article 97⁴⁰. According to Schuman and Monnet, the ECSC was the beginning of the European Union. Monnet said while addressing the Common Assembly for the first time:

“We can never sufficiently emphasise that the six Community countries are the forerunners of a broader united Europe, whose bounds are set only by those who have not yet joined. Our community is not a coal and steel producers’ association; it is the beginning of Europe⁴¹.”

Treaty’s preamble clearly demonstrates the explicit commitment for further integration⁴². The treaty concentrates on ensuring:

- Free movement of goods and free access to sources of production;
- Permanent monitoring of the market to avoid distortions which could lead to the introduction of production quotas;
- Compliance with the rules of competition and the principle of price transparency;
- Support for modernisation and conversion of the coal and steel sectors⁴³.

Structurally the treaty has four divisions: the European Coal and Steel Community, the institutions of the Community, the economic and social rules, and lastly, the general rules. In addition, two protocols and a convention on the transitional rules have been included. Protocols are on the Court of Justice and the relationship with the Council of Europe; meanwhile, the convention on the transitional rules deals with the implementation of the

³⁹ *Ibid.* p. 12.

⁴⁰ The treaty was dissolved when it expired in 2002. Website of European Parliament: <https://europarl.europa.eu/about-parliament/en/in-the-past/the-parliament-and-the-treaties/treaty-of-paris>

⁴¹ D. WATTS, *The European Union*, Edinburgh University Press, 2008, p. 15.

⁴² *Ibid.*

⁴³ Treaty Establishing the European Coal and Steel Community and Annexes I-III, Paris, 18 April 1951 (Draft English Text). Available at: http://aei.pitt.edu/37145/1/ECSC_Treaty_1951.pdf

treaty, relations with non-ECSC countries, and general safeguards⁴⁴. Four main institutions were established by the treaty: High Authority, Assembly, Council of Ministers, and Court of Justice⁴⁵.

While discussing the progress of the ECSC at the Messina Conference⁴⁶, the ECSC leaders concluded with the proposal on a customs union and atomic energy, the creation of a preparatory committee for the construction. The words of joint resolutions convinced the participants. The statement said:

“It is necessary to work for the establishment of a United Europe by the development of common institutions, the progressive fusion of national economies, the creation of a common market and the progressive harmonisation of social policies⁴⁷.”

Taking the ECSC as an example, following the failure of the European Defence Community (EDC)⁴⁸, and discussing the decision taken at the Messina Conference, two treaties were signed in Rome in March 1957 to establish two separate organizations: the European Atomic Energy Community (EURATOM) and the European Economic Community (EEC). EURATOM was created for the peaceful use of nuclear energy and creating a common market for the research of nuclear fuels as well as supervising the nuclear industry⁴⁹. The phrase “peaceful use” concerns issues of health and safety, supplies, security, and trade substantially. The Treaty of Rome or Euratom is not as ambitious as other Treaty of Paris, “but in one respect”, Watts Duncan argues, “it did continue a theme consistently expressed in the evolution of the European Community⁵⁰”.

⁴⁴ Website of the European Union: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:xy0022>

⁴⁵ The institutions are forerunners of today’s: European Commission (High Authority), European Parliament (Assembly), Council of the European Union (Council of Ministers), and Court of Justice of the European Union (Court of Justice). *Ibid*.

⁴⁶ The Messina Conference took place on 1 to 3 June 1955 among six leaders on discussing the current situation as well as future integration plans for Europe. Available at: <https://www.cvce.eu/en/education/unit-content/-/unit/1c8aa583-8ec5-41c4-9ad8-73674ea7f4a7/41ec71a6-2eb5-43c7-97e2-75ca5547217e>

⁴⁷ D. WATTS, *The European Union*, p. 17.

⁴⁸ European Defence Community was created with one of the two Paris treaties, signing 13 days after the creation of ECSC. EDC involved “the creation, for a common defence of a European Army under the authority of the political institutions of Europe”. Despite huge and explicit support from Churchill and many other European leaders, the EDC failed to be ratified by the French Assembly in 1954. Available at: <https://www.cvce.eu/en/education/unit-content/-/unit/1c8aa583-8ec5-41c4-9ad8-73674ea7f4a7/bd191c42-0f53-4ec0-a60a-c53c72c747c2>

⁴⁹ Available at: <https://www.britannica.com/topic/European-Atomic-Energy-Community>

⁵⁰ D. WATTS, *The European Union*, p. 18.

The main purpose of EURATOM is found in its preamble by emphasizing the importance of nuclear energy: “nuclear energy represents an essential resource for the development and invigoration of industry and will permit the advancement of the cause of peace⁵¹.”

The treaty establishing the European Economic Community (EEC) is mostly referred to one when speaking of Treaty of Rome signed on 25 March 1957 with two aims: transform the conditions of trade and production on the territory of its six members and serve as a step towards the closer political unification of Europe⁵². The objective “ever closer union” between European peoples emerged for the first time and was mentioned in the Treaty of Rome’s preamble: “Déterminés à établir les fondements d’une union sans cesse plus étroite entre les peuples européens⁵³”. It was the long-term purpose of the Union. More tangible objectives were stated in Article 2:

“The Community shall have as its task . . . to promote . . . a harmonious development of economic activities, a continuous and balanced expansion, an increase in stability, an accelerated raising of the standard of living and closer relations between the states belonging to it⁵⁴.”

Although the term “ever closer union” was meant to be between European peoples in the preamble, Article 2 clearly states that it is also meant to be between European states. Article 3 sets out the main guidelines for six states, including:

- Establishing a customs union in which all internal barriers to trade would be removed, and a common external tariff applied to the outside world;
- Developing a common agricultural policy;
- Harmonising social security arrangements;
- Providing for the free movement of labour and capital;
- Developing regional and social funds to assist poorer areas of their territory;
- To produce new products and retrain workers whose skills become obsolete⁵⁵.

⁵¹ Treaty Establishing The European Atomic Energy Community (EURATOM), available at: http://aei.pitt.edu/37146/1/Euratom_Treaty_1957.pdf

⁵² Website of European Parliament: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:xy0023>

⁵³ In English: “Determined to lay the foundations of an ever-closer union among the peoples of Europe...”. The Treaty establishing the European Economic Community. Available at: https://www.ab.gov.tr/files/ardb/evt/1_avrupa_birligi/1_3_antlasmalar/1_3_1_kurucu_antlasmalar/1957_treaty_establishing_eec.pdf

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

Having fulfilled these objectives of Article 3, there would be a “Common Market”, comprising the three elements of the ECSC, the EEC, and Euratom⁵⁶. The next article, Article 4, contains information about institutions: An Assembly, a Council, a Commission⁵⁷, and a Court of Justice. Along with changes and further steps towards integration via supranational activities, there was a substantial continuity of the ECSC. Supranationalism and intergovernmentalism were found in both treaties. The most important supranational institution was the Commission. It was to deal with the functioning of the EEC, was responsible for treaty provision implementations, and giving recommendations. The Commission was an executive body, the only one with the right to initiate new legislation and independent from the member states, acting only for common interest, leaving national interest behind with its own staff⁵⁸.

The most powerful institution was the Council representing the national interests of member states. The Council was to decide most of the matters related to new legislation, approving, rejecting, or reforming it. The decision-making process was based on unanimity, meaning the approval of every single member. It was a way to break down the resistance of those who thought the new community would be a threat to national sovereignty⁵⁹. There was no change in the Assembly. It was almost the exact copy of the ECSC. Time by time it gained more and more power. Finally, in 1979 it was elected democratically by Europeans and currently being in the same level, in terms of power, with the Council⁶⁰.

As a means of economic integration, the treaty established a Common Market among six member states where the trade barriers between them were gradually eliminated, and common policies with regard to transportation, agriculture, and economic relations with non-member countries were implemented⁶¹. The free movement of goods, people, services, and capital is part of the treaty as well, being mentioned in Article 2. The UK and other European states initially declined to join the Common Market and created

⁵⁶ D. WATTS, *The European Union*, p. 19.

⁵⁷ The Commission is the equivalent of the High Authority of the ECSC.

⁵⁸ L. V. GRAZIATTI, *The Treaty of Rome EEC and EURATOM 1957*, ABC Research Alert Vol 5, Number 3, 2017, p. 22.

⁵⁹ *Ibid.*

⁶⁰ *Ibid.* p. 23.

⁶¹ Available at: <https://www.history.com/this-day-in-history/common-market-founded#:~:text=Common%20Market%20founded.%20On%20March%2025%2C%201957%2C%20France%2C,in%20Europe%E2%80%99s%20movement%20toward%20economic%20and%20political%20union>

European Free Trade Area (EFTA) in 1960 as an alternative. However, having seen the substantial progress of the Common Market, Britain changed her mind⁶².

The treaty also abolished quotas and customs duties between the six by establishing a common external tariff on imports from non-EEC members. Thus, previous tariffs of member states have been replaced to common tariffs and controlled at the EEC level, not at the national level anymore⁶³.

⁶² *Ibid.*

⁶³ Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:xy0023>

3. The UK's attempts for membership: rejections and accession

As Winston Churchill was fighting to build a united Europe, he did not necessarily mean the UK being part of it. Instead, the British proposal, as an alternative, was to create a European Free Trade Area (EFTA) where the tariffs-free movement of goods was allowed among member states; meanwhile, unlike the EEC, it allowed member states to retain control over their trade policies with non-participating states⁶⁴. The UK was not the only one in favour of the EFTA. So six other states joined with the UK establishing the EFTA in 1960⁶⁵. It was a matter of choice in Europe between EEC and EFTA. General Agreement on Tariffs and Trade (GATT)⁶⁶ had been signed by the UK as well as the US, Canada, etc. in 1947. The US Trade Expansion Act of 1962⁶⁷ opened a new round of GATT negotiations for the Kennedy administration, which eventually was concluded five years later. Harry Johnson argues that there was even the possibility of a multilateral North Atlantic Free Trade Association (NAFTA) that could see the UK, EFTA, the United States, Canada, and other industrialized countries advancing free trade above the levels of GATT⁶⁸.

The EEC was a political and economic union trying to build a common market with free movements by the end of 1969. In the 1960s, the UK economically fell behind its European neighbors, and British Pound was devalued in 1967⁶⁹. Towards the end of the 1960s, the plan of pursuing a North Atlantic Free Trade Area was altered following the win of the Republican administration in office in the US which left the British government to reconsider its trade plan with the US and the EEC⁷⁰. According to Greg Rosen, because of the Cold War, it was the interest of the US that the UK joined the EEC⁷¹.

⁶⁴ Website of the EFTA: <https://www.efta.int/About-EFTA/Frequently-asked-questions-EFTA-EEA-EFTA-membership-and-Brexit-328676>

⁶⁵ *Ibid.*

⁶⁶ The GATT was a legal agreement minimizing barriers to international trade by eliminating or reducing quotas, tariffs, and subsidies while preserving significant regulations

⁶⁷ Website of Central Intelligence Agency: <https://www.cia.gov/library/readingroom/document/cia-rdp64b00346r000300110006-5>

⁶⁸ H. G. JOHNSON, *Some Aspects of the Multilateral Free Trade Association Proposal*, 1969, vol. 37, issue 3, 189 – 212.

⁶⁹ *The UK economy in the 1960s*, Wednesday, April 6, 2016, available at:

<https://econ.economicshelp.org/2010/02/economy-in-1960s-and-1970s.html>

⁷⁰ N.H. ROSSBACH, Heath, *Nixon and the Rebirth of the Special Relationship: Britain, the US and the EC 1969 – 1974*, Palgrave Macmillan, 2009.

⁷¹ G. ROSEN, *A British free trade deal outside the EU? History shows that's easier said than done*, The Telegraph, 3 March 2016. Available at:

<https://www.telegraph.co.uk/news/newstoppers/eureferendum/12182032/A-British-free-trade-deal-outside-the-EU-History-shows-thats-easier-said-than-done.html>

Following two rejections of European conventions, Treaty of Paris by the Labour government and Treaty of Rome by the Conservative government, Britain's secret agreement with France and Israel to invade Egypt turned into a disaster. The US refused to support the plan and threatened to cut off oil supplies and begin selling the pound if Britain did not withdraw. According to Denis Macshane, former British minister for Europe, France, and Britain have come to two different conclusions: firstly, France realized that Washington could not be relied on, they would make peace with Germany and continue building a united Europe; secondly, Britain understood that the world now is dominated by the United States and, therefore, Britain should align itself with the new imperial center⁷².

Having calculated all the changes and considerations, Harold Macmillan, British Conservative prime minister, decided that the membership is in the UK's best interest, and he announced in 1961 that the UK would pursue an application for the membership of the EEC⁷³. Harold Macmillan was a Francophone and Francophile who collaborated with General De Gaulle in North Africa as Churchill's minister⁷⁴. Once while talking about the successful entrance to the EEC, he said "I am not confident, but hopeful⁷⁵". He was concerned about Europe and the future of the UK within Europe and wrote to his foreign secretary in 1959 in a private letter that:

"For the first time since the Napoleonic Era major continental powers are united in a positive economic grouping with considerable political aspects, which though not specifically directed against the United Kingdom, may have the effect of excluding us both from European markets and from consultation of European policy⁷⁶."

Similar applications were made by Denmark, the Republic of Ireland, and Norway in July 1961, but probably French president, Charles De Gaulle, wanted France to be dominant in constructing Europe. He saw the UK as a threat to the dominance, and as details of

⁷² D. MACSHANE, *Brexit: How Britain Will Leave Europe*, CPI Group Ltd, Croydon, 2016, pp. 58 – 59.

⁷³ P. LUDLOW, *When Britain first applied to join the EU? What can Macmillan's predicament teach us?* 15 April 2016, available at: <https://blogs.lse.ac.uk/brexit/2016/04/15/when-britain-first-applied-to-join-the-eu-what-can-macmillans-predicament-teach-us/>

⁷⁴ D. MACSHANE, *Brexit*, p. 59.

⁷⁵ N. SHRAPNEL, *Britain Will Ask to Join EEC – Archive*, 1 August 2016, available at: <https://www.theguardian.com/world/2016/aug/01/eec-britain-membership-european-economic-community-1961-archive>

⁷⁶ D. MACSHANE, *Brexit*, p. 59.

Common Agricultural Policy (CAP) were being prepared, De Gaulle wanted the CAP to work for the French interest⁷⁷. In a book written by Philip Ziegler on the biography of Edward Heath, former Conservative prime minister who brought the UK into the European Community (EC), the writer said:

“If Britain had become a member in mid-1961 it would have been in time to participate in the formulation of the Common Agricultural Policy instead of being confronted with a system largely devised to meet the needs of French farmers⁷⁸.”

Therefore, General De Gaulle had a press conference arranged in Rambouillet in January 1963 to announce the end of enlargement talks and veto British application⁷⁹. General De Gaulle claimed that “Britain was not yet ready to be admitted. It was distracted by its Commonwealth interests and was too much of an Atlantic power to be truly committed to a European destiny⁸⁰”. Four years later, in 1967, the European Commission recommended the immediate opening of membership negotiations, but France remained opposed. Under the premiership of Harold Wilson, Labour prime minister, the British government made a second application for the EEC membership along with Denmark, Norway, and Ireland. Nevertheless, this time, the veto by France had come before the negotiations began⁸¹. “Five” was unpleasant but unwilling or had no power to force France to change the decision⁸².

General De Gaulle’s isolationist policy within the EEC could have costed the breakdown of the Union⁸³, and some historians argue that De Gaulle was even ready to reject British membership at the expense of the EEC⁸⁴. The question of whether France’s prime policy on Europe was political or economic has been a long-running debate, and British

⁷⁷ P. BALDWIN, *France wanted to dominate post-war Europe - that's why de Gaulle fought to keep UK out*, 5 June 2018. Available at: <https://www.express.co.uk/news/politics/968255/Brexit-history-EU-France-anti-Britain-de-Gaulle-common-agricultural-policy-Edward-Heath>

⁷⁸ *Ibid.*

⁷⁹ D. WATTS, *The European Union*, p. 25.

⁸⁰ *Ibid.*

⁸¹ *Ibid.* p. 26.

⁸² R. DAVIS, *The Problem of de Gaulle: British Reactions to General de Gaulle’s Veto of UK Application to Join the Common Market*, *Journal of Contemporary History*, 1997 SAGE Publications, London, Thousand Oaks, CA and New Delhi, Vol 32(4), p. 463.

⁸³ H. PAR, *Saving the Community: The French Response to Britain’s Second EEC Application in 1967*, *Cold War History*, Vol. 6, No. 4, November 2006, p. 426.

⁸⁴ *Ibid.*

economic historian Alan Milward argued that France wished to secure the commercial benefits of the CAP in a Community of Six⁸⁵. Nevertheless, Helen Par argues that “France’s affinity with the Six reflected the importance of the existing EEC to France’s international position⁸⁶”. Although the first application made by Macmillan was conditional, the second one made by Wilson demonstrated an obvious will with no conditions⁸⁷. Britain had learned from the first lesson, and negotiators aimed to make life difficult for De Gaulle by delivering a straightforward application to deny him the justification that Britain was unready to apply the rules of the EEC⁸⁸.

The Six came together in 1965 in Brussels to sign a treaty merging the executive bodies of ECSC, EEC, and EURATOM to form a single council and a single commission⁸⁹. By Merger Treaty, the Commission and Council of the EEC replaced the Council and Commission of EURATOM and the Council and High Authority of the ECSC. After the implementation of this agreement in 1967, three former European communities stayed independent, and they all collectively have been called the European Communities (EC)⁹⁰.

The resignation and death of General De Gaulle boosted British membership desire and successful negotiations. Pro-European Conservative prime minister Edward Heath and the French president Georges Pompidou had a sympathetic relationship⁹¹. As soon as Pompidou came into office, he lifted the French veto against the UK formally. According to him, France’s veto was an obstacle to France’s other objectives of integration⁹². In October 1971, under Heath’s Conservative government, the House of Commons accepted the principle of entry into the EEC and thereby accession to the Rome treaties. The Treaty of Accession was signed in January 1972, and Britain joined a year later, along with Denmark and Ireland, as a part of the First Enlargement⁹³.

⁸⁵ A. MILWARD, *The European Economic Community, 1957–1963*, Brussels: Bruylant, 1999, 55 – 70.

⁸⁶ H. PAR, *Saving the Community*, p. 427.

⁸⁷ A. DEIGHTON and P. LUDLOW, *A Conditional Application’: British Management of the First Attempt to Seek Membership of the EEC, 1961–3*, In: Deighton A. (eds) *Building Postwar Europe*. S. Antony’s/Macmillan Series. Palgrave Macmillan, London, 1995. p. 107.

⁸⁸ H. PAR, *Saving the Community*, p. 426.

⁸⁹ M. LUENENDONK, *Merger Treaty*, 13 August 2016. Available at:

<https://www.cleverism.com/lexicon/merger-treaty/>

⁹⁰ *Ibid.*

⁹¹ D. WATTS, *The European Union*, p. 26.

⁹² H. PAR, *Saving the Community*, p. 427.

⁹³ Despite the fact that the government in Norway supported the joining plan, referendum results revealed that a majority of Norwegians (53.5%) voted against European Community (EC) accession in a referendum. Available at: <https://www.norway.no/en/missions/eu/areas-of-cooperation/historical-overview/>

In the post-war period the UK's GDP was 10% larger than the average of the Six⁹⁴. However, the ratio of British GDP to the Six declined steadily until 1972. Following the membership, it is somehow stable up until 2010⁹⁵. The fact that economic historians call the 1950-1973 period "The Golden Age of European Economic Growth". Right after Stockholm Convention to create the EFTA in 1960, the UK found no other way to stop the declining economy, which the ratio had already reached 10%, and launched talks with the European Communities⁹⁶. "For 25 years, we have been looking for something to get us going again," said Heath in 1971 debates over membership, "now here it is"⁹⁷. Although the UK joined such a community at the bad time, it is still worth mentioning that the benefits coming from the EU helped substantially keep the British economy stable⁹⁸.

The assertion that the UK joined only the Common Market, not the political union, is made frequently. Like other unions, the ECSC has grown into the European Union of twenty-eight states by the time of the 2016 referendum. "The UK never committed to the 'ever closer union'" also is among the claims. It is clearly obvious that the concept of "ever closer union" suggested a direction of travel from economic co-operation to political integration. It was found not only in the preamble of the EEC Treaty but also in the 1972 Treaty of Accession which formalised the UK's EEC membership⁹⁹. Furthermore, the consent of the UK was always required for every single new treaty that entrusted the EU with new policy competences as well as the treaty of accession for enlargement of the EU Member States¹⁰⁰. To clarify these assertions, if any kind of policy of the EU or the number of Member States has been changed, it did so with the consent of the UK.

⁹⁴ N. CAMPOS and F. CORICELLI, *Why Did Britain Join The EU? A New Insight From Economic History*, 3 February 2015, available at: <https://voxeu.org/article/britain-s-eu-membership-new-insight-economic-history>

⁹⁵ *Ibid.*

⁹⁶ N. CRAFTS, *British Relative Economic Decline Revisited: The Role of Competition*, *Explorations in Economic History*, 2012, 49 (1), 17-29

⁹⁷ A. GILLIGAN, *The EU: So where did it all go wrong?* 30 December 2012. Available at: <https://www.telegraph.co.uk/news/worldnews/europe/eu/9770633/The-EU-so-where-did-it-all-go-wrong.html>

⁹⁸ N. CAMPOS and F. CORICELLI, *Why Did Britain Join The EU?*

⁹⁹ 1972 Treaty of Accession. Available at: <http://aei.pitt.edu/43884/>

¹⁰⁰ A. GJETA, *The EU Enlargement: Theory and Practice*, 4 May 2020. Available at: <https://tiranaobservatory.com/2020/05/04/the-eu-enlargement-theory-and-practice/>

4. First Brexit referendum: public dissatisfaction

5 June 1975, the first referendum was held in Britain on whether the UK should stay or leave the European Community (Common Market). The majority voted Yes - 17,378,581 people (67.2 per cent) - to remain in Europe¹⁰¹.

Throughout the last negotiation for British entry to the EC, following the De Gaulle's death, determined pro-European British PM Ted Heath¹⁰² faced ambiguity of former pro-European British politicians, senior Labour figures, such as Harold Wilson, James Callaghan, Denis Healey, and Tony Crosland on the terms of entry¹⁰³. None of them was enthusiastic pro-European, Wilson and Callaghan, with the Labour Party vote put down the three-line whip against the terms of entry negotiated by Heath. This action prompted sixty-nine pro-European Labour members to vote with the government for defying the whip. These tensions gave rise to the idea of a referendum on membership of the Common Market¹⁰⁴. Soon later, the idea of a referendum became the policy of the Labour government. However, having passed the Bill successfully in 1972 and entered the Union a year later, the Labour Party shifted its policy from opposing the entry to the renegotiation of the terms of entry and then be put it in a public vote either by referendum or general election¹⁰⁵.

The beginning of the first year of the membership had positive effects on the British economy. In fact, the growth rate of the British economy increased from 2.5% in 1972 to 6.8% in 1973¹⁰⁶. However, the disaster did not come with Community membership, but the changes happened in the world in late 1973. Arab oil producers imposed an embargo on the shipment of oil to the Netherlands, accusing the Dutch government of moral support for Israel in the Middle East conflict, which caused a sharp increase in oil prices. Lack of Community solidarity was immediately apparent in the face of Arab oil producers to the Netherlands¹⁰⁷. Furthermore, the Community left multinational oil companies to cope with the trouble separately while France and Britain were in a rush to find a bilateral

¹⁰¹ R. NELSSON, *Archive: how the Guardian reported the 1975 EEC referendum*, 5 June 2015, available at: <https://www.theguardian.com/politics/from-the-archive-blog/2015/jun/05/referendum-eec-europe-1975>

¹⁰² The Conservative prime minister of Great Britain from 1970 to 1974. The full original name was Sir Edward Richard George Heath. Available at: <https://www.britannica.com/biography/Edward-Heath>

¹⁰³ A. EVANS, *Planning for Brexit: The Case of the 1975 Referendum*, *The Political Quarterly*, Vol. 89, No. 1, January–March 2018, pp. 127.

¹⁰⁴ *Ibid*, p. 128.

¹⁰⁵ *Ibid*.

¹⁰⁶ D. BUTLER and U. KITZINGER, *The 1975 Referendum*, Palgrave Macmillan, 2nd Edition, 7 May 1996, p. 23.

¹⁰⁷ *Ibid*. p. 24.

agreement for their own future oil supplies in the rally with other member states. It demonstrated the lack of cohesion and courage in the Community during the real trouble¹⁰⁸.

One of the difficulties had begun decades before the membership when Britain was seeing itself as the strongest European power by standing away from the creation of EEC, and its forebear, the ECSC¹⁰⁹. Britain joined the Union, whose terms had been set down long before the UK's accession without any involvement of it, even not necessarily in favour of it. Britain was one of the less prosperous members initially, being the second biggest net contributor to the EC budget after far richer Germany¹¹⁰. However, the dramatic rise in oil price caused a boost the coal miners' bargaining power and forced the government to pay more attention to the balance of payments. This is considered as a real turning point¹¹¹.

Challenges began emerging from the very beginning of membership. Out campaigner Tony Benn claimed Britain's membership of the EEC had a cost of 500,000 British jobs in just two years¹¹². He also blamed rising unemployment on the growing trade deficit between Britain and the other eight members by claiming that Britain was importing far more from European countries than exporting to them¹¹³. In general, anti-membership claims outnumbered pro-membership claims that have risen throughout the referendum debates. For instance, food prices were one of the main concerns. Out campaigners were claiming that the membership would cause high food prices due to agricultural protectionism through the CAP, which would lead to high inflation¹¹⁴. Out campaigners blamed Common Market for inflation, arguing that the Common Market forced Britain to buy EC members' products and ban the import of cheap products from non-member states¹¹⁵.

¹⁰⁸ *Ibid.*

¹⁰⁹ A. GILLIGAN, *The EU: So where did it all go wrong?* 30 December 2012. Available at: <https://www.telegraph.co.uk/news/worldnews/europe/eu/9770633/The-EU-so-where-did-it-all-go-wrong.html>

¹¹⁰ *Ibid.*

¹¹¹ D. BUTLER and D. KAVANAGH, *The British General Election of February 1974*, Macmillan, London, 1974, pp. 27-44.

¹¹² B. WHEELER, *EU referendum: Did 1975 predictions come true?* 6 June 2016, available at: <https://www.bbc.com/news/uk-politics-36367246>

¹¹³ *Ibid.*

¹¹⁴ P. B. WHYMAN, *British trade unions, the 1975 European Referendum and its legacy*, *Labor History*, 49:1, p. 25.

¹¹⁵ B. WHEELER, *EU referendum*, 6 June 2016, available at: <https://www.bbc.com/news/uk-politics-36367246>

Moreover, some specific claims made by out campaigners caused concerns in the British public, among others¹¹⁶:

- The membership would undermine British parliamentary democracy;
- The Community precludes an interventionist economic policy which would limit the freedom of action of the government in power;
- The objective of the EC was a political union which would be a barrier to the creation of socialism;
- The membership would damage trade links with non-member states, namely the Commonwealth members, which was one of the main concerns as it was claimed that Britain would lose its leadership¹¹⁷.

Controversially, Remain campaigners were arguing that as Britain had losses, it had gains as well by mentioning the following claims¹¹⁸:

- Entry would raise the British standard of living and create jobs;
- The community was a means of controlling multinational capital;
- Rejecting the membership would be an isolationist policy and betray internationalism;
- “Socialism in one country” was no longer possible;
- Membership would benefit the British economy and enlarge the home market.

The two manifestos of Labour Party held a pledge of a referendum on renegotiated terms in the 1974 general election, and Labour leader, Harold Wilson was elected as a prime minister for the second time. For keeping his promise, having established the Labour government, the renegotiations started under the direction of the new Foreign Secretary, James Callaghan, for concessions from the European governments. UK’s concerns involved four main areas: The Common Agricultural Policy (CAP), the UK contribution to the EEC budget, the goal of the Economic and Monetary Union, the harmonisation of value-added taxes (VAT), and parliamentary sovereignty in pursuing regional, industrial, and fiscal policies¹¹⁹. Two critical rounds of discussions took place, the first one in Paris

¹¹⁶ P. B. WHYMAN, *British trade unions*, p. 26.

¹¹⁷ B. WHEELER, *EU referendum*, 6 June 2016, available at: <https://www.bbc.com/news/uk-politics-36367246>

¹¹⁸ P. B. WHYMAN, *British trade unions*, p. 26.

¹¹⁹ V. MILLER, *The 1974-75 UK Renegotiation of EEC Membership and Referendum*, House of Commons Library, Number 7253, 13 July 2015, p. 4.

in December 1974 and the second one, the European Council meeting in Dublin on 10-11 March 1975¹²⁰.

The negotiations were carried out at government level by prime minister Harold Wilson, ministers in the Council of Ministers, and both in bilateral meetings with other EC governments and EU diplomats. The negotiation was handled by the Cabinet committee set up in the UK chaired by the prime minister and included other ministers. Martin Morland, an official of the former Foreign and Commonwealth Office (FCO), was heading A Referendum Information Unit (RIU) which was to provide the public with the latest news on negotiation and its results¹²¹.

After two main rounds of renegotiations, Harold Wilson made a statement on 18 March 1975 in the House of Commons introducing seven objectives that the Cabinet committee had achieved¹²². As stated in Labour Manifesto, the first objective was “major changes in the common agricultural policy so that it ceases to be a threat to world trade in food products, and so that low-cost producers outside Europe can continue to have access to the British food market¹²³”. As an outcome, he mentioned successful achievements in the supply of food at fair prices, especially beef and sugar, and the access to the third-country foodstuffs, mainly sugar from developing countries and dairy products from New Zealand.

The second objective was about the contribution to the Community budget. The Manifesto commitment demanded the “new and fairer methods of financing the Community budget”. As a result, the British proposal was agreed upon involving a refund of up to £125 million a year. The following objective is stated in Manifesto that “we would reject any kind of international agreement which compelled us to accept increased unemployment for the sake of maintaining a fixed parity¹²⁴”. In his address to the House of Commons, he stressed that the practicability of building the European Monetary Union by 1980 remains a long-term plan, and attitudes of other governments on this plan went through major changes since then. For instance, the second stage, which was supposed to begin on 1 January 1974, fifteen months before this speech, had not been adopted¹²⁵.

¹²⁰ A. EVANS, *Planning for Brexit*, p. 128.

¹²¹ V. MILLER, *The 1974-75 UK Renegotiation of EEC Membership and Referendum*, p. 11.

¹²² House of Commons, Deb 18 March 1975 vol 888 cc1456-80, The Prime Minister. For all following objectives, this statement has been referred. Available at:

<http://hansard.millbanksystems.com/commons/1975/mar/18/european-community>

¹²³ *Ibid.*

¹²⁴ *Ibid.*

¹²⁵ *Ibid.*

Manifesto states the fourth objective: “The retention by Parliament of those powers over the British economy needed to pursue effective regional, industrial and fiscal policies¹²⁶”. Although, with regard to regional policy he assured that the Commission’s hierarchy of assisted areas conforms to the UK’s, it will not interfere with the UK’s existing regional aids. In industrial policy, prime minister Wilson clearly expressed that neither Treaty of Rome nor the Treaty of Paris prevented the UK from extending nationalisation of the present private sector, even total nationalisation of industry. Furthermore, Article 222 of the Treaty of Rome expressly permits nationalisation.

The fifth objective had been stated in the Manifesto as: “equally we need an agreement on capital movements which protects our balance of payments and full employment policies¹²⁷”. The prime minister emphasized reverting the same exchange control regime as applied before entry by using relevant articles of the Treaty of Rome. The next objective concerned the Commonwealth and developing countries as Labour Manifesto said: “The economic interests of the Commonwealth and the developing countries must be better safeguarded¹²⁸”. It involves continuing access to the British market and British access to those markets, mainly Commonwealth sugar and New Zealand dairy products which have been achieved¹²⁹. He demonstrated his consent that Asian developing Commonwealth countries who were seriously affected by the oil price benefited from the EEC emergency aid plan.

The last objective in the Manifesto is about Value Added Tax as it said: “No harmonisation of value added tax which would require us to tax necessities”. “The proposals are being discussed in Community”, he said, and “we will be able to resist any proposals which are unacceptable to us¹³⁰”, the prime minister added.

The prime minister himself was in favour of staying in the EC in renegotiated terms and asked people to vote for it as well. However, having analyzed the UK government’s approach to the 1975 referendum, according to Andrew Glencross, although the government claimed that the majority of objectives given in the February 1974 Manifesto achieved, not long later under Margaret Thatcher government the budget issue came to

¹²⁶ *Ibid.*

¹²⁷ *Ibid.*

¹²⁸ *Ibid.*

¹²⁹ *Ibid.*

¹³⁰ *Ibid.*

head¹³¹. He also argues that Labour's narrative about a successful renegotiation proved highly persuasive in the referendum campaign¹³².

The Referendum Bill was introduced on 26 March 1975. In the second reading it was approved by the Commons with 312 to 248 votes¹³³. The Bill made previously undecided points clear such as campaign budget and referendum question. The budget of not exceeding £125,000 each to the two campaigns on each side of the debate (Britain in Europe and the National Referendum Campaign) had been authorised¹³⁴. The question adopted in the Bill was the one originally included in the Government White Paper, but with “The Common Market” added in brackets after “European Community”:

Do you think the United Kingdom should stay in the European Community (the Common Market)?

The government's brochure, “Britain's new deal in Europe”, set out the renegotiated terms of entry for Britain, and Wilson government recommended people to vote in favour of staying in the EC¹³⁵. The Conservative Party also published a brochure, “Yes to Europe”, calling for the UK to remain in the EC¹³⁶.

The referendum was held on 5 June 1975 and the majority (67.2%) of voters chose to stay in the EC¹³⁷.

¹³¹ A. GLENCROSS, *Looking Back to Look Forward: 40 Years of Referendum Debate in Britain*, Political Insight, Volume 6, Issue 1, 1 April 2015, pp. 25 – 27.

¹³² *Ibid.*

¹³³ V. MILLER, *The 1974-75 UK Renegotiation of EEC Membership and Referendum*, p. 21.

¹³⁴ *Ibid.*

¹³⁵ Britain's new deal in Europe, *The Labour Guide for the 1975 Referendum Campaign*. Available at : http://www.harvard-digital.co.uk/euro/pamphlet_valid.html

¹³⁶ Yes to Europe, *The Conservative Guide for the 1975 Referendum Campaign*. Available at: https://www.cvce.eu/content/publication/1999/1/1/639fb9e5-ca77-4653-8870-6cfd7f0782c6/publishable_en.pdf

¹³⁷ V. MILLER, *The 1974-75 UK Renegotiation of EEC Membership and Referendum*, p. 25.

5. Margaret Thatcher and the integration of the EC

Unlike today, in the 1980s even some of the most senior Conservative figures favoured European integration. The year 1979, four years after Margaret Thatcher had become the head of the Conservative Party, is considered as beginning of Thatcherism¹³⁸. One of the most controversial questions about whether Thatcher was pro or anti-European remains debatable.

Her battles against European-wide initiatives began in 1980, just one year after she became prime minister, with money issues; more precisely, the UK's net contribution to the common budget of the European Community¹³⁹. Her way of outspokening and opposing the initiatives to centralise the European powers made her an unwelcome colleague at the meetings of the Council of Ministers, and she was accused of "hand bagging"¹⁴⁰. She was arguing that the UK got a horrible deal, particularly concerning farm subsidies. She famously stated, "I want my money back"¹⁴¹. "The Iron Lady" argued that the budget of the EC is formed by member states' contribution based on domestic value-added tax (VAT) and tariffs imposed by the EC on imported manufactured goods and foodstuffs. Britain was importing much of its food and had an active trade. Nevertheless, the contribution was not proportionate compared to more self-sufficient states¹⁴².

Having had four-years of tough negotiations, she achieved an annual budget rebate, which was the beginning of permanent tension on the EU budget talks between Britain and France. The rebate reduced the UK's contribution to the EC budget by approximately two-thirds of what it would otherwise be¹⁴³. Thatcher declared her satisfaction and said: "We are trying to be good Europeans"¹⁴⁴. Despite more than three decades, her success over net contribution to the EC budget is still actual as former prime minister David

¹³⁸ Prime Minister Margaret Thatcher's policies all together are called Thatcherism. It represents a belief in free markets and a small state. Rather than planning and regulating business and people's lives, government's job is to get out of the way. Available at: <https://www.bbc.com/news/uk-politics-22079683>

¹³⁹ M. BET, 'I want my money BACK!' How Margaret Thatcher's rebate is TODAY's symbol of EU resistance, 5 December 2018. Available at: <https://www.express.co.uk/news/uk/1054720/brexit-news-eu-uk-margaret-thatcher-rebate-budget-gunther-oettinger-spt>

¹⁴⁰ E.A. REITAN, *The Thatcher Revolution: Margaret Thatcher, John Major, Tony Blair, and the Transformation of Modern Britain, 1979-2001*, Rowman & Littlefield Publishers E-Books, Inc, the United States of America, 2003, p. 120.

¹⁴¹ M. BET, 'I want my money BACK!'.

¹⁴² E.A. REITAN, *The Thatcher Revolution: Margaret Thatcher*, p. 120.

¹⁴³ M. BET, 'I want my money BACK!'.

¹⁴⁴ E.A. REITAN, *The Thatcher Revolution: Margaret Thatcher*, p. 121.

Cameron very recently said: “When you negotiate in Brussels, it is still her rebate you are defending¹⁴⁵”.

Once the rebate question had been settled, Thatcher turned her attention to a project that demonstrates her pro-European manner: European Single Market. She had never been supportive of political union, let alone a federation, at the European level, but her enthusiasm about economic growth and tight budgetary discipline in her domestic policy matched the same goals at the European level¹⁴⁶. She saw this project as the reason for British membership of the Union as the project aimed to eliminate all the barriers among member states and establish absolute free trade within the Union. However, as Earl Reitan described the situation: “In the euphoria of the moment, Thatcher chose to ignore the preamble to the act, which envisioned a political and monetary union, an oversight that came back to haunt her¹⁴⁷”.

Her aim finally seemed to be close to success because the next Commission president, Jacques Delors, had the same goal. But his candidacy was agreed upon between German Chancellor Helmut Kohl and the French President François Mitterrand without Thatcher’s knowledge. She was even surprised by Delors’s candidacy because she had been ready to approve a German candidate but not a Frenchman¹⁴⁸. Nevertheless, she accepted Delors’s presidency once she was informed several weeks later.

The Single European Act (SEA) was signed in 1986 and entered into force on 1 July 1987. It committed its member states to a timetable for their economic merger and establishing a single European currency and common foreign and domestic policies¹⁴⁹. The SEA required more than 300 measures in order to remove technical, fiscal, and psychical barriers for the establishment of a single market¹⁵⁰. Furthermore, Member States agreed upon adopting standards and common policies on several matters, including taxes, employment, health, the environment, etc.¹⁵¹. The European Parliament’s power had been limited to a mostly advisory role and its members were not elected directly. Nevertheless,

¹⁴⁵ J. KIRKUP, *Margaret Thatcher: Conflict over Europe led to final battle*, The Telegraph, 08 April 2013. Available at: <https://www.telegraph.co.uk/news/politics/margaret-thatcher/9980360/Margaret-Thatcher-Conflict-over-Europe-led-to-final-battle.html>

¹⁴⁶ H.V. BISMARCK, *Margaret Thatcher: The Critical Architect of European Integration*, 04 May 2016. Available at: <https://ukandeu.ac.uk/margaret-thatcher-the-critical-architect-of-european-integration/>

¹⁴⁷ E.A. REITAN, *The Thatcher Revolution: Margaret Thatcher*, p. 168.

¹⁴⁸ H.V. BISMARCK, *Margaret Thatcher*.

¹⁴⁹ P. MADSEN, *Single European Act*, the Britannica, 30 October 2013. Available at: <https://www.britannica.com/topic/Single-European-Act>

¹⁵⁰ D. MACAULAY, *Single European Act*, Lawlegal.eu, European Encyclopedia of Law (BETA), Retrieved October 2020. Available at: <https://lawlegal.eu/single-european-act/>

¹⁵¹ *Ibid.*

the SEA expanded the European Parliament's powers with directly elected members, including veto power over the admittance of new member states and over the agreements made with associated states¹⁵². The European Council gained more authority, thus, the SEA made profound steps forward towards the political integration of Europe besides economic integration¹⁵³.

The next European question Thatcher faced was over the Exchange Rate Mechanism (ERM), which was a precursor to creating the single European currency¹⁵⁴. Although she had doubts about joining the ERM, her chancellor Nigel Lawson and foreign secretary Sir Geoffrey Howe supported entry and put pressure on her. Thus, she agreed to the ERM membership, but the dispute caused a resignation of N. Lawson in 1989, which brought John Major, the next prime minister, to the front rank¹⁵⁵. Having been pushed by Mr. Major for the last time, in October 1990, she signed the agreement, and as compensation, she delivered her most famous "No, No, No" speech in House of Commons opposing Commission President Jacque Delors's call for the democratic power in Europe to rest with the European Parliament¹⁵⁶.

She opposed not only Mr. Delors's call for a democratic power, but also the proposal of replacement of the national currencies with single European currency managed by European Central Bank (ECB). She stated in a speech at Bruges:

“We have not successfully rolled back the frontiers of the state in Britain only to see them reimposed at the European level, with a European super-state exercising a new dominance from Brussels. The European Community should be a union of sovereign states, she declared: France as France, Spain as Spain, Britain as Britain, each with its own customs, traditions, and identities¹⁵⁷.”

Bruges speech is also remembered with her view of British internationalism. Britain's destiny was in Europe, she argued, “that is not to say that our future lies only in

¹⁵² P. MADSEN, *Single European Act*.

¹⁵³ *Ibid.*

¹⁵⁴ J. KIRKUP, *Margaret Thatcher: Conflict over Europe led to final battle*.

¹⁵⁵ *Ibid.*

¹⁵⁶ *Ibid.*

¹⁵⁷ E.A. REITAN, *The Thatcher Revolution: Margaret Thatcher*, p. 199.

Europe¹⁵⁸". She was determined to keep the UK open to the world¹⁵⁹. However, following her "No No No" speech, the foreign secretary Sir Geoffrey Howe resigned as he could not tolerate the prime minister's anti-European tone which led to the end of Thatcher's premiership soon after¹⁶⁰.

The question of whether she was pro-European or anti-European remains unanswered. Having analyzed all the steps she took on the European journey, her view remains unclear as she signed the SEA, then she controversially opposed further integration. Furthermore, it is also worth noting that she urged expansion of the EC to Central and Eastern Europe after the breakdown of the Iron Curtain¹⁶¹. Nevertheless, years later, in 2002, she changed her mind, believing that signing up to the SEA had been a terrible mistake¹⁶².

¹⁵⁸ *Ibid.*

¹⁵⁹ *Ibid.*

¹⁶⁰ *Thatcher and her tussles with Europe*, the BBC, 8 April 2013. Available at: <https://www.bbc.com/news/uk-politics-11598879>

¹⁶¹ E.A. REITAN, *The Thatcher Revolution: Margaret Thatcher*, p. 200.

¹⁶² *Ibid.*

CHAPTER 2: THE WAY TO THE BREXIT: SECOND REFERENDUM

1. Fall of Thatcherism: Beginning the rise of Euroscepticism

The British empire was the largest empire in the world, spanning the globe. “The sun never set on it, since it was always daytime somewhere in the empire” was said about the British empire¹⁶³. It clearly demonstrates the global ambition of Britain. Although Britain emerged as a victorious power from the second World War, it ceased to be a global power in the post-war period¹⁶⁴. Having lost its colonies gradually, Britain became a minor power beside two superpowers leading the world: the USA and the USSR¹⁶⁵. Thus, Britain needed a new place and found it within the European neighbors. British membership has always been controversial from the very beginning. Former Deputy Prime Minister Nick Clegg stated:

“If you’re one of the founding members, the creation of the European Union was a triumph, an absolute blinding triumph of peace over war, of democracy over tyranny. If you’re British, actually, haltingly and begrudgingly joining in 1973 was a kind of admission of weakness, of loss of empire and a sense of that if you can’t beat them then you better join them¹⁶⁶.”

The 1980s was the period when the first objections against European integration began with Margaret Thatcher’s European policy. Throughout her premiership, she fought against what she viewed as the “excessive powers” of Europe and the creation of a European “super-state”. The long fight began with demanding a rebate and hit the peak with the Bruges Speech at College of Europe. The Margaret Thatcher Foundation describes Thatcher’s the Bruges Speech as a “defining moment” for Britain, even Thatcher herself proclaiming in her memoirs: “not even I would have predicted the furore

¹⁶³ R. MUNROE, *Will the Sun Ever Set on the British Empire?* The Guardian, Guardian News and Media, September 9, 2014. Available at: <https://www.theguardian.com/lifeandstyle/2014/sep/09/sun-ever-set-on-british-empire>

¹⁶⁴ K. BURK, *The British Isles since 1945: Short Oxford History of the British Isles*, Oxford: Oxford University Press, 2009, p. 7.

¹⁶⁵ Ibid. p. 8.

¹⁶⁶ M. BECKFORD, *General Election 2010: Britain Still Wedded to Empire, Says Nick Clegg*, The Telegraph, 29 April 2010. Available at: <https://www.telegraph.co.uk/news/election-2010/7647835/General-Election-2010-Britain-still-wedded-to-empire-says-Nick-Clegg.html>

the Bruges speech unleashed¹⁶⁷". Many, including the Margaret Thatcher Foundation, argue that the Bruges speech gave rise to the transition of the Conservative Party from "the party of Europe" to "Euroscepticism" as well as a disagreement between Thatcher and her Foreign Secretary, Sir Geoffrey Howe, who resigned soon after the Bruges speech, citing Thatcher's Euroscepticism as a reason¹⁶⁸.

However, Mrs. Thatcher never called the future of Europe into question by using Bruges or any other speech. She herself called the Bruges speech "far from 'anti-European'", even two years later, during the debate in the House of Commons, she mentioned that she is ready to go further integration of the Union: "Britain intends to be part of the further political, economic and monetary development of the European Community," she told MPs¹⁶⁹.

During the resignation speech in the Commons, Howe criticized Thatcher's misuse of language, demonstrating Europe as infringing on British sovereignty, democracy, and national identity¹⁷⁰. It was a profound blow that led Thatcher to resign two years later¹⁷¹. Not only Thatcher's policy on European integration, but also her domestic policy, among others, the Poll Tax policy, abolition of public programmes, pushing the UK into a needless war over Falkland Islands with Argentina, etc. led to the loss of her popularity towards the end of 1980s.

Even though Thatcher resigned, her Euroscepticism came to the forefront during her successor, John Major's premiership, as the number of Eurosceptics outnumbered the number of Europhiles. Thus, John Major was being challenged by those with more anti-European voices¹⁷². Major's premiership was welcomed with separation within the Conservative Party derived from Thatcher's Euroscepticism. His first goal was to unite the party¹⁷³. He had two tasks to accomplish: firstly, he had to satisfy the people who led

¹⁶⁷ R. TIERSKY, *Euro-skepticism: A Reader*, Maryland: Rowman & Littlefield, 2001, p. 89.

¹⁶⁸ UK Parliament, Personal Statement, November 1990, vol 180, Speech, London, UK: UK Parliament, Historic Hansard, available at: <https://api.parliament.uk/historic-hansard/commons/1990/nov/13/personal-statement>

¹⁶⁹ K. WEISS, *30 years after Bruges, Margaret Thatcher is still right about Europe*, 20 September 2018, available at: <https://capx.co/30-years-after-bruges-margaret-thatcher-is-still-right-about-europe/>

¹⁷⁰ UK Parliament, Personal Statement, available at: <https://api.parliament.uk/historic-hansard/commons/1990/nov/13/personal-statement>

¹⁷¹ D. HUGHES, *Howe's That? Geoffrey Howe resignation speech – what did he say and when did Margaret Thatcher resign as Prime Minister?* The Sun, 18 July 2018. Available at: <https://www.thesun.co.uk/news/6810264/geoffrey-howe-resignation-speech-video-margaret-thatcher-resigns-boris-johnson/>

¹⁷² P. DOREY, *Towards Exit from the EU: The Conservative Party's Increasing Euroscepticism since the 1980s*, *Politics and Governance* 5, no. 2, 2017, p. 29.

¹⁷³ E.A. REITAN, *The Thatcher Revolution: Margaret Thatcher*, p. 285.

Thatcher to resign by reversing his relationship with the community; secondly, he needed to satisfy his party members with negative thoughts towards the community¹⁷⁴.

John Major was not well known to the party, mainly because of having a not strong opinion on anything¹⁷⁵. At the time, he was the most appropriate candidate to the party leadership and thus premiership. The party needed a healer not a warrior; a pragmatist not an ideologue; a man who would be able to continue Thatcherism, but at the same time cooperate with the Heseltinies; a man who can rally party with 1992 general election, and this man precisely was John Major¹⁷⁶. Major's ambition was to put Britain to the heart of Europe, he stressed in one of the first statements when he became Prime Minister by saying:

“We can't go on as we were in terms of Europe: we should be at the centre of Europe if we are going to properly protect our interests. But being in the centre of Europe doesn't mean we've sold out; doesn't mean we've suddenly become Europhiles and adopt every fetish that emerges from the European Commission. Of course, not¹⁷⁷.”

However, he did not know that his ambition will fail and become his political Calvary¹⁷⁸. He was not as tough as his predecessor, Thatcher, as he was consulting his cabinet quite frequently, formally, or informally¹⁷⁹. Jacque Delors, European Commission president, was pushing forward European integration initiatives with support of German chancellor and French president. Thus, Major needed to tackle with growing anti-European groups in his party, at the same time with further integration proposals at the European level. With the Maastricht treaty of 1992, the title of Community has been changed to European Union, representing greater integration. Furthermore, the decision to build an Economic and Monetary Union that will lead to the creation of single currency – the euro, was a

¹⁷⁴ *Ibid.*

¹⁷⁵ D. MACSHANE, *Brexit: How Britain Will Leave Europe*, CPI Group Ltd, Croydon, 2016, p. 81.

¹⁷⁶ DR. M. HOLMES, *John Major and Europe: The Failure of a Policy 1990-7*, The Bruges Group, available at: <https://brugesgroup.com/media-centre/papers/8-papers/801-john-major-and-europe-the-failure-of-a-policy-1990-7>

¹⁷⁷ *Ibid.*

¹⁷⁸ D. MACSHANE, *Brexit*, p. 81.

¹⁷⁹ E.A. REITAN, *The Thatcher Revolution: Margaret Thatcher*, p. 233.

significant push for Major's cabinet to exclude itself from monetary union as well as social chapter of the treaty¹⁸⁰.

Major took part throughout the discussions to sign the Maastricht treaty actively and made achievements in number of matters in order to satisfy Eurosceptics in his party. Mainly, the word "federal" was removed from the treaty. The concept of "opt-out" from the Social Chapter that was invented by Foreign and Commonwealth Office diplomats had been secured¹⁸¹. Furthermore, Britain's commitment to the monetary union was withdrawn¹⁸². Towards the end of Thatcher years, she was forced to join the Exchange Rate Mechanism (ERM)¹⁸³, strongly advised by her Exchequer at the time, John Major¹⁸⁴. Following the "Black Wednesday" event on 16 September 1992, a collapse in the British sterling, Major was forced to withdraw from the European Exchange Rate Mechanism¹⁸⁵.

A number of substantial and unlucky events followed one another, which slowly sank the Tory ship. The ERM crisis, "Black Wednesday", negative equity, the debates of Maastricht, increasing the taxes in 1993, etc. pushed the Labour Party to gain absolute majority in the polls of the 1997 general election¹⁸⁶. Even Labour leader Tony Blair openly accused Major of being "weak" in Prime Minister's question time in the Commons¹⁸⁷.

Major called a general election to be held in May 1997 with a time of six weeks for campaigns. When the polls closed by the evening, the Labour Party with Tony Blair's leadership won the majority of House of Commons with 418 seats (45% of the vote). The Conservative Party could manage to win only 165 seats with 31% of the vote¹⁸⁸.

Reformed and modernized Labour Party under Tony Blair's leadership made a historic victory. The Labour government consisted mostly of young members as the head of the party was only 43 years old. Two general elections in a row, one in 1997 and the next in

¹⁸⁰ Britain and Europe – *PM John Major and the Maastricht Treaty*. Available at: <https://www.britpolitics.co.uk/university-britain-europe-john-major-the-maastricht-treaty/>

¹⁸¹ D. MACSHANE, *Brexit*, p. 82.

¹⁸² Britain and Europe – *PM John Major and the Maastricht Treaty*. Available at: <https://www.britpolitics.co.uk/university-britain-europe-john-major-the-maastricht-treaty/>

¹⁸³ ERM is a device to be used to manage a country's currency exchange rate relative to other currencies. A. HAYES, Exchange Rate Mechanism (ERM) Definition, available at: <https://www.investopedia.com/terms/e/exchange-rate-mechanism.asp>

¹⁸⁴ E.A. REITAN, *The Thatcher Revolution*. p. 257.

¹⁸⁵ W. KENTON, Black Wednesday, available at: <https://www.investopedia.com/terms/b/black-wednesday.asp>

¹⁸⁶ E.A. REITAN, *The Thatcher Revolution*. p. 339.

¹⁸⁷ *Ibid.*

¹⁸⁸ C.N. TRUEMAN, *The 1997 General Election*, The History Learning Site, 27 March 2015, available at: <https://www.historylearningsite.co.uk/british-politics/the-1997-general-election/>

2001 have been won by Labour Party because, arguably and mainly, most of the people who were eligible to vote did not vote as turnout was profoundly low in both elections¹⁸⁹. Tony Blair was a pro-European leader, and Labour manifesto of 1997 cautiously talked about national interest and the need for the EU. Also, it promised a constructive approach to the Union. Furthermore, he was very cautious with the Euro not to be attacked by Eurosceptic Conservative Party. Most significantly, the manifesto pledged a referendum before Britain joins the Euro¹⁹⁰.

First period in the cabinet, Tony Blair adopted the provisions of the EU's Social Chapter. Moreover, he signed two European treaties, Amsterdam and Nice. However, in comparison with Single European Act and Maastricht treaty they were minimalist with slight changes¹⁹¹. He was also the first British PM who announced a referendum on the EU constitution, although the referendum has never taken place due to French and Dutch opposition to the EU constitution¹⁹². His optimistic view of new members from Central and Eastern Europe, opening the British market to the labour from new members, unlike France's policy of hiding behind transition period limits, has unleashed his absolute pro-European approach¹⁹³.

Tony Blair served as a PM for three terms of ten years in a row. In second term, he was easily re-elected because of deep division in opposition. Nevertheless, his second term premiership brought his fame profoundly down, as despite the strong opposition of the party to an attack on Iraq, he involved British troops in operations in Iraq¹⁹⁴. He acted enthusiastically with American president G. Bush against Iraqi government of Saddam Hussein in order to prevent imminent threat of mass destruction weapons whereas, a year later they failed to find the weapons of mass destruction. Despite all, he ran the party successively for the third general election. Resignations of many Labour ministers, high pressure from the opposition, and deep division within the party forced him to announce the day he would step down, 27 June 2007¹⁹⁵. He was succeeded by his long-serving

¹⁸⁹ R. M. V. NESSHEIM, *British National Newspapers and the Blair Government 1997 – 2007. Part II: How Tony Blair became “Tony B. Liar” and Nearly Caused Another Realignment of the Murdoch Press*, 25 June 2008, English Studies, p. 222. Available at:

<https://www.tandfonline.com/doi/abs/10.1080/00138380701771025>

¹⁹⁰ Britain and Europe – *The New Labour Governments 1997-2010*. Available at:

<https://www.britpolitics.co.uk/university-britain-europe-john-major-the-maastricht-treaty/>

¹⁹¹ D. MACSHANE, Brexit, p. 85.

¹⁹² *Ibid.* p. 98.

¹⁹³ *Ibid.* p. 101.

¹⁹⁴ T. GALLAGHER, *Tony Blair - prime minister of United Kingdom*, the Britannica, available at:

<https://www.britannica.com/biography/Tony-Blair>

¹⁹⁵ *Ibid.*

chancellor of the Exchequer, Gordon Brown, as leader of the Labour Party and as Prime Minister¹⁹⁶.

Gordon Brown as a prime minister served for a short time of three years during which he has overseen the devolution of policing and justice powers in Northern Ireland, British troops withdrawal from Iraq and first Climate Change Act¹⁹⁷. Throughout the negotiations of Lisbon Treaty, he has been pressured to hold a referendum on it as pledged in the 2005 Labour manifesto. The treaty was seen as a threat to the British sovereignty, and mini referendums held unofficially demonstrated that 89% of voters opposed the treaty¹⁹⁸. Concerns about the treaty and its constitutional text were regarded as a possible trouble in future Anglo-American special relationship and transatlantic alliance. However, Gordon Brown could defeat the Conservative proposal of holding a public vote on treaty in spite of a rebellion by 29 Labour backbenchers and the Treaty of Lisbon was ratified in London as well alongside with other European capitals¹⁹⁹.

The loss of Labour Party in election to the European Parliament in 2009 and the resignation of James Purnell, the secretary of state for work and pensions, began weakening Brown's government. The country's biggest daily selling newspaper, the Sun, also announced switching support towards the Conservative Party²⁰⁰. Conservative lead in the public opinion polls left behind just one concern if Cameron was ready to lead. As a result of general election in 2010, Conservatives secured the victory over the Labour Party, but not the majority. Cameron became a prime minister and formed a coalition government, first time since World War II, with Nick Clegg, head of Liberal Democrats, giving him the post of deputy prime minister²⁰¹.

¹⁹⁶ *Ibid.*

¹⁹⁷ *Past Prime Ministers, Gordon Brown*, available at: <https://www.gov.uk/government/history/past-prime-ministers/gordon-brown>

¹⁹⁸ N. GARDINER and S. MCNAMARA, *The EU Lisbon Treaty: Gordon Brown Surrenders Britain's Sovereignty*, 7 March 2008, The Heritage Foundation, available at:

<https://www.heritage.org/europe/report/the-eu-lisbon-treaty-gordon-brown-surrenders-britains-sovereignty>

¹⁹⁹ *Ibid.*

²⁰⁰ *United Kingdom, British general election of 2010*, the Britannica, available at:

<https://www.britannica.com/topic/British-general-election-of-2010>

²⁰¹ *Ibid.*

2. Pre-referendum negotiations: Did Cameron make a mistake?

“Collective strength will overpower our problems” – David Cameron wrote in foreword of his 2010 manifesto outlining it as “big society” plan²⁰². In the same election, Liberal Democrats pledged a referendum on the next “fundamental change” on the European Union whereas, very similar policy was adopted by Labour Party five years earlier²⁰³. Mr. Cameron tried to demonstrate how the British politics prioritized the referendum on the Union, and he once said:

“Every party was under pressure on this issue... every single political party in Britain fought an election between 2005 and 2015 with a pledge to hold a referendum: The Labour Party did, the Liberal Democrats did, the Greens did, UKIP of course did, we did²⁰⁴.”

After the third defeat by the Labour Party, Conservatives considered that the party was in crisis. The need for a new leader triggered David Cameron to launch a candidacy for party leadership. In a rally for leadership, he won over David Davis, and promised to “give this country a modern, compassionate Conservatism that is right for our times and right for our country”, saying “now that I've won, we will change”²⁰⁵. Soon later, taking advantage of internal instability in Liberal Democrats Party, Mr. Cameron made a call by saying: “I'm a liberal Conservative. So I believe it's time for Liberal Democrat voters, councilors and MPs that share these values and this agenda to come and join the new Conservative Party²⁰⁶”. David Cameron promised to withdraw British Conservative Party from the European People's Party (EPP)²⁰⁷ if he was elected as a party leader. This promise was enough to win him the party leadership, Denis Machsane claims²⁰⁸. Following the 2009 European Parliament election, Cameron fulfilled his promise and withdrew his party from

²⁰² N. WATT, *General election 2010: David Cameron's Big Society plan*, The Guardian, 14 April 2010, available at: <https://www.theguardian.com/politics/2010/apr/14/general-election-david-cameron-plan>

²⁰³ David Cameron: *EU referendum claim fact-checked*, 19 September 2019, BBC news, available at: <https://www.bbc.com/news/uk-politics-49753420>

²⁰⁴ *Ibid.*

²⁰⁵ H. BENTLEY, K. STODDARD, L. TORRES and J. RODRIGUES: *Timeline: David Cameron as Conservative leader*, 12 May 2010, The Guardian, available at: <https://www.theguardian.com/politics/2010/may/12/timeline-david-cameron-conservative-leader>

²⁰⁶ *Ibid.*

²⁰⁷ European People's Party Group – The EPP Group is the largest and oldest group in the European Parliament. A centre-right group that is committed to creating a stronger and self-assured Europe, built at the service of its people. The goal is to create a more competitive and democratic Europe, where people can build the life they want. Available at: <https://www.eppgroup.eu>

²⁰⁸ D. MACSHANE, *Brexit*, p. 114.

the EPP, which was a shocking initiative for other centre-right leaders, namely and mainly, long-running German chancellor Angela Merkel and French president Nicolas Sarkozy²⁰⁹.

Eurozone crisis 2009 negatively affected the United Kingdom as well, even though the UK being outside of Eurozone. Moreover, this crisis helped grow the narrative of distrust on the EU in Eurosceptic Britain and all around the Union²¹⁰. Two crises in a row, economic and migrant crisis, helped push forward anti-Europe campaigns in the UK based on a fear that the British sovereignty will be jeopardized by European integration²¹¹. Therefore, Mr. Cameron chose to follow the path that had already been done by the Labour leader, Harold Wilson in 1975, holding a referendum in order to keep the divided party together and secure the premiership²¹².

“We will give the British people a referendum with a very simple in or out choice²¹³,” Mr. Cameron said in his long-awaited speech, called Bloomberg speech, back in 2013. He revealed his plan of renegotiating the UK’s membership terms and giving the people a chance to choose between staying under renegotiated terms or leaving the Union. It was a pledge of the referendum if he would win the forthcoming general election²¹⁴. Throughout the speech, he demonstrated his own opinion many times. He emphasized that the Union was set to change, and thus, asking people to stay or leave at this time would be wrong. He also considered the referendum a “false choice” warning British people by saying “the UK must think very carefully”. Nevertheless, due to high pressure from his own party members and outsider Eurosceptics, he stated that he is sure that the UK will survive outside of the Union²¹⁵.

Cameron was under pressure. That being said, among other factors, the United Kingdom Independence Party (UKIP) has taken the main place. The UKIP was established in 1993 as a single-issue anti-EU rebellion among ex-Conservatives and grew into a powerful

²⁰⁹ *Ibid.*

²¹⁰ D. R. TRAITINO, T. KERIKMAE, A. CHOCIA, *Brexit: History, Reasoning and Perspectives*, Springer International Publishing, Switzerland, January 2018, p. 167.

²¹¹ *Ibid.* p. 168.

²¹² J. SMITH, *David Cameron’s EU renegotiation and referendum pledge: A case of déjà vu?*, British Politics advance online publication, 30 May 2016, p. 2. Available at: <https://link.springer.com/article/10.1057/bp.2016.11>

²¹² *Ibid.* p. 24.

²¹³ *EU speech at Bloomberg*, Government UK, 23 January 2013, available at: <https://www.gov.uk/government/speeches/eu-speech-at-bloomberg>

²¹⁴ *David Cameron promises in/out referendum on EU*, BBC, 23 January 2013, available at: <https://www.bbc.com/news/uk-politics-21148282>

²¹⁵ *Ibid.*

political force fast by combining “left behind” voters who would be willing to use the party as a way to say “three-no’s”: one no to Brussels rule, another no to the politicians in Westminster and the last no to the immigration as well as the rise of ethnic diversity²¹⁶. Being “triple motive” political party attracted various kind of people from all around the UK. Mainly three kinds of voters helped raise the UKIP: elderly people, middle-class people and single-issue Conservatives living in the suburbs with a strong desire to withdraw the UK from the EU²¹⁷. The fast rise of UKIP forced the prime minister to worry about it as some surveys indicated the support of approximately 15% of voters in 2013. Mr. Cameron was not worried that the UKIP would take their seats, but rather their votes to hand the victory over Labour Party²¹⁸.

Mr. Cameron’s calculation on numerous issues went wrong. Mainly, he was not expecting a win of majority seats in Commons. Another coalition government has highly been expected in 2015 general election. Thus, as the Liberal Democrats were considered the truly pro-European party, Cameron thought that Liberal Democrats would suppress anti-European Conservatives which will allow him to concentrate on his integral reform agenda²¹⁹. However, Conservative Party won the absolute majority with 331 seats; meanwhile, Liberal Democrats and Labour Party lost a profound number of seats²²⁰. As a result of the major losses, Labour Party leaders, Liberal Democrats and the UKIP have resigned²²¹.

Following the absolute majority win, the PM had no choice but to implement the in/out referendum. By the end of 2015, the royal assent was gained specifying that the referendum would not be held later than the end of 2017²²². Series of events were upcoming in mainland Europe, such as the presidential election in France or, perhaps a new Chancellor in Germany. Furthermore, British ministers were supposed to begin the presidency period in the Council of the European Union by first of July. Above all

²¹⁶ M. GOODWIN, *Rise of the UK Independence Party*, Europe for Citizens, p. 4. Available at: https://eu.boell.org/sites/default/files/uploads/2014/06/ukip_eu.pdf

²¹⁷ *Ibid.* p. 1.

²¹⁸ O. WRIGHT and C. COOPER, *The speech that was the start of the end of David Cameron*, 24 June 2016, The Independence, available at: <https://www.independent.co.uk/news/uk/politics/brexit-eu-referendum-david-cameron-resignation-announcement-2013-a7101281.html>

²¹⁹ *Ibid.*

²²⁰ Election results of 2015, BBC, available at: <https://www.bbc.co.uk/news/election/2015/results>

²²¹ S. ROBSON, *General Election 2015: Conservatives win absolute majority in House of Commons after reaching 326 seats*, Daily Mirror, 8 May 2015, available at: <https://www.mirror.co.uk/news/uk-news/general-election-2015-conservatives-win-5661204>

²²² A. GLENCROSS, *Why the UK Voted for Brexit: David Cameron’s Great Miscalculation*, Palgrave Macmillan, 2016, p. 23.

considerations abroad, domestic calculations became priority for Mr. Cameron. Based on previous experience during the Scottish independence referendum in 2014, the 18-month long campaign gained much more supporters of independence than he was expecting. Thus, in his opinion, shorter campaign time would prevent Brexit campaigners from delivering significant messages as well as building a coherent leadership²²³.

Another issue was an immigrant crisis in mainland Europe. The Prime Minister wanted to hold the referendum before any significant decision was made with regard to the aforementioned issue²²⁴. Nevertheless, Cameron considered a referendum in summer, on 23 June 2016. His miscalculation abroad put him in great dependency of February Council meeting where head of European States met and discussed to reach an agreement on UK renegotiation proposals, because previous summit was ended with no deal²²⁵.

Talks among the leaders of the EU in council meeting lasted more than 24 hours. Cameron was focusing on three key issues on sovereignty, immigration, and protection from Eurozone integration or economic governance²²⁶. Mr. Cameron focused on two main issues on sovereignty: the concept of “ever closer union” and “the role of national parliaments”. As he emphasized the different paths of integration of different countries throughout his Bloomberg speech, he wanted Britain to be excluded from the commitment to the “ever closer union” that has been declared in EU treaties. As a result, the agreement’s wording says: "It is recognized that the UK is not committed to further political integration in the European Union", which clearly demonstrates Cameron’s achievement²²⁷.

With regard to the role of national parliaments, Cameron demanded a veto power for the national parliaments to challenge EU Commission’s proposals, a procedure known as “red card”²²⁸. However, demanding a veto power exclusively for British Parliament would be fundamentally incompatible with EU principles. Giving a collective veto power to all national parliaments would require a treaty change or consensus of all the institutions that the European Commission or European Parliament would oppose.

²²³ *Ibid.*

²²⁴ J. SMITH, *David Cameron’s EU renegotiation and referendum pledge: A case of déjà vu?*, p. 17.

²²⁵ *Ibid.* p. 24.

²²⁶ K. A. ARMSTRONG, *Brexit Time: Leaving the EU – Why, How and When?* Cambridge University Press, June 2017, p. 26.

²²⁷ O. WRIGHT, *EU renegotiation: What David Cameron wanted – and what he really got*, Independent, 20 February 2020, available at: <https://www.independent.co.uk/news/uk/politics/eu-renegotiation-what-david-cameron-wanted-and-what-he-really-got-a6885761.html>

²²⁸ A. GLENCROSS, *Why the UK Voted for Brexit*, p. 34.

Furthermore, it would make decision-making procedure even more complicated²²⁹. Nevertheless, the EU has already had a system of warning national parliaments to raise the voice if the principle of subsidiarity does not comply, according to Article 5(3) of the Treaty on European Union (TEU) and Protocol (No 2) on the application of the principles of subsidiarity and proportionality²³⁰.

The protection from European countries seeks to find bilateral agreement from non-Eurozone and Eurozone countries. Eurozone countries committed to respecting the competences and rights of non-Eurozone countries, and non-Eurozone countries committed not to impede further integration of the Eurozone. Currency discrimination against non-Eurozone countries is expressly prohibited²³¹. Ensuring a new settlement required action within the Council. To do so, a new mechanism allows any member state that is not part of Banking Union to stop the adoption of any measure that might be considered breached the agreed principle²³².

The immigration issue surely was going to be the core of the renegotiation process. Cameron had been pledging to cut the immigration flow within the EU into the UK and specify a lower number in population growth since he is in Downing Street²³³. But as the free movement, residence and access to the labour market are protected rights of people in the EU, imposing net numbers on immigrants would contradict EU fundamental principles and would be opposed by Member States. Thus, the negotiation instead focused more on welfare incentives as Court of Justice had already made clear that “Member States could restrict access to certain social assistance benefits²³⁴”. Cameron tried to forbid new European immigrants from claiming in-work benefits for the first four years of residency in the UK²³⁵.

Controversially, at home, it was not regarded as a fundamental change in immigration issue. The eminent economist at the Office of Budgetary Responsibility, Steve Nickell, has commented, “changing the rules on in-work benefits will make little difference to the numbers of migrants: most come for the jobs, not the tax credits²³⁶”.

²²⁹ *Ibid.* p. 35.

²³⁰ European Parliament, *Fact Sheets on the European Union, The principle of subsidiarity*, available at: <https://www.europarl.europa.eu/factsheets/en/sheet/7/the-principle-of-subsidiarity>

²³¹ K. A. ARMSTRONG, *Brexit Time*, p. 31.

²³² *Ibid.* p. 32.

²³³ David Cameron immigration speech, BBC, 14 April 2011, available at: <https://www.bbc.com/news/uk-politics-13083781>

²³⁴ K. A. ARMSTRONG, *Brexit Time*, p. 33.

²³⁵ *Ibid.* p. 34.

²³⁶ C. GRANT, *The Continental View of Cameron's Renegotiation*, Centre for European Reform, 16 December 2016, available at: <https://www.cer.eu/insights/continental-view-camerons-renegotiation>

Along with in-work benefits, child benefits for migrant children who do not reside in the UK were also tried to stop. In this issue, an amendment was offered to regulation 883/2004 that would give states an option to index benefits to the conditions of Member States where the child resides²³⁷. However, as a result, it would not be considered as a success, because new regulation will only be phased in for existing claimants from 2020. Furthermore, it would cost more to run the initiative than it saves²³⁸. Regarding the prohibition of in-work benefits, Mr. Cameron ended up with the idea of emergency brake which means that a Member State can apply to the Commission in order to get a suspension on benefit payments when the Member State is overburdened on the social services. The Commission agreed with the UK's eligibility, but the negotiation purpose was to determine how long of break? Mr. Cameron came up with 13 years, but the Visegrád group of four central European countries (Czech Republic, Hungary, Slovakia and Poland) began the talk with 5 years which led to 7 years set by the Council to make each side satisfied²³⁹.

Cameron needed the strong support of his European colleagues, mainly German and French ones, to get the best possible deal to bring back home. Germany wanted the British to stay in the Union, although in some issues, German authorities were hostile to Cameron's proposals, such as giving a veto power to national parliaments, which in German view, would slow the decision-making process down²⁴⁰. British departure would open new doors for France, such as being the only voice of the EU in the UN Security Council with veto power, or decision-making bodies would make trade and regulation policy more protectionist. Nevertheless, the poll indicated that only 44% of voters in France wanted the UK to leave the EU²⁴¹.

²³⁷ K. A. ARMSTRONG, *Brexit Time*, p. 35.

²³⁸ O. WRIGHT, *EU renegotiation: What David Cameron wanted – and what he really got*, Independent, 20 February 2020, available at: <https://www.independent.co.uk/news/uk/politics/eu-renegotiation-what-david-cameron-wanted-and-what-he-really-got-a6885761.html>

²³⁹ *Ibid.*

²⁴⁰ C. GRANT, *The Continental View of Cameron's Renegotiation*

²⁴¹ A. GLENCROSS, *Why the UK Voted for Brexit*, pp. 27 – 28.

3. Referendum campaigns and the referendum

Although the EU itself has never conducted an EU-wide referendum, referendums, in general, are common in Europe. Whether a Member State holds a referendum on a European issue or another, it is always a domestic matter. Referendums in Member States have mostly been held on matters that will bring a profound change to the Union – such as new state accession, amendments to the treaties or policy development as introducing the Euro²⁴². A referendum on EU membership is not a single issue to decide on one way or another, it is rather complex with a lack of actual knowledge in voters²⁴³. In this regard, referendum campaigns came to be crucial which provide information directly as well as positions of main and opposition political parties²⁴⁴.

Another main concern is accountability: who should be accountable for the result of referendum? The accountability issue in the referendum process is rather complicated. That being said, if the political leader's preferred choice – especially the one that the leader puts to the electorate as a political choice – comes up with referendum as well as the *status quo* is maintained, then his government is simply accountable for the result. Otherwise, the political situation may lead to resignation, as it was the case of David Cameron and Italian Prime Minister Matteo Renzi in recent years²⁴⁵.

The 2016 UK referendum on EU membership was authorized by the European Referendum Act 2015²⁴⁶, and conducted in accordance with the Political Parties, Elections and Referendums Act (PPERA) 2000, part 7 (as modified by the 2015 Act)²⁴⁷. The Act does not provide threshold or turnout. However, Scottish National Party (SNP) members in Commons attempted unsuccessfully to amend the bill to provide for a double majority requirement – which is, that a UK-wide majority plus majorities in each of Scotland, Wales, Northern Ireland, and England would be required in order for Leave to win²⁴⁸.

²⁴² A. GLENCROSS, *Why the UK Voted for Brexit*, p. 36.

²⁴³ K. A. ARMSTRONG, *Brexit Time*, p. 46.

²⁴⁴ S. B. HOBOLT, *Taking Cues on Europe? Voter competence and party endorsements in referendums on European integration*, European Consortium for Political Research, 26 February 2007, available at: <https://ejpr.onlinelibrary.wiley.com/doi/full/10.1111/j.1475-6765.2006.00688.x>

²⁴⁵ K. A. ARMSTRONG, *Brexit Time*, p. 47.

²⁴⁶ The European Referendum Act 2015 is available at:

<https://www.legislation.gov.uk/ukpga/2015/36/contents/enacted>

²⁴⁷ Political Parties, Elections and Referendums Act 2000 is available at:

<https://www.legislation.gov.uk/ukpga/2000/41/contents>

²⁴⁸ A. MCHARG, *Navigating without maps: Constitutional silence and the management of the Brexit crisis*, *International Journal of Constitutional Law*, Volume 16, Issue 3, July 2018, pp. 952 – 968. Available at: <https://academic.oup.com/icon/article/16/3/952/5165826>

The Political Parties, Elections and Referendums Act 2000 (PPERA) has been passed to lay down basic legal principles and default rules on conducting future referendums by which the Electoral Commission was created with responsibilities, such as: testing the referendum question and its neutrality, giving advice on the question, monitoring campaign spending, appointing lead campaign groups, and so on²⁴⁹. Having tested proposed Yes/No referendum question: “Should the United Kingdom remain a member of the European Union?”, the Electoral Commission concluded that the wording of question does not keep neutrality as the word “Remain” or “Leave” is a strong term that might dissuade the voters²⁵⁰. Therefore, at the end, the Electoral Commission recommended the question: "Should the United Kingdom remain a member of the European Union or leave the European Union?" that was accepted by the Parliament²⁵¹. The European Referendum bill has dealt with franchise issue. It was based on the franchise used for UK Parliament elections, additionally, entitled Commonwealth citizens resident in Gibraltar and peers to vote²⁵². However, two key issues were debatable immediately. Firstly, as it was in Scottish independence referendum, whether 16- and 17-year-old voters should be given the right to vote. Secondly, UK citizens living abroad would be given the right to vote²⁵³. Eligibility of teenagers to vote was proposed by Labour members to be amended, but it was defeated in the House of Commons. Nevertheless, the House of Lords amended the same issue in November 2015. The amendment of the House of Lords was overturned due to two timing reasons and a financial reason. In terms of timing of the referendum, first of all, the previous practice of Electoral Commission demonstrated that there should be at least six months between the referendum date and the finalization of the legislative framework²⁵⁴. Second of all, including teenagers would require the registration and information arrangement targeting these people in a campaign, which would require a 9-month delay²⁵⁵. The House of Commons cited “financial privilege” in respect of amendment, adding possible cost given

²⁴⁹ House of Lords, *Constitution Committee - Twelfth Report, Referendums in the United Kingdom*, available at: <https://publications.parliament.uk/pa/ld200910/ldselect/ldconst/99/9907.htm>

²⁵⁰ The Electoral Commission, *Testing the EU referendum question*, available at: <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/elections-and-referendums/past-elections-and-referendums/eu-referendum/testing-eu-referendum-question>

²⁵¹ *Ibid.*

²⁵² E. UBEROI, *European Union Referendum 2016*, Briefing Paper, House of Lords Library, Number CBP 7639, 29 June 2016.

²⁵³ K. A. ARMSTRONG, *Brexit Time*, p. 52.

²⁵⁴ E. UBEROI, *European Union Referendum 2015 – 16*, Briefing Paper, House of Lords Library, Number 07212, 3 June 2015.

²⁵⁵ *Ibid.*

by the government would be £6 million – informing that the Lords ought not to insist on the amendment²⁵⁶. Thus, the amendment of Lords was defeated and 16- and 17-year-olds were not eligible to vote.

Meanwhile, an interesting study by Renwick and McCay on whether these voters could have made a change in referendum results demonstrates that, actually no change would have been made through allowing teenagers to vote. So approximately 1.5 million 16- and 17-year-old UK citizens would be eligible to vote. The practice of the Scottish referendum indicated that only 85% of them voted which means 1.275 million voters²⁵⁷. June poll showed that 69% of them are intended to vote for a Remain²⁵⁸. Therefore, we can easily conclude that allowing teenager voters' eligibility would have not changed the final result of referendum.

Having been designated the referendum date as 23 June 2016, ten weeks of referendum period was important in triggering the rules of campaign determined by the 2000 act which would begin by 15 April 2016. The Electoral Commission was to designate lead campaign in each, either, or non-sides, taking into consideration the capacity of organization to represent properly those campaigning for an outcome, if many organizations apply for designation, then the Electoral Commission chooses the most appropriate one²⁵⁹. The main benefit of being a lead campaign is the right to be given to spend up to 7 millions of pound; to obtain an access to the electoral role; to make a free information distribution to voters; to make a campaign broadcast; 600,000 pounds grant to be used for administrative costs²⁶⁰.

Two days before the commencement of the referendum campaign, the Electoral Commission designated two lead campaigners. For the outcome of Remain, only one group applied under Prime Minister David Cameron's leadership: "Britain Stronger in Europe". Unlikely, for the outcome of Leave three organizations rallied but the one, "Vote Leave" won the designation officially for "Out" campaign, backed by the Conservative

²⁵⁶ M. RUSSELL AND D. GOVER, *The Lords, Financial Privilege and the EU Referendum Franchise*, UK Constitutional Law Association, 16 December 2015, available at:

<https://ukconstitutionallaw.org/2015/12/16/meg-russell-and-daniel-gover-the-lords-financial-privilege-and-the-eu-referendum-franchise/>

²⁵⁷ A. RENWICK and B. MCCAY, *Votes at 16: What Effect Would It Have?*, UK In A Changing Europe, 18 November 2015, available at: <https://ukandeu.ac.uk/votes-at-16-what-effect-would-it-have/>

²⁵⁸ British Election Study, available at: <https://www.britishelectionstudy.com/data/#.YGrZaS0Rpp8>

²⁵⁹ The Electoral Commission, *Referendums in the United Kingdom - Constitution Committee*, The referendum campaign: practical issues, available at:

<https://publications.parliament.uk/pa/ld200910/ldselect/ldconst/99/9907.htm>

²⁶⁰ K. MACLELLAN, *Britain's 'Vote Leave' named lead 'Out' campaign for EU referendum*, Reuters, 13 April 2016, available at: <https://www.reuters.com/article/us-britain-eu-out-idUSKCN0XA1NF>

mayor of London, Boris Johnson as well as the UKIP leader Nigel Farage²⁶¹. Vote Leave campaign had difficulty initially as they did not know if they are the lead campaigners or not. With a nationalistic slogan of “take control back” the Leave campaign stuck on the control over law, trade, democracy, people, and border²⁶².

Unofficial UKIP campaign alongside official Vote Leave worked well by focusing on its traditional themes like the control over immigration which gained huge popularity to the party since 2010²⁶³. Even party leader, Nigel Farage once claimed “immigration is far and away the biggest issue” to influence those sitting in Westminster²⁶⁴. The fears about immigration are vivid among Britons, but the low point did come when N. Farage showed UKIP’s “Breaking Point” poster: the image of non-EU workers coming to the UK, but in reality, of refugees in Slovenian border with the headline “Breaking Point”, “EU has failed us all²⁶⁵”. He was criticized widely for inciting racial hatred, however, he refused to apologize for it²⁶⁶. Controversially, when the Vote Leave released its launch video in October 2015, it rather focused on the claim of contribution of £350 million a week, or £20 billion each year to the EU budget which could be spent on National Health Service (NHS) or other areas without mentioning the immigration even once²⁶⁷.

The Remain campaigners with “Stronger In” slogan focused on the risks to the economy, investment, and jobs that might occur when deciding to leave²⁶⁸. Thus, they commenced turning the strategy into reality. Several business sectors warned the people, among others, the Governor of the Bank of England told Treasury Committee that a vote to leave would result higher interest rate, in Wales farmers received £240 million from the EU’s Common Agricultural Policy and was due to receive a further £300 million before 2020, in Northern Ireland the huge investment lost was highly possible, British Gas owner as well as the Automobile Association (AA) warned people that the gas and petrol prices would increase, and so on warnings were made²⁶⁹.

²⁶¹ *Ibid.*

²⁶² K. A. ARMSTRONG, *Brexit Time*, p. 66.

²⁶³ H.D. CLARKE, M. GOODWIN and P. WHITLEY, *Brexit: Why Britain Voted to Leave the European Union*, Cambridge University Press, 2017, p. 34.

²⁶⁴ *Ibid.*

²⁶⁵ J. LOWE, *Brexit: UKIP Launches 'Breaking Point' Immigration Poster*, Newsweek, 16 June 2016, available at: <https://www.newsweek.com/brexit-eu-immigration-ukip-poster-breaking-point-471081>

²⁶⁶ A. COWBURN, *Nigel Farage refuses to apologise for 'Breaking Point' poster in final pitch to voters*, Independent, 22 June 2016, available at: <https://www.independent.co.uk/news/uk/politics/brexit-poster-nigel-farage-eu-referendum-live-latest-vote-leave-remain-a7095236.html>

²⁶⁷ Available at: http://www.voteleavetakecontrol.org/why_vote_leave.html

²⁶⁸ K. A. ARMSTRONG, *Brexit Time*, p. 66.

²⁶⁹ H.D. CLARKE, M. GOODWIN and P. WHITLEY, *Brexit: Why Britain Voted to Leave the European Union*, pp. 35 – 36.

The registration was required in order to vote, and deadline was midnight on 7 June 2016. However, due to the crash on government website handling the registration, a new deadline was determined according to secondary legislation for 9 June. After the campaign time was stopped for three days until 19 June as the Labour MP Jo Cox was murdered in her constituency by a white supremacist Thomas Mair, who shouted slogans such as “Britain first” or “keep Britain independent” during the attack²⁷⁰.

The campaigns officially ended when the voters went to the polls. The next day Chief Counting Officer for the referendum and Chair of the Electoral Commission announced the referendum result: 17,410,742 votes for Leave and 16,141,241 votes for Remain²⁷¹.

²⁷⁰ K. A. ARMSTRONG, *Brexit Time*, p. 69.

²⁷¹ The EU Referendum Results, available at: https://www.bbc.com/news/politics/eu_referendum/results

4. Triggering the Article 50 and post-referendum negotiations: Theresa May

A day after the referendum day, 24 June 2016, Prime Minister David Cameron gave a statement in front of 10 Downing Street. In his statement, he announced the election results and his intention to resign officially²⁷². However, he emphasized that he was staying in office until a new party leader was chosen, which is due Conservative Party Conference in October²⁷³. Unexpectedly, Vote Leave campaigner Boris Johnson lost a substantial number of key supporters, thus, he pulled out of the race. As a result, only the Energy Minister Andrea Leadsom was to race for party leadership with Theresa May who had withdrawn even before the process began. Mrs. Leadsom stressed her eligibility for better premiership because she was a mother, while Mrs. May had no children, which led to Leadsom's withdrawal²⁷⁴. As there was no other candidate, Theresa May became the Conservative Party leader and new Prime Minister of the United Kingdom on 13 July 2016.

Theresa May was a Remainer, fought to stay in the European Union shoulder to shoulder with Cameron. However, when Mrs. May ran for leadership, she made her legacy clear by using the phrase "Brexit means Brexit" which later became to be used repeatedly²⁷⁵. Although this phrase has caused ambiguity, even sometimes misinterpretation, May literally wanted to mean that the will of British people must be implemented, the referendum was held and the exit process must be delivered, there would be no turning point, no second referendum²⁷⁶. In legal terms, according to the European Union Referendum Act, 2015, the referendum was advisory, and the government had no binding obligation to pursue the result²⁷⁷. Controversially, in political terms, it was hard, even impossible to do anything but the will of people²⁷⁸. The will of people has been used by

²⁷² D. Cameron's Speech, EU referendum outcome: PM statement, 24 June 2016, available at: <https://www.gov.uk/government/speeches/eu-referendum-outcome-pm-statement-24-june-2016>

²⁷³ *Ibid.*

²⁷⁴ R. BOOTH, *How it all went wrong for Andrea Leadsom's leadership*, The Guardian, 11 July 2016, available at: <https://www.theguardian.com/politics/2016/jul/11/how-it-all-went-wrong-for-andrea-leadsoms-leadership-bid>

²⁷⁵ P. SCHNAPPER, *Theresa May, the Brexit negotiations and the two-level game, 2017–2019*, Journal of Contemporary European Studies, 27 April 2020, p. 4. Available at: <https://www.tandfonline.com/doi/full/10.1080/14782804.2020.1753665>

²⁷⁶ *Ibid.* p. 5.

²⁷⁷ K. J. MCKINNEY, *Was the EU referendum "advisory"?* Full Fact, 8 November 2019, available at: <https://fullfact.org/europe/was-eu-referendum-advisory/>

²⁷⁸ L. MCGOWAN, *Preparing for Brexit: Actros, Negotiations and Consequences*, Palgrave Macmillan, 2018, p. 34.

Mrs. May repeatedly in order to respond and silence his critics which also bound her own hands²⁷⁹.

The next step was to trigger Article 50 of the Lisbon Treaty of the European Union, which sets out the procedure of withdrawal for the Member State of the European Union. Triggering Article 50 would impose a two-year period limit for the negotiation with possible extension upon unanimous agreement of both sides²⁸⁰. The Prime Minister gave a speech to the Conservative Party Conference in early October announcing an important decision, the deadline for triggering Article 50, which was set to be by the end of March 2017. She announced a “Great Repeal Bill” to repeal the European Communities Act 1972, and thus, the Great Repeal Bill will incorporate all EU laws in the UK beginning from the day the UK leaves the EU. In party conference speech, she declared: “It is not up to the House of Commons to invoke Article 50, and it is not up to the House of Lords. It is up to the government to trigger Article 50 and the government alone”.²⁸¹

Tim Barrow, British ambassador to the EU, delivered Theresa May’s formal notice of the UK’s intention to leave the Union under Article 50 of the Lisbon Treaty of the EU to Donald Tusk, the President of European Council on March 29, 2017²⁸². Thus, it officially triggered the Article 50. In the letter, many vital issues have been pointed out by Mrs. May, among others, the timing of talks, citizen’s rights, what if no deal is reached at the end, and so on. The timing was one of the key issues as two-year-long talks would not be enough for alteration of over four decades relationship and integration.

On the other side of the negotiation, the European Commission was to represent the EU. Ex-French Defense Minister, as well as ex-Commissioner Michel Barnier, was appointed as a chief negotiator, head of Commission’s Task Force on Article 50 negotiations. His Task Force Deputy, Sabine Wawend had substantial trade negotiation experience²⁸³. Michel Barnier held a press briefing and mentioned key principles along with noting that

²⁷⁹ *Ibid.*

²⁸⁰ *Article 50 of the Treaty on European Union – Q&A*, European Commission, 29 March 2017, available at:

https://ec.europa.eu/commission/presscorner/detail/en/MEMO_17_648#:~:text=Article%2050%20of%20the%20Treaty%20on%20European%20Union,the%20European%20Council%20of%20its%20intention%20to%20leave.

²⁸¹ *Theresa May - her full Brexit speech to Conservative conference*, Independent, 2 October 2016, available at: <https://www.independent.co.uk/news/uk/politics/theresa-may-conference-speech-article-50-brexit-eu-a7341926.html>

²⁸² *Brexit begins: Theresa May Article 50 letter to EU President Donald Tusk [Full document]*, Telegraph Belfast, 29 March 2017, available at: <https://www.belfasttelegraph.co.uk/news/brexit/brexit-begins-theresa-may-article-50-letter-to-eu-president-donald-tusk-full-document-35575843.html>

²⁸³ Q. ARIÈS, *Michel Barnier’s Brexit dream team*, Politico, 6 January 2017, available at: <https://www.politico.eu/article/michel-barnier-brexit-dream-team-negotiation-europe-commission/>

the time is strictly short. There should be an agreement by October 2018 if the UK wants to leave by the promised time as the legal procedure, passing through both British and European Parliaments, would take time²⁸⁴. Additionally, he revealed four key principles of the EU negotiation team:

- The preservation of unity of 27 remaining members which each Member States has shared;
- Keeping the rights and benefits of members unequal to the third countries;
- Negotiations would not commence without notification;
- Single Market and four freedoms are indivisible, adding that the “cherry picking” is not among the options²⁸⁵.

The Prime Minister demonstrated her will to negotiate the withdrawal agreement and the terms of future relationship together by mentioning the following statement in her letter: “we believe it is necessary to agree the terms of our future partnership alongside those of our withdrawal from the EU”²⁸⁶. Controversially, the chief negotiator of the EU, Michel Barnier, made his view clear that the withdrawal agreement should be reached before any future trade deals were negotiated. He emphasized, “putting things in the right order maximizes the chances of reaching an agreement”²⁸⁷. In case of not reaching a deal on trade by the deadline, the Prime Minister pointed out the possibility of trading under the terms of World Trade Organizations.

One of the key issues throughout the campaign was immigration. Unexpectedly, she did not mention it in her letter of triggering Article 50. As it had already been made clear, if the UK intended to be a part of single market, then it would have accepted one of the four fundamental freedoms: freedom of people’s movement. However, not mentioning the immigration issue would also demonstrate that both sides are firm in their positions and there is not much to talk about the issue.

In following month, right after Easter break the PM announced her call for a “snap” general election even though she was not planning to do so until 2020²⁸⁸. As a reason of the early general election, she claimed that the SNP, Labour, and Liberal Democrats

²⁸⁴ Michel Barnier, Press Briefing, 6 December 2016, available at: https://ec.europa.eu/info/news/introductory-comments-michel-barnier-2016-dec-06_en

²⁸⁵ *Ibid.*

²⁸⁶ *Key points from the Article 50 letter*, the BBC, 29 March 2017, available at: <https://www.bbc.com/news/uk-politics-uk-leaves-the-eu-39433403>

²⁸⁷ *Ibid.*

²⁸⁸ *General election 2017: Why did Theresa May call an election?* BBC, 9 June 2017, available at: <https://www.bbc.com/news/election-2017-40210957>

would try to exercise a destabilization policy on forthcoming Brexit talks by mid-June, so she wanted to strengthen her hands in negotiations²⁸⁹. The concentration of the Conservative Party was clear at the beginning: May's reputedly "strong and stable leadership" and ability to secure a good Brexit deal for Britain²⁹⁰. However, a series of events injured her reputation, including her refusal of leaders' tv debate, right after the party launched manifesto her U-turn on funding for domiciliary social care. Additionally, terrorist attacks in Manchester and London shifted the focus from Brexit onto her own record²⁹¹.

The result of the election even more weakened her position as well as the party position. The Conservative Party gained 318 seats and lost the majority in the Commons. Theresa May could reach a "confidence and supply" agreement with the Democratic Unionist Party (DUP) of Northern Ireland, which is not considered as a coalition government. It is an agreement based on mutual benefits between two parties: DUP backs the Conservatives on budget and a confidence motion, in return, the Conservatives would spend 1 billion pounds more on Northern Ireland in the next two-year period²⁹².

Following the first round of Brexit talks, the Terms of Reference for the Article 50 TEU negotiations has been published in the first day of negotiation agreed upon both sides²⁹³. The document defines negotiation structure, texts and documents, frequency as well as negotiating language. Soon after, the PM gave a press statement assuring the EU citizens living in the UK that there would be no change in their life²⁹⁴. Five points were the key tasks of British government to achieve in Brexit negotiation process:

- Securing best possible divorce deal with the EU;
- Obtaining a free trade agreement with the EU;
- Regaining back the full membership of WTO;
- Replacing the trade deals that the UK has as a member of the EU;

²⁸⁹ *Ibid.*

²⁹⁰ N. ALLEN, *'Brexit means Brexit': Theresa May and post-referendum British politics*, Macmillan Publishers Ltd., part of Springer Nature 2017, p. 13.

²⁹¹ *Ibid.* p. 14.

²⁹² A. HUNT, *Theresa May and the DUP deal: What you need to know*, BBC, 26 June 2017, available at: <https://www.bbc.com/news/election-2017-40245514>

²⁹³ Department For Exiting the European Union, *Terms of reference for the Article 50 negotiations between the United Kingdom and the European Union*, 19 June 2017, available at: <https://www.gov.uk/government/publications/terms-of-reference-for-the-article-50-negotiations-between-the-united-kingdom-and-the-european-union>

²⁹⁴ European Council June 2017: Prime Minister's press statement, 23 June 2017, available at: <https://www.gov.uk/government/speeches/european-council-june-2017-prime-ministers-press-statement>

- Settling future relationship with the EU on foreign, security and defense issues²⁹⁵.

In addition, the division of internal opinions has also been a consideration point for the government, especially, Northern Ireland and Scotland as they were favoured membership. Even a call for second Scottish independence referendum would gain high possibility in terms of being left out of negotiation²⁹⁶.

Several controversial issues played a role in Mrs. Mays’s failure on delivering Brexit. Her early mantra “no deal is better than a bad deal” gave way to “softer” Brexit²⁹⁷. The criticisms came one after another for various issues such as her consent to pay £39 billion “divorce payment” before future trade deal talks begin; accepting Commission’s agenda of negotiation sequence; agreeing on protection of the EU citizens’ rights in the UK²⁹⁸. However, the most controversial matter was “Irish border backstop” which could keep the UK within the customs arrangement after the transition period for indefinite time. Meanwhile, others were concerned that Northern Ireland would be ruled differently than the rest of the UK²⁹⁹.

Theresa May, as a Prime Minister, failed on numerous issues, among others, she failed to unite the Conservative Party and pass the Brexit deal through the House of Commons three times. She put the deadline of 29 March 2019 to deliver Brexit. From all the perspectives, her failure began with the 2017 general election, where, although she won the largest share of the vote, she lost her parliamentary majority. Her resignation was actual from the point of publication of election results, and in fact, it was reported that she considered to resign. A day later, the headline “the caretaker PM stays for now, but no one expects her to fight another general election” ran usually loyal Sunday Telegraph article³⁰⁰.

May’s announcement that the vote on the withdrawal agreement bill would take place in early June triggered May’s resignation³⁰¹. Series of events followed one another, such as:

²⁹⁵ L. McGOWAN, *Preparing for Brexit: Actros, Negotiations and Consequences*, Palgrave Macmillan, 2018, p. 52.

²⁹⁶ *Ibid.*

²⁹⁷ G. GOODLAD, *The Slow-Motion Downfall of Theresa May*, Political Studies Association, August 8, 2019, available at: <https://doi.org/10.1177/2041905819871846>

²⁹⁸ *Ibid.*

²⁹⁹ J. JARVIS, H. COLLIER and T. HERBERT, *What is the controversial Irish backstop in Theresa May's Brexit deal?* Evening Standard, 12 March 2019, available at: <https://www.standard.co.uk/news/politics/irish-backstop-theresa-may-brexit-deal-a4089571.html>

³⁰⁰ B. RILEY, *The Caretaker PM stays for now, but no one expects her to fight another general election*, The Sunday Telegraph, 18 June 2017, available at: <https://www.pressreader.com/uk/the-sunday-telegraph/20170618/281681139869845>

³⁰¹ G. GOODLAD, *The Slow-Motion Downfall of Theresa May*, Political Studies Association, August 8, 2019, available at: <https://doi.org/10.1177/2041905819871846>

her cabinet support collapsed; long-standing pro-Brexit Leader of the Commons, Andrea Leadsom resigned; and, mainly, Foreign Secretary, Jeremy Hunt, told Mrs. May that her Brexit bill must not be merely postponed but dropped which was supported by Home Secretary Sajid Javid and other senior ministers³⁰². Finally, on 24 May 2019, in front of 10 Downing Street, she announced her resignation by 7th of June as a party leader and as Prime Minister when her successor was chosen³⁰³.

³⁰² *Ibid.*

³⁰³ *Theresa May's resignation speech*, May 24, 2019, available at: <https://brexitcentral.com/theresa-mays-resignation-speech-full-text/>

5. General election of December 2019 and the exit: Boris Johnson

American-born politician and journalist Boris Johnson was prepared extremely ambitious for leadership since his childhood³⁰⁴. Having served as a mayor of London and secretary of State for Foreign Affairs under Theresa May, he eventually became her successor. Following the mayoral election of London, Johnson stepped down as a member of Parliament to fulfill his pre-election pledge³⁰⁵. The general election of 2015 was a turning point for him as he won a seat in the Parliament while retaining mayoral position. Therefore, critics charged him with being less interested and less involved in the position of mayor, instead more inspired by his childhood ambition of leadership³⁰⁶.

Another important point of his life was to become a spokesman for the “Leave” campaign even before leaving the mayoral office and promising not to run for the 2016 mayoral re-election of London. Thus, he went head-to-head with the Prime Minister David Cameron, the most prominent proponent of “Remain” campaign, demonstrating an obvious bravery by attacking the prime minister and calling him for a live TV debate³⁰⁷. In the wake of referendum, Cameron stepped down as a Prime Minister before the October Conservative Party conference.

Boris Johnson was among the expected candidates for party leadership as well as the premiership. Suddenly and unexpectedly, Johnson was abandoned by his closest ally, Michael Gove, the Justice Secretary, who run for candidacy for himself judging Johnson with lack of leadership skills. The betrayal forced Johnson to withdraw his candidacy as Mr. Gove weakened his position within the party and took some of his key supporters away while applying his own candidacy³⁰⁸. Nevertheless, newly elected Prime Minister, Theresa May, named Boris Johnson her foreign secretary. He could keep his seat and position in the government in snap election.

³⁰⁴ A. SHERWIN, *'Toffishness and twittishness' - Boris Johnson spills beans on Bullingdon Club and reveals childhood ambition to be 'world king'*, The Independent, 19 March 2013, available at: <https://www.independent.co.uk/arts-entertainment/tv/news/toffishness-and-twittishness-boris-johnson-spills-beans-bullingdon-club-and-reveals-childhood-ambition-be-world-king-8539391.html>

³⁰⁵ *Boris Johnson, Prime Minister of United Kingdom*, The Britannica, Written by The Editors of Encyclopaedia Britannica, last updated: 12 April 2021, available at: <https://www.britannica.com/biography/Boris-Johnson>

³⁰⁶ *Ibid.*

³⁰⁷ A. COWBURN, *Boris Johnson says David Cameron would look 'wet' and 'wimpy' not to debate EU referendum*, The Independent, 12 May 2016, available at: <https://www.independent.co.uk/news/uk/politics/boris-johnson-says-it-would-be-wet-and-wimpy-not-debate-eu-referendum-a7025371.html>

³⁰⁸ T. MCTAGUE and A. SPENCE, *A Very British Betrayal: How the Brexit 'dream ticket' fell apart*, Politico, 30 June 2016, available at: <https://www.politico.eu/article/a-very-british-betrayal-michael-gove-boris-johnson/>

Johnson's foreign secretary period was full of events that could have caused him the loss of his reputation³⁰⁹. Despite all, he remained persistent in his Brexit side: Hard Brexit. Nonetheless, once Britain's chief negotiator with the EU, Brexit secretary David Davis resigned in July, accusing Theresa May that "she gives away too much, too easily"³¹⁰, Johnson decided to follow him by the next day as a foreign secretary. These resignations were similar to that of Sir Geoffrey Howe which led to the end of Thatcher's long-lasting premiership almost three decades ago³¹¹. Johnson's resignation was valued as a genuine step forward towards the lead; otherwise, if he stayed loyal to Theresa May, he would have lost his future chance of taking control³¹².

Theresa May's resignation gave way to four Conservative candidates and among them, Boris Johnson won the final vote against Jeremy Hunt, his successor as a foreign secretary³¹³. Johnson campaigned to leave the EU without a deal if the exit agreement was not changed in a way that he wanted by 31 October 2019. While giving a victory speech, he pledged to "deliver Brexit, unite the country, and defeat Jeremy Corbyn"³¹⁴, then added "energize the country" making the *dude* acronym. Thus, on 24 July 2019 he became a Prime Minister of the United Kingdom officially.

Forthcoming months were predicted to be challenging for the new Prime Minister. With the alliance of 21 rebellious Conservative MPs, the opposition has taken the offensive shortly after against Johnson in a vote that allows House of Commons to temporarily take over the government's control of the legislative body's agenda³¹⁵. Johnson responded to this humiliating defeat by expelling those 21 dissident MPs from the party. As a result,

³⁰⁹ Boris Johnson has made several mistakes while holding foreign secretary position in the government. Following article is dedicated to demonstrating some of his mistakes:

J. SHARMAN and B. KENTISH, *Boris Johnson: 15 of the Conservative leader's most calamitous mistakes and gaffes, taking a look back at ex-foreign secretary's storied career*, The Independent, 23 July 2019, available at: <https://www.independent.co.uk/news/uk/politics/boris-johnson-prime-minister-leader-mistakes-gaffes-iran-libya-muslims-europe-sacked-a9016666.html>

³¹⁰ *Brexit Secretary David Davis resigns*, The BBC, 9 July 2018, available at: <https://www.bbc.com/news/uk-politics-44761056>

³¹¹ L. MCKINSTRY, *Boris Johnson should follow David Davis and quit, or fail in his duty to Brexit and the country*, The Telegraph, 9 July 2018, available at: <https://www.telegraph.co.uk/politics/2018/07/09/boris-johnson-should-follow-david-davis-quit-fail-duty-brexit/>

³¹² *Ibid.*

³¹³ *Boris Johnson wins race to be Tory leader and PM*, The BBC, 23 July 2019, available at: <https://www.bbc.com/news/uk-politics-49084605>

³¹⁴ Jeremy Corbyn is a British politician who served as a leader of the Labour Party (2015-2020). Available at: <https://www.britannica.com/biography/Jeremy-Corbyn>

³¹⁵ A. WOODCOCK, *Brexit vote result: Rebel MPs defy threats from Boris Johnson in vote against no-deal*, The Independent, 3 September 2019, available at: <https://www.independent.co.uk/news/uk/politics/brexit-vote-tonight-result-boris-johnson-rebel-mps-bill-no-deal-a9090901.html?r=90548>

the vote for a delay in the House of Commons forced Johnson to request a new deadline of January 31, 2020, for British departure from the EU³¹⁶.

To regain control, Johnson has called for a snap election. However, under the Fixed Terms of Parliament Act, the prime minister must have an approval of at least two-thirds of MPs in Commons³¹⁷. In fact, it would force him to find common ground with the opposition leader, namely, Jeremy Corbyn. By October, Johnson reached a new deal with the EU which largely resembles to that of May, but with a replacement of the backstop³¹⁸ with a plan to keep Northern Ireland aligned to the EU for at least four years from the end of transition period³¹⁹.

Once the no-deal Brexit was off the table, Jeremy Corbyn demonstrated his willingness to support the election. Consequently, the general election of December 2019 brought a profound victory to the Conservative Party with 365 seats, and a most commanding win since 1987 with 80-seat majority³²⁰. This advantage would allow the PM to command the House of Commons in favour of his policy easily. The slogan that played a role in victory was well-chosen and straightforward: “Get Brexit Done”.

As the election focused mainly on Johnson’s Brexit deal, he assured Conservative voters that the exit plan was ready to go with a deal, which he called “oven-ready” deal. His confidence, certainty, courage to call on TV live debate twice, and pledging on more precise matters, such as an increase in number of police officers and nurses and delivering Brexit, have helped him win over Jeremy Corbyn³²¹. At the same time, the weakness of Labour Party was among the reasons that pushed Conservatives forward to the historic victory³²².

As can be seen, with the power of majority, Prime Minister Boris Johnson made the European Union Bill (Withdrawal Agreement) pass both the House of Commons and the

³¹⁶ *Ibid.*

³¹⁷ *The Fixed Terms of Parliament Act 2011* is available at:

<https://www.legislation.gov.uk/ukpga/2011/14/section/2/enacted>

³¹⁸ The backstop is a guarantee that whatever happens during the negotiations between the EU and UK on the future relationship, the open border between Ireland and Northern Ireland will be maintained, and the Good Friday Agreement respected. It is often described as an ‘all weather insurance policy’.

The definition was copied from the House of Commons Library. Available at:

<https://commonslibrary.parliament.uk/the-backstop-explained/>

³¹⁹ C.C. CÍRLIG, *The Revised Brexit Deal, What Has Changed and Next Steps?* European Parliamentary Research Service, October 2019, pp. 7 – 9. Available at:

[https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/642260/EPRS_BRI\(2019\)642260_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/642260/EPRS_BRI(2019)642260_EN.pdf)

³²⁰ *Election Results 2019: Analysis in Maps and Charts*, BBC, 13 December 2019, available at:

<https://www.bbc.com/news/election-2019-50770798>

³²¹ R. MASON, *Five Reasons the Tories Won the Election*, The Guardian, 13 December 2019, available at: <https://www.theguardian.com/politics/2019/dec/13/five-reasons-the-tories-won-the-election>

³²² *Ibid.*

House of Lords in January. Having received Royal Assent, the European Union Bill became an act of Parliament: the European Union (Withdrawal Agreement) Act 2020³²³. Finally, in the last days of January, the agreement was signed and ratified by the European Union³²⁴. Thus, on 31 January 2020, at 11 pm, the United Kingdom left the European Union and entered a transition period until 31 December 2020.

³²³ *The European Union (Withdrawal Agreement) Act 2020* is available at: <https://www.legislation.gov.uk/ukpga/2020/1/contents/enacted>

³²⁴ *Brexit: Council adopts decision to conclude the withdrawal agreement*, Press Release of Council of the EU, 30 January 2020, available at: <https://www.consilium.europa.eu/en/press/press-releases/2020/01/30/brexit-council-adopts-decision-to-conclude-the-withdrawal-agreement/>

CHAPTER 3: LEGAL PERSPECTIVES OF BREXIT

1. Treaty on European Union: Article 50

The Treaty of Lisbon, a multilateral agreement amending Treaty on European Union (TEU; also known as the Maastricht Treaty) and the Treaty establishing the European Community (TEC; also known as the Treaty of Rome) which was renamed as the Treaty on the Functioning of the European Union (TFEU), was signed in 2007 and ratified by all the Member States³²⁵. Lisbon Treaty is also known as the Reform Treaty. It introduced the right of a Member State to withdraw from the European Union for the first time in Article 50³²⁶.

The origin of Article 50 dates back when the Treaty establishing a “Constitution for Europe” was being discussed³²⁷. In 2002 the preliminary draft of the Constitutional Treaty was published, which introduced a possible way of withdrawal for the first time under Article 46³²⁸. Nevertheless, it did not contain any specific text regarding the conditions of withdrawal in it³²⁹. Shortly earlier, a British representative to the Convention, Peter Hain, had presented his work of text that he had prepared with an academic group of lawyers of Cambridge University, led by Alan Dashwood. The text became known as “Cambridge Text” which included simple article for the withdrawal³³⁰. The “Praesidium³³¹” presented a draft text of withdrawal under Article I-60 a year later, which departed from “Cambridge Text” in many ways³³². Following the failure of the

³²⁵ Official Website of European Union: https://europa.eu/european-union/law/treaties_en

³²⁶ *Article 50 TEU: Withdrawal of a Member State from the EU*, European Parliament Think Tank, 18 February 2016, available at:

https://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_BRI%282016%29577971

³²⁷ C. H. CHURCH and D. PHINNEMORE, *Understanding the European Constitution: An introduction to the EU Constitutional Treaty*, Routledge, 2006, pp. 73-74.

³²⁸ A. HEUSER, *The Convention Scores A Partial Success: The Structure of A Constitutional Treaty Has Now Been Made Public*, Centre for Applied Policy Research, 2002, pp. 4-6. Available at:

http://www.cap.lmu.de/download/spotlight/Spotlight_10-02_en.pdf

³²⁹ *Ibid.*

³³⁰ K. A. ARMSTRONG, *Brexit Time: Leaving the EU – Why, How and When?* Cambridge University Press, June 2017, p. 198.

³³¹ The Praesidium has the role of lending impetus to the Convention and providing it with a basis on which to work, and it consists of the Convention Chairman and Vice-Chairmen and nine members drawn from the Convention: the representatives of all the governments holding the Presidency of the Union during the Convention (Spain, Denmark and Greece), two national parliament representatives, two European Parliament representatives and two Commission representatives. Available at: <http://european-convention.europa.eu/EN/praesidium/praesidium2352.html>

³³² Constitutional Treaty as a whole (including Article I-60) can be found at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.C_.2004.310.01.0001.01.ENG&toc=OJ%3AC%3A2004%3A310%3ATOC

Constitutional Treaty after the rejections in referendums of France and the Netherlands, the withdrawal provision was added to the Treaty of Lisbon as Article 50³³³.

Prior to the Lisbon Treaty, the withdrawal process had never been regulated. Yet, it was never denied. As a reason, either founders of the Union intended to dissuade Member States from the withdrawal, or the process of integration within the Union was perceived as indissoluble that Member States cannot leave the community using International Law tools³³⁴. However, under the Vienna Convention on the Law of Treaties of 1969, Member States had right to withdraw even before the Treaty of Lisbon³³⁵. Full affiliation of European Union Laws with International Treaties has been confirmed in customary international law expressed in the convention³³⁶. Nevertheless, Article 54 of Vienna Convention also provide a possibility that the treaties may provide the mechanism of withdrawal.

According to Article 47 of the Treaty on European Union (TEU), the Union has a legal personality that derives from the act, which requires a transfer of state's sovereignty to the European Union³³⁷. Article 3(5) TEU demonstrates European Union's international responsibilities, including towards international law and the United Nations Charter³³⁸.

All the debates about whether a Member State can withdraw from the Union, if so, under which conditions, etc. had come to an end with the acceptance of explicit regulations of withdrawal from the Union when the Treaty of Lisbon entered into force on 1 December 2009. Inclusion of Article 50 was perceived as a positive action even though it deals with a negative question itself for the Union³³⁹. Nevertheless, including such a proviso indicated the concept of the EU as a bound of sovereign states, which also would lessen the tendencies of federalization and make the EU more operable³⁴⁰.

Article 50 TEU reads:

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

³³³ K. A. ARMSTRONG, *Brexit Time*, p. 201.

³³⁴ D. R. TROITIÑO, T. KERIKMÄE, A. CHOCHIA, *Brexit: History, Reasoning and Perspectives*, Springer, January 2018, p. 203.

³³⁵ Vienna Convention on the Law of Treaties 1969, Article 54 and Article 56, p. 19. Available at: https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf

³³⁶ D. R. TROITIÑO, T. KERIKMÄE, A. CHOCHIA, *Brexit*, p. 204.

³³⁷ The Treaty on European Union, p. 41. Available at: https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF

³³⁸ The Treaty on European Union, p. 17.

³³⁹ D. R. TROITIÑO, T. KERIKMÄE, A. CHOCHIA, *Brexit*, p. 208

³⁴⁰ *Ibid.*

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 49³⁴¹.

The process explained by Article 50 TEU is rather complex and lengthy, although it seems easy from the first reading. Before all, it allows any Member States to withdraw unilaterally any time the decision of withdrawal is taken. A Member State which decides to leave the Union shall notify the European Council. Then, the Council provides guidelines, appoints a negotiation team, and concludes the agreement on behalf of the Union at the end of the process. Article 218 (3) TEU regulates the negotiation process and conclusion of agreement which the Union shall follow as Article 50 TEU does not provide the procedure of the withdrawal negotiation³⁴².

Once the agreement is reached, following the approval of the European Parliament, the Council will conclude the agreement by qualified majority vote. Upon the date that the

³⁴¹ *Article 50 TEU: Withdrawal of a Member State from the EU*, February 2016, European Parliament, available at:

[https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/577971/EPRS_BRI\(2016\)577971_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2016/577971/EPRS_BRI(2016)577971_EN.pdf)

³⁴² S. PEERS, *Article 50 TEU: The uses and abuses of the process of withdrawing from the EU*, *EU Law Analysis*, 8 December 2014, available at: <https://eulawanalysis.blogspot.com/2014/12/article-50-teu-uses-and-abuses-of.html>

withdrawal agreement enters into force, all European Treaties cease to apply to the withdrawing state, or, if a withdrawing state and the Union fail to reach an agreement, two-years deadline shall be applied after the official notification to the Council. Taking into consideration the complexity of issues to be negotiated, however, the possibility of extension of given period remains possible³⁴³.

Article 50 paragraph 2 gives general indications about the content of withdrawal agreement. However, important political, legal, and economic issues remain to be solved between parties through negotiations that make two-years term insufficient³⁴⁴. Moreover, negotiation period also requires the reorganization of EU bodies as the withdrawing state's representatives shall leave by the time that the withdrawal agreement enters into force. Therefore, a risk raises up that the Union's decisions and policies are being either taken or influenced by the officers who are less interested in the European common interest for a significant amount of time³⁴⁵. This issue becomes clearer in Article 50 paragraph 4 which forbids the participation of withdrawing state's representatives from the Council or the European Council discussions that would concern the withdrawing state.

As the integration among EU Member States became much deeper during last years, as a consequence, withdrawal process became ever more complicated. EU institutions, not Member States, work in harmony in the process as it is not an inter-state issue. Once the UK made the leave decision, the heads of state and government met informally with the presidents of European Council and the Commission and decided to appoint the European Commission as an only negotiator of the EU for the issues which were left without precise clarification in Article 50³⁴⁶.

The withdrawal agreement is not the only condition under which the membership can be terminated. Failure to reach an agreement within a two-year period can bring the membership to an end unless an extension is agreed between the European Council and the withdrawing state³⁴⁷. Following the decision made by European Court of Justice (CJEU) on a Scottish case, *Wightman*³⁴⁸, it became clear that the UK may revoke the

³⁴³ D. R. TROITIÑO, T. KERIKMÄE, A. CHOCHIA, *Brexit*, p. 211.

³⁴⁴ T. OLLERENSHAW, *Article 50: The simplest explanation you'll find*, the BBC, 2 October 2016, available at: <https://www.bbc.com/news/newsbeat-36634702>

³⁴⁵ D. R. TROITIÑO, T. KERIKMÄE, A. CHOCHIA, *Brexit*, p. 211.

³⁴⁶ C. HILLION, *Withdrawal under Article 50 TEU: an integration-friendly process*, *Common Market Law Review*, 2018, p. 31.

³⁴⁷ L. REES, *Extending and Revoking Article 50*, *Freshfields Bruckhaus Deringer*, 23 January 2019, available at: <https://brexit.freshfields.com/post/102fdkl/extending-and-revoking-article-50>

³⁴⁸ The case is available at: <http://www.bailii.org/eu/cases/EUECJ/2018/C62118.html>

Article 50 under the condition in which before the withdrawal agreement between the EU and UK enters into force, or, if no such agreement had been concluded, before the end of the Article 50 period³⁴⁹. Lastly, if the withdrawing state wants to rejoin to the EU, it must go through all the process from beginning, as described in Article 49 TEU.

Article 50 encourages the withdrawing state to compromise and cooperate as it subjects withdrawal to strict procedural conditions³⁵⁰. Thus, unlike widespread views about Article 50, it constitutes a “well-designed secession³⁵¹”. Although some issues could be well-addressed, such as a deadline to invoke the withdrawal once the decision is taken to leave the Union, however, these kinds of flaws cannot prevent Article 50 from functioning as a “well-designed secession clause” that intends to “discourage secessionist resentment”, while not prohibiting the withdrawal in accordance with norms of rule of law, justice, and democracy³⁵².

Lacking certainty in some issues would also mean to leave the Union and withdrawing state to negotiate and decide on specific matters in their best interest. Article 50 indicates that the membership of the Union is not a necessity, but a choice. In conclusion, Article 50 shows that the Union recognizes the sovereignty of all the Member States, that the Member States decide on the issues concerning their future³⁵³. Neither any institution nor any other Member State can restrict another Member State’s sovereignty because any Member State has a right to withdraw at any time it wants.

³⁴⁹ L. REES, *Extending and Revoking Article 50*

³⁵⁰ Cf. S. MANCINI, *Secession and Self-Determination*, in M. ROSENFELD, A. SAJÒ (eds), *The Oxford Hand- book of Comparative Constitutional Law*, Oxford: Oxford University Press, 2012, p. 495.

³⁵¹ W. NORMAN, *Negotiating Nationalism: Nation-Building, Federalism and Secession in the Multinational State*, Oxford: Oxford University Press, 2006, p. 175.

³⁵² *Ibid.*

³⁵³ D. DIXON, *Article 50 and Member State Sovereignty*, *German Law Journal*, Cambridge University Press, 06 March 2019, p. 903. Available at: https://dotcom731.files.wordpress.com/2019/01/c1471-08Vol_19_No_04_Dixon.pdf

2. British constitution and Parliament before Brexit

Unlike most countries in the world, the UK has no written single legal document that defines the fundamental laws and mechanisms of the state functioning. Nevertheless, Acts of Parliament, court judgments, and conventions set out the structure of government and its relations with the citizens³⁵⁴. Therefore, it is said that Britain has no codified³⁵⁵ constitution which is directly related to its history. In a shortest way, with revolutions and fundamental systematic changes in history, there has always been a need to begin from commencement, such as constructing new institutions, preparing set of documents that define their relations and working structure such as the Constitution of the United States of America after the revolution³⁵⁶. Yet British constitution evolved over a long period of time having accumulated judicial decisions, treaties, conventions, and statutes³⁵⁷. Once Jack Straw, former Secretary of State for Justice, said “the constitution of the United Kingdom exists in hearts and minds and habits as much as it does in law³⁵⁸”.

An uncodified constitution has both advantages and disadvantages³⁵⁹. It is entirely different in many other nations, for instance, the United States of America (USA). Countries with codified constitutions have their rules and laws written in a single document and are codified. Law changing, amending, or introducing processes in such countries is more difficult than the UK because of its inflexibility³⁶⁰. For instance, once the bill is introduced in the USA, it goes to the Committee, a small group of representatives and senators for discussion. In the following step, if the bill is accepted in Committee, Members of House and Senate debate the bill, add amendments, or make changes if necessary. The bill must be accepted in both houses by majority vote, if so, it goes to the President for a last decision³⁶¹.

³⁵⁴ R. BLACBBURN, *Magna Carta: Britain's Unwritten Constitution*, British Library, 13 March 2015, available at: <https://www.bl.uk/magna-carta/articles/britains-unwritten-constitution#>

³⁵⁵ It would be better to call it “Uncodified Constitution” rather than “Unwritten Constitution” because of the existence of written documents that form the Constitution.

Teacher, Law, *Uncodified British Constitution*, November 2013, Available at: <https://www.lawteacher.net/free-law-essays/public-law/with-reference-to-the-uncodified-law-essays.php?vref=1>

³⁵⁶ E. CASTELOW, *The Constitution of the United Kingdom*, Historic UK, available at: <https://www.historic-uk.com/HistoryUK/HistoryofBritain/British-Constitution/>

³⁵⁷ *Ibid.*

³⁵⁸ *Ibid.*

³⁵⁹ K. NIEMIEC, *To codify or not to codify the UK constitution? Advantages and disadvantages of codified constitutions*, Academia, 2020, available at: https://www.academia.edu/44351141/To_codify_or_not_to_codify_the_UK_constitution_Advantages_and_disadvantages_of_codified_constitutions

³⁶⁰ *Ibid.*

³⁶¹ The whole procedure is available at the official website of the US government: <https://www.usa.gov/how-laws-are-made>

However, in the UK, any law can be made in only Parliament by democratically and directly elected Members. An uncodified constitution is more amendable and flexible, and it is sometimes called “living constitution”³⁶². On the other hand, the lack of sources makes the constitution less intelligible and transparent. It may be subject to multiple interpretations³⁶³. Furthermore, three pillars of the government – legislative, judicial, and executive – are not defined clearly, which may lead to ambiguity³⁶⁴.

The defining principle of the British constitution is the parliamentary sovereignty, as the Parliament is democratically elected ultimate power with the competence of abolishing or creating any law. It is often said that “Britain made an evolutionary, not revolutionary, transition to modernity³⁶⁵”. Another core principle can be mentioned as the rule of law, the separation of government into judicial, executive, and legislative branches, the unitary state which means the Parliament is holding the ultimate power³⁶⁶. Nevertheless, the sovereignty of Parliament could be questioned as the European Court of Justice (CJEU) is the highest judicial instance in the EU³⁶⁷.

The impact of European law over British law began with the accession of the UK to the European Communities Act in 1972³⁶⁸, which allowed the UK to join to the EU and gave supremacy to the EU law over UK National Law. Albert Venn Dicey, iconic scholar of parliamentary sovereignty, defined the doctrine as followed:

“The principle of Parliamentary sovereignty means neither more nor less than this, namely, that Parliament thus defined has, under the English constitution, the right to make or unmake any law whatever; and, further, that no person or body is recognized by the law of England as having a right to override or set aside the legislation of Parliament³⁶⁹”.

³⁶² L. WADE, *The Pros and Cons of an 'Unwritten' Constitution*, Gibson Dunn, 1 October 2019, available at: <https://www.thelawyerportal.com/blog/the-pros-and-cons-of-having-an-unwritten-constitution/>

³⁶³ *Ibid.*

³⁶⁴ *Ibid.*

³⁶⁵ M. LOUGHLIN, *The British Constitution: A Very Short Introduction*, Oxford, pp. 42 – 43.

³⁶⁶ J. MCCONALOGUE, *The British Constitution Resettled: Parliamentary Sovereignty Before and After Brexit*, Palgrave Macmillan, 2020, pp. 1 – 2.

³⁶⁷ Explanation of Judicial systems of the EU is available at: https://e-justice.europa.eu/content_eu_courts-15-en.do

³⁶⁸ European Communities Act 1972 is available at: <https://www.legislation.gov.uk/ukpga/1972/68/contents>

³⁶⁹ A. V. DICEY, *Introduction to the Study of the Law of the Constitution*, 1885, The Online Library of Liberty, published online in September 2011, p. 87.

Having signed the European Communities Act 1972, EU regulations began to apply in the UK without Parliament's approval. The government usually issues a secondary legislation, namely a statutory instrument, in order to implement EU directives, or Act of Parliament – primary legislation – can be considered³⁷⁰. Theoretically, the Parliament can reject the statutory instruments but is unable to amend them. Even though the Parliament is also able to repeal the European Communities Act 1972, it would mean the end of Membership³⁷¹.

Many were wondering which would be superior to another if contradiction happens between the British Act of Parliament and EU legislation. In this regard, the *Factortame* case³⁷² would be helpful to figure out the issue of supremacy. *Factortame* is a Spanish fishing company. The Merchant Shipping Act 1988, passed by British Parliament, limits the rights of non-British fishing ships in the UK waters which the *Factortame* considered as being contrary to the Treaty of Rome³⁷³. According to them, they had a right to fish under European Economic Community Law.

The Council adopted the Common Fisheries Policy in 1970 with the purpose of creating a common fish market by granting full access of waters to all Member States³⁷⁴. Due to the possible effect of allowing too many people on the fishing stocks lead the EU to impose certain limits on the amount of fishing for each Member State³⁷⁵.

Spanish fishing companies began entering British waters in 1980. Merchant Shipping Act 1894 had a softer lenient registration requirement of fishing vessels than the Merchant Shipping Act 1988³⁷⁶. The Merchant Shipping Act 1894 prohibited the vessels owned by non-UK nationals, however, it allowed UK registered companies. The Merchant Shipping Act 1988, instead, introduced new regulations, whereas it states that the fishing vessels are allowed to be registered in the UK only under the circumstances that it has “a genuine

³⁷⁰ M. T. JACK, *European Communities Act 1972*, *Institute for Government*, 24 February 2020, available at: <https://www.instituteforgovernment.org.uk/explainers/european-communities-act-1972>

³⁷¹ *Ibid.*

³⁷² Full case name is *R (Factortame Ltd) v Secretary of State for Transport* and available is: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:61989CJ0213>

³⁷³ C. BAKSI, *Landmarks in law: the 90s fishing case that stoked UK Euroscepticism*, *The Guardian*, 29 March 2019, available at: <https://www.theguardian.com/law/2019/mar/29/landmarks-in-law-the-90s-fishing-case-that-stoked-uk-euroscepticism>

³⁷⁴ Common Fisheries Policy, European Commission, available at: https://ec.europa.eu/oceans-and-fisheries/policy/common-fisheries-policy-cfp_en

³⁷⁵ The concept is called “Total Allowable Catches” and available at: https://ec.europa.eu/oceans-and-fisheries/fisheries/rules/fishing-quotas_en

³⁷⁶ Merchant Shipping Act 1988 is available at: <https://www.legislation.gov.uk/ukpga/1988/12/contents/enacted>

and substantial connection³⁷⁷ with the UK, which means three requirements are to be fulfilled:

- i. The vessel must be British-owned;
- ii. The vessel had to be managed, and its operations had to be directed and controlled from the UK;
- iii. Any charterer, manager or operator had to be a qualified person³⁷⁸ or company³⁷⁹.

The Factortame Ltd.'s vessels were not eligible for registration under new requirements. Thus, the Factortame Ltd. brought the case in the Divisional Court which referred to the CJEU as it has no competence to suspend the Acts of Parliament³⁸⁰. The decisions were made in favor of Factortame Ltd., which illustrated that the EU law can overrule the parliamentary sovereignty of the UK. After this case, the House of Lords has been given the authority to ignore the Acts of Parliament, which may contradict EU law³⁸¹.

Becoming a Member State requires sharing sovereignty with the Union. EU passes law alone in the areas such as customs union, most of issues related to single market, trade, and international agreements, which is called by treaties “exclusive competences”³⁸². Nevertheless, the areas like education, health, and taxation remain under the competences of national parliaments of the Member States³⁸³. In some particular areas, both Member States and EU share the competences, meaning that a Member State can pass the law unless the EU has already proposed law or decided not to engage, such as agriculture, environment, or transport³⁸⁴. The areas like tourism and civil protection rely fully on a Member State with the support of the Union, which is called “supportive competences”³⁸⁵.

³⁷⁷ *Ibid.*

³⁷⁸ By “qualified person” the Act means: a person who is a British citizen resident and domiciled in the United Kingdom, or a local authority in the United Kingdom; and “the relevant percentage” means 75 per cent. or such greater percentage (which may be 100 per cent.) as may for the time being be prescribed. Merchant Shipping Act 1984, Part II, Section 14, Subsection 7. Available at:

<https://www.legislation.gov.uk/ukpga/1988/12/section/14/enacted>

³⁷⁹ Merchant Shipping Act 1984, Part II, Section 14 – Eligibility for registration as British fishing vessel, available at: <https://www.legislation.gov.uk/ukpga/1988/12/section/14/enacted>

³⁸⁰ Teacher, Law, *The Supremacy of European Community Law*, November 2013, available at:

<https://www.lawteacher.net/free-law-essays/european-law/the-supremacy-of-european-community-law.php?vref=1>

³⁸¹ *Ibid.*

³⁸² Areas of EU Action, European Commission, available at: https://ec.europa.eu/info/about-european-commission/what-european-commission-does/law/areas-eu-action_en#EU

³⁸³ *Ibid.*

³⁸⁴ *Ibid.*

³⁸⁵ *Ibid.*

Three principles define the EU action and its areas: the principles of conferral, proportionality, and subsidiarity. Under the principle of conferral, the competences conferred upon it by Member States in treaties are the limits of EU action, which means that the EU has no competence to take action in the areas that have not been given to the EU by the Member States voluntarily through the treaties³⁸⁶. According to the principle of subsidiarity, the EU can act in the areas that do not fall under its exclusive competences, if a Member State is not able to deal with the issue at a national or regional level or may be better dealt at the Union level³⁸⁷. Lastly, the Union's action shall not exceed what is important to achieve the treaty objectives³⁸⁸, which are, among others:

- The promotion of peace and the well-being of the Union's citizens;
- An area of freedom, security, and justice without internal frontiers;
- Sustainable development based on balanced economic growth and social justice;
- A social market economy - highly competitive and aiming at full employment and a social progress;
- A free single market³⁸⁹.

Protocol No 2 of TFEU sets out the procedure of compliance of the principles of subsidiarity and proportionality³⁹⁰.

The principle of subsidiarity allows the national parliaments to object to the new proposals of the Union; if enough parliaments object the new proposal, it shall be withdrawn. To do this, the European Scrutiny Committee in the House of Commons and the European Union Select Committee in the House of Lords review all the new legislative proposals and give consent or object it, but no veto power is given³⁹¹.

The traditional British parliamentary sovereignty stresses the supremacy of the Parliament on making or unmaking any law without interference of courts³⁹². However, under the European Communities Act 1972, the British Parliament recognized the

³⁸⁶ Treaty on European Union, Article 5 (1-2), available at: https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF

³⁸⁷ Treaty on European Union, Article 5 (3).

³⁸⁸ Treaty on European Union, Article 5 (4).

³⁸⁹ Treaty on European Union, Article 3.

³⁹⁰ Protocols (No 2) are available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12008E/PRO/02>

³⁹¹ House of Commons - European Scrutiny Committee, *Reforming the European Scrutiny System in the House of Commons*, Twenty-fourth Report of Session 2013-14, Volume I, 28 November 2013, pp. 54 – 57. Available at: <https://publications.parliament.uk/pa/cm201314/cmselect/cmeuleg/109/109.pdf>

³⁹² S.K. SCHMIDT, No match made in heaven. Parliamentary sovereignty, EU over-constitutionalization and Brexit, *Journal of European Public Policy*, 27:5, pp. 779 – 794, available at: <https://www.tandfonline.com/doi/full/10.1080/13501763.2020.1733635>

supremacy of EU law. Thus, traditional full sovereignty of the parliament came to an end after centuries.

3. Deal possibilities: No deal, Hard Brexit or Soft Brexit

The UK left the EU by the last extended deadline, 31 January 2020, as there was no need for further extension period, and entered in transition period of eleven months until 31 December 2020. Several predictions about the final agreement had been introduced, among them, No Deal, Hard Brexit, and Soft Brexit mainly prevailed, and their characteristics remain debatable³⁹³. Ending 47 years of membership was seemingly challenging, as Rudolf Adam, the author of “Brexit: Causes and Consequences”, said in his book: “Voting to leave was difficult enough, but it was the easiest part of Brexit³⁹⁴”, emphasizing the difficulty of separating deeply integrated systems.

Breaking up totally with an agreement would have been so-called Hard-Brexit, whereas keeping some ties to the EU would have been so-called Soft-Brexit. Nevertheless, reaching to no agreement at the end of the deadline, unless no extension is reached, would have led to so-called no-deal Brexit³⁹⁵.

Having failed in British parliament for three times, it was predicted hard to achieve a deal at the end of the exit. Therefore, No-deal Brexit scenario was highly possible, along with revoking Article 50. Leaving the EU without a deal would have caused fundamental changes in the UK, and bad consequences of no-deal Brexit could be unavoidable. Mainly, no-deal Brexit means there would be no transition period and the UK would have left the EU by the given deadline without an agreement unless no extension was agreed during the negotiations³⁹⁶.

Possible consequences of no-deal Brexit remain hard to predict as there had never been a similar situation in the Union’s history. The UK was trading with the EU and the rest of the world under the EU Customs Union³⁹⁷ and the Single market³⁹⁸ rules. Sudden exit would have meant numerous changes, among them, the end of four free movements;

³⁹³ J. WORTH, *Varieties of Brexit*, Euroblog, 20 December 2016, available at:

<https://jonworth.eu/varieties-of-brexit/>

³⁹⁴ R. G. ADAM, *Brexit: Causes and Consequences*, Springer, 12 August 2019, p. 130.

³⁹⁵ T. BRODZICKI, *Brexit scenarios for the UK, EU, and global trade relations*, IHS Markit, 28 January 2020, available at: <https://ihsmarkit.com/research-analysis/brexit-scenarios-for-the-uk-eu-and-global-trade-relations.html>

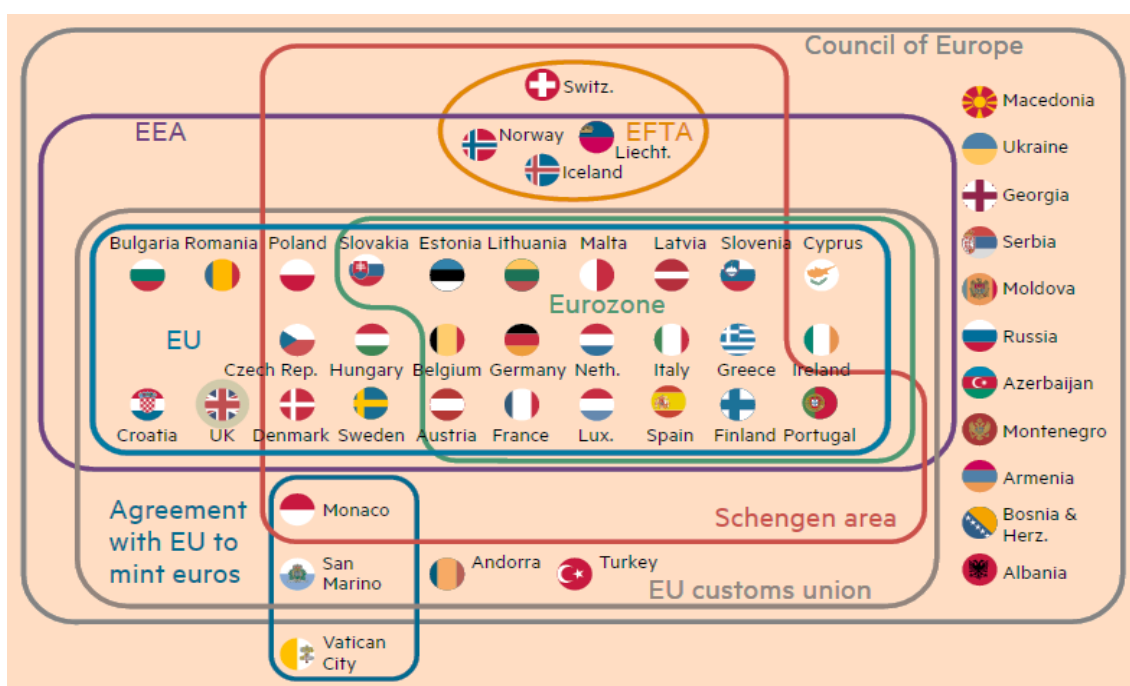
³⁹⁶ C. TAYLOR, *Brexit explained: What would a no-deal Brexit mean?* The Irish Time, 30 April 2019, available at: <https://www.irishtimes.com/business/economy/brexit-explained-what-would-a-no-deal-brexit-mean-1.3665568>

³⁹⁷ EU Customs Union regulates trade among EU companies, harmonizes customs duties (the same tariff) on goods from outside the EU and applies no tariff internally). See for more information the website of the EU: https://europa.eu/european-union/topics/customs_en

³⁹⁸ EU Single market ensures free movement of citizens, capital, goods, and services in a Single EU internal market. See for more information the website of the EU: https://europa.eu/european-union/topics/single-market_en

applying extra tariffs on British goods; special import taxes on products; custom checks and hard border between the EU and UK which means even in Ireland island; travel restrictions³⁹⁹. To generalize the consequences, it could have had three impacts on citizens: rise in consumer prices, economic damage and restriction on living and traveling in Europe⁴⁰⁰.

Nevertheless, some of the main challenging issues would have been left unresolved in no-deal Brexit scenario, such as the backstop, rights of the EU citizens living in the UK and that of Brits living in the EU and UK obligation to pay to bloc's long-term budget⁴⁰¹. Another possible scenario would be soft Brexit which, according to the article published on The Economist, means that the UK stays outside of the EU while keeping the ties to the Union as close as possible, paying contribution to the EU budget and allowing free movement of people⁴⁰². The complexity of how the European countries integrated increases the possibility of understanding how all countries cooperate under different agreements. The diagram below illustrates the division of countries in the simplest way possible.



³⁹⁹ *Brexit: What would no deal mean?* BBC, 13 December 2020, available at: <https://www.bbc.com/news/uk-politics-48511379>

⁴⁰⁰ A. HIGHAM, *No-deal Brexit consequences: The three major impacts no-deal will have on you*, Express, 18 December 2020, available at: <https://www.express.co.uk/news/politics/1371229/no-deal-brexit-consequences-major-impact-no-deal-evtg>

⁴⁰¹ *Ibid.*

⁴⁰² J. P., *How a soft Brexit differs from a hard one*, The Economist, 25 June 2018, available at: <https://www.economist.com/the-economist-explains/2018/06/25/how-a-soft-brexit-differs-from-a-hard-one>

Figure 1. Explanation of divisions of European integration before Brexit

The soft Brexit scenario is similar to the Norwegian way of cooperation⁴⁰³. Having rejected EU membership twice in referendums⁴⁰⁴, Norway, with other two members of EFTA - Iceland and Lichtenstein – and all EU members formed the European Economic Area (EEA)⁴⁰⁵. This agreement enlarged the EU Single Market rules into three EFTA member states, except for Switzerland⁴⁰⁶. Under the EEA Agreement Article 128, all the states joining the EU shall sign EEA Agreement as well⁴⁰⁷. Norway accepted four freedoms and automatically accepted all EU rules and regulations while having no say in Brussels. Furthermore, Norway contributes to the EU budget for the privileges it receives from the EU. However, the amount is less than that of Member States⁴⁰⁸. Unlike island of Ireland, between Norway and Sweden, there is no border problem as both are Schengen Area countries⁴⁰⁹.

EU Customs Union has two parts: internal customs and external customs. Norway is part of internal customs, but not a part of external customs, which make it free to decide on its own tariffs and quotas on goods coming from the non-EEA state⁴¹⁰. To apply Norway model to the UK would require EEA membership. Consequently, the EEA membership would require the acceptance of four freedoms, jurisdiction of the CJEU, and the contribution, which all have been the centerground for Brexit. Taking given arguments into consideration, Norway model soft Brexit seems unacceptable by British people as Brexit means leaving the EU and its all institutions⁴¹¹.

In contrast, in January 2017, Prime Minister Theresa May announced her post-Brexit strategy for the UK, which is called “Global Britain” while giving a speech at Lancaster

⁴⁰³ A. MENON and B. BRIGID, *Hard or Soft? The Politics of Brexit*, National Institute Economic Review No. 23, 8 November 2016, p. 5.

⁴⁰⁴ Referendums in Norway were held twice, in 1972 and 1994, with high turnovers (79% and 88.6%). Norwegians opposed membership in both referendums due to high income of the state from oil and gas as well as fisheries policy. Otherwise, heavy financial burden would have been put on Norway. I. LADEGAARD, *Why Norwegians never wanted EU membership*, Sciencenorway.no, 21 August 2012, available at: <https://sciencenorway.no/democracy-european-union-forskningno/why-norwegians-never-wanted-eu-membership/1375602>

⁴⁰⁵ *The Basic Features of the EEA Agreement*, for more information see website of the EFTA: <https://www.efta.int/eea/eea-agreement/eea-basic-features>

⁴⁰⁶ Switzerland is not a party to the EEA Agreement, but it is part of Single Market. *Ibid.*

⁴⁰⁷ The EEA Agreement is available: <https://www.legislation.gov.uk/eut/eea-agreement/article/128>

⁴⁰⁸ R. G. ADAM, *Brexit*, pp. 130-131.

⁴⁰⁹ *Ibid.*

⁴¹⁰ A. J. B. MORTON, *A note on Norway and the EU's Customs Union*, Academia, University of Leeds, January 2019, available at: https://www.academia.edu/38453523/A_note_on_Norway_and_the_EUs_Customs_Union

⁴¹¹ N. C. CABRAL, J. R. GONÇALVES, AND N. C. RODRIGUES, *After Brexit: Consequences for the European Union*, Palgrave Macmillan, 2017, p. 107.

House⁴¹² and at the World Economic Forum in Davos⁴¹³. As a current priority, she emphasized negotiating and signing bilateral trade deals with the EU and non-EU countries. Most importantly, throughout the speech at Lancaster House, she made clear the kind of deal her government is seeking:

“What I am proposing cannot mean membership of the single market. European leaders have said many times that membership means accepting the ‘four freedoms’ of goods, capital, services and people. And being out of the EU but a member of the single market would mean complying with the EU’s rules and regulations that implement those freedoms, without having a vote on what those rules and regulations are. It would mean accepting a role for the European Court of Justice that would see it still having direct legal authority in our country. It would to all intents and purposes mean not leaving the EU at all. And that is why both sides in the referendum campaign made it clear that a vote to leave the EU would be a vote to leave the single market. So we do not seek membership of the single market⁴¹⁴.”

Hard Brexit would mean cutting all links to Single Market and all EU institutions, imposing hard border control, seeking new trade and other agreements with the EU and non-EU countries as the EU had concluded the agreements on behalf of the UK on the areas where the EU has exclusive competence and stopping contributions to the EU budget⁴¹⁵.

The differences between soft and hard Brexits are clear. But that of between no-deal and hard Brexits requires further clarification. Hard Brexit means an agreement will be reached at the end of the exit period with no mention of transition period. Nevertheless, consequences and features of hard Brexit scenario depends heavily on the final agreement.

⁴¹² See whole speech at: <https://www.gov.uk/government/speeches/the-governments-negotiating-objectives-for-exiting-the-eu-pm-speech>

⁴¹³ See whole speech at: <https://www.gov.uk/government/speeches/davos-2017-prime-ministers-speech-to-the-world-economic-forum>

⁴¹⁴ *Ibid.*

⁴¹⁵ N. C. CABRAL, J. R. GONÇALVES, and N. C. RODRIGUES, *After Brexit*, pp. 255 – 256.

Not only aforementioned scenarios were possible for the UK, but also the EU cooperation with other countries, such as Switzerland, Canada, or Turkey, were to be discussed among the future relationship possibilities of the UK. One of the possibilities was Switzerland model. Following World War II, Switzerland was skeptical of the European integration project, and thus, kept its neutrality as it was during the war⁴¹⁶. However, being entirely isolated in the middle of Europe would have been challenging, so it wanted to take a participation in the free trade area of the EU⁴¹⁷.

Having concluded several bilateral agreements, Switzerland became an essential partner of the EU. Switzerland is a party state to the EFTA and had an intention to become an EEA member as well initially. Due to negative outcome of referendum, this intention failed⁴¹⁸. In general, the nature of bilateral agreements is *status quo* which means that it does not require the adaption of new agreements towards the new tendencies, unlike EEA or the EU membership⁴¹⁹. Nevertheless, under the agreement signed on the Free Movement of Persons (AFMP) by the EU and Switzerland in 1999, the restrictions on movement were lifted⁴²⁰.

Swiss model seems relevant to the UK because of the sectorial approach. For instance, a bilateral agreement on the free movement of goods and services could be concluded. Thus, it might be more flexible in negotiating the terms separately⁴²¹. But the only concern would be if the EU would allow the UK cherry-picking mechanism as it takes labour and time to negotiate the terms⁴²².

Another possibility would be the Canadian model. Canada has no part in Single Market nor Customs Union, it does not accept free movement of people and does not contribute to the EU budget. According to the special agreement, reduced tariffs were imposed⁴²³.

⁴¹⁶ C. H. CHURCH, *Switzerland and European Integration*, Oxford Research Encyclopedias, 23 May 2019, available at: <https://oxfordre.com/politics/view/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-1163>

⁴¹⁷ M. VAHL and N. GROLMUND, *Integration without membership: Switzerland's Bilateral Agreements with the European Union*, Centre for European Policy Studies, Brussels, 2006, p. 9.

⁴¹⁸ M. MARESCAU, *Bilateral Agreements concluded by the European Community*, Leiden, Martinus Nijhoff Publishers, 2006, p. 413.

⁴¹⁹ Fact Sheets on the European Union, *The European Economic Area (EEA), Switzerland and the North*, available at: <https://www.europarl.europa.eu/factsheets/en/sheet/169/the-european-economic-area-eea-switzerland-and-the-north>

⁴²⁰ Free Movement of Persons Switzerland – EU/EFTA, available at: https://www.sem.admin.ch/sem/en/home/themen/fza_schweiz-eu-efta.html

⁴²¹ S. DHINGRA and T. SAMPSON, *Life after Brexit: what are the UK's options outside the European Union?* Centre for Economic Performance, London School of Economics, p. 6.

⁴²² *Ibid.* p. 9.

⁴²³ M. D., *The Canadian model for trade deals*, *The Economist*, 28 June 2016, <https://www.economist.com/the-economist-explains/2016/06/28/the-canadian-model-for-trade-deals>

However, Canada and the EU concluded a new trade agreement that lifted most of tariffs called EU-Canada Comprehensive Economic and Trade Agreement (CETA)⁴²⁴. This model would suit the UK as well. In this scenario, the UK would be exempt from contribution to the EU budget or would contribute less. Mainly, it would keep full control over its border and sovereignty. However, as mentioned for Suisse model, it would take long time of negotiation as it did so with Canada⁴²⁵. Furthermore, even though at the beginning of deal talks Mr. Johnson called for Canada model deal with the EU, Michel Barnier opposed it saying, “we remain ready to offer the UK an ambitious partnership⁴²⁶”, he continued:

“A trade agreement that includes in particular fishing and includes a level playing field, with a country that has a very particular proximity - a unique territorial and economic closeness – which is why it can't be compared to Canada or South Korea or Japan⁴²⁷.”

Among the options, the Turkey model was mentioned as a possibility. Turkey is not part of Single Market nor subject to the jurisdiction of the CJEU but has been part of Customs Union since 1996⁴²⁸. Free movement of goods was guaranteed between Turkey and the EU, but the movement of Turkish workers are limited and entirely depends on the receiving country⁴²⁹. Turkey does participate in the EU budget but shares the same external tariffs with the EU, which literally means Turkey follows the EU external tariffs⁴³⁰. Turkey was a strongly believed candidate state to the membership, thus it received special treatment. Relevancy of this kind of relationship with the EU seems unreal for the UK, a country with deep ties to the EU.

⁴²⁴ The EU and Canada approved and signed CETA on 30 October 2016. In February 2017 the European Parliament approved this text. In September 2017 CETA entered into force provisionally. As such most of the agreement now applies. National parliaments must approve CETA before it can take full effect. See for more information: <https://ec.europa.eu/trade/policy/in-focus/ceta/>

⁴²⁵ N. NIELSEN, *EU and Canada negotiators reach agreement on trade deal*, EU Observer, 6 August 2014, available at: <https://euobserver.com/foreign/125203>

⁴²⁶ Michel Barnier: UK can't have Canada trade deal with EU, BBC, 18 February 2020, available at: <https://www.bbc.com/news/uk-politics-51549662>

⁴²⁷ *Ibid.*

⁴²⁸ See for more information European Commission website: <https://trade.ec.europa.eu/access-to-markets/en/content/eus-custom-union-turkey>

⁴²⁹ S. SMEETS and D. BEACH, *When success is an orphan: informal institutional governance and the EU-Turkey deal*, 17 May 2019, available at:

<https://www.tandfonline.com/doi/full/10.1080/01402382.2019.1608495?scroll=top&needAccess=true>

⁴³⁰ R. G. ADAM, *Brexit*, pp. 131 – 132.

Lease possible option was to continue trading with the world under WTO rules. This means that the UK breaks all the ties to the EU and begins from the scratch to build all relations with the Union and non-EU countries independently. It would have perhaps the only advantage of taking full control over immigration⁴³¹. But, conversely, full of immigration would not bring an immediate decrease on immigration, argues Patrick McGovern⁴³². According to him, the first increase in immigration might happen during the exit period as the rules and regulations continue to apply. Then, illegal immigrants flow might increase due to the need for cheap labour, and EU citizens might reach the UK through Ireland⁴³³.

If we take all the possibilities into consideration, we will reach the conclusion that the UK was opting for hard Brexit from the beginning of the process. When the Prime Minister Theresa May famously said that “Brexit means Brexit”, she meant it, and it was obvious that the direction the UK was heading was a complete break from the Union⁴³⁴. She also demonstrated that the UK is part of Europe by saying “we are a European country – and proud of our shared European heritage”, she continued “but we are also a country that has always looked beyond Europe to the wider world⁴³⁵”. On the other hand, the EU feared that giving to the UK too advantageous deal would cause a “domino effect” in Member States⁴³⁶.

⁴³¹ P. MCGOVERN, *Five Problems with UK immigration control post- Brexit*, LSE, 11 July 2016, available at: <https://blogs.lse.ac.uk/brexit/2016/07/11/five-problems-with-uk-immigration-control-post-brexit/>

⁴³² *Ibid.*

⁴³³ *Ibid.*

⁴³⁴ K. CALAMUR, *What 'Brexit Means Brexit' Means: Theresa May tries to explain*, The Atlantic, 17 January 2017, available at: <https://www.theatlantic.com/news/archive/2017/01/theresa-may-brexit/513314/>

⁴³⁵ *Ibid.*

⁴³⁶ C. BRADLEY, *EU terrified of Brexit domino effect as UK could scupper bloc's lucrative trade deals*, 9 June 2019, available at: <https://www.express.co.uk/news/uk/1447738/eu-news-brexit-domino-effect-uk-trade-deals-australia-switzerland-spt>

4. The Withdrawal Agreement: Citizens' rights and Northern Ireland

31 January 2020 was the final day of the exit, but not the end of Brexit. The transition period had been agreed in the EU-UK Withdrawal Agreement, also called the implementation period⁴³⁷. Thus, by 31st of January the UK entered into a transition period of 11-month until 31 December 2020. Throughout the negotiations from the beginning, Michel Barnier, chief EU negotiator for Brexit, stressed out many times that the steps towards the Withdrawal and other agreements should be negotiated and agreed one after another, not at the same time⁴³⁸. Furthermore, the EU also claimed that it will not discuss the new arrangements with the UK as long as the UK holds the status of Member State⁴³⁹. Therefore, the transition period became a necessity.

The Withdrawal Agreement allowed the extension of transition period only once up to two years and set out the terms of transition period. As the Prime Minister promised, no extension was obtained at the end of the period⁴⁴⁰. The beginning of transition period means the end of UK participation in EU institutions – no commissioner to the European Commission, no MEP to the European Parliament, and no minister to the Council of Ministers – apart from participation in the institutions, everything else remained the same until the end of transition period, meaning the EU law applies in the UK, membership of Single Market and Customs Union remains, citizens' right of free movement remains untouched, and finally, the UK continues to have access to the EU databases and mechanisms⁴⁴¹.

The Withdrawal Agreement between the UK and EU, and the Withdrawal Agreement Act that the British Parliament has passed in order to implement the Withdrawal Agreement in the UK made the no-deal Brexit scenario cease to exist, because some of the crucial

⁴³⁷ J. OWEN, *Brexit deal: the Withdrawal Agreement*, Institute for Government, 2 July 2020, available at: <https://www.instituteforgovernment.org.uk/explainers/brexit-deal-withdrawal-agreement>

⁴³⁸ J. RANKIN, *Michel Barnier Tells UK: Ignore EU Regulatory Standards at Your Peril*, 29 October 2019, available at: <https://www.theguardian.com/politics/2019/oct/29/michel-barnier-tells-uk-ignore-eu-regulatory-standards-at-your-peril>

⁴³⁹ G. WRIGHT and H. ETHERINGTON, *Brexit Transition Period*, Institute for Government, 2 December 2020, available at: <https://www.instituteforgovernment.org.uk/explainers/brexit-transition-period>

⁴⁴⁰ J. CRISP, *Boris Johnson will not ask for extension to Brexit transition period*, The Telegraph, 9 June 2020, available at: <https://www.telegraph.co.uk/politics/2020/06/09/boris-johnson-will-not-ask-extension-brexit-transition-period/>

⁴⁴¹ G. WRIGHT and H. ETHERINGTON, *Brexit Transition Period*, Institute for Government, 2 December 2020, available at: <https://www.instituteforgovernment.org.uk/explainers/brexit-transition-period>

commitments have already been made, such as the protection of citizens' rights or covering Northern Ireland trade by the protocol⁴⁴².

Along with the terms of transition period (Part IV), the Withdrawal Agreement brought legal certainties in many areas, such as: citizens' rights, separation issues, financial settlement, governance, and mainly protocols on Ireland/Northern Ireland, Gibraltar, and Cyprus⁴⁴³.

Part II of the Withdrawal Agreement covers the rights of UK citizens living around the EU and the rights of EU citizens living in the UK at the end of transition period. According to the agreement, the citizens of both sides and their family members can continue to live, work or study in their host country⁴⁴⁴. The rights of reunification with certain (third country) family members are also protected. The right to equal treatment and the prohibition of any discrimination of nationality are preserved. Furthermore, social security benefits and residence rights remain unchanged. Applicability to the benefits of the Withdrawal Agreement shall be controlled through a given procedure, in which the administrative costs shall not be more than those for nationals⁴⁴⁵.

The Withdrawal Agreement text on citizens' rights can be relied upon directly by EU citizens in UK courts, and by UK nationals in the courts of the EU Member States. UK courts may ask for preliminary rulings from the Court of Justice of the EU on the interpretation of the citizens' part of the Withdrawal Agreement for eight years after the end of the transition period. For questions related to the application of UK settled status, that eight-year period will start on the day of withdrawal⁴⁴⁶.

An independent national authority and the EU Commission are to monitor the application and implementation of citizens' rights⁴⁴⁷. Nevertheless, the protection and benefits of the Withdrawal Agreement are applied until the end of transition period, after which national immigration rules and regulations of the host country shall be applied⁴⁴⁸.

Part III of the Withdrawal Agreement provides the detailed provisions needed for the winding down of ongoing processes and arrangements on the matters such as:

- Goods placed on the market;

⁴⁴² *Ibid.*

⁴⁴³ The Withdrawal Agreement is available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1580206007232&uri=CELEX%3A12019W/TXT%2802%29>

⁴⁴⁴ *Ibid.* Part II, Article 9 – 39.

⁴⁴⁵ *Ibid.*

⁴⁴⁶ *Ibid.*

⁴⁴⁷ *Ibid.*

⁴⁴⁸ *Ibid.*

- Ongoing movement of goods from a customs perspective;
- Protection of intellectual property rights;
- Ongoing police and judicial cooperation in criminal matters;
- Ongoing judicial cooperation in civil and commercial matters;
- Data and information exchanged before end of transition;
- Ongoing public procurement;
- Euratom related issues;
- Ongoing judicial and administrative procedures;
- Functioning of the EU institutions, agencies, and bodies⁴⁴⁹.

Part IV of the Withdrawal Agreement settles down the transition period, and part V deals with the financial settlement, which ensures that all financial obligations of the UK as well as the EU, while the former was a Member State, will be undertaken⁴⁵⁰. The agreed methodology allows all joint commitments vis-à-vis the EU budget (2014-2020), including outstanding commitments at the end of 2020 and liabilities that are not matched by assets. All the payments will be made until the last long-term liability is paid⁴⁵¹.

Part VI ensures the implementation, enforcement, and effective management of the Withdrawal Agreement by including institutional arrangements⁴⁵². Furthermore, the appropriate dispute settlement has been included, which facilitate a Joint Committee initially when the dispute arises on the interpretation of the Agreement. If no solution is reached, either party can refer the dispute to the binding arbitration panel. The decision of the arbitration panel is binding. If non-compliance, the panel may issue a penal payment to be paid to the aggrieved party. however, if the question is about the Union law, the arbitration panel is obliged to refer it to the CJEU⁴⁵³.

At the end, if a party fails to pay in one month given period, or paid but failed to comply, aggrieved party can suspend any provision of the Withdrawal Agreement, except for Part II (citizens' rights), and parts of any other EU-UK Agreement⁴⁵⁴.

⁴⁴⁹ *Ibid.* Part III, Articles 40 – 125.

⁴⁵⁰ *Ibid.* Part V, Articles 133 – 157.

⁴⁵¹ *Ibid.*

⁴⁵² *Ibid.* Part VI, Articles 158 – 181.

⁴⁵³ *Ibid.*

⁴⁵⁴ *Ibid.*

The agreement brought certainty on Ireland and Northern Ireland issue as well. The protocol provides legal solutions for the matters that have been one of the reasons of deadlock in negotiations⁴⁵⁵. Thus:

- A hard border between the Republic of Ireland and Northern Ireland is avoided;
- The integrity of the Single Market is safeguarded;
- All-island economy and the Good Friday Agreement⁴⁵⁶, which brought to an end the disputes between Unionist and Nationalist parties of the Northern Ireland for thirty years which is called the Troubles, are protected in all its dimensions;
- The participation of Northern Ireland in the UK's independent trade policy is ensured. Also, Northern Ireland remained in the UK's customs territory⁴⁵⁷.

Northern Ireland remains aligned to some certain EU rules in order to secure that the businesses from Northern Ireland can bring products into the EU's Single Market without restrictions while protecting the integrity of the Single Market, such as SPS rules (sanitary rules for veterinary controls), legislation on products requirements and VAT excise respect of goods, state aid rules, and rules on agricultural production⁴⁵⁸. Thus, the hard border in the island of Ireland can be avoided. All EU customs codes and legislation will be applied to the goods entering Northern Ireland⁴⁵⁹.

The protocol recognizes that Northern Ireland is part of the UK customs territory under Article 4 of the Protocol, which means:

- Northern Ireland can be included in the territorial scope of the UK's independent trade policy;
- The UK can negotiate access to third-country markets for Northern Irish goods on the same terms as goods from elsewhere in the UK;
- The UK can include Northern Ireland in the territorial scope of its Schedules of Concessions annexed to the GATT⁴⁶⁰.

⁴⁵⁵ J. BEATTIE, *Theresa May's Brexit deal on Northern Ireland: What it means, will it work and what happens next*, Mirror, 4 December 2017, available at: <https://www.mirror.co.uk/news/politics/theresa-mays-brexit-deal-northern-11638132>

⁴⁵⁶ Good Friday Agreement, also known as the Belfast Agreement, was reached in multi-party negotiations, and signed on 10 April 1998 by the British and Irish governments and Northern Ireland parties. Issues relating to sovereignty, civil and cultural rights, decommissioning of weapons, demilitarisation, justice and policing were central to the agreement. See for whole agreement: <https://www.gov.uk/government/publications/the-belfast-agreement>

⁴⁵⁷ The Withdrawal Agreement: Protocol on Ireland/Northern Ireland. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1580206007232&uri=CELEX%3A12019W/TXT%2802%29>

⁴⁵⁸ *Ibid.*

⁴⁵⁹ *Ibid.*

⁴⁶⁰ *Ibid.* Article 4 of the Protocol.

Democratic consent in Northern Ireland is given under Article 18 of the Protocol to the Northern Ireland Assembly to decide after four years by simple majority that whether the EU law should be applicable in Northern Ireland. This mechanism concerns the issues of regulatory alignment on goods, customs, the Single Electricity Market, VAT, and state aid. If the Northern Ireland Assembly does not give consent, there will be a cooling-off period of 2 years, during which the EU and UK will have to decide what measures must be taken⁴⁶¹.

Having signed and ratified by both the European Union and the United Kingdom, the Withdrawal Agreement, officially titled the “Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community”, entered into force on 1 February 2020.

⁴⁶¹ *Ibid.* Article 18 of the Protocol.

5. Brexit deal: The Trade and Cooperation Agreement

Even though the separation became official at the beginning of 2020, the terms of future relationships had been left to negotiate during the year. Towards the end of 2020, the fear of not reaching a deal was growing until Sir Keir Starmer⁴⁶² announced that he will back the deal which means a guarantee that the deal will pass the Parliament⁴⁶³. The Trade and Cooperation Agreement⁴⁶⁴ was agreed between the UK and EU on 24 December 2020, a week before the transition period's end, as it was a Christmas gift for those involved⁴⁶⁵. Reaching the deal meant that there will not be a trade under WTO rules and regulations. Reactions for a deal came immediately from many politicians in different ways. Ursula von der Leyen, the president of the European Commission, expressed her opinion via Twitter:

“The UK remains a trusted partner. We will work shoulder to shoulder to meet our common global goals. But now let's turn the page and look to the future. To all Europeans I say: it is time to leave Brexit behind. Our future is made in Europe⁴⁶⁶.”

Boris Johnson also emphasized the EU's importance in the UK's future and vice-versa by saying: “We will be your friend, your ally, your supporter and indeed, never let it be forgotten, your number one market⁴⁶⁷”.

The UK left the EU Single Market and Customs Union, as well as all EU policies and international agreements by the 1st of January 2021. It has also put an end the four free movements. The deal itself consists of 1200 pages. It is accompanied by several joint declarations, including on co-operation for financial services, subsidy control, asylum,

⁴⁶² Sir Keir Starmer became a new leader of Labour party in April 2020. Read following article for more information about him:

J. SCOTT, *Sir Keir Starmer: Five things we learned from Piers Morgan interview*, BBC, 1 June 2020, available at: <https://www.bbc.com/news/uk-politics-57321990>

⁴⁶³ A. ALLEGRETTI, *Brexit deal done: Trade agreement finally struck between UK and EU*, SKY News, 24 December 2020, available at: <https://news.sky.com/story/brexit-deal-done-trade-agreement-finally-struck-between-uk-and-eu-12149904>

⁴⁶⁴ The Agreement is available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/982648/TS_8.2021_UK_EU_EAEC_Trade_and_Cooperation_Agreement.pdf

⁴⁶⁵ *UK-EU Future Relationship: The Deal*, Institute for Government, available at:

<https://www.instituteforgovernment.org.uk/publication/future-relationship-trade-deal>

⁴⁶⁶ *Brexit: This Is What's in the Final Agreement Between the United Kingdom and the European Union*, Entrepreneur Europe, 27 December 2020, available at: <https://www.entrepreneur.com/article/362361>

⁴⁶⁷ *World reacts to UK-EU post-Brexit trade deal*, Aljazeera, 24 December 2020, available at: <https://www.aljazeera.com/news/2020/12/24/brexit-world-reacts-to-uks-trade-deal-with-eu>

participation in EU programmes, and an agreement on the exchange of classified information⁴⁶⁸. It is made up of three pillars:

- A Free Trade Agreement with ambitious cooperation on economic, social, environmental and fisheries issues covering trade in goods and services, investment, competition, State aid, tax transparency, air and road transport, energy and sustainability, fisheries, data protection, and social security coordination;
- A framework for cooperation between law enforcement and judicial authorities across civil and criminal matters;
- An overarching governance arrangement that will allow for cross-retaliation across different economic areas⁴⁶⁹.

As the UK did not want to negotiate the areas such as foreign policy, external security and defense cooperation, these areas are not covered by the deal because better alternatives would be found if the UK followed its international objectives, according to the UK government⁴⁷⁰. Additionally, decisions regarding financial services as well as the decisions pertaining to the adequacy of the UK's data protection regime, or the assessment of its sanitary and phytosanitary regime as the UK is listed as a third country being allowed to export food products to the EU. These decisions are made unilaterally by the EU⁴⁷¹.

The Free Trade Agreement itself goes far beyond the EU trade deals with Canada or Japan as it provides for zero tariffs and zero quotas on all goods, which are especially important for sensitive goods such as fishery and agricultural products⁴⁷². The UK and EU uphold common high standard in order to protect the protection of labour and social standards, environmental protection, the fight against climate change, including carbon pricing, and tax transparency⁴⁷³.

⁴⁶⁸ *UK-EU Future Relationship: The Deal*, Institute for Government, available at:

<https://www.instituteforgovernment.org.uk/publication/future-relationship-trade-deal>

⁴⁶⁹ *The EU-UK Trade and Cooperation Agreement*, European Commission, available at:

https://ec.europa.eu/info/relations-united-kingdom/eu-uk-trade-and-cooperation-agreement_en#citizenssecurity

⁴⁷⁰ R. G. WHITMAN, *Why the UK Has Taken Foreign Policy Out of Brexit Negotiations*, Chatham House, 1 July 2020, available at: <https://www.chathamhouse.org/2020/07/why-uk-has-taken-foreign-policy-out-brex-it-negotiations>

⁴⁷¹ *EU-UK Trade and Cooperation Agreement: A new relationship*, with big changes, European Commission, December 2020, available at:

https://ec.europa.eu/info/sites/default/files/brexit_files/info_site/6_pager_final.pdf

⁴⁷² *Ibid.*

⁴⁷³ *Ibid.*

In terms of trade in services, the parties reached a level of openness, which is beyond the WTO provisions. Taking into consideration that the UK became a third country for the EU, it will no longer benefit from the benefit of free movement of services⁴⁷⁴. EU service suppliers will be treated equally in agreed areas if they comply with the UK rules.

The deal sets a new arrangement for the joint management of fish stocks in the EU and UK waters. According to the agreement, the current level of access of EU fishing vessels to UK waters will remain for a transition period of five years and half. Then the EU quotas in British waters will be reduced gradually over time with holding annual consultations to agree on fishing opportunities with a view to sustainable management of fisheries and marine resources, while preserving the activities and livelihoods of fishing communities reliant on those waters and resources⁴⁷⁵.

This agreement on fishing was not welcomed in the UK. British fishermen accused Boris Johnson that “he has sacrificed Britain's fishing industry to get a Brexit trade deal with the EU⁴⁷⁶”. Barrie Deas, chief executive of the National Federation of Fishermen's Organizations, said there would be “frustration and anger” about the agreement reached in Brussels this afternoon, which he said contained “significant concessions”. Following the five years and half period, EU fishers’ access to UK waters would be reduced by 20%, but the UK was asking for a 60% cut until the deal agreed⁴⁷⁷.

The strong cooperation between national police and judicial authorities as well as the exchange of crucial data are allowed by a new framework for law enforcement and judicial cooperation in criminal matters, established by the agreement. To achieve such cooperation with third country, the guarantee for the protection of human rights and fundamental freedoms of individuals, such as those set out in the European Convention on Human Rights (ECHR)⁴⁷⁸, must be obtained. If non-compliance by the UK, the EU may suspend cooperation on law enforcement and judicial matters⁴⁷⁹.

The operation and enforcement of the agreement are clarified by the chapter on governance which will boost new EU-UK internal security and economic partnerships.

⁴⁷⁴ *Ibid.*

⁴⁷⁵ *Ibid.*

⁴⁷⁶ J. STONE, Boris Johnson ‘sacrificed’ Britain’s fishing industry to get deal with EU, fishermen say, *The Independent*, 25 December 2020, available at: <https://www.independent.co.uk/news/uk/politics/brexit-deal-fishing-boris-johnson-b1778776.html>

⁴⁷⁷ *Ibid.*

⁴⁷⁸ European Convention on Human Rights was adopted by the Council of Europe; thus, it is not the EU law. The Convention is available at: https://www.echr.coe.int/Documents/Convention_ENG.pdf

⁴⁷⁹ *EU-UK Trade and Cooperation Agreement: A new relationship*, with big changes, European Commission, December 2020, available at: https://ec.europa.eu/info/sites/default/files/brexit_files/info_site/6_pager_final.pdf

Taking the complexity of agreement into account, the EU insisted on a single governance framework for the overall agreement to avoid additional bureaucracy of multiple parallel structures⁴⁸⁰. Thus, a Partnership Council will be established consisting of representatives of both parties with the power of taking binding decisions by mutual consent. Specialized Committees and Working Groups will assist the Partnership Council. As it is for fisheries, also other agreements can be solved through establishing an independent arbitration tribunal with a binding ruling⁴⁸¹.

In terms of travel between the UK and EU, hard border and further paperwork will be required. UK/EU citizens need a visa for stays of more than ninety days in the EU/UK in a 180-day period, and there will be additional border controls for British/EU travelers⁴⁸². Additionally, EU pet passports lost validity in the UK. Furthermore, emergency medical care in the EU will remain accessible for the British travelers. In the roaming issue, extra fees will be applied while traveling⁴⁸³. The UK and EU failed to reach an agreement on Erasmus programme participation and thus, the UK decided to launch its own exchange programme named after computing pioneer Alan Turing with, what Boris Johnson called, “the best universities in the world⁴⁸⁴”. Unlike Great Britain, Northern Ireland remains part of Erasmus programme by the agreement with Irish government⁴⁸⁵.

The new paperwork for the goods traveling between the EU and UK might cause a delay in ports. The UK side said that all new checks will be delayed for six-month period to give a more time for getting used to it. Nevertheless, the EU side announced that the checks would be applied from first day of the exit. The British government had predicted it beforehand. To get ready for a possible gridlock on the roads, it planned to use different ports around the country and built lorry parks in Kent⁴⁸⁶.

The EU-UK Trade and Cooperation Agreement concluded almost four-years long period of exit journey, so-called Brexit. The period with full of uncertainties, changes, and struggles. Reaching an agreement would not necessarily mean the end of Brexit process.

⁴⁸⁰ *Ibid.*

⁴⁸¹ *Ibid.*

⁴⁸² *Brexit: This Is What's in the Final Agreement Between the United Kingdom and the European Union*, Entrepreneur Europe, 27 December 2020, available at: <https://www.entrepreneur.com/article/362361>

⁴⁸³ *Ibid.*

⁴⁸⁴ R. ADAMS, *UK students lose Erasmus membership in Brexit deal*, The Guardian, 24 December 2020, available at: <https://www.theguardian.com/education/2020/dec/24/uk-students-lose-erasmus-membership-in-brexit-deal>

⁴⁸⁵ *Ibid.*

⁴⁸⁶ *Brexit: What you need to know about the UK leaving the EU*, The BBC, 30 December 2020, available at: <https://www.bbc.com/news/uk-politics-32810887>

Decisions on financial services and data sharing are to be made⁴⁸⁷. Furthermore, agreement on fishing lasts only for five years and half. Additionally, the existence of dispute settlement programme means that the changes will always be possible if any side takes exception.

⁴⁸⁷ *Ibid.*

CHAPTER 4: MISINFORMATION ABOUT BREXIT: POLITICIANS' BREXIT INTERPRETATIONS

1. Euroscepticism and role of Nigel Farage

The definition of Euroscepticism is rather complicated, but the one given by Michael Ray, the editor of Encyclopedia Britannica, gives a reasonable explanation of the term:

“Euroscepticism, European political doctrine that advocates disengagement from the European Union (EU). Political parties that espouse a Eurosceptic viewpoint tend to be broadly populist and generally support tighter immigration controls in addition to the dismantling or streamlining of the EU bureaucratic structure⁴⁸⁸.”

The history of Euroscepticism dates to the beginning of European economic integration following World War II as it was seen as a path to peace in the continent after two devastating wars in a row. However, the process of integration did not end with the creation of the ECSC and EEC with the purpose of economic integration, it continued so as a European integration process which gave way to the Eurosceptic societies and political parties of Europe to launch their ideological doctrine to stand against further integration of the EU⁴⁸⁹.

Even though Euroscepticism used to be perceived as a British syndrome, it has been growing in all European countries, including some founding Member States of European integration, such as France and Italy, National Front and Northern League political parties respectively⁴⁹⁰. Eurosceptics criticize the EU action for, among others, democratic deficit, lack of flexibility as well as transparency, complicated language, the trend of creating a centralized superstate, and a fear of threat to the national communities⁴⁹¹.

⁴⁸⁸ M. RAY, *Euroscepticism*, Britannica, 24 June 2016, available at:

<https://www.britannica.com/topic/Euroscepticism/additional-info#history>

⁴⁸⁹ *Ibid.*

⁴⁹⁰ List of the main Eurosceptic parties in Europe is available: <https://italy.beta-europe.org/2019/04/10/map-of-the-main-eurosceptic-parties-in-europe/>

⁴⁹¹ M. CONDRUZ-BĂCESCU, *Euroscepticism Across Europe: Drivers and Challenges*, Vol. 6, Issue 2, 2014, pp. 55 – 58. Available at: <https://ejist.ro/files/pdf/386.pdf>

The type of Euroscepticism varies depending on authors, but most commonly following four criteria are identified: the Euroscepticism based on economic, political, democratic criteria and the criterion of sovereignty⁴⁹².

Euroscepticism based on economic criteria defines and compares costs and benefits arising from the EU membership⁴⁹³. Meanwhile, Euroscepticism based on the criteria of sovereignty claims that the cooperation at EU level cannot challenge the national sovereignty. These Eurosceptics support supranational cooperation in only issues that can be better tackled at the EU level, such as environmental issues while keeping socio-cultural policies at the national level⁴⁹⁴. Eurosceptics criticizing democratic deficit believe that the current EU institutions lack the participation and representation of the citizens⁴⁹⁵. The doctrine of belonging to a political family which the EU applies was examined by the Eurosceptics of political criteria⁴⁹⁶.

The phenomena of party-based Euroscepticism was broken down into two concepts to distinguish the approaches being “Soft Euroscepticism” and “Hard Euroscepticism”⁴⁹⁷. As Paul Taggart and Aleks Szczerbiak gave the definition:

“Hard Euroscepticism implies outright rejection of the entire project of European political and economic integration and opposition to their country joining or remaining members of the EU”, meanwhile, “Soft Euroscepticism involves contingent or qualified opposition to European integration and can, in turn be further sub-divided into 'policy' Euroscepticism and 'national- interest' Euroscepticism⁴⁹⁸.”

As an example of Hard Eurosceptic party, the United Kingdom Independence Party (UKIP) can be given as it chose to support the end of membership from its creation in 1993 and gained much more popularity in the coming years which was among the reasons

⁴⁹² *Ibid.*

⁴⁹³ *Ibid.*

⁴⁹⁴ *Ibid.*

⁴⁹⁵ *Ibid.*

⁴⁹⁶ *Ibid.*

⁴⁹⁷ P. TAGGART and A. SZCZERBIAK, *Parties, Positions and Europe: Euroscepticism in the EU Candidate States of Central and Eastern Europe*, SEI Working Paper No 46 Opposing Europe Research Network Working Paper No 2, p. 9. Available at: https://is.muni.cz/el/1423/podzim2004/EVS136/um/The_Party_Politics_of_Euroscepticism_in_EU_Member_and_Candidate_States.pdf

⁴⁹⁸ *Ibid.* p.10.

that led the UK to the referendum for the second time on the membership⁴⁹⁹. As a Soft Eurosceptic party, the Northern League (Lega Nord) party of Italy can be given, which has advocated the creation of a new state including northern wealthier regions of Italy and the return of Lira. Both parties represented their states in European Parliament as members of the Europe of Freedom & Democracy group⁵⁰⁰.

British Euroscepticism, exceptionally, had always been an actual theme since World War II. Even in 2008, the Eurobarometer public opinion survey held by European Commission revealed that British are the most Eurosceptic people in Europe⁵⁰¹. Initially, Winston Churchill did not see Britain as a part of the future European integration process, he rather wanted France and Germany to run it⁵⁰². General Charles De Gaulle described reasons of British ineligibility for the EEC in his press conference held in 1963 as follows:

“Britain is insular, maritime, bound up by its trade, its markets, its food supplies, with the most varied and often the most distant countries. Her activity is essentially industrial and commercial, not agricultural. She has, in all her work, very special, very original, habits and traditions. In short, the nature, structure, circumstances peculiar to England are very different from those of other continentals. How can Britain, in the way that she lives, produces, trades, be incorporated into the Common Market as it has been conceived and functions?... It is predictable that the cohesion of all its members, which would soon be very large, very diverse, would not last for very long and that, in fact, it would seem like a colossal Atlantic community under American dependence and direction, and that is not at all what France wanted to do and is doing, which is a strictly European construction⁵⁰³.”

⁴⁹⁹ M. RAY, *Euroscepticism*, Britannica, 24 June 2016, available at: <https://www.britannica.com/topic/Euroscepticism/additional-info#history>

⁵⁰⁰ *Ibid.*

⁵⁰¹ *Eurobarometer 69 Public Opinion In The European Union*, European Commission, June 2008, available at: <https://images.derstandard.at/20080624/eurobarometer.pdf>

⁵⁰² T. HELM, *British Euroscepticism: A Brief History*, The Guardian, 7 February 2016, available at: <https://www.theguardian.com/politics/2016/feb/07/british-euroscepticism-a-brief-history>

⁵⁰³ C. GRANT, *Why is Britain Eurosceptic?* Centre For European Reform, December 2008, available at: https://www.cer.eu/sites/default/files/publications/attachments/pdf/2011/essay_eurosceptic_19dec08-1345.pdf

Research demonstrates other reasons for British Euroscepticism, mostly historical, beyond General De Gaulle's explanation. One of them is the English language. English language is considered easy, adaptable, and rich. Therefore, it is superior to other languages⁵⁰⁴. Richard Carew described English language in his "Epistle on the Excellency of the English Tongue" written in seventeenth century as "bees who have gathered the honey of other languages, leaving the 'dregs' to the Europeans⁵⁰⁵". Another claim shows that it supposedly comes from their race of Anglo-Saxon, which is a tribe of people with an allegedly fierce sense of liberty, justice, and democracy⁵⁰⁶. One of the most actual reasons that has been referred to many times is that Britain is an island state. Tony Blair once said, "British people are a proud and independent-minded island race⁵⁰⁷".

Since the Conservative Party sat in opposition to Tony Blair's pro-European government, it grew into Eurosceptic party. Especially after Blair's third term election, the Conservative Party was captured by Eurosceptics⁵⁰⁸. It was a chance for David Cameron to become a party leader as he was against further European integration process and British involvement in it. In a private conversation with Denis MacShane, Cameron told him, "I am much more Eurosceptic than you imagine⁵⁰⁹". Nevertheless, even though David Cameron chose rather soft approach towards the EU, domestic pressure of Eurosceptics, especially the pressure of United Kingdom Independence Party forced him to promise a referendum in 2013 on the British membership of the Union⁵¹⁰.

The UKIP, created by an LSE academic Alan Sked, gained popularity in the UK, and rose third national party in terms of popular support. Furthermore, for a period, it kept the largest number of British MEPs in the European Parliament⁵¹¹. UKIP is frequently considered as a radical right-wing "challenger party" having characteristic of being nationalist, populist, and welfare state/labour market chauvinist which is supported by

⁵⁰⁴ M. SPIERING, *A Cultural History of British Euroscepticism*, Palgrave Macmillan, London, 2015, p. 31.

⁵⁰⁵ *Ibid.*

⁵⁰⁶ Anglo-Saxons are mostly from Europe, mainly North Germany. According to the author, many centuries ago real Anglo-Saxons left mainland Europe for England. Broad explanation of Anglo-Saxons of Germany and Britain can be found: <https://www.history.org.uk/primary/resource/3865/anglo-saxons-a-brief-history>

⁵⁰⁷ M. SPIERING, *A Cultural History of British Euroscepticism*, p. 32.

⁵⁰⁸ D. MACSHANE, *Brexit: How Britain Will Leave Europe*, CPI Group (UK) Ltd, Croydon, 2016, p. 112.

⁵⁰⁹ *Ibid.* p. 113.

⁵¹⁰ T. HIRST, *UKIP Is Forcing David Cameron into A Referendum On Whether Britain Will Leave Europe*, Insider, 29 September 2014, available at: <https://www.businessinsider.com/ukip-forcing-david-cameron-into-referendum-on-britain-leaving-europe-2014-9?r=US&IR=T>

⁵¹¹ The info is available at the official website of the UKIP: <https://www.ukip.org/about-UKIP>

middle class⁵¹². Even Alan Sked himself told New York Times in 2014 that the party he created “grown into this hideous, racist, populist, xenophobic, Islamophobic thing⁵¹³”. The rise of party is often related to its charismatic leader who played a huge role on the British exit: Nigel Farage⁵¹⁴.

Nigel Farage is a British politician who initially was a Conservative Party member, and then he joined the UKIP when it was created to support the Eurosceptic ideas of the party. He served as; a member of the European Parliament in 1999-2019; as a leader of the UKIP in 2006-2016 with a gap year in 2009 in order to run for Westminster election; as a creator and leader of Brexit Party towards the end of Brexit⁵¹⁵. Even though the UKIP gained substantial achievements before 2010, such as securing 13 seats out of UK’s 72 seats in the European Parliament election of 2009, pushing Labour Party to third place, the major achievements occurred after 2010⁵¹⁶.

Having been back to the leadership, he expanded Eurosceptic attacks on newly elected Conservative Prime Minister who formed a coalition government, David Cameron. The messages included mainly strong opposition to immigration and Britain’s historically established political class, which attracted a rapid rise in public support⁵¹⁷. Gaining more and more protest votes all around the UK, even from some Conservative members, including rising switch within Conservative Party towards UKIP policy forced David Cameron to promise a referendum in 2013⁵¹⁸.

Historically the UK has two main parties sharing the majority. The voters that have been left behind, who were working class and the voters with no qualifications, were to choose one of the main parties until the rise of UKIP, which gave them a third option. Rather than choosing traditional Labours or Conservatives, left behind voters switch their loyalty to the party that appears at ease with neo-liberal economics, the free market, defines itself as a libertarian, talks of curbing welfare, and sought to abolish inheritance tax at the last general election in terms of domestic policy with highest level of opposition to the immigration and European integration⁵¹⁹.

⁵¹² G. EVANS and J. MELLON, *Immigration, Euroscepticism, and the rise and fall of UKIP*, Party Politics, 2009, pp. 76 – 87. Available at: <https://doi.org/10.1177/1354068818816969>

⁵¹³ D. MACSHANE, *Brexit*, p. 116.

⁵¹⁴ P. KELLNER, *Nigel Farage*, The Britannica, 31 March 2021, available at: <https://www.britannica.com/biography/Nigel-Farage>

⁵¹⁵ *Ibid.*

⁵¹⁶ *Ibid.*

⁵¹⁷ M. GOODWIN, *Explaining the Rise of the UK Independence Party*, Europe for Citizens, available at: https://eu.boell.org/sites/default/files/uploads/2014/06/ukip_eu.pdf

⁵¹⁸ P. KELLNER, *Nigel Farage*.

⁵¹⁹ M. GOODWIN, *Explaining the Rise of the UK Independence Party*.

Farage's leadership of the UK came to an end in 2016. Nevertheless, he did not stop until the last day of Brexit. Theresa May's failure in reaching a deal with the EU led to extension of deadline. Thus, 2019 European Parliament election became a must for the UK. To participate in the election for the European Parliament, he launched the "Brexit Party" in 2019 and won 29 seats; meanwhile, Conservative Party won just four seats⁵²⁰. In the same election, the UKIP lost its 24 seats and won no seat, including its leader, which is considered as the end of UKIP. Nigel Farage called the UKIP the "refuge" of far right⁵²¹. Having replaced Theresa May in office, Boris Johnson called upon a snap election. Nigel Farage decided to withdraw Brexit Party candidates for more than 300 constituencies all around the UK to help Boris Johnson deliver the Brexit⁵²².

Although party members and their Eurosceptic voters did not welcome this withdrawal, he achieved his goal. He expressed his satisfaction later when he resigned from the leader post of the Brexit Party, which was lately renamed as "Reform UK", by saying he had achieved what he wanted to thanks to the Conservatives' Brexit deal⁵²³. He also announced that since he achieved the goal that he dedicated his twenty years, he wants to spend the rest of his life out of frontline party politics⁵²⁴.

Nigel Farage is considered as one of the strongest Eurosceptics as well as Brexit supporters. He quitted political frontline by saying:

"Party politics, campaigning, being involved in elections, that is now over for me, because I've achieved the one thing I set out to do: to achieve the independence of the UK. There is no going back – Brexit is done. That won't be reversed⁵²⁵."

⁵²⁰ P. KELLNER, *Nigel Farage*.

⁵²¹ *Ibid*.

⁵²² J. SHARMAN, *Brexit Party candidates furious after Nigel Farage announces they cannot contest 317 seats*, The Independent, 12 November 2019, available at: <https://www.independent.co.uk/news/uk/politics/brexit-party-nigel-farage-boris-johnson-general-election-latest-conservatives-candidates-a9199396.html>

⁵²³ P. WALKER, *Nigel Farage Quits As Reform UK Leader In Step Back From Party Politics*, The Guardian, 7 March 2021, available at: <https://www.theguardian.com/politics/2021/mar/07/nigel-farage-quits-as-reform-uk-leader-in-step-back-from-party-politics>

⁵²⁴ *Ibid*.

⁵²⁵ *Nigel Farage: Brexit-backing politician to quit as leader of Reform UK*, The BBC, 7 March 2021, available at: <https://www.bbc.com/news/uk-politics-56311599>

2. Misinformation and public division over Brexit

“The case for Brexit was built on lies⁵²⁶” said Will Hutton, a British academic, in an article for The Guardian. Misinterpretations of many issues during the Brexit campaign were designed to influence British people. The one that Leave campaigners mostly expressed, mainly Boris Johnson, which was also written on the side of campaign bus touring around the UK: “Let’s give our NHS the £350m the EU takes every week⁵²⁷”. This claim was the centerground for Vote Leave campaign, which was revealed to be a lie, even Boris Johnson himself said in the House of Commons when October delay was happening that “Why are they [Labour Party] conniving to delay Brexit, in defiance of the referendum, costing the country an extra £250 million a week for the privilege of delay⁵²⁸”.

Although it was later said that it was a growth amount, it still exceeds the reality. Taking into consideration a number of facts, such as the rebate negotiated by Margaret Thatcher (£74m a week) and the amount that had been spent on the UK as an aid to farmers, university programmes, etc. (£115m a week), there would be left only £161m a week to spend on National Health Service⁵²⁹. Andrew Dilnot, the chair of the UK Statistics Authority, had criticized the statement two weeks before the referendum took place, saying: “The continued use of a gross figure in contexts that imply it is a net figure is misleading and undermines trust in official statistics⁵³⁰”. Even the UKIP leader, Nigel Farage, falsified the claim and called it a mistake that Vote Leave campaigners made⁵³¹. Another misinformation that was given to people by Vote Leave campaigners regarded the migration issue. It became one of the main issues alongside the economic matters. Boris Johnson and Nigel Farage focused on migration especially. Boris Johnson opted for a rather soft approach on migration and focused on not cutting immigration but controlling it, he said he was pro-immigration, but the scale of immigration went beyond

⁵²⁶ W. HUTTON, *The Case for Brexit Was Built on Lies. Five Years Later, Deceit Is Routine In Our Politics*, The Guardian, 27 June 2021, available at:

<https://www.theguardian.com/commentisfree/2021/jun/27/case-for-brexit-built-on-lies-five-years-later-deceit-is-routine-in-our-politics>

⁵²⁷ A. TRAVIS, *The Leave Campaign Made Three Key Promises – Are They Keeping Them?* The Guardian, 27 June 2016, available at: <https://www.theguardian.com/politics/2016/jun/27/eu-referendum-reality-check-leave-campaign-promises>

⁵²⁸ J. READ, *Boris Johnson Appears To Finally Admit His ‘£350m A Week’ Claim Was Wrong*, The New European, 18 September 2020, available at: <https://www.theneweuropean.co.uk/brexit-news/boris-johnson-350-million-a-week-nhs-claim-55554>

⁵²⁹ A. TRAVIS, *The Leave Campaign Made Three Key Promises – Are They Keeping Them?*

⁵³⁰ *Ibid.*

⁵³¹ *Ibid.*

the public consent, according to him⁵³². Two main arguments were mentioned concerning immigration. Firstly, the fear of Turkey's accession to the EU membership which would lead mass immigration of Turks to the UK⁵³³. This argument is complete nonsense as the UK could always block the accession of Turkey to the membership⁵³⁴.

Another immigration issue concerned EU workers from Central and Eastern Europe moving to the UK, especially after the 2004 EU enlargement⁵³⁵. However, information used to influence public opinion excluded several facts, such as:

- EU migrants are more educated, having approximately 44% of them higher education compared to 23% UK-born;
- EU migrants are younger and more likely to work than claim benefits like UK-born;
- Controversial to the claim that the EU migrants reduce the pay and job chances of the UK-born; meanwhile, they consume new goods and services which creates new employment opportunities;
- EU migrants pay more in taxes than they take out in welfare and the use of public services. They, therefore, help reduce the budget deficit. Immigrants do not negatively affect local services such as crime, education, health, or social housing, etc.⁵³⁶.

Nevertheless, several surveys of social attitudes in the UK demonstrated that the majority of people voted to leave not because of political dissatisfaction but widespread anti-immigration sentiments⁵³⁷. Three-quarters of British people who had worried about immigration voted to leave the EU⁵³⁸. Therefore, in conclusion, Vote Leave campaigners, especially Boris Johnson and Nigel Farage, used anti-immigration messages – especially the one Nigel Farage illustrated a poster as “Breaking Point” – successfully, and achieved alteration in public opinion.

⁵³² *Ibid.*

⁵³³ D. G. DIMITRAKOPOULOS, *A Vote to Leave Is A Vote to Cut Migration, No Matter What Liberal Brexiteers Would Like To Think*, the LSE, 13 June 2016, available at: <https://blogs.lse.ac.uk/politicsandpolicy/a-vote-to-leave-is-a-vote-to-cut-migration/>

⁵³⁴ *Ibid.*

⁵³⁵ *Ibid.*

⁵³⁶ J. WADSWORTH, S. DHINGRA, G. OTTAVIANO and J. V. REENEN, *Brexit and the Impact of Immigration on the UK*, Centre for Economic Performance, LSE, available at: <https://cep.lse.ac.uk/pubs/download/brexit05.pdf>

⁵³⁷ M. BULMAN, *Brexit: People voted to leave EU because they feared immigration, major survey finds*, The Independent, 28 June 2017, available at: <https://www.independent.co.uk/news/uk/home-news/brexit-latest-news-leave-eu-immigration-main-reason-european-union-survey-a7811651.html>

⁵³⁸ *Ibid.*

Furthermore, British people were convinced that the refugees accepted by Germany and other EU members during the immigration crisis would flow into the UK⁵³⁹. However, the single fact that was not mentioned, is that the UK has its own border checkpoints as it is not the party to Schengen Agreement, which means non-EU citizens have no right to cross the UK border without relevant authority given by British government⁵⁴⁰.

Before referendum, one of the Tory MEPs Daniel Hannan repeatedly said: “Absolutely nobody is talking about threatening our place in the single market⁵⁴¹”. However, the EU set its conditions out from the beginning of negotiation that the single market cannot be accessed fully without any one of the four freedoms. Even EEA countries or Switzerland opened the borders because of single market access⁵⁴².

Boris Johnson’s role in spreading misinformation in the UK about UK-EU relations is crucial. Once he resembled the EU to the Nazi Germany, making statement that “Hitler and Napoleon both failed to unify Europe, and the EU has done the same⁵⁴³. Hilary Benn, shadow foreign secretary who backs Remain, called the comparison "offensive and desperate” continuing to comment on Tory leader’s statement:

“To try and compare Hitler and the Nazis - the millions of people who died in the Second World War, the Holocaust - with the free democracies of Europe coming together to trade and co-operate, and in the process to help to bring peace to the continent of Europe after centuries of war, is frankly deeply offensive⁵⁴⁴.”

Another obvious Brexit lie was about the poverty in the north of the UK, claiming that it has nothing to do with austerity, but it is European bureaucrats’ fault⁵⁴⁵. Even though the most deprived parts of the UK, like Wales and Cornwall, receive £2.1 billion funds to

⁵³⁹ A. GARRETT, *The Refugee Crisis, Brexit, and the Reframing of Immigration in Britain*, Council for European Studies, 01 August 2019, available at: <https://www.europenowjournal.org/2019/09/09/the-refugee-crisis-brexit-and-the-reframing-of-immigration-in-britain/>

⁵⁴⁰ *Ibid.*

⁵⁴¹ S. ASHWORTH-HAYES, *Hannan Wrong on Single Market, Free Movement Link*, In Facts, 19 February 2016, available at: <http://infacts.org/hannan-wrong-on-single-market-free-movement-link/>

⁵⁴² *Ibid.*

⁵⁴³ *EU Referendum: Boris Johnson Stands by Hitler EU Comparison*, The BBC, 16 May 2016, available at: <https://www.bbc.com/news/uk-politics-eu-referendum-36295208>

⁵⁴⁴ *Ibid.*

⁵⁴⁵ A. MOREL, *Top 8 Brexit lies debunked*, SOAK, available at: <https://www.shoutoutuk.org/2019/11/01/top-8-brexit-lies-debunked/>

support development from the EU⁵⁴⁶, majority of people from economically and socially poor areas, namely working-class people, voted to leave the EU, expressing their anger over the British contribution to the EU budget⁵⁴⁷. As a result of Brexit, the North-East, the East Midlands, and Northern Ireland will possibly be hit hardest if the trade barriers between the UK-EU are increased⁵⁴⁸.

Obviously, the sharp rise of Euroscepticism in the UK happened after signing the Lisbon Treaty which brought major changes to the Union that transferred it into the most integrated union⁵⁴⁹. British Eurosceptics misinterpreted these changes in order to rise anti-European sentiments in the country. None of them was nearly closed to the truth. Some of them are:

- The UK along with all existing members of the EU lose their abstention veto in 2020 as laid down in the Lisbon Treaty when the system changes to that of majority acceptance with no abstentions or veto's being allowed;
- All member nations will become states of the new federal nation of the EU by 2022 as clearly laid out in the Lisbon treaty with no exceptions or veto's;
- All member states must adopt the Euro by 2022, and any new member state must do so within two years of joining the EU as laid down in the Lisbon treaty;
- The London stock exchange will move to Frankfurt in 2020 and be integrated into the EU stock exchange resulting in a loss of 200,000 plus jobs in the UK because of the relocation⁵⁵⁰.

The lies told British people during and after the referendum campaign are countless. Nevertheless, misinformation about the EU played a major role in the Brexit process. Thus, people's attitude towards the EU had been successfully changed, although not a big majority but enough to bring the UK out of the Union. However, the complex process itself and politicians' interpretations created an internal division within British people over the approach towards the Union⁵⁵¹.

⁵⁴⁶ A. DEAN, *Which UK Regions Receive the Most EU Funding?* Prospect, 7 September 2016, available at: <https://www.prospectmagazine.co.uk/politics/which-uk-regions-receive-the-most-eu-funding>

⁵⁴⁷ *Ibid.*

⁵⁴⁸ *Ibid.*

⁵⁴⁹ C. GRANT, *Why is Britain Eurosceptic?*

⁵⁵⁰ The studied list of 26 lies and their explanations are available in: *There's A Lot Wrong With This Viral List About The Lisbon Treaty*, Full Fact, 11 March 2019, available at: <https://fullfact.org/europe/viral-list-about-lisbon-treaty-wrong/>

⁵⁵¹ R. SINGH, *Brexit Referendum: Voting Analysis*, The Parliament, 4 July 2016, available at: <https://www.theparliamentmagazine.eu/news/article/brexit-referendum-voting-analysis>



Figure 2. Brexit referendum results on map
 Majority Leave: Blue
 Majority Remain: Yellow

The first apparent division was among the nations that formed the United Kingdom⁵⁵². As it is seen on the map, the majority in Scotland and Northern Ireland voted to remain a Member State of the Union with 62% and 58% votes respectively. Meanwhile, the majority in England with 53.4% and in Wales with 52.5% voted to leave the Union⁵⁵³. The highest Remain vote was recorded in Gibraltar with 95.9%, whereas City of London had one of the highest records of vote for Remain in England with 75.3%. It has also become

clear that the most Eurosceptic parts of the UK are East and South-East of England with highest share of the vote for Brexit⁵⁵⁴.

Nevertheless, the divisions within the people, examined by Lord Ashcroft, demonstrated the way that the attitude towards the Union was formed in the UK. His polling data illustrates that the differences in voting patterns are divided into many levels: firstly, and mostly the age, then by social attitudes, education, etc.⁵⁵⁵. Majority of young generation aged under 25 years-old voted for Remain with 73%. The majority of Leave voters age was over 45 years-old reaching 60% vote for Leave by elderly people aged over 65 years-old⁵⁵⁶. The majority of people who work in full or half-time voted to remain in the EU unlike those who were unemployed or retired. Among other reasons, education level played a major role as well, thus, the statistic shows that people with the higher education

⁵⁵² R. W. JONES and A. HENDERSON, The UK's Internal Divisions Over Brexit, UK in A Changing Europe, 23 February 2020, available at: <https://ukandeu.ac.uk/the-uks-internal-divisions-over-brexite/>

⁵⁵³ EU Referendum Results, The BBC, available at: https://www.bbc.com/news/politics/eu_referendum/results

⁵⁵⁴ *Ibid.*

⁵⁵⁵ Lord Ashcroft Poll is available at: <https://lordashcrofcpolls.com/2016/06/how-the-united-kingdom-voted-and-why/#more-14746>

⁵⁵⁶ *Ibid.*

voted more to remain. For instance, 57% of those with a university degree voted to remain, as did 61% of those with a higher degree, and the rise in percentage among educated people was followed by the people who were in full time education with 81% vote for Remain⁵⁵⁷. Differences occurred between different groups of voters. Most of white voters chose to leave the EU, unlike black voters, as did those describing themselves as Asian. Differences occurred in religious people too as majority of Christians voted to leave while most Muslims voted to remain in the Union⁵⁵⁸.

The division was recorded among the political parties as well. The majority of Conservative Party (58%) and UKIP (96%) supporters voted to leave; meanwhile, supporters of Labour Party, Green, SNP, and Liberal Democrats voted to remain in the Union⁵⁵⁹. British people had different expectations from the referendum. Seven out of ten voters expected a win for Remain, including 54% of those who voted to leave. A Leave victory was expected by only UKIP voters who also voted for the UKIP in the 2015 election⁵⁶⁰.

The divisions were observed in different parts of the UK due to different reasons such as religion, national identity, and education level. Northern Ireland was divided into two parts, Catholic nationalists who identify themselves as Irish and tend to unite the island of Ireland, and Protestant unionists who identify themselves as British and tend to keep Northern Ireland in the UK⁵⁶¹. Hence, the big majority of Catholics (85%) voted to remain in the EU in comparison with only 40% of Protestants, 80% of nationalists chose to remain compared to only 34% of unionists. Furthermore, 87% of people who identify themselves as Irish voted for Remain; meanwhile, only 37% of British identifiers did as such⁵⁶². The difference occurred based on education level of voters too as vast majority of voters with a postgraduate qualification or a degree voted to remain⁵⁶³.

The final referendum result in Wales was surprising as it voted to leave by a margin recorded all around the UK⁵⁶⁴. It was against its own will as Wales was a net beneficiary

⁵⁵⁷ *Ibid.*

⁵⁵⁸ *Ibid.*

⁵⁵⁹ *Ibid.*

⁵⁶⁰ *Ibid.*

⁵⁶¹ J. GARRY, *The EU Referendum Vote In Northern Ireland: Implications For Our Understanding Of Citizens' Political Views and Behaviour*, Northern Ireland Assembly, available at: http://www.niassembly.gov.uk/globalassets/documents/raise/knowledge_exchange/briefing_papers/series_6/garry121016.pdf

⁵⁶² *Ibid.*

⁵⁶³ *Ibid.*

⁵⁶⁴ *EU referendum: Welsh voters back Brexit*, The BBC, 24 June 2016, available at: <https://www.bbc.com/news/uk-politics-eu-referendum-36612308>

from the EU budget. Nevertheless, the division in Wales was based on the will of people regarding the future of Wales⁵⁶⁵. Therefore, 78% of Leave voters wanted the UK to regain complete control over immigration and economy even at the expense of not having a free-trade agreement with the EU. Meanwhile, 63% of Remain voters were in favour of full membership of the Union or, at least, close ties through associate membership⁵⁶⁶.

The referendum result in Scotland was totally different from other parts of the UK: 62% of Scottish voters chose to stay in the EU compared with 48% across the UK⁵⁶⁷. In the wake of referendum, Scottish First Minister requested authority to hold a second referendum on Scottish independence. She referred to the change that was brought by other parts of the UK as “material change of circumstances”⁵⁶⁸. A controversial point was revealed by a survey on Euroscepticism level in Scotland and the rest of Britain. The results demonstrated that the level of Euroscepticism in both sides was well above 50% since even three years before the referendum⁵⁶⁹. Nevertheless, the party influence played a significant role in the choice of Scottish people as strongly pro-European Scottish National Party (SNP) opposed the exit, which was backed by its voters even though those voters were not fully convinced of possible negative consequences of Brexit⁵⁷⁰.

Public opinion towards the Union was formed mainly by the advantages and disadvantages of Brexit campaigned by the politicians. Remainers shared the idea that staying in the EU would help keep the peace in Europe and would avoid the expense of leaving as it was costly⁵⁷¹. On the other hand, Leavers believed that leaving the Union would lower immigration and would allow the British to keep sovereignty and Britain’s culture undamaged⁵⁷². Polls suggested that more than half of the population believed that immigration would fall in the UK after Brexit, and 70% of them voted to leave⁵⁷³.

⁵⁶⁵ R. SCULLY, *Wales: A Nation Divided?* 4 February 2017, What UK Thinks EU, available at: <https://whatukthinks.org/eu/wales-a-nation-divided/>

⁵⁶⁶ *Ibid.*

⁵⁶⁷ *EU referendum: Scotland backs Remain as UK votes Leave*, The BBC, 24 June 2016, available at: <https://www.bbc.com/news/uk-scotland-scotland-politics-36599102>

⁵⁶⁸ *Scotland's Right To Choose: Putting Scotland's Future In Scotland's Hands*, Scottish Government, 19 December 2019, available at: <https://www.gov.scot/publications/scotlands-right-choose-putting-scotlands-future-scotlands-hands/pages/7/>

⁵⁶⁹ I. MONTAGU, *Is Scotland Becoming More Eurosceptic?* The Scotsman, 26 February 2016, available at: <https://www.scotsman.com/news/politics/ian-montagu-scotland-becoming-more-eurosceptic-1481965>

⁵⁷⁰ I. MONTAGU, *Brexit and Public Opinion: Scotland*, The UK in A Changing Europe, 25 Jan 2019, available at: <https://ukandeu.ac.uk/brexit-and-public-opinion-scotland/>

⁵⁷¹ M. GOODWIN, *The Perceived Costs and Benefits of Brexit*, The UK in A Changing Europe, 02 February 2018, available at: <https://ukandeu.ac.uk/the-perceived-costs-and-benefits-of-brexit/>

⁵⁷² *Ibid.*

⁵⁷³ J. CURTICE, *Immigration*, The UK in a Changing Europe, p. 18. Available at: <https://ukandeu.ac.uk/wp-content/uploads/2018/01/Public-Opinion.pdf>

The aftermath of referendum, several changes happened in the UK, such as a substantial drop in the pound's value, a new prime minister and her call for a snap general election, ongoing UK-EU negotiations, etc. However, public opinion on whether it was good to vote on Leave or Remain did not change substantially in a year and a half after the referendum⁵⁷⁴. Only slightly over half of those, who answered the question on polls expressed their opinion, think it was right for Britain to vote to leave⁵⁷⁵. Nevertheless, the polls conducted later on public opinion of Brexit demonstrated that there is a slight change towards Remain⁵⁷⁶. Even though Leavers and Remainers would have voted almost the same way as they did in the 2016 referendum, those who did not vote (13% of those who registered to vote, which is around 13 million voters) would back up the Remain by two to one if they had the chance⁵⁷⁷.

The division within British people is still unavoidable after the fifth birthday of the referendum. People's attitude to two major issues of the referendum, economy, and immigration, has partly changed⁵⁷⁸. The immigration issue is still actual among both sides of voters. However, 83% of Remain voters believe that Britain's economy will be worse off after the wake of Brexit; meanwhile, 80% of Leave voters are optimistic about the future of Britain's economy⁵⁷⁹. The division over the Brexit deal appeared in society too as most of the Remainers think it is not a good deal that Leave supporters oppose⁵⁸⁰.

⁵⁷⁴ S. B. HOBOLT, T. LEEPER AND J. TILLEY, *Emerging Brexit identities*, The UK in A Changing Europe, 3 February 2018, available at: <https://ukandeu.ac.uk/emerging-brexit-identities/>

⁵⁷⁵ *Ibid.*

⁵⁷⁶ J. CURTICE, *Brexit: Do Britons Now Agree About Leaving the EU?* The BBC, 31 January 2020, available at: <https://www.bbc.com/news/uk-politics-51268688>

⁵⁷⁷ *Ibid.*

⁵⁷⁸ J. CURTICE, *The public is far from ready to 'move on' from the Brexit vote*, The Independent, 22 June 2021, available at: <https://www.independent.co.uk/voices/brexit-eu-referendum-uk-vote-b1869987.html>

⁵⁷⁹ *Ibid.*

⁵⁸⁰ *Ibid.*

3. Epistemic rights of people: Use of media for alteration in public opinion

Media coverage two weeks before the referendum had changed the public opinion in the UK and brought the immigration issue up, according to the survey conducted by the independent market research company, Ipsos MORI⁵⁸¹. Bringing immigration concern to the top did not only influence the votes in favour of Leave, but also surpassed the concerns about the UK economy, welfare system, and governance⁵⁸². To influence voters, suppress accurate information, and hide unbiased information through the use of vast numbers of misinformation and propagating in the media is a systematic violation of epistemic rights⁵⁸³.

Epistemic rights are a group of rights that, like other rights, pertain to particular objects, in this case, “epistemic goods” such as truth, information, knowledge, and understanding⁵⁸⁴. Epistemic rights may also include the right to believe a provided proposition, or not to believe it; the right to hold a particular belief or not to hold it; the right to claim knowledge of something, or not to claim it; the right to affirm or deny the truth of a proposition as well as the right to withhold judgment about the truth or falsehood of a proposition⁵⁸⁵. Thus, epistemic rights can be positive and negative⁵⁸⁶.

Leif Wenar, a political philosopher, distinguished legal and epistemic rights in his paper. According to him, there are two major realms of rights: attitudinal rights and rights of conduct. Rights of conduct include the domains of legal rights, moral rights, and customary rights; meanwhile, attitudinal rights, which are the rights regarding judgement-sensitive attitudes, include the domain of epistemic rights, among others. He argues that the difference between these two major realms is that the realm of conduct includes “rights to do wrong” which, however, the realm of attitudes includes⁵⁸⁷. Therefore, hiding the truth behind anti-EU statements that lacked the scrutiny committed no violation of

⁵⁸¹ Ipsos Mori, *Immigration is now the top issue for voters in the EU referendum*, 16 June 2016, available at: <https://www.ipsos.com/ipsos-mori/en-uk/immigration-now-top-issue-voters-eu-referendum>

⁵⁸² *Ibid.*

⁵⁸³ L. WATSON, *Systematic Epistemic Rights Violations in the Media: A Brexit Case Study*, 28 February 2018, *Social Epistemology*, 32:2, 88-102, pp. 1 – 2. Available at: <https://www.tandfonline.com/doi/full/10.1080/02691728.2018.1440022?scroll=top&needAccess=true>

⁵⁸⁴ *Ibid.*

⁵⁸⁵ A. SCOTT, *On the Origins, Nature, and Extent of Epistemic Rights*, *The Power of Language: Philosophy and Society*, 15 July 2013, available at: <http://philosophyreaders.blogspot.com/2013/07/on-origins-nature-and-extent-of.html>

⁵⁸⁶ *Ibid.*

⁵⁸⁷ L. WENAR, *Epistemic rights and legal rights*, 2003, *Analysis*, 63 (278), pp. 142-146. ISSN 1467-8284. Available at: <https://eprints.whiterose.ac.uk/1021/1/Epistemic-LegalRightsFinal.pdf>

legal rights – meaning those politicians had no conclusive legal reason not to spread misinformation to achieve their objectives.

As mentioned in the previous section, the Brexit campaign time was full of misleading information and misinformation covered in the media. Any phrase or emphasis that would lead the reader in a different direction or a statistic taken out of context and used in order to propagate the main message share the common feature of blocking people’s access to epistemic goods⁵⁸⁸.

As of example, two misleading publications had played a major role over public opinion throughout the Brexit campaign. The Daily Telegraph article published on May 13, 2016, claimed that “The real number of migrants we now know came to Britain” between 2011 and 2015 was 2.4 million, comparing this with a previously cited ‘official’ figure of 0.9 million⁵⁸⁹. The difference between two figures generates from the fact that according to the Office of National Statistics (ONS), during the given period, 1.5 million people migrated to the UK from the EU with no intention of overstaying, whereas the lower figure includes only those who migrated to the UK and plan to reside in the UK after 2015. This information is not false; however, putting emphasize on ‘real’ misleadingly makes an impression that freely reachable ONS figures either had been deliberately obscured or were inaccurate⁵⁹⁰. Following the aforementioned article in the same day, Daily Express published another article with a headline of “Britain’s 1.5 million hidden migrants”. Such misleading information constitutes a violation of readers’ epistemic rights⁵⁹¹.

Another misleading information referred to the accession of Turkey as well as Balkan states, more precisely Albania and Montenegro, to the EU, which according to them, will cause mass immigration to the UK. the Mail Online headline read on 29 April 2016 as “EU expansion will open our borders to 88 million from Europe's poorest countries” referring to the combined population of five Balkan countries⁵⁹². Furthermore, focusing on Turkish accession to the EU with further future possible consequences makes it worst. Some Balkan states are in the process of EU application. Turkey-EU accession negotiation for membership started in 2005⁵⁹³. Since then, Turkey’s chance to join the

⁵⁸⁸ L. WATSON, *Systematic Epistemic Rights Violations in the Media*, p. 14.

⁵⁸⁹ *Ibid.* p. 15.

⁵⁹⁰ *Ibid.*

⁵⁹¹ *Ibid.*

⁵⁹² *Ibid.*

⁵⁹³ Turkey, European Council, available at:

<https://www.consilium.europa.eu/en/policies/enlargement/turkey/>

EU was remote before 2030, even during the Brexit campaign, before the latest Turkish turn towards authoritarianism⁵⁹⁴. Furthermore, achievement throughout the negotiation process was minor as many chapters were turned down due to an uneasy relationship between Turkey and some EU members, namely and mainly Greece⁵⁹⁵. Nevertheless, Vote Leave campaigners used the immigration issue focusing on Turkey's accession issue as a threat of another immigration crisis in order to influence voters, which is another systematic violation of epistemic rights in the Brexit process⁵⁹⁶.

Such violations appeared during the Brexit process, especially throughout the campaign quite often. The misleading information given in the previous chapter that Brexit campaigners had used, such as "Every week we send £350 million to the EU" and others, were not totally false as there was some amount that was being sent to the EU budget, but neither true as the given amount did not include benefits and rebate coming from the EU. Complicated statements even later found to be denied by politicians themselves, for instance, very recently Boris Johnson claimed that he did not say anything during the Brexit campaign about the immigration issue in case of Turkey's accession to the EU⁵⁹⁷. However, in 2016 two months before the referendum, he said:

"I am very pro-Turkish, but what I certainly can't imagine is a situation in which 77 million [his estimate] of my fellow Turks and those of Turkish origin can come here without any checks at all. That is really mad⁵⁹⁸."

The Universal Declaration of Human Rights (UDHR) includes Article 19, which reads as follows:

⁵⁹⁴ J. KER-LINDSAY, *Did the unfounded claim that Turkey was about to join the EU swing the Brexit referendum?* LSE, 15 February 2018, available at: <https://blogs.lse.ac.uk/politicsandpolicy/unfounded-claim-turkey-swing-brexit-referendum/>

⁵⁹⁵ C. FARRUGIA, *EU Turkey Negotiations: Obstacles to Turkey's Application to Join The EU*, Diplo, 2012, available at: <https://www.diplomacy.edu/dissertation/eu-turkey-negotiations-obstacles-turkeys-application-join-eu>

⁵⁹⁶ J. KER-LINDSAY, *Did the unfounded claim that Turkey was about to join the EU swing the Brexit referendum?*

⁵⁹⁷ D. SABBAGH and J. RANKIN, *Boris Johnson wrongly denies stirring Turkey fears in Brexit campaign*, *The Guardian*, 18 January 2019, available at: <https://www.theguardian.com/politics/2019/jan/18/boris-johnson-falsely-denies-issuing-turkey-warning-in-brexit-campaign>

⁵⁹⁸ *Ibid.*

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers⁵⁹⁹.”

Freedom of expression means the right to speak, right to know, and freedom of the press⁶⁰⁰. Throughout the Brexit process many violations of freedom of expression have been recorded due to the high volume of misinformation as well as misleading information. Freedom of the press also contains the ability of media to report without any interference of the government or authority⁶⁰¹. Furthermore, the right to know means that people have the right to truth and fair information⁶⁰². Taking into consideration how the British government used media by spreading false information to alter public opinion in favour of their own will, it is obviously seen that the freedom of expression protected by Article 19 of the UDHR was violated during the Brexit.

Not only the UDHR but also other legal documents touched sometimes similar issues. Article 10 of the European Convention on Human Rights (ECHR) states:

“Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers⁶⁰³.”

Article 10 consists of two paragraphs; the first one defines the freedoms protected, which one of them is to receive and impart information; meanwhile, the second one stipulates the circumstances in which a state may legitimately interfere with the exercise of the freedom of expression⁶⁰⁴. Freedoms mentioned above must be exercised free from interference by public authorities under the requirements of paragraph two of the same article. About the matters of public interest, the Court also reads that the public should be

⁵⁹⁹ Available at: <https://humanrights.gov.au/our-work/commission-general/universal-declaration-human-rights-human-rights-your-fingertips-human>

⁶⁰⁰ *Article 19: The Public's Right to Know: Principles on Right to Information Legislation*, Free Word Centre, 2016, available at: https://www.article19.org/data/files/RTI_Principles_Updated_EN.pdf

⁶⁰¹ *Ibid.*

⁶⁰² *Ibid.*

⁶⁰³ European Convention on Human Rights, available at: https://www.echr.coe.int/documents/convention_eng.pdf

⁶⁰⁴ *Ibid.*

adequately informed in order to enable it to impart and receive information⁶⁰⁵. Almost the same clause was included in the Charter of Fundamental Rights of the European Union (CFREU) as Article 11⁶⁰⁶.

Influence of media and interference with the referendum result brought up many issues, mainly foreign interference, in the post-referendum period for investigation. Allegations about foreign interference, namely Russian interference, with the Brexit referendum through social media for the Leave campaign had been spread, and an investigation was requested, which is done by the UK's Parliamentary Select Committee for Culture, Media and Sport. The committee published an interim report stating that it heard evidence of campaign by the Russian government to influence elections in the UK and US⁶⁰⁷. The same report also claims the email exchanges between Arron Banks, co-founder of Leave.EU campaign, and representatives of the Russian Embassy in London. These emails demonstrate that many meetings happened between A. Banks and Russian officials, including the ambassador himself beginning right before the referendum, and he had admitted in one of the emails that Russians are ready to help with leave campaign⁶⁰⁸.

Even though social media such as Twitter or Facebook denied Russian meddling about the campaign, researchers identified over 150 000 Twitter accounts that listed their language as Russian, which tweeted about Brexit⁶⁰⁹. The number of Tweets posted by them reached 45 000 in the final days of the Brexit campaign to promote the Leave⁶¹⁰. Additionally, the Leave campaign was also found implicated in the Facebook–Cambridge Analytica data breach facing allegations of allegations of benefits from the data breach. Furthermore, Christopher Wylie, the Cambridge Analytica whistle-blower, said

⁶⁰⁵ D. BYCHAWSKA-SINIARSKA, *Protecting the Right to Freedom of Expression Under the European Convention On Human Rights*, Council of Europe, July 2017, pp. 15 – 16, available at:

<https://rm.coe.int/handbook-freedom-of-expression-eng/1680732814>

⁶⁰⁶ Charter of Fundamental Rights of The European Union, available at:

https://www.europarl.europa.eu/charter/pdf/text_en.pdf

⁶⁰⁷ “Disinformation and “Fake News”: Interim Report.” House of Commons Culture, Media and Sport Select Committee, July 2018, available at:

<https://publications.parliament.uk/pa/cm201719/cmselect/cmcmds/363/36308.htm#footnote-096>

⁶⁰⁸ *Ibid.*

⁶⁰⁹ Y. GORODNICHENKO, T. PHAM and O. TALAVERA, *Social Media, Sentiment and Public Opinions: Evidence from #Brexit and #USElection*. Working Paper 24631.” Cambridge, MA: National Bureau of Economic Research, May 2018. Available at: <https://www.nber.org/papers/w24631.pdf>

⁶¹⁰ *Ibid.*

Cambridge Analytica shared the data with Russian companies that have ties to the Russian intelligence services⁶¹¹.

It is probable that the Russian interference in UK affairs dates back 2014 Scottish independence referendum as pro-Russian accounts on Twitter strengthened the fraud claims of the election and demanded another referendum⁶¹². However, Mr. Banks related allegations played an important role in investigation process by the UK's National Crime Agency because UK's Electoral Commission suspects that he used money "from impermissible sources" for the Leave campaign and concealed their origin⁶¹³. Furthermore, lucrative business deals, especially in Russian gold companies, offered to Arron Banks before the referendum caused new waves of suspicion about Kremlin's role in Brexit⁶¹⁴. Last but not least, Russia used its TV channels such as RT and Sputnik to campaign openly for Brexit by publishing 261 pieces on the referendum that demonstrated an anti-EU slant⁶¹⁵.

Having done investigation whether Russia interfered with UK politics, the report was published with a delay of nine-months⁶¹⁶. An independent committee produced the report that consists of nine MPs from several political parties, including the Conservatives and the government tried to block the publication which made it become highly controversial⁶¹⁷. The report says that the Johnson government "underestimated the response required to the Russian threat and are still playing catch up." It asserts that "Russian influence in the UK is the new normal [...] the UK is clearly a target for Russian

⁶¹¹ *Whistleblower: Cambridge Analytica Shared Data with Russia*. Euractiv., May 17, 2018, available at: <https://www.euractiv.com/section/global-europe/news/whistleblower-cambridge-analytica-shared-data-with-russia/>

⁶¹² N. BEN, *#ElectionWatch: Scottish Vote, Pro-Kremlin Trolls*, DFRLab, 13 December 2017, available at: <https://medium.com/dfrlab/electionwatch-scottish-vote-pro-kremlin-trolls-f3cca45045bb>

⁶¹³ P. WALKER and J. WATERSON, *Arron Banks faces criminal inquiry over Brexit campaign*, The Guardian, 1 November 2018, available at: <https://www.theguardian.com/uk-news/2018/nov/01/arron-banks-referred-to-agency-over-suspected-offences-in-brexit-campaign>

⁶¹⁴ L. HARDING, *Revealed: details of exclusive Russian deal offered to Arron Banks in Brexit run-up*, The Guardian, 9 August 2018, available at: <https://www.theguardian.com/uk-news/2018/aug/09/revealed-detail-of-exclusive-russian-deal-offered-to-arron-banks-in-brexit-run-up>

⁶¹⁵ "Disinformation and "Fake News": Interim Report." House of Commons Culture, Media and Sport Select Committee, July 2018, available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmcmds/363/36308.htm#footnote-096>

⁶¹⁶ D. SABBAGH, L. HARDING, and ANDREW ROTH, *Russia report reveals UK government failed to investigate Kremlin interference*, The Guardian, 21 July 2020, <https://www.theguardian.com/world/2020/jul/21/russia-report-reveals-uk-government-failed-to-address-kremlin-interference-scottish-referendum-brexit>

⁶¹⁷ R. ELLEHUUS and D. RUY, *Did Russia Influence Brexit?* Center for Strategic and International Studies, 21 July 2020, available at: <https://www.csis.org/blogs/brexit-bits-bobs-and-blogs/did-russia-influence-brexit>

disinformation⁶¹⁸.” In conclusion, the report asserted that if there was an interference in Brexit referendum, it was not through direct involvement in the voting process, which, in the United Kingdom, is done entirely with paper and considered by the UK government very hard to corrupt⁶¹⁹.

Although the UK government admitted Russian interference with Scottish independence referendum of 2014, declaring as first Russian interference in Western elections, it rejected thorough investigation call of the report⁶²⁰. Therefore, the British government is accused of making deliberate action not to find out whether Russian influence affected the Brexit referendum⁶²¹.

⁶¹⁸ *Ibid.*

⁶¹⁹ *Ibid.*

⁶²⁰ *Ibid.*

⁶²¹ *Ibid.*

4. What does “Take Back Control” mean? Control over: Immigration, money, democracy, and law

“Take back control” – the central slogan of leave campaign was invented by Dominic Cummings, former advisor to Prime Minister Boris Johnson and director of Vote Leave⁶²². His invention was so influential that, according to Tim Haughton, Remain side could never coin an effective slogan⁶²³. Even though the slogan was never defined or explained as it was too vague, he claims that things that work matter in political campaigns, not accurate ones⁶²⁴.

The slogan itself contained a key solution to the public frustration. ‘Take’ appealed to voters, encouraging them to make a decision of their lives, to take the future in their hands, whereas ‘back’ referred to mostly elder generation describing the old Golden Age of England when it was inhabited by white Anglican English and the time English economy was the biggest⁶²⁵. ‘Control’ was to trigger democratic sensibility as Cameron himself admitted a lack of control⁶²⁶. The question was why British Parliament should be elected democratically if foreign unelected authorities make the decisions in Brussels? Even Vote Leave spread the word that 70% of British laws were made in Brussels⁶²⁷.

Rising immigration caused frustration in public. David Cameron pledged twice to reduce net migration numbers in both 2010 and 2015 election manifestos⁶²⁸. He was trying to reach a mechanism that would reduce the numbers to under 100,000. Once, he said:

“Immigration benefits Britain, but it needs to be controlled, it needs to be fair, and it needs to be centred around our national interest. People want government to have control over the number of people coming here. My objective is simple: to make our immigration system fairer and reduce the

⁶²² G. FAULCONBRIDGE, *Dominic Cummings: PM Johnson's cardinal of Brexit*, Reuters, 13 November 2020, available at: <https://www.reuters.com/article/uk-britain-politics-cummings-factbox-idUKKBN27T11L>

⁶²³ T. HAUGHTON, *It's the slogan, stupid: The Brexit Referendum*, University of Birmingham, available at: <https://www.birmingham.ac.uk/research/perspective/eu-ref-haughton.aspx>

⁶²⁴ *Ibid.*

⁶²⁵ R. G. ADAM, *Brexit: Causes and Consequences*, Springer, 12 August 2019, pp. 95 – 96.

⁶²⁶ *Ibid.*

⁶²⁷ A. SIPPITT, *Does Brussels Influence 70% of UK Law?* Full Fact, 18 February 2014, available at: <https://fullfact.org/europe/does-brussels-influence-70-uk-law/>

⁶²⁸ Prime Minister pledges to control and reduce immigration, UK Government, 21 May 2015, available at: <https://www.gov.uk/government/news/prime-minister-pledges-to-control-and-reduce-immigration>

current exceptionally high level of migration from within the EU into the UK. Judge me by my record in Europe!⁶²⁹”

Statistics have shown a dramatic rise in few years. Net immigration had been 177,000 in 2012. It rose the following year to 209,000. In 2014, it reached 318,000. Moreover, a few days before polling day, on 26 May 2016, the figure for 2015 was published: 332,000⁶³⁰. Having experienced net emigration for three hundred years, handling rising immigration was impossible for the UK within the Union because free movement of people. Comparing different periods of immigration from the Member States reveals that latest enlargement, especially lifting transitional period for Bulgaria and Romania in 2014, played a substantial role on rapid increase⁶³¹.

Rising concerns over immigration in the UK gave a playground to the Leave campaigners. Both Vote Leave and UKIP believed that leaving the EU would allow the UK to take control over its borders⁶³². Even though the Remain side did not agree with this idea and even tried to shift the focus onto EU-facilitated benefits coming from the free movement of people such as low-cost air travel, reduced mobile phone roaming charges, and access to emergency healthcare as a tourist, at the end, these arguments were not strong enough to influence public opinion⁶³³. The UK being out of the EU, can now exercise decisions made by its own Parliament regarding immigration issues. As of the post-Brexit period, a new settles status scheme was established for the EU citizens living in the UK for obtaining immigration status, and the arrangements for the same reason were put in place by EU countries for the UK citizens as well⁶³⁴.

The Leave campaigners’ mostly spread message was £350 per week contribution to the EU budget, which was investigated and falsified by Remain side as well as fact-checking organizations as it did not exclude an automatic deduction of rebate negotiated and secured by Margaret Thatcher. Despite all the controversial arguments of Leave

⁶²⁹ R. G. ADAM, *Brexit: Causes and Consequences*, Springer, 12 August 2019, p. 96.

⁶³⁰ Statistics are available at: <https://www.migrationwatchuk.org/statistics-net-migration-statistics>

⁶³¹ K. A. ARMSTRONG, *Brexit Time: Leaving the EU – Why, How and When?* Cambridge University Press, June 2017, pp 74 – 75.

⁶³² *Ibid.* pp. 73 – 74.

⁶³³ *Ibid.*

⁶³⁴ *EU Exit: Taking back control of our borders, money and laws while protecting our economy, security and Union*, Cm 9741, November 2018, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759792/28_November_EU_Exit_-_Taking_back_control_of_our_borders_money_and_laws_while_protecting_our_economy_security_and_Union_1_.pdf

campaigners, they could convince voters that the amount will be spent on British National Health Service (NHS) instead.

The UK benefited from the EU, particularly in its first decade of membership under the EU's cohesion policy, with several British regions qualifying for support. However, since then, the support gradually went down until 2004 enlargement, after which, the direction of EU funding had been changed towards less economically developed new member states in Central and Eastern Europe⁶³⁵. Thus, according to the analyzing paper published by Bachtler and Begg, the UK's share of funds had declined from 25 per cent in the beginning of its membership to 2.5 per cent by the referendum time⁶³⁶.

The EU is often described as a "regulatory state" due to its role on market regulation and the contribution of Member States are considered as administrative cost⁶³⁷. Taking into consideration the difference between EU administrative budget and that of the UK's Department for Work and Pensions, the latter being higher means that the EU administrative cost is actually low in general⁶³⁸.

As promised, in June 2018, the UK government announced over £394 million more per week for the NHS by 2023/24⁶³⁹. Nevertheless, in the areas where the UK and the Union may work more effectively than the UK alone, they will continue cooperation in areas such as science and innovation, culture and education, and overseas development and external action⁶⁴⁰.

One of the matters that Leave campaigners utilized to create an anti-EU image in public by rallying around the UK was democracy: "take back control over democracy"⁶⁴¹. Right-wing politicians raised the issue of EU's democratic deficit claiming that the decisions about Britons are made in Brussels behind closed doors, so people of the UK are unaware of the decision procedure⁶⁴². However, British have long tradition of elected parliament

⁶³⁵ P. BRIEN, *EU funding in the UK*, Briefing Paper Number 7847, House of Commons Library, 11 September 2020, available at: <https://researchbriefings.files.parliament.uk/documents/CBP-7847/CBP-7847.pdf>

⁶³⁶ J. BACHTLER and I. BEGG, *Cohesion and cohesion policies in the UK: what might Brexit entail?* 21 March 2016, available at: <https://ukandeu.ac.uk/wp-content/uploads/2016/06/Iain-Begg-and-John-Bachtler-Workshop-Policy-Brief.pdf>

⁶³⁷ G. MAJONE, *The regulatory state and its legitimacy problems*, *West European Politics*, 3 December 2007, 22:1, 1-24, available at: <https://www.tandfonline.com/doi/abs/10.1080/01402389908425284>

⁶³⁸ European Commission, available at: https://ec.europa.eu/info/strategy/eu-budget_en

⁶³⁹ *EU Exit: Taking back control of our borders, money and laws while protecting our economy, security and Union*.

⁶⁴⁰ *Ibid.*

⁶⁴¹ M. EMMANOUIL, T. S. IOANNIS, and K. APOSTOLOS, *BREXIT: A consequence of the European social and democratic deficit*, SSOAR, 2017, available at:

<https://www.ssoar.info/ssoar/handle/document/51586>

⁶⁴² *Ibid.*

making legislature and deciding for the people. So for Leave campaigners, it was easy to convince people that the EU is not democratic; nevertheless, the complexity of EU structure and decision-making procedure helped Vote Leave on this journey⁶⁴³. Mainly, the European Commission caused concerns as EU law is prepared by the Commission and discussed and adopted by the Council of Ministers and European Parliament. Nevertheless, the Commission is an executive body composed of civil servants acting under the direction of a College of Commissioners and the European Commission President which none of them is elected by the people directly⁶⁴⁴.

In addition to all matters mentioned above, the last but substantially big issue for Brexiteers was the EU supremacy (European Court of Justice) over British law. Boris Johnson claimed:

“Today it is a tragedy that the European Union – that body long ago established with the high and noble motive of making another war impossible – is itself beginning to stifle democracy, in this country and around Europe. If you include both primary and secondary legislation, the EU now generates 60% of all the laws that pass through Westminster⁶⁴⁵.”

Boris Johnson based this information on the research paper of the House of Commons and called it a loss of control over UK law throughout the campaigns where impressions matter more than hard realities⁶⁴⁶. In this quote, the wording is important, because all the laws that pass through Westminster do not apply to the whole UK as National Parliaments of Scotland, Wales, and Northern Ireland pass the legislation that applies in only their nation as well⁶⁴⁷. UK law is divided into two parts: Acts of Parliament and statutory instruments, which make clear how statutes Acts of Parliament will work. Similarly, the EU has two main types of law: EU regulations, most of which are part of UK law, and

⁶⁴³ *Ibid.*

⁶⁴⁴ D. CURTIN, *Challenging Executive Dominance in European Democracy*, *Modern Law Review*, 02 January 2014, available at: <https://onlinelibrary.wiley.com/doi/full/10.1111/1468-2230.12054>

⁶⁴⁵ M. DOUGAN and K. ARMSTRONG, *Fact Check: are 60% of UK laws really imposed by the EU?* *The Conversation*, 27 April 2016, available at: <https://theconversation.com/fact-check-are-60-of-uk-laws-really-imposed-by-the-eu-58516>

⁶⁴⁶ *Ibid.*

⁶⁴⁷ C. COLEMAN, *Reality Check: How much UK law comes from the EU?* *The BBC*, 8 June 2016, available at: <https://www.bbc.com/news/uk-politics-eu-referendum-36473105>

EU directives which set out an aim for the Member States to achieve without specifying how which is done in the UK through statutory instruments⁶⁴⁸.

The research paper by House of Commons Library in 2010 states that in twenty-years period between 1993 and 2014 Parliament passed 945 Acts of which 231 implemented EU obligations of some sort, and also passed 33,160 statutory instruments 4,283 of which implemented EU obligations. Add both figures together and divide by the total number of laws passed, and we get the 13% figure⁶⁴⁹. Nevertheless, the same research paper also states the impossibility of calculating the figure:

“Estimates of the proportion of national laws based on EU laws vary widely in other EU Member States, ranging from 6.3% to 84%. However, there is no totally accurate, rational or useful way of calculating the percentage of national laws based on or influenced by the EU⁶⁵⁰.”

Following the referendum, all the controversial issues between the UK and the Court of Justice of the EU will not be present anymore as the UK Supreme Court took its control back over its law. All the matters that happened in the UK on or after the 1st of January 2021, will be dealt in the national level unless agreed upon negotiations⁶⁵¹.

⁶⁴⁸ *Ibid.*

⁶⁴⁹ *Ibid.*

⁶⁵⁰ V. MILLER, *How Much Legislation Comes from Europe?* Research Paper 10/62, House of Commons Library, 13 October 2010, p. 1. Available at: <file:///Users/khayyam/Downloads/RP10-62.pdf>

⁶⁵¹ S. D. MARS, *Brexit next steps: The Court of Justice of the EU and the UK*, House of Commons Library, 07 February, 2020, available at: <https://commonslibrary.parliament.uk/brexit-next-steps-the-court-of-justice-of-the-eu-and-the-uk/>

CHAPTER 5: POST-BREXIT CHALLENGES: THE UK SHOULD HAVE STAYED IN THE EU

1. General criticisms to the exit

The Brexit process has always been full of controversies from the day of Cameron's pledge for the second referendum. The country was and still is divided into two sides: pro-Brexiteers and anti-Brexiteers, or in other words "Remainers" and "Brexiteers" forming new political identities which are more potent than party identities, research showed⁶⁵². Both sides have been making statements in favour of what their view was in order to influence the vote very firstly. Following the referendum, anti-Brexiteers began calling on second referendum for different reasons as the complicity of reaching an agreement that would satisfy all parties had increased⁶⁵³. Thus, new critics emerged or revealed their Remainer side day by day. One of the important political figures of the UK, former a decade-long Speaker of the House of Commons, Jon Bercow, called Brexit "the biggest mistake" days after leaving his post⁶⁵⁴. He said:

"I don't think it helps the UK. Brexit is the biggest mistake of this country after the war. I respect [the] prime minister, [Boris] Johnson, but Brexit doesn't help us. It's better to be part of the [EU] power bloc⁶⁵⁵."

One of the reasons why Conservatives won the 2019 general election was Johnson's promise "get Brexit done and bring the country together". However, at the time, Britons did not predict that the global pandemic would take Brexit off the front page and bring the country together, even if it lasted for a short period. As a result, government rates increased to 52 per cent in March 2020 from 10 per cent nine months earlier, in June

⁶⁵² *New report reveals Brexit identities stronger than party identities*, UK In a Changing Europe, 22 January 2019, available at: <https://ukandeu.ac.uk/new-report-reveals-brexit-identities-stronger-than-party-identities/>

⁶⁵³ Y. SERHAN, *Another Brexit Referendum?* The Atlantic, 31 January 2018, available at: <https://www.theatlantic.com/international/archive/2018/01/another-brexit-referendum/551816/>

⁶⁵⁴ H. STEWART, *John Bercow: Brexit is UK's biggest mistake since second world war*, The Guardian, 6 November 2019, <https://www.theguardian.com/politics/2019/nov/06/john-bercow-brexit-is-uks-biggest-mistake-since-second-world-war>

⁶⁵⁵ *Ibid.*

2019⁶⁵⁶. Nevertheless, it went again down because of the government's poor handling of pandemic and delay in Brexit deal negotiations⁶⁵⁷.

The issue of trust was widespread before and throughout the Brexit process. Approximately 65 per cent of people who had distrusted the government voted to leave the Union. In the aftermath of election, the May government enjoyed victory with her voters. Nevertheless, the disastrous defeat of the Conservative Party in the snap election and rejection of Brexit deal in the Parliament frustrated voters⁶⁵⁸. Boris Johnson in power, especially after the 2019 general election, the trust in politics and politicians was realigned among Brexiteers. In contrast, the trust among Remainers declined, and they expressed less and less trust in UK politics and democracy⁶⁵⁹.

Lately, having signed the Brexit deal, the issue of trust gained global scope. Requesting a renegotiation of the deal seven months after signing it put Boris Johnson in a position of distrusted leader, especially in a period that the UK government pushes forward its "Global Britain" ambition by trying to forge economic alliances beyond Europe⁶⁶⁰. Even though the EU rejected a request for renegotiation, it weakened UK's global position in negotiation processes with international allies, according to L. Alan Winters of the UK Trade Policy Observatory at the University of Sussex in England. He said in his interview:

"It certainly does raise questions about the trustworthiness of this government I don't think it will lead to the complete cessation of negotiations between the UK and other countries, but I think it will make it a little bit more difficult⁶⁶¹."

As an example, the UK is currently engaging in negotiations over a trade agreement with New Zealand, a country that also has the power to veto UK accession to the

⁶⁵⁶ Government Approval, YouGov, available at:

<https://yougov.co.uk/topics/politics/trackers/government-approval>

⁶⁵⁷ *How the government is handling the issue of Brexit in the UK*, YouGov, available at:

<https://yougov.co.uk/topics/politics/trackers/how-the-government-is-handling-the-issue-of-brexit-in-the-uk>

⁶⁵⁸ W. JENNINGS, *Political trust post-Brexit*, UK in A Changing Europe, 26 February 2021, available at:

<https://ukandeu.ac.uk/brexit-and-political-trust/>

⁶⁵⁹ *Ibid.*

⁶⁶⁰ H. ZIADY, *Why would anyone trust Brexit Britain again?* CNN Business, 24 July 2021, available at:

<https://edition.cnn.com/2021/07/24/business/brexit-deal-northern-ireland-gbr-intl-cmd/index.html>

⁶⁶¹ *Ibid.*

Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)⁶⁶². However, Jacinda Ardern, Prime Minister of New Zealand, has officially informed while giving a speech to the New Zealand Institute of International Affairs that New Zealand had agreed to negotiations with the UK that will pave a way for joining the partnership. During the speech, she emphasized that “CPTPP is our highest quality agreement... Those aspiring to join will have to be able to meet its high standards”, which was interpreted by some trade experts as it was being directed at the UK⁶⁶³.

To find out the origin of ideas, whether it had derived from historical British ideological approaches or is a new phenomenon, examining different perspectives can be helpful. Putting Brexit among historical events and finding similarities to predict the future consequences would totally be an authentic approach. Brexit critic Finton O’Toole resembled Brexit to the nineteenth-century explorer Franklin and his voyages to find Northwest Passage described by historian Stephanie Barczewski in her book called *Heroic Failure and the British*⁶⁶⁴. Historian Barczewski described Franklin as “a failure on a monumental scale, but he, nonetheless, became one of the greatest Victorian heroes⁶⁶⁵”.

On his first voyage in the early nineteenth century, he abandoned his ship, and his nine men died of starvation in open seas. Nevertheless, on his return, his journal of the expedition quickly became a best-seller, whereas himself was hailed as “splendid display of those noble qualities which seem particularly distinctive of the Saxon race⁶⁶⁶”. O’Toole believes that Franklin was a genius that he appealed to the most transformative mindset in English imagination, “the imperial alchemy that turned the lead of disaster into the gold of heroism⁶⁶⁷”.

His second expedition for the same reason in the mid-nineteenth century was like Brexit. As explains Barczewski, “nothing could be simpler. However, the plan ignored the fact that 500 miles (800 km) of the voyage were unmapped, meaning that the actual distance that a ship needed to travel might prove much longer as it picked its way through ice and the Arctic Archipelago. It had not mattered in the imaginations of the journey’s

⁶⁶² Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) is an 11-country free trade pact that includes Mexico, New Zealand, Australia, Canada, and Singapore. Information about UK accession process is available at: <https://www.dfat.gov.au/trade/agreements/in-force/cptpp/comprehensive-and-progressive-agreement-for-trans-pacific-partnership>

⁶⁶³ H. ZIADY, *Why Would Anyone Trust Brexit Britain Again?*

⁶⁶⁴ F. O’TOOLE, *Heroic Failure: Brexit and The Politics of Pain*, Apollo, 2018, p. 57.

⁶⁶⁵ S. BARCZEWSKI, *Heroic Failure and the British*, Yale University Press, London, 2016, p. 59.

⁶⁶⁶ *Ibid.* p. 62.

⁶⁶⁷ F. O’TOOLE, *Heroic Failure*, p. 58.

planners⁶⁶⁸”. Idea of the beginning “nothing could be simpler” is very much alike to Brexit voyage without a map⁶⁶⁹. Voyage planners’ blind optimism did not save them, not only Franklin but his whole team got lost and never turned back. However, it was not the end of the story. Obsessed Britain arranged thirty-eight public and private expeditions with a cost of more than £600,000 (tens of millions of pounds in today’s values) for a decade to look for Franklin. All efforts failed to find Franklin because they were insufficiently determined to do so, like today’s Brexiteers trying to draw a map for the future⁶⁷⁰.

The irony of mindset revealed later when Robert McClure found the entrance to the Northwest Passage. Since he did not find Franklin but the passage itself, the discovery was virtually ignored. O’Toole compares the two events and concludes as: “No doubt British civil servants trying to map the route to the least damaging Brexit would know exactly how he felt – complicated realities are no match for the glamour of heroic failure⁶⁷¹”.

The control was lost gradually on Brexit. Even though immigration figures were sometimes inaccurate, the Cameron government could do little to reduce the numbers as he promised. Nevertheless, cutting student visas did not prevent the rise of EU immigration⁶⁷². The approach to immigration in the UK is ambiguous, only 34% of Leave voters wanted a sharp reduction in immigration. Nonetheless, all the anti-immigration sentiments were formed based on unfounded information about the EU immigrants, especially from the Eastern Member States, that they regard the UK as a soft touch and arrived as “welfare tourists”⁶⁷³. Because of this false belief, those who voted to leave expected hundreds of thousands of immigrants to go back home immediately after the referendum, but obviously, it is impossible.

⁶⁶⁸ S. BARCZEWSKI, *Heroic Failure*, p. 65.

⁶⁶⁹ F. O’TOOLE, *Heroic Failure*, p. 58.

⁶⁷⁰ *Ibid.* p. 59.

⁶⁷¹ *Ibid.*

Sir John Franklin’s ship was found after 186 years, three months after Brexit vote.

P. WATSON, *Ship found in Arctic 168 years after doomed Northwest Passage*, *The Guardian*, 12 September 2016, available at: <https://www.theguardian.com/world/2016/sep/12/hms-terror-wreck-found-arctic-nearly-170-years-northwest-passage-attempt>

⁶⁷² J. FARRELL and P. GOLDSMITH, *How to Lose A Referendum: The Definitive Story Of Why The UK Voted For Brexit*, Biteback Publishing, 2017, p. 390.

⁶⁷³ P. KELLNER, *If So Many Britons Support Freedom of Movement, Why Doesn’t Theresa May?* *The Guardian*, 10 August 2018, available at: <https://www.theguardian.com/commentisfree/2018/aug/10/freedom-of-movement-theresa-may-immigration>

2. Post-Brexit legal challenges: Covid-19 and Northern Ireland

Leaving the EU meant substantial changes in UK law from the domestic law perspective as thousands of EU laws provided by the European Communities Act 1972 (ECA) were applied in the UK during the membership⁶⁷⁴. The EU Withdrawal Act 2018 (EUWA 2018) repealed the ECA 1972. Nevertheless, to ensure that the UK complies with EU law until the end of membership, it adopted all EU laws related to the UK, a new category of UK domestic law called “retained EU law”⁶⁷⁵. It means that until or unless the provisions of retained EU law are amended or repealed, they will apply in the UK post-Brexit period. First challenge occurred immediately that the executive branch of government was given task to provide effective scrutiny and oversight of the powers to amend or repeal provisions of retained EU law⁶⁷⁶. Additionally, the challenge scope was doubled by the disruption that Covid-19 caused as the Parliament lacked the time and resources to effectively scrutinize a considerable number of changes made by the government to the domestic law via secondary legislation⁶⁷⁷. The report reads: “Indeed, Brexit and COVID-19 place into sharp focus the inadequacies of Parliament’s capacity to hold the government to account”⁶⁷⁸.

Another substantial challenge occurred right before the end of the transition period. UK government announced that it is not seeking to extend the transition period and concluded the agreement a few days before the transition period ends, which left the UK Parliament with no time to provide deep scrutiny and debate over a statue of historical agreement⁶⁷⁹. As a result, there was only one day to pass the bill through the Commons. Furthermore, the time availability was shortened because the Parliament operated under Covid-19 restrictions with a limited number of MPs in chambers but taking part live. However, time restrictions were applied for each speaker; some were denied commenting⁶⁸⁰. Extension of transition period was predicted widely, and it was seen as the only option for the UK,

⁶⁷⁴ European Communities Act 1972, s 2(1), 2(2) and 2(4). Available at:

<http://www.irishstatutebook.ie/eli/1972/act/27/enacted/en/print#sec2>

⁶⁷⁵ EU Withdrawal Act 2018, Sections 2–4 and 6, available at:

<https://bills.parliament.uk/bills/2045/publications>

⁶⁷⁶ House of Lords Constitution Committee Report, *Brexit legislation: Constitutional Issues*, 6th Report of Session 2019–21, available at:

https://publications.parliament.uk/pa/ld5801/ldselect/ldconst/71/7103.htm#_idTextAnchor003

⁶⁷⁷ *Ibid.*

⁶⁷⁸ *Ibid.* par – 4.

⁶⁷⁹ A. LILLY, *The Brexit deal is the latest case of the government’s disregard for parliamentary scrutiny*, Institute for Government, 31 December 2020, available at:

<https://www.instituteforgovernment.org.uk/blog/brexit-government-disregard-parliamentary-scrutiny>

⁶⁸⁰ *Ibid.*

particularly in the period of pandemic, not to suffer further from economic consequences. Scottish government too demanded an urgent extension to avoid “second economic and social shock”⁶⁸¹. They argued:

“Failure [to agree an extension] would mean Scotland, and the UK as a whole, being subjected to an entirely unnecessary second economic and social shock on top of the COVID-19 crisis. More jobs would be lost, living standards would be hit and essential cooperation would be damaged⁶⁸².”

The end of the transition period gave substantial powers to devolved administrations in the UK to exercise their legislative competences, which throughout the membership were regulated by the EU law. Under the devolution settlement, the parliaments and governments of Scotland, Northern Ireland, and Wales are free to make changes, repeal or amend retained EU law in policy fields which lay down in their competences without ensuring that such changes comply with any applicable provisions of EU law⁶⁸³. The fields would include, for instance the agriculture, environment, or tourism.

UK government fears that aforementioned exercises of devolved governments separately would lead to regulatory divergence within the UK⁶⁸⁴. In 153 policy areas retained EU law and devolved administrations’ competences intersect⁶⁸⁵. To prevent such divergences within the UK and ensure that the internal market is under coordination, the UK government and devolved governments agreed to put in place new common frameworks in the UK⁶⁸⁶. However, in some areas, the devolving powers can still exercise a degree of

⁶⁸¹ The Scottish Government, ‘Coronavirus (COVID-19): The Case for Extending the Brexit Transition Period’ 3 June 2020, available at: <https://www.gov.scot/publications/covid-19-case-extending-brexit-transition-period/pages/4/>

⁶⁸² *Ibid.*

⁶⁸³ Scotland Act 1998, s 29 – available at: <https://www.legislation.gov.uk/ukpga/1998/46/contents>
Governance of Wales Act 2006, s 108 A – available at:

<https://www.legislation.gov.uk/ukpga/2006/32/section/108A/2018-07-01>

Northern Ireland Act 1998, s 6 – available at: <https://www.legislation.gov.uk/ukpga/1998/47/section/87>

⁶⁸⁴ D. HARVEY, *Brexit and Covid-19*, King’s Law Journal, 2021, Vol. 32, No. 1, p. 34. Available at: <https://www.tandfonline.com/doi/pdf/10.1080/09615768.2021.1891617?needAccess=true>

⁶⁸⁵ Frameworks Analysis 2020, available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/919729/Frameworks-Analysis-2020.pdf

⁶⁸⁶ UK Common Frameworks, available at: <https://www.gov.uk/government/collections/uk-common-frameworks>

discretion about divergence from EU regulations in the future or may keep pace with future EU law which, probably, might be against the will of Westminster.

The Scottish government, for example, has already legislated that its ministers can follow future changes in EU law if they see that the new law fits into Scottish law⁶⁸⁷. The UK Internal Market Act of 2020, one of the first acts that the UK adopted independently after membership, enshrines wide-ranging market access and mutual recognition commitments in UK law⁶⁸⁸. It ensures that if a product is acceptable for sale in any part of the UK, it must also be acceptable in any other part of the UK. This legislation minimizes the scope of divergence within the UK; nevertheless, it puts devolved governments under pressure that they cannot enforce their own regulatory choices and preferences⁶⁸⁹. The complexity of matter will increase when the UK concludes a new trade agreement with another country while one of the devolved governments will have no interest in pursuing it. In this case, the only way of exercising independent policy will be to break up from the UK completely.

The bill that determines future UK-EU relations was announced on Christmas Eve in a rush leaving behind deep scrutiny of the deal. As predicted, obviously, many challenges would occur in the divorce process, including the issue of Northern Ireland. Northern Ireland protocol, a part of binding Withdrawal Agreement that keeps Northern Ireland subject to EU rules in many areas which sets barriers between Northern Ireland and the rest of the UK. Having entered the agreement into force at the beginning of the year, Northern Ireland faced disruption to supplies from Great Britain, particularly of food products, and experienced shortages even in supermarkets and garden centers whose products remain subject to EU plant health rules⁶⁹⁰.

Such disruptions were not the only result of lack of preparedness, but also Covid-19 pandemic, as it was made clear by the House of Commons Committee on the Future Relationship with the European Union:

⁶⁸⁷ 1(1) Section of UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, available at: <https://www.legislation.gov.uk/asp/2021/4/section/1/enacted>

⁶⁸⁸ K. ARMSTRONG, *Governing With or Without Consent – The United Kingdom Internal Market Act 2020*, UK Constitutional Law Association, 18 December 2020, available at: <https://ukconstitutionallaw.org/2020/12/18/kenneth-armstrong-governing-with-or-without-consent-the-united-kingdom-internal-market-act-2020/>

⁶⁸⁹ *Ibid.*

⁶⁹⁰ A. SANDFORD, *Northern Ireland: Who's right in the EU-UK dispute over the Brexit protocol?* Euronews, 29 June 2021, available at: <https://www.euronews.com/2021/06/29/northern-ireland-who-s-right-in-the-eu-uk-dispute-over-the-brexit-protocol>

“The Covid-19 pandemic has caused significant disruption across Northern Ireland, and this has reduced the capacity of business and government to prepare for the end of the transition period⁶⁹¹.”

To solve such problems temporarily, a three-month grace period was agreed bilaterally to exempt from checks supermarket foods coming from Great Britain. However, unable to solve the issue, the UK government extended the period until the 1st of October unilaterally, forcing the EU to take legal action. European Commission called it “a violation” of the agreement; meanwhile, the UK accuses the EU of inflexibility⁶⁹².

Although Northern Ireland left the EU’s Customs Union with Brexit alongside other parts of the UK, it remains part of the Single Market for goods, follows EU customs rules, and applies EU law on Value Added Tax (VAT). There is no EU tariff for the goods coming from Britain unless the goods are ‘at risk’ of entering the EU. Nonetheless, there is a control-check in Irish Sea ports for the goods coming from Britain⁶⁹³. Extending the grace period unilaterally was relevant to the protocol as Article 16 of Protocol on Ireland/Northern Ireland reads:

“If the application of this Protocol leads to serious economic, societal or environmental difficulties that are liable to persist, or to diversion of trade, the Union or the United Kingdom may unilaterally take appropriate safeguard measures⁶⁹⁴.”

The UK’s attempts serve to get rid of the checks and minimize the customs procedures that goods can flow more freely within the UK. Furthermore, it also tries to remove the European Commission and the European Court of Justice’s role in overseeing how the protocol works, which is opposed by the EU claiming that the institution may look for “creative solution”, but renegotiation will not happen⁶⁹⁵. Furthermore, unionists in

⁶⁹¹ *Ibid.*

⁶⁹² A. SANDFORD, *Northern Ireland: Who's right in the EU-UK dispute over the Brexit protocol?*

⁶⁹³ *Ibid.*

⁶⁹⁴ The Withdrawal Agreement is available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1580206007232&uri=CELEX%3A12019W/TXT%2802%29>

⁶⁹⁵ T. EDGINGTON and C. MORRIS, *Brexit: What's the Northern Ireland Protocol?* The BBC, 21 July 2021, available at: <https://www.bbc.com/news/explainers-53724381>

Northern Ireland opposed any kind of border in the Irish Sea and arranged a number of protests against different treatment from the rest of the UK⁶⁹⁶.

Following the border check issues in the Irish Sea, recent surveys on whether the referendum on staying in the UK should take place in Northern Ireland revealed that two-thirds of the people favour referendum, but only 37% of them want it to take place in next five years⁶⁹⁷. Another poll demonstrated that half of the population support the idea of United Ireland; meanwhile, another half is undecided⁶⁹⁸.

According to Irish unionists, the protocol breaches the Belfast Agreement (Good Friday Agreement) as it imposes an internal border within the UK. New leader of Democratic Unionist Party, Sir Jeffrey Donaldson, has warned of harmful political and economic consequences if the protocol is not revised⁶⁹⁹.

Several politicians together applied to the high court in Northern Irish capital, Belfast, to decide whether to allow a full-scale judicial review of the law agreed in January 2020 by the EU and the UK as part of Boris Johnson's "oven-ready" Brexit package⁷⁰⁰. The court referred to the delay in bringing the case, given the text of the protocol was agreed and published on 19 October 2019 and ratified on 29 January 2020. The court said: "in those circumstances, any challenge should arguably have been brought within three months of the agreement being ratified", meanwhile, the case had been brought fifteen months later. The court also stressed out that it was the "substance of the challenges" and not the delay that determined its ruling. Ben Habib, the former Brexit Party MEP who was one of the applicants, said the detail of the judgment showed the protocol "tramples all over the constitution"⁷⁰¹.

The deal that delayed Brexit for years, which forced former PM Theresa May out of the cabinet, gained a big majority in the 2019 general election for Conservatives and Prime Minister post for Boris Johnson was signed by himself. However, it seems that he denies the internal border in the UK that was agreed upon, and he recently said on the G7 summit

⁶⁹⁶ *Ibid.*

⁶⁹⁷ M. SAVAGE and L. O'CARROLL, *Majority of Northern Irish voters want vote on staying in UK*, The Guardian, 29 August 2021, available at: <https://www.theguardian.com/politics/2021/aug/29/majority-of-northern-irish-voters-want-vote-on-staying-in-uk>

⁶⁹⁸ *Ibid.*

⁶⁹⁹ A. SANDFORD, *Northern Ireland: Who's right in the EU-UK dispute over the Brexit protocol?* Euronews, 29 June 2021, available at: <https://www.euronews.com/2021/06/29/northern-ireland-who-s-right-in-the-eu-uk-dispute-over-the-brexit-protocol>

⁷⁰⁰ L. O'CARROLL, *Belfast court dismisses legal challenge to Brexit Northern Ireland protocol*, The Guardian, 30 June 2021, available at: <https://www.theguardian.com/politics/2021/jun/30/belfast-court-dismisses-legal-challenge-to-brexit-northern-ireland-protocol>

⁷⁰¹ *Ibid.*

that the EU is being "theologically draconian" over the protocol's application⁷⁰². Ahead of the same summit, he held a breakfast meeting with Emmanuel Macron where the French President called upon him to respect the binding agreement: "If six months later they say we cannot respect what was negotiated, then that means nothing can be respected," Macron added, "I believe in the strength of treaties. I believe in taking things seriously. Nothing is negotiable. Everything is applicable"⁷⁰³.

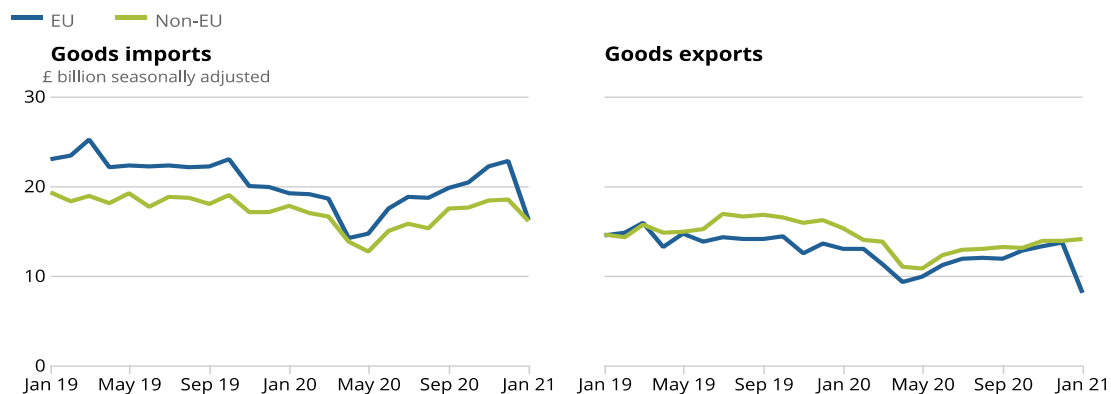
⁷⁰² A. SANDFORD, *Northern Ireland: Who's right in the EU-UK dispute over the Brexit protocol?* Euronews, 29 June 2021, available at: <https://www.euronews.com/2021/06/29/northern-ireland-who-s-right-in-the-eu-uk-dispute-over-the-brexit-protocol>

⁷⁰³ *Northern Ireland: Emmanuel Macron tells Boris Johnson to keep his word over Brexit accords*, Euronews, 12 June 2021, available at: <https://www.euronews.com/2021/06/12/northern-ireland-emmanuel-macron-tells-boris-johnson-to-keep-his-word-over-brexit-accords>

3. Negative consequences of Brexit for the UK: The impact of Covid

As of 2021, having left the EU after the end of transition period, the UK is already suffering from the negative consequences of Brexit. Pulling the date back to 2017, when the book called *Scotland, the UK and Brexit, A Guide to the Future* was published, it predicted several future events, including the possible decline of the EU due to either Brexit or another Eurozone crisis. However, according to the authors, if the EU survives, it will become a more integrated and powerful player in many fields, including trade, security, and defense, forcing the future UK government to seek new associate status with the EU⁷⁰⁴.

Leaving the EU institutions and entering the transition period did not change anything in practice except for UK's part in EU processes. Nevertheless, the end of the transition period brought the UK out of the Union. Thus, expectably, new challenges began. The UK decided to regulate freedom over market access and, even though the EU-UK Trade and Cooperation Agreement (TCA) prevented new tariffs and quotas on trading goods, businesses faced new high non-tariff barriers, such as customs and health checks. First statistics of January 2021 published in March of the same year demonstrated that UK exports to the EU fell 40% between December 2020 and January 2021, while exports to the rest of the world remained largely unchanged. Imports from the EU were also down by 29% over the same period as shown below in charts⁷⁰⁵.



Source: Office for National Statistics – UK trade

Figure 3. UK imports and exports from/to the world in January 2019-2021

⁷⁰⁴ G. HASSAN and R. GUNSON, *Scotland, the UK and Brexit: A Guide to the Future*, Luath Press Limited Edinburgh, pp. 249 – 250.

⁷⁰⁵ Office for National Statistics, UK Trade: January 2021, 12 March 2021, retrieved 15 March 2021, available at: <https://www.ons.gov.uk/economy/nationalaccounts/balanceofpayments/bulletins/uktrade/january2021>

As already mentioned in the previous section, the global pandemic played an important role in challenges, including the economic fall that the UK faced alongside the Brexit⁷⁰⁶. As the coronavirus crisis hit Europe in early 2020, the entire focus of Brexit shifted slightly away. The pandemic resulted in the largest shock of peacetime to the global economy on record, with the 11% per cent fall of UK's GDP by 2020, which is the largest drop in annual output since the Great Frost of 1709⁷⁰⁷.

“For about 30% of the economy, maybe, Brexit has not happened yet” said Nicola Sykes, Director of External Affairs, Pro Bono Economics⁷⁰⁸. Throughout the first wave of the virus, there was a widespread assumption that the government would dedicate most of its resources to tackling the crisis. Therefore, seeking an extension of the transition period seemed likely even though it did not happen. Even some ministers, pro-Brexit ministers mostly, were against the extension, hoping that the impact of Covid-19 would disguise any negative consequence of Brexit⁷⁰⁹.

However, those ministers were proved right. In the areas that disruptions occurred, it was always impossible to distinguish the reason behind it – Covid-19 or Brexit. One of the criticisms of the TCA was for border issue as it provides limited provisions for services. Under the TCA, visa-free short-term business trips are only permitted for a limited range of purposes, and Britons can only spend ninety days in any 180-day period in the Schengen Area⁷¹⁰. Since travel restrictions were imposed, some firms that need to deliver contract overseas jobs have already felt the impact of Brexit; meanwhile, others such as lawyers, accountants, or consultants who were able to work from home did not yet worry about which jobs they may or may not do in the EU⁷¹¹. Furthermore, border restrictions remained theoretical for the public as they were not traveling to the EU – means they did not need to worry about how long they may stay, border checks, or a request for Animal Health Certificates to allow pets to the EU.

⁷⁰⁶ A. VERITY, *UK exports to European Union drop 40% in January*, The BBC, 12 March 2021, available at: <https://www.bbc.com/news/business-56370690>

⁷⁰⁷ Office for Budget Responsibility: *Economic and Fiscal Outlook*, November 2020, CP 318, p. 5. Available at: <https://obr.uk/efo/economic-and-fiscal-outlook-november-2020/>

⁷⁰⁸ *Spotlight on economics: Day two: business after Brexit and Covid-19*, UK in a Changing Europe, 9 March 2021, available at: <https://ukandeu.ac.uk/events/day-two-business-after-brexit-and-covid-19/>

⁷⁰⁹ C. GILES, *Covid crisis likely to mask economic fallout of no-deal Brexit*, Financial Times, 4 June 2020, available at: <https://www.ft.com/content/4440f83d-7e8a-4510-b8b7-3fb9146da51a>

⁷¹⁰ The Agreement is available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/982648/TS_8.2021_UK_EU_EAEC_Trade_and_Cooperation_Agreement.pdf

⁷¹¹ *Spotlight on economics: Day two: business after Brexit and Covid-19*

Fall in recruitment in 2020 resulted from Covid due to restrictions. Nevertheless, new recruitments are likely to be problematic after Brexit, whether from the EU or non-EU. So the companies in the UK will have to register as a visa sponsor with the Home Office with a cost of approximately £500 – £1,500, which depends on firm size⁷¹². Considering this as a just beginning, firms will need to pay ongoing fees of employees that simply cost thousands, making small companies with limited financial sources unavailable to recruit from abroad⁷¹³.

Changes do not only apply in borders, but internally many areas have faced and will face new regulations as the government publishes them gradually. Businesses still need to prepare for the Brexit changes that come in the following years. For instance, the UK government still recognizes the mark on products that demonstrates compliance with EU health, safety, and environmental standards, which are called CE marking⁷¹⁴. New UK Conformity Assessment (UKCA) that serves the same purpose will be imposed strictly by 1 January 2023 in most cases⁷¹⁵. Thus, businesses gained time for new adjustments. Controversially, from the day that transition period ended, the UK exporters had to comply with EU rules fully⁷¹⁶.

Another negative consequence of Brexit was recorded in the research field. The UK lost one-third annual share of EU research funding immediately after referendum⁷¹⁷. The statistic shows that the UK had secured 16 per cent of the total Horizon 2020 grants in monetary terms in 2015, before the referendum, however, in 2018 this figure fell to 11 per cent⁷¹⁸. Horizon and other fellowship programmes cut the UK's share following the referendum such as the Marie Skłodowska Curie Individual Fellowship (MSCA). Furthermore, figures also demonstrate that the UK is no longer among the top attractive destinations for scientists as only 35 per cent fewer scientists are coming to the UK through crucial schemes⁷¹⁹.

⁷¹² C. THOMAS, *What is the cost of Skilled Worker Sponsorship?* Commentary, available at: <https://www.carterthomas.co.uk/skilled-worker-sponsorship-costs/>

⁷¹³ J. OWEN, M. T. JACK, A. IACOBOV, and E. CHRISTENSEN, *Managing migration after Brexit*, Institute for Government, 8 March 2019, available at: https://www.instituteforgovernment.org.uk/sites/default/files/publications/IfG-Migration-After-Brexit_4.pdf

⁷¹⁴ *Guidance: Using the UKCA marking*, UK Government, 24 August 2021, available at: <https://www.gov.uk/guidance/using-the-ukca-marking>

⁷¹⁵ *Ibid.*

⁷¹⁶ *Ibid.*

⁷¹⁷ *Brexit is already having a negative impact on UK Science*, The Royal Society, available at: <https://royalsociety.org/-/media/news/2019/brexit-uk-science-impact.pdf>

⁷¹⁸ *Ibid.*

⁷¹⁹ *Ibid.*

Negative consequences for the UK occurred in several matters. As it was warned throughout the campaign by the Cameron government that leaving the EU would increase the cost of living because the pound will fall, making imports more expensive⁷²⁰. Approximately half of the UK imports come from the EU⁷²¹. In the wake of the referendum, the British pound experienced its largest fall in a single day in thirty years, followed by two more substantial falls in 2017 and 2019⁷²². Significant drops were recorded in the UK house prices as well as in unemployment rates as a result of Covid-19 lockdowns and Brexit⁷²³.

Contribution to the National Health Service (NHS) had been put in the center of the campaign claiming 350 million pounds a week is being sent to the EU which will be redirected to the NHS. This false figure played a role, and as of 2018, the government announced that spending on NHS will be boosted beginning from 2023 by investing 394 million pounds per week⁷²⁴.

Negative consequences of Covid-19 global pandemic outweighed that of Brexit in the 2019-2020 period as the UK was hit hard. Debates over whether those changes occurred due to Covid-19 or Brexit are still ongoing and impossible to reach a conclusion. However, the year of 2021 is considered as a turning point because post-pandemic recovery, full implications of Brexit deal, and opening ups of businesses enlighten the real cost of breaking with the closest commercial partner for the UK and its reasons slowly.

⁷²⁰ *EU referendum: Cameron warns prices would rise if UK leaves EU*, The BBC, 22 May 2016, available at: <https://www.bbc.com/news/uk-politics-eu-referendum-36352370>

⁷²¹ *Ibid.*

⁷²² C. COYLE, *How has Brexit affected the value of sterling?* Economics Observatory, 22 February 2021, available at: <https://www.economicsobservatory.com/how-has-brexit-affected-the-value-of-sterling>

⁷²³ Statistics and more information about the changes in unemployment rate and house prices are available at the website of Office for National Statistics: <https://www.ons.gov.uk/economy/economicoutputandproductivity/output/articles/ukeconomylatest/2021-01-25>

⁷²⁴ C. MILNE, *NHS England: £394 million more a week?* Full Fact, 26 November 2018, available at: <https://fullfact.org/health/nhs-england-394-million-more/>

4. Independence issue of Scotland: Change of shape in both unions?

Over four centuries of unity of the United Kingdom became fragile in the last decade because of a century long Scottish willingness for independence. England and Scotland had joined together in 1603, a century before the Treaty of Union (the Act of Union) was concluded, which dissolved old separate parliaments and created a new, united parliament, the Parliament of Great Britain⁷²⁵. Nevertheless, it is essential to note that the union of law, religion, and education were exempted from the UK as the Presbyterian Kirk still differs from the English Anglican church, educational systems are different, or Scots law remained⁷²⁶. Eighteenth-century, known as Scottish Enlightenment period, revealed with thinkers such as Adam Smith, David Hume, and James Hutton that Scotland was an undeveloped country in need of modernization. Thus, it acquired a complex of “dual identity, a civic Britishness overlying a Scottish cultural identity”⁷²⁷.

The calls for independence or more autonomy in Scotland began in the twentieth century. Scottish nationalism had never stayed quiet. Time by time, the resistance against the Union raised, arguing that there was an unfair division of power in the UK. "We have a right, with all our separate national characteristics, to manage our own affairs in our own way" – said Scottish activists for taking back the control of their country from Westminster⁷²⁸. In 1913, William Cowan, Member of Parliament, introduced the Scottish Home Rule bill to Westminster aiming to create separate Scottish Parliament to deal with local issues. However, the First World War outbreak forced the Parliament to focus on emergency matters which prevented the adoption of the bill⁷²⁹.

The National Party of Scotland and the Scottish Party joined together to form the Scottish National Party (SNP), which gained popularity in the 1970s, winning eleven seats in Parliament. As the SNP was growing, the need for a referendum for a decentralized legislature and independence grew. Scottish people voted in favour of a decentralized legislature in the 1997 devolution referendum successfully, and for the first time, the new government met in Edinburgh in 1999. It is considered as a “stepping stone” to the full

⁷²⁵ B. JOHNSON, *The Act of Union, Historic UK*, available at: <https://www.historic-uk.com/HistoryUK/HistoryofBritain/The-Act-of-Union/>

⁷²⁶ A.J.A. BIJSTERVELD, J. ARTS and S. V. D.VEN, *Scottish secession: The United Kingdom of the future*, 2017, p. 4. Available at:

https://www.tilburguniversity.edu/sites/default/files/download/Final%20essay%20-%20Jules%20Arts%20and%20Sander%20van%20de%20Ven_2.pdf

⁷²⁷ *Ibid.* p. 5.

⁷²⁸ J. ROSS, *Scottish independence: The parliament that never was*, The BBC Scotland, 17 September 2014, available at: <https://www.bbc.com/news/uk-scotland-scotland-politics-29048884>

⁷²⁹ *Ibid.*

autonomy of Scotland⁷³⁰. For the first time, SNP won the majority in Scottish Parliament in 2011, which led Scotland to the 2014 referendum over independence in which 55 per cent of Scots voted to stay in the UK⁷³¹.

Two years later, Scotland with Northern Ireland voted to stay in the EU in the Brexit referendum. However, it was taken out of the Union against its will. Even though many thought that the Scotland's independence issue would not be actual for a long time after the 2014 referendum, the Brexit vote reignited Scottish sovereignty desire⁷³². Scottish National Parliament voted 90 versus 34 not to trigger Article 50 of the Lisbon treaty in a non-binding parliamentary vote⁷³³. Scotland's sovereigntist-minded First Minister Nicole Sturgeon considers that the Brexit outcome revealed "a wider democratic deficit within the UK, where decisions about Scotland are too often taken against the wishes of the people who live here"⁷³⁴.

Historically Scotland was more connected to mainland Europe than England. It contained stable diplomacy and trade with its European counterparts. For example, the Auld Alliance between the medieval kingdoms of Scotland and France in the thirteenth century continued to be renewed for over 250 years until the 1560 Treaty of Edinburgh⁷³⁵. This alliance guaranteed that in case of an English invasion, both France and Scotland would help one another⁷³⁶. Thus, when Henry V of England was about to conquer France in the fifteenth century, thousands of Scotsmen went to fight side-by-side with Frenchmen. Centuries later, in 1942, Charles de Gaulle reminded that help once more during the speech and said:

"In every combat where for five centuries the destiny of France was at stake, there were always men of Scotland to fight side by side with men of

⁷³⁰ M. SOLLY, *A Not-So-Brief History of Scottish Independence*, Smithsonian Magazine, 30 January 2020, available at: <https://www.smithsonianmag.com/history/brief-history-scottish-independence-180973928/>

⁷³¹ *Ibid.*

⁷³² S. M. PATRICK, *The Scottish Play: Will Brexit Spell the End of a United Kingdom?* Council on Foreign Relations, 2 March 2017, available at: <https://www.cfr.org/blog/scottish-play-will-brex-it-spell-end-united-kingdom>

⁷³³ *Ibid.*

⁷³⁴ *Ibid.*

⁷³⁵ *Scotland and Europe: A relationship grown over centuries*, The Scotsman, 25 August 2016, available at: <https://www.scotsman.com/whats-on/arts-and-entertainment/scotland-and-europe-relationship-grown-over-centuries-1472326>

⁷³⁶ *Ibid.*

France, and what Frenchmen feel is that no people has ever been more generous than yours with its friendship⁷³⁷.”

To find out why Scotland acts differently, alongside historical ties to Europe, we would need to examine public opinion towards the EU as well as possible paths that Scotland may follow and their possible consequences. Public opinion matters in making political decisions. Referring to the questions asked in both sides of Great Britain, while 2015 Scottish and British Social Attitudes surveys – high-quality annual surveys conducted each year by NatCen Social Research, we may figure the differences out between public opinions in north and south⁷³⁸.

The survey illustrates that before the campaign got underway, only 17 per cent of people in Scotland were in favour of leave which is much less than the same opinion was supported by 23 per cent in England and Wales. So it seems public opinion towards the membership was more sympathetic in Scotland rather than in other parts of Britain. Nevertheless, both parts of Britain shared the same idea that the UK would stay as a Member State if the EU had less powerful institutions, survey revealed⁷³⁹. Furthermore, the arguments of Remain were supported more in Scotland, such as the negative economic consequences for the UK in case of leaving the EU or the rate of unemployment which could go up.

Following the referendum, the Scottish government published a White Paper describing Scotland’s place in the EU⁷⁴⁰. It not only argues that regardless of the exit, Scotland should remain in Single Market, but also it shows that the government of Scotland accepts the freedom of movement provisions of the EU, which clearly demonstrates a Scottish will to keep closer ties to the EU⁷⁴¹.

SNP has been calling for independence for a long time. Coming to the power in the wake of the 2014 independence referendum defeat in Scotland, Nicola Sturgeon launched the SNP manifesto for 2016 election. Regarding Scotland’s future, manifesto reads as follows:

⁷³⁷ *Ibid.*

⁷³⁸ J. CURTICE and R. ORMSTON, *British Social Attitudes 32*, NatCen Social Research, 2015, pp. 32 – 45. Available at: https://www.bsa.natcen.ac.uk/media/38972/bsa32_fullreport.pdf

⁷³⁹ *Ibid.*

⁷⁴⁰ *Scotland's Place in Europe*, Scottish Government, 20 December 2016, available at: <https://www.gov.scot/publications/scotlands-place-europe/pages/4/>

⁷⁴¹ *Ibid.*

“We believe that the Scottish Parliament should have the right to hold another referendum if there is clear and sustained evidence that independence has become the preferred option of a majority of the Scottish people – or if there is a significant and material change in the circumstances that prevailed in 2014, such as Scotland being taken out of the EU against our will⁷⁴².”

Having made such a commitment to the voters would compel the party to call a second independence referendum. Since then, First Minister of Scotland, Nicola Sturgeon, did not hold back her referendum calls even though it was rejected by Westminster constantly. From a legal perspective, the Scotland Act 1998 made a Section 30 order which shall be used to increase or restrict – permanently or temporarily – the Scottish Parliament’s legislative authority by changing the list of “reserved powers” set out in Schedule 5 and/or the protections against modification set out in Schedule 4 of that Act⁷⁴³. Such orders have been used 16 times since the devolved Parliament of Scotland for different reasons such as the construction of railways or reduction in voting age. The Edinburg Agreement that was signed in 2014, ahead of the referendum, by Prime Minister Cameron and First Minister Salmond granted section 30 order⁷⁴⁴.

As SNP pushed forward the will for another referendum in 2020, newly elected the Conservative government with a majority of seats in Commons rejected the request. In his written response to the First Minister, Boris Johnson informed her that he had “carefully considered and noted” her arguments; nevertheless, he continued, “you and your predecessor (Alex Salmond) made a personal promise that the 2014 independence referendum was a “once in a generation” vote”⁷⁴⁵. He called this attempt as a “separation of the UK”, and he added “For that reason, I cannot agree to any request for a transfer of power that would lead to further independence referendums”⁷⁴⁶.

The support for independence further grew during the pandemic in Scotland. Nicola Sturgeon’s policies to handle Covid-19 independently contrasted the ones adopted by

⁷⁴² *The SNP 2016 manifesto explained*, The SNP, 20 April 2016, available at: <https://www.snp.org/the-snp-2016-manifesto-explained/>

⁷⁴³ D. TORRANCE, *Scottish Devolution: Section 30 Orders*, 16 December 2019, House of Commons Library, available at: <https://commonslibrary.parliament.uk/research-briefings/cbp-8738/>

⁷⁴⁴ P. SLIM, *Scottish independence: What is a section 30 order?* The BBC, 19 December 2019, available at: <https://www.bbc.com/news/uk-scotland-scotland-politics-50744526>

⁷⁴⁵ P. SIM, *Scottish independence: Johnson rejects Sturgeon’s indyref2 demand*, The BBC, 14 January 2022, available at: <https://www.bbc.com/news/uk-scotland-scotland-politics-51106796>

⁷⁴⁶ *Ibid.*

Westminster. Scottish Parliament imposed different rules of lockdowns and other Covid-19 related rules, which were more successful than Westminster's⁷⁴⁷. A public opinion poll in 2020 found that over 70 per cent of young Scots aged between 16-34 back Scottish independence, close to 60 per cent of Scots aged 35-54 support independence⁷⁴⁸. Only people over 55 years-old support staying in the UK, however, 53 per cent of overall population say Yes to independence.

Scotland seems keen on holding another referendum on independence. Being brought out of the EU against its will had pushed the idea of independence forward. Although becoming an EU member again as an independent state would require full Scottish independence followed by several years to achieve all the benchmarks needed to join the EU, many politicians and important figures believe that the EU would give an accelerated path to join the EU, because Scotland deserves it for its long cooperation with the bloc⁷⁴⁹. As of Sturgeon's plan after her election win in May 2021, she focuses on Covid-19 crisis responses, but she stressed out openly that she will keep pushing Prime Minister Johnson for the second independence referendum when the pandemic is suppressed, and the situation in the UK is stable⁷⁵⁰.

It is uncertain how long Westminster can/will refuse the Scottish independence referendum request but will of the government and people is growing since the Brexit referendum. Many argue that the Scottish independence referendum and division of the UK are likely in coming years one way or another⁷⁵¹. Taking all given arguments into account, we see that Brexit has changed the shape of one union, the European Union, and it is likely to change the shape of another union, the United Kingdom.

⁷⁴⁷ F. LANGFITT, *Support For Scottish Independence Is Growing, Partly Due To U.K.'s COVID-19 Response*, NPR, 15 December 2020, available at: <https://www.npr.org/2020/12/15/946242592/support-for-scottish-independence-is-growing-partly-due-to-u-k-s-covid-19-respon>

⁷⁴⁸ B. WALKER, *More Than Two-Thirds of Young Scots Now Back Independence*, New Statesman, 15 September 2020, available at: <https://www.newstatesman.com/politics/uk/2020/09/more-two-thirds-young-scots-now-back-independence>

⁷⁴⁹ A. MCDONALD, *Cultural heavyweights call on EU to welcome back an independent Scotland*, Politico, 29 April 2021, available at: <https://www.politico.eu/article/cultural-heavyweights-call-on-eu-to-welcome-back-an-independent-scotland/>

⁷⁵⁰ A. FORREST, *Scottish independence referendum to go ahead when Covid crisis 'stable,' says SNP*, The Independent, 10 May 2021, available at: <https://www.independent.co.uk/news/uk/politics/scottish-independence-referendum-covid-snp-b1844825.html>

⁷⁵¹ P. KELLNER, *Brexit and the Gradual Disintegration of the United Kingdom*, Carnegie Europe, 14 January 2021, available at: <https://carnegieeurope.eu/strategieurope/83632>

CONCLUSION

This research aims to provide arguments showing that the disadvantages the UK encountered in choosing to leave the EU and argues that staying in the EU would have been in advantage of both unions: the European Union and the United Kingdom. If the referendum resulted in a different way that could have kept the UK as a Member State, it could have prevented post-Brexit challenges that the UK faces. Of course, Brexit did not only have negative consequences; nevertheless, considering both positive and negative consequences and comparing them reveals that, as a result of Brexit, on the one hand, the UK is free to follow its “Global Britain” ambition in Europe and beyond independently⁷⁵². On the other hand, the question of “how successful will the UK be?” had risen. It is uncertain how the UK will manage recovery period from Brexit as it mixed up with Covid-19 and surpassed by it. Mainly, the facts and arguments that have been emphasized throughout the whole thesis demonstrate that negative consequences, both past, current, and future, outweigh positive ones, which proves the aim of this work right.

To reach such a conclusion, the work analyses relationship between the UK and EU from the beginning point from many perspectives, including legal and historical. Rising European Communities in mainland Europe seemed attractive to British people who suffered most from World War II among allies⁷⁵³. To ensure future prosperity and prevent further wars in Europe, six founding countries launched a project that aimed to integrate European states and make them economically interdependent, which would unite them around a common interest. The idea of united Europe was pushed forward by, among others, the UK, as Churchill had called upon the creation of United States of Europe even though he never clarified its meaning.

Growing union attracted many other European countries, including the UK. The beginning of membership brought prosperity to the UK, and pro-European people grew more and more. Although tough years followed by the accession gave way for Eurosceptics to question membership, people understood that the situation was not the result of accession to the EU, but global changes and the oil crisis. Therefore, in the first Brexit referendum, Eurosceptics were outnumbered, and the UK stayed in the Union. Nevertheless, it was not the end of the fight against EU membership. As the integration

⁷⁵² *Global Britain: Delivering on Our International Ambition*, UK Government, 23 September 2019, available at: <https://www.gov.uk/government/collections/global-britain-delivering-on-our-international-ambition>

⁷⁵³ *How Britain Lost an Empire - War and Government, Impact of World War Two on Britain's Empire*, The BBC, available at: <https://www.bbc.co.uk/bitesize/guides/zyh9ycw/revision/1>

was being pushed forward time by time, especially during and after Delor's term as a president of the European Commission, Eurosceptics and critics of European integration expanded their anti-integration ground.

Brexit was not a sudden decision or choice; it derived from the deep-rooted political and public division for a long period of time. However, starting from Maastricht treaty, the end of twentieth century witnessed several changes in the EU that caused rise of dissatisfaction in public towards the Union which Eurosceptic politicians triggered. Even though new Prime Minister Tony Blair's decisions and his pro-European policy and character at the beginning of the twenty-first century shifted focus away from European Union issues, the loss of his popularity and his successor Gordon Brown's decision to sign Lisbon Treaty without referendum reignited anti-EU waves in the UK. Scope of the waves had been expanded blaming the EU for mishandling number of crises, such as financial and migrant crises, which also affected the UK. Thus, public opinion experienced significant change against the EU⁷⁵⁴.

Alteration in public opinion was a success of Eurosceptics which defined the future of the two unions. However, this work gives insights into how the alteration was achieved and proved it inappropriate. The use of a vast amount of misinformation to influence people's opinion over the EU and the lack of Remainers' willingness and power to reveal and deliver the truth to people had let Brexiteers change public opinion in favour of their interest. Exercising such violations of epistemic rights of British people shows the inappropriacy of the campaign as well as the referendum. Deliberate misuse of sensible issues such as immigration and net financial contribution to the EU budget helped Brexiteers achieved their objectives. Furthermore, short campaign time left voters unable to check; and Remainers to reveal the credibility of information used during the campaign. Therefore, the post-referendum period was not a smooth divorce of the UK from the EU because the truth was being revealed, which caused further debates and division.

In the aftermath of the referendum, Conservative Prime Minister Theresa May faced many substantial defeats, such as in the House of Commons when she tried to pass her deal through and in the 2017 snap general election that subsequently led to her

⁷⁵⁴ P. TAGGART and A. SZCZERBIAK, *Putting Brexit into perspective: the effect of the Eurozone and migration crises and Brexit on Euroscepticism in European states*, *Journal of European Public Policy*, 21 May 2018, pp. 1194-1214. Available at: <https://www.tandfonline.com/doi/full/10.1080/13501763.2018.1467955>

resignation. However, Brexit began settling down after one of two political figures who told lies mostly came to power: Boris Johnson. The beginning of Johnson's premiership was not easy, and he faced similar challenges as his predecessor. However, his ability of leading and giving certainty to people, also calling his opponents (firstly Prime Minister David Cameron and then Labour leader Jeremy Corbyn) for a live TV debate with high courage, gained him popularity among British people and with a single strong promise of "Get Brexit Done" he won general election of 2019 with absolute majority of 80 seats. Thus, he eliminated all the barriers on the way to getting his Brexit deal passed through the Parliament.

The thesis also provides research of legal perspectives. Obviously, the Withdrawal Agreement negotiated and agreed by Johnson resembles that of negotiated by Theresa May which was defeated three times in Commons⁷⁵⁵. Only a few differences were made, especially to the part on Northern Ireland, which even though it was agreed and presented as a solution, created further obstacles while implementing⁷⁵⁶. During the negotiation process, the issue of citizens' rights caused many debates about whether EU citizens will be granted a right to continue living in the UK and vice-versa. The agreement allows the citizens of both unions to continue to live, work, and study, which shall be monitored by the European Commission and independent national authority. One of the important issues, social security benefits and residence rights, remain unchanged. Nevertheless, the EU Settlement Scheme that aims to settle the residency status of EU citizens living in the UK experienced difficulties providing half a million applicants from the EU with final decisions over the right to stay⁷⁵⁷.

Signing the Trade and Cooperation Agreement (TCA) was welcomed as a positive achievement at the end as it removed all tariffs and other trade restrictions across the English Channel. The complex structure of the agreement sets out the substantive legal provisions, with operational details incorporated in annexes. Theresa May's mantra "no deal is better than a bad deal" remained unknown forever as the deal was agreed; however, the presence of the deal will not allow parties to trade as it was in Single Market. Therefore, new regulations on goods such as customs declarations, health and safety

⁷⁵⁵ L. O'CARROL, *How Is Boris Johnson's Brexit Deal Different from Theresa May's?* The Guardian, 17 October 2019, available at: <https://www.theguardian.com/politics/2019/oct/17/how-is-boris-johnson-brexit-deal-different-from-theresa-may>

⁷⁵⁶ *Ibid.*

⁷⁵⁷ A. FORREST, Almost 500,000 EU citizens left 'in limbo' awaiting decision over right to stay in UK, The Independent, 12 August 2021, available at: <https://www.independent.co.uk/news/uk/politics/brexit-eu-settlement-scheme-uk-b1901551.html>

certification, and the certificates of origin, which are not applied within Single Market, are now applied across the Channel, which is still burdensome⁷⁵⁸.

Taking Johnson's personal achievements into account, both before and after the referendum, we can reach the idea that it was his ability, among other politicians' hard work, that let four-years long Brexit process end after two years of deadlock. If it was not Johnson, there could have been another referendum either on deal or the EU, possibly cancellation of the exit process as public opinion changed drastically after lies were revealed. Furthermore, the referendum itself was not binding but advisory. It was the government that pushed the process forward, emphasizing that the will of people must be accomplished, ignoring the fact that how people' will had been formalised and if people would have wanted to vote in the same way if they had the right information⁷⁵⁹.

Brexiters used primacy of EU law over the UK law during the whole process and "take back control" also referred to the control over UK law independently by the UK Parliament without EU interference. Alongside spreading misinformation showing that the EU interferes with British governance and law system, Brexiters always skipped one single fact that the same independently and directly elected British Parliament approved the EU integration as a Member State. As major changes within the Union happened with the participation of the UK, the latter also confirmed all the changes, even had taken part in preparation process of more integrating initiatives.

The EU cannot take action in a policy area, which is not cited in the treaty unless a Member State is available to deal with the issue in national or regional level, or it could be dealt with better at the EU level – according to the principle of subsidiarity defined in Article 5 of TEU – because the EU is based on the rule of law. The same article also defines that the Union shall not act beyond the need to achieve its objectives under the principle of proportionality. All treaties and treaty changes require the approval of every single Member State. Treaties are binding documents and set out EU objectives, rules for EU institutions, how decisions are made and the relationship between the EU and its member countries⁷⁶⁰. Stressing out the EU law supremacy over the UK law without mentioning its acceptance without force clearly demonstrates that Brexit-leading

⁷⁵⁸ M. JOHNSON, *Reflections on the UK-EU Trade And Cooperation Agreement*, Trade Knowledge Exchange, 11 January 2021, available at: <http://trade-knowledge.net/commentary/reflections-on-the-uk-eu-trade-and-cooperation-agreement/>

⁷⁵⁹ K. ARMSTRONG, *Push Me, Pull You: Whose Hand on the Article 50 Trigger?* UK Constitutional Law Association, 27 June 2016, available at: <https://ukconstitutionallaw.org/2016/06/27/kenneth-armstrong-push-me-pull-you-whos-hand-on-the-article-50-trigger/>

⁷⁶⁰ EU Treaties, European Union, available at: https://europa.eu/european-union/law/treaties_en

politicians presented EU structure to the British people dishonestly to achieve their objective – changing voters’ attitude towards the EU.

Another substantially negative consequence of Brexit for the UK could be the separation of the UK itself. Scotland has long been intending to be independent. Failure in the first independence referendum calmed the leading party – Scottish National Party – down for only two years until the Brexit referendum. A growing number of pro-independence Scots encourages the SNP to push further for the second referendum on Scottish independence. It still remains as a threat to the UK, and it will most likely continue to be so until independence is achieved as the intention has constantly been growing.

Not only Scotland, with Brexit deal in action, but the issue of Northern Ireland also emerged and caused instability in the UK. People of Northern Ireland absolutely reject the land border on the Irish island, which forced Boris Johnson to agree to impose a border check in the Irish Sea. This solution seems inappropriate by all means because, on the other hand, it divides the UK itself. EU’s strict approach to respect the agreement made the whole situation more complicated and future solution is not foreseen yet as Commission President Ursula Von Der Leyen told reporters at a joint press conference with Irish Prime Minister Micheal Martin: “It is the only solution to protect peace and stability on the island of Ireland and to protect the integrity of the single market⁷⁶¹”.

The Brexit is not a simple process that took four years until the UK left the European Union. It is a process that brought substantial changes to the continent after more than half a century; it is a process that its consequences will take several years to be seen; it is a process that was built based on lies, and it is a process that predicting future negative consequences of it is impossibly hard. Furthermore, although the emergence of Covid-19 has so far hidden, surpassed, or postponed the changes that Brexit brings, it is undeniable that the pandemic ends soon, it will not help Brexiteers avoid facing reality. Former US President Barack Obama described his own opinion about Brexit in a speech shortly before the referendum:

“I’m not coming here to fix any votes. I’m not casting a vote myself. I’m offering my opinion. And in democracies, everybody should want more information, not less. And you shouldn’t be afraid to hear an argument

⁷⁶¹ P. FLANAGAN and M. CONIAM, *Brexit Deal’s Northern Ireland Protocol Is Only Solution*, Bloomberg, 16 July 2021, available at: <https://www.bloomberg.com/news/articles/2021-07-16/brexit-deal-s-n-i-protocol-is-only-solution-von-der-leyen-says>

being made... If, right now, I've got access to a massive market where I sell 44 per cent of my exports, and now I'm thinking about leaving the organization that gives me access to that market and that is responsible for millions of jobs in my country and responsible for an enormous amount of commerce and upon which a lot of businesses depend, that's not something I'd probably do⁷⁶².”

Taking into consideration all given and possible consequences, the research concludes that the decision to leave the European Union will probably bring internal division to the UK as it already opened ground for the discussions over the future of the UK. Furthermore, the unavoidable negative consequences of leaving the European Union proved that the United Kingdom should have stayed in the European Union.

⁷⁶² Remarks by the President Obama and Prime Minister Cameron in Joint Press Conference, The White House President Barack Obama, 22 April 2016, available at: <https://obamawhitehouse.archives.gov/the-press-office/2016/04/22/remarks-president-obama-and-prime-minister-cameron-joint-press>

BIBLIOGRAPHY

BOOKS

- DEIGHTON and P. LUDLOW, *A Conditional Application': British Management of the First Attempt to Seek Membership of the EEC, 1961–3*, In: Deighton A. (eds) *Building Postwar Europe*. S. Antony's/Macmillan Series. Palgrave Macmillan, London, 1995
- EVANS, *Planning for Brexit: The Case of the 1975 Referendum*, *The Political Quarterly*, Vol. 89, No. 1, January–March 2018
- GLENCROSS, *Looking Back to Look Forward: 40 Years of Referendum Debate in Britain*, *Political Insight*, Volume 6, Issue 1, 1 April 2015
- GLENCROSS, *Why the UK Voted for Brexit: David Cameron's Great Miscalculation*, Palgrave Macmillan, 2016
- MCHARG, *Navigating without maps: Constitutional silence and the management of the Brexit crisis*, *International Journal of Constitutional Law*, Volume 16, Issue 3, July 2018
- MILWARD, *The European Economic Community, 1957–1963*, Brussels: Bruylant, 1999
- V. DICEY, *Introduction to the Study of the Law of the Constitution*, 1885, The Online Library of Liberty, published online in September 2011
- JOHNSON, *The Churchill Factor: How One Man Made History*, Hodder & Stoughton, 23 October 2014
- H. CHURCH and D. PHINNEMORE, *Understanding the European Constitution: An introduction to the EU Constitutional Treaty*, Routledge, 2006
- S. MANCINI, *Secession and Self-Determination*, in M. ROSENFELD, A. SAJÒ (eds), *The Oxford Hand- book of Comparative Constitutional Law*, Oxford: Oxford University Press, 2012
- BUTLER and D. KAVANAGH, *The British General Election of February 1974*, Macmillan, London, 1974

- D. BUTLER and U. KITZINGER, *The 1975 Referendum*, Palgrave Macmillan, 2nd Edition, 7 May 1996
- D. DIXON, *Article 50 and Member State Sovereignty*, German Law Journal, Cambridge University Press, 06 March 2019
- D. MACSHANE, *Brexit: How Britain Will Leave Europe*, CPI Group (UK) Ltd, Croydon, 2016
- D. R. TRAITINO, T. KERIKMAE, A. CHOCIA, *Brexit: History, Reasoning and Perspectives*, Springer International Publishing, Switzerland, January 2018
- D. R. TROITIÑO, T. KERIKMÄE, A. CHOCHIA, *Brexit: History, Reasoning and Perspectives*, Springer, January 2018
- D. WATTS, *The European Union*, Edinburg University Press, 2008
- E.A. REITAN, *The Thatcher Revolution: Margaret Thatcher, John Major, Tony Blair, and the Transformation of Modern Britain, 1979-2001*, Rowman & Littlefield Publishers E-Books, Inc, the United States of America, 2003
- O'TOOLE, *Heroic Failure: Brexit and The Politics of Pain*, Apollo, 2018
- EVANS and J. MELLON, *Immigration, Euroscepticism, and the rise and fall of UKIP*, Party Politics, 2009
- HASSAN and R. GUNSON, *Scotland, the UK and Brexit: A Guide to the Future*, Luath Press Limited Edinburg
- G. JOHNSON, *Some Aspects of the Multilateral Free Trade Association Proposal*, vol. 37, issue 3, 1969
- H. PAR, *Saving the Community: The French Response to Britain's Second EEC Application in 1967*, Cold War History, Vol. 6, No. 4, November 2006
- H.D. CLARKE, M. GOODWIN and P. WHITLEY, *Brexit: Why Britain Voted to Leave the European Union*, Cambridge University Press, 2017

- FARRELL and P. GOLDSMITH, *How to Lose A Referendum: The Definitive Story Of Why The UK Voted For Brexit*, Biteback Publishing, 2017
- MCCONALOGUE, *The British Constitution Resettled: Parliamentary Sovereignty Before and After Brexit*, Palgrave Macmillan, 2020
- A. ARMSTRONG, *Brexit Time: Leaving the EU – Why, How and When?* Cambridge University Press, June 2017
- K. A. ARMSTRONG, *Brexit Time: Leaving the EU – Why, How and When?* Cambridge University Press, June 2017
- K. BURK, *The British Isles since 1945: Short Oxford History of the British Isles*, Oxford: Oxford University Press, 2009
- MCGOWAN, *Preparing for Brexit: Actros, Negotiations and Consequences*, Palgrave Macmillan, 2018
- L. V. GRAZIATTI, *The Treaty of Rome EEC and EURATOM 1957*, ABC Research Alert Vol 5, Number 3, 2017
- L. WATSON, *Systematic Epistemic Rights Violations in the Media: A Brexit Case Study*, 28 February 2018, *Social Epistemology*, 32:2
- L. WENAR, *Epistemic rights and legal rights*, *Analysis*, 2003
- CONDRUZ-BĂCESCU, *Euro scepticism Across Europe: Drivers and Challenges*, Vol. 6, Issue 2, 2014
- M. LOUGHLIN, *The British Constitution: A Very Short Introduction*, Oxford, 25 April 2013
- M. MARESCAU, *Bilateral Agreements concluded by the European Community*, Leiden, Martinus Nijhoff Publishers, 2006

- M. SPIERING, *A Cultural History of British Euroscepticism*, Palgrave Macmillan, London, 2015
- ALLEN, *'Brexit means Brexit': Theresa May and post- referendum British politics*, Macmillan Publishers Ltd., part of Springer Nature 2017
- N. C. CABRAL, J. R. GONÇALVES, AND N. C. RODRIGUES, *After Brexit: Consequences for the European Union*, Palgrave Macmillan, 2017
- N. CRAFTS, *British Relative Economic Decline Revisited: The Role of Competition*, Explorations in Economic History, 2012
- N.H. ROSSBACH, Heath, *Nixon and the Rebirth of the Special Relationship: Britain, the US and the EC 1969 – 1974*, Palgrave Macmillan, 2009
- B. WHYMAN, *British trade unions, the 1975 European Referendum and its legacy*, *Labor History*, 49:1
- DOREY, *Towards Exit from the EU: The Conservative Party's Increasing Euroscepticism since the 1980s*, *Politics and Governance* 5, no. 2, 2017
- P. TAGGART and A. SZCZERBIAK, *Putting Brexit into perspective: the effect of the Eurozone and migration crises and Brexit on Euroscepticism in European states*, *Journal of European Public Policy*, 21 May 2018
- DAVIS, *The Problem of de Gaulle: British Reactions to General de Gaulle's Veto of UK Application to Join the Common Market*, *Journal of Contemporary History*, 1997 SAGE Publications, London, Thousand Oaks, CA and New Delhi, Vol 32(4)
- G. ADAM, *Brexit: Causes and Consequences*, Springer, 12 August 2019
- R. M. V. NESSHEIM, *British National Newspapers and the Blair Government 1997 – 2007. Part II: How Tony Blair became "Tony B. Liar" and Nearly Caused Another Realignment of the Murdoch Press*, 25 June 2008
- R. TIERSKY, *Euro-skepticism: A Reader*, Maryland: Rowman & Littlefield, 2001

- BARCZEWSKI, *Heroic Failure and the British*, Yale University Press, London, 2016
- S.K. SCHMIDT, No match made in heaven. Parliamentary sovereignty, EU over-constitutionalization and Brexit, *Journal of European Public Policy*, 27:5
- W. NORMAN, *Negotiating Nationalism: Nation-Building, Federalism and Secession in the Multinational State*, Oxford: Oxford University Press, 2006

ARTICLES

- ALLEGRETTI, *Brexit deal done: Trade agreement finally struck between UK and EU*, SKY News, 24 December 2020, available at: <https://news.sky.com/story/brexit-deal-done-trade-agreement-finally-struck-between-uk-and-eu-12149904>
- AUGUSTYN, *Benelux: Economic Union*, The Britannica, available at: <https://www.britannica.com/topic/Benelux>
- COWBURN, *Boris Johnson says David Cameron would look 'wet' and 'wimpy' not to debate EU referendum*, The Independent, 12 May 2016, available at: <https://www.independent.co.uk/news/uk/politics/boris-johnson-says-it-would-be-wet-and-wimpy-not-debate-eu-referendum-a7025371.html>
- COWBURN, *Nigel Farage refuses to apologise for 'Breaking Point' poster in final pitch to voters*, Independent, 22 June 2016, available at: <https://www.independent.co.uk/news/uk/politics/brexit-poster-nigel-farage-eu-referendum-live-latest-vote-leave-remain-a7095236.html>
- DEAN, *Which UK Regions Receive the Most EU Funding?* Prospect, 7 September 2016, available at: <https://www.prospectmagazine.co.uk/politics/which-uk-regions-receive-the-most-eu-funding>
- FORREST, *Almost 500,000 EU citizens left 'in limbo' awaiting decision over right to stay in UK*, The Independent, 12 August 2021, available at:

<https://www.independent.co.uk/news/uk/politics/brexit-eu-settlement-scheme-uk-b1901551.html>

- FORREST, *Scottish independence referendum to go ahead when Covid crisis 'stable,' says SNP*, The Independent, 10 May 2021, available at: <https://www.independent.co.uk/news/uk/politics/scottish-independence-referendum-covid-snp-b1844825.html>
- GARRETT, *The Refugee Crisis, Brexit, and the Reframing of Immigration in Britain*, Council for European Studies, 01 August 2019, available at: <https://www.europenowjournal.org/2019/09/09/the-refugee-crisis-brexit-and-the-reframing-of-immigration-in-britain/>
- GILLIGAN, *The EU: So where did it all go wrong?* 30 December 2012. Available at: <https://www.telegraph.co.uk/news/worldnews/europe/eu/9770633/The-EU-so-where-did-it-all-go-wrong.html>
- GJETA, *The EU Enlargement: Theory and Practice*, 4 May 2020. Available at: <https://tiranaobservatory.com/2020/05/04/the-eu-enlargement-theory-and-practice/>
- HAYES, Exchange Rate Mechanism (ERM) Definition, available at: <https://www.investopedia.com/terms/e/exchange-rate-mechanism.asp>
- HEUSER, *The Convention Scores A Partial Success: The Structure of A Constitutional Treaty Has Now Been Made Public*, Centre for Applied Policy Research, 2002, pp. 4-6. Available at: http://www.cap.lmu.de/download/spotlight/Spotlight_10-02_en.pdf
- HIGHAM, *No-deal Brexit consequences: The three major impacts no-deal will have on you*, Express, 18 December 2020, available at: <https://www.express.co.uk/news/politics/1371229/no-deal-brexit-consequences-major-impact-no-deal-evg>
- HUNT, *Theresa May and the DUP deal: What you need to know*, BBC, 26 June 2017, available at: <https://www.bbc.com/news/election-2017-40245514>

- J. B. MORTON, *A note on Norway and the EU's Customs Union*, Academia, University of Leeds, January 2019, available at: https://www.academia.edu/38453523/A_note_on_Norway_and_the_EUs_Customs_Union
- LILLY, *The Brexit deal is the latest case of the government's disregard for parliamentary scrutiny*, Institute for Government, 31 December 2020, available at: <https://www.instituteforgovernment.org.uk/blog/brexit-government-disregard-parliamentary-scrutiny>
- M. BROWNE, *Long Sunset: Memoirs of Winston Churchill's Last Private Secretary*, London, Cassell press, 1995, pp. 273 – 74.
- MCDONALD, *Cultural heavyweights call on EU to welcome back an independent Scotland*, Politico, 29 April 2021, available at: <https://www.politico.eu/article/cultural-heavyweights-call-on-eu-to-welcome-back-an-independent-scotland/>
- MENON and B. BRIGID, *Hard or Soft? The Politics of Brexit*, National Institute Economic Review No. 23, 8 November 2016, p. 5.
- MOREL, *Top 8 Brexit lies debunked*, SOAK, available at: <https://www.shoutoutuk.org/2019/11/01/top-8-brexit-lies-debunked/>
- RENWICK and B. MCCAY, *Votes at 16: What Effect Would It Have?*, UK In A Changing Europe, 18 November 2015, available at: <https://ukandeu.ac.uk/votes-at-16-what-effect-would-it-have/>
- SANDFORD, *Northern Ireland: Who's right in the EU-UK dispute over the Brexit protocol?* Euronews, 29 June 2021, available at: <https://www.euronews.com/2021/06/29/northern-ireland-who-s-right-in-the-eu-uk-dispute-over-the-brexit-protocol>

- SCOTT, *On the Origins, Nature, and Extent of Epistemic Rights*, The Power of Language: Philosophy and Society, 15 July 2013, available at: <http://philosophyreaders.blogspot.com/2013/07/on-origins-nature-and-extent-of.html>
- SHERWIN, *'Toffishness and twittishness' - Boris Johnson spills beans on Bullingdon Club and reveals childhood ambition to be 'world king'*, The Independent, 19 March 2013, available at: <https://www.independent.co.uk/arts-entertainment/tv/news/toffishness-and-twittishness-boris-johnson-spills-beans-bullingdon-club-and-reveals-childhood-ambition-be-world-king-8539391.html>
- SIPPITT, *Does Brussels Influence 70% of UK Law?* Full Fact, 18 February 2014, available at: <https://fullfact.org/europe/does-brussels-influence-70-uk-law/>
- TRAVIS, *The Leave Campaign Made Three Key Promises – Are They Keeping Them?* The Guardian, 27 June 2016, available at: <https://www.theguardian.com/politics/2016/jun/27/eu-referendum-reality-check-leave-campaign-promises>
- VERITY, *UK exports to European Union drop 40% in January*, The BBC, 12 March 2021, available at: <https://www.bbc.com/news/business-56370690>
- WOODCOCK, *Brexit vote result: Rebel MPs defy threats from Boris Johnson in vote against no-deal*, The Independent, 3 September 2019, available at: <https://www.independent.co.uk/news/uk/politics/brexit-vote-tonight-result-boris-johnson-rebel-mps-bill-no-deal-a9090901.html?r=90548>
- A.J.A. BIJSTERVELD, J. ARTS and S. V. D.VEN, *Scottish secession: The United Kingdom of the future*, 2017, p. 4. Available at: https://www.tilburguniversity.edu/sites/default/files/download/Final%20essay%20-%20Jules%20Arts%20and%20Sander%20van%20de%20Ven_2.pdf

- *Article 19: The Public's Right to Know: Principles on Right to Information Legislation*, Free Word Centre, 2016, available at:
https://www.article19.org/data/files/RTI_Principles_Updated_EN.pdf
- JOHNSON, *The Act of Union, Historic UK*, available at: <https://www.historic-uk.com/HistoryUK/HistoryofBritain/The-Act-of-Union/>
- RILEY, *The Caretaker PM stays for now, but no one expects her to fight another general election*, The Sunday Telegraph, 18 June 2017, available at:
<https://www.pressreader.com/uk/the-sunday-telegraph/20170618/281681139869845>
- WALKER, *More Than Two-Thirds of Young Scots Now Back Independence*, New Statesman, 15 September 2020, available at:
<https://www.newstatesman.com/politics/uk/2020/09/more-two-thirds-young-scots-now-back-independence>
- WHEELER, *EU referendum: Did 1975 predictions come true?* 6 June 2016, available at: <https://www.bbc.com/news/uk-politics-36367246>
- *Boris Johnson wins race to be Tory leader and PM*, The BBC, 23 July 2019, available at: <https://www.bbc.com/news/uk-politics-49084605>
- *Boris Johnson, Prime Minister of United Kingdom*, The Britannica, Written by The Editors of Encyclopaedia Britannica, last updated: 12 April 2021, available at: <https://www.britannica.com/biography/Boris-Johnson>
- *Brexit begins: Theresa May Article 50 letter to EU President Donald Tusk [Full document]*, Telegraph Belfast, 29 March 2017, available at:
<https://www.belfasttelegraph.co.uk/news/brexit/brexit-begins-theresa-may-article-50-letter-to-eu-president-donald-tusk-full-document-35575843.html>
- *Brexit is already having a negative impact on UK Science*, The Royal Society, available at: <https://royalsociety.org/-/media/news/2019/brexit-uk-science-impact.pdf>

- *Brexit Secretary David Davis resigns*, The BBC, 9 July 2018, available at: <https://www.bbc.com/news/uk-politics-44761056>
- *Brexit: This Is What's in the Final Agreement Between the United Kingdom and the European Union*, Entrepreneur Europe, 27 December 2020, available at: <https://www.entrepreneur.com/article/362361>
- *Brexit: This Is What's in the Final Agreement Between the United Kingdom and the European Union*, Entrepreneur Europe, 27 December 2020, available at: <https://www.entrepreneur.com/article/362361>
- *Brexit: What would no deal mean?* BBC, 13 December 2020, available at: <https://www.bbc.com/news/uk-politics-48511379>
- *Brexit: What you need to know about the UK leaving the EU*, The BBC, 30 December 2020, available at: <https://www.bbc.com/news/uk-politics-32810887>
- *Britain and Europe – PM John Major and the Maastricht Treaty*. Available at: <https://www.britpolitics.co.uk/university-britain-europe-john-major-the-maastricht-treaty/>
- BAKSI, *Landmarks in law: the 90s fishing case that stoked UK Euroscepticism*, The Guardian, 29 March 2019, available at: <https://www.theguardian.com/law/2019/mar/29/landmarks-in-law-the-90s-fishing-case-that-stoked-uk-euroscepticism>
- BRADLEY, *EU terrified of Brexit domino effect as UK could scupper bloc's lucrative trade deals*, 9 June 2019, available at: <https://www.express.co.uk/news/uk/1447738/eu-news-brexit-domino-effect-uk-trade-deals-australia-switzerland-spt>
- COLEMAN, *Reality Check: How much UK law comes from the EU?* The BBC, 8 June 2016, available at: <https://www.bbc.com/news/uk-politics-eu-referendum-36473105>

- COYLE, *How has Brexit affected the value of sterling?* Economics Observatory, 22 February 2021, available at: <https://www.economicsobservatory.com/how-has-brexit-affected-the-value-of-sterling>
- FARRUGIA, *EU Turkey Negotiations: Obstacles to Turkey's Application to Join The EU*, Diplo, 2012, available at: <https://www.diplomacy.edu/dissertation/eu-turkey-negotiations-obstacles-turkeys-application-join-eu>
- GILES, *Covid crisis likely to mask economic fallout of no-deal Brexit*, Financial Times, 4 June 2020, available at: <https://www.ft.com/content/4440f83d-7e8a-4510-b8b7-3fb9146da51a>
- GRANT, *The Continental View of Cameron's Renegotiation*, Centre for European Reform, 16 December 2016, available at: <https://www.cer.eu/insights/continental-view-camerons-renegotiation>
- GRANT, *Why is Britain Eurosceptic?* Centre For European Reform, December 2008, available at: https://www.cer.eu/sites/default/files/publications/attachments/pdf/2011/essay_eurosceptic_19dec08-1345.pdf
- H. CHURCH, *Switzerland and European Integration*, Oxford Research Encyclopedias, 23 May 2019, available at: <https://oxfordre.com/politics/view/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-1163>
- HILLION, *Withdrawal under Article 50 TEU: an integration-friendly process*, Common Market Law Review, 2018, p. 31.
- MILNE, *NHS England: £394 million more a week?* Full Fact, 26 November 2018, available at: <https://fullfact.org/health/nhs-england-394-million-more/>

- TAYLOR, *Brexit explained: What would a no-deal Brexit mean?* The Irish Time, 30 April 2019, available at: <https://www.irishtimes.com/business/economy/brexit-explained-what-would-a-no-deal-brexit-mean-1.3665568>
- THOMAS, *What is the cost of Skilled Worker Sponsorship?* Commentary, available at: <https://www.carterthomas.co.uk/skilled-worker-sponsorship-costs/>
- C.C. CÎRLIG, *The Revised Brexit Deal, What Has Changed and Next Steps?* European Parliamentary Research Service, October 2019, pp. 7 – 9. Available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/642260/EPRS_BRI\(2019\)642260_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/642260/EPRS_BRI(2019)642260_EN.pdf)
- C.N. TRUEMAN, *The 1997 General Election*, The History Learning Site, 27 March 2015, available at: <https://www.historylearningsite.co.uk/british-politics/the-1997-general-election/>
- BYCHAWSKA-SINIARSKA, *Protecting the Right to Freedom of Expression Under the European Convention On Human Rights*, Council of Europe, July 2017, pp. 15 – 16, available at: <https://rm.coe.int/handbook-freedom-of-expression-eng/1680732814>
- CURTIN, *Challenging Executive Dominance in European Democracy*, Modern Law Review, 02 January 2014, available at: <https://onlinelibrary.wiley.com/doi/full/10.1111/1468-2230.12054>
- G. DIMITRAKOPOULOS, *A Vote to Leave Is A Vote to Cut Migration, No Matter What Liberal Brexiteers Would Like To Think*, the LSE, 13 June 2016, available at: <https://blogs.lse.ac.uk/politicsandpolicy/a-vote-to-leave-is-a-vote-to-cut-migration/>
- HARVEY, *Brexit and Covid-19*, King’s Law Journal, 2021, Vol. 32, No. 1, p. 34. Available at: <https://www.tandfonline.com/doi/pdf/10.1080/09615768.2021.1891617?needAccess=true>

- HUGHES, *Howe's That? Geoffrey Howe resignation speech – what did he say and when did Margaret Thatcher resign as Prime Minister?* The Sun, 18 July 2018. Available at: <https://www.thesun.co.uk/news/6810264/geoffrey-howe-resignation-speech-video-margaret-thatcher-resigns-boris-johnson/>
- MACAULAY, *Single European Act*, Lawlegal.eu, European Encyclopedia of Law (BETA), Retrieved October 2020. Available at: <https://lawlegal.eu/single-european-act/>
- SABBAGH and J. RANKIN, *Boris Johnson wrongly denies stirring Turkey fears in Brexit campaign*, *The Guardian*, 18 January 2019, available at: <https://www.theguardian.com/politics/2019/jan/18/boris-johnson-falsely-denies-issuing-turkey-warning-in-brexit-campaign>
- D. SABBAGH, L. HARDING, and ANDREW ROTH, *Russia report reveals UK government failed to investigate Kremlin interference*, *The Guardian*, 21 July 2020, <https://www.theguardian.com/world/2020/jul/21/russia-report-reveals-uk-government-failed-to-address-kremlin-interference-scottish-referendum-brexit>
- D. TORRANCE, *Scottish Devolution: Section 30 Orders*, 16 December 2019, House of Commons Library, available at: <https://commonslibrary.parliament.uk/research-briefings/cbp-8738/>
- *David Cameron promises in/out referendum on EU*, BBC, 23 January 2013, available at: <https://www.bbc.com/news/uk-politics-21148282>
- *David Cameron: EU referendum claim fact-checked*, 19 September 2019, BBC news, available at: <https://www.bbc.com/news/uk-politics-49753420>
- DR. M. HOLMES, *John Major and Europe: The Failure of a Policy 1990-7*, The Bruges Group, available at: <https://brugesgroup.com/media-centre/papers/8-papers/801-john-major-and-europe-the-failure-of-a-policy-1990-7>

- CASTELOW, *The Constitution of the United Kingdom*, Historic UK, available at: <https://www.historic-uk.com/HistoryUK/HistoryofBritain/British-Constitution/>
- UBEROI, *European Union Referendum 2015 – 16*, Briefing Paper, House of Lords Library, Number 07212, 3 June 2015.
- UBEROI, *European Union Referendum 2016*, Briefing Paper, House of Lords Library, Number CBP 7639, 29 June 2016
- *EU Exit: Taking back control of our borders, money and laws while protecting our economy, security and Union*, Cm 9741, November 2018, available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759792/28_November_EU_Exit -
_Taking back control of our borders money and laws while protecting our economy security and Union 1 .pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759792/28_November_EU_Exit_-_Taking_back_control_of_our_borders_money_and_laws_while_protecting_our_economy_security_and_Union_1.pdf)
- *EU Referendum: Boris Johnson Stands by Hitler EU Comparison*, The BBC, 16 May 2016, available at: <https://www.bbc.com/news/uk-politics-eu-referendum-36295208>
- *EU referendum: Cameron warns prices would rise if UK leaves EU*, The BBC, 22 May 2016, available at: <https://www.bbc.com/news/uk-politics-eu-referendum-36352370>
- *EU referendum: Scotland backs Remain as UK votes Leave*, The BBC, 24 June 2016, available at: <https://www.bbc.com/news/uk-scotland-scotland-politics-36599102>
- *EU referendum: Welsh voters back Brexit*, The BBC, 24 June 2016, available at: <https://www.bbc.com/news/uk-politics-eu-referendum-36612308>
- *EU-UK Trade and Cooperation Agreement: A new relationship*, with big changes, European Commission, December 2020, available at: https://ec.europa.eu/info/sites/default/files/brexit_files/info_site/6_pager_final.pdf

- *EU-UK Trade and Cooperation Agreement: A new relationship, with big changes*, European Commission, December 2020, available at: https://ec.europa.eu/info/sites/default/files/brexit_files/info_site/6_pager_final.pdf
- European Organization: The ECSC, available at: <https://www.britannica.com/topic/European-Coal-and-Steel-Community>
- European Parliament, *Fact Sheets on the European Union, The principle of subsidiarity*, available at: <https://www.europarl.europa.eu/factsheets/en/sheet/7/the-principle-of-subsidiarity>
- LANGFITT, *Support For Scottish Independence Is Growing, Partly Due To U.K.'s COVID-19 Response*, NPR, 15 December 2020, available at: <https://www.npr.org/2020/12/15/946242592/support-for-scottish-independence-is-growing-partly-due-to-u-k-s-covid-19-respon>
- Fact Sheets on the European Union, *The European Economic Area (EEA), Switzerland and the North*, available at: <https://www.europarl.europa.eu/factsheets/en/sheet/169/the-european-economic-area-eea-switzerland-and-the-north>
- Frameworks Analysis 2020, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/919729/Frameworks-Analysis-2020.pdf
- FAULCONBRIDGE, *Dominic Cummings: PM Johnson's cardinal of Brexit*, Reuters, 13 November 2020, available at: <https://www.reuters.com/article/uk-britain-politics-cummings-factbox-idUKKBN27T11L>
- GOODLAD, *The Slow-Motion Downfall of Theresa May*, Political Studies Association, August 8, 2019, available at: <https://doi.org/10.1177/2041905819871846>
- MAJONE, *The regulatory state and its legitimacy problems*, *West European Politics*, 3 December 2007, 22:1, 1-24, available at: <https://www.tandfonline.com/doi/abs/10.1080/01402389908425284>

- ROSEN, *A British free trade deal outside the EU? History shows that's easier said than done*, The Telegraph, 3 March 2016. Available at: <https://www.telegraph.co.uk/news/newstopics/eureferendum/12182032/A-British-free-trade-deal-outside-the-EU-History-shows-thats-easier-said-than-done.html>
- WHEATCROFT, *Europhobia: a very British problem*, The Guardian, 21 June 2016, available at: <https://www.theguardian.com/politics/2016/jun/21/brexit-eurocepticism-history>
- WRIGHT and H. ETHERINGTON, *Brexit Transition Period*, Institute for Government, 2 December 2020, available at: <https://www.instituteforgovernment.org.uk/explainers/brexit-transition-period>
- WRIGHT and H. ETHERINGTON, *Brexit Transition Period*, Institute for Government, 2 December 2020, available at: <https://www.instituteforgovernment.org.uk/explainers/brexit-transition-period>
- *General election 2017: Why did Theresa May call an election?* BBC, 9 June 2017, available at: <https://www.bbc.com/news/election-2017-40210957>
- GROENENDIJK and N. HOSPERS, *Notes and Communications, A Requiem for the European Coal and Steel Community (1952-2002)*, 2002, De Economist 150, p. 602.
- *Guidance: Using the UKCA marking, UK Government*, 24 August 2021, available at: <https://www.gov.uk/guidance/using-the-ukca-marking>
- BENTLEY, K. STODDARD, L. TORRES and J. RODRIGUES: *Timeline: David Cameron as Conservative leader*, 12 May 2010, The Guardian, available at: <https://www.theguardian.com/politics/2010/may/12/timeline-david-cameron-conservative-leader>
- STEWART, *John Bercow: Brexit is UK's biggest mistake since second world war*, The Guardian, 6 November 2019, <https://www.theguardian.com/politics/2019/nov/06/john-bercow-brexit-is-uks-biggest-mistake-since-second-world-war>

- ZIADY, *Why would anyone trust Brexit Britain again?* CNN Business, 24 July 2021, available at: <https://edition.cnn.com/2021/07/24/business/brexit-deal-northern-ireland-gbr-intl-cmd/index.html>
- H.V. BISMARCK, *Margaret Thatcher: The Critical Architect of European Integration*, 04 May 2016. Available at: <https://ukandeu.ac.uk/margaret-thatcher-the-critical-architect-of-european-integration/>
- *How Britain Lost an Empire - War and Government, Impact of World War Two on Britain's Empire*, The BBC, available at: <https://www.bbc.co.uk/bitesize/guides/zyh9ycw/revision/1>
- LADEGAARD, *Why Norwegians never wanted EU membership*, Sciencenorway.no, 21 August 2012, available at: <https://sciencenorway.no/democracy-european-union-forskningno/why-norwegians-never-wanted-eu-membership/1375602>
- MONTAGU, *Brexit and Public Opinion: Scotland*, The UK in A Changing Europe, 25 Jan 2019, available at: <https://ukandeu.ac.uk/brexit-and-public-opinion-scotland/>
- MONTAGU, *Is Scotland Becoming More Eurosceptic?* The Scotsman, 26 February 2016, available at: <https://www.scotsman.com/news/politics/ian-montagu-scotland-becoming-more-eurosceptic-1481965>
- BACHTLER and I. BEGG, *Cohesion and cohesion policies in the UK: what might Brexit entail?* 21 March 2016, available at: <https://ukandeu.ac.uk/wp-content/uploads/2016/06/Iain-Begg-and-John-Bachtler-Workshop-Policy-Brief.pdf>
- BEATTIE, *Theresa May's Brexit deal on Northern Ireland: What it means, will it work and what happens next*, Mirror, 4 December 2017, available at: <https://www.mirror.co.uk/news/politics/theresa-mays-brexit-deal-northern-11638132>
- CRISP, *Boris Johnson will not ask for extension to Brexit transition period*, The Telegraph, 9 June 2020, available at:

<https://www.telegraph.co.uk/politics/2020/06/09/boris-johnson-will-not-ask-extension-brexit-transition-period/>

- CURTICE and R. ORMSTON, *British Social Attitudes 32*, NatCen Social Research, 2015, pp. 32 – 45. Available at: https://www.bsa.natcen.ac.uk/media/38972/bsa32_fullreport.pdf
- CURTICE, *Brexit: Do Britons Now Agree About Leaving the EU?* The BBC, 31 January 2020, available at: <https://www.bbc.com/news/uk-politics-51268688>
- CURTICE, *Immigration*, The UK in a Changing Europe, p. 18. Available at: <https://ukandeu.ac.uk/wp-content/uploads/2018/01/Public-Opinion.pdf>
- CURTICE, *The public is far from ready to ‘move on’ from the Brexit vote*, The Independent, 22 June 2021, available at: <https://www.independent.co.uk/voices/brexit-eu-referendum-uk-vote-b1869987.html>
- J. DANZIG, *A revealing deception about Winston Churchill?* NewEuropeans, 25 January 2015, available at: <https://neweuropeans.net/article/604/revealing-deception-about-winston-churchill>
- J. DANZIG, *Winston Churchill: A founder of the European Union*, 10 November 2013, available at: <http://eu-rope.ideasoneurope.eu/2013/11/10/winston-churchill-a-founder-of-the-european-union/>
- J. DEBARDELEBEN, A. HURRELMANN, C. VIJU, S. SCHOTT, P. LEBLOND and INGER WEIBUST: *EU learning: The ECSC*, Carleton University, available at: <https://carleton.ca/ces/eulearning/history/moving-to-integration/the-european-coal-and-steel-community/>
- J. GARRY, *The EU Referendum Vote In Northern Ireland: Implications For Our Understanding Of Citizens’ Political Views and Behaviour*, Northern Ireland Assembly, available at: http://www.niassembly.gov.uk/globalassets/documents/raise/knowledge_exchange/briefing_papers/series6/garry121016.pdf

- J. JARVIS, H. COLLIER and T. HERBERT, *What is the controversial Irish backstop in Theresa May's Brexit deal?* Evening Standard, 12 March 2019, available at: <https://www.standard.co.uk/news/politics/irish-backstop-theresa-may-brexit-deal-a4089571.html>
- J. KER-LINDSAY, *Did the unfounded claim that Turkey was about to join the EU swing the Brexit referendum?* LSE, 15 February 2018, available at: <https://blogs.lse.ac.uk/politicsandpolicy/unfounded-claim-turkey-swing-brexit-referendum/>
- J. KIRKUP, *Margaret Thatcher: Conflict over Europe led to final battle*, The Telegraph, 08 April 2013. Available at: <https://www.telegraph.co.uk/news/politics/margaret-thatcher/9980360/Margaret-Thatcher-Conflict-over-Europe-led-to-final-battle.html>
- J. LOWE, *Brexit: UKIP Launches 'Breaking Point' Immigration Poster*, Newsweek, 16 June 2016, available at: <https://www.newsweek.com/brexit-eu-immigration-ukip-poster-breaking-point-471081>
- J. OWEN, *Brexit deal: the Withdrawal Agreement*, Institute for Government, 2 July 2020, available at: <https://www.instituteforgovernment.org.uk/explainers/brexit-deal-withdrawal-agreement>
- J. OWEN, M. T. JACK, A. IACOBOV, and E. CHRISTENSEN, *Managing migration after Brexit*, Institute for Government, 8 March 2019, available at: https://www.instituteforgovernment.org.uk/sites/default/files/publications/IfG-Migration-After-Brexit_4.pdf
- J. P, *How a soft Brexit differs from a hard one*, The Economist, 25 June 2018, available at: <https://www.economist.com/the-economist-explains/2018/06/25/how-a-soft-brexit-differs-from-a-hard-one>

- J. RANKIN, *Michel Barnier Tells UK: Ignore EU Regulatory Standards at Your Peril*, 29 October 2019, available at: <https://www.theguardian.com/politics/2019/oct/29/michel-barnier-tells-uk-ignore-eu-regulatory-standards-at-your-peril>
- J. READ, *Boris Johnson Appears To Finally Admit His '£350m A Week' Claim Was Wrong*, *The New European*, 18 September 2020, available at: <https://www.theneweuropean.co.uk/brexit-news/boris-johnson-350-million-a-week-nhs-claim-55554>
- J. ROSS, *Scottish independence: The parliament that never was*, *The BBC Scotland*, 17 September 2014, available at: <https://www.bbc.com/news/uk-scotland-scotland-politics-29048884>
- J. SCOTT, *Sir Keir Starmer: Five things we learned from Piers Morgan interview*, *BBC*, 1 June 2020, available at: <https://www.bbc.com/news/uk-politics-57321990>
- J. SHARMAN and B. KENTISH, *Boris Johnson: 15 of the Conservative leader's most calamitous mistakes and gaffes, taking a look back at ex-foreign secretary's storied career*, *The Independent*, 23 July 2019, available at: <https://www.independent.co.uk/news/uk/politics/boris-johnson-prime-minister-leader-mistakes-gaffes-iran-libya-muslims-europe-sacked-a9016666.html>
- J. SHARMAN, *Brexit Party candidates furious after Nigel Farage announces they cannot contest 317 seats*, *The Independent*, 12 November 2019, available at: <https://www.independent.co.uk/news/uk/politics/brexit-party-nigel-farage-boris-johnson-general-election-latest-conservatives-candidates-a9199396.html>
- J. SMITH, *David Cameron's EU renegotiation and referendum pledge: A case of déjà vu?*, *British Politics advance online publication*, 30 May 2016, p. 2. Available at: <https://link.springer.com/article/10.1057/bp.2016.11>

- J. STONE, Boris Johnson ‘sacrificed’ Britain’s fishing industry to get deal with EU, fishermen say, The Independent, 25 December 2020, available at: <https://www.independent.co.uk/news/uk/politics/brexit-deal-fishing-boris-johnson-b1778776.html>
- J. STONE, Brexit has started the disintegration of the EU, Italy's Europe minister says, The Independent, 5 December 2016, available at: <https://www.independent.co.uk/news/uk/politics/italian-referendum-renzi-resign-brexit-eu-disintegration-a7456131.html>
- J. WADSWORTH, S. DHINGRA, G. OTTAVIANO and J. V. REENEN, *Brexit and the Impact of Immigration on the UK*, Centre for Economic Performance, LSE, available at: <https://cep.lse.ac.uk/pubs/download/brexit05.pdf>
- J. WORTH, *Varieties of Brexit*, Euroblog, 20 December 2016, available at: <https://jonworth.eu/varieties-of-brexit/>
- ARMSTRONG, *Governing With or Without Consent – The United Kingdom Internal Market Act 2020*, UK Constitutional Law Association, 18 December 2020, available at: <https://ukconstitutionallaw.org/2020/12/18/kenneth-armstrong-governing-with-or-without-consent-the-united-kingdom-internal-market-act-2020/>
- ARMSTRONG, *Push Me, Pull You: Whose Hand on the Article 50 Trigger?* UK Constitutional Law Association, 27 June 2016, available at: <https://ukconstitutionallaw.org/2016/06/27/kenneth-armstrong-push-me-pull-you-whos-hand-on-the-article-50-trigger/>
- CALAMUR, *What 'Brexit Means Brexit' Means: Theresa May tries to explain*, The Atlantic, 17 January 2017, available at: <https://www.theatlantic.com/news/archive/2017/01/theresa-may-brexit/513314/>

- J. McKINNEY, *Was the EU referendum “advisory”?* Full Fact, 8 November 2019, available at: <https://fullfact.org/europe/was-eu-referendum-advisory/>
- K. MACLELLAN, *Britain's 'Vote Leave' named lead 'Out' campaign for EU referendum*, Reuters, 13 April 2016, available at: <https://www.reuters.com/article/us-britain-eu-out-idUSKCN0XA1NF>
- K. NIEMIEC, *To codify or not to codify the UK constitution? Advantages and disadvantages of codified constitutions*, Academia, 2020, available at: https://www.academia.edu/44351141/To_codify_or_not_to_codify_the_UK_constitution_Advantages_and_disadvantages_of_codified_constitutions
- K. WEISS, *30 years after Bruges, Margaret Thatcher is still right about Europe*, 20 September 2018, available at: <https://capx.co/30-years-after-bruges-margaret-thatcher-is-still-right-about-europe/>
- *Key points from the Article 50 letter*, the BBC, 29 March 2017, available at: <https://www.bbc.com/news/uk-politics-uk-leaves-the-eu-39433403>
- HARDING, *Revealed: details of exclusive Russian deal offered to Arron Banks in Brexit run-up*, The Guardian, 9 August 2018, available at: <https://www.theguardian.com/uk-news/2018/aug/09/revealed-detail-of-exclusive-russian-deal-offered-to-arron-banks-in-brexite-run-up>
- MCKINSTRY, *Boris Johnson should follow David Davis and quit, or fail in his duty to Brexit and the country*, The Telegraph, 9 July 2018, available at: <https://www.telegraph.co.uk/politics/2018/07/09/boris-johnson-should-follow-david-davis-quit-fail-duty-brexite/>
- O’CARROL, *Belfast court dismisses legal challenge to Brexit Northern Ireland protocol*, The Guardian, 30 June 2021, available at: <https://www.theguardian.com/politics/2021/jun/30/belfast-court-dismisses-legal-challenge-to-brexite-northern-ireland-protocol>

- O'CARROL, *How Is Boris Johnson's Brexit Deal Different from Theresa May's?* The Guardian, 17 October 2019, available at: <https://www.theguardian.com/politics/2019/oct/17/how-is-boris-johnson-brexit-deal-different-from-theresa-may>
- L. REES, *Extending and Revoking Article 50*, Freshfields Bruckhaus Deringer, 23 January 2019, available at: <https://brexit.freshfields.com/post/102fdkl/extending-and-revoking-article-50>
- L. WADE, *The Pros and Cons of an 'Unwritten' Constitution*, Gibson Dunn, 1 October 2019, available at: <https://www.thelawyerportal.com/blog/the-pros-and-cons-of-having-an-unwritten-constitution/>
- BECKFORD, *General Election 2010: Britain Still Wedded to Empire, Says Nick Clegg*, The Telegraph, 29 April 2010. Available at: <https://www.telegraph.co.uk/news/election-2010/7647835/General-Election-2010-Britain-still-wedded-to-empire-says-Nick-Clegg.html>
- BET, *'I want my money BACK!' How Margaret Thatcher's rebate is TODAY's symbol of EU resistance*, 5 December 2018. Available at: <https://www.express.co.uk/news/uk/1054720/brexit-news-eu-uk-margaret-thatcher-rebate-budget-gunther-oettinger-spt>
- BULMAN, *Brexit: People voted to leave EU because they feared immigration, major survey finds*, The Independent, 28 June 2017, available at: <https://www.independent.co.uk/news/uk/home-news/brexit-latest-news-leave-eu-immigration-main-reason-european-union-survey-a7811651.html>
- D, *The Canadian model for trade deals*, The Economist, 28 June 2016, <https://www.economist.com/the-economist-explains/2016/06/28/the-canadian-model-for-trade-deals>

- M. DOUGAN and K. ARMSTRONG, *Fact Check: are 60% of UK laws really imposed by the EU?* The Conversation, 27 April 2016, available at: <https://theconversation.com/fact-check-are-60-of-uk-laws-really-imposed-by-the-eu-58516>
- M. EILSTRUP-SANGIOVANNI and D. VERDIER, *European Integration as a Solution to War*, University of Cambridge, UK and Ohio State University, USA, pp. 104-111, available at: <https://polisci.osu.edu/sites/polisci.osu.edu/files/European%20integration%20as%20a%20solution%20to%20war.pdf>
- M. EMMANOUIL, T. S. IOANNIS, and K. APOSTOLOS, *BREXIT: A consequence of the European social and democratic deficit*, SSOAR, 2017, available at: <https://www.ssoar.info/ssoar/handle/document/51586>
- M. GOODWIN, *Explaining the Rise of the UK Independence Party*, Europe for Citizens, available at: https://eu.boell.org/sites/default/files/uploads/2014/06/ukip_eu.pdf
- M. GOODWIN, *Rise of the UK Independence Party*, Europe for Citizens, p. 4. Available at: https://eu.boell.org/sites/default/files/uploads/2014/06/ukip_eu.pdf
- M. GOODWIN, *The Perceived Costs and Benefits of Brexit*, The UK in A Changing Europe, 02 February 2018, available at: <https://ukandeu.ac.uk/the-perceived-costs-and-benefits-of-brexit/>
- M. JOHNSON, *Reflections on the UK-EU Trade And Cooperation Agreement*, Trade Knowledge Exchange, 11 January 2021, available at: <http://trade-knowledge.net/commentary/reflections-on-the-uk-eu-trade-and-cooperation-agreement/>
- M. LUENENDONK, *Merger Treaty*, 13 August 2016. Available at: <https://www.cleverism.com/lexicon/merger-treaty/>
- M. RAY, *Euroscepticism*, Britannica, 24 June 2016, available at: <https://www.britannica.com/topic/Euroskepticism/additional-info#history>

- M. RUSSELL AND D. GOVER, *The Lords, Financial Privilege and the EU Referendum Franchise*, UK Constitutional Law Association, 16 December 2015, available at: <https://ukconstitutionallaw.org/2015/12/16/meg-russell-and-daniel-gover-the-lords-financial-privilege-and-the-eu-referendum-franchise/>
- M. SAVAGE and L. O'CARROLL, *Majority of Northern Irish voters want vote on staying in UK*, The Guardian, 29 August 2021 ,available at: <https://www.theguardian.com/politics/2021/aug/29/majority-of-northern-irish-voters-want-vote-on-staying-in-uk>
- M. SOLLY, *A Not-So-Brief History of Scottish Independence*, Smithsonian Magazine ,30 January 2020, available at: <https://www.smithsonianmag.com/history/brief-history-scottish-independence-180973928/>
- M. T. JACK, *European Communities Act 1972*, Institute for Government, 24 February 2020, available at: <https://www.instituteforgovernment.org.uk/explainers/european-communities-act-1972>
- M. VAHL and N. GROLMUND, *Integration without membership: Switzerland's Bilateral Agreements with the European Union*, Centre for European Policy Studies, Brussels, 2006, p. 9.
- Michel Barnier, Press Briefing, 6 December 2016, available at: https://ec.europa.eu/info/news/introductory-comments-michel-barnier-2016-dec-06_en
- Michel Barnier: UK can't have Canada trade deal with EU, BBC, 18 February 2020, available at: <https://www.bbc.com/news/uk-politics-51549662>
- ASHFORD, *The Conservative Party and European Integration 1945–75*, PhD diss., University of Warwick, 1983, p. 43.

- BEN, *#ElectionWatch: Scottish Vote, Pro-Kremlin Trolls*, DFRLab, 13 December 2017, available at: <https://medium.com/dfrlab/electionwatch-scottish-vote-pro-kremlin-trolls-f3cca45045bb>
- CAMPOS and F. CORICELLI, *Why Did Britain Join The EU? A New Insight From Economic History*, 3 February 2015, available at: <https://voxeu.org/article/britain-s-eu-membership-new-insight-economic-history>
- GARDINER and S. MCNAMARA, *The EU Lisbon Treaty: Gordon Brown Surrenders Britain's Sovereignty*, 7 March 2008, The Heritage Foundation, available at: <https://www.heritage.org/europe/report/the-eu-lisbon-treaty-gordon-brown-surrenders-britains-sovereignty>
- N. NIELSEN, *EU and Canada negotiators reach agreement on trade deal*, EU Observer, 6 August 2014, available at: <https://euobserver.com/foreign/125203>
- N. SHRAPNEL, *Britain Will Ask to Join EEC – Archive*, 1 August 2016, available at: <https://www.theguardian.com/world/2016/aug/01/eec-britain-membership-european-economic-community-1961-archive>
- N. WATT, *General election 2010: David Cameron's Big Society plan*, The Guardian, 14 April 2010, available at: <https://www.theguardian.com/politics/2010/apr/14/general-election-david-cameron-plan>
- *New report reveals Brexit identities stronger than party identities*, UK In a Changing Europe, 22 January 2019, available at: <https://ukandeu.ac.uk/new-report-reveals-brexit-identities-stronger-than-party-identities/>
- *Nigel Farage: Brexit-backing politician to quit as leader of Reform UK*, The BBC, 7 March 2021, available at: <https://www.bbc.com/news/uk-politics-56311599>
- WRIGHT and C. COOPER, *The speech that was the start of the end of David Cameron*, 24 June 2016, The Independence, available at:

<https://www.independent.co.uk/news/uk/politics/brexit-eu-referendum-david-cameron-resignation-announcement-2013-a7101281.html>

- WRIGHT, *EU renegotiation: What David Cameron wanted – and what he really got*, Independent, 20 February 2020, available at: <https://www.independent.co.uk/news/uk/politics/eu-renegotiation-what-david-cameron-wanted-and-what-he-really-got-a6885761.html>
- WRIGHT, *EU renegotiation: What David Cameron wanted – and what he really got*, Independent, 20 February 2020, available at: <https://www.independent.co.uk/news/uk/politics/eu-renegotiation-what-david-cameron-wanted-and-what-he-really-got-a6885761.html>
- BALDWIN, *France wanted to dominate post-war Europe - that's why de Gaulle fought to keep UK out*, 5 June 2018. Available at: <https://www.express.co.uk/news/politics/968255/Brexit-history-EU-France-anti-Britain-de-Gaulle-common-agricultural-policy-Edward-Heath>
- BRIEN, *EU funding in the UK*, Briefing Paper Number 7847, House of Commons Library, 11 September 2020, available at: <https://researchbriefings.files.parliament.uk/documents/CBP-7847/CBP-7847.pdf>
- FLANAGAN and M. CONIAM, *Brexit Deal's Northern Ireland Protocol Is Only Solution*, Bloomberg, 16 July 2021, available at: <https://www.bloomberg.com/news/articles/2021-07-16/brexit-deal-s-n-i-protocol-is-only-solution-von-der-leyen-says>
- KELLNER, *Brexit and the Gradual Disintegration of the United Kingdom*, Carnegie Europe, 14 January 2021, available at: <https://carnegieeurope.eu/strategieurope/83632>
- KELLNER, *If So Many Britons Support Freedom of Movement, Why Doesn't Theresa May?* The Guardian, 10 August 2018, available at: <https://www.theguardian.com/commentisfree/2018/aug/10/freedom-of-movement-theresa-may-immigration>

- P. KELLNER, *Nigel Farage*, The Britannica, 31 March 2021, available at: <https://www.britannica.com/biography/Nigel-Farage>
- P. LUDLOW, *When Britain first applied to join the EU? What can Macmillan's predicament teach us?* 15 April 2016, available at: <https://blogs.lse.ac.uk/brexit/2016/04/15/when-britain-first-applied-to-join-the-eu-what-can-macmillans-predicament-teach-us/>
- P. MADSEN, *Single European Act*, the Britannica, 30 October 2013. Available at: <https://www.britannica.com/topic/Single-European-Act>
- P. MCGOVERN, *Five Problems with UK immigration control post- Brexit*, LSE, 11 July 2016, available at: <https://blogs.lse.ac.uk/brexit/2016/07/11/five-problems-with-uk-immigration-control-post-brexit/>
- P. SCHNAPPER, *Theresa May, the Brexit negotiations and the two-level game, 2017–2019*, Journal of Contemporary European Studies, 27 April 2020, p. 4. Available at: <https://www.tandfonline.com/doi/full/10.1080/14782804.2020.1753665>
- P. SIM, *Scottish independence: Johnson rejects Sturgeon's independence demand*, The BBC, 14 January 2022, available at: <https://www.bbc.com/news/uk-scotland-scotland-politics-51106796>
- P. SLIM, *Scottish independence: What is a section 30 order?* The BBC, 19 December 2019, available at: <https://www.bbc.com/news/uk-scotland-scotland-politics-50744526>
- P. TAGGART and A. SZCZERBIAK, *Parties, Positions and Europe: Euroscepticism in the EU Candidate States of Central and Eastern Europe*, SEI Working Paper No 46 Opposing Europe Research Network Working Paper No 2, p. 9. Available at: https://is.muni.cz/el/1423/podzim2004/EVS136/um/The_Party_Politics_of_Euroscepticism_in_EU_Member_and_Candidate_States.pdf
- P. WALKER and J. WATERSON, *Arron Banks faces criminal inquiry over Brexit campaign*, The Guardian, 1 November 2018, available at:

<https://www.theguardian.com/uk-news/2018/nov/01/arron-banks-referred-to-agency-over-suspected-offences-in-brexit-campaign>

- P. WALKER, *Nigel Farage Quits As Reform UK Leader In Step Back From Party Politics*, The Guardian, 7 March 2021, available at: <https://www.theguardian.com/politics/2021/mar/07/nigel-farage-quits-as-reform-uk-leader-in-step-back-from-party-politics>
- P. WATSON, *Ship found in Arctic 168 years after doomed Northwest Passage*, The Guardian, 12 September 2016, available at: <https://www.theguardian.com/world/2016/sep/12/hms-terror-wreck-found-arctic-nearly-170-years-northwest-passage-attempt>
- *Past Prime Ministers, Gordon Brown*, available at: <https://www.gov.uk/government/history/past-prime-ministers/gordon-brown>
- ARIÈS, *Michel Barnier's Brexit dream team*, Politico, 6 January 2017, available at: <https://www.politico.eu/article/michel-barnier-brexit-dream-team-negotiation-europe-commission/>
- ADAMS, *UK students lose Erasmus membership in Brexit deal*, The Guardian, 24 December 2020, available at: <https://www.theguardian.com/education/2020/dec/24/uk-students-lose-erasmus-membership-in-brexit-deal>
- BLACBBURN, *Magna Carta: Britain's Unwritten Constitution*, British Library, 13 March 2015, available at: <https://www.bl.uk/magna-carta/articles/britains-unwritten-constitution#>
- BOOTH, *How it all went wrong for Andrea Leadsom's leadership*, The Guardian, 11 July 2016, available at: <https://www.theguardian.com/politics/2016/jul/11/how-it-all-went-wrong-for-andrea-leadsoms-leadership-bid>

- ELLEHUUS and D. RUY, *Did Russia Influence Brexit?* Center for Strategic and International Studies, 21 July 2020, available at: <https://www.csis.org/blogs/brexit-bits-bobs-and-blogs/did-russia-influence-brexit>
- G. WHITMAN, *Why the UK Has Taken Foreign Policy Out of Brexit Negotiations*, Chatham House, 1 July 2020, available at: <https://www.chathamhouse.org/2020/07/why-uk-has-taken-foreign-policy-out-brexit-negotiations>
- MASON, *Five Reasons the Tories Won the Election*, The Guardian, 13 December 2019, available at: <https://www.theguardian.com/politics/2019/dec/13/five-reasons-the-tories-won-the-election>
- MUNROE, *Will the Sun Ever Set on the British Empire?* The Guardian, Guardian News and Media, September 9, 2014. Available at: <https://www.theguardian.com/lifeandstyle/2014/sep/09/sun-ever-set-on-british-empire>
- R. NELSSON, *Archive: how the Guardian reported the 1975 EEC referendum*, 5 June 2015, available at: <https://www.theguardian.com/politics/from-the-archive-blog/2015/jun/05/referendum-eec-europe-1975>
- R. SCULLY, *Wales: A Nation Divided?* 4 February 2017, What UK Thinks EU, available at: <https://whatukthinks.org/eu/wales-a-nation-divided/>
- R. SINGH, *Brexit Referendum: Voting Analysis*, The Parliament, 4 July 2016, available at: <https://www.theparliamentmagazine.eu/news/article/brexit-referendum-voting-analysis>
- R. W. JONES and A. HENDERSON, *The UK's Internal Divisions Over Brexit*, UK in A Changing Europe, 23 February 2020, available at: <https://ukandeu.ac.uk/the-uks-internal-divisions-over-brexit/>

- ASHWORTH-HAYES, *Hannan Wrong on Single Market, Free Movement Link*, In Facts, 19 February 2016, available at: <http://infacts.org/hannan-wrong-on-single-market-free-movement-link/>
- B. HOBOLT, T. LEEPER AND J. TILLEY, *Emerging Brexit identities*, The UK in A Changing Europe, 3 February 2018, available at: <https://ukandeu.ac.uk/emerging-brexit-identities/>
- B. HOBOLT, *Taking Cues on Europe? Voter competence and party endorsements in referendums on European integration*, European Consortium for Political Research, 26 February 2007, available at: <https://ejpr.onlinelibrary.wiley.com/doi/full/10.1111/j.1475-6765.2006.00688.x>
- D. MARS, *Brexit next steps: The Court of Justice of the EU and the UK*, House of Commons Library, 07 February, 2020, available at: <https://commonslibrary.parliament.uk/brexit-next-steps-the-court-of-justice-of-the-eu-and-the-uk/>
- S. DHINGRA and T. SAMPSON, *Life after Brexit: what are the UK's options outside the European Union?* Centre for Economic Performance, London School of Economics, p. 6.
- S. M. PATRICK, *The Scottish Play: Will Brexit Spell the End of a United Kingdom?* Council on Foreign Relations, 2 March 2017, available at: <https://www.cfr.org/blog/scottish-play-will-brexit-spell-end-united-kingdom>
- S. PEERS, *Article 50 TEU: The uses and abuses of the process of withdrawing from the EU*, *EU Law Analysis*, 8 December 2014, available at: <https://eulawanalysis.blogspot.com/2014/12/article-50-teu-uses-and-abuses-of.html>
- S. ROBSON, *General Election 2015: Conservatives win absolute majority in House of Commons after reaching 326 seats*, Daily Mirror, 8 May 2015, available at:

<https://www.mirror.co.uk/news/uk-news/general-election-2015-conservatives-win-5661204>

- S. SMEETS and D. BEACH, *When success is an orphan: informal institutional governance and the EU–Turkey deal*, 17 May 2019, available at: <https://www.tandfonline.com/doi/full/10.1080/01402382.2019.1608495?scroll=top&needAccess=true>
- *Scotland and Europe: A relationship grown over centuries*, The Scotsman, 25 August 2016, available at: <https://www.scotsman.com/whats-on/arts-and-entertainment/scotland-and-europe-relationship-grown-over-centuries-1472326>
- *Scotland's Place in Europe*, Scottish Government, 20 December 2016, available at: <https://www.gov.scot/publications/scotlands-place-europe/pages/4/>
- *Spotlight on economics: Day two: business after Brexit and Covid-19*, UK in a Changing Europe, 9 March 2021, available at: <https://ukandeu.ac.uk/events/day-two-business-after-brexit-and-covid-19/>
- BRODZICKI, *Brexit scenarios for the UK, EU, and global trade relations*, IHS Markit, 28 January 2020, available at: <https://ihsmarkit.com/research-analysis/brexit-scenarios-for-the-uk-eu-and-global-trade-relations.html>
- EDGINGTON and C. MORRIS, *Brexit: What's the Northern Ireland Protocol?* The BBC, 21 July 2021, available at: <https://www.bbc.com/news/explainers-53724381>
- GALLAGHER, *Tony Blair - prime minister of United Kingdom*, the Britannica, available at: <https://www.britannica.com/biography/Tony-Blair>
- HAUGHTON, *It's the slogan, stupid: The Brexit Referendum*, University of Birmingham, available at: <https://www.birmingham.ac.uk/research/perspective/eu-ref-haughton.aspx>

- T. HELM, *British Euroscepticism: A Brief History*, The Guardian, 7 February 2016, available at: <https://www.theguardian.com/politics/2016/feb/07/british-euroscepticism-a-brief-history>
- T. HIRST, *UKIP Is Forcing David Cameron into A Referendum On Whether Britain Will Leave Europe*, Insider, 29 September 2014, available at: <https://www.businessinsider.com/ukip-forcing-david-cameron-into-referendum-on-britain-leaving-europe-2014-9?r=US&IR=T>
- T. KIELINGER, *Britain, Don't Leave Us! We Germans Need You in the EU – and We'll Bend over Backwards to Keep You*. The Telegraph. Telegraph Media Group, 17 December 2015. Available at: <https://www.telegraph.co.uk/news/worldnews/europe/germany/12055450/Britain-dont-leave-us-We-Germans-need-you-in-the-EU-and-well-bend-over-backwards-to-keep-you.html>
- T. MOSELEY, *The rise of the word Brexit*, The BBC, 25 December 2016, available at: <https://www.bbc.com/news/uk-politics-37896977>
- T. MCTAGUE and A. SPENCE, *A Very British Betrayal: How the Brexit 'dream ticket' fell apart*, Politico, 30 June 2016, available at: <https://www.politico.eu/article/a-very-british-betrayal-michael-gove-boris-johnson/>
- T. OLLERENSHAW, *Article 50: The simplest explanation you'll find*, the BBC, 2 October 2016, available at: <https://www.bbc.com/news/newsbeat-36634702>
- The Electoral Commission, *Referendums in the United Kingdom - Constitution Committee*,
- The referendum campaign: practical issues, available at: <https://publications.parliament.uk/pa/ld200910/ldselect/ldconst/99/9907.htm>
- The EU Referendum Results, available at: https://www.bbc.com/news/politics/eu_referendum/results

- *UK-EU Future Relationship: The Deal*, Institute for Government, available at: <https://www.instituteforgovernment.org.uk/publication/future-relationship-trade-deal>
- *United Kingdom, British general election of 2010*, the Britannica, available at: <https://www.britannica.com/topic/British-general-election-of-2010>
- MILLER, *How Much Legislation Comes from Europe?* Research Paper 10/62, House of Commons Library, 13 October 2010, p. 1. Available at: <file:///Users/khayyam/Downloads/RP10-62.pdf>
- MILLER, *The 1974-75 UK Renegotiation of EEC Membership and Referendum*, House of Commons Library, Number 7253, 13 July 2015, p. 4.
- DOCKTER, ed., *Winston Churchill at The Telegraph*, London, Aurum press, 2015, pp. 191 – 196.
- HUTTON, *The Case for Brexit Was Built on Lies. Five Years Later, Deceit Is Routine In Our Politics*, The Guardian, 27 June 2021, available at: <https://www.theguardian.com/commentisfree/2021/jun/27/case-for-brexit-built-on-lies-five-years-later-deceit-is-routine-in-our-politics>
- JENNINGS, *Political trust post-Brexit*, UK in A Changing Europe, 26 February 2021, available at: <https://ukandeu.ac.uk/brexit-and-political-trust/>
- KENTON, *Black Wednesday*, available at: <https://www.investopedia.com/terms/b/black-wednesday.asp>
- *Winston Churchill: Calling for a United States of Europe*, European Commission, available at: https://europa.eu/european-union/sites/default/files/docs/body/winston_churchill_en.pdf

- *Whistleblower: Cambridge Analytica Shared Data with Russia*. Euractiv,, May 17, 2018, available at: <https://www.euractiv.com/section/global-europe/news/whistleblower-cambridge-analytica-shared-data-with-russia/>
- *World reacts to UK-EU post-Brexit trade deal*, Aljazeera, 24 December 2020, available at: <https://www.aljazeera.com/news/2020/12/24/brexit-world-reacts-to-uks-trade-deal-with-eu>
- GORODNICHENKO, T. PHAM and O. TALAVERA, *Social Media, Sentiment and Public Opinions: Evidence from #Brexit and #USElection*. Working Paper 24631.”
- Cambridge, MA: National Bureau of Economic Research, May 2018. Available at: <https://www.nber.org/papers/w24631.pdf>
- SERHAN, *Another Brexit Referendum?* The Atlantic, 31 January 2018, available at: <https://www.theatlantic.com/international/archive/2018/01/another-brexit-referendum/551816/>

STATEMENTS

- *Global Britain: Delivering on Our International Ambition*, UK Government, 23 September 2019, available at: <https://www.gov.uk/government/collections/global-britain-delivering-on-our-international-ambition>
- European Council June 2017: Prime Minister's press statement, 23 June 2017, available at: <https://www.gov.uk/government/speeches/european-council-june-2017-prime-ministers-press-statement>
- Prime Minister pledges to control and reduce immigration, UK Government, 21 May 2015, available at: <https://www.gov.uk/government/news/prime-minister-pledges-to-control-and-reduce-immigration>
- Britain's new deal in Europe, The Labour Guide for the 1975 Referendum Campaign. Available at : http://www.harvard-digital.co.uk/euro/pamphlet_valid.html

- UK Parliament, Personal Statement, available at: <https://api.parliament.uk/historic-hansard/commons/1990/nov/13/personal-statement>
- UK Parliament, Personal Statement, November 1990, vol 180, Speech, London, UK: UK Parliament, Historic Hansard, available at: <https://api.parliament.uk/historic-hansard/commons/1990/nov/13/personal-statement>

SPEECHES

- Remarks by the President Obama and Prime Minister Cameron in Joint Press Conference, The White House President Barack Obama, 22 April 2016, available at: <https://obamawhitehouse.archives.gov/the-press-office/2016/04/22/remarks-president-obama-and-prime-minister-cameron-joint-press>
- Theresa May's Davos speech to the World Economic Forum: <https://www.gov.uk/government/speeches/davos-2017-prime-ministers-speech-to-the-world-economic-forum>
- Theresa May's speech: The government's negotiating objectives for exiting the EU, available at: <https://www.gov.uk/government/speeches/the-governments-negotiating-objectives-for-exiting-the-eu-pm-speech>
- Theresa May's resignation speech, May 24, 2019, available at: <https://brexitcentral.com/theresa-mays-resignation-speech-full-text/>
- D. Cameron's Speech, EU referendum outcome: PM statement, 24 June 2016, available at: <https://www.gov.uk/government/speeches/eu-referendum-outcome-pm-statement-24-june-2016>
- Theresa May - her full Brexit speech to Conservative conference, Independent, 2 October 2016, available at: <https://www.independent.co.uk/news/uk/politics/theresa-may-conference-speech-article-50-brexit-eu-a7341926.html>
- David Cameron Immigration Speech, BBC, 14 April 2011, available at: <https://www.bbc.com/news/uk-politics-13083781>
- Winston Churchill, Universität Zürich, 19 September 1946, available at: https://www.churchill-in-zurich.ch/site/assets/files/1807/rede_winston_churchill_englisch.pdf
- David Cameron: EU speech at Bloomberg, Government UK, 23 January 2013, available at: <https://www.gov.uk/government/speeches/eu-speech-at-bloomberg>

- Churchill's Iron Curtain speech given in the USA, at Westminster College, Fulton, Missouri, Tuesday, March 5, 1946 (Catalogue ref: FO 371/51624) available at:
<https://www.nationalarchives.gov.uk/education/resources/cold-war-on-file/iron-curtain-speech/>

WEBSITES

- Website of Central Intelligence Agency:
<https://www.cia.gov/library/readingroom/document/cia-rdp64b00346r000300110006-5>
- Website of College of Europe: <https://www.coleurope.eu/about-college/history>
- Website of European Commission: https://ec.europa.eu/info/strategy/eu-budget_en
- Website of European Movement International: <https://europeanmovement.eu/who-we-are/history/#:~:text=The%20origins%20of%20the%20European%20Movement%20date%20back,of%20organisations%20created%20in%20the%20wake%20of%20WWII>
- Website of European Parliament, available at:
<https://www.europarl.europa.eu/factsheets/en/sheet/1/the-first-treaties>
- Website of European People's Group: <https://www.eppgroup.eu>
- Website of European Union: https://europa.eu/european-union/about-eu/history/eu-pioneers_en
- Website of Office for National Statistics of the UK:
<https://www.ons.gov.uk/economy/economicoutputandproductivity/output/articles/ukeconomylatest/2021-01-25>
- Website of Scottish National Party: <https://www.snp.org/>
- Website of the EFTA: <https://www.efta.int/About-EFTA/Frequently-asked-questions-EFTA-EEA-EFTA-membership-and-Brexit-328676>
- Website of the EFTA: <https://www.efta.int/eea/eea-agreement/eea-basic-features>

- Website of the United Kingdom Independence Party: <https://www.ukip.org/about-UKIP>
- Website of the US Government: <https://www.usa.gov/how-laws-are-made>

REPORTS

- Council of Europe - Consultative Assembly. Reports. Second session. 7th-28th August 1950. Part I. Sittings 1 to 12. 1950. Strasbourg: Council of Europe. "Speech by Winston Churchill", pp. 121 – 124. Available at: https://www.cvce.eu/content/publication/1997/10/13/ed9e513b-af3b-47a0-b03c-8335a7aa237d/publishable_en.pdf#:~:text=Address%20given%20by%20Winston%20Churchill%20to%20the%20Council,so%20as%20to%20form%20a%20bulwark%20against%20Communism
- Department For Exiting the European Union, *Terms of reference for the Article 50 negotiations between the United Kingdom and the European Union*, 19 June 2017, available at: <https://www.gov.uk/government/publications/terms-of-reference-for-the-article-50-negotiations-between-the-united-kingdom-and-the-european-union>
- Disinformation and “Fake News”: Interim Report, House of Commons Culture, Media and Sport Select Committee, July 2018, available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmcmums/363/36308.htm#footnote-096>
- House of Commons - European Scrutiny Committee, *Reforming the European Scrutiny System in the House of Commons*, Twenty-fourth Report of Session 2013-14, Volume I, 28 November 2013, pp. 54 – 57. Available at: <https://publications.parliament.uk/pa/cm201314/cmselect/cmeuleg/109/109.pdf>
- House of Lords Constitution Committee Report, *Brexit legislation: Constitutional Issues*, 6th Report of Session 2019–21, available at: https://publications.parliament.uk/pa/ld5801/ldselect/ldconst/71/7103.htm#_idTextAnchor003
- House of Lords, *Constitution Committee - Twelfth Report, Referendums in the United Kingdom*, available at: <https://publications.parliament.uk/pa/ld200910/ldselect/ldconst/99/9907.htm>

- Period' 3 June 2020, available at: <https://www.gov.scot/publications/covid-19-case-extending-brex-it-transition-period/pages/4/>
- The Electoral Commission, *Testing the EU referendum question*, available at: <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/elections-and-referendums/past-elections-and-referendums/eu-referendum/testing-eu-referendum-question>
- The Scottish Government, '*Coronavirus (COVID-19): The Case for Extending the Brexit Transition Period*', 3 June 2020, available at: <https://www.gov.scot/publications/covid-19-case-extending-brex-it-transition-period/pages/4/>

INTERNATIONAL AGREEMENTS, CONVENTIONS, TREATIES, AND ACTS

- 1972 Treaty of Accession: <http://aei.pitt.edu/43884/>
- Charter of Fundamental Rights of The European Union: https://www.europarl.europa.eu/charter/pdf/text_en.pdf
- Constitutional Treaty (including Article I-60): https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.C_.2004.310.01.0001.01.ENG&toc=OJ%3AC%3A2004%3A310%3ATOC
- EU Withdrawal Act 2018: <https://bills.parliament.uk/bills/2045/publications>
- European Communities Act 1972: <https://www.legislation.gov.uk/ukpga/1972/68/contents>
- European Convention on Human Rights: https://www.echr.coe.int/Documents/Convention_ENG.pdf
- Merchant Shipping Act 1984: <https://www.legislation.gov.uk/ukpga/1988/12/section/14/enacted>
- Merchant Shipping Act 1988: <https://www.legislation.gov.uk/ukpga/1988/12/contents/enacted>
- Scotland Act 1998: <https://www.legislation.gov.uk/ukpga/1998/46/contents>

- The Belfast Agreement (Good Friday Agreement):
<https://www.gov.uk/government/publications/the-belfast-agreement>
- The European Economic Area Agreement: <https://www.legislation.gov.uk/eut/eea-agreement/article/128>
- The European Referendum Act 2015:
<https://www.legislation.gov.uk/ukpga/2015/36/contents/enacted>
- The Fixed Terms of Parliament Act 2011:
<https://www.legislation.gov.uk/ukpga/2011/14/section/2/enacted>
- The Political Parties, Elections and Referendums Act 2000:
<https://www.legislation.gov.uk/ukpga/2000/41/contents>
- The Treaty on European Union: https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF
- The UK-EU Trade and Cooperation Agreement:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/982648/TS_8.2021_UK_EU_EAEC_Trade_and_Cooperation_Agreement.pdf
- The UK-EU Withdrawal Agreement: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1580206007232&uri=CELEX%3A12019W/TXT%2802%29>
- Treaty Establishing the European Atomic Energy Community (EURATOM):
http://aei.pitt.edu/37146/1/Euratom_Treaty_1957.pdf
- Treaty Establishing the European Coal and Steel Community and Annexes I-III, (Draft English Text): http://aei.pitt.edu/37145/1/ECSC_Treaty_1951.pdf
- UK Common Frameworks: <https://www.gov.uk/government/collections/uk-common-frameworks>

- Vienna Convention on the Law of Treaties 1969:
https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf

CASES

- *R (Factortame Ltd) v Secretary of State for Transport*: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:61989CJ0213>
- *Scottish case*: <http://www.bailii.org/eu/cases/EUECJ/2018/C62118.html>

STATISTICS AND SURVEYS

- Office for Budget Responsibility: *Economic and Fiscal Outlook*, November 2020, CP 318, p. 5. Available at: <https://obr.uk/efo/economic-and-fiscal-outlook-november-2020/>
- *British Election Study*, available at: <https://www.britishelectionstudy.com/data/#.YGrZaS0Rpp8>
- *Election Results 2019: Analysis in Maps and Charts*, BBC, 13 December 2019, available at: <https://www.bbc.com/news/election-2019-50770798>
- Election results of 2015, BBC, available at: <https://www.bbc.co.uk/news/election/2015/results>
- *Eurobarometer 69 Public Opinion In The European Union*, European Commission, June 2008, available at: <https://images.derstandard.at/20080624/eurobarometer.pdf>
- *Government Approval*, YouGov, available at: <https://yougov.co.uk/topics/politics/trackers/government-approval>
- *How the government is handling the issue of Brexit in the UK*, YouGov, available at: <https://yougov.co.uk/topics/politics/trackers/how-the-government-is-handling-the-issue-of-brex-it-in-the-uk>
- Ipsos Mori, *Immigration is now the top issue for voters in the EU referendum*, 16 June 2016, available at: <https://www.ipsos.com/ipsos-mori/en-uk/immigration-now-top-issue-voters-eu-referendum>

- Lord Ashcroft Poll is available at: <https://lordashcroftpolls.com/2016/06/how-the-united-kingdom-voted-and-why/#more-14746>
- Office for National Statistics, UK Trade: January 2021, 12 March 2021, retrieved 15 March 2021, available at: <https://www.ons.gov.uk/economy/nationalaccounts/balanceofpayments/bulletins/uktrade/january2021>