

Unintended Consequences of Brexit v2

Introduction

The United Kingdom (UK) has now officially left the European Union (EU) and the country is entering the transition period which is said to last until the end of the year 2020.

During this period, the UK will remain in the EU customs union and single market and most things will stay the same, but the UK will automatically lose its membership of the EU's political institutions, including the Parliament and Commission. So, while the UK will no longer have any voting rights, it will need to follow EU rules and the European Court of Justice will continue to have the final say over any legal disputes and the UK will continue to contribute to the EU's budget. (Edgington, T, 'Brexit: What is the transition period', BBC News Analysis, 01.02.2020.)

Such technical details about your country's relations with the nations of the EU and foreign policy in general does not traditionally engage the popular imagination. Foreign policy is therefore often being ignored by political leaders, but Boris Johnson's election victory — combined with the sudden and dramatic downturn in the state of the international situation — makes it all the more important that we start to take this seriously as a country. Britain has left the European Union. But we still don't seem to know what the country will do next.

The Popular View

In the rationale for the vote to leave the EU lay a view of European history held by a large proportion of the English electorate, but not necessarily shared by the electorate in other parts of the United Kingdom.

Its roots lie in the Napoleonic wars and the two world wars of the 20th century. It will hold that certain European countries should show some subordination and respect having been defeated by – as some people see it, not counting help from other powers - the UK. For some other countries the view is that they should show some gratitude and respect for the UK as the power that liberated them from the tyranny of Napoleon and in the 20th century Nazism.

People who hold these views also believe that it is beneath the dignity of the UK to accept what they consider 'dictats' from these 'inferior' powers in the shape of member states of the EU.

In addition there is the view that as the world's 7th largest economy (2019) (<https://databank.worldbank.org>) the UK is entitled to some show of respect by 'inferior' powers and acceptance that the UK does not necessarily have to obey the 'dictats' of other powers.

One unintended consequence of the result of the Brexit referendum is that the high esteem as a world power, which the UK had won and enjoyed among ordinary citizens of Europe as well as European politicians, is now in serious danger.

Most important may be the incident at the UN General Assembly in May of 2019 when the UK lost a vote on the Chagos islands by 116-6 with 11 EU member states either abstaining or voting against the UK.

The vote in the UN General Assembly requested the UK to leave and that the islands be united with Mauritius, a request which the UK so far has ignored.

On the implications 'The Guardian' writes (22. May 2019): "But it has taken a political toll, draining support for the UK in the general assembly and focusing dissatisfaction over its permanent seat on the UN Security Council."

It is also worth noting that the UK lost its seat in the International Court of Justice in September 2017.

Will the United Kingdom remain united?

If the United Kingdom is to keep and nurture the high esteem and credibility it has won by effectively involve itself in global politics since WW II it is essential also that it can show that it has successfully kept its own union together over many centuries. Whether that is possible is now increasingly in doubt.

In a recent interview the former prime minister Gordon Brown expressed the view that "the Brexit vote showed the UK was "not at ease with itself" and there needed to be "fundamental" change once the UK had left the EU. He said: "Unless the regions and nations feel they have a voice that is respected in the United Kingdom, the UK's three hundred year old history may at some point soon be over." (Interview with BBC News, 20th January 2020.)

In pursuing Brexit on terms that satisfy the English, the government is trampling on the perceived rights of the smaller nations of the UK to determine for themselves whether to follow England out of the European Union or remain within. It is seen from the table below that Wales voted to leave with a smaller margin (5%) than England (6.8%). Scotland and Northern Ireland, however, voted decisively to remain and are clearly not willing to pay the economic price for leaving.

	England %	Northern Ireland %	Scotland %	Wales %	United Kingdom %
Leave	53.4	44.2	38.0	52.5	51.9
Remain	46.6	55.8	62.0	47.5	48.1
Difference	6.8	-11.6	-24.0	5.0	3.8

Source: BBC News.

What is worrying for unionists is that even the membership of the Conservative and Unionist Party is split on the question of maintaining the union of the United Kingdom of Great Britain and Northern Ireland. A majority is in favour of Brexit even if it leads to independence for Scotland (63%) (YouGov survey, June 2019, <http://www.businessinsider.com>) and that Northern Ireland leave (59%).

"What is most worrying is not just that so many think the union will end but how so few appear to care. Only 30% of British Conservatives would oppose Brexit if it meant the break-up of the union: 56% of Tories – in total 70% of Leavers – would go ahead regardless, even if the union collapsed." (Brown, Gordon, *The very idea of a united kingdom is being torn apart by toxic nationalism*, The Guardian 10.08.19)

Obviously there are common economic, cultural and political characteristics and interests that are applicable to each of the four nations and the union as a whole, but distinct differences have also survived the passing of the centuries and now seem to be strengthened in opposition to the pursuit of Brexit by the English electorate.

Wales

Wales does not loom large in British political discourse and its independence movement is small. However, research by professor Dorling of Oxford University suggests that "English people living in Wales tilted it towards Brexit". He comments further: "If you look at the more genuinely Welsh areas, especially the Welsh-speaking ones, they did not want to leave the EU. Wales was made to look like a Brexit-supporting nation by its English settlers."

"Mr Davies has lived most of his life in this valley. He speaks Welsh and didn't know a word of English until school. His father was a sheep farmer, and so is Mr Davies. His business breaks even only because of a subsidy from the EU. Worse still, Europe beyond Britain's borders buys about a third of Welsh lamb.

"This area is really built around farming," Mrs Davies said. "If you take that away, you will lose culture and community, not to mention the Welsh language.

Mr Davies gets on with everybody, even people whose Brexit votes might wreck his business. But Mrs Davies finds it harder. There are people she avoids, gatherings she boycotts and the frustration has swelled into something more profound. She wants Wales to stay in the EU — as an independent country.

She thinks that an independent Wales, protected by the EU, would be "stronger than just being an afterthought in London."

(Kingsley, Patrick, & Vancon, Laetitia, *Splintered Isle: A Journey Through Brexit Britain*, written for New York Times, downloaded from the Internet, 7. December 2019)

Scotland

The Union created by treaty in 1707 was primarily economic with most of its 25 articles dealing with economic arrangements for the new state known as "Great Britain". It replaced the Scottish systems of currency, taxation and trade laws with laws made in London. However, Scottish law remained separate from English law, and the religious system was not changed.

The traditional English doctrine is that under the unwritten constitution Parliament has absolute sovereignty. "No person or body is recognised by the law of England as having a right to override or set aside the legislation of Parliament" or to "treat it as void and unconstitutional." (A V Dicey 1859 as quoted by Parau, Christina in 'Core Principles of the Traditional British Constitutions', 2015, as downloaded from Google.)

A distinctive Scottish view is emerging that the country's indigenous constitutional tradition has been one of popular, rather than parliamentary sovereignty. In other words, before 1707, sovereignty resided in the people – and it has never ceased to do so.

Boris Johnson's Withdrawal Agreement

Following his election as leader of the Conservative party and appointment as prime minister in July of 2019, Boris Johnson set about re-negotiating a new withdrawal agreement with the EU. The outcome was published on the 17th of October and met with condemnation from both the Welsh and the Scottish national parties.

Both parties feel that their national concerns are not being listened to and both supported a second referendum, but the leader of NSP, Nicola Sturgeon, stressed that the only way to make sure the voice of Scotland is heard is by achieving full independence. (Speech to the British-Irish Council 15th November 2019 reported in 'The Scotsman' 16th of November)

Both parties are concerned for the future of their national economies and the consequences of creating a de facto division between Northern Ireland and mainland Britain. Plaid Cymru does so by referring to the effect the new deal might have on particular industries such as agriculture and the automotive industry, possible effect on workers' rights and environmental protection. The SNP make reference to the competitive disadvantage Scotland might be placed in.

Northern Ireland

Violence, upheaval and strife has continued through most of the 19th and 20th centuries interspersed with various agreements and treaties between the governments, but seem now to have come to a near complete standstill following the socalled 'Good Friday Agreement' signed on the 10th of April 1998.

The agreement sets out a framework for the governance of the region and established two major institutions: the Assembly and the Executive.

The Northern Ireland Assembly is a devolved legislature for Northern Ireland with mandatory cross-community voting on certain major decisions. The Northern Ireland Executive is power-sharing with ministerial portfolios to be allocated proportionately between the parties.

In a statement on the new withdrawal agreement announced on the 17th of October 2019, the DUP said Northern Ireland's main East-West trade route would still be subject to EU customs rules, "notwithstanding that Northern Ireland will remain part of the UK customs territory".

"All goods would be subject to a customs check regime regardless of their final destination," and the plan for a joint EU/UK committee would give the EU a "veto" on which goods would be exempt from tariffs or not.

"This is not acceptable within the internal borders of the United Kingdom," the DUP said.

They also expressed concerns that Northern Ireland consumers would face increased costs and less choice, and Northern Ireland would be subject to different VAT arrangements to the rest of the UK.

To avoid enforcing post-Brexit customs checks on the land border, Mr Johnson has effectively agreed to treat the entire island of Ireland as a single customs area. Customs checks will instead be enforced on goods crossing between Britain and Northern Ireland.

That might placate many Irish nationalists. But it has enraged the territory's loyalists — Northern Irish residents, mainly from Protestant backgrounds, who want to remain within the United Kingdom. They feel the customs checks would create a reunified Ireland in all but name.

"Some progress" had been made on democratic consent for the deal, but the idea of giving the Assembly a vote on the new arrangements that could be won by a "simple majority" violated the Good Friday Agreement, which demands the backing of both unionists and nationalists separately.

Sinn Fein on their part appear to be mainly concerned with the political aspects of the new withdrawal agreement, especially the possibility of giving the unionists a veto over whether the arrangements should continue beyond the specified period. They do however seem to take comfort in the possibility that the agreement will pave the way for a united Ireland "within a generation" (vice-president Michelle O'Neill as reported in the 'Irish Post' on the 25th of October 2019)

Achievements of the United Kingdom

The United Kingdom is a union of four separate nations each with their separate culture and national identity. The relevance and importance of this fact for the respect and political influence the union has gained outside its own borders cannot be overestimated. The influence as a trustworthy force for democracy, sensible and rational governance is probably greater than the physical and economic reality internally might suggest, but undoubtedly invaluable in providing support to the many British politicians and public servants who sought to shape a new world order after WWII had ended.

At the personal and political level much is owed to the persuasive powers and vision for the future order of the world, especially Europe, of the country's prime minister during and after WWII, Winston Churchill. For him and other European politicians the prime concern was how to avoid another conflict. In 1930 he wrote in an American journal that a "European Union" was possible between continental states, but without Britain's involvement:

"We see nothing but good and hope in a richer, freer, more contented European commonality. But we have our own dream and our own task. We are with Europe, but not of it. We are linked but not compromised. We are interested and associated but not absorbed." (The Saturday Evening Post, 15. February, 1930)

However, World War II came, but in defiance Winston Churchill elaborated on his vision for Europe in a broadcast on the 21st of March 1943:

"It will be our hope that the united nations headed by the three victorious powers - the British Commonwealth of Nations, the United States, and Soviet Russia - shall

immediately begin to confer upon the future world organisation which is to be our safeguard against further wars

"One can imagine that under a world institution embodying or representing the united nations and some day all nations there shall come into being a Council of Europe.

"We must try ... to make the Council of Europe (or whatever it may be called) into a really effective league, the world's strongest ... and to enforce these decisions and to prevent the new digressions and the preparation of future wars."

In a speech at the University of Zúrich in 1946 the theme was developed further:

"We must build a kind of United States of Europe. In this way only will hundreds of millions of toilers be able to regain the simple joys and hopes which make life worth living. (But ...) We British have our own Commonwealth of nations.

"Our constant aim must be to build and fortify the United Nations Organisation. Under and within that world concept we must re-create the European family in a regional structure called, it may be, the United States of Europe ... "

In these communications from a politician with the authority it gave to be head of the British Commonwealth of 53 nations and a United Kingdom held together as one block over several centuries despite internal differences we find the beginnings of some of the international institutions on which today's world is built: The United Nations (UN), the Council of Europe, European Economic Community (EEC) which has since become the European Union (EU), the Organisation for Economic Cooperation and Development (OECD) and the North Atlantic Treaty Organisation (NATO).

The concern of these organisations could be described as geo-political – attempting to prescribe a measure of respect between all nations and to prevent them again from solving their disputes in all out warfare.

In all of them British politicians and civil servants played a very important part in drawing up the foundation charters. Politicians such as Reginald Maudling, Ernest Bevin and of course Winston Churchill springs to mind and as civil servants Sir David Maxwell-Fyfe and the civil servant and philosopher, Oliver Shewell Franks, who as British Ambassador to Washington 1948-1952 negotiated on Britain's behalf in the formation of NATO and is described as co-founder of NATO.

Another group of organisations the World Trade Organisation (WTO), the World Bank and the International Monetary Fund were formed to facilitate trade and ease the movement of capital between countries and between different denominations.

The British economist John Maynard Keynes, representing the UK, was involved in the negotiations that preceded these organisations.

OECD

In June 1947, the American George C. Marshall proposed a plan to aid European recovery after the events of WWII, in the form of financial and economic assistance

from the United States. This assistance, however, was dependent on the co-operation of the European nations who would be the recipients of this aid.

So immediately afterwards the British Foreign Secretary, Ernest Bevin, met his French counterpart in Paris to discuss the proposals and the Committee of European Economic Co-operation (CEEC) was formed, chaired by Ernest Bevin.

The CEEC planned a permanent organization to take on the tasks of administering the aid and recovery program. This body would turn into the Organisation for European Economic Co-operation (OEEC) and eventually the Organization for Economic Cooperation and Development (OECD) when the USA and Canada joined in 1960.

EEC

The European Coal and Steel Community (ECSC) was established by the Treaty of Paris in 1951 and it was clear that they intended to establish a general customs union between themselves. A great deal of negotiations continued throughout the 1950s which as far as the EEC was concerned concluded in the 1957 Treaty of Rome.

The UK was invited to participate in the talks that led to these treaties, but chose not to, did not engage in a significant way and did not sign either treaty.

True to the political tradition established by Winston Churchill the British “disliked many of the supranational and technocratic elements in the treaties. They were worried about damaging links with the Commonwealth, and they wished to pursue a ‘one-world economic system’ policy in which sterling was a central currency”. (*UK in a Changing Europe*, 29th of August 2019)

EFTA

The other members of the OEEC meanwhile began actively to consider ways and means to overcome the threatened division of Western Europe.

In 1956, the OEEC, at the suggestion of the United Kingdom, established a working party to study the possible forms and methods of association between the proposed customs union and member countries not taking part in that. The Working Party reported in February 1957 and immediately after the OEEC Council decided “to enter into negotiations in order to determine on the ways and means there could be brought into being a European free trade area, which would associate the EEC with the other member countries of the organization, and prepare the necessary instruments”. (Middleton, Robert, *Negotiating on Non-tariff Distortions of Trade*, Chapter 1: *Formation of European Free Trade Area*, MacMillan Press, London, 1975)

More negotiations and working parties in which the UK was represented by the politician Reginald Maudling followed until in November 1958 it became clear that it was not possible to form a free trade area as wished by the British between the six countries of the Common Market and the eleven other countries of the OEEC without a common external tariff and without harmonization in the economic and

social spheres". (Middleton, Robert, *Negotiating on Non-tariff Distortions of Trade*, Chapter 1: *Formation of European Free Trade Area*, MacMillan Press, London, 1975)

Following a meeting in February 1959 the EEC Commission produced a memorandum which made clear "the Commission's view that the total elimination of trade barriers among a group of countries would be acceptable only within a framework such as that provided by the Treaty of Rome. This, to the "Seven", was confirmation that no further progress could be made in negotiations with the EEC." (Middleton, Robert, *Negotiating on Non-tariff Distortions of Trade*, Chapter 1: *Formation of European Free Trade Area*, MacMillan Press, London, 1975)

Meanwhile meetings had taken place between senior officials of the UK and Austria, Denmark, Norway, Portugal, Sweden and Switzerland (the outer "Seven"). At a meeting in March 1959 discussion centred on the practical arrangements for achieving free trade between the "Seven". No formal decision was reached, but explorative talks resulted in an acceptable rough draft approved by ministers and recommended to their governments: that a European free trade association should be established among the seven countries with a committee of officials to draft a convention.

A draft was prepared by a group of UK officials assisted by various groups of experts. They completed their work in November 1959. The draft was initialled by ministers and on the 4th of January 1960 signed at a meeting in Stockholm.

EU v EFTA, conclusion

It is a very narrow agreement keeping strictly to the rules and regulations necessary for the free flow of industrial goods between member countries

The short period required for negotiations was due to the large degree of agreement which had already been reached between the EFTA countries. They brought to EFTA shared attitudes to the objectives of economic cooperation and the nature of the obligations.

A more rigorous approach would have implied considerable restraints on member states' freedom to pursue national economic policies; such restraints were felt to be undesirable and unnecessary.

It may be worth quoting the preamble to the 1957 Treaty of Rome which states that "the Contracting Parties (are) DETERMINED to establish the foundations of an ever closer union among the European peoples" (and have) DECIDED "to ensure the economic and social progress of their countries by common action in eliminating the barriers which divide Europe."

2019 General Election and Conclusion

The four nations of England, Scotland, Wales and Northern Ireland were brought together over a long period. This union seems at first glance to be strong, lasting as it has for several centuries. It supported the considerable esteem until recently held by British political leaders and supported their reputation as credible and reliable allies who could be trusted to work with other national leaders for a common future.

However, the three non-English countries now seem to have re-discovered their own distinct and separate identity and feel a need to assert themselves independently of each other and of Westminster.

Following the recent general election (12th December 2019) the Scottish National Party gained 13 additional seats in the Westminster Parliament and will return 48 members. This may not be their strongest performance in recent elections and many who voted for the SNP may not have wished for independence. It does nevertheless powerfully underscore the country's desire for a right to determine their future themselves.

There was little change in the support for Plaid Cymru within Wales and the country returned 4 members which surely shows a desire for less dependence on Westminster.

In Northern Ireland both the Democratic Unionist party and Sinn Fein lost ground, but the overall result now is that the nationalists has a greater representation (7 Sinn Fein plus 2 SDLP) in Westminster than do the unionists with 8 members.

With the latest withdrawal agreement between the EU and UK and a de facto separation of Northern Ireland from mainland Britain it now seems clear that cooperation between Northern Ireland and the Irish Republic will grow stronger and may eventually lead to unification.

If for these reasons the union breaks apart 'unfriendly' powers may argue that the United Kingdom of Great Britain and Northern Ireland no longer exists and some might then argue that it is unreasonable for the UK (or a successor) to have a permanent voice in the UN Security Council. The same powers may also question whether England on its own will have the resources to back up a claim to be a world power. This in turn will have repercussions for representations within NATO and OECD.

Preparing the grounds for a visit by the French Prime Minister in February 2017, Theresa May wrote an article for 'Le Figaro' which conclude with these words:

"Britain may be leaving the European Union as an organization, but we will be stronger than ever as a dependable partner for our friends in France and across Europe, working to enhance the security and prosperity of all our citizens."

Time will show exactly how strong and dependable a partner a future British nation will become. When other powers begin to question the position it has held in the international order created after World War II, Britain will need all the friends and support it can get.

Knud V. Moller © 2020

The article in its present form has 1655 words, 8236 characters no spaces, 9236 characters with spaces.

9 pages

4169 words

21237 characters no spaces

25375 characters with spaces

authority ~ power derived from prestige; weight of testimony

anseelse ~ reputation, standing, esteem, prestige

troværdig ~ credible, trustworthy, reliable

‘Politiken’

Politikens længste artikel siden 1905. Kronikredaktør er Marcus Rubin: marcus.rubin@pol.dk

Kroniken i Politiken er en institution i dansk presse og har i gennem et århundrede været avisens længste artikel. Kroniken blev indført i 1905 af Henrik Cavling, der var kronikredaktør i de første årtier. Oprindeligt hed Kroniken Føljeton og blev første gang præsenteret således i avisen:

»Den vil findes daglig, skrevet af Mænd, der i vor Tid ejer de berømteste navne i skandinavisk Videnskab, Litteratur og Kunst«.

Den første Kronik var skrevet af Politikens medstifter Georg Brandes og havde titlen ’Den Svageres Ret og Pligt’. Gennem årene har Politiken bragt mere end 80.000 Kroniker skrevet af alt fra statsministre til arbejdsløse og studerende.

Kroniken er åben for alle, eneste krav er, at det er en velskrevet og tankevækkende tekst, som kan sætte gang i tankerne og samfundsdebatten.

Kroniken er i øvrigt kun med et 'k', ligesom Politiken.

