

## Unintended Consequences of Brexit

"Actions of people, and especially of governments, always have effects that are unanticipated or "unintended." Economists and other social scientists have heeded its power for centuries; for just as long, politicians and popular opinion have largely ignored it." Robert Norton as quoted by Wikipedia.

### Introduction

It is true to say that in the rationale for the vote to leave the European Union (EU) lies a view of European history strongly held by a large proportion of the electorate particular in England, but not necessarily shared by the electorate in other parts of the United Kingdom (UK).

This view has its roots in the events of the last two centuries especially the Napoleonic wars and the two world wars of the 20<sup>th</sup> century. It will hold that some European countries should show some subordination and respect having been defeated by the UK (not without substantial help from USA and other powers!). In the case of 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 20<sup>th</sup> century Nazism - with the help of USA and other powers.

People who hold this view of the past 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 prestige and trust as a world power, which the UK has won and enjoyed among ordinary citizens of Europe as well as European politicians, is now being endangered by 'Brexit'.

Most important may be the incident at the UN General Assembly in May of this year 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."

"Europe is fast losing interest in the Brexit soap" writes Andrew Rawnsley in 'The Observer' in June 2019. Other challenges that threaten the EU's very existence, leave little room for patience with Britain's baffling theatrics.

Stefanie Walter, professor at the University of Zürich, writing in a blog in July 2017, found that 62% of EU citizens supported a hard or middle line in the negotiations.

Joolz Gale ('The Spectator', July 2019): "Germans think the British people want to remain in the EU but they just do not realise it yet. This explains the messy

negotiations, the chaos, which (the Germans hope) will persuade the UK to change its mind. There is zero respect for the British position right now (although Theresa May's embarrassing antics did not exactly help) and zero understanding of why Brits might vote to leave."

### Will the United Kingdom become disunited?

Most of the debate about the consequences of Brexit has concentrated on economics and it is argued that the UK in time will be poorer and the Remainers add: "nobody voted to make themselves poorer". However, as the political commentator Robert Peston writes: "They were patronising and wrong. Many people voted to leave the EU aware of the likely cost to their living standards and because that was a price worth paying to make a reality of an idea they had of themselves and their country." "The idea of plucky Britain triumphing in an unfriendly world alone, what some would see as the myth of Albion ....." Peston, Robert, *Has Boris Johnson forgotten how and why he won the Brexit vote?* Peston's Politics, 30<sup>th</sup> of July 2019.

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 than England and the UK as a whole. 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
	%	%	%	%	%
<b>Leave</b>	53.4	44.2	38.0	52.5	51.9
<b>Remain</b>	46.6	55.8	62.0	47.5	48.1
<b>Difference</b>	6.8	-11.6	-24.0	5.0	3.8

Source: BBC News.

What is worrying for dedicated 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%). These people have considered the economic consequences of a break-up of the UK, but have they considered the unintended consequences of such an event?

The four nations that are now united under the name of the United Kingdom of Great Britain and Northern Ireland, with a common national flag which everybody recognizes as the 'Union Jack' were haphazardly brought together over several centuries starting with the union of England and Wales early in the 14<sup>th</sup> Century.

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. Most recently this was expressed in the referendum of 23<sup>rd</sup> of June 2016.

One may surmise that this reflects the situation that in Wales the national movement seems to be predominantly cultural, one that struggle to preserve the national identity, first and foremost the language. By contrast the national movement in Scotland has as its aim to increase the power and influence of all the residents by demanding greater autonomy or even sovereignty and independence.

For Northern Ireland the open land border with the republic and therefore also with the rest of the EU has clearly brought economic and other benefits which they might be in danger of losing if they had to leave the EU.

## **Wales**

The union of England and Wales followed the suppression of Welsh rebellions in the late 13<sup>th</sup> century by Edward I. In 1301 he invested his son Edward of Caernarfon with the title 'Prince of Wales' at a Parliament held in Lincoln. According to legend, the king had promised the Welsh that he would name "a prince born in Wales, who did not speak a word of English" and then produced his infant son, who had been born at Caernarfon, to their surprise.

Except for a brief general uprising in 1400 under Owen Glendower (the last native Prince of Wales), Wales has remained subject to Westminster without interruption ever since. King Henry VIII, himself a Tudor and Welshman by descent, legally incorporated Wales by Acts of Parliament in 1535 and 1542.

These laws integrated Wales with England in legal terms, abolishing the Welsh legal system, and banning the Welsh language from any official role or status, but it did for the first time define the England-Wales border and allowed members representing constituencies in Wales to be elected to the English Parliament. They also abolished any legal distinction between the Welsh and the English.

In 1588 the bishop of Llandaff William Morgan produced the first complete bible in Welsh directly translated from Greek and Hebrew originals and the language was kept alive during the following centuries through the activities of a variety of political and religious leaders.

The national party of Wales – Plaid Cymru - was formed in 1925 at a meeting of two other nationalists groups at the Eisteddfod held in Pwllhi. It attracted members from across the political spectrum, and its principal aims now include the promotion of the Welsh language and the political independence of the Welsh nation.

Its first MP, Gwynfor Evans, elected in 1966 was a prolific campaigner and in 1980 achieved government support for a Welsh speaking TV channel. S4C began broadcasting in November 1982.

Wales does not loom large in British political discourse. Its independence movement is small, but even in the remote uplands, something is nevertheless stirring, partly thanks to Brexit.

"Mr. Davies has lived all of his life in this single valley, barring three months in a nearby town. He speaks Welsh with friends and didn't know a word of English until school. His father was a sheep farmer, and so is Mr. Davies. His 750 sheep grazed on the slopes above us.

Like many British farms, Mr. Davies's business breaks even only because of a subsidy from the European Union. Worse still, Europe beyond Britain's borders buys about a third of Welsh lamb.

The Conservatives have promised to replace the subsidies with new payments. But if European officials place tariffs on British meat after Brexit, it might ruin farms like Mr. Davies's.

"It is pretty scary," he said.

So the barn, along with the lush meadow behind it, is his insurance. Mr. Davies and his wife, Rebecca Ingleby-Davies, plan to turn the meadow into a luxury campsite, or "glampsite." The barn will house the showers.

There is an irony to it: Idealized as a return to British traditions and heritage, Brexit might instead finish some of them off.

"This area is really built around farming," Ms. Ingleby-Davies said. "If you take that away, then you're going to lose a massive amount of culture and community, not to mention the Welsh language.

Mr. Davies is sanguine — he gets on with everybody, even the people whose Brexit votes might wreck his business. But Ms. Ingleby-Davies finds it harder to forget. There are people she now avoids, certain gatherings she boycotts.

That frustration has swelled into something more profound. She wants Wales to stay in the European Union — as an independent country.

That is still a minority view. But polling suggests that up to a third of Welsh voters are warming to the idea as Brexit rumbles on and the specter of English nationalism rises.

"I wouldn't consider myself a nationalistic person," Ms. Ingleby-Davies said. But she thought that an independent Wales, protected by the European Union, would be "stronger than just being, you know, 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 fully independent and sovereign kingdom of Scotland existed for 350 years from the end of the wars known as the 'Wars of Independence' until the then Scottish parliament adopted the 'Treaty of the Union' in 1707.

It was primarily an economic union with most of its 25 articles dealing with economic arrangements for the new state known as "Great Britain". It added 45 Scots to the 513 members of the House of Commons and 16 Scots to the 190 members of the House of Lords, and ended the Scottish parliament. It replaced the Scottish systems

of currency, taxation and certain trade laws with laws made in London. However, Scottish law remained separate from English law, and the religious system was not changed.

While the union has remained largely unchallenged for practical and political purposes, its significance has been the subject of much academic debate.

One area of concern is the principle of sovereignty.

The traditional English doctrine is that under the unwritten constitution Parliament has absolute sovereignty. "Neither more nor less than this, namely, that Parliament ... has, under the English constitution, the right to make or unmake any law whatever." "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, notwithstanding the assumptions of orthodoxy and the unfortunate fact that popular sovereignty was submerged for a long period after 1707 until its modern resuscitation.

This view takes as its *raison d'être* the 1320 declaration of Arbroath that the independence of Scotland was the prerogative of the Scottish people, rather than the King of Scots. In fact it stated that the nobility would choose someone else to be king if Robert the Bruce proved to be unfit in maintaining Scotland's independence.

When the two kingdoms of Scotland and England united the English political elite silently adopted the constitutional principles of the larger partner, England itself. Thereafter the constitution of Great Britain operated on the basis of the doctrine of parliamentary sovereignty. However, it is still unclear what the Scottish understanding of sovereignty was at the time of the Union of 1707, and how far and in what ways it departed from English conceptions of sovereignty. All that happened in 1707 was that Scottish representatives were admitted to the parliament of England.

The Scots joined the Union in a power relation of subordination to England, having little choice but to submit to its constitutional principles. And the English have always taken this so much for granted.

All this might now be changing under the force of circumstances that neither the Scots nor the Westminster establishment is able to control. The existence of an alleged Scottish constitutional tradition might be nothing more than a contemporary manifestation of the drive for independent nationhood, trying to create a constitutional crisis that will open the need for a complete break away from the Union.

The Scottish National Party – SNP – was formed in 1934 as the result of a merger between the National Party of Scotland (NPS) and the Scottish Party. The early

years were characterised by a lack of electoral progress and it wasn't until 1945 that the SNP's first member was elected to the UK parliament. By the 1960s they began to make more impact winning a Glasgow by-election in 1962 and in 1967 Winnie Ewing won the Hamilton constituency in a by-election famously exclaiming: "Stop the world, Scotland wants to get on."

### **Boris Johnson's Withdrawal Agreement**

Following his election as leader of the Conservative party and subsequent appointment as prime minister in July of this year, Boris Johnson set about re-negotiating a new withdrawal agreement with the EU. The outcome was published on the 17<sup>th</sup> of October and met with condemnation from both the Welsh and the Scottish national parties. In some areas they have common concerns, while they differ in other.

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

The history of Ireland from the earliest times and until very recently has been dominated by continuing strife and numerous wars.

However, for the purposes of this article the relevant period arguably started with the Acts of the Union 1800 and 1801 which merged the Irish parliament with the Westminster parliament and created the United Kingdom of Great Britain and Ireland. The united parliament had its first meeting on the 22<sup>nd</sup> of January 1801.

However, much tension and strife continued to dominate the islands history notably between a Protestant landholding minority and a dispossessed Catholic majority, divided not only by religion but also by cultural origin, was intensified and conflict between them continued to be a recurrent theme in Irish history.

A milestone was reached with the passing of the Catholic Relief Act of 1829 which gave Catholics the right to be members of Parliament.

A further marker was reached with the introduction of the Local Government (Ireland) Act 1898 which broke the power of the landlord-dominated "Grand Juries", passing for the first time democratic control of local affairs into the hands of the people through elected Local

County Councils. The debate over full Home Rule led to tensions between Irish nationalists and Irish unionists (those who favoured maintaining the Union).

The period 1916–1921 was marked by continued political violence and upheaval, ending in the partition of Ireland and independence for 26 of its 32 counties.

The Irish Republican Army, the army of the newly declared Irish Republic, waged a guerilla war from 1919 to 1921. In the course of the fighting and amid much acrimony, the Fourth Government of Ireland Act 1920 implemented Home Rule while separating the island into what the British government's Act termed "Northern Ireland" and "Southern Ireland". In July 1921 the Irish and British governments agreed to a truce that halted the war and in December, that year, representatives of both governments signed an Anglo-Irish Treaty.

Violence, upheaval and strife continued through most of the 20<sup>th</sup> century interspersed with various agreements and treaties between the Irish and British governments, but seem now to have come to a near complete standstill following the so-called 'Good Friday Agreement' signed on the 10<sup>th</sup> of April 1998.

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

- Northern Ireland Assembly
- Northern Ireland 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 a power-sharing executive with ministerial portfolios to be allocated between parties by the D'Hondt method.

The Assembly currently (November 2019, before general election 12<sup>th</sup> of December) have 90 members of which the Democratic Unionist Party (DUP) have 27 and the nationalist Sinn Fein also 27.

In a statement on the new withdrawal agreement announced on the 17<sup>th</sup> of October, 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.

“Most paramilitaries put down their arms in 1998, after the ‘Good Friday’ opened the land border between northern and southern Ireland.

To avoid enforcing post-Brexit customs checks on that land border, Mr. (Boris) 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.

Mr. Kinney, a member of the Orange Order, a hard-line loyalist group, pulled a magazine from his bag. “No to a sea border,” the centerfold read. “No to an economic united Ireland! No surrender!” - and several loyalists echoed Mr. Kinney and several nationalists agreed. But Susan and Jack Price bucked the trend.

The Prices were Protestants by birth. But forced to choose, they would prefer a sea border within the United Kingdom to a land border with Ireland.

Perhaps more surprisingly, both said Brexit had made them more supportive of Irish reunification. Though loyalist by background, they ultimately felt more attachment to Europe than Britain.

“I just feel,” said Mr. Price, a teacher, “that being a European is more important.””

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

"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.

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 25<sup>th</sup> of October 2019)

## **Achievements**

It is true to say that the United Kingdom of Great Britain and Northern Ireland has achieved great respect and political influence outside its own borders as a trustworthy force for democracy, sensible and rational governance; perhaps even greater influence than the physical and economic reality internally might suggest.



This achievement is owed in no small measure to the persuasive powers and vision for the future order of the world and especially Europe of the country's prime minister during and after the Second World War, Winston Churchill. For him and other European politicians a prime concern was how to avoid another conflict such as the two world wars. 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, the World War II came, but in defiance Winston Churchill elaborated on his vision for Europe in a broadcast on the 21<sup>st</sup> of March 1943:

"It will be our hope that the united nations headed by the three great 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 and a Council of Asia.

"We must try – I am speaking of course only of ourselves - to make the Council of Europe (or whatever it may be called) into a really effective league, the world's strongest ... woven into its texture, ... and to enforce these decisions and to prevent the new digressions and the preparation of future wars.

In a speech at the University of Zürich 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 ... "

### **United Nations (UN)**

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 at least three of the international institutions on which the modern world is built: The United Nations (UN), the Council of Europe and what has since become the European Union (EU).

The origin to the **UN** was established at a conference at St James's Palace, London, in June 1941 which concluded in a declaration with the words: "The only true basis of

enduring peace is the willing cooperation of free peoples in a world in which, relieved of the menace of aggression, all may enjoy economic and social security; It is our intention to work together, and with other free peoples, both in war and peace, to this end.”

This was followed by the so-called ‘Atlantic Charter’ in August of 1941 drafted by Churchill and president Roosevelt and followed by five more charters and conferences concluding in the UN’s charter, signed on the 26<sup>th</sup> of June 1945. The UN officially came into existence on 24 October 1945 upon ratification of the Charter by the five permanent members of the Security Council—the U.S., the U.K., France, the Soviet Union and the Republic of China—and by a majority of the other 46 signatories.

The first meetings of the United Nations General Assembly and the Security Council took place in London on 6 January 1946. The General Assembly met in Westminster Central Hall, and the Security Council met at Church House, Westminster.

The British Conservative MP and lawyer Sir David Maxwell-Fyfe was involved in drafting the United Nations’ Universal Declaration of Human Rights.

### **Council of Europe**

The future structure of the **Council of Europe** was discussed at a congress of hundreds of leading politicians such as Winston Churchill, François Mitterrand and Konrad Adenauer, government representatives and civil society in The Hague, Netherlands, in May 1948.

At the end of Congress the declaration and pledge was issued which sowed the seeds of modern European institutes, including the European Court of Human Rights (ECHR). The pledge further stated: “We desire a Charter of Human Rights guaranteeing liberty of thought, assembly and expression as well as right to form a political opposition. We desire a Court of Justice with adequate sanctions for the implementation of this Charter.” (*European Court of Human Rights*, Wikipedia, December 2019.)

The Council of Europe was founded on 5 May 1949 by the Treaty of London. The Statute was signed in London on that day by ten states including United Kingdom and Denmark.

Subsequently a large number of parliamentarians met in Strasbourg in the summer of 1949 for the first meeting of the Council’s Consultative Assembly to draft a “charter of human rights” and to establish a court to enforce it.

Sir David Maxwell-Fyfe (see above) was Chair of the Assembly’s Committee on Legal and Administrative Questions, guided the drafting of the Convention, and his contribution was so great that he was described as “the doctor who brought the child to birth”.

Other Britons also played important roles: Lord Layton (Liberal Party politician and Vice-President of the Parliamentary Assembly of the Council of Europe), Samuel

Hoare (Home Office under-secretary), Ernest Bevin (UK Secretary of State for Foreign Affairs) and Harold MacMillan (Conservative politician and Prime Minister).

The Convention was opened for signature on 4 November 1950 in Rome with the UK being the first signatory. It was ratified and entered into force on 3 September 1953.

## **OECD**

Meanwhile negotiations were ongoing with a view to strengthen inter-European political and economic relationships. Two of these were EEC (European Economic Community, sometimes referred to as the 'inner six' or 'the common market') and EFTA (European Free Trade Area, often referred to as the 'outer seven').

In June 1947, George C. Marshall proposed a plan to aid European recovery after the events of World War II, 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. The countries involved would need to agree on their requirements, as well as to their own contributions to European recovery.

So immediately afterwards the British Foreign Secretary, Ernest Bevin, met his French counterpart in Paris to discuss the proposals and subsequent discussions on the details of the plan counted 16 European participating nations including the UK and Denmark. The Committee of European Economic Co-operation (CEEC) was also known as the *Conference of Sixteen*, referencing its 16 participant nations and was chaired by Ernest Bevin.

During the deliberations of the committee, the CEEC agreed to several conditions laid out by the United States since the beginning of the conference, one of which was the formation of a continuing organization after the conclusion of the committee meetings. The CEEC would meet again in to plan a permanent organization to take on the tasks of jointly administering this aid and recovery program. This body would turn into the Organisation for European Economic Co-operation (OEEC) on 16 April 1948 which in 1960 became the Organization for Economic Cooperation and Development (OECD) when the USA and Canada joined.

## **EEC**

The European Coal and Steel Community (ECSC) was established by the Treaty of Paris in 1951 and it was becoming increasingly clear that the ECSC 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 choose 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*, 29<sup>th</sup> of August 2019)

## EFTA

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

In 1956, the OEEC Council, at the suggestion of the United Kingdom, established a working party to study the possible forms and methods of association on a multilateral basis, 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 on the basis of which there could be brought into being a European free trade area, which would, on a multilateral basis, 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 was announced by the French representative "that it was not possible to form a free trade area as had been wished by the British, that is to say by having free trade 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 Oslo 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 for the first time on the practical arrangements for achieving free trade between the "Seven". No formal decision was reached, but a coordinator visited the capitals of the "Seven" for exploratory talks. These resulted in a first rough draft which appeared acceptable. It was approved by ministers who agreed to recommend to their governments that a European free trade association should be established among the seven countries, and to set up a committee of officials to draft a convention on the basis of the draft plan.

A first draft was prepared by a group of UK officials assisted by various groups of experts and it completed its work in November when it was initialled by ministers and subsequently on the 4<sup>th</sup> 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 – but expressly not agricultural goods – between member countries

The short period required for negotiations – less than six months – was due mainly to the large degree of agreement on the principal issues which had already been reached between the EFTA countries. They brought to EFTA certain shared attitudes to the objectives of economic cooperation and the nature of the obligations necessary to achieve these.

A reason for limiting the OEEC (and EFTA) negotiations to only a small number of non-tariff distortions on trade was that a more rigorous approach to the elimination of such distortions would have implied considerable restraints on member states' freedom to pursue national economic policies; such restraints were felt at that time to be undesirable and unnecessary.

This is a consideration which constantly recurred in the course of EFTA's existence. It is reflected in the extreme "pragmatism" adopted of most of the solutions adopted in EFTA for the reduction and elimination of non-tariff distortions of trade.

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."

### **North Atlantic Treaty Organization (NATO)**

The idea for a union of Atlantic nations was first conceived by an American journalist, Clarence Streit, who in his book 'Union Now: A Proposal for a Federal Union of the North Atlantic Democracies.' (Streit, Clarence, *Union Now*, harper & Brothers, New York, 1939) called for a federal union of fifteen of the world's major democracies among which he included United States, United Kingdom and the four Scandinavian countries.

This book was the inspiration for the American diplomat and civil servant, Theodore C Achilles although he actually credited Ernest Bevin for having first aired the idea of a North Atlantic Treaty: "I am convinced that the Soviets will not deal with the West on any reasonable terms in the foreseeable future. The salvation of the West depends on the formation of some form of union, formal or informal in character, in Western Europe backed by the United States and the Dominions, such a mobilization of moral and material force as will inspire confidence and energy within and respect elsewhere." (Achilles, Theodore C: Testimony in support of Resolutions for an Atlantic

Citizens Convention and a Government Commission on Atlantic Unity. U.S. Senate Foreign Relations Committee, Hearings, March 23, 1966.)

Theodore Achilles always attributed the inspiration for his work to Clarence Streit's book. He put it this way in an interview on March 18, 1983: "If it hadn't been for 'Union Now', I don't think there would have been a NATO Treaty. ... From here came the whole idea of Atlantic unity. I don't think anyone had given it serious thought before it. It would be hard to name all the people who had gotten the idea from 'Union Now'." (Ibid)

Theodore Achilles became chairman of the committee which worked on the treaty, but credited his colleague, John D. Hickerson, with much of the wording.

The North Atlantic Treaty, also referred to as the Washington Treaty, was signed on the 4<sup>th</sup> of April 1949 and is the treaty that forms the legal basis of, and is implemented by, the North Atlantic Treaty Organization (NATO).

Twelve founding members including Canada, Denmark, Norway, USA and UK. The English civil servant and philosopher, Oliver Shewell Franks, 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.

## **2019 General Election and Conclusion**

The four nations of England, Scotland, Wales and Northern Ireland were haphazardly brought together with subtle political undertakings, some written into parliamentary legislation, some not. This union seems at first glance to be very strong, lasting as it has for several centuries, and has – especially in the past – probably been the envy of many European political leaders. It thereby gave the British leaders special authority to seek to persuade other national leaders to work in unison for a common future.

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

Following the recent general election 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. It does, however, 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 now 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 is likely to grow stronger and may eventually lead to unification.

If for these reasons the union breaks apart it may be argued by 'unfriendly' powers that the United Kingdom and Northern Ireland no longer exists and some might then argue that it is unreasonable for the UK to have a permanent voice in the UN Security Council. They may well also question whether England on its own will have the economic and other 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 organisation, 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 world order created after World War II, Britain will need all the friends and support it can get.

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