



BREXIT: CHRONICLE OF A CRISIS FORETOLD¹

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Abstract. European regional integration seemed to be unstoppable and unbreakable despite the many political and economic crises it navigated since the 70s, and more recently in the aftermath of the 2008 financial crisis. Yet, for the first time in its history, the UK, one of its largest and most politically and economically powerful and influential Member States, took the extraordinary decision in 2016 to leave the European Union. Following an explanation of the Brexit process, two fundamental issues are addressed, namely whether Brexit was predictable and inevitable, and the potential consequences of a no-deal Brexit.

Keywords: Brexit; EU; UK; Withdrawal Agreement; EU (Withdrawal) Act 2018

Introduction

The European integration process is certainly the most advanced and remarkable example of regional integration that is unequalled in other parts of the world, although some lighter forms of regional integration, such as Mercosur or the ASEAN Economic Community, have been more or less modelled on the EU.

European regional integration seemed to be unstoppable and unbreakable despite the many political and economic crises it navigated since the 1970s, and more recently in the aftermath of the 2008 financial crisis. Yet, for the first time in its history, the UK, one of its largest and most politically and economically powerful and influential Member States, took the extraordinary decision in 2016 to leave the European Union (EU).

Until the adoption of the Lisbon treaty in 2009, membership to the EU was for life as the original Treaty of Rome and its subsequent amending Treaties never included a clause of withdrawal. Inspired by Article I-60 of the Treaty establishing a Constitution for Europe, Article 50 TEU recognised, for the first time, the right of Member States to withdraw voluntarily and unilaterally from the EU.

Ironically, this new provision was designed by its drafters to deter EU Member States from actually withdrawing from the EU (O' Brien, 2016)³, and was certainly not designed with the UK in mind (Gray, 2017b). It could even be argued, as Mauro Gatti (2017) convincingly does, that "Article 50 introduces a procedure that discourages secession from the EU." Yet it is this very provision that enabled the triggering of one of the most extraordinary and unprecedented events in EU history, the withdrawal of the UK commonly referred to as "Brexit".

¹ This paper is based on a keynote speech given on 10 February 2019 at a conference entitled The European Union – Change, Transformation and Challenges organised by the University of Cyprus and Alexander College (Larnaca, Cyprus).

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³ In this article Giuliano Amato said: "My intention was that [Article 50] should be a classic safety valve that was there, but never used. It is like having a fire extinguisher that should never have to be used. Instead, the fire happened."

This was decided following a referendum that took place on 23 June 2016. The results indicated 51.9% having voted “Leave” and 48.1% “Stay”, and the turnout of 72.2% represented more than 30 million people. However, while England (the largest country) and Wales voted clearly in favour of leave (53.4% and 52.5% respectively), Northern Ireland, Scotland, and Gibraltar (the often forgotten UK overseas territory) voted overwhelmingly for remain (55.8%, 62% and 95.9% respectively) (BBC News, 2016a; Electoral Commission, 2016).

The purpose of this paper is to recount Brexit as the chronicle of a crisis foretold: Brexit was foreseen and yet no one tried to avoid it. Following an explanation of the Brexit process, two fundamental issues are addressed, namely whether Brexit was predictable and inevitable, and the consequences of a no-deal Brexit.

1. The Brexit process

Following the triggering of Article 50 TEU by the UK, a two-year period of negotiations and preparations for Brexit began, with an official date for the UK to leave the EU being scheduled for 29 March 2019. As a result of the official notification under Article 50 TEU, the European Council (minus the UK) adopted *Guidelines following the United Kingdom's notification under article 50 TEU* at its Special meeting of the European Council (Art. 50) on 29 April 2017 (European Council, 2017; Dadomo & Quéniwet, 2017). It also adopted the *Guiding principles for transparency in negotiations under Article 50 TEU* (Council of the European Union, 2017a), and the *Directives for the negotiation of an agreement with the United Kingdom of Great Britain and Northern Ireland setting out the arrangements for its withdrawal from the European Union on 22 May 2017* (Council of the European Union, 2017b).

After months of difficult, complex, and protracted negotiations, more so than originally expected in the UK, former Prime Minister Theresa May managed to bring home a “Brexit deal” (referred to as the “May deal” in the UK press) that consisted of a 585-page withdrawal agreement and a 26-page statement of the future relations between the UK and the EU.

The Withdrawal Agreement, a legally-binding document, mainly includes provisions on the financial settlement (how much money the UK owes the EU), the protection of the status and rights of EU citizens in the UK and the UK citizens in the EU27, and a solution for preventing the return of the physical border between the two regions of Ireland (Lowe, 2019a)⁴.

The Statement, which is not legally binding, outlines the long-term relationship between the UK and the EU in various areas such as trade, defence, and security. In the event that the Withdrawal Agreement is signed off, it will take more years of further difficult, complex, and protracted negotiations before we know what shape this long-awaited future relationship will finally take (Lowe, 2019b).

In parallel to the start of the negotiations with the EU, following the UK Government formal announcement in the Queen's Speech on 21 June 2017 of the introduction of the “Great Repeal Bill”, with the view to allowing the UK to leave the European Union, the European Union (Withdrawal) Bill was tabled for its first reading in the House of Commons on 13 July 2017 (EU BILL, 2017). After 272 hours of debate in both Houses of Parliament, the original Bill, consisting of 19 clauses and 8 schedules, increased in length to 25 sections and 9 schedules when it received Royal Assent on 26 June 2018.

The purpose of the European Union (Withdrawal) Act is primarily to: repeal the European Communities Act 1972 (as amended), which provided legal authority and direct effect of EU law in UK law (Sec. 1);

⁴The latter issue was the most controversial one and the main cause for the deadlock.

set the day (“exit day”) on which the UK exits the EU (originally 29 March 2019 at 11 pm), subject to possible modification owing to the ratification of the withdrawal agreement or agreed extension of the negotiating period (Sec. 20(1); “renationalise” existing EU legislation by retaining it into UK statute book through a massive copying and pasting exercise of EU law adopted during the membership of the UK to the EU (Sec. 2); and, as a result, authorise ministers to adopt statutory instruments to make the necessary changes to UK primary and secondary legislation more quickly in those areas where EU law will no longer be part of UK law (the so called “Henry VIII powers”) (Sec. 8 and 9).

Of particular relevance is Section 13 on the Parliamentary approval of the outcome of negotiations with the EU, under which Parliament has been granted a stronger role in the ratification of the Withdrawal Agreement than under the normal procedure as set out in Part Two (Ratification of Treaties) of the Constitutional Reform and Governance Act 2010 (CRGA 2010). Under the procedure set out in Section 13, explicit Parliamentary approval for any agreement reached between the UK Government and the EU must be secured. As Section 13(1)(d) provides: “The withdrawal agreement may be ratified only if:

(...) an Act of Parliament has been passed which contains provision for the implementation of the withdrawal agreement.”

Should no agreement have been reached by the end of 19 January 2019 (Subsection (7)) or by the end of 21 January 2019 (Subsection (10)), Parliament could then, under Subsections (8) and (11) respectively, scrutinise and express a view on the Government’s statement setting out how it would propose to proceed.

Holding its first “meaningful vote” (House of Commons Library, 2018) on 15 January, the House of Commons rejected the entire deal with 432 votes against and 202 votes for. This was mainly on the grounds that the deal would tie the UK to the EU indefinitely while having no say over EU rules, and would therefore put the UK in an even worse position than if the UK remained a Member State (The Guardian, 2019). MPs again rejected the deal on 12 March 2019 by 391 votes to 242 (BBC News, 2019a), and then on 13 March voted to rule out a “no-deal Brexit”.

Following Oliver Letwin’s amendment calling for Commons business to be set aside for a series of indicative votes⁵ on 27 March, MPs voted on 25 March to take control of the parliamentary timetable in an attempt to find a majority for any Brexit option (BBC News, 2019b). All eight motions offering alternatives to the Withdrawal Agreement - No-Deal, Confirmatory Public Vote, Customs Union, Common Market 2.0, Revoke to Avoid No Deal, EFTA and EEA, Preferential Arrangements, and Labour’s Alternative Plan - were defeated on 27 March.

After the defeat of Government on a third “meaningful vote” on 29 March 2019 (House of Commons, 2019), MPs rejected four of the selected options above (Confirmatory Public Vote, Customs Union, Common Market 2.0, and Parliamentary Supremacy) on 1 April (House of Commons Library, 2019).

In parallel to those key votes, following MPs’ approval on 14 March 2019 of the government’s motion to request an extension to Article 50 TEU, the Prime Minister wrote a letter on 20 March 2019 to European Council President Donald Tusk, asking for an extension until 30 June 2019.

The EU27 leaders agreed at the European Council meeting of 21 March 2019 to grant an extension to 22 May 2019, provided that the Withdrawal Agreement was approved the following week or 12 April 2019 if the Withdrawal Agreement was again rejected by the House of Commons, in which case it was expected “the United

⁵ Indicative votes are votes on a series of options to determining whether one of those options commands a majority in Parliament.

Kingdom indicat(ed) a way forward before this date for consideration by the European Council” (European Council, 2019a). The EU27 also reiterated once more that there could be no opening of the Withdrawal Agreement agreed in November 2018.

However, as there seemed to be no sign of progress in the British Parliament by the end of March and into early April, the Prime Minister wrote to Donald Tusk on 5 April 2019 to request a further extension to the end of June 2019. At the European Council meeting of 10 April 2019, the UK and EU27 agreed to extend Article 50 until 31 October 2019 (the so-called Halloween deadline) (European Council, 2019b). In the meantime, the Prime Minister also initiated cross-party talks with the Leader of the Opposition in order to attempt to finalise a deal that would win the support of the House of Commons. Those talks collapsed (Walker & Stewart, 2019) and led to Theresa May’s announcement, on Friday 7 June 2019, of her resignation as Prime Minister, and the subsequent election of Boris Johnson as new leader of the Conservative party and therefore new Prime Minister. The UK leaving the EU without a deal on 31 October had become the most probable scenario.

Between March and November 2019, there seemed to be no escape from this state of affairs: a possible reversal of Brexit through a unilateral revocation of Article 50 – notification of the intention to withdraw from the EU – could hardly be contemplated in the political context at the time (only the Liberal Democrats have now made it a policy in their 2019 election manifesto), nor could a second referendum (although the Labour party leadership has now endorsed the idea in its new election manifesto). It was also very unlikely that another Article 50 extension beyond 31 October 2019 would be granted by the EU27 as France had always opposed it (Stone 2019), let alone a renegotiation of the 2018 Withdrawal Agreement.

Against most expectations, a new Withdrawal Agreement and Political Declaration were adopted in October 2019 to incorporate a revised Protocol on Ireland/Northern Ireland. Yet, political and economic uncertainty remain. Having failed to have the new agreement ratified by Parliament and therefore been forced to seek an extension of Article 50 to 31 January 2020 under the European Union (Withdrawal) (No 2) Act 2019 (Benn Act, 2019), which was accepted by the decision of the European Council of 28 October 2019 (European Council, 2019), the new Johnson Government succeeded in persuading Parliament to agree to hold an early general election on 12 December 2019 under the Early Parliamentary General Election Act 2019 (EPGEA, 2019). At the time of writing, everything hangs in the balance.

These “spanners in the works” have thrown the UK deeper into chaos. The question must then be asked: was this unpredictable and inevitable?

2. Was Brexit unpredictable and inevitable?

On 10 November 2015, Prime Minister David Cameron sent a letter to the President of the European Council entitled *A New Settlement for the United Kingdom in a Reformed European Union* and set out the British Government’s goals as part of negotiations on the UK’s membership of the European Union in four designated areas: economic governance, competitiveness, sovereignty, and immigration. As David Cameron wrote in his letter, these reforms aimed “to address the concerns of the British people over [the UK’s] membership of the European Union” (UK Government, 2015). After a few weeks of negotiations, the European Council adopted, at its meeting of 18 and 19 February 2016, a decision concerning a *New Settlement for the United Kingdom within the European Union* (European Council, 2016).

In a Governmental White Paper entitled *The Best of Both Worlds: The United Kingdom’s Special Status in a Reformed European Union* (UK Government, 2016), Prime Minister Cameron wrote in the foreword:

We have secured a new settlement to give the United Kingdom special status in the European Union. As this White Paper sets out, we will be permanently out of ever closer union, ensuring we can never be part of a European

super-state. There will be tough new restrictions on access to our welfare system for EU migrants, so that people who come to our country can no longer take out before putting something in. And we have also secured vital protections for our economy, with a full say over the rules of the free trade single market, while remaining outside the Eurozone.

Our special status gives us the best of both worlds.

Yet, this was not enough. Cameron continued, saying: “(o)f course, there is still more to do. I am the first to say that there are still many ways in which Europe needs to improve. The task of reforming the European Union does not end with this agreement, and I will continue to pursue the further reform that Europe needs and which the British people still want to see.”

In a strong position because of this New Settlement, Cameron announced that he would “fulfil the commitment (he) made when (he) stood for a second term as Prime Minister”, that is to propose to Parliament that the British people decide its future in Europe through an in/out referendum on Thursday 23rd June.

The reaction of the continental press to the New Settlement was mixed, noting that if “David Cameron won most of the concessions he was seeking from his European partners at the Brussels summit”, this was at the risk of compromising European unity, and that “the divisions and lack of solidarity among the member states have never before seemed so deep” (BBC News, 2016b).

Other papers, notably the Hungarian news website Napi.hu whose headline read *Brexit: The eurosceptics don't like the deal*, observed that David Cameron would still have to persuade the Eurosceptics within his own party (BBC News, 2016b) that “the answers lie inside a reformed European Union”. He would also have to make the case that the UK would “be stronger remaining in a reformed Europe than [it] would be out on [its] own because [it] can play a leading role in one of the world's largest organisations from within, helping to make the big decisions on trade and security that determine our future” (UK Government, 2016).

We now know that he failed to do so. The answer to the question of why certainly lies in the way that the British have always perceived themselves. The expressions “best of both worlds” and “special status” used in the title of the White Paper are indeed very revealing of the way that the UK has always seen itself in its relationship with the European Union. Indeed, since the Fontainebleau European Summit of 25-26 June 1984, the UK successfully obtained the budgetary rebate that is still in force (European Council, 1984; Tousignant, 2005, p. 51-52)⁶, and since the Maastricht Treaty it has maintained a variety of opt-outs regarding membership of the Eurozone and the Schengen area, and relating to Part Three, Title V of the TFEU on the Area of Freedom, Security and Justice⁷.

Britain's belief in its exceptionalism (Tilford, 2017) and superiority based on an idealised vision of its past, has, as Scottish historian and writer Gerry Hassan put it, “become part of the foundation story of what it means to be Britain and British. To be different from our neighbours. To not be European in the same way” (Hassan, 2019). Because of this past that it never left, Britain “never really joined the European project as that would have meant becoming something different” (Hassan, 2019).

This would be echoed by Maurice Faure, a former minister in several French Governments⁸ who, with great foresight, wrote in 1982 of the UK's membership of the EEC: “We were all mistaken in the sense that when

⁶ Since the 1970s, the British Government was committed to force its European partners to recognize the economic specificity of the UK which justified an equitable treatment materializing itself in the rebate.

⁷ See Article 10(4) and (5) of Protocol 36 to the Lisbon Treaty. The opt-outs from the original Justice and Home Affairs policy area (Third pillar) had been previously obtained in the Amsterdam Treaty of 1997 and retained in the Lisbon Treaty.

⁸ M. Faure co-signed the Treaty of Rome for France in 1957 when he was secretary to the French foreign minister.

England knocked on the door of the European Community, the oldest Europeans thought it was proof that the Community was a success. ... We were mistaken because England did not join to reinforce the Economic Community, she did so when she understood that there were fewer disadvantages for her to be inside than outside because, from inside, she could block decisions which she deemed hostile. ... England has no notion of what the European Community is as we understand it, which really is the sharing of competences that we no longer can exercise effectively at the national level but that we can exercise in a far more efficient manner at Community level for reasons of size, of technique and of demography” (Faure, 1982, p. 5)⁹.

He further lamented that the Community impetus and achievements were much dampened after the entry of the UK into the European Community, and regretted that the British issue was a difficult one to address as the Treaty of Rome did not provide for the possibility of expulsion of a EC Member State (Faure, 1982, p. 5). Faure, who died in March 2014, would certainly have rejoiced at the decision of the British people to withdraw from the European Union.

The development of Euroscepticism in the UK has been fuelled by a hostile tabloid press regularly publishing deliberately inaccurate and misleading stories about the European Union (European Commission, n.d.) and by the emergence in the 1990s of the UK Independence Party (UKIP)¹⁰. These factors, combined with the “disappointment amongst many voters at the condition of post-war Britain, anxiety about change, and a fear of the future” (Hassan, 2019), have naturally contributed to their taking “refuge in an imagined version of Britain’s past” (Hassan, 2019) and, ultimately, to voting in favour of exiting the European Union. The writing of Brexit had always been on the wall.

Despite securing a revision of the Protocol on Ireland/Northern Ireland, the Johnson Government saw its already thin majority in Parliament further eroded, and failed to have the 2019 Withdrawal Agreement ratified by 18 October, thus prompting the call for early elections. Unless a clear majority emerges from the December elections, a no-deal Brexit still looms on the horizon. This would entail the UK leaving the EU without any clear agreements on the future of its relationship with the Union.

This leads us to the following question: what are the consequences of a no-deal Brexit?

3. What are the potential consequences of a no-deal Brexit for the UK?

According to French Senator Christian Cambon, Brexit is a nonsense from the perspectives of globalisation, the economy, and geo-strategy (Bizet & Cambon, 2019). One should add that Brexit is also a nonsense from a domestic constitutional and political one.

The anti-multilateralism policy of President Trump, the repeated affirmations and demonstrations of power by Russia and China, and the many crises looming at the gates of the European Union, should only drive the EU Member States towards greater unity rather than division, yet the UK chose to turn to and stare at its past. This is

⁹ Translation by the author. “Nous nous sommes trompés en ce sens que lorsque l’Angleterre est venue frapper à la porte de la Communauté, les plus anciens européens ont considéré que c’était la preuve que la Communauté avait réussi. ... Nous nous sommes trompés, parce que l’Angleterre n’est pas venue pour renforcer la Communauté économique, elle est venue quand elle a compris qu’il y avait pour elle moins d’inconvénient d’être à l’intérieur qu’à l’extérieur, parce qu’à l’intérieur elle pourrait bloquer les décisions qu’elle estimait lui être hostile. ... L’Angleterre n’a aucune notion de ce que c’est la Communauté européenne telle que nous la concevons, qui est vraiment la mise en commun de certaines compétences que nous ne pouvons plus exercer efficacement au niveau national, mais que nous pouvons, pour des raisons de dimension, de technique, de démographie et autres, exercer de façon beaucoup plus efficace au niveau communautaire.”

¹⁰ Originally established as the Anti-Federalist League in 1991 by historian Alan Sked.

not a sustainable position and soon, if not yet, the UK's influence in the world will be irremediably diminished (Bizet & Cambon 2019, p. 12).

Although the sudden collapse of the British economy foreseen by many to happen after the referendum did not materialise save for a drop in value of the British pound (which in a way was predictable since the UK would remain a member of the EU for the whole period of the withdrawal negotiations after the triggering of Article 50 TEU until a such time as the UK left the EU), one should not become complacent by underestimating the economic consequences of a no-deal scenario, even if the British economy appears to be fairly resilient at the moment.

Economically, as Mr Barnier's deputy Mrs Weyand put it, "for the UK, a no-deal would mean that a part of the regulatory and supervisory structure of the economy breaks away – a much bigger challenge [than for the EU]" (Rankin & Boffin, 2019; Emerson et al., 2017; Besch et al., 2019). Among the various consequences that will follow a "No-Deal" Brexit are: the re-introduction of border checks; changes in the transport and trade procedures between the island and the EU; the question of the land border between the two Irelands; the re-introduction of roaming charges; and the lack of a transition period.

Contrary to what hard Brexiteers, notably the members of the European Research Group led by Jacob Rees-Mogg MP, dogmatically believe that "falling back on WTO rules" is not going to rescue the British economy (Rogers, 2019, p. 53 and 60; Barnard & Menon, 2018), nor will the Commonwealth which is viewed as the new Eldorado and which represents only 8.5% of UK trade. Furthermore, the UK currently is at pains to renegotiate or roll over (Peretz, 2017) free trade agreements with third countries¹¹ that have been concluded or that are being negotiated by the European Union (Miller, 2017; Fella, 2018; Webb, 2019; Miller, 2019; Springford & Lowe, 2019). Last July, Canada indicated that it would not roll over the Comprehensive Economic Trade Agreement between the EU and Canada (CETA)¹² (The Bowen Herald, 2019; BuzzFeed.News, 2019).

Though Brexit has not yet happened, the British economy is already feeling the pinch. The UK has already lost 1.5 percent of its GDP; 1000 billion Euros of liquid assets have already been transferred from the City to the continent; and the loss of financial passporting will have serious, if not disastrous, effects on a sector that constitutes 20 percent of the British economy (Bizet & Cambon, 2019, pp. 12-13; Springford, 2018a; Springford, 2018b; Springford, 2019a; Springford, 2019b).

While only one study conducted by Economists for Free Trade predicts that Brexit will provide a significant boost to the UK economy, the majority of studies "suggest the UK economy will grow more slowly after Brexit than it would do as a member of the EU, with those predictions ranging from a negligible cost to an 18% reduction in output in 2030 compared to a world in which the UK remained a member of the EU" (Tetlow & Stojanovic, 2018, p. 4). Such predictions would be even more dire should the UK and EU trade with each other on WTO terms (Tetlow & Stojanovic, 2018, p. 4).

Brexit is also a geo-strategic nonsense. In the era of continent-sized States, the centre of gravity of international relations is definitively shifting towards the Pacific. No one European State will represent more than 1 percent of the world population in 2050, and none of them – maybe with the exception of Germany – will be amongst the first 10 economic powers. In this context, no single EU State has an interest in seeing the EU breaking up. The UK is fully aware of this evolution, and is more than ever interested in the European Union foreign and security policy (UK Government, 2018; House of Lords EU Committee, 2016; House of Lords EU, 2018), which is one of the paradoxes of Brexit (Bizet & Cambon, 2019, p. 13).

¹¹ According to the Department for Trade, so far only a dozen agreements with non-EU countries have been secured by the UK, see <https://www.gov.uk/guidance/signed-uk-trade-agreements-transitioned-from-the-eu>

¹² For a general presentation, see http://ec.europa.eu/trade/policy/in-focus/ceta/index_en.htm; for the text of the agreement chapter by chapter, see <http://ec.europa.eu/trade/policy/in-focus/ceta/ceta-chapter-by-chapter/>

Finally, Brexit is a nonsense from a domestic, political, and constitutional perspective. As Brendan Donnelly, the Director of the Federal Trust, rightly suggests, “[t]he Brexit debate ha[s] already raised fundamental questions about the viability of both conservative and labour parties in their current form. The chaos of a no-deal will certainly come at a cost of great suffering and instability for the UK as a whole” (Donnelly, 2019). The catastrophic performance of both parties at the May 2019 local and European elections have confirmed Donnelly’s analysis. The resignation of Theresa May and the election of a new leader (and Prime Minister) by the Conservative party has not changed this outcome, and there is no reason to believe that British MPs will be more able to make the fundamental choice about the UK’s political future with the imminence of the new Article 50 deadline than they were in March or October 2019, especially if the 12 December General elections return a hung parliament. As Donnelly stated, “[a] cataclysmic Brexit might well make the necessary restructuring of British politics easier, but at the cost of making it infinitely more painful” (Donnelly, 2019; Gostyńska-Jakubowska, 2019).

More painful though is the possible dissolution of the United Kingdom in the face of Scottish and Northern Irish separations¹³. Since in both Scotland and Northern Ireland the vote on the Brexit referendum was in favour of staying in the European Union, the possibility of them organizing a referendum on their separation from the UK and subsequent application to become a member of the EU is extremely high¹⁴. In the 2014 referendum on Scottish Independence, the vote was in favour of staying in the UK mainly because that meant staying in the European Union. This time around, the vote could be in favour of seceding from the UK because that would mean joining the European Union as an independent nation. Thus, in the current set of events, the wind is changing (The Ferret, 2019; YouGov, 2019a) and Brexit could lead to more than just Britain leaving the EU, perhaps even culminating in its own dissolution. Yet, frighteningly enough, this potential effect of Brexit does not seem to particularly worry Conservative party members who have indicated in a recent poll (YouGov, 2019b) that they are ready to sacrifice the integrity of the UK¹⁵.

Conclusions

Undoubtedly, future historians will analyse Brexit as the greatest challenge that the European Union had to face and resolve in its entire history. They will certainly ponder the reasons why the fifth world economy decided to sever its ties with the biggest trading bloc in the world.

Brexit has been a painful process for both the UK and the EU, primarily because it is based on an irrational decision made by UK voters in total ignorance of its full consequences and represents complete mismatch between expectations and reality. What mostly characterised the Brexit process is the extraordinary lack of preparedness on the part of the British Government and political class, and the overestimation of the UK’s capacity to negotiate with the EU (“The EU needs the UK more than the UK needs the EU” was a classic Brexiters’ motto before, during and after the 2016 referendum) (Harding, 20 April 2015; Novy, 2015; Gray, 2017; Clark, 2017; Goodall, 2018; Walker, 2018). Despite the efforts of negotiators on both sides to reach an agreement leading to an orderly Brexit, the UK Parliament’s incapacity to decide the UK’s future relationship with the EU has led to an impasse.

At the time of writing, even though the Conservatives lead comfortably in the polls, there is no guarantee that the Johnson Government will win a clear majority in Parliament as “more voters than ever before think they may

¹³ The possible dissolution of the UK was discussed 9 years ago by the author in ‘L’Unité de l’Etat au Royaume-Uni: Continuité ou Evolution?’ in F. Lemaire (ed), *De l’Unité de l’Etat* (2010 Cujas Paris) 109, at 121-122 and 125.

¹⁴ In the case of Northern Ireland, this process would be easier as its reunification with Ireland would automatically attach it to the EU as was the case of the former German Democratic Republic following the German reunification.

¹⁵ 63% would rather Brexit took place even if it caused Scotland leaving the UK and 61% even if it meant Northern Ireland leaving the UK.

change their minds before polling day, and record numbers say they are personally invested in who wins the election” (Ford, 2019).

Another hung parliament would again mean the risk of a no-deal Brexit. On the other hand, a Conservative majority government would certainly enable the new Parliament to adopt the October Withdrawal Agreement by the end of January 2020, and would give Boris Johnson free rein to negotiate a new trade agreement with the EU. The new Irish Protocol, which creates a border in the Irish Sea, would also come into effect. Yet the Irish Protocol, which could not have been successfully negotiated without Boris Johnson abandoning his red lines and compromising on principle, is far from resolving the Northern Ireland issue. Furthermore, the idea that a free trade agreement can be quickly secured, supposedly by the end of the transition period in 2020, and that all the elements of the Irish Protocol will naturally fall into place as if by magic, seems to ignore the complexity of the Protocol which could well delay the entire trade agreement.

Britain may have shown over the decades that it is capable of surviving all kinds of challenges, and it seems like the Brits themselves are not that worried about their future. Whatever comes their way, they endure it with a brave face and lots of humour in their arsenal. Yet they will need a lot more than humour to face the no-deal Brexit tidal wave that could potentially still hit them.

Like the Titanic, the UK is not unsinkable.

“The United Kingdom: Chronicle of a Dissolution Foretold” might well be the next story to tell as a result.

References

- Barnard, C., & Menon, A. (2018). *What would 'trading on WTO terms' mean for the UK? The UK in a Changing Europe*. <https://ukandeu.ac.uk/wp-content/uploads/2018/12/What-would-trading-on-WTO-terms-mean-Long-Guide.pdf>
- BBC News. (2016a). *EU referendum results*. https://www.bbc.co.uk/news/politics/eu_referendum/results
- BBC News. (20 February 2016b). *European press mulls price of 'Brexit-avoiding' deal*. <http://www.bbc.co.uk/news/world-europe-35621111>
- BBC News. (13 March 2019a). *Brexit: MPs reject Theresa May's deal for a second time*. <https://www.bbc.co.uk/news/uk-politics-47547887>
- BBC News. (26 March 2019b). *Brexit: MPs vote to take control of Brexit process for indicative votes*. <https://www.bbc.co.uk/news/uk-politics-4770159>
- Benn Act 2019. <http://www.legislation.gov.uk/ukpga/2019/26/enacted/data.htm>
- Besch, S., Bond, I., Gostyńska-Jakubowska, A., Mortera-Martinez, & C., Lowe, S. (2019). *Europe without the UK: Liberated or diminished?* Centre for European Reform. <https://www.cer.eu/insights/europe-without-uk-liberated-or-diminished>
- Bizet, J., & Cambon, C. (2019). *Rapport d'information fait au nom du groupe de suivi sur le retrait du Royaume-Uni et sur la refondation de l'Union européenne sur l'impact du Brexit sur la vie économique française: actes du colloque organisé au Sénat le 20 mars 2019*.
- The Bowen Herald. (3 July 2019). *Canada is refusing to roll over its EU trade agreement*. <http://thebowenherald.com/featured/canada-is-refusing-to-roll-over-its-eu-trade-agreement/>
- BuzzFeed.News. (2 July 2019). *Canada is refusing to roll over its EU trade agreement for the UK if there's a no-deal Brexit*. https://www.buzzfeed.com/alexspence/canada-is-refusing-to-roll-over-its-eu-trade-agreement-for?utm_source=dynamic&utm_campaign=bfssharemail
- Clark, R. (28 November 2017). *Why the European Union NEEDS the UK much more than we need them*. Express. <https://www.express.co.uk/comment/expresscomment/884983/brexit-negotiations-eu-needs-uk-payout-hans-olaf-henkel>
- Constitutional Reform and Governance Act. (2010). <http://www.legislation.gov.uk/ukpga/2010/25/contents>
- Council of the European Union. (2017a). *Guiding principles for transparency in negotiations under Article 50 TEU*. <http://data.consilium.europa.eu/doc/document/XT-21023-2017-INIT/en/pdf>
- Council of the European Union. (2017b). *Directives for the negotiation of an agreement with the United Kingdom of Great Britain and Northern Ireland setting out the arrangements for its withdrawal from the European Union*. <http://data.consilium.europa.eu/doc/document/XT-21016-2017-ADD-1-REV-2/en/pdf>
- Dadomo, C., & Quéniwet, N. (6 February 2017). *Commentary on the European Council's draft guidelines following the UK's notification under Article 50 TEU*. <https://eulawpol57.wordpress.com/blog/>
- Donnelly, B. (1 February 2019). *Brexit: will Parliament decide in February what it failed to decide in January?* The Federal Trust Blog. <https://fedtrust.co.uk/brexit-will-parliament-decide-in-february-what-it-failed-to-decide-in-january/>
- Early Parliamentary General Election Act. (2019). <http://www.legislation.gov.uk/ukpga/2019/29/contents>

- Electoral Commission. (2016). *Results and turnout at the EU referendum*. <https://www.electoralcommission.org.uk/find-information-by-subject/elections-and-referendums/past-elections-and-referendums/eu-referendum/electorate-and-count-information>
- Emerson, M., Busse, M., Di Salvo, M., Gros, D., & Pelkmans, J. (2017). *An assessment of the economic impact of Brexit on the EU27*.
- European Commission. (n.d.). *Euromyths A-Z index*. <https://blogs.ec.europa.eu/ECintheUK/euromyths-a-z-index/>
- European Council. (1984). *Fontainebleau meeting – Conclusions of the Presidency, Point 1*. https://www.consilium.europa.eu/media/20673/1984_june_-_fontainebleau_eng.pdf
- European Council. (2016). *Decision of the Heads of State or Government, meeting within the European Council, concerning a New Settlement for the United Kingdom within the European Union, in European Council meeting (18 and 19 February 2016) – Conclusions Annex I*. <http://data.consilium.europa.eu/doc/document/ST-12-2016-REV-1/en/pdf>
- European Council. (2017). *European Council (Art. 50) guidelines for Brexit negotiations*. <https://www.consilium.europa.eu/en/press/press-releases/2017/04/29/euco-brexit-guidelines/>
- European Council. (2019a). *Conclusions of 21 March 2019*. <https://www.consilium.europa.eu/en/press/press-releases/2019/03/21/european-council-art-50-conclusions-21-march-2019/>
- European Council. (2019b). *Decision taken in agreement with the United Kingdom extending the period under Article 50(3) TEU of 11 April 2019*. <https://data.consilium.europa.eu/doc/document/XT-20013-2019-INIT/en/pdf>
- European Council. (2019c). *Decision taken in agreement with the United Kingdom extending the period under Article 50(3) TEU of 28 October 2019*. <https://data.consilium.europa.eu/doc/document/XT-20024-2019-REV-2/en/pdf>
- European Parliament Directorate General for Internal Policies, IP/A/IMCO/2016-13. [http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU\(2017\)595374](http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU(2017)595374)
- European Union Bill (2017). <https://publications.parliament.uk/pa/bills/cbill/2017-2019/0005/18005.pdf>
- Faure, M. (1982). *Les Enjeux: L'Europe Embourbée*. *Administration*, 5.
- Fella, S. (24 July 2018). *UK adoption of EU external agreements after Brexit*. House of Commons Library Briefing Paper Number 8370. <https://researchbriefings.files.parliament.uk/documents/CBP-8370/CBP-8370.pdf>
- The Ferret. (2 May 2019). *How has polling changed on Scottish independence since 2014?* <https://theferret.scot/scottish-independence-opinion-polling/>
- Ford, R. (24 November 2019). *Halfway through this campaign, the Tories' lead is more fragile than it looks*. *The Guardian*. https://www.theguardian.com/politics/2019/nov/24/rob-ford-election-halfway-tories-lead-more-fragile-than-it-looks?CMP=Share_iOSApp_Other
- Gatti, M. (2017). *The Article 50 procedure for withdrawal from the EU: A well-designed secession clause*. Paper presented at the EU Studies Association (EUSA) Conference, Miami, 4-6 May 2017. Panel 3I – Brexit: Impact upon European Law and Integration, at 2. <https://www.eustudies.org/conference/papers/14?page=4>
- Goodall, L. (6 August 2018). *Europe really doesn't need us as much as we need them*. Sky News. https://news.sky.com/story/europe-really-doesnt-need-us-as-much-as-we-need-them-11462776?awc=11005_1561977162_0d2727ba00576f4a85b7b1f3e1240f38&dcmp=afc-101248-na-na-logtail&dclid=CIX9nK_Ck-MCFUeTGwodbJwJzQ
- Gostyńska-Jakubowska, A. (12 April 2019). *Not so fast! Westminster's (continuous) oversight of European affairs post-Brexit*. Centre for European Reform. <https://www.cer.eu/publications/archive/policy-brief/2019/not-so-fast-westminsters-continuous-oversight-european>
- Gray, A. (13 March 2017a). *Britain and the EU: who needs whom more?* World Economic Forum. <https://www.weforum.org/agenda/2017/03/brexit-uk-eu-who-needs-who-more/>
- Gray, A. (28 March 2017b). *Article 50 author Lord Kerr: I didn't have UK in mind. The EU's divorce clause was designed amid concerns about a 'dictatorial regime.'* Politico. <https://www.politico.eu/article/brexit-article-50-lord-kerr-john-kerr/>
- The Guardian. (16 January 2019). *May suffers heaviest parliamentary defeat of a British PM in the democratic era*. <https://www.theguardian.com/politics/2019/jan/15/theresa-may-loses-brexit-deal-vote-by-majority-of-230>
- Harding, G. (20 April 2015). *Why the EU needs Britain as much as Britain needs the EU*. EU Observer. <https://euobserver.com/opinion/128369>
- Hassan, G. (21 January 2019). *L'image de Churchill est utilisée pour défendre un projet de Brexit mal pensé, nuisible à la nation*. Le Monde. https://www.lemonde.fr/idees/article/2019/01/21/gerry-hassan-l-image-de-churchill-est-utilisee-pour-defendre-un-projet-de-brexit-mal-pense-nuisible-a-la-nation_5412058_3232.html [The English version: *Britain, Brexit and Why Winston Churchill is Alive and Kicking in this Mess*. <https://www.gerryhassan.com/blog/britain-brexit-and-why-winston-churchill-is-alive-and-kicking-in-this-mess/#more-4845>]
- House of Commons. (2019). *Commons votes to reject Government's EU Withdrawal Agreement*. <https://www.parliament.uk/business/news/2019/march/mps-debate-and-vote-on-the-withdrawal-agreement-with-the-european-union/>
- House of Commons Library. (2018). *The 'meaningful vote': A user's guide*. <https://commonslibrary.parliament.uk/parliament-and-elections/parliament/the-meaningful-vote-a-users-guide/>
- House of Commons Library. (2019). *Indicative votes 2.0: Where did support lie?* <https://commonslibrary.parliament.uk/brexit/indicative-votes-2-0-where-did-support-lie>
- House of Lords EU Committee. (2016). *Brexit: future UK-EU security and police cooperation*. HL Paper 77. <https://publications.parliament.uk/pa/ld201617/ldselect/lducom/77/77.pdf>
- House of Lords EU Committee (2018). *Brexit: Common Security and Defence Policy missions and operations*. HL Paper 132. <https://publications.parliament.uk/pa/ld201719/ldselect/lducom/132/132.pdf>
- Lowe, S. (29 May 2019a). *Northern Ireland and the backstop: Why 'alternative arrangements' aren't an alternative*. Centre for European Reform. <https://www.cer.eu/insights/northern-ireland-and-backstop-why-alternative-arrangements-arent-alternative>

- Lowe, S. (22 March 2019b). *Dreaming of life after Brexit*. Centre for European Reform. <https://www.cer.eu/publications/archive/bulletin-article/2019/dreaming-life-after-brexit>
- Miller, V. (5 January, 2017). *Legislating for Brexit: EU external agreements*. House of Commons Library Briefing Paper Number 7850. <https://researchbriefings.files.parliament.uk/documents/CBP-7850/CBP-7850.pdf>
- Miller, V. (24 May 2019). *Brexit: Parliamentary scrutiny of replacement treaties*. House of Commons Library Briefing Paper Number 8509. <https://researchbriefings.files.parliament.uk/documents/CBP-8509/CBP-8509.pdf> at 4 and Appendix II
- Novy, D. (2015). *Britain needs Europe a lot more than Europe needs Britain*. LSE blog EUROPP. <https://blogs.lse.ac.uk/europpblog/2015/10/31/britain-needs-europe-a-lot-more-than-europe-needs-britain/>
- O'Brien, Z. (23 July 2016). *Article 50 was designed 'NEVER to be used' - says the man who wrote the EU divorce clause*. Express. <https://www.express.co.uk/news/world/692065/Article-50-NEVER-to-be-used-Europe-Brexit-Italy-Prime-Minister>
- Peretz, G. (17 December 2017). *How to "roll over" EU and third country FTAs during the Brexit transition*. UK Trade Forum. <https://uktradeforum.net/2017/12/15/a-suggestion-for-rolling-over-eu-third-country-ftas-during-the-transition-period/>
- Rankin, J. & Boffey, D. (28 January 2019). *Risk of no-deal Brexit 'very high', says key EU negotiator*. The Guardian. <https://www.theguardian.com/politics/2019/jan/28/risk-of-no-deal-brexit-very-high-says-key-eu-negotiator-sabine-weyand>
- Rogers, I. (2019). *9 lessons in Brexit* [Kindle Edition]. Short Books.
- Springford, J. (23 June 2018a). *What's the Cost of Brexit so far?* Centre for European Reform. <https://www.cer.eu/insights/whats-cost-brexit-so-far>
- Springford, J. (30 September 2018b). *The cost of Brexit to June 2018*. Centre for European Reform. <https://www.cer.eu/insights/cost-brexit-june-2018>
- Springford, J. (27 January 2019a). *The cost of Brexit to September 2018*. Centre for European Reform. <https://www.cer.eu/insights/cost-brexit-september-2018>
- Springford, J. (30 March 2019b). *The cost of Brexit to December 2018: Towards relative decline?* Centre for European Reform. <https://www.cer.eu/insights/cost-brexit-december-2018-towards-relative-decline>
- Springford, J., & Lowe, S. (27 June 2019). *Now is the worst time for 'global Britain'*. Centre for European Reform. <https://www.cer.eu/insights/now-worst-time-global-britain>
- Stone, J. (10 May 2019). *Brexit: France warns UK it will not accept 'repeated' Article 50 delays after 31 October*. The Independent. <https://www.independent.co.uk/news/uk/politics/brexit-delay-extension-article-50-october-theresa-may-france-eu-a8907636.html>
- Tetlow, G., & Stojanovic, A. (2018). *Understanding the Economic Impact of Brexit*. Institute for Government.
- Tilford, S. (3 May 2017). *The British and their Exceptionalism*. Centre for European Reform. <https://www.cer.eu/insights/british-and-their-exceptionalism>
- Tousignant, N. (2005). *L'Impact du Comité Adonnino (1984-1986). Rapprocher les Communautés Européennes des Citoyens* 36(1), *Revue Etudes Internationales* 41.
- UK Government (2015). *PM letter to President of the European Council Donald Tusk*. <https://www.gov.uk/government/publications/eu-reform-pms-letter-to-president-of-the-european-council-donald-tusk>
- UK Government (February 2016). *The Best of both worlds: the United Kingdom's special status in a reformed European Union*. UK Government White Paper. <https://www.gov.uk/government/publications/the-best-of-both-worlds-the-united-kingdoms-special-status-in-a-reformed-european-union>
- UK Government (July 2018). *The future relationship between the United Kingdom and the European Union Cm 9593*. <https://www.gov.uk/government/publications/the-future-relationship-between-the-united-kingdom-and-the-european-union>
- Walker, A. (23 December 2018). *Does the EU need us more than we need them?* BBC News. <https://www.bbc.co.uk/news/business-46612362>
- Walker, P., & Stewart, H. (17 May 2019). *May and Corbyn blame each other as Brexit talks collapse*. The Guardian. <https://www.theguardian.com/politics/2019/may/17/brexit-talks-tories-labour-likely-to-collapse-theresa-may-jeremy-corbyn>
- Webb, D. (26 April 2019). *UK progress in rolling over EU trade agreements*. House of Commons Library Briefing Paper Number 7792. <https://researchbriefings.files.parliament.uk/documents/CBP-7792/CBP-7792.pdf>
- YouGov. (27 April 2019a). *Scottish independence: Yes vote climbs to 49%*. <https://yougov.co.uk/topics/politics/articles-reports/2019/04/27/scottish-independence-yes-vote-climbs-49>
- YouGov. (27 April 2019b). *Poll of June 2018*. <https://yougov.co.uk/topics/politics/articles-reports/2019/04/27/scottish-independence-yes-vote-climbs-49>