Brexit

Daniel Kenealy, Richard Corbett, Amelia Hadfield and John Peterson

Summary

In January 2020, for the first time, a member state left the EU. Since the June 2016 UK referendum on EU membership, Brexit as a political process has caused immense turmoil in both European and (especially) UK politics. Beyond the intricacies of the negotiations, Brexit sparked a broader debate about whether it was a political development unique to UK politics or whether other member states might follow the UK out the door. Brexit also came to symbolise, for many, a retrenchment of globalization, especially in the context of Donald Trump's election to the US presidency just a few months after the referendum. Although it seems unlikely that any other member state will leave the EU, it is important to understand why the UK voted to leave and how the process of leaving unfolded.

Introduction

'Brexit' – the decision of **Br**itain to **exit** the EU – was a blow to the EU symbolically and materially. Symbolically, it undermined the notion of a Union that could only move forward – both in terms of deepening (with the EU assuming responsibility for more policy competences) and widening (with the EU taking in more member states and thus expanding its geographic reach). As one of the most economically and militarily powerful member states, the UK's departure was also a material blow to the EU. Subsequent developments suggest that the idea that Brexit might trigger a broader disintegration of the EU was misplaced. However, Brexit remains one of the most significant political developments in the history of European integration.

The purpose of this chapter is to offer additional context about Brexit. It should be read as an extension of the first section of Chapter 10 of the 6th edition of the textbook. The structure of the chapter follows the structure of Chapter 10. The first two sections – '**Understanding the Brexit vote**' and '**Negotiating the UK's withdrawal from the EU**' – present additional material to be read alongside the relevant sections of Chapter 10. The following section – '**The EU-UK Trade and Cooperation Agreement**' – builds on the content of Chapter 10, offering narrative and analysis of events subsequent to the completion of the text of the 6th edition in May 2021. Finally, a section on '**Brexit and the future of the UK**' discusses Brexit's impact on the constitutional and territorial politics of the UK.

The European Union: How does it work? 6th edition

Understanding the Brexit vote

It remains important to understand the medium-to-long-term causes of the referendum. Although this is not the place to recount the history of the UK's post-war relationship with European integration – on which see Milward (2002), Wall (2012), and Grob-Fitzgibbon (2016) – it is important to understand the political developments within the UK that led to a referendum being called; the conduct of the referendum itself, including the narratives and strategies of the main campaigns; and who voted for Brexit and why. This section considers each of those issues in turn.

The road to a referendum

During its 47-year membership of the EU, the UK was often described as an 'awkward partner' (George 1998). The UK's failure to join major projects such as the euro and Schengen made the notion that it was a half-hearted, or reluctant, member easy to accept at first glance (Wall 2012). However, the UK was not alone in either of those decisions. And in other ways, the UK had been among the most active of EU member states – for instance in building the single market and in launching the EU's common defence policy in partnership with France. Overall, successive UK governments seemed to strike a workable balance vis-à-vis the EU for more than four decades, incorporating EU membership into a broader foreign policy strategy as a bridge between North America and continental Europe (Stephens 2021). Yet, despite a broad elite political consensus in favour of membership, feelings of distance, or separateness, from the EU were evident in the attitudes of much of the UK public. That is, in part, explained by what Hawkins (2021) called 'embedded euroscepticism', which in turn fed on a sense of British exceptionalism. Powerful anti-EU newspapers amplified these narratives for consumption by the British public (Daddow 2012; Hawkins 2012).

To understand why the choice was made to hold the referendum in 2016, it is important to understand how the EU influenced UK domestic politics, in particular the internal politics of the Conservative party (D'Ancona 2016). As a 2016 BBC documentary on Brexit put it, 'it was really a family row, one raging in the Conservative party' (BBC 2016). Divisions within the Conservative party about the UK's relationship with the EU were a powerful contributing factor in the downfall of Margaret Thatcher as Prime Minister in 1990. Those divisions posed a serious challenge to John Major's government (1990-1997), a government that possessed a slim parliamentary majority, thus making the party's eurosceptic MPs disproportionately

influential during the 1992-1997 parliament (Young 1998: 412-71). EU membership remained a highly divisive issue amongst Tories[1] during their period in opposition, when Labour was in power under Tony Blair and Gordon Brown. Blair's ardent pro-Europeanism contributed to a shift by some Conservative MPs towards a firmer euroscepticism. Nevertheless, the question of the UK's relationship with the EU was not a priority for most citizens. In fact, after being elected leader of the Conservative party in December 2005, David Cameron told his party to stop 'banging on' about Europe. However, the number of eurosceptic MPs in the Conservative parliamentary party rose following the 2010 general election (Heppell 2013).

After 2005 Cameron tried to appease the eurosceptics within his party but succeeded only in emboldening them. Cameron's first concession was to withdraw Conservative MEPs from the European People's Party (EPP), the main centre-right group in the European Parliament. Conservative MEPs founded a new group, the European Conservatives and Reformists (ECR), which was anti-federalist, far less powerful than the EPP, and brought the Tories together with far right and sometimes overtly racist East European MEPs (Lynch and Whitaker 2008; Bale et al. 2010). This diminished the influence of the UK Conservatives in the EU's corridors of power.

In the 2010 UK general election, the electorate spared Cameron the fate of becoming beholden to the hardest eurosceptics in his parliamentary party. A hung parliament (a parliament without a single-party majority) forced a coalition government with the pro-EU Liberal Democrats, which lasted until 2015. Yet the EU issue refused to go away. A significant number of Conservative MPs were increasingly vocal in calling for the UK to have a referendum on its EU membership. The UK government's 2011 European Union Act, which committed the government to holding a referendum on any future treaty that transferred powers to the EU, failed to placate hard eurosceptics in the Conservative party. Many Conservative MPs were also concerned about an electoral threat from the UK Independence Party (UKIP), a populist party that fused anti-immigration and anti-EU stances with calls for the UK to take back its sovereignty and control its borders (Ford and Goodwin 2014). In short, the issue of the EU was a threat to Cameron's premiership from *within* and *without*.

---

[1] 'Tory' or 'Tories' are informal terms used to refer to supporters and members of the UK Conservative party.

The European Union: How does it work? 6th edition

To mollify the eurosceptic wing of his party, Cameron promised in January 2013 that, if the Conservatives won a majority in the 2015 election, which at that time seemed unlikely, he would hold an 'In-or-Out' referendum after renegotiating the terms of the UK's EU membership (UK Government 2013). After winning a surprising parliamentary majority in May 2015, Cameron could no longer hide behind his Liberal Democrat coalition colleagues. Conscious that the EU question could consume the entire 2015-2020 parliament, Cameron moved quickly to negotiations with EU partners. The result was a deal, announced in February 2016, that Cameron claimed granted the UK 'special status' by – amongst other things – giving it a symbolic opt-out from 'ever closer union', stating that multiple currencies existed in the EU, and offering complicated formulas to limit the migration of EU citizens to the UK (European Council 2016). The concessions sought by the UK, and granted by the EU, were dismissed by hard-line eurosceptics. Cameron's deal proved too complex to be useful in the subsequent referendum campaign (Korski 2016).

Research suggests that whilst many Conservative – and some UKIP – voters were supportive of Cameron's efforts, supporters of other parties were less favourable (Vasilopoulou and Keith 2019). Furthermore, many of those who supported Cameron's renegotiation did so as a staging post to Brexit. When the referendum came around, therefore, it was 'a major challenge to convince them [eurosceptics] that the UK had gained significant results from the renegotiation' (Vasilopoulou and Keith 2019: 13). As Curtice (2016) noted, the renegotiation process may have persuaded more voters to vote 'Leave' than 'Remain'.

The referendum

The most striking thing about the referendum was how short the campaign was, especially given the complexity of the issue. In part, that reflected Cameron's over-confidence and his eagerness to quickly lance the eurosceptic boil within his party. As a result, the quality of debate was poor, with misinformation rife. There were two official campaigns, *Stronger In* and *Vote Leave*. However, the 'Leave' side was supplemented by the efforts of *Leave.Eu*, an organisation closely connected with senior figures in UKIP and its financial backers. *Vote Leave* and *Leave.Eu* spoke to different audiences, tapping into overlapping but distinctive eurosceptic narratives (Clarke et al. 2017). Crucially, two senior Conservative politicians – Michael Gove and Boris Johnson – became the main faces of the *Vote Leave* campaign, while UKIP leader Nigel Farage fronted *Leave.EU*. Farage's established brand of anti-establishment, beer-

drinking, populist politics contrasted with the more measured public appearances and statements of Gove, as well as the German-born Gisela Stuart, a maverick Labour MP who became the chair of *Vote Leave*.

Vote Leave portrayed the EU as a distant and undemocratic institution that undermined the UK's sovereignty, overly-regulated the UK economy, and was continually expanding, soon to include Turkey (despite that being unlikely). *Leave.EU* focused principally on the issue of the free movement of workers within the EU and immigration to the UK. Both 'Leave' campaigns tapped into broader populist and nationalist messaging, and tried to capture a sense of political elites being remote and detached, hence the powerful slogan 'Vote Leave. Take Back Control'. Both pioneered new social media campaigning techniques – subsequently seen in other countries – that enable different (often contradictory) targeted messages to be sent to individual voters. Although the relationship between the two campaigns was at times fraught, their different pitches and tones are generally thought to have benefitted the overall 'Leave' effort (Bennett 2016).

Stronger In was an umbrella organisation bringing together leading figures from the Conservative, Labour, and Liberal Democrat parties. Using polling and focus group evidence, *Stronger In* decided to focus their campaign on the economic uncertainty Brexit would cause (Behr 2016). Campaign strategists saw a potential 'head versus heart' struggle – the heart saying 'Leave' but the head saying 'Remain' – and calculated that enough UK citizens would ultimately vote for security and economic certainty. Therefore, *Stronger In* failed to make a positive case for EU membership. Having decided to focus on economic insecurity, the campaign was left struggling to counter the enabling and empowering message of the 'Leave' campaign. With a simple and effective slogan – 'Vote Leave. Take Control' – and fancifully promising an extra £350 million[2] a week for the UK's National Health Service from money that would no longer be sent to Brussels, the 'Leave' campaign captured the narrative as the campaign entered its closing stages.

In particular, the 'Remain' campaign had no response on immigration. It failed to point out that most migrants to the UK came from outside the EU – falling entirely under UK, not EU, rules; or that freedom of movement within the EU was not unconditional. Underlying

---

[2] The UK Office for National Statistics called the use of this figure 'misleading' (ONS 2016).

euroscepticism within UK society was the wave on which the 'Leave' campaign rode (Shipman 2016). It was difficult – maybe impossible – for Cameron suddenly to begin making a positive case for the EU after years of prime ministers failing to do so and – in the process – often pandering to eurosceptics (see Geddes 2016). The principal flaw of the 'Remain' campaign was that it bet on the idea that the economy would trump immigration and – flowing from that miscalculation – failed to engage voters who felt they had little to lose economically from Brexit (Oliver 2016). Another important factor was the media landscape. Six of the nine main UK national newspapers supported leaving the EU, producing overall coverage that was 'skewed towards the Leave camp' (Levy et al. 2016).

Investigative journalists uncovered spending violations by *Vote Leave* and its relationship to another campaign group called *BeLeave* (Cadwalladr 2019). The Electoral Commission found the *Vote Leave* campaign guilty of breaking electoral law and breaching spending limits (Electoral Commission 2018: 16). A subsequent inquiry by the House of Commons (2019) raised difficult questions about the relationship between politics and technology – in particular social media – in the 21st century (see Susskind, 2018), placing Brexit in the broader context of debates about the regulation of technology companies, especially when such companies impact elections and politics through targeted ads and the harvesting – and permissive use of – data from social media platforms.

Understanding the result

Although it seems unlikely that any other EU member state will leave, 'the EU – and indeed the rest of the globalized world – should read, mark and understand why the UK voted to leave' (Curtice 2017: 35). Post-referendum analysis concluded that the 'Leave' campaign resonated more strongly with the public, brought together a broader coalition of voters, and deployed messages that seemed to offer 'a greater sense of certainty about what impact leaving the EU would have on immigration and independence. People were less persuaded by the Remain campaign's focus on the economic risks' (Swales 2016: 2). The problem for the 'Remain' campaign was that as many as 58 per cent of people did not think that leaving the EU would make much difference *at all* to their personal economic situation and around 32 per cent did not think it would make much difference to the general economic situation in the UK. People holding such views disproportionately voted to leave – perhaps as many as two-thirds of them (Curtice 2017: 32) – a distribution that was significant enough to determine the outcome.

The European Union: How does it work? 6th edition

An early narrative, which emerged in the second half of 2016, sought to make sense of Brexit in the context of a backlash against globalisation by people and communities that had been 'left behind' by that development (Goodwin and Heath 2016). An image of poor, uneducated, white, northern English voters as the reason for Brexit crystallised. However, subsequent analysis was more nuanced. Arguments about the economy, immigration, national identity, and sovereignty were all persuasive to different voters (Curtice 2017: 13). The UK public's long-term (relative) lack of enthusiasm for the EU was exacerbated by higher levels of migration to the UK from the newer EU member states in Central and Eastern Europe and the impact of the 2008 financial crisis. In combination 'the two proved toxic for a public that had always been inclined to be sceptical about what had become one of the principal manifestations of globalisation', the EU (Curtice 2017: 17).

Further research has established that the 'Leave' coalition was, in fact, made up of at least three key groups: 'affluent eurosceptics, the older working class and a smaller group of economically disadvantaged, anti-immigration voters' (Swales 2016: 2; see Wincott 2021). It is important to approach claims that a certain 'type of person', or a certain 'type of area' was responsible for Brexit with caution (see Antonucci et al. 2017; Dorling and Tomlinson 2019). National political votes are hard to distil in that way and, typically, a coalition of different groups of people will be responsible for any major political outcome in a democracy.

It is also clear that Brexit cut across traditional left/right-wing political divisions. Rather, the issue seemed to divide the electorate along cultural lines. Brexit voters held 'a more socially conservative outlook on Europe, immigration, and national identity' (Goodwin 2016). This view is supported by figures showing that age and education levels were the two biggest indicators of how people voted in the referendum: the older you were, the more likely you were to vote Leave, and the same if you had fewer educational qualifications (Curtice 2017). The rise of eurosceptic UKIP also helps us understand the story of Brexit. The party capitalised on 'changes to Britain's economic and social structure' and levels of support for Brexit were high in areas of the country where UKIP had performed strongly in the 2014 European Parliament elections. The campaign was also bitterly divisive, 'less a traditional left-right battle, and more about identity and values. It was a strong sign that the 'so-called "culture wars" of the US ha[d] arrived in Great Britain' (Swales 2016: 27).

We can use this research to place the Brexit vote in the broader context of euroscepticism. Research on euroscepticism can be organised into three theoretical perspectives, each identifying a different key driver of eurosceptic attitudes. The first emphasises identity: the more European a person feels the less eurosceptic they are. The second emphasises self-interest: a person will be less eurosceptic if they feel that the EU benefits them – and/or their country – materially. Analysis of the referendum result confirmed the importance both of people's economic expectations about EU membership and their sense of identity (Curtice 2017). People who felt that the EU undermined a distinctive sense of national identity were more likely to vote to leave. People who felt that leaving the EU would have a negative economic impact were much more likely to vote to remain. A third strand of research on euroscepticism argues that, because the EU is quite remote, attitudes towards it are often a proxy for broader attitudes about politics at the national level. However, research on the UK's EU referendum suggests that general dissatisfaction with politics was less important than the aforementioned identity and economic factors in influencing how people voted (Curtice 2017).

Negotiating the UK's withdrawal from the EU

This section should be read alongside the sub-section in Chapter 10 of the 6th edition '**Negotiating the UK's withdrawal from the EU**'. It follows the same chronological structure but contains significantly more information about the twists and turns of the negotiation process. This section considers the period from the June 2016 referendum to the UK's departure from the EU on 31 January 2020.

Structuring – and starting – the negotiations

Brexit was the first time the EU had to manage the so-called Article 50 process – the procedure by which a member state could leave the EU (Lazowski 2012; Huysmans 2019). Article 50 states that any member leaving the Union must notify the European Council of its intention to leave, thereby triggering a two-year period – extendable by unanimous agreement of the European Council – to negotiate a Withdrawal Agreement that settles 'divorce' issues, such as the share of liabilities, transitional arrangements, and the rights of each other's resident citizens. Article 50 requires this to be done 'taking account of the framework for [the] future relationship with the Union', to be set out in a Political Declaration appended to the Withdrawal Agreement.

Article 50 says little about the negotiation process other than that those negotiations will be conducted under guidelines set out by the European Council. Indeed, it remained unclear for some time whether a state could unilaterally revoke an Article 50 declaration once submitted (see Box 1). However, the EU has experience of conducting negotiations with 'third countries', which the UK voted to become in June 2016. The model by which the Council sets out a broad negotiating mandate, and the Commission handles the day-to-day negotiation process, was a familiar one and it was adopted for Brexit. The European Council tasked the Commission to handle the negotiations. Michel Barnier – a former French Foreign Minister and EU Commissioner – was appointed as chief EU negotiator, working within broad parameters set out by the European Council, with more detailed negotiating directives set by the Council (of ministers). The expertise of the Commission proved vital in the negotiations. Furthermore, the EP appointed MEP Guy Verhofstadt – a former Belgian Prime Minister – as its lead on Brexit. The EP was kept thoroughly briefed on the progress of negotiations and regularly raised concerns of its own, notably on the rights of EU citizens living in the UK (Bressanelli et al. 2019; Closa 2020). The EP's influence derived from the fact that it had to approve any withdrawal agreement and any future framework agreement.

BOX 1. Revoking Article 50 – The CJEU weighs in

On 10 December 2018, the CJEU ruled that a member state could revoke a withdrawal notification made under Article 50, and that the consent of other EU member states was not required. Further – and crucially in the context of a UK whose membership of the EU was characterised by a number of opt-outs – the CJEU ruled that the membership of the state in question would remain 'under terms that are unchanged as regards its status' (CJEU 2018: para. 76).

The CJEU did not support the position of the Commission and the Council that revoking a withdrawal notification ought to be subject to the consent of the European Council. The judges instead constructed their argument around the question of sovereignty, asserting: 'given that a state cannot be forced to accede to the European Union against its will, neither can it be forced to withdraw … against its will' (CJEU 2018: para. 65). The Court also held that any revocation must be 'unequivocal and unconditional' (para. 74), no doubt to prevent an endless ping-pong situation, where a member state invokes Article 50 repeatedly as a negotiating tactic.

The European Union: How does it work? 6th edition

In the UK, constitutional lawyers debated whether the revocation of Article 50 would have required the passage of legislation by parliament, or whether a lesser measure, such as a motion supporting a decision by the government to revoke, would have sufficed. The debate also focused on whether parliament itself could instruct the government, against its will, to revoke Article 50 (see Phillipson and Young, 2018).

On the UK side, it might have been expected that the Cabinet Office – the department at the centre of government, closest to the prime minister – would have taken the lead, working closely with the Foreign Office. Instead, a new Prime Minister, Theresa May[3], created two new departments: a Department for International Trade and a Department for Exiting the European Union (DExEU – see Owen and Munro 2016). The former took responsibility for laying the groundwork for, and then negotiating, new trade deals for the UK, the later for managing the negotiations. David Davis – a veteran Conservative MP who campaigned for Brexit – was appointed Secretary of State for Brexit. Concern immediately arose that that UK civil service would be over-stretched and that the complexities involved in Brexit might detract from other areas of government business (Thimont-Jack et al. 2020). That view was compounded by the resignation in January 2017 of Sir Ivan Rogers, the UK's Permanent Representative (Ambassador) to the EU, and his public observations about poor preparation and muddled thinking within government (BBC 2017; Rogers 2018). Such machinery of government changes entrenched and exacerbated existing turf wars within government (Thimont-Jack et al. 2020) and responsibilities were shifted between DExEU and the Cabinet Office throughout the negotiation process (Lloyd 2019).

In March 2017, the UK government officially triggered Article 50, submitting notification of its intention to leave. Absent an extension of the two-year negotiation window, the UK would have to formally leave the EU at the end of March 2019. Given the need to ratify any EU-UK exit agreement before that date the time for negotiations was short, perhaps 12-18 months. The European Council authorised the opening of negotiations with the UK and adopted a set of negotiating directives in May 2017 (European Council 2017).

---

[3] After losing the referendum, Cameron announced his resignation as Prime Minister. On 13 July 2016, Theresa May, who had quietly supported 'Remain' in the referendum, replaced Cameron.

Those directives set out a 'phased approach' to Brexit, 'giving priority to an orderly withdrawal'. They ruled out any cherry picking of elements of EU membership that the UK found desirable while shedding ones deemed undesirable. The Council, echoed by the EP, was clear that exit negotiations had to come first. The first component of 'orderly withdrawal' involved settling the UK's budgetary liabilities. The Council's guidelines also stressed the importance of early agreement on the rights of EU-27 citizens living in the UK, and vice-versa, around 4 million people in total. Other priorities included the Irish border, UK military bases in Cyprus, international agreements to which the EU (and therefore the UK) was party, the relocation of UK-based EU agencies, and the jurisdiction of the CJEU in settling future disputes about EU law involving the UK.

Having inherited David Cameron's small parliamentary majority of 12 seats, Theresa May faced the dilemma of having to make politically controversial decisions in the shadow of unstable parliamentary alliances. This prompted her to call a snap UK general election in June 2017. Despite enjoying commanding poll leads, the Conservatives' campaign was poor and the result was a hung parliament, with May losing her majority. To continue to govern, May had to agree a deal with Northern Ireland's Democratic Unionist Party (DUP). The DUP's ten MPs promised to back May's government in key votes, including those on Brexit. But the parliamentary arithmetic created by the 2017 election made May vulnerable to backbench rebellions, by both ultra-Brexit supporters and by those who wished to see a softer form of Brexit pursued, with stronger oversight of the process by the UK Parliament. Reliance on the DUP also raised questions about the Irish dimension of Brexit (see Box 10.1 in the 6th ed.).

Most of those involved understood that it would be virtually impossible to reach a Brexit deal by March 2019 – the end of Article 50's two-year period – unless a transition period was agreed beyond that point, during which the status quo would apply in many fields while the two sides continued to negotiate. In a September 2017 speech, May seemed to acknowledge that such a transition, for approximately two years, was necessary (UK Government 2017b). Nevertheless, the idea of remaining subject to EU laws, and the CJEU, remained a sensitive one in UK domestic politics, especially within the Conservative party.

In December 2017, the EU and UK reached agreement on a series of issues including citizen's rights, the UK's budgetary liabilities, and the principles that would govern subsequent negotiations about the border between Northern Ireland and Ireland (the so-called 'Joint

Report' – see European Commission 2017). These were the issues on which progress had been deemed essential in order for negotiations to move on to the post-Brexit relationship between the EU and the UK. Subsequently, EU negotiators continued to maintain that the integrity of the single market could not be compromised and that the four freedoms were indivisible. The choice for the UK increasingly seemed to be between membership of the European Economic Area (EEA) – the softest form of Brexit and sure to be staunchly resisted by eurosceptic Conservative MPs – and a free trade agreement similar to one between the EU and Canada. In other words, a choice between a less economically disruptive Brexit, but which entailed aligning with many EU rules (while no longer having a say on them) or a more economically damaging one, but which would allow Britain to diverge on rules and standards. There were different views on this, even among Brexit supporting ministers, and the UK government continued to call for a relationship that was deeper than the EU-Canada deal, but which stopped short of continuing membership of the customs union and the single market.

From Joint Report to Withdrawal Agreement

Between December 2017 and November 2018, the EU and the UK transformed the Joint Report into a draft Withdrawal Agreement and Political Declaration (UK Government 2018c, 2018d). These negotiations were in practice dominated by two overarching (and partly interlinked) policy questions: the specific question of how to resolve the issue of the Irish border, and the broader question of what the future relationship between the EU and the UK might look like.

It was at this point that the tensions within the Conservative party came to the fore. Many senior Conservatives leaned towards a soft Brexit. However, the presence of factions (parties within parties) in the UK parliament complicated May's attempts to secure a deal and gain parliamentary approval for it (Payne et al. 2019). One such faction was the European Research Group (ERG), comprising around 90-100 Conservative MPs, all of whom favoured harder forms of Brexit and some of whom advocated leaving the EU without a deal at all. Despite representing no more than a quarter of MPs, May's tenuous parliamentary majority made the ERG, and other leading hard Brexiters in parliament, hugely influential.[4] In an attempt to appease those harder Brexiters, May delivered two speeches in 2017 that ruled out remaining in the EU's customs union and single market, and stated that the UK would not be subject to

---

[4] The figure of 'a quarter' is based on 160 MPs who voted to leave the EU without a deal in an indicative vote in the House of Commons on 27 March 2019.

EU rules on the free movement of people or the jurisdiction of the CJEU (UK Government 2017a, 2017b).

In summer 2018, at a UK cabinet summit at Chequers, May attempted to soften that stance, suggesting that the UK might instead remain in some form of single market for goods with a close customs partnership. May's 'Chequers proposal' was prepared secretively and proved politically costly to her (UK Government 2018a). Not only did the EU regard it as an attempt at cherry picking, but May deepened the dissent within her own cabinet, losing two senior ministers from the Brexiter wing of the party: the Secretary of State for Brexit, David Davis, and the Foreign Secretary, Boris Johnson. By November 2018, the Chequers plan had been dropped and attention returned to the immediate issue of the Withdrawal Agreement and the Irish border.

The Irish border crystallized as an irresolvable puzzle after Theresa May announced three incompatible aims: to leave both the EU single market and customs union; to avoid a hard border between Ireland and Northern Ireland; and to avoid creating economic barriers between mainland UK (Great Britain) and Northern Ireland (referred to as a 'border down the Irish Sea'). Leaving the single market and the customs union would normally necessitate a border between an Ireland that is inside the EU, and a Northern Ireland that is not, violating one of May's red lines. But avoiding such a border would require Northern Ireland to stay closely aligned economically with the EU (and thus with Ireland), even if the rest of the UK (Great Britain) diverged from the EU, thus violating another of May's red lines. The idea of a safety net – dubbed 'the backstop' but formally called the Northern Ireland Protocol – was developed, aimed at ensuring that no hard border would ever have to be constructed between Ireland and Northern Ireland (see Menon and Hayward 2018). It would apply until a long-term future arrangement that did not require a hard border was agreed. The UK's overall future relationship with the EU thus became intrinsically tied to the question of the Irish border.

The initial backstop proposal was to keep <u>only</u> Northern Ireland within the EU's customs arrangements and relevant single market rules for goods. It was then replaced, in 2018, by a proposal to keep the <u>whole</u> of the UK in a customs arrangement with the EU until the border question could be resolved by other means. This 'UK-wide' backstop was a UK government proposal, to which the EU only reluctantly conceded (UK Government 2018b). Once again, the EU was concerned that it opened the door to cherry picking by the UK.

The European Union: How does it work? 6th edition

When the proposal for a 'UK-wide' backstop was unveiled in a protocol attached to the Withdrawal Agreement, May faced further cabinet resignations in November 2018. The ERG also signalled their opposition, suggesting that without any long-term replacement, the UK could end up trapped in a customs arrangement with the EU for an indeterminate period, something the UK government's own legal advice recognised as a possibility. The DUP also opposed the proposal, even though it minimalised the differential treatment of Northern Ireland from the rest of the UK. Other criticisms of the deal, largely articulated by the opposition Labour party, included the vagueness of the Political Declaration, which was heavy on broad, ambitious statements but light on details, a situation described by many MPs as a 'blindfold Brexit' (see UK Government 2018d). In the face of such opposition, May postponed a parliamentary vote on her deal to early 2019.

Brexit: a drama in parliament

In parallel to the UK government's travails, senior backbench MPs worked to ensure that parliament had a say in the Brexit process. A series of concessions about how a Brexit deal would make its way through parliament were secured in 2017 and 2018 (see Simson Caird et al. 2019), which had the effect of shifting power over the process from government to parliament. It was in large part due to the efforts of backbench MPs, and opposition parties, that the government agreed to allow the House of Commons a 'meaningful vote' on any deal agreed with the EU.[5]

May finally brought her deal forward for such a vote on 15 January 2019, only to see it defeated by a massive margin of 432 to 202, the biggest defeat for a government in modern parliamentary history. Two subsequent attempts in March also failed to secure a majority.[6] Parliament descended into a game of attrition with a beleaguered prime minister attempting to cajole and pressure MPs from all parties, sides and factions, to support her deal. In parallel, May engaged in intense diplomacy with EU leaders, attempting to secure any form of concession that would assuage concerns about the backstop amongst her fellow Conservatives

---

[5] What this meant in practice was that the House of Commons would first have to vote to approve any negotiated deal in a so-called 'meaningful vote' before passing the legislation required to implement that deal. The provisions are in Section 13 of the EU Withdrawal Act 2018.

[6] On 12 March 2019 the deal was defeated by 391 votes to 242. On 29 March it was defeated for a third time, by 344 votes to 286.

and the DUP (see Barwell, 2021: 249-376). Although May's promise to resign shortly after securing parliamentary support helped to bring some of the deal's fiercest opponents on board – Boris Johnson voted for it on the third vote, for example – dozens of the hardest Brexiters within the ERG, and the DUP's 10 MPs, continued to oppose her deal.

In an attempt to find a way forward, backbench MPs took control of the business of the House of Commons and staged a series of indicative votes on 27 March and 1 April 2019 in which a range of possible Brexit scenarios were voted on in a non-binding way. While the indicative votes demonstrated significant parliamentary support for softer forms of Brexit, as well as for a confirmatory referendum, across the 12 different votes no single proposition secured a majority of support amongst MPs (see Table 1).

TABLE 1. Results of Brexit indicative votes on 27 March and 1 April 2019

Motion	Votes for	Votes against
Votes on 27 March 2019		
Customs union with the EU: *negotiate a permanent and comprehensive UK-wide customs union with the EU*	265	271
Confirmatory public vote: *require a public vote to confirm any Brexit deal passed by parliament before ratification*	268	295
Labour's alternative Brexit plan: *a plan for a close economic relationship with the EU*	237	307
Common market 2.0: *UK membership of EFTA and the EEA*	189	283
Revoke Article 50 to avoid No Deal: *revoke Article 50 two days before the UK would leave the EU without a deal*	184	293
No Deal Brexit: *leave the EU without a deal on 12 April*	160	400
Contingent preferential arrangements: *UK government to seek preferential trade arrangements with EU*	139	422
EFTA membership plus EEA membership: *remain within EFTA, join the EEA but remain outside the customs union*	64	377
Votes on 1 April 2019		
Customs union with the EU	273	276
Confirmatory public vote	280	292

The European Union: How does it work? 6th edition

Common market 2.0	261	282
Revoke Article 50 and empower parliament: *extend or revoke Article 50 to avoid No Deal and then launch a public inquiry to consider the next steps in the process*	191	292

Source: Hansard (http://hansard.parliament.uk).

Note: Motions are arranged in descending order based on the size of their defeat.

Amidst this confusion, EU leaders twice agreed to extend the Article 50 process, eventually setting a new Brexit deadline of 31 October 2019. This resulted in the UK participating in the May 2019 European Parliament elections, in which the Conservative party won just 8.9 per cent of the vote. Farage's new Brexit Party, which ran on a platform of leaving the EU without a deal, topped the poll with 30.8 per cent. Parties wanting a new referendum, rather than accepting May's deal, polled just under 55 per cent, with a big surge for the most explicitly 'Remain' parties (the Liberal Democrats, the Greens and the Scottish National Party). Labour – with its perceived ambiguity of possibly *not* supporting a new referendum if it could secure a better Brexit deal – polled just 13.7 per cent.[7] The results revealed a UK deeply divided over Brexit. The only issue settled decisively was Theresa May's fate: she resigned the day after the vote.

Boris Johnson won the subsequent Conservative party leadership contest, becoming prime minister on 24 July 2019. Johnson made it clear that, while he would seek to renegotiate May's deal, he was prepared to leave the EU without a deal on 31 October. Parliament passed a bill proposed by the Labour MP Hilary Benn, chair of the House of Commons Brexit Committee, that effectively ruled out a 'No Deal Brexit' on 31 October, requiring the UK government to seek an extension to 31 January 2020 if a deal had not been approved. Benn won the support of 21 Conservative MPs whom Johnson promptly suspended from the Conservative parliamentary party. That move cost Johnson his parliamentary majority, with the combined opposition MPs holding a majority of 43 over the government.

During this period, the fundamentals of the UK political system were severely tested (see Menon 2020). Senior MPs discussed the possibility of replacing Johnson with a caretaker prime

---

[7] Figures from https://europarl.europa.eu/election-results-2019/en/national-results/united-kingdom/2019-2024/.
We include Labour within the group 'parties wanting a new referendum, rather than accepting May's deal'.

The European Union: How does it work? 6th edition

minister tasked with extending the Brexit deadline and possibly organising a new referendum. Predictably, there was a failure to agree on who would serve in that role. The opposition leader, Jeremy Corbyn, remained unpalatable to many MPs. Corbyn and his allies were in turn unprepared to countenance supporting any alternative caretaker prime minister. Amidst the stalemate, Johnson twice attempted and failed to secure an early general election. He also attempted to use an arcane procedure known as prorogation to shut down parliament for five weeks between 9 September and 14 October 2019. In a landmark ruling, the UK Supreme Court unanimously judged the prorogation 'unlawful' and overturned it on 24 September.[8] The political system remained gridlocked and dysfunctional, with trust between all sides badly broken. Johnson meanwhile continued to insist that Brexit would happen on 31 October despite the 'Benn' law passed by parliament.

External pressure on parliament for a new referendum was being organised, largely through the 'People's Vote' campaign. Public opinion had failed to rally behind the result of the 2016 referendum in the way that most MPs, including the leaderships of the Conservative and Labour parties, had expected it to. Almost every opinion poll in 2018 and 2019 showed that, had there been a second Brexit referendum, a narrow majority would have voted Remain.[9] Support for a new referendum among politicians gradually grew. Eventually, Labour, the Liberal Democrat, the SNP, Plaid Cymru and the Greens all supported one but were ultimately unable to seize control of the political agenda to deliver it.

To some surprise, Johnson reached agreement with the EU on a modified Withdrawal Agreement on 17 October (UK Government 2019a). It was largely identical to that of Theresa May's November 2018 agreement (Institute for Government 2019) but the Irish backstop was replaced by a new protocol, reverting to the original idea of a 'border down the Irish Sea'. Instead of the 'UK-wide' backstop, Northern Ireland alone would adopt EU single market regulations on goods – including EU VAT rules – and, although officially remaining within in the UK's customs territory, would to all intents and purposes be part of the EU customs union.[10]

---

[8] See *R (Miller) v The Prime Minister* and *Cherry v Advocate General for Scotland* [2019 (UKSC 41)].

[9] As Curtice (2019) remarked: 'there has been a modest but discernible softening of the Leave vote', which gives some support to 'those who wish to question whether Brexit does still represent "the will of the people"'.

[10] Under the Protocol, EU tariffs are be collected by the UK on behalf of the EU on any goods going from mainland UK to Northern Ireland that could be transported into and sold in the Republic of Ireland or beyond. Firms could claim rebates on goods that ultimately stayed in Northern Ireland where the UK had lower tariffs than the EU (UK Government 2019c).

A handful of minor edits shifted the Political Declaration further towards the preferences of the harder Brexiters (UK Government 2019b).

Despite the creation of a 'border down the Irish Sea' – something that unionists within the Conservative party had previously scorned – most Conservative MPs, even the ERG hardliners, rallied behind the deal. They were willing to compromise for two principal reasons. First, they feared that the growing pro-Remain forces might still snatch victory from the jaws of defeat and stop Brexit altogether. Second, they felt more comfortable entrusting future negotiations with the EU to 'one of their own' in Johnson, than they had to Theresa May. However, Johnson still couldn't get the deal through parliament. On 19 October 2019, in a historic Saturday sitting – and with a million anti-Brexit protesters gathered outside – MPs voted to withhold their approval of the deal until the legislation required to implement it had first been passed. This forced the government to request another delay to Brexit until 31 January 2020. The following week, the government brought the bill to implement the deal to parliament. MPs voted (by 329 votes to 299) to give it a second reading, allowing it to go to the next stage where amendments could be tabled, including ones for a new referendum. However, moments later they rejected (by 322 votes to 308) the proposed timetable for debating the bill, which was deemed too short to allow for proper scrutiny or for many amendments. Johnson reacted by withdrawing the legislation. He tried and failed again on 28 October 2019 to obtain parliament's agreement to an early election

The government appeared to be cornered. It could not get its Brexit deal through parliament, nor could it obtain agreement to proceed to a no-deal Brexit. Its attempts to get an early general election had failed. The government seemed to be facing a choice of either requesting a long extension, or taking its deal to the people in a new referendum. At that point, the Liberal Democrats and the SNP jointly proposed a one-page bill calling for an early election on 9 December in the expectation that they would do well in such an election. This gave Johnson a lifeline, as their votes in parliament would, combined with the votes of Conservative MPs, provide a majority for an election. Faced with the near-certainty of an election being called, Labour declared that it was ready for one. Brexit was the dominant issue of the December 2019 general election. The Conservatives won 43.6 per cent of the vote, which translated into a comfortable 80-seat majority. Although a majority (around 52 per cent) of people voted for parties committed to another referendum, the UK's non-proportional (first past the post)

electoral system proved fatal to that cause.[11] Campaigning under the simple but effective slogan of 'Get Brexit Done', and with Farage's Brexit Party standing down in all Conservative-held seats in exchange for an agreement not to extend the post-Brexit transition beyond the end of 2020, Johnson consolidated the UK's pro-Brexit vote behind the Conservative party (see Ford et al. 2021).

Johnson returned to parliament as the leader of an enlarged Conservative party, and a party shorn of many of his most prominent critics, as he had refused to allow the Conservative MPs who had voted against a no-deal Brexit to stand as Conservative candidates. Events then proceeded quickly. On 20 December 2019, a bill to ratify the Withdrawal Agreement was introduced, becoming law on 23 January 2020.[12] On 29 January, the European Parliament gave its consent to the ratification and the Council concluded the process the following day. On 31 January 2020, at midnight CET (23.00 GMT), the UK formally left the EU. The final Withdrawal Agreement stood at the 'harder' end of the Brexit spectrum and, alongside the Political Declaration, left much to be resolved. The process of negotiating Brexit revealed much about both the UK and the EU, which we discuss in Chapter 10 of the 6th edition (at p. 246).

The EU-UK Trade and Cooperation Agreement

The UK's formal departure from the EU did not 'get Brexit done'. A status quo format applied to the application of EU law and policy in the UK for an 11-month period known as the 'transition period', a period that the Johnson government refused to extend beyond 31 December 2020, even when the COVID-19 pandemic disrupted the negotiations. Chapter 10 of the 6th edition provides details of the negotiations that took place during 2020 to craft the EU-UK Trade and Cooperation Agreement (TCA), agreed on 24 December 2020.[13] That Chapter, written in June 2021, also noted that several issues were still subject to further tensions or negotiations.

One of these was the Northern Ireland Protocol, which has continued to cause significant tension between the EU and the UK (see pp. 249-50 of the 6th ed.). In May 2021, Arlene Foster, the First Minister of Northern Ireland, resigned as divisions within her DUP party about how

---

[11] Figures calculated from Baker et al. (2020).

[12] The European Union (Withdrawal Agreement) Act 2020.

[13] The full text of the TCA can be found at
https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22021A0430(01)&from=EN.

strongly to demand the repeal of the protocol tore the party apart. In July 2021, Lord Frost – at the time the UK government's Brexit minister who negotiated the detail of the protocol – called for it to be renegotiated, suggesting that the EU was applying it too rigidly. Frost branded the protocol a source of 'cold mistrust', despite the UK government having willingly signed it, and called for ending checks and paperwork on goods moving from Great Britain to Northern Ireland, and for removing the oversight role of the European Commission and the CJEU. Frost's demands amounted to a repudiation of the central tenets of the protocol. Frost resigned from the UK government in December 2021 and Liz Truss – the UK Foreign Secretary who assumed Frost's responsibilities vis-à-vis the EU – called for further negotiation, warning that she was prepared to suspend the protocol if the EU refused to make adequate concessions.

Whilst Article 16 of the protocol permits either side to suspend any part of the agreement that causes 'economic, societal or environmental' difficulties, if the UK went down this route it would likely prompt the EU to respond by imposing tariffs on trade between the EU and the UK. Although the EU has made it clear it will not renegotiate the protocol, it has signalled a willingness to compromise on how it is implemented, reducing the number of checks on food products moving from Great Britain to Northern Ireland, reducing the paperwork and customs information required by firms, and legislating to ease the flow of medicines across the Irish Sea (see Institute for Government 2022). Conscious of the political symbolism of the British sausage, the EU also proposed a 'national identity' exemption from the EU's prohibition on prepared meat from third countries being sold in Northern Ireland without individual certificates. The political sensitivity of this issue in Northern Ireland politics was underlined on 3 February 2022 when the new First Minister, Paul Givan, resigned in protest of the protocol. At the time of writing (March 2022), negotiations between the EU and the UK on the protocol were ongoing.

Other issues continue to cause difficulties, ranging from the allocation of fishing rights to the recognition of equivalence of financial regulations. Some issues, such as UK participation in EU research programmes, have been held up by the continued disagreement on the Northern Ireland Protocol. Others fell by the wayside when the UK government refused to follow up commitments made in the Political Declaration. This included the commitment to 'establish a broad, comprehensive and balanced security partnership' that would allow the UK and the EU to work together on 'evolving threats, including serious international crime, terrorism, cyber-

attacks, disinformation campaigns, hybrid threats, the erosion of the rules-based international order and the resurgence of state-based threats'.

The invasion of Ukraine, ordered by Russian President Vladimir Putin in February 2022, had a sobering effect on EU member states, as well as on the UK and other NATO allies. For the first time since the UK left the EU, a UK foreign secretary (Liz Truss) attended a meeting of the EU Council (the Foreign Affairs Council) – as did representatives of Ukraine and the US – to discuss the coordinated Western response to Putin's aggression. It remains to be seen what the medium-to-long term impact of Putin's actions in Ukraine will be on the European security architecture (on which see Chapter 9 of the 6th ed.). In the immediate-term, it prompted a unanimous EU Council decision to give €500 million in arms to the Ukrainian military, using the new European Peace Facility – a €5 billion CFSP financial instrument separate from the EU general budget, that can be used to provide military aid (see Ferrando 2021). The move was described as a watershed moment in that it was the first time ever that the EU financed the purchase and delivery of weapons and other equipment to a country under attack. Putin's actions also prompted a significant foreign and defence policy shift by the German government, which announced it would increase spending on defence to the NATO target of 2 per cent of GDP (Kirby 2022). The French President, Emmanuel Macron has – for some time – been attempting to get his European partners (including a post-Brexit UK) to rethink the structure of European security (Kempin 2021). EU foreign and defence policy, and the EU-UK security relationship, are likely to be topics of renewed salience throughout 2022 and beyond.

Brexit and the future of the UK

Brexit exacerbated existing questions about territory, power and governance in the UK (see Keating 2021). It raised specific questions about the constitutional relationship between both Northern Ireland and Scotland, on the one hand, and the UK, on the other. Beyond that, it raised broader questions of law and governance that had to be resolved in the context of many public policy powers returning from Brussels to the UK. Debates about which level of government – the UK government in London or the devolved governments in Scotland, Wales and Northern Ireland – would be responsible for exercising those powers have been highly contentious.

As we have seen, Brexit poses a distinct set of problems for Northern Ireland's place within the UK. Like Scotland, Northern Ireland voted (by 56 to 44 per cent) to remain in the EU. A

distinctive socio-political context casts a long shadow, as Northern Ireland remained in transition to a post-conflict society, following the period known as the 'Troubles' (McKittrick and McVea 2012 – see Box 10.1 in the 6th ed.). Paramilitary activity in Northern Ireland has not entirely ended and the legacy of sectarian violence remains (see Gormley-Heenan and Aughey 2017). Devolution arrangements that mandate power-sharing between unionists and nationalists are 'a fundamental part of a larger peace agreement meant to bring about reconciliation between the two major communities' (Doherty et al. 2017: 3). An international treaty underpins devolution in Northern Ireland and assumes EU membership for both the UK and the Republic of Ireland. The Good Friday Agreement, which brought the troubles to an end, relies on the soft border that was facilitated by the EU's single market and customs union.

In the 2017 Northern Ireland Assembly elections, unionist parties for the first time failed to win a majority. Sinn Fein – the Irish nationalist party that competes electorally in both Ireland and Northern Ireland – called for a referendum on Northern Ireland's unification with Ireland, as did the Social Democratic and Labour Party, another Irish nationalist party. The prospect of Northern Ireland eventually leaving the UK and joining Ireland, and thus becoming part of the EU again, has grown in recent years. Brexit – combined with the recent electoral strength of Sinn Fein in Ireland, and broader demographic trends – has stimulated talk of Irish unification (*Economist*, 2020; Meagher 2016). The UK government is legally obliged to call a 'border poll' (a referendum) in Northern Ireland should it appear likely that a majority would vote for Irish unification (see Whysall 2019). Few predict that this will happen in the immediate future, not least because of the immense political, cultural, and social challenges posed by unifying Ireland (see Patterson 2021). However, it is another reminder that the constitutional fabric of the UK is delicate.

Scotland's place in the UK has been at the forefront of public debate since the SNP – a party committed to Scottish independence – won a majority of seats in the devolved Scottish Parliament in 2011, making a referendum on independence inevitable. The referendum, held in September 2014, resulted in a tighter vote than expected: 55.3 per cent voted 'No' to independence and 44.7 per cent voted 'Yes'. Although the SNP lost the referendum, they 'won' the aftermath as their membership surged and the perception spread that they were the party that best stood up for Scotland's interests (see Mitchell and Johns 2016). Since then, the SNP have convincingly won elections held in Scotland for both the UK and Scottish parliaments. The EU referendum boosted the SNP argument that Scotland's interests diverged from those

of the UK, with 62 per cent of Scottish voters opting to remain in the EU. Within hours of the EU referendum result, Nicola Sturgeon – Scotland's First Minister and SNP leader – said that a second independence referendum was 'highly likely' given that Scotland was being taken out of the EU against the will of its people.

In spring 2017, the Scottish Parliament voted to hold such a referendum. Perhaps mindful of polls showing that fewer Scots wanted a referendum than were prepared to vote 'Yes', Theresa May responded 'now is not the time'.[14] For May, Brexit was the priority and its precise form had to be known before Scots could vote again on independence. The relationship between Brexit and a potential second Scottish independence referendum remains complicated. Politically, Brexit has proven to be less a springboard for the SNP and more of a tightrope to be walked carefully (Montagu 2019; Curtice 2020). Movement amongst two types of voters has created fluidity. First, some people in Scotland who voted to stay in the UK in 2014 and then to stay in the EU in 2016 now say they are open to the idea of Scottish independence as a way of re-joining the EU. Conversely, some who voted to leave the UK in 2014 and then to leave the EU in 2016 are questioning whether Scottish independence is worth having if it means re-joining the EU.

Although a majority of the Scottish Parliament again expressed support for a second referendum in 2020 – and although pro-independence parties won a majority of seats in the May 2021 Scottish Parliament elections – COVID-19 made a second referendum impossible during 2020 and 2021. Furthermore, secure in its large parliamentary majority after December 2019, the UK government strongly opposes a second independence referendum for the foreseeable future, arguing that the priority must be the UK-wide recovery from the pandemic. Ongoing stalemate seems likely. Opinion polls have fluctuated, as voters in Scotland evaluate the relative merits of the Union with England, Wales and Northern Ireland, and the potential of a union (once again) with the EU-27. Were a referendum held in the near future, neither side could be confident of the result. More certain is that an independent Scotland would seek membership of the EU (Scottish Government 2018), which would raise difficult questions about the Scotland-England border – questions similar to those raised by the Irish border.

---

[14] Because constitutional affairs are a reserved power in the UK's system of devolution, Westminster has to pass legislation permitting the Scottish Parliament to hold an independence referendum.

Another major issue raised by Brexit – and one relevant to all three devolved governments (Scotland, Wales, and Northern Ireland) – was how to repatriate powers from the EU to the UK. In the late 1990s, certain powers were devolved to parliaments or assemblies in Scotland, Wales, and Northern Ireland, with other powers 'reserved' to the UK parliament in London (Bulmer et al. 2006). Brexit meant powers returning to the UK in policy areas – such as agriculture, fisheries, and environmental protection – that were devolved but previously exercised by the EU. Whitman (2017: 7) noted 'substantial overlap between areas that have a high level of EU competence and those that come under the remit of devolved policy', raising an important question: 'where this overlap exists, to which authority should EU powers be repatriated after Brexit?'

The Scottish and Welsh governments argued that such powers should revert directly to the sub-national level. Indeed, many of the powers returning from Brussels have been returned to the devolved parliaments (in Scotland and Wales) and assembly (in Northern Ireland), for example food labelling, energy efficiency, and farming support, amongst others. However, the UK government argued that it was important, after leaving an EU single market that ensured consistency – and prevented trade barriers – across the UK, to maintain that set-up in the context of a UK-wide internal market. Given that, the UK government identified 40 areas of policy where 'Common Frameworks' would be required and powers would therefore not automatically be handed to the devolved governments. The Welsh government eventually reached an agreement with the UK government on this issue. The Scottish government, whilst accepting the principle of UK-wide policy frameworks in some areas, continued to object to the way in which the UK government developed such frameworks, arguing that the devolved governments were not sufficiently consulted. The UK government has published quarterly reports on the development of the frameworks but the passage of the UK Internal Market Act in December 2020 created new frictions (UK Government 2020).

That Act contains a 'market access' provision; meaning goods acceptable for sale in one part of the UK will be acceptable for sale in all parts. Potentially, this could create a situation where the lowest acceptable standards on goods would by default become the standard across the whole of the UK, something that many (including the Scottish and Welsh governments) have expressed concern about (see House of Lords 2021). A system for considering exclusions to these market access principles was agreed in December 2021 (UK Government 2021) but the Scottish and Welsh governments remain opposed to the logic of the UK Internal Market Act.

The overall process of repatriating powers from the EU to the UK was fraught, highlighting the fault lines in the UK's devolution system, especially the lack of formality around intergovernmental relations – that is, the mechanisms that allow different levels of government within a state to negotiate on issues of shared concern (McEwen et al. 2020; McEwen 2021). A review of intergovernmental relations, concluded in early 2022, instituted wide-ranging changes to the machinery of government (UK Government 2022). However, questions about the culture of government – and the willingness of the UK government to treat the devolved governments with parity of esteem – persist.

Conclusion

Much remains to be settled almost six years after the referendum and more than two years after the UK left the EU. Domestically, Brexit was an extraordinarily divisive issue in UK politics, the ramifications of which continue to impact the UK's electoral, territorial, and constitutional politics. In the EU, Brexit produced a remarkable degree of unity among the 27 member states and institutions; they came together to deal with a difficult issue in spite of their differences across a range of political and policy issues. It is hard to predict precisely how the EU-UK relationship will evolve in the coming years but – however it evolves – it will be influenced by a combination of bilateral dynamics and the shifting global context in which the relationship is situated.

GUIDE TO FURTHER READING

Grob-Fitzgibbon (2016) and Stephens (2021) offer interesting analyses on the history of the UK-EU relationship. Curtice (2017) and Clarke et al. (2017) are invaluable analytical resources about the referendum result. The broader political context is well covered by Shipman (2016). Barwell (2021) offers a first-hand account of how the UK government managed Brexit between June 2017 and July 2019. Bulmer and Quaglia (2018) discuss the politics and economics of Brexit and Wincott (2017) offers an excellent set of essays about Brexit. Keating (2021) offers a comprehensive discussion of the UK's constitutional and territorial politics after Brexit. Also interesting, on the domestic impact of Brexit, is Jennings and Lodge (2019). Diamond et al. (2018) is an insightful handbook about the politics of Brexit.

WEB LINKS

The European Union: How does it work? 6th edition

- The Institute for Government tracks Brexit developments and how they impact the workings of the UK and devolved governments: https://www.instituteforgovernment.org.uk/our-work/brexit
- The UK in a Changing Europe is an academic-led think-tank focused on the UK-EU relationship: https://ukandeu.ac.uk/
- The following parliamentary committees regularly hold inquiries, take evidence, and produce reports on matters related to the UK-EU relationship:
    - House of Commons European Scrutiny Committee: https://committees.parliament.uk/committee/69/european-scrutiny-committee/
    - House of Lords European Union Committee: https://committees.parliament.uk/committee/516/european-affairs-committee/

The European Union: How does it work? 6th edition

REFERENCES

Antonucci, L., Horvath, L., Kutiyski, Y. and Krouwel, A. (2017) 'The malaise of the squeezed middle: Challenging the narrative of the "left behind" Brexiter', *Competition & Change*, 21/3: 211-29.

Baker, C., Uberoi, E., and Cracknell, R. (2020) 'General election 2019: full results', *House of Commons Briefing Paper*, at: https://commonslibrary.parliament.uk/research-briefings/cbp-8749/

Bale, T., Hanley, S. and A. Szczerbiak (2010) '"May contain nuts"? The reality behind the rhetoric surrounding the British Conservatives' new group in the European Parliament', *The Political Quarterly*, 81/1: 85-98.

Barwell, G. (2021) *Chief of Staff: Notes from Downing Street* (London: Atlantic Books).

BBC (2016) *Brexit: A Very British Coup?* at: https://www.youtube.com/watch?v=IT-ScoHqMxU

_____ (2017) 'Sir Ivan Rogers' letter to staff in full', 4 January, at: http://www.bbc.co.uk/news/uk-politics-38503504

Behr, R. (2016) 'How remain failed: the inside story of a doomed campaign', *The Guardian*, 5 July, at https://www.theguardian.com/politics/2016/jul/05/how-remain-failed-inside-story-doomed-campaign

Bennett, O. (2016) *The Brexit Club: The Inside Story of the Leave Campaign's Shock* Victory (London: Biteback).

Bressalini, E., Chelotti, N., and Lehmann, W. (2019) 'Negotiating Brexit: the European Parliament between participation and influence', *Journal of European Integration*, 41/3: 347-63.

Bulmer, S. and Quaglia, L. (eds.) (2018) Special issue on 'The Politics and Economics of Brexit', *Journal of European Public Policy*, 25/8.

_____, Burch, M., Hogwood, P. and Scott, A. (2006) 'UK devolution and the European Union: a tale of cooperative asymmetry?', *Publius: The Journal of Federalism*, 36/1: 75-93.

Cadwalladr, C. (2017) 'The great British Brexit robbery: How our democracy was hijacked', *The Guardian*, 7 May, at: https://www.theguardian.com/technology/2017/may/07/the-great-british-brexit-robbery-hijacked-democracy

CJEU [Court of Justice of the European Union] (2018) *Judgment of the Court, Reference for a preliminary ruling – Article 50 TEU – Notification by a Member State of its intention to withdraw from the European Union*, Case C-621/18, at: http://curia.europa.eu/juris/document/document.jsf;jsessionid=30070EAD3C16AB345376A71509ACC49D?text=&docid=208636&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1

Clarke, H.D., Goodwin, M. and Cowley, P. (2017) *Brexit: Why Britain Voted to Leave the European Union* (Cambridge: Cambridge University Press).

Closa, C. (2020) 'Inter-institutional cooperation and intergroup unity in the shadow of the veto: the construction of the EP's institutional role in the Brexit negotiations', *Journal of European Public Policy*, 27/4: 630-48.

The European Union: How does it work? 6th edition

Curtice, J. (2016) 'Is David Cameron now leader of the opposition?', *What the UK Thinks*, 29 February, at: https://whatukthinks.org/eu/is-david-cameron-now-leader-of-the-opposition/

_____ (2017) 'Why leave won the UK's EU referendum', *Journal of Common Market Studies*, 55/s1: 19-37.

_____ (2019) 'Has there been a shift in support for Brexit?', *UK in a Changing Europe*, 11 February, at: https://ukandeu.ac.uk/has-there-been-a-shift-in-support-for-brexit/

_____ (2020) 'High noon for the Union? The 2021 Scottish election', *Institute for Public Policy Research Progressive Review*, 27/3: 224-34.

D'Ancona, M. (2016) 'Brexit: how a fringe idea took hold of the Tory party', *The Guardian* long read, 15 June, at: https://www.theguardian.com/politics/2016/jun/15/brexit-how-a-fringe-idea-took-hold-tory-party

Daddow, O. (2012) 'The UK media and 'Europe': from permissive consensus to destructive dissent', *International Affairs*, 88/6: 1219-36.

Diamond, P., Nedergaard, P. and Rosamond, B. (eds.) (2018) *The Routledge Handbook of the Politics of Brexit* (London: Routledge).

Doherty, B., Temple Lang, J., McCrudden, C., McGowan, L., Phinnemore, D., and Schiek, D. (2017) 'Northern Ireland and Brexit: the European Economic Area option', *European Policy Centre*, Discussion Paper, 7 April, at http://epc.eu/documents/uploads/pub_7576_northernirelandandbrexit.pdf

Dorling, D. and Tomlinson, S. (2019) *Rule Britannia: Brexit and the End of Empire* (London: Biteback).

Economist (2020) 'Brexit and Sinn Fein's success boost talk of Irish unification', 13 February, at: https://www.economist.com/briefing/2020/02/13/brexit-and-sinn-feins-success-boost-talk-of-irish-unification

Electoral Commission (2018) *Report of an Investigation in Respect of – Vote Leave Limited, Mr Darren Grimes, BeLeave, Veterans for Britain* (London: Electoral Commission).

European Commission (2017) *Joint Report from the Negotiators of the European Union and the United Kingdom Government*, at: https://ec.europa.eu/commission/sites/beta-political/files/joint_report.pdf

European Council (2016) 'European Council meeting (18 and 19 February 2016) – Conclusions', at http://www.consilium.europa.eu/en/meetings/european-council/2016/02/EUCO-Conclusions_pdf/

_____ (2017) 'European Council (Art. 50) guidelines for Brexit negotiations', at http://www.consilium.europa.eu/en/press/press-releases/2017/04/29-euco-brexit-guidelines/

Ferrando, M. (2021) 'Is the European peace facility really about peace?', *Centre for European Reform*, Insight report, at: https://www.cer.org.uk/insights/european-peace-facility-really-about-peace

Ford, R. and Goodwin, M. (2014) *Revolt on the Right: Explaining Support for the Radical Right in Britain* (London: Routledge).

Ford, R., Bale, T., Jennings, W. and Surridge, P. (2021) *The British General Election of 2019* (Cham, Switzerland: Macmillan).

The European Union: How does it work? 6th edition

Geddes, A. (2016) 'Britain beyond the European Union?' In R. Heffernan, C. Hay, M. Russell and P. Cowley (eds,) *Developments in British Politics*, 10th ed (Basingstoke: Palgrave Macmillan).

George S. (1998) *An Awkward Partner: Britain in the European Union* (Oxford: Oxford University Press).

Goodwin, M. (2016) 'Inequality, not personalities drove Britain to Brexit', *Politico*, 28 June, at http://www.politico.eu/article/inequality-not-personalities-drove-britain-to-brexit/

_____ and Heath, O. (2016) 'The 2016 referendum, Brexit and the left behind: an aggregate-level analysis of the result', *The Political Quarterly*, 87/3: 323-32.

Gormley-Heenan, C. and Aughey, A. (2017) 'Northern Ireland and Brexit: Three effects on the "border in the mind"', *British Journal of Politics and International Relations*, 19/3: 497-511.

Grob-Fitzgibbon, B. (2016) *Continental Drift: Britain and Europe from the End of Empire to the Rise of Euroscepticism* (Cambridge: Cambridge University Press).

Hawkins, B. (2012) 'Nation, separation and threat: An analysis of British media discourses on the European Union treaty reform process', *Journal of Common Market Studies*, 50/4: 561-77.

_____ (2021) *Deconstructing Brexit Discourses: Embedded Euroscepticism, Fantasy Objects and the UK's Vote to Leave the EU* (London: Routledge).

Heppell, T. (2013) 'Cameron and liberal conservatism: attitudes within the parliamentary Conservative party and Conservative ministers', *British Journal of Politics & International Relations*, 15/3: 340-61.

House of Commons (2019) *Disinformation and 'Fake News': Final Report*, Digital, Culture, Media and Sport Committee, 8th Report of Session 2017-2019 (London: HMSO).

House of Lords (2021) *Beyond Brexit: Policing, Law Enforcement and Security*, European Union Committee, 25th Report of Session 2019-21 (London: HMSO).

Huysmans, M. (2019) 'Enlargement and exit: the origins of Article 50', *European Union Politics*, 20/2: 155-75.

_____ (2019) 'Brexit deal: The Withdrawal Agreement', at: https://www.instituteforgovernment.org.uk/explainers/brexit-deal-withdrawal-agreement

_____ (2022) 'Northern Ireland Protocol: ongoing UK-EU disagreements', at: https://www.instituteforgovernment.org.uk/explainers/northern-ireland-protocol-disagreements

Jennings, W. and Lodge, M. (2019) 'Brexit, the tides and Canute: the fracturing politics of the British state', *Journal of European Public Policy*, 26/5: 772-89.

Keating, M. (2021) *State and Nation in the United Kingdom* (Oxford: Oxford University Press).

Kempin, R. (ed.) (2021) 'France's foreign and security policy under President Macron: The consequences for Franco-German cooperation', *SWP Research Paper*, at: https://www.swp-berlin.org/publications/products/research_papers/2021RP04_PolicyUnderMacron_DASEP.pdf

Kirby, J. (2022) 'Germany's dramatic reversal on defense, explained', *Vox*, 5 March, at: https://www.vox.com/22960493/germany-chancellor-reversal-defense-war-russia-ukraine

The European Union: How does it work? 6th edition

Korski, D. (2016) 'Why we lost the Brexit vote', *Politico*, 20 October, at http://www.politico.eu/article/why-we-lost-the-brexit-vote-former-uk-prime-minister-david-cameron/

Lazowski, A. (2012) 'Withdrawal from the European Union and alternatives to membership', *European Law Review*, 37/5: 523-40.

Levy, D., Aslan, B. and Bironzo, D. (2016) *UK Press Coverage of the EU Referendum*, Reuters Institute for the Study of Journalism, University of Oxford, at http://reutersinstitute.politics.ox.ac.uk/sites/default/files/UK%20Press%20Coverage%20of%20the%20EU%20Referendum_0.pdf

Lloyd, L. (2019) *The Brexit Effect: How Government has Changed since the Referendum*, at: https://www.instituteforgovernment.org.uk/publications/brexit-effect

Lynch, P. and Whitaker, R. (2008) 'A loveless marriage: the Conservatives and the European People's Party', *Parliamentary Affairs*, 61/1: 31-51.

McEwen, N. (2021) 'Negotiating Brexit: power dynamics in British intergovernmental relations', *Regional Studies*, 55/9: 1538-49.

McEwen, N., Kenny, M., Sheldon, J. and Brown-Swan, C. (2020) 'Intergovernmental relations in the UK: time for an overhaul?', *The Political Quarterly*, 91/3: 632-40.

McKittrick, D. and McVea, D. (2012) *Making Sense of the Troubles: A History of the Northern Ireland Conflict* (London: Penguin).

Meagher, K. (2016) *A United Ireland: Why Reunification is Inevitable and How it Will Come About* (London: Biteback).

Menon, A. (ed.) (2020) *Parliament and Brexit*, UK in a Changing Europe/UCL Constitution Unit report, at: https://www.ucl.ac.uk/constitution-unit/sites/constitution-unit/files/85963_ukin_parliament_report_proof_v10.pdf

_____ and Hayward, K. (eds.) (2018) *Brexit and the Backstop: Everything You Need to Know*, at: https://ukandeu.ac.uk/wp-content/uploads/2019/02/Brexit-and-the-backstop-everything-you-need-to-know-1.pdf

Milward, A. (2002) *The United Kingdom and the European Community, Volume I: The Rise and Fall of a National Strategy, 1945-1963* (London: Routledge).

Mitchell, J. and Johns, R. (2016) *Takeover: Explaining the Extraordinary Rise of the SNP* (London: Biteback).

Montagu, I. (2019) 'Is Brexit a springboard or a balancing act for Nicola Sturgeon?', *What Scotland Thinks*, 22 January, at: http://blog.whatscotlandthinks.org/2019/01/is-brexit-a-springboard-or-a-balancing-act-for-nicola-sturgeon/

Oliver, C. (2016) *Unleashing Demons: The Inside Story of Brexit* (London: Hodden & Stoughton).

ONS [Office for National Statistics] (2016) 'Statement on the use of official statistics on contributions to the EU', at: https://uksa.statisticsauthority.gov.uk/news/uk-statistics-authority-statement-on-the-use-of-official-statistics-on-contributions-to-the-european-union/

Owen, J. and Munro, R. (2016) *Whitehall's Preparation from the UK's exit from the EU*, at https://www.instituteforgovernment.org.uk/sites/default/files/publications/IFGJ5003_Whitehalls_preparation_131216_V10.pdf

The European Union: How does it work? 6th edition

Patterson, G. (2021) *The Last Irish Question: Will Six into Twenty-Six Ever Go?* (London: Head of Zeus).

Payne, S., Tilford, C. and Stabe, M. (2019) 'The Conservative party's Brexit tribes: an interactive guide', *Financial Times*, 28 March.

Phillipson, G. and Young, A. (2018) '*Wightman*: What would be the UK's constitutional requirements to revoke Article 50?', *UK Constitutional Law Blog*, 10 December, at: https://ukconstitutionallaw.org/2018/12/10/gavin-phillipson-and-alison-l-young-wightman-what-would-be-the-uks-constitutional-requirements-to-revoke-article-50/

Rogers, I. (2018) Speech at the University of Liverpool, at: https://news.liverpool.ac.uk/2018/12/13/full-speech-sir-ivan-rogers-on-brexit/

Scottish Government (2018) *Scotland's Place in Europe*, 27 November, at: https://www.gov.scot/publications/scotlands-place-europe-assessment-uk-governments-proposed-future-relationship-eu/

Shipman, T. (2016) *All Out War: The Full Story of How Brexit Sank Britain's Political Class*. Glasgow: Harper Collins.

Simson-Caird, J., Wager, A. and Bevington, M. (2019) *Resolving the Brexit Impasse*, report by UK in a Changing Europe/Bingham Centre for the Rule of Law, at: https://ukandeu.ac.uk/wp-content/uploads/2019/02/Resolving-the-Brexit-Impasse.pdf

Stephens, P. (2021) *Britain Alone: The Path from Suez to Brexit* (London: Faber).

Susskind, J. (2018) *Future Politics: Living Together in a World Transformed by Tech* (Oxford: Oxford University Press).

Swales, K. (2016) 'Understanding the leave vote', *NatCen* report, at: https://natcen.ac.uk/media/1319222/natcen_brexplanations-report-final-web2.pdf

Thimont-Jack, M., Etherington, H. and Owen, J. (2020) *The Civil Service after Brexit: Lessons from the Article 50 Period,* report of the Institute for Government, at: https://www.instituteforgovernment.org.uk/publications/civil-service-after-brexit-article-50

UK Government (2013) 'David Cameron's EU speech at Bloomberg', 23 January, at: https://www.gov.uk/government/speeches/eu-speech-at-bloomberg

UK Government (2017a) 'The government's negotiating objectives for exiting the EU (Lancaster House Speech)', 17 January, at: https://www.gov.uk/government/speeches/the-governments-negotiating-objectives-for-exiting-the-eu-pm-speech

_____ (2017b) 'A new era of cooperation and partnership between the UK and the EU (Florence Speech), 22 September, at: https://www.gov.uk/government/speeches/pms-florence-speech-a-new-era-of-cooperation-and-partnership-between-the-uk-and-the-eu

_____ (2018a) *The Future Relationship between the United Kingdom and the European Union* ('The Chequers Proposal') at: https://www.gov.uk/government/publications/the-future-relationship-between-the-united-kingdom-and-the-european-union

_____ (2018b) *Technical Note: Temporary Customs Arrangement*, at: https://static.rasset.ie/documents/news/2018/10/uk-temporary-customs-arrangements-proposal.pdf

The European Union: How does it work? 6th edition

_____ (2018c) *Withdrawal Agreement*, at: https://www.gov.uk/government/publications/withdrawal-agreement-and-political-declaration

_____ (2018d) *Political Declaration*, at: https://www.gov.uk/government/publications/withdrawal-agreement-and-political-declaration

_____ (2019a) *New Withdrawal Agreement*, at: https://www.gov.uk/government/publications/new-withdrawal-agreement-and-political-declaration

_____ (2019b) *New Political Declaration*, at: https://www.gov.uk/government/publications/new-withdrawal-agreement-and-political-declaration

_____ (2019c) *Revised Northern Ireland Protocol*, at: https://www.gov.uk/government/publications/new-protocol-on-irelandnorthern-ireland-and-political-declaration

_____ (2020) *The Future Relationship with the EU*, at: https://www.gov.uk/government/publications/our-approach-to-the-future-relationship-with-the-eu

_____ (2021) *Process for considering UK Internal Market Act exclusions*, at: https://www.gov.uk/government/publications/process-for-considering-ukim-act-exclusions-in-common-framework-areas/process-for-considering-uk-internal-market-act-exclusions-in-common-framework-areas#proposal-and-consideration-of-exclusions

_____ (2022) *Review of Intergovernmental Relations*, at: https://www.gov.uk/government/publications/the-review-of-intergovernmental-relations

Vasilopoulou, S. and Keith, D. (2019) 'Renegotiation versus Brexit: The question of the UK's constitutional relationship with the EU', *Journal of Common Market Studies*, 57/3: 486-501.

Wall, S. (2012) *The Official History of Britain and the European Community, Volume II: From Rejection to Referendum, 1963-1975* (London: Routledge).

Whitman, R. (2017) 'Devolved external affairs: the impact of Brexit', *Chatham House*, at https://www.chathamhouse.org/publication/devolved-external-affairs-impact-brexit

Whysall, A. (2019) 'A Northern Ireland border poll', *UCL Constitution Unit* report, at: https://www.ucl.ac.uk/constitution-unit/sites/constitution-unit/files/185_a_northern_ireland_border_poll.pdf

Wincott, D. (ed.) (2017) 'Studying Brexit's causes and consequences', special issue of *British Journal of Politics & International Relations*, articles in issues 19/3 and 19/4.

_____ (2021) 'Comfortable levers: The expectations and hopes of the overlooked Brexit voters', *UK in a Changing Europe*, briefing paper, at: https://ukandeu.ac.uk/wp-content/uploads/2021/04/Comfortable-Leavers-1.pdf

Young, H. (1998) *This Blessed Plot: Britain and Europe from Churchill to Blair* (Basingstoke: Palgrave Macmillan).

The European Union: How does it work? 6th edition