

# Brexit: is it sustainable?



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**In January 2020, as Britain was about to exit the EU, a post appeared on the London School of Economics (LSE) blog musing about the mechanism and conditions that might apply if Britain ever wanted to re-join.**

The author, Anthony Salamone, suggested that before any future application, the EU would look for a “significant, stable and long-lasting majority public opinion in favour” and should be of the order of 60-65 percent or more for several years as a minimum. This would avoid “an unstable member state or risk another Brexit down the road”.

I’ve read similar elsewhere. It’s a typically logical EU position that makes the prospect of reversing Brexit in the short term all but impossible.

However, that is not to say that Brexit is settled, far from it.

# How stable and sustainable is Brexit?

Given that there has never been anything like a 60-65 percent majority *in favour* of Brexit and a **lot of evidence** that most people actually now think it was a mistake, how sustainable will it be in the long term?

Despite Johnson banning the use of the 'B' word by ministers, the question is still finely balanced and will remain so until a "significant, stable and long-lasting majority public opinion in favour" emerges, one way or the other. That majority is unlikely to be for Brexit.

In the years leading up to the referendum, there was little evidence that the UK population when asked what the most important issues facing Britain were (out of a choice of 36), thought the EU was anywhere near the top.

Ipsos Mori have run these **monthly polls** for years and in 2008, the year after the Lisbon treaty was signed, right up to 2010 when the Tory/Liberal coalition came in, an average of between 2 and 3 percent thought the common market/EU/single currency was a big issue. By comparison, crime and the economy were sometimes well over 50 percent, even 70 percent at times.

As late as 2015, with talk of the promised referendum growing and Cameron touring EU capitals to renegotiate Britain's terms, less than 9 percent on average thought it important.

Since there seemed no natural appetite for Brexit, UKIP, and Conservative Eurosceptics together with the British press, manufactured one and satisfied it with the success of the Vote Leave campaign.

The Irish writer Finton O'Toole has described the leave victory as the UK winning imaginary freedom from **imaginary oppression**. In other words, the pressure for Brexit in 2016 he claimed, was largely mythical and didn't stem from any tangible, rational or widespread anti-EU sentiment.

However, pressure to reopen talks is now growing amid major trade disruption and a flight of business and capital to the EU. The impact on the UK so far has been far from imaginary.

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## Nobody's happy with Johnson's deals

Remainers are clearly not pleased. Unionists in Northern Ireland who voted for Brexit are now deeply unhappy with the Northern Ireland protocol and are pressing for it to be renegotiated. Paramilitary loyalist groups have gone as far as **renouncing** the Good Friday Agreement, while one of its architects, Lord Trimble, joins a legal challenge against the protocol.

Members of the food industry are calling for a **new sanitary and phytosanitary (SPS) agreement** with the EU to align standards and ease problems with exporting meat and breeding stock.

Scotland Food and Drink has joined in calls for the trade and cooperation agreement (TCA) to be renegotiated with **mutual recognition** of food standards. The BBC say pressure is mounting to 'reopen' the deal.

Even Shanker 'snake-oil' Singham, the so-called '**brain of Brexit**' thinks we need at least a bespoke EU/UK veterinary deal, based on a similar one with New Zealand, using common standards to help reduce the number of checks required.

Amidst calls to restart talks with the EU, some **ardent Brexiters** are warning that any such move would simply be BRINO or Brexit in name only. They warn of "an alliance of UK remainers and protectionist agricultural interests" forcing the government into the alignment which the food industry says is needed.

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## Even the UK government may not be totally happy

We know that Theresa May's preference was for an agreement that avoided as far as possible disruption to UK-EU trade. This was an implicit acknowledgment that close trading ties were essential for British industry.

The EU rejected her proposals as cherry-picking. Johnson came to office determined on the surface to prioritise sovereignty at all cost. However, even in

May 2020, **Barnier was still noting** the UK's continued demands for "a simple Canada-type trade deal" while retaining single market advantages "in innumerable sectors" but the EU would not yield.

The day before signing the trade deal on Christmas Eve 2020, the UK was still trying to present the EU with a legal text which Barnier claims was "peppered with traps, false compromises, and backwards steps".

Does this sound like a deal that the UK government is genuinely satisfied with?



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## **Brexit was always destined to end in disappointment for the majority**

The 2016 referendum result saw the 48 percent who wished to remain, losing to a 52 percent Vote Leave 'coalition' that believed they were all voting *for* the same thing. In fact, they were voting *against* a variety of different things, all blamed rightly or wrongly on the EU.

Note this is the reverse of how UK general election decisions are made. In our 'first past the post' (FPTP) system, supporters of a range of different parties with wholly different aims usually cast the majority of votes *against* the winning party, but are deemed to have lost. In the referendum, they won.

This was always likely to make reaching a consensus about the UK's post-Brexit status difficult if not impossible, and so it has proved. Johnson seems to have satisfied almost no one and without a significant majority to support it, Brexit will remain an issue.

Professor Chris Grey who writes extensively about Brexit and is seemingly the foremost authority on it, has a forthcoming book: *Brexit Unfolded: How no one got what they want (and why they were never going to)*. The title is an astute observation on where we are.

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## **Is there a realistic prospect of changes being negotiated?**

The answer is no, at least in the short term. As several trade experts have pointed out, this is not how trade deals work. Those in British industry looking to the partnership council, the joint body which will oversee the TCA, to provide relief are likely to be disappointed.

These joint bodies are common in EU trade deals and meet infrequently to resolve minor technical issues or 'clarify' matters. They do not and cannot change the basic terms of the deal.

There is also little pressure on Brussels to renegotiate a deal which preserves and probably increases their huge trade surplus in goods with Britain.

And Lord Frost, questioned about it in the **House of Lords** at the end of March, appeared to rule out any changes to help the food and drink sector because it would mean accepting "the laws of the European Union" which he said was "quite a considerable downside".

So, there appears no foreseeable prospect of substantial change.

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## The problematic Northern Ireland protocol is here to stay

The two sides are putting considerable effort into finding ways of making the controversial Northern Ireland protocol more acceptable to citizens in the province. The *Financial Times* ran a **recent article** suggesting the UK government was “throwing [the] kitchen sink” at making the deal work.

Johnson, in one of his confused metaphors, talks of “sandpapering the barnacles” off his protocol like a demented ship repairer.

Tony Connelly at the Irish broadcaster *RTE*, **reports** the beginnings of what may be an agreement offering some easements to reduce disruption at Ulster’s ports. But the EU is taking a hard line. It is offering the UK government a choice between small ‘piecemeal’ easements or a wider ‘structural’ change where the UK aligns with EU SPS rules - something the UK will not contemplate as we have seen.

One possible solution being discussed is for any alignment to be temporary until one or other of the sides decided or needed to diverge, due to a US trade deal for example. This would push the problem into the future but wouldn’t resolve it.

The ‘risk-based’ approach favoured by many pro-Brexit politicians, where foodstuffs entering Northern Ireland would be assessed on the likelihood of them entering the EU single market, has been **emphatically ruled out**.

It seems loyalists and those calling for the Northern Ireland protocol to be scrapped, will be disappointed, at least in the short term.



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## How did we get here and is the past a pointer to the future?

Britain has had to accept a lot of unpalatable truths, of which perhaps the most difficult is the fact that the EU had the upper hand from the outset.

In October 2016, Theresa May said Britain would **not be a supplicant** in talks with the EU, but in the last five years, despite of a lot of tub-thumping rhetoric, we have barely stopped bending the knee.

The ‘row of the summer’ on the sequencing of the talks ended in humiliation as Britain **caved in to the EU demand** that a withdrawal agreement covering money, citizens’ rights and the Irish border question be signed before any trade talks could even begin.

We paid and will continue to pay, the divorce bill that Brexiters claimed we had no legal obligation to settle. Two Conservative prime ministers assured the DUP

that they would never allow a border to divide the nation. We now have a trade border in the Irish Sea.

Michael Gove similarly assured Scottish fishermen that an agreement on fish would not be part of any trade deal. It was and is now stacked heavily in the EU's favour.

Britain **has finally granted** the EU's ambassador the same diplomatic immunity as ambassadors from nation-states, after refusing to do so because the EU was just an "international organization" and recognizing the EU's envoy would supposedly create some kind of precedent.

These events and plenty of others are characteristic of a highly asymmetrical relationship, with the UK as the junior partner.

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## **Why so many capitulations?**

The stark truth is that threats to leave without either withdrawal or trade agreements were always empty ones. The desperate need to keep the bare minimum of access to the single market meant that was never a realistic position.

Almost all the concessions needed to reach both agreements came from the UK side and in exchange all we have is a fractured nation and a thin tariff and quota-free trade deal for qualifying goods plus basic agreements on various sectors important to the EU, like aviation, road haulage, and energy.

We are only marginally above rock-bottom World Trade Organization terms. The sovereignty red line has come at considerable cost and there is no evidence that the UK-EU future relationship will be any more symmetrical.

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## **The UK fooled itself into thinking it was the equal of the EU**

When the European Parliament ratified the TCA, Lord Frost welcomed the



decision with a **tweet** and hailed the start of a new chapter “characterized by friendly cooperation between sovereign equals”.

Michael Dougan, professor of European law at the University of Liverpool quickly **pointed out** that the EU “isn’t sovereign. And the UK isn’t its equal”. It does however point to one of the many delusions behind Brexit.

Under May, in 2018, the British government put out a series of ‘future framework’ papers, many of which looked like requests from an accession country, talking of a “deep and special partnership”. This culminated in the White paper in July that the EU rejected as **cherry picking**. David Davis and Boris Johnson both resigned over it.

Around this time, Crispin Blunt, then chair of the defence select committee, was hawking ideas around Europe for a common defence and security policy (CDSP) after Brexit. This came to nothing as we know, but an EU sub-committee produced **a report** in May 2018 that gives a fascinating insight into EU skepticism of May’s approach and why it failed.

The **report by EU officials** was about the CDSP but it went much wider:

*“It is an issue [the UK continuing to shape EU policies after Brexit] that ultimately reflects all of the difficulties in the Euro-British divorce. If, as a third country, the British should remain involved, one way or another, in the decision-making bodies of the CFSP/CSDP, as they are in fact calling to be allowed to do, they will end up with a status that is equivalent to that of the whole EU.*

*“Which means that London would carry the same weight as 27 capitals. Ultimately, this is exactly what May meant when she said, in her speech in Florence, that her country wanted to ‘work hand in hand with the European Union, rather than as part of the European Union’.”*

Make no mistake, May, and those in favour of leaving the EU, believed they could continue to wield influence in Brussels after Brexit, and perhaps *even more influence than we had as a member*. We saw ourselves, not as the sovereign equal of each of the EU member states but as the equal of all 27 put together.

Many who voted for Brexit still do.

## **What of the future and how will things develop?**

Anand Menon and Matt Bevington have an **excellent account** (highly readable) about the future relationship with the EU.

They conclude the two Brexit treaties mean we will be in near-continuous negotiation for the foreseeable future and “as these negotiations drag on, so too can we expect that the direct and indirect impacts of Brexit on British policy, politics and the UK polity itself will continue to make themselves felt”.

In other words, Brexit is not done.

The Tory party seems to think it will be in power for eternity but as Matthew Parris pointed out in his *Times* column last week, ***Voters will tire of living in a one-party state.***

Parris, a former Tory MP, and aid to Margaret Thatcher, was calling for a new centre party but whatever happens, another party or coalition will inevitably be elected one day. It will find itself subject to all of the same pressures that Frost, Johnson, and many other Brexit supporters are currently resisting, but crucially without the ideological baggage preventing a closer relationship with the EU.

If closer ties or even membership of the single market was a future manifesto commitment by an opposition party, even a smaller party in a coalition, Brexit would again rise to the very top of the political agenda.

And to see how things might change over time, we only need look at the hugely different approaches the UK has taken to the EU under two different leaders *of the same party* in the last three years. Small factions have made significant policy differences and can do so again if circumstances allow.

The Brexit-supporting professor of politics at the University of Kent, Matthew Goodwin, has suggested that Brexit Britain will provide the “ultimate benchmark” for the EU. In a **tweet**, he challenged what he called the “dominant assumption post-Brexit [...] that the EU will push ahead while the UK will gradually decline”.

He asked what if over the next five-ten years the UK “grows faster, is more flexible, dynamic and more willing to make the most of divergence?” On this point, Professor Goodwin is like many who voted to leave the EU: in a small minority, and betting against perceived wisdom.

The better question for him is, what if it doesn't? No serious economic forecaster believes Brexit will ever fulfil the inflated promises made for it.

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## **Scotland will be key**

Any nation that regularly elects, by a huge margin, a pro-independence party whose entire *raison d'être* is to break away from another nation, will surely succeed one day. Most commentators think this is inevitable, although Brexit has given it fresh impetus.

In the Holyrood elections this week, the SNP came within two seats of achieving a majority under an electoral system expressly designed to *prevent* a single party becoming dominant. A coalition with the Greens will see a pro-independence majority in the Scottish parliament which will be a huge problem for the prime minister.

Independence, or moves towards it, are going to raise many important constitutional issues, one of which is the trade border with England.

Note that some Brexiters have called for Irexit (or Irish exit from the EU) as a solution to the Irish Sea border, with Ireland then aligning itself with Great Britain, something no Dublin government could ever agree to.

But Scottish independence would surely see the reverse pressure on England to re-join the EU as a way of resolving two intractable border issues overnight. It would be the ideal solution and hard for a future government to resist.

No, whatever Boris Johnson believes, Brexit is going to be with us for a very long time yet.

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