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Federal Trust Report

# GETTING BREXIT UNDONE

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Professor Andrew Blick  
King's College London & The Federal Trust

July 2022

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### Executive Summary

Acceptance is growing that Brexit is a source of considerable harm to the UK. Even among supporters of leaving who remain committed to their cause, there is recognition of serious problems connected to this project. The most malign outcomes to have manifested themselves include [1]:

- The loss for the UK population of the numerous rights and advantages that came with European citizenship;
- Compromising of the international credibility and external influence of the UK, and increasing isolation from long-term allies;
- Domestic political disruption and the rise of populist tendencies, including at UK governmental level;
- Destabilisation in the UK constitution;
- Increased tension and uncertainty for Northern Ireland and the Peace Process;
- The introduction of barriers to trade in goods and services with the EU, including increased regulatory burdens for business;
- Restricting the ability of the UK to respond to various economic challenges such as inflation and labour shortages; and
- Challenges for the UK financial; creative; research; agricultural; fishing and other sectors;

It is hard to conceive of a more damaging single decision taken in the UK or any other comparable state. These harms, moreover, are not one-off events, but cumulative in nature. While Brexit persists, they will continue to grow. More difficulties can be expected to join them – for instance, heightening barriers to the operation of the UK financial sector; and the impact of the delayed full controls on imports from the EU, if and when they are imposed. Relations with the EU and its member states, and perhaps the United States, are set to deteriorate further as a consequence of the approach the UK government is taking to the Northern Ireland Protocol. Such a turn of events would entail more political damage, and possibly economic harm, were a trade dispute to develop. Furthermore, significant tangible benefits that might offset these detriments are lacking. Some claims – about vaccines and enhanced autonomy in foreign policy – are misleading; while others – involving, for instance, imperial measurements – are simply risible.

Key arguments offered on the losing side of the 23 June 2016 European Union referendum, then, have proved correct. Yet while significant portions of the public at present see Brexit as not providing desirable outcomes, the idea of the UK rejoining is not yet an option on the mainstream political agenda. It should be. Those who supported remaining should see that which has transpired since 2016 as confirming that their judgement was sound; and accordingly maintain or resume their support for the UK being a part of the EU. There are various criticisms which

advocacy of rejoining is likely to meet, including from former remainers. They include that it is an extreme position; that it is a sign of psychological weakness, driven by emotion rather than reason; that it is backward-looking; that it will revive the damaging political instability of the post-referendum period; that it is unrealistic in domestic political terms; that it is a proposition unacceptable to the EU; and that to reverse the outcome of the vote of 2016 would be undemocratic.

Some opponents of a rejoin programme offer a series of alternative courses of action (that may not be compatible with one-another), for example that we should focus on maximising the supposed potential advantages of Brexit; or that we should align more closely with the EU in some respects. They might – if from a former remain background – suggest that rejoining could be possible at some indeterminate point in the future, but that we should wait until circumstances become more propitious, perhaps with at most some gentle nudging to assist such a development (it is, furthermore, likely that at some point the claim will be made that there was a time in the past when re-entry was a possibility, but the decision is settled and it is now too late for such an initiative).

Rejoining is however the only satisfactory means of addressing the manifest problems caused by Brexit. The attainment of this goal presents a substantial challenge, as one might expect of an important task. But failing to pursue it is not a means of avoiding problems, which mount around us as Brexit continues to play out. Claims that re-entry into the EU is not a practical option are in a sense self-fulfilling. A key obstacle to this objective is that those who might seek to achieve it are dissuaded by the perception that such a programme is doomed to fail. Recognising that such predictions need not be correct is a means of overcoming them. It is not possible at this point to provide a precise map or timetable for rejoining of the EU. But it is clear that the process can only begin with people openly acknowledging the necessity of this objective. When doing so, they should urge others to combine with them, working within and outside existing party-political structures. When faced with growing harm, the time to commence reversing the action that has caused it is now.

### Introduction

‘We have exited the EU and we are not going back - let me be very clear in the North East about that. There is no case for rejoining. What I want to see now is not just Brexit done in the sense that we’re technically out of the EU, I want to make it work. I want to make sure we take advantage of the opportunities and we have a clear plan for Brexit.’ – Sir Keir Starmer MP, BBC Radio Newcastle interview, 14 February 2022.

‘It’s becoming clearer as we emerge from the pandemic that...Boris Johnson’s deal is creating problems...So a Labour government would seek to improve the deal. Not by re-opening it, or re-negotiating it...The questions that divided us for half a decade have been settled. We will not re-join the Single Market or the Customs Union. Which is why we need to be creative. In building on the government’s existing deal that we will inherit.’ – David Lammy MP, speech given to UK In A Changing Europe, 23 June 2022

‘Wake up. We do not have to do this. We can stop this madness and bring this nightmare to an end...The referendum was an advisory, non-binding referendum. The Leave campaign’s platform has already unravelled...Let us not destroy our economy on the basis of lies and the hubris of Boris Johnson’ – David Lammy MP, statement responding to referendum result, available on Twitter, dated 25 June 2016

What follows will be of particular relevance to all those in the United Kingdom (UK) who have regretted departure from the European Union (EU). The only coherent and proper response for those of such a disposition is to continue to oppose Brexit as fundamentally flawed, and to seek to reverse it in full through rejoining the EU. The paper discusses the means by which this objective can be achieved, the obstacles that exist and how they can be overcome. Without doubt, there is presently considerable resistance to the adoption of a rejoin agenda among many of those who previously campaigned for remaining. A key aspect of this problem is the orientation of the political parties. The present Labour leadership has turned firmly away from any such programme. It will presumably regard the recent apparent upturn in its political fortunes as validating its approach (and a similar attitude probably exists within the Liberal Democrats). Bringing about a change of course on the part of Labour or others is not necessarily an easy proposition. But the stance of parties on Europe has altered before, and can do so again. The paper considers the profile of voters potentially supportive of a rejoin initiative. There is an assessment of the current party-political system of the UK, and the obstacles it presents. The paper concludes that a rejoin project would necessarily – and beneficially – involve realignments in the party system, constitutional arrangements and political culture of the UK. Such changes could make an important contribution to the efforts necessary to the encouragement of support within the EU for the prospect of renewed UK membership. As a restored EU member state, previous opt-outs insisted on by the UK would no longer be available. These new terms would

help the UK to participate in European integration in a fuller and more realistic fashion than it did during the period 1973-2020, to the advantage of all involved.

The paper discusses timeframes for rejoining. Exact predictions are difficult. But the amount of time involved will be determined to a significant extent by the willingness of those supporting this outcome fully to exert themselves. As this paper notes, simply waiting for circumstances to become more favourable would seem ill-advised. Moreover, the damage that Brexit has already inflicted upon the UK is not a once-for-all episode; but an ongoing, dynamic process. There is an imperative for its earliest possible curtailment. Furthermore, the EU, as it always has, will continue to develop as an organisation in ways which we cannot foretell with certainty. While it remains outside the EU, the UK loses the opportunity to participate in this ongoing process of reshaping. The current conflict in Ukraine creates the opportunity to make the case for the greatest possible European political unity, to which the UK could contribute considerably through rejoining the EU (notwithstanding the claims of some that UK divergence enables it to take a lead that benefits the world). It is entirely plausible that, in less than three years' time, not only will the Putin threat, or a successor to it, persist in some form, but also that Europe will have lost anything resembling an ally in the White House, and will need to rely almost wholly on its own resources for its protection.

## **Part 1: The fallacy of 'make Brexit work'**

### **The impact of Brexit**

When considering the appropriate response of those who have regretted Brexit, it is important to consider a number of observations about firm developments to date connected to departure from the EU. It is difficult to overstate how significant some of them are. Collectively, they point towards confirmation of the fears previously advanced by opponents of leaving. They fall into a number of categories, some key examples of which are provided below:

#### **External relations**

Brexit and its consequences have come to define the way in which relations with the outside world are perceived within the UK. The present government, which came into being as a direct consequence of Brexit, needs – principally for internal consumption purposes – to present itself in its diplomatic policy as maximising the gains that it claims Brexit offers. The outcomes of this politically-driven agenda have included an undermining of relations with the EU and some of its member states, the negotiation of trade agreements of questionable value, and – particularly in connection to the Northern Ireland Protocol (see below) – tension with the

US. In relation to the Ukraine, it is not clear that being outside the EU has provided the UK with autonomy of a type that has made a significant difference to its ability to act. (Moreover, the poor performance of the UK with regard to the reception of refugees from the conflict is connected to the Brexit political context.) Being outside the EU has in fact reduced the autonomy of the UK in important ways. It no longer has a direct role in EU decisions which are nonetheless important to it. Furthermore, the pressure to differentiate can lead the UK not to adopt policies introduced by the EU, even if they would be advantageous.

### **Trade and the economy**

Brexit has introduced new barriers to trade between the UK and EU. It is difficult to conceive of their being beneficial to the UK economy. Disentangling immediate from longer term effects, and distinguishing Brexit from other influences such as the pandemic and the Ukraine conflict, is challenging. But a variety of evidence and analyses to date offers little reason to suggest that Brexit has achieved significant gains for trade and the UK economy, or that it is likely to do so in the foreseeable future, and points more clearly to significant and lasting harms (see appendices a-e). Particular problems have developed for smaller businesses seeking to export to the EU; and for specific sectors such as fishing. Brexit also seems to have made it harder for the UK to respond effectively to economic problems that might not primarily be a consequence of the UK leaving the EU, such as rising inflation. [1] It has played a part in hugely problematic labour shortages across different sectors. Further uncertainties lie ahead for financial services, a crucial part of the UK economy. The UK has not yet fully imposed controls on incoming goods; but if and when it does so, there are likely to be more difficulties in securing necessary products.

### **Territorial instability:**

#### *Northern Ireland:*

Brexit was always a challenging proposition from the point of view of the Northern Ireland peace process, which relied on the minimisation of divergences between the Republic and Northern Ireland. Both being part of the EU helped to guarantee this convergence. A majority in Northern Ireland voted 'remain'. Most nationalists supported this side; while a smaller majority of unionists favoured leaving. The Northern Ireland Protocol of the Withdrawal Agreement was one possible means of seeking to reconcile Brexit with the Peace Process, although it unavoidably fell short of perfection. It entailed inserting the barriers necessitated by Brexit between Great Britain and Northern Ireland, rather than within the island of Ireland. This arrangement was intended to avoid the return to a hard border on the island of Ireland, while protecting the EU Single Market as the UK diverged from its rules. The design of the Protocol reflected in part the hostility among the section of the Conservative Party that supported Boris Johnson for the leadership in 2019 towards the 'backstop' arrangement included in the previous agreement

reached by Theresa May. Some unionist objections to the Protocol as arrived at, which made Northern Ireland subject to different arrangements to Great Britain, were always likely. The UK government has aggravated the position by disowning the very agreement it reached, and regularly announcing plans to override it unilaterally. This stance has surely encouraged intransigence among Unionists. It has also created tension between – on the one hand – the UK and – on the other hand – the EU, individual Member States, and the US. There has been general negative impact upon the international reputation and credibility of the UK. For the first time, Sinn Fein became the largest party in Northern Ireland following elections this year. The Democratic Unionist Party has refused to participate in the Northern Ireland Executive. Discussion of the possibility of a reunification of Ireland has intensified,

***Wales:***

While, unlike Scotland and Northern Ireland, Wales produced a ‘leave’ majority, in the political environment Brexit has helped generate, the cause of Welsh independence has gained in force. Plaid Cymru has a ‘longer-term aspiration...for an independent Wales to join the European Union’, with efforts at realignment in the shorter term (see eg: appendix i). The Labour government, in a Co-operation Agreement with Plaid Cymru, has initiated the Independent Commission on the Constitutional Future of Wales. It has included consideration of the possibility of independence within its remit.

***Scotland:***

Brexit has revived the campaign for Scottish independence. A key element in the case against independence in the 2014 independence referendum was the argument that, were Scotland to leave the UK, it would lose membership of the EU and need to reapply should it wish to rejoin. In 2016, Scotland produced a ‘remain’ majority, contrasting with the overall ‘leave’ result for the UK. This difference of outcome, and the subsequent implementation of Brexit, has made it possible for the Scottish National Party (SNP) to claim that another vote on independence is required; and to present leaving the UK as a means of rejoining the EU, rather than threatening membership of it (see eg: appendix j).

**Populist tendencies**

Brexit saw the rise to power of politicians and forces, ascendant within the Conservative Party, that exhibit characteristics that could broadly be labelled ‘populist’. They include the rejection of conventional norms of conduct and integrity; financial irregularities; attacks upon rival power bases such as the courts and Parliament; hostility towards groups such as refugees; and the undermining of institutions such as the Civil Service and the BBC. In the context of Brexit specifically, the UK government has disparaged commitments made under the Northern Ireland Protocol, and promoted misleading and spurious information regarding

the supposed benefits of Brexit (see eg: appendix f). These issues are explored further in the discussion of the Conservative Party below.

### *Constitution and rights*

Brexit entailed most of the population of the UK losing European citizenship, and the various rights, advantages and protections associated with it. The only possible means of reversing this change is for the UK to rejoin the EU. Departure from the EU has led to a net transfer of power to the UK executive, taking on enhanced, discretionary authority in relation both to the UK Parliament and to the devolved institutions. UK ministers have the ability to reach trade agreements on behalf of the whole UK and impose various policies on the devolved territories. The UK government is intent on expanding further upon its delegated law-making abilities, lessening the scope for parliamentary oversight of its activities. It has pursued various schemes that will in different ways impinge upon individual rights and the ability of members of the public to access them through the courts.

### *Cultural and intellectual impact*

Brexit has created problems for people working in the creative sector, such as touring musicians. It has caused uncertainty regarding the ability of UK scientists and others to participate in EU-funded joint projects. In the context of deteriorating relations between the UK and the EU, the EU has blocked aspects of post-Brexit cooperation, telling UK researchers that they should attach themselves to EU-based institutions if they are to secure access to the Horizon Europe programme. This change represents a major setback to cooperation of this type.

## **Possible responses to Brexit**

Taking into account these consequences, how is it appropriate – from a ‘remain’ perspective – to respond? There are three broad categories of possible approach (though aspects of more than one of them might be combined). They are:

### *To accept Brexit, and seek to maximise any opportunities it will present.*

This approach might seem attractive as a means of avoiding reviving controversies and practical challenges generated by Brexit, and accepting the supposed democratic force of the referendum result of 2016. Drawbacks include that it rests on an assumption that there are meaningful opportunities created by Brexit. Controversies and difficulties, some of which are suggested above, have continued and even intensified following departure from the EU. The problems with this approach are discussed in more detail in the context of the Labour Party later in this report.

### *To limit the damage.*

This approach broadly means finding ways of diluting Brexit without rejoining, for instance through individual deals, perhaps working within the existing Trade and Cooperation Agreement (TCA), or membership of the Customs Union and/

or Single Market. Its attraction might be that it could supposedly lessen some of the problems associated with Brexit without requiring the more demanding act of rejoining. Among its weaknesses, it might generate levels of controversy among supporters of leaving that were similar to those associated within an attempt to re-join, but without the potential to yield benefits as extensive as full re-entry might. It would require negotiation; and would entail the UK adhering to rules which it no longer has a formal role in determining.

*To rejoin.*

In as far as the impacts listed above (and others) are undesirable, rejoining is the clearest way of reversing them. It is a course of action that would enable supporters of remain to avoid compromising their position. However, Brexit supporters – and perhaps others – would be critical of such a policy as democratically improper. The UK would need to persuade the EU and its Member States to readmit it. Within the UK, rejoining would necessitate complex legal and constitutional procedures, and alterations to other international agreements. Yet – notwithstanding the considerable challenges it presents – this paper explains why this option is the one that those who opposed leaving the EU should pursue and publicly advocate.

## **Public opinion**

The rejoin movement has an opportunity to mobilise and utilise a significant base of potential popular support. Evidence of opinion favourable to EU membership exists in various forms. The 2016 referendum result revealed the existence of a body of support for continued EU participation that – though the ‘remain’ side lost on 23 June that year – was substantial. It totalled 16,141,241 (48.11 per cent of those who were able to vote and did so). This figure represents the third largest absolute vote in favour of a given proposition in UK history. Analysis of voting patterns in the referendum gives us some idea of the profile of the pro-EU public. Remain voters were concentrated more heavily in parts of the UK including London, Northern Ireland and Scotland. Opinion research has demonstrated connections between certain characteristics and a greater likelihood to support EU membership at the referendum. They include: being younger; being Asian or Black; being from the AB social grades; having a university degree; being positively inclined towards movements such as feminism and environmentalism; and having a favourable view of the impact of inward migration.[3]

Pro-EU public opinion has manifested itself in other ways since 2016. In 2019, for example, 6,103,056 people (the largest total ever in the UK) signed a petition calling upon the UK government to ‘Revoke Article 50 and remain in the EU’ (see: appendix g). At the General Election of 2019, clearly over 50 per cent of votes were cast for parties that were at least willing to allow for the possibility of Brexit not

occurring (in the case of the SNP, the ultimate objective was for an independent Scotland as an EU Member State). While not of all those who supported these parties were necessarily inclined towards continued EU membership, it is significant that a majority felt able to vote for parties willing to countenance such an outcome.

In the period since Brexit formally took place at the end of January 2020, regular polling has suggested that the percentage of those regarding this act as 'wrong' is generally in the mid-to high-40s. Normally this figure has exceeded those regarding Brexit as 'right'. In May 2022, 49 per cent opted for 'wrong', with 37 per cent favouring 'right', and the remainder not knowing.[4] The exception was during the spring of 2021, during the so-called 'vaccine bounce' period, when some voters were persuaded to give credence to the proposition that the UK had achieved exceptional success in its pandemic response that was attributable to Brexit. Otherwise, plurality condemnation of Brexit has been the norm. In the UK political system, a plurality can be sufficient. (After all, the principal claim for the legitimacy of Brexit is a referendum in which 37 per cent of those who were allowed to take part supported the proposition of leaving.) This body of anti-Brexit opinion has proved notably resilient, and has even grown, despite little encouragement from political leaders. Should a leader or group of leaders choose to adopt a rejoin position in future, they may find a ready-made constituency to work with.

Findings about whether an individual would support rejoining in a referendum, and whether and when they think such a vote should take place, should also be approached with caution. One problem is that they seem to rest on acceptance of a debatable proposition that re-entry into the EU must involve approval through such an exercise in direct democracy. Another is that they require the person being asked to respond to a hypothetical question, rather than simply asking them what they think about Brexit having been a right or wrong decision. None of the main UK parties (as opposed to parties with a focus on a sub-component of the UK) are advocating rejoining. It is understandable that members of the public might find it difficult to speculate meaningfully about their reaction to the prospect of a referendum or how they would vote in it, in a context that no-one can fully predict. A person regarding Brexit as being the wrong choice is not the same as their supporting rejoining, or being disposed to vote for a party that supports this course of action. However, such individuals offer promising material, who might be persuaded to support a concerted programme for renewed UK membership. They clearly exist in substantial numbers.

### **The two main parties**

Two parties, the Conservatives and Labour, have lain at the centre of UK politics for more than a century. One or the other of them has either formed a government alone or been the senior partner in a coalition continuously since 1918. Their

internal dynamics and interactions between them have been important to the determination of the UK relationship with the EU, and can be expected to continue to do so in future. It is reasonable to conclude that if rejoining is to take place, then at least one of them must come to advocate it. Both parties have changed their position on European integration considerably over time, and also experienced substantial internal disagreement over it. Generally, at any given point, one of the two parties has tended to be more favourably inclined to the EU (or its precursors) than the other.

### Conservatives

From the early 1960s through to the late 1980s, the Conservatives were clearly more enthusiastic about the European project than Labour. But the Conservatives have long been liable to divisions over the approach to external policy, including trade. These divisions became increasingly intense from the late 1980s onwards, driven partly by a growing and progressively more extreme hostility towards the EU among activist Conservative members outside Parliament. Brexit came about partly as an effort by David Cameron, party leader from 2005 and Prime Minister from 2010-16, to overcome disputes within the party through the holding of a referendum on continued membership. The Conservative government (with authorised ministerial dissenters) recommended a 'remain' vote. But of those who had voted Conservative at the 2015 General Election, 61 per cent of those who participated in the referendum supported 'leave',<sup>[5]</sup> contributing significantly to the victory for this side.

Following the 'leave' result, the resignation of Cameron, and the troubled Theresa May premiership, the rise of Boris Johnson to the leadership and office of Prime Minister in 2019 saw anti-EU forces in the party achieve full ascendancy. There was a purge of dissenters in the parliamentary party. This new power balance and the agenda associated with it was strengthened and entrenched by a strong performance in the 2019 General Election, which appeared to confirm that the approach taken was a formula for success. The Conservatives secured an 80 seat Commons majority, with a net gain of 48, and the highest vote share of any party since 1979 (43.6 per cent). In the history of its disagreements over Europe, the Conservative Party has not before had a particular view imposed upon it so forcefully.

The 2019 election success has brought with it certain challenges. The Conservatives won partly through achieving enhanced appeal in parts of England – such as the North East and the Midlands – where it was not previously as popular. It attained this goal by a pledge to deliver increased prosperity to these areas: the so-called 'levelling up' agenda, which Brexit would supposedly (and dubiously) make more attainable. Meaningfully achieving this objective at all in a Brexit-induced economic environment would seem a significant challenge. To do so while reconciling such a stance with other currents of opinion within the Conservative

Party and different sections of its voter base appears a more demanding task still. Recent political events, including by-election defeats, confirm the difficulties involved. Furthermore, there have recently been some cases of figures in and around the Conservative Party expressing doubts about how far Brexit has proved a success (though not yet questioning the project itself).

Yet whatever internal and external contortions the Conservative Party has imposed upon itself through its Brexit-related commitments, its adoption of a rejoin position is impossible at present to envisage. It contains within it a number of individuals – including the Prime Minister – who might well not hold the high office they do were it not for the circumstances generated by Brexit. While taking power and contesting the 2019 General Election on the basis that they would somehow resolve Brexit, it is in fact in their interest to perpetrate the political salience of this issue in particular ways. They have a need to maintain the impression of the exercise as a triumph; while denying any problems associated with it, or attributing them to other causes.

The Conservative government also employs Brexit as a way of galvanising its support base, and undermining Labour. Tactics seemingly aimed at achieving this end include engagement in antagonistic public disputes with the EU as a whole or individual Member States – in particular France – over issues such as the Northern Ireland Protocol, and fishing rights. This approach connects to a wider agenda designed to maintain and intensify the controversies that helped shape the electoral bloc that secured victory in 2019. Through courting controversy around issues such as trans rights; statues and commemoration; inward migration; and racial equality, the Conservative government pursues what are often labelled ‘culture wars’, one of the purposes of which is to maintain and widen divisions between the Labour Party and sections of its traditional voter base. For the present Conservative government, Brexit is also the essential central component in a wider policy programme. The theme common to Brexit and the other parts of this package is that they share characteristics that – as discussed above – might be termed ‘populist’. To challenge this programme properly is to challenge Brexit; and to challenge Brexit properly is to challenge this programme. Conversely, to seek to reconcile with Brexit is tacitly to accept premises that underpin this general platform, preventing more meaningful resistance to it, and even tending to add credibility to it.

If – as seems plausible at present – the Conservatives replace Johnson in advance of the next General Election, they might seek to strike a different political tone, but a significant change of overall direction – over Brexit and perhaps his populist leanings – is less likely. Furthermore, until the UK government adopts a re-entry agenda, all those who come after Johnson – whether from the Conservative or another party – will be retaining the most problematic aspect of his legacy, that brought him to power and did more than any other issue to shape and define his

premiership. In this sense, the Johnson era will continue after Johnson, and until the UK firmly begins to pursue a rejoin programme.

## Labour

Of the two main parties Labour is clearly a more viable option for those seeking to promote a rejoin policy. Nonetheless, there are significant obstacles here. Labour is by tradition an internationalist party, a position which might in theory dispose it towards participation in the EU. Its parliamentary elite and mass membership were largely supporters of 'remain' in 2016 (though the Labour leader at the time was known for having been an opponent of the EU, and – while technically supporting continued membership at the time – campaigned in a way that some interpreted as lacking in enthusiasm). Of those 2015 Labour voters who took part in the referendum, 65 per cent supported 'remain'.<sup>[6]</sup> The supposed pro-EU credentials of Keir Starmer appeared to be an important factor in his election as leader in 2020.

But Labour has always contained within it inclinations, sometimes powerful, that could lead it to resist participation in continental integration. It has had for much of its history a tendency towards constitutional conservatism, viewing the existing system as an appropriate vehicle for the pursuit of its policy objectives: from this perspective, taking part in the European project could in the past appear a problematic novelty. Opposition to involvement in European integration has come from different wings of the party; but most powerfully – during the 1970s and 1980s – from the radical left, within which Tony Benn became the most prominent figure. By the 1990s the Labour Party had moved towards a more integrationist position. This posture formed part of a broader realignment commenced under the leadership of Neil Kinnock (1983-1992). During the premiership of Tony Blair (1997-2007, succeeded by Gordon Brown, 2007-2010), a more pro-European tone combined with a more market-orientated economic policy, constitutional reform, and social liberalism. Yet beneath the surface, the depth of Labour commitment to the European project was questionable. The party supported the holding of the referendum when it came before Parliament in 2015, (despite its not having been part of its programme in the General Election contested shortly beforehand). Furthermore, the Brexit experience has caused it to revise its position. Though it favoured a second referendum at the 2019 General Election, it was never unequivocally opposed to leaving after the 2016 vote; and has not – since departure – supported rejoining.

Electoral considerations have been important to determining this position. While the 2016 result was relatively close, there were leave majorities in 409 of 650 parliamentary constituencies (63 per cent). In as far as people cast their votes at elections according to their opinion on EU membership, then, a party committed to rejoining faces difficulties, particularly given the nature of the single member plurality ('First-Past-the-Post') system used to determine the membership of the House of

Commons. Without doubt – though not all-important – Brexit was significant to the 2019 General Election result, at which Labour suffered its worst performance in terms of seats won since 1935, securing only 202 of a total of 650. Polling suggests that Brexit was the third most important issue in determining how people decided to vote; and was ranked first among those who voted Conservative.[7]

But the interaction between Brexit and the election was a subtle one. The Conservatives – led in Johnson by a prominent figure within the ‘leave’ campaign – had a firm position (in support of Brexit, presenting themselves as even willing to countenance a ‘no deal’ outcome if they judged it necessary). Labour, as discussed, had a more equivocal position, centring on a re-negotiation and second referendum. It lost just under 8 per cent of its vote share as compared with the previous, 2017, General Election. The Conservative Party gained 1.2 per cent (the Brexit Party, with a more extreme pro-Brexit position still, and which did not exist at the previous General Election, achieved 2 per cent). Yet parties other than Labour with a pro-EU orientation shared between them greater gains in total than the Conservatives and the Brexit Party (Liberal Democrats 4.2 per cent; Greens 1.1; Scottish National Party 0.8 per cent). Labour, then, lost votes to parties not only with anti- and but also with pro-EU outlooks. Indeed, a key factor in its poor performance in 2019 was the extent to which it failed to attract remain voters: only 49 per cent of the total. The Liberal Democrats secured 21 per cent; and the Conservatives 21 per cent. The Conservatives were far more successful at attracting leave voters (74 per cent) than Labour was at securing the support of remain voters.[8] In this sense, it might be held that Labour suffered in part not from being too hostile to Brexit, but from not being sufficiently opposed to it, while the Conservative Party made its position (in favour of Brexit) far more clear.

But a crucial factor here was the relationship between the distribution of opinion and the electoral system. Labour lost 60 seats, of which 52 had produced ‘leave’ majorities in 2016. The Conservatives, on the other hand, gained 57, of which 55 had voted ‘leave’. Of the 409 ‘leave’ voting constituencies, the Conservatives won 294 (of its total of 365); while Labour won 106 (of its total of 202). Such tendencies seem to have encouraged within Labour the view that its being perceived as a ‘remain’ party while the Conservatives were the opposite was of immense importance to the outcome; and that – by extension – a rejoin alignment might be a barrier to its regaining office. That it should draw such a conclusion is understandable. Notwithstanding the current difficulties of the Johnson administration, for Labour even to deny the Conservatives a Commons majority at the next General Election, let alone win outright, remains a challenging proposition. The party is therefore anxious to avoid commitments that its decision-makers judge might reduce its chances further. But this approach, applied to Brexit, leads towards policy that is misaligned with core values of the party and many of its supporters, and is wrong, incoherent, and self-defeating.

### *Labour policy post-2019*

Labour policy on Brexit, then, seems to be shaped to a significant extent by a desire to retake seats lost in 2019, a number of which form what is known as the 'red wall' – that is constituencies in regions such as the North East of England that were once regarded as firm Labour territory in which the Conservatives had no realistic prospect of winning. For some analysts within and outside Labour, the loss of the red wall is the outcome of the party having become estranged from social bases of support among which the Party is no longer perceived as sharing its values. In such narratives, the association of Labour with 'remain' can be seen as one such area of divergence from its former voter base; as are other issues that are connected to so-called 'culture wars': means by which the Conservatives can divide Labour, alienate it from a portion of its voters, and maintain the popular base the Conservatives constructed in 2019. Influential voices within Labour are concerned about enabling its opponents to depict it as having lost a connection with traditional former voters, and to be more in tune with liberal elites based in larger conurbations. In this context, some commentators even felt able to present recent considerable Labour successes in local elections in London as a sign of weakness.

In as far as this group of voters exists in the way that it is defined, it is accorded significance out of proportion to its numbers because it is located within constituencies that both the Conservatives and Labour believe will be critical to the outcome of the next General Election. The thinking of the Labour leadership seems to be that continuing to be associated with 'remain' sentiments will seriously hinder its prospects. Some believe not only that the voters in question will find a perceived threat to the Brexit project objectionable. They hold that to depict it as negative in its consequences will be to demean those who voted for it, depicting them as gullible, and as allowing xenophobia or even racism to cloud their judgement.

It is not clear why openly disagreeing with those who supported Brexit – which Labour is reluctant to do – should be any more offensive to the individuals involved than presenting that the same set of electors as being mistaken to vote Conservative at the last General Election – which Labour clearly does and will do. Furthermore, while parties must take into account the pre-existing views of voters, it is part of their function to attempt to lead opinion. Simply to follow is to risk compromising core values – as is the case with the present Labour approach to Brexit and related matters.

Alongside an unwillingness to disparage Brexit, Labour espouses an approach captured by the slogan 'make Brexit work'. These words are important because they imply acceptance of the premise that Brexit contains within it the potential for meaningful gains. One might reasonably ask how Labour politicians, including the Leader of the Opposition, who supported the 'remain' side in 2016, now hold that the problem is not leaving itself, but that it is not being executed correctly. To emphasise his supposed commitment to moving forward with Brexit, a phrase

favoured by Starmer is that there is 'no case for re-joining' (see: appendix h). While one might not agree with rejoining, might regard it as impractical, or might find its advocacy politically inconvenient, to claim that there is 'no case' for it is to invite a charge more frequently (and justifiably) levelled at the Prime Minister and his allies in present discourse: that he is – on this issue – being less than straightforward. The 'case' is in fact similar to the one Starmer, among others, aligned himself with, in favour of remaining in 2016. To behave as though any such case has now evaporated or perhaps never existed, without seemingly explaining why, is on the surface a curious approach. But this stance is easier to take than admitting that while there is a case, Labour has chosen to ignore it because of electoral calculations.

The problems magnify when the substance of Labour policy, such as it is, is considered. Labour has, as discussed, completely ruled out rejoining on the (asserted) ground that there is no case for it. It has, furthermore, chosen to eschew proposals such as membership of the Single Market from outside the EU. Tellingly, given the analysis above, Labour has expressly ruled out a return to freedom of movement – contradicting a pledge that Starmer made during his successful campaign for the Labour leadership. Labour appears to intend to adhere to the existing Withdrawal Agreement, including its Northern Ireland Protocol, and to operate within the broad parameters of the Trade and Cooperation Agreement, while seeking some modifications to it.

At the same time, Labour has expressed a desire to secure EU-UK mutual recognition in certain sectors, as a means of reducing trade friction. It appears to present such agreements as attainable through negotiation and trust on both sides. What Labour has not made clear is whether it regards such arrangements as involving the UK giving some kind of guarantee about alignment with EU standards. Such an approach would make the party vulnerable to the charge that it was intent upon diluting or reversing Brexit, a criticism it is intent upon avoiding. Yet other arrangements – such as one in which the UK was free to follow its own regulatory path while continuing to benefit from EU recognition – are variants on the 'have your cake and eat it' school of Brexit negotiation, which both in logic and in the light of experience should lack credibility (some other model, such as joint decision-making, might be floated, but would also present problems – it would surely be difficult for the EU to make its regulatory decisions subject to UK agreement). In such a negotiation, were the EU even willing to embark seriously upon it, could we expect the UK to be any more successful in securing such objectives than it was during 2020? Would a new negotiating style be enough? There is no reason to believe that the UK would necessarily be in a significantly stronger bargaining position at this point, and it might well be weaker. Labour's proposition seems to be that, in power, it would seek better relations with the EU, and would earn more trust from it, enabling the EU to make concessions it is not willing to make to the Johnson government or that of a Conservative successor. But while more cordial interactions are of value to diplomacy, there are severe limits to the difference they

can make to material outcomes.

The Labour policy on Brexit appears less convincing still when it is considered that, while hoping to secure various sectoral mutual recognition agreements, it appears to be also intent upon pursuing Brexit benefits that are supposedly obtainable through regulatory dealignment. Labour would presumably hold that they are different benefits to those which Jacob Rees-Mogg is currently searching for. But in some senses they could well be similar, and present some of the same dilemmas. Labour seems likely, for instance, to want to take advantage of being released from EU rules on state aid in order to stimulate certain sectors of the domestic economy in ways that fit with its environmental and socio-economic agenda. Any perceived gains attained through such activity are likely to come at a cost, one that could well be judged to outweigh the advantages. The EU will take a close interest in any attempts by the UK to achieve competitive advantage through Brexit. If – in the light of what it observes – it wishes at any point to act against the UK it will have more than one option at its disposal. Potentially it can take retaliatory measures within the terms of the TCA; or take the matter to the World Trade Organisation (as it has already done over green energy subsidies). A further problem with regulatory deviation is that it could have implications for the willingness of the EU to agree to the sectoral mutual recognition that Labour proposes to seek. Moreover, UK divergence implies greater distance between Great Britain and Northern Ireland in the context of the Protocol. Such a tendency could provide additional traction to those who oppose the Protocol, with further potentially destabilising consequences.

Some might hold that it is better not to judge the present Labour policy in terms of how it might work in practice, but to view it from the perspective of political positioning. One view could be that the ‘make Brexit work’ platform is actually just a staging post towards a more pro-EU programme, perhaps eventually leading to a rejoin agenda. But it is possible to question this scenario. Moving in the opposite direction of a destination does not seem a good means of reaching it. Furthermore, accepting the basic ‘leave’ premises that Brexit has considerable potential within it, and that it is possible to obtain extensive benefits of EU membership without the responsibilities, will make it harder to challenge these positions subsequently. If the Labour leadership intends consciously to shift back in the direction of rejoin, does it intend to do so only after it has convinced ‘leave’ supporters to vote for it? Would doing so be politically wise?

Those who see acceptance of Brexit as necessary to a Labour return to office might argue that a policy that appeals to remainers is of no use to them or anyone else if the party cannot secure electoral success. They might point to the recent victory in the Wakefield by-election as evidence of the viability of the approach. The constituency, regarded as part of the red wall, produced a large ‘leave’ majority in 2016 of over 60 per cent. Labour – which had held it since 1932 – lost it to the Conserva-

tives in 2019. But, while we cannot ignore the Wakefield result, there are reasons to doubt the Labour stance on Brexit as a viable electoral approach. It is difficult to establish how far the Wakefield outcome is attributable to current Labour policy regarding Brexit, or what difference – if any – another position might have made. More generally, the acceptance or even embrace of Brexit threatens to demotivate the large group of voters who were not supportive of leaving – some whom themselves live in red wall constituencies as well as in other parts of the country – and who are much more likely to vote Labour than leavers if only they can be persuaded to turn out and vote on polling day. The Labour Brexit policy, moreover, does not seem to have been formulated with the improvement of the electoral position of the Party in another former power base – Scotland – in mind.

But let us consider – for argument's sake – a scenario in which Labour was able to secure office, alone or working with another party, on a basis of its present policy. Many of the problems associated with Brexit are likely by this point to have persisted, and perhaps become worse and multiplied. Present Labour policies, for reasons discussed above, are unlikely to help in seriously addressing them. Labour will therefore fail to fulfill expectations it has encouraged among voters. Moreover, the economic difficulties connected to Brexit are likely to impact on the ability of a Labour government to deliver on other objectives. The groups most likely to suffer as a result of such shortcomings are disproportionately concentrated in some of the very red wall seats being targeted by present Brexit policy (see: appendix a). There would be a likely political cost for Labour. Therefore Labour, the voters it has targeted, its other supporters, its general cause, and the social groups whose interests it seeks to advance, would all suffer from the Party having tied itself to making good the dishonest and incoherent commitments of Johnson and his allies.

Partly because of current Labour policy, voters who might be inclined towards re-joining, especially those who live in England, are being denied a meaningful outlet for their views. While some might hold that a reversal of Brexit would be democratically problematic, the same point might be made about the current political marginalisation of the rejoin position. It is not only Labour that is notable for its failure to provide electors of this potential alignment with a home. While not as determined to demonstrate Brexit-accepting credentials as Labour, the third largest party in the UK (measured in General Election vote share), the Liberal Democrats, which traditionally presented itself as the most pro-European of all, has nonetheless also consciously distanced itself from a rejoin position. It favours a realignment leading – at most on its current projections – to renewed membership of the Single Market, as the final part of a four-stage plan (see: appendix k).

As noted above, there are a number of flaws in this approach. It would not avoid criticism by opponents of EU membership that it was in itself an unacceptable reversal of the supposed Brexit mandate, and that it was part of a covert plan to rejoin. It would therefore seem better to pursue a programme that would encour-

ter a broadly similar quality and quantity of resistance, but would – if successful – leave the UK in the clearly preferable position of EU membership, as opposed to being subject to its rules without a formal part in determining them, enjoying some but not all of the benefits associated with participation. It is possible that, as part of a rejoining process, the UK might for a time be part of the Single Market (and/or the Customs Union) and not the full EU. But such participation would be a technical matter. It is not convincing as an end goal in its own right; or as part of a covert plan to gradually prepare the political ground for a programme of full re-entry.

## Part 2: Getting Brexit undone

### The alternative approach

If we can reject other policies as – for a variety of reasons – flawed – all that remains is rejoining. A crucial step towards achieving this goal would be for Labour (and other parties, especially the Liberal Democrats) to recognise, and publicly avow, that Brexit has been a disastrous error – as most leading members of the party said it would be – and that the UK should become members once more. This shift might seem a difficult one to achieve. It certainly does not fit with present thinking at Labour leadership level, and attaining it will not be easy. But it is preferable to the present doomed path, founded in false narrative and the abandonment of values.

A critical political question to address, both before and after a change in Labour policy, and that of other parties, is how to make a rejoin policy electorally viable. It would involve the abandonment of the red wall strategy as currently formulated (though need not entail relinquishing the objective of seeking to regain the constituencies involved). Labour, in place of this approach, could augment what appears already to be a part of its thinking. At present, it and the Liberal Democrat Party have developed an understanding that they will not heavily campaign in various seats where the other party has a more realistic chance of defeating the Conservatives. This arrangement falls well short of a formal electoral pact, and does not have an agreed set of policies attached to it. Yet polling evidence suggests that were the two parties, working also with the Greens, able to reach a more complete pact in England and Wales, it could achieve substantial electoral gains for all three, and remove the Conservatives from office (see: appendix m). There are various political and practical obstacles to achieving and operating a full agreement of this type. But an informal electoral coalition at least is certainly on the cards.

This electoral coalition, whatever precise form it took, would be powerfully reinforced by a joint statement of shared political and constitutional objectives. Indeed, such a set of commitments might be the essential prior component to such an arrangement. This programme would be important to the coherence of the deal in its presentation to voters. It would also ensure that, if the participating parties between them secured a Commons majority, they would then be able to claim a mandate for policies they then pursued together. How might the EU figure in a shared agenda? Ideally, the combination and its shared objectives would come about as part of a recognition by the Labour and Liberal Democrat leaderships of the flawed nature of their present stances on the subject of Europe. A deal could help overcome some of the concerns about geographical electoral arithmetic and Brexit that have encouraged the present positions of the parties. The focus of this cooperation would be upon mobilising existing non-Conservative voters who supported one of the participating parties in 2019. For this group, being associated with rejoin would not be a problem in the way it is from the point of view of Labour's red wall strategy. Indeed, it could well be a way of engendering enthusiasm among at least some target voters. The joint programme might, for instance, state that Brexit had, as predicted, proved to be a self-inflicted disaster for the UK; and that the best way of rectifying it was to rejoin. It might set out some initial steps that could be taken towards that end, and suggest the broader strategy into which they could integrate. In this context, proposals such as realignment and re-entry into the Single Market would be positive steps towards renewed membership, rather than inferior and perhaps unattainable substitutes for rejoining the EU (that were not necessarily even attainable).

It is also likely that this platform would include reforms of a constitutional nature. In particular, it might contain reference to adopting proportional representation in some form for elections to the House of Commons. Indeed, the programme could state that a joint administration would take office, implement an initial set of policies, perhaps around the EU among other areas, then hold another election under a different system. It might then commit to a wider set of possibilities (such as a federal system for the UK) to a longer-term process involving a constitutional convention.

A criticism sometimes made of rejoining as an option (often among former remain supporters) is that it is not a realistic proposition, in particular because the EU does not have an appetite for renewed UK membership. It is without doubt true that the UK has damaged its own standing and perceived trustworthiness as a consequence of Brexit and related developments. But surely those who were of a remain inclination who recognise this circumstance should reflect upon how regrettable it is, and instead of using it as a basis for objecting to a rejoin agenda, consider how this reputational problem might be changed. In part, their criticism is self-fulfilling. The vital step in the process of overcoming EU scepticism is the advent of a UK government recognising that Brexit was an error in need of

full correction. Furthermore, constitutional changes that a pact might bring about could contribute further to enhancing the credibility of the UK from an EU perspective. Proportional representation would be likely to bring about changes and restructuring in the party and governmental system of the UK. In particular, it is plausible that it would seriously reduce the chances of a Eurosceptic-dominated administration, that might seek to halt or reverse a rejoin programme, coming to power in future. This effect could both make rejoining more possible, and safeguard it once achieved. Moreover, the advent of proportional representation could promote a different political culture, based around negotiation and compromise, as opposed to the zero-sum approach associated with single-member-plurality. This adjustment might make satisfactory engagement with the EU easier for the UK.

## Rejoining the European Union

If, through the approach discussed above, a government – presumably in which the Labour Party was the sole or main participant – began to implement a programme intended to lead to rejoining the EU, it would face both domestic and external challenges. In the former category, there would almost inevitably be substantial controversy, to which various media outlets might contribute. Critics would present the effort as a democratic affront (as well as questioning the legitimacy of any electoral pact, cross-party arrangement and constitutional reforms being pursued). They would hold that any reversal of the supposed will of the people as expressed on 23 Jun 2016 was improper. Accompanying these claims would be misrepresentations of what EU membership would mean. It is likely that a campaign against rejoining would assert that the terms on which the UK entered the EU would be worse than those it previously possessed, which were already intolerable.

The rejoin effort would need robustly to rebut such assertions. Moreover, it would be required to do so in a way that challenged the tenets underpinning them. In the pre-Brexit era, supposed advocates of UK participation in the EU often did so in an apologetic way. They tended to dispute details, or point to opt-outs, or concede that there were downsides but argue that overall they were outweighed by benefits, and that the best approach for the UK was to seek to correct the various faults with the EU from the inside. Ultimately, however, a government which has attained power on the grounds suggested above, having clearly stated its intentions beforehand, needs to avoid attaching excessive significance to such views. Those expressing and holding them overwhelmingly would not form part of the electoral coalition on which such an administration rested.

A rejoin government would need to form a clear approach regarding the constitutional and legal means by which it might achieve its objective. It should not

necessarily take the view - that many are likely to advance – that a referendum is required to approve re-entry (or indeed to authorise changes in the electoral system). There is no legal obligation of this type; and in the UK, constitutional principles are notoriously liable to varying interpretations, with such differences tending ultimately to be resolved by political means. A government introducing reforms designed to strengthen representative democracy and resist populism might credibly challenge the ascendancy of the referendum, at least in relation to this issue. However it was authorised, rejoining would require a wide variety of internal legal adjustments. To this end, a government engaged in this process might choose to utilise legislation passed for the purposes of implementing Brexit, or something similar. It would be a symmetrical conclusion were delegated powers designed to extricate and then de-align the UK from the EU subsequently applied for the opposite purposes.

Rejoining is a matter of external as well as domestic policy. Clearly, this outcome is not in the gift of the UK; and the EU and its member states might regard the prospect with a degree of reticence or even hostility (for the treaty basis for applications for membership, see: appendix 1). But an approach by the UK after it had changed not only its government but set upon a different constitutional path for itself might well be received more seriously. The UK would need to accept that special arrangements it previously secured (such as the budget rebate and opt-outs) would not be on offer. However, in the context of a new UK approach to the concept of European integration, opt-outs would no longer be regarded as successes, and their absence would not be a problem. The UK would need to develop a credible stance on the prospects for single currency membership. It would also need to accept that the EU it joins will not be the same as the EU it left. It will have passed new legislation, some of which the UK might not have followed. The bloc might also have developed new patterns of overall development – perhaps integrating more closely (in areas such as military cooperation and the mutualisation of debt), perhaps not. It is partly for these reasons that a rejoin movement will need to promote the EU in UK political debate in far more enthusiastic terms than often it has been previously. By making a positive case, it might be possible to convey that changes involved with re-entry are to be welcomed, rather than played down or explained away.

Timeframes are difficult to predict. Even informal discussions about rejoining between a UK government and the EU could not begin until after the next General Election at the earliest. It is due by December 2024. The goal of negotiations would be to reach agreement on the terms of re-entry and a timetable for it to take place. Pending such an arrangement being reached, and perhaps as an indication of good faith, the UK might seek to move swiftly towards alignment with the EU, perhaps joining the Single Market and/or Customs Union. Both parties to the negotiation might see good reason to proceed with urgency. The security position in Europe, if it has either failed to improve significantly, or even deteriorated, might encourage

them to place a premium upon their unity. Furthermore, a stronger EU including the UK within it could serve as a counterweight to the rise of extremist populism and authoritarianism within Europe. Negotiations for UK re-entry, if they take place, might be against a background of a candidate hostile to democracy securing the US Presidency; ongoing difficulties involving states such as Hungary; and electoral contests such as that recently experienced in France. The European integration project received powerful early impetus from concerns over the threat posed by the Soviet bloc. Contemporary perils could help the EU to overcome what might prove to be the temporary blip of UK absence. This scenario might seem to many difficult to credit. However, the past six years of UK history have demonstrated that the implausible can become reality. A calamity that was not widely expected could be followed by a similarly unanticipated reversal.

We certainly cannot guarantee that the outcome suggested in this paper could be achieved within a single electoral cycle – if at all. It may be that Labour is simply not ready to change its position significantly ahead of the next General Election; and that an extensive pact is not attainable. Public discourse and accepted political wisdoms might prove highly resistant to recognition of Brexit as being the true source of the problems it has generated. Many contingencies, beyond the control of any one group or movement, will be at play. They could serve to help or hinder the cause, or some complex combination of both. But this paper has explained why all those who regret Brexit should advocate – by whatever means at their disposal at the given time – its full reversal, with the UK rejoining the EU on more complete terms than those of its previous period of membership. It has also proposed means by which this goal might be attained, largely within the current party structure of the UK. Other forms of democratic political activity, operating outside of established groups, might also be useful. They might be pursued in parallel to an attempt to persuade Labour (and the Liberal Democrats) of the need to change direction; and could become relatively more significant depending on the degree of resistance within Labour. When faced with such challenges, important lessons can be learned from qualities displayed by the successful campaign to remove the UK from the EU. One is the readiness firmly to advance a position, even if it departs from the more conventional wisdom of the day. A second is the need for tenacity. Third is a willingness to be flexible in methods. It is likely the rejoin movement will need to exhibit all three characteristics before it achieves its historic goal.

## Endnotes

[1] Supporters of leaving would presumably not acknowledge all of these problems.

[2] See eg: < <https://www.bloomberg.com/news/articles/2022-06-22/brexit-s->

legacy-is-hotter-uk-inflation-risk-for-years-to-come >.

[3] See: < <https://lordashcroftpolls.com/2016/06/how-the-united-kingdom-voted-and-why/> >

[4] See: < <https://www.statista.com/statistics/987347/brexit-opinion-poll/> >

[5] See: < <https://yougov.co.uk/topics/politics/articles-reports/2016/06/27/how-britain-voted> >

[6] See: < <https://yougov.co.uk/topics/politics/articles-reports/2016/06/27/how-britain-voted> >

[7] See: < <https://commonslibrary.parliament.uk/general-election-2019-brexit/> >

[8] See: < <https://yougov.co.uk/topics/politics/articles-reports/2019/12/17/how-britain-voted-2019-general-election> >

## Appendices

### **Appendix a: Excerpts from Swati Dhingra, Emily Fry, Sophie Hale and Ningyuan Jia, *The Big Brexit: An assessment of the scale of change to come from Brexit*, Centre for Economic Performance/Resolution Foundation, June 2022**

At first glance, the lack of clear evidence of the expected relative decline in UK exports to the EU seems like good news. However, developments should instead lead us to take seriously the signs that Brexit is impacting UK trade openness and competitiveness more broadly. In particular, the fall in UK trade openness since the introduction of the TCA, measured as trade as a share of GDP, has been larger than that experienced by our peers. Between 2019 and 2021, UK trade openness fell by 8 percentage points, significantly more than in countries with similar trade profiles, such as France, which experienced a 2 percentage point decline.

Furthermore, the UK is the only large European country to experience a decline in openness since 2020, with openness falling 1 percentage point; France, for example, saw openness rise by 4 percentage points...Brexit may have had a broader impact on the UK's openness and competitiveness than expected...

In addition to the overall economic impact, much attention has been given to how Brexit could affect different regions and the extent to which it will help poorer areas to 'level up'. Our assessment finds that the North East, one of the

poorest regions in the UK, will be one of the hardest hit, and that Brexit will increase its existing (and large) productivity and income gaps...

A less-open UK will mean a poorer and less productive one by the end of the decade, with real wages expected to fall by 1.8 per cent, a loss of £470 per worker a year, and labour productivity by 1.3 per cent, as a result of the long-run changes to trade under the TCA. This would be equivalent to losing more than a quarter of the last decade's productivity growth. And it should be noted that this analysis assesses only the direct impacts of the new trading arrangement, and does not account for wider impacts on investment levels or changes to migration policy.

#### **Appendix b: House of Lords European Affairs Committee, 4th Report of Session 2021-22, One Year On – Trade in goods between Great Britain and the European Union, HL Paper 124, December 2021**

In his announcement of the signing of the Trade and Cooperation Agreement with the EU on 24 December 2020, the Prime Minister promised that UK companies would face “no non-tariff barriers to trade” with the EU and that the Agreement would enable even more business to be conducted between the UK and EU. Nearly one year on, this report examines the extent to which trade in goods between Great Britain and the EU has been supported by the framework provided by the TCA so far, and the challenges remaining.

There is early evidence in the available trade data of an initial reduction in trade with the EU following the implementation of the TCA on 1 January 2021, although there have been signs of some recovery in recent months. It is very difficult at this time to disentangle the impact of the end of the transition period from that of the COVID-19 pandemic. The falls in UK-EU trade are greater than those seen in trade with the rest of the world over the same period, though trade with the rest of the world has not had to cope with the same significant changes as trade with the EU. On the other hand, there is evidence that businesses face new and significant real-world challenges in trading with the EU that cannot be attributed to the pandemic, even if the two issues are difficult to distinguish at a macroeconomic level.

Despite the aspirations of last December, businesses have been faced with significant additional administrative burdens and, in some cases, delay affecting trade with the EU since the end of the transition period. These include compliance with rules of origin, complex Sanitary and Phytosanitary (SPS) and customs requirements, new VAT requirements, and haulage restrictions. Although there has undeniably been some adjustment over the year as initial “teething problems” subsided, many of these challenges and costs are inherent in the new relationship with the EU and are unlikely to be eliminated with further time or

experience. However, we do identify several areas where processes could be smoothed through further dialogue with the EU. This is particularly important in the SPS area, where we call on both the UK and EU to show flexibility in order to reach a more comprehensive agreement.

These burdens have fallen particularly heavily on small and medium-sized enterprises (SMEs), who have fewer resources to draw upon in adjusting to this structural reconfiguration of the trading landscape. While Government guidance has improved after taking business feedback on board, we are concerned that what little financial support for adjustment that was available, through the SME Brexit Support Fund, has now been withdrawn. We urge the Government to reinstate the fund, with wider eligibility criteria to ensure small businesses can access the support they need.

British exporters are also concerned about the inconsistent application of the new rules by different EU Member States. This requires significant extra time and resources to navigate effectively, the burden of which again falls disproportionately on SMEs. We urge the Government to continue to engage with the EU and the Member States to reduce the impact of these disparities.

### **Appendix c: Office for Budget Responsibility, 'The latest evidence on the impact of Brexit on UK trade', March 2022.**

In the year following the end of the transition period, overall UK trade volumes fell, although with some surprising compositional effects:

**Goods.** Despite tighter restrictions on the EU side of the border, UK goods imports from the EU have fallen by more than UK goods exports to the EU...In the fourth quarter of 2021, goods imports from the EU were down 18 per cent on 2019 levels, double the 9 per cent fall in goods exports to the EU. The weakness of EU imports is more striking compared to the 10 per cent rise in goods imports from non-EU countries, suggesting some substitution between them. However, there is little sign to date of UK goods exports to non-EU countries making up for lower exports to the EU, with the former down 18 per cent on 2019 levels.

**Services.** UK services trade with the EU has fallen by more relative to 2019 levels than non-EU trade...However, much of this decline is likely to reflect the impact of the pandemic, particularly in sectors such as travel and transport that accounted for a greater proportion of pre-pandemic EU services trade than non-EU. UK service exports to the EU and rest of the world have recovered to around 5 and 10 per cent below 2019 levels while imports of services from the EU are still down by over 30 per cent...

Comparing our recent overall trade performance with other advanced economies suggests that the UK saw a similar collapse in exports as other countries at the start of the pandemic but has since missed out on much of the recovery in global trade. UK and aggregate advanced economy goods export volumes fell by around 20 per cent during the initial wave of the pandemic in 2020. But by the fourth quarter of 2021 total advanced economy trade volumes had rebounded to 3 per cent above their pre-pandemic levels while UK exports remain around 12 per cent below (Chart I, left panel). The UK therefore appears to have become a less trade intensive economy, with trade as a share of GDP falling 12 per cent since 2019, two and a half times more than in any other G7 country (Chart I, right panel)...

While additional trade with other countries could offset some of the decline in trade with the EU, none of the agreements concluded to date are of a sufficient scale to have a material impact on our forecast. The Government's own estimate of the economic impact of the free-trade agreement with Australia, the first to be concluded with a country that does not have a similar arrangement with the EU, is that it would raise total UK exports by 0.4 per cent, imports by 0.4 per cent and the level of GDP by only 0.1 per cent over 15 years.

**Appendix d: House of Commons Treasury Committee, Oral Evidence Session, 28 March 2022, excerpt:**

**Kevin Hollinrake:**...In terms of trade, we are seeing trade intensity and exports dropping quite significantly compared with other nations—EU nations, for example. I think trade intensity is down by about 15% and exports are down by 12%. Why is that? Is that Brexit?

**Rishi Sunak:**...It's quite hard to disentangle the various impacts of the pandemic, but also the change in our trading relationship with the EU. The data is actually a bit imperfect; we are trying to parse it at the moment. It's clear that you're describing a situation that has materialised. I think it was always inevitable that if you changed the exact nature of your trading relationship with the EU, that was going to have an impact on trade flows, but it's hard, at this moment—until we get through all of this—to disaggregate the various impacts that are going on...

**Chair:** Chancellor, may I come back to one of your answers on Brexit and trade? I think you were basically saying that it is difficult to disentangle the various effects of the pandemic and Brexit. I guess that is true to a degree.

Dan might be able to find the chart for us, which I think is on page 64, chart I, which shows how trade intensity of GDP for ourselves and our European trad-

ing partners, the euro area and advanced economies has changed during the period from when the pandemic/Brexit struck, and what has happened in more recent times. It shows that we have gone down; there has been, as the OBR predicted, a slump in our trade with the EU. The other countries have now come back up quite strongly, but we have stayed down. Does that not tell you that the main distinction between ourselves and them is that we went through Brexit and they did not?

**Rishi Sunak:** It might well be, but it is too early to be definitive about it.

**Chair:** What else might it be?

**Rishi Sunak:** I have not got all the numbers in front of me, but when I was looking at this a couple of weeks ago, if you look at UK-EU and UK- rest of world imports and exports, there is a range of different things moving on. They are not all consistent with themselves. We are still trying to work through what all the impacts are. It was always inevitable that there would be a change in our trade intensity with Europe—

**Chair:** Quite a significant one.

**Rishi Sunak:** —as a result of a change in the trading relationship. That is expected and unsurprising when you change a trading relationship with the EU. In general, trade intensity is falling.

### **Appendix e: House of Commons Public Accounts Committee, Progress with trade negotiations, Forty-Fifth Report of Session 2021-22, HC 993, March 2022**

**The Department for International Trade faces significant challenges in meeting its target for 80% of UK trade to be covered by FTAs by the end of 2022.** As of January 2022, 64% of UK trade was covered by FTAs including the UK's Trade and Cooperation agreement with the EU which represents 47% of UK trade. As well as concluding an agreement in principle with New Zealand, the Department's programme for the coming year includes negotiations on existing agreements with Canada and Mexico, on a new agreement with India, and to join the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). Achieving the 80% target will be challenging as joining the CPTPP and a deal with India will only contribute 0.4% and 1.5% respectively to the target. Prioritising and sequencing the programme of negotiations is important but the Department is not in full control of its negotiating timetable – a key deal with the US, representing 16.8% of UK trade, is on hold because the US decided to pause negotiations.

## Appendix f: HM Government, *The Benefits of Brexit: How the UK is taking advantage of leaving the EU (January 2022)*, excerpt

Our Achievements so far  
Taking Back Control

**The public voted to take back control. This Government has delivered it. Our objective has been to restore the UK's status as a sovereign, independent country so that we can once again determine our own future. That means changing our rules and regulations to best serve the people's priorities and returning democratic accountability to our own institutions.**

- Ended free movement and taken back control of our borders. In its place we have introduced a points-based immigration system, focused on skilled workers and the best global talent, with skills and salary thresholds and an English-language requirement. The UK has welcomed thousands of workers with the skills the country needs to support our domestic labour market as we build back better from the Covid pandemic, from doctors and scientists to butchers and bricklayers.
- Restored democratic control over our lawmaking. We gave the power to make and scrutinise the laws that apply to us back to our Parliament and the devolved Parliaments so that they are now made in Belfast, Cardiff, Edinburgh and London, not Brussels.
- Restored the UK Supreme Court as the final arbiter of the law that applies in the UK. UK judges, sitting in UK courts, now determine the law of the land in the UK, with judgments issued in English, not French, and accessible to those who speak Welsh.
- Made it tougher for EU criminals to enter the UK. EU nationals sentenced to a year or more in jail will now be refused entry to the UK. Under EU free movement we had to allow some foreign criminals into the country who would otherwise have been stopped and turned away. We have now brought the rules for EU criminals who are not protected by the Withdrawal Agreement in line with other foreign criminals.
- Ended the acceptance of ID cards for most EU nationals travelling to the UK. Some ID cards are among the least secure documents seen at the border and are, as a rule, not as secure as corresponding national passports. We have already seen a dramatic drop in encounters of fraudulent ID cards at the border.
- Taken back control of our waters. The deal we struck with the EU and our new Fisheries Act allow us to chart a course once again as an independent coastal state, bringing more quota for British fishermen and new opportunities for our coastal communities from Lerwick and Peterhead at the north-eastern end of Scotland to Brixham and Newlyn at the south-western tip of England.

- Restored fair access to our welfare system. We ended the preferential treatment of EU migrants over non-EU migrants, ensuring that wherever people are born, those who choose to make the UK their home pay into the system for a reasonable period of time before they can access the benefits of it.
- Set our own tariff regime via the UK Global Tariff. Our new UK Global Tariff is more tailored to the needs of the UK economy and denominated in pounds, not euros. We streamlined and simplified nearly 6,000 tariff lines, lowering costs for businesses by reducing administrative burdens, scrapped thousands of unnecessary tariff variations on products and expanded tariff-free trade by eliminating tariffs on a wide range of products.
- Committed £180 million to modernise and streamline our import and export controls by creating the Single Trade Window. This will support our ambition to make the UK the most effective border in the world by 2025 and reduce the cost of trade by streamlining trader interactions with the UK's border agencies.
- Given UK regulators the ability and the resources to make sovereign decisions about globally significant mergers. Decisions about globally significant mergers and acquisitions are now made by the UK's Competition and Markets Authority, giving it the ability to block or remedy mergers it considers will harm UK consumers, like S&P Global's acquisition of IHS Markit where the Competition and Markets Authority is currently putting in place remedies to address competition concerns raised by the deal.
- Launched and are undertaking reviews of the status and substance of retained EU law. While it was necessary in the short-term to save a lot of EU law to provide legal certainty when we left the EU, we intend to go further than the changes we have already made and to amend, replace, or repeal all the retained EU law that is not right for the UK. Our reviews are already underway and making good progress.
- Reintroduced our iconic blue passports. All new British passports are now blue, a return to their original appearance, with the colour first introduced in 1921, and updated to be the most technologically-advanced and secure British passports ever, with the carbon footprint from their manufacture reduced to net zero.
- Reviewing the EU ban on imperial markings and sales. This will give businesses and consumers more choice over the measurements they use. Imperial units like pounds and ounces are widely valued in the UK and are a core part of many people's British identity.
- Enabling businesses to use a crown stamp symbol on pint glasses. The Crown Stamp is a proud emblem of our heritage that people remain fond of. We have begun the process of allowing it to be used once again, a fitting tribute to Her Majesty's Platinum Jubilee.

### Appendix g: Petition to 'Revoke Article 50 and remain in the EU.'

The government repeatedly claims exiting the EU is 'the will of the people'. We need to put a stop to this claim by proving the strength of public support now, for remaining in the EU. A People's Vote may not happen - so vote now.

6,103,056 signatures

Government responded (this response was given on 26 March 2019)

This Government will not revoke Article 50. We will honour the result of the 2016 referendum and work with Parliament to deliver a deal that ensures we leave the European Union.

It remains the Government's firm policy not to revoke Article 50. We will honour the outcome of the 2016 referendum and work to deliver an exit which benefits everyone, whether they voted to Leave or to Remain.

Revoking Article 50, and thereby remaining in the European Union, would undermine both our democracy and the trust that millions of voters have placed in Government. The Government acknowledges the considerable number of people who have signed this petition. However, close to three quarters of the electorate took part in the 2016 referendum, trusting that the result would be respected. This Government wrote to every household prior to the referendum, promising that the outcome of the referendum would be implemented. 17.4 million people then voted to leave the European Union, providing the biggest democratic mandate for any course of action ever directed at UK Government.

British people cast their votes once again in the 2017 General Election where over 80% of those who voted, voted for parties, including the Opposition, who committed in their manifestos to upholding the result of the referendum.

This Government stands by this commitment.

Revoking Article 50 would break the promises made by Government to the British people, disrespect the clear instruction from a democratic vote, and in turn, reduce confidence in our democracy. As the Prime Minister has said, failing to deliver Brexit would cause "potentially irreparable damage to public trust", and it is imperative that people can trust their Government to respect their votes and deliver the best outcome for them.

Department for Exiting the European Union.

Date closed 20 August 2019

**Appendix h: Keir Starmer speech to Confederation for British Industry annual conference, 22 November 2021, excerpt**

Just to be clear, Labour is not planning a re-match.

Brexit has happened and we are not going to re-join.

But it is obvious that a poorly thought-through Brexit is holding Britain back.

It is astonishing to see a government that negotiated a treaty...

... complaining that the deal they signed doesn't work.

Wait till the PM finds out who negotiated the Northern Ireland protocol.

I wish he would stop picking fights for the sake of it, and just get on with it.

Labour will work with business on this.

We should carry out a transparent and honest analysis, together...

... of all the holes in the Prime Minister's deal.

We need to work out how we can fill them fast...

... without the risk of trade wars...

... without erecting further barriers to co-operation with our allies...

... and without the need for even more years of painful negotiations.

Of course, decisions that have been made must be respected, and negotiations will be tough.

And this is a message to those on both sides of the channel.

We all have a duty to make Brexit work...

... so bear with me as I give you some concrete examples of what we would do.

We would negotiate a new veterinary agreement for trade in agri-products.

This would have two benefits.

First. It would help to get through the impasse over the Northern Ireland protocol

..... Second, it would cut red tape and barriers for exporters across the UK.

Labour would also look to find an agreement on mutual recognition of conformity assessments across all sectors.

That would mean our producers would no longer have to complete two sets of tests...

... there would be no need for two certification processes to sell goods in both the UK and the EU.

We would seek regulatory equivalence for financial services...

... and mutual recognition of professional qualifications...

... because we absolutely recognise the importance of looking after our world-class financial and professional service businesses.

We would also seek to maintain Britain's data adequacy status.

That would mean that our data protection rules would continue to be deemed equivalent to those in the EU.

Which would, in turn, make UK digital services companies more competitive.

And, finally, we would seek a better long-term deal for UK hauliers to ease the supply chain problems we are seeing.

This is a plan that follows closely what many of you have told me is needed...

... to move us towards the closer trade arrangement that we need with the EU.

I believe all of this is achievable by robustly defending our interests ... and patiently negotiating....

### **Appendix i: Plaid Cymru, Let Us Face the Future Together: Senedd Election Manifesto 2021, excerpt:**

#### *Wales' Relationship with the EU*

Following Brexit the prospects of the UK rejoining the EU in the medium term are remote. Nevertheless, we will make the case for the advantages for Wales

and the UK as a whole, of closer regulatory alignment with the EU.

Plaid Cymru's longer-term aspiration is for an independent Wales to join the European Union, subject to a future referendum after the achievement of independence. Meanwhile, a Plaid Cymru Government will pursue every avenue to deepen our relationship with the EU. We will:

- Establish a central unit as part of the Cabinet Office to deal with international affairs, and in particular to drive a strong and consistent policy for European engagement.
- Strengthen Wales's presence in Brussels through Wales House.
- Cultivate a close partnership with Ireland, in particular by establishing a representative office in Dublin.
- Build on the recently announced International Learning Exchange Programme for Wales by seeking to align it with the European Union's Erasmus+ programme.

### **Appendix j: Scottish National Party, Scotland's Future, Scotland's Choice, 2021 Manifesto, excerpt:**

#### *Rejoin the EU*

The people of Scotland voted decisively to remain within the European Union and we firmly believe that EU membership is the best option for Scotland.

By rejoining the EU we will create jobs and regain full access to the European Single Market, which is seven times the size of the UK.

We will prepare to rejoin the EU by keeping a close relationship with Europe. We will strengthen our Brussels base and make Scotland House the hub of our diplomatic representation across Europe.

We will also expand our international network by creating an Innovation and Investment hub in the Nordic and Baltic regions.

### **Appendix k: Liberal Democrat Spring Conference 2022 motion:**

F13: Rebuilding Trade and Cooperation with Europe

Motion as Passed by Conference

**Proposed by:** Federal Policy Committee

**Mover:** Layla Moran MP (Spokesperson for Foreign Affairs and Europe).

**Summation:** Duncan Brack.

Conference recognises that Boris Johnson's Brexit is failing to deliver any benefits for Britain and bears no resemblance to the promises made by the Leave campaign in 2016.

Conference notes that the consequences of Johnson's Brexit deal are becoming steadily clearer, and include, among others:

- New barriers to trade, leading to significant falls in UK exports and imports, rising food prices and empty supermarket shelves.
- Severe threats to traditional farming and fishing enterprises and communities, and the likelihood of lower standards as a result of the government's free trade agreements ending altogether exports of some British food products to the EU.
- Shortages of HGV drivers and of staff in the healthcare, farming and hospitality sectors, and the loss of British citizens' opportunities to work, to be together with their loved ones, to study and retire anywhere in the EU, as a result of the ending of freedom of movement.
- Lasting damage to British cultural, educational and medical and scientific research sectors.

Conference notes the evidence that the supposed benefits of Brexit have proved to be a fantasy, and recognises that Britain now exercises less control over the forces that determine its future than it did inside the EU, at a time when the challenges the world faces, from the climate and nature emergencies to an aggressive Russia and an assertive China, require more international cooperation, not less.

Conference therefore reaffirms the Liberal Democrats' support for a longer-term objective of UK membership of the EU, as set out in the September 2020 conference motion, 'The UK and Europe'.

Conferences notes with dismay, however, that the Conservatives have wrecked Britain's good relations and bonds with Europe, to the point that there is no indication that the EU sees Britain as a good neighbour, nor that it would want the UK back in its current state.

Conference therefore recognises that as the UK seek to build a closer partnership with Europe, it must first convince EU member states that the UK is serious about rebuilding the relationship and forging stronger links, which can only be built back gradually over time.

Conference reaffirms existing Liberal Democrat policy on the UK's relationship with the EU, as set out in the spring 2021 conference motion 'The EU-UK Trade and Cooperation Agreement and the Future of the UKEU relationship', which included developing policy proposals to:

- Demonstrate the benefits to UK citizens and businesses of a much closer relationship compared to the government's inadequate measures.
- Recommend roadmaps for the UK to rejoin the Customs Union, Single Market and other EU agencies and programmes as appropriate.
- Maximise public support for eventual UK membership of the EU.

Conference therefore resolves to adopt the proposals set out in policy paper 144,

Rebuilding Trade and Cooperation with Europe, on the UK-EU trading relationship and Single Market membership, and in particular its roadmap to re-establishing good relations, and rebuilding the associations between Britain and its European neighbours, to the benefit of both, and maximising the chances of the UK ultimately rejoining the EU:

- Immediate UK initiatives to begin to repair the UK-EU relationship, including:
- A clear declaration of a fundamental change in the UK's approach, setting out the intentions to act as a good neighbour to the EU and to repair the damage caused by the Conservatives.
- Reforming and increasing funding for the Turing Scheme.
- Automatically granting full Settled Status to all EU citizens and their families who were living in the UK as of 31st December 2020.
- Establishing channels beyond those created in the Trade and Cooperation Agreement, on an EU-wide and bilateral basis.

Increasing the UK's presence in Brussels and major EU capitals, not only through central government but by devolved governments, local authorities, cultural organisations and civil society; improving relations with individual EU member states; and establishing the UK–EU Parliamentary Partnership Assembly.

- Further steps to rebuild confidence, including by:
  - Seeking association or cooperation agreements with EU regulatory framework agencies such as the European Chemicals Agency, European Aviation Safety Agency, European Medicines Agency and European Food Standards Authority
  - Improving educational and cultural links by returning to Erasmus Plus and seeking to participate fully in Creative Europe.
  - Supporting UK and EU research and innovation by pressing for an agreement with the EU on UK associate status in Horizon Europe.
  - Working together with the EU to tackle the climate and nature emergencies by associating the UK Emissions Trading System (ETS) with the EU ETS and applying to join the European Environment Agency.
  - Seeking to provide support to EU civilian and military missions and operations under the Common Security and Defence Policy, and formalise this support with a Framework Participation Agreement.
  - Improving cooperation on crime and policing, and seek to reach a UK-EU agreement on asylum seekers.
  - Working together with the EU to address crises and disasters throughout the European continent, culminating in Participating State status in the EU Civil Protection Mechanism.
- 
- Deepening the trade relationship with the EU, including by:
  - Making an explicit commitment to maintaining the level playing field and not to lower standards of labour, environmental and consumer protection in the UK.

- Maintaining dynamic alignment with EU legislative and regulatory changes in order to avoid regulatory divergence between the two jurisdictions, and aiming to reach mutual recognition agreements to avoid doubletesting.
- Aiming to open negotiations on a comprehensive agreement guaranteeing enhanced access for UK food and animal products to the Single Market.
- Exploring ways to simplify procedures for UK exporters, and the possibility of a specific UK-EU agreement on small businesses.
- Seeking to ratify the memorandum of understanding with the EU on equivalence for financial services.
- Open negotiations for reciprocal deals with EEA member states on low-cost and fast-tracked work visas for key economic sectors.
- Initiate conversations to establish mutual recognition of professional qualifications.
- Once the trading relationship between the UK and the EU is deepened, and the ties of trust and friendship are renewed, aim to place the UK–EU relationship on a more formal and stable footing by seeking to join the Single Market, thereby bringing full access to EU and EFTA economies for UK goods and services, resolving many of the problems around the Northern Ireland Protocol, helping to create a more united UK, and opening up freedom of movement, helping to relieve the pressures caused by Brexit for British enterprises and public services, including the NHS and social care, and enlarging opportunities for British citizens.

### **Appendix I: Treaty on European Union, excerpt:**

#### *Article 49*

Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union. The European Parliament and national Parliaments shall be notified of this application. The applicant State shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the consent of the European Parliament, which shall act by a majority of its component members. The conditions of eligibility agreed upon by the European Council shall be taken into account.

The conditions of admission and the adjustments to the Treaties on which the Union is founded, which such admission entails, shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements.

#### *Article 50*

1. Any Member State may decide to withdraw from the Union in accordance

with its own constitutional requirements...

- If a State which has withdrawn from the Union asks to rejoin, its request shall be subject to the procedure referred to in Article 49.

### **Appendix m: Electoral Pact Poll May 2022**

Pollster Find Out Now and election experts Electoral Calculus have run an MRP poll on voting intention for Westminster in the presence of an electoral pact on behalf of the Constitution Society. This was a large-scale poll, involving over 16,000 respondents, carried out from 9 to 12 May 2022 (<https://consoc.org.uk/publications/electoral-pacts-and-the-uk-constitution-an-update-one-year-on-by-andrew-blick/>).

The poll asked England and Wales residents whether and how they intend to vote if there were an imminent general election and there was an electoral pact between Labour, the Liberal Democrats and the Green party.

The question assumed that there was an electoral pact between Labour, the Liberal Democrats and the Green party throughout England and Wales. It was also assumed that the pact did not apply in Scotland, and that Plaid Cymru were not included.

It was also assumed that the 573 seats in England and Wales were allocated between the pact parties, so that only one of the pact parties would stand a candidate in each seat. The method of seat selection was as follows:

- If a pact party was elected to the seat in 2019 or gained the seat in a by-election, then that party is selected for that seat
- Of the remaining seats, one seat in 16 (eg 6%) is selected for the Greens, based on the Greens' vote share in 2019. The selected seats must contain a fair and even variety of "winnability".
- Of the remaining seats, seats are selected for Labour and the Liberal Democrats depending on which party received more votes in 2019.
- This poll is very similar to the questions asked in a previous poll conducted in June 2021, although public opinion has changed markedly since then.

**Pact Prediction: Labour majority of 136**

Party	2019 Votes	2019 Seats	Predicted Votes	Predicted Seats	Change
CON	44.7%	365	33%	101	-264
LAB	33.0%	203	42%	393	+190
LIB	11.8%	11	8%	71	+60
Green	2.8%	1	2%	17	+16
Reform	2.1%	0	4%	0	0
SNP	4.0%	48	4%	48	0
Plaid	0.5%	4	1%	2	-2

Prediction based on opinion poll from 9-12 May 2022 to 24 Apr 2022, sampling 16,279 people.

These results show that an electoral pact between Labour, Liberal Democrats and the Greens could make a fundamental difference to the outcome of a general election.

Current opinion polls show that Labour might be largest party after a fresh general election, but there is no guarantee that it would have enough seats for an outright overall majority. The latest Electoral Calculus monthly poll of polls suggests that Labour would be short about 10 seats of a majority. The recent local election results also suggest that Labour's support is partial and patchy.

But if there were an electoral pact between Labour, the Liberal Democrats and the Greens in England and Wales, then the Conservatives could lose two-thirds of their seats and would be ejected from government. The pact parties would have a landslide victory, with a parliamentary majority of over 300 seats.

Within the pact, all three parties benefit from it. Labour nearly doubles its seat total. The Liberal Democrats go up to 71 seats, which would be the best Liberal performance since 1923. And the Greens could win 17 seats compared to their existing single seat. This could be perceived as win-win-win for these three parties.

The poll did not include Scotland and the calculations assumed no change to the 2019 election result there. In Wales, the poll suggests that Plaid might lose a couple of seats to the pact.

## Questions

Respondents were asked two questions. The first was a general question of likelihood to vote.

Q1. We know that many people in your area didn't vote in the last general election. How likely do you think you are to vote in the next general election on a scale from 0 to 10? (10 - certain to vote, 0 - certain not to vote)

The second question depends on the constituency that the respondent lives in. In general terms, the question has the format

Q2. Suppose at the next general election that all the usual political parties are standing in your seat except that the [OTHER PARTY1] and [OTHER PARTY2] have agreed not to stand and are asking their supporters to vote [SELECTED PARTY]. Which party, if any, would you vote for, in this general election?

This had three particular instances, depending on which pact party was selected for the relevant seat. These question variants were:

Q2A. [For voters in seats selected for Labour] Suppose at the next general election that all the usual political parties are standing in your seat except that the Liberal Democrats and the Greens have agreed not to stand and are asking their supporters to vote Labour. Which party, if any, would you vote for, in this general election?

Q2B. [For voters in seats selected for the Liberal Democrats] Suppose at the next general election that all the usual political parties are standing in your seat except that Labour and the Greens have agreed not to stand and are asking their supporters to vote Liberal Democrat. Which party, if any, would you vote for, in this general election?

Q2C. [For voters in seats selected for the Green party] Suppose at the next general election that all the usual political parties are standing in your seat except that Labour and the Liberal Democrats have agreed not to stand and are asking their supporters to vote Green. Which party, if any, would you vote for, in this general election?

Respondents were not given the option of voting for a pact party which was not selected for their own seat. Respondents were given the additional option of "Would not vote" if the existence of the pact made them to decide on that.

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