

EUROPE AND THE UNITED KINGDOM: TIME FOR A RETHINK

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INTRODUCTION

The case for the United Kingdom (UK) to leave the European Union (EU) is based upon the result from the referendum of Thursday 23rd June 2016, in which 51.9% of voters expressed a preference for the UK to leave the EU whilst the other 48.1% of voters wished for the former to remain within the latter (Baber, 2016, 554). The withdrawal from the EU is currently underway. But, in the judgment of the Court of Justice of the European Union (CJEU) dated 10th December 2018 and titled *Andy Wightman and Others v Secretary of State for Exiting the European Union (Wightman)*, Case C-621/18, the Court provided a heretofore unclarified alternative for the UK to be able to unilaterally cancel the withdrawal process on the terms under which it resided in the EU prior to initiating that procedure. That route is potentially open to the UK authorities. This article argues that it is a way to emerge from the deteriorating political and economic situation in the country.

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THE ADVERSE WITHDRAWAL AGREEMENT

In a recent article written for this journal, I stated that the UK Government's proposed Facilitated Customs Arrangement was "unworkable and incompatible with an independent trade policy" (Baber, 2018, 1). I reviewed some Preferential Trade Agreements, concluding that an enhanced version of the Comprehensive and Economic Trade Agreement between Canada and the European Union – with the UK replacing Canada in the title – was "the only reasonable template amongst those discussed above that also allows for an independent trade policy", that it "would not breach the integrity of the [EU's] internal market", and, consequently that this was "the optimum solution to the Brexit conundrum" (Baber, 2018, 7). Unfortunately, this has not proved to be possible for a number of reasons, which include: 1) the harsh nature, from the UK perspective, of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (Withdrawal Agreement) – including, for instance, Article 147(1), which states: "The United Kingdom shall be liable for its share of the payments required to discharge the contingent liabilities of the [European] Union that become due in relation to legal cases concerning financial interests of the Union related to the budget ... provided that the facts forming the subject matter of those cases occurred no later 31 December 2020" – although under the same Paragraph the EU is required to reimburse the UK's share of any subsequent recoveries, 2) the presence within this Withdrawal Agreement of the Protocol on Ireland/Northern Ireland, which is designed to prevent customs controls being installed at the land border between the UK and the Republic of Ireland and, in particular, the lack of provision for the UK to be able to unilaterally terminate this Protocol – Article 20 of the Protocol declares: "If ... the [European] Union and the United Kingdom decide jointly within the Joint Committee that the Protocol, in whole or in part, is no longer necessary to achieve its objectives, [then] the Protocol shall cease to apply, in whole or in part", and 3) the existence in the accompanying Political Declaration setting out the Framework for the Future Relationship between the European Union and the United Kingdom of the requirement for a successor instrument to the Protocol on Ireland/Northern Ireland: Paragraph 19 of the Political Declaration states: "The Parties recall their determination to replace the backstop solution on Northern Ireland [i.e., the content of this Protocol] by a subsequent agreement that establishes alternative arrangements for ensuring the absence of a hard border on the island of Ireland on a permanent footing.". Although this

language appears to be innocuous, its essence is to impose major liabilities on the UK before the termination of the planned transition period prior to its cessation on 31st December 2020 and tapered charges beyond this time, and to make any subsequent development in the EU/UK relationship – including any future trade deal – conditional on the continuing absence of customs controls on the UK/Eire border.

It could be argued that the lack of a provision in the Withdrawal Agreement for either the EU or the UK to unilaterally terminate either it, or, in particular, its Protocol on Ireland/Northern Ireland, is a breach of international law. However, Article 56(1) of the Vienna Convention on the Law of Treaties states the following.

A treaty which contains no provisions regarding its termination and which does not provide for denunciation or withdrawal is not subject to denunciation or withdrawal unless (a) It is established that the parties intended to admit the possibility of denunciation or withdrawal; or (b) A right of denunciation or withdrawal may be implied by the nature of the treaty.

Part (b) does not apply, as the terminating entity would be withdrawing from a withdrawal treaty. Part (a) is not satisfied, because the Withdrawal Agreement's objective is to specify the arrangements of the UK's withdrawal from the EU and from the European Atomic Energy Community (Withdrawal Agreement, art 1). Thus, the absence of a provision in the Withdrawal Agreement for either party to it to unilaterally terminate either it or its Protocol on Ireland/Northern Ireland is consistent with the Vienna Convention on the Law of Treaties. Notwithstanding this, the latter only "applies to treaties between States" (Vienna Convention, art 1), as well as "to any treaty which is the constituent instrument of an international organization and to any treaty adopted within an international organization" (Vienna Convention, art 5). The EU is not a State. Whilst the EU could be described as an 'international organization', the Withdrawal Agreement is less likely to be considered a 'constituent instrument' than the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU). Nevertheless, if it is accepted that the EU is an 'international organization', the Withdrawal Agreement is 'adopted within an international organization' because the UK is still a Member State of the EU at the moment at which this adoption takes place. Therefore, the Vienna Convention applies to the Withdrawal Agreement. Hence, the absence of a provision in the Withdrawal Agreement

for either the EU or the UK to unilaterally discontinue it is not a contravention of international law, subject to the proviso that customary international law might provide otherwise – a condition that is unlikely to be satisfied. Therefore, it looks to be true that the British and Northern Irish Members of Parliament who are alarmed that the UK is ‘stuck with the backstop solution on Northern Ireland’ on a potentially permanent basis are coming to a rational conclusion – the UK can only terminate the Protocol on Ireland/Northern Ireland jointly with the EU within the Joint Committee. The European Commission has a pivotal influence on the Joint Committee’s decisions, as Rule 1 of the Rules of Procedure of the Joint Committee and Specialised Committees demonstrates.

The Joint Committee shall be chaired by a Member of the European Commission and a representative of the Government of the United Kingdom at ministerial level, or by high-level officials designated to act as their alternates. ... The decisions of the co-chairs provided for by these Rules of Procedure shall be taken by mutual consent. ...

Thus, if the European Commission decides that the backstop solution on Northern Ireland is to subsist, then it will continue to operate. The Protocol on Ireland / Northern Ireland attempts to assuage British and Northern Irish fears of the permanency of the backstop solution, as its Article 1(4) indicates.

The objective of the Withdrawal Agreement is not to establish a permanent relationship between the [European] Union and the United Kingdom. The provisions of this Protocol are therefore intended to apply only temporarily, taking into account the commitments of the Parties set out in Article 2(1) [of the Protocol]. The provisions of this Protocol shall apply unless and until they are superseded, in whole or in part, by a subsequent agreement.

Article 2(1) of the Protocol on Ireland/Northern Ireland requires the EU and the UK to “use their best endeavours to conclude, by 31 December 2020, an agreement” that partly or completely replaces that Protocol. However, its Article 2(2) requires that agreement to “indicate the parts of this Protocol which it supersedes”, which, together with Paragraph 19 of the Political Declaration, works to ensure that the issue of extending aspects of EU law to Northern Ireland in order to avoid a hard border between the UK and Eire

continues beyond 31st December 2020. In essence, therefore, the UK is unable to fully leave the EU under the terms of the Withdrawal Agreement. This explains in part why the House of Commons was set to reject it on Tuesday 11th December 2018, which caused the Prime Minister of the UK, the Right Honorable Theresa May MP, on the previous day to withdraw it from being subject to the imminent Parliamentary vote.

DECEMBRAL PARLIAMENTARY ANTICS

On Tuesday 11th December 2018, Mrs. May rushed to the Hague, Berlin and Brussels, respectively, to meet the Prime Minister of the Netherlands – Mr. Mark Rutte, the Chancellor of Germany – Mrs. Angela Merkel, and the Presidents of the European Council and the European Commission – Messrs. Donald Tusk and Jean-Claude Juncker. On the evening of Wednesday 12th December 2018, she avoided being ousted as leader by Conservative Party Members of Parliament – winning a Party Vote of Confidence in her leadership by 200 (63%) to 117 (37%) votes on a 100% turnout after declaring an intention to resign before 2022 (British Broadcasting Corporation, 2018). The Chairman of the European Research Group, the Right Honourable Jacob Rees-Mogg MP, claimed that this was a very poor result for Mrs. May, and urged her to quit immediately (The Telegraph, 2018). Mrs. May did not resign. Instead, she flew to Brussels the next morning to attend a meeting of the European Council – in order to continue to pursue additional assurances with regard to the backstop solution (Consumer News and Business Channel, 2018). But the European Council stood firm, as Paragraph 1 of its Conclusion from the Special Meeting shows.

The European Council reconfirms its conclusions of 25 November 2018, in which it endorsed the Withdrawal Agreement and approved the Political Declaration. The [European] Union stands by this agreement and intends to proceed with its ratification. It is not open for renegotiation.

Paragraph 4 of this Conclusion confirms the stance that the Withdrawal Agreement takes in respect of the backstop solution and the UK/Eire border.

The European Council also underlines that, if the backstop were nevertheless to be triggered, it would apply temporarily, unless and until it is superseded by a subsequent agreement that ensures a hard border is

avoided. In such a case, the [European] Union would use its best endeavours to negotiate and conclude expeditiously a subsequent agreement that would replace the backstop, and would expect the same of the United Kingdom, so that the backstop would only be in place for as long as strictly necessary.

Thus, the UK Prime Minister had failed to alter the terms of the Withdrawal Agreement and, in particular, its Protocol on Ireland/Northern Ireland. It was, therefore, reasonable that she should hold the Parliamentary vote on the unchanged Withdrawal Agreement promptly after her return from Brussels on Friday 14th December 2018. But no – she announced in the House of Commons on Monday 17th December 2018 that this vote would be held in the week of 14th January 2019 (United Kingdom Parliament, 2018a). The Leader of the Opposition, the Right Honourable Jeremy Corbyn MP, was unimpressed, as the Financial Times reported.

I've listened very carefully to all of the answers the prime minister gave during this lengthy exchange today. ... [I]t is very bad, unacceptable that we should be waiting almost a month before we have a meaningful vote on a crucial issue facing the future of this country. ... So Mr Speaker, as the only way I can think of ensuring a vote takes place this week, I am about to table a motion which states the following: "That this House has no confidence in the prime minister due to her failure to allow the House of Commons to have a meaningful vote straight away on the withdrawal agreement and framework for future relationships between the UK and the European Union." And that will be tabled immediately, Mr Speaker. Thank you. (Financial Times, 2018).

Unfortunately for Mr. Corbyn, Mrs. May did not have to agree to promptly allot Parliamentary time for this no confidence vote – unlike her obligation to do so in respect of a full motion of No Confidence in the UK Government (Cable News Network, 2018). Thus, the vote on the Withdrawal Agreement would not take place until the middle of January 2019, which would leave little time to pursue alternative arrangements before 'exit day', i.e., the time at which the UK was due to leave the EU, which is 11.00 p.m. on Friday 29th March 2019 (European Union (Withdrawal) Act 2018, s 20(1)).

Mr. Corbyn did not listen quite as carefully as he claimed to the Prime Minister's answers in that debate of Monday 17th December 2018. For he overlooked the following exchange.

Daniel Zeichner (Cambridge) (Lab):] The 48% [of the UK public that voted in the referendum of Thursday 23rd June 2016 who chose to remain in the EU] seem to count for nothing any more. They did not vote for this descent into chaos, and many cautioned, “You should not leave unless you know where you are going.” Is it not time, in the national interest, to revoke article 50 [of the TEU, under which the Prime Minister acted on Wednesday 29th March 2017 to initiate the withdrawal of the UK from the EU (European Union (Notification of Withdrawal) Act 2017, s 1(1))], not least to allow those who claim to speak for the 52% [of the UK public that voted in the referendum of Thursday 23rd June 2016 who chose to leave the EU] to sort out what they actually want?

The Prime Minister:] Revoking article 50 means staying in the European Union and it is not possible to revoke article 50, to go back into the EU and then come out again in a few months’ time. The judgment of the European Court of Justice [i.e., the CJEU] was absolutely clear on this point: revoking article 50 means staying in the European Union (United Kingdom Parliament, 2018a).

If the Leader of the Opposition had read the CJEU’s judgment in *Wightman*, and if he had been alert during these proceedings on Monday 17th December, then he would have been aware of the dubiety of this reply. Paragraph 74 of *Wightman* states the following.

[T]he revocation of the notification of the intention to withdraw must, first, be submitted in writing to the European Council and, secondly, be unequivocal and unconditional, that is to say that the purpose of that revocation is to confirm the EU membership of the Member State concerned under terms that are unchanged as regards its status as a Member State and that revocation brings the withdrawal procedure to an end.

Mrs. May’s reply can be divided into the following three parts: 1) Revoking Article 50 of the TEU means staying in the EU; 2) it is not possible to revoke Article 50 of the TEU, in order to re-enter the EU and then withdraw from it again in a few months’ time; 3) the judgment of the CJEU in *Wightman* clearly states that revoking the Article 50 of the TEU means staying in the EU.

Matching these parts against Paragraph 74 of *Wightman*, each of the three statements is judged to be *true*, *indeterminate* or *false* as follows. Statement 1) is *true*, as the purpose of the revocation of Article 50 of the TEU is to confirm

the EU membership of the Member State that is invoking the revocation procedure by informing the European Council in writing that it no longer intends to withdraw from the EU.

Statement 2) is *indeterminate*, as the CJEU judgment in *Wightman* in general, and Paragraph 74 of it in particular, do not refer to the possibility of the Member State, having remained within the EU by virtue of revoking Article 50 of the TEU, subsequently choosing to notify the European Council of its intention to withdraw from the EU at a later date. It is submitted that statement 2) is *false*, because Paragraph 74 of *Wightman* states that the revocation of Article 50 of the TEU confirms the Member State's membership of the EU on unchanged terms. One of those terms is, and was, that, as a Member State, it is (and was) free to invoke Article 50 of the TEU at any time of its choosing – as long as this is “in accordance with its own constitutional requirements” (Treaty on European Union, 2016, art 50(1)). Therefore, at present, there is no bar to the UK, if it chooses to revoke Article 50 of the TEU, then deciding to invoke it at later date – *even if this is only a few months after that revocation*. It would be wonderful if the CJEU would confirm (or qualify) this position, which, although it is accurate at present, may appear to be flippant. Hence, statement 2) is classified as *indeterminate* but *false* by presumption.

Statement 3) is *false*, as Paragraph 74 of the CJEU judgment in *Wightman* makes clear that revoking Article 50 of the TEU terminates the withdrawal procedure. The Court does *not* hold that the revocation of Article 50 of the TEU requires the Member State which revoked it to stay in the EU. As Paragraph 74 of *Wightman* states that, after the Member State's revocation of Article 50 of the TEU, the terms are unchanged as regards the Member State's status – i.e., the same as before the revocation, and, indeed, the invocation, of Article 50 of the TEU, and as prior to the invocation of Article 50 of the TEU the Member State was free to withdraw from the EU “in accordance with its own constitutional requirements” (Treaty on European Union, 2016, art 50(1)), the Member State is free to invoke Article 50 of the TEU again in concurrence with these requirements – and is not required to remain in the EU.

I am grateful to the Right Honourable Daniel Zeichner MP for asking this crucial question in the House of Commons just in the ‘nick of time’ – as ‘exit day’ is approaching fast. It is submitted that, on the basis of the above discussion, Mrs. May made a false statement to the House of Commons in response to Mr. Zeichner's pertinent question. This is a basis upon which the Leader of the Opposition might have successfully tabled a Parliamentary motion of No Confidence in the Prime Minister at the time that he did so

without result. Given the gravity of the offence and the criticality of the matter, the Speaker of the House of Commons, the Right Honourable John Bercow MP, may have been obliged to grant Parliamentary time to debate and vote on the motion before the Parliamentary recess commenced at the close of play on Thursday 20th December 2018 (United Kingdom Parliament, 2018b).

THE CJEU’S PRELIMINARY RULING IN *WIGHTMAN*

The preliminary ruling of the CJEU in *Wightman* was delivered early on Monday 10th December 2018 (The Spectator, 2018), in anticipation of the then imminent vote on the Withdrawal Agreement in the House of Commons – the Prime Minister postponed this vote later that day (The Guardian, 2018). The ruling reads as follows.

Article 50 TEU must be interpreted as meaning that, where a Member State has notified the European Council, in accordance with that article, of its intention to withdraw from the European Union, that article allows that Member State – for as long as a withdrawal agreement concluded between that Member State and the European Union has not entered into force or, if no such agreement has been concluded, for as long as the two-year period laid down in Article 50(3) TEU, possibly extended in accordance with that paragraph, has not expired – to revoke that notification unilaterally, in an unequivocal and unconditional manner, by a notice addressed to the European Council in writing, after the Member State concerned has taken the revocation decision in accordance with its constitutional requirements. The purpose of that revocation is to confirm the EU membership of the Member State concerned under terms that are unchanged as regards its status as a Member State, and that revocation brings the withdrawal procedure to an end (Case C-621/18, ruling).

The CJEU’s preliminary ruling in *Wightman* can be expressed the following simple statements.

1) *The Member State may unilaterally revoke its notification to the European Council to leave the EU.* The revocation is not dependent upon the approval of the European Council, because this would breach the following principle: “[A] Member State cannot be forced to leave the European Union against its will.” (Case C-621/18, para 72).

2) *This revocation is to be submitted to the European Council in writing.*

3) *The Member State's decision to revoke its notification to the European Council to leave the EU is to be taken in compliance with its constitutional requirements.* This decision must also be taken “through a democratic process” (Case C-621/18. para 67). Given the fact that the UK does not have a written constitution, there is no stated requirement as to the form of the revocation. A ‘democratic process’ includes a Parliamentary procedure, in addition to universal adult suffrage on the specific issue of the revocation. Thus, it is *not* compulsory in the UK to be required to hold a referendum on the particular issue of the revocation. Notwithstanding this, the revocation of the notification to the European Council to leave the EU would need to be consistent with the manifesto of the party of government – so that it would be seen to be delivering on what the majority of the electorate voted for. It is submitted that this is not currently the case in the UK. Therefore, for the revocation to proceed, there would need to be a prior general election that was won by a party whose manifesto included a promise to revoke the notification to the European Council made under Article 50(2) of the TEU – which states “A Member State which decides to withdraw [from the EU] shall notify the European Union of its intention.” However, there is an exceptional instance in which a revocation of the notification of the UK’s intention to leave the EU might be considered to be consistent with the Conservative Party’s current manifesto. This special case is developed as follows. The Conservative and Unionist Party Manifesto 2017 states the following.

We want to agree a deep and special partnership with the European Union. This partnership will benefit both the European Union and the United Kingdom: while we are leaving the European Union, we are not leaving Europe, and we want to remain committed partners and friends across the continent (United Kingdom Conservative Party, 2017, 35).

[W]e continue to believe that no deal is better than a bad deal for the UK. ... We will make sure [that] we have certainty and clarity over our future, control of our own laws, and a more unified, strengthened United Kingdom. ... We will pursue free trade with European markets, and secure new trade agreements with other countries. We want to ... secure a smooth, orderly Brexit. ... [W]e will seek a deep and special partnership including a comprehensive free trade and customs arrangement. ... We will determine a fair settlement of the UK’s rights and obligations as a departing member state, in accordance with the law and in the spirit of the UK’s continuing partnership with the EU. [T]he days of Britain making vast annual contributions to the European Union will end. We want fair,

orderly negotiations, minimizing disruption and giving as much certainty as possible ... (United Kingdom Conservative Party, 2017, 36).

There is a bad deal on the table – the Withdrawal Agreement discussed above. According to its manifesto, the Conservative Party would prefer no deal to this. However, no deal would not constitute a smooth, orderly Brexit, which is also advocated by the manifesto. Thus, both the Withdrawal Agreement and no deal are inconsistent with the Conservative Party's manifesto, on the basis of which that party is currently governing the UK. The terms of the UK's withdrawal from the EU need to be reset. The manifesto makes no comment on this. Therefore, the attempt to redefine the parameters for the UK to leave the EU is compatible with the manifesto, provided that there is a collective Parliamentary intention whilst the current government is in office to leave the EU according to the terms described above. Thus, if the current government proposes to the UK Parliament to revoke its earlier notification to the European Council under Article 50(2) of the TEU of its intention to withdraw from the EU, then this is consistent with its governing mandate, provided that it notifies the revocation to the European Council with the intention of invoking Article 50 of the TEU at a future time when a Withdrawal Agreement can be negotiated that is good for the UK and when a smooth, orderly procedure for leaving the EU can be carried out.

4) *The revocation is to take place before either the Withdrawal Agreement comes into force or, if it does not, two years after the notification to the European Council of the invocation of Article 50 of the TEU, unless the European Council unanimously decides with the relevant Member State's consent to extend this period* (Treaty on European Union, art 50(3)). At the time of writing, the Withdrawal Agreement has not been approved by the UK Parliament. It is submitted that, given the Agreement's drawbacks from the UK's perspective, that approval will not be forthcoming – and, thus, for the purposes of this paragraph, it is assumed that the Withdrawal Agreement will not come into effect in the UK. Therefore, the revocation must be in place by 'exit day', unless the European Council extends the time allotted for the completion of the withdrawal process under Article 50 of the TEU.

5) *The revocation must be made unequivocally and unconditionally.* Paragraph 74 of the CJEU's judgment in *Wightman*, quoted above, defines 'unequivocal' as 'confirming the EU membership of the Member State concerned under terms that are unchanged as regards its status as a Member State', and 'unconditional' as 'bringing the EU withdrawal procedure to an end'.

It is submitted that this judgment is very fair to the UK, showing capacity, breadth and an empathy with this country's current predicament. The judges of the CJEU should be congratulated for this. Advocate General Campos Sánchez-Bordona deserves credit, for promptly delivering – on Tuesday 4th December 2018 – an Opinion which, although different in part to the judgment of the Court, firmly suggests a constructive way in which the UK, and potentially other Member States which might chose to leave the EU at a future time, may rejoin it in the event of a change of heart prior to that withdrawal taking full effect (Opinion of AG Campos Sánchez-Bordona, 2018). The applicants, who include two Members of the Scottish Parliament, three Members of the European Parliament and one Member of the UK Parliament (Case C-621/18, Preamble), should be commended for their collective vision in bringing such a significant, crucial case before the Courts of Scotland. It is submitted that the Scottish regional outcome to the referendum on UK membership of the EU held on Thursday 23rd June 2016 – in which 62% of voters living in Scotland chose to remain in the EU and 38% of such voters selected to leave the bloc (British Broadcasting Corporation, 2016) – was a significant motivator for the applicants to file the lawsuit. Perhaps Mr. Zeichner's comment that the 48% of UK voters who, in this plebiscite, chose to remain in the EU appeared to count for nothing, will ultimately prove to be incorrect.

COMMENT AND CONCLUSION

Pursuant to the Principle of Parliamentary Sovereignty, referenda held within the UK are not in themselves legally binding. Furthermore, the particular referendum at issue, i.e., that on the status of the UK's membership of the EU held on Thursday 23rd June 2016, produced a marginal result. The main advocates of the campaign for the UK to leave the EU had no substantiated financial forecasts upon which to establish their campaign. It was based on theoretical promises of more money returned to voters and less immigration, perceptions of thwarting the oily bureaucrats of the European civil service, and waving the Union Jack. The UK Prime Minister at the time, the Right Honourable David Cameron MP, should have known better – he permitted a referendum to be held on Scottish independence in 2014, and nearly lost that. I was on holiday near Oban shortly before this vote. The atmosphere in the area was an electric 'Yes! Yes! Yes!'

Soon after the result from the referendum of Thursday 23rd June 2016 produced a narrow majority in favour of the UK leaving the EU, Mrs. May was installed as Prime Minister. Several months later, on Wednesday 29th March 2017, she wrote to the President of the European Council, Mr. Donald Tusk, thereby initiating the withdrawal process under Article 50 of the TEU. The EU appointed Messrs. Michel Barnier and Guy Verhofstadt as the chief Brexit negotiators of the European Commission and European Parliament, respectively. Both were known to be uncompromising men of Anglophobic disposition. The UK Establishment should have heeded these appointments. It did not.

On Thursday 8th June 2017, Mrs. May held a general election, which she won – but required an agreement with the Democratic Unionist Party in order to form a majority government. She and her team then proceeded to advance into the negotiations underprepared. Late in 2017, and under pressure to resign her post, Mrs. May capitulated to sign the forerunner of the Withdrawal Agreement on terms that were unfavourable to the UK, including the prospect of a large financial settlement and the guarantee of an open border between this country and Eire after the former's withdrawal from the EU. From a UK perspective, the situation looked to be hopeless from this point on.

The Prime Minister rallied somewhat after this, but the lost ground could not be recaptured – as the events described in this article and in its predecessor (Baber, 2018) illustrate. The Opposition Parties were also fairly unhelpful. Mr. Corbyn wanted a general election. The leaders of the Scottish National Party and the Liberal Democrats, Mrs. Nicola Sturgeon MSP and The Right Honourable Sir Vincent Cable MP, respectively, backed a further referendum on UK membership of the EU. This was an idea floated in all sincerity by the former Secretary of State for Education, Ms. Justine Greening MP, but could only lead to further chaos. If the result to this hypothetical plebiscite were to be to rejoin the EU, some persons who voted to leave the EU in the referendum of 23rd June 2016 might not recognize the result. If, conversely, the result to the proposed new vote were to be to stay outside the EU, then the current problems would persist.

The main lesson from these experiences is the Scout motto, i.e., 'Be Prepared'. In 2016, and, to an extent, in 2017 also, the UK was not equipped to initiate the procedure for leaving the EU. Thus, this process would not – and could not – work. It is submitted that the whole country is suffering for the political mismanagement – not just the business community. In 2019, we need to carefully work together to 'put the train back on the rails'.

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