

Brexit 'rough' or 'smooth'?



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“I will do such things,-
What they are, yet I know not: but they shall be
The terrors of the earth.”

King Lear, Act II, Scene iv

What would Brexit look like?

1. What the departure of the UK from the EU would look like is a key issue in the campaign:
 - a. Without knowing the alternative, it would be a huge economic and political risk for the UK to cease to be a member of the EU, one of the three global economic powers, in which the UK is one of the largest and most influential members. We would not willingly give up our place in Nato or on the UN Security Council – why should we choose to give up our powerful role within the EU?
 - b. Leaving the EU would also be a fundamental change to UK foreign and diplomatic policies that have been constant on this issue for over 50 years. Why would we do that without having decided what the alternative policy would be and whether it would be a good thing for UK interests?
2. The issue of alternatives can be simplified to two broad options (for a much more detailed discussion, see <http://lawyers-inforbritain.uk>):
 - a. Would it be a 'smooth' exit, maintaining close economic ties with the EU as our direct neighbour, principal trading partner and global economic power – Norway and Switzerland would be the obvious models for that relationship, observing EU law on the operation of the single market, contributing to the costs of the single market and permitting free movement of persons within the single market?
 - b. Or would it be a 'rough' exit, giving effect to UKIP's xenophobic policies, the traditional Powellite agenda of nostalgic sovereignty, UK exceptionalism,

restrictions on free movement of persons, supplemented by a refusal to contribute to the costs of the EU single market or to be bound by its rules – this could be said to be the Turkish or Albanian models?

3. There would be very significant downsides whichever of these two options were chosen. In particular, a ‘rough’ exit would be an act of national folly that would rapidly be seen to be a dangerous and undeliverable fantasy, comparable to the outcome of the Greek referendum.

Smooth Brexit – a weaker and less influential UK

4. A ‘smooth’ exit would be complex and difficult to negotiate but might ultimately lead to a reasonably good **economic** outcome – Norway and Switzerland have continued to be economically successful despite their lack of influence over the terms of the single market.
5. However, this outcome would not achieve any of the traditional UKIP/Powellite agenda and would, in reality, represent a substantial loss of sovereignty and status for the UK both within Europe and the world. The UK, a proud and independent nation, would be forced to accept policies and rules developed by the EU over which it had little or no influence.
6. Likewise, the UK would in all likelihood have to accept the substance of major international trade deals such as TTIP or the WTO, again without having been party to the negotiations.
7. In addition, and absurdly, the UK would also give up important veto rights, such as its current right, as a full EU member, to veto Turkey’s accession to the EU. It would also give up all its existing opt outs and derogations, including the recent Settlement Agreement, so would have to argue for those all over again.

Rough Brexit – Project Fantasy

8. The ‘rough’ option, by contrast, can fire up the traditional forces of nationalism and xenophobia that are most hostile to EU membership, but it would in reality be a recipe for economic disaster and political chaos. Adopting a deliberately confrontational approach to any future relationship would also lead to even greater loss of influence over the future of the EU as our most important neighbour and trading partner.
9. Despite these obvious problems, both in terms of credibility and economic harm, it is apparent that, at least for the purposes of the campaign, the Leave campaign has deliberately committed itself to a ‘rough’ exit regardless of the economic consequences. This was made clear by Michael Gove in his keynote speech on 19 April 2016 and the Leave campaign has proceeded on this basis since then.
10. Whatever the superficial attractions of the nostalgic world of Enoch Powell and Nigel Farage, it seems to me that this decision was a mistake, and has introduced significant dishonesty and delusion into the heart of the Leave campaign. It is

extremely important for those intending to vote in the Referendum to understand that these proposals would not only be an economic disaster for the UK were they even to be attempted, but also that they would, in reality, be very unlikely to materialise.

11. They are therefore a dangerous fantasy:
 - a. There is no Parliamentary majority for such conduct, the great majority of MPs being committed to the Remain campaign, so that it would be realistically impossible for a hopelessly divided Conservative party to deliver on a UKIP-style agenda for leaving the EU.
 - b. The EU would not be prepared to negotiate future trade terms with the UK if it maintained the position that:
 - i. The UK would no longer be bound by the rules of the single market.
 - ii. The UK would not contribute to its costs.
 - iii. The UK intended to impose significant restrictions on the free movement of EU nationals.
12. One might compare Mexico or Canada seeking to complete a new trade deal with the US while at the same time imposing new access restrictions for US nationals to its territory. The UK would not so much be at the back of the queue as at the bottom of the heap. Indeed, it is apparent from the renegotiations undertaken by David Cameron last year that this would be completely unacceptable to the EU and that a UK negotiating position based on such 'red lines' would immediately collapse.
13. In summary, the Leave campaign that has been run by Michael Gove and Boris Johnson since April is a dishonest and discreditable campaign that is trying to sell its case to the voters on the basis of a false prospectus. The leaders of the campaign, who purport to be targeting a wider market than fervent admirers of UKIP and Nigel Farage, must realize that the case that they are advancing:
 - a. would cause enormous political difficulties both inside and outside the UK if it were even to be attempted;
 - b. would result in very serious and lasting economic and political damage to the United Kingdom if it were to be put into effect; and, in reality,
 - c. would not in practice ever be accepted by the UK Parliament or by the other Member States of the EU as the basis for negotiation.

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Further information

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