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EXITING THE EU SELECT COMMITTEE

REGULATION OF THE FUTURE
RELATIONS WITH THE
EUROPEAN UNION

SICCOB

SIMULACIÓN DE LA CÁMARA DE LOS COMUNES BRITÁNICA

Esta guía ha sido elaborada por el equipo organizador de SICCOB, y es de uso exclusivo de los participantes de la simulación para la misma.

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INTRODUCTION. HOW DOES THE HOUSE OF COMMONS WORK?

We must start stating that the role of the House of commons is to approve new laws and taxes, hold the Government to account and debate the issues of the day. We can see that the house of Commons makes decisions about things that affect the UK. If the government wants to make new law, they must have the approval of the House of Commons.

We must state that the house of commons is made up of 650 members. They are voted by the citizens of the UK. This way they also make sure that a wide range of opinions and viewpoints from across the UK are voiced by the art of debate. This election by the citizens of the UK are every five years, during the general elections.

Call for a change in the law can come from a lot of ways. While the Government has the greatest say in which changes are proposed, it is the House of Commons and the House of Lords that pass or reject them.

Most bills start in the House of Commons, where the members of Parliament have the right to debate and modify changes to the resolution. The same process happens in the House of Lords. If the House of Lords makes any changes to a bill, the house of Commons must debate the modified amendments. This stage is called consideration of amendments.

During SICCOB we will be representing the House Of commons in this stage.

THE EXITING THE EUROPEAN UNION SELECT COMMITTEE (BREXIT SUB-COMMITTEE)

The Exiting the European Union Committee¹ is a Select Committee in the House of Commons which was set up in October 2016. A Select Committee of the UK Parliament² is set up to investigate a specific issue in detail or to perform a specific scrutiny role. It can demand information from the government and call in officials and experts for questioning. Select committees may publish reports and the government is expected to respond to any recommendations that are made.

The Exiting the EU Committee (Brexit Sub-Committee) has the power to examine the expenditure, administration and policy of the Department for Exiting the EU³- which is responsible for overseeing negotiations to leave the EU and establishing the future relationship between the UK and the EU- and matters falling within the responsibilities of associated public bodies.

The Committee's Chair is Hilary Benn since July 2017. The Committee is currently made up of 20 MPs (Members of Parliament), 13 of which were supporters of the Remain campaign in the 2016 referendum, while 7 of them were supporters of the Leave campaign.

¹ The Exiting the European Union Select Committee webpage:

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/exiting-the-european-union-committee/>

² Select Committees of the UK Parliament: <https://www.parliament.uk/site-information/glossary/select-committees/>

³ Department for Exiting the European Union website:

<https://www.gov.uk/government/organisations/department-for-exiting-the-european-union>

HOW HAVE WE GOT TO THIS POINT? A LITTLE BIT OF HISTORY

a. What is the problem?

On June 23rd, 2016 the United Kingdom voted on referendum to leave the European Union. A mixture of the words "Britain" and "exit", Brexit is shorthand for Britain's split from the European Union. But how have we got to this point and what are the main reasons behind it? Let's first see a little bit of history.

The first approach between the UK and the EU was in 1963. Both in 1963 and in 1967 the UK's entry into the European Economic Community (EEC) was vetoed by the French President, de Gaulle. Finally, the UK entered the EEC in 1973. However, only two years later, in 1975, a referendum was held in the UK questioning: "Do you think the UK should stay in the European Community (Common Market)?" The referendum was carried out by a labourist government, even after having renegotiated the conditions of UK's permanency. The "Yes" won with over 67% of the votes.

When Margaret Thatcher took power in 1979, the debate around the terms of permanency was retaken. More specifically, in 1984 they negotiated to reduce UK's contribution to the EEC's budget, which went from 20% to 12% of the total.

The Maastricht Treaty was signed in 1992 and came into force in 1993, but the UK made the treaty have a non-legislative character. In addition, it was excluded from its third phase, which included the monetary union and the use of the euro as the single currency. On subsequent occasions of the modification of the Maastricht Treaty, they either accepted them partially or were excluded from them. In fact, in 1997 they rejected the Amsterdam Treaty (which included the free movement of people) and accepted the Lisbon Treaty with exceptions.

David Cameron was proclaimed Prime Minister in 2010. He reopened the debate about the terms of permanency in the EU in 2013, promising to reopen the conditions of permanency in the EU if he was reelected with a majority vote in the next elections. Therefore, in May 2015 he reopened such negotiations, which included the financial economy or new ways for the UK's blockade of measures from the EU. Finally, on June 23, 2016, a referendum on whether to remain or leave the EU would be held.

On June 23, 2016, approximately 17 million people in the UK voted to leave the EU (with a participation of around 72% and 30 million people). Approximately, 52% of the total voted to leave. The vote to leave triumphed in England (in cities such as Wales, with 53% in favor of leaving), which contrasts with the results in Northern Ireland and Scotland, which were more in favor of remaining (56% and 62% respectively). Remain was also more powerful in London, with 59,93% of votes in favor of remaining in the EU. The districts more in favor of Brexit were Boston and South Holland, while Gibraltar, Lambeth and Hackney offered more support for Remain. On the other hand, if we look at the distribution of vote per ages, we see a clear tendency of older people in favor of Brexit and young people against it.

It is worth mentioning that, before the referendum was held, negotiations on a new regime for the UK in the EU were being carried out. However, this new regime was subject to the referendum. The new regime would address issues such as economic governance, sovereignty, social benefits and the free movement of people. A day after knowing the results of the referendum, the EU leaders declared: "As agreed, the New regime of the United

Kingdom in the European Union, agreed at the European Council on February 18 and 19, 2016, will not come into force and it will cease to exist. There will be no renegotiations".

The main arguments in favor of Brexit and Bremain.

What are the main arguments in favor of Brexit? We can point at five main ones.

The **first** one is commerce. Protectionism and Community tariffs, the Common Agricultural Policy and regulations seriously affect British trade. In fact, they say that once the exit occurs, the United Kingdom will not have any problem in reaching an agreement with the European Union to maintain its access to the single market (but without being subject to European law). They affirm no one in Europe is willing to renounce to the more than 500 billion euros each year going to the island in exports, with a positive balance for the European Union of more than 180 billion dollars. In addition, supporters of Brexit remember that the British economy is becoming less dependent on the single market, and much more dependent on foreign powers, or emerging powers. In fact, they say that the exit will allow them to design commercial policies to better access these types of markets, which have much more potential. Supporters of Brexit deny that greater integration equals greater prosperity, and for that they use statistics that show that the more European countries have integrated, the more their economic growth has collapsed. And yes, they have a model, which is called Switzerland. A country that does not belong to the European Union, but whose exports per capita multiplied by 5 the ones of the United Kingdom. Its GDP per capita doubles the United Kingdom's one, and it has a model of competitiveness and well-being which is one of the most successful in the world.

The **second** one is the regulations. The Brexit supporters not only consider the EU regulations as an attack on their sovereignty, but also understand that they are a serious detriment to the British economy. In fact, they affirm that just the top 100 of regulations supposed, the year before the Brexit referendum, a cost of more than 35 billion euros for the economy of the United Kingdom. In addition, they do not accept the legislative incontinence of the European Community, which since 2010 has approved more than 3,500 laws and regulations that affect British companies, hindering their ability to do business and diminishing their competitiveness. In fact, as an example of this excessive regulation, they put on the table the 109 regulations that affect pillows, the 50 regulations on quilts and sheets, or the 31 regulations that detail how the markets for toothbrushes have to work. And, even, supporters of Brexit claim that the European Community has regulated the size of the kiwis.

The **third** one is immigration. It was a key point in the campaign, especially among populists and nationalists. The British want to control their borders, and in fact, they want to implement a migration system equivalent to that of Australia. That means giving priority to the qualification of immigrants over other criteria. In recent years, the British economy has done relatively well. In fact, employment is at the highest levels in history, and as a consequence, many people have migrated to the islands.

"Look at the numbers, the net migration in the UK is close to its record, and we have no control from the European Union." Nigel Farage (BBC)

Only in the year before the referendum, in net terms, more than 330 thousand people went to the United Kingdom in search of a job. This has been used by pressure groups to generate a nationalist breeding ground, among other things, for the high social benefits that exist in this country, and that generate a huge distorting effect when many immigrants arrive at once. A

recurrent criticism is that because of the number of immigrants from the EU who enter the country every year, public services such as health (NHS) are on the verge of collapsing.

A **fourth** one is about the transfers to the EU. The United Kingdom is the second largest net donor of the European Union, and its contribution in net terms is around 200 million euros per week. Neither the Community Institutions nor their bureaucracy are particularly popular among British citizens. In fact, since the time of Wilson and Thatcher, the British have specifically refused to pay that much. As aforementioned, the United Kingdom joined the European Community in 1973, and already in 1975, they had raised a referendum to modify the conditions of adhesion, considering them unfair.

The **fifth** and last is about democracy. The European institutions are characterized not only by the dispersion and distance of the vote that causes its enormous extension, but also because, in the day to day decision making process, the opinions of the voters are inconsequential. The European Union is also characterized by the great number of bureaucrats it has, whose elites live virtually anonymously, and you never know for sure who makes the decisions or how they are taken, nor who influences them. In this situation it is not difficult to understand that the British -accustomed to a very participatory democracy where citizens directly know their representatives- do not think this pseudo democracy seems compatible with the defense of freedoms. Therefore, the Brexit supporters argue that the government will be given this way the necessary powers to legislate freely on issues such as health, employment or migration policy, regaining control over its borders.

At the same time, the arguments in favor of Breain coincide with those that refute the aforementioned arguments. Supporters of Breain argued that around 44% of the exports of the United Kingdom are to countries of the European Union. As a result of the loss of the current commercial advantages that they currently have, at first, they would lose close to one million jobs and significant budget cuts, which would negatively affect public expenditure items such as education or health. Another effect would be the uncertainty in the markets. In fact, there have been companies that have moved their headquarters to EU countries, which could result in a drag effect among multinationals whose headquarters at the European level are in the United Kingdom. This could even be extended to the possible devaluation of the pound, subtracting purchasing power from British citizens.

Bremain supporters argue that the European Union regulations also facilitate trade, setting standards for chemicals or patents, which indirectly facilitates business by equating the laws of the 28-member countries. Moreover, the changes that could be made in immigration policy would not instantly solve the problems that are to be avoided, nor could a significant reduction in immigration be ensured.

The legal context: article 50 of the TEU and article 218 of the TFEU

What about the legal context? At this point, we need to mention Article 50 of the Treaty of the EU⁴ and Article 218 of the Treaty of the Functioning of the EU⁵.

Article 50 of the Treaty of Lisbon (Treaty of the European Union or TEU of 2007) contemplates the possibility of one of its members opting for voluntary departure from the EU once it has executed the relevant constitutional decision mechanisms to make such a decision (in this case, the referendum).

To leave the EU, according to Article 50, the country in question must first inform the European Council of this. After the notification, the European Council establishes certain political guidelines in order to negotiate and conclude an agreement that establishes the exit conditions, taking into account also the framework of future relations with the EU and the transition period. This country cannot be part of the internal negotiations of the European Council on the validity of the proposed agreement. The exit agreement does not require the unanimity of the European Council, only a qualified majority and the prior consent of the European Parliament.

Regarding the negotiations to reach the exit agreement between the country and the EU, article 50 establishes that such negotiations will be made according to point 3 of the article 218 of the Treaty of the Functioning of the EU. This article states that the EU Commission will present a recommendation to the European Council to adopt a decision by which negotiations will be open. Also, a negotiator of the EU will be appointed (and therefore, there will be a negotiator for the UK and a negotiator for the EU).

With regard to community treaties, these cease to apply from the validation of the exit agreement, or failing that, two years after the notification to the Council (unless it is agreed to extend the deadline). There is a time limit of two years after reporting the intention to leave the EU to negotiate the agreements. The negotiation can be extended by unanimous decision of all the member countries, including the one that has decided to leave the EU.

Article 50 also establishes that, if the country wanted to rejoin the EU, it shall apply as any other country (guided by the procedure of article 49 of the TEU).

b. How has the problem been tried to be solved? And why has it failed?

Still a little bit messed up with the process? Here's a timeline with the most important events of the process.

Let's first go back to June 24, 2016: the day after the referendum was held. That day, Cameron announced his resignation as prime minister. On July 13, Theresa May was appointed as the new Conservative leader of the UK, tasked with leading the process of negotiations with the EU.

On December 15, 2016, the EU agreed that the negotiation procedure with the United Kingdom would be set up as follows:

⁴ Consolidated version on the Treaty on European Union. EUR-Lex - 12012M/TXT - EN: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012M%2FTXT>

⁵ Consolidated version of the Treaty on the Functioning of the European Union. EUR-Lex - 12012E/TXT - EN: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>

1. The UK activates article 50 by notifying the European Council its intention to leave the EU.
2. The leaders of the EU-27 approve "orientations" for the negotiations. They will update them, depending on the necessities.
3. Following a recommendation from the Commission, the General Affairs Council authorises the opening of negotiations.
4. The Council names the Commission as negotiator of the EU. The Commission appoints Michel Barnier as chief negotiator. Throughout negotiations, the Commission is accountable to the leaders and the Council and will maintain the Parliament informed.
5. The Council will maintain the political control of the process, making sure that negotiations are carried out in accordance with the political orientations.

On March 29, 2017, Article 50 was officially triggered. The UK had now two years to negotiate the deal to leave the EU. On June 8, general elections were held in the UK, and while the Conservative party lost its majority, it still emerged as the largest party. May formed a government with the help of the Northern Irish Democratic Unionist Party (DUP).

While the first round of negotiations between the UK and the EU began on June 19, 2017 it wasn't until November 14, 2018 when the Withdrawal agreement was released. However, the deal faced criticism both from the opposition and from May's own party. The day after the deal was released, key secretaries of May's government resigned: Dominic Raab and Esther McVey. On the other hand, the EU officially endorsed the Withdrawal Agreement on November 25.

On January 15, 2019, the vote on the deal was held on the UK Parliament. Surprise (or not so): it was rejected (432 to 202 votes, and a historic margin of 230 votes). This way, UK's departure from the EU for March 29 (the initial date of the UK leaving the EU) was now more complicated. Moreover, after this, May survived a trust vote in her leadership of the Conservative Party.

But **why was the deal rejected in the Parliament?** See, for May's proposed deal to be successful and to pass the next stage, it needed a simple majority (320 votes in favor). But May's party, the Conservatives, do not have a majority in Parliament. They make up 318 MPs in the House of Commons (while the majority is 326). But as explained before, they got the majority along with the DUP (which means that to get support for her deal, she needs to persuade other MPs and not just the ones in her party). The DUP is the Northern Irish Party. One of the biggest questions of Brexit, as will be explained in a moment, is the Northern Irish border. If the UK leaves the EU and its single market and customs union (as proposed in May's deal), the border between Northern Ireland and the Republic of Ireland will no longer be a border between EU countries, and there could be the possibility of a hard border -a physical one-being re-imposed. The DUP doesn't like the idea of a hard border returning. The proposed deal doesn't actually solve the Northern Irish issue. Instead, it puts a backstop in place.

This isn't popular within the DUP, as it could lead to the Northern Islands being separated from the UK and becoming closer to the EU in Northern Ireland. If goods and people need to be checked when moving between Northern Ireland and the rest of the UK, this forces the two sides apart slightly. The DUP is in favor of the Union, and don't want Northern Ireland to be pushed away from the rest of the UK.

The Labour party was also against the deal. Apart from being the leading opposition party, they say they believe the deal is bad for the UK, and that they would be able to reach

a better deal. Jeremy Corbyn repeatedly called for a general election if the deal was rejected in Parliament. If the deal was rejected, they hoped to have a greater say in the matter. Even so, May believed some Labour MPs could vote in favour of her deal (primarily the ones who represent constituencies that strongly voted to leave in the referendum), something that was still very much complicated.

The Liberal Democrats, meanwhile, also rejected May's proposed deal. They asked instead for a second referendum. The Scottish National Party also rejected it, which is not surprising, as Scotland's majority vote in the referendum was to remain (62%). In fact, even after the vote on the deal was held, the Scottish Parliament had rejected to vote in favour of it. Plaid Cymru led a similar motion in the Welsh assembly, which also rejected the deal. The Conservatives accused afterwards both Plaid Cymru and the Labours of trying to undermine the original EU referendum results. The Green Party also opposed Brexit as a whole, supporting the call of the Liberals for a second referendum. Even the majority of the Independents in Parliament were against the deal.

But May couldn't rely either on all of the Conservative MPs either. Pro-Brexit MPs such as the European and Research Group (ERG), chaired by Jacob Rees-Mogg did not support the deal, and think they could have achieved a better deal. They also preferred to have no deal than May's deal. Meanwhile, many Pro-EU MPs did not support the deal either, as it pushed the UK too far away from the EU, having bad consequences for both the EU and the UK.

A second parliamentary vote on the deal was held on March 12th, 2019. It was rejected, again (391 to 242 votes). Basically, there were just a few changes in the deal since last time. On March 13th, Parliament voted to reject a no-deal Brexit, and on March 14th, MPs voted to instruct May to seek from the EU an extension to Article 50 negotiating period (they also voted against a second referendum). May planned to bring back the deal to the House on March 29th, but John Bercow, speaker of the House, stood in referring to an old parliamentary rule that stated that the government was not allowed to bring back the same thing after several times. Because of this, May only brought back to Parliament the Withdrawal Agreement (and not the Political Declaration) hoping to have success, but it failed again. At that time, she hoped to get more votes from the Labour Party, as their official position was now that they had no issue with the withdrawal agreement itself, but with the lack of information about the future relationship (what they term the "Blind Brexit").

The extension was finally set until April 12th, however, on April the EU leaders agreed to grant the UK a second extension from April 12th until October 31st. In May, Theresa May presented her "New Brexit Deal", which was meant to pass for a fourth time to Parliament. This included 10 new changes to the deal. However, after failed negotiations with Labour, she abandoned plans for a fourth vote, and finally, she announced her resignation for June 7.

The Withdrawal Agreement

After knowing what has happened yet, let's explain the Withdrawal Agreement itself.

⁶ May's New Brexit Deal Explained - Brexit Explained. TLDR News. <https://www.youtube.com/watch?v=-QBKGNRmzk8>

Firstly, you probably have many times heard about a “Soft Brexit” and a “Hard Brexit”. But what are the differences between both of them? There are three main points in which they differ:

The **first** point is the single market. Supporters of a soft Brexit defend the permanency in the single market, which guarantees freedom of movement inside the EU of people, goods, services and capitals. Supporters of a hard Brexit defend the non-permanency in the single market.

The **second** point is the customs unions. Supporters of a soft Brexit are in favor of staying in the customs union, which implies that no customs duties are paid on merchandise transferred between countries of the union, and also that a common tariff applies to imports from abroad. Supporters of a hard Brexit are in favor of abandoning the customs union.

The **third** point is trade agreements with third countries. While with a soft Brexit the United Kingdom could not adopt its own trade agreements with third countries, a hard Brexit would mean that London would have the freedom to negotiate its own trade agreements with third countries, which supporters of a hard Brexit believe, it would strengthen its economy.

With a **hard Brexit** the UK would regain control of its borders and immigration, of employment rights and trade (with a British rulebook in those matters instead of an EU one), and of its trade deals with countries outside the EU. If the UK left without negotiating a free trade agreement with the EU it could find itself in a position similar to countries like Australia or the USA, trading with EU states upon World Trade Organization rules, but would face tariffs and other trade restrictions from the EU (and vice versa). Also, a hard Brexit would mean that the UK would not have to pay EU contributions or agree to the free movement of EU members, but UK citizens would not have free movement to live and work in Europe either. It would have the freedom to enact its own rules and regulations.

A **soft Brexit** would mean the UK remaining a member of the European Economic Area (EEA). Some countries like Norway are in the single market and not in the customs union, while Turkey for example, is in the customs union, but not in the single market. Some have proposed a Norway model, which would give the UK access to most of the single market, but then it would need to accept the EU's four freedoms: people, goods, services and capital, and although it would not be an EU member, it would be subject to EU law in many areas, but not in agriculture, fisheries or defense. For a “soft” Brexit, the UK would need to contribute to the EU budget.

The British Government proposed a “Consensus Plan”, which combines aspects of a hard Brexit and aspects of a soft Brexit. The document did not include either the single market nor the customs union. Instead, it contemplated an area of free trade of goods and a combined customs area. This way, the UK would have control over its customs duties and its trade policy. The UK Parliament could also decide over the incorporation of European regulations into its legislation. Finally, the free movement of people would end, but a new framework for the mobility of job seekers and students would be created.

The Draft Withdrawal Agreement is a 585-page legal agreement. It contained four main points: citizen's rights, the financial settlement, the transition period and the Northern Ireland frontier.

1. Citizen's rights.

The EU and the UK agreed on this point for months, which resulted in May's deal fully protecting the rights of 3 million EU citizens living in the UK and 1 million citizens living in the EU.

EU citizens will be allowed to move to the UK to live and work until the end of the transition period. They'll be allowed to stay in the UK permanently if they stay there for five consecutive years. The same is true for UK citizens in the EU.

Then, regarding travel, as the free movement of people will end, UK citizens will need a visa to move or work to EU countries (and vice versa). But don't worry about your holidays: visa-free travel will allow EU citizens to visit the UK (and vice versa) without a visa.

2. The financial settlement.

This is also known as the "divorce" settlement. It means the UK has agreed to pay the EU £39bn. The payment comes in two parts: payments towards the budget of the EU and "outstanding commitments".

In 2014 the UK agreed to pay towards the budget of the EU until 2020, when the current budgeting period ends. Therefore, a part of the financial settlement is directed to keep this promise.

The UK has also agreed to pay towards a large number of EU projects. The financial settlement is meant to make the UK continue paying what it promised initially, as long as the project in question is completed before 2030. Therefore, the UK will continue paying projects in the EU even after leaving. But the reverse is also true: EU countries will continue paying for what they promised towards EU projects taking place in the UK.

3. The transition period

The transition period was initially set from 29th March 2019 (when the UK was supposed to leave the EU) until 31st December 2020. During this period of time, the UK leaves EU political institutions. However, it continues to be under EU law in full. The transition could be extended for a one-off period by mutual agreement (by both the EU and the UK), but the UK would also have to continue paying to the budget of the EU.

Also, during the transition period, the UK is required to observe level playing field commitments. What does this mean? It basically means they have to stay in alignment with the EU on competition and state aid, and also environmental and employment standards, tax and the rulings of the European Court of Justice.

In 2017, May declared the UK would leave both the Customs Union and the Single Market. May's deal assumes that, during the transition period, the EU and the UK will sign a comprehensive free trade agreement. This means that, until the end of the transition period, the free trade agreement doesn't necessarily come into force. As mentioned above, EU rules and customs regulations will continue to apply to the UK during the transition period. It's only at the end of the transition period when EU rules no longer apply to the UK, and the whole Northern Ireland border issue -which will be explained to you just in a minute- comes into play.

4. Northern Ireland.

The border between Northern Ireland and the Republic of Ireland is the only overland border of the UK, and it remains one of the reasons why negotiations on Brexit continue to reach a deadlock. It's almost invisible, and it's not just a boundary between the two countries.

It's a solution to a troubled history, a compromise, and a symbol of identity which has been keeping peace in Northern Ireland since the past 20 years. Hardening this border could have serious consequences for the people living in it.

In 1920 the British -who had been ruling for centuries the island of what comprises now Northern Ireland and the Republic of Ireland- drew this border. The British divided this island into two states based on its population. This was based on the fact that the Irish, who were mainly catholic and identified as Irish wanted independence (they were called the Nationalists); but in the North many people were protestant, identified as British and wanted to remain in the UK (they were called the Unionists). After the division, the Northern part stayed in the UK as Northern Ireland, while the south, after achieving complete independence, became the Republic of Ireland.

At the beginning, the border, of 499 kilometers, was pretty permeable, while the UK and Ireland had continued their hostilities. However, later on, a trade war emerged between the two countries when customs checks were placed at the border crossings -which meant the imposition of tariffs on agricultural products and goods like coal and steel. Violence came in the late 1960s. Conflict began between extremist groups in Northern Ireland. These were the IRA (Irish Republican Army), formed of Nationalist paramilitaries who wanted Northern Ireland to be part of Ireland and who believed the Nationalist population in Northern Ireland was oppressed by the British; and the Unionist paramilitaries, who fought back defending their place in the UK. Both groups committed terrorist attacks. For Nationalists, the border was a symbol of the British occupation. They directed their attacks to the troops sent to Northern Ireland by the UK, specially at this border.

The conflict over Northern Ireland turned the border into a hard border, as the UK placed more and more physical infrastructure and control measures at the border. The violence, which was named the Troubles, lasted until 1998, killing over 3,600 people.

In 1998 Nationalist and Unionist Party leaders reached a historic peace deal: the Good Friday Agreement. Northern Ireland would remain in the UK, but the border with the rest of Ireland would be completely opened. People in Northern Ireland could choose their citizenship: either Irish, British, or both. In the future, Northern Ireland could vote to join Ireland. So, the agreement allowed Nationalists in Northern Ireland to be a part of the Republic of Ireland, while the Unionists could remain part of the UK. Nowadays, therefore, the border is almost invisible.

Northern Ireland was overwhelmingly in favor of remaining in the EU at the referendum of 2016. Brexit could possibly violate the Good Friday Agreement (which is incompatible with a hard border), while interrupting the free flow of people and goods. When negotiations started with the EU, the UK had different options: a) the re-imposition of the hard border -which would isolate Nationalist population in Northern Ireland; b) leave Northern Ireland in the EU Customs Union by drawing the border in the Irish Sea while separating it from the UK mainland -which could betray the Unionists; and c) the UK remaining in the EU Customs Union, meaning no customs border would be needed -which is unacceptable for Brexiters. Anyway, Theresa May rejected the three options. There's even a fourth option at which some experts have pointed: the idea of reunification.

Now, what was what Theresa May actually included in the Agreement regarding the Northern Ireland question?

Do you remember when we explained the whole transition period? Let's go back to it. During the transition period, the border can stay open. Why? Because the UK and the EU will

continue following the same rules and customs regulations. But what happens with the border at the end of the transition period, when the UK no longer has to follow EU rules? As we explained, both parts hope to reach a free trade agreement during the transition to ensure that the transition can end and so they can avoid the return of a hard border. But will they be able to reach the free trade agreement? We hope so, but it's exactly because of this issue that the EU insisted on having a backstop in place.

Now, what is a backstop? Let's first say that without a backstop, while Ireland would remain in the EU, Northern Ireland would leave the EU, meaning that a hard border could possibly return. For a long time, the EU suggested a backstop agreement, meaning that, until a final free trade deal is reached, Northern Ireland would remain in the EU's customs union and the single market (and therefore, no hard border). However, May rejected this deal. But also, as we explained before, shifting the border into the Irish Sea was also rejected by many Brits fearing that it could be a step towards Northern Ireland leaving the UK altogether. The UK's counter offer was that the whole of the UK would remain in the customs union instead of just Northern Ireland, which was also rejected by the EU.

Both sides finally reached a compromise in the proposed deal. The EU accepted that the UK would remain in the customs union until the end of the transition period, and the UK accepted. However, the UK would not be allowed to leave until the EU decided so. Therefore, with the backstop, the UK remains in the customs union unless and until the EU agrees that the UK leaving won't result in a hard border. This actually means that the transition period could be extended indefinitely.

THE POLITICAL DECLARATION

The Political Declaration is different from the Withdrawal Treaty. It is a joint UK-EU vision for a long-term partnership, a 26-page non-binding document. Firstly, it includes Bottom Lines that establish that everything which is negotiated in the future must be consistent with the Four Freedoms of the EU and with the sovereignty of the UK.

The Political Declaration also establishes that trade in goods will be "as close as possible" -which doesn't mean being frictionless- and opens the door to ambitious customs arrangements in the future (which many Brexiters didn't like). It also mentions an "independent trade policy" explicitly for the UK in the future.

Regarding the Irish border, it explicitly says:

"Facilitative arrangements and technologies will also be considered in developing any alternative arrangements for ensuring the absence of a hard border on the island of Ireland on a permanent footing".

This means the UK is open to solutions that avoid the backstop solution, in order to keep the Irish border open. The technological solutions that could avoid the need of border infrastructure, however, do not exist anywhere in the world yet.

Current situation

Since the election of Boris Johnson, the course of British politics has changed drastically. We can see how the Prime Minister, has dissolved the parliament. Even Though the opposition

has tried to make this suspension unlawful, we can see how the British High Court has made this suspension lawful.

We can also see how the UK opposition parties have agreed not to back Boris Johnson's demand for a general election before the EU summit in mid-October. The Prime Minister said that the parties were making an "extraordinary political mistake". Meanwhile, a bill designed to prevent a no-deal Brexit has been approved by the House of Lords and will pass into law. This will force the prime minister to ask the EU for the Brexit deadline to be extended beyond 31st of October if no deal agreed by the UK and Brussels by October 19.

This election would take place on the 15th of October, just a couple days before the deadline with Brussels.

1. No deal
2. Renegotiation
3. Another referendum
4. Call a general election
5. Another no-confidence vote
6. Cancel Brexit
7. Return to the existing deal
8. Further delay

Political parties positioning

We can also see that the thought about the Brexit, varies depending of the political party. We can see that depending on the ideological thoughts we can see that it varies.

1. Conservative Party: we can see that want to invoke the 12-point plan. These 12 points have key elements like no longer being bound by EU law and European Court of rulings, Quitting the EU single market and seeking a "comprehensive" free trade deal in its place, striking trade deals with other countries around the world, a "Great repeal bill" to convert existing EU law into UK legislation to be retained or scrapped, being prepared to walk away from talks "No deal is better than a bad deal", aiming for an "early agreement" to resolve the status of expats in the UK and EU, leaving the EU customs union and seeking a new customs agreement, an as-yet unspecified immigration system to replace the free movement of EU citizens (aiming to bring total net migration below 100,000), keeping all employment rights currently guaranteed by EU law and promising the "voices and interest" of Scotland, Wales and Northern Ireland will be heard.
2. Labour Party: The Labour Party has set out several demands and tests it says Brexit must meet several points. It states to protect all existing workers' rights, consumers rights and environmental protections, aiming for "tariff-free access" to the EU single market, while accepting "unchanged access" is impossible, leaving the option of the customs union on the table, refusing to accept a "no deal" scenario, no second referendum on the final deal (but giving MPs a decisive say on what happens next), Guaranteeing the rights of EU nationals living and working in the UK to stay in the

country from “day one”, no target numbers for migrations levels, remaining in EU schemes like Erasmus and the 80bn euro (£68bn) Horizon 2020 research and innovation program, protecting EU structural funding for the rest of the Parliament and finally a “presumption of devolution” whereby devolved powers transferred from Brussels will automatically go to devolved nations and regions.

3. Liberal Democrats: Central to the Liberal Democrats, offer is another referendum. In the case of a second referendum, we can see that the Liberal Democrats would campaign to stay in the EU. The Liberal Democrats also say they will fight with “every fiber of their being” to stay in the EU. They would guarantee EU citizens’ rights and remain in Europe-wide schemes like Erasmus and Horizon.
4. Scottish National Party: Their manifesto says it will demand a place of the Scottish government at the Brexit negotiating table. Their manifesto says that it will fight to keep Scotland in the EU single market. It also remarks that they oppose any attempt to treat the fishing industry as a “bargaining chip”. They also affirm that once negotiations are complete, and before the UK has left, the Scottish National Party wants a referendum on Scottish independence to take place.
5. Democratic Unionist Party (DUP): The Democratic Unionist Party, is in favor of leaving the EU. They are in favor of a “positive” relationship with the rest of Europe with a “mutual access to our markets to pursue common interests”
6. Sinn Féin: Sinn Fein has accused the Conservative government of "seeking to impose Brexit on Ireland". It wants Northern Ireland to have a "designated special status" inside the EU.

What else is in the Withdrawal Agreement and the Political Declaration?

The agreement establishes that a separate agreement will need be to be reached regarding access to EU fishing in UK waters. For farming, the CAP will be left with Brexit. During the transition period, the EU and the UK will arrange the future relationship on agriculture. Elsewhere in the agreement there are protocols on Gibraltar and the British military bases in Cyprus. There's also a provision which relates to how nuclear material is handled, as it is specified that the UK will withdraw from the European Atomic Energy Community (Euratom).

The Political Declaration also includes provisions about regulations, digital commerce, trade in services, fishing rights, security, disputes and courts, and freedom of movement: “Noting that the United Kingdom has decided that the principle of free movement of persons between the Union and the United Kingdom will no longer apply, the parties should establish mobility arrangements, as set out below”.

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