UK IN A CHANGING EUROPE

THE BREXIT FILES
FROM REFERENDUM TO RESET

FOREWORD

For the past decade, *UK in a Changing Europe* has provided impartial, research-based analysis on a number of issues, but most particularly on UK-EU relations. Since before the 2015 General Election, we have evaluated those relations, traced and explained the tortuous Brexit process, and attempted to assess the impact that Brexit has had on the country.

This report brings together some of the best scholars working on these issues to consider a number of these questions on the 5th anniversary of the UK ceasing to be a member of the European Union. I am incredibly grateful to all those who have given their time to contribute to it, and to their patience and forbearance in coping with and responding to what must have seemed at times like an endless stream of comments and queries from the UKICE team.

Talking of whom, the UKICE team have pulled out all the stops to make this report as comprehensive and easily readable as possible, while not only contributing individual pieces but also collectively writing the final section. I am grateful for, and proud of, their work.

I hope you find what follows useful and informative. As ever, do get in touch should you have any comments, questions, or suggestions for future reports.

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CONTENTS

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INTRODUCTION

Anand Menon

Eight and a half years ago, the UK voted to leave the European Union. Five years ago, after Boris Johnson won an election with the slogan 'Get Brexit Done,' the UK formally ceased to be a member of the European Union. Four years ago, it left the single market and customs union.

The fifth anniversary of the UK's departure represents a good moment to take stock of the journey so far. In what follows, leading academics consider several issues including: what happened in the run up to the referendum and the period between the vote and the UK's departure? What have been the implications of Brexit for the UK economy, politics and constitution? And, in a final section, the UKICE team considers what the prospects for the UK-EU relationship are.

Part one looks at the origins of Brexit, the referendum and the subsequent Brexit process. What is perhaps most striking is how little of what came after was anticipated during debates before and during the referendum. As our report examines, with David Cameron focused on limiting damage to the Conservative Party (having called the referendum in the first place to try to stave off rebellions from both his own party and UKIP), the civil service was instructed not to make any preparations for a 'leave' vote. The decision to try to avoid 'blue on blue' attacks were responsible for crucial decisions such as the suspension of collective cabinet responsibility and the reluctance to launch all-out attacks on Leave campaigners – niceties the Leave side were happy to ignore.

Our contributors explore in detail the implications of the lack of preparation and forethought prior to the vote itself. Observers watched in bafflement as issues such as the fate of Northern Ireland – hardly mentioned in the campaign – came to dominate the subsequent negotiations. Theresa May struggled to learn on the job as the implications of the red lines she drew early in her premiership became clear. Meanwhile, a divided Parliament struggled to deal with the outcome of a popular vote, while political battlelines were redrawn as Brexit disrupted traditional patterns of voting behaviour.

A deal was done. The UK left the EU. However, successive governments struggled to deal with the consequences of the agreements concluded by the Johnson government. And as part two illustrates in great detail, the impacts of Brexit began to appear soon after the UK's exit. Again, they were far broader and more complex than anyone seemed to have imagined at the time of the referendum. Of course, Brexit had an impact on trade, and on policy areas like agriculture and immigration (albeit perhaps not in the way many had expected, and few wanted).

Less anticipated was the way Brexit impacted on the devolution settlement, the legal issues it raised, or the complex questions around regulatory alignment and divergence that it threw up. Five years on, these have not been resolved.

And then, there is the future. With the Labour government expressing its desire for a 'reset' of relations with the EU, and in an increasingly turbulent international environment, part three considers how the UK-EU relationship might develop. It underlines the complexity of a relationship which comprises numerous moving parts which are often not synchronous. It points to the fact that the UK-EU relationship will continue to change, whether the key legal texts governing it – the Withdrawal Agreement and the Trade and Cooperation Agreement – are formally revised or not.

Brexit, as this report illustrates all too clearly, is a large and complex subject. While we have no doubt not tackled all the issues it raises, we hope that this report will serve as a useful compendium of the state of our knowledge about an issue which will never really be 'done'.

PART I

THE BREXIT

PROCESS

BEFORE BREXIT: THE UK AS A MEMBER STATE

Sara Hagemann

The UK's relationship with the European Union (EU) has always been complex, characterized by both collaboration and contention. As one of Europe's largest economies and a key global player, Britain significantly shaped the EU's policies, structure, and global standing.

Today, Europe is engaged in a war on its own territory, with the election of a second Trump administration coming as a further shock. In addition, Europe confronts significant social, economic, geopolitical, and humanitarian challenges.

Against this background, many member state governments regret the departure of the UK and miss its contribution to the stability and resilience of Europe from within the EU. Despite historical tensions, the UK was central in shaping Europe's political and economic trajectory from its 1973 accession onward—often leading on the very issues that now present the most profound challenges.

A number of British political leaders helped to decisively shape political and economic integration in Europe. One of the UK's most enduring contributions was arguably its steadfast advocacy of free trade and economic liberalisation. British leaders, from Margaret Thatcher onwards, have championed policies that reduced barriers to trade and enhanced competition. Thatcher, in particular, was instrumental in shaping the Single European Act of 1986, which established the EU's single market (enabling the free movement of goods, services, capital, and labour across member states). Throughout its membership the UK was a driving force behind trade and economic modernisation within the EU.

Britain also wielded significant influence over EU foreign policy, defence, and enlargement policies. As a permanent member of the UN Security Council with a well-respected foreign service and intelligence apparatus, the UK played an important role in shaping EU foreign policy. It led the development of EU sanctions instruments and action, often in line with British priorities, for example on Iran. And in the area of defence, it was the British government under Blair which pushed for the creation of the intergovernmental framework for defence cooperation (the European Security and Defence Policy, ESDP, later the Common Security and Defence Policy, CSDP). However, whilst the UK led CSDP missions and advocated enhanced security and defence collaboration between member states, successive governments were wary of duplicating NATO structures and therefore EU institution building

In parallel, British governments consistently supported the expansion of the Union. London viewed enlargement – and the accession process - as a way to promote democracy, stability, and economic growth across the continent. The accession of 10 Central - and Eastern European countries in 2004 was a testament to Britain's commitment to a broader, more inclusive Europe that would ensure basic democratic and fundamental rights. It also aligned with the UK's vision of the EU as a Union of sovereign states rather than a federal entity— a position which on many occasions caused headaches with advocates of deeper political integration.

While Britain led in some areas, it also opted out of others, such as the Schengen Agreement and the Euro. These opt-outs reflected a deeply rooted wariness of ceding too much sovereignty to Brussels. As Geoffrey Evans' article shows, this scepticism was fuelled by domestic political pressure, which started long before Brexit.

And scepticism went beyond opt outs. Many saw the UK as an 'awkward partner' because of its frequently critical attitudes towards EU initiatives, attitudes as evident in day to day policy making as in high level summits. The below figure illustrates that the UK was one of the countries which most frequently opposed legislation in the Council of the European Union, where the governments meet to negotiate EU policies. Between 2009 and 2015, British government representatives voted against legislation significantly more than all other countries, and more than twice as frequently as the second most obstructionist member state (Austria).

The UK was an one of the most active opponents of legislation in the Council of the European Union

UK IN A
CHANGING
EUROPE

Percentage of opposing votes in the Council of the European Union, 2009-2015, by member state.
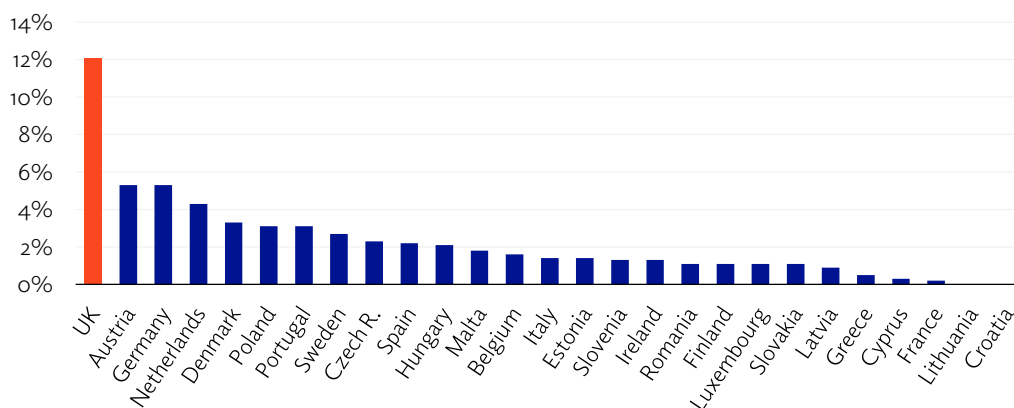
Source: Author's own data.

Yet, closer examination of British voting behaviour reveals a more nuanced picture. While the UK was the country which most often opposed EU legislation, it nevertheless backed 95% of legislative proposals in the last decade of its

membership. In fact, British opposition to EU policies was manifest mainly within a specific set of policy areas; namely, budget, foreign policy, and foreign aid issues. The UK government almost never opposed legislation within the areas of internal market, legal affairs, transport, environment, and fisheries.

And while the UK was outspoken, it was [not a policy outlier](#): other member states often sided with the UK - Sweden, the Netherlands and Denmark were its closest allies and often voted along the same lines or supported the UK positions in their statements. Since Brexit, these coalitions have changed, and the UK's allies have had to adjust their positions in the Council to find new ways to influence policy proposals from the European Commission.

The UK was also extremely successful in shaping policies in committees and influencing the EU by occupying key roles in the EU institutions It also held an impressive implementation record, with policies duly transposed from EU level decisions into national law even within areas where Britain may have had concerns in the policy process.

Britain's relationship with the EU has never been simple. Throughout its membership, the UK was sceptical of the EU, and indeed much of this scepticism was attributable to a sense that the UK exerted only little influence over the organisation. This in fact was not the case. As one of Europe's largest economies and a major global player, Britain profoundly influenced the EU's policy direction, institutional processes, and global standing. The UK has greatly influenced the way that politics and policies are - to this day - done in Brussels. Britain's persistent call for transparent decision processes and formal recording of votes and policy positions in official documents has also been important for how negotiations are carried out by the governments and between the EU institutions.

Today, the EU feels the absence of Britain's skilled diplomacy and principled advocacy. The lessons from the UK's time as an EU member remain vital as the EU navigates an increasingly challenging political landscape. Many member states still value the vision and pragmatism Britain once brought to the table.

EUROSCEPTICISM BEFORE THE REFERENDUM

Geoffrey Evans

British public opinion on the European question has been on a rollercoaster since Edward Heath's government took the UK into the European Economic Community on 1 January 1973. Gallup polls initially found the public almost evenly divided, but by the start of the following year there was a two-to-one majority believing the UK had been wrong to join. In the 1975 European Communities membership referendum, 67% voted to stay in. By March 1979, a Mori poll found that 60% would vote to leave and only 32% to stay. A year later, the gap was even greater, at 65% to 26%.

Following Mrs Thatcher's success in securing the budget rebate in 1984, opinion shifted. By 1987 the polls stood at 47% in favour of membership with 39% against, reaching an all-time high of 63% in favour versus 27% against by 1991. But then the increasing extent of European political integration, as manifested in the 1992 Maastricht Treaty and Britain's crashing out of the European Exchange Rate Mechanism (ERM) saw levels of support fall and flatten during the rest of the 1990s. Eurobarometer polling found that some 30-40% of people thought membership was a good thing, but just as many were ambivalent, and on average a quarter believed that it was a bad thing. This figure was well above the European average and was among the highest of the member states from 1992 onwards.

Despite this negativity, European integration was for a long time an issue of low political salience, only occasionally emerging as a topic that moved British public opinion. Following Maastricht the electorate started to become more aware of the integration agenda, and the proportion of the public citing Europe among 'the major issues facing Britain today' reached 20-30% around the time of the 1997 General Election, though it was not a decisive issue. In 2001, when William Hague tried to rally voters around his 'In Europe but not run by Europe' agenda, the figure stood at 14%, followed by a fall to single figures shortly afterwards. Concern about further integration was more evident: Ipsos polls conducted from 1991 until 2007 never at any point found a plurality in favour of joining the Euro. In 2003 the public importance of this issue rose substantially when there seemed to be the possibility of Britain doing so.

On the whole, British attitudes up until the mid-2000s can be summarised as a combination of dislike and disinterest. The British were also noticeably less likely to see themselves as European than were the populations of any other EU

member country, and this 'identity gap' would continue even as new countries joined the EU in the years leading up to the referendum. But none of these aspects of public opinion pointed to a vote to leave the EU. The single event that most changed this was the EU enlargement of 2004 and the decision of the British government not to impose limits on the rights of citizens of the new member states to come to the UK. IPSOS issue tracking revealed that public concern about immigration to Britain increased substantially in the 2000s, as growing numbers of immigrants arrived from the EU. The proportion for whom immigration was the most important political issue rose from below 5% in the mid-1990s to nearly 35% in the mid-2000s.

Nevertheless, even though immigration was becoming prominent among the 'most important issues facing the country', few people were explicitly making the link with EU membership. To impact on public attitudes towards the EU, concern about immigration needs to be seen as linked to it. In the decade after 2004, however, this increasingly became the case. The difference in EU approval between people who believed immigration was 'an important problem' and those who did not started to increase in the years following 2004, before flattening off from 2009 to 2011 during the economic crisis. It then rose steeply again after 2012, as EU immigration rates shot upwards in part because Romanian and Bulgarian citizens were also now able to come to the UK.

By 2013, support for leaving the EU was an astonishing 40 percentage points higher among those who believed that too many immigrants had been let in

By 2013, support for leaving the EU was significantly higher among those voters concerned about immigration

Difference in EU approval scores between people who believe immigration is one of the most important issues facing the country, and those who don't

UK IN A
CHANGING
EUROPE

Difference in EU approval among people who state 'immigration' as MI and those who don't

● Difference in approval ratings of EU in CMS   95% confidence interval

Source: Ipsos, 2004 to 2016

compared with those who did not. And this was before the Syrian refugee crisis in 2015. By the time of the referendum, concern about immigration was at record levels, and 81% of those who believed that Britain should allow far fewer immigrants into the country voted to leave the EU.

Despite this transformation, support for leaving the EU versus remaining within it seems to have peaked during the final two years leading up to the referendum; both remained at around 40%, with the main difference being that opinion began to crystallise and the number of people answering 'don't know' declined. An IPSOS poll in early June 2016 had Leave ahead but most of the polling industry expected a Remain victory: on the very day of the referendum I was informed by the Head of the UK Statistics Authority that private polls indicated no less than a 10-point Remain lead. The reality was clearly somewhat different. Opinion polls may reach the people who tend to vote in general elections, but there's evidence that [turnout for the EU Referendum was high amongst those who do not usually vote](#) and are also opposed to membership of the EU, and who are also therefore not likely to respond to pollsters.

So the decades between the first and the second European membership referendums did not present a straightforward picture of growing desire to leave. Levels of Euroscepticism were at least as high in the early years of membership as in the 2010s, but importantly, in the latter period they were more solidly based, as integration proceeded and open borders within the EU saw Britain becoming a destination for many migrants from EU accession countries.

CAMERON'S RENEGOTIATION WITH THE EU

Matt Bevington

David Cameron's February 2016 renegotiation of the UK's terms of EU membership will go down as a footnote in the story of Brexit. Yet it was the centrepiece of his plan to make Britain "more comfortable" within the EU.

The groundwork for the renegotiation was laid a decade earlier, in 2005, when Cameron became Conservative Party leader. He won on a platform of modernisation but always had a Eurosceptic instinct. Cameron committed during the leadership campaign to withdraw from the centre-right European Parliament grouping - the EPP - a pledge duly carried out in 2009.

From 2010, Cameron's time as Prime Minister was characterised by combative relations with the EU. The European Council meeting of EU leaders in December 2011 became totemic. At the height of the eurozone crisis, the UK blocked treaty change affecting eurozone members. Cameron was accused of attempting to "blackmail" other member states by insisting on a financial services package as the price of his support. Other member states went ahead anyway via a non-EU treaty.

According to Cameron's Europe minister David Lidington, the Prime Minister took a 'subliminal message' from the experience, with his approval ratings temporarily spiking in the immediate aftermath. However, this and other moments of isolation, notably opposing Jean-Claude Juncker's nomination as European Commission President in 2014, contributed to a loss of goodwill among other European leaders - goodwill Cameron would need for the renegotiation to succeed.

A turning point came with Cameron's Bloomberg speech in January 2013. Having critiqued the EU as inflexible, one-size-fits-all and insufficiently dynamic economically, Cameron pledged to reach a "new settlement", before putting the choice to a referendum. First the UK must try to "put the relationship right", he said. Cameron saw imminent treaty change as likely to stabilise the euro area and believed some of the UK's demands might be delivered in this process, saying "I add my voice to those who are already calling for [a new treaty]."

Meanwhile, the eurosceptic wing of the Conservative Party was becoming increasingly assertive. In 2014, the UK Independence Party (UKIP) won the

European elections, with the Conservatives finishing only third. The party also suffered punishing local election results that year in which UKIP again did well. That was followed by two MPs defecting to UKIP in the autumn.

In March 2015, the general election campaign began. The Conservative [manifesto](#) committed to 'negotiate a new settlement for Britain in Europe, and then ask the British people whether they want to stay in the EU on this reformed basis or leave', with a vote before the end of 2017. In practice, French and German elections scheduled for autumn 2016 convinced the UK to move faster. The EU pledges in the manifesto focused on migration, specifically limiting access to welfare benefits. None of this had featured in Bloomberg. This shows both the rapidity with which immigration rose up the political agenda and a surprising lack of political instinct by Cameron in failing to see that this would become the central campaign issue.

The starting gun on the renegotiation was fired after the Conservative victory. Much work had already been done in the background. According to Ivan Rogers, the UK's then-Permanent Representative to the EU, he and Tom Scholar – the Prime Minister's Europe adviser – had [produced](#) extensive materials on potential options. Six months of further work culminated in Cameron's [letter](#) to European Council President Donald Tusk. His asks comprised four pillars: economic governance, i.e. protections for non-euro countries; competitiveness; sovereignty; and immigration. Given its remarkable salience by early 2016, spurred by a million migrants [entering](#) Europe in 2015, principally via Greece, success hinged on the immigration pillar.

Cameron achieved most of his asks, including an explicit UK carve-out from the EU principle of ever-closer union. But the key trade-offs were made in internal discussions on the British side prior to formal talks, informed by considerations of perceived deliverable outcomes. As Rogers [acknowledges](#), "it's got to be a set of demands where you're going to get a good 90% of it … because the moment you visibly ask for things that you fail to get, you're pretty screwed. There's just no such thing as a 'good compromise outcome' in British politics…" Some political advisers in Number 10 [believed](#) the UK was overly cautious.

Right up to the renegotiation, Cameron presented EU membership as deeply problematic. In his Chatham House [speech](#) in November 2015, he said: "I am clear that there are real problems for Britain with the status quo." Just three months later, as the campaign launched, he [argued](#): "I believe that Britain will be safer, stronger and better off in a reformed European Union." Yet little had been done to seed the 'safer, stronger, better off' argument with the public.

The renegotiation was debated in the Commons in February 2016. Prominent pro-Leave Conservative MP Steve Baker accused the government of "polishing poo". Eurosceptic veteran Bill Cash bemoaned the absence of treaty change. In all likelihood, nothing could have changed their minds. In the campaign itself, the deal was barely mentioned. Even within the Britain Stronger in Europe campaign, the renegotiation was quickly dismissed, with its leader Will Straw describing it as "a fig leaf".

It is impossible to say whether more concessions could have been achieved and whether they would have changed the referendum result. Even on the EU side, former senior official in the European Council secretariat Jim Cloos concludes "there is nothing more we could have done". A more ambitious package would almost certainly have required treaty change and officials' advice had been that this could take as long as 2020 to deliver — a timeline Cameron deemed politically untenable.

The renegotiation achieved as much as could reasonably be expected given political and time constraints. Cameron's failure was in not foreseeing the centrality of immigration and the likely difficulty of delivering treaty change within a politically acceptable timeframe. A more strategic approach might also have seen him cultivate better relationships on the EU side in the years preceding the renegotiation. These mistakes ultimately cost him his premiership.

DESIGNING THE REFERENDUM

Robert Saunders

When a Labour government called the first UK-wide referendum in 1975, the decision was hugely controversial. Margaret Thatcher, quoting Clement Attlee, called it "a device of dictators and demagogues", and refused to confirm that her party would be bound by the result. *The Sun* thought the referendum a 'constitutional monstrosity', while the *Daily Mirror* called it 'a thoroughly bad innovation', which 'MUST NEVER HAPPEN AGAIN'.

Since then, the referendum has become an established part of Britain's constitutional toolkit. The UK, or its component parts, has held referendums on devolution, Scottish independence, reform of the electoral system, local government and the Good Friday Agreement. Parliament has passed 'referendum locks', binding itself not to act without direct reference to the public, while the campaigns for Scottish independence, proportional representation, withdrawal from the ECHR or an end to 'Net Zero' all see the referendum, rather than Parliament, as the primary vehicle for change.

Yet the UK has evolved no clear rules on when referendums should be held, the terms on which they should be fought or how they can be made to work with, rather than against, other forms of democratic decision-making. In a political system with little recent tradition of serious constitutional thought, talk of 'designing the referendum' overstates the coherence of the decisions made in 2015-16, shaped as they were by a combination of partisan interests, constitutional insouciance and a reluctance to contemplate more than one outcome.

The decision to hold a referendum had two main drivers, both of which had a powerful conditioning effect. The first was party management. Like Harold Wilson in 1975, David Cameron was trying to hold together a party that was deeply divided on Europe, in a context of rising Euroscepticism in the electorate. Like Wilson, he viewed the European question as a ticking bomb, with the capacity to blow apart his political coalition; and like Wilson, he sought to lift the issue out of party politics, by deploying the electorate as a bomb-disposal unit. Cameron's goal was not simply to win the referendum but to reunite his party after doing so; an imperative that shaped many of his subsequent decisions (not least, and potentially fatally, within the campaign itself).

As in 1975, it was agreed to suspend collective responsibility, allowing ministers to argue for either side. The campaign would be fought outside the conventional

party system by two broad umbrella groups, authorised for the purpose by the Electoral Commission. There would be no votes for EU citizens or 16-year-olds (the latter of whom had been enfranchised in the Scottish referendum of 2014) and no threshold or 'supermajority' was set for a vote to Leave.

Cameron also either accepted, or was defeated on, a more specific series of demands by Leave campaigners, marshalled in Parliament by Steve Baker. The question was changed from 'Yes/No' to the more neutral 'Leave/Remain'; the date of the referendum was separated from local mayoral and assembly elections (which might have strengthened the tendency to vote on party lines); and it was agreed that the Conservative Party, as an organisation, would remain neutral. Most importantly, 'purdah' was imposed during the referendum period, meaning that ministers could not use the machinery of government or the civil service for campaign purposes. That silenced the kind of treasury forecasts that had been issued before the campaign began.

Those decisions were not all the result of Leaver pressure. The Labour leadership and prominent Remainers like Dominic Grieve also pushed to impose purdah; the Electoral Commission objected to a 'Yes/No' question; and maintaining collective responsibility would have triggered cabinet resignations, undermining the very purpose of the referendum. Yet these decisions almost certainly worked to the benefit of Vote Leave. For the first time, Cameron found himself fighting without the support of the Conservative Party, the right-wing press or the machinery of government, in a campaign dominated by 'pop-up parties' of a kind which Eurosceptics were more accustomed to.

A second driver for the referendum was a loss of faith in parliamentary democracy; and that too had important consequences. Introducing the 'referendum lock' on future EU treaty changes in 2010, the Europe Minister David Lidington – himself a pro-European – focused more on the failures of *British* than European democracy. He told MPs that 'there has been [a profound disconnection between the will of the British people and the decisions taken in their name]'. For too long, he declared, the people had '[been denied their say]'; only a referendum could ensure that 'the people can [make the big decisions]'. That assumed, of course, that the people were *not* making decisions – were *not* having their say – through Parliament.

That set the tone for much of the campaign period. The alleged failings of a 'Westminster elite' were not just talking points for Vote Leave; they provided the rationale for the referendum itself. That raised serious questions about the role that Parliament could play in delivering the outcome, and in addressing the questions it had left unanswered.

The referendum gave a clear answer to a single question: should the UK leave or remain in the European Union. It did not determine – because voters were not asked – the terms on which Britain should leave, the timescale on which it should do so, or the nature of the future relationship. Those issues would have to be resolved in Parliament; yet both the fact and the outcome of the referendum – in which three-quarters of MPs had backed the losing side – undermined their legitimacy to make decisions. The result was a near break-down of Britain's parliamentary constitution, as a hung or nearly-hung parliament struggled to agree on the nature of the Withdrawal Agreement, the timing of Article 50 and the prospect of leaving without a deal.

The 2016 referendum is unlikely to be Britain's last. Such mighty questions as the survival of the Union, the nature of the voting system or even a putative application to rejoin the EU are all likely to be decided by this constitutional instrument. Future governments should think more carefully about their design, their deployment and their relationship with other democratic institutions. Otherwise this most powerful of constitutional mechanisms will remain a focus of political warfare, rather than a means of resolving it.

LEAVE AND REMAIN: THE BREXIT REFERENDUM CAMPAIGN

Sara Hobolt

When the Conservative government initially announced the referendum on the UK's membership in the European Union (EU), the proposed question was straightforward: 'Should the United Kingdom remain a member of the European Union?' with the option to answer 'Yes' or 'No'. However, as Robert Saunders points out in the previous section, to improve the intelligibility and balance of the question, the Electoral Commission recommended instead asking voters to choose between two options: 'Remain a member of the European Union' or 'Leave the European Union.' And so, the two camps in the referendum campaign were born: Remain versus Leave.

On the surface, the Remain campaign appeared to have the upper hand. The government officially supported remaining in the EU, as did all major political parties, except UKIP. The official Remain campaign was formally branded Britain Stronger In Europe and was supported by key political figures from across the spectrum. These included then-Prime Minister David Cameron, Chancellor George Osborne, prominent Labour politicians such as Mayor of London Sadiq Khan, and former Prime Ministers including Tony Blair, Gordon Brown and John Major. The Remain side also enjoyed the backing of major businesses, trade unions, foreign leaders and international organisations.

However, the governing Conservative Party was deeply divided on the question of EU membership. Several high-profile Conservative politicians, including Boris Johnson—the charismatic former Mayor of London and later Prime Minister— campaigned to leave the EU. The official Leave campaign, Vote Leave, was spearheaded by Johnson and fellow Conservative Michael Gove. Meanwhile, UKIP leader Nigel Farage led a separate but aligned group, Leave.EU. This fragmentation of the Leave camp proved useful in terms of mobilising different audiences to the Leave cause, while the unified Remain camp was somewhat less flexible in its messaging.

A media study of the campaign revealed that Conservative politicians dominated coverage on both sides of the referendum debate, accounting for nearly two-thirds of all campaign-related media appearances. David Cameron emerged as the most prominent Remain campaigner, featuring in 25% of news items, while Boris Johnson was mentioned in 19% of stories. Meanwhile, the Labour leader

Jeremy Corbyn, whose party was relatively united in favour of staying in the EU, ran a somewhat lacklustre campaign, with many questioning his genuine commitment to the Remain cause. This dominance of the Conservatives in the Remain campaign may help to explain why over a quarter of Labour supporters voted Leave.

A key battleground between the Remain and Leave campaigns was the framing of the referendum question. Although the choice—whether to stay in the EU or leave—seemed simple, it encapsulated a range of complex political, economic and identity issues. From the outset, the dividing lines were clear: the Remain side framed the decision as being about economic stability while the Leave side emphasised sovereignty and particularly control of immigration.

The Remain campaign's message centred on the economic risks of Brexit, warning of potential job losses, reduced investment and growth and rising prices if the UK left the EU. They stressed the benefits of EU membership, particularly access to the single market, and argued that Britain's economic prosperity was tied to remaining within the bloc. Their oft-repeated mantra that Brexit would be 'a leap in the dark' underscored the uncertainty and instability they associated with Brexit. At one point during the campaign, Cameron even hinted that Brexit would increase the risk of Europe descending into war. With broad expert consensus predicting negative economic consequences if Britain were to leave the EU, the Remain side hoped these warnings would sway voters to stick with the status quo.

The Leave campaign branded these warnings 'Project Fear' and countered with a more optimistic narrative. Their slogan, 'Take Back Control', focused on reclaiming sovereignty over laws, borders and immigration. Another central argument was the controversial claim that the UK sent £350m a week to the EU, which they suggested could be redirected to domestic priorities like the National Health Service. The Leave campaign thus linked the question of EU membership to two issues of great concern to voters: immigration and public services. Leave presented the referendum as a chance for Britain to regain control of its destiny, portraying Brexit as a pathway to greater independence and self-determination as well as reduced immigration.

Media analysis of the campaign found that both sides were effective in setting the agenda. Economic issues dominated coverage during the campaign's early weeks. However, in the latter stages, immigration emerged as the dominant topic, possibly boosting Leave support towards polling day. Shortly before the referendum, official immigration figures showed that annual net migration to the UK had risen to an unprecedented high of 336,000, which boosted the Leave side's argument that it was time to 'take back control of our borders'.

Survey evidence also shows these arguments resonated with voters in different ways. A YouGov poll revealed that 84% of prospective Leave voters believed Brexit would reduce immigration, compared to just 27% of Remain voters. Conversely, 78% of Remain voters thought Britain would be worse off economically after Brexit, while only 4% of Leave voters shared this view, despite expert warnings to the contrary.

When asked about the arguments they encountered during the campaign, voters highlighted immigration, sovereignty and the economy. Research has shown that, for Remain supporters, the key concerns were economic stability and the economic benefits of EU membership. In contrast, for Leave voters, the more compelling argument was about reducing immigration as well as distrust in David Cameron's government. The Leave campaign thus tapped into broader anti-establishment sentiments, framing the referendum as an opportunity for ordinary citizens to 'take back control' from political elites in Brussels and elsewhere. Indeed, the Leave campaign was successful in mobilising voters who do not usually vote in elections.

In the end, despite the apparent dominance of the Remain camp, polling showed a tightly contested race throughout the referendum campaign. While Remain held a slight lead for much of the campaign, fluctuations in some surveys during the final month suggested a small Leave majority.

Polling throughout 2016 showed that Remain's lead wavered in the run up to the referendum

Vote intention during Brexit campaign

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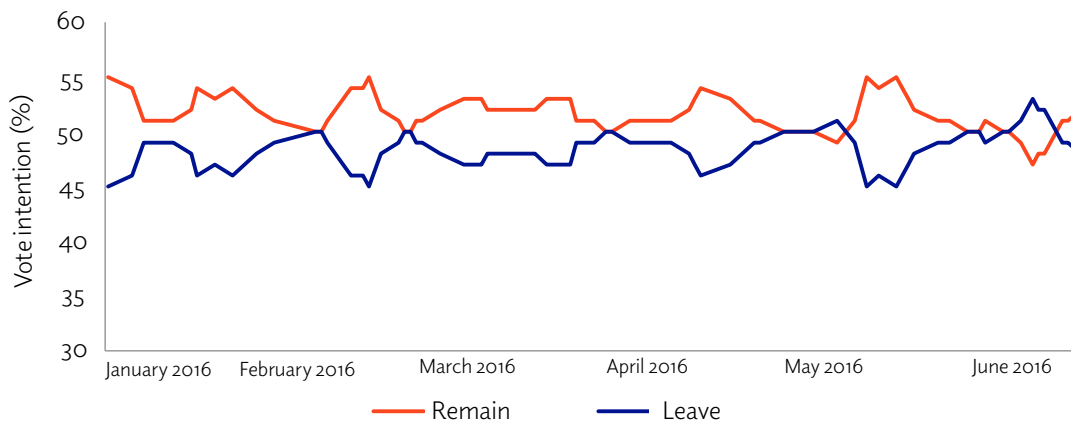
Source: Poll of Polls of referendum vote intention, compiled by Prof. John Curtice and NatCen Social Research, available at http://whatukthinks.org. Don't Knows excluded.

Ultimately, Vote Leave's emphasis on sovereignty, national control and immigration proved more effective in mobilising support than the Remain campaign's warnings about economic risks and political instability.

THE REFERENDUM RESULT

Robert Ford

The 2016 EU referendum split the country down the middle and along new lines. Brexit's subsequent political influence reflected both the closeness of the contest and the new political fractures it helped create. Those new divisions are still with us, but are not static. The changing dividing lines between Leave and Remain will continue exerting an influence on our politics.

Support for Leave and Remain had different social and political roots to traditional general elections. Divisions between Labour and Conservative were those of class, income and the role of the state, with elections often decided by arguments over who can best manage the economy. The campaigns for Leave and Remain drew new dividing lines.

Education played a marginal role in party choice at the 2015 election but was the strongest predictor of voting either Leave or Remain in 2016

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Demographic predictors of Labour and Conservative voting in 2015, and Leave and Remain voting in 2016
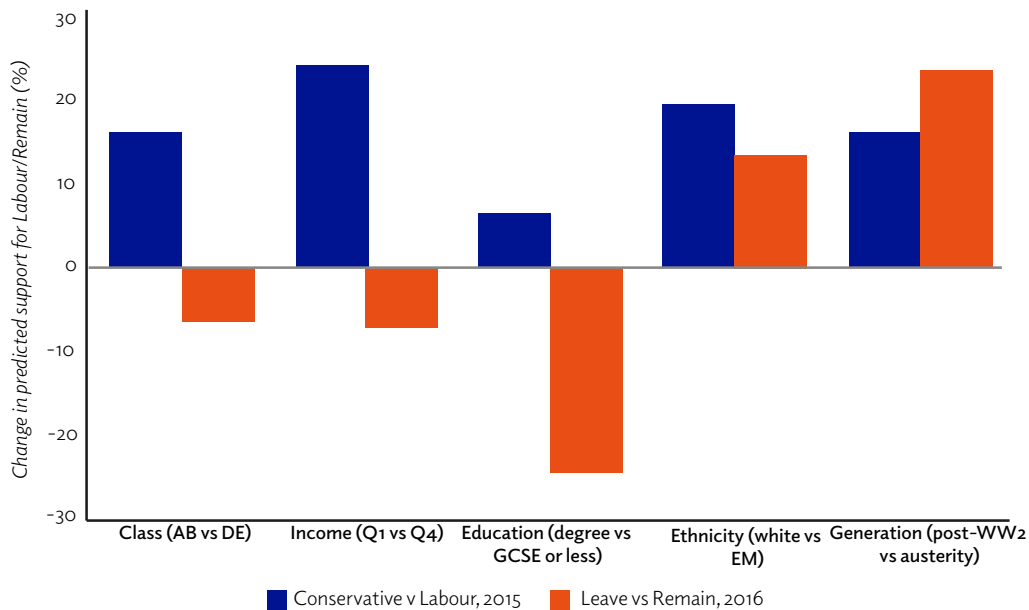
Source: British Election Study internet panel

Political divisions by class and income have been in long term decline but were still central predictors of choice between Labour and the Conservatives in 2015. They were much less significant as predictors of Leave and Remain a year later. Education, by contrast, played a marginal role in 2015 choices, but was the strongest predictor of voting either Leave or Remain. Generational differences between young and old cohorts mattered in 2015, but mattered a lot more in 2016, while ethnicity mattered less.

The motivations driving Leave and Remain voters were also distinctive. Economic perceptions and arguments were among the strongest predictors of choices in 2015, but only weak predictors in 2016, despite the efforts of the Remain campaign to focus voters' attention on the economic risks of Brexit.

It was immigration which played the central role. High levels of immigration from the EU meant it was not irrational for migration sceptical voters to back Leave in order to "take back control" of migration.

That slogan also resonated in another way - voters who were disaffected with politics in general saw the EU referendum as an opportunity to seize control from a political class they distrusted. Political disaffection predicted opposition to the incumbent Conservatives in 2015, and was an even stronger predictor of support for Brexit.

Political disaffection predicted opposition to the Conservatives in 2015, and was an even stronger predictor of support for Brexit in 2016

UK IN A CHANGING EUROPE

Attitudinal predictors of Labour and Conservative voting in 2015, and Leave and Remain voting in 2016
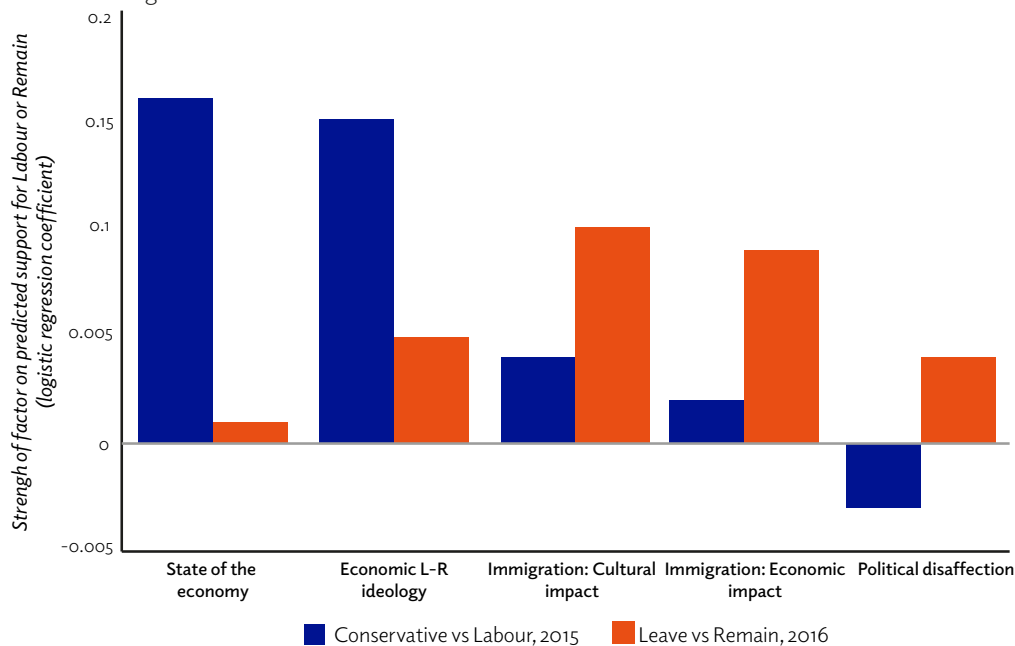
Source: British Election Study internet panel

The EU referendum result has spawned powerful new political identities - "Leave" and "Remain" - which gave shape and force to these new electoral dividing lines. The new Brexit tribes split the traditional parties internally, but unevenly. Conservative Euroscepticism gave them a Leave majority, but a large Remain minority; Labour's traditional strength among graduates, ethnic minorities and social liberals gave them a Remain majority, but a substantial Leave minority.

Two factors then explain the long journey from a narrow win for Leave in 2016 to a hardline Brexit outcome in 2020: unity and geography. Leave voters were more

united than their Remain opponents in both general elections that determined the eventual outcome of Brexit, and over-represented in the battleground seats which determined the makeup of the Parliaments whose debates and votes shaped the Brexit deal.

Rallying previously UKIP voting Leave supporters to the Tory banner helped Theresa May to survive a disastrous 2017 campaign and become the Prime Minister who led the long Brexit negotiations. May also sharply reduced Labour majorities in the traditionally Labour voting but strongly Leave voting "red wall" seats, but it took a further surge in Tory support from Leavers, driven by Boris Johnson's promise to "get Brexit done," for the red wall to finally come down, delivering a substantial Conservative majority.
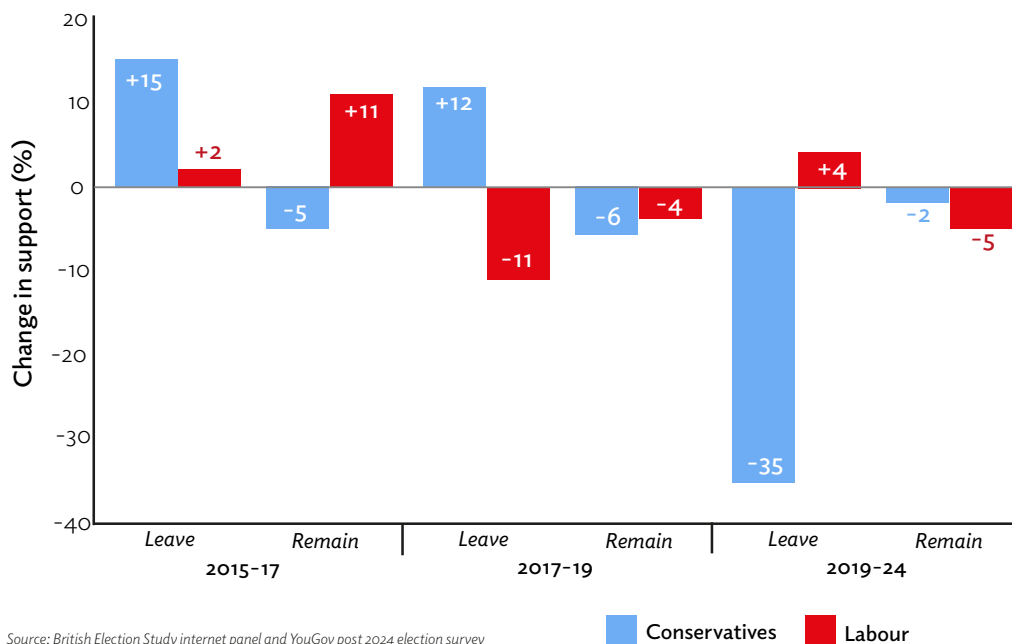
The irony is that more ballots were cast in both elections for Remain-leaning parties. Internal divisions and inefficient geographical distribution diluted Remainers' political power - pro-Europeans gave Labour huge majorities in safe seats, but Jeremy Corbyn was seen as a bigger threat than Brexit by swing voters (particularly Conservative leaning Remainers) in the crucial battlegrounds.

While the electoral system played a crucial role here, so did the choices the parties made in response. The Conservatives' decision to pursue an uncompromising strategy under a leader with broad appeal helped them consolidate Leave support. Labour's decision to put forward a radical leader with lukewarm attachments to Europe was a gamble which almost succeeded in 2017, but putting the same proposition to voters in the changed circumstances of 2019 was a disastrous failure.

Brexit allegiances were once again an important dividing line at the 2024 election

Changes in Conservative and Labour support among Leave and Remain voters, 2015-17, 2017-19 and 2019-24

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Source: British Election Study internet panel and YouGov post 2024 election survey

Legend: Conservatives (blue), Labour (red)

Chart values:
- 2015-17: Leave Conservatives +15, Leave Labour +2, Remain Conservatives −5, Remain Labour +11
- 2017-19: Leave Conservatives +12, Leave Labour −11, Remain Conservatives −6, Remain Labour −4
- 2019-24: Leave Conservatives −35, Leave Labour +4, Remain Conservatives −2, Remain Labour −5

Y-axis: Change in support (%)

Securing a deal with the EU was not the end of the story. Brexit allegiances were an important dividing line in 2024, with Leavers and Remainers again behaving very differently. The return of Nigel Farage split the Leave vote down the middle, while Keir Starmer's Labour won a crucial sliver of it in the battleground seats where such voters congregated. The collapse of Johnson's Brexiteer coalition helped deliver a Labour landslide, with a shift in the political geography of Remainers hastening the process - large scale tactical voting helped deliver dozens of seat gains for the Liberal Democrats in traditionally Tory seats of the English Home Counties where Remain leaning, university educated professionals congregate.

"Leave" and "Remain" political identities were from the outset about far more than arguments over Britain's relations to Europe. They are rooted in different life experiences, social identities and political values. Brexit gave these differences a life of their own - "Leaver" and "Remainer" are near-universally recognised tribal identities, with rich and complicated baggage attached. And they are likely to outlive the arguments which spawned them.

Moreover, Brexit identities have evolved and will evolve further in the years to come. Demographic change is also relentlessly shifting the balance of "Leave" and "Remain" as the oldest generations, who lean Leave, pass away and new voters, who never got a vote on Brexit but skew towards rejoining the EU, join the electorate.

While there is little appetite among voters or politicians for another argument over the EU, satisfaction with the present outcome is low, and the coalition which delivered it is slowly but relentlessly eroding. Brexit may be "done" but the questions raised by the EU referendum were never settled, nor can they be. At some point, perhaps sooner than we think, we will all be debating the UK's role in a changing Europe once again.

THE NORTHERN IRELAND QUESTION

David Phinnemore

Few aspects of leaving the EU proved to be as challenging, contested and consequential as the Northern Ireland dimension. An array of factors explain this, including a failure to appreciate what reversing four decades of integration with both the UK and Ireland inside the EU implied for a politically fragile post-conflict Northern Ireland and the hard political choices ahead about where post-Brexit border checks and controls would be.

Added to this was the politics. Theresa May's 2017 electoral losses resulted in her dependence on Northern Ireland's Democratic Unionist Party (DUP) for a parliamentary majority. Equally, Brexit proved extremely politically divisive in Northern Ireland. And ultimately, Boris Johnson betrayed unionism on the high altar of a hard Brexit.

Prior to the referendum, Northern Ireland barely featured in debates about the UK leaving the EU. While efforts were made to stimulate debate in Northern Ireland on what a leave vote might entail, Leave campaigners were generally dismissive of claims that there would be major challenges.

Few appreciated the significance of shared Irish and UK membership of the EU for the implementation of the 1998 Belfast (Good Friday) Agreement underpinning the peace process and for the absence of a hard border on the island. Instead, focus was on the movement of people across the border and how this would be addressed under the Common Travel Area (CTA).

There was little discussion, moreover, of how leaving the EU customs union and internal market would necessitate the return of border checks and controls on the movement of goods from the UK into the EU. Absent from the Leave campaign was an appreciation of the fact that the land border on the island of Ireland was now devoid of customs infrastructure and that its invisibility was a potent symbol of the peace process.

While the UK government refused to plan for a leave vote, the consequences were being worked on by the Irish government. Following the referendum, it was instrumental in getting the EU not only to acknowledge the 'unique circumstances on the island of Ireland', but also to signal its preparedness to find 'flexible and imaginative solutions… including with the aim of avoiding a hard border'.

Such an aim was [shared](#) by the May government, but could not be squared with her red lines of leaving the EU customs union and its internal market. Even then it was clear that the only option to avoid a hard border was to treat Northern Ireland differently to the rest of the UK.

However, this was anathema to the DUP, on whose support the May government depended, and, seemingly, to unionist Brexiter MPs more generally. So as to avoid a 'no deal' Brexit, Boris Johnson ultimately [advocated](#) for and in October 2019 [accepted](#) what his predecessor had deemed [unacceptable](#): a customs and regulatory border down the Irish Sea.

Key here was the abandonment of Theresa May's agreed '[backstop](#)' arrangement that would have seen the UK remain in a customs union with the EU. For the Johnson government, the UK having the freedom to pursue its own post-Brexit trade agreements trumped the union.

The consequent *Protocol on Ireland/Northern Ireland* [provided](#) for Northern Ireland to remain part of the EU's customs territory and internal market for goods, avoiding a hard border. The price was differentiated treatment of Northern Ireland and the creation of a new regulatory and customs border in the Irish Sea. Goods moving from Great Britain to Northern Ireland – so within the United Kingdom – would be subject to EU formalities, checks and controls. This was unusual. For Northern Ireland's unionists it was unacceptable and a '[betrayal](#)'.

This was an unprecedented arrangement. Never before had the EU agreed to one part of a non-member state being in its internal market for goods. As such, the arrangement reflected the EU's willingness to devise a 'flexible and imaginative' solution to address a set of 'unique circumstances' and the interests of one its own: Ireland. Solidarity mattered.

The arrangements had to respect, however, the integrity of the EU's legal order. Hence, the UK 'in respect of Northern Ireland' would remain [aligned](#) with more than 350 EU acts and the EU Court of Justice would have jurisdiction over EU acts being applied in Northern Ireland. Most of the EU acts concern the movement of goods, others underpin the operation of the [single electricity market](#) on the island of Ireland.

It was also agreed that the continued application of these novel arrangements would require regular endorsement of the Northern Ireland Assembly – potentially every four years – through a '[democratic consent](#)' process.

The Protocol also committed the UK and the EU to maintain the conditions for [north-south cooperation](#) on the island or Ireland and included a binding UK commitment to ensure [no diminution](#) for certain rights enshrined in the 1998 Agreement and underpinned by EU law.

The Protocol did not, however, include Northern Ireland's inclusion in the EU internal market's free movement of services, people or capital. UK and Irish citizens though would continue to be able move freely across the border and benefit from existing reciprocal rights and privileges under the CTA. These, though, would not apply to non-Irish EU nationals.

Brexit would therefore see a hardening of the border on the island of Ireland, just not in terms of physical infrastructure or where CTA arrangements exist. Its exact nature would ultimately depend on the post-Brexit UK-EU trading relationship. This would also determine the extent, under the Protocol, of any checks, formalities and controls on the movement of goods between Great Britain and Northern Ireland.

Unionist dislike of the Protocol's differentiated treatment of Northern Ireland would soon turn to outright opposition with the entry into force of the EU-UK Trade and Cooperation Agreement (TCA). Johnson claimed there would be 'no non-tariff barriers to trade' with the EU. The TCA meant goods moving into the EU customs union and internal market – and so from Great Britain into Northern Ireland – would be subject to EU regulatory and customs controls. It would not soften the effects of the Protocol. From 1 January 2021, therefore, an Irish Sea border within the UK became a reality.

Any claim that the UK government did not know that this would be the case is naive. It had made choices and had voluntarily signed up to binding legal obligations in the Protocol to address the Northern Ireland question.

This did not stop the UK government subsequently blaming the Protocol for the disruptive realities of its own chosen Brexit and drawing on understandable unionist opposition to an Irish Sea border to actively seek to renege on its Protocol obligations.

That would ensure that the Northern Ireland dimension to the unprecedented process of withdrawal from the EU would not only blight the early years of post-Brexit UK-EU relations but also add to political instability in Northern Ireland.

THE WITHDRAWAL AGREEMENT AND THE TRADE AND COOPERATION AGREEMENT

Catherine Barnard

Article 50 of the Treaty on European Union (TEU) is a skeletal provision which provided the roadmap for the UK to leave the EU. It anticipated one Treaty, the Withdrawal Agreement (WA), which made arrangements for terminating the UK's membership of the EU and settling the accounts, and another, the Trade and Cooperation Agreement (TCA), regulating the future relationship. With the exception of the provisions on Northern Ireland, which have caused considerable difficulties, the WA has worked quite well. The TCA has ensured trade continues but with considerable friction. This is the inevitable consequence of going from a full member of a single market to a free trade agreement.

Since this was the first time any state had used the Article 50 withdrawal process, the negotiations over the WA, and the related political pantomime, attracted huge attention during the 2017-2020 period. However, its substance was limited. Its provisions concerned:

- securing the position of UK nationals in the EU and EU nationals in the UK;

- 'separation provisions', covering, for example, the ongoing protection of intellectual property rights recognised pre-Brexit;

- transition, ensuring the application of EU law while the TCA was negotiated (essentially most of 2020);

- 'financial provisions' – how much the UK had to pay on leaving the EU; and

- the Northern Ireland Protocol, aimed at preventing a hard border on the island of Ireland by keeping Northern Ireland aligned to the EU's single market for goods.

David Davis, Secretary of State for Brexit, said sorting out the 'divorce settlement' would be one of the [rows](#) of summer 2017. In fact, it was barely a quarrel. The total bill was set at [£34.1bn](#), the bulk of which has already been [paid](#). Since Brexit, this issue has [scarcely made the news](#), let alone the headlines.

While initially a point of significant concern, securing the position of EU nationals in the UK (and UK nationals in the EU) has generally been done well.

The UK set up the [EU settlement scheme](#), a digital scheme for EU nationals and their family members to apply for the right to remain in the UK. Those with less than five years residence were given EU pre-settled status (PSS); those with more than five years residents got settled status (SS), equivalent to indefinite leave to remain. Well over eight million people have applied for a status under the scheme. However, those without a clear digital footprint in the UK, given the [peripatetic nature of their work](#), and/or who have poor language skills and low levels of digital literacy, [the young](#) and the old, have struggled to apply.

The Independent Monitoring Authority (IMA), set up under the WA to ensure public bodies implement the rights of EU nationals in the UK, brought important litigation in the [High Court](#) successfully challenging the requirement for EU nationals to 'upgrade' from PSS to SS. The Home Office is struggling to deliver on the ruling but it is now much [easier](#) for those with PSS to acquire SS. In December 2024 the European Commission started [enforcement proceedings](#) against the UK for non-compliance with post-Brexit requirements on citizens' rights.

The Northern Ireland Protocol (NIP) had a difficult birth and [bumpy early years](#), culminating in Liz Truss, then-Foreign Secretary, introducing the [Northern Ireland Protocol Bill](#) which would have turned off key provisions of the NIP, thus putting the UK in breach of the WA. The Sunak government was able to negotiate a more sensitive set of arrangements in the Windsor Framework which eased some of the checks on the GB/NI border (he also withdrew the NIP Bill).

The TCA concerns the post-Brexit relationship. It is a free trade agreement, with zero tariffs and quotas for goods originating in the UK/EU, and some important extras, most notably on fisheries and judicial cooperation on criminal matters. The TCA is an international agreement governed by principles of international (not EU) law. Therefore, there is no principle of the supremacy of the TCA nor is there direct effect, the trademark features of EU law. The TCA looks much more like a WTO agreement with some pluses, not EU law with some minuses.

The EU got its principal asks in respect of access to goods trade, where it had a trade surplus. By contrast, the UK did not succeed in respect of its offensive asks concerning the access to the EU's services market, where it had a trade surplus. Provision of services therefore remains limited, especially in respect of the movement of individuals. Some sectors, like the creative industries, have been particularly badly affected because they are not covered in the TCA lists which allow individuals to move.

While UK goods are now subject to [full EU border controls](#), this is not the case for EU goods coming into the UK. The UK has been developing its 'Border Targeting Operating Model', but this has not yet come fully into force. The UK's exit from the EU's single market and customs union led to immediate [declines](#) in exports and imports with the EU. Small firms were hardest hit, while large firms did not experience a drop in exports.

Fisheries continue to be a running sore. There was a [standoff](#) with French fishers over fishing licences in the waters around the Channel Islands in 2021. And there has now been the first case brought [under the TCA](#) concerning the UK's ban on fishing sand eels in its waters. This case has great significance for the protection of marine ecosystems as well as providing the framing for any future fisheries negotiations.

It is a remarkable achievement that two major treaties came into force in a relatively short period of time (2017-2020). Yet there were always going to be difficulties with such a seismic change in the nature of the UK's trading relationship with its largest trading partner. Trade in goods is still occurring and people are continuing to travel to EU states, but this is all happening less smoothly than before. Substantive changes in this situation would require single market and/or customs union membership, both of which have been ruled out by the Labour government.

THE 2017 GENERAL ELECTION

James Griffiths

The 2017 UK General Election had a profound impact on British politics. In a shock result, the Conservatives lost their majority (despite receiving 42.3% of the vote), leading to one of 'the most hectic parliamentary phases in the recent history of UK politics' – and culminating in Boris Johnson's campaign to 'Get Brexit Done' in 2019.

2017 was also the first post-Brexit election. Held just under a year after the referendum, it was our first chance to see how the decision to hold a vote on EU membership had affected voting behaviour in Britain – with Brexit preferences becoming a strong predictor of support for the two major parties.

Despite repeatedly ruling out an early election, Theresa May eventually called one in early 2017 for two main reasons related directly to Brexit. First, she wanted to strengthen her hand in both her negotiations with the EU and with her own backbenchers. The 2015 General Election had given the Conservatives a slender majority in Parliament, and increasing its size would have made it easier for May to pass Brexit legislation without needing the consent of opposition parties (or dissenting Conservatives).

Second, it seemed obvious she would win. The Conservatives were comfortably ahead in the polls, leading Labour by an average of around 17%. Labour had performed poorly in the 2016 local elections, and they continued to be openly divided over the leadership of Jeremy Corbyn, who faced a leadership challenge in the intermediate aftermath of the referendum. Meanwhile, the Conservatives had neutralised UKIP by convincing many Leave voters to back them post-referendum. They managed this by rebranding themselves as a devoutly pro-Brexit party that could handle immigration. In this context, it is no surprise that senior Conservatives pushed May to call an early election.

This decision backfired dramatically. Labour's support increased considerably throughout the campaign, with the party managing to close the gap on the Conservatives. Data from the British Election Study Internet Panel shows that Labour gained around 40% of their eventual voters in the five weeks running up to polling day, compared to 14% for the Conservatives.

Fluctuations in support for both main parties throughout the campaign were primarily thanks to their leaders. The Conservatives decided to centre their campaign on May, but she was not an effective campaigner, especially when

compared to [Jeremy Corbyn in 2017.](#) As the [campaign progressed,](#) May's popularity tumbled while Corbyn's popularity rose. Labour won the support of many of those [who changed their minds on either leader, many of whom had voted for Labour in 2015](#) – with Labour's gains split relatively [evenly between Leave and Remain voters.](#)

Labour's support increased significantly throughout the course of the 2017 general election campaign

Changes in vote intention throughout the 2017 general election campaign in Great Britain
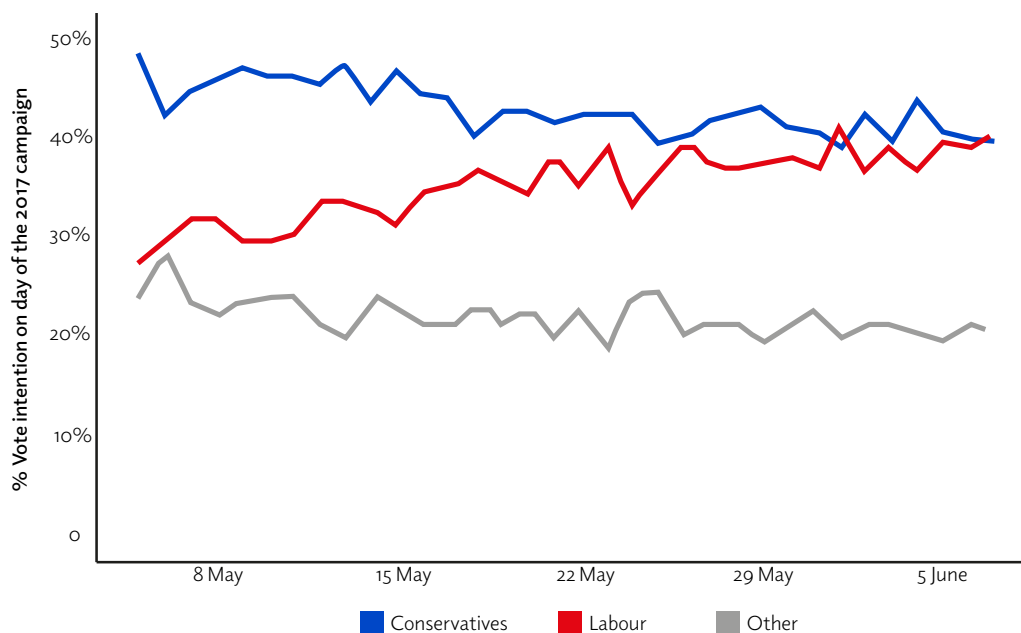
Source: British Election Study Internet Panel, 2017

These leader effects [were more important to vote switching throughout the campaign](#) than Brexit itself - even though Brexit was the reason the election had been called. Indeed, [Brexit barely featured](#) during the campaign. Instead, the two major parties focused on domestic policies, like [austerity,](#) [fox hunting](#) or [social care,](#) and then – following terrorist attacks in Manchester and London – [national security,](#) with May attacking Corbyn's perceived weakness on this issue, and Corbyn attacking the Conservatives for cutting police numbers.

That said, Brexit is still key to understanding the election. Most voters backed a party that [aligned with their stance on Brexit,](#) but this realignment had happened [before the election campaign started.](#) And while it was [not as strong in Scotland](#) as in England and Wales, Brexit was still an important driver of voting behaviour across Britain.

The Brexit-based sorting had two immediate consequences. First, it led to a sharp reduction in [fragmentation.](#) Before the referendum, voters were becoming far more likely to switch parties between elections, and support for smaller parties had been increasing over time. Brexit changed this - at the 2017 election, voters

tended to back the two major parties, which received their highest combined vote share since 1970.

The Conservatives monopolised the support of Leave voters, including most former UKIP voters, whereas Labour won the support of most Remain voters, despite not being as overtly anti-Brexit as the Liberal Democrats or Greens. This volatility and fragmentation returned in 2024, but was momentarily interrupted by Brexit.

The Conservatives monopolised the support of Leave voters in 2017, while Labour won the support of most Remainers

UK IN A CHANGING EUROPE

Vote choice between 2015 and 2017 by 2016 referendum vote, weighted by BESIP's panel weight
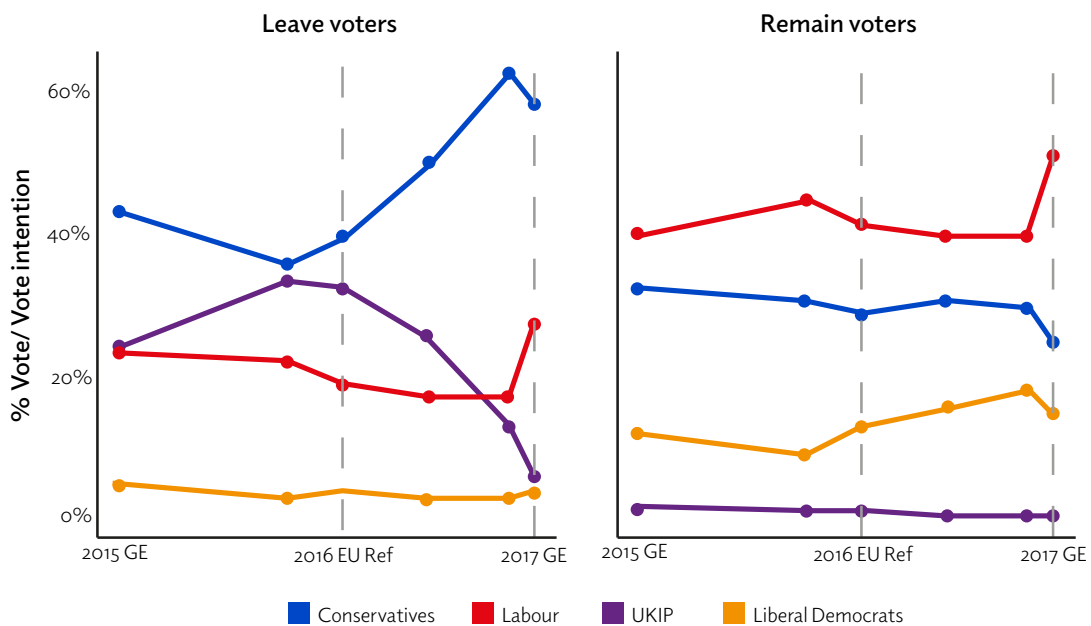
Source: British Election Study Internet Panel, 2017

Second, it changed the type of people who voted for the Conservatives and Labour. The demographic variables which were the strongest predictors of the Brexit vote (age and education) were also now important predictors of party support. As Brexit cut across social classes, this Brexit-based party support also eradicated the class differences between the supporters of the two major parties. These trends were not new, as British politics had been changing in this way for a long time, but Brexit certainly accelerated them.

These shifts meant that, despite putting in their best performance at an election since 1983 and winning the most seats of any party, the Conservatives lost their majority in 2017. In an attempt to sidestep a hung parliament, Theresa May agreed a 'confidence and supply' agreement with the DUP – at the cost of agreeing to an extra £1bn in spending in Northern Ireland, policy positions on pensions, defence, and agriculture, and dealing with the DUP's 'red line' that

Brexit could not lead to checks on goods travelling between Northern Ireland and the rest of the United Kingdom.

 Ultimately, despite calling the 2017 election to shore up her position, May failed to pass the Brexit legislation she desired, with Parliament [frequently rejecting](#) her proposals (and, indeed, any type of Brexit deal). She eventually resigned under two years later, and her replacement, Boris Johnson, took advantage of this '[Brexit fatigue](#)' with his promise to 'get Brexit done' at the 2019 election. The party's clear pro-Brexit message then helped the Tories to [regain their majority](#) and make [huge inroads in traditionally Labour areas](#).

THE 2019 GENERAL ELECTION

Paula Surridge

The 2019 General Election has been described as the 'Brexit' election, a 'critical' election and as perhaps the final act in a realignment drama that had been running in the UK since 2010. The two previous elections had delivered quite different types of results: 2015 continued a trend of low two-party (Conservative plus Labour) share of the vote, reflecting a fragmentation in the preferences of the electorate. But the 2017 election then sharply reset this, with the highest two-party share since 1970.

While the 2019 election saw Labour and the Conservatives win a lower share of the vote than 2017, it nonetheless saw Boris Johnson's 'Get Brexit done' campaign return the Conservatives to government with the sort of majority that had seemed a distant memory. It also meant that a deal with the EU could finally secure parliamentary approval.

Critical to this majority was the 'red wall', a group of constituencies in the North and Midlands, identified by James Kanagasooriam as having higher Labour vote shares than their demographic profiles suggested they should, and where a majority of constituents voted for Leave in 2016. Many of them had already seen increased Conservative vote shares in 2017, with less socially liberal voters (who had already been turning away from Labour party at preceding elections), turned off by a leader they saw as unpatriotic and out of touch with their concerns. The appeal of both 'Get Brexit done' and 'levelling up' meant many of these seats finally returned Conservative MPs in 2019.

But this was far from the whole story. The Conservative majority was not just built on seats gained in the 'red wall', but those it held elsewhere before 2019 - including those where a majority of voters had supported Remain. The Liberal Democrats had hoped to challenge in these seats by reconfiguring voters along Brexit lines. Yet while the 'red wall' collapsed and returned 30 Conservative MPs, the 'blue wall' held firm.

Many factors contributed to the resilience of the blue wall in 2019. In May 2019, the Brexit Party topped the poll in the 2019 European Parliament elections, held after the UK was already meant to have left the EU. The Liberal Democrats came second, while the Conservative party languished in 5th place with less than 10% of the vote.

The Brexit Party seemed poised to inflict further damage on the Conservatives at a general election. But the resignation of Theresa May and appointment of Leaver-in-chief Boris Johnson, as well as concern about the prospects of a second referendum if the Liberal Democrats gained substantial numbers of Conservative seats, led Nigel Farage to stand down Brexit Party candidates in constituencies with a Conservative incumbent.

This changed the dynamic of the election. The Leave vote in seats where the Brexit party stood down was largely united behind incumbent Conservative MPs, even if they had supported Remain. In other Leave-supporting constituencies, Farage's decision was a signal to voters that Boris Johnson was indeed going to 'get Brexit done'.

Against this 'leave coalition', the Liberal Democrats had to unite the Remain vote in Conservative seats where small majorities had voted to stay in the EU in 2016. Yet Labour and the Greens challenged for the same vote, fragmenting support. Whilst overall a greater proportion of votes were cast for remain supporting parties than leave-supporting ones, the geography of and unity of the leave vote delivered seats across the country to the Conservatives.

While the Leave vote was united behind the Conservatives in 2019, the Remain vote was more fragmented

UK IN A CHANGING EUROPE

Vote in the 2019 general election by 2016 referendum vote
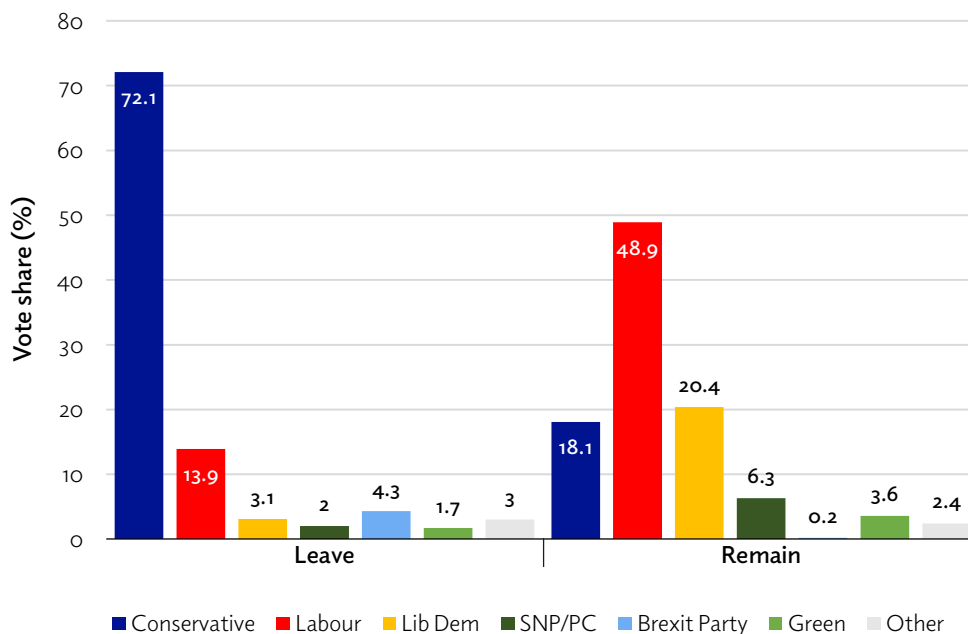
Source: British Election Study Internet Panel, 2019

Furthermore, not all those who had voted Remain supported a party that also did so. Key to this was the 'Get Brexit Done' slogan, that appealed not only to Leave voters tired of Parliament seemingly frustrating their wishes, but to a group of Remain voters who wanted the country to move on to other things.

Data from the [British Election Study internet panel](#) from just after the 2019 election showed that more than a quarter of those who had voted Remain did not want a second referendum, three in four of these being previous Conservative voters. The Liberal Democrats struggled to win these voters, in part due to Brexit but also in part due to a strong dislike of the Labour leadership among this group and their worry that a vote for the Liberal Democrats might let Corbyn into number 10.

In the end, the 2019 election was asymmetrical in its relationship with Brexit, as the Leave vote coalesced around the Conservatives, while the Remain vote splintered both across and within Brexit lines.

Celebrating the party's victory the day after the election, Boris Johnson spoke of how voters had 'lent' their votes to the Conservatives, a theme repeated by voters themselves [in post-election focus groups in red wall seats](#). But the broad coalition Johnson had brought together had its own fault-lines.

The Brexit divide rested on long-standing differences between those with different values on social issues, and for a while these were key to bringing together a winning voter coalition. But later, with Brexit 'done' and a post-Covid cost of living crisis, [economic issues returned to the fore](#).

The 2019 election offered us one half of a story of change in the British electorate. Since the early 2000's the combined share of the vote won by Labour and the Conservatives had been whittled down by the Liberal Democrats and the nationalist parties in Scotland and Wales. The UKIP surge of 2015 only served to accelerate this fragmentation of the electorate. It had seemingly receded in 2017 as the two main parties combined won more than 4 out of 5 votes cast. But the 2019 election echoed both; while Leave support lined up behind the Conservatives, the Remain vote split in multiple directions, including to the party that promised to 'Get Brexit Done'.

It is much easier to understand a general election with the advantage of having seen what came next. With fragmentation on one side and a very large single party vote on the other, the 2019 election may have got Brexit done, but it did not bring the curtain down on Britain's realignment drama. Rather, it set the scene for the next act.

THE MAY GOVERNMENT'S BREXIT POLICY

Anand Menon & Alan Wager

Theresa May will be remembered as the Prime Minister who failed to get Brexit done. The story of her premiership is one of a gradual learning process, as the practical economic and constitutional problems implied by the decision to leave the EU became clear. Ultimately, accommodating these proved incompatible with the politics of the time and May was driven from office.

'Submarine May', as she was allegedly dubbed by Downing Street aides under David Cameron, backed Remain during the referendum, albeit only belatedly and *sotto voce*. That she became Conservative leader on 11 July 2016 without a formal vote by either MPs or party members meant she had no need either to spell out a vision for Brexit, or to solicit the support of MPs and party members for it. All we got was the bromide of 'Brexit means Brexit'.

May's absence during the referendum was to prove significant in the years to come. Her need to convince sceptics on the right of the Conservative Party of her Brexiteer credentials arguably led May to announce at Conservative Party conference in October 2016 her intention to leave the single market. In her main speech, she asserted that the UK would instead have an independent trade policy. Whatever the motive, the interventions provoked shock. As her own Chancellor, Philip Hammond, put it subsequently, "I was completely stunned… I was completely and utterly horrified by what I felt was almost a coup: a definition of Brexit without any proper Cabinet consultation at all".

More striking than the content of these interventions is the fact the Prime Minister seemingly did not fully understand the economic implications of what she was saying. Hammond recalls that she was shocked by the reaction of the financial markets to her announcement. Shortly after the conference, Mrs May met with the UK's Ambassador to the EU, Ivan Rogers. "You've made a decision", the mandarin told her. "This gives me clarity. I can work with this. We're leaving the customs union" (the necessary corollary of an independent UK trade policy). The Prime Minister's response? "I have agreed to *no such thing*."

Over the next three years, May's position gradually softened as the implications for both the economy and for Northern Ireland of her initial approach became clearer. The Brexit endgame saw her signing up to things she had previously ruled out. Thus, she agreed to a transition period – the phrase having previously been banned from use inside the department for exiting the EU – once she realised the

EU could not negotiate a new trade deal until the UK had left. More importantly, the deal she finally negotiated made provision for the UK to remain, at least initially, in a customs union with the EU, and for significant regulatory alignment.

This, however, ultimately failed to garner sufficient political support. Throughout her premiership, Mrs May had proven unable to manage her own party effectively. Those tumultuous three years witnessed no fewer than 37 ministers resign outside of reshuffles, with her Brexit policy the principal cause.

Loyalty proved more important than ever following the total failure of her plan to call a snap election in 2017 to reinforce her majority. At the head of a minority government, her inability to either persuade or force her party into line proved her undoing as her deal was voted down. Opposition to the customs union, to the fact that Northern Ireland would have to align with numerous EU rules, to the provisions on level playing field arrangements and to the idea that the future relationship would 'build on the single customs territory provided for in the withdrawal agreement' ultimately saw the Prime Minister suffer the biggest parliamentary rebellion against a British Government, by 230 votes.

Following that defeat, Mrs May attempted to reach out to Labour MPs. We can only guess what might have happened had she done so earlier – either immediately after the referendum, or following her humiliation in the election of 2017 (David Lidington, former Deputy Prime Minister, believes the latter approach might have worked). As things transpired, far too few Labour MPs were willing to offer a lifeline to a government that had suffered such a humiliating defeat – even if the deal on the table essentially conformed to what Jeremy Corbyn had been demanding.

In several important senses, the May premiership laid the groundwork for what was to come. First, the 2017 election began the realignment of British politics that would culminate in Boris Johnson's stunning success in 2019. While the Red Wall did not come down in 2017, its foundations began to crumble.

Second, while the final deal she negotiated was one that reflected the trade-offs that Brexit implied, Mrs May's previous avoidance of those same trade-offs via phrases such as 'Brexit means Brexit', or 'no deal is better than a bad deal' set the scene for some of the outright dishonesty that was to characterize her successor's tenure in office.

Equally, her premiership witnessed the beginnings of a slide towards a more populist form of government. Then-Justice Secretary Liz Truss was slow to defend the three High Court judges branded 'enemies of the people' by sections of the media after their judgment on the *Miller I* case and May herself refused to condemn the media backlash. By March 2019, the Prime Minister was taking

to our TV screens to argue that she had had enough of 'political games and the arcane political rows' and to blame MPs for the delay to Brexit. The Boris Johnson playbook was not invented by Johnson himself.

In a speech in May 2019, May [acknowledged](#) that the challenge of delivering Brexit was harder than she had anticipated. Three days later, following her failure to secure parliamentary approval for her Brexit deal at her third attempt, she announced that she would stand down as leader of the Conservative Party on 7 June. It is hard to avoid the impression that the second Tory Prime Minister brought down by Brexit was undermined, at least in part, by her own mistakes.

THE JOHNSON GOVERNMENT'S BREXIT POLICY

Anand Menon & Alan Wager

If Theresa May's premiership teaches us a salutary lesson about the challenges of coming to terms with the legal and economic consequences of Brexit, then Boris Johnson's provided a masterclass in dodging them.

Johnson, of course, owed his greatest political triumphs to Brexit. He was widely credited with being the decisive figure behind the Leave campaign's victory in 2016. He was influential in mobilizing initial resistance to Theresa May's Withdrawal Agreement (resigning from her government in July 2018 over the deal and later describing it as 'a national humiliation that makes a mockery of Brexit'). May's inability to secure support for that agreement opened the way for Johnson to take over as leader of the Conservative Party, while his effective mobilization of the Brexit issue helped him triumph in the 2019 general election.

Yet, his election manifesto notwithstanding, Brexit remained far from 'done' under his premiership. Rather, a series of difficult trade-offs were largely ignored or postponed until after his removal from office.

Perhaps the most obvious trade-off related to Northern Ireland. The Withdrawal Agreement Johnson negotiated with the European Union, which was agreed in October 2019, was similar in most respects to that rejected by Parliament earlier in the year except in one crucial respect: it essentially resurrected an EU proposal from February 2018 for a Northern Ireland-only 'backstop'. Because this ensured Northern Ireland would leave the EU under different terms to the rest of the UK, raising the prospect of significant border checks between Great Britain and Northern Ireland, this offer had been rejected by Theresa May as a deal "no UK prime minister could ever agree" to.

Johnson's approach was to sign the deal and deny its implications. He told the DUP annual conference in 2019 that a border in the Irish Sea would be utterly unacceptable, and was later filmed telling businesses they could put customs declaration forms "in the bin" because there will be "no barriers of any kind" to trade crossing the Irish Sea.

Having secured parliamentary backing for the deal after his election victory in 2019, it later became clear that the EU was going to insist on the full implementation of the Northern Ireland Protocol. The Government argued

that this was creating unacceptable barriers to trade between Great Britain and Northern Ireland. And in September 2020 introduced the Internal Market Bill, designed, among other things, to give Ministers the power to unilaterally amend the Protocol. The bill led to the resignation of Jonathan Jones, Permanent Secretary to the Government Legal Department. Indeed, the Northern Ireland Secretary admitted in Parliament that it would break international law, albeit "in a very specific and limited way".

Following an agreement with the EU over the implementation of the Protocol in December 2020, the offending parts of the bill were removed, as was the threat of EU legal retaliation. However, in March 2021, the Commission launched infringement proceedings against the UK for failure to properly implement the Protocol. A government command paper the following July set out a series of proposals for revisions to the Protocol which were rejected by the EU. The following October, the EU published proposals to reduce the numbers of checks and controls at the border. Again, these were deemed insufficient by the UK government which, in June 2022, introduced the Northern Ireland Protocol Bill, intended to unilaterally override parts of the Protocol. The same month, the EU tightened the screw: it took its original legal action to the second stage of infringement proceedings and launched two further actions.

It is far from clear how Johnson would have dealt with this situation. Dominic Cummings later claimed that the plan had always been for the Prime Minister to 'ditch' those parts of the Protocol he did not like. This would, however, have sparked EU retaliation, potentially in the form of a suspension of the Trade and Cooperation Agreement (TCA). As it transpired, it was left to Johnson's successor Rishi Sunak to resolve the simmering argument over the Protocol by signing the Windsor Framework. Johnson's brinkmanship never quite reached the brink.

The second area in which consequences were successfully dodged related to the economics of Brexit. The TCA was signed on 29 December 2020 and applied provisionally on 1 January 2021. In his statement on the deal, Johnson, with characteristic chutzpah, claimed it removed all tariff and non-tariff barriers to trade with the EU. While the former claim was largely true, the latter was incorrect- these barriers have subsequently been shown to have imposed significant economic costs.

Yet although the UK formally ceased to be a member state on 31 January 2020, as the transition period effectively kept it in the single market and customs union, the full effects of Brexit were delayed until 2021. With the pandemic still in full swing, the government was able to argue that any economic problems were down to Covid-19 rather than Brexit (even as the head of the Office for Budget Responsibility argued Brexit would hit the UK economy more severely).

Brexit had always been seen by eurosceptic Conservatives as a means for the UK to cut itself free of onerous and unnecessary EU rules. Johnson raised the prospect of a 'Brexit Freedoms Bill' precisely in order to 'cut EU red tape'. However, he fell from power before having to confront the costs for businesses of regulatory divergence. Again, it was left to his successors to introduce the 'Brexit Freedoms Bill' and, ultimately, to tone the legislation down considerably (and face the consequent political criticism).

Finally, immigration. Immigration had been a central issue in the referendum, with Vote Leave arguing Brexit would offer an opportunity to reduce net inflows. Under Johnson, the Conservatives' 2019 manifesto promised fewer unskilled migrants and pledged that 'overall numbers will fall'. Immigration, however, went up sharply on Johnson's watch (with an obvious hiatus during the pandemic). Yet once again, Johnson evaded the consequences – it was only after he left power that he admitted that policies he introduced were responsible for this, and that Tories began to criticise his record.

On the morning of 7 July 2022, Boris Johnson stepped down as Prime Minister. During his time in office, he ensured that for all his boosterish rhetoric about Brexit, that the difficult choices it imposed were postponed until after he left Downing Street. In this limited sense at least, he managed to both have his cake and eat it.

THE EU'S BREXIT STRATEGY

Cleo Davies and Hussein Kassim

The EU's approach to dealing with the UK since the referendum has been clear, strategic, and consistent. It has placed a premium on unity throughout, and its initial post-referendum reaction proved formative.

Cooperation between the European Council and European Commission during the negotiation of the 'new settlement' was stepped up on the eve of the UK referendum. The EU acknowledged the outcome of the referendum and within days, leaders agreed on four principles that would guide their approach to the negotiations. First, there would be no negotiation before London had triggered Article 50 (starting the two-year countdown to the UK's formal exit), ensuring time for the EU to define its position, whilst limiting the effects of 'divide and rule' tactics by London. Second, any benefits the UK secured would need to carry corresponding obligations – for example, acceptance of the jurisdiction of the European Court of Justice. The aim was to pre-empt what became known as 'cakeism' by the UK. Third, access to the single market would require acceptance of all four freedoms – of goods, services, capital, and people. Fourth, negotiations would be sequenced. Agreement on the terms of the UK's departure would need to be secured prior to the opening of negotiations on the future relationship.

These principles were intended not only to neutralise the UK's deployment of its formidable diplomatic resources and tactical acumen, but also – in anticipation of gains by Eurosceptic parties in forthcoming elections on the continent – to demonstrate the EU's resolution and the damage caused by leaving. Over the coming months, the Task Forces in the European Commission and Council Secretariat, led respectively by Michel Barnier and Didier Seeuws, visited national capitals and received national delegations as part of a two-way consultation. This made it possible to develop a negotiating position that represented all the EU27. It also served to build trust between national governments, EU institutions and Barnier's team.

Moreover, the EU institutions agreed a structure ensuring the continuous involvement of governments at working level, where the European Council defined the EU's negotiating position, but the European Commission was delegated responsibility for the conduct of the negotiations and the Commission Task Force headed by Michel Barnier sat across the table from the UK. The solution was found in the creation of a dedicated Council working group, with a permanent chair supplied by the Council Secretariat. It provided a forum where the Commission could discuss issues, consult, and report back

on the negotiations to member state delegations and member states could share information with each other. The arrangements built confidence across institutions – the European Parliament was briefed before members of the Task Force attended the working group – and allowed the EU to pursue negotiations with the UK, while the UK continued to attend other working groups dealing with routine (i.e. non-Brexit related) business.

The EU identified three priority areas for the Article 50 negotiations: protection of the rights of EU citizens in the UK and UK citizens in the EU; the settlement by the UK of its outstanding financial liabilities; and the need to avoid a hard border on the island of Ireland 'while respecting the integrity of the Union's legal order'. The Task Force negotiated on the basis of guidelines agreed by national leaders in the European Council and positions proposed by the Commission and adopted by the Council. Although there were some tensions – over Gibraltar and later over the conditions under which extensions were offered to the UK – unity among institutions and governments was sustained through regular interaction, and reinforced first by the haplessness of the May government, then by the [cultivated unpredictability](#) of the Johnson administration.

The EU followed the same approach and retained the same institutional set-up for negotiations on the future relationship. Although circumstances were even more strained – the UK government took a more belligerent approach, talks took place online for prolonged periods due to the Covid pandemic, and the negotiations took place over a broader range of issues – the EU side was largely able to maintain unity. Member states agreed on protecting the single market by avoiding any agreements that would see the UK benefiting from access without corresponding financial or legal obligations, and that a third country, especially a large economy on the EU's doorstep, should not be extended the same privileges as a member state. There were, however, differences over how the EU should respond to the UK's refusal to accept measures relating to the level playing field in summer 2020, and the last-minute conclusion of the fishing chapter led to tensions on the EU side in the rush to secure a deal in December.

Notwithstanding that the EU viewed the UK's departure as lose-lose, it considered the outcome of the negotiations a success. The UK left in an orderly manner and the TCA is 'a deal that works for the EU'. There was, however, regret that Johnson dropped his predecessor's commitment to institutionalised cooperation in foreign policy and security. The implementation of the Northern Ireland Protocol is still an issue for the EU, even if the Windsor Framework agreement brought a thaw in relations. There are still concerns that unchecked goods might enter the single market via Northern Ireland if the UK does not institute the appropriate monitoring mechanisms.

The memory of the negotiations and the UK's hesitancy to implement the terms it agreed loom large. The principles put in place by the EU in the aftermath of the referendum, together with the institutional arrangements it created, largely remain in place and still inform the EU's approach – the Council has kept the working party on the United Kingdom, even if it is now chaired by the rotating Presidency. Solidarity on the EU side has endured, with national capitals alerting each other about their contacts with London, still cautious about UK initiatives that are not directed towards all member states and of bilateral understandings with the UK that would undermine EU27 unity. The EU is open to closer relations, notably in security. Security also features strongly in bilateral deals struck by member states with the UK. But there is no appetite on the EU side to reopen negotiations on the TCA.

THE ROLE OF PARLIAMENT DURING THE BREXIT PROCESS

Meg Russell

Brexit threw into doubt much that was familiar in British politics, wider society and public life, but among the most fundamental was the role of Parliament. Westminster has long been an iconic symbol of democracy and Parliament sits at the pinnacle of our legal system. But it became the site of some fierce battles over Brexit, and the process led to it being repeatedly questioned and maligned.

In the UK, Parliament is officially 'sovereign' – serving as the highest source of constitutional and legal authority. It arguably has that status precisely because it represents the people; but for some the Brexit referendum challenged that traditional authority. In 2015, the bill to facilitate the referendum was approved by the House of Commons by an overwhelming majority – the Scottish National Party (SNP) alone resisted the plan. But this did not signify parliamentary support for Brexit, which most MPs were known to oppose – it was simply a vote to allow the people to decide. The clear expectation of many was that the voters would choose to remain in the EU.

The result was therefore a challenge for Parliament. Some opponents of Brexit hoped that MPs would overturn the result. The government, with a narrow Commons majority under Theresa May, feared parliamentary skulduggery. An immediate question was whether Parliament needed to approve the triggering of the Article 50 process. The government wanted to proceed without parliamentary approval, using its 'prerogative powers' over foreign affairs. But a case challenging that wound up in the Supreme Court, which ruled in Parliament's favour. It was not MPs who had brought the case, and they might have preferred not to confront the issue. But forced to choose they, again overwhelmingly, approved the trigger – many with a very heavy heart. Theresa May accused those seeking to involve Parliament of 'trying to subvert' democracy. Judges ruling in Parliament's favour were branded 'enemies of the people' by the Daily Mail. These early skirmishes demonstrated multiple tensions which became familiar – between the government, Parliament, the courts and the people.

The referendum offered no specific vision of Brexit. Many in Parliament were therefore keen to scrutinise the process and hold the government to account for its approach – as is normal for major policies. But the government was frequently resistant, and Brexiteers suspicious. The biggest tensions arose over

the '[meaningful vote](#)' - which Parliament forced on the government against its wishes in 2018, during the passage of the EU (Withdrawal) Bill. This gave MPs an in-principle veto over any Brexit deal negotiated by the government. The move was proposed by those who favoured a 'soft' (or no) Brexit. But hardline Brexiteers soon realised that it facilitated blocking of any negotiated outcome, leaving their preferred ['no deal' Brexit](#) as the default. Unholy alliances of hardliners and Brexit opponents repeatedly inflicted huge, humiliating defeats on Theresa May as she brought back compromises from Brussels. Most in her own party who hadn't originally supported Brexit were prepared to fall in behind her, while those who had campaigned most vigorously for it joined other parties in [opposing her](#). Notable among them was Boris Johnson, who seized the opportunity to undermine May, ultimately replacing her when her inability to win support for a Brexit deal resulted in her being toppled by her party.

Throughout this period there was much [procedural innovation](#), as parliamentarians sought to press alternative outcomes - including a 'softer' Brexit or a second referendum. These episodes raised fundamental questions, about the extent to which MPs or the government ought to control the Commons' agenda, and about the role of the Commons Speaker. Both questions were fiercely fought. Amidst the disagreements, both May and the hardline Brexiteers (ironically including those using Parliament to block her) indulged in increasingly [anti-parliamentary rhetoric](#), which risked [stoking public anger](#) against this most central institution.

The day after Johnson took over, in July 2019, Parliament adjourned for its summer recess. Before it reconvened, Johnson's government announced that he had advised the Queen to grant a five-week '[prorogation](#)' - which would shut Parliament down completely. This would run close to the then-deadline for the Article 50 negotiations, making a no deal Brexit more likely. The move resulted in a second Supreme Court case, which again found in favour of Parliament, with the judges ruling Johnson's lengthy proposed prorogation unlawful. By this point, [public opinion was highly polarised](#), with Brexit supporters favouring the prorogation, and opponents favouring the court. The [court's judgment](#) sought to articulate (in unusual detail) the central role of Parliament, and parliamentary scrutiny, in the constitution. Nonetheless, its analysis was not accepted by all.

To sidestep the problems of the attempted prorogation, Johnson's internal party critics joined forces with opposition parties to force an extension of the negotiation deadline and defer the risk of a no deal Brexit. He [retaliated](#) with unique severity, immediately stripping his Conservative opponents of the whip. He subsequently succeeded in persuading MPs into an [early election](#) to break the deadlock, an election at which many of these key critics therefore couldn't stand

for the party. His landslide victory was won on a manifesto claiming that Britain had been 'paralysed by a broken Parliament'. Soon afterwards his Brexit deal was approved by MPs, and his future relationship treaty, negotiated a year later, was pushed through both chambers in a single day.

Brexit was immediately followed by Covid, which makes it hard to disentangle the effects. But both processes saw an increased sidelining of Parliament – including through the heavy use of 'delegated legislation' to deliver huge policy changes quickly. The rhetoric directed at the institution did little to encourage public confidence, though during Johnson's tenure, survey evidence suggested that the public favoured strengthening Parliament against government, rather than the other way around. Nonetheless, declining standards of scrutiny lived on. Analysis shows that on some key measures, Rishi Sunak's government treated Parliament even worse than Johnson's had. Labour entered power in 2024 on promises to improve scrutiny and rebuild Parliament's reputation. But these are not easy goals and not easy promises to keep in government. MPs have crucial roles, as do others, in holding the new government to its word.

THE ROLE OF THE COURTS DURING THE BREXIT PROCESS

Joelle Grogan

During the Brexit process, the courts were given a degree of public scrutiny, perhaps unprecedented, about their role in resolving disputes between government and Parliament on what the 2016 Referendum meant, and how Brexit should be delivered.

How Article 50 Treaty of the European Union would work in practice had never been litigated, as the UK was the first member state to leave the EU. The article requires that if a member state decides to withdraw from the EU 'in accordance with its own constitutional requirements', then it should give 'notice of that intention' to the EU. The notification would then trigger a two-year period before the EU Treaties would cease to apply, and membership would end.

In what became the first *Miller* case, Gina Miller asked the courts to review government action, arguing that 'notice' could not be given by the government acting on its own prerogative, but instead had to be authorised by an act of Parliament. The Northern Irish, Scottish and Welsh governments intervened to argue that consultation and/or agreement with them would be needed where leaving the EU could affect devolved powers.

While the High Court dismissed the devolution issues, it unanimously held that government had to have parliamentary consent through an act to give notice to the EU. This decision sparked the 'enemies of the people' headline, over text arguing that unelected judges were blocking the 'will of the people' as expressed in the referendum by requiring Parliament to (democratically) vote to leave. Then-Secretary of State for Justice, Liz Truss, was criticised for failing to condemn the opprobrium, and defend the independence and impartiality of the judiciary.

In January 2017, a majority of the UK Supreme Court (UKSC) agreed, however, with the High Court decision. The 2016 referendum decision, while politically relevant, was not a legal obligation. The UKSC held that leaving the EU would cause such fundamental constitutional change and so affect domestic rights that government could not act without Parliament. However, it also ruled that consent of the devolved administrations was not required: the Sewel Convention – or that Westminster would not normally legislate in areas of devolved competence without their consent – was *also* a political constraint, and not a legal obligation to be policed by the Courts. A short act was duly passed by Parliament on 16

March 2017, and notice was served by Theresa May on the EU two weeks later.

After notification, the question was whether Brexit was now inevitable. Originating in the Scottish courts, the *Wightman* case asked the Court of Justice of the EU about revocation, or whether the UK could 'take back' the notification to leave without the consent of the EU. The court held this *was* possible but only up until the point of withdrawal.

Devolution and Brexit also continued to be litigated in the courts. Withdrawal from the EU meant that government had to decide what to do with EU law on the statute book, and how powers, including those exercised by the devolved governments, would be returned from the EU. The European Union (Withdrawal) Act 2018 (EU(W)A) was duly introduced to manage the transition and gave UK ministers powers to legislate (temporarily) in areas of devolved competence.

Scotland introduced its own version of the EU(W)A, which required UK ministers to gain Scottish ministers' consent before they could legislate on areas of devolved competence. The bill was referred to the UKSC, which held that the part requiring Scottish ministers' consent to legislate fell outside the competence of the Scottish Parliament as it could not modify the EU(W)A. As a consequence of this ruling (and later post-withdrawal judgments), there is a perception among devolution experts that the courts have taken a stance since Brexit which has significantly weakened devolution. However, it is likely that this could reflect judicial deference to the decisions of government, rather than a position on devolution per se.

Tensions between the nations reflected larger political divisions, and the incapacity of Parliament to decide what 'sort' of Brexit would be preferable. This culminated in the prorogation (or suspension) of Parliament by the Queen on advice of then-Prime Minister, Boris Johnson, planned to begin on 9 September and end on 14 October, only weeks before the (then) scheduled exit on 31 October 2019. This was seen by critics as a tactic to enable the UK to leave the EU without a deal despite the parliamentary majority opposed to that by denying them time to find an alternative.

Gina Miller returned to the UKSC, this time joined by a Scottish case initiated by then-SNP MP Joanna Cherry in *Cherry/Miller II*, arguing that the advice of the Prime Minister to prorogue was unlawful. Just two weeks after Parliament had been prorogued, the UKSC unanimously held that the prorogation was 'unlawful, null, and of no effect'. The UKSC held that Johnson's advice to prorogue without reasonable justification to stop Parliament from carrying out its 'constitutional functions as a legislature' and as the body responsible for supervising government action was unlawful. Parliament was recalled the following day.

In his address on return to Parliament, Johnson [stated] the UKSC was 'wrong to pronounce on a political question at a time of great national controversy'. Then-Leader of the House of Commons Jacob Rees-Mogg called the judgment a '[constitutional coup]'.

The virulence of criticism through Brexit led some to fear that the courts would be remodelled on US-style political appointments, as Johnson indicated he would favour judicial [appointments] along partisan lines. The counter-argument is that such appointments could undermine impartiality if judges would be then expected to decide cases on political lines, as well as judicial independence if their appointment were strongly linked to political favour.

The Johnson government's 2019 manifesto pledged to investigate how the courts reviewed government decisions. However, following a short-lived attempt to [review] the process, which received little support from the legal profession, academia or the public, any serious consideration of major judicial reform was dropped.

The *Miller* cases bookended the major court decisions of the Brexit process. They were lightning rods to constitutional issues of the state exposed by Brexit political turmoil: the separation of powers between government and Parliament, and the strength of political constraints on government.

PART II

BREXIT IMPACT AND AFTERMATH

DEALING WITH THE EU POST-JOHNSON: TRUSS AND SUNAK EU POLICY

Simon Usherwood

If the Boris Johnson government was characterised by an almost-pathological aversion to any suggestion of working with the European Union, his successors took a rather different approach. Freed from the exigencies of securing the actual withdrawal of the UK from the EU, both Liz Truss and Rishi Sunak were able to start thinking about the practicalities of a new relationship.

This was evident almost immediately upon Johnson's departure from office in the summer of 2022. French President Emanuel Macron's proposal in May of that year for a European Political Community (EPC) to provide an informal pan-European forum in the wake of the Russian invasion of Ukraine had elicited little reaction from the UK, even with the repeated enjoinders that it would very much not be a 'EU+others' format.

Within a couple of weeks of becoming Prime Minister, Truss had not only confirmed UK participation in the inaugural Prague meeting, but had also offered to host a future EPC summit. Her presence was to be overshadowed by the breaking domestic furore over the mini-budget. However, that she felt willing and able to devote some attention to European relations - notably rebuilding bilateral ties - marked an important shift, laying the groundwork for Sunak's subsequent actions.

While Truss' time in office might have been brief, it laid out the basic tripartite model of EU policy that Sunak was to follow over the next two years, alongside the progressive down-playing of Johnson's 'Global Britain' pitch in favour of a more neutral framing.

Firstly, there was a significant element of being seen to follow-through on Johnson's domestic agenda of 'taking back control' As Joël Reland notes in his contribution to this report,work to remove all retained EU law in the UK had been a central commitment from Johnson, crystallising with a bill in 2022 that was left to Truss to formally introduce and which Sunak pressed on with. Even if the actual implementation of the Retained EU Law Act was a lot less extensive than either the initial idea or even the original bill, the desire to have some demonstration of 'getting Brexit done' was evident.

Second, the rush of Johnson's negotiations with the EU had left a number of

issues in need of subsequent attention. Sunak devoted considerable effort to addressing the most important of these, namely the Northern Ireland Protocol. Johnson's calling into question whether the UK would abide by the Protocol's provisions opened the door for the DUP to collapse the Executive in Belfast on similar grounds, thereby linking the more general situation in Northern Ireland to the European dimension.

The very secretive negotiation of the [Windsor Framework](#) by February 2023 provided more space for common ground with the EU, even if the package of [provisions](#) contained minimal legal changes to the Protocol itself. Instead, a key focus was on deepening Northern Irish representation within the processes, both formally – through the Stormont Brake – and informally, through extensive arrangements for consultations with Northern Irish partners by both the European Commission and UK governments. Sunak was successful in dislodging the primary blockage in relations with the EU, even if restoring the Executive was to require further work, and the demonstration of good-faith participation certainly opened the doors to more regular interactions on the European front.

Perhaps more surprising was the final element of Sunak's work, that of building new areas of cooperation beyond the pre-existing suite of cooperation. The minimalism of Johnson's approach had been a function both of his chronic unwillingness to have any ties with the EU and of the lack of time in negotiations. Facing neither such constraint, Sunak was more open to considering the low hanging fruits of working together, such as [cooperation with Frontex](#) on tackling illegal migration.

In practice, even these seeming simple areas proved rather tricky. Despite both sides being broadly positive about British re-entry into the [Horizon](#) research programme, talks stretched over many months on the question of finding an equitable British financial contribution. Likewise, mutual interest in avoiding the implementation of tariffs on electric vehicle batteries didn't prevent [talks](#) going down to the wire at the end of 2023, as some EU member states sought to use the subject to secure additional subsidies for domestic producers.

The common thread running through this period has been the persistence of Johnson's choices in 2020-21 in shaping UK action. By concluding both the Withdrawal Agreement and Trade and Cooperation Agreement on the terms he did, he made it very difficult for his successors to do anything other than work through the consequences: this is most evident with the latter treaty and its removal of the UK from the EU's single market or customs union. This seems to hold just as true for the incoming Labour government, with their language of 'making Brexit work' and their red lines on fundamental changes to the treaties ultimately tying them to the macro choices about a distant trading relationship.

At the same time, both Truss and Sunak highlighted the considerable degree of flexibility and opportunity that the treaties afford, coupled to a willingness to explore more ad hoc arrangements. Both showed that simply being comfortable discussing the EU and the scope for working together could open up more lines of contact and discussion, while more active participation in European forums such as EPC could give life and substance to their language on the need for more positive and constructive relations with 'Europe'.

What is less clear is whether their actions laid the groundwork for a more moderate EU policy for the Conservative Party in opposition. As the Labour government works on closer cooperation and new commitments with the EU, the latter will be understandably keen to know whether the eventual return of the Tories might mean more problems. In that regard, the [dissipation of backbench ire](#) over 'Europe' during this period might be a positive development, but the willingness to consider such problematic (from an international law perspective) ideas as [leaving the European Convention on Human Rights](#) speaks to the long shadow that will be cast. Truss and Sunak's surreptitious pragmatism was never coupled with a frank party debate about where future European policy might go; a choice that might prove to be the most lasting legacy of this period.

BREXIT AND THE CONSERVATIVE PARTY

Tim Bale

The impact of Brexit on the Conservative Party provides a textbook example of the remedy being worse than the disease.

Cameron had always been a soft or small-e Eurosceptic, as much concerned with the symbolism as the substance of UK's relationship with the EU: as Leader of the Opposition he had committed to pulling Conservative MEPs out of the European People's Party-European Democrats grouping without thinking of the consequences for relations with other centre right leaders. As Prime Minister, however, he was (rightly or wrongly) genuinely concerned about the direction the EU seemed to be taking in the aftermath of the eurozone crisis, famously [wielding the UK's supposed veto in December 2011 in a vain attempt to head off a new fiscal compact](). He calculated that a win for Remain in a referendum off the back of his negotiations would warn Europe off further encroachment on the City's freedom of manoeuvre.

[But, Cameron's primary rationale was political](). The referendum would finally put an end to the arguments over Europe that had been tearing the Conservatives apart since the 1990s and were once again provoking rebellions among backbenchers chafing against his coalition with the Liberal Democrats – most alarmingly in October 2011, when [81 of his MPs defied a three-line whip to vote for an EU referendum](). A promise to put the issue to a once-and-for-all vote would also, Cameron hoped, stop any further drift of support to UKIP, the Eurosceptic, anti-immigration party led by the charismatic right-winger Nigel Farage. [Two Conservative MPs eventually defected to the party in the autumn of 2014](), following its victory in elections to the European Parliament earlier in the year.

Yet neither the referendum itself, nor the UK's eventual departure from the EU, have ultimately achieved any of those aims. Indeed, Brexit has arguably exacerbated the very problems it was supposed to solve.

True, discipline within the parliamentary Conservative Party and Cabinet was already fraying before June 2016 and [Eurosceptic MPs made it very obvious very quickly that they were unimpressed with Cameron's renegotiation]() – one reason why he suspended collective responsibility for the duration of the campaign in the first place. Yet the infighting grew even more intense after the result was announced, with the backbenches and Cabinet divided into Leavers and Remainers. The party has never really recovered its equilibrium.

Theresa May, who took over as Prime Minister following Cameron's post-referendum resignation only to lose the slender Tory majority he'd won in 2015 two years later, failed to hold her government and her party together as a toxic combination of transparent leadership ambitions and genuine ideological conflict exploded in full view of an increasingly exasperated public. The parliamentary and Cabinet battles over her doomed Withdrawal Agreement effectively normalised rank disloyalty on the part of ministers and backbenchers – some of it pursued personally, some of it via an alphabet soup of ginger groups of which the arch-Eurosceptic European Research Group (ERG) was the forerunner. And that indiscretion, indiscipline, and impatience has plagued the party ever since.

Brexit has also seen the Conservative Party become less of a broad church than it used to be, at least at Westminster. From 2016 it became increasingly difficult for pro-European Conservatives to convince increasingly Eurosceptic local associations to select them as parliamentary candidates. While during the referendum campaign there were plenty of incumbent MPs who, even if they considered themselves Eurosceptics, voted Remain, anyone wanting to maintain their ministerial status and/or rise through the ranks since has had to support the UK's departure. Then-Prime Minister Boris Johnson took things to another level entirely by ejecting twenty-one Conservatives (some permanently, some temporarily) from the parliamentary party for trying to prevent a no-deal Brexit – a move which, along with the large majority Johnson won at the 2019 General Election, helped shift the balance on both back and front benches away from the relatively moderate, mainstream, liberal Conservatism associated with the party's electoral revival after 2005.

The requirement that Tory MPs either prove they voted Leave or else display the proverbial zeal of the convert has led to a noticeable shrinkage of the talent pool available to whoever is leading the party, whether as Prime Minister or as Leader of the Opposition. Even more importantly, it has also helped determine who is Conservative leader. In a party as leadership-driven as the Tories, this inevitably has a huge impact on its direction, its governance and on its reputation with the public.

'No Brexit, no Boris Johnson' is a claim that may be ultimately impossible to prove beyond all reasonable doubt. But that the UK's withdrawal from the EU clearly helped Johnson snatch the keys to Number 10 from Theresa May is incontrovertible. His successors, Liz Truss (a zealous convert) and Rishi Sunak (a Brexit true-believer) also proceeded to crater the party's electoral standing.

The fact that, eight and a half years after the referendum, there are only 121 Tory MPs sitting in the House of Commons also owes something to ongoing tendency in the Conservative Party to take a hardline view on Brexit.

An attempt to appeal to Leave voters (and re-create the 2019 'realignment') led to the party adopting increasingly right-wing views on migration, multiculturalism, the supposed scourge of 'woke' and the apparent cost and futility of moving to net zero. As a consequence, Brexit has left successive Conservative governments with insufficient bandwidth to tackle many of the challenges facing twenty-first century Britain, and the accompanying rhetoric has alienated many moderate voters.

Now in opposition, led by yet another Brexit true-believer, the Conservative Party looks set to continue talking more about boats, boilers and bathrooms than the bread-and-butter issues which matter not just to voters but to the country itself. About Brexit, however, the party is now relatively silent – partly because it is now 'done', partly because survey evidence suggests that it is not widely regarded as a success. Whether Conservative MPs will stay quite so quiet should the Labour government try to move closer to the EU in the future will be fascinating to see.

BREXIT AND THE LABOUR PARTY

Jon Mellon

Labour has had a consistently ambiguous Brexit policy since the 2016 Referendum. On its face, this seems surprising given that 95% of Labour MPs sitting in 2016 campaigned to Remain in the EU and 90% of Labour members voted to Remain.

There were two main barriers to Labour adopting a clearly pro-EU position after 2016. First, the fact that 70% of Labour MPs at the time of the referendum represented Leave areas. The second was that then-Labour leader Jeremy Corbyn was a long-time Eurosceptic, uncomfortably grafted onto a party and electorate that had become solidly pro-European.

The response to these competing pressures was to adopt relatively ambiguous positions in the years that followed. In March 2017, then-Shadow Brexit Secretary Keir Starmer announced that any Brexit deal must meet 'six tests' before Labour would support it. In practice these tests were written sufficiently vaguely (e.g. 'Delivering for all nations and regions of the UK') that they provided little constraint on the Labour position. The 2017 manifesto kept a tone of soft Euroscepticism stating that "Labour accepts the referendum result" and promised to "seek to unite the country around a Brexit deal that works for every community in Britain".

Unfortunately for Labour, this ambiguity was perceived negatively by both Leavers and Remainers. Remain voters thought the party was relatively Eurosceptic, while Leave voters perceived it as more pro-EU. Whenever public debate centred on Brexit, voters were pushed in two directions away from Labour, which tended to do better when voters were focused on another issue.

While for Labour the 2017 election campaign began with an initial loss of Leave voters, the campaign's focus on domestic issues (and Corbyn's substantial improvement in personal ratings as Theresa May's cratered), led to a general recovery of support across the Brexit divide. Although Labour lost, its performance was sufficiently strong to enable Corbyn to remain at its helm through to the 2019 election.

Yet despite Brexit's absence from the campaign trail, and in spite of Labour's lukewarm pro-European position, Labour's electorate became substantially more pro-European in 2017. This election saw an unprecedented level of direct switching between Labour and Conservative voters, with 12% of 2015

Conservative voters switching to Labour in 2017 and similar proportions of 2015 Labour voters switching to the Conservatives, mostly along Brexit lines.

This led to Labour (partly at Keir Starmer's urging) inching towards an explicitly pro-EU stance. Theresa May's loss of a majority in 2017 led to gridlock in the Commons and cross-party alliances formed and shattered around different possible Brexit deals. Amid the chaos, Labour adopted an official position of demanding a second referendum in 2018.

This culminated in Labour whipping its MPs to support a public vote on the Withdrawal Agreement, although many did not, fearful of backlash from their Leave-supporting constituents. No option was ultimately able to command majority support in Parliament.

Then came Boris Johnson, and the 2019 election. The Labour manifesto promised to negotiate a Brexit deal and put it to the public in a legally binding referendum. Although this represented a clear movement towards the Remain wing of the party, the Labour leadership framed it as trying to achieve 'a sensible deal', with a backup option for the public to reverse Brexit entirely. The dual pressures of a Eurosceptic leader and vulnerabilities in their Leave voting seats still dissuaded Labour from fully embracing a Remain electorate and they refused to enter an electoral pact with other remain-supporting parties pact (this would probably have made little difference to the final result).

2019 saw a further entrenchment of the Brexit divide. Not only did Brexit more strongly structure voting than ever before, but this divide overrode traditional class divides in voting, with the Conservatives leading Labour by more among the working class than professional classes for the first time. These demographic divides spilled over into electoral geography, with Labour losing many of their traditional working-class seats in the North and Midlands as the Conservatives consolidated the Leave vote.

The result was a large Conservative majority easily capable of passing Johnson's Withdrawal Agreement, and a large enough Labour defeat (the worst the party had faced since 1935) to push Corbyn out as leader.

Keir Starmer used EU withdrawal and the pandemic to draw a line under Brexit, hoping to win back the 'red wall' by defusing the EU issue. Brexit barely figured in the 2024 General Election campaign. Labour's manifesto promised 'no return to the single market, the customs union, or freedom of movement'. Voters paid a similar lack of attention to Europe – while in 2019, 55% of respondents said Europe was the most important issue, just 1.5% did so in 2024.

Labour regained the majority of the Leave-voting seats it had lost in 2019 in July 2024. Yet while 2024 saw extremely high levels of voter volatility, with over 40%

of voters switching parties from 2019, that switching took place predominantly within EU referendum camps. There was only a [modest movement](#) of 2019 Leave supporters to Labour and other pro-EU parties like the Liberal Democrats.

Labour won in 2024 largely by standing still. Their EU position was perceived [essentially identically](#) in 2019, and their overall vote share increased by just 1.6 percentage points from that election. Meanwhile, the Conservatives bled Leave voters to Reform UK ([27%](#) of 2019 Conservatives defected to Reform) and their handful of Remain voters to the Liberal Democrats, thanks to '[party-gate](#)' and a catastrophically received mini budget. This pattern was felt most acutely in the [137 seats](#) that Labour won from the Conservatives where the combined Conservative and Reform UK share exceeded Labour's winning share.

As of 2024, Labour is still relying on a highly pro-EU electorate. This creates a risk (both in the Red Wall seats and the [suburban areas that they hold most marginally](#)) if anti-EU voters unite or coordinate against the party in future elections, or if it suffers a general loss of support due to the cost of governing.

The views expressed herein are those of the authors and do not reflect the position of the United States Military Academy, the Department of the Army, or the Department of Defense.

THE PUBLIC AND BREXIT

John Curtice

The outcome of the EU referendum was close; 52% voted to leave, while 48% wished to remain. Whether the decision would prove popular in the long run was therefore by no means certain. In the event, there has not been a dramatic swing in favour of being part of the EU. However, even by the time the UK left at the end of January 2020, it was far from clear that the decision still had majority support. The Brexit project has become noticeably less popular since then.

The path towards the implementation of Brexit was a rocky one. But there was little immediate sign of a dramatic change of mind by the electorate. Polling by YouGov in the first half of 2017 found on average that 45% thought the decision to leave had been the right one, while 43% felt it was wrong. Meanwhile, the country still appeared to be evenly divided on the principle of remaining and leaving; an average of nine polls conducted between October 2016 and May 2017 on how people would vote in a second referendum put both options on 50%.

The balance of public opinion initially tilted against Brexit in the wake of Theresa May's failure to retain the government's overall majority in the June 2017 election, a ballot she had called with the express purpose of winning a mandate to implement Brexit. With Parliament deadlocked on the issue, confidence in the Brexit project was undermined. Between mid-2017 and mid-2018, an average of 45% now thought that the Brexit decision was wrong, while 42% believed it was right. Polls of vote intention in a second referendum were typically reporting a narrow lead - of 52:48 - for Remain.

Data from NatCen's Opinion Panel showed that, by mid-2018, just over half (51%) felt the economy would be worse as a result of leaving the EU. However, this perception was still largely confined to those who had voted Remain; over half of Leave voters (51%) still believed the economy would be better off. Meanwhile, just over two in five Leave voters were still expecting that leaving the EU would result in less immigration.

Continued parliamentary stalemate and the eventual downfall of Theresa May in spring 2019 saw support erode a little further. By the time Boris Johnson was renegotiating aspects of the Withdrawal Agreement with the EU in October 2019, 48% were saying the Brexit decision was wrong, although still 43% believed it was right.

On the eve of the 2019 election, polls were reporting a 53:47 advantage for Remain. That picture was seemingly confirmed by the outcome of the election, when 52% of people voted for parties that were willing to revisit the issue in a second referendum, while 47% backed those parties wanting to 'get Brexit done'.

Not that many of those who participated in the 2016 vote had changed their mind. Polls during the 2019 election campaign suggested that 87% of 2016 Remain voters and 86% of 2016 Leave voters would vote the same way again. The swing in favour of Remain was driven primarily by the views of those who did not vote in 2016, who, by now, were more than two to one in favour of Remain. Some of this group had, of course, been too young to vote in 2016, but others, perhaps, had come to regret their decision to abstain.

The eventual resolution of Brexit shortly after the 2019 election witnessed a temporary swing back towards Leave. On average, polls between February and April 2020 showed 51% would now vote to leave, while only 49% would back rejoining. Meanwhile, the unveiling of a post-Brexit trade deal on Christmas Eve 2020 reinforced support for being outside the EU (at around 52%) throughout much of 2021.

However, in the autumn of 2021 some apparent teething troubles with Brexit began to receive media publicity. Shortages of food and petrol were widely blamed on a lack of EU-based drivers able to bring their lorries across the English Channel under the new regulatory framework. Opinion swung back in favour of rejoining the EU, with 52% now backing that view.

So far, then, support for Remain and Leave had been oscillating narrowly around the 50:50 mark. But the summer and autumn of 2022 witnessed the dramatic downfall of Boris Johnson and his replacement by Liz Truss, whose fiscal event severely undermined the government's perceived economic competence at a time when the economy had already taken a severe hit from the pandemic and subsequent 'cost of living crisis'. Net migration also reached a record high.

These developments were accompanied by a marked swing against Brexit. By the end of the Truss premiership, polls were pointing to 57% support for rejoining the EU. Just 33% said that the decision to leave had been right. The balance of opinion has deviated relatively little since.

A key element of the pro-rejoin majority continues to be those who did not vote in 2016. Polls of this group during the 2024 election campaign showed on average that half would vote to rejoin, while only 16% would back staying out.

That said, those who voted Leave in 2016 are now somewhat less likely to say they would vote to stay out (72%) than Remain voters are to rejoin (80%). Indeed, Leave voters are now markedly negative about the consequences of leaving the EU.

In a NatCen Opinion panel survey in September 2024, as many as 56% of Leavers said that immigration is higher as a result of Brexit, a very different outcome than many had anticipated eight years previously. Meanwhile, 47% felt the economy is worse off in the wake of leaving the EU. Even so, as many as 51% still feel that Brexit has given Britain more control over its own affairs, a perception that seemingly keeps many loyal to the Brexit cause.

The initial difficulty in delivering Brexit, together with the subsequent political and policy challenges that beset the last government, have contributed to a modest but notable movement away from the decision made in June 2016. Meanwhile, according to recent polling by Redfield & Wilton, as many as three in four (75%) of those who now want to rejoin would like the UK to have another referendum within the next five years.

However, despite having been elected by a largely pro-EU body of voters, the new Labour government has set its face against revisiting the issue. Much will now depend on whether or not, in the meantime, public opinion moves further against Brexit.

# EVALUATING 'BREGRET': THE VIEWS OF LEAVE VOTERS

Sophie Stowers

The increase in the number of voters - including some who voted Leave- now saying they would support 're-join' in another EU referendum has led to pro-Remain groups arguing that there is a strong case for reconsidering the UK's decision to leave the bloc. 'Brexit regret' has become a popular notion. Yet despite this shift in the public mood, reopening Brexit debates is not a priority for either the public or the largest formerly pro-Remain political parties.

Since Brexit, there has been an increase in the proportion of voters who would now opt to 'rejoin' if the referendum was run again. Since early 2022, more voters have said they would rather re-join the EU than stay out: 44% to 40% as of writing. Voters have consistently been more likely to say Brexit was the wrong decision rather than the right one since 2020. For over three years now, at least 40% of people have said Brexit has had a negative impact on the United Kingdom.

Since early 2022, voters have been consistently more likely to say they would rather re-join the EU than stay out

Should the United Kingdom join the European Union or stay out of the European Union?

UK IN A CHANGING EUROPE
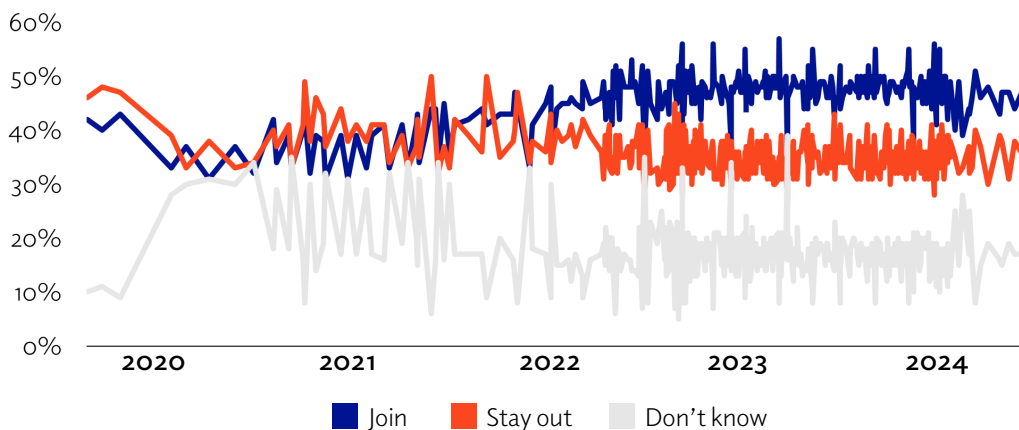
Source: What UK Thinks, UK poll results 4 February 2020 - 27 November 2024

A sizeable part of this shift comes from demographic change: older voters who were more likely to support Brexit have passed away, while younger voters, who tend to be more pro-European and were unable to vote in 2016, have come of voting age.

But there are also signs that some of those who voted Leave in 2016 have subsequently changed their minds. Data from 2023 showed that while 91% of Remainers would still vote as they did eight years ago, only 72% of Leavers say the same. Indeed, 16% of 2016 Leavers said they would now choose to vote Remain. Data from 2024 suggests 23% of Leave voters would vote to re-join.

In both polls, this Leave-Remain vote switching is found primarily among those Leavers with a negative view of Brexit so far. Of the 14% in 2024 who say Brexit has had a negative or very negative impact on the United Kingdom, over half say they would vote to re-join in the EU in the event of another referendum.

2016 Leavers-2024 Re-joiners are particularly negative about Brexit's impact on the economy and net migration

UK IN A CHANGING EUROPE

With the UK outside of the EU…. (Respondents who voted Leave in 2016 and say they would now vote to re-join in the event of another referendum)
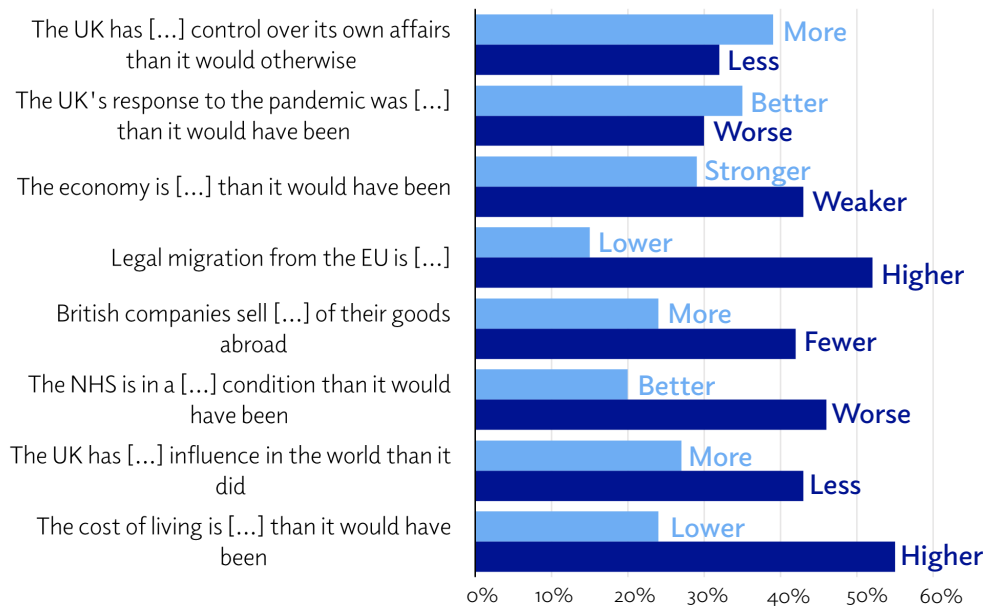
Source: Redfield and Wilton for UK in a Changing Europe, August 2024

It is difficult to disentangle what precisely is driving this discontent, as Leave 'switchers' tend to be negative about Brexit's impact in several areas - in particular its impact on the UK economy, the NHS, and migration rates.

If discontent with Brexit is driven by adjacent concerns around the economy, migration or public services, support for re-join (and rates of vote switching) may waver as net migration falls, NHS waiting times reduce, or as voters' economic appraisals become more positive. Evidence suggests this is the case.

And while significant numbers of Leave voters are not happy with the course of Brexit since 2016, a majority have still not changed their minds. Many remain optimistic about the future; in August 2024 43% of 2016 Leavers said that Brexit will eventually have a positive impact on the UK.

For many of these voters, the problem lies not with Brexit itself, but rather with the failure of politicians to implement it 'properly'. Nearly half of Leave voters said in 2023 that Brexit could have worked, but politicians did not even try. Many also said politicians failed to take advantage of 'post-Brexit opportunities', such as new trade agreements, encouraging businesses to source goods locally, or reducing 'red tape'. If Labour continues to move in a more (cautiously) pro-EU position, edging toward closer cooperation and alignment, many Leavers will continue to feel politicians have failed to exploit Brexit's benefits.

Indeed, Brexit discontent has not boosted support for Remain or Re-join among many Leavers but has instead driven unhappy voters to parties on the right - in particular, Reform UK. Farage himself has said many voters have been driven to his party by the Conservative government's failure to fulfil the promise of Brexit since 2016. 75% of 2024 Reform voters voted Leave in 2016, and almost half had voted for the Conservatives to 'Get Brexit Done' at the 2019 election.

Reform won 14% of the vote at the 2024 election, more than UKIP at its pre-Brexit peak in 2015. With both main parties seeing voters flow to Farage in the months since the election, and Labour backbenchers considering Reform a serious threat to the government's majority, it's highly unlikely that either party will support a significantly closer UK-EU relationship. Judging from the 2024 campaign, where Brexit was almost entirely absent, both parties would rather ignore the issue completely.

And absent political attention, the salience of Brexit has declined to its lowest level since 2014. In December 2024 just 14% of people said that the UK-EU relationship was one of the most important issues facing the country, down from a high of 73% in September 2019.

While a majority may exist in the polls for 're-join', support for another vote itself is not as strong. 44% of voters say the question of EU membership is settled and should not be reopened. This applies even to those who voted Leave in 2016 and are now dissatisfied to the point of saying they would vote to re-join, almost half of whom have no desire for another vote. Indeed, over half (54%) say they have 'moved on' from the Brexit debate.

Even given generational shifts, dissatisfaction with Brexit's impact on the economy and vote switching among Leave voters, mobilising latent support for 're-join' in such a way as to push Brexit back up the agenda would require the heft of a mainstream political party- none of which seem willing to lend their support. This could, of course, change with further economic troubles, further wins for Reform UK in local elections, and the election of Donald Trump; the Liberal Democrats have used the president-elect's victory as an excuse to be more bullish on Europe.

Discontent with the UK's decision to leave the EU and its consequences has become more widespread. However this does not imply a major shift of policy. Rather, dissatisfaction is benefitting primarily Reform UK, while convincing other parties to keep Brexit off the political agenda. Public opinion may be changing, but Bregret may not mean Breversal in practice.

BREXIT AND THE LAW

Catherine Barnard

While Brexit was a political decision, it required the law – and a lot of it - to give effect to the will of the people. This law has profoundly shaped the constitutional landscape, introduced a new raft of Henry VIII powers to allow the executive to act with little regard for Parliament, and a whole range of ungainly legal terminology.

The legal story began with a trip to the Supreme Court by Gina Miller. The Court made it clear that an Act of Parliament would be required to start the Article 50 'divorce' process; the Prime Minister did not have the executive (prerogative) powers to trigger Article 50 of her own volition. So a two-section act was passed, the European Union (Notification of Withdrawal) Act 2017, allowing the Prime Minister to notify the UK's intention to withdraw from the EU. Parliament did not use the passage of the act to require the UK to have a plan before it started on the formal withdrawal process, let alone impose an obligation to consult the devolved administrations as to how Brexit might affect their work.

On 29 March 2017 Theresa May notified the EU, thereby starting the clock ticking. The UK and the EU had two years to agree a withdrawal agreement. In the absence of a plan, much of that time was taken up with the UK negotiating with itself as to what sort of divorce agreement would be acceptable to it and what a future relationship might look like. It took a change of Prime Minister and a further general election to get the Withdrawal Agreement over the line, as well as a revision of the UK position on the Northern Ireland Protocol.

While the negotiations were taking place, the UK government was working on perhaps the most important piece of Brexit legislation, the EU Withdrawal Act 2018 (EUWA). This act had two main purposes. The first was to turn off the European Communities Act 1972, which had given effect to key principles of EU law in the British system: (i) the supremacy of EU law over conflicting national law and (ii) the principle of direct effect (i.e. the enforceability of EU law in national courts), while also giving the UK government powers to implement EU directives by means of statutory instrument (secondary law).

The second purpose of the 2018 Act was to retain all pre-Brexit EU law as part of UK law, including decisions of the European Court of Justice, until the UK government decided to repeal and/or replace specific provisions. This body of law was known as retained EU law. The basic premise - that everything must stay – was sensible, ensuring legal certainty at a time of significant upheaval.

The Withdrawal Agreement had to be implemented into UK law; the [EU (Withdrawal Agreement) Act 2020](#) (EUWAA), did just that. It ushered in a 'transition' period during which time EU law continued to apply in the UK while negotiations on the future relationship took place. These concluded on Christmas Eve with the Trade and Cooperation Agreement (TCA) which was hastily implemented into UK law via the [EU (Future Relationship) Act 2020](#). On 31 December 2020 at 11 pm, EU law ceased to apply in the UK; the European Communities Act 1972 was 'turned off'.

Meanwhile, the UK had to address the issue of the return of considerable areas of EU competence to the UK and how this fitted with the existing powers of the devolved governments. The Johnson government's response was the [UK Internal Market Act](#) 2020 (UKIMA). It provided a framework to allow goods and services to be traded across the United Kingdom.

The UK's internal market has much in common with the EU's single market. The UKIMA even drew on some of its terminology, such as mutual recognition and market access, albeit those terms have different meanings in the UK legislation. The practical impact of UKIMA is to allow English goods to be sold in, say, Scotland, even where they do not comply with higher standards set by the Scottish Parliament. This has raised concerns about the chilling effect of the act on the devolved governments' ability in practice to require higher standards. However, a recent dispute over a proposal to set up a UK wide [deposit return scheme (DRS)](#) has raised fundamental questions about the operation of the UK's internal market. This has precipitated an early [review](#) of UKIMA by the Labour government.

The other major piece of Brexit legislation was the [Retained EU Law (Revocation and Reform) Act 2023](#) (REULA). Its principal aim was the opposite of EUWA 2018 – to turn off all retained EU law unless it was deemed necessary. This 'everything must go' approach was highly controversial, not least because there was no accurate list of how much retained EU law remained on the UK statute books.

The UK government engaged in a concerted effort to try to answer that question. It initially estimated that there were about 3500 pieces of retained EU law; this figure was later revised upward to about [6700](#). After significant lobbying from a wide range of organisations, the Sunak administration reverted to the EUWA 2018 approach. However, it still identified a list of retained law which would be repealed and gave itself considerable Henry VIII powers to repeal more. Further, in an attempt to reframe retained EU law and remove any reference to the EU, this law is now called 'assimilated law'.

In fact, the change of government has meant that much of retained EU law will continue to be applied. The government has given no indication that it will use the Henry VIII powers in REULA to 'turn off' more assimilated legislation. Quite the contrary, with talk of a reset of relations with the EU, the government is planning to give itself Henry VIII powers in the Product Regulation and Metrology Bill to voluntarily align with EU standards in certain areas. Meanwhile, other UK legislation still retains a strong footprint of EU law. For example, section 49 of the Data Protection and Digital Information Bill provides for the continued application of supremacy of EU law.

All of this points to the fact that EU law continues to be of huge relevance in the post-Brexit world. Large swathes of pre-Brexit law and case law continue to apply in the UK as retained, now assimilated, law. EUWA 2018, UKIMA 2020 and REULA 2023 also require considerable knowledge of EU law to understand their operation. These acts, together with those giving effect to the Withdrawal Agreement and the TCA, have dramatically reshaped the constitutional landscape of the UK but have nevertheless ensured a high level of continuity and stability at a time of significant political turmoil.

REGULATORY DIVERGENCE

Joël Reland

Regulatory divergence is, from a British perspective, about remaking UK regulations in ways which were not possible as an EU member state. Cutting EU red tape to lighten the load on British businesses was a key government preoccupation after Brexit, but that agenda has now been more or less abandoned. To understand why, the UK's divergence journey can be split in three distinct acts.

But first, the prologue. Early in her premiership, Theresa May promised to exit the single market and customs union – thus granting the UK freedom to diverge from EU rules – before gradually rowing back as she realised the economic costs. This culminated in her Chequers plan, proposing harmonised rules on goods with the EU, but May was ultimately unable to reconcile demands for regulatory freedom and frictionless trade. It took another Prime Minister to make an emphatic choice.

And so to Act I: Boris Johnson. For Johnson, regulatory divergence was a *raison d'être*. He deliberately negotiated a 'hard' Brexit deal, giving the UK significant regulatory freedom at the cost of a distant trading relationship, and promised a smörgåsbord of results. This included interventions to 'level up' the UK (freeports, new subsidy and procurement regimes), lighter-touch regulation to boost innovative sectors (novel foods, AI, fintech) and new international trade deals.

Johnson created the impression of rapid change: his government published a 105-page document on the regulatory 'Benefits of Brexit', and launched the 'Brexit Opportunities Unit' to identify EU-era 'regulatory barnacles' to scrape off the British 'ship of state'. Yet he failed to back this up with action, delivering little beyond symbolic changes like the return of pint-sized Champagne bottles.

What, then, were the obstacles? Johnson's government underestimated the power of the 'Brussels effect', in other words, the regulatory force which the EU market exerts on those outside it. The reality is that the EU remains the UK's largest and closest trading partner (accounting for over 50% of UK trade) and divergence makes that trade harder. For any company operating in the UK and EU, divergence means having to comply with two rulebooks instead of one – adding complexity and cost.

In addition, the Northern Ireland Protocol which Johnson negotiated keeps Northern Ireland aligned with EU goods regulations, meaning UK divergence from those EU regulations also creates divergence between Great Britain and Northern Ireland, resulting in new trade barriers and a symbolic fragmenting of the UK. Widescale divergence would have made evident the fact that Johnson's government prioritised a hard Brexit over the integrity of the UK union.

And beneath all this was an overburdened state. Deregulation, ironically, requires a lot of bureaucrats: to find, design and implement ideas for reform - something they had little time to do given the wide range of new administrative tasks created by Brexit.

Perhaps in frustration at the lack of progress, the government developed its Retained EU Law Bill which, notably, included a 'sunset clause' that would have seen 5,000+ pieces of 'retained EU law' (copied over after Brexit) expire by default at the end of 2023. There is no historical precedent for a nation-state unilaterally removing a core pillar of its legal system overnight, and the proposal caused significant angst amongst businesses and lawyers about the regulatory and legal lacunae it would leave. The clause was eventually abandoned by the Sunak government, with Business Secretary Kemi Badenoch arguing: "I am certainly not an arsonist; I am a Conservative. I do not think a bonfire of regulations is what we wanted."

Sunak's government represents Act II of the divergence story. The new PM put the interests of business before the delivery of 'Brexit benefits'. Though Sunak campaigned to be Conservative party leader by promising to fast-track the sunset clause (including an infamous video involving a shredder), our research found that, once he took power, the pursuit of divergence slowed significantly. His government also paused some ongoing divergence - new regimes for chemicals registrations and product certification - due to the significant financial and administrative costs for businesses.

This reflects the fact that Sunak came to power in challenging economic circumstances - high inflation and a cost-of-living crisis - which divergence risked exacerbating. But Sunak also took a very different approach to Northern Ireland. His government's 'Safeguarding the Union' paper promised not to diverge in ways which would increase the GB-NI regulatory gap - in effect a promise not to diverge very much at all, given how much EU law Northern Ireland is obliged to follow. This cemented a new consensus in Westminster, shared by the Labour Party, about the benefits of non-divergence.

Which brings us to Act III: Labour. Keir Starmer's government has unsurprisingly maintained the policy of non-divergence but, crucially, gone a step further in laying the foundations for regulatory *alignment* with the EU. Though the UK may have stopped deliberate divergence, the EU remains a very active regulator - and this means that a regulatory gap grows by default. Over time, this 'passive' divergence will lead to growing trade frictions and gaps in standards, with both the EU and Northern Ireland.

The centrepiece of Labour's alignment strategy is the Product Regulation and Metrology Bill, which [allows the government](#) to replicate EU rules related to the environmental impact of products. Much EU legislation is likely to be within scope, but major questions remain about how the powers will be used in practice. There is a major democratic question around the suitability of using statutory instruments – rather than acts of Parliament – to pass such legislation, as it gives MPs very little ability to scrutinise potentially significant regulatory changes. There are also delivery questions: does the government have a strategy for deciding when alignment is necessary, or the – potentially significant – resources required to implement it?

The tools for alignment might thus be used sparingly, meaning little practical difference between Acts II and III of the divergence story. Yet, if the powers are used more extensively, the UK will be in the curious position of opting to be outside the EU single market while voluntarily aligning with much of its legal acquis. Which would beg the question of what, really, is the purpose of such a Brexit?

BREXIT IMPACT: THE ECONOMY

Jonathan Portes

EU membership facilitated trade, capital flows, and migration between the UK and other EU member states that made the UK more attractive to foreign investment. Almost all economists therefore expected that Brexit would, by reducing all of these, damage the UK economy (and, albeit to a much lesser extent, EU economies). Very few thought that any hypothetical gains from trade deals with non-EU countries, or from regulatory divergence, would come close to compensating.

Reviewing the evidence, and summarising this consensus, the Office for Budget Responsibility concluded that "the volume of UK imports and exports will both be 15% lower in the long run than if we remained in the EU... we assume that this leads to a 4% reduction in the potential productivity of the UK economy... with the full effect felt after 15 years."

Separately, the Treasury, focusing on the immediate impacts of a Brexit vote, forecast an immediate crisis that would tip the UK into recession. However, after the referendum, while the pound fell sharply, interest rates did not rise and neither share nor house prices fell. Businesses and consumers did not reduce spending or investment, and the labour market remained strong. There was no visible negative impact on growth and certainly no recession.

The Treasury's short-term forecast was comprehensively disproved; this had a broader political impact, with some commentators attempting to use this failure to discredit analyses of the longer-term impacts of Brexit. However, this did not invalidate the long-run predictions of the damaging effects of restrictions on trade and migration.

So, more than eight years after the referendum, and four years after the implementation of the Trade and Cooperation Agreement and the post-Brexit migration system, how do predictions match up with reality? As expected, Brexit has hurt the UK's trade performance. The negative impact has been very much focused on trade in goods, while services trade has held up well. But, contrary to most predictions, the government's post-Brexit migration regime has contributed to the recent sharp rise in work-related migration, boosting employment and GDP growth. Investment has been weak, although this largely predated Brexit.

Estimating the overall impact of Brexit is complex when there are so many other factors – Covid, energy prices and consequent inflation spikes – affecting the UK economy. So rather than looking at the direct impact of these changes to trade and migration on GDP, estimates of the overall impact of Brexit on the UK economy usually proceed by comparing the UK's economic performance with a weighted average of other, comparable countries – the so-called 'doppelgänger' approach.

UK GDP growth has underperformed other comparable economies since Brexit

Actual UK GDP growth vs. 'doppelgänger' model (weighted basket of countries whose combined GDP growth most closely matched the UK's before 2016).

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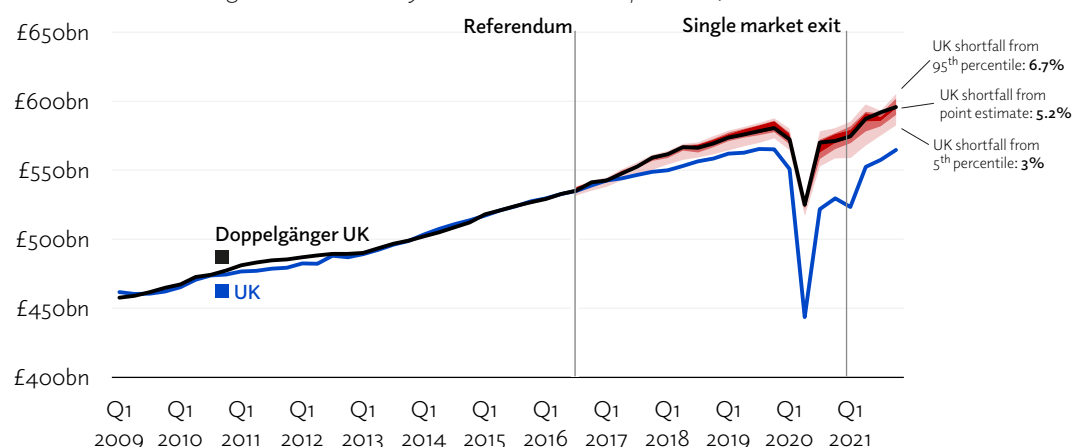
Source: John Springford analysis of ONS and OECD data. GDP figures based on chained volume measures.

[Estimates](#) using this method all find large, negative impacts, of often more than 5% of GDP. However, this method only measures the change in UK economic outcomes after 2016 relative to other countries; it does not tell us *why* it changed. While some or even most of that change may be attributable to Brexit, other unrelated factors will also affect relative growth rates. It seems likely that much of the 'underperformance' – which is in part shared by other large European countries, including France, Germany and Italy – is due to other factors, and that these estimates are therefore overstated. It is difficult to believe that the UK would, absent Brexit, have substantially outperformed comparably sized European economies.

The OBR agrees, and has maintained its view that the long-term impact on productivity will be about 4%, much but not all of which has already materialised. This in turn has significant fiscal costs, even after taking account of reduced EU contributions, worsening the UK's already difficult fiscal position.

So, overall, economists' characterisation of Brexit as an economic 'slow puncture', rather than a car crash, has largely been vindicated. The British public agrees; two-thirds think it has damaged the economy, while even among Leave voters only one in five thinks the impact has been positive.

Economic modelling provides little guidance on how the impacts of Brexit will evolve in future. To the extent that uncertainty reduced investment in the period after the referendum, some catch-up might be possible. And some firms may now have adjusted to the new trading arrangements. On the other hand, some investments that were made in the UK because of its EU membership represent sunk costs; while firms will continue to operate them, they may not be replaced, meaning the impact could grow over time. And small firms have clearly suffered more, which may inhibit future trade growth.

What about the new government's 'reset' of the UK-EU relationship? The consensus is that as long as the 'red lines' around single market and customs union membership remain, the positive economic impacts will be [modest](#). The UK might also benefit from trade deals with countries outside the EU, although most analysis suggests direct benefits will be limited. On migration, much will depend on whether the UK maintains a relatively liberal policy towards work and student migration, or whether political pressures result in a more restrictive and economically damaging regime.

Even less certain are possible gains and losses from regulatory divergence with the EU: while there is little appetite in business or government for such divergence in established sectors, there is more scope in leading-edge sectors. However, whether this is realistic for a middle-ranking economic power, given the current dominance of the US (and the ambitions of the EU) is less clear. 'Passive divergence' – where the UK does not align itself with new regulation in the EU – is likely to have costs as well as benefits.

It will become increasingly difficult to separate out the impact of Brexit – as opposed to UK economic policies more generally. Already, it is conceptually difficult to say whether a particular policy decision – on industrial policy or migration policy, say – is a 'Brexit impact' or whether it would have happened anyway. So while Brexit may never be 'done' in a political sense, economic research in future is likely to focus more on the evaluation of specific policy.

BREXIT IMPACT: TRADE

Emily Fry

It has been a turbulent few years for Britain's trade. Amid the pandemic, Britain entered a new trading relationship with the EU, swiftly followed by the European energy crisis. These three events delivered shocks to the global trading system, with their impacts difficult to disentangle.

The big story from this period is that services and goods performance have diverged. Since 2019, the total value of UK goods exports has risen by just 0.3% each year, far below goods export growth across the OECD of 4.2% annually over the same period. In the same period, total services exports have grown faster than OECD exports (7.5% per year vs 6.1% per year). The normal performance of services is the surprise: the non-tariff barriers under the Trade and Cooperation Agreement (TCA) are equivalent to an increase in tariffs of 13% for manufactured goods and 21% in services, because - like most Free Trade Agreements - the TCA is predominantly focused on reducing barriers to trade in goods.

Despite Brexit, UK services trade has kept pace with the OECD

Index of goods and services imports (left chart) and exports (right chart), current prices (2012Q1=100): OECD and UK

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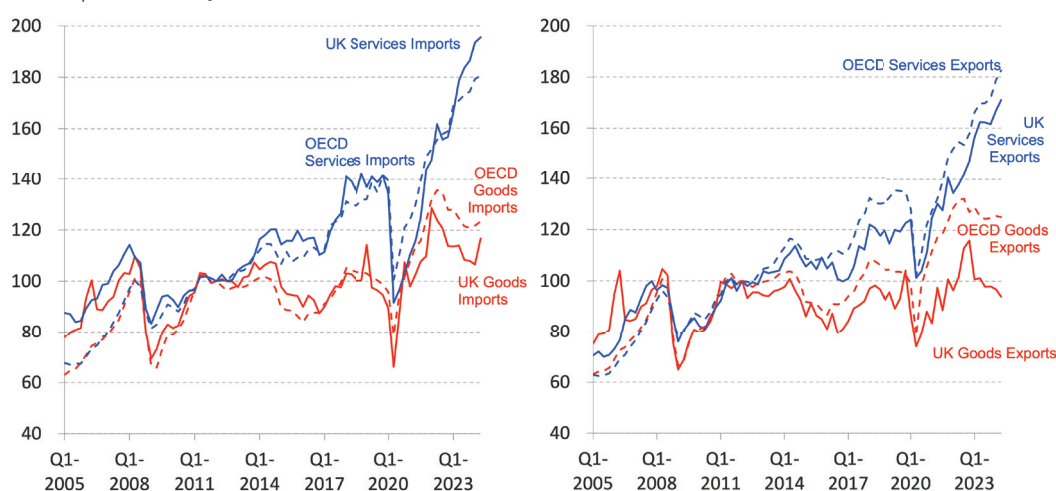
Source: Resolution Foundation analysis of OECD, Balance of Payments, Revenue and Expenditure.
Notes: Current prices, seasonally adjusted. USD exchange rate converted. Data includes precious metals.

The TCA was expected to reduce Britain's exports of manufactured goods by 22% and imports by 14% in the long-term. The recent drop, however, has been striking. By the end of 2024, goods trade volumes were down 9.4% since 2019, leaving Britain watching the global post-Covid goods boom from the sidelines.
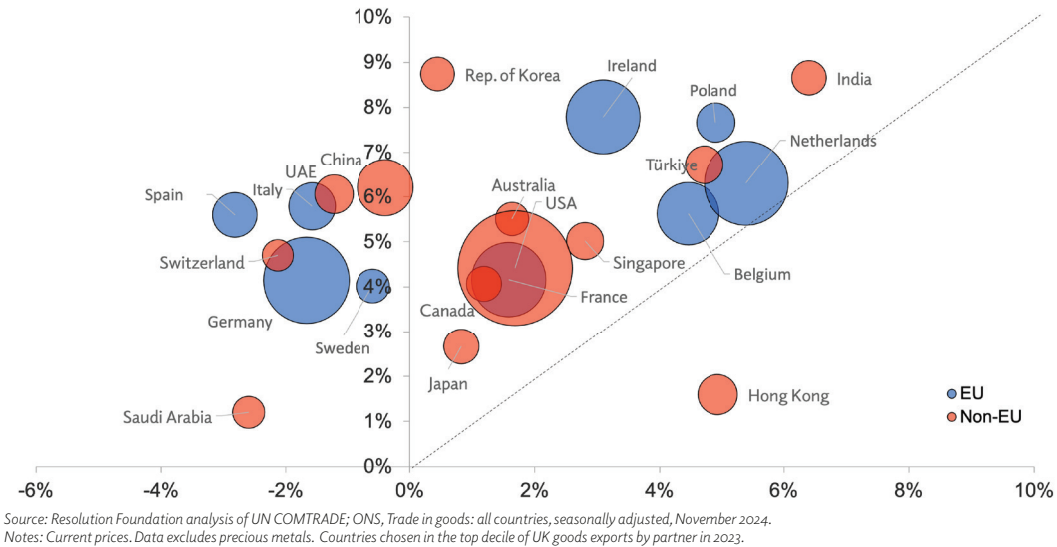
The EU is the UK's largest partner, accounting for more than half (50.4%) of goods trade. But that trade has been sluggish, with both EU and non-EU partners seemingly defying expectations that Brexit would only impact EU trade.

British goods exports have lagged the growth in imports by all of the UK's major trading partners since 2016, apart from Hong Kong.

Goods export growth has been sluggish

Annualised growth rate of UK goods and partner goods imports from world: UK, World, 2016-2023

Source: Resolution Foundation analysis of UN COMTRADE; ONS, Trade in goods: all countries, seasonally adjusted, November 2024.
Notes: Current prices. Data excludes precious metals. Countries chosen in the top decile of UK goods exports by partner in 2023.

Yet a meaningful part of the weakness in goods trade since 2019 is linked to the customs and regulatory barriers introduced by the TCA. Firm-level data reveals that exports to the EU by smaller businesses have dropped by 30%, with around 20,000 firms ceasing exports entirely. This decline in small and medium business exports contributed to a 13.2% fall in goods exports to the EU by the end of 2022. UK goods trade slid further in 2023 and 2024, and other estimates which compare the UK's trade growth with other countries suggest that exports to the EU fell 27% by the end of 2023 partly due to disruptions in deeply integrated supply chains.

Services now account for the majority – 54% - of UK exports. The UK's strengths in services are broad-based, with revealed comparative advantages – a measure of a country's product specialisation - in more than three-quarters of services sectors. And trade is more diversified across services partners than goods: while the EU remains the UK's largest trading partner, with 36% of services exports, the US is close behind at 27%. This breadth makes the UK a 'services superpower', second only to the US in total services exports.

While modelling predicted professional services would be among the hardest hit sectors by the TCA, the UK's consultants, advertisers, and lawyers have continued to increase sales in overseas markets in the 2020s. This has contributed to an increased share of global services exports within the OECD. Since 2019 the UK's share has increased by 0.9 percentage points, outperforming

France and the US, which saw declines of 0.1 and 1.3 percentage points, respectively.

It appears that some of the problems facing goods trade – hard borders, physical checks – don't arise in the same way for services exporters, who can find ways to adapt. They changed the way they trade post-referendum by establishing EU-based subsidiaries, often in anticipation of new barriers such as visa or data requirements. Information, communication and technology is one sector which has adapted well by 'mode-switching' to selling through subsidiaries with minimal disruption to trade, although those switches are not without cost. Meanwhile, sectors like construction, where this approach is less feasible, have faced greater challenges in trading with the EU.

The ability of services firms to mode-switch has led to strong performance in sectors such as film, TV, computer programming, and information services. Exports in the largest sector of these, computer programming and consultancy, grew 84% between 2015 and 2022. In contrast, more heavily regulated industries like accounting, legal, and financial services, which are particularly exposed to the loss of mutual recognition of professional qualifications and equivalence deals, have struggled. Financial services exports have fallen to 33% below their 2007 peak, and goods-related service sectors like warehousing and transportation have fallen in tandem with goods exports.

Implementing the TCA is a work in progress. Further import checks for EU goods are set to be introduced in July 2025, and the UK-EU data adequacy agreement is up for renewal in 2025. Given the damage to goods trade, it makes sense to hang on to EU goods standards in advanced manufacturing, with big gains possible only by revisiting the Government's red lines of no customs union or single market. The UK government's 'EU-reset' holds promise, with the Product Regulation and Metrology Bill, which will 'recognise new or updated EU product regulations', a pragmatic approach to regulatory alignment.

And post-Brexit trade is not just about Europe. The global trade story of 2025 is likely to revolve around Trump-tariffs on goods which could accentuate the contrasting fortunes of UK goods and services trade post-Brexit. This is quite some context for the UK to take control of its trade policy for the first time in half a century. For the first time in half a century, Britain can set its own trade policy. While a series of rollover deals preserved pre-existing relationships from its time in the EU, new trade agreements with New Zealand, Australia, and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) broadened Britain's reach. However, these new deals will likely have limited economic impact – Britain already had agreements with nine of eleven CPTPP members.

The focus is now on signing and modernising trade deals, including FTAs with the Gulf Cooperation Council and India. But at a time of heightened geopolitical tensions, a forward-looking trade strategy would also involve negotiating deeper sectoral services deals. The detail will be varied, often technical, and rarely glamorous. But this is Britain's clearest route to prosperity.

BREXIT IMPACT: INVESTMENT

Stephen Hunsaker

The UK has long faced challenges with low investment levels, affecting both business and public infrastructure. While these issues predate Brexit, the economic uncertainty stemming from the UK's decision to leave the EU has deepened the country's investment struggles. One of the most significant consequences of Brexit was the loss of funding from the European Investment Bank (EIB), which historically played a critical role in financing major UK infrastructure projects. Despite efforts to replace this funding with new domestic investment banks, the gap remains substantial, posing significant challenges to Labour's plan for future growth.

There is a consensus that low levels of investment, both private and public, have held back productivity growth. The relatively low level of business investment in the UK pre-dated Brexit, but both aggregate data and survey evidence strongly suggest that Brexit is at least partly responsible for the particularly poor performance since 2016.

UK investment remains the lowest in the G7

Gross fixed capital formation (GFCF) as a percentage of GDP for G7. Dark blue line represents United Kingdom

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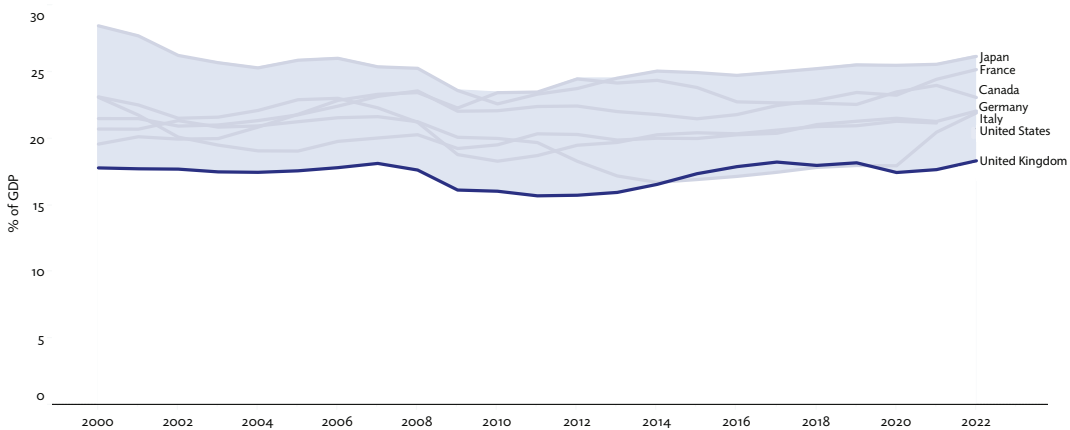
Source: OECD stats. GFCF.

Investment may have been 10% lower than expected, potentially reducing productivity and GDP by over 1%. Some argued that this was driven primarily by Brexit uncertainty – and so would improve once the Brexit deal was implemented – but there is little evidence of this to date. The UK has continued to underperform the rest of the G7 on investment. Additionally, the UK saw rapid growth in business investment from 2010 to 2016 but as of Q2 2024, business investment remains at the same level as in Q2 2016.

Business investment has slowed since 2016

Business Investment Index for the United Kingdom from 1997 to 2023.
Reference year 1997 = 100

● GFCF   ● Business investment

Index (2022 = 100)

[Chart: Business Investment Index for the United Kingdom from 1997 to 2023, showing GFCF and Business investment lines. Y-axis ranges from 50 to 120. X-axis from Q1 2000 to Q2 2024. Annotations include "Global financial crisis of 2008", "Coronavirus pandemic", "Referendum on UK membership of the EU", "Stock market crash", "UK leaves the EU single market and customs union", "Record growth following UK lockdown easing".]

Source: Business Investment results from Office for National Statistics. Graphic by the ONS.

The challenges in public investment post-Brexit have largely stemmed from the loss of access to EIB funding and efforts to replace it with domestic investment banks. Before Brexit, the UK relied heavily on the EIB to finance major infrastructure projects. The EIB had played a quiet but crucial role in supporting the UK's largest infrastructure projects since the country joined the European Economic Community (EEC) in 1973, to the sum of £146bn (in 2024 real prices) on over 1,000 projects including the Channel Tunnel, offshore wind farms in Scotland, and London's Elizabeth Line. Between 2009 and the end of 2016, the EIB's average annual lending to the UK was £6.4n in 2024 real prices, peaking at £8n in 2016.

After the Brexit referendum, EIB investment levels in the UK shrank dramatically, even though the UK technically remained a member until its formal EU departure. Funding fell by 72% from 2016 to 2017, and by 2019 was 94% below 2016 levels. After the UK left the EU, it ceased receiving funds from the EIB and its share capital was returned. No plans were formed to maintain formal relationships with the EIB as a non-member state, such as the European Free Trade Association (EFTA) and enlargement countries have with the bank.

In response, the UK established four domestic investment banks. The UK Infrastructure Bank (UKIB) was created as the primary successor to the EIB, while the Scottish National Investment Bank (SNIB) and the Development Bank of Wales (BANC) were set up to support devolved nations.

The British Business Bank (BBB), specialising in small and medium enterprise (SME) investments, also expanded its operations.

Despite these initiatives, the new banks have struggled to fill the gap left by the EIB. In 2022, even while combined funding increased by 99% to £2.8bn, this was still only a third of the EIB's investment levels in 2016. Infrastructure investment stood at just £1.3bn, an eighth of what the EIB provided. However, the BBB has outperformed the EIB in SME investment, demonstrating some relative success.

This struggle to invest at EIB level stems from the smaller size of these banks, difficulties in attracting qualified staff, the lack of an AAA credit rating, and limited institutional credibility with private investors. These issues have restricted the UK investment banks' ability to finance larger or riskier projects.

There have been signs of progress. In 2023, the UK supported projects on a scale similar to those financed by the EIB, including semiconductor manufacturing, green hydrogen production, and offshore wind port development. Investment levels also saw an 18% annual growth rate. Yet, these efforts replaced only 42% of the £8bn the EIB invested in 2016. In critical sectors such as infrastructure, the replacement rate was just 20%.

UK investment banks' lending was only at 42% of previous EIB levels

UK IN A CHANGING EUROPE

Annual investment into the UK including private and public loans, equity investments and guarantees by investment banks in real terms in £ billion
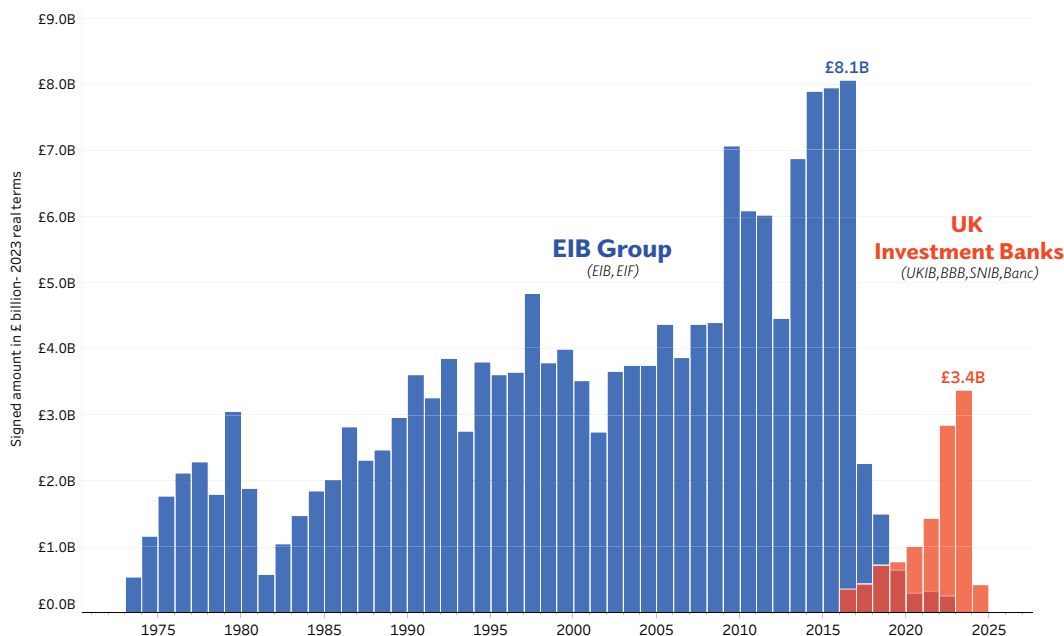
Source: Data from each respective bank's website and annual reports. Amounts are overlaid, not stacked. In real terms using GDP deflator, 2023 base year.

Former EIB president Werner Hoyer predicted in 2018 that it would take the UK a decade to replace the EIB. Current trends suggest this estimate may hold true. Even with continued growth at 2023 levels, UK investment banks are unlikely to surpass EIB levels until 2028.

Labour has announced plans to increase public investment, primarily through the National Wealth Fund (NWF). However, the NWF's funding remains relatively [modest](#) – originally £7.3bn over five years, now reduced to £5.8bn. This equates to less than £1.2bn annually, a 35% increase for the UK investment banks but still a relatively small contribution to national investment needs.

In practice, the NWF is simply a renaming of the UK Infrastructure Bank, with an injection of additional capital. This does not address the structural challenges the UKIB faced.

The other large investment project announced was Great British Energy, designed to invest in renewable energy with an £8.3bn fund over the parliamentary term. It is still too early to assess its impact.

The UK faces a decades-long trend of low investment, exacerbated by the anticipation and implementation of Brexit. Departure from the EIB created a significant gap in both the quantity and quality of public investment at a time when such investment was critically needed.

The Chancellor, like her predecessor who introduced full expensing and ordered a review into how to attract more foreign direct investment, knows that investment is a priority. An early action by this government was to organise a big investment summit and it is developing an industrial strategy. The budget also saw an increase in public investment, which the OBR says will increase growth in the long-run. But the government needs to convince investors that the UK, post-Brexit, is a good place to do business, and that business worries about tax and labour reforms are unjustified-all while showing it can use public investment funds well. Both are far from proven at the moment.

BREXIT IMPACT: MANUFACTURING AND INDUSTRY

David Bailey

The immediate impact of the 2016 referendum was uncertainty for UK manufacturing over the future UK-EU trading relationship. Investment in the UK slowed and took a subsequent hit during Covid. It recovered slowly, being some 10-11% lower than expected levels by mid-2022. As a result, investment in UK manufacturing in areas such as battery gigafactories has fallen behind that in the EU and US.

The Trade and Cooperation Agreement (TCA) provided important clarity for UK manufacturers by largely preserving tariff-free UK-EU trade. However, this was far from the frictionless trade of membership. Brexit has imposed extra costs on firms in terms of compliance with customs and rules of origin requirements, supply chain disruption, labour shortages, regulatory burdens and reduced funding for research and development (R&D). The UK repeatedly delayed the imposition of full customs checks on imports so as to keep imported goods flowing. While the UK's Border Target Operating Mechanism set out how the UK will gradually introduce border controls on imports from the EU, entry summary declarations were delayed until 2025. However, challenges remain around exporting given that the EU has imposed the full gamut of customs checks on British goods. This is an asymmetry disadvantaging British manufacturers: the latter face extra costs in complying with customs rules while EU competitors can still trade relatively freely with the UK.

Some UK manufacturing firms have ceased exporting or now stockpile at hubs in, say, the Netherlands. Manufacturing supply chain disruption was exacerbated by the pandemic (manifested by chip shortages in manufacturing and skills shortages in certain sectors), and the war in Ukraine (visible in higher energy costs and key materials shortages). Overall, British manufacturers have been exposed to risks and costs that are unlikely to disappear going forward, in what can be seen as a 'slow-burn' disruptive process. Such impacts have been most profound for export-oriented sectors in regions such as the North East, which makes post-'levelling up' regional development more challenging.

The adverse impacts of Brexit have been seen through reduced trade with the EU, with an estimated 27% drop in UK exports and a 32% reduction in imports between 2021 and 2023, along with a 33% decline in the range of UK goods

exported to the EU. Sectors such as material-based manufacturing have been most affected. And new non-tariff barriers have proved particularly challenging to smaller firms in manufacturing supply chains. Most recently, the EU's General Product Safety Regulation requires non-EU firms exporting to the EU to appoint a responsible person within the EU to manage compliance and safety-related issues. This is again likely to impact most on small UK manufacturers, with some reportedly pulling exports from the single market.

Some sectors (including automotive) began reorganising their supply chains away from EU countries, even before the TCA, perhaps anticipating barriers on imported inputs. Such sectors have seen a rise in imported components from non-EU countries, suggesting that supply chains have been through a process of dis-integration from EU ones. This reduces efficiency – if sourcing from the EU was previously the most efficient option – thereby pushing up UK manufacturing costs. There appears to be a knock-on effect on UK exports beyond the EU due to fewer intermediate products being imported from the EU to go into goods that are then exported globally. This appears to be a factor in the reduction in non-EU as well as EU goods trade. Meanwhile, manufacturers more orientated towards the domestic market, such as the food and drink sector, have grown. These tend to be lower-productivity sectors, and such changes in production to focus on the UK market may be a contributing factor in UK productivity falls post-Brexit.

Manufacturers have had to undertake detailed risk management and scenario planning, and take a range of mitigating actions. These have included exporting fewer types of products or pulling out of exporting to the EU completely, stockpiling components given difficulties in maintaining just-in-time systems, shifting production to the EU, or looking to redirect trade to new markets beyond it. The global trading system also faces uncertainty given incoming President Trump's threat of a flat tariff of 10-20% on all US imports. This could be a sizeable hit for UK manufacturing, impacting most on high-value sectors such as automotive, aerospace and pharmaceuticals, as well as drink exports such as whisky. Such effects would be worsened by tit-for-tat tariffs by other countries; UK total exports could fall by £22bn (-2.6%) and imports by £1.4bn (-0.2%), with significant variations across sectors.

Possibilities for regulatory divergence were seen as a key benefit of Brexit. Yet few firms in sectors such as automotive, aerospace, pharmaceutical or chemicals see any benefit, rather only additional costs. The weight of evidence and industry opinion points towards more divergence meaning more disruption. One 'reset' which might help UK manufacturing is the Product Regulation and Metrology Bill. This would allow the government to keep pace with new EU product safety regulations. In addition, the EU 'CE' mark (denoting conformity with EU product

requirements) could continue to be accepted in the GB market even as EU regulations evolve, avoiding new administrative costs for businesses.

However, alongside any UK-EU 'reset' developments, the UK needs an active, integrated, and well-funded industrial strategy. On this, the government's Invest 2035 Green Paper seeks to position the UK, including advanced manufacturing, for the future in terms of innovation, infrastructure, and clean energy. The Green paper is welcome but incomplete, offering little clarity on how sectors deeply integrated in EU supply chains and markets can thrive outside of the EU. In this respect, more consideration is needed of issues to be mitigated – for example, the EU's Carbon Border Adjustment Mechanism – and opportunities to be seized – such as enhanced UK-EU cooperation on clean energy.

Overall, post-Brexit the UK economy is less open to trade and investment, reducing UK manufacturing competitiveness and its ability to compete in both EU and global markets. The government's new industrial strategy needs to address major issues facing the sector such as skills, investment, scaling-up new clean technologies, as well as ongoing post-Brexit uncertainties.

BREXIT IMPACT: SERVICES

Sarah Hall

Much of the heat in the prolonged debate over Brexit after the referendum focussed on the impact on trade in goods. Services, on the other hand, were largely excluded from the Brexit negotiations and the TCA.

This comes despite services making up over 80% of total UK economic output and 88% of employment. Unlike in goods trade, the UK runs a trade surplus in services with the EU, despite the fact that many services such as those that dominate our high streets cannot be easily traded. Despite this, UK services trade with the EU has been less negatively impacted by Brexit than that in goods. Services exports to both EU and non-EU countries were negatively impacted by Covid but have recovered to pre pandemic levels, with a slightly lower growth rate to the EU compared with the rest of the world.

Services exports to both EU and non-EU countries have grown since the end of Brexit transition

UK services exports to EU and non-EU countries, 2019 prices, quarterly data.

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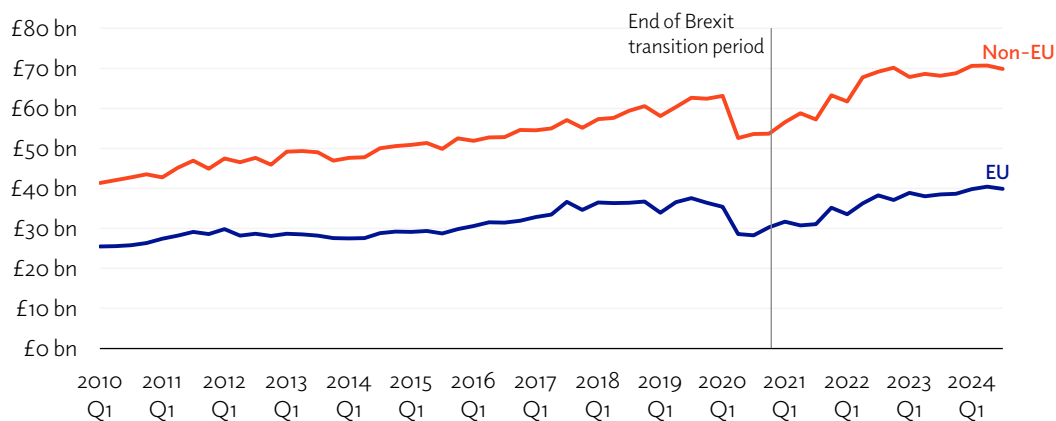
Source: ONS series JLTT and JLV3.

In some ways, these figures are surprising because the TCA reduces barriers to UK-EU goods trade more than it does for services. That said, the impacts differ markedly within the services sector itself. UK service exports have been dominated by financial services for some time with 2024 figures placing the sector second only to business services.

Following Brexit, the sector lost its passporting rights which had allowed UK based financial services forms to sell their services across the EU without the need for additional regulatory clearances. Passporting meant the UK was an attractive location for international firms, notably US banks, which used their UK base as their EU headquarters. It is therefore not surprising that there have been

UK services exports are dominated by business and financial services

Top five UK services exports in the four quarters to the end of September 2024.
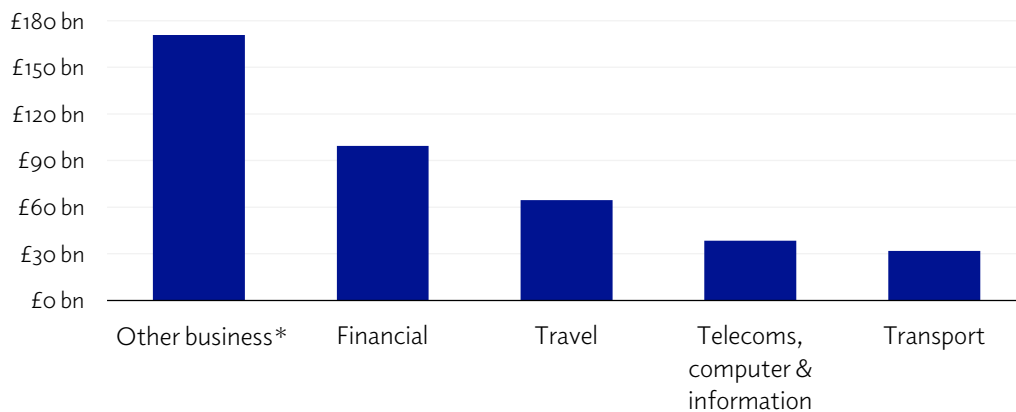
Source: ONS UK trade October 2024
Note: 'Other business services' comprises professional and management consulting services including legal, accounting, management consulting, public relations, advertising, and market research; technical and trade-related business services including architectural, engineering, and scientific services; and research and development services.

some high-profile bank relocations from London to Paris, including Goldman Sachs, JPMorgan and Citigroup.

The UK is now reliant on equivalence decisions to access the EU market. These decisions allow a UK based firm to access the EU without additional paperwork when the EU judges the UK's regulations to be equivalent to their own. The UK initially sought a comprehensive number of equivalence decisions across a range of areas, similar to those held by the US and Singapore for example. However, the EU took a much more restrictive approach, granting two with only one currently active and due to expire in June 2025.

In the absence of widespread equivalence decisions, and without the need to conform to EU regulation in order to maintain them, some argued that the UK could gain an advantage by diverging from EU standards and better tailoring regulation to the specifics of the UK market. However, the Johnson and Sunak administrations were clear that whilst they saw benefits in regulatory autonomy, they did not want to partake in a regulatory race to the bottom. Their regulatory approach was set out most clearly in the Edinburgh Reforms, but the sector generally argues that the speed at which any such changes have been implemented has not outweighed the additional costs of Brexit.

However, worst case estimates that hundreds of thousands of financial services jobs would be lost to the EU have not materialised-recent figures suggest somewhere in the tens of thousands. These have been distributed across a range of European financial centres after Brexit, with Paris and Dublin doing particularly well. As a result, while London remains Europe's largest financial centre, its growth rate is flatter than those of European counterparts and markedly lower than that of New York.

It is too early to set out what the Starmer administration's approach will be for financial services trade with the EU. However, the sector is identified as a key strategic sector in [their](#) industrial strategy and Rachel Reeves has [identified](#) financial services as a sector she would like to support as part of the UK-EU 'reset'.

The issues for professional services, such as legal services and architecture, are different. Here, Brexit-related regulatory barriers to trade include the ability to set up an office in the EU, the ease with which individuals can travel from the UK to the EU and particularly, the authorisation of UK trained professionals to sell their services in EU member states. When the UK was a member state, this was automatic. Outside the single market, such arrangements are governed through the mutual recognition of professional qualifications (MRPQ). An MRPQ agreement would mean that a UK qualified lawyer for example, would not require additional checks and paperwork in order to work on a project in an EU member state.

The TCA contains provisions to allow the UK and EU to agree to sector specific MRPQ deals but none have been granted so far. The professional associations of architects in the UK and the EU put forward proposals for an MRPQ in 2022 but it was [rejected](#) by the Commission on the basis that the proposal was 'unbalanced and prejudicial to EU architects' because UK architects would have a 'level of recognition similar to that which they enjoyed when the UK was a member state'. This reflects the EU's cautious approach to liberalising service trade with the UK.

Nonetheless, what the Office for National Statistics terms 'other business services' have boomed post Brexit. These include legal services, architecture, IT and consultancy services amongst others. In terms of exports, it has overtaken machinery and transport equipment, historically the UK's largest export sector. However, the sector was less reliant on EU membership than financial services. As a result, Brexit imposed fewer additional costs. Business services are less heavily regulated and are less impacted by the lack of MRPQS. Covid accelerated the remote delivery of these services, which makes it easier to establish new trade opportunities without the cost of setting up a new office base.

To date therefore, headline figures indicate that the UK services sector has adapted to Brexit more easily than the goods sector hide markedly different post-Brexit trends in different types of services. Some high street services, like hospitality, are not tradeable and hence have not been impacted by trade, but have faced recruitment difficulties due to their reliance on lower paid migrant workers form the EU prior to Brexit. High value, but highly regulated, services such as financial services are navigating a period of regulatory change and uncertainty. And others, such as business services and consultancy are booming.

The current Government has [identified](#) a number of service sectors as being central to delivering on its growth mission including financial services, professional and business services and the creative industries. However, the Government has yet to make clear whether or how it proposes to use its reset with the EU to boost UK services.

BREXIT IMPACT: AGRICULTURE

Carmen Hubbard

Agriculture is one of the sectors most affected by Brexit. Leaving the EU entailed a major shift in UK agricultural policy, with the replacement of the EU's Common Agricultural Policy (CAP) bringing significant economic and political changes to British farming. Brexit was backed by a majority of farmers, and hailed by then-Defra Secretary of State Michael Gove as a 'once in a life-time opportunity' to replace the 'fundamentally flawed' CAP with "our own national food policy [and] … agriculture policy".

This has brought both challenges and opportunities. However, eight years on, British farmers are far from happy. A survey of 900 farmers in 2023 found that about 70% felt that Brexit had had a 'fairly negative' or 'very negative' effect on their business, with large cuts in farming support, higher input costs, increased red tape and free-trade deals highlighted as the main reasons. Under the CAP, British farmers benefited from various types of support. They received £3.2bn in annual payments, mostly in the form of direct payments (per hectare) alongside support for environmental and rural development schemes. But not all farmers benefited equally, with most of the money going to large landowners. In England, some 85,000 farms were eligible for direct payments and these received about £1.7bn in 2016. Almost half of this went to the top 10% of farms, while the bottom 20% received less than 2%. There is a strong argument that, as with other EU member states, the CAP made British farmers heavily dependent on support payments, with upland beef and sheep farms receiving 90% of their farm business income from these.

Brexit meant the end of EU subsidies, with future support funded entirely by the UK taxpayer. In 2019 the UK government pledged to continue the same cash level of CAP support, at least to the end of that parliament in 2024. However, as agriculture is a devolved matter, Brexit led to the replacement of the CAP with four distinctive agricultural policy frameworks, designed to better reflect the different geographical conditions and the nature of farming across the four home nations, with changes being implemented at different speeds.

In England, the Agriculture Act 2020 stipulates a gradual phasing-out of CAP direct payments by 2028 and their replacement with a system that rewards farmers and land managers for delivering (primarily) environmental benefits through the Environmental Land Management schemes (ELMs). Direct payments started being reduced in 2021, delinked in 2024, and Labour is speeding up their

phasing out. A 76% reduction will apply to the first £30,000 with no more payments beyond this. English farmers will receive a maximum of £7,200 direct payments in 2025, but there are no clear plans for 2026 and 2027. The total agricultural budget sits at £2.4bn, with £1.8bn for ELMs, reinforcing Labour's commitment to 'maintain the momentum'. However, ELMs are being developed through what could be described as a 'trial and error' process, with various pilot projects in place, measures and actions added in or taken out, and delays in launching different schemes, making business planning very difficult for English farmers.

The Sustainable Farming Incentive (SFI), one of the three components of ELMs, aims to support the production of 'food in harmony with the environment' and it was expected to replace direct payments. Instead, SFI added to farmers' costs and made farm management more complex, and only partially compensated for the loss of direct payments. The second and third components – Local Nature Recovery and Landscape Recovery – have been abandoned or put on hold, but farmers can continue with the existing agri-environmental schemes under Countryside Stewardship. Support for increasing farm productivity and adding value to processing and marketing comes through capital grants from the Farming Investment Fund, but concerns regarding the balance between the production of food and environmental goals remain.

Scotland assimilated the CAP legislation with the purpose of maintaining direct payments and other support until 2026, while designing its own policy. A 2024 act sets out the new, complex regime which will come into force from 2026. Income support will be available through a 'four-tier framework' offering both basic payments and enhanced ones linked to environmental goals, subject to various conditions. Meanwhile, Wales adopted its first ever Agriculture (Wales) Act in 2023. Direct payments will remain in place until 2026, with the expectation that they will be phased out by 2030. The political turmoil in Northern Ireland slowed the pace of policy changes. A new 'Farm Support and Development' programme is currently under design, and direct payments will be replaced from 2026 by a 'farm sustainability payment', another area-based payment subject to conditions such as participation in the Soil Nutrient Health Scheme.

Brexit has also brought changes to trade policy, but while agriculture is devolved, trade is not. The UK kept most tariffs at a similar level to the EU, meaning little has been changed in terms of trade with countries with which the UK does not have a specific trade deal. The UK rolled-over free trade agreements (FTAs) with countries that already have one with the EU, signed new FTAs with Australia and New Zealand and acceded to the Comprehensive and Progressive Partnership on

Trans-Pacific Trade. So far, these trade agreements have had a relatively modest impact on the UK agri-food industry, although concerns regarding their long-term impacts remain. Even though trade with the EU remains tariff-free, UK exporters to the EU were immediately subject to costly border controls. Trade has always been a sensitive issue for farmers, who feel threatened by cheaper food, unequal competition and lower standards of animal welfare, and view possible future trade deals with big players such as the US and Mercosur, the South American trade bloc, with anxiety and suspicion. Brexit has also made it harder for farmers to attract the seasonal workers they need.

Future worries about trade and labour are compounded by the lack of a ring-fenced budget and potential tensions across the four nations as policies diverge. The long run impact of policy changes is hard to judge; for now, short-term uncertainty is blighting business planning and investment.

BREXIT IMPACT: ENVIRONMENT

Viviane Gravey

What has Brexit done to the UK environment? In order to answer this question, we must take stock of what was feared and what was promised in the run-up to Brexit. Environmental NGOs tended towards Remain - some openly [campaigned](#) in 2016 - based on concerns that EU environmental rules (such as those protecting biodiversity, limiting air pollution, or banning harmful chemicals) would be much easier to unpick once outside of the jurisdiction of the Court of Justice of the EU and the threat of fines for non-compliance.

But, despite [some calls](#) for such deregulation, the early days of the withdrawal process saw a radically different vision emerge within Defra Under Michael Gove's leadership, the department supported a '[Green Brexit](#)' which relied on three main planks. First, the UK would become more ambitious on issues it had long advocated for at EU level - sustainable fisheries and marine protection, and sustainable farming. Second, the UK would remain as much, if not more, ambitious as the EU on environmental protection, engaging in '[rivalrous emulation'](#). Third, it would develop a new environmental watchdog to replace the role of the Commission and Court of Justice. With Gove having left Defra over five years ago, has his Green Brexit vision materialised? Or were green groups right to be wary?

With environment, fisheries and agriculture under its remit, Defra was one of the most Europeanised departments. This, together with its relatively small size in 2016 (it has [doubled since](#)), has made Brexit delivery particularly challenging: balancing achieving regulatory certainty by carrying over EU rules with delivering a domestic agenda for change. Yet despite the sheer amount of work faced by the department, the UK adopted the [Agriculture Act 2020](#) which set out, for England, the start of a fraught transition to a new system of payments for (environmental) public goods in agriculture and its [Environment Act 2021](#), the first major piece of environmental legislation since the Environment Act in 1996.

The Environment Act created a new environmental watchdog, the Office for Environmental Protection (OEP) for England and Northern Ireland. Ministers in both jurisdictions must have 'due regard' to (formerly EU) environmental principles when making, evaluating or reforming policy. In both jurisdictions new environmental improvement plans have been adopted with the OEP reporting on yearly governmental progress. And in England, that plan is given further teeth

with legally binding targets on air pollution and species abundance (but [different metrics](#) and terminology hampers comparison with EU targets).

But this cautiously optimistic reading of the impact of Brexit on the environment may be too hasty, and too focused on England alone. First, adopting new watchdogs in England and Northern Ireland – as well as Scotland (Environment Standard Scotland) but not yet in Wales (where interim arrangements remain) – may be a win for environmental governance, but their early reports and [investigations](#) show how much further effort is needed to address environmental degradation.

Second, many of the innovations adopted since Brexit, such as the new status for environmental principles in policymaking and the new watchdogs, still need time to bed in before we can properly assess their impact.

Third, when it comes to UK-EU regulatory divergence, a complex, murky picture emerges. While the EU is concerned about a UK ban on sand eel fishing (heralded as a [victory](#) by environmental groups and an example of the UK imposing a higher level of protection than the EU), when it comes to [chemicals](#) or [pesticides,](#) the UK is either intentionally adopting weaker rules than the EU or failing to keep pace. Meanwhile, ambitious environmentally-friendly reforms to agriculture in England and Wales are being put on hold or delayed. This bodes badly for Gove's 'rivalrous emulation'.

Fourth, Scotland and Wales have long pursued their own ways of regulating the environment, which means that environmental policy has been caught in the cross-fire of the development of the UK Internal Market Act 2020. The act created a model [decried](#) by the Welsh and Scottish administrations for its 'chilling effect' on devolved competence. Unless an exclusion is agreed to the two principles of non-discrimination and mutual recognition, more demanding standards adopted in one part of the UK cannot be applied to sellers from the rest of the UK or to products lawfully imported through another part of the UK. The lack of such an exclusion – for the inclusion of glass in the proposed Scottish Deposit Return Scheme – forced an emergency halt of the roll-out of the Scottish scheme and caused the costly [collapse](#) of the body in charge of administering it. The desire to include glass in its own scheme is also why [Wales](#) has recently opted out of the much-delayed UK-wide replacement scheme.

Five years after Brexit, the new Labour government faces two distinct environmental tests: delivering greater ambition while rebuilding trust with the devolved administrations to aid delivery. Here there are some contradictory elements. The [Product Regulation and Metrology Bill](#) would make it easier for the UK as a whole to dynamically align with the EU on product regulations related

to environmental impact. While this may help increase environmental ambition, it risks being perceived as Westminster once again imposing its environmental priorities on the rest of the UK. But the recently announced [fast-track review of the UK Internal Market Act](#) shows that the UK government may be willing to listen - and adopt a more consensual approach to - environmental policymaking across the UK.

On the environmental ambition front, a similarly contradictory picture emerges: on the one hand Keir Starmer and Angela Rayner argue that 'homes must have a higher priority than nature and the environment' and that '[newts](#) can't be more protected than people' - echoing Boris Johnson's previous dismissal of EU-derived nature protection rules as '[newt counting](#)'. On the other hand, Ed Miliband is leading [ambitious plans](#) to decarbonise the UK energy system which could help address issues like air pollution. This tension between environmental and infrastructure policy is also apparent in the EU, where environmental ambition is [waning](#). Environmental policy is, therefore, perhaps one area where the key challenges transcend Brexit.

BREXIT IMPACT: LABOUR MARKET AND MIGRATION

Madeleine Sumption and Ben Brindle

As the UK prepared to implement its post-Brexit immigration system, political debate focused on the labour shortages that might ensue. How would the UK cope without the high levels of migration to which employers had become accustomed? How would sectors like care and hospitality survive?

Fast forward five years and the debate is rather different. While EU migration did decline, non-EU migration hit record levels. Even the Liberal Democrats—who tend to be rather relaxed about migration levels—agreed with their counterparts in other parties that migration was too high. The outgoing Conservative government rushed out a series of restrictions on work, family and study visas, and Labour has said that they will keep almost all of them in place.

Before Brexit, net migration—long-term immigration minus emigration—fluctuated around 250,000. It spiked post-Brexit, peaking at 906,000 in the year ending June 2023, before falling in the year ending June 2024 to an estimated 728,000. Initially, humanitarian visa schemes for Hong Kongers and Ukrainians drove higher migration levels. In 2023, however, work and study visas were the main factors.

In 2023, work and study visas were the main factor in higher migration levels

Non-EU immigration to the UK, by reason, including dependants, year ending June 2019 to year ending June 2024

UK IN A CHANGING EUROPE
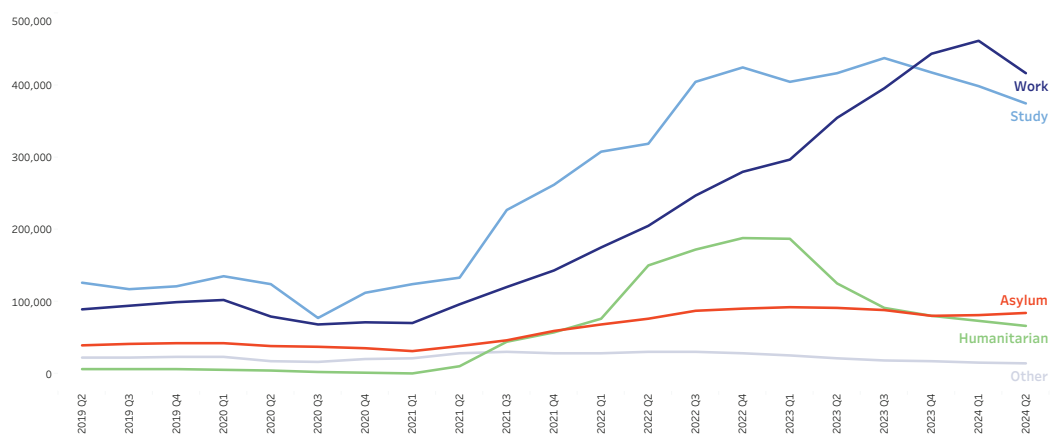
Source: ONS, Long-term international migration, provisional: YE June 2012 to YE June 2024, Table 4.
Note: Figures are experimental and rely on ONS assumptions. 'Humanitarian' comprises arrivals under bespoke routes for Ukrainians and Hong Kong British Nationals (Overseas) status holders, as well as other small humanitarian routes.

Much of the increase in migration resulted directly from immigration policy liberalisations under the post-Brexit immigration system. For example, the government encouraged more international students to come to the UK by opening a post-study work visa. This helped boost recruitment efforts by

universities, many of whom were already ramping up overseas marketing to support their precarious finances as tuition fees for domestic students were frozen during a period of high inflation.

The government also liberalised work visa rules for non-EU citizens, with lower salary thresholds and more eligible jobs. Publicly funded jobs, particularly in the care sector, drove the boom in work visas in 2023, the peak period for labour migration. Many employers in the care sector breathed a sigh of relief—finally able to fill vacancies and in some cases expand their businesses for the first time in years. However, there was widespread evidence of exploitation and abuse, with some care workers arriving in the UK to find that the jobs they had been promised did not exist. Meanwhile the care sector continued to be poorly funded: immigration papered over the cracks in the recruitment system but did not address the underlying problems of unattractive pay and conditions.
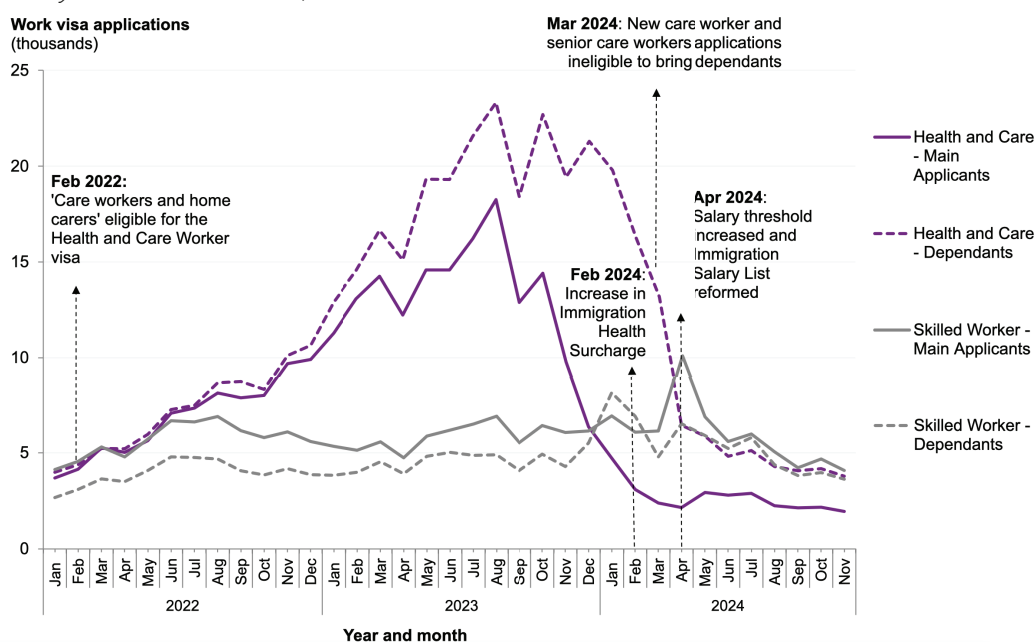
The impacts of the post-Brexit migration system in the labour market stretch well beyond main applicants on work visas, however. Work visa main applicants from outside the EU made up only 19% of net migration from 2022 to 2023 inclusive. However, the number of employee jobs held by non-EU citizens increased by more than one million over the same two-year period. In practice, this meant that many of the low-wage-intensive industries that had expected to see reductions in the growth of the migrant workforce actually saw increases. For example, non-EU employment outpaced the decline in EU employment in retail, logistics, hospitality, and low-wage service jobs. The Brexit experiment that was supposed to cut off the new migrant workforce in low-wage jobs never happened.

By the end of 2023, the government had announced a series of measures designed to reduce migration again. Some simply reverse, or partially reverse, liberalisations the same government made in previous years. For example, care workers became eligible for skilled work visas in early 2022 but can no longer bring their partners or children to the UK. The Home Office started to scrutinise employers' requests to sponsor care workers more carefully, reducing the number of visa applications and grants. The main salary threshold for skilled work visa holders—which was initially reduced from £30,000 to £25,600 under the post-Brexit immigration system—increased to £38,700. A post-Brexit policy of allowing lower salaries in shortage occupations was reversed. In a new restriction, most students were no longer allowed to bring family members with them to the UK.

What impact will the new visa restrictions have? Despite restrictions in the care sector from a surprisingly high peak, the number of health and care main applicants is not particularly low, running at an annualised rate of over 23,000 in November 2024. The question of whether the UK should continue to rely so heavily on overseas health and care workers remains live. Meanwhile, the

The policy change to restrict bringing dependants for new care workers led to a sharp decline in applicants

Monthly applications for 'Skilled Worker' and 'Health and Care Worker' visas, January 2022 to November 2024

UK IN A CHANGING EUROPE

Work visa applications (thousands)

Feb 2022: 'Care workers and home carers' eligible for the Health and Care Worker visa

Feb 2024: Increase in Immigration Health Surcharge

Mar 2024: New care worker and senior care workers applications ineligible to bring dependants

Apr 2024: Salary threshold increased and Immigration Salary List reformed

Legend:
- Health and Care - Main Applicants
- Health and Care - Dependants
- Skilled Worker - Main Applicants
- Skilled Worker - Dependants

Year and month — 2022, 2023, 2024

Source: Home Officer: Monthly monitoring of entry clearance visa applications - Dec 2024

restriction on care workers' family members is [estimated] to bring a fiscal benefit, albeit at the cost of [more isolated] (and thus more exploitable) migrant care workers.

In the private sector, the impacts of salary threshold increases remain to be seen and will depend on how employers respond. The Home Office estimated that the salary changes would most likely impose a cost on employers but have a positive fiscal impact, unless employers responded by hiring substantially fewer higher-paid workers. Visa applications declined slightly in the first few months after the increase, but perhaps not as much as one might expect. In theory, the impacts are expected to fall most heavily on employers in middle-skilled sectors (e.g. butchers and chefs), although there is not yet enough data to understand to what extent higher-paid jobs are also affected.

Following the student visa changes, applications from students' partners and children [dropped] 85% in January to November 2024 compared to the same period the previous year, and student applicants themselves fell by 16%. However, the declines are likely to fall unevenly, with greater declines in the non-Russell Group institutions that had most ramped up their recruitment of overseas students post-Covid.

Post-Brexit policies were expected to reduce EU migration considerably, while increasing non-EU migration, and to make the UK's immigration system more selective as the end of free movement restricted what had previously been the main source of workers entering low-wage jobs. The first of these impacts has

indeed materialised, but the rise in non-EU migration far exceeded forecasts, although the most recent restrictions are likely to reverse that in large part. However, while it is still early to assess the overall impacts on the position of migrants in the labour market, early data suggest that not much has changed. This is largely because rising non-EU migration replaced EU migration as a source of workers in jobs not eligible for work visas. Recent restrictions on visas might change this picture to some extent—but it will be a number of years before we will know.

BREXIT IMPACT: ENERGY AND CLIMATE

Pierre Bocquillon and Andrew Jordan

When the UK left the EU, there was a relatively high level of alignment on energy and climate change matters. Both sides were interdependent on energy interconnections and trade, and shared ambitious international climate commitments including reducing emissions to net zero by 2050. So, what has happened since the UK left and how is the relationship likely to develop?

The UK retained most EU climate regulations through the EU Withdrawal Act 2018. Despite attempts by some politicians to deregulate via the Retained EU Law Act 2023, the 'Singapore-upon-Thames' model never materialised for climate and energy. The war in Ukraine also put interdependence into even sharper relief, reinforcing the need for cooperation to curb Russian fossil fuel imports.

Yet, despite potential in the Trade and Cooperation Agreement (TCA) to deepen cooperation, progress has thus far been rather limited. First, the UK and EU have struggled to cooperate in areas of common interest, such as electricity trade regulation and carbon market alignment. Second, leaving aside the TCA, there is no overarching framework governing future cooperation in priority areas such as climate diplomacy, energy security and green industrial policy.

The risk of further divergence remains an ongoing challenge. New policy targets and instruments have been adopted or revised by both parties, leading to partial, ad hoc alignment. For example, the EU has revised its existing Emission Trading Scheme (ETS) and adopted a new scheme covering sectors including buildings and transport. Although the UK has developed its own ETS, largely modelled on the EU's, prices have increasingly diverged, with the UK price consistently lower by a third on average over the past year. The UK scheme covers neither buildings nor transport.

Secondly, the EU is introducing a so-called Carbon Border Adjustment Mechanism (CBAM) which extends domestic emissions pricing to some imported products. In late 2023 and in direct response to the EU's mechanism, the UK government announced the introduction of a UK CBAM, but starting in 2027 rather than 2026. On present plans, the two schemes will diverge in terms of their scope and calibration. If these divergences endure, it could materially impact EU-UK trade by adding costs to UK exports – since the EU carbon price is higher – and creating new administrative trade frictions in both directions.

Article 392 (6) of the TCA foresees the [potential linking of the two](#) ETS schemes, which would be beneficial for market liquidity and efficiency, especially for the UK's much smaller carbon market. It would also effectively exempt the UK from the EU CBAM. Yet, political momentum for linkage has been lacking, particularly under the previous Conservative administration, as it would entail a form of dynamic alignment with EU rules and therefore some loss of autonomy.

Another contentious issue is the joint regulation of cross border energy interconnectors. Since the UK left the Single Electricity Market, electricity trading has become [less efficient and more costly](#), making electricity system decarbonisation harder. Cross-border electricity trading helps balance supply and demand, which is key for the integration of large shares of intermittent renewable electricity into the grid.

The energy chapter of the TCA commits both sides to improve as a matter of priority the efficiency of energy trading through the development of a new integrated auction system. Negotiations were supposed to have been completed by 2022. However, they stalled due [to technical challenges](#) and [political disagreements](#).

Cooperation has progressed in some other areas covered by the TCA such as on cross border offshore energy in the North Sea, which has great potential for wind power, green hydrogen and new grid interconnections. With the UK no longer a member of the EU-led North Seas Energy Cooperation (NSEC), the TCA commits the UK and EU to create a new stakeholder forum. A [Memorandum of Understanding](#) between the NESC and UK was agreed in November 2022 providing a framework for expert dialogue, information exchange and sharing of best practices. However, more concrete implementing steps are still required, such as the development of a common governance framework, coordination on grid expansion and joint projects.

There are other issues on the horizon. The clock is counting down to the expiry of the TCA's energy title in June 2026. In principle there is a strong mutual interest in renewing the chapter, but progress could be held up by disagreements over fisheries, the provisions for which need renewing by the same deadline.

The re-election of Donald Trump, and potential US disengagement from the international climate regime, could create new incentives for the UK and EU to collaborate to deliver faster emissions reductions and greater climate finance for developing countries. A first test will come in the run up to [COP30 in Brazil in 2025](#).

In the context of geopolitical competition, cooperation on green industrial policies is likely to become more salient. While the new Labour government aims to

decarbonise the UK power system by 2030, the European Commission under Ursula von der Leyen is proposing a 'clean industrial deal'. Both sides aim to reduce their dependence on imported technologies and raw materials (especially in batteries), and support homegrown industries, including renewable technologies and electric vehicles.

The EU has adopted ambitious (but non-binding) targets and imposed trade tariffs, namely against Chinese EV manufacturers. So far, the UK government has adopted a different approach focused on supporting investments through its Green Prosperity Plan and the newly created Great British Energy. Given EU and UK supply chains are tightly intertwined, closer cooperation may be warranted to lever joint benefits and avoid new trade barriers.

The UK government and European Commission remain keen to develop a closer partnership. Energy is one of the few areas where the Commission has explicitly called for closer EU-UK cooperation. Meanwhile, the Labour government has proposed a new UK-EU security pact, which could conceivably cover energy and climate change.

Even in energy and climate where strategic interests continue to align, deeper cooperation will only emerge if it strikes a balance between the UK's continuing preference for regulatory independence and the EU's desire to protect its single market from 'cherry picking'.

BREXIT IMPACT: FOREIGN POLICY

Richard Whitman

Leaving the EU marked a major break from over half a century of British foreign policy. The push to join the then-European Community in 1973 and the subsequent period of membership were central to the UK's postcolonial international role. Alongside participation in NATO, EU membership provided a vehicle for both diplomatic influence in Europe and for the UK to act as a 'bridge' between the continent and the United States. It also allowed for the coordination of the foreign policies of EU member states, without acting as a major constraint on UK foreign policy.

Brexit upended the UK's European strategy. Membership had implied regular exchanges and coordination with 27 foreign ministers and heads of state and government. Brexit meant the UK was no longer present and complicated bilateral relationships, most notably with Ireland. In addition, the election of President Trump introduced a high degree of unpredictability into the transatlantic relationship.

The May government introduced the slogan 'Global Britain' to convey the sense that Brexit did not imply a more isolationist stance. Yet the term was not adequately defined until the publication, in March 2021, of the Integrated Review, which was the product of a cross-Whitehall review of diplomacy, development and defence policies. This defined the UK as a Euro-Atlantic power whose primary security preoccupations were in Europe – with Russia as the most acute threat. NATO and relationships with European states were the primary focus for Britain's engagement with Europe, with references to the EU noticeable only by their absence.

One of the eye-catching elements of the *Integrated Review* was its focus on a new role for the UK in the Indo-Pacific. This 'tilt' was to reflect the rise of new global powers, and in particular China. The tilt can be seen in the quest to sign trade deals with states in the region, the first being with Japan. The UK subsequently became the first non-regional state to join the CPTPP (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) trade grouping of Indo Pacific states.

Following Russia's invasion of Ukraine in March 2022, the Johnson government and its successors supported Ukraine – often in advance of other states– with diplomatic support and intelligence, military capabilities and military training.

The war acted as a reminder that the UK was one of the leading players in European defence and security and it allowed the Johnson-led government to define a clear post-Brexit role for the UK. The war also underlined the importance of the UK's membership of the G7, which became the venue for organising support for Ukraine and, notably, for defining the sanctions put in place.

The 2023 refresh of the Integrated Review dropped references to Global Britain and focused much more on the UK's role in Europe and stressed partnership with the EU. Whilst placing greater emphasis on relationships with European states and the pressing preoccupation of Russia's war on Ukraine, the government also continued to pursue its interests in the Indo-Pacific and presented China as an 'epoch-defining and systemic challenge to the UK'. It signed the AUKUS agreement with Australia and the US, committing the three partners to cooperate on cutting edge defence technologies, and achieved closer defence ties with Japan and Italy through a defence technology partnership via the Global Combat Air Programme (GCAP).

Russia's invasion also provided the impetus for the UK and the EU to coordinate their support for the government in Kyiv, most notably on the implementation of sanctions but also their diplomacy and military support. This was in the absence of any formal mechanism for EU-UK cooperation on foreign, security and defence cooperation in the Trade and Cooperation Agreement (TCA). The May government had originally envisaged a 'security treaty', alongside a formal agreement on trade, but Johnson had rejected the idea.

The Labour government elected in July 2024 has spoken of its desire to strike a 'security pact' with the EU covering cooperation on cross border security, plus foreign and defence policies, including defence technologies and industries. The EU, however, has traditionally restricted relationships with third countries to consultation, rather than participation in its policymaking, and severely limits the role of non-members in areas such as its evolving defence industrial strategy.

With the exception of its emphasis on a reset in its relationship with the EU, the Labour government has maintained the same broad foreign policy stances as its predecessor. This is especially true of the post-Brexit relationship with the United States. The Trump Presidency will present significant complications for UK foreign policy. The UK's desire to significantly improve its relationship with the EU will likely sit uneasily with the preoccupations of a second-term President Trump, who has an unsubtle dislike of the EU. The expectation that Trump will impose trade tariffs poses the question as to whether the UK will be targeted or be offered a special deal.

Trump's declared position of seeking to impose a swift ceasefire in Russia's war on Ukraine is also at odds with the UK position of supporting Ukraine to succeed on the battlefield. And the expectation that Trump's administration will present challenges to NATO, through a more conditional approach to US defence commitments to Europe, sits uncomfortably with the UK stance that the alliance is the cornerstone of European security. The Labour government's attempt to improve the relationship with China may well also be significantly challenged by an administration that views Beijing as its major rival.

In the five years since Brexit, the UK's foreign policy has moved from focusing on the world beyond Europe, to returning its attention primarily to said continent. Russia's war on Ukraine has upended the European security order, while the incoming Trump presidency might question the US commitment to European security. And having sought to distance the UK from the EU, more recently British governments have sought to increase coordination and stress their shared interests. The degree to which this proves possible will be one of the more significant tests of Starmer's foreign policy.

BREXIT AND THE MACHINERY OF GOVERNMENT

Jill Rutter

Brexit has reshaped government – and its impact is far from over. Theresa May's immediate act on becoming Prime Minister was to create two new departments: the Department for Exiting the European Union (DExEU), to coordinate the process of leaving, and the Department for International Trade, to develop and eventually implement the UK's new independent trade policy. Both are now history. DExEU was symbolically abolished on the day the UK formally left the EU's political institutions, while the much-expanded trade function was merged back inside the business department by Rishi Sunak.

The lead on the EU relationship has been shuffled around departments – from DExEU to the Cabinet Office (where it was before Brexit) to the Foreign, Commonwealth and Development Office (FCDO). It is now being repatriated back to the Cabinet Office, under Nick Thomas-Symonds, Minister for European Union Relations. An experienced former Treasury official, Michael Ellam, has been lured back to fill the gap as the senior official 'EU sherpa' and will be the lead adviser on resetting the relationship.

All this makes sense: the Cabinet Office is a much better place from which to coordinate the often technical, cross-departmental material which makes up the normal stuff of UK-EU relations. Such technical work lies outside the comfort zone of the FCDO and most departments are only willing to cooperate with one of the central departments – the Cabinet office or the Treasury. Indeed, the move to locate lead responsibility in FCDO looked like a panicked reaction to the resignation of Lord Frost from Boris Johnson's cabinet, who had led on EU relations (and delivering 'Brexit benefits') from the Cabinet Office. At that point, post-Brexit regulation stayed in the Cabinet Office, only to be moved by Rishi Sunak into the Business and Trade Department. The latest Labour move is to set up a new Regulatory Innovation Office inside another Sunak creation – the Department of Science, Innovation and Technology. The task of overseeing the Brexit 'reset' is now undertaken by the Europe Cabinet Committee chaired by the Prime Minister, whose membership now includes the Business Secretary and the Northern Ireland Secretary as well as the Minister for EU Relations. That could become the key forum for developing a coherent policy towards the EU.

But it is not only at the centre that Brexit has affected government. Although structures have changed less, another key consequence has been the 31% increase in staffing numbers seen since 2016. Departments which initially had to staff up to negotiate and legislate now need to make policy in areas where, prior to Brexit, their role was to input into EU decisions and then transpose them into UK law. They also have to perform functions that were either not needed pre-Brexit – or run from Brussels.

The Cabinet Office and Defra saw major increases in staff numbers following Brexit

% change in civil service staff numbers (FTE), selected departments, June 2016 to September 2024.

UK IN A
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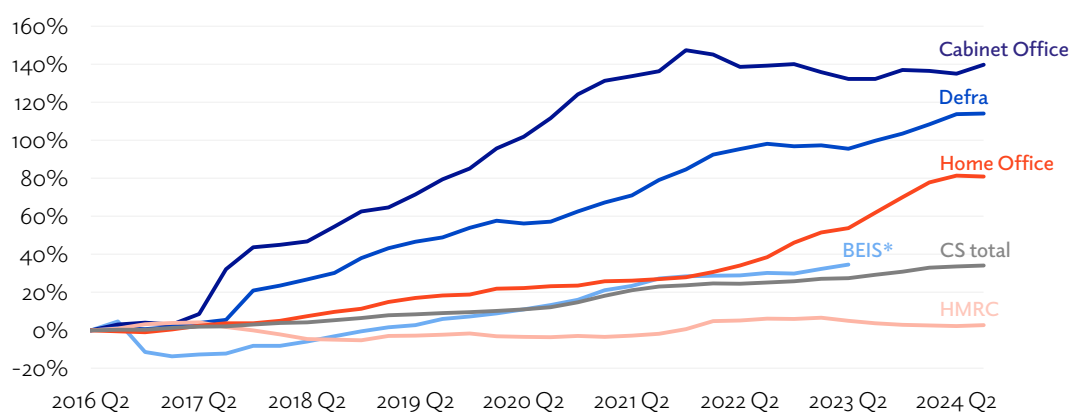
Source: Institute for Government analysis of ONS, Public sector employment data, Q1 2009 to Q3 2024. *BEIS dissolved in February 2023.

So, for instance, the UK has had to build capacity in trade policy – and now has 2,000 civil servants identifying as 'trade specialists.' It has also had to establish and administer its own farm subsidy and state aid policies (the latter is devolved). The Home Office now runs the settled status scheme for EU citizens and has to process hundreds of thousands more visa applicants (as EU nationals no longer have free movement). Meanwhile, the UK has expanded border controls on goods to cover twice as many imports as before.

Perhaps understandably, then, the greatest expansion in staff has been seen in those departments bearing the brunt of implementation. Defra, responsible for farm payments and elements of border controls, saw its departmental staff more than quadruple – and if all the other bodies included in its 'group' are included, it increased by over half.

Yet it is still not clear that government is adequately resourced to cope with the consequences of Brexit. The settled status scheme continues to generate work in terms of not only managing those citizens who need to make their 'pre-settled' status permanent, but also with ongoing problems in proving entitlements. The farm subsidy scheme is still being implemented as the EU-era basic payment scheme is phased out. However, it is now attracting criticism from both farmers

and environmentalists who see it falling short of the original promise. Full implementation of [border controls](#) on goods has been repeatedly postponed, despite GB exports being subject to the full panoply of controls at the EU border as soon as the TCA came into force. The government has recently negotiated [further delays](#) in implementing its obligations under the [Windsor Framework](#).

Those problems extend too to the regulators who in practice bear the day-to-day load of making Brexit work and have either had to cope with a higher workload or expanded functions. They have encountered problems in recruiting staff with the necessary skills and experience, even if they have the budget to do so. The Food Standards Agency, for example, has found problems in recruiting big animal vets as it can no longer attract vets from EU countries (and demand has increased there too), while the [Medicines and Healthcare Products Regulatory Agency](#) is taking longer to approve drugs for the UK market than its EU or US counterparts.

Brexit also led to the creation of new arm's length bodies designed to fill gaps left after Brexit – from the Trade Remedies Authority (for trade defence) to the Office for Environmental Protection (to oversee the government's performance against environmental law and commitments). Some relationships with ministers became fraught, as ministers sought to override decisions or ignore recommendations – even when they had been established by predecessors of the same party, and we have yet to test the relationship to the new government. The Labour government seems more comfortable in theory with the role that expert arm's length bodies might play (their manifesto committed to create another slew of these bodies) but as yet there is no track record to show how that plays out in practice.

The shape of post-Brexit government now seems settled, even if functions, relationships and policy are still in a state of flux.

BREXIT AND THE CIVIL SERVICE

Philip Rycroft

There was no plan. Civil servants woke up the morning after the referendum on 23 June 2016 with not much more of a clue than the rest of the country as to what would happen next. What was to follow showed the civil service at its best in terms of its response to the political exigencies of the time, but also exposed the weaknesses of the institution under intense pressure in an unreformed system of governance. Brexit kicked away more of the props that held up the traditional role of the civil service.

The lack of a plan could hardly be blamed on the civil service. Prime Minister David Cameron had, notoriously, forbidden planning for a 'leave' outcome. Moreover, the proponents of 'leave' were deliberately unclear as to what it meant.

Nevertheless, the Brexit outcome undoubtedly revealed a deeper failure of foresight. Largely immured in 'remain' fastnesses of location and thought, civil servants had not fully comprehended the forces that drove the 'leave' outcome nor imagined themselves into a Brexit future. The lack of a formal exit plan was understandable; the failure of foresight seriously exacerbated the shock of the Brexit outcome. Whitehall simply did not understand what it would take to disentangle the UK from the EU.

The scale of what was required was formidable. Much of the public and political attention at the time was on the progress of the exit negotiations. But while the negotiating team numbered in the dozens, the wider work of exit engaged thousands. The bulk of Whitehall effort was committed to preparing to take the UK out of a 40-year relationship, in particular through dismantling the tight economic integration that had come through membership of the single market.

That overall effort was coordinated by the Department for Exiting the EU (DEXEU), created by Prime Minister Theresa May soon after she took office. The existence of DEXEU was contested. Many in Whitehall thought the job would have been better done by beefing up the existing Cabinet Office machinery. Moreover, the lack of clarity between the Secretary of State and the Prime Minister about responsibility for the negotiations with Brussels generated confusion over the role of DEXEU and further burdened the department with a revolving cast list of ministers as tensions with Number 10 led to successive resignations.

Nonetheless, DEXEU and wider Whitehall buckled down and got on with the job of planning for Brexit. DEXEU itself built a capable and energetic team from scratch, with recruits arriving in large numbers from other departments and from outside government.

The civil service more broadly, including in the devolved governments, was also obliged to adapt. Government departments re-purposed programmes and roles. For some, this meant a rapid increase in numbers; among the many anticipated, but little acknowledged, consequences of leaving the EU was an inevitable expansion of UK bureaucracy - systems that had been built to serve 28 states now needed to be re-created for one. Across Whitehall, it also required new learning. Brexit revealed a deep ignorance of policies that were in the domain of EU competence, such as the dynamic of trade flows, but also and less forgivably, of issues relating to devolution within the UK, in particular Northern Ireland.

Slowly and painfully, there emerged from this work something like a plan for Brexit, with the key challenges and tasks for departments across Whitehall identified and codified. It was the job of DEXEU to hold this together. This exercise exposed a more problematic side of Whitehall. The traditional federated structure of the UK government, in which the loyalty of civil servants is to 'their' secretary of state, did not lend itself to what *had* to be a centrally driven effort. No doubt this was exacerbated by the split in Cabinet between Remainers and Brexiteers, but this sort of behaviour was of a piece with the traditional departmental resistance to injunctions from the centre of government and the struggle Whitehall so often faces to coordinate policies that sit across departmental boundaries. Damaging at the best of times, this became a drag on the path to preparedness; it was only late in 2018, with the looming risk of a no deal exit, that the collective effort reached something like the scale required for what could have become a national emergency.

Through all this, the civil service found itself caught in the political crossfire. One side of the debate believed that the civil service was resisting Brexit, as evidenced by the decision on the part of some civil service leaders to openly own their own personal mourning at the outcome of the referendum. This political hostility inevitably put the civil service on the back foot when ministers disputed evidence-based policy advice which ran against the grain of their assumptions about the likely impact of Brexit. With no direct public accountability for the quality of its policy advice, the civil service was vulnerable at the bar of public opinion to the accusation that it was incompetent at best, denying the democratic outcome of the referendum at worst. This hostile atmosphere was not conducive to the civil service's responsibility to offer impartial and honest advice to ministers.

The Brexit process was broadly orderly. When the country finally left the transition period, the economy did not fall off a cliff nor was there profound social disruption. This owed a good deal to the work done in Whitehall and other parts of the public sector. But the civil service itself was sorely tested in the fires of Brexit. Some of this was due to the unparalleled political divisiveness that was the inevitable result of a polarising referendum which divided the country. Much, though, was due too to inherent weaknesses in the civil service model: the lack of foresight that might have anticipated Brexit outcomes; an antiquated accountability structure that blurred the lines between evidence-based policy advice and political ideology; and the prevarications and inconsistencies resulting from a failure of collegiate responsibility.

The civil service emerged from Brexit a diminished institution, with its traditional authority weakened and its place in the governance hierarchy challenged.

BREXIT AND DEVOLUTION

Dan Wincott

Devolution is significantly weaker today than it was in 2016. Brexit provided the context for this structural change, but did not cause it. Instead, choices made by successive Conservative governments undermined devolution. Theresa May's Brexit tactics caused collateral damage, but Boris Johnson turned devolution into a distinct political target after the UK had left the EU. He wrapped muscular Unionism into his performatively 'punchy' Brexit persona.

Brexit *did* move the UK constitution's tectonic plates. Crucially, losing its EU law role altered the judiciary's relationship to Whitehall and Westminster. Beyond this general change, recent cases the UK Supreme Court (UKSC) describe striking new constraints on devolution. Legal experts have criticised these decisions trenchantly. They represent, I contend, a new direction in the Court's territorial jurisprudence.

Even the hardest form of Brexit need not have damaged devolution. Though Brexit's febrile politics make it hard to imagine, positive legislative action to reinforce and sustain something like the devolution *status quo ante* was always technically feasible. It is equally possible for Keir Starmer to restore devolution in a comprehensive manner, as we will see.

Theresa May's 'red lines' raised basic questions about Northern Ireland. They ignored the Scottish and Welsh governments' initial positions on Brexit (few now recall the SNP government's reference to 'good faith and a spirit of compromise' in its 2016 statement on *Scotland's Place in Europe*). May's 2018 European Union (Withdrawal) legislation created further territorial friction.

Equally, May's proposed 'Common Frameworks' were relatively conciliatory. Covering numerous fields of post-Brexit policymaking, their first 'principle' concerned the 'functioning of the UK internal market, while acknowledging policy divergence'. Though complex and administratively burdensome, these arrangements aimed to anticipate friction and disarm conflict.

Perhaps provoked by Nicola Sturgeon's apparently commanding position in Scotland, Boris Johnson took a quite different approach. In April 2019 Sturgeon spoke of holding a second independence referendum before May 2021. The acute anxiety she triggered then among Conservative MPs seems rather overblown now.

Johnson's abrasive territorial politics centred on the UK Internal Market Act (UKIMA) 2020. Developed without devolved involvement or agreement during the first year of the Covid-19 pandemic, UKIMA sidelined May's Common

Framework-based pragmatism. Its market access principles generate uniformity through deregulation, with potential [chilling effects](#) on devolved policymaking. It allows UK ministers to supervise detailed aspects of policy, as both referee and player in its regulatory game. Johnson's successors used UKIMA to undercut Scottish plans for a [Deposit Return Scheme](#) (DRS) and ban on selling [anti-rodent glue traps](#).

They challenged Scottish legislation on [children's rights](#) and gender recognition in other ways. Rishi Sunak's Scottish Secretary Alister Jack [blocked](#) Holyrood's Gender Recognition Bill using Section 35, a previously unused provision of the Scotland Act. Labour's Ian Murray [contended](#) that the provision was written 'very much as a last resort' not a 'veto'; in explicitly rejecting the 'last resort' conception, Jack implied that Section 35 might be a normal feature of UK territorial governance.

The changes undermine a basic principle of democratic devolution, which cannot work well if the UK government routinely seeks to supervise and intervene in devolved legislation. Devolved responsibility for – and legislative competence over – reasonably broad and well-defined policy domains is a prerequisite for effective, democratically accountable territorial governance.

UKSC decisions on the Scottish Continuity Bill reference (2018) and UN Convention on the Rights of the Child (Incorporation) (UNCRC) legislation (2021) further complicate these matters. Here, the Court described Westminster's power to legislate for Scotland (under the Scotland Act, Section 28(7)) as 'unqualified'. For expert legal critics, the Court's new conception goes [beyond Parliamentary sovereignty](#).

Lady Hale presided over the Continuity Bill decision. Only six years earlier, she [mused](#) that the UK had become a 'federal state' regulated by a 'Constitution' with the UKSC as its adjudicator and alluded to earlier debates among Law Lords over possible limits to parliamentary sovereignty. Between 2012 and 2018, then, something fundamental changed.

The new approach undercuts the Scottish Parliament's ability to pass effective general legislation within devolved domains of legislative competence. The UNCRC Act's effects now [depend](#) on the legal source of the functions it regulates (in devolved or Westminster legislation) not the devolved or reserved status of their subject matter. Broadly speaking, the UNCRC legislation only regulates functions based on Acts of the Scottish Parliament, not UK Acts.

For example, though fully devolved, education is underpinned by Westminster's 1980 Education (Scotland) Act. The UNCRC Act [cannot](#) now impose public duties on functions based on the 1980 Act simply because of where it was made.

Substantively narrowing, the Court's [new approach](#) introduces arbitrary elements into devolved public policy and legislation.

As Prime Minister, Starmer [quickly 'reset'](#) intergovernmental relations, reducing territorial friction and making legacy inherited arrangements work better. Some tensions remain. For example, though it may win the Scots round, the Welsh Labour government is refusing to join the UK government's DRS proposals (which exclude glass). Deputy First Minister Huw Irranca-Davies [blames](#) the UKIMA system 'inherited … from the previous administration' for this impasse.

Labour's initial institutional changes were timid. With Sue Gray's [departure](#), Starmer's workaday 'Council of Nations and Regions' has lost its animating intelligence. Gordon Brown's proposal to replace the House of Lords with an elected '[Nations and Regions' Assembly](#)' seems long forgotten.

Led by Douglas Alexander, Labour's engagement took a potentially more radical turn in mid-December 2024. Alexander [reversed](#) the provocative Conservative rejection of Scotland's ban on the sale of rodent-killing glue traps. More significantly, Alexander [announced](#) fast-track reviews of Common Frameworks (tagged for upgrading) and [UKIMA](#). Their [technical complexity](#) will make wide-ranging consultation on these arrangements tricky.

Labour could limit itself to fixing particular features of UKIMA, but a comprehensive approach to their tangled devolution inheritance might prove more efficient and effective. Constitutional experts have already scoped out root-and-branch revisions to [restore](#) the 'ability of devolved legislatures to discharge their central constitutional purposes'. Westminster could pass 'constitutional' legislation to rebuild reasonably devolved legislative competences – and mandate the UKSC to protect them. Whether Starmer's government wants to take up this challenge remains to be seen.

BREXIT AND NORTHERN IRELAND

Katy Hayward

The bizarre situation Northern Ireland found itself in come 1 January 2021 was portended by one of the most infamous tweets of Brexit. '[There is no 'Irish sea border'']', claimed Brandon Lewis, Secretary of State for Northern Ireland, in response to a news item on the new customs and trade rules applying on goods crossing the Irish Sea from Great Britain to Northern Ireland. The chicanery and bluster that had surrounded the negotiation of the Protocol on Ireland/Northern Ireland continued apace into its implementation.

Four years later, confusion and contention continued to bedevil Northern Ireland's distinctive post-Brexit condition. And so it was that on 10 December 2024, when the Members of the Legislative Assembly (MLAs) in Northern Ireland exercised their [right to vote] on the continuation of the bulk of the Protocol, they were informed primarily by ideological stance. All unionist MLAs [voted against] it, focusing on the new differences brought between Northern Ireland and the rest of the UK. Meanwhile all nationalist and other MLAs voted in favour, focusing on the benefits for the trading relationship with Ireland and the wider EU.

MLAs voting on the grounds of principle, not firm evidence, was unavoidable: the Protocol remains both politically divisive and far from fully implemented. What is more, the Protocol itself has evolved into a rather different form to that envisaged by either the UK or the EU when they had sealed it in the Withdrawal Agreement five years earlier.

Such evolution was not inappropriate. What the Protocol represented at heart was a UK-EU compromise in response to a live process of conflict resolution. Northern Ireland's position as the only part of the UK with a land border with the EU gave rise to the need and opportunity for a unique solution; but it was its post-conflict political situation that necessitated further bargaining. Article 1 of the Protocol states one of its objectives as being to uphold the [1998 Good Friday (Belfast) Agreement] 'in all its dimensions'. This is particularly challenging when the two main communities in Northern Ireland hold largely opposing views about Brexit in general and the Protocol itself. Such political tensions, combined with practical difficulties, spurred [breaches], [threats] and [legal action] throughout the first two years of the Protocol's implementation.

To improve the UK's relationship with the EU, Rishi Sunak recognised the need to address those difficulties and tensions. And so it was that, in late 2022, the

two sides returned to quiet talks and, in February 2023, the Protocol was reborn as the [Windsor Framework](). Addressing the situation in Northern Ireland has revealed an unexpected capacity for innovation in both the EU and UK when it comes to the integrity of their own unions. The Windsor Framework, for example, means that the security of the EU's single market for goods depends on ['Not for EU' labelling]() being applied on goods entering Northern Ireland that do not necessarily meet the EU's standards. And when checks on goods occur in NI ports, it is UK border agents who are effecting the EU's border controls. For its part, having a constituent region dynamically aligned to a portion of the EU *acquis communautaire* and applying the Union customs code brings unprecedented practical and legal complexity to the UK and its own internal market.

This has been viewed with alarm by many unionists. In spring 2021, the Democratic Unionist Party (DUP) exercised its ultimate power of protest by obstructing the operation of the region's democratic institutions. Civil servants were left to govern the region through new depths of uncertainty and budgetary cutbacks. The DUP were initially unpersuaded by the Windsor Framework adaptations intended to soften the impact of the 'Irish sea border'. It was to be another year until functioning devolution was restored, thanks to reassurances they were offered in the [Safeguarding the Union]() command paper in January 2024.

Safeguarding the Union demonstrates the depth of the impact that Brexit has already had on the region and, indeed, the 1998 Agreement. This was the first time that talks to restore the democratic institutions in Northern Ireland had excluded the Irish government and all but one political party in the region – jeopardising the ['impartial' approach]() the sovereign government is [required to take]() to Northern Ireland. Secondly, it [represented a change]() to the management of the Union itself. New bodies were established and commitments made in an effort to reduce the potential for UK-EU (and Northern Ireland) divergence which might inadvertently weaken the Union. Far from pretending the 'Irish sea border' is fictitious, the government is now acknowledging that its existence has consequences for the whole UK that need careful handling.

Such efforts have far more than symbolic importance. As time goes on, updates and amendments to the EU law applying in Northern Ireland will add to the complexity to be navigated when trading GB-NI – see for instance the [EU General Product Safety Regulation](). The new [Democratic Scrutiny committee]() in Stormont simply does not have the capacity to scrutinise all changes, and there remains no single means by which stakeholders can be clear about what is required to comply with the rules applying in Northern Ireland. The potential for confusion, and thus contention, remains high.

Brexit ramifications are also going to become increasingly evident on the island of Ireland, as the UK diverges from the EU in those areas not covered by the Protocol. The Northern Ireland/Ireland border will become more pronounced, for example, in relation to non-recognition of professional qualifications or differing environmental protection standards being applied at either end of a field or lake straddling the border.

Such Brexit impacts, wherever they fall, do not have to become crises. The key lies in anticipating them. One thing a majority of people in Northern Ireland, across all political perspectives, agree on regarding the Windsor Framework is that the UK and EU should jointly present more clear information about it. The post-election 'reset' in the UK-EU relationship is welcome, but both should be prepared for the fact that Brexit will forever require evolution, innovation and trustworthy public communication - not unlike the peace process itself.

THE STARMER GOVERNMENT'S EU POLICY

Jannike Wachowiak

Despite much talk about the government's ambition to reset relations with the EU, Labour's EU policy is vague. What has been proposed so far is small in scale and technical, rather than a vision for a substantially different relationship. And whilst the economy, energy bills and security are clearly linked to EU policy, it is treated as separate from Labour's domestic priorities.

Since taking office, Labour's focus has been on building relationships, with various visits and meetings early on. Those on the EU side have welcomed the UK's warm overtures but are starting to express impatience about the lack of detail on what it wants.

Labour's manifesto promised 'to deepen ties with our European friends, neighbours and allies', yet said little about how it intends to do this. Instead, it is clear what the limits are. A return to 'the single market, the customs union, or freedom of movement' is ruled out. Within the confines of these red lines, Labour wants to 'tear down unnecessary barriers to trade' by agreeing a veterinary agreement, helping touring artists, and a mutual recognition agreement for professional qualifications. Whilst benefiting certain sectors, these proposals would do little to address the overall economic impact of Brexit and are often described as tinkering around the edges of the existing agreements.

And yet negotiations will be anything but easy. A veterinary agreement comes with difficult choices. The government must decide whether it is willing to trade off autonomy over food standards for improved market access. Solving the complex web of challenges faced by touring artists – which the EU maintains has been discussed 'at length' – might require more flexibility than is in the EU's interest. Sectoral deals on professional qualifications are possible but may require patience. A recommendation to start talks on architects was rejected as 'unbalanced and prejudicial to [the] EU' by the Commission. And a similar arrangement between the EU and Canada took nine rounds of negotiations.

Whilst waiting to hear from the UK, the EU has started to prepare its own positions, including through a series of internal discussions among member states. This poses the risk that, like in 2017, the EU sets the terms of negotiations before the UK has fully thought through its own proposals. The EU has already declared talks conditional on a number of issues, including UK concessions on fisheries and youth mobility.

Labour also wants a 'security pact' that 'drives closer coordination across a wide variety of military, economic, climate, health, cyber, and energy security issues'. Most likely is a non-binding joint declaration, focused on high-level ambitions, but narrower than envisaged by Labour. More difficult questions around jointly building European defence capabilities will, almost certainly, be kicked down the road.

It is difficult to avoid the impression that EU policy is peripheral to Starmer's government. His focus is on the domestic. From the five missions to rebuild Britain, to the first steps for change, to the milestones underpinning Starmer's plan for change, there is no mention of seeking closer relations with the EU, nor how EU policy might support those ambitions.

This is most noticeable when it comes to the government's mission to grow the economy. Rachel Reeves' autumn budget sets out a roadmap on how to drive growth without mentioning the impacts of Brexit once. Her Mansion House speech acknowledges the 'structural challenges' caused by Brexit and vows, in the same breath, not to reverse its foundations. This is despite the Office for Budget Responsibility (OBR) upholding its prediction that the long-run impact of Brexit will be to reduce UK GDP by 4%. Lower economic growth due to Brexit appears to be baked into Labour's strategy, with Wes Streeting claiming it is 'a fact of life we have to deal with'.

The absence of EU policy is also noticeable in Ed Miliband's speech on Britain's clean energy future, even though working with the EU to upscale shared electricity interconnectors will be integral to making these plans work.

Rather than responding to calls to 'play prosecutor on Brexit', Labour seems intent on turning it into a non-issue. It decided to do away with the long-standing Commons EU Scrutiny Committee: a decision criticised by both Brexiteers and pro-Europeans for leaving a scrutiny vacuum, particularly as the government plans to embark on new negotiations in 2025. The introduction of the Product Safety and Metrology Bill is another example of the government keeping EU policy out of the limelight. The bill, trailed in the King's Speech under an obscure name, creates powers for ministers to align with EU rules relating to the environmental impacts of products. This would be done via statutory instrument, providing little opportunity for parliament to scrutinise what is being copied over and no right to amend it.

Nevertheless, the bill marks a significant shift in the UK's approach, with Labour acknowledging the economic cost for UK businesses of complying with two sets of rules and accepting the need to be a 'rule-taker' in some quarters to minimise those costs. Combined with the silent dropping of the (previous) UK red line against oversight from the European Court of Justice, this is a tangibly softer EU

policy than that on offer under the Conservatives, even if the government dare not say so out loud.

Ultimately, the government is walking a tightrope. A large part of the parliamentary Labour party (PLP) is pro-European and in favour of closer alignment with the EU. The Labour Movement for Europe counts more members in the PLP than there are Conservative MPs. Labour members are also overwhelmingly in favour of closer relations, as are UK businesses. However, this is currently outweighed by the government's focus on retaining, and in some cases winning back, working class voters in leave voting constituencies in the Midlands and the north of England, where Nigel Farage's Reform is often the main party of opposition.

Additionally, even though public opinion has swung against Brexit, there is little appetite for reopening the debate. This explains the 'eerie silence over Brexit' before the election, and is reflected in the cautious approach taken by staunchly pro-EU groups such as the Labour Movement and the Liberal Democrats, both of whom advocate a gradual approach to improving UK-EU relations, not an overhaul. With little pressure from pro-Europeans, strong incentives not to politicise the debates around Brexit, and many other pressing priorities at home, it is entirely possible that Starmer's EU policy remains anaemic.

THE EU AFTER BREXIT

Loukas Tsoukalis

The EU has experienced a succession of big crises in recent years. It has survived with more powers than ever before. However, its economic performance has been relatively poor while the crisis of democracy goes deep in many countries, albeit not only in Europe. In a rapidly changing and increasingly threatening world, the challenges ahead for the EU and Europe as a whole loom large. They are of an existential nature.

The year 2016 was truly an annus horribilis for Europe with the Brexit referendum and the election of Donald Trump. European political leaders were in shock and advisers of the incoming US President were calling Brussels asking who will be next after the UK on the way out. It didn't happen though. Instead, Brexit became a strong unifying factor for the EU27. The subsequent negotiations between a united EU27 and a disunited UK forced successive governments in London to learn a hard lesson about the balance of power.

It was an altogether different experience dealing with the first Trump administration. Faced with a US President who treated the EU almost as an enemy organisation, who flirted with far-right parties in Europe and replaced diplomacy with bullying, Europeans were divided. Political leaders in central and eastern Europe in particular felt they had no choice but to try to curry favour. For them, the Russian threat was real and the US remained their protector of last resort.

Immigration, on the other hand, is an example of a damage limitation exercise, at best. Because of demography, European countries need a steady inflow of immigrants. But flows need to be regulated because external pressures are strong while resistance at home is rising. The trouble is that regulation of immigration flows is easier said than done. As a result, anti-systemic parties have been making big political capital throughout Europe, thus forcing a more hardline approach on immigration. A true common policy for the EU still looks like an unattainable goal.

The pandemic took a big toll in human lives, as well as jobs and output lost. But European governments reacted in a big way and, rather unexpectedly, the pandemic became the accelerator of European integration. The Commission in Brussels bought and distributed vaccines to member countries. And most importantly, an extremely ambitious recovery package of approximately €800bn was adopted in 2020 with a strong redistributive bias in favour of weaker members and common borrowing in the name of the EU. This is precisely what political leaders had refused to do a few years earlier during the Eurozone crisis,

which meant that the European economy paid a heavy price back then – it was a real disaster for the south of Europe.

Luckily, European political leaders sometimes learn their lesson. The financial crisis led to the creation of a banking union and new common instruments. A few years later, the economic aftershocks of the pandemic forced the EU to do the erstwhile unthinkable. It was not exactly Europe's 'Hamiltonian moment' but still a remarkable act of European solidarity and far-sightedness. France and Germany were responsible for the conception and the Commission served as the midwife. Would such an agreement have been possible if the biggest veto player of them all, the UK, still had a seat at the European Council table? Perhaps, but only through another opt-out for the UK.

Russia's invasion of Ukraine in 2022 forced the EU to do more unthinkables. Waves of new sanctions on Russia, large amounts of financial and humanitarian aid to Ukraine, including military aid which until then was a taboo. True, member countries have struggled to preserve their fragile unity on matters that mostly require unanimity. But they did deliver, although at a high economic cost that also included higher inflation combined with recession. Europe has reduced drastically its heavy dependence on imports of Russian gas - and less importantly oil. But switching to alternative sources has come at a big price. The biggest shock was for Germany, the economic powerhouse of Europe, and Germany has not recovered from it yet.

It looks like the end of an era. With two wars (Ukraine and the Middle East) next to its borders, a highly unstable neighbourhood all around, a revisionist Russia and an increasingly unpredictable protector of last resort in Trump's 'America First', as well as with growing protectionism and the weaponisation of economic interdependence, some of the fundamental premises of European integration are no longer. The EU needs to add a security dimension to what used to be essentially a peace project. It needs a common industrial strategy to deal with new technological challenges, lagging productivity, the green transition and unfair play from its main trading partners, notably China. Europe has already lost the digital revolution and it cannot afford to lose the next one in AI, robotics and more.

All the above requires a very different mindset, closer policy integration and lots of money. But where will they come from in today's increasingly fragmented political landscape, with the rise of anti-systemic parties reflecting deep public discontent? The 'system' is failing to deliver the goods for large sections of society in Western democracies. Beleaguered at home, national leaders do not easily afford the luxury of thinking and acting European. And faced with ever growing demands on the public purse from many different directions, will they

pluck the courage to call for new taxes and/or new common borrowing? Hope may die last, but surely it will be difficult.

In a hostile international environment, security can be the factor that brings the EU and the UK closer together. Europeans will be forced to take more collective responsibility for their external security and the UK will be an indispensable partner in this effort.

PART III

THE FUTURE OF THE UK-EU RELATIONSHIP

THE FUTURE OF THE UK-EU RELATIONSHIP

Keir Starmer's government came to power in July 2024 promising a 'reset' of relations with the European Union. Six months on, however, details about what it would like to achieve when it comes to the relationship with the EU remain sparse.

Work on the reset has begun, if only via a significant number of meetings with EU and member state political leaders that have been notable for their warmth. Yet - beyond the ambition for agreements on sanitary and phytosanitary goods (SPS), mutual recognition of professional qualifications, touring artists, and an ill-defined 'security pact' - the EU is still to hear precisely what the UK wants. Nick Thomas-Symonds has been made the ministerial lead from the Cabinet Office but, but the lead official for EU relations, Michael Ellam, has only just been appointed. The lack of a clear plan will arguably make it harder for the UK to achieve what it wants, not least as other aspects of the evolving UK-EU relationship might intrude upon the 'reset'.

Any negotiations on new forms of cooperation will be different to the ones that we have become used to over the past near decade. Unlike negotiations over the Withdrawal Agreement (WA) or the Trade and Cooperation Agreement (TCA), the default option is the status quo - and one that is working quite well for the EU (if not so much for the UK). Failure to reach (new) agreements in most areas does not leave the UK and EU in a 'no deal' situation. Rather, we would simply remain in a world where the relationship is governed by the WA and TCA. The cost of failure being lower, we can expect there to be less urgency this time round. The relative stability of the UK-EU relationship is, ironically, one of the barriers to its deepening.

Moreover, the last time the UK and EU had a formal negotiation, there was a fixed list of issues to be resolved by a specific date. This time round, things are far more nebulous. Not only is there no shared agreement on what the issues are, but the 'reset' is far from being the only moving part when it comes to UK-EU relations. There are outstanding implementation issues from previous negotiations as well as potential flashpoints that might disrupt progress. Equally, under the terms of existing treaties there are a number of looming deadlines necessitating negotiations that might be anything but straightforward. And finally, there is the potential that developments not directly related to the negotiations - in global politics, or in European or UK politics - might impact on the desire or ability of each side to move forward.

When it comes to UK-EU negotiations, definitions can be destiny. Whoever is able to frame the talks gains the upper hand. Between 2016 and 2020, the EU largely managed to dictate the course of proceedings, by both imposing its timetable for negotiations and setting clear red lines around the models of future relationship on offer. Theresa May hardly helped the UK's cause by setting her own red lines which, whether she appreciated it at the time or not, appeared to rule out all but the hardest forms of Brexit in the early months of her premiership, giving herself very little room for manoeuvre.

Will things be different this time around? The central question concerns the issues that will form part of the reset. The new UK government had an opportunity to set the agenda after taking power in July, not least as the European Commission was effectively out-of-office until the formal approval of a new College in December 2024. Yet the UK wasted that period by failing to articulate in any detail its key negotiating asks or offers (what kind of SPS deal? What kind of security pact?). In contrast, the EU has been more [forthright in ruling](#) particular UK proposals in (an SPS deal) or out (a deal on touring artists).

The Minister for EU Relations says Labour's manifesto commitments (new agreements on SPS, touring artists, professional qualifications, and a security pact) are only '[examples](#)' of what it wants to achieve in the reset, implying there may be more to come. Yet, as long as the government sticks to its red lines of no customs union or single market, other options are limited. Linking emissions trading schemes is [one obvious possibility](#), while UK re-participation in the EU internal energy market could be a highly ambitious ask. The Chancellor has hinted at potential alignment on [chemicals](#) and closer cooperation on [financial services](#).

Yet while it is in theory possible for the EU to grant the UK selective access to the single market (that is, after all, what a Swiss-style SPS deal implies) this power is entirely within the EU's gift. It will only be flexible where it sees an obvious benefit for itself - hence the [short shrift](#) given to the Chancellor's gambit on financial services. The EU does not necessarily consider it to be in its interests for a post-Brexit UK to flourish economically. And were it to offer concessions in terms of market access, these would doubtless come at a high price, potentially including freedom of movement and contributions to the EU budget, as evidenced in the recently modernised [package of Swiss-EU agreements](#)

The UK needs to work out what it can offer that will incentivise the EU to move away from a status quo that works quite well for it. One card it has to play is security. The EU [sees](#) 'strong potential to move forward with the UK on a defence agreement'. And there is clearly scope for some progress, not least because Boris

Johnson refused to negotiate any deal on foreign and security policy, despite EU enthusiasm for its inclusion in the TCA. Equally, however, there are signs of a gap in expectations. The UK is keen to use security as a way of enhancing its broader relationship with the EU. Foreign Secretary David Lammy floated the idea of using security to reinforce cooperation across a number of policy areas including foreign policy, defence, energy and climate, health, migration and critical minerals. But with some in the EU concerned about using fora other than the TCA in areas that relate to trade, a narrower approach is more likely.

The key EU demand concerns youth mobility. Brussels is interested in a deal that would allow EU nationals under a certain age to live, travel and work freely in the UK for a time-limited period (and vice-versa). However this is something the UK government has not only consistently ruled out, but – erroneously and repeatedly – characterised as 'synonymous' with a return to free movement, despite the fact that the UK has similar reciprocal deals with a number of key trading partners. The debate over youth mobility provides a neat illustration of how domestic political considerations might impinge on the negotiations - as the Home Office is reportedly dead set against any move that risks boosting net migration further. So, too, might fisheries. Though economically trivial, the EU has made clear an agreement on fisheries is a priority, and we know from past experience how politically sensitive such negotiations can be.

What this all underlines is the fact that, if the UK is serious about the 'reset', it will need to be prepared to provide concessions when it comes to key EU demands. In the case of youth mobility, this could, for instance, involve attempting to reach a compromise on a scheme which is less generous to EU nationals than the Commission's original ask — which it is currently revising (and which for example entailed EU students being subject to 'domestic' university tuition fees).

When might we get a clearer idea of the 'reset' agenda? There are numerous meetings scheduled for the early part of this year. Minister for EU Relations Nick Thomas-Symonds plans to meet his EU counterpart Maroš Šefčovič roughly every two weeks. Keir Starmer has been invited to attend an informal retreat of EU leaders in Brussels on 3 February, hosted by the European Council President António Costa, which is set to feature discussions on 'enhanced strategic cooperation with the EU, notably on defence.' And there is the first UK-EU summit scheduled for the first half of 2025 (itself a product of the new reset warmth), which may well be the moment when the core principles of a new UK-EU negotiation are thrashed out - provided the two sides have a common understanding of the summit's purpose.

And once negotiations start, there are several ways they might be structured. One obvious choice will be between having a single set of talks encompassing all the different putative areas for enhanced cooperation, or a series of separate, parallel discussions. Given the strong common interest in security and the existential nature of these matters, there is a case for discussing these separately so that security does not end up being a pawn in wider negotiations linked to more detailed negotiations over, say, youth mobility. The UK may also see an opportunity to increase its negotiating leverage if it is able to isolate and link specific issues (for example, asking for an SPS deal in exchange for concessions on fishing rights - a major EU concern). Though on the overall reset agenda, the EU is likely to prefer a 'package approach' to maintain the unity of member states and maximise leverage.

ISSUES AND DEADLINES

The reset, however, is far from the only item on the UK-EU agenda. For all the undoubted improvement in the tone of the UK-EU relationship, there remain several bones of contention between the two sides, any of which has the potential to trigger political fallout.

The EU has in recent months triggered formal legal proceedings over two issues: the UK's perceived failure to adequately uphold the rights of EU citizens who were living in the UK at the end of 2020; and a UK ban on the fishing of sand eels on environmental grounds, which, the EU argues, discriminates against its fishers. The two sides have also been unable to conclude an agreement on the future status of Gibraltar (there is ongoing disagreement over who has what rights to police the territory's airport, which is extremely politically sensitive in both the UK and Spain). The EU is also keeping a close eye on UK progress on implementation of the Windsor Framework. While these issues may sound esoteric, a failure to resolve them could lead to wider political fallout that in turn might impact on the 'reset'.

There are also a number of upcoming deadlines, both contained within and independent of the treaties, which have the potential to disrupt relations. In June 2025, the EU's data 'adequacy' decision, covering UK data sharing with the EU, expires, and its non-renewal would impose significant new costs on UK-EU services trade. This is a unilateral decision for the EU, based on whether it considers UK data protection rules to be equivalent to its own. From the start of 2026, the EU's Carbon Border Adjustment Mechanism (CBAM) takes full effect, likely meaning new tariffs on a range of UK goods exports (including electricity), and potential complications for Northern Ireland, unless the UK aligns itself with the EU's carbon pricing regime.

Then, in June 2026, the TCA's energy and fisheries chapters expire, requiring the two sides to agree renewed terms of cooperation, which for the politically sensitive issue of fisheries may not be straightforward. The EU has already made it clear that it sees an early deal on fisheries as a condition for a successful reset. Even if the UK had no 'reset' ambitions, 2026 would in any case also see the first review of TCA implementation (though this will likely be little more than a stocktake of the treaty's implementation). Finally, from 2027, UK- and EU-made electric vehicles will face 10% export tariffs, when traded UK-EU and vice-versa, unless a much greater proportion of each vehicle is made domestically. This is potentially another headache for European carmakers already struggling to combat the potent combination of Chinese-subsidised competition and American import tariffs.

Any one of these issues might spark highly politicised debate (as the issue of fish has done in the past), but linkage means some obvious areas of cooperation might fall victim to hold ups in other sectors. It is no coincidence, for instance, that the renewal of both the fisheries and energy chapters falls on the same day – a situation the EU intended to pressure the UK to compromise on the former in order to strike a deal on the latter. The management of the existing relationship might thus impede progress on the reset.

UK DEVELOPMENTS

Meanwhile, and as ever, politics in the UK will continue to impact on the relationship, not least because of the recent political success of Reform UK. Nigel Farage and co have clearly already had an impact on the way the government is thinking about immigration, and it is not beyond the realms of possibility that he might attempt to weigh in on anything he perceives – or is able to portray – as an attempt to 'betray Brexit'.

A strong performance by Reform in May's local elections and the 2026 Senedd elections might impact on Starmer's willingness to seek significant changes in the relationship with the EU, not least as a significant number of his backbenchers hold seats where Reform came second in July. Kemi Badenoch and the Conservatives clearly already think that Brexit might provide fertile terrain to both attack Labour and win back disaffected Tories from Reform. Badenoch used her last parliamentary question before Christmas to attack Starmer for "planning to give away hard-won Brexit freedoms".

Meanwhile, following Donald Trump's election in November, the Liberal Democrats are breaking their self-imposed omertá on Europe and urging Starmer to be more proactive in rebuilding the UK-EU relationship. Starmer could thus face political pressure from both sides. Aside from worrying about Farage, Labour

will have to consider the fact that the majority of its voter base continues to be pro-European. Absent real steps towards closer relations with the EU, there may be a danger of losing support to more overtly pro-Europe parties (such as the Liberal Democrats), as it did in 2017 and 2019.

Finding a position that unites Leavers and Remainers, and evades attacks from Farage, Badenoch and Davey, will not be easy, which makes the way the government has attempted to de-dramatise the issue more understandable. EU policy has been carried out somewhat *sotto voce*. Ministers have been quick to restate their red lines when challenged. And while the government is giving itself the ability to align with EU rules, its bill will allow it to do this via secondary legislation (thus avoiding the need for potentially problematic debates in parliament). It has also chosen not to reconstitute the European Scrutiny Committee in the House of Commons, which avoids giving pro-Brexit MPs from either the Conservatives or Reform a platform from which to criticise the government, but at a cost to parliamentary scrutiny of EU policy.

It may be that continued poor economic performance leads to pressure on the government to rethink its caution. At that point, it will be confronted with a hard choice about whether to continue tinkering around the edges of the deal for limited economic gain, or to revisit its red lines on the single market and customs union. The government might take some solace from the fact that public attitudes toward cooperation with the EU have become increasingly nuanced, even if the approaches of opposition parties have not. Even some of those who voted Leave in 2016 are willing to tolerate closer UK-EU relations if this implies tangible benefits, such as cheaper food or smoother travel.

Yet shifting the red lines would not be without political risk. While voters' attitudes toward Brexit may have become more pragmatic, there are still lines they are unwilling to cross – namely on 'sovereignty' and freedom of movement. If changes on these were broached, even in pursuit of something relatively popular such as economic growth or the ability of Britons to travel or work in Europe, opposition parties would be likely to cry *Brexit betrayal!* with consequences that are hard to predict.

UK INSTITUTIONS

Even beyond the domestic politics, there is the question of the institutional capacity of the UK to effectively manage the *current* relationship with the EU, let alone an enhanced one. Responsibility for this lies with Nick Thomas-Symonds in the Cabinet Office alongside the Prime Minister. He will need to be able to secure cross-Whitehall coherence – even if that means facing down the Home Office on mobility or, potentially, the Treasury on financial implications.

There are other issues that cut across multiple departmental briefs – for example something as outwardly beneficial as linking emissions trading schemes to avoid the UK and the EU having competing CBAM regimes involves brokering a common line across the Department for Energy Security and Net Zero, the Department for Business and Trade, the Treasury and the Northern Ireland Office. The issue has implications for net zero policy, business interests, tax revenue and the Union – meaning the departments could all hold different positions on how best to proceed.

While the 'reset' narrative focuses on what the UK can proactively seek in a new negotiation with the EU, the government also has to be mindful of the need to manage day-to-day EU policy and particularly to react to policy changes on the EU side. The Product, Regulation and Metrology Bill provides the government with powers to align with EU product regulations. This implies a desire to minimise future 'passive' regulatory divergence – stemming from EU rule changes which are not replicated in the UK – so as to avoid new costs for business and greater divergence between Great Britain and Northern Ireland. Again, however, a key question is whether the centre of government can develop effective cross-Whitehall procedures for assessing the costs and benefits of potential regulatory alignment. There is as yet no sign of a clear strategy around alignment or divergence.

It will be interesting to see where responsibility will lie for decisions around divergence or alignment (the bill sits with DBT even though the Cabinet Office is responsible for the EU relationship and seems a more obvious place for coordinating the policy cross-Whitehall) and whether government is able to establish clear principles for deciding when to pursue alignment, and systems and capacity for delivering it. The lack of such principles and methods was one of the reasons why previous Conservative administrations' plans for regulatory divergence failed to materialise.

The UK also needs to work out how its approach to the EU fits with its wider approach to trade policy. The new government seems to have picked up where its predecessor ended in seeking to pursue new FTAs and celebrating the UK's December accession to the big pan-Pacific trade agreement, the CPTPP. Yet this risks running into conflict with its EU agenda – particularly the desire for alignment on SPS standards – which will make the inclusion of agriculture in future trade deals potentially problematic and also undermine existing deals with Australia and New Zealand. Under the Conservatives, there was a clear division of labour – the centre (Cabinet Office, FCDO) negotiated with the EU and the international trade department (DIT then DBT) led on non-EU trade issues. If the government is serious about a reset, it needs to work out how to reconcile those ambitions with its wider trade agenda.

EU AND INTERNATIONAL DEVELOPMENTS

The future of the UK-EU relationship does not, of course, depend solely on what happens in the UK. One potential problem is that the UK simply does not figure highly enough on the EU's list of priorities to merit the kind of attention that might lead to a fundamental shift in the relationship. While there is certainly an interest in closer relations with the UK, both in the EU itself and in many member states, this is no longer the kind of existential issue that it seemed during the Brexit negotiations.

Moreover the priorities of the two sides when it comes to any talks are different. The EU's priorities are people-to-people links, energy, resilience and security. Not, in other words, the trade relationship which is so central to the UK government's agenda. While there might be scope for some progress on this latter issue during negotiations, the EU is far less worried about the implications of the economic provisions of the TCA (not least because the EU enjoys a goods trade surplus with the UK, and the TCA provides for tariff-free trade for almost all EU exports).

And domestic politics in individual member states, including elections in Germany in 2025 and in France in 2027, will affect their willingness to prioritise the UK – and their ability to amend a deal that is working quite well for most of them. The EU's two most influential member states are currently led by politicians ideologically sympathetic to Starmer, but both are critically lacking in political authority and could soon be replaced by more right-wing figures.

External factors could also shape thinking. The war in Ukraine and the election of Donald Trump in the United States have both added urgency to debates about European defence capabilities. For some observers, they also provide a strong rationale for significantly enhanced UK-EU relations, while some in the new US administration see advantage in presenting the UK with a strategic choice between a close relationship with the US or the EU.

Similarly, pressure from Washington to pursue a harder line towards China, or increasing assertiveness by the Beijing regime, will not necessarily result in greater unity between European states or greater coordination between the EU and the UK. As for Ukraine, clearly the main driver of western policy in the months to come will be the US, yet should a peace deal of any kind be negotiated, subsequent negotiations between European states on burden sharing when it comes to reconstruction funding are likely to be heated.

The war has also given a new lease of life to the EU's enlargement agenda, including discussions on fast-tracking Ukraine's application and granting it privileged access to the single market. Whilst those in favour of closer ties with the EU may be hoping that similar options may be available to the UK, it seems

unlikely that the same flexibilities will be applied to a country that intends to permanently remain outside the EU as to those willingly on a path to ever closer integration.

CONCLUSION

Brexit rumbles on, underlining the truism that it is a process, not an event, and that, however much the UK might want to, it cannot ignore its largest trading partner on its doorstep. The desire of the Starmer government to revisit the Johnson deal testifies to the fact that UK-EU relations have not reached a stable equilibrium. Far from it. The relationship is characterised by so many moving parts – ongoing points of contention, timetabled renegotiations of elements of the TCA, the reset itself and of course the management of day-to-day interactions – that stability will be difficult to achieve. It only takes a quick glance at Switzerland to understand that 'third country' relations with the EU are perennially under contestation.

As for the reset itself, the lack of urgency with which it has been pursued to date has made it harder for the UK government to achieve what it wants. Delay has not only meant that the EU has moved to specify its own asks, but has increased the danger of reset talks becoming tangled up with any of a number of other bilateral issues that will need to be resolved in the coming months and years. And hanging over all of this is an increasingly unstable international system. Resetting the relationship, then, will be far from straightforward, but that doesn't mean it is a challenge which the UK can avoid. The five years since Brexit show that the EU continues to shape our daily lives in significant ways, even if we're no longer part of the club.

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