

## EDITORIAL COMMENTS

### *When the music finally stops, who'll be left holding the Brexit parcel?*

For some time already – at least since November 2018 but arguably much longer – the basic options facing the UK have not changed: either leave on the basis of the Withdrawal Agreement negotiated with the Union; or depart without any agreement and suffer the inevitably damaging consequences; or revoke the original notification of intention to withdraw under Article 50 TEU and remain a Member State under current terms and conditions of membership. The simplicity of that choice is merely disguised (not in any way substantively altered) by the political chaos in London. True: that troubled political situation also manages to make each one of the remaining options feel unlikely to win out over either of its equally improbable rivals – and of course, each route also comes with its own suite of follow-on challenges and problems. Yet however improbable each of them may feel, one of those outcomes simply has to happen – and its attendant problems will eventually have to be addressed.

Furthermore, as the whole spectacle has dragged on, the Union's constitutional system has created added complications – not least the scheduled European Parliamentary elections, and the consequences for both sound institutional functioning and crucial decision-making processes within the Union itself, should UK membership extend beyond 22 May 2019.<sup>1</sup> In that scenario, the UK might refuse to take part in the elections – in which case, it will leave (possibly with a deal but otherwise on a no-deal basis) on 1 June 2019.<sup>2</sup> Indeed, the European Council has formally rejected any prospect of the UK failing to participate in the elections then remaining a Member State subject to the ongoing Article 50 TEU process beyond that date.<sup>3</sup>

1. See further, e.g. <<https://acelg.blogactiv.eu/2019/03/14/the-complications-of-a-brex-it-delay-that-runs-into-the-european-parliament-elections-by-leonard-besselin-k-and-bastian-michel/>>.

2. European Council (Article 50) Conclusions of 10 April 2019, para 2 (deal) and para 3 (no deal).

3. That still leaves open the risk (albeit probably only theoretical) of the UK failing to take part in the vote but then revoking its original notification of intention to withdraw during the period between 22 May and 1 June 2019 – thereby remaining a Member State but without having elected any MEPs and so managing to wreak potential havoc with the Union's institutional framework.

Alternatively, and as its Government now seems to be preparing for, the UK might well participate in the elections – in which case, its basic options (deal, no deal, revoke) will remain alive for a few more months.<sup>4</sup> But that prospect is hardly enticing either. Already, many British politicians – even mainstream ones – speak about the idea of their own participation in European democracy as if it were a mediaeval trial by torture; for the Conservatives and Labour this may well feel true, even if some of the smaller parties regard the elections as a useful opportunity to test the strength of public (pro-/anti-Brexit) sentiment. For their part, many other Member States surely have little desire to watch the UK send an(other) expeditionary force of Europhobes to Strasbourg, only to forge some short-time “wreckers’ alliance” with the mainland’s own elected proto-fascists. Whatever the outcome, the degree of uncertainty combined with the tight timescales involved have already created logistical headaches – particularly for those Member States due to benefit from a partial redistribution of the UK’s seats.<sup>5</sup>

But almost as important as the actual options and outcomes available and possible under Union law, is the political framing and public perception of those options and outcomes, for which purpose a central preoccupation, particularly in the UK, is the “Brexit blame game”.

*Bullies outwith, Traitors within: The New Testament according to Brexiteers*

Within the UK, the “Brexit blame game” has been alive and kicking for a considerable time already – being played out by a range of different actors motivated by a variety of different reasons.

Its chief practitioners are the First Believers – dedicated Leave campaigners both within and outside Government. It was always inevitable that a political project built almost entirely upon systematic lies and absurd fantasies should begin to fall apart when confronted with the harsh realities of the actual world. But it was equally inevitable that its architects and champions would never simply admit to their fault, but instead manufacture a new corpus of replacement lies and fantasies, not least by hunting down suitable scapegoats to shoulder the blame for the unfolding mess. Externally, the UK’s problems are the fault of the “Brussels Bullies” – with the Union cast as Evil Empire, regularly compared to the USSR, intent on punishing Britain for daring to declare its independence, as well as deterring other national liberators from

4. I.e. until 31 Oct. 2019 at the latest, in accordance with para 2 of the European Council (Article 50) Conclusions of 10 April 2019.

5. In accordance with the European Council Decision establishing the composition of the European Parliament (19 June 2018).

following the same path.<sup>6</sup> Internally, Brexit has been systematically undermined by an army of traitors and saboteurs – the metropolitan elite, the political establishment, the dark forces of the “Deep State” – all intent on frustrating the “will of the people” as authoritatively divined and proclaimed by the First Believers.

It may well be that some First Believers genuinely swallowed their own lifetime’s worth of propaganda and are now equally sincere in their conviction that the only possible explanation for unfolding events must be that their beloved Brexit has been “stabbed in the back”. Other leading members of the culthood have surely been more cynical and opportunistic in their professions of faith – perhaps knowing all along that UK withdrawal would be a problematic and painful experience and thus having pre-prepared their own versions of the “bullied and betrayed” myth. Either way, the current situation has pushed many First Believers to yet greater extremes: we are told that Brussels and the Deep State have vastly exaggerated the minor inconveniences that might arise in the event of a no-deal withdrawal; in fact, the oracles now declare that the “will of the people” always was and still remains overwhelmingly in favour of a “clean break Brexit” as soon as possible. The proposed Withdrawal Package is denounced as “Brexit in name only”, while any delay to the UK’s departure is decried as an act of “national betrayal” – accusations which have become progressively more shrill in the UK’s increasingly febrile political atmosphere.<sup>7</sup>

But the “Brexit blame game” is far from limited to the First Believers. It is also practised wholeheartedly by the Nouveau Brexiteers – including Prime Minister May and other leading members of the UK Government, generally considered to be more moderate and reasonable in outlook, but who have also converted to the Brexit cause through some combination of public duty, political pressure, and personal ambition.

For the Nouveau Brexiteers, the blame game was performed primarily during negotiations over the Withdrawal Package. After all, their brand of Brexit was built upon a commitment, not only to implementing the outcome of the 2016 referendum, but also to delivering a “cake and eat it” destination,

6. To be fair, the external anti-Brexit forces are not entirely confined to the EU: e.g. the Minister for International Trade (a true First Believer) has suggested that his own failure to deliver on the promised full suite of “continuity agreements” (rolling over the EU’s existing external treaties particularly in the field of trade) should in fact be attributed to the reluctance of the relevant third countries to prioritize negotiations with the UK and / or their tendency to make negotiating demands of their own.

7. Even a quick glance through recent head- and storylines in the *Daily Express*, *Daily Mail* or *Daily Telegraph* shows how pervasive the language of “Brexit Betrayal” has become – to say nothing of the hysterical propaganda of UKIP, Farage’s new Brexit Party and other more extreme agitators.

whereby the UK could insist upon its various red lines but still enjoy a deep and special partnership with the Union, amounting to many of the benefits without most of the obligations of membership itself.<sup>8</sup> In its own way, that was always as much of a fantasy as anything concocted by the First Believers – and judged by its very own standards, the inevitably unfavourable outcome of the Article 50 TEU negotiations would again need to be explained by the dastardly work of nonetheless convenient scapegoats.

Externally, the Union again played its preordained role. Readers may recall the Prime Minister's peculiar reaction to the outcome of the Salzburg summit in September 2018,<sup>9</sup> expressing both surprise and outrage when (entirely as expected and quite rightly) the EU27 rejected the “cake and eat it” proposals on trade in goods which lay at the heart of the so-called Chequers White Paper.<sup>10</sup> More recently, we were treated to the remarkable spectacle of the UK Government lobbying against its own Withdrawal Agreement in the House of Commons, so as to secure a domestic mandate to seek renegotiation of the “backstop” designed to prevent the return of any hard border on the island of Ireland.<sup>11</sup> No matter that the Union had already decreed the Withdrawal Agreement closed to further renegotiation; or that the “backstop” had assumed its final form only at the insistence of the UK itself; or that the UK was unable to identify which “alternative arrangements” had not already been exhaustively considered over the previous near-two years of talks; or that any demand for a fixed time limit on / unilateral power of exit from the “backstop” would mean it was no longer a “backstop” at all... In defiance of any objective reality or analysis, the UK's negotiating demands are only ever oh-so-reasonable; it is an arrogant and punitive Union that refuses to “compromise” – which might feel true for those who inhabit a world where “compromise” is defined as “giving the UK whatever it wants”.

Internally, the Nouveau Brexiteers have played an equally single-minded blame game – with the Government asserting that responsibility for the UK's political crisis (as well as for any delay to the long-planned date of withdrawal on 29 March 2019) lies squarely with the House of Commons for refusing to

8. A position first set out in the UK's White Paper of February 2017, *The United Kingdom's exit from and new partnership with the European Union* (Cm 9417).

9. Theresa May's statement on the Brexit negotiations (21 Sept. 2018) available at <[www.gov.uk/government/news/pm-brexit-negotiations-statement-21-september-2018](http://www.gov.uk/government/news/pm-brexit-negotiations-statement-21-september-2018)>.

10. The UK's White Paper of July 2018, *The Future Relationship between the United Kingdom and the European Union* (Cm 9593).

11. In particular, by supporting the so-called “Brady amendment” (in a vote in the Commons on 29 Jan. 2019) calling for replacement of the “backstop” with alternative arrangements that would prevent a hard border; a position then translated into official Government policy, e.g. by Theresa May's statement on Brexit (12 Feb. 2019) available at <[www.gov.uk/government/speeches/pms-statement-to-the-house-of-commons-on-brexit-12-february-2019](http://www.gov.uk/government/speeches/pms-statement-to-the-house-of-commons-on-brexit-12-february-2019)>.

approve the Withdrawal Package brought back from Brussels. No matter that the Government's entire withdrawal strategy had been conceived from the outset and pursued thereafter on the basis that UK withdrawal from the Union is not a matter of national concern to be delivered through cross-party consensus; but instead a political destiny entrusted to the Conservative Party and to be achieved by pandering to the First Believers as well as their ideological brethren in the DUP. No matter either that the Government did its best to sideline the Commons from the entire withdrawal process, resisting virtually every attempt at scrutiny or input from parliamentarians; or indeed that the Government managed to finalize the Withdrawal Package in talks with the Union, without any apparent attempt to ensure that the final agreement could command sufficient domestic support. This was a blame game that reached its zenith (or nadir) in the Prime Minister's "speech to the nation" on 20 March 2019 – seeking to pit People against Parliament – and succeeding in its own odd way, if one believes the newspaper reports that it may well have exacerbated the already poisonous atmosphere that produces assaults, abuse and threats against MPs.<sup>12</sup>

If the quagmire surrounding the Withdrawal Package needed scapegoats to divert attention from the abject failure of the UK Government's own "cake and eat" policy, the very real possibility of the UK leaving with no deal has now created an additional and urgent need for Nouveau Brexiteers to avoid taking the blame for any such negative outcome. Once again, there are both external and internal targets for this particular political operation.

Externally, many commentators perceived that the UK's successive requests for an extension of the default date set for withdrawal under Article 50 TEU were deliberately framed in terms that sought to shift political responsibility for a no-deal outcome (if indeed that should occur) away from the UK authorities and onto the Union's own shoulders. For example, the Prime Minister's letter of 20 March 2019 requested an extension only until 30 June 2019 and only for the purposes of approving the existing Withdrawal Package and ratifying / implementing its Withdrawal Agreement. It was written at a time when the chances of parliamentary consent to the Withdrawal Package appeared slim, whereas a no-deal departure felt both likely and imminent. It omitted any request for a longer date that might offer the time and space needed to find an alternative solution.<sup>13</sup> Moreover, the request for a new

12. Available at <[www.gov.uk/government/speeches/pm-statement-on-brex-it-20-march-2019](http://www.gov.uk/government/speeches/pm-statement-on-brex-it-20-march-2019)>. See further, e.g. <[www.theguardian.com/politics/2019/mar/21/mps-told-to-take-simple-steps-to-avoid-abuse-amid-brex-it-tensions](http://www.theguardian.com/politics/2019/mar/21/mps-told-to-take-simple-steps-to-avoid-abuse-amid-brex-it-tensions)>. And more broadly, e.g. <[www.theguardian.com/politics/2019/apr/22/brexiters-language-worsens-threats-against-mps-nicky-morgan](http://www.theguardian.com/politics/2019/apr/22/brexiters-language-worsens-threats-against-mps-nicky-morgan)>.

13. Despite the clear position of the Commons and even previous suggestions by the Prime Minister herself. The Commons voted against allowing "no deal" under any circumstances on 13 March 2019. Theresa May reacted by suggesting that, if Parliament still failed to support the

deadline of 30 June 2019 directly conflicted with the Commission's well-known position of opposing any date that could affect the smooth conduct of the European elections. It is hard to avoid the impression that the UK was hoping to set the Union up as the Bad Guy – though in the end, the EU27 batted the ball straight back into the UK's court through its decision to offer an alternative extension until either 22 May 2019 (if the Withdrawal Agreement were to be approved within the coming days) or 12 April 2019 (otherwise and pending further proposals from the UK).<sup>14</sup>

As we all know, on 29 March 2019, the Commons once more refused to endorse the Withdrawal Agreement – forcing the UK Government to return to the European Council and seek to persuade the EU27 of the need for a further delay rather than allow a “no deal” to happen by default. But if anything, the Prime Minister's second extension request on 5 April 2019 was even worse than its predecessor: despite having made no appreciable progress with the extra time it had already been given, and still lacking any credible alternative plan to deal with the situation, the UK effectively repeated the same extension request (30 June 2019) and did so regardless of the fact that it would raise the same problems and objections (not least for the European elections). Perhaps by this stage the Government was genuinely devoid of any meaningful capacity or fresh imagination to manage its own predicament. Or maybe it simply calculated that, with “no deal” still very much a live possibility, any refusal by the Union to accede to the UK's fresh request for an extension could again be portrayed as an outcome inflicted upon the British against their will. Once more, however, the EU27 responded with a relatively sleek manoeuvre: as we have seen, the UK can refuse to hold European elections and leave (deal or no deal) on 1 June 2019; or the UK can participate in those elections and seek to approve the Withdrawal Package by 31 October 2019.<sup>15</sup>

Internally, the Government might appear to have finally given up on pandering to the hard right Tories and DUP, and sought instead to build a new cross-party consensus with the Labour Party, capable of delivering the parliamentary majority required for a negotiated withdrawal.<sup>16</sup> Perhaps we

Withdrawal Package in time for departure on 29 March 2019, there would need to be a “much longer extension”: see her statement on 13 March 2019 available at <[www.gov.uk/government/speeches/pm-statement-in-the-house-of-commons-13-march-2019](http://www.gov.uk/government/speeches/pm-statement-in-the-house-of-commons-13-march-2019)>. However, even though the Withdrawal Package remained as yet unapproved, Theresa May eventually refrained from requesting any longer extension in her letter of 20 March 2019 (reportedly under threat of rebellion by Leave supporters in her Cabinet).

14. European Council (Article 50) Conclusions of 21 March 2019, para 3. Translated into European Council Decision, taken in agreement with the United Kingdom, extending the period under Article 50(3) TEU (22 March 2019).

15. European Council (Article 50) Conclusions of 10 April 2019, para 2 and para 3.

16. See Prime Minister's Statement on Brexit (2 April 2019) available at <[www.gov.uk/government/speeches/pm-statement-on-brex-2-april-2019](http://www.gov.uk/government/speeches/pm-statement-on-brex-2-april-2019)>; also, e.g. Prime Minister's

should not be unduly cynical about that initiative: even though previous offers of cross-party talks seem to have been conducted only on Theresa May's terms, this could well be her first genuine attempt to find a workable path forward based on political compromise. But even the more generous-of-heart must admit that the prospects for success seem bleak. Not because the Conservative and Labour leaders are actually so very far apart: after all, both Theresa May and Jeremy Corbyn proclaim themselves committed to respecting the outcome of the 2016 referendum; and neither the Withdrawal Agreement in general nor the Irish backstop in particular are the subject of particular dispute between the two sides. The focus is rather upon reframing the Political Declaration on future EU-UK relations in a way that can (for example) reconcile Labour's preference for a full EU-UK customs union with the Tory's desire for an independent UK trade policy. However, even if the two party leaders manage to hammer out some vague formula that reconciles their apparently contradictory Brexit aspirations, May and Corbyn then each run the risk of provoking outright rebellion within their respective parties in both Parliament and across the country at large: significant concessions towards the Labour position could prove an electoral disaster for and even split the Tories; endorsing Brexit (at all but especially without promising a second referendum to choose between any proposed deal or remaining in the Union) could be an equally damaging path for Labour to pursue.

Against that background, it is hardly unreasonable to assume that the Government's invitation to parley was motivated also and in at least equal measure by the expectation that cross-party talks would in themselves accelerate within Labour the same open conflict as was already engulfing the Tories: both parties would share in the blame for whatever outcome emerged; if it came to it, both parties could plunge together in flames into the Brexit abyss. Conversely, one can easily imagine that Labour's enthusiasm to engage in cross-party talks was also and in at least equal measure aimed at avoiding precisely any such outcome: being seen to talk in good faith, while articulating principled reasons for resisting agreement with an uncompromising Government, could allow Labour to escape being saddled with responsibility for the failure of cross-party talks while also ensuring that Brexit remains firmly a Tory policy.

Rising above the daily intrigues, one may perceive the broader risks of the UK's agglomerate "Brexit blame game" to be clear and profound. Instead of using precious time and opportunities to find genuine and workable solutions to a real and imminent crisis, much of the UK's political capacities and official efforts are being spent seeking to pass and escape political



responsibility for problems that could have been better managed and for a disaster that could have been avoided (or at least reduced). In the meantime, the conscious and deliberate whipping up of public confusion, resentment and anger for essentially cynical political ends is a very dangerous game to play. Particularly if the whole process ends in a no-deal departure and the consequences do prove as damaging as widely anticipated (even despite the extra time for preparations which have been afforded by the Union's double decision on extension): the rhetoric of "Brussels Bullies" could sour relations with the Union for years to come; and the myth of Brexit being "stabbed in the back" could further seriously damage public faith in British democracy.

### *The Union's Response to British Blame Games*

So much for the "Brexit blame game" as played out in the UK. How have the EU27 responded?

From the outset of the UK's anticipated withdrawal, the Union has consistently pursued four main priorities arranged in a clear order of preference. The first is to maintain unity among and between the Union institutions and the remaining Member States – preventing the civil war within the British Conservative Party from managing to infect not just a great country but an entire continent with the existential threat of disintegration. The second priority is to preserve the autonomy and integrity of the Union legal order in general and the Single Market in particular – ensuring that no third country can enjoy the rights and privileges of membership and that no Member State can obtain a better deal by leaving. Thirdly and assuming those two previous objectives have been adequately secured, the Union sincerely wants to deliver a smooth and orderly British withdrawal that avoids the damage and disruption of a no-deal outcome. Finally and if at all possible, the Union would prefer to design and agree a new relationship that manages to keep the UK tied as closely as possible to the Union's own political and legal orbit into the future.<sup>17</sup>

However, the "Brexit blame game" fermented by the UK's protracted political crisis has also forced the Union to engage in its own battle over public perceptions. Throughout the negotiations, figures like Michel Barnier and Donald Tusk have spent considerable time and effort seeking to counter British allegations of "Brussels bullying". For example, the Union has been compelled repeatedly to explain that the European Council's initial decision about the timing and sequencing of negotiations was not some deliberate

17. See European Council (Article 50) Guidelines following the United Kingdom's notification under Article 50 TEU (29 April 2017).



attempt to punish the UK by denying it the opportunity to secure a quick and easy trade deal; but rather represented a sound legal interpretation of Article 50 TEU read in its wider constitutional context; as well as a sensible political preference to prioritize securing an orderly withdrawal, grounded in long empirical experience of dealing with complex and sensitive international negotiations. And of course: that legal interpretation and corresponding political preference have been entirely and absolutely vindicated by actual events.

Increasingly, the Union is now forced to engage in comparable efforts to avoid being saddled with the blame for a potential no-deal departure. And not only by or within the UK. For reasons of geography as well as relative economic interdependence, several remaining Member States are also likely to be deeply and adversely affected by a chaotic and disruptive UK withdrawal: their populations will also wonder who should be held accountable; and by then, the real culprits will already have left the scene. In addition, Eurosceptic movements across the EU27 are happy to promote the narrative of a proud nation being subdued and humiliated by the “Brussels Bullies” – effectively hijacking the UK’s self-imposed crisis and sharing in the Brexiteers’ mythology so as to bolster their own populist agendas within both the upcoming European and any future national elections.

The Union’s efforts to avoid being blamed for “no deal” can best be appreciated in its nuanced responses to the UK’s twin extension requests: as we noted above, the European Council managed to sidestep whatever potential traps had been laid out by the UK Prime Minister – showing flexibility as regards the precise timing of the UK’s final departure in a way that provides the British with more time to sort out their own mess, but does so without endangering the autonomy and integrity of the Union institutions. In addition, the EU27 have made clear that they remain open to talk once more about the terms of the Political Declaration (should the UK so desire) and reminded the British that they can always change their mind and revoke the original notification of intention to withdraw.<sup>18</sup> The underlying message is unmistakable: the UK must take responsibility for the consequences of its own decisions or inactions; if the UK does eventually leave with no deal, it will be because the UK itself failed to secure a different outcome.

To that extent, the Union has so far handled the “Brexit blame game” adroitly. But the battle over public perception is not over yet; that depends upon the future evolution of events and behaviours in the UK. For example, imagine that the Government and the Official Opposition do indeed manage to agree a new plan for the Political Declaration, or that the Commons is presented with and votes in favour of some new vision of the Withdrawal

18. European Council (Article 50) Conclusions of 10 April 2019, paras. 5–6.

Package, either of which in fact amounts to yet another version of the UK's longstanding "cake and eat it" policy. If so, the Union will have to manage, not only the refinement or rejection of that plan or vision on substantive and principled grounds, but also the inevitable attempts to manipulate public opinion into believing that the UK finally discovered what it wanted from Brexit all along... only for the duplicitous Eurocrats immediately to spurn the UK's hand of friendship and continue their campaign of anti-British vengeance.

Moreover, the Union's tactics of self-defence are not without problems of their own. For example, it is understandable that the Union consistently defends the Withdrawal Agreement negotiated with the UK as the best and indeed the only possible deal. After all, it is the fruit of enormous effort pursued and delivered in good faith and it is essential for delivering the Union's (third) priority of a smooth and orderly withdrawal. But it should be possible to recognize the utility and merits of the Withdrawal Agreement without regarding the proposed treaty virtually as beyond criticism and thereby overlooking or downplaying its very real shortcomings. It may be true (say) that the Withdrawal Agreement's provisions on the future protection of existing migrant Union and UK citizens' rights are generally satisfactory – but they are far from perfect and surely do not add up to a genuine maintenance of the status quo which would allow the relevant individuals to carry on with the lives just as they did before.<sup>19</sup> It is a pity that the Union's desire to protect the Withdrawal Agreement from being reopened, either to unreasonable UK demands or to divergent EU27 counterclaims, has made its text sacrosanct when there is in fact room for further improvement.

In any case, even a "successful outcome" could amount only to a fragile and short term victory for the Union's Article 50 TEU strategy. For example, imagine that the Withdrawal Package manages to secure some narrow majority in the Commons, allowing both an orderly UK withdrawal to take place and formal negotiations on the future relationship to commence.<sup>20</sup> None of that would change the fact that the UK political situation remains extremely volatile or avoid the risk that a change in leadership could quickly and easily provoke some fresh crisis: a hardline First Believer or Nouveau Brexiteer as

19. See e.g. Spaventa, *Report for the European Parliament: Update of the study on the impact of Brexit in relation to the right to petition and on the competences, responsibilities and activities of the Committee on Petitions* (PE 604.959 of April 2018); House of Commons Exiting the European Union Committee, *The Progress of the UK's Negotiations on EU Withdrawal: The Rights of UK and EU Citizens* (HC 1439, 23 July 2018); <[www.youtube.com/watch?v=Y2vpQ\\_VGY5U](http://www.youtube.com/watch?v=Y2vpQ_VGY5U)>.

20. Though surely with even less prospect than before of such large, complex and sensitive negotiations being concluded by the end of the now-truncated transitional period provided for under the Withdrawal Agreement.

Prime Minister who clings to the belief that the financial settlement is not an accounting for past obligations but a bargaining chip for future concessions; or who actively seeks to undermine and upturn the extensive obligations incumbent upon the UK during the transitional period; or who simply refuses to accept activation or (in due course) maintenance of the Irish backstop despite the absence of any credible alternative plan to prevent the return of a hard border. We would not like to think of the UK morphing into an international partner that cannot be relied upon to keep its own word – yet each and every one of those potentially confrontational scenarios can be identified in the fiery rhetoric of the leading Tory leave campaigners.

*British Europeans: Today's voiceless mass, tomorrow's mighty vanguard?*

The battle for public perception has another important dimension: the Union's reputation and standing amongst the British Europeans, i.e. those UK nationals who self-identify also as citizens of the Union.

Leave campaigners do their very best to make us all forget that almost half of those who cast their votes in 2016 supported remain – including clear majorities in Scotland and Northern Ireland as well as major cities from London to Liverpool, Bath to York. If certain opinion polls are to be believed, that figure may well be rising, slowly but steadily, offering the chance, though hardly any guarantee, of a remain majority, should a second referendum take place in the near future. But in any case, surely the UK now boasts one of the largest, most committed and most active pro-European movements anywhere in the entire Union. Tens of thousands of activists across a multitude of national, regional and local organizations speak for many millions of citizens in their passionate commitment to Union membership and citizenship and to European identity and solidarity. Parliamentary petitions calling for a second referendum attract record levels of support; pro-Union demonstrations draw vast numbers onto the streets. Yet many of those British Europeans feel barely represented in the UK's political institutions – which is not to denigrate the clear and principled stance of various smaller parties like the Liberal Democrats or Scottish National Party – but the situation could become even worse if Labour moves from its current stance of deliberate ambiguity so as actively to support some compromise Brexit with the Tories.

Those millions are looking to the Union for moral and practical support. Of course, it is entirely understandable that the Union accepts the sovereign decision of the UK State to leave; that it wants to ensure a smooth and orderly withdrawal; that it engages to that end with the UK Government as its primary interlocutor; that it defends the final agreements which have been reached in

their negotiations; that it seeks to avoid any accusation of interfering in the UK's domestic political affairs. It is not the Union's primary role to give a voice to the British Europeans – however committed they may be or desperate they may feel. But once again: perhaps political packaging and public perceptions count almost as much as actual choices and eventual outcomes. In particular, the Union should be careful not to give the impression that it simply cannot wait to usher the UK out of the door and is prepared to do everything possible to facilitate and hasten the process. That is why President Tusk's interventions of late have been welcomed by many pro-Union activists across the UK. True: some commentators have criticized his “flection” proposals as unduly accommodating of the UK's endless antics and for posing the risk of contaminating the Union's own institutions with the British disease of turmoil and uncertainty. But his chastisement of those Union voices – not least within the European Parliament – now actively pressing for UK withdrawal simply to be done with, and as quickly as possible, has at least comforted British Europeans that they are not entirely alone in their struggles.<sup>21</sup>

It is important that the Union continues to handle the situation sensitively – even or indeed especially if and when UK withdrawal finally proceeds – not least given the long term benefits of building on the UK's vast European movement in years to come. After all: we could soon be debating the prospect of Scottish independence and a subsequent application for Union membership. And indeed: it might not be so very long before the UK itself seeks readmission to the mainstream of European integration and cooperation. Either prospect will arouse strong political passions intertwined with challenging legal and constitutional questions: just think of the sensitivities surrounding the Union's standard expectation that candidate countries commit to adopting the Single Currency; or the clear Treaty obligation that applicant States must accept full integration into the Schengen *acquis* as incorporated into and developed under the Area of Freedom, Security and Justice.<sup>22</sup> But whatever the future holds for EU-UK relations, the challenges will surely be less difficult to overcome if the momentum, dedication and enthusiasm of the British Europeans is maintained by their loyal and patient friends across the Channel and the Irish Sea.

21. E.g. Report by President Donald Tusk to the European Parliament on March European Council meetings (27 March 2019). Note also: Report and Concluding Remark by President Donald Tusk to the European Parliament on the Special European Council (Article 50) meeting on 10 April 2019 (16 April 2019).

22. See Art. 7 of Protocol No 19; though subject to the exception contained in Art. 20(4) TEU.