

Candidate 1 evidence

The United Kingdom should withdraw from the European Union without a deal rather than Theresa May's withdrawal agreement.
Discuss.

Following the UK's decision to leave the EU in the 2016 EU referendum (52% leave, 48% remain), the UK government has entered into negotiations with the EU to obtain an agreement on the terms of the UK's withdrawal - with the view of reaching a deal which respects the result of the referendum whilst ensuring an orderly departure. However, from the beginning, the Conservative UK Prime Minister Theresa May has made it clear that "no deal is better than a bad deal".

A mantra meaning that should a satisfactory deal not be obtained, it is UK government policy to leave without any formal agreements - both as a negotiation tactic and a way to ensure the UK leaves, regardless of any negotiation. This is, therefore, the fundamental choice facing MPs: back May's deal or leave the EU without a deal.

May's deal creates: a transition period to allow for trade negotiations to ensure and businesses to adjust to new regulatory environment, a divorce settlement to honour the UK's financial obligations to the EU and a controversial 'backstop' ~~policy~~ protocol to prevent the return of a hard border on the island of Ireland. Whereas, a 'no-deal' would mean the UK leaves ^{on} with World Trade Organisation (WTO) terms until free trade agreements are made, will not have to pay its financial obligations to the EU but would likely lead to disastrous economic consequences.

The issue of the UK's departure - or rather the terms of departure - is arguably the single most important political issue since the Second World War as it will essentially determine the UK's political, economic and diplomatic future. It is a highly relevant issue ~~since~~ since it is dominating public opinion, media coverage of politics and parliamentary business as parliament is more focused on Brexit than any other issue.

EU membership has always been subject to debate within the conservative party with prominent 'Eurosceptics' as in the European Research Group (ERG) opposing May's deal on the issues of sovereignty, the divorce settlement and infamous backstop protocol which they would contend leads to the UK being tied to EU regulation indefinitely. The ERG favour a 'hard brexit' with few of the existing ties to the EU being kept and would argue for a 'no deal' brexit over a 'bad deal'. On the other hand, there are also 'Europhiles' who favour a 'soft brexit' with close alignment to EU rules to ensure frictionless trade and would reject a 'no deal' brexit as being the worst possible outcome with detrimental effects on the UK economy. Some Eurosceptics would even argue for a second referendum with the option to remain in the EU. The UK Government's 'supply and confidence' partner the DUP (Democratic Unionist Party) oppose May's deal on the issue of the Irish Backstop as they believe it would lead to the 'break-up of the UK'.

If the UK were to leave under May's deal, according to a 2018 BBC news Article "The UK would pay about £39bn to cover outstanding financial obligations arising from its EU membership". This means that even after the UK would leave the EU, it would still continue to contribute to the budgets of EU projects it had agreed to fund before the 2016 EU referendum result. This part of May's deal could be seen to be unfair as it means the UK would send a vast sum of money to the EU which wouldn't benefit UK citizens but instead likely be used for ^{development +} poorer areas of the EU - essentially funding an organisation which the UK would no longer have a stake in/ be a part of. This aspect of May's deal is therefore undemocratic as according to a 2018 BBC research poll, 86% of 'leave voters' voted to 'take back control of our money' but this deal (in the short term) does the exact opposite by sending money to Brussels which the UK loses control over. It is therefore conceivable that

majority of the [^]leave voters who felt that their hard-earned money was not being used to benefit them would feel betrayed by May's deal which could damage their fragile trust in the UK political system - possibly leading to an increase in voter apathy.

Steve Peers, professor of EU law, states in a 2019 Daily Telegraph article that "it is unlikely that the ECJ [European Court of Justice] would have jurisdiction over infringement proceedings against the UK over the financial settlement in case of a no deal". This means that if the UK were to leave the EU without a deal, it would not have to honour its financial obligations since the EU would have no legal way to enforce it as the jurisdiction of the ECJ would end in the UK, making the UK supreme court the highest legal authority in the UK to hold the government to the law. This links to the concept of national sovereignty as it means the UK would gain absolute political authority over taxpayers' money - can't be told by a 'higher' body ~~on~~ how to spend it - thus gains full control over its money without interference from the other EU member states. This is in sharp contrast to May's deal which sees control (and sovereignty) being given away to the EU in the short term. However, if the UK were not to honour its financial obligations there would likely be political consequences as the EU would be far less likely to offer preferential treatment or provide any concessions in trade negotiations (which it is famous for doing Eg. Cameron's re negotiation) thus making diplomacy more difficult.

There is, however, a similarity between May's deal and no-deal as according to a 2019 Inews Article under both ^{types of} deals "The UK would no longer have to pay the annual 213 billion contribution + the EU budget". Therefore, despite May's deal forcing the UK to pay a short-term divorce settlement, in the long term it ends the vast sums of money being sent to Brussels for the EU budget every year, as does a 'no deal' Brexit. Thus, both options, allows the UK to use taxpayer's money

to invest in domestic priorities such as NHS which it couldn't when it was a member of The EU - This both meets the explicit wishes of no-deal voters as mentioned earlier in the BMC-poll and respects/honours the result of the referendum.

Under May's deal, if no trade agreement has been reached between the UK and the EU by the end of the transition period which prevents the return of a hard border on the island of Ireland and there is no extension to the transition period, the temporary backstop protocol would be triggered. The Backstop - according to a 2019 BBC article - would create a "single customs territory between the (European) Union and the United Kingdom" to prevent the return of the borders of the past. In addition to this, the backstop places Northern Ireland in a 'deeper customs relationship' with the EU, than the rest of the UK with closer alignment to EU rules and regulations to keep ~~at~~ the border from returning. However, the DUP oppose this prospect as they contend that any "special status given to Northern Ireland would create a regulatory difference between the nations of the UK and would lead to the 'break-up' of the UK since an internal border would 'theoretically' be formed within the UK down the Irish sea - removing the level customs playing field across the UK. The DUP find this intolerable because of their deep-rooted unionist ideology which prioritises the constitutional integrity of the UK, which they argue May's deal would threaten. This aspect of May's deal would likely be used to fuel the Scottish Nationalists' argument for Scottish independence as argued by SNP leader Nicola Sturgeon in a 2018 Sky News interview: "The Northern Ireland backstop should be applied in Scotland" to respect the remain majority. However, since this is not part of May's withdrawal agreement, the SNP would use the deal to argue that the UK Government is not acting in Scotland's interests / ignoring the will of the Scottish electorate. This would likely increase support for a second independence referendum which would threaten the integrity of the UK.

However, since the UK has no unilateral exit mechanism from the Backstop protocol - unless 'alternative arrangements' are found - the UK would theoretically be 'trapped' in a customs territory with the ~~EU~~ EU, thus restricting the UK's ability to negotiate trade deals with other countries since the UK would still be tied to EU regulation. This clearly contradicts the manifesto May's government ran on the election on in the 2017 election: "leaving the European Union also means we will be free to strike our own trade agreements with countries outside the EU". Therefore, May's deal could be seen to be undemocratic as there is a risk that the UK government would be unable to enact a key manifesto commitment and defining reason for voting for Brexit which could lead to further distrust in politicians.

Supporters of May's deal would argue that without the Backstop protocol - which is very unlikely to ever have to be used - there would be 'no deal' since the EU would not agree to any deal without it - except Labour leader Jeremy Corbyn's proposal for a Customs Union Brexit which doesn't command a majority in the House of Commons. A 'no deal' Brexit would mean that customs posts and inspections would have to be introduced on the border between Northern Ireland and the Republic which would severely damage the peace process in Northern Ireland, potentially leading to the return of conflict^(troubles). This is a situation which is undervalued by all sides of the Brexit debate but the only deal available for MPs is May's deal currently which prevents this situation from ever happening. In addition, the backstop is in place to ensure the UK meets its international obligations under the 'Good Friday Agreement'. Breaching these international obligations would severely damage the UK's reputation on the international stage, reducing its diplomatic power in a post-Brexit future as foreign powers would be far less co-operative with the UK as they would be less trusting with the UK. This links to the wider Brexit argument of creating a 'Global Britain' negotiating trade deals around the

world which relies on a strong negotiating position and highly regarded international standing, which a no-deal would recklessly damage.

summary

If the UK were to leave the EU without a deal, it would revert to WTO terms until free trade agreements are negotiated. This means that the EU would no longer set/control the UK's trading agent/policy since the UK would leave the common EU external tariff - allowing the UK to set its own tariffs and regulatory standards. This links to the concept of sovereignty as the UK would gain absolute authority, complete autonomy and self-determination over its trading policy rather it being set in conjunction with 26 other EU member states. This allows the UK to set its trading policy to its own interests rather than the interests of a combined trading bloc, which is more suited to the needs of the UK economy. Therefore, WTO terms under no-deal could be argued to be fairer than under May's deal which has been criticised by Brexit MP Boris Johnson for rendering the UK a "vassal state" (in 2018) whereby the UK would adopt EU rules and trading standards to ensure frictionless trade - rules which the UK would have no say nor control over as the UK will have left the decision making table. He would argue that under May's deal, the UK would risk becoming a rate taker (a role for an inferior state) rather than a rate maker (a role of a fully independent, sovereign state). However, the argument for a no-deal Brexit in terms of sovereignty is inconsistent as identified by the Labour MP (Chair of Brexit select committee) Hilary Benn who stated in a 2018 BBC Political Thinking Podcast that "we have chosen to pull our sovereignty in the interest of the greater good... we are a member of the WTO which has rules we have to follow". Therefore, just like the EU, the WTO ~~can~~ will impose strict rules the UK must adhere to in the absence of trade deals, - rules which the UK has no say over, no unilateral control over nor (initially) does it have absolute

However, supporters of May's deal would point to the negative consequences the absence of a transition period would cause, under a no-deal Brexit. This means that since there would be no transition period, the UK would revert to WTO terms and EU external tariffs would be imposed on the UK, since there would not yet be a formal trade agreement. This would likely raise prices of products for consumers - increase inflation as prices of goods would rise higher/faster than income growth - due to the increased costs for businesses to pay for tariffs that were previously cancelled out and the new customs checks which would be established - causing hold-ups in the transport of crucial medical supplies. According to The Head of Airbus in 2019: no deal would cause the company, which employs more than 14,000 people in the UK to make "potentially very harmful decisions" about its UK operations. Therefore Theresa May's deal which includes a transition period would provide certainty to UK and EU businesses and time for them to adjust to new regulatory environments, tariffs and inspections - thus limiting any potential job losses or lost investment ~~from~~ from foreign firms and protecting vital job security to UK workers protecting their livelihoods. According to a 2018 UK Government forecast a no-deal Brexit would deliver a "9.3% hit to the economy" which would likely reduce the disposable income of UK citizens, plunging the UK economy into a deep recession and hit the poorest in the UK, specifically working class ones whose leave voters felt 'left behind' by Globalisation and 'forgotten' by the UK government which would likely lead to civil unrest as no leave voter voted to be poorer by a decision taken by the government to necessarily damage the UK economy. Therefore, Theresa May's deal prevents the severe economic consequences of the absence of a transition period and allows for UK and EU businesses to adjust to the new regulatory environment, thus protecting jobs and livelihoods.

Theresa May's deal is opposed by people within her own party, from both Europhiles who view the deal as a 'blind Brexit' due to the lack of clarity in the political declaration (which charts the remaining negotiations with the EU and the future relationship with the EU) and Eurosceptics in the ERG who view the deal as 'Brexit in name only' as it doesn't deliver full sovereignty. In a bid to persuade Parliament to approve/ratify her deal, she has presented the ~~best~~ choice to MPs as: her deal or no-deal - a choice rejected by many MPs as shown in the first defeat of her deal by 230 votes in January 2019. The opposition to the deal has led to cabinet resignations such as former Brexit Secretary Dominic Raab and defections to the new 'independent group' such as Tory MP Anna Soubry. Most notably the loss of party discipline as May enforced a 3-line whip on MPs ~~to~~ vote on withholding Article 50 which some of her cabinet ministers ~~voted~~ ^{on} ~~voted~~ - unparliamentarily - against the government whip ~~and~~ but were not required to resign. This shows that her deal has cost Theresa May her authority (rightful power) as she has lost legitimacy (sense of rightfulness) leaving only raw power since she cannot enforce party loyalty nor command a majority in the House of Commons. Theresa May has therefore engineered a constitutional crisis by pursuing her Brexit deal which has left the Executive branch relatively ineffective and unworkable. This deal has pitted parliamentary democracy against direct democracy (will of the people through referendum) as parliamentary deadlock risks no Brexit at all - not repeating the result of the referendum. The case for no-deal is therefore one of democracy: no-deal could be argued to be the only option to ensure Brexit is implemented whilst preventing the collapse of the British Parliamentary System and ending a worsening constitutional crisis.

However, supporters of May's deal would argue that even though in theory no-deal allows the UK to bypass the constitutional crisis which is ^{the} parliamentary ~~deal~~ deadlock, there would still be significant ~~in~~ political instability from a no-deal. In the event of a no-deal Brexit, there would likely be a series of cabinet resignations from remain ministers such as Amber Rudd, further defections to the Independent Group - or quite possibly the split of the conservative party - a severe loss of political stability and national unity. According to a 2019 Independent Article by Colin Drury, "The Queen would be evicted from London in event of no-deal Brexit now". This means that even the UK government recognises that the political turmoil that a no-deal Brexit would cause and possible ~~public~~ public backlash, would lead to civil unrest - costing the police force's budget - and compromising the ~~security~~ security of UK citizens which ~~is~~ ~~the~~ contradicts the first priority of government to protect its people.

In conclusion, The United Kingdom should withdraw from the European Union with Theresa May's deal rather than without a deal since Theresa May's deal respects (and honours) the result of the EU referendum whilst ensuring a smooth, orderly Brexit/departure from the EU with limited political and economic as well as diplomatic damage. Theresa May's deal - although requires the UK to pay a short-term divorce settlement - allows the UK to end the vast sums of money being sent to Brussels - delivery in the result of the referendum/wish of leave voters - whilst preserving the UK's negotiating position with the EU as the EU will be more willing to compromise. This is a crucial part of achieving the long-term goals of Brexit which relies on good relations with the UK's closest allies, diplomatic relationships which a no-deal would recklessly threaten. Even though, May's deal risks the UK being 'trapped' in a customs territory with the EU against its will, this is far from being a likely outcome as the EU has indicated it would be willing to seek alternative arrangements such as 'maximum facilitation' by using technology. The main, compelling reason for backing May's deal over a no-deal Brexit is about ensuring the safety of EU and UK citizens in Northern Ireland by preventing a return to violence in Northern Ireland which is far more important than maintaining the DUP's unionist majority. May's backstop - despite not being ideal in terms of sovereignty - is a sensible, 'temporary' measure to honor the UK's international obligations, obligations which must be met for the UK to continue its 'Global Britain' policy stance which is a pillar of Brexit's aims and aspirations. Finally, May's deal protects the economy which is still in recovery from the 2008 financial crisis and thus prevents the further damage a no-deal Brexit would cause to jobs, livelihoods, businesses and investment, ensuring that the standard of living is upheld in the UK and social cohesion is not compromised. Even though, May's deal doesn't mean the return of complete sovereignty to the UK, neither in some ways, does no deal since the UK would have no control over the WTO trading terms.