

**Arguments for  
and against a  
referendum on the  
outcome of the  
Brexit negotiations**



# Arguments for and against a referendum on the outcome of the Brexit negotiations

## Introduction

The possibility of holding a referendum on the final Brexit deal between the UK and the EU has been rising up the political agenda. The Green Party, the Liberal Democrats, Plaid Cymru and the Scottish National Party have all officially endorsed the idea of a new referendum; as have growing number of individual Conservative MPs (most recently Jo Johnson).

The Labour Party has said that its preference is for a general election if Parliament rejects the Government's proposed agreement with the EU. If it cannot achieve that, a motion adopted at Labour's 2018 party conference endorsed the idea of the party supporting a public vote.<sup>1</sup>

The Conservative Party and the Democratic Unionist Party remain firmly opposed.

In this paper we set out the arguments that have been used for and against holding such a referendum; but we do not address what the question might be or how a referendum should be organised.<sup>2</sup>

## Arguments for a referendum on the outcome of the Brexit negotiations

The following are the main arguments advanced for holding a referendum:

### A meaningful choice

In 2016 it was not known exactly what "Brexit" meant. Leading figures on the Leave side suggested that if we left the EU we would continue to have frictionless trade with EU countries, more money would be available for the NHS and there would be an end to the jurisdiction of the European Court of Justice and to free movement of people from the EU. Few, if any, of those things will now happen. Given how different Brexit looks today it should be the people that decide whether the Brexit deal on offer is what they really want.

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<sup>1</sup> Labour's policy was set out in Sir Keir Starmer's speech to the Labour Party Conference, 25 September 2018; and in the text of the motion that was adopted: see LabourList, 'Labour's Brexit composite motion in full', 26 September 2018

<sup>2</sup> For more information on the practical issues involved and how they could be addressed, see Jess Sargeant, Alan Renwick & Meg Russell, *The Mechanics of a Further Referendum on Brexit*, The Constitution Unit, University College London, 8 October 2018

A referendum on the terms would not be a re-run of 2016 because the issues would be different. It would not be an abstract debate between in or out but a concrete choice between the deal that has been negotiated or remaining a member of the EU.<sup>3</sup>

Leave campaigners wanted a referendum when we didn't know what Brexit meant; now we do, they argue there shouldn't be another vote.

### No deal wasn't on the ballot paper

No deal was not on the ballot paper in 2016 – indeed, the opposite. Leaving without a deal would have serious negative consequences for the country, as the government's own reports have shown. The impact on our economy and public services, the disruption to our lives, the difficulties for British citizens living in the EU, the threat to the NHS of staff, carer and drug shortages – all of these things would provoke a national crisis. Knowing the consequences, it would be irresponsible for parliament to allow the UK to leave the EU with no deal without the people being asked to give their consent.<sup>4</sup>

### Trust in politics

The 2016 referendum campaigns of the Leavers were deeply dishonest, based on divisive scaremongering and broke the election rules.<sup>5</sup> Given the importance of the decision and the risks to the country it would be wrong if the Leave campaign was able to get away with it. You do not restore trust in politics by rewarding those who cheated and lied. A new vote is needed to give people a fair say. This journey started with a referendum and can only be concluded with one.

### Healing a divided country

The 2016 referendum exposed serious divisions in our country. How best to heal those divisions is an important question but it certainly won't help for Parliament to impose a deal which has been strongly criticised by leaders from both sides in the 2016 referendum.

One of the most obvious divisions was between the generations in 2016. Seventy-one per cent of 18 to 24 year-olds voted Remain while 64 per cent of people over 65 voted Leave.<sup>6</sup> It is younger people whose lives will be most affected (and roughly 700,000 have become eligible to vote since 2016); they deserve the chance to vote on the final deal.<sup>7</sup>

Whether we like it or not, the divisions are not just amongst the electorate but also in Parliament, where both major parties are deeply divided. A referendum on the substance is the only way to bring closure to this debate. Many leading Brexit campaigners, including Boris Johnson and Dominic Cummings (the Vote Leave campaign director), originally argued that there could be a second referendum.<sup>8</sup> Have they only changed their minds because they feel they might lose?

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<sup>3</sup> See People's Vote, 'We need a vote', 18 November 2018

<sup>4</sup> Amber Rudd MP partly made this argument on ITV's *Peston* programme: see Rob Merrick, 'New Brexit referendum better than no deal, senior Tory MP Amber Rudd says', *The Independent*, 27 September 2018

<sup>5</sup> Electoral Commission, 'Vote Leave fined and referred to the police for breaking electoral law', 17 July 2018

<sup>6</sup> Peter Moore, 'How Britain Voted', YouGov, 27 June 2016

<sup>7</sup> An argument cited in John Kerr, *The Roadmap to a People's Vote*, People's Vote, 18 September 2018, pp. 15-16; Office for National Statistics, 'Electoral statistics, UK: 2017', 22 March 2018

<sup>8</sup> 'David Cameron ridicules Boris Johnson's second EU referendum idea', Nicholas Watt, Alan Travis & Rowena Mason, *The Guardian*, 22 February 2016

A referendum is the only way to bring closure to this bitter debate. If the country voted to stay in the EU then no political party would wish to re-open the issue for the foreseeable future since it has proved so toxic to everyone. If the country voted again to Leave, then the membership question would be dead. Without a referendum there is a danger of the argument continuing for years to come.

### Economic impact

Nobody voted to make themselves poorer in 2016. After the 2016 vote the pound fell to almost 20 per cent below its summer 2015 value, leading to a sharp rise in prices.<sup>9</sup> The UK went from being the fastest growing economy in the G7 to the slowest.<sup>10</sup> Investment in the car industry has halved in the two years since Brexit.<sup>11</sup> And it's not going to get better. One in three manufacturing firms plans to shift production overseas after Brexit takes place.<sup>12</sup> There is no sign of the economic renaissance that the Leave campaign promised.

Given the strength of concerns that Brexit would harm jobs, businesses and the country's trading links, surely the public have a right to judge whether the final deal is as good as what we have now?

### Threat to the Union

One of the divisions exposed by the referendum was the difference in views between Scotland and Northern Ireland, which both voted to Remain by a clear margin, and England and Wales which voted to Leave. This division has increased the possibility of a new referendum on Scottish independence and raised concerns about the maintenance of peace in Northern Ireland.

The 2016 referendum was about the UK's membership of the EU, not about breaking up the country. Scotland's First Minister, Nicola Sturgeon MSP, has said that the UK leaving the EU would be grounds for a new independence vote. It would be wrong to leave the EU without putting a deal back to the people that could trigger new doubts over the Union and put at risk the peace process in Northern Ireland, to which we are committed by treaty and in statute. There is too much at stake for an issue this important to be decided by a handful of votes in the House of Commons.

### A changed European Union

There have been significant changes in the EU which mean that the 2016 decision has partly been overtaken by events. For example, the Leave campaign claimed that Turkey (and four other countries) would soon be joining the EU and that would mean five million new migrants coming to the UK, which we could not stop.<sup>13</sup> Quite apart from the fact that the UK would have a veto over Turkey joining the EU if we stayed as a member, Austria's Chancellor has

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<sup>9</sup> Cited in Nick Clegg, *How to stop Brexit* (London: The Bodley Head, 2017), p. 45

<sup>10</sup> *Ibid.*

<sup>11</sup> 'Investment in car industry halves in 2 years', Peter Campbell, *Financial Times*, 30 January 2018

<sup>12</sup> Stephen Cooper, 'Rethink manufacturing report', KPMG, 4 April 2017

<sup>13</sup> See European Law Monitor, 'The misrepresentations and misleading statements made by Vote Leave on Turkey being fast tracked for full EU membership', 16 March 2018

since said that he would block Turkish membership.<sup>14</sup> His German counterpart, Angela Merkel, and several other national leaders, are also opposed to Turkey joining.<sup>15</sup>

### A more dangerous world

The election of President Trump and his attempts to undermine the rules-based international order and the global trading system makes it more likely that the UK will be at a disadvantage outside the EU. Trump is now attacking the very World Trade Organisation that Leave campaigners argued we could rely on if we left the EU. Worse, Trump's administration has said that the UK will only get a good trade deal with the US if we lower our standards, for example for food.<sup>16</sup>

Leave campaigners argued that we were going to be a leading player in global trade. The reality is that even their biggest international supporter, Trump, won't help us and his trade wars could do serious damage to our economy. Outside the EU we will be weaker and less influential as Trump's America and authoritarian China vie for dominance.

### **Arguments against a referendum on the outcome of the Brexit negotiations**

The following are the main arguments advanced against holding a referendum:

#### The decision has been made

You cannot keep holding referendums because you did not get the result you wanted last time. The decision has been made and we should get on with it. As the Prime Minister has said, "the people's vote happened in 2016 and the people voted to leave".<sup>17</sup> Jacob Rees-Mogg MP put it another way when he commented: "It would be an absolute kick in the teeth for people who voted to leave, to say to them 'we think you did the wrong thing, therefore you have to have another go'".<sup>18</sup>

It would be unfair to allow a second referendum, because it was no part of what was promised in 2016.<sup>19</sup> We were not told that there would be two votes but that there would be one vote and that, although the outcome would not be legally binding, Parliament would implement it. When some supporters of Leave suggested in 2016 that there might be a second referendum it was Remain backers like David Cameron who ridiculed the idea.<sup>20</sup>

Advocates of a referendum today are in many cases people who opposed holding one on EU membership in the first place. It is hypocritical of them to demand a further vote now just because they lost the last one.

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<sup>14</sup> 'Austria Will Veto Turkey's Bid to Join the European Union', Boris Groendahl, *Bloomberg*, 8 August 2016

<sup>15</sup> 'Turkey will never become EU member, says Angela Merkel', Lucy Pasha-Robinson, *The Independent*, 3 September 2017

<sup>16</sup> 'Trump's trade demands add to May's Brexit woes', Annabelle Dickson, Doug Palmer & Jakob Hanke, *Politico*, 25 September 2018

<sup>17</sup> HC Deb 15 October 2018, vol 647, col 418

<sup>18</sup> 'Rees-Mogg has brilliant response to caller claiming he is fearful of a second Brexit vote', Katie Weston, *Daily Express*, 1 October 2018

<sup>19</sup> See Bryn Harris, 'Why the People's Vote is a Bad Idea', Briefings for Brexit, 24 June 2018

<sup>20</sup> *Supra* n. 8

### The terms of Brexit were clear

It would be wrong to hold another referendum on the grounds that people didn't know what they were voting for. While people may not have known the detail of what Brexit meant, the broad outlines were made clear by campaigners on both sides, including, for example, that we would not be in the Single Market if we left.<sup>21</sup>

The big issues about EU membership – how much it costs us, free movement of people, trade and the role of the Court of Justice – were all extensively discussed during the 2016 campaign. It is an insult to the intelligence of the British people to say that they did not know what they were voting for in 2016.

### Trust in politics

Many people voted in 2016 who hadn't voted for years, if at all. To reject their vote because you don't like the outcome would further undermine trust in politics and politicians.

The people calling for a new vote are the same members of the elite who opposed the first one and then campaigned for Remain.<sup>22</sup> Sometimes in a democracy the people vote for something you don't want but we accept it because it is a democratic decision. To reject the result of the 2016 referendum would be to question the basis of democracy; the best way to begin to restore trust in our damaged politics is to proceed to implement the 2016 result and to do it with good grace and in a timely way.

### Healing a divided country

A new referendum would be even more divisive and painful than in 2016. Whatever the question it would be a re-run of the in/out debate of 2016, made worse by the fact that many would resent being asked to vote again when they had already answered the question.<sup>23</sup> Holding a fresh referendum would, as one academic has put it, "breed public resentment as well as fostering protest politics and extremism".<sup>24</sup>

And a narrow win – which is what all the opinion polls suggest is likely – would not settle the argument. Whichever side lost would just take up the fight again. Should there then be a third referendum, or a fourth? After all there was a gap of 41 years between the 1975 and 2016 referendums, during which the EU substantially changed from the organisation we had joined. It hasn't changed significantly in the last two years, nor have the arguments in the UK. As Trade Secretary Liam Fox has put it, "we must stop re-fighting the referendum and come together to honour the democratic will of the British people".<sup>25</sup>

### Not the time to vote on a new relationship with the EU

A new referendum would not be a vote on a new relationship with the EU as that will not have been negotiated in time. We would be voting on the terms of the UK's withdrawal and on the contents of a political declaration about our future relationship with the EU. If you

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<sup>21</sup> See Vote Leave, 'Leave looks like...', 21 November 2018

<sup>22</sup> 'A Second Vote on Brexit Won't Enhance Democracy. It Will Undermine It.', Tom Slater, *Foreign Policy*, 26 October 2018

<sup>23</sup> See 'A second Brexit referendum would be a painful, toxic waste of time', Anand Menon, *The Guardian*, 25 July 2018

<sup>24</sup> Andy Price, Ben Williams, Dion Curry & Philip Cunliffe, 'The case for and against a second Brexit referendum: four experts give their views', *The Conversation*, 16 January 2018

<sup>25</sup> Conservative Party, 'Liam Fox speech to Conservative Party Conference 2018', 30 September 2018

want a vote on the terms of the new relationship you need to wait until they have been negotiated in the future.

### What would be the question?

What question would be on the ballot paper? No deal or no Brexit? Mrs May's agreement versus the deal the Labour Party wants? How many options should the ballot paper have?

Referendums work best when there are binary choices – and that decision, in or out, was made in 2016. Parliament is perfectly capable of deciding the terms for our leaving the EU. If the public are unhappy with what Parliament does with the deal, then they can vote their MPs or the Government out of office at the next general election. Which is in a sense what happened in the 2017 general election.<sup>26</sup>

### There isn't enough time to vote before 29 March 2019

The practical difficulties involved in holding a new referendum – including Parliament approving the necessary legislation, the Electoral Commission ruling on the question, the two (or more) campaigns to be set up, financed and approved – mean that there is not enough time to hold a referendum before 29 March 2019. After all, it took seven months to get the necessary legislation approved in 2015-16.

That means that Brexit would have to be delayed. If we held another vote in May or June 2019, that would clash with the European Parliament elections in May. Would the UK hold MEP elections at the same time as holding a referendum on our EU membership? Or would the existing MEPs stay on after their term of office had ended?

### The EU hasn't – and won't – change

Supporters of Remain always argue that the EU is about to change. They said that before we joined in 1973; they said it before the Maastricht Treaty and after the Lisbon Treaty. The EU hasn't addressed the underlying problems of the eurozone since 2016. It hasn't tackled the problem of migration. It's now talking about removing the veto over foreign policy decisions that EU Member States have.<sup>27</sup> The reality is that the EU is set on a long-term goal of establishing a federal state, which this country rejected in 2016.

## **Conclusion**

Considering these arguments has led members of the Senior European Experts group to conclude that, in the event of the Government's deal being defeated in the House of Commons, there should be a referendum on the outcome of the Brexit negotiations. But we felt that it would be useful to our readers to set out the arguments both for and against that course of action.

**November 2018**

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<sup>26</sup> See Dion Curry, lecturer in public policy, Swansea University, in *supra* n. 24

<sup>27</sup> European Commission, 'State of the Union 2018: Making the EU a stronger global actor – European Commission proposes more efficient decision-making in Common Foreign and Security Policy', IP/18/5683, 12 September 2018



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