

BREXIT: TO BE OR NOT TO BE (IN THE EU)?

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I. INTRODUCTION

June 23rd, 2016! A date that has left its mark in both the constitutional history of the United Kingdom, but also the every-day life of more than 65 million people, who live and work in the UK. The referendum was initially promised in January 23, 2013 by the then Prime Minister James Cameron, who decided that it was time for the British people to have their say and settle the relationship between the UK and the European Union in a clear way.¹ The Labour leader, Ed Miliband, accused Mr. Cameron of putting the country through years of uncertainty, and taking a huge gamble with the economy.

March 2019! Six years later and just a few days before the deadline,² Miliband's words have proven quite accurate. Regardless of how the Brexit saga will be concluded, the past six years have been full of uncertainty and it is still not clear whether the negotiation process was conducted in the most diligent way for the future of the country and its citizens.

The present piece will offer an overview of the Brexit process so far, before attempting to reflect on the future, although there are still numerous unanswered questions about key aspects of this process.

II. FROM EU ROSCEPTICISM TO THE PROMISE FOR A REFERENDUM

The rationale behind the promise of the referendum made in the Bloomberg speech was connected with the challenges confronting the EU: problems in the Eurozone were driving fundamental change in Europe; there was a crisis of European competitiveness; and there was a gap between the EU and its citizens, which had grown in recent years, this betokening a lack of democratic accountability and consent that was felt particularly acutely in Britain.³ The Prime Minister articulated a vision for the EU grounded on five principles: competitiveness; flexibility; the two-way flow of power, back to the Member States, as well as upward to the EU; democratic accountability, with an enhanced role for national parliaments; and fairness in relation to the arrangements for those inside and outside the Eurozone.⁴ Interestingly, the Scottish, Welsh and Northern Ireland governments had expressed their opposition to the prospect of leaving the EU. For example, the Scottish Government's Agenda for EU Reform paper⁵ disagreed with the proposed renegotiation of

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¹ David Cameron, "EU Speech at Bloomberg", *available at*: <https://www.gov.uk/government/speeches/eu-speech-at-bloomberg> (last visited on April 04, 2019).

² Prime Minister Theresa May triggered the Article 50 process on March 29, 2017, which means that the UK is scheduled to leave at 11pm UK time on Friday, March 29, 2019. Recently, the EU Member States agreed to grant Britain a short Brexit delay and set a new deadline for April 12, 2019 if the Withdrawal Agreement is not approved by the Parliament or May 22, 2019 if the Parliament approves the Agreement.

³ P. Craig, "Brexit: A Drama in Six Acts" 41(4) *European Law Review* 452 (2016).

⁴*Supra* note 1.

⁵ Scottish Government, "Scotland's Agenda for EU Reform", *available at*: <https://www.webarchive.org.uk/wayback/archive/20170110142717/http://www.gov.scot/Publications/2014/08/5067/downloads> (last visited on April 04, 2019).

Britain's EU membership, did not support the potential subsequent referendum, and was supporting the view that EU reform can be delivered without major Treaty change.⁶ Although the decision to hold a referendum and the potential UK exit from the EU would raise a large number of legal questions in relation to agriculture and fisheries, competition and intellectual property law, migration and trade, civil procedure and human rights, none of them were considered or discussed to any great extent in the weeks and months before the Referendum.⁷

It thus needs to be clarified that there was in reality no pressing need to call this referendum. It cannot be argued that the country was divided and it was essential that people should be given the choice of whether to stay in or leave the EU. Apart from the Eurosceptics camp in the Conservative Party, it is far from true that the EU was in the top of the agenda of British politics; in fact, for the ordinary voters the EU never ranked higher than about number 7 or 8 on the list of things that most concerned them when deciding how to vote. Concerns about immigration ranked higher, but issues, such as health, education, economy and crime, were always ranked above the EU.⁸ Therefore, it is confirmed that the referendum was called primarily for political reasons and, more specifically, due to the internal divisions within the Conservative Party.

III. SOVEREIGNTY AND A REALITY CHECK

A lot of the referendum-related debate was phrased in terms of regaining sovereignty. Has (or will) the UK regained sovereignty or 'sovereign freedom' post-Brexit or was David Cameron right to claim that all we would gain was the illusion of sovereignty?

In terms of external sovereignty, the UK always had the ability to join and to leave an international Treaty. Article 50 merely sets out a way through which this can be exercised. The UK exercised its external sovereignty by deciding to leave and it did so again when negotiating the withdrawal agreement and also in the future by ratifying this agreement (if it happens) so it can have effect in UK law.

It is true that as a Member State of the EU, there would have been areas in which the UK Parliament would have found it difficult to legislate given the requirements of EU law. However, it is important to remember that the UK would have had a say in the making of these laws. First, the UK Parliament enjoyed pre-legislative scrutiny, as the Commission's common practice would be sent to the UK and other national parliaments. The UK Parliament could comment more generally and also raise concerns as to subsidiarity, including forcing the Commission to reconsider if enough national Parliaments also raised concerns of subsidiarity. Second, most legislation is enacted through the co-decision

⁶ S. Douglas-Scott, "A UK exit from the EU: the end of the United Kingdom or a new constitutional dawn?" 25 *Cambridge Journal of International and Comparative Law* (2015), available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2574405 (last visited on April 04, 2019). This was confirmed by the results of the 2016 Referendum, as the four constituent countries favoured different approaches: while both England (53.4 percent) and Wales (52.5 percent) voted to leave the EU, Northern Ireland (55.8 percent) and Scotland (62 percent) opted to remain. See BBC, "EU Referendum Results", available at: www.bbc.com/news/politics/eu_referendum/results (last visited on April 10, 2019).

⁷ Holger P. Hestermeyer, "How Brexit Will Happen: A Brief Primer on EU Law and Constitutional Law Questions Raised by Brexit", King's College London Dickson Poon School of Law Legal Studies Research Paper Series: Paper No. 2016-36, 2 (2016), available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2825092 (last visited on April 10, 2019).

⁸ <https://www.ipsos.com/ipsos-mori/en-uk/economy-immigration-and-healthcare-are-britons-top-three-issues-deciding-general-election-vote> (last visited on April 10, 2019).

procedure. UK members of the European Parliament and UK Ministers, as members of the Council, would have had the ability to deliberate and vote on this proposed legislation, even without having a veto power. It is extremely unlikely that the UK will retain this role in the EU law-making process following withdrawal from the EU.⁹ Yet, the UK may still be bound to adhere to some aspects of EU law, for instance, those related to the operation of the internal market. To put it differently, irrespective of the content of the withdrawal agreement struck between the UK and the EU, anyone seeking to do business in the EU will continue to be bound to comply with EU rules if they wish to sell goods or services into the EU. The real difference in a post-Brexit world is that the UK will have no seat at the table and hence no voice when the relevant regulations are being drafted. The UK's sovereignty over economic and regulatory issues is also significantly circumscribed in relation to non-EU trade. This is because a great many standards that regulate safety and the like are set at the global level, through transnational or international regulatory organizations. These standards are binding factually and legally in the UK and this will not change in a post-Brexit world.

What will change is that the UK will, once again, have little or no voice in the framing of these rules. The principal players in this regard are the EU and the USA, and while we currently have influence through the former, this will cease if we leave the EU. This point is equally relevant in relation to the new breed of trade deals, such as the Transatlantic Trade and Investment Partnership (TTIP), between the EU and the USA. The reality is nonetheless that the UK will have no influence over such deals, but the UK will be significantly affected by the rules contained therein if the agreement is finalized. The degree of sovereign autonomy 'regained' over social and environmental issues broadly conceived will depend on a plethora of factors, which were not presented to voters.

These include the nature of the post-Brexit deal struck with the EU and how far this will require us to comply with EU social policy; the extent to which we will remain bound by subsisting international agreements on matters, such as the environment; how far a post-Brexit government will seek to reduce worker protection, an issue studiously ignored by the Leave Camp; and the downside cost of increased sovereignty, as exemplified by the fact that post-Brexit the UK will no longer benefit from the European Arrest Warrant, whereby thousands of criminals have been sent back to other EU countries to face trial, which will have to be replaced by 27 separate extradition treaties, a situation which law enforcement agencies view with extreme unease.

IV. ON THE TABLE OF NEGOTIATIONS

Once the decision to withdraw from the Union was notified to the European Council, formal negotiations on Brexit could commence. Pursuant to Article 50(2) of the TEU, which provides that "the Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union", the EU and the U.K. will have to discuss two separate, but related items: firstly, the arrangements for the UK's withdrawal and the framework for its future relationship with the EU.

The first item involves mostly technical issues related to the divorce between the UK and the EU after decades of EU membership and participation in the European Union.

⁹ Alison Young, "Regaining Sovereignty" in Pavlos Eleftheriadis (ed.), *Legal Aspects of Withdrawal from the EU: A Briefing Note* (2016). Oxford Legal Studies Research Paper No. 47/2016, 7-8, available at: <https://ssrn.com/abstract=2809285> (last visited on April 10, 2019).

Despite being technical or procedural in nature, quite a few of these issues, including the rights of EU citizens in the UK as well as UK nationals abroad, budget contributions, social security and so on, in practice these issues proved to be sensitive and quite complex.

The second item on the future relationship between the EU and the UK basically concerns the terms of the agreement between the two parties on trade and the internal market.

Before the House of Lords, Sir David Edward argued that the “long-term ghastliness of the legal complications is almost unimaginable”¹⁰ and he was absolutely right. However, not only because of the complexity of the related issues, but primarily because of the lack of a clear strategy from the UK in terms of aims, objectives and intended outcomes. There were a number of options on the table, such as the UK joining the EFTA, the UK remaining in the EEA, the UK following the example of Switzerland signing bilateral agreements, the UK negotiating a special trade agreement with the EU or opting for Turkey-like customs union. Unfortunately, advocates of Brexit were far from unanimous as the preferred option amongst those mentioned above, while at the same time they were insisting that any deal should give the UK full access to the EU Internal Market without free movement of people or any submission to EU *acquis*. Of course, in the course of negotiations each party is free to have its own expectations, but the UK goal was entirely unrealistic, as it was against the basis of the EU Single Market architecture and, if accepted, it would effectively undermine the autonomy of the EU. The Single Market is based on four pillars— the free movement of goods, services, capital and people — and its success is based on these freedoms. An ‘*ala carte*’ membership would not only give the UK an unjustifiably privileged position but would also set a dangerous precedent for other Eurosceptic Member States.

Another important issue is that, according to Art 50(3) TEU, the Treaties will cease to apply to the withdrawing state either from the date of entry into force of the withdrawal agreement or, if no agreement is reached, two years after the notification. The two-year time period provided for by Art 50 can be extended, but it is very restrictive considering the nature of the negotiations and the fact that there is no precedent or guidance as to the conduct of such demanding deliberations. Therefore, sitting on the table of negotiations with a goal that is by definition unrealistic makes the whole process counterproductive and it will undoubtedly create delays, if not lead the negotiations to a dead-end. EU leaders fully supported the EU institutions’ strategy and there was little deviation from the opening positions drawn up by the Council and Commission, especially in relation to the indivisibility of the four freedoms and the impossibility of carving out the free movement of people from the rest of the single market. It would be harsh to argue that some of the UK’s ideas and demands look as if they were designed in a vacuum without any effort to take into consideration the surrounding circumstances and the external forces. However, these views fail to recognise the fact that the other side of the negotiations is considerably stronger in terms of bargaining power, and the UK got the best deal possible.

Finally, even though a Withdrawal Agreement¹¹ was agreed between the two sides and despite months of onerous negotiations, many of the key questions raised by the Brexit

¹⁰ House of Lords, “The Process of Withdrawing from the European Union” (2016), European Union Committee, *11th Report of Session 2015–16*, HL Paper 138, 13, <https://publications.parliament.uk/pa/ld201516/ldselect/ldecom/138/138.pdf> (last visited on April 10, 2019).

¹¹ Withdrawal Agreement and Political Declaration, Policy Paper, November 25, 2018, *available at*: <https://www.gov.uk/government/publications/withdrawal-agreement-and-political-declaration> (last visited on April 10, 2019).

vote remain unanswered. Such is the opposition in Westminster to the terms on offer, that there were serious concerns that the Agreement is not the last word we heard in relation to the UK's future relationship with the EU. The House of Commons has not voted in favour of the Withdrawal Agreement and has not backed the deal that Theresa May has been negotiating, despite the fast approaching deadline and the instability that this domino of negative votes has created. The UK has been in an unprecedented political turmoil and there seems to be no light at the end of the tunnel. Several options have been put forward in an attempt for the UK to leave the EU in an orderly manner. Regardless of which solution will attract a Commons majority and how this Brexit saga will end, the UK has no solid plan as to what they want to achieve and no real plan B in the event that Plan A would prove difficult to work.

V. DEAL OR NO DEAL?

“We are not leaving the European Union only to give up control of immigration all over again,”..... “And we are not leaving only to return to the jurisdiction of the European Court of Justice. That’s not going to happen. We are leaving to become, once more, a fully sovereign and independent country.”¹²

This phrase from Theresa May's Conservative conference speech on Brexit in 2016 has been commonly used to indicate the UK rationale behind the Brexit decision. In her speech at Lancaster House in January 2017, she also mentioned that “no deal was better than a bad deal.”¹³

Being currently at the end of the negotiation period provided by Art 50, there are doubts as to whether these two phrases depict reality in an accurate way. The Withdrawal Agreement is to a large extent in line with May's declarations in 2016, but the MPs, even within her own Party, are not convinced that this deal is the way forward for the UK. Is this agreement really a bad deal? The truth is that it is extremely hard to say, based on the points raised above. There has been no clear strategy and not much discussion as to the aims and objectives of the UK from these negotiations. Brexit is not about free movement of workers and migration controls. Undoing 46 years of social, economic and political integration is not an easy task and the factionalised Parliament serves as the best evidence thereof.

As a result, a ‘Hard Brexit’ or a ‘No Deal’ exit is fast approaching, but this is not part of the UK government's plan; it is more the consequence of the widespread lack of consensus in the Conservative Party as well as the House of Commons. The UK government and the UK society are not ready for a ‘no deal’ scenario and this is why the Prime Minister asked for an extension beyond the initial deadline of March 29, 2019. Theresa May keeps repeating that she will deliver Brexit as per the people's voice in the 2016 Referendum, but it is worth reflecting a bit on what the people really said? The result of the Referendum revealed a decision to leave the European Union. There was no reference to a deal, a good or a bad one. Therefore, the government should have left the EU at the end of March 2019. The political deliberations indicate that either the country is not ready to leave, in which case they should revoke Article 50, or that the Withdrawal Agreement is a bad one for the interests of the

¹² Theresa May, “Britain after Brexit: A Vision of a Global Britain”, Speech, October 2016, *available at*: <https://www.politicshome.com/news/uk/political-parties/conservative-party/news/79517/read-full-theresa-mays-conservative> (last visited on April 10, 2019).

¹³ “The Government's Negotiating Objectives for Exiting the EU: PM Speech”, January 17, 2017, *available at*: <https://www.gov.uk/government/speeches/the-governments-negotiating-objectives-for-exiting-the-eu-pm-speech> (last visited on April 25, 2019).

country, in which case the UK should leave without a deal and open a new chapter in its history as a sovereign state.

The first option is a difficult one from many different aspects. It may involve general elections and potentially a second referendum, but it will be hard not to create further division and polarisation in the UK society and this is the last thing that the country needs now after three difficult years filled with uncertainty and instability. Revocation of Article 50 should only take place if the government feels that it is not in the UK's interests to leave the Union. The 2016 Referendum is not binding in nature and the government has no legal obligation to follow it.¹⁴ There can be an honest and thorough consultation process, during which the people will be informed about the true implications of leaving the EU and the reasons that led the government to decide to go against their will. One argument can be the economy, as the UK economy is expected to grow between 4-9% less than it would inside the EU over the next 15 years depending on the way it finally leaves the bloc.¹⁵ Another argument is trade agreements. The EU is Britain's most important export market and its biggest source of foreign investment, not to mention that being part of the Union has helped London establish itself as a global financial hub. The impact of a no deal/bad deal exit will be extremely negative although it is difficult to quantify the exact consequences of an irregular exit. In addition, the UK has in numerous occasions expressed the belief that it will manage to get very profitable and competitive agreements with strong markets, such as the US, Canada and India. So far, there has been no evidence of such agreements or any commitment to grant the UK any preferential treatment. To the contrary, most of these markets appear to show their preference towards the EU, as it is a bloc of 27 (still 28 at the moment) countries, not one individual, albeit strong, country.

One interesting illustration is the US-UK future trade deal: Initially, Donald Trump had re-assured Teresa May that the UK will not be 'at the back of the queue' to negotiate a post-Brexit trade deal with the US as former US President Barack Obama had famously said in the run-up to the 2016 Referendum. However, at the end of February 2019 the Trump administration outlined its goals for a free trade deal with Britain, highlighting that the US is keen to secure 'comprehensive access' for agricultural goods in Britain by reducing or eliminating tariffs. However, removing such barriers could open Britain's door to genetically modified crops, animal feed with antibiotics and chlorine-washed chicken products that are not aligned with the EU safety and environmental rules, but common in the United States.¹⁶ Additionally, the same document mentions that 'appropriate action' can be taken if the UK negotiates a trade deal with a 'non-market country'¹⁷, allowing the US to withdraw the deal in the event that they are not happy with any agreement the United Kingdom makes with a country, such as China (of course no explicit reference is made to China). It is still very early to make a conclusive assessment of the post-Brexit status quo, but the first indications are not encouraging. This reality also reinforces the point made above that the UK either over-estimated its ability to negotiate good trade agreements or had

¹⁴ On the issue of revocation of Article 50, see Aurel Sari, "Reversing a Withdrawal Notification under Article 50 TEU: Can a Member State Change Its Mind?" 42 *European Law Review* 451-473 (2017).

¹⁵ See also Dan Ciuriak, Jingliang Xiao, *et.al.*, "The Trade-Related Impact of a UK Exit from the EU Single Market" (2015), available at: <https://ssrn.com/abstract=2620718> (last visited on April 25, 2019).

¹⁶ Office of the United States trade Representative Executive Office of the President, 'United States-United Kingdom Negotiations: Summary of Specific Negotiating Objectives', February 2019, available at: https://ustr.gov/sites/default/files/Summary_of_U.S.-UK_Negotiating_Objectives.pdf (April 25, 2019).

¹⁷*Id.* at 15.

not anticipated how hard it would be to achieve better terms compared to those it enjoys as an EU Member State.

The only realistic possibility of achieving good agreements with advanced industrial economies is through its World Trade Organisation (WTO) membership. The UK is already a member of the WTO. There are two major issues in relation to the UK's future bound tariff schedule in the WTO, and its schedule of reservations (if any) on trade in services and establishment for individuals and companies engaged in service sectors. With its existing WTO membership renegotiated on these points, the UK will be free to negotiate its own free trade agreements with the EU and any other WTO member, as long as it keeps out of the EU's Customs Union. A first task will be to reconstitute as fast as possible the free trade content of the EU's many preferential agreements with developing and developed countries. The second step would be to negotiate agreements with countries with whom the EU has no agreement so far or countries the EU is currently negotiating with, such as Japan, India and the US. In theory, the UK could negotiate such deals faster than the EU, but the first indications were that the UK would not get any priority over the EU, as the advocates of Brexit were hoping.¹⁸

It is worth mentioning here that if the UK decides to rely entirely on WTO rules for its future trading relationship with the EU, in the absence of a free trade deal, there would be a sharp reduction of market access for both goods and services. The EU's existing preferential trade agreements with third countries would also cease to apply to the UK, and it would take years for the UK to reconstitute them bilaterally. Such negotiations will definitely be demanding, as the UK would need to persuade the rest of the world to revise its tariffs downwards offering more liberal rates than the EU, but at the same time WTO member states could take the occasion to demand various concessions, since the process requires that the applicant reaches bilateral agreements with each of them. Failure to conclude these negotiations in a swift and comprehensive way will undermine the attractiveness of the UK as a location for foreign direct investment targeting the EU market and it will cause serious damage to the UK's access to the EU market for both goods and services.¹⁹

The second decision is also a very difficult one, because the country has not been adequately prepared to face this scenario, although it was from the outset of the Brexit process amongst the available options. It was not until the end of February 2019 that a document including guidance on how to deal with a no-deal Brexit was published by the UK government.²⁰ It goes without saying that such a document is extremely interesting, but there is not sufficient time for the companies to develop and implement a strategy that would protect them from the unwanted consequences of a Hard Brexit. At the same time, it does not seem very likely that the UK will continue to be an attractive destination for foreign companies. The post-referendum uncertainty relates not only to the future of UK/EU relationship, but also to the stability and trustworthiness of British political institutions. Such uncertainty may not be enough to erode the competitive advantages for companies that are already established in the UK (for them, relocating elsewhere will be a certain cost that they have to consider and balance against the uncertain cost of remaining in the UK), but it makes

¹⁸ Michael Emerson, "Which Model for Brexit?" (2016). CEPS Special Report No. 147, 1-2, <https://ssrn.com/abstract=2860010> (last visited on April 25, 2019).

¹⁹ *Ibid.*

²⁰ See Guidance: Operating in the EU after Brexit, *available at*: <https://www.gov.uk/guidance/operating-in-the-eu-after-brexit> (last visited on April 25, 2019).

any attempt to attract new businesses highly unlikely to succeed.²¹ In the past decades, the appeal of the City of London as a financial centre was mainly due to the high quality, stability, and trustworthiness of UK's institutions. A long tradition of parliamentary democracy, free and inquisitive media, the rule of law, independent courts, stable governments, a strong legal profession and, relatively speaking, a predictable electorate that could be expected not to be willing to renounce the advantages of hosting a highly profitable financial centre all played an essential part in the City's success.²² The context is now different and it will take much time coupled with a considerable amount of political goodwill, a committed leadership, a less temperamental electorate and a streamlined regulatory framework, before foreign companies will start considering the UK as an environment credible in the long run and decide to move there.²³

VI. CONCLUSION

The UK has shaped the EU and has attained a very great deal of what has been on its wish list over the years. This includes, of course, the numerous opt-outs and special deals that it has negotiated repeatedly since 1972. It however goes further than this, since the UK has played a major role in shaping the EU as we know it today. In spite of this, the 2016 Referendum led to the initiation of the Article 50 TEU procedure for the first time in the history of the European Union.

The EU position was based on two basic pillars: the indivisibility of the four freedoms and the need to avoid a British solution that would risk encouragement by contagion for other Member States to escalate disintegration. On the other hand, the UK did not bring on the table anything that would make the EU side to deviate from its position or make any concessions. Inevitably, the UK government is currently at a deadlock, not because the Withdrawal Agreement is defective, but because it endorses the fact that the outcome was far from the UK's initial aims and objectives. There are still a few options available, some easier to be implemented and some more difficult (in theory), however it is time for bold decisions for both Theresa May and her government and the House of Commons as well. The time that has passed since the last referendum has been valuable in revealing the strengths and weaknesses of all different options and exposing certain half-truths and lies. This is positive and it can initiate a fresh debate on how to respond to 'the divisions that were laid bare in the Brexit vote'²⁴. Another referendum, especially if organised in a rushed way, will create further polarisation and is unlikely to heal the economic and cultural divides that exist in contemporary Britain; the same applies to a 'no-deal' exit. Therefore, it is important that the UK government asks the people what future they want for their country and which way

²¹ See Guglielmo Maria Caporale, Luis Gil-Alana, *et.al.*, "Brexit and Uncertainty in Financial Markets" 6 *International Journal of Financial Studies* 21 (2018); LA Smales, " 'Brexit': A Case Study in the Relationship Between Political and Financial Market" 17(3) *International Review of Finance* 451-459 (2017).

²² Luca Enriques, "Why the UK has Little Chance to Become a Successful Tax or Regulatory Haven" in Eleftheriadis, *supra* note 9 at 30, 31.

²³ See also Niam Moloney, "Financial Services, the EU and Brexit: An Uncertain Future for the City?" *German Law Journal, Brexit Supplement* (2016), available at: http://static1.squarespace.com/static/56330ad3e4b0733dcc0c8495/t/5776e5db579fb3bc18d93e3a/1467409883499/14+PDF_Vol_17_Brexit+_Moloney.pdf (last visited on April 25, 2019).

²⁴ Robert Ford and Matthew Goodwin, "Britain After Brexit: A Nation Divided" 28(1) *Journal of Democracy* 17, 28 (2017).

forward they wish to follow, either through general elections or through a referendum.²⁵ Political games created division and uncertainty, so it is time to go back to basics: democracy, but with clear questions that call for clear answers!

²⁵ Sandra Kröger, “Should There Be Another Referendum on British EU-Membership? Risks and Opportunities” (2019) 15, Policy Paper, Jacques Delors Institute Berlin, *available at*: <https://ssrn.com/abstract=3321105> (last visited on April 25, 2019).