ON BREXIT

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Public engagement must not be a soft option

Professor Dame Nancy Rothwell

Universities must do more to encourage, support and reward public engagement. As public institutions in receipt of millions of pounds of taxpayer funds, this has always been true, but in the wake of the EU referendum vote, the need to reach out and explain what we do has become urgent. It is now more important than ever for universities to explain the benefits of higher education, research and innovation to their local communities and the wider public, and to make people proud of the UK's position as a global higher education and research powerhouse.

Now the decision to leave the EU has been made, we need to be more robust in our arguments about how universities better the lives of many who never take part in higher education, and about the value that new discoveries bring to the nation.

The vital work that universities undertake to improve the health, and the economic and cultural wellbeing of the UK, did not feature prominently in the debate prior to the recent EU referendum, nor did our many other contributions to widening access or working with local communities. As a sector we took a too instrumentalist approach to the campaign and our views – as well as those of too many experts – didn't resonate strongly with the public compared to other issues, which concerns me greatly.

I welcome the guarantee from the Government to match EU research funding until 2020 and hold EU student fees for the next few years, but the future remains uncertain. Universities need to be at the heart of designing the UK's Brexit strategy and we must do more to encourage a sense of public pride in the UK's fantastic scientific and wider achievement and contributions, stressing their importance to our economy and wider society.

But too often, university staff have limited support or training when it comes to engaging with the public, and relatively few rewards or recognition. As a result, they can struggle to talk about their work to their local communities and to the wider public, which leaves people questioning what is going on behind what they see as the closed doors of universities.

Scientists and researchers need to get 'out and about more' and communicate what they do and how it may improve everyday life or help solve the many challenges we face. As well as this, they need to share their love of knowledge and discovery, and encourage the public to get involved in their research.

Government should also play its part. Both MPs and Lords could do well to ask how higher education reforms will help improve such engagement. Universities too must do more to support these activities and stop seeing them as something that can be done in spare time.

Here at The University of Manchester we will redouble our ambitions and efforts. Social Responsibility remains a core goal in our 2020 ambitions and Policy@Manchester is expanding

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to support a variety of policy facing activities and to help staff to improve engagement and impact.

Public engagement needs to be encouraged. It should be subject to the same rigorous assessment of quality and impact as research and teaching – it can no longer merely be seen as a 'soft option'.

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Universities certainly can't solve every problem that we face, but we can do a much better job of understanding issues, articulating what we do best and engaging more widely and more effectively with all of our communities.

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Healing Divisions: A positive vision for equality and human rights in the UK

Rebecca Hilsenrath

Britain has a long history of upholding people's rights, valuing diversity and challenging intolerance. We, at the Equality and Human Rights Commission, will use the important powers given to us by Parliament to advise the Government on the <u>equality</u> and <u>human rights</u> implications of the changes that will flow from the UK's decision to leave the European Union to ensure that we maintain and build on this heritage.

The Commission welcomes the Government's commitment that "all protections in equality legislation will continue to apply once the UK has left the EU – there will be no going backwards on this issue." However, at this moment of significant constitutional change, this is not enough. It is vital that the Government sets out a positive vision for equality and human rights in the UK once we have left the EU. This vision should reflect our shared values and reassure everyone in Britain about the kind of country that we want to be.

The legislative process

<u>The Great Repeal Bill</u> will repeal the European Communities Act 1972 and incorporate EU law into domestic law "wherever practical", thus providing some degree of continuity in otherwise uncertain times. The Government has said the Bill will contain "Henry VIII clauses" to enable Ministers to repeal or amend any laws that originate from the EU, without full parliamentary scrutiny. In some ways, this is expedient as great swathes of our statute book will be reviewed so that inoperable and redundant laws can be adapted.

However, Henry VIII clauses in the Great Repeal Bill should not hand Ministers an executioner's axe to the Equality Act 2010, or to other laws fundamental to our rights, such as parental rights, accessibility for disability people, and data protections. Instead, the Government should confirm its commitment to retaining current protections by making it explicit – on the face of the Bill – that any changes to fundamental rights laws must be scrutinised by Parliament. This is entirely consistent with the Brexit aim of a return to parliamentary sovereignty.

It's crucial that Parliament has robust, objective evidence and analysis to support decisions that will shape our country. One of the "home grown" provisions of the Equality Act 2010 is the Public Sector Equality Duty. To fulfil this duty and support democratic decision-making, the Government should commit to publishing equality and human rights analyses of all proposed changes to laws that impact on people's rights.

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Potential gaps in equality provisions and protections

We have also asked the Government to analyse the impact of the loss of EU funding on voluntary sector services and academic research on equality and human rights issues. Organisations such as the <u>Equality and Diversity Forum</u> are already collecting evidence, and it will be important for the Government to

consider the impacts and ideas for mitigation from the grassroots up, to ensure we build on our heritage of a strong, respected civil society.

While the Great Repeal Bill is intended to freeze the UK's laws in a moment in time, there may be some cracks in our constitutional ice shelf. It's unlikely that the Charter of Fundamental Rights can be incorporated wholesale into UK law; and the free-standing commitments to equality that run through EU laws could also be lost. We will almost certainly lose the "rights backstop" that the Court of Justice of the EU provides, and the status of future CJEU case law is also unclear.

These gaps, to some extent, could be addressed by Parliament adopting a constitutional right to equality, against which any new laws or state actions could be tested to ensure they meet the standards of fairness that are central to our values. The Women and Equalities Select Committee has supported this proposal and we believe its aims will enjoy the support of parliamentarians and the public who consider equality to be a core British value. In recognition that equality is not a concept that can be frozen in time, Parliament could also ensure the UK keeps pace with progress in the EU and elsewhere by adopting the South African model and explicitly requiring UK courts to consider cases from the EU or other comparable countries who share our values, like those in the Commonwealth.

Positive steps forwards for human rights

As well as not going backwards, we have called on the Government to move forward by strengthening our

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home grown protections. The Equality Act 2010 was passed with cross-party support and includes provisions that have not been implemented but have the potential to heal the divisions that became apparent around the EU referendum. For example, the socio-economic duty would require some public bodies to consider how policy and funding decisions could address socio-economic inequality. A requirement for political parties to publish diversity information about people who stand for selection and election could help increase diversity in Parliament and re-engage those groups who currently feel disenfranchised by and detached from the political process.

As the UK prepares to leave the EU, the Government must reaffirm its commitment to international human rights standards. First, the Government should confirm its commitment to remaining a party to the European Convention on Human Rights. Second, it should consider ratifying Protocol 12 to the ECHR, providing international oversight of the right to non-discrimination. Finally, if the Government takes its global commitments seriously, it should embed the obligations it has signed up to in UN treaties into UK law, and set out how it will implement the raft of UN recommendations to improve, for example, children's rights, race rights and socio-economic rights in the UK.

The UK's record will be in the global spotlight in May as part of the UN Human Rights Council's

Universal Periodic Review, and other countries' concerns about what Brexit means for human rights will be a key focus. Ahead of that, the Joint Committee on Human Rights will be considering the <u>recommendations</u> the Commission and <u>others</u> have put forward to strengthen human rights protections in the UK

As the UK prepares to leave the EU, the Government must reaffirm its commitment to international human rights standards.

as we prepare to leave the EU. Now is the time for the Government to make clear to UK citizens and the rest of the world that while Britain is leaving the EU, it remains steadfast in its commitment to fairness, equality and upholding people's rights.

Rebecca Hilsenrath is Chief Executive and Chief Legal Officer to the Equality and Human Rights Commission

Brexit and science: all risk and no benefit

Doctor Martin Yuille

When the UK joined the Common Market over 40 years ago, British people thought they were joining a free trade area. Today's critics of the European Union (EU) complain that the EU is so much more. They are therefore allowing that, at the exit door from Brussels, there are areas of policy to negotiate other than trade deals with the rest of the world.

One area being overlooked is science and technology (S&T) as a driver of future jobs, future industries and of enhanced international cooperation. For S&T, international cooperation is not merely a laudable aim but is increasingly a pre-condition for world-class research. The EU has made great strides over the last three decades in developing and implementing a joined-up international strategy for cooperation in science and technology (S&T). This strategy has been developed with nine other regional actors, with 20 individual nations where S&T agreements are in place and with 160 other countries where joint S&T projects are in place.

European Research Area – underpinning it all

The foundation for this international S&T development work is the European Research Area wherein intra-EU governmental agreements leverage the S&T activities of each EU member state for the benefit of all members. The political basis of the EU's international S&T development work rests ultimately on its treaties among Member States and then on international treaties, agreements, dialogues and projects in a coherent strategy. This type of framework must be put in place by the UK itself as it prepares to leave the EU if the UK does not wish to lose its current capacities and capabilities.

As a regional actor, the EU pays particular attention to cooperation with nine other regions in the world. In S&T, it combines policy dialogue with project-based and other bottom-up cooperation. This cooperation seeks synergies with other EU policies and activities, as well as complementarity with EU member states bilateral actions. This synergy strengthens the EU's role in S&T and makes it a harder task for the UK to replicate outside the EU. Many EU policies have traditionally looked toward S&T for support in development and implementation: cooperation in S&T is a driver of cooperation on other issues. It is not clear whether the UK government shares this view in policy and practise. As the global knowledge society develops, international scientific cooperation has, in the EU's view, an emerging role as a new pillar of external relations in addition to the traditional ones of diplomacy, trade and development cooperation. The UK government has not dissociated itself from this view and so a new UK pillar should not be weakened by leaving the EU.

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Global agreements

Twenty bilateral government level agreements on cooperation in science and technology have been put in place. The European

Union, via the Research and Innovation Commissioner, has concluded bi-lateral science and technology (S&T) agreements with 20 individual nations: Algeria; Argentina; Australia; Brazil; Canada; Chile; China; Egypt; India; Japan; Jordan; Korea; Mexico; Morocco; New Zealand; Russia; South Africa; Tunisia; Ukraine; United States.

The agreements are broadly similar but with some differences. Funding of joint projects by the EU is generally more restricted in countries with more developed economies. However, on the issue of movement of human and other resources, many of the agreements state:

"Each Party shall take all appropriate steps and use its best efforts, pursuant to the laws and regulations applicable in the territories of each Party, to facilitate entry to, sojourn and exit from its territory of persons, material, data and equipment related to or used in cooperative activities developed by the Parties under this Agreement".

This then points to a need in Brexit talks for a more nuanced approach to freedom of movement of workers than the current "No, no, no".

These 20 agreements constitute a framework and a privileged forum to identify common interests, priorities, policy dialogue, and the necessary tools for S&T collaboration. The agreements have borne fruit in joint S&T projects. An expert group has evaluated positively these projects and other work. In the current Horizon 2020 (H2020) programme, international cooperation is a cross-cutting priority with specific funding for international cooperation policy support activities. H2020 is fully open to researchers from all over the globe and 16 nations have international agreements that formalise this.

Nearly 850 joint research projects are in place with 160 nations via the Commissioner for International Cooperation and Development. These projects are the consequence of a series of interlocking international agreements and negotiations. These nations include some with which the UK has only ever had the most tenuous links. Former French colonies, for example, fall into this category. But now we have started to build collaborative links via EU-funded projects. To lose those links not only harms research but also sets back by decades the development of peaceful cooperation, development and trade.

Current benefits

The UK is party to all these directives, treaties, agreements and dialogues. Its researchers, paid for in part from the UK's EU contribution, are active in many of the ongoing projects. It therefore accepts their value (although this writer is unaware of any central catalogue of projects that have UK participation and are funded by the UK via the EU). It follows that to walk away from any of these actions would result in a loss of value to the UK. Hence Brexit negotiations need to ensure a full replacement of agreements on S&T with regions and with nations around the world if future UK jobs and future UK industries are not to be imperilled.

In this blog I have focussed on international scientific and technological treaties and agreements that the UK is at risk of just walking away from. But for decades, EU diplomats have been establishing relations on every imaginable issue with the rest of world – not solely issues connected with science. If we are to leave the EU but not ignore the rest of the world, then we must not lose any of these advantages.

This means there is a great deal of diplomacy to do. And since diplomacy is slow and its success is not guaranteed, the UK is taking on substantial risks. Whether all the risks are worth one highly-disputed benefit – loss of the "freedom of movement" of EU workers – is a matter which the British people have not reflected on.

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Brexit, trade frictions, and what we know about what we don't know

Doctor Silke Trommer and Doctor Jamie Morgan

Frictions

The Prime Minister says she wants the best possible Brexit deal for Britain, but what 'best' can mean depends on the context. As a point of departure, Theresa May is on the record planning for 'a bold and ambitious free trade agreement' with the EU and 'a bolder embrace of free trade with the world'. One way or another, May's game plan to make Brexit a success is to assure 'frictionless trade' for Britain once it has left the EU. Yet this verges on oxymoron, because any form of impediment to free movement of goods, services, labour and capital is by definition a friction.

As far as trade with the EU is concerned, the government's February White Paper tacitly acknowledges that a frictionless transition is a utopia in trade terms through its more conditional language use; 'The Government will prioritise securing the freest and most frictionless trade possible in goods and services between the UK and. As things stand, the only thing that seems reasonably clear about Britain's trade with the EU after Brexit is what the government does not want.

May currently does not want to lose access to members of the common market and single market, she does not want to pay the contributions, submit to EU collective authority, nor contribute to the deliberations that constitute membership. She does not want any of the existing European Economic Area or European Free Trade Association solutions. Instead, the February White Paper simply states: "We do not seek to adopt a model already enjoyed by other countries. The UK already has zero tariffs on

goods and a common regulatory framework with the EU Single Market. This position is unprecedented in previous trade negotiations".

What we can expect from post-Brexit trade

It appears that the British government are not quite sure, or cannot agree collectively what the actual substance of Britain's position on post-Brexit trade will be. With all eyes on the General Election and current Brexit hurdles, notably the 'divorce bill' and future rights of British and EU citizens residing in soon-to-be foreign territory, little public debate is taking place on the actual substance of the British position on international trade policy post-Brexit. However, the EU is likely to actively resist an entirely bespoke deal. Switzerland's position is unusual and unpopular in Brussels.

To make matters more nebulous, the British Government also appears to be in a position of ignorance regarding what Britain can get in international trade negotiations with non-EU countries. The February White Paper devotes only eight pages to stating the content of existing trade agreements and associated rule systems, and provides no analysis and articulates no actual preference. Britain's WTO status may not face significant legal challenges, but that is not the same as being in a position to forge 'bolder' free trade arrangements with the rest of the world.

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Britain's place in the world order

Although technological and logistical progress has seduced International Trade Secretary Liam Fox to imagine Britain will

flourish under 'post-geographical' trade after Brexit, negotiating the international legal infrastructure to facilitate this trade remains a state-to-state exercise in the current world order. This world order has changed since the UK last negotiated on its own behalf in the 1960s Kennedy Round of multilateral trade negotiations. At the time, the UK was the fourth biggest economy in the world.

In 2015, UK export figures stood at 460 billion USD, while China exported merchandise worth 2.2 trillion USD, the US 1.5 trillion USD, and Germany 1.3 trillion USD. In addition to technical negotiating capacity, which the UK lacks, economic size matters in trade talks. At current export levels and economic performance, the UK will join global trade negotiating venues as a middle power.

The ability of middle powers to push their preferred agenda in international trade talks is hampered by the fragmentation of the global trade governance architecture. With the WTO caught up in its own political conundrums in the aftermath of the Doha Round, the best bet for Britain to get trade deals is by negotiating country-by-country preferential agreements.

Yet, negotiating country-by-country deals puts heavy strains on the human and financial resources of trade bureaucracies. Even for the world's leading trade powers, there are institutional limits as to how many

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negotiating teams they can send out to foreign capitals at the same time. In addition, in the world of post-geographical trade, trade liberalisation today consists to a large degree of harmonisation of behind-the-border rules and regulations.

However, leading global trade powers have differing regulatory preferences, for example banking regulation, food safety, or intellectual property. How the UK government intends to reconcile its agenda for ambitious 21st century trade agreements with the world's leading economies on the one hand, and pressures to comply with incoherence in, say, US and EU regulatory frameworks on the other hand, given its middle power status, remains unclear.

The notion that there are 'bolder' trade opportunities politically available in the global economy may have helped Brexit looking like a risk worth taking. Yet, Brexit is a source of uncertainty based on multiple expectations, problems of negotiation and goals, and strategic interaction between many parties or interest groups. This is different than 'risk'. Risk is the calculable probability of some adverse outcome, whilst uncertainty is the non-numeric inability to know that something will occur. In trade policy, as in other policy domains, Brexit is replete with 'I don't knows'.

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Brussels bureaucrats and Whitehall mandarins: taking regional identity seriously

Professor Diane Coyle and Professor Rob Ford

The UK's narrow referendum vote to leave the European Union in June 2016, part of a broader populist tide in the West, has the potential to damage both the British and other European economies – and perhaps worse, if it turns out to have created the conditions for a fundamental fracturing of the EU as a whole. Economists in Britain were near-united in favouring the Remain camp, with <u>nine out of ten expecting a negative medium-term impact on growth</u>. Leave voters – who typically had fewer educational qualifications and were more concentrated in rural or deindustrialised areas – are the people most likely to be harmed by any downturn in the economy, which will hit the least qualified and most marginalised hardest.

If so, the obvious question is why did so many people vote against their economic self-interest? The obvious answer is that they did not think they had much to lose, because people in those categories have not gained economically since financial crisis - and in many cases had been stagnating or losing ground for many years even before the crisis. Average real incomes declined nearly 10% between 2009 and 2013; the latest (post-referendum) <u>forecast from the Office for Budget responsibility</u> predicts they will still be lower in 2021 than in 2008.

Unemployment and economic inactivity is lower in the UK than in other EU countries, but tends to be concentrated in the devolved nations, northern England, the north east and west midlands. What's more, the

Table 1 Employment indicators, UK regions, July-Sept 2016

	Employment rate[1] (%) aged 16 to 64	Unemployment rate[2](%) aged 16 and over	Inactivity rate[3] (%) aged 16 to 64
North East	71.1	6.1	24.1
North West	72.2	5.3	23.6
Yorkshire and The Humber	73.0	5.6	22.6
East Midlands	75.1	4.5	21.2
West Midlands	73.4	5.2	22.4
East	77.1	4.3	19.3
London	73.6	5.6	22.0
South East	78.0	3.6	19.0
South West	77.0	3.9	19.8
England	74.8	4.8	21.3
Wales	73.1	4.4	23.4
Scotland	73.6	4.7	22.6
Great Britain	74.6	4.8	21.5
Northern Ireland	69.9	5.6	25.8
UK	74.5	4.8	21.7

Source: Office for National Statistics

Notes:

1. Calculation of headline employment rate: Number of employed people aged from 16 to 64 divided by the population aged from 16 to 64. Population is the sum of employed plus unemployed plus inactive.

2. Calculation of headline unemployment rate: Number of unemployed people aged 16 and over divided by the sum of employed people aged 16 and over plus unemployed people aged 16 and over.

3. Calculation of headline economic inactivity rate: Number of economically inactive people aged from 16 to 64 divided by the population aged from 16 to 64. Population is the sum of employed plus unemployed plus inactive.

obverse of the country's low unemployment rate is the growth in insecure, contingent work characterised by features such as zero hours contracts (although there are no reliable statistics on the extent of such conditions). Anger about the lack of work bringing dignity, security and a reasonable income has been building for a long time; this kind of work was lost in many Brexit areas in the 1970s and 1980s, and never returned. The bailout of banks in 2008-09 and the swift return of bonuses and swagger in finance further inflamed this slow burning anger, and turned Brexit voters against a system they saw as corrupted and rigged against them.

The vote for Brexit was concentrated socially amongst voters with low education levels, in former industrial regions, among the most economically pessimistic, and among those who self-identify with the working class. This pattern of preferences was already clear in support for UKIP in the years prior to the Brexit referendum. UKIP rose to prominence by mobilising such voters with a combination of Euroscepticism, opposition to immigration, attacks on the political "establishment" and assertive English nationalism.

UKIP's emergence further complicated UK political debate on Europe and immigration, long the most divisive topics on the British political agenda. The combination of backbench Euroscepticism and electoral competition from UKIP made it impossible for any ambitious Conservative politician to engage constructively with Brussels, while public hostility to immigration left the Labour opposition unwilling to defend the EU free movement principle from increasingly strident media criticism. A semi-detached Britain found itself unable or unwilling to influence European policies, further increasing alienation and detatchment in an adverse feedback loop.

However, the policy failures which produced the economic stagnation and political alienation of Brexit areas, disguised by pre-crisis growth, date back decades. The deindustrialisation of the UK's manufacturing towns began long before the rise in immigration from the EU and rest of the world. The North Sea Oil-driven appreciation of the exchange rate and the policy-driven recession of the early 1980s ravaged the economic and social fabric of the industrial belts of the devolved

Figure 2 Sub-central tax revenues as % of total
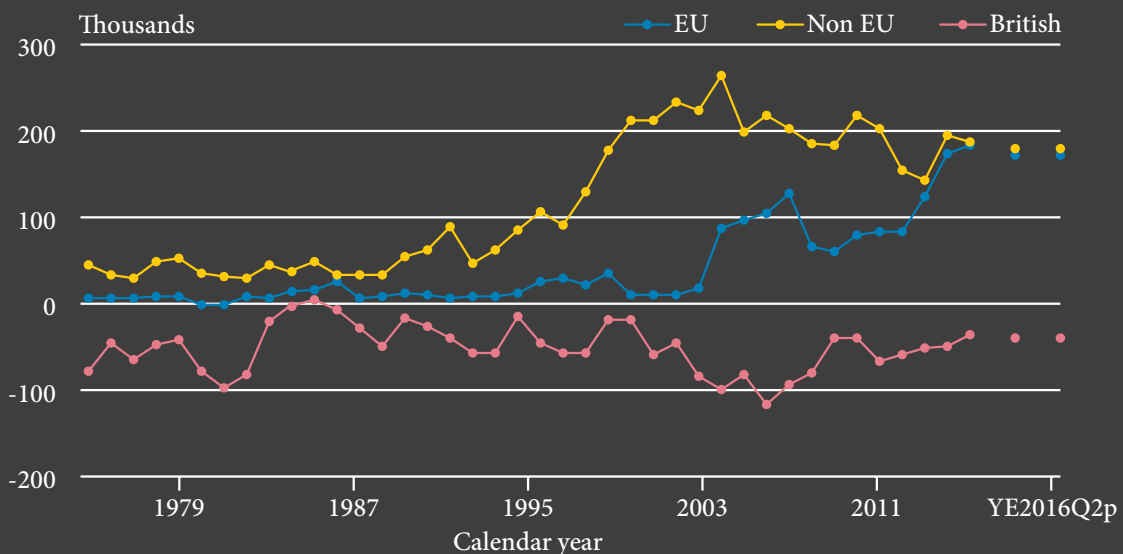
Source: ONS

nations and England outside the south east. The policy response was minimal, leading to the embedding of worklessness, poor housing, ill health and dependency on benefits. To this economic depression was added steadily mounting political alienation, as voters in these "left behind" areas found neither Conservative nor Labour administrations offered any effective solutions to their problems.

Part of the explanation for that policy catastrophe was centralisation in Whitehall. The UK is highly centralised both politically and economically. Even with the recent city devolution deals (starting with Manchester in November 2014), most officials, many Conservative politicians, and the think tankers, lobbyists and advisers rarely spend time in other parts of the country. 'Regional' visits mean a day trip to visit a factory and a school, and give a speech at dinner. There has been consistent under-investment in infrastructure, research and education outside the south and east.

The powerlessness and alienation felt and expressed by Brexit voters was perfectly rational - but was focussed on the wrong target. The structural problems that have

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left them politically marginalised are in Westminster, not Brussels. Economists failed them in only looking at average growth rates, not at the distribution of growth, until the financial crisis brought home the salience of inequalities. Politicians failed them by focusing on swing seats and swing votes, leading to systematic under-representation of "left behind" voters in safe constituencies. Civil servants failed them by seeing everything through the prism of London and Whitehall, and refusing to let power flow elsewhere, leaving problems in struggling English districts well beyond the M25 motorway around Greater London to fester unnoticed and unaddressed.

There is an era of slower growth ahead for the continent, perhaps much worse for the UK depending on how the Brexit process unfolds; adverse demography, the debt overhang, and long under-investment in infrastructure and skills make this hard to avert. Slow growth prospects mean income distribution will matter for at least a generation. If there is to be hope for a reinvigorated European identity in this context, it will need to be a kaleidoscopic one, not a uniform

Figure 2 Sub-central tax revenues as % of total
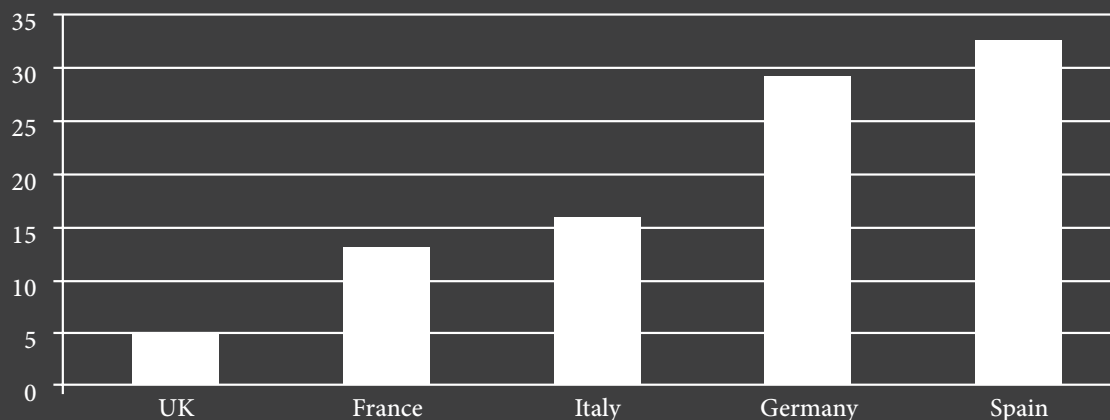
Source: OECD fiscal decentralisation database http://www.oecd.org/ctp/federalism/oecdfiscaldecentralisationdatabase.htm

& centralised one. After all, it is not only in Britain that has large numbers of left-behind voters in left-behind places.

Is this message finally sinking home in Whitehall & Westminster? There have been some steps in the right direction - with the devolution of power first to the Manchester "Northern Powerhouse", and now planned for a number of other city regions; the emergence of genuine debates about industrial strategy and infrastructure investment; and positive noises from all the political parties about further devolution and efforts to address regional disparities.

Yet the agenda to date is nowhere near ambitious enough. There are signs (not least in the secret guarantees about trade conditions post-Brexit given to Nissan) that the centre has finally recognised the importance to trade of industrial supply chains and industrial policy; but not yet that national policy makers have made the link between industrial success and the decision-making autonomy of the specific geographic areas where supply chains are located.

The devolution reforms in the rest of the United Kingdom has delivered pluralism, political renewal and policy innovation in Scotland, Wales and Northern Ireland. Now we need a similarly ambitious agenda, with genuine devolution of fund raising and decision making power for the UK's largest constituent nation. This June, voters across the length and breadth of England expressed a striking desire to "take back control". The Westminster and Whitehall 'elite' should help them do so.

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Euratom and leaving the European Union

Professor Francis Livens, Professor Juan Matthews and Professor Tim Abram

When the Bill for Notification of Withdrawal from the EU was published on 26 of January, lurking in the explanatory notes was a statement that caused a flutter of indignation from the scientific community, even prompting a <u>petition against withdrawal</u> on Parliament's website. Why was that? The statement simply said that withdrawal from the European Union also meant leaving the European Atomic Energy Community (Euratom for short). In this blog entry, we will try to explain what the fuss was about and, with a couple of weeks to consider it, put the issues into perspective.

The move to leave Euratom was anticipated right from the start, but no dialogue with the nuclear community seems to have taken place. There is clearly no need to include leaving Euratom in the Brexit Bill – you don't have to be a member of the EU or even the Single Market to join. Switzerland, for instance, is a member of Euratom. However, the following quote from the Prime Minister' speech on 17 January raised wider fears in the scientific community on how research relations with the EU are going to be handled: *"Not partial membership of the European Union, associate membership of the European Union, or anything that leaves us half-in, half-out. We do not seek to adopt a model already enjoyed by other countries. We do not seek to hold on to bits of membership as we leave."*

The Euratom complexities are very well described in two articles from World Nuclear News on <u>20 January</u> and <u>8 February</u>, so we can just focus here on discussion of the impact of leaving as it will affect the nuclear industry and the research community. There are three main areas that need to be addressed: the safeguards and movement of nuclear materials; investment in new nuclear power generation and the funding of research.

Safeguards

The UK's responsibilities in respect of the safeguarding of nuclear materials flow originally from our signature on the Treaty on the Non-Proliferation of Nuclear Weapons, first signed in 1968. The UK has been working through Euratom since 1973, but if we leave Euratom then we would continue the same activities but report into the International Atomic Energy Agency (IAEA) of the United Nations.

Strictly, as a weapons state, the UK is exempt from safeguards inspections but, in common with all weapons states, the UK voluntarily subjects its civil nuclear facilities to IAEA or equivalent Euratom safeguards. At present, all UK facilities that are subject to Euratom safeguards (over 100) provide reports to the Office of Nuclear Regulation (ONR), which are subsequently submitted to Euratom, who in turn submit this information to the IAEA. In the event of the UK withdrawing from Euratom, the collection of information and the process of submitting this to the ONR would not change – the only difference would be that this information would be submitted

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directly to the IAEA, cutting out the Euratom "middle man".

The one area that will be subject to more impactful change is on movement of nuclear materials in and out of the UK. The issue of nuclear export controls for the UK is presently handled through Euratom. We will urgently need to negotiate separate bilateral export control arrangements, with the EU and other countries, for our substantial nuclear fuel cycle business to continue. This includes uranium enrichment by URENCO at Capenhurst in Cheshire, nuclear fuel manufacture at Springfields near Preston and spent fuel management at Sellafield in Cumbria. There will also be issues associated with our holding stocks of plutonium belonging to other Euratom members at Sellafield.

Investment

The approval of the investment in the Hinkley Point C reactor by the European Commission involved regulation from the Euratom Treaty and competition rules from the EU. Leaving the EU will make investment rules more flexible, but this must be balanced against increased difficulties for the European nuclear supply chain working in the UK and decreased mobility of qualified staff needed from the EU. The UK's ambitious nuclear power construction programme will rely on academics, engineers, and technicians from across Europe and the rest of the world. The current focus on reducing immigration will lead to the slowing of projects. Overall, getting future investment for future nuclear power plant is likely to get more difficult.

> **Leaving the EU will make investment rules more flexible, but this must be balanced against increased difficulties for the European nuclear supply chain working in the UK and decreased mobility of qualified staff needed from the EU.**

Research

Euratom is responsible for the nuclear part of the EU collaborative research fund, currently called Horizon 2020. Looking at research funding across all areas, and not just nuclear, researchers are uneasy about losing our links with Horizon 2020. For a fuller discussion see the Blog entry on 9 February, Brexit and Science: All risk and no benefit. Non-EU countries can participate in Horizon 2020 by making a substantial up-front contribution for association. For example, Israel in the past has contributed €530 million to the EU, but has received €780 million in competitive research funding. Non-associated countries can provide funding for specific projects on a pay-as-you-go basis, but there is no seat at the table for planning. Historically the UK has received more funding than its contribution to EU research. The EU is valued not just for the funding but for the enrichment of programmes through links with other research centres. The UK ranks poorly on R&D expenditure per unit GDP, compared to most developed countries – only 22nd in the world! Both the Government and industry fail to invest sufficiently in R&D. So, it is not surprising that researchers fear that the funding currently going into the EU research pot will not be restored after Brexit.

The issue of funding of nuclear fusion research is of particular concern. The JET (Joint European Torus) facility at the Culham Centre for Fusion Energy (CCFE) receives £48 million/year from the Euratom research fund. The UK also is involved in the ITER (International Thermonuclear Experimental Reactor) project through

Euratom. Quite a few UK scientists and engineers are involved in the construction and planning of the ITER experimental programmes. Participation of companies in construction is also related to being a member. On leaving the EU and Euratom, UK fusion research and related business are likely to collapse unless a substantial payment is made into the £17 billion project.

In the event of our withdrawal from Euratom, the Government will need to take some positive steps to secure our nuclear research and wider industry. Four ways they can do this immediately would be by ensuring that:

- the 'lost' European research funding is compensated;

- there is no hiatus between leaving Euratom and the establishment of new arrangements for research funding, nuclear materials safeguards and export controls;

- a simple mechanism is in place to allow movement and employment of specialist staff from Europe; and

- the arrangements are put in place early enough and over a long enough time that projects can include UK partners and business can continue with confidence.

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The case against Linguaphobia

Professor Yaron Matras

Claims and assumptions

Claims that multilingualism is harmful to the country captured headlines long before the referendum debate. In December 2012, the then Secretary of State for Communities and Local Government, Eric Pickles, called on local authorities to stop translating documents into other languages because translation "undermined community cohesion and encouraged segregation".

Among the fallacies put forward by Brexit champion Nigel Farage as far back as 2014 was the claim that there were "entire areas in our cities where nobody speaks English."

Two years later, Prime Minister David Cameron linked assumptions about the level of English spoken by Muslim women in the UK to their degree of "resilience against the messages of Daesh". Ironically, he was speaking just days after drones targeted 'Jihadi John', whose true identity was uncovered not least thanks to a forensic analysis of his distinctively London accent. Labour governments, too, have been guilty of constructing the image of the 'outsider' in association with a foreign language, as Shirin Hirsch reported earlier this year.

Research evidence

Since 2010, the Multilingual Manchester project has been carrying out research into multilingual practices in the city region and engaging with local stakeholders in communities and public services.

Our research has shown that far from promoting segregation, provisions for interpreting and translation enable access and the building of trust in public institutions, and so they actually facilitate inclusion and integration. They are also, by and large, responsive to needs, flexible, de-centralised and cost-effective.

Longitudinal analyses show that demand for interpreting among new arrivals tends to peak, and then drops as communities integrate and acquire English. There is therefore no justification for pathologising multilingualism.

Integration and language skills

But integration does not, and should not, mean the loss of the ability to speak other languages. Respecting others' linguistic and cultural heritage is as important to community cohesion as sharing a medium of communication. Specialist practitioners point to the advantages that early bilingualism brings and conclude that "languages are a gift".

For over a decade now, Greater Manchester's plan for growth and development has flagged the importance of language skills. At no cost to the taxpayer, Manchester's communities cultivate such skills in the home and through privately operated supplementary schools, giving the city a valued resource from which the entire population benefits. Each week dozens of jobs are advertised within 25 miles of Manchester that require knowledge of foreign languages.

Passionate, not timid

The Manchester experience does not support the assumption that people feel uneasy about

> **Longitudinal analyses show that demand for interpreting among new arrivals tends to peak, and then drops as communities integrate and acquire English.**

language diversity. Through our work we have <u>observed and documented</u> how individuals of various backgrounds make an effort to learn the languages of next door neighbours, motivated by curiosity, respect and interest; how businesses reach out to a diverse customer audience in <u>multiple languages</u>; and how <u>front line practitioners</u> benefit from understanding the language backgrounds of their clients.

There have been enthusiastic responses to our online archive of <u>student research</u> on multilingualism in the city and to the Multilingual Manchester <u>volunteer scheme</u>, through which students <u>support public services</u> in their communication with clients.

For instance last year, hundreds took part in the <u>Levenshulme Language Day</u>, showing that the city's residents are in fact passionate, not at all timid or uncomfortable about the Babel in their midst.

Earlier this year we launched <u>LinguaSnapp</u>, the University of Manchester's very first teaching and research app designed to crowdsource data by mapping images of multilingual signs. Manchester City Council's Deputy Leader praised the project as a chance to promote community cohesion and acknowledged that language diversity represents a "<u>huge opportunity for the city's economy</u>".

The opportunity of linguistic diversity

This shows that communities and local institutions see language diversity as something to value and to celebrate. Universities can help respond to the challenges of diversity and help harness its rewards by brokering a dialogue among local stakeholders, and by equipping graduates with the skills to become global citizens and to

> **Universities have a duty to provide an accurate and realistic assessment of the opportunities that linguistic diversity offers.**

take on leadership roles in public and private sector organisations that require an appreciation of today's multilingual and multicultural societies.

As some continue to indulge in linguaphobia, universities have a duty to provide an accurate and realistic assessment of the opportunities that linguistic diversity offers. Amid calls for rationalisation, it is therefore important that they resist pressures to strike languages off their portfolio of degree programmes.

Instead we must review the way in which we organise and deliver language degrees. The traditional approach favoured the framing of modern languages within the territorial boundaries of nation states, mirrored by strict demarcations between individual language-based subject areas. This is gradually giving way to a view of languages as dynamic and multi-layered practices that link our diverse local community with the global world and transcend the boundaries of nations – in media, cultural productions, recruitment and customer care, marketing, governance, and more.

To ensure the sustainability of language degrees, we need to embed this new intellectual agenda into a viable organisational framework and to promote appreciation of languages as a value adder for a range of academic disciplines.

The study of languages and of the cultures that they represent is a key to a richer and deeper understanding of the world. It can and should continue to be the scene of innovation in socially responsible teaching and in learning technologies, and it must continue to have a place at the forefront of research, knowledge exchange and public engagement.

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Brexit and the Westminster Fallacy of 'Democratic Nostalgia'

Professor Dave Richards and Professor Martin Smith

The 52%

Explanations of Britain's vote to Leave the EU have tended to focus on how it is a response to, and a potential resolution for, a series of longer-term pathologies that have afflicted British politics. A new orthodoxy is taking shape that presents Brexit as a bottom-up, populist-driven, revolt against the established order. It depicts a political drama enacted by those variously labelled as 'the have nots' the 'left behinders' or the 'somewherers' rising up from the 'provincial backwaters' to enact a bloodless coup on an out of touch, metropolitan governing elite. An elite accused of colonizing power for too long and incapable of taking account of the lives of 'normal people'. Untouched by austerity and immigration, they are responsible for forcing on everyday citizens a cosmopolitan polity that has steadily eroded British values. Layered on top is an even more detached European elite, seeking to impose de haut en bas, its version of an open, internationalist, social Europe on Britain. Fundamental to the Leave campaign, was the need to 'take back control' or, in constitutional terms, to reassert national sovereignty through Parliament. This vision of a strong, national community is one set out by Theresa May in her first conference speech as Prime Minister. Emphasising a provincial form of conservatism, it stressed the reassertion of national borders and a commitment to a more traditional, organic, locally-based, and at times, interventionist politics, contra the market liberalism underpinning Thatcherism.

'Taking back control'

To date, the May Government's vision for Britain lacks specificity in defining what taking back control means. It argues this is for strategic reasons of negotiation – of not revealing one's hand too early. Critics, including those in the devolved administrations, claim the Government does not have a coherent view on the subject and, more pointedly, a disdain for consulting beyond Whitehall on it.

Control of what, by whom, from whom? The desire to take back control is paradoxical. The signs are that taking back control goes little beyond reasserting Parliamentary Sovereignty, drawing on a mythical view of a previous golden age of Parliament. Albert Weale labels this as a form of 'democratic nostalgia' set against the perceived 'failure of democratic internationalism'. Nostalgia, in this context, refers to a particular view of Britain's past, the invoking of a Halcyon-like view of the Westminster model and with it a: '...desire to turn the clock back'. It chimes with a British Election Study survey identifying among Leave voters a relationship between a '...sense of national decline' and the view that 'things in Britain were better in the past'.
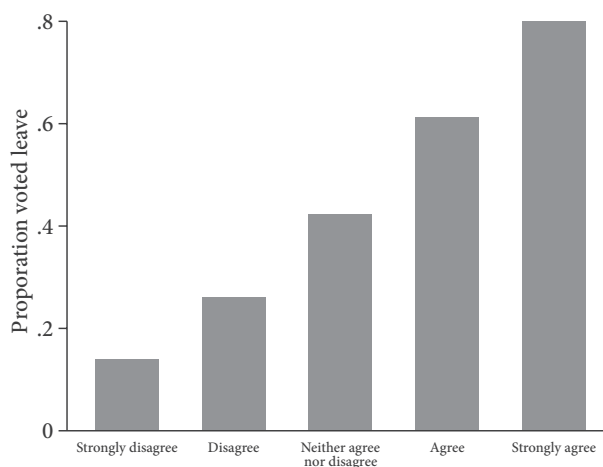

Chart 1: BES Q – 'Things Were Better in the Past'

The Brexit paradox

There is a real possibility that a Brexit settlement that does not seek to imagine much beyond re-centring power to London, will exacerbate the very pathologies in the way politics is done that were distilled in the vote to Leave. If the Brexit vote was a revolt against an out of touch governing class, then the clawing back of sovereignty by a Westminster elite, or to put it more prosaically, the reclaiming of powers to Parliament, will not resolve the issue. For the nature of the British political tradition is one in practice whereby Parliamentary sovereignty effectively means executive sovereignty. The implications of this position are illustrated by the Great Repeal Bill, which will allow ministers to rescind EU regulation without a full debate in Parliament. In principle, government will be able to reduce social rights, labour protection and environmental regulation without meaningful consultation. The Government views accountability as occurring after the completion of the Brexit negotiations, rather than allowing the process to be 'micro-managed' by MPs along the way. What then has been portrayed as a populist revolt by ordinary people, is translating into an elite-driven project heavily orchestrated through Whitehall's prism. The danger then in the end product, is that people will see government as more remote and more out of touch. Vote Leave's powerful rallying cry of UK citizens once again being in control of their own destiny will appear as little more than a chimera.

The importance of sovereign states and negotiations

A deeper problem is one of capacity. The arguments around Brexit, echoed by Marie Le Pen in France, are partly a rejection of globalization and, as we have seen, a reassertion of the myth of the sovereign state. The

> **What then has been portrayed as a populist revolt by ordinary people, is translating into an elite-driven project heavily orchestrated through Whitehall's prism.**

assumption is that these shifts from an international to national system are the choice of governments; that within the current structure of international and political organisation, governments can simply opt to become 'sovereign' nations again. Yet, as Mick Moran's recent contribution to this debate has once again reminded us, Britain's account of sovereignty was forged at its height as an Empire state, when it 'ruled the waves' and had the economic power to impose trading conditions on other nations. Its membership of the Common Market in the 1970s was a response to a decline in sovereignty and an inability to succeed in the newly globalizing economy at a stage when its economic and political power were declining. The loss of sovereignty was a cause, not a consequence, of EU membership in 1973, as Britain rapidly lost its economic power. Sovereignty then is not something that can be magically conjured up.

Reports have already emerged, most notably following the recent meeting between Theresa May and Jean-Claude Juncker of a gap between what the UK Government's expectations about negotiating trade agreements with the EU are and the reality of what can actually be delivered. Leading Brexiters such as David Davis and Boris Johnson have argued that the importance of Britain to major European economies such as Germany and France would secure the UK's continued access to the EU market. Such a view is certainly contested from the European perspective and crucially ignores the salient need for EU negotiators to prioritise the politics of shoring-up the European project over the economic case. Again, if the UK fails to make an agreement, it will be governed by WTO rules on trade; a set of rules that the UK will have no or minimal control over.

The problem of representation

Parliamentary Sovereignty is based on the idea that Parliament is the embodiment of the will of the people, with MPs as representatives of their constituents. This notion of sovereignty and representativeness is legitimised by accountability. Whilst the executive can take back control, it is accountable to Parliament and ultimately the electorate for its actions. So Parliamentary Sovereignty operates within a system of constraint. This majoritarian system of government – where the winner takes all - developed in an era of two parties with distinct links to particular social bases. But overtime there has been a steady erosion of the two party system. Scotland is now dominated by the SNP and Labour's vote is shrinking even within its traditional heartlands. Both the recent local elections and John Curtice's analysis of current polls suggests that while the Conservatives will likely be returned with an increased majority in the forthcoming General Election, it will be without the support of sizeable parts of the country. The rationale for Theresa May calling an election is that it strengthens her Government's bargaining position over Brexit. Yet this majoritarian approach reveals the true nature of the British political tradition in its capacity to insulate against pressures for plurality and deliberation in the negotiations. The voice of the 48 per cent against leaving and the majorities in Northern Ireland and Scotland who voted remain will have limited political traction.

> The rationale for Theresa May calling an election is that it strengthens her Government's bargaining position over Brexit.

Crucially, with strong, single party government in a system where party competition has broken down, then the accountability mechanism is severely weakened.

Why does this matter? The path currently being set is one leading to a post-Brexit polity where political sovereignty is re-established on the basis of representation. Yet the breakdown in traditional party alignment means the links between party and voter are fracturing leading to a Parliament that is even less representative of the electorate than in the past. In the absence of any consideration for seeking out a more deliberative and consensual approach to decision-making, often referred to as a New Politics, the UK's political system is in danger of further losing legitimacy. We are at a point in time of heightened expectations over what the impact of taking back control by the Westminster Government can deliver in terms of new economic opportunities, controlling borders and reducing immigration. At the same time, in terms of political statecraft, appeals to an existing strategy of de-politicisation involving the blaming of others [in this case the European Union] for any failings will lack credibility.

By reasserting Westminster control founded on an appeal to a misplaced sense of democratic nostalgia, the old patterns of government which originally contributed to a rising anti-politics climate will be strengthened. The fear is this will further exacerbate political disengagement, so leading to a much broader crisis of delegitimisation across the UK's political system.

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European family law after Brexit

Doctor Ruth Lamont

The EU has encouraged the free movement of European citizens between the Member States, resulting in a large number of 'international' families, where family members are nationals of different countries. For international families, when relationships break down, it can be unclear which legal system should govern the consequences of the relationship in terms of granting a divorce, or deciding on the custody of children.

The EU has addressed this issue in Regulation 2201/2003 (Brussels II Revised). The Regulation is directly applicable in English law and provides uniform rules of jurisdiction and for the recognition and enforcement of judgments originating from other EU Member States relating to divorce and in disputes relating to children. It covers both private law disputes and public law decisions made by the state to protect a child identified as at risk of harm within the jurisdiction. It also contains specific provisions governing international parental child abductions between EU Member States.

These provisions build on the Hague Convention on the Civil Aspects of International Child Abduction 1980. When a child has been unlawfully removed or retained in another Member State, summary proceedings are issued the in the courts of the State to which the child has been abducted to seek the return of the child. If the return of the child is initially refused on the basis of one of the exceptions to return, the courts of the child's habitual residence may conduct a full welfare hearing in

relation to the custody of the child and may order the return of the child. EU law also provides for the mutual recognition of protective orders issued on the return of the child, if a child or family member is at risk of harm following the return of the child to their habitual residence e.g. from domestic violence.

Mutual trust

European private international family law is based on the concept of mutual trust between the Member States. Each Member State is entitled to trust the decisions and content of decisions made in another Member State on the basis of their national law since jurisdiction will be assumed on the same basis, with the possibility of a preliminary reference to the Court of Justice of the European Union to determine the correct interpretation of the legislation. The concept of mutual trust has enabled closer cooperation between courts and national authorities, and mutual recognition of judgments issued by other Member States without examination of jurisdiction or the national law that the decision is based upon.

Cooperation between member states' legal systems

In a number of cases, Local Authorities in England have initiated child protection proceedings under the Children Act 1989 relating to children who are nationals of another EU Member State because they are at risk of significant harm. If the child is habitually resident in England, the English court currently has jurisdiction to determine the future of the child, and may potentially be adopted in England. The adoption

> **European private international family law is based on the concept of mutual trust between the Member States.**

of foreign national children by families in England has caused considerable controversy in other EU Member States.

Article 15, Regulation 2201/2003 provides for the transfer of cases to another jurisdiction with a connection to the child (including the place of the child's nationality) if that court is better placed to hear the case and the transfer is in the child's best interests. The English courts are directed to consider whether to transfer jurisdiction over child protection proceedings to the Member State of the child's nationality. According to the Court of Justice, no consideration may be given to the law and procedures of child protection and adoption in the State to which the child protection proceedings are to be transferred, merely whether the other court is 'better placed' to determine the application.

The impact of Brexit

The House of Commons Justice Select Committee has recently examined the impact of Brexit on international family law. The report on 'Implications of 'Brexit' for the Justice System,' including family law, suggests that the impact of leaving the EU on international families will reduce the certainty of the law because the reciprocity and close relationship between Member States' legal systems will be lost.

I gave evidence to the Committee pointing to the need to provide protection for children at risk, and the alternative frameworks for cross-national child protection. The circumstances of children at risk of

> **The circumstances of children at risk of harm, who are nationals of other EU Member States, must be given consideration in adopting legislation and policy replacing the cooperative mechanisms based on mutual trust developed by the EU.**

harm, who are nationals of other EU Member States, must be given consideration in adopting legislation and policy replacing the cooperative mechanisms based on mutual trust developed by the EU.

The UK has recently ratified the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children 1996 (Hague Convention 1996) which will also be in force in all other EU Member States. Article 9, Hague Convention 1996 provides for the transfer of cases if the court in another contracting state is better placed in a particular case to assess the child's best interests, although it will not necessarily operate on the same basis as Regulation 2201/2003.

The withdrawal of the UK from the EU will mean that Regulation 2201/2003 and associated legal frameworks will no longer apply to determining jurisdiction and the recognition and enforcement of judgments regarding arrangements over children. The Government paper on legislating for the withdrawal of the UK from the EU suggests that EU Regulations, such as Regulation 2201/2003, will be converted into domestic law by the so-called 'Great Repeal Bill' and continue to apply until the UK Parliament decides otherwise.

In the case of Regulation 2201/2003, which operates on the basis of mutual trust and reciprocity between Member States' legal systems, even if the UK applies the Regulation, there will exist no obligation on the other Member States to do so in return, and the Court of Justice will no longer have jurisdiction over English

courts' decisions. As a result, it would be desirable instead for the UK to apply the Hague Convention 1996, a global instrument, than continuing to try and use an EU Regulation that operates on the basis of mutual trust between the Member States of the Union.

The loss of the Court of Justice interpretive role means that reciprocity of decision-making and uniform interpretation of the legal instrument can no longer be guaranteed in the UK courts, undermining the effective operation of Regulation 2201/2003. If the Government is going to ensure children in the UK have an equivalent standard of legal protection that they currently do, then the 1996 Hague Convention is a more appropriate instrument for use in English law, post-Brexit.

As the example of European family law demonstrates, simply adopting existing EU Regulations into English law through a 'Great Repeal Bill' will not always provide the best solution. Full and specific understanding of the relevant legal context and options will be key to creating appropriate post-Brexit legal frameworks.

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Analysis and ideas on Brexit from Policy@Manchester.

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