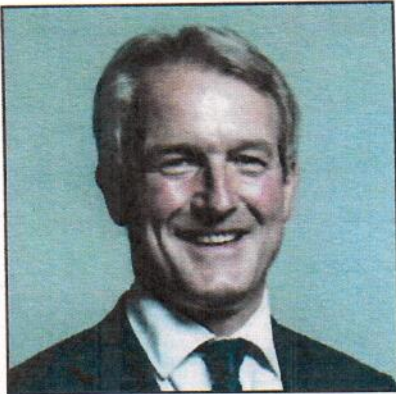


WHY BREXIT IS GREAT FOR THE UK AND THE US

Owen Paterson, Conservative MP for North Shropshire



On 23rd June, 2016, 17.4 million people in Britain voted to leave the European Union, more than have ever voted for any issue or political party in our history.

This June, we had a General Election in which 85 per cent of the votes cast were for parties advocating leaving the Single Market, the Customs Union and the remit of the European Court of Justice. The main "Remain" party – the Liberal Democrats – saw its number of votes fall.

In October of this year, I spoke on "Why Brexit is great for the UK & the USA" at the Heritage Foundation in Washington, D.C. I made it clear that Britain has no greater ally than the United States and that the Special Relationship has been a cornerstone of our foreign policy for 100 years.

During my speech, I noted that the 2016 Brexit vote and the American Revolution had democratic control at their hearts. Everyone is familiar with the rallying cry of "No taxation without representation" and the same maxim was evident in the Brexit referendum; polling immediately after the vote showed that the majority of people who voted Leave upheld the principle that decisions about the UK should be taken in the UK.

An obvious example of that is the future role of the European Court of Justice. The European Commission has demanded that the ECJ continues to rule on the rights of EU citizens in the UK after Brexit. There is no exact legal precedent for such a bizarre suggestion, which would create a privileged class of over three million EU residents in the UK, whose rights would be enforced by a court beyond the influence of our government

and Parliament. The British government has, quite rightly, ruled that out. Independent sovereign nations cannot be bound by rulings of the courts of other nations.

That is not to say that British courts should give no attention to past decisions of the ECJ. It is standard practice across the world for the courts of countries in an international treaty to pay attention to the judgments of their partners, and to try, if possible, to apply a consistent interpretation.

As the late Justice Scalia of the United States Supreme Court – himself no friend of foreign judgments influencing US courts – said: "We can, and should, look to decisions of other signatories when we interpret treaty provisions. Even if we disagree, we surely owe the conclusions reached by appellate courts of other signatories the courtesy of respectful consideration."

It would be inconceivable for the US to accept any court overruling its own Supreme Court, but it has always been accepted that account be taken of preceding legal decisions.

Take, for example, the case of *Amalfitano v. Rosenberg* in New York, in 2009. The Court of Appeals ruled that "attempted deceit" was sufficient to sustain a cause of action under judiciary law Section 487, on the basis that it derived not from common-law fraud, but from the first Statute of Westminster – a criminal statute adopted by the Parliament of Edward I in England in 1275.

We will adopt just the same attitude towards the ECJ's preceding decisions. But, as a simple matter of principle, we cannot accept continuing ECJ jurisdiction once we have regained independence.

In the months and years ahead, Britain must be guided, above all, by the decision which its people made in June 2016. The constitutional position we face is unprecedented as we have held a number of referendums over the last 50 years, but this is the first in which the people have contradicted the view of the political, judicial, financial, media and academic establishment.

We will regain our right to vote on world bodies, our right to initiate new regulations and propose amendments to existing ones. We will co-operate with old friends in the Anglosphere and forge new alliances. For the US, that means regaining a reliable partner at those regulatory tables committed to global free trade, determined to embrace new technology, whose values of freedom and democracy we share.

In a whole range of fields including security, academia, scientific research and cultural exchanges, we look forward to maintaining the closest possible co-operation with our European neighbours. What we are offering is a vision of amicable, reciprocal free trade between sovereign nations, close neighbours and good friends. The Special Relationship will go from strength to strength and, in the meantime, we will develop our relationships with other like-minded independent nations around the world, to the benefit of us all.