

Was Brexit (the 2016 referendum) argued on the basis of accurate information fairly presented?

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Slogans were, and may always be, better at gathering votes.

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With the reality of Brexit a few months away, a sober look at what we actually gain or lose is needed in two areas:

What is sovereignty of an island like our own?

Could we draw a line round the coast line (and the Irish border) and contain and control all that is inside?

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And what of rights within that line?

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Can they all be home grown and nationally defined?

Are we indeed an island?

# SOVEREIGNTY

SHORTER OXFORD DICTIONARY 2<sup>ND</sup> Edition

1933-1939

[ ] for 6<sup>th</sup> Edition 2007 deletions and additions

Supremacy in respect of power[, domination] or rank;  
supreme [dominion,] authority [or rule]

*(Late Middle English – say 1400-1500)*

The Position, rank or power of a supreme ruler or  
monarch; royal [authority or] dominion

*(Late Middle English – say 1400-1500)*

[The supreme controlling power in a community not under a monarchical  
government; absolute and independent authority of a state

*(Early 17<sup>th</sup> c)*

A territory under the rule of a sovereign or existing as an independent state

*(Early 18<sup>th</sup> c)*





“

I once asked God  
what I could give him.

“Your problems,” he said.

“I’ve got everything else..”

Rabbi Lionel Blue

1930 - 2016

# House of Lords Constitution Committee report 2010

- referendums are most appropriately used for ‘fundamental constitutional questions’, which are hard to define but would include the question of leaving the EU, along with other questions such as whether:
- To abolish the Monarchy;
- For any of the nations of the UK to secede from the Union;
- To abolish either House of Parliament;
- To change the electoral system for the House of Commons;
- To adopt a written constitution; and
- To change the UK's system of currency.

# **BRIEFING PAPER**

Number 07212, 3 June 2015

# European Union Referendum Bill 2015-16

[www.parliament.uk/commons-library](http://www.parliament.uk/commons-library) |  
[intranet.parliament.uk/commons-library](http://intranet.parliament.uk/commons-library) |  
[papers@parliament.uk](mailto:papers@parliament.uk) | [@commonslibrary](https://twitter.com/commonslibrary)

## 5. Types of referendum

This Bill ..... **does not contain any requirement for the UK Government to implement the results of the referendum**, nor set a time limit by which a vote to leave the EU should be implemented.

This is a type of referendum known as **pre-legislative or consultative**, which enables the electorate to voice an opinion which then influences the Government in its policy decisions. ....

The **UK does not have constitutional provisions which would require the results of a referendum to be implemented**, unlike, for example, the Republic of Ireland, where the circumstances in which a binding referendum should be held are set out in its constitution. ....

The 1975 referendum was held after the re-negotiated terms of the UK's EC membership had been agreed by all EC Member States and the terms set out in a command paper and agreed by both Houses.<sup>64</sup>

## 6. A threshold for the referendum?

The Bill does not propose a threshold for the referendum. **The only referendums held in the UK where a threshold has operated were the polls in Scotland and Wales in 1978 on the question of devolution.....**

Certain states require **constitutional change to be validated by a special majority in a referendum.**

This incorporates the idea that major constitutional change is something more important than the result of ordinary elections, and therefore should be the outcome of something more than a simple plurality of the votes.

## 6.2 Referendums 1979-2014

Since 1979 no further referendums have been held using a threshold. However, the issue has been raised from time to time.

There was some concern about the possible turnout for the North East referendum; the then junior minister, Nick Raynsford, reportedly said during the launch of the referendum campaign that ministers would not approve the creation of assemblies in regions where the turnout was "derisory". This term was not further defined. When the poll was held on 4 November 2004, there was a turnout of 47.8 per cent and 78 per cent of voters rejected a North East Assembly.<sup>69</sup>

The House of Lords voted for a 40 per cent threshold for the AV referendum during the passage of the Parliamentary Voting System and Constituencies Bill, but this was subsequently overturned in the House of Commons.

There was no threshold for the Scottish independence referendum.

## Thresholds in referendums

Standard Note: Last updated: Author: Section  
SN/PC/02809  
29 June 2011

Oonagh Gay and Lorna Horton Parliament and Constitution Centre

Referendums have become an established mechanism for validating constitutional initiatives in the UK. The possibility of using an appropriate minimum turnout, or a special majority to ensure that the outcome of such a poll is seen as legitimate is sometimes raised.

# Referendums in Western European Constitutions

<i>Country</i>	<i>Referendums mentioned in Constitution?</i>	<i>Referendums required for Constitutional Amendments?</i>	<i>Constitutional provision for referendums in Noncon legislation?</i>	<i>Who Triggers?</i>	<i>Provision for qualified majority?</i>	<i>Consultative or binding?</i>
Austria	yes	yes <sup>52</sup>	yes	government or ML	no	binding
Belgium	no	no	no	government	no	consultative
Britain	no	no	no	government	yes	consultative
Denmark	yes	yes	yes	ML	yes	binding
Finland	yes	no	yes	government	no	consultative
France	yes	yes <sup>53</sup>	yes	government <sup>54</sup>	no	binding
Germany	yes	no	no	NA	no	binding
Greece	yes	no	yes	H	no	binding
Iceland	yes	no <sup>55</sup>	yes	H	no	binding
Ireland	yes	yes	yes	H and ML	yes	binding
Italy	yes	no	yes	E	yes	binding
Netherlands	no	no	no	NA	no	NA



Norway	no	no	no	government	no	binding
Portugal	yes	no	yes	H	no	binding
Spain	yes	yes <sup>56</sup>	yes	government	no	binding
Sweden	yes	no	yes	government or ML	yes	binding & consultative
Switzerland	yes	yes	yes	E	yes	binding

Notes: NA = not available.

E = a portion of the electorate; H = the constitutional head of state; ML = a minority of the legislature.

# Majority Provisions in established Western Democracies

Australia	Geographical requirement: majority of votes and majority of states
Austria	Simple majority
Belgium	No provisions for referendums
Canada	Under debate
Denmark	Registered voter requirement: 30% of voters, 40% of voters on constitutional changes
France	Simple majority
Finland	Simple majority
Germany	No provisions for referendums
Iceland	Simple majority
Ireland	Simple majority
Italy	Turnout requirement: 50% of the registered voters
Luxembourg	Simple majority
Malta	Simple majority
Netherlands	Simple majority
Switzerland	Geographical requirement: simple majority and majority of cantons

# Winston Churchill

Congress of Europe The Hague May 1948

<https://www.youtube.com/watch?v=zv8bGoiRmGo> (1minute 46 seconds to 2 minutes 2 seconds)



# Winston Churchill

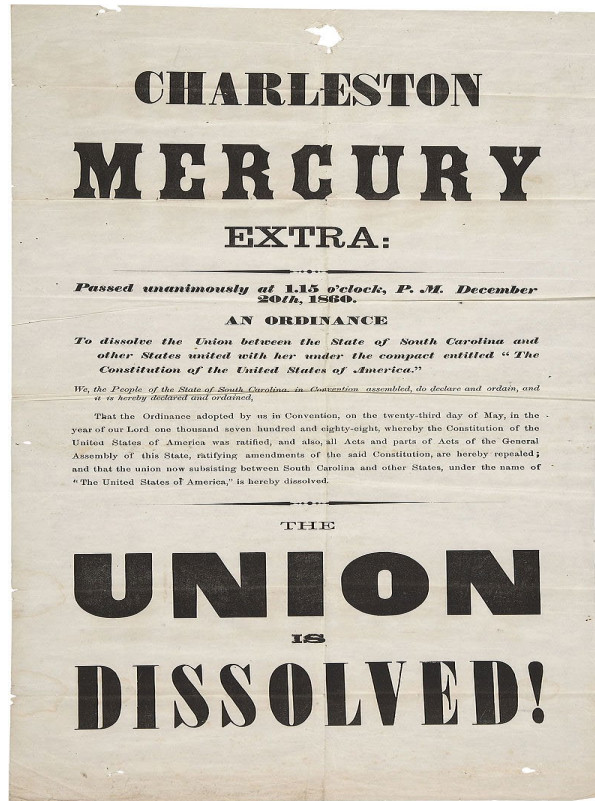
Congress of Europe The Hague May 1948

<https://www.youtube.com/watch?v=zv8bGoiRmGo> (1minute 46 seconds to 2 minutes 2 seconds)

**“The Movement for European Unity** must be a positive force, deriving its strength from our sense of common spiritual values. It is a dynamic expression of **democratic faith based upon moral conceptions** and inspired by a sense of mission. In the centre of our movement stands the idea of a **Charter of Human Rights, guarded by freedom and sustained by law**. It is impossible to separate economics and defence from the general political structure. **Mutual aid in the economic field and joint military defence must inevitably be accompanied step by step with a parallel policy of closer political unity.**

It is said with truth that **this involves some sacrifice or merger of national sovereignty. But it is also possible and not less agreeable to regard it as the gradual assumption by all the nations concerned of that larger sovereignty which can alone protect their diverse and distinctive customs and characteristics and their national traditions all of which under totalitarian systems, whether Nazi, Fascist, or Communist, would certainly be blotted out for ever.”**

ROBERT LANSING  
ON  
SOVEREIGNTY IN A TIME OF CIVIL  
WAR,  
'A definition of Sovereignty' - *Proceedings of  
the American Political Science Association;*  
1913



.....'another historical event in which the locus of the sovereignty was conclusively shown through an exercise of force'.

..... 'the sovereignty of the state is, in its legislative operation, suspended until such time as domestic peace and order are restored and enacted law resumes its function in the regulation of human conduct in the state.'

# ARMENIA - ????????

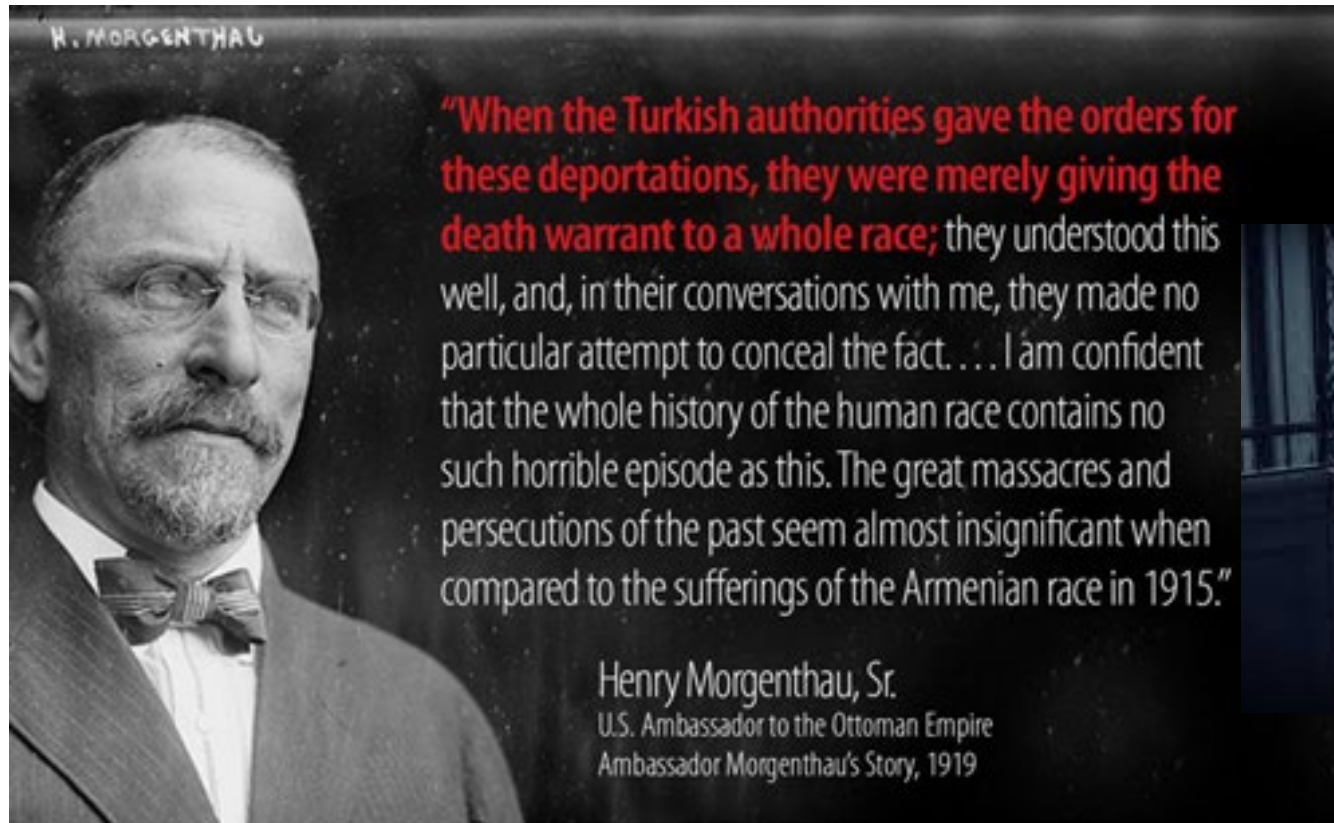


# ARMENIA

Mehmed Talaat

Ambassador Morgenthau

Soghomon Tehlirian



## US SECRETARY OF STATE LANSING, March 1919

‘The essence of sovereignty was the absence of responsibility. When the people confided it to a monarch or head of State, it was legally speaking to them only that he was responsible, although there might be a moral obligation to mankind. Legally however there was no super sovereignty’



# PRESIDENT TRUMP AT THE UN SPEAKING ABOUT THE INTERNATIONAL CRIMINAL COURT

TRUMP

‘Our Ambassador to the United Nations, Nikki Haley, laid out a clear agenda for reform, but despite reported and repeated warnings, no action at all was taken. So the United States took the only responsible course: We **withdrew from the Human Rights Council**, and we will not return until real reform is enacted.

For similar reasons, the United States will provide **no support in recognition to the International Criminal Court**.

As far as America is concerned, the ICC has no jurisdiction, no legitimacy, and no authority. The ICC claims near-universal jurisdiction over the citizens of every country, violating all principles of justice, fairness, and due process. **We will never surrender Americas sovereignty to an unelected, unaccountable, global bureaucracy.**

America is governed by Americans. We **reject the ideology of globalism**, and we embrace the doctrine of **patriotism**.

Around the world, **responsible nations must defend against threats to sovereignty** not just from global governance, but also from other, new forms of coercion and domination.’

# PRESIDENT TRUMP AT THE UN

## September 2018

'Sovereign and independent nations are the only vehicle where freedom has ever survived, democracy has ever endured or peace has ever prospered

And so we must protect our sovereignty and our cherished independence above all

# BOLTON, TRUMP'S NATIONAL SECURITY ADVISER

If such an inquiry goes ahead, the Trump administration will consider banning judges and prosecutors from entering the United States, put sanctions on any funds they have in the U.S. financial system and prosecute them in American courts, Bolton said.

“We will not cooperate with the ICC. We will provide no assistance to the ICC. We will not join the ICC. We will let the ICC die on its own. After all, for all intents and purposes, the ICC is already dead to us,” he said.

In addition, the United States may negotiate more binding, bilateral agreements to prohibit nations from surrendering Americans to The Hague-based court, Bolton said.

# TONY BEN AND ROY JENKINS DEBATE THE 1975 REFERENDUM

(Chaired David Dimbleby)

<https://www.youtube.com/watch?v=zBFh6bpcMo> (3minutes 48 – 4 minutes 46)

