

Transition Period – The Big Concern

One of the big concerns from the "Transition period" is that by agreeing to obey all EU laws after we have left the EU in another treaty, because that is what this transition period is there is a risk that EU members could make legal challenges for continued access to things like UK waters for fishing. No doubt there are other areas open to challenge not yet seen.

I call it the Temporary-permanent "transition" treaty, because there is no Sunset clause written into it. In my opinion, It is the new relationship with the EU that could be written in stone for all time. Any talks of a "free trade deal" are part of the deception for the public and media to focus on, but like all mirages of oasis's in the desert, the closer you get to them they vanish into thin air.

Talk of the transition period extending into to some off date, that never seems to get closer.

There is no interest for the EU to have a FTA with the UK, if they can keep us tangling in permanent vassal status or pergaTORY taking our vast fees, permanent regulatory alignment, stuck in the customs union unable to make independent trade treaties and and no veto power and off course no representation.

The Vienna Convention on Treaties Article 70 says Article 70b of the Vienna Convention

Article 70; Consequences of termination of Treaty

1. Unless the treaty otherwise provides agree, the termination of a treaty under its provisions or in accordance with the present convention:

- (a) Release the parties from any obligations further to perform the treaty
- (b) Does not affect any rights or legal situation of the parties created through the executions of the treaty prior to its termination.

2. If a State denounces or withdraws from a multilateral treaty, paragraph 1 applies in the relations between that State and each of the other parties to the treaty from the date when such denunciation or withdrawal takes effect.

The transition treaty, provides to agree to extend existing treaty conditions and treaty rights almost as if the UK were still members of the EU.

Also under Article 30

Article 30 Application of successive treaties relating to the same subject matter

1. Subject to Article 103 of the Charter of the United Nations, the rights and obligations of States Parties to successive treaties relating to the same subject matter shall be determined in accordance with the following paragraphs.

2. When a treaty specifies that it is subject to, or that it is not to be considered as incompatible with, an earlier or later treaty, the provisions of that other treaty prevail.

3. When all the parties to the earlier treaty are parties also to the later treaty but the earlier treaty is not terminated or suspended in operation under article 59, the earlier treaty applies only to the extent that its provisions are compatible with those of the later treaty.

4. When the parties to the later treaty do not include all the parties to the earlier one:

(a) as between States Parties to both treaties the same rule applies as in paragraph 3;

(b) as between a State party to both treaties and a State party to only one of the treaties, the treaty to which both States are parties governs their mutual rights and obligations.

5. Paragraph 4 is without prejudice to article 41, or to any question of the termination or suspension of the operation of a treaty under article 60 or to any question of responsibility which may arise for a State from the conclusion or application of a treaty the provisions of which are incompatible with its obligations towards another State under another treaty.

Basically the UK has to leave the EU with no deal, or write into the new treaty what changes apply, which could be a multitude of unforeseen challenges. Fish 4 Leave have seen the problems, but have pointed out, there maybe other pitfalls for UK industries where the EU and its members could tie the UK up in international courts for decades.

Therefore a clean break from the treaties under Article 50 has to agreed with no deal to scupper any later legal challenges. The automatic default agreements to trade are to trade under WTO rules.

Vienna Convention on Treaties

http://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf

Aaron Brown from Fishing For Leave

<https://www.youtube.com/watch?v=dh1krZPX5hc&t=8s>