UNIVERSITY of WORCESTER

CONSTITUTIONS RIGHTS AND JUSTICE

RESEARCH GROUP

INTERNATIONAL LAW IN THE UK: A TROUBLED RELATIONSHIP?

A conference hosted by the Constitutions, Rights and Justice Research Group with support from the UK Constitutional Law Association

8 November 2024

Conference Outline

9:30	Registration and Refreshments (Reception and JL1003)
10:30	Conference Start & Welcome (JL1005)
10:45	Keynote (JL1005)
11:30	Panels 1 (JL1005) and 2 (JL1002 Courtroom)
12:30	Panel 3 (JL1005)
13:30	Lunch & Refreshments (JL1003 Jury Room)
14:30	Panel 4 (JL1005)
15:30	Panel 5 (JL1005)
16:50	Closing Remarks (JL1005)
17:00	Conference End

Getting to the University of Worcester:

The conference is held at the University's School of Law, Jenny Lind Building, Farrier St, Worcester, WR1 3BZ. This is an in-person conference, so hybrid/online participation is not possible. If you are planning to travel by train, the nearest station is Worcester Foregate Street, a five-minute walk from the Jenny Lind Building. If you are planning to drive, Worcester may be reached from junctions 6 or 7 of the M5. Follow signs to the University's City Centre campus, and thereafter to 'The Hive' (the University's library). The Jenny Lind Building is a very short walk from The Hive, and there is ample public parking in the area.

Registration:

All attendees (with the exception of speakers) *must* sign up to attend the conference via Eventbrite. Upon arrival, everyone should register at the reception of Jenny Lind Building. Refreshments can then be found in JL1003.

Panels and papers:

The conference comprises five one-hour panels, and a total of 15 papers. All panels take place in the School of Law on the first floor in Jenny Lind Building in JL1005 with the exception of panel 2 which will be in JL1002 (Courtroom).

Speakers will have a maximum of 15 minutes to present their paper, and 5 minutes for questions.

Lunch:

A modest lunch will be served in JL1003 (Jury Room). Attendees can sit and eat in JL1005. Feel free to explore the School of Law.

Post-conference:

A post-conference write-up will be published on the UK Constitutional Law Association blog (https://ukconstitutionallaw.org/). Additionally, those that have expressed an interest in contributing their paper to an edited collection will be contacted in due course.

Photography and Social Media:

Photography will be taking place throughout the Conference. All speakers will be asked to sign a photo consent form during registration. Photos from the Conference may be shared on social media, the University of Worcester's website, and on the UK Constitutional Law Association blog.

Acknowledgments:

The University is grateful for the support of the UK Constitutional Law Association (UKCLA), particularly its President and Events Organiser, Mr Sebastian Payne of Kent Law School. The conference has benefitted from exposure on the UKCLA blog, and a post-conference report will be published there in due course.

This conference is also made possible because of a generous donation made by HH Daniel Pearce-Higgins KC. Daniel was a circuit judge in Hereford and Worcester between 2004 – 2019 and has been a part-time legal chairman for the Mental Health Tribunal since 2000. The University is indebted to HH Daniel Pearce-Higgins for his continued support with our work in the School of Law.

Questions:

Any questions about the conference can be sent to the convenor, Dr Michael Lane, at m.lane@worc.ac.uk.

Conference Schedule

9:30	**Registration (Jenny Lind Reception)** **Refreshments (JL1003)**	
10:30	**Conference Start & Welcome (JL1005)** Dr Michael Lane, Lecturer in Law, University of Worcester Prof. John-Paul Wilson, PVC for Research, University of Worcester	
10:45	**Keynote (JL1005)** Prof. Satvinder Juss, Barrister and Professor of Law, The Dickinson Poon School of Law, King's College London, 'International Law & the Rwanda Judgment: Problems & Prospects'.	
11:30	**Panel 1 (JL1005)** **Chair:** Dr Michael Lane, Lecturer in Law, University of Worcester **Paper 1:** '*The Dissolution of Dualism*' by Prof. Roger Masterman and Dr Matthew Nicholson, Durham Law School. **Paper 2:** '*UK Supreme Court: Rigid Dualism and Conservative Constitutionalism*' by Dr Lewis Graham, University of Cambridge. **Paper 3:** '*Common law jurisdictional hooks to assess compliance with unincorporated international treaties: an impermissible approach*' by Mr Gabriel Tan and Mr Dane Luo, University of Oxford.	**Panel 2 (JL1002)** **Chair:** Dr Chris Monaghan, Principal Lecturer in Law, University of Worcester **Paper 4:** '*Distinguishing Permissible from Impermissible Legal Uses of Unincorporated Treaties: Beyond Dualism*' by Dr Joanna Bell, University of Oxford. **Paper 5:** '*The Rwanda Asylum Plan: Investigating the Impact of International Law on the UK Government's Recent Policies on Refugees*' by Jobair Alam, Staffordshire University. **Paper 6:** '*Does the United Kingdom's reception of International Human Rights Norms weaken its status as a liberal democracy?*' by Dr Christine Bicknell, University of Exeter.

12:30	**Panel 3 (JL1005) chaired by Dr Nkem Adeleye, Senior Lecturer in Law, University of Worcester** **Paper 7:** *'Unilateral Sanctions and Compliance with International Law: Stuck Between the US and EU or Developing a UK Approach?'* by Ms Nina Hart, King's College London. **Paper 8:** *'The United Kingdom and the Doctrine of Humanitarian Intervention'* by Prof. Christian Henderson, University of Sussex. **Paper 9:** *'The lifecycle of a human rights violation'* by Dr Stuart Wallace, University of Leeds.
13:30	**Lunch & Refreshments (JL1003)**
14:30	**Panel 4 (JL1005) chaired by Felicity Miles, Lecturer in Law, University of Worcester** **Paper 10:** '*Can the Crown Authorise Terror? Perspectives From International Law'* by Dr Tristan Webb, Aberystwyth University. **Paper 11:** *'International law at the Senedd'* by Sara Moran, Senedd Cymru / Welsh Parliament **Paper 12:** '*Incorporating International Human Rights Law in Scotland: A Question of Competence'* by Dr Erin Ferguson, University of Aberdeen
15:30	**Panel 5 (JL1005) chaired by Danielle Hopton-Jones, Lecturer in Law, University of Worcester** **Paper 13:** *'The ECHR: A Barrier to Parliamentary Sovereignty or a Protective Layer for our Rights?'* by Mrs Kelly Rowney, University of Law. **Paper 14:** *'"As British.. as Fish and Chips"? Just how committed is the United Kingdom to the rule of law when it comes to international law?'* by Dr Chris Monaghan, University of Worcester. **Paper 15:** '*The Law of Treaty Withdrawal and its application in the United Kingdom: In Search of a Synthesis'* by Dr Frederick Cowell, Birkbeck College, University of London
16:50	**Closing Remarks (JL1005)** Dr Michael Lane, Lecturer in Law, University of Worcester
17:00	**Conference End**

Papers

1. *'The Dissolution of Dualism'* by Prof. Roger Masterman and Dr Matthew Nicholson, Durham Law School.

The dualist principle remains strongly influential as a description of and normative guide to UK constitutional law and politics. We suggest that the principle has, in fact, ceased to operate effectively as either. First, we contend that dualism provides only a partial account of the relationships between international law and domestic laws which is focused around the direct effects – or absence of such effects – of treaty obligations. Dualism therefore has something of a reductive character, leaving (or failing to account for) significant grey spaces between the various divisions – internal/external; justiciable/non-justiciable; effective/non-effective – which it seeks to preserve. Second, we argue that dualism's emphasis on a qualitative distinction between laws of domestic and international origin fails to adequately account for the significant body of hybrid norms in the UK constitution – that is, norms (predominantly in the spheres impacted by EU and ECHR influences) that are better understood as co-generated, as products of the interaction between domestic and international legal orders. Third, adherence to dualist principles does not – for the reason that post-incorporation legitimacy challenges persist – guarantee the constitutional stability that its supporters advocate. Procedural adherence to the requirements of dualism cannot counter the tensions that arise from the reception of international norms into the domestic legal order. At best, therefore, we suggest dualism provides an incomplete picture of the relationship between the UK domestic and international legal orders. At worst, it offers a misleading account of international law's place in UK domestic law.

2. '*UK Supreme Court: Rigid Dualism and Conservative Constitutionalism*' by Dr Lewis Graham, University of Cambridge.

The United Kingdom constitution is a dualist one, and international laws which have not been incorporated into domestic law by Parliament will not have direct legal enforceability. So much is trite. However, this does not mean that international law has no effect at the domestic level whatsoever, although the nature and extent of this effect is contestable and subject to ongoing judicial debate. In this talk I argue that the UK Supreme Court (UKSC) has recently adopted a position which is, on the whole, resistant to the influence of

(unincorporated) international law, recognising its relevance and application only under quite narrow circumstances. This links together with a more general trend towards conservative constitutionalism in the appellate courts. The current UKSC judges appear to endorse a more rigid and conservative conception of dualism compared to their predecessors.

3. *'Common law jurisdictional hooks to assess compliance with unincorporated international treaties: an impermissible approach'* by Mr Gabriel Tan and Mr Dane Luo, University of Oxford

The Supreme Court's decision in R (SC) v SSWP [2021] UKSC 26 ("SC") is widely seen as reasserting an uncompromising defence of dualism. The Supreme Court held that domestic courts are not permitted to adjudicate on whether the UK Government has breached an unincorporated international treaty, when assessing the proportionality of domestic legislation with Convention rights. In so finding, it was stated that the principle that an unincorporated treaty does not form part of UK law represents a "fundamental principle of our constitutional law". Yet, in two high profile decisions following SC – Friends of the Earth v SSIT [2023] EWCA Civ 14 and EOG v SSHD [2022] EWCA Civ 307 – the Court of Appeal has apparently considered that using public law principles at common law to provide jurisdictional "hooks", to assess the Government's compliance with unincorporated international treaties, is permissible ("common law jurisdictional hooks"). In EOG, it was specifically considered that such an analysis is not precluded by SC. This paper critically assesses the use of common law jurisdictional hooks for unincorporated international treaties. It argues that the principles of dualism asserted in SC entails at least two important propositions: First, an international treaty does not become part of English law until it has been incorporated into the law by legislation. Second, the executive has no power to alter domestic law. It argues that both these propositions are breached by the common law jurisdictional hooks approach and that such an approach is incompatible with the principles of dualism.

4. *'Distinguishing Permissible from Impermissible Legal Uses of Unincorporated Treaties: Beyond Dualism'* by Dr Joanna Bell, University of Oxford

Courts in the legal system of England and Wales regularly have to confront the question of what distinguishes a permissible from an impermissible use of unincorporated treaty provisions in legal reasoning. When faced with this question, judges commonly reach for a common set of ideas. The UK legal

system, it is said, is 'dualist' meaning that domestic and international law subsist in 'independent spheres.' In consequence. courts generally have 'no jurisdiction' to interpret and give effect to a treaty unless it is incorporated in legislation. Subject to a list of recognised exceptions, whereby treaties have acquired a 'foothold' in domestic law, therefore, legislatively-unincorporated treaty provisions are generally of no legal effect. This paper has a negative and a positive aim. The negative is to argue that the common set of ideas sketched in the previous paragraph do not help us to make sense of the lines courts have drawn between permissible and impermissible treaty uses to date and fail to give adequate guidance on new issues. The positive is to offer a better framework through which courts can draw the line. The discussion will use a recent, but underexplored, case - R. (EOG) v Secretary of State for the Home Department [2022] in the Court of Appeal - as a means through which to highlight and explore the problem.

5. *'The Rwanda Asylum Plan: Investigating the Impact of International Law on the UK Government's Recent Policies on the Refugees'* by Jobair Alam, Staffordshire University

The UK has a long history of responding to global displacements through resettlement and integration. However, its recent policies and initiatives have critically impacted the refugee protection regime which goes against the UK's perennial commitment to international refugee law and human rights principles. Taking instances from the Rwanda Asylum Plan, this paper investigates the impact of international law on the UK Government's recent policies on the refugees. It argues that the impact of international law on such policy is somehow weaker as reflected in its recent refugee-related moves. It also argues that these policies are less than satisfactory, even though strictly they are not against international law. Two examples are used to substantiate these arguments: 1) the latest plan for immigration (2021) and the Nationality and Borders Act (2022), and 2) the absence of more equal treatment across schemes (Ukrainian and Afghan schemes). The significance of this paper lies in exploring the intricacies associated with the UK legal regime, insular national politics, and recent policies for the refugees so that they could better align with international law and respond more humanely to the refugee crisis as the consequences otherwise could create an unsafe global society where the dignity and moral claims of refugees are subordinated to legalisms.

6. *'Does the United Kingdom's reception of International Human Rights Norms weaken its status as a liberal democracy?'* by Dr Christine Bicknell, University of Exeter.

This paper begins with an assertion: it is fundamental to any state's claim it is a liberal democracy that it provides adequate protection of the dignity and rights of all people (at a minimum) within its jurisdiction and/or under its effective control. This is a precise framing of a more generally accepted point that respect for human rights and fundamental freedoms is a core value inherent in any liberal democracy. Despite this, and the United Kingdom's (UK) undertaking in numerous international instruments to respect fundamental rights, there are evident issues with implementation. Across all levels of the state - government, parliament and the courts - the UK has many times in recent years rejected international sources of rights and expert evaluation of the state's fidelity to them. The intention in this paper is to examine the UK's reception of international human rights norms with two particular aims. Firstly, to identify reasons for the tension between international law sources and their uptake domestically. Secondly, to evaluate the impact of the variable uptake of international human rights norms on the UK's status as a liberal democracy. By drawing the two together it is hoped that a potential route forward might become visible.

***7. 'Unilateral Sanctions and Compliance with International Law: Stuck Between the US and EU or Developing a UK Approach?'* by Ms Nina Hart, King's College London**

Following Brexit and increased concern about the United Kingdom's compliance with international law, the UK has 'regained control' over an important tool of foreign policy: unilateral economic sanctions. Prior to Brexit, the UK implemented these sanctions based on EU legal instruments but now implements them based on UK law. The UK claims that its unilateral sanctions comply with international law but offers no specificity as to the legal bases for such a claim. This distinguishes it not only from the United States, the leading user of unilateral sanctions, which makes no public claims about the international legality of its sanctions, but also from the EU, another leading sanctions user, which claims its sanctions qualify as countermeasures. The UK's vagueness raises questions as to the validity of the UK's claim and broader questions about the UK's approach to compliance with international law post-Brexit: Do sanctions represent an instance of divergence from the EU (and partial

convergence with the US) that results in lower compliance? Or the development of a British approach, rooted perhaps in the view that compliance is important but that the EU's qualification of all unilateral sanctions as countermeasures is dubious? To evaluate these questions, this paper will use several unilateral sanctions regimes as case studies, including thematic and geographic regimes, to ensure the cases implicate different international norms and rules and thus present an opportunity to examine a variety of grounds on which the UK's claims might be justified.

8. *'The United Kingdom and the Doctrine of Humanitarian Intervention'* by Prof. Christian Henderson, University of Sussex

The idea of 'humanitarian intervention' has been debated ad nauseam since NATO's intervention in Kosovo in 1999. The notion of it being 'unlawful, yet legitimate' in certain circumstances has found its way into debates in various disciplines, and has asked questions as to how this might be reconciled with the current position of international law, its future impact upon international law, and more practical questions regarding its implementation and the possibilities for abuse. However, even in light of the emergence of the so-called 'Responsibility to Protect' no state has implicitly or explicitly taken the view that a legal right of unilateral humanitarian intervention exists in international law, that is, that a right of forcible intervention exists outside of the realms of it being taken under the auspices of the UN Security Council. That is, however, with the exception of the United Kingdom which has claimed its existence both in the abstract and in the context of various of situations that have arisen. This paper explores the UK's relationship with the doctrine of humanitarian intervention, including, the impact of international law governing the use of force upon the development of UK government policy, its legal strategy and how it might claim that such a right exists lex lata given its seemingly isolated position.

9. *'The lifecycle of a human rights violation'* by Dr Stuart Wallace, University of Leeds.

In principle, breaches of the ECHR should be minimized by the Human Rights Act, yet since its entry into force declarations of incompatibility have been issued in over 50 cases. This paper draws on empirical evidence examining every declaration of incompatibility ever issued by the courts in the UK to better understand how these violations come about and how they are remedied. It looks at the lifecycle of these violations from their inception in legislation, to

their challenge in courts, to their ultimate remedy. It considers whether the requirement to issue statements of compatibility on introducing legislation to parliament has resulted in more rights compliant legislation. It looks at the role the Joint Committee on Human Rights has played in identifying violations of rights during the passage of Bills and how rights violating provisions nonetheless make it on to the statute books. Finally, on the opposite side of the equation it looks at how violations are remedied after a declaration of incompatibility has been issued. How is this aspect of the HRA working? Are the violations swiftly remedied? What measures are being used to address them and what role is parliament playing in the process?

10. *'Can the Crown Authorise Terror? Perspectives From International Law'* by Dr Tristan Webb, Abersytwyth University.

Is it possible for certain servants of the Crown to lawfully commit such crimes as torture, rape, enslavement, and terror? An ordinary reading of Section 134 paragraph 4 of the Criminal Justice Act 1988 and Section 50(A) paragraphs 2 and 3 of the Serious Crime Act 2007 suggests that the answer can be 'yes'. This paper, however, claims the answer is 'no'. In order to explain why an ordinary reading of those Acts would be inadequate, this paper advances an argument which cuts across three important debates: the place of international law in the United Kingdom (the 'monism/dualism' debate); the powers and responsibilities of the Crown; and the powers and responsibilities of the judiciary in England & Wales. Having advanced its argument the paper suggests reasons for confusion in those debates, and concludes with small recommendations regarding the teaching of international law and jurisprudence in the QLD curriculum.

11. *'International law at the Senedd'* by Sara Moran, Senedd Cymru / Welsh Parliament

How does international law fit in to law-making at the Senedd? While many aspects of international affairs are reserved, others are not. Importantly, the implementation and observation of international obligations are devolved. This means Welsh Ministers and the Senedd must comply and are responsible for putting international law duties in place where they fall within devolved competence. Implementation can require Senedd legislation, place duties on Welsh Ministers and fall on Welsh public bodies to deliver. In 2019, the Senedd became the first devolved parliament to establish a dedicated treaty scrutiny process. This has led to the assessment of around 100 treaties'

implications for Wales and their impact on the Senedd's legislative competence. Brexit placed a new focus and reliance on the international provisions of the Government of Wales Act 2006 following the removal of a UK-wide duty to comply with EU law. This quickly raised new constitutional questions about law-making that required seeing the international law parts of the devolution settlement in a new light. Recent years have seen the Senedd grant and withhold legislative consent for key pieces of UK legislation, including for trade agreements, immigration and Brexit, and the Welsh Government's commitment to incorporate more UN conventions into Welsh law remains a live issue. This paper charts the origins of international obligations in Wales' devolution settlement to the present day.

12. *'Incorporating International Human Rights Law in Scotland: A Question of Competence'* by Dr Erin Furguson, University of Aberdeen

In March 2021, the Scottish Parliament unanimously voted to incorporate the UN Convention on the Rights of the Child (UNCRC) into Scots law. However, the promised 'revolution in children's rights' was put on hold after the UK Supreme Court decided that certain provisions within the proposed Bill were outwith the Scottish Parliament's legislative competence. The Bill was then returned to the Scottish Parliament for further deliberation, and the UNCRC (Incorporation) (Scotland) Act 2024 was finally enacted earlier this year. The Supreme Court stressed that the decision was not about the ability of the Scottish Parliament to incorporate international treaties into Scots law (that is squarely within its competence), but rather the manner in which it sought to incorporate the treaty. Given the Scottish Government's stated commitment to maximising human rights protection in Scotland, which includes the potential incorporation of four additional international human rights treaties as part of the proposed Human Rights Bill for Scotland, this paper will examine the challenges that arose in the UNCRC Incorporation Reference decision to determine the implications for future incorporation. It argues that although legislating on human rights is within the legislative competence of the Scottish Parliament, the current devolution framework has presented some barriers to incorporation. The focus of the paper is on the constitutional issues that arise from incorporation, with some reflection on the importance of effective implementation to ensure that rights incorporation leads to material improvements.

13. *'The ECHR: A Barrier to Parliamentary Sovereignty or a Protective Layer for our Rights?'* by Mrs Kelly Rowney, University of Law.

It was long considered that the UK's membership of the European Union (EU) limited Parliamentary Sovereignty, and that Brexit signified a "return to sovereignty". These considerations, however, are not unique as, even before the EU referendum, similar concerns related to sovereignty were cited as a reason to replace the European Convention of Human Rights (ECHR). In 2014, the Conservative Party proposed a British Bill of Rights that would replace the HRA and result no need for the ECHR. Although this particular Bill will make no further progress as of June 2022, and is unlikely to be revived while Labour hold government, there is still potential for an exit from the Council of Europe in the UK's future because of these sovereignty concerns. Thus, this paper will critically compare the limitations on Parliamentary Sovereignty of both the EU and the ECHR in order to comment on whether the limitations caused by the ECHR are of the same magnitude as the those caused by the EU. The focus for critical discussion will be on limitations presented by the enacting UK legislation (the European Communities Act 1972 and the Human Rights Act (HRA) 1998) and the relevant international court (The European Court of Justice and the European Court of Human Rights). The paper will conclude by exploring whether there are any changes that could be made to the HRA in order to reduce any interferences with Sovereignty and, ultimately, whether these changes are needed when putting this into the context of protecting human rights.

14. *'"As British.. as Fish and Chips"? Just how committed is the United Kingdom to the rule of law when it comes to international law?'* by Dr Chris Monaghan, University of Worcester

The United Kingdom is a staunch advocate of the rule of law. The government hosted a Global Law Summit in February 2015. The then Lord Chancellor told delegates that, 'a thriving legal system and respect for the rule of law go hand in hand with economic prosperity.' In the previous year David Cameron declared what he viewed as British values, 'a belief in freedom, tolerance of others, accepting personal and social responsibility, respecting and upholding the rule of law – are the things we should try to live by every day. To me they're as British as the Union Flag, as football, as fish and chips.' Cameron continued, 'Our sense of responsibility and the rule of law is attached to our courts and independent judiciary.' In July 2024, the new Attorney-General Rt Hon Richard Hermer KC was

clear: '[j]ust as we will promote the rule of law domestically, so we will seek to promote international law and the rule of law in the international legal order. We will support the Foreign Secretary in all his efforts - cognisant of the importance of international law and the rule of law for the prosperity and security of all global citizens'. Our dualist legal system means that we have a clear dividing line between domestic and international law. But to what extent does the United Kingdom uphold its international law obligations and the rule of law? The Chagos Islands legal dispute is a case-in-point. The United Kingdom government has chosen to ignore the International Court of Justice's Advisory Opinion and the subsequent United Nations General Assembly Resolution calling on the United Kingdom to decolonise Mauritius. Whilst not law, the advisory opinion, was sidestepped, with the United Kingdom's Ambassador to the United Nations criticised the fact that the International Court of Justice gave an advisory opinion and stated, 'advisory opinions may indeed, from time to time, can carry weight in international law but that does not change the fact that they are not legally binding. They are advice provided to the General Assembly by the International Court of Justice at the General Assembly's request.' The advisory opinion and the United Nations General Assembly Resolution were powerful as they called for an end of colonisation. This the United Kingdom ignored and could be seen as thumbing its nose it the international community. Such an approach is not a one off. Other recent examples include the Rwanda Bill and the original United Kingdom Internal Markets Bill. During a parliamentary debate on the United Kingdom Internal Markets Bill, Lord Judge warned, 'if enacted [the Bill], would undermine the rule of law and damage the reputation of the United Kingdom... We cannot resile from the fact that we are breaking the law if the Bill is enacted.

15. 'The Law of Treaty Withdrawal and its application in the United Kingdom: In Search of a Synthesis' by Dr Frederick Cowell, Birkbeck College, University of London

Constitutional law in the United Kingdom has traditionally placed processes relating to international treaties in the hands of the executive. Whilst there has been considerable political pressure and reform of the process surrounding the ratification of treaties, until R(Miller) v The Secretary of State for Exiting the European Union, the process surrounding treaty withdrawal had not been given as much attention. This paper analyses the approach in UK constitutional law to treaty withdrawal and assesses how this interacts with the law of treaty withdrawal on the international plane. Drawing on comparative case studies

from other jurisdictions, international caselaw and the experience of the Brexit process, it is shown how treaty withdrawal is not the inverse of treaty ratification and should not be treated as such in domestic law. The first section of this paper assesses how the decision to denounce a treaty on the international plane is made, the oversight of the House of Commons and the revocation a denunciation, following the decision in Wightman. The second part examines the role of individual rights in the process of treaty withdrawal, exploring the implications of possible withdrawal from the European Convention on Human Right and recent judgements, such as R(AAA) v Home Secretary, which examined the different sources of rights which could be of relevance in future withdrawals. The final part of this paper looks at potential constitutional constraints, in particular the role of devolved parliaments, developing a synthesis of the law of withdrawal in the UK constitutional context.