

How not to negotiate with the EU

Too many in the UK government have always wanted to do the EU's bidding. The preferred style of negotiating in the EU has been to ask the Commission what it is seeking to get through, then to tell Ministers that is what they have to accept or ask for. Labour in office had a fear of disagreeing with the EU, so they railroaded through measure after measure whilst claiming it was of little significance or something they had wanted all along. They fortunately realised they could not do this with the Euro, so they used the opt out the Conservatives had negotiated. Labour went on to sign us up to the Treaties of Nice, Amsterdam and Lisbon, with the sacrifice of many vetoes, whilst claiming it was all unimportant and still left us as a powerful independent country. That claim when you pressed revolved only around our right to vote to leave the whole thing, as we could no longer make many changes we wanted to our laws, our budgets and our borders on our own initiative.

The EU itself used the system of rotating Presidencies to push its own vast power grab. When a new member state took over the Presidency of the Council, officials would recommend items from the large EU programme of work that they thought that country or the particular Minister would like to see, and then use them to try to accelerate the passage of those particular items. The UK was always marked down as a member state which under either a Conservative or a Labour government wanted to pursue the single market agenda, so it was brought into play to help put through regulation after directive to control business, stitch up specifications and ways of doing things, and put more and more under the control of the EU and European Court of Justice.

It is therefore not surprising that the civil service defined the Brexit task in a similar way. They forgot or did not worry that they had tried this foolish way of negotiating when Mr Cameron set them the task of negotiating a better deal for the UK to enable the country to stay in. The civil service talked him into flying from capital to capital to ask them what they would be prepared to grant, to avoid the embarrassment as they saw it of asking for things they would not allow. As a result Mr Cameron ended up asking for very little. He then discovered the hard way that that did not mean he would be granted the very little he asked for. The EU saw it as a negotiation and were presumably pleased that the original ask was so modest. The civil service were then ready to tell him he needed to moderate his very modest demands in order to get an agreement! The final deal was an insult of a renegotiation, which led the UK voters to reject the whole thing.

When it came to Brexit Ministers and the civil service were sent full details of how a good Brexit looked by Eurosceptic thinkers and politicians. Ministers and officials accepted the advice that we needed to send a letter to get out in international law, and to enact the Withdrawal legislation to get out in UK law and to create legal continuity under UK control. They then set about watering down or delaying everything else. The Home Office failed to follow through with the recommended new migration policy. The Home Secretary promised an early Migration paper which never emerged. The Environment Department failed to set out an early new fishing and farming

policy ready for March 2019. The Treasury not only refused to set out a post 2019 budget to spend the savings but went out of their way to avoid savings, by encouraging more and bigger payments to the EU after we technically leave. The Business Department worked with a few international companies that did not like Brexit, instead of preparing a policy designed to make the most of the new freedoms once we are out.

Too many civil servants defined their role as to ask anyone in business or elsewhere who disagreed with Brexit to give their best scares over what might happen if we left, and then confront Ministers with these as obstacles to a full or early Brexit. They seemed to suspend their critical faculties, as many of the scares were absurd. A whole series related to the UK not being able to import things after Brexit because we would clog our own borders! Why would we do that, and where was the policy to do it, which was certainly never defined nor announced. The task they were set was to identify those things that we could change and resolve for ourselves, and those things that would work more easily if there were agreements with the EU or individual member states. The task became a vast new Project Fear, with many bogus problems and few of the obvious answers.

Worst of all has been the negotiating strategy. Once again there were endless Ministerial visits to countries that disagree with us, to get Ministers to water down the ask. There were also lots of meetings with those parties and interests in the UK who disagree with Brexit, but precious few with all the forces for Leave to provide a balance or refutation of what was learnt from the subverters of leaving. The officials and Ministers swallowed the idea that the Irish border was an issue, that we do have at least a moral obligation to pay lots more money for much longer to the EU though there is no decent legal base for that, that there is something called smooth trade at borders which only EU membership can sustain. Why did they not understand we have very smooth access for Chinese imports for example under WTO rules from a country which was not a member of the EU when I last checked. The UK Ministers accepted advice that put the UK in the position of petitioner or offender, rather than rightly posing as the customer of the EU's big exporting industries that wants a better deal.