

How to negotiate with the EU

As someone who negotiated at 21 Councils of Ministers in the EU, I learned that a country needs to be firm and clear about its intentions, and must decline to accept an unhappy compromise.

As we have seen from the former senior civil servants in the Lords, they have a very different approach. Their view is that because the EU is larger than the UK we just have to ask them what they intend to do and then claim it as our own. I fully accept that Prime Ministers and Ministers are responsible for the way the UK sought to renegotiate its relationship under David Cameron, and again they are responsible under Mrs May and Mr Davis for the current negotiations. It does however look as if the general thrust of civil service advice now as then has similarities to the attitudes the former senior officials express in the House of Lords. Now they are legislators they have to accept that their views will be subject to refutation and rejection by those who disagree.

I have never understood why so many senior officials think we need to give in each time to the EU. At every Council I attended there was remorseless pressure to reach an agreement about some new law – always an extension of EU power – when there was no need for a new law and when many interested parties were against it or wanted it changed or watered down. We can see the dangers of the approach in the failed renegotiation conducted by David Cameron. Let us adopt the convention that the PM himself chose this route. We do not need to claim he simply followed civil service advice. What is clear is no-one senior in the civil service warned him that his negotiating stance would not work, or sought to get him to ask for more or to dig in more. If they had I am sure leaks would have told us about it. What he did he did with civil service agreement.

So what did he do wrong? He asked for too little and settled for even less. The method appeared to be to tour the main capitals of the EU and ask what they might offer us. The answer was a uniform not much. He then asked for not much, and was promptly told that was too much! Legitimate requests to control numbers of migrants and to decide who was entitled to UK benefits were turned down. He thought Germany would help him, but Germany saw little need to and felt the UK with an opt out from the Euro and Schengen already had enough special treatment. As a result he was greeted with universal disapproval by the Brexit majority in the country who decided the deal was simply not good enough.

It is very important that Ministers and the civil service understand why this went wrong and do not do the same again if they want a sensible deal from the EU. We have been told the EU wants money we do not owe them, wants us to continue to obey laws we might wish to amend, and thinks we should “compromise” over freedom of movement. Many Brexit voters see no need to do any of those things. If the EU stays so unhelpful and offers nothing decent for the future relationship the government will find many voters think No Deal preferable to the deal the EU has in mind. Are there any voices in the

civil service close to the PM telling her that I wonder?