

# Resistance

## “MORE QUESTIONS THAN ANSWERS?”



**Cameron’s promised referendum has not gone down well abroad; with pro- or anti-EU campaigners or the voting public. So what’s the next move?**

The Eastleigh by-election produced a media tidal wave, but an important speech by EU chief Herman Van Rompuy was hardly covered.

Cameron was warned that there would be no takers amongst the EU26 for real discussion on treaty renegotiation, to bring powers back, only lip service. It was interesting that he contrasted this with the words that *legally* the UK was free to leave the EU, effectively implying that seeking powers back would be incompatible with EU law.<sup>1</sup>

It is clear that Cameron’s ‘renegotiate then referendum’ plan is a non-starter.

### WHERE’S ‘PLAN B’?

Some will point to the overriding need to elect a Parliament that will put national sovereignty first. Others will call for an early In/Out referendum – although the amount of noise for this from some quarters is not mirrored by thinking as to how we’d win the vote, or even what we would do afterwards.

Informed ‘eurosceptic’ opinion is that if a referendum was held tomorrow, our side would lose, a major reason being failure to be prepared and organised (both hard lessons from 1975, when the anti-EU side was disunited and wasted effort campaigning on issues where voters were already convinced).

However one lesson from Eastleigh – is that doing both these works – e.g. LibDems knew well in advance that a by-election was likely and made time to prepare; local organisation secured key postal votes before the main fight. Let’s just use a bit of imagination...

Just say by some miracle, in 2015 a Parliament is elected that gives a binding In/Out referendum to settle the issue (perhaps hoping for a Yes vote)..However on 2nd June 2016, in a backlash against politicians, the public votes ‘Out’ by 59%:41%.

What then? There are currently **more questions than answers**.

Just say a shocked (or probably new) PM accepts the will of the people, and seeks European Council/Parliament agreement to an amicable split so our Parliament can fast-track withdrawal.

Normally, withdrawal will take 2 years, but this can be shortened. To allow withdrawal in 2016, the UK’s ‘Treaty of Dunkirk’ has short-term compromises that will offer a stable EU relationship, keeping the financial markets calm.

For the next 2 years:

- The UK and EU27 (incl. Croatia) agree not to raise any new trade barriers between them, keeping free movement of goods and investment.
- Everyone’s nationals keep the same rights, but free movement of people is subject to criminality rules.
- The UK and EU agree to respect each others’ standards for goods.
- The UK will continue to finance joint programmes (e.g. R&D) but move EU Budget contributions into a severance programme that will wind down the roles of UK personnel in EU institutions and instead look at long term working relations.
- UK courts will co-operate with the European Court over pending legal cases, but will have the right to decide on any penalties.



With their own economies under pressure, and financial markets jittery over ‘possible trade war’, the other EU27 agree to this lower-risk deal.

After all, the Treaty of Lisbon commits the EU to “good neighbourliness ...close and peaceful relations based on co-operation” with countries just outside. It also offers free trade and free movement of capital.<sup>2</sup>



**QUESTION TIME REFLECTS PUBLIC!!** Of five panellists for 7 March chosen by the BBC, three (Bob Crow, RMT; Diane James, UKIP; Melanie Phillips, Daily Mail) openly called for EU withdrawal to loud applause. Kenneth Clarke looked very uncomfortable.

The simplified ‘Dunkirk’ approach outlined is likely to be a first step in what would need to be detailed negotiations with the EU. It would also represent the **easiest** case for what could be achieved (albeit the one with the most common sense).

The alternative would be to stay in the EU for possibly 2 years where we – with only 8% of the votes - could be forced into ever more integration.

Some ask if it was possible to just ‘denounce’ the Treaty of Lisbon as illegal and just leave – ‘annulment’ instead of ‘divorce’ - for reasons of constitution, coercion or corruption?

That would remove any ‘protection’ from a combination of the Treaty of Lisbon and international law, which holds that terminating a treaty ends the obligation to ‘perform’ to it, but leaves operational arrangements (e.g. trade) in place.<sup>3</sup>

**“Of course Britain could survive outside the EU.” – PM Tony Blair<sup>4</sup>**

It is important to understand that because over 40 years’ worth of EU laws have passed into British law, repeals would have to be managed in a sensible way to avoid chaos.

Damian Chalmers, a professor of EU law at LSE, notes that our courts have grown to interpret several matters in the light of EU legal judgements; that implies new instructions are needed.<sup>5</sup>

Some useful groundwork has been done by David Campbell Bannerman MEP, in **“The Ultimate Plan: A Positive Vision of an independent Britain outside the EU”**.<sup>4</sup>

‘DCB’ provides his own step-by-step guide to getting out, setting up deregulation committees and putting new arrangements in place. Worth reading, but remember that it is only a start to the challenge ahead.



## A new beginning for Britain

To win our country back, we will need to convince the public that:

- The EU cannot be reformed, but
  - We can trade with it outside, and
  - We can survive as a free nation.
- ✦ Norway is not in the EU, but patriots feeling its EEA agreement gives the EU too much power have produced a comprehensive study on alternatives.<sup>6</sup>
- Any British withdrawal campaign would do well to offer not just one vision, but **several options** to appeal across the spectrum, and look for win-win ideas. For instance, some EU apologists will claim that “you just want to get out so you can take away workers’ rights”. A good answer will show how employers and employees could both benefit.
- ✦ Asked if Britain would be better off out of the EU, the famed 'BRICS' economist, Jim O'Neill replied, “Given the speed of the growth of China and others, I don't think we can afford to have our opportunities constrained by decisions that may be taken to ensure the United States of Europe.”<sup>7</sup>
- ✦ Some senior ‘stay in the EU’ Tory MPs have recently acted tough on leaving the European Convention on Human Rights or scrapping the related ‘Human Rights Act’. Commenting on BBC bias, Mary Ellen Synon advises: “The EU has made it legally impossible for any member state to operate outside the demands of the European Court of Human Rights.”<sup>8</sup>

- ✦ The last month has been good for attending meetings, asking questions and spreading the word. A talk by Bill Cash MP on the Commons European Scrutiny Committee was a chance to meet Parliamentary interns and Carol Thompson, President of the English Law Students’ Association.
- ✦ We're also flagging up German FEF think-tank's interference in the UK (see February's *Resistance*).

Some key questions that might be asked in a referendum campaign:

- How can we look after the interests of exporters if we no longer have a vote in the ‘Single Market’?
- How do we replace the Common Agricultural Policy with support for hard-pressed farmers?
- Leaving the EU might make sense democratically and economically, but how do we wield influence in world bodies?
- The EU charges 10% duty on car imports. If we left, would Britain's manufacturers suffer, either from an ‘EU export’ tax, or if scrapped, relatively cheaper non-EU imports?
- If we stop Spanish trawlers fishing in our waters, would we suffer a trade ban? What about those registered as part of the UK fleet?
- What do we do about all the ‘EU nationals’ working in Britain, or claiming social security here?
- Would there be retaliation against travelling Britons if we cracked down on ‘free movement of people’ from EU countries?
- How easy would it be to replace EU treaties with other countries with hundreds of new ‘bilateral’ treaties?
- Would we be dependent on the EU for things like an energy grid or air traffic control?

Some are easier to answer than others? **Do you have any burning questions about Life After EU?**



Last year's pamphlet “A Nation Free to Choose” got good reactions. We have just released one that could help swing an In/Out referendum. Showing power **cannot** be taken back from inside the EU could be worth **8-20%** of the vote.



There's a readable summary page (and a 6 side full ‘legal’ version for enthusiasts). We're sending it out to opinion-formers, and it's showing up well on Internet topic searches. Get “The Competence ‘Con’” from [www.newalliance.org.uk/noway.htm](http://www.newalliance.org.uk/noway.htm) or the contact address below.

- ✦ Nikolaus van der Pas, a former European Commission Director-General, wrote to the Financial Times over David Cameron's posturing, saying that the UK “already has” an opt-out from, and is not bound by, the Directive limiting working time to 48 hours a week.<sup>11</sup>
- ✦ Britain's Supreme Court is currently deciding whether the UK government or the European Commission is responsible for enforcing EU laws.<sup>12</sup>

Main References:

- 1 Guardian, 28.2.13
2. Vienna Convention on treaties, 1969, [www.newalliance.org.uk/intlaw.htm](http://www.newalliance.org.uk/intlaw.htm)
3. Articles TEU 8; TFEU 63, 206
- 4 [www.dcbmep.org/images/The\\_Ultimate\\_Plan\\_B.pdf](http://www.dcbmep.org/images/The_Ultimate_Plan_B.pdf), Blair speech Ghent, 23.2.2000
- 5 Talk at LSE, 26.2.13
- 6 In English; search [www.neitilEU.no](http://www.neitilEU.no) for “Alternativrapporten+Engelsk+02.pdf”; [www.neitileu.no/articles\\_in\\_foreign\\_languages/the\\_eea\\_alternatives](http://www.neitileu.no/articles_in_foreign_languages/the_eea_alternatives) has summary.
- 7 Telegraph, 6.3.13 8 Mail, 6.1.13
- 9 EUObserver, 12.2.13 10 Book ‘Comitology: Hijacking European Power’, published by European Training Institute.
- 11 FT, 16.1.13 12 Telegraph, 1.3.13

More thought-provoking on WINNING THE REFERENDUM?

Now online as [www.newalliance.org.uk/jun2003.pdf](http://www.newalliance.org.uk/jun2003.pdf)

✦ A reason given for being in the EU is as a counter-weight to American influence. (Why then does the Obama establishment want us in?). Ironically, MEPs were caught directly copying wording from American lobbyists into draft EU legislation!<sup>9</sup>

✦ Daniel Guéguen of the PACT European Affairs consultancy warns that the EU ‘committee system’ is pushing decision-making further away from transparency. With changes brought in by the Lisbon Treaty, he warns that the EU is heading for ‘organised chaos’. He warns that Member States and the European Parliament are hardly consulted over some types of legislation, and that the Commission will ‘do as it pleases’.<sup>10</sup>

✦ We have published 3 times in 3 months as there's something to say! Last time we did this was in June 2003 at the height of referendum fever. The most popular ever issue with tips on winning is now available online.

PLEASE HELP SPREAD THE WORD

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