

Brexit negotiations

There is still more commentary and idle speculation about Brexit than I would like, whilst what we need is to pin down the EU on whether they want a deal or not. The more the opposition, business and some in the media argue on about what the UK position should be, the more likely it is the EU will delay and avoid engagement in the hope that the UK will give more ground.

This is, however, a very dangerous strategy for the EU. The more they reject sensible approaches by the UK, the more UK opinion will harden against them and in favour of simply leaving. If the EU delays talks about trade for too long, they reach the point of no return where they will run out of time to prevent the imposition of tariff and other barriers on Danish bacon, French dairy products, Dutch vegetables and Irish beef. At some point they will need to respond positively to the UK offers on trade if they wish to retain full tariff free access to the UK market.

The EU has some strange negotiating aims, and one understandable one. They seem to think the European Court of Justice should still decide cases affecting the UK. They have missed the point that when we become an independent country again the UK Supreme Court is the ultimate appeal court for UK based matters, just as the ECJ will remain as the ultimate appeal court for EU based issues. So an EU citizen legally settled in the UK will come under our jurisdiction for their rights in the UK, just as surely as a UK citizen living on the continent will continue to fall under ECJ jurisdiction on matters surrounding their rights. Trade disputes will be resolved by the usual international methods, as they are today between the EU and Australia or the USA. This does not entail Australia accepting ultimate ECJ authority. There are WTO procedures for adjudications of trade disputes.

They seek to think the UK should stay wedded to EU laws as they evolve. Again this is not something other countries have to do just to stay trading with the EU. Of course if the EU wishes to impose requirements on products and services they are importing they may do so, as long as these are the same conditions for the whole world, and are not a restraint on trade as defined by the WTO. It will be a matter of future negotiation and UK choice how far we go in matching or adopting standards and rules the EU imposes for the rest of our trade. The UK will regain its voice and vote on a number of global standards bodies where we may be able to help create global standards that are good and drive more trade.

They seem to think the legal settlement of someone in the UK under current rules should allow them to pre-empt any future UK migration policy. Most of us want there to be a fair policy after exit that offers the same rights to EU and non EU arrivals.

The issue I understand but reject is their belief that we should go on paying after we have left. This would clearly be helpful from their point of view. There is no legal basis whatsoever for any such payments. The UK did not receive a bonus or downpayment when we joined the EU to reflect liabilities

they had all built up before our joining, so why should we pay them for future liabilities. Once we have left we get no benefit of the spending so we should not be contributing to the spending.