

Injecting some balance into the EU talks

All the time the UK accepts that the talks are about the so called divorce settlement without including a future agreement and trade issues they are a waste of time from the UK point of view. It would be better just to leave.

On Thursday morning I was invited to the LSE to lead a discussion with a legal expert on EU Treaty law and the Vienna Convention on Treaties on the issue of the so called divorce bill. Many at the seminar were on the EU's side, favouring us paying a large sum and seeking legal, political and moral reasons why we should.

The good news was no-one was able to sustain a legal case for us to pay. Article 50 clearly makes no such demand. There was also general agreement that any attempt by the EU to pursue us for money after we have left through any international legal procedure would fail. Article 50 gives us the absolute right to leave after 2 years, and expressly states that ends our rights and obligations.

The moral case for paying is based on the proposition that we were round the table when the 7 year budget plan was agreed. This falls down because we were not let off payments for budgets agreed before we joined once we became a member. When you join you have to accept the liabilities already incurred, so when you leave the liabilities must stop.

The political case for paying is based on the simple fact that the EU wants us to pay, so many pro EU Brits think we should do so. They sometimes think this will unlock advantages for us which apparently take the form of staying in bits of the EU that we voted to leave!

When I go into a shop I do not give them a large sum of money because they would like me to, and then ask them if they will give me any goods back in return. If the EU wants us to stay in the EIB or Erasmus then they need to tell us and spell out the price and what we would get in return. We should not pay to trade, or pay for talks, as they are in their interest too.

If as many expect the EU says at the October Council they still do not intend to talk about a future Agreement we should just get on with preparing for exit with No Deal. We should certainly not offer them money, which would be taken as signs of weakness by the UK, encouraging them to dig in harder to get more.