

Brexit: Politics versus Practicalities

Politicians do politics whilst other people – and businesses in particular – are usually forced by circumstances to do practicalities. When the two diverge or conflict over a particular subject, politics wins for the politician and practicalities of necessity takes priority for people and businesses. For completeness, we must add that bureaucrats do bureaucracy (it's their *raison d'être*), the more rules, the more gold-plating of rules and the more enforcement of rules (procedures and processes) the better.

Hence from the moment Mrs May, a consummate politician, said "Brexit means Brexit" we were inevitably going to be landed with a political Brexit, not a practical Brexit if we have any kind of Brexit at all. It suits the exigencies of the Conservative Party and the ambitions – indeed, the survival in power – of Mrs May. Politics is all about gaining and keeping power. This involves creating 'favourable' appearances and impressions in the eyes of the electorate, scoring points against others, concealing the whole truth and in some cases, outright deceit. Public 'U' turns and admitting mistakes must be avoided at all costs.

From the European Union's perspective there is a political dimension to Brexit as far as the European Council is concerned but elsewhere in Brussels it is mainly a bureaucratic process with severe constraints imposed by the EU's complex and rigid system of rules. Anyone with experience of the EU's workings will probably be able to recall those frustrating anecdotes illustrating just how inflexible and rule-bound the EU can be when trying to get anything done. It does not like to deviate from the letter of the law. This same bureaucratic approach will govern the EU's approach to Brexit, where a tangle of complex inflexible regulations must

be followed, without deviation and exception. Dr Richard North's excellent blog Eureferendum.com provides a valuable (and comprehensive) source of well researched information about the ensuing problems it is creating for our team.

Making a practical success of Brexit is something that will involve extracting ourselves from the political institutions of the EU, thus restoring the sovereignty of UK institutions while at the same time ensuring existing trading relationships can be maintained. It will be a successful combination of reconciling a politically-inspired British Brexit with the bureaucratic procedures of the EU. Can it be done? – or is 'walking away' from negotiations without a deal a viable alternative?

When the worlds of the British politician and the Eurocrat meet, as they have done in the Brexit negotiations, the net result is mutual incomprehension and therefore little or no progress. Let us not assume this is a result of ulterior motives or hidden agendas. It is very difficult, if not impossible, for each side to enter the mind-set of the other. To add to the difficulty, the 'devil is in the detail' and our negotiators have not historically been keen on detail and it will thus require a great deal of time to familiarise themselves with the subtleties, implications and 'stupidities' of the EU's regulations.

As time marches on, we are slipping further away from any possibility of achieving a practical Brexit. The idea that trade with the EU can be conducted within World Trade Organisation 'rules' (if all else fails) is a practical non-starter. These are not rules, but 'principles' to facilitate trading agreements between different countries or trading blocs. "No deal" therefore creates a legal and administrative void which would crash into the brick wall of the EU's many inflexible regulations – not to mention its lack of preparedness for the huge increase in paperwork which would result. After all, the EU was not expecting us to vote to

leave and is having to start from scratch as well! Mrs May's so-called 'deep and special relationship' between the UK and EU would also face these self-same hurdles in obtaining seamless access to the Single Market (or European Economic Area, EEA); after Brexit the UK becomes a 'third country' to be treated the same way as any other country not a member of the EEA. So is a 'U' turn or betrayal of Brexit 'on the cards'?

If Mrs May doesn't deliver a genuine Brexit, the result will be calamitous for her and her party. The Conservative Party might even split along Brexiteer and Europhile lines. However, she stood for leadership on a platform of leaving the EU. She has since stated her desire to leave the EU on 29th March 2019 with a trade agreement in place but a bespoke trade deal isn't achievable by then and the walk away option is also an impractical non-starter. So where does she go to next?

Sooner or later, the lack of any practical option will dawn on some members of her party, who will realise the electoral price the Tories will pay in 2022 if a successful Brexit hasn't been delivered. Spin, playing a blame game with the EU and ignorant indifference by the media can only go so far in concealing the truth from the mass of an increasingly worried electorate. It seems that the only way of delivering a practical Brexit within confines of the EU's bureaucratic Brexit is to reconsider a way of retaining full access to the EEA from outside the EU. Membership of the European Free Trade Association, EFTA, would provide different more flexible terms for membership of the EEA and at much lower cost than through membership of the EU. Yes, it will mean that Mrs May or her successor will need to make a 'U' turn over EEA membership (in spin terms 'an exciting refocusing of efforts, with our European partners, to achieve a deep and special relationship' *et al*) but the alternative is electoral oblivion for her party.

So come on Mrs May, there is no time like the present to set a new direction to a practical Brexit on 29th March 2019.