

Keep outside the EEA: debunking the mythology about the 'Norway option'

Mentioning the European Economic Area (EEA) to Eurosceptics as an alternative to the EU can generate the sort of fisticuffs that you might have expected in fourth century Alexandria on questioning the formal nature of the Holy Spirit. The subject has not been helped by having long been masked by smoke laid from the funnels of Downing Street, seeking to discredit the 'Norway Option' as an alternative that might offer a better arrangement than our current EU terms.

So what is the reality? Who better to ask than the residents themselves?

A new paper published by The Red Cell explores its workings from a Eurosceptic Scandinavian standpoint. *The EEA: A Warning from Norway* seeks to strip away some of the mythology that still lingers, despite several prudent and well-reasoned research papers in recent years from UK campaigners.

It shows that the denigrations laid against the system by Cameron's Downing Street betray a complete absence of understanding of how international trade mechanisms function (a reality which will be familiar to many BrexitCentral readers); but it also explores a number of less well-known but fundamental problems that are associated with the deal as they have emerged through case law.

It might be summarised as follows: the EEA is better than the EU, but being out of the EEA in a free trade deal is better than being in.

Friday's decision in the High Court appears to shut down some last ditch rear-guard activity by Banzai Remainers. The court

was invited to consider whether the withdrawal clause included in the EEA deal was another item that Parliament had to vote on. It was clear that the mechanism was included for the benefit of existing non-EU members, who otherwise would have to turn to the Vienna Convention default (which kicks in if a denunciation clause is not included in a treaty text).

A moment's consideration would also have revealed that any lost court case made it far less likely that an EEA deal might become a smudged default (a jurisprudence equivalent of 'don't ask, don't tell' on whether it could happen or not). So the petitioners have lined up a massive own goal and made their objective, transitioning to final EEA membership terms, less likely.

Might the EEA still be considered a transitional option? It is plausible. It is possible that negotiations stall in a midst of fury and frustration. It is not beyond the realms of conceptualisation that a number of technical areas are tied together by capitals, untangling them takes time, but the goodwill exists to ensure that IT networks and paper trail systems under any new model are carried across. It might be tempting in such conditions to view the EEA as a practical temporary halt. Such circumstances are not optimal, nor are they guaranteed, but they are possible.

Some Eurosceptics might go beyond this, and argue that joining the EEA allows it in time to evolve and merge with separate international institutions, generating a true free trade mechanism for our continent. I rather fear this is as fanciful and shuffling as aspiring to reform the EU from within.

Hence the need for such a paper. It explores a number of the problems faced by those seeking to maintain sovereignty within the EEA system, and where the mechanics have demonstrably been unhelpful. The paper lists a range of examples that collectively prove the location is not a good long-term resting place. It may be a tolerable place to park overnight,

but given the risk of being mired it shouldn't be top of anyone's agenda.

I am minded of the story of Alcibiades, the great classical statesman. As Plutarch tells it, he encouraged the citizens of Patrae to mimic Athens and build walls to its port.

Thereupon some one said to the Patrensiens: "Athens will swallow you up!" "Perhaps so," said Alcibiades, "but you will go slowly, and feet first; whereas Sparta will swallow you head first, and at one gulp."

The risk arising from the EEA may similarly be less acute than the assault on sovereignty inherent in EU membership, but still exists even if operating in much slower motion. If it did come to membership, then there is a clear lesson for us: the corollary involves proactive vigilance and setting a second, fixed, deadline for moving on.

How swiftly it will take us to transition to a free trade agreement remains, for now, a matter of conjecture since the nature and mood of the negotiations remain hidden. Perhaps technical deals will be achievable within the necessary timeframe; I suspect that they are in a strong majority of the 35 'de-accession Chapters' that will be under discussion.

With the remainder, depending on their number, the question may yet in turn arise whether the EEA is a suitable halting point. We should have a care to take it as meaning that it is without long-term risk or cost. Which, one might reasonably assume, also happens to be a key motive behind bringing the case to court in the first place.

(This article first appeared on the Brexit Central Website and is used by permission. See also this piece by Helle Hagenau on the same subject)