

The Article 50 letter Theresa May SHOULD have sent to Donald Tusk

*In a thought-provoking op-ed, the independent pro-Brexit research service **Brexit Facts4EU** argues that the Article 50 letter Theresa May sent to Donald Tusk on 29 March 2017 set Brexit up to fail. They suggest an alternative version of the letter that she should have written – and it looks very different from May's grovelling, long-winded original. This article was originally published on [Brexit Facts4EU.org](http://BrexitFacts4EU.org) and is reproduced with kind permission.*

On 29 March 2017 the Prime Minister signed a letter addressed to Donald Tusk, unelected President of the EU Council, and it was delivered by hand by the UK's ambassador to the EU.

This letter was the official notice that the United Kingdom was triggering the Article 50 clause of the EU treaty, nine months after the people of the UK had voted to leave. It was arguably one of the most important letters from a British Prime Minister in a generation.

Mrs May sent a six-page apology which set the tone for the United Kingdom being the supplicant in the Brexit process.

After Mrs May's letter the EU dominated everything, including:

- The start date of the negotiations – delayed by 12 weeks because the EU were still not ready
- The location of the talks – all to be held in the opposing party's headquarters in Brussels
- The content and sequencing of the talks – no discussion of trade until after the UK had left

- The negotiators – the EU fielded bureaucrats not decision-makers, while the UK fielded a Cabinet Minister
- The content of final documents – all drafted by the EU in their interests

Instead of May's six-page letter, here is what we suggest was required – in just one page. We start with a de minimus version of this letter, which would have read:

“Dear Mr Tusk,

“I hereby notify the European Council in accordance with Article 50(2) of the Treaty on European Union of the United Kingdom's intention to withdraw from the European Union on or before 29 March 2019. In addition, in accordance with the same Article 50(2) as applied by Article 106a of the Treaty Establishing the European Atomic Energy Community, I hereby notify the European Council of the United Kingdom's intention to withdraw from the European Atomic Energy Community, on or before the same date.”

We would then also have added:

“The default position is that the EU treaties (including their rights and obligations – including payments) will cease to apply to the UK on or before 29 March 2019. We will then trade with each other on WTO terms. I am hopeful, however, that we might agree a better trading arrangement which suits both parties and I confirm that we are ready to discuss continued tariff-free access for EU27 goods into the UK market provided this is reciprocated.

“I can also confirm that all EU27 citizens currently residing in the UK will enjoy the same treatment as all UK citizens. I trust you will confirm that the same will be true for all UK citizens living in EU27 countries.

“As both sides have had nine months to prepare, I propose that negotiations for an orderly exit should start next

Monday 03 April 2017. The Secretary of State for Exiting the EU is ready to meet your team in Brussels, after which all meetings should alternate between London and Brussels.

"I am sure you will join me in looking forward to efficient and friendly negotiations to effect the exit of the United Kingdom from the European Union in a productive manner on or before 29 March 2019.

"Finally and for clarity, we are leaving the EU, not Europe, and I look forward to a friendly relationship in the years and decades ahead."

Mrs May's letter to Donald Tusk invoking Article 50 is possibly one of the most poorly-drafted letters in international diplomacy that we have read. It almost talks more about the EU's interests and values than it does about the UK's.

Furthermore, it is repetitious in the extreme. One stand-out example: "deep and special partnership" appears no less than SEVEN TIMES in the letter

1. "This letter sets out the approach of Her Majesty's Government to the discussions we will have about the United Kingdom's departure from the European Union and about the deep and special partnership we hope to enjoy – as your closest friend and neighbour – with the European Union once we leave."

2. "We want to make sure that Europe remains strong and prosperous and is capable of projecting its values, leading in the world, and defending itself from security threats. We want the United Kingdom, through a new deep and special partnership with a strong European Union, to play its full part in achieving these goals."

3. "The United Kingdom wants to agree with the European Union a deep and special partnership that takes in both

economic and security cooperation.”

4. *“It is for these reasons that we want to be able to agree a deep and special partnership, taking in both economic and security cooperation, but it is also because we want to play our part in making sure that Europe remains strong and prosperous and able to lead in the world, projecting its values and defending itself from security threats.”*

5. *“We want to agree a deep and special partnership between the UK and the EU, taking in both economic and security cooperation.”*

6. *“As I have said, the Government of the United Kingdom wants to agree a deep and special partnership between the UK and the EU, taking in both economic and security cooperation.”*

7. *“Together, I know we are capable of reaching an agreement about the UK’s rights and obligations as a departing member state, while establishing a deep and special partnership that contributes towards the prosperity, security and global power of our continent.”*

We don’t know which civil servant or special advisor was responsible for drafting Mrs May’s letter but whoever was involved should have been fired on the spot. Those responsible seem to have thought they were drafting a PM speech, not an important international legal document.

We believe that the EU took one look at Mrs May’s letter and knew they had already won.

From the moment the Leave result was announced they had already resolved to punish the UK and set an example for any other countries which might consider the same move. Remember EU Commission President Jean-Claude Juncker on the morning after the result? “This will not be an amicable divorce”.

Mrs May's appallingly verbose and grovelling letter set the landscape for the EU to increase its demands beyond what anyone internationally would have thought possible. With Mrs May and her Remainer team of civil servants the EU almost succeeded in this.

It was only the EU's insane greed which caused them to come unstuck, when Parliament refused to ratify the surrender treaty which the EU were by then attempting to impose on the UK. Had the EU held back a little and moderated its wholly-unreasonable demands just slightly, we believe Parliament would have reluctantly passed the 'deal' and the EU would have succeeded in turning the UK into its first colony.