

Yet more media muddle

As we reported yesterday, Mrs May is not giving much of her Brexit strategy away at the moment. For anyone wishing to find out more, great care needs to be taken as some reports in the press are, shall we say, somewhat less than helpful.

Writing in the *Independent*, John Rentoul informs us that *"Finally, we know what Brexit actually means – Theresa May intends to take us out of the single market."* Has Mr Rentoul spotted something that the rest of us have missed? He noticed that Mrs May made it clear that *"we are not leaving only to return to the jurisdiction of the European Court of Justice."* He therefore concludes that, *"given that the ECJ is the court that enforces the rules of the EU single market, this was confirmation that she intends to take us out of it."*

QED – except that it isn't true. Whatever the role of the ECJ in enforcing the single market regulations among EU member states, it has no power over Norway, Iceland and Liechtenstein, the non-EU countries who are part of EFTA and access the single market via the EEA Agreement. Robert Oulds' book *Everything you wanted to know about the EU* explains the difference clearly (p189) :-

"Whereas the European Commission and the European Court of Justice regulate the EU's compliance with the terms of the EEA agreement, EFTA's side is managed by its own institutions."

In other words, Mr Rentoul is jumping to conclusions. Mrs May has said that "it is not going to be a Norway model", but she said nothing to preclude the Liechtenstein model – in other words, re-joining EFTA and accessing the single market via the EEA agreement but invoking Article 112 of that agreement to reduce migration from the EU.

Another piece to take with a very hefty pinch of salt is this piece in the *Irish Times* by Professor Vernon Bogdanor, David

Cameron's former tutor. Entitled *Why Brexit will be Margaret Thatcher's revenge*, the piece claims that "those most likely to have voted for Brexit will suffer most after Article 50 is triggered." It goes on to say that "Contrary to popular perceptions, article 50 inaugurates a withdrawal process, not a trade agreement." I would like to know how many people Professor Bogdanor has met who really think that invoking Article 50 was anything to do with a trade agreement. I certainly haven't met any!

Getting off on a bad note, he then parades even more ignorance than Mr Rentoul about the EEA. "Matters would be easier, of course, were Britain to emulate Norway and join the European Economic Area, " he writes. Excuse me! As a member of the EU, the UK is **ALREADY** a member of the EEA. What I presume he means is that we should remain a participant in the EEA by re-joining EFTA, but it isn't what he said. He then goes on to claim that "The EEA obliges member states to incorporate not only current EU laws, but also future legislation, into domestic law, and to accept the principle of free movement." Wrong again. The EFTA countries who are part of the EEA are only required to transpose legislation specifically marked "EEA relevant" into domestic law. Last October, Dr Richard North calculated that only 4,947 out of 23,076 pieces of legislation – in other words, about 21% of the total *Acquis* – had been incorporated onto Norway's statute books, much of it technical in nature and much of it also originating with international bodies like the WTO, with the EU merely acting as a conduit. As for free movement, there is some freedom to restrict it using Article 112 of the EEA, as we have already noted.

Neither Messrs Rentoul nor Bogdanor seem aware of the Norwegian veto of the Third Postal Directive in 2012, which insisted on deregulating postal services across the EEA. This proves the point that non-EU countries cannot be touched by the ECJ and thus have far greater latitude in dealing with EU

legislation, even when marked "EEA relevant."

Next comes another myth:- *"Per head, Norway currently pays around 83 per cent of the British contribution."* In 2015, Norway paid £1.66 per head of population to access the EEA. We paid about £150. Either the great Professor inadvertantly included Norway's voluntary contribution to various EU schemes or his calculator seems to be suffering from a chronic malfunction.

He then rounds up his dismissal of any EEA-type relationship by repeating the "regulation without representation" nonsense. Dear Professor Bogdanor, please get your facts right. Norway is represented on the Committess which create EEA-relevant law, even though the country does not have a vote. Read these words of Anne Tvinnereim, a Norwegian politician, who knows what she is talking about. *"We do get to influence the position,"* she said. *"Most of the politics is done long before it {a new law} gets to the voting stage."*

Professor Bogdanor then rejects the Swiss option, which virtually everyone else has already done, but this leaves him with only the WTO option as a possible route, something which Mrs May, by proposing the nationalisation of EU law (in other words, giving laws passed by the EU their authority from our Parliament rather than the EU via the 1972 Accession Treaty) seems to have ruled out.

He is right to conclude that newly-independent UK will be more global. *"The irony is that....leaving the EU will expose Britain to more globalisation, not less. Brexit, therefore, will be Margaret Thatcher's revenge. It will suit the vision of the Tory right which hopes that, outside the EU, Britain could become like Hong Kong or Singapore, a global trading hub."* However, he then falls into the common trap of saying that this is exactly what Brexit voters don't want. Vernon, old chap, I was accused by my opponent in one debate of selling a vision of an independent UK which was just that –

“Singapore on steroids” to quote his words.

There are many of us who are excited by the global trading opportunities which Brexit will provide. A recent Fabian Society report linked the Brexit vote with economic deprivation and the lack of government spending on areas populated by the white working classes, but a look at the Brexit vote map shows that this is only part of the story. Many prosperous areas in the South East also voted for Brexit. In rural East Sussex where I live, plenty of large houses, presumably inhabited by people who are not at all economically deprived, displayed large “Vote Leave” boards in their gardens and outside their gates.

On one point I would agree with Professor Bogdanor:-
“Britain...has a deep-seated skills problem... The priority, if May’s socially responsible capitalism is to become a reality, must be a radical skills policy. That means more resources devoted to further education colleges, currently the Cinderellas of the education service, and to university technical colleges, for those whose skills are technical and vocational rather than academic.” Yes indeed, to make the most of Brexit, our education system needs to be significantly revamped from top to bottom. Last year, we published *Generations Betrayed*, a booklet by Chris McGovern, which shows how much the history syllabus needs to be reformed. This, however, is only one of many features about the UK education system which is unsatisfactory.

In conclusion, however, after having ploughed through these confusing articles, the abiding thoughts they leave is a fervent hope that the people who are advising Mrs May about the best Brexit route are considerably more clued-up than Messrs Rentoul and Bogdanor and actually know what they are talking about.

