

Desperate times and desperate measures: Could the UK force the EU to negotiate before Article 50 is triggered?

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By Democratic Audit UK

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*Many on the British side have suggested initial deals should be hammered out before the Article 50 process begins. However, France and Germany are set against early negotiations and now appear to welcome Brexit as an opportunity to pursue greater EU integration. **Sean Swan** argues that, with strong and coherent leadership, Britain could potentially use this enthusiasm in its favour and refuse to trigger Article 50 until the EU agrees to initial negotiations.*



The prime minister has resigned, the UK EU Commissioner has resigned, the Shadow Cabinet has resigned – even the England manager has resigned. A combined political, economic and constitutional crisis is one thing, but to undergo that crisis with the two major parties of state virtually leaderless, divided, and riven with internal turmoil, really is something else. There really (and I mean really) has to be clear and sensible leadership from somewhere. But we look in vain.

Jeremy Hunt has [suggested](#) a ‘solution’ to the current impasse which is truly beautiful – and absolutely unreal. Mr Hunt proposes that the UK not trigger Article 50 and instead seek to negotiate a ‘Norway plus’ deal. This deal would grant the UK “full access to the single market with a sensible compromise on free movement”. Once this deal has been agreed, this would be put to the electorate in the form of either a referendum or a general election. Then, presumably, once the people had given this deal their approval, Article 50 would be triggered and the UK would leave the EU two years later and slide comfortably in the new ‘Norway plus’ deal. In fact, Mr Hunt’s ambitions extend beyond this.

“many European countries have serious problems with extreme Right parties – and why reforming

the rules around free movement is as much in their interests as ours. So our plan must be to encourage them to reform those rules”

He wants to limit free movement not just between the UK and the EU, but, apparently, within the EU itself. This is all very reasonable. Unfortunately it is also totally unreal.

The EU establishment insist that they will not negotiate the terms of a future EU/UK relationship outside the EU until Britain triggers Brexit via Article 50. And this applies not just to the Commission and other EU institutions: M. Hollande and Frau Merkel have now definitely said that there will be no negotiations prior to the UK triggering Article 50. Even if they would parley, there is no reason to believe that the EU would allow a post-Brexit UK full access to the single market with only ‘limited’ free movement. And the idea that they would agree to limit free movement within the EU itself is beyond optimistic.

So Mr Hunt’s plan is unreal. And it is more unreal now than it was a week ago. After an initial period of hesitancy, it now appears that the reaction of Germany and France to the referendum is to press ahead even faster and harder towards a much more centralised and integrated ‘superstate’, as *The Daily Mail* [termed](#) it. They now view British exit as as much an opportunity as a problem. They have obviously realised that Brexit removes the main obstacle to a ‘superstate’ – the UK. And Brexit added a new sense of urgency to those seeking the creation of a deeply integrated federal EU – best stampede the process forward before anybody else has the chance to stray from the fold. (Those wishing to read the original documents rather than just the *Daily Mail’s* coverage of them will find them [here](#) as they were leaked to the Polish media).

The EU establishment has not just slammed the door on any British renegotiations, it has, with these new plans for a ‘superstate’, nailed it fast. It has actually done more than that, France and Germany have killed any possibility of re-holding the referendum (always a bad idea) as they have set about creating an EU which will be even more objectionable to the Brexiteers. It is also obvious that it would be very difficult to obtain this ‘superstate’ with Britain as a member of the EU. The conclusion that they no longer want the UK as a member would seem to be inescapable.

Where are the statesmen? There are realities here that must be faced to prevent the current crisis spiraling further out of control. Firstly there can be no re-run of the referendum on unchanged terms for very simple political reasons. The Conservatives are the government and the majority in the Commons. Were they to attempt to re-run the referendum, it would split the party and lead to the Brexit-supporting shires to turn to UKIP. Nor would they have the full support of the opposition parties. The SNP have made it clear that they are standing on the democratic result of the referendum in Scotland. It would obviously be a total contradiction of that position to agree to the negation of the referendum as it relates to England. Even if they were prepared to break that principle, they are hardly likely to set the precedent of setting aside the results of a referendum given that an independence referendum is how they hope to gain Scottish independence. All of these points apply just as strongly to the idea of ignoring the referendum. These are facts Remain supporters need to think long and hard about the political realities of the situation seem to indicate that Brexit is effectively inevitable now. What now remains (pun intended) is to get the best deal possible for the UK outside the EU.

But how? What is to be done? How can Mr Hunt’s plan be made feasible? Offer Nicola Sturgeon, the only statesman the UK appears to have at the moment, the post of Prime Minister? Or perhaps emulate the tactics of another, more bloody minded, Celt – the obstructionism of Charles Stewart Parnell. If there will be no negotiations without first triggering Article 50, then let there be no triggering of Article 50 unless there are negotiations first. Until Article 50 is triggered, the UK remains a full member of the EU and as such could wreck the plans for greater EU integration from the inside. A desperate step, of course, and not one to be contemplated lightly – but if people refuse to talk, what course is left? And any final deal should keep Scotland and Northern Ireland within the EU, if that is what they want. If this is blackmail, it is no more blackmail than refusing to negotiate until Article 50 is triggered. Desperate times call for desperate measures.

Note: this post represents the views of the author and not those of Democratic Audit or the LSE. Please read our comments policy before posting.

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