

LORD OWEN SPEAKING AT THE ROYAL OVERSEAS LEAGUE DINNER
TUESDAY 5 JUNE 2018

If there is any merit in the terms ‘hard’ or ‘soft’ Brexit we are fortunately heading for a soft Brexit involving a transition or implementation period during which we remain after leaving the EU on 31 March 2019 in the European Economic Area Agreement and Customs Union until the 31 December 2020. After 31 December 2020 we will no longer be in the EEA Agreement nor in the Customs Union. It is worth remembering that Norway and Iceland have never been in the Customs Union because they want to be free to sign, as they have done, many free trade agreements. At that time we will hopefully have a free trade agreement along the lines of the EU-Canada trade agreement, CETA. It is ridiculous to say that this will take anything from 4-8 years to negotiate. The UK, with the other 27 countries, negotiated that EU-Canada agreement and we can live with its terms. Hopefully in our mutual interest we can make some adjustments but it is more important that we have it in place and ratified by 1 January 2021.

During the transition period of 21 months we will be treated as an EU Member State for the purposes of international agreements. Parliament has accepted this ‘no vote, no voice’ arrangement, somewhat surprisingly, because it helps business to have only one changeover rather than two. Also it has helped a growing number of people who voted to remain to accept this as an honourable way of fulfilling the referendum’s decision over leaving while taking account of apprehensions and allowing time for adjustment.

It is rightly judged by most people in the UK that the decision to leave was undertaken in part because of the need to be able to set our own immigration policies. Whatever view one takes on the levels or the type of immigration, there is a widespread feeling that those decisions should be taken by Parliament and that option does not exist if we were to stay in the EEA.

Now it is essential for the UK to expand into markets beyond the EU at a quicker pace and in a manner of our own choosing. The British people want to compete on a level playing field within which we are confident of our ability to export more to foreign markets and we have the evidence of the past to support this, since we have been seeing a steady reduction in exporting to the EU and an increase in exporting to other countries over more than a decade.

As for Northern Ireland the time has come for a little more blunt talk between the Prime Minister and the Irish Taoiseach. It was a great mistake for the EU to prevent us reaching an agreement between our two countries first, and then to take our agreement to the EU. Nothing symbolises that friendship more than the agreements we have built up since 1923. It has allowed an unparalleled freedom of movement and

access to work and benefits in our two countries for our citizens. This is the bedrock of our relationship not the Good Friday Agreement which was about ending an armed fight developing since the middle 1960s between a small number of our citizens. The great bulk of the British and Irish people never wanted that conflict and are relieved that it has ended.

The way Norway and Sweden have solved their border issue is the relevant one to consider. These two countries, one in the EU and one not in the EU, made arrangements with which the EU remain satisfied. There has never been an absolute purity about trade borders between the EU and neighbouring countries. Not often acknowledged was a very special trade arrangement between East and West Germany during the Cold War. Flexibilities have been built into the border of the EU and Switzerland, to say nothing about Monaco.

The Norwegian Prime Minister has made it very clear that the crucial safeguard that the EU accepts is 'spot checks', not fixed borders. Away from the border vehicles are stopped and examined, by the human eye, technological devices and sniffer dogs. Smuggling is basically what is trying to be prevented and for that one does not need a fixed border or even fixed technology. Just the reasonable chance that if you cheat, and try to avoid paying on imported or exported goods, you will be found out and fined heavily. Let's hear a little more about moveable, surprise 'spot checks' in the next few weeks between Northern Ireland and the Republic of Ireland.

It is not too late for a little more commonsense and good neighbourliness to assert itself. Article 50 is not the only Article in the Treaties that governs relationships between the EU Member States and non EU Member States. Article 8 refers specifically to good neighbourliness and we need to see the principle of good neighbours re-established between London and Dublin very quickly. That is the will of our citizens, to which our politicians should listen urgently.

Another area for a more broadminded approach relates to the European Court of Justice [ECJ]. It must be clearly obvious to anyone that a state does not leave the EU in order to continue in perpetuity under the jurisdiction of the European Court of Justice. That is not the appropriate machinery for having the necessary legal mechanism to judge international agreements. It was because of that obvious fact that the three EEA countries never countenanced becoming part of the ECJ and instead created their own EFTA Court. This works well and with the national legal systems of the three countries. It is pretty clear that Britain could do what the Commission recommended the Swiss government should do, namely 'dock' alongside the EFTA Court. The fact that Switzerland did not take that option does not rule out that they may do so if the UK became a member of EFTA Court. What is apparent is that the Swiss people will not be governed by the ECJ.

The EU and the UK governments are in the bad mouthing stage of adjusting to any difficult international agreement, where there are mutual benefits and compromises. There has been too much extraneous noise around these negotiations to the detriment of the UK government because of the nature of the EU. Some mouth the case for a soft exit believing they would never get one and are bitter because they never wanted an agreement nor any exit. In truth, they have been smoked out by the comprehensive nature of the transition. It is time for them to acknowledge reality and refocus their party political debate on the changes that need to be made inside the UK to make a success of Brexit. There are huge opportunities for the UK in a post Brexit world but there are challenges too. Yet a House divided on itself cannot reach its full potential. There have been a number of perceptive articles and realistic voices raised recently for Britain's internal debate to cease and for the country to come together now and face the future outside of the EU.