

Tel: 01442 872617  
Fax: 01442 876108  
Email: davidowen@lorddavidowen.co.uk  
Website: www.lorrdavidowen.co.uk



House of Lords,  
Westminster,  
London SW1A 0PW

### **Letter to all Members of the House of Commons**

Last week in the *Sunday Times* Theresa May wrote a letter to the country and Tony Blair wrote to the EU. In yesterday's *Sunday Times* I wrote a letter to all MPs. Here it is for you personally with an Explanatory Note.

Your votes on the 11 December are your choice and yours alone. This is about what the Government and the UK should do if the House of Commons decides not to endorse the Withdrawal Agreement [WA].

You know well that after losing a major vote the House will expect a considered response from the Government. It will be vital that world financial markets know immediately how the UK intends to act. It will be damaging to wait even to early next day. That the Government should allow speculators and currency markets to dictate a repeat vote on the WA in the weeks following is both disreputable and dangerous.

The Prime Minister has repeatedly said the EU will not renegotiate the WA. Everyone in the EU says exactly the same. Nick Boles and it appears Michael Gove advocate you should first vote for the Withdrawal Agreement and then negotiate 'Norway Plus' to apply after 31 December 2020.

This proposal is different. It only concerns the situation if the Withdrawal Agreement has been rejected and is about continuing as a member of the EEA after 29 March 2019. This allows an independent fisheries policy to start immediately and ensures that we have, if we judge the time to be correct, a clear legal exit procedure in which the EU has no involvement.

The WA having been rejected the UK must seize the initiative and stop being a supplicant under Article 50 while paying strictly determined exit costs. We can thereby avert the other outcome of leaving without a deal in less than four months. It offers clarity and certainty.

#### Suggested Prime Minister's Statement immediately after the WA vote is lost.

"As a consequence of tonight's votes I am sending letters immediately to all the other 31 parties to the European Economic Area Agreement [EEAA]: the EU itself, its 27 Member States, and the 3 Efta States.

The letters will state our intention to continue in the European Economic Area as a non-EU member from the end of March 2019. We intend to do this because we signed the EEA Agreement as the UK in 1992 and we have not as the UK given the twelve months notice in writing required to withdraw from the Agreement.

If Efta or the EU countries challenge our entitlement then we will take our case to arbitration under international law using the Permanent Court of Arbitration [PCA] which was endorsed by all EU countries in the Withdrawal Agreement. I am writing to the Secretary-General of the PCA.

I hope this action will unite many different viewpoints in Parliament. It has the merit of being very simple:



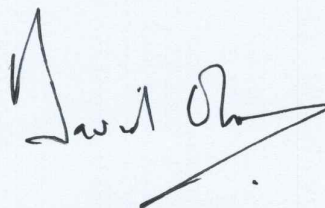
We, like the three other non-EU members of the EEA, would not be starting out as part of the EU Customs Union, though we could pursue that. We could pursue our own EU-UK FTA on the lines of Canada +++ as President Tusk at one time proposed and we will immediately start with other FTA negotiations. There is no necessity for us to join Efta. We would not be fixing any time limit as to how long we stay in EEA. Like the other three non-EU countries, we would continue to be bound, as are all Parties to the EEAA, to give one year's notice of leaving. We would not ask anything more from the EU than we are entitled to under the EEAA.

That will be a good achievement. Norway has significant rule influence for a country its size. The 3 non-EU States have achieved numerous rule-derogations and amendments. Liechtenstein even has strict immigration controls. The ECJ does not hold sway, and there are no mandatory contributions to the EU budget (only to an EEA-Efta programme to reduce economic and social disparities, likely to be around £1.5 billion per year).

We would also be in a position to agree with the EU before 29 March 2019 many issues on which genuine agreements were made during the negotiations over the WA and where appropriate we would be willing to pay for these.

Continuing in the EEA Agreement as a non-EU member requires no more than minor consequential legislative changes similar to those needed by Austria, Finland and Sweden in the opposite direction on leaving Efta to join the EU in 1995. Article 126, for instance, was not amended until 2004. In Ireland the border would become an EEA/EU land border like Norway/Sweden, but with no infrastructure rather than partial infrastructure.

Meanwhile we will urgently improve our transport links with the continent and keep in place the legislation to leave the EU on 29 March, already agreed by both Houses of Parliament though if we stay in the EEA we would have to adjust the EU Withdrawal Act 2018 a little.”

A handwritten signature in black ink, appearing to read 'David Owen', with a long, sweeping underline that extends to the right.

DAVID OWEN

The accompanying Explanatory Note is available on Lord Owen's website: [www.lorddavidowen.co.uk](http://www.lorddavidowen.co.uk) along with correspondence with the Prime Minister over the last two years.

**3** December 2018