BREXIT

CAMPAIGN FOR AN INDEPENDENT BRITAIN
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INTRODUCTION

When Theresa May became Prime Minister on 13th July 2016, she insisted that under her watch Brexit would mean Brexit. We trust that this is still very much her aim, but are concerned that while we may formally leave the European Union on 29th March 2019 it will be only BRINO—BRexit In Name Only.

Whilst the independence movement has been very forthright for many years at saying why we should leave the EU, it has not been so effective at saying how we should do it, particularly in detail. In 2014 the Institute of Economic Affairs offered a prize of 100,000 euros for the best blueprint for EU withdrawal. Out of a field of 149 entries, the winner was Ian Mansfield, a civil servant in the Foreign & Common-wealth Office. With contributions from other collaborators, Dr. Richard North of eureferendum.com produced a more detailed scheme under the title of FLEXCIT. Very little other material has been produced on this vitally important subject.

Before the referendum David Cameron instructed the civil service that there must be no “Plan B” prepared in the event of a Leave vote. So the government had six months to prepare its outline plan from scratch before Mrs. May’s Lancaster House speech in January 2017. During this time all we heard from the government was “Brexit means Brexit”.

A successful Brexit will hopefully put to bed once and for all the issue of the European Union which until now has been like a nagging toothache—always there in the background of UK politics as an unpleasant pain—never really going away. In opinion polls during the years before the referendum, the EU was not at the forefront of most people’s concerns. There has always been a substantial minority of ardent independence supporters as well as many we were happy enough with the status quo. During the referendum campaign, considerable tensions erupted between these two camps, but emotions have calmed now and we are confident that a seamless, smoothly accomplished Brexit without economic dislocation will ensure that people can settle down together in their new situation as citizens of a country which is once again a self-governing democracy.
Before our full extraction from the EU can be accomplished, however, a great deal of detail will have to be sorted out. Unfortunately, it appears that the scale of the task of engineering a seamless Brexit was not apparent to UK ministers even as preparations for the negotiations began. Initially, there were hopes that, due to our regulatory convergence with the EU as a result of being a member state, a trade deal could be struck relatively quickly. Now, the determination by the EU to maintain the Single Market and the recognition of what it means for the UK to be a “third country” has dampened the initial optimism.

A comprehensive bespoke trading arrangement will not be signed off in time for Brexit Day on 29th March 2019. This means we are left with only two alternatives—leaving the EU without any comprehensive deal or else some sort of transitional arrangement. While the Government has wisely chosen to steer clear of the former option and the EU has expressed its willingness to consider the latter, its terms for the transitional arrangement for the UK are most unsatisfactory and, in our opinion, must be rejected out of hand.

There are other Brexit-related issues where recent reports of the government’s current thinking point to a less than satisfactory outcome. In this booklet, we have chosen to highlight three—fisheries, defence and criminal justice. In all these important topics, we are yet to be assured that the Government is seeking an outcome which truly reflects the concerns of those 17,410,742 electors who voted to leave the European Union in June 2016.

Parliament voted by an overwhelming majority to implement the people’s decision. There remains difference of opinion as to how it should be done. Debates in Parliament and the media show that detailed knowledge is in short supply. We acknowledge that the margin of victory for supporters of leaving the European Union was not massive and therefore recognise that the legitimate concerns of those who voted remain need to be taken into account. For many, their worries were financial, especially given the publicity accorded to so-called “Project Fear”, directed by George Osborne at the Treasury.  

1. and continued in the London Evening Standard by the editor, George Osborne.
The UK economy, however, has performed much better than anticipated in the months since the referendum, with unemployment low, GDP growing at a satisfactory rate and new investment from overseas being announced. We are confident that a successful Brexit, whereby the UK economy escapes any serious disruption, will allay once and for all the fears of nervous remain voters. There is no doubt that the EU’s proposals for a transitional arrangement would save us from a “cliff edge” in March 2019 but at the same time, it would leave our country in a situation which is unsatisfactory to both leave and remain voters. Furthermore, it may prove harder to extract ourselves from the EU’s proposed arrangement than we have been led to believe.

So we have produced this booklet, hoping that it may inform Brexit discussions and contribute to a satisfactory, prosperous outcome for the people of the United Kingdom.

1) WHY THE EU’S TERMS FOR A TRANSITIONAL DEAL ARE UNACCEPTABLE

We were heartened when the Prime Minister invoked Article 50 of the Lisbon Treaty on 29th March 2017 to begin the process of formally withdrawing the UK from the EU, thus honouring the referendum mandate. The process of separation will indeed be complex as, legally, we will be making a clean break when leaving the EU. Paragraph 3 of Article 50 is quite explicit about this: “The Treaties shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification referred to in paragraph 2, unless the European Council, in agreement with the Member State concerned, unanimously decides to extend this period.”

All legislation passed by the EU and incorporated into our body of law by virtue of our EU membership must be re-worked to acquire its authority from our Parliament on the day we leave the EU. This is the purpose to the European Union (Withdrawal) Bill and it follows a similar pattern to the actions of India when it became independent in 1947 or the Irish Free State in 1922. Without taking this action, many
areas of day-to-day life would be completely unregulated as the laws would lose their authority. For instance, all food safety legislation presently derives its authority from EU regulations, made in Brussels. So that authority has to be transferred to our Parliament as we leave, or we would have no specific laws governing the safety and wholesomeness of our food.

Some MPs have expressed concern that the Act gives too much power to government to amend legislation, describing it as “Henry VIII powers”. Yet few raised objections when the powers were transferred to Brussels in the first place. Our main concerns relate not to those laws which govern day to day life in the UK (which can be amended by Parliament later, if unsatisfactory) but to those which affect our future interface with the EU 27 and indeed with the rest of the world.

The European Union’s current fisheries regulation (1380/2013) will be considered in detail below as it provides an excellent example of why exceptions have to be made when transposing the EU Acquis\(^2\) onto our statute books. Obviously, we are dealing here with legislation which affects other countries as well as UK citizens.

**The trade question**

There are other vitally important areas of interface with the outside world which also need to be addressed and two of these, criminal justice and military cooperation, will be covered later in this booklet. Trade, however, has been the most widely-discussed topic and with good reason. Our trade with the EU is vitally important to the UK economy. In 2016, about 43% of UK exports in goods and services went to other countries in the EU, amounting to some £240 billion out of a total of £550 billion total exports.

It took some while before our negotiators began to recognise the sheer scale of trade-related issues needing to be addressed. M. Barnier, the EU’s chief negotiator, has repeatedly told us that we would become a “third country” in March 2019, but the implications of what this might mean took a while to sink in. Given the government’s desire for as

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2. The irreversible body of common ‘rights’ and obligations that are binding on all EU countries; ‘acquired’ by the Commission through the various Treaties.
smooth a Brexit as possible and the immense challenge of striking a trade deal in a very limited time span, we can see the attraction of buying time—in other words, putting the UK’s trading relationship with the EU into a temporary holding position pending completion of the longer term deal. Unfortunately, the terms which the EU has proposed are totally unacceptable and humiliating. We believe that Jacob Rees-Mogg’s assertion that we will be a “vassal state” is a broadly accurate description of our status during the 21 months of the proposed transitional arrangement—a period which, so the government has said, may need to be extended.

Please look in particular at the Position Paper produced by the European Commission, dated 7th February 2018. In the section “The scope of the transition”, we are informed that “Unless otherwise provided in this Part, Union law, shall be binding upon and applicable in the United Kingdom during the transition period.” This means the full EU Acquis will apply. In this case, we will not have obtained any meaningful political independence. To underline the point, a few paragraphs down, we read, “Unless otherwise provided in this Part, during the transition period, any reference to Member States in the Union law applicable pursuant to paragraph 1 shall be understood as including the United Kingdom.”

What is more, while we will have to accept EU legislation, we will not have any say in its formulation as we will have no representation in the Council, the Commission or the European Parliament. Any new legislation which may well complete its progress through the EU’s institutions during the transition period and may well be ready for incorporation on national statute books before we move on to a longer-term relationship will have to be adopted by the UK. We will become, in other words, a passive recipient of anything the EU may wish to impose on us.

The document then goes on to say, “For the purposes of the Treaties, during the transition period, the parliament of the United Kingdom shall not be considered to be a national parliament.” What power, then, will the assembly of our elected representatives actually wield? It will have neither influence in determining the legislation to which we will be subject nor the power to reject any of it.

This document from the Commission “translates into legal terms the principles laid down in the European Council Guidelines of 29 April and 15 December 2017 and in the supplementary negotiating directives annexed the Council Decision of 29 January 2018.” These other documents therefore have to be considered and they too set out terms which are unacceptable.

The 15th December 2017 document states that during the transition period, “... all existing Union regulatory, budgetary, supervisory, judiciary and enforcement instruments and structures will also apply, including the competence of the Court of Justice of the European Union. As the United Kingdom will continue to participate in the Customs Union and the Single Market (with all four freedoms) during the transition, it will have to continue to comply with EU trade policy, to apply EU customs tariff and collect EU customs duties, and to ensure all EU checks are being performed on the border vis-à-vis other third countries.” We will be stuck in the Customs Union, we will be subject to the ECJ; free movement of people will continue and we will not be able to make our own trading arrangements. In short, given also that Parliament will not be sovereign in any meaningful way and we will have no say or recourse regarding the implementation of the EU’s Acquis during this period, none of the issues which led to the Brexit vote will have been addressed.

The document dated 29th January 2018 is even more disturbing; in particular, clauses 14 and 15:

14. During the transition period the United Kingdom will remain bound by the obligations stemming from the agreements concluded by the Union… while the United Kingdom should however no longer participate in any bodies set up by those agreements.

15. Any transitional arrangements require the United Kingdom’s continued participation in the Customs Union and the Single Market (with all four freedoms) during the transition. During the transition period, the United Kingdom may not become bound by international agreements entered into in its own capacity in the fields of competence of Union law, unless authorised to do so by the Union.
The intention is that the UK will still have obligations to the EU to adhere to the consequences of agreements concluded with non-EU countries in respect of the EU vs UK transitional relationship. In doing so this maintains the integrity of the EU's dominions and also appears to address the UK's desire for continuity immediately after Brexit.

However, since the withdrawal agreement cannot bind non-EU countries, they will no longer have obligations to the UK as we will no longer be an official member of the EU but merely maintaining regulatory alignment in an agreement between the EU and the UK.

The UK would only be able to be recognised within such agreements if other non-EU countries agree to continuing existing obligations in force through another agreement with the UK. The negotiation of such an agreement between the UK and non-EU 'third countries' is the subject of the next transition Clause 15 which seemingly makes that an impossible contradiction, as Clause 15 states that the UK will be unable to negotiate and sign treaties within the transitional period, even if those treaties only come into force afterwards—we will only be able to begin to negotiate treaties after the transition period.

This means that other non-EU nations will have no obligations to recognise the UK being party to agreements signed by the EU as the UK will no longer be an official member but also a ‘third country’ when the ‘treaties shall cease to apply’ under Article 50 and our membership terminates on the 29th March 2019. However, the Catch 22 paradox is that to obey the transition the UK will not be able to enter into any agreements with other non-EU countries to seek recognition that the UK is party to EU arrangements with those countries even if they wanted to.

This means we would be forced to trade on World Trade Organization's (WTO) terms for 65% of our trade, which would be a retrogressive step, yet at the same time we will be unable to sign any new trade deals with non-EU countries—one of the main benefits of leaving the EU. In fact, as far as trade is concerned, adoption of the EU's terms for a transitional agreement would result in our suffering all the disadvantages of EU membership while losing out on the benefit of free trade with countries with which the EU has negotiated such a deal.
On 15th February, it was announced that the sanctions to be imposed by the EU in the event of the UK breaking any EU rules would be somewhat less severe than previously proposed. This does not, however, alter the unacceptable nature of the whole arrangement and we hope that MPs will not be deceived by any “sweeteners” from the EU which attempt to hide many other unsatisfactory features of the terms. Even the new, “softer” sanctions are, quite frankly, insulting. If we infringe any regulations, according to the new text, the Commission would be obliged to start an infringement procedure under Article 258 of the EU treaty, which is standard EU operating procedure. Only if after this, the UK still refuses to comply (against a judgement on the matter) would unilateral measures of suspension be considered.

Theresa May, in her Lancaster House and Florence speeches said it would be absurd if we were obliged to obey laws over which we have no say and no vote, yet that is exactly what would happen under the EU’s proposed transitional terms. What is more, we would still be making a substantial payment to the EU for this “privilege”. Mr Rees-Mogg’s assessment of such an arrangement being akin to a “vassal state” does therefore appear to be accurate.

**Will we ever achieve a proper separation?**

We believe that it would be a big mistake for MPs to accept the highly unsatisfactory terms put forward by the EU in the belief that it would be a price worth paying as it would only be 21 months before we could make a completely fresh start.

The first reason is that there is no guarantee that 21 months will be long enough. The reason for setting the cut-off at the end of December 2020 is a perfectly understandable desire by the Government to have achieved a complete and meaningful Brexit well in advance of serious campaigning for the next UK General Election, due in June 2022. What if the long-term deal is not ready? Either the transitional arrangement has to be extended by mutual consent or if one party is unwilling to agree this, the so-called “cliff edge” will merely have been postponed. The Commission may well feel than, given the slow rate of progress with the
negotiations thus far, 21 months is insufficient for a satisfactory deal to be agreed. Would an extension to the transition period require a new treaty? If not, the door could be open to legal challenges.

The other main area of concern is the implications of the transitional arrangement being ratified by a treaty between the EU and the UK. This would mean that the implications of the Vienna Convention on the Ratification of Treaties would need to be considered when moving from a transitional arrangement to a more long-term relationship. Fisheries (see below) is a very straightforward example of the potential problem of “acquired rights.” To summarise the potential problem, if we have signed a treaty with the EU which covers only a transitional arrangement for our departure, we cannot just assume that the starting point for negotiating a longer-term relationship will be a clean sheet of paper. Concessions made during any transition period may not be easy to rescind.

Article 30 of the Vienna Convention states that if a new treaty replaces an existing arrangement, the two treaties are not incompatible and that if the old treaty is not terminated, then the rights of that treaty will still apply. There is no guarantee that the new treaty would abrogate any treaty governing a transitional period as clearly as Article 50 of the Lisbon Treaty, which makes null and void all the EU treaties for a departing member state. We could well find ourselves tied to close regulatory alignment (or even convergence) with the EU in a long-term arrangement if we concede it for the transitional period, for instance in order to avoid a hard border with the Irish Republic.

We believe that Brexit means that the UK has the right to diverge from the EU as much as it is able to do so subject to the constraints of our obligations to international bodies such as the World Trade Organization. The degree to which individual politicians or political parties may wish to diverge from the European model may well vary considerably, but it is vital that such decisions are solely in the hands of UK politicians and voters and not constrained by the European Union in any way.

In summary, we recognise that there may be need for some sort of interim arrangement while the UK transitions from being an EU member
state to a sovereign, independent country. What started off in the Prime Minister's speeches as an implementation period has metamorphosed into a transitional agreement that, on the EU's current terms and is completely unsatisfactory. It is a legal minefield which may render full independence well-nigh impossible. It has to be rejected out of hand.

There is a better option for a transitional arrangement

Even before Article 50 was invoked to trigger the formal withdrawal process, Mrs May had stated that continuing membership of the EU’s Single Market was out of the question after Brexit. This in many ways has boxed her into a corner. During the referendum campaign, no serious voices on the leave side supported long-term UK membership of the Single Market.

However, as a holding position, the so-called “Norway model” whereby we would re-join EFTA, the European Free Trade Association, and access the Single Market via the European Economic Area (EEA) agreement (which is an agreement between the EU and three of the four EFTA nations), would be a vast improvement on the EU’s terms for a transitional agreement. We would have considerable access to the single market without the humiliating terms which the EU currently wishes us to accept. The diagram below was produced by Anthony Scholefield, a CIB Committee member, and although it was produced prior to the referendum to compare membership of the EU with the EEA/EFTA alternative, it also offers a useful comparison of the EU’s terms for a transitional arrangement with EEA/EFTA, as there is very little to choose between EU membership and what the EU wishes to offer us—indeed, the latter is actually worse than our current position as an EU member state; see overleaf.

The drawbacks of Norway's relationship with the European Union have been well publicised, but we feel that there has been a degree of exaggeration. The phrase “fax diplomacy” was used by David Cameron to decry the EEA/EFTA model during the referendum campaign. The implication is that countries like Norway have to accept rules from Brussels with no say in their formulation. Few people are aware that the
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originator of the phrase was Jens Stoltenberg, a former Norwegian Prime Minister, and now Secretary General of NATO, who was unhappy with Norway's independence and wanted to see his country join the EU. He therefore had a vested interest in exaggerating the disadvantages.

The reality is that Norway, Iceland and Liechtenstein (the three EFTA countries which are also members of the European Economic Area and thus enjoy mutual recognition agreements with and tariff-free access to the Single Market) only have to accept about one quarter of the EU’s Acquis—and many of these regulations not only relate to specific details of trade but also originate with global bodies with the EU merely acting as a conduit. We would therefore still be subject to many of these regulations if we left the EU relying on so-called “WTO rules” unless we chose also to withdraw from bodies like the World Trade Organization or the International Labour Organization.

EFTA has its own court which, unlike the European Court of Justice, is not a political body. Its sole remit is to address trade disputes. Norway and Iceland are not subject to the Common Fisheries Policy, so if we went down the EFTA route, we would regain control of our fisheries on Brexit day—a subject which will be addressed later.

Norway and Iceland can choose to reject legislation originating from the EU even if it is designated “EEA relevant”. Being outside the reach of the European Court of Justice, the EU could do nothing when Norway decided not to implement the EU’s Third Postal Directive.

Furthermore, in spite of the insistence of Michel Barnier and others that the four “freedoms” of the Single Market are indivisible, this is not actually true for countries outside the European Union. Iceland unilaterally imposed a restriction on the free movement of capital following its banking crisis of 2008-11. More importantly, however, while membership of the European Economic Area Agreement from outside the EU includes the principle of free movement of labour, in reality restrictions on immigration from EU states can be imposed.

Liechtenstein, an EEA member with less potential influence than Britain, continues to use clauses in the EEA agreement to restrict the movement of persons. Article 112(1) of the EEA Agreement reads “If serious
economic, societal or environmental difficulties of a sectoral or regional nature liable to persist are arising, a Contracting Party may unilaterally take appropriate measures under the conditions and procedures laid down in Article 113.” The restrictions used by Liechtenstein are further reinforced by Protocol 15 (Article 5-7) of the EEA Agreement. This allows Liechtenstein to keep specific restrictions on the free movement of people.

There would also be greater latitude to restrict ‘EU citizens’ access to benefits and to deny residency to those who do not have sufficient resources to support themselves.

The widely-held belief that Norway, Iceland and Liechtenstein have to accept EEA-relevant items of EU legislation with no say in their formulation is a myth. It is true that the final votes take place in the EU institutions (the European Parliament and Council) where these countries have no representation, but they are consulted in the drafting. Anne Tvinnereim, when Norway’s state secretary for the Ministry of Local Government and Regional Development, was adamant. “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.” In other words, countries like Norway have more influence with the EU—and have to accept much less of its legislation—than we would have under the proposed terms of a transitional arrangement.

Re-joining EFTA would be a good move in any case as it would enable us to continue to trade seamlessly with the four current members—Switzerland, Norway, Iceland and Liechtenstein. We import more from Norway and Switzerland than we do from Japan, Canada or India. Indeed, there are only eight countries from which we currently import more. These two countries are important trading partners for the UK.

EFTA has also signed 27 free trade agreements with third countries. Re-joining EFTA would enable us to participate in these agreements and thus solve the problem of trading with most of the countries with which the EU has negotiated free trade agreements, including relatively important trading partners such as South Korea and Israel. The EFTA countries have the freedom to negotiate these deals as they are not part
of the EU’s Customs Union. We find it strange that a number of politicians, particularly on the remain side, have talked of the Single Market and the customs union in terms suggesting they are joined at the hip. They are most certainly not and while there may be advantages, at least in the short term, to remaining within the Single Market via EFTA, there is no point whatsoever in staying within the Customs Union. We do need a customs clearance agreement with the EU, but that is something very different.

The great flexibility of EFTA is that individual countries can also negotiate trade deals with other countries. Switzerland, for instance, signed a free trade agreement with China in 2013 although EFTA as a whole does not yet have such an agreement. We would have the ability to start negotiating trade deals with our Commonwealth friends in Australia and New Zealand as soon as we regained our independence.

We could remain in EFTA after concluding a bespoke agreement with the EU. Switzerland is an EFTA member but is not a member of the European Economic Area. Instead, it rejected EEA membership and instead has its own relationship with the European Union, negotiated through a series of bilateral treaties. We could move from EEA membership to a similar relationship in due course.

Rejoining EFTA would also give us two extra benefits. Firstly, it would create a strong non-EU bloc of nations which would, between them, control many important fishing grounds in the North Atlantic. Even more importantly, in so doing, we would become the de facto leader of a significant bloc of free European nations who do not wish to join the European Union. As the Brexit discussions have got under way, the Norwegians in particular have been rather uncomfortable about better terms of access to the single market being offered to the UK than their country currently enjoys. The Swiss too are unhappy about their agreement with the EU on immigration. Working together as a bloc, we would have a lot more clout and could thus eventually help secure a better and looser relationship with the EU than the EEA (or the Swiss/EU treaties) not only for ourselves but for the other European nations who do not want to be part of the EU.
After all, we were instrumental in setting up EFTA in 1960 as a trade-only alternative to the then EEC, now EU, with its integrationist agenda. In re-joining this organisation of which we were a founder member, we would reinvigorate it and in the process offer an alternative for central and eastern European nations who want to enjoy closer links with the rest of the continent but who may feel uncomfortable about the loss of sovereignty which comes with EU membership.

Ongoing membership of the EEA, however, is not ideal in the long term. The Government is right to be seeking a bespoke trading arrangement. Trade in fisheries and agricultural produce, for example, is not covered by the EEA agreement.

Finally, however, an approach to EFTA would wrest the initiative from the EU, which has thus far made all the running and has made the most of the Government’s lack of direction as far as what sort of Brexit it wants. It is perhaps ironic that M. Barnier has actually suggested we take the EEA/EFTA route whereas our government has so far resisted such a move—perhaps out of fear of being accused of making a U-turn. As a holding position which gives us the luxury of taking our time over a long-term agreement while at the same time achieving a genuine and reasonably seamless departure from the EU, it is infinitely superior to the terms on offer from the EU. It would provide both clarity for business and a short-term resolution to the Irish border question. There is no doubt that Norway, Iceland and Liechtenstein are not part of the EU. They may wish to move to a looser relationship, but even under the present terms, they are definitely independent nations, free from the “pooled” sovereignty of the EU member states.

A bespoke deal entering into force in March 2019 would have been better than taking the EEA/EFTA route, but given the timescale remaining before Brexit day, the window for this has passed. The choices therefore are simple:—reconsider EEA/EFTA as an interim arrangement or prepare to crash out under so-called “WTO rules”.

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2) FISHING

Brexit offers us the opportunity to become a world leader in fisheries management. If this is to happen, three issues need to be addressed. Firstly, the proposed transitional period must be rejected as it would ruin our fishing industry, possibly for good. Secondly, the current EU fisheries legislation must be omitted from the European Union (Withdrawal) Bill as it could lead to the EU having a say in who fishes in our waters after Brexit and thirdly, fisheries management using a quota system, as practised by the EU, Norway and Iceland, must be rejected in the interests of conservation. We will address these three points in turn.

(i) The Fishing industry in and of itself is sufficient reason for rejecting the EU’s terms for a transitional arrangement.

The directives from the European Council, dated 29th January 2018, could not have been clearer. Article 21 states:

21. Specific consultations should also be foreseen with regard to the fixing of fishing opportunities (total allowable catches) during the transition period, in full respect of the Union Acquis.

If we are subject to the full EU Acquis during this period, it will naturally include the Common Fisheries Policy (CFP). As Alan Hastings of Fishing for Leave commented, “If we fail to break free from the CFP the EU will be free to implement policy changes to our detriment. We doubt the EU27 would feel charitable to their political prisoner who has no representation but abundant fishing waters.” The EU is about to introduce a ban on discards, which may well force many of our fishermen out of business before the transition period comes to an end (see APPENDIX, p.36).

Fishing for Leave has also highlighted another major problem the transitional arrangements would cause for our fishermen—the issue of continuity rights: “As it (the transitional arrangement) is part of the deal after we leave the EU under Article 50 and it will have to be underwritten by a new ‘transition’ treaty between the two parties. Under the terms of

the treaty the UK will have agreed to re-obey the entire acquis after we terminate our current membership.”

“As we will either not terminate the new ‘transition’ treaty nor have a clearly defined Article 50 get out clause where ‘the treaties cease to apply’, then Article 70 of the Vienna Convention says ‘unless the treaty otherwise provides… the termination of a treaty does not affect any rights obligations or legal situations created through the treaty. In addition to this Article 30 of the Vienna Convention provides that if previous and latter treaties are not incompatible, and that the old treaty is not terminated then the rights of that treaty will still apply.’

“We will have created a continuity of rights by adopting all EU law and then agreeing to obey it as per the terms of a transition treaty. The EU could then argue for this in protracted litigation that would bind us into the CFP and hamstring the UK for years to come.”

Furthermore, Clauses 14 and 15 of the Council’s document (see above) suggests that our fishermen could find themselves excluded from non-EU waters, as any agreements the EU has signed with other coastal states would no longer be binding for the UK as we would not be officially a member, but only a vassal state which has agreed to maintain regulatory alignment—including continuing with the CFP. We would thus be excluded from agreements on access to Norwegian and Faroese waters for our pelagic and largest whitefish vessels.

The EU could not have been any clearer that this is the case; as part of the EU Commission document ‘Internal EU27 preparatory discussions on the framework for the future relationship: “International Agreements” 6th February 2018’ the EU makes explicit the con-sequences regarding international agreements concluded by the EU:

Point 13: “Following the withdrawal, the United Kingdom will no longer be covered by agreements concluded by the Union or by Member States acting on its behalf or by the Union and its Member States acting jointly”.

This would mean the UK would still have the EU taking 60% of the resources from our waters and the EU would be able to use UK whitefish and pelagic quota as negotiating capital but we would be unable to take back control and then use our position of strength as a
new independent coastal state to make our own mutually beneficial agreements with our Nordic neighbours. This would be a double whammy. Still subject to the CFP but unable access to Norwegian and Faroese waters, the UK white fish fleet would be forced to fish within the already over-stretched UK sector.

Worse still, the EU’s solution to the failings of its quota-based system is a discard ban to which our fishermen would be subject if we accept the terms of the transitional arrangement. The Government’s own figures state that this will bankrupt 60% of the UK fleet. What is more, with our catching capacity reduced, we would be forced to allow the EU to claim the “surplus” of our resources we would no longer be able to catch under terms of UN Convention on the Law of the Sea (UNCLOS) Article 62.2 due to such a culling of our fleet.

Even if, by some miracle, we were able unilaterally to reclaim total control of our EEZ5 and survive any legal challenges when the transitional period came to an end, it would be too late.

Another two years of the CFP and a continuation of the quota system will see our fishing industry consigned to museum and memory. The situation really is that serious.

The EU is already looking beyond the transitional period. A document produced by the European Commission, dated 7th March 2018, states that as part of any future trading arrangement, “reciprocal access to fishing waters and resources should be maintained”—in other words, a continuation of the CFP with EU vessels catching more than 50% of the fish in our EEZ. This is completely unacceptable and we trust that MPs will make it clear that we will not be blackmailed in this way. Our EEZ must be managed by the UK authorities alone for the principal benefit of our fishermen.

(ii) The current EU Fisheries Regulation should be exempted from the European Union (Withdrawal) Bill

When we leave the EU, the EU treaties will no longer apply to the UK, as mentioned above. The European Union (Withdrawal) Bill has been

5. Exclusive Economic Zone
drafted to ensure that any legislation adopted in the UK which originates in Brussels and thus derives its authority from the EU can remain in force. As a general principle, this is a wise move. The sheer volume of legislation which would otherwise cease to apply, leaving us without any regulation at all, would be immense and would create a legal minefield. However, some work on the text of EU-originating legislation will be necessary because the references to European Union bodies are no longer applicable. In a few selected instances, the volume of textural changes required is so great that it is not worth the effort to try to rewrite the legislation. The Fisheries Regulation, 1380/2013, is a very good example of this.

You only have to go as far as paragraph (2) on the first page before encountering the terms “Union waters” and “Union fishing vessels.” At the moment, these terms refer to the boats and Exclusive Economic Zones of all EU28 countries—at least, all those which have a coastline and therefore a maritime fishing industry. On Brexit day, the term will mean something different as phrase containing the word “Union” will refer to EU27—in other words, not the UK.

Read on to paragraphs (3) and (4) on the same page and they talk about the objectives of the Common Fisheries Policy. Unless the government wants us to be in the CFP even though we will be out of the EU, these two paragraphs can be struck through as irrelevant.

Paragraph (5) begins by mentioning “the Union”. Well, we happen to be a signatory to the same UN agreement, so perhaps our Civil Servants can just cross this out and put in “the UK” instead. Sadly, it’s not that simple. Read on a few lines and you come across a reference to a decision by the EU Council. That doesn’t apply to us any more so that needs to be changed.

Given that the document is 40 pages long, a full analysis of the changes required to make it coherent would take up far too much space in a booklet like this. It should be apparent even with this brief summary

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6. For clarification, it should be pointed out that “territorial waters” refer to the waters up to 12 nautical miles from the coastline and the “Exclusive Economic Zone” is the area from 12 to 200 nautical miles from the shore (or the median point where the sea is less than 400 nautical miles wide).
how absurd it would be to repatriate this Regulation. Every reference to “union”, “member states” “Commission” and so on will need alteration.

Why bother with a piece of legislation that is so flawed? The Common Fisheries Policy has done immense harm to our fishing industry and whatever the wording derived by those commissioned to re-write it, the end product would most likely still grant the EU some right to have a say regarding who fishes in our waters and the way in which fishing is to be managed. MPs may well recall the flotilla of fishing boats which sailed down the River Thames to Parliament on 15th June 2016, shortly before the Referendum, to make the point that our fishing industry does not want to be bound by the Common Fisheries Policy or anything which resembles it even remotely. We would, in effect be taking control of our fishing only to give it away again. This is not Brexit

We welcome Michael Gove’s commitment to our fishermen, expressed shortly after his appointment in denouncing the 1964 London convention on fisheries, which could have allowed fishermen from some EU countries to continue fishing in the UK’s territorial waters between 6 to 12 nautical miles under arrangements pre-dating our accession to the EEC (as it then was). We deeply regret, however, his surrendering, however reluctantly, control of our fisheries for a further 21 months, especially as his colleague George Eustice implied that this would include some loss of control of the zone up to 12 nautical miles from the shoreline, where squid fisheries, for example, are not subject to quota and could be decimated by large EU vessels.

(iii) Brexit offers us a chance to scrap a quota-based fisheries management system and replace it with something which would make us a world leader

The flaws in any quota-based system have already been alluded to briefly under point (i). MPs will already have received a copy of our booklet *Seizing the Moment* by John Ashworth of Fishing for Leave, which was published in early 2017. In that booklet, John explained these flaws in more detail—the discards, the temptation to be dishonest,
and so on. The mixed fishing around UK waters is particularly unsuited to a quota system as it will result in far higher discards (or dishonesty) than in areas of water where there are fewer different species. The EU is nonetheless committed to quotas and if we, by “repatriating” Regulation 1380/2013, end up creating what is in effect, a shadow Common Fisheries Policy where the EU has a say in who fishes in our waters, we will be forced down the same flawed route.

It should be pointed out that the EU’s Common Fisheries Policy is not the only example of a quota system. Non-EU Norway and Iceland are similar. However, the Faroes manage their fisheries on a “days at sea” basis. The superiority of this system over quotas is explained at greater length in Seizing the Moment. Suffice it to say that discards are avoided, the temptation to cheat is removed (so fishermen will not be criminalised) and it prevents one of the biggest abuses of the quota system—the buying and selling of quota which results in fishermen being beholden to people who own quota but do not do any fishing themselves.

Fishing for Leave has designed a new fisheries policy based on the Faroese system, but with greater sophistication. The Faroese have been very impressed by it and are considering modifying their own fisheries regulation to take into account the work by Fishing for Leave, which they regard as a huge improvement on their current fisheries management system.

We were once in the forefront of fisheries management, but Edward Heath’s betrayal of our fishermen in order to shackle us to the European project has dealt great damage to one of our great historic industries. Brexit offers us a chance—possibly the final chance—to repair the damage and re-invigorate our coastal communities, which have been devastated by the CFP. It would be nothing less than tragic if by agreeing to the EU’s terms for a transitional arrangement, creating a “shadow” common fisheries policy or perpetuating a quota-based system, the Government denied itself the opportunity of a real Brexit success story.
3) LAW AND ORDER

We fully support those MPs who have made it clear that there cannot be any future role for the European Court of Justice (ECJ) in the affairs of the United Kingdom after Brexit day in March 2019. One defining feature of an independent nation state is that its judiciary should no more be subject to interference by foreigners than its Parliament. In the 14th century, the three Acts of *Praemunire* (1353, 1365 and 1393) were passed, which made it a criminal offence to appeal to or obey a foreign court. These laws remained on the statute books for centuries without anyone seeing the need to repeal them. *Praemunire* was finally repealed in 1967 in the run-up to joining the European Economic Community. Lord Neuberger, the president of the UK Supreme Court, was right to express his disgust at what has ensued. “The idea of courts overruling decisions of the UK parliament, as is substantially the effect of what the Strasbourg and the Luxembourg courts can do, is little short of offensive to our notions of constitutional propriety”, he said.

Even before talks on a transitional arrangement began, however, the European Union was insisting that EU citizens resident in the UK must be subject to the ECJ rather than UK domestic law for a period of as long as eight years after Brexit. The various precedents for “extraterritoriality” do not point to such an arrangement being necessary in the UK post-Brexit. In the 19th Century, the UK signed the Treaty of Nanking with China, which insisted that its citizens resident in the country must be subject to UK and not Chinese law. This demand was borne out of the perceived shortcomings of the Chinese justice system. For the EU to regard the UK’s justice system as deficient in any way is, quite frankly insulting. Our Common Law legal system has far more checks and safeguards to ensure a fair trial than the Napoleonic inquisitorial systems which dominate mainland Europe.

For example, in the UK, a prisoner must appear in a public court within hours, or at most, a few days (with the exception of certain terrorist offences), but on much of the Continent, for many EU states, under their Napoleonic-inquisitorial jurisdictions, it is considered ‘reasonable’ to keep a prisoner under lock and key with no public hearing for six months, extensible by three months at a time.
This raises another important point. Even if the EU’s extraterritoriality demands are rejected, there still remains other areas where UK residents may find themselves interfacing with the legal systems of the EU member states. The UK secured an opt-out on all 133 criminal justice measures included in the Lisbon Treaty, but Mrs May, when Home Secretary, then stated her desire to opt back into 35 of them, including DNA sharing and the European Arrest Warrant (EAW). Although this “opt-in”, which was finally passed by Parliament in 2014, has the support of some senior policemen, there are better ways for our police to co-operate with their continental counterparts than by participating in the EAW scheme and Brexit provides an opportunity to re-set our relationship with Continental justice systems and correct what we believe was a fundamental mistake by Parliament in 2014.

Ongoing participation in the EAW could result in UK citizens being extradited to another country and charged for an offence that is not a crime here. It has already exposed some of them to legal processes in other EU member states which fall short of the standards to which we have been accustomed in this country. Unaccountable judges can have anyone arrested and imprisoned for long months on no evidence and with no public hearing.

This is a frightening scenario, as several UK citizens have already discovered. For example, Edmond Arapi was subject to an Italian EAW in 2004, being convicted in absentia of a murder in Genoa, even though he had never visited Genoa in his life and was working in a café in Staffordshire on the day of the murder. Andrew Symeou, a UK citizen, was extradited to Greece, denied bail and incarcerated for 11 months on charges of “fatal bodily harm” thanks to the signature of a Greek magistrate that no UK judge could overturn despite the evidence against him being obtained under duress. Mr Symeou published an account of his ordeal in a book called Extradited. He pointed out that unless, like him, you suffer from a miscarriage of justice, you are unlikely to appreciate just how flawed the EAW is.

We recognise that criminals can cross borders and therefore an extradition arrangement with the EU will be necessary, but we were able to transfer criminal suspects in and out of the country before the
EAW came into force. It is true that reverting to the previous procedure may be more complicated, but from the point of view of UK residents, it would offer them greater protection from the vagaries of deficient justice systems abroad. The shortcomings of the EAW outweigh the conveniences it may offer.

Neither should we seek to remain within Europol. Dominic Grieve, the Conservative Chairman of the Commons Intelligence and Security Committee, argued in favour of the UK retaining Europol membership after Brexit, even if this means “accepting EU rules and judicial oversight of the European Court of Justice (ECJ).” As mentioned already in this booklet, independence from the ECJ is a critical test of Brexit. We should therefore not seek to stay within Europol if this independence will be compromised.

Of course, this may be academic as Michel Barnier stated in November 2017 that if we leave the EU, we will automatically be ejected from Europol and presumably from the EAW also. Given that we would still be in Interpol, we should not be the slightest bit worried about this. Even the Director of Europol, Rob Wainwright, recently stated that a post-Brexit UK can indeed still cooperate with the EU’s law enforcement agency from outside. It is very unfortunate, therefore, that both Mrs May and Amber Rudd, the Home Secretary, seem to be doing all they can to persuade the EU to let us stay in. We must hope that it refuses to accede to thee requests.

We should certainly seek to cooperate with Europol and be willing to comply with extradition requests from EU member states where there is strong *prima facie* evidence that the person in question is guilty of a crime. Mrs May, however, in her speech in Munich on 17th February was presenting a one-sided picture of the EAW, completely ignoring the inadequate evidence which has accompanied some extradition requests and has led to serious miscarriages of justice which Messrs Symeou, Arapi and others have suffered. If the EU wants to sign a separate treaty on criminal justice and homeland security to cover post-Brexit arrangements, it should be on the basis of cooperation with Europol, not membership of it.
Equally disturbing is the lack of any definitive statement from the Home Office that upon Brexit, EUGENDFOR—the EU’s pan-European paramilitary gendarmerie, will definitely not be permitted to operate on UK soil. In June 2012, James Brokenshire, who was then a minister in the Home Office, told Dominic Raab MP that “of course” we would welcome “special intervention units from our EU allies onto British soil if needed.” Given that heavily armed paramilitary gendarmes are totally alien to the traditions of UK policing, we hope that Parliament will insist on a retraction of Mr Brokenshire’s statement before we leave the EU.

4) MILITARY AND SECURITY ISSUES

Upon Brexit, our foreign policy will of necessity diverge from that of the European Union although we will remain committed to the defence of Europe. In her speech in Munich on 17\textsuperscript{th} February, Mrs May made precisely this point: “we want to continue this cooperation as we leave the European Union.” It will be on a new basis, however; we will not have any interest in the EU’s empire building nor will we wish to be tied to its military programme. We very much welcome the decision of the UK government last November not to sign up to PESCO, the EU’s Permanent Structured Cooperation, whose participants agree to coordinate all defence decision-making and impose a single rigid structure on their militaries under collective EU authority.

We are deeply concerned that the EU’s military ambitions are a deliberate attempt to weaken NATO. We do not want to see the transatlantic military alliance weakened, even though we do feel that NATO in recent years has abandoned its original defensive role, for instance by intervening in the Balkan conflict in Bosnia with air strikes in 1995. There are concerns in Washington about the potential direction of the EU’s military programme and we are pleased that in keeping out of PESCO, we are sending a clear signal to the EU that our military cooperation with them will be taking place under the aegis of NATO. We may nonetheless seek cooperation with but not participation in, the European Defence Agency. We have a strong hand to play as we are a military leader in Europe and therefore should seek to use this strength
to our advantage in any negotiations to ensure that we preserve our military independence.

We believe that the current government plans still leave us too closely tied to the EU. This was brought out particularly in the paper produced last year by the Department for Exiting the European Union which called for a defence relationship with the EU “closer than a third country”. The DExEU paper proposed keeping the UK locked into structures, policies and financial schemes of the new EU ‘Defence Union’ that are scheduled to pass increasing amounts of control to the EU after 2017. It poses a major threat to the Five Eyes Intelligence Alliance with the Anglosphere and will certainly alienate the Americans. The paper was written by Civil Servants in the Foreign & Commonwealth office and the Ministry of Defence. It followed on from ten months of EU agreements in defence which took place after the Brexit vote and were hardly noticed by UK MPs and media because UK participation and consent was not thought relevant to the departing UK.

According to Major-General Julian Thompson, chairman of Veterans for Britain and a Royal Marines Veteran who commanded the landing of British troops in the Falklands Conflict, “Britain is walking into a carefully planned EU ambush from which UK officials have not protected us. We ask MPs, ministers and defence observers urgently to read through the 100,000+ words of EU plans, advisory notes and EU Council agreements completed since the Brexit vote. All of this, which has virtually bypassed MPs on the understanding that we are leaving, is now suddenly and desperately relevant to the United Kingdom,”

The following comments were written by our colleagues in Veteran for Britain, many of whom are ex-servicemen. They summarise the dangers of ongoing involvement with the EU’s military after Brexit.

1. What recent EU Defence Union agreements mean
2. Problems for the UK ‘closer than third country’ submission to it
3. Ministerial statements about EU Defence Union
4. Additional comments from Professor Gwythian Prins, Rear-Admiral Roger Lane-Nott, Colonel Richard Kemp & Lt-Gen Jonathon Riley.

9. i.e. The USA, UK, Canada, Australia and New Zealand.
1. What recent EU agreements mean

1. EU Defence Union is framed in five separate EU Council agreements between 14 November 2016 and 22 June 2017, relating to the Security and Defence Implementation Plan or SDIP (Mogherini) and the European Defence Action Plan (Juncker).

2. The UK is a full participating signatory to the EU Council agreements.

3. A further informal meeting on Permanent Structured Cooperation (PESCO), the final component of Defence Union, was held on Thursday in Estonia where the UK representative also indicated complete agreement. Although we did not sign up to PESCO, we are concerned that the UK could still find itself too close to the EU militarily. This must not happen as PESCO is an EU Army in all but name.

4. The agreements cover:
   
   i. Four new sources of military finance including the European Defence Fund.
   
   ii. There are also plans on space, intelligence, Unmaned Aerial Vehicles and marine drones.
   
   iii. Military technology will lead to joint purchasing and ownership of assets and these assets will be governed by joint policy.
   
   iv. Strategic direction, decision making and physical command centres.
   
   v. Defence research.
   
   vi. MPs are still unaware and have not debated or agreed to most of this. Only one part was discussed, that was the European Defence Fund—10 weeks after it was agreed by UK officials at the EU.

2. The problems created by UK adherence to EU defence

1. It would harm the Five Eyes relationship. UK is asked under SDIP to propose ways to plug UK into SIAC (Single Intelligence Analysis Capacity), the EU’s military intelligence command.
2. Loss of control over growing areas of defence policy. The DExEU paper describes actively delegating growing areas of decision-making over UK defence policy to the wider EU. It also submits the UK to gradual EU integration in intelligence, ownership of assets, defence procurement, research, growing elements of funding and strategic direction to collective decision-making over time in all these areas: intelligence, asset development, budgeting, research, asset purchase, asset ownership, as described in the EU Council agreements the UK has agreed since November 2016.

3. Decision making and participation would be on EU terms. The UK would be submitting to EU control of budgets, research, assets, policy.

Defence procurement.

i. EU Defence procurement directives mean cheapest EU-wide tender for government contracts.

ii. UK shipyards and defence firms have relied on a national security exemption where UK government can restrict contracts to UK suppliers—which the EU has just clamped down on.

iii. It is also subject to the gradually tightening and the latest EU moves via the European Defence Action Plan.

iv. The Type 26 Frigate adheres to EU rules and EDA benchmarks.

v. The National Shipbuilding Strategy commits to build only frigates, destroyers and submarines in the UK. All other types including patrol, Royal Fleet Auxilliary, Landing Platform Docks are to be open to international tender.

4. Tied in defence research project PADR (Preparatory Action on Defence Research), which the MOD started to push in June and which requires long-term UK adherence to EU rules.

5. The US will be upset by EU protectionism in its emerging EDTIB (European Defence Technology Industrial Base). The UK is collaborating in its creation.
3. Ministerial statements about EU Defence Union

What ministers have committed to:

13th December 2016: “Government supported much of the content of the Mogherini Security and Defence Implementation Plan”
https://publications.parliament.uk/pa/cm201617/cmselect/cmeuleg/71-xxi/7112.htm

8th June 2017: UK pushing companies towards EU deals that require long-term adherence to EU policy, CSDP, EDA
https://twitter.com/VeteransBritain/status/90551231195779076

22nd February 2017: Minister regards European Defence Action Plan as “predominantly positive for member state capabilities and the UK defence industry”
https://publications.parliament.uk/pa/cm201617/cmselect/cmeuleg/71-xxxiv/7114.htm

Minister expects UK adherence to EU defence directives to continue:
https://publications.parliament.uk/pa/cm201617/cmselect/cmeuleg/71-xxxiv/7114.htm

7th September 2017: National Shipbuilding Strategy submits the UK to EU rules
https://twitter.com/VeteransBritain/status/905439206473945090

4. Additional comments

Ministers in charge of exiting the EU are being advised by people who wrote the defence integration agenda of Blair, people who have worked and still work under Federica Mogherini and people who simultaneously work for MOD and the European Defence Agency. The British public would be shocked by the conflicts of interest of people advising ministers and people in this country. The British people do not want to surrender defence autonomy to the EU.
This DExEU paper is not a bargaining hand. It means giving the EU the deck of cards.

The last 10 months of agreements spell out where the EU is going. Offering continued UK compliance to these agreements means submitting to their evolving nature and increasingly to the will of collective decision making in everything from finance to deployment, instead of UK government decision making within NATO.

Ministers need officials who are willing to spell out the full EU agenda here and what the UK would lose in democratic control—not just pass on the warm words used by Brussels.

Instead of promising more giveaways, ministers should be working out how the UK can extricate itself from these unnecessary commitments.

Based on a misperception that the EU is a benevolent \textit{à-la-carte} club.

In loose language, it alludes to “a defence relationship with the EU that’s closer than any third country”—in other words, the continuation of the mess that officials from FCO and MOD have created in the last 12 months.

\textbf{Rear-Admiral Roger Lane-Nott, former chief of staff, submarines.}

We have NATO and EU efforts to establish decision making authority or to have its own structures threatens the transatlantic alliance.

Submitting to EU defence plans also lets down the UK’s closest allies including the US—it means supporting the EU’s plans for the protectionist EDTIB (European Defence Technology Industrial Base) which seeks “EU sovereignty” in defence assets and whose new defence research network actively blocks US and Canadian companies from participating.
In simple democratic terms, if the public were fully aware of what “closer than third country” actually means they would never agree to it. Nor would they agree with the ministerial statements of the last 10 months in reference to them. Our ministers seem to be walking blindly into a well prepare EU ambush of just the sort Yanis Varoufakis the sacked Greek finance minister has been repeatedly warning us.

Professor Gwythian Prins

The paper will talk about a defence relationship ‘closer than any third country’. But in plain words that amounts to the UK staying in the recently agreed EU Defence Union agreements just as Norway has agreed to do. Also, just like Norway, it means the UK submitting to EU common defence policy, EU defence directives and European Defence Agency membership, which are all conditions the EU has placed on the UK for this kind of arrangement. This is all dangerous and puts the UK on a trajectory to EU defence union.

It puts control of our future direction, strategy and even foreign policy squarely into the hands of the EU. This is in any case unnecessary because our defence relationship with EU member states should instead be conducted via NATO. The EU has declared defence autonomy from NATO.

UK ministers consented to defence union agreements after the Brexit vote and we were told that it was because the UK would have no part in them. Yet the government is now allowing these gradual and erosive commitments to the EU to stand. It means a hollowing out of UK Parliamentary authority over UK defence particularly BY STEALTH where defence procurement and the collective ownership of assets are concerned. The EU has put in place a policy which dictates that collectively-owned assets on land, air, sea and space are also subject to collective policy. The collective nature of defence assets and policy is at present only conceptual but it is agreed and is timetabled to be vast within just a few years.

Colonel Richard Kemp, former commander of British Forces, Afghanistan
The exit agreement shows that the Cabinet Office does not intend to regain the defence autonomy it gave away on paper in 2017. As a result of a below-radar deal reached 15 months ago, the UK will now be transitioning via a third country arrangement, that provides a u-bend route for the UK to come back fully under EU authority in the future. Political commentators in academia and the media are largely yet to grasp the small print of what is really going on. By that time, it will of course be too late.

Lt-Gen Jonathon Riley, ex-ISAF deputy commander, former commander of UK forces sent to Bosnia, Sierra Leone and Iraq.

As a final comment on this subject, there is a presumption that intelligence and data sharing via the EU is a good thing. This is not necessarily so. Compelling the UK to share information breaches the cardinal rule of intelligence, control over that information. Indeed, the US intelligence agencies drew the ire of the British government after they leaked information on the Manchester terror attack. According to the BBC, our police stopped passing America information on the Manchester attack. Yet, even bigger issues are at stake. The effectiveness of how best to protect people is at stake and the independence of our security services from Brussels.

The assessment of EU security agencies by Sir Richard Dearlove, a former head of MI6, is that “though the UK participates in various European and Brussels-based security bodies, they are of little consequence.” Ultimately his assessment is that these bodies have no operational capacity and are mainly forums for the exchange of ideas. The ineffectual nature of these bodies is not the only problem. The even more significant issue is that EU-led intelligence will detract from Britain’s participation in global bodies such as the ‘Five Eyes’ Intelligence-sharing partnership.10

Richard Wilton, Head of Counter Terrorism Command at New Scotland Yard from 2011-15, is adamant that EU led intelligence sharing matters not and Britain’s counter-terrorism capability will not be harmed by Brexit.

Sir Richard Dearlove dismissed the relevance of Brussels security bodies such as Europol, stating they were “of little consequence”. In fact, they are worse, as the fear of leaks is ever present. According to Sir Richard, British information is not shared throughout the EU as its members are potentially a “colander” for intelligence.

The EU does not have a great track record on security. The EU’s Focal Point Travellers initiative, which seeks to coordinate investigations into foreign terrorist fighters in Europe from places such as Syria and Iraq, only has information on 2,000 suspects which is less than half the foreign fighters known to individual EU member-states security services. And of course, this is just a fraction of both the number of people who have recently arrived in Europe from the middle-east and those home-grown people that sympathise with the jihadis. There is an intelligence black hole at the heart of Europe Union. Europol’s European Counter Terrorism Centre is not making us any safer.

Currently the dead hand of the European Union has been of little benefit tackling the problems that emerge out of places such as Molenbeek, Malmö and the suburbs of Paris, and clearly in the UK as well. Our safety cannot be outsourced to the EU as the likes of Dominic Grieve suggest. Nor is there the need. The UK is an intelligence leader and does not need the control of the European Union. Other states will, and do, want to share intelligence with Britain.

One final subject needs addressing; EU attempts at foreign policy interventions, whether in Bosnia, Kosovo or Ukraine, have been characterised by blundering incompetence. Freed from the European Union, the UK will be able to build an independent foreign policy and re-set its relationships with other countries,—even, when the present controversies have died down, with Russia,

In summary, we must ensure that Brexit means Brexit in the areas of defence and security. Naturally, we hope that we will be able to retain a cordial friendship with the EU member states after Brexit, but if Brexit is truly to be Brexit, we must not be left in any sort of arrangement whereby the integrity and independence of our armed forces, security services or indeed, our foreign policy, is compromised.
A successful Brexit must address the issues of trade and must do so very quickly. Our trade with the EU is declining as a percentage of our overall trade but it is nonetheless too important to jeopardize. With Brexit day now less than a year away, concerns are already being expressed about the lack of detail about the new trading arrangements. For example, David Dingle, the chairman of Maritime UK, said lorry drivers could be stuck on the main approach roads to Dover for up to two days if there was no deal for a transition—in other words, a permanent “Operation Stack”.

Given that other business leaders have been expressing similar concerns, the temptation to agree to the EU’s humiliating terms for a transitional agreement may seem very reasonable as it would allay their fears. We believe that such surrender would be a betrayal of the aspirations of over 17 million voters.

On the other hand, we believe it is vital not to use either our fishing industry or our expertise in military and intelligence matters as bargaining chips to try to influence the EU into giving a better trade deal. Our fishermen have already suffered enough and any short-term compromise on defence issues would be most unwise, particularly if the EU’s military policy starts to move in a direction which undermines NATO.

The Campaign for an Independent Britain is a non-party political organisation and we are not seeking to single out any one political party here; indeed, we believe that an unsatisfactory exit from the EU will lower public trust in the institution of Parliament as a whole.

Rather, we hope that by achieving a successful Brexit, taking into account the concerns expressed here and the information provided, our Government and Parliament can lay to rest once and for all this unfortunate and troubling period in our history. If we were not already in the EU, we think we would be quite close to the situation in Switzerland where, to quote Thomas Minder, counsellor for Schaffhausen state, only “a few lunatics” wish to join. Moving the status quo is more strenuous but a successful Brexit will help greatly with this.
Most people have accepted the referendum result and just want the government to get on with implementing it. There is no appetite for a second referendum among most of the electorate. We believe a further poll to be not only unnecessary but damaging, given that it would exacerbate those tensions from the 2016 referendum which have still not been healed and reawaken divisions between now-reconciled friends and family members who took different sides two years ago.

Most would be happy with the desire to see our country move forward as an independent player on the world stage and a leader amongst the free non-EU nations of the European Continent—a role which we relinquished in 1973.

We appreciate that Government and Parliament have a tough task to negotiate and ratify a successful, honourable settlement. We do not, however, believe that such a settlement can be based on the EU's present unreasonable terms for a transitional agreement. We hope that the suggestions and information here will be of assistance in those deliberations.

APPENDIX

QUOTAS and DISCARDS

The CFP’s quota system for fishermen required that any catch made above the quotas assigned per species had to be discarded (usually dead) into the sea. Eventually, even Brussels began to realise that this was an obscene policy. So, with true genius, they have forbidden discards, and now a fisherman must stop fishing the moment he has caught his quota. Suppose a (notional) fisherman has quotas for haddock, cod, hake and herring; the moment he has caught his quota for any one of these four, he must return to port. This is ruinous for the fisherman’s business as he cannot catch his remaining quotas and therefore will make a huge loss on his trip. Few of our British fisherman could survive even a year of this policy, let alone the full ‘transition period’. (see page 17ff)
Chairman
E. Spalton

Operations Manager
J. Petley

Secretary
J. Reynolds

Treasurer
J. Harrison

Vice Presidents
Lord Pearson of Rannoch
Lord Vinson of Roddam Dene

Patrons
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Lady Vallat
Lord Clifford of Chudleigh
Lord Willoughby de Broke
Lord Stevens of Ludgate
Lord Grantley
Lord Walsingham
Lord Lamont
Lord Kalms
Earl of Wemyss and March
Sir Richard Storey Bt
Sir Richard Shepherd
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Christopher Gill
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