

E-mail: < janthonycoughlan@gmail.com >

Monday 19 March 2018

Dear British Friends,

May I send you for your information a consensus assessment of the current EU/UK negotiations by a group of Irish lawyers and economists who are sympathetic to Brexit that has been convened by the undersigned.

We can now begin to see the outline of what might happen in the UK/EU negotiations. We see events unfolding broadly as follows:-

(a) The UK and the EU reach an agreement (including about the divorce bill) that gives the UK access to the single market while allowing the UK to leave the customs union and the jurisdiction of the ECJ and to control its borders regarding free movement of people... NO CHANCE.

(b) The talks break down and are abandoned with the UK and the EU going their separate ways next March ... UNLIKELY

(c) Agreement is reached at a Heads of Government summit in early 2019 that meets the UK's basic requirements, including about the divorce bill and access to the single market but involves free movement of people continuing in practice if not in theory ... UNLIKELY

(d) The House of Commons overrules the Brexit vote and the UK abandons Brexit ... UNLIKELY BUT POSSIBLE

(e) - (1) Following the refusal of the House of Commons to overturn the Brexit vote, there is a second summit in Brussels and agreement is reached broadly along the lines of (c)... UNLIKELY

(e) - (2) Following the refusal of the House of Commons to overturn the Brexit vote, the UK accepts tough terms in a bitter summit that restores the UK's independence but on economic terms that are difficult and that will require the British to dig deep to swallow LIKELY

We do not believe that (c) will be the outcome as the EU is banking on (d), as is Irish Taoiseach Leo Varadkar and the Irish Establishment generally, so it would be irrational of them to make any concessions ahead of (e) night.

It is not in the interest of the EU Commission negotiating team to concede anything until (d) is tested to destruction in the House of Commons and elsewhere. If (d) is indeed the outcome it will be a great victory for the Euro-federalists/career federalists but the political situation in Britain will become highly unstable.

Scenario (d) has become more likely as Jeremy Corbyn and his colleagues have sniffed the possibility that Labour might get into office following a general election if Mrs May's Government can be defeated on Brexit in the House of Commons

The Remainer interest in the UK is increasingly determined to reverse Brexit. Tony Blair's involvement was to be expected but one would have expected John Major, as someone who said "No" to the euro, to support an agreed UK position based on the democratic decision of the British people in the 2016 referendum. One would have expected him to recognize that the EU is not as strong as it believes itself, and portrays itself, to be and that a united United Kingdom could secure an adequate deal. However, for whatever reason (perhaps City pressure) he has joined the Remainer interest.

Clearly, behind the scenes, the British Establishment, notably the City but also the media, has been bringing very, very heavy pressure to bear on decision-makers to abandon Brexit. The British Government is reluctant to have a second referendum - such a proposal might get through Parliament but would split the Tory party probably permanently, but that is less important to the Remainer interest than reversing Brexit.

They are reluctant not only because they might lose a second referendum but because it would put Britain into the same category as Ireland so far as EU bullying is concerned.

Their second option would be a general election but that could return Corbyn. So every effort will be made to reverse Brexit through the House of Commons. That makes Corbyn the pivotal figure in the coming period. It is also the reason why in Ireland Sinn Fein is coming under pressure from the Irish Establishment to reverse its abstentionist policy and attend at Westminster and vote against Mrs May and the DUP on Brexit.

UK democrats who accept the British people's referendum vote need to know who the key players are in the drive to reverse Brexit. They are the European Commission, the Irish Government and Establishment, and the British Remainers.

The Commission opposes Brexit because it could well mean the end of the ... EU Commission. The Irish Government and Establishment oppose it because it throws into sharp relief the decision of the Irish State to reject two solemn constitutional referenda on EU issues and Irish policy at present is being made entirely by career federalists. And the British Remainers oppose Brexit because some of them have lost their nerve while others have contempt for democracy.

Brexiters need to be clear and blunt about who is trying to reverse Brexit and why. It may get rough and nasty but they have no other choice. They need to ask why people like John Major have failed to see how weak the EU is and why some Remainers, who are democrats but who have lost their nerve, have failed to see that, other than the three groups trying to reverse Brexit, the rest of the EU – namely the Governments of the Member States apart than Ireland and the media and opinion formers in those Member States - have accepted Brexit and would be quite happy to see a reasonable deal being done.

It is our view that it will only be after D-Day has passed next March and Brexit has legally proceeded - unless it has been reversed by the House of Commons before then - that a UK/EU deal will be done.

At some point, the Member States on the Continent are bound to call time on the Ireland issue, whose significance has been grossly exaggerated. Their embassies in Dublin will be telling them that North/South trade within Ireland is tiny by comparison with Republic/British trade and minute in comparison with EU trade as a whole.

Their Dublin embassies will also be telling them that the UK's proposal to treat most Irish cross-border North-South trade, which is small and local, as something essentially to be finessed by trusted-trader and associated arrangements, makes every sense.

Their embassies will also be telling them that the British and Irish Governments should do a deal on cross-border trade so that it is taken off the table as a problem. Such a deal could be done.

Their embassies will be telling them that the Northern Ireland is, increasingly obviously, being used in an attempt to reverse Brexit and that the Continental Member States should not stand for that

any longer.

All the weeping and gnashing of teeth by the Irish Establishment about how incompetent the British supposedly are in the negotiations is just another way of saying, as Peter Sutherland said the day after the UK referendum, that Brexit must be overturned.

The Irish Establishment is so saturated in Europhilia that it refuses to face up to the fact that the Republic and its people would be much better off if they left the EU along with the UK - thereby instantly removing any North-South Border problems. While numerous studies have been commissioned on the bad effects of Brexit on Ireland if the UK leaves the EU while the Republic remains in it, it is a startling fact that not a single study has been made of the pros and cons of the Republic leaving the EU alongside the UK, apart from that mentioned below.

What matters now is that Brexit goes ahead legally next March, and not the detailed terms for the post-Brexit period, which will be open to evolution anyway. One might recall the Anglo-Irish Treaty of 1921, which was regarded as quite limited at the time but which the Irish Free State built on and went on to establish complete Irish independence.

Once the UK is out of the EU, trade will continue as traders like to trade, have always traded and always will. Far too much emphasis is being placed on the details of the post-Brexit trade agreement because that is what bureaucrats and journalists know about. They know very little about trade.

Although the EU is much weaker as an entity than most people believe it to be, or portray it as - a weakness which the European Commission has been exploiting in the negotiations so far - the Continental Member States are more than strong enough collectively to assert themselves and overrule the Commission/Irish Government Axis that has been running the show, on the EU side, since the negotiations began - if and when they come to a realization that THEIR interests require them to do that.

N.B. The group of Irish lawyers and economists who are responsible for this statement produced a Private Study Paper last year, "Why Brexit should be accompanied by Irexit (Ireland Exit)", drafted by the undersigned, which is available on request at a cost of £10/€15.

Anthony Coughlan

Director

(Associate Professor Emeritus in Social Policy, Trinity College Dublin)