

# Speech by Dr Richard North

## Bruges Group International Conference 2013

After next year's euro-elections, the first task of the MEPs will be to approve a new Commission and it will not be until the end of the year that they will be in a position to organise a convention to discuss a new treaty. Thus, we don't see that starting until, most likely, the spring of 2015 – the start almost coinciding with the start of the UK general election campaign.

From there, we cannot expect an IGC starting until early 2017 and not complete until the end of the year, with the signing the following year. Only then can the ratification process start and, under the UK "referendum lock" provisions under the European Union Act of 2011. And that will be a "yes-no" referendum.

The good news is that a treaty referendum will be easier to win, especially as the "colleagues" will be running the show and will insist on piling in new integration measures. And if that is in 2018, an "in-out" could follow soon after, but my best guess is that we're looking at some time after the 2020 general election.

At the best, therefore, we have eight or more years to prepare for the fight and, it was with this in mind that I devoted the next part of my talk to jam, ignorance and other things, in a lead up to taking the "Norway Option" and Article 50.

The "jam" story, of course, is the "Clippy" McKenna saga, the lady who found herself unable to label her apple-based jam as "jam" because the sugar content was too low. The crucial point was that "Clippy" had been caught by the Jam and Similar Products Regulations 2003, which implemented Council Directive 2001/113 EC.

It was that which allowed Vince Cable to bring an amendment of the Regulations into the ambit of his "Red Tape Challenge", promising to cut the "EU nonsense", while the media turned up the outrage over "barmy" EU regulations.

However, the Directive and the UK Regulations were actually implementing *Codex alimentarius* standard STAN 79-1981, which we would have implemented whether we were in or out of the EU. But the really interesting thing was that neither Vince Cable, George Eustice, the minister piloting the amendments, MPs nor the entire media corps showed any awareness of this additional layer of global governance.

Most technical food standards are now set not by the EU but by *Codex Alimentarius*, under the aegis of the Food & Agriculture Organisation (FAO), part of the United Nations, based in Rome.

The trouble is that this top layer of government is virtually invisible. It hides in plain sight, obscure, dispersed and largely unknown. We met it when we were working on the "Norway Option" film, interviewing Bjorn Knudtsen, the chairman of the *Codex* Fish and Fisheries Product Committee.

With fisheries being a vital economic interest to Norway, it has ensured it plays an active role in the formulation of the rules covering the marketing of fish and fisheries products worldwide, not just in the EU/EEA area.

The way the system works is that there are dozens of international "standards setting" organisations which produce "soft law" (so called "diqules") which are handed down to member states such as China and the United States and, in our case, Regional Integration Organisations (RIOs) such as the EU.

If the international organisations are the "manufacturers", the EU becomes the "wholesaler and distributor", packaging and processing the laws for "retail" distribution to the Member States.

The point at issue, though, is that in the setting or "manufacture" of standards, Norway gets a greater say than the UK which, as part of the EU, gets one twenty-eighth of the EU vote, which acts on a "common position" agreed by consensus.

Thus, in our interview with Bjorn Knudtsen, as far as he was concerned, when it came to formulating food standards, *Codex* is the "top table". So, when David Cameron tells us we must be in the EU on order to stay at the top table, he is wrong.

But there is not one "top table". There are many, and they are not in Brussels. For instance, there is the FAO in Rome, UNECE in Geneva, the OECD in Paris, ICAO in Montreal, the BIS in Basel and the UNFCCC in Bonn.

Norway is, in fact, a supreme player at these "top tables", exercising huge influence on a global stage, equal with the EU. Thus, we don't need to be in the EU to enjoy such influence. On the contrary, leaving the EU would, for us, represent a massive restoration of influence, putting us on an equal footing with the EU.

Everything we have been told by David Cameron and others about the need to stay in the EU is the opposite of the truth. Getting out of the EU would improve our position immeasurably.

The question, therefore, is not whether we should leave but how, and the answer is Article 50 of the Lisbon Treaty. And here, we really need to get past the opposition to its use.

We need to recognise that the Article does not create the right of a Member State to leave. It simply recognises the Vienna Convention right, setting a negotiating framework and obliging the remaining Member States to negotiate. And the treaty break can occur at any time an agreement is reached, but the default position is automatic exit after two years, in the absence of an agreement.

However, to unravel decades of integration, it is most likely that negotiations would take a lot longer than two years, so the best idea is to use EFTA/EEA membership as a halfway house. That protects the Single Market, it offers stability and predictability and it reduces the impact of FUD, countering the *status quo* effect, making a referendum more winnable.

But, by then distancing ourselves from the EU, the "double coffin lid" of global government is revealed. With that, we have to go back to Churchill's 1948 vision of a hierarchical structure of global governance. As constituted, the ramshackle system that has emerged lacks visibility, accountability and any element of democracy.

Fixing that is a very necessary part of creating a post-EU settlement and we need to open up a debate on where we are going in our post-EU world. Therein lies our ultimate freedom from the European Union.