

WORD ASSOCIATION

The Lib Dems should press for an associate deal with the EU, not EEA membership, says Andrew Duff

In pitching for pro-European votes, Tim Farron will reinforce the Liberal Democrats' long-standing reputation as Britain's European party.

No surprises there. But he has a delicate path to tread. Even though the Lib Dem membership has been swollen by those who want to reverse Brexit, the party's official position is to accept the result of last year's referendum, the holding of which it promoted strongly. That makes the party fairly complicit in the country's decision to leave the European Union.

In calling - and presumably winning - the general election, Theresa May is entrenching her own form of Brexit. She proposes first to reach a deal on an Article 50 secession treaty and then to establish a new "deep and special partnership" with the EU based on a comprehensive free trade agreement plus cooperation in fighting crime and terrorism.

Quite fairly, she has challenged the opposition parties to spell out their own ideas for Britain's future European relationship.

Jeremy Corbyn, self-evidently, has no coherent alternative prospectus for Britain in Europe: his policy is to negotiate good 'access' to the single market. That is not a big ask: the Americans and Chinese have good access to the single market.

Farron wants more than Corbyn. He wants to stay in the single market. May, he says, "has no mandate to take us out of the single market". Well, up to a point. But there are only two ways to be a member of the single market: one is to remain a member of the EU; the other is to join EFTA and the European Economic Area, like Norway.

EEA membership could cost the UK up to £10bn gross per year in payments to the EU; it would allow the UK to try for its own international trade deals; it would liberate the country from the common agricultural and fisheries policies; but it would mean having to accept EU laws that it had not voted for; it would oblige the UK to continue with free movement of labour; and the UK would have to respect the jurisprudence, if not the direct jurisdiction, of the European Court of Justice.

The EEA is designed to prepare a country for EU accession. Would the EEA really be in the British national interest? Focussing the campaign on membership of the single market may well pall as election pounding takes its toll. As Jacques Delors remarked, nobody falls in love with a market.

So perhaps the Lib Dems should not trap themselves into the EEA option. There are better alternative forms of 'soft Brexit'. The European Parliament, under the guidance of Liberal leader Guy Verhofstadt, has invited the UK to negotiate an association agreement with the EU.

That seems a sensible proposition. The EU, which likes to do things in neat packages, already has a template for an association agreement in the one

crafted for Ukraine in 2014. There are also a number of useful political precedents for striking an association agreement - the earliest, with the UK, was signed in 1954.

A new UK-EU association agreement would be based around a deep and comprehensive free trade agreement and would allow for a much greater volume of trade in both goods and services than is permitted, for example, in the EU's recent free trade agreement with Canada.

It would allow the UK to retain its membership of a number of EU regulatory agencies. It would provide a framework for the negotiation of a deal on migrant workers. It could convert the rights enjoyed by EU citizens living in Britain into guaranteed privileges, and facilitate new arrangements for borders and customs, including a special deal for Ulster. The treaty of association would include provisions on political cooperation in justice and home affairs as well as in foreign policy, security and defence.

To allow the UK to exercise a greater political influence than that accorded to Norway in the EEA, there would need to be strong institutions, including summit meetings, a ministerial council, technical committees to ensure regulatory equivalence, a joint parliamentary committee between Westminster and the European Parliament, and a juridical tribunal to arbitrate disputes.

A joint secretariat would seek in the first instance to resolve legal, commercial and political difficulties that are bound to occur in the post-Brexit relationship. The engagement to mutual consultation would guarantee that the EU 27 could not in the future ignore its erstwhile partner.

For fear of upsetting her nationalist wing, the prime minister has not yet dared to flesh out her concept of the special relationship. The general election is the right time to put the prime minister to the test.

She is reported to loathe the Court of Justice, which she would have to learn to tolerate in any such association agreement. She would have to eat her words on not retaining "bits of EU membership". She needs to face down the far right, change her mind on institutions and commit the country to a dynamic political partnership with the EU 27.

If Liberal Democrats can show the way forward to an association agreement, we will have justified our reputation as Britain's European party.

Andrew Duff was Liberal Democrat MEP for the East of England 1999-2014.