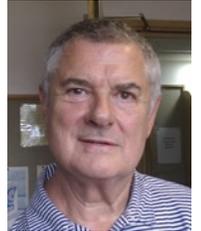


# Cameron needs to convince both the member states and the EU institutions before his own side

 [blogs.lse.ac.uk/brexit/2016/02/17/cameron-needs-to-convince-both-the-member-states-and-the-eu-institutions-before-his-own-side/](https://blogs.lse.ac.uk/brexit/2016/02/17/cameron-needs-to-convince-both-the-member-states-and-the-eu-institutions-before-his-own-side/)

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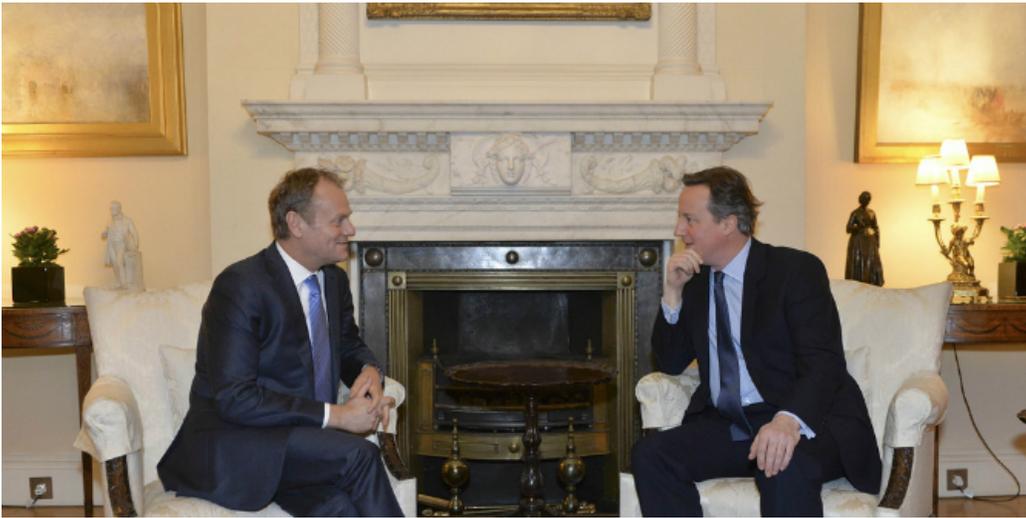
*The renegotiation of the UK's membership has left many baffled as to what exactly Prime Minister David Cameron's strategy really was. As **David Spence** argues, Cameron has faced a large and diverse number of negotiating partners in both the EU and the UK. One way of understanding what he and the many other negotiating partners hoped to achieve is by using an approach British civil servants have long been taught about negotiations: to think of the ideal, realistic and fall-back positions for the negotiation abroad and to reflect on these same three positions in terms of each of the UK's negotiation partners, including in the 'nested games' at home.*



As opponents to his negotiation strategy become ever more vociferous, the Prime Minister must wish he had never gotten into this negotiation in the first place. The renegotiation process may seem to be reaching its conclusion, but it is clear that the four areas chosen by Cameron and pre-negotiated with European Council President Tusk form a rather short list of the UK's ideal desiderata. Of course, other Eurosceptic demands might have proved too complex and fraught with risk to put on the negotiating table. They might also have proved pointless. After all the UK government's own review of the EU's powers (a review the government has tried to bury) showed the balance of powers (or competences, to use the technical term) between the EU and the UK was already about right. Or was the purpose of the whole negotiation less the content than a symbolic yet persuasive gesture to Cameron's own 'side'?

As the stakes unravel, even the short list of UK demands seems destined to be buried too. Will Cameron be forced through negotiation failure to head up the Brexit campaign? What was his negotiation strategy? To fully understand the challenge he faced we should view the renegotiation through a matrix of ideal positions, realistic positions and fall-back positions in Europe and at home; an approach decades of British civil servant negotiators have been taught to use. The key issue in Brussels and London, in the end, will be coordinating everyone's fall-back compromise positions. Cameron needs to demonstrate success, but success includes convincing both the member states and the EU institutions before political persuasion of his own side.

Cameron's pre-negotiations with the heads of government of the EU member states, the European Council President Donald Tusk and the Commission's renegotiation team (run by a Brit, Jonathan Faull), were designed to clear the decks for a final settlement in the Council. The European Parliament also had to be taken into account. Thus, this week Cameron met President Martin Schulz, though perhaps unwisely backed out of a meeting with all leaders of the political groups, allowing Nigel Farage to accuse him of "turn(ing) chicken". Farage also said that the PM "knows that not only is his deal pitiful but that in an open Conference of Presidents I would be able to expose the fact that even if he wins the referendum, the Parliament will veto its terms". The European Parliament is a negotiating partner, although many in the UK might [overlook](#) it. It is a co-legislator, so is vitally important for the subsequent implementation of any game-changing outcome – in particular given one hoped-for negotiation outcome, namely an increase in national parliamentary power and a corresponding decrease in the European Parliament's own powers. As to the EU institutions and current EU law, the idea that a group of national parliaments might act together to block a legislative proposal through a "red card" is an ideal position which has already been widely debunked both in the UK and abroad. Equally widely debunked has been the ideal position of the so-called "emergency brake" on EU migration, and a safeguard mechanism "on issues related to the abuse of the right of free movement of persons", though these issues still remain on the table and are thus subject to further compromise.



### PM meeting Donald Tusk, President of the EU Council

Tusk's paper is a summary of how far David Cameron believes he has got with his negotiation partners. It is not a final outcome, but a much modified list of issues turning Cameron's ideal position (the Tory Party manifesto) into what he believes is a realistic position. It is not an agreement with the other heads of government. Gradually, Eurosceptic rabbits are now emerging from national and institutional hats, meaning it is increasingly unlikely that EU leaders will grant Britain the "legally binding" set of measures it seeks. So, the Tusk package, an early Cameron shift from ideal to realistic position, may merely prove just a new starting point. There are several issues which are not the foregone conclusion the spin doctors (and some Tory ministers) have placed on the Tusk package on migration, economic governance, competitiveness, and implementation of EU law.

At home, Cameron's 'own side' is his next tricky challenge. His 'side' is as much his own riven Tory party as the opposition Labour Party, the British press, the increasing number of Brexit versus Remain lobbying groups and, finally, a generally Eurosceptic public. The most recent polls show a clear majority of 58 percent of Britons expect the Prime Minister to get a bad deal out of the negotiations. Only 21 percent think Cameron will get a good agreement (ComRes [poll](#) for the Independent and Daily Mirror). And Cameron's Conservative Party is apparently as euro-sceptic as the wider public: 33 percent expect a good deal, and 50 percent do not. This is Cameron's 'own side' in the negotiations. He needs now to avoid 'own goals' too: but he is walking a tightrope of his own making.

Cameron stands to lose face at home if the package is diluted by logrolling and side payments to his EU negotiation partners, whom it is essential to avoid angering with a John Major style 'game, set and match' claim. But, the rest of the EU will have to allow Cameron to fight, and be seen to fight, while maintaining their own hard line '*pour décourager les autres*'. If winning the negotiation abroad is a major challenge, winning support for the package outcome at home will be even more difficult. Many Tory backbenchers, cabinet members and the public reject the Tusk package as anyway insufficient, missing several of their own points – and thus an insult to their intelligence. Yet, realistically, there must be movement abroad if this is to be a real renegotiation. So, there will be slippage from ideal to realistic positions abroad, and several fall-back positions to be bartered. The draft Council decision relating to competitiveness, the effective management of the banking union and the consequences of further integration of the euro area, are part of Cameron's realistic position. It will be tempered this week, and his fall-back positions will have to be revealed. France, for example, leads the pack of negotiating partners refusing any arrangement implying further eurozone integration might risk being stymied by British recalcitrance; and the founder EU members have considerable ideological stakes in an integrative rather than a disintegrative outcome. So ring-fencing the City of London's financial activities from eurozone decisions and achieving guarantees the UK will not share the costs of future eurozone rescues is a hard call for them to accept. Likewise, graduated increase rather than immediate access to UK benefits is rejected by the Visegrád countries. Will compromise involving UK and EU fall-back positions prove possible? And what will the home side make of that?

If this week's discussions widen the negotiation on all these issues and concessions need to be envisaged by UK negotiators, this will displease the nested game of negotiators back in the UK. Getting the Commission to make clear that the benefits brake can only apply to countries that opened their labour markets to newcomers after the 2004 accessions may do one trick, but how long will Britain be allowed to use the brake? And whose brake is it anyway – the EU's, the Commission's or the UK's? Again, while Britain wants to be removed from the treaty commitment to "ever closer union", the draft text now acknowledges that other member states, and certainly the six founding fathers, still believe in ever closer union, i.e. European integration. What will be France's (and the others') realistic position on this on Thursday? And how will the nested game of negotiations with Cameron's own side play out when a new deal is on the table on Saturday (though maybe postponed to as late as the next European Council on 17/18 March)? Will Cameron's subsequent negotiation with his own side achieve success? Or will he be forced to capitulate and thus obliged to lead the Brexit campaign? In sum, for all the discussions about how to convince the rest of the EU, the UK itself needs to ensure by institutional means that its idiosyncratic governance gets at least as good protection as other member states' constitutional councils and courts and that it wins the negotiation at home. This is not part of the negotiation abroad, though it is a fundamental part of the coming negotiation at home.

*This post represents the views of the author and not those of the BrexitVote blog, nor the LSE.*

*David Spence is currently a visiting fellow at the LSE European Institute and convenor of the [LSE Commission on the Future of the UK in Europe](#).*

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